UNIVERSITE CATHOLIQUE DE LOUVAIN

Institut des Sciences du Travail

THE COLLECTIVE NEGOCIATION AND ITS ACTORS IN THE CULTURE & MEDIA SECTOR

(Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom)

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SUMMARY OF THE REPORT

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INTRODUCTION

Presentation of the study

This summary was drawn up within the framework of a study on the institutional representativeness of the social partners in the European Union and the situation of trade unions and employers' organisations in the accession and candidate countries. The study is carried out by the Labour Science Institute of the Catholic University of Louvain [Institut des Sciences du Travail de l'Université catholique de Louvain, IST) at the request of the European Commission's DG Employment and Social Affairs (Call for tenders No. VT/2002/83).

This summary aims to examine the process of social dialogue and to present the actors participating in that dialogue in the "C&M" sector in the 15 states member of the European Union (when we cite "the 15 states member of the European Union" or "UE15", please understand "the 15 states member of the European Union before the enlargement of the 1st May 2004).
The object of this comparative study can be resumed under three main points :

1. Description of the structuring of the whole of the C&M fields through certain key aspects which make it easier to compare one EU country with another.
2. Provision of an overview of the principal characteristics of the established professional relationships and the process of CB in the member states of the EU in this sector.
3. Provision of an overview of the main protagonists operating in this sector.

The topics are the description of the sector (activities, organizations, employment and evolution), professional relations and collective negotiation (social dialogue, evolution and trends) and the players of the sector (employers' organizations and trade unions). We laid great stress on the importance to note the type of difficulty or obstacle the national experts could find in the collect of data.

This study is intended to be an introduction to a subsequent piece of work, which will be concerned more specifically with the protagonists in the CB process for the CULTURE & MEDIA sector and their representatives in the UE15.

Research approach and comments on methodology

For the purposes of this study, a network of University researchers throughout the 15 European Union Member States was set up. These researchers are independent of both the European Commission and employers' and workers' organisations. Each researcher was charged with drawing up a report based on a common template. A questionnaire tailored to the specific realities of the C&M sector was elaborated to that effect (cf. annex). Each national report issued from the expert is submitted to the national organisations in order to enable them to make comments on collected data. The IST took charge of coordinating the study and drawing up the summaries. Constant communication and ongoing collaboration between the IST, national experts and national organizations takes place in order to associate the various players of the process of research. The report is also checked by the European organisations and their members in order to enable them to make comments on the report. This phase of consultation represents an important stage of research. Lastly, the report is checked by the European Commission's services. The IST wishes to stress its independence with regard to the political consequences and decisions which may be made on the basis of this study.

The research process, in its design, comprises a phase of collection of data on the players and the social dialogue in which they participate, but also an active approach embracing the building of a consensus, which is an integral part of the process of social dialogue itself. Thus, whereas in a good number of cases the data collected do not permit total objectification of the role played by the organisations, the contacts made during the data collection and the discussions with the different players concerned should be an integral part of a process of mutual recognition[1]. The main sources used within the framework of this study were thus the social players themselves.

Lastly, a few words on the consultation process involving the European social partners. The organisations which have been consulted are cited in annex. The comments we received from these organisations, and those of their members have been incorporated in different ways, depending on the kind of information received:

- The observation is directly included in the content of the report
- When a difference of opinion exists between the employers' or workers' organisation and the expert, the observation is included as a footnote in the report, as well as the justification of the expert.

This consultation took place during the months of November-December 2004.

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[1] Reply to Call for Tenders VT/2002/83. Studies on the representativeness of the social partners at sector level in the European Union and monographs on the situation of the social partners in the candidate countries, Institut des Sciences du Travail, UCL, 2002.

Once again and according to the national traditions, the sector delimitation can differ from a country to another, and the particularities of each country are actually a point very important of the research. Indeed, the structuring of the employers' organisations and trade unions as well as the organization of the social dialogue can cover sub-sectors or different trades/professions. This NACE nomenclature is thus presented as an indication.

NACE nomenclature[2]

22 PUBLISHING, PRINTING AND REPRODUCTION OF RECORDED MEDIA

22.1 Publishing
22.11 Publishing of books
22.12 Publishing of newspapers
22.13 Publishing of journals and periodicals
22.14 Publishing of sound recordings
22.15 Other publishing

22.2 Printing and service activities related to printing
22.21 Printing of newspapers
22.22 Printing n.e.c.
22.23 Bookbinding
22.24 Pre-press activities
22.25 Ancillary activities related to printing

22.3 Reproduction of recorded media
22.31 Reproduction of sound recording
22.32 Reproduction of video recording
22.33 Reproduction of computer media

80 EDUCATION

80.4 Adult and other education
80.41 Driving school activities
80.42 Adult and other education n.e.c.

92 RECREATIONAL, CULTURAL AND SPORTING ACTIVITIES

92.1 Motion picture and video activities
92.11 Motion picture and video production
92.12 Motion picture and video distribution
92.13 Motion picture projection

92.2 Radio and television activities
92.20 Radio and television activities

92.3 Other entertainment activities
92.31 Artistic and literary creation and interpretation
92.32 Operation of arts facilities
92.33 Fair and amusement park activities
92.34 Other entertainment activities n.e.c.

92.4 News agency activities
92.40 News agency activities

92.5 Library, archives, museums and other cultural activities
92.51 Library and archives activities
92.52 Museums activities and preservation of historical sites and buildings

[2] Source: COMMISSION REGULATION (EC) No 29/2002 of 19 December 2001, amending Council Regulation (EEC) No 3037/90 on the statistical classification of economic activities in the European Community, In: Official Journal of the European Communities (10.01.2002).

92.53 Botanical and zoological gardens and nature reserves activities

92.6 Sporting activities
92.61 Operation of sports arenas and stadiums
92.62 Other sporting activities

92.7 Other recreational activities
92.71 Gambling and betting activities
92.72 Other recreational activities n.e.c.

<u>Note</u>: the abbreviations used in this summary are:

In the text:

C&M	Culture and Media
SW	salaried workers
CA	Collective agreement
CB	Collective bargaining
Density	number salaried workers affiliated to the organisation / number of salaried workers in the sector
ND	no data, i.e. no data is available

In the tables in the national summaries:

T	does the organisation take part in a tripartite process?
CB	does the organisation take part in collective bargaining?
Density companies or enterprises	number of companies affiliated divided by total number of companies in the sector
Density SW	number of salaried workers in the affiliated companies divided by total number of salaried workers in the sector

Furthermore, we consider it useful to add the comment from PEARLE* relative to the title of the research, and its desire to “insist on using a more precise and correct reference with regard to the content of the study on the performing arts (or “live performance sector” as it is called in the European sector social dialogue)”. Indeed, it has been said that “from the description of the sector it is learned that reference is made to the whole cultural sector. However, when looking at the description of the players in the sector and the national reports, it is clear that the application field encompasses only the performing arts and not the visual arts (such as galleries and museums)”.

Moreover, FIA suggests replacing the term "performance" with "live performance". IST has replaced, wherever relevant in the report, "performance" with "live performance". The term "performance" refers to all activities that can be staged or presented in the form of a show. However, not all references to a concept of " performance" by the national experts designate exactly and exclusively a "live performance", which is why the term "performance" has been kept where necessary. This discussion of the notions of performance and live performance actually reflects current developments in the sector. Indeed, there seems to be a shift taking place from a definition based on occupations to one based on activities. The exact definition of these terms in an activity-structured organisation of the sector, and the identification of their detailed content, would be an interesting and worthwhile exercise, but would in itself require a comprehensive study.

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

1.1. DELIMITATION AND SCOPE OF ACTIVITIES OF THE C&M SECTOR

At European level, there is no standard definition of the C&M sector. The different European organisations we contacted agreed that the sector is characterised by flexible boundaries and great diversity. Indeed, the non-existence of a precise definition and delimitation of the sector at European level creates a lack of clarity in classifying activities into sectors and sub-sectors. What is more, considerable overlap can occur between the different activities making up the culture and/or media sector, meaning an activity can belong to different sub-sectors simultaneously. The breakdown of activities into sub-sectors is in large measure a result of the country's trade union history and tradition. Consequently, certain professions can be represented by several organisations at once. Delimiting the sector at European level thus does not appear to be an easy task. In parallel, the sector does not offer harmonised conditions for membership of multiple organisations. Finally, the criteria defining the concept of "professional" vary from one country to the next and it is consequently difficult to define "professional" status accurately.

For this initial comparative review, we have endeavoured, in terms of the specific characteristics of each of the countries studied, to present three essential pieces of information:

- the existence or absence of official recognition or delimitation of the C&M "sector"
- the basis on which the author of the national report delimits the "sector"
- the activities of the "sector" covered by the national report.

Indeed, this information clarifies the delimitation effected at national level and serves as a reference for the remainder of this comparative section. We have made every effort to respect as closely as possible the different national concepts and realities.

Proposed delimitation of the C&M sector by country

Country	Proposed delimitation of the C&M sector
Austria	•There is no official delimitation of the sector •The sector definition reflects the expert's own opinion in accordance with the common understanding of C&M in the country. Basis: NACE Classification •NACE: 22.1; 92.1; 92.2; 92.31; 92.32
Belgium	•There is no official delimitation of the sector •Delimitation and scope of activities builds upon Joint Committees considered representative in the culture sector and the media sector; NACE nomenclature used to estimate the number of employees and enterprises •NACE: 92.11,92.12,92.13,92.20,92.31,92.32,92.33,92.34,92.40,92.51,92.52,80.421
Denmark	•Sector not officially recognized; the media sector is often labelled as a sub-sector of culture, which is officially recognized •Delimitation and scope of activities builds upon an estimate of data available in the field •NACE: 92.1 to 92.5
Finland	•As a whole the C&M sector has been officially recognised. However, a strict distinction between the culture sector and the media sector (and the new media and marketing communication sector) is still indefinite and changing. •Delimitation and scope of activities builds upon the official recognition of the sector •Statistics are collected for the field of "culture" which includes the arts, mass media, sculpting and advertising, and others (mainly entertainment), with several sub-sectors. The culture sector includes the media sector, but it is possible to make a (rough) distinction between them even if there are some borderline cases
France	•The sector officially studied is called the "culture sector" and includes the media •Delimitation and scope of activities builds upon the Nomenclature of French Activities and the Nomenclature of Socio-professional Professions and Categories. The lists taken from the Nomenclatures constitute the only official delimitation of the scope of culture and are used by the Ministry of Culture. •Live performance, recorded performance, plastic and visual arts, literature, and heritage protection
Germany	•No official delimitation of the C&M sector but some political institutions deal with C&M together (by sub-sectors), though without providing an official definition •Delimitation and scope of activities builds upon the occupational delimitation of the IAB (Institute for Labour) • Publicist, Librarian, Musician, Performing artist, Fine artists, Support staff, Photographer
Greece	•No legal structure involved in the delimitation of these sectors •The expert has made a distinction between culture sector and media sector activities. Delimitation and scope of activities builds upon NACE classification •On the one hand, cultural sector (NACE 92 and 22) covers a wide range of artistic activities, namely music, theatre, cinema, dancing, plastic arts, performing arts, literature and photography. On the other hand, the media sector (no distinct media sector in the statistical classification) consists of the daily and periodical press, the public and private television and radio broadcasting services, and the electronic press
Ireland	•Activities outlined in the Arts Council of Ireland's Arts Plan for 2002-2006 as a starting point in describing the activities included in the cultural sector. The definition of the media sector is that used by large scale private studies of the sector for the purposes of public funding of the sector

	•Activities outlined in the Arts Council of Ireland's Arts Plan for 2002-2006 and private studies •-Culture sector: music, dance, film, literature, opera, theatre, traditional Arts, visual Arts and cultural exhibition centres (galleries, heritage centres and arts centres) -Media sector : radio, press (newspapers and magazines) and television (including broadcasting and production) -Sub-sectors excluded in the study : crafts (parameters and boundaries too wide), architecture (too wide and may relate to other areas of social dialogue), cinemas that show films without an explicit cultural content (commercial enterprises), picture framing, antique restoration and building restoration (included in other sector-level dialogue) Internet (subject to web-based media and entertainment)
Italy	•No identification of a homogeneous economic area that could be defined as this sector •Functional definition of the sector through an empirical criterion based on: a) existing classifications of economic activities; b) the retrieval and selection of all national collective industry-wide agreements signed during the last ten years •With the help of ATECO (2002), the Italian equivalent of the NACE classification system, a distinction is made between C&M activities (recreational, cultural and sporting activities; publishing, printing and reproduction of recorded media; advertising) and recreational activities
Luxembourg	•There is no clear and established delimitation of a C&M "sector" •Delimitation builds upon a list of the NACE activities linked solely to culture and the media, based on a proposal by the national expert •NACE: 92.111,92.112,92.113,92.114,92.120,92.130,92.201,92.202,92.203,92.320,92.330,92.340,92.400,92.510,92.520
Netherlands	•Delimitation of the sector by the Dutch Ministry of Education, Culture and Science •Delimitation and scope of activities builds upon the delimitation by the Ministry and upon the Dutch equivalent of the NACE classification system (the Standaard Bedrijfsindeling, 1993 of the Central Bureau of Statistics (CBS) •According to the Ministry, the Culture sector encompasses creative and performing arts, amateur arts, arts education, cultural premises, museums, monument care, media, literature and libraries. In this definition, the Culture sector includes the media. So, due to the different nature of the activities in Culture in comparison with Media, a distinction is made in this report between the Culture sector and the Media sector with the help of the Dutch equivalent of the NACE classification system: -the culture sector encompasses Architecture and designers (excluding graphic design); Amateur arts; Visual arts, performing arts, film, literature, theatre; Libraries, museums/galleries, archives -the media sector encompasses radio and television, including broadcasting networks, the production of radio and television shows, and supporting activities; press and news agencies, journalists; Graphics/printing firms; Printers, publishers, and reproduction of recorded media
Portugal	•The official bodies (INE/DETEFP) designate the culture sector as "Culture, Sport and Recreation Sector". However, there are some distinct references for the definition of this sector of activity and the scope of the Culture Sector's boundaries can vary, sometimes being narrower and sometimes broader (the more frequent case) •Delimitation and scope of activities builds upon the delimitation by NACE nomenclature •NACE: 92.1,92.2,92.3,92.4,92.5,92.7
Spain	•Weak structuring of C&M as an organised sector. The unclear definition of the sector is provided by the Spanish Ministry of Education •Delimitation and scope of activities builds upon the delimitation provided by the Spanish Ministry of Education •According to the Ministry, the Culture sector encompasses: activities of libraries, archives, museums and other cultural institutions; Publishing (books and periodicals); Cinema and video activities; Broadcasting and news agencies; Art and entertainment activities; Graphic arts, players of recorded media, manufacturing of image and sound devices and manufacturing of musical instruments (some of these activities might even be related to media).
Sweden	•There is no official delimitation of the C&M sector •Delimitation and scope of activities builds upon the NAF/NACE European classification used by the Swedish Statistics Office •From a statistical point of view, the C&M sector includes the activities classified in Section OA, Section 92: Other community, social and personal service activities: 92100 Production and distribution of film, video; 92200 Radio, television; 92300 Artistic activities, entertainment and related services; 92400 News agency activities; 92500 Library, archives, museums and other cultural activities
United Kingdom	•There is no official delimitation of the sector •Delimitation and scope of activities builds upon the delimitation by NACE nomenclature •The Culture sector through the entirety of its activities, services, locations, associations, organisations, institutions, enterprises and people both as individuals or in a collective capacity (administrative, technical personnel, etc.) in relation to: the arts (plastic : sculpture, etc.; graphic design, graphic artists and designers etc. etc.) books, publishing etc.; live shows (theatre, mime, acrobatics, stage shows, musical ensembles, opera, music-hall, orchestras, dance, ballet, etc.); the cinema (actors, animation designers, cameramen, editors, property managers, production designers, boom operators, script writers, projectionists, ushers / usherettes, etc.); literature. The Media sector is likewise defined in relation to: audio-visual arts (public broadcasting, commercial broadcasting, production and distribution of films, television production, film industry, video games, as well as journalists, film producers, actors, musicians, etc.); radio (journalists, etc.); press (journalists, etc.); the internet. As defined here, the media sector does not include printing, and notably newspaper printing.

Source: national reports

C&M: a common delimitation?

As we have seen, it is difficult to establish a common definition for all 15 European Union Member States. Indeed, we observe that:

1) In eight cases, the sector(s) is/are not officially delimited and, inversely a delimitation or recognition by an official body exists in only three of the 15 countries. In the other cases, either: the sector is not officially recognised in its entirety although a sub-sector is officially identified (e.g. media); an official body offers a starting point for the description of activities included in the sector; the sector is considered in very broad terms (with other types of activities) and its boundaries are flexible; or the definition of the sector is relatively unclear.
2) In this context, the national expert has in most cases opted for a personal and empirical delimitation, from among the activities listed in a recognised nomenclature (NACE and/or its national equivalent, for example). When the sector and its activities are clearly and officially delimited, however, the expert has used these activities. In some cases, the sector's activities are considered in terms of their availability or even on the basis of collective national agreements signed during a given period.

In summary, we have endeavoured to respect as far as possible the national realities and delimitations. Wherever the concept of C&M is absent, we have nevertheless had to make choices that may appear arbitrary.

Following on from the above comments, it should be emphasised that making a number of comparisons between countries may lead to problems of methodology. For instance, how can two sectors, that include starkly different sub-sectors, be compared? For one thing, the size of the sector and the number of persons employed are not comparable across countries. For this reason, but also because the nature of the functions carried out may differ substantially, it is difficult to compare both the structure of CB and of organisations in the sector under consideration in the different countries.

1.2. CHARACTERISTICS OF THE C&M SECTOR

a) Organisations and employment

According to the different European organisations we met, sources on employment at European level containing exhaustive and comparable data simply do not exist. This is due in particular to the different types of employment status, contracts, activities, etc. of the workers under consideration, the large number of freelancers and, to a lesser extent, to informal workers in the culture and/or media sector.

Organisations and employment in the C&M sector

Country	Sub-sectors taken into account	Employment	Remarks on organisations, associations, institutions or enterprises
Austria	•Publishing (NACE 22.1) •Recreational, cultural and sporting activities as a whole (NACE 92) •Estimations for the arts sector	•NACE 22.1: 7,556 workers out of total employment of 7,735 •NACE 92: 34,896 workers out of total employment of 44,503 •Arts: around 31,300 workers at the end of the 1990s Freelancers far more numerous in the arts sector than in publishing	•Clear division into two sub-sectors: publishing and the arts, applied especially to industrial relations and its actors Comparatively strong state interference in business activities (subsidies, ownership) and private broadcasting companies which have their home base in Austria are extremely small in terms of market share Strong contacts and interpenetration with all parts of Germany's C&M industry
Belgium	•C&M sector	•Private-sector jobs: 18,512 •Public-sector jobs : 32,937 Not included: self-employed persons (genuine or otherwise) and informal workers, both quite frequent	•Private sector: 2,658 •Public sector: 1,624 Very different legal forms; very large number of small structures
Denmark	•C&M sector (NACE 92.1- 92.5)	•C&M sector: 33,945 jobs (or 36,009 workers) equivalent to approx. 1.15% of the total number of jobs in Denmark	•C&M sector: 5,662 workplaces corresponding to approx. 2.50% of registered workplaces in Denmark The sector is dominated by private enterprises
Finland	•Culture sector •Media sector	•Culture: about 40,000 people (1.8% of the employed labour force) •Media: about 50,000 people (2.2% of the employed labour force)	• Architectural and industrial design and art: both big enterprises, small agencies and self-employed persons • Art and antique shops and second-hand bookshops: private shops and galleries • Libraries, archives, museums etc: public-sector workers, temporary and part-time work common • Production and distribution of books: printing houses, a few old and many new (small) firms; the older firms are pioneers of bargaining in Finland; part-time and fixed-term work common • Production and distribution of newspapers and periodicals: strong and traditional industry; shift work • Advertising: private agencies; project work • Photography: agencies, shops and self-employed persons

			• Radio and television: YLE (the Finnish Broadcasting Company) state-owned; many new commercial stations; new production houses • Production and distribution of motion pictures and videos: mainly small production companies, international and national distribution chains • Production and distribution of music and sound recordings: both international and national • Amusement parks, games and other entertainment and recreation: private and public, a lot of temporary or part-time workers
France	•Culture (based on official nomenclature of professions) • Audiovisual and performances (based on INSEE Employment survey 2002)	•Culture: nearly 429,000 workers, or almost 2% of the working population • Audiovisual and performance: around 116,000 workers	ND
Germany	•C&M sector	• C&M: around 238,000 workers subject to the compulsory social security system, making up 0.9% of all workers subject to compulsory social security Large proportion of self-employed persons or freelancers Unemployment in this sector above the national level	•Co-existence of public and private institutions
Greece	•Culture sector •Media sector	•Culture: no data for the total number of workers in the various artistic professions •Media: no data for the extent of the workforce	•Culture: wide array of public, private or mixed institutions, bodies and foundations, which cover all areas of artistic production.
Ireland	•C&M sector	•C&M: 21,000 people	•The majority of organisations are independent Considerable informal economy within the sector industries
Italy	•C&M sector • Recreational activities	•C&M sector: 371,618 people (70.5% are SW) corresponding to 1.9% of the entire workforce employed in industry and services in Italy	•C&M: 77.5% are private companies and almost 76% are companies with fewer than 10 employees •Recreational activities: 79.4% are non-profit institutions and 74.5% are companies without employees Presence of a comparatively small number of companies and institutions
Luxembourg	•C&M	ND	•C&M: 342 enterprises corresponding to 1.47% of all enterprises in the country in terms of units, of which 21.6% are press agencies
Netherlands	•Culture sector •Media sector	•Culture: 188,700 people, or 2.5% of total employment •Media: 121,500 people, or 1.6% of total employment	•Culture: 28,917 organisations; almost 52% are architects and technical design bureaux; There is a large number of medium-sized and small employers in the culture/arts sector. •Media: 19,480 enterprises, of which 61.2% in the graphics/printing business
Portugal	•Cultural and recreational activities	• More than 18,500 people employed, or 1.4% of total employment, with around 30-32% employed by firms with “Radio and Television Activities” and 30-32% by firms with “Other Recreational Activities”	•3,212 enterprises (source: INE) or 1,527 enterprises (source: DETEFP) with around 30-33% engaged in “other Recreational Activities” Predominance of small and medium-sized enterprises in this sector Significant percentage of private limited companies (65.09%)
Spain	•C&M	•441,000 jobs (source: Ministry of Education) or 850,000 jobs (source: Garcia, M.I.; Fernández, Y. Zofio, J.L.) Significant rise in employment in recent years	•31,236 companies, of which 68.8% engage in “Other artistic activities and entertainment» and 61% are companies with no employees Fragmentation and diversification is one of the most outstanding features in the sector The public sector is present, though not exclusively, in some sub-sectors
Sweden	•C&M sector	•53,373 workers (corresponding to	•Around 23,300 companies, of which some 87% without

		0.8% of the Swedish workforce), of which 62.7% are employees, (corresponding to 0.9% of employees) •Self-employed workers, technicians and artists account for around 37% of total employment in the sector	employees; companies with fewer than 50 workers account for around 1/3 of jobs; the sector is dominated by 25 big companies with more than 200 employees, which account for more than 42% of jobs in the branch •78.7% are companies engaged in "Artistic activities, live performances etc."
United Kingdom	•C&M sector	•218,000 workers corresponding to 1% of total employment, of which 35% belong to the "Radio and TV" sub-sector and 32.5% to the "Artistic, literary etc" sub-sector	•41,822 companies corresponding to 2.3% of the total number of companies, of which 69% are "Artistic, literary etc." companies The average size of employing units is small High percentage of freelance and independent employment in the sector

Source: national reports

b) Characteristics of the market and of workers

•Austria:
- High level of qualifications
- Above-average earnings only in the case of publishing; the distribution of earnings is more unequal in the arts sector and for journalists than it is in Austria as a whole; this divergence has its counterpart in the preferred type of contract : while the "stars" usually find freelance work more attractive than a labour contract, the opposite holds true for the others

•Denmark:
- Activities in the C&M sector are mainly urbanized, with a tendency to concentration in some sub-sectors, meaning fewer companies are involved on the production side

•Finland:
- Professions in the sector vary between the very traditional and nascent professions
- Part-time, fixed-term and occasional work and also self-employment are quite common
- Almost an equal number of males and females are employed in the C&M sector, but the percentage of males/females varies greatly for sub-sectors

•France:
- The majority of audiovisual and performance workers are male (66%) and young (nearly two thirds are under age 40)
- Lack of job security: part-time (33%) and fixed-term (52%) workers
- Workers in the cultural sector are found mainly in associations, private or commercial
- Live and recorded performance: 47.6% contribute to the UNEDIC general system and 52.4% are sporadic workers
- Culture: four types of employment status: employee, self-employed, author, or public employee; one worker in five is self-employed
- Four types of employment contracts in the sector: open-ended, ordinary law fixed-term, customary fixed-term, customary fixed-term for long-term workers; the share of sporadic workers is increasing
- Average monthly salaries are 2,400 euros in audiovisual and 1,400 euros in live performances.

• Germany:
- Large share of self-employed workers, dominated by single-person entrepreneurs and characterized by a strong and growing social inequality
- Large proportion of persons with academic education, much higher than in the overall workforce and the substantial variation across the cultural and media sub-sectors is partly due to the relatively free and open access to the relevant labour markets
- With the exception of musicians, the percentage of part-time workers in the sector is near or below the percentage of part-time workers in the economy as a whole and people who prefer non-standard working hours opt for freelance status. Female employment varies substantially across the different sub-sectors but on average the proportion of female workers in the sector is equal to the average for the entire economy.
- Critical and insecure labour market and social situation for many individuals in some sub-sectors, because:
  - while labour demand is rising, the labour supply is rising even faster
  - the growing concentration and internationalisation in the newspaper and broadcasting market as well as tight public budgets put pressure on publishing houses, theatres, operas and broadcasting stations to economize and cut costs
  - the current economic crisis and competition from online providers has led to a virtual collapse in the use of job vacancy announcements and other forms of newspaper advertising as well as advertising revenues. This precipitated a crisis among newspapers and broadcasters, many of which had

previously operated with substantial redundancies. These factors induced firms to increase the share of work done by freelancers.

•Greece:
- Fierce competition between mass media groups and the need to reduce labour costs
- Deregulation of employment, increased flexibility of the terms and conditions of media personnel (employment conditions, pay, working hours), and intensification of the pace of work. As a result, precarious employment, frequent dismissals, job irregularity and widespread pay discriminations are expected to continue
- Media: no barriers to entry in the profession

•Ireland:
- Four groups or categories of cultural work: writing, art and design, performance/theatrical, and technical
- Rapid employment growth in the cultural sector (overall in the art and design category) but temporary, part-time or occasional.
- Slight rise in the proportion of women
- Significant number of self-employed actors, technical and other media staff (reluctant or forced self-employment according to trade unions) with difficulties in accessing Social Welfare, a transfer on which many are heavily reliant
- Employment can be volatile and unpredictable, even though there has been rapid growth in the sector: breakdown of contract type, low average earnings, and as a result, multiple job holding

•Italy:
- 70.5% of workers in the sector are employees, 15.9% are atypical workers (i.e. coordinated freelance workers and temporary agency workers) and 283,885 people are volunteers (due to the large number of non-profit institutions in the sector), the number of actual workers doubling
- Large number of workers employed in organisations (mainly private companies)
- 62.1% of workers are males, only 37.9% females.
- Clear predominance of self-employed workers; there is a form of consultancy and freelance work "coordinated" by an employer, lying midway between dependent employment and self-employment ("coordinated freelance work")

• Luxembourg:
- A mix of workers that includes those with four years of higher education and skilled labourers

•Netherlands:
- The VSCD refers to a report of TNO which says that the cultural sector is growing 1% faster than other economic sectors and reports that in the Netherlands most are middle and small seized companies, with only a few companies with more than 100 employees
- Commercial art forms stimulate new jobs, but often provide the actors with poor legal status
- In the media and in culture, part-time work is very common; in the media, the majority of workers have a commercial contract; VSCD adds that 60% of performing artists are on short contracts (3 to 4 months) and VNT, nuances this figure: theatre companies have a high percentage of temporary contracts. In other sectors (subsidised dance companies, orchestras for example) this percentage is much lower - in other words more long term contracts; technological developments in the printing/media industry have strongly impacted the way firms are managed; in terms of the work people perform and labour, the media sector has undergone a process of becoming more flexible over the last 5-10 years, which is reflected in a partial transition from fixed to flexible employment contracts
- Majority of workers in the culture/media sector, mainly in the culture sector, are employed with public organisations. These public organisations form part of the "contributed and subsidised" semi-public, or "G&G" sector, which is deemed to be not-for-profit. Such public organisations are legally autonomous, and employees working in the semi-public sector are not employed by the state, despite the fact that they are paid out of public funds. PEARLE* adds that many employees in the cultural sector switch back and forth between subsidised and commercial producers, often with short term employment contracts.
- XXX
- The majority of cultural/media proceeds are earned in the market without government intervention; in the culture sector lower-level governments play a large role; great importance is attached to advice given by the Culture Council[3].

[3] PEARLE comments that "The Arts Council does not play a major role in labour issues".

•Portugal:
- Most workers are permanent
- Portugal is the E.U. Member State with the fewest jobs in the culture sector and also the country where workers in this activity have the lowest qualifications
- The form of employment is often atypical and voluntary (without any payment or only very low pay)
- Salary level of these workers is in line with the national average and in certain cases slightly above average
- The media sector is of considerable economic, social and political significance (great impact)

•Spain:
- Large public entities, large number of professionals, self-employed or independent managers
- Great variety of contract types and industrial relations: estimated part-time employment, temporary employment, hidden employment, informal employment, self-employment, intermittent permanent workers, outsourcing, and other kinds of atypical work
- High presence of women in total employment
- High tendency to outsource activities

•Sweden:
- Some 30% of employees in the sector have fixed-term contracts
- Workers in the sector are not covered by any specific labour regulations

• United Kingdom:
- Average employment costs in the cultural activities sectors are at or below those of the whole economy, whereas those in media activities are more than double that figure
- Qualifications cover a very wide range of the workers
- Entry of new firms is relatively easy and competition is fairly intense

c) Sector developments and evolution

Market developments and evolution by country

Country	Market developments and evolution
Austria	Broadcasting: the state-owned Austrian Broadcasting Corporation (ORF) enjoyed a broadcasting monopoly until 1993. Afterwards, the broadcasting market was gradually opened, by issuing licences to private networks for cable or satellite operations at local and regional level. In 2001 a law introduced full commercialization of broadcasting. The first and only private television company entitled to broadcast its programmes across the entire country started operating in 2003.
Belgium	Culture: the general tendency is that more and more players in the sector are emphasising the importance and economic impact of culture. An historical overview of the birth and evolution of the sector is impossible because of the specific dynamics at work in the sub-sectors and communities (Flanders/Wallonia).
Denmark	C&M sector: the sector is a growing industry. The number of companies has increased on average, with 100-200 every year since 1992. At the same time, the sector seems to attract growing interest among consumers and enterprises, as well as political attention. Culture: the development of cultural institutions and cultural policy is closely linked to the cultural and political movements that fostered Danish democracy and the welfare state. After Denmark adopted its first democratic constitution in the middle of the 19th century, responsibility for support to art and culture gradually shifted from the Royal Court to the newly constituted civil administration. Denmark's first Ministry of Culture was established in 1961, marking the start of an era in which cultural affairs were given higher priority and in which the Danish population became more involved in the arts and other cultural activities. Gradually, the basic legal and financial framework for cultural life was developed. Over the decades, Danish cultural policy has been rooted in certain basic values, including freedom of speech, quality, decentralisation, cultural democracy and the arms-length principle/self-regulation. In the 1960s, the focus of Danish cultural policy was the dissemination of professional art as part of what was considered a national monoculture. A broader concept of culture was introduced into the cultural policies of the 1970s. The new ideals of cultural democracy showed more respect for cultural diversity and the right to pluralism. In the 1980s, cultural policies were often more instrumental. In the 1990s, cultural policies became more diverse. Under the banner of social change, art and culture were seen as "laboratories" for the development of new social values and visions. Now, at the beginning of the new millennium, cultural traditions and cultural policies in Denmark as elsewhere are being reconsidered and restructured in the light of globalisation and the IT revolution. Furthermore, interaction between culture and the corporate sector has matured over time and culture is seen as a "future growth industry" and as a "regional dynamo". In the light of these approaches the Ministry of Trade and Industry and the Ministry of Culture have become closer partners for cooperation on the common subject; "Cultural Industry" as part of the Danish growth strategy. Media: significant economic importance. Printed media is one of the largest and most dominating cultural industries. Also the companies having the largest turnover in 2003 are primarily in the field of media Radio/TV: smaller producers have experienced substantial growth rates in recent years, which is reinforced by a tendency among public service broadcasters to outsource production to companies.
Finland	C&M sector: growth has been slightly slower than that of the general economy in Finland recently. The decreasing economic weight of the C&M sector results from the mass media sector. Sectors such as advertising, architecture,

	industrial art and entertainment (or leisure-time culture) have increased their share of GNP.
France	Culture: • 1990-1999: the growth of the sector is due first and foremost to the strong dynamism of employment in live performances and artistic activities, with the exception of the management of theatres, which has registered a considerable loss of jobs (-17%). Film and video activities (+81%), and to a lesser extent radio and television activities (+22%), are also showing marked expansion. There has been a slight drop in employment in heritage conservation. The number of workers is shrinking overall in publishing and bookshops and increasing slightly in the press; • 2002- 2003: exports of French television programmes and feature-length films are slowing and film production is rising (+6%). The recording industry is experiencing an unprecedented crisis. With the exception of video, the collapse of the market is affecting all formats and all repertories.
Germany	C&M sector: this sector expanded substantially in the past and is expected to do so in the future. From 1978 to 1995 the workforce doubled to 230,000 workers. It seems it will almost double again by 2010, with predicted employment of 430,000 people. Accordingly, employment in this sector is expected to increase from 0.7% to 1.3% of the workforce. However, it is still a rather small sector of the overall economy and will remain so in the foreseeable future, and growth varies from one sub-sector to the next, accompanied by an increase in the proportion of work performed by freelancers. The internet economy is seen as central to future economic development of Germany, but media and cultural internet activities seem to provide only a small portion of total activity.
Greece	Culture sector: this sector has expanded considerably over the past 20 years, due to the proliferation of artistic production, the influx of private, state and community funding, the emergence of new media of artistic expression and the establishment of the necessary infrastructure, which was absent until recently. The widespread use of new technologies is expected to trigger off far-reaching changes in the cultural and audio-visual landscape in general, as well as in the traditional forms of artistic expression. However, safeguarding quality, pluralism and diversity will be increasingly difficult in a context of extreme commercialisation, the concentration of power and resources, and declining quality standards. Media sector: this sector has expanded rapidly over the past 20 years, whilst private investment in media enterprises has grown enormously. The major change has been the transition from the public broadcasting monopoly that prevailed until the late 1980s to a market-oriented media system, which triggered off a major restructuring of the sector. The media industry is now one of the most powerful pillars of dominance and control in the country, exercising a pervasive economic, political and social influence and involved in questionable interactions and exchanges with several interest groups (financial, technical, partisan, sport, religious, foreign, etc.). Since the mid 1990s, the state has attempted (with limited success) through legislative initiatives to impose restrictions on the political and mostly economic omni-presence of the media barons. The Greek media sector seems prepared to participate fully in the new digital era, providing new services to the public and diversifying its sources of revenues.
Ireland	C&M Sector: this sector has been traditionally associated with national and public supports for arts and media as part of support for distinctive national culture and productions in the artistic field. The sector is large, diffuse and fragmented.
Italy	Audio-visual sector: the very first television broadcasting experiments (not broadcast publicly) date back to 1933, although Italian TV was officially created in 1954, considerably later than all other European countries. At the end of 1954, the public broadcaster, RAI - Radio Televisione Italiana, was reaching around 50% of the population, but in 1960 the percentage had already risen to over 90%. During the first ten years, the number of annual subscriptions to public television grew at a substantial rate and in 1965 they totalled over 6 million. In 1975-76, the state monopoly over television broadcasting came to an end and private broadcasters started operating, though only at the local level. At the beginning of the 1980s, there were around 600 private broadcasters. Due to the increasing competition, RAI adopted a strategy of “differentiation”. In 1980, RAI had three national channels and was one of the most important cinema producers in Italy. In the same year, for the first time a private broadcaster attempted to erode RAI’s monopoly on nation-wide broadcasting. In 1994, there was a clear duopoly between RAI and Fininvest (now Mediaset). Comparing statistical data from the censuses of 2001 and 1991, there is no evidence of homogeneous tendencies within the sector. Indeed, this phenomenon should be seen as an obvious consequence of the large number and heterogeneity of the sub-sectors considered. The past decade has seen the proliferation of companies, mainly private companies, engaging in news agency activities as well as motion picture and video production. No comparative statistical data is provided for either library, archives, museums and other cultural activities, or for recreational activities.
Luxembourg	ND
Netherlands	Culture: the OCW Ministry, the Dutch administration and the Dutch Government have made a series of cuts in this sector and have accorded an increasing share of responsibility to employers (in the subsidised sectors). The result has been an increase in costs for employers and some layoffs. In recent years the revision of the government's role has led to both decentralisation and centralisation. The Dutch Government encourages the culture sector to become more commercially oriented. The range of the culture sector in terms of number of visitors has risen in the nineties and a more sector-specific development is the rise of the commercial dimension of the sector, for example musical productions and television ’soap’ series. Media: General developments are increasing information, decreasing formalisation, and globalisation. In the last decade media policy has been characterised by liberalisation against the background of rising affluence, continuing integration at European level and technological developments. In recent years, regional and local media have grown exponentially and are jointly financed by the province and the central government. The production of newspapers went up in the early nineties, stabilised in the mid-nineties and is now slowly declining. The newest form of media is the Internet. Since 1988, the Media Act is supervised by several bodies, which regulate, although retrospectively, the programmes of the public and commercial broadcasting networks (regulations on advertising and sponsoring, finances of public broadcasting and broadcasting time, media concentration and its effects on the quality and independence of information supply, more professional and centralised governance structure). Broadcasting associations are obliged to abide by the Media Act. VSCD calculated that with regard to the sector evolution the costs for venues have doubled between 1996 and 2003, to comply with European regulation on working time and health and safety, leading to extra investments of about 500 million

	€ in the theatre buildings.
Portugal	Culture sector: it is of little importance in the Portuguese economy as a whole. Media sector: in recent years, television activities have expanded significantly with the appearance of a number of private television channels. New professions related to Internet, areas of research, collection and treatment of communication/information are found in this sector. However, these new professions are still in their infancy.
Spain	C&M: it is a growing sector and a new field for private action. In 1993 the sector accounted for 2.0% of GDP and in 2000, 6.5%.
Sweden	C&M sector: this sector is expanding and employment has risen sharply, by some 30%. Among the sectors/activities where employment is high are, by order of importance, artistic activities, radio and television (accounting for more than 70% of total employment in the sector). There is also a high number of self-employed workers, technicians and artists.
United Kingdom	Cultural activities: the operation of arts facilities has proved the most dynamic. Media activities: growth has been led by radio and television activities.

Source: national reports

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR

2.1. EUROPEAN LEVEL

At European level, two sector-level social dialogue committees are officially recognised: the Sector Social Dialogue Committee for Audiovisual (2004) [4], which met for the first time on 29 April 2004; the Sector Social Dialogue Committee for Live Performance (1999)[5]. In both Committees, the European Entertainment and Arts Alliance (EAEA) is recognized as social partner, on the workers' side. These Committees discuss EU social and labour issues related to the sector and are consulted on EU legislation as provided by the European Treaty. The EAEA is formed of Euro-MEI, FIM and FIA, representing hundreds of thousands of cultural and media workers at the international and regional level. The EAEA is recognized as the industry federation for media, entertainment and arts by the ETUC.

2.2. NATIONAL LEVEL[6]

a) Structure and levels of social dialogue

The structure of social dialogue in the C&M sector in each of the countries considered is diverse and complex. In general, for most countries, social dialogue in the C&M sector(s) is highly fragmented. This heterogeneity and fragmentation have various origins:

- First, C&M are sometimes considered to be two separate sectors. In other cases, the "culture" sector encompasses media.
- The "C&M" sector comprises any number of sub-sectors, activities and professions, which is a factor in the fragmentation of CB and the multiplication of the number of CAs concluded in this field.
- This sector covers both public and private areas, which of course has implications in terms of CB, since public sector workers are subject to different regulations than private sector workers.
- Workers in the C&M sector can have very different types of duties and employment status. CB can therefore also be organised according to these occupational rights and duties.

The structuring of CB in this sector depends on all these factors, which in most cases are superimposed. On top of that, structure is based on the level of negotiation (sector/company) and in some cases on given territorial areas (regions, provinces).

Basic features of social dialogue by country

Country	Basic features of social dialogue
Austria	CB in Austria is bipartite and takes place at the "multi-employer" level. In exceptional cases, certain companies have the right to conduct negotiations individually. Negotiations in the C&M sectors take place separately by sub-sector of activity (written press, video, cinemas, theatres, etc.) and in certain sub-sectors (particularly publishing) by employment status (administrative employees, technical staff, musicians). Territorial differentiations also exist, with certain CAs being limited to certain regions. Finally, it should be noted that certain sub-sectors are not covered by CB. There are also bipartite commissions in Austria: the Platform for the Training of Journalists, the Platform for Press Identity Cards, and a bipartite examination commission in the arts.
Belgium	In Belgium, the structure of social dialogue in the C&M sectors depends first and foremost on the public/private division. In the public sector, social dialogue is organised under arrangements specific to the public sector, with certain distinctive features related to certain organisations. In the private sector, social dialogue is organised by the joint committee and

4 Workers' organisations : EFJ, EURO-MEI, FIA, FIM; Employers' organisations: ACT, AER, CEPI, EBU, FIAPF

5 Workers' organisations: EAEA; Employers' organisations: PEARLE

6 The EBU asks to recognise that strong social dialogue exists in the public service broadcasting sector, and stipulates that the lack of references in this report to the public service broadcasting might be due to the fact that in some countries there is no employer organisation (but instead there are collective agreements at company level).

	according to sector of activity: audiovisual; film industry; performance; socio-cultural sector; tourist attractions; written press, publishing and graphics arts industry.
Denmark	In Denmark, CAs are concluded at both sector and company level. Bipartite negotiations are conducted autonomously. Three main CAs cover the sector. Some trade unions also negotiate CAs with employers' associations not specific to the sector or with individual companies.
Finland	Organisations are highly fragmented in Finland, but few of them participate in CB. Most agreements concluded bilaterally are not binding and cover one or just a few employers. A tripartite negotiation process exists in the C&M sector, moreover. Agreements in such cases are generally binding.
France	In France, the C&M sector is in a structuring phase. While the creation of the Federation of Live Performance, Music, Audiovisual and Cinema Enterprises is evidence of the effort being made to structure the sector, CB takes place autonomously in the different "branches" making up the sector. Most of the sub-sectors are thus covered by their own CAs, although in some cases the sub-sector is either not yet covered by negotiation (record industry) or the negotiation of inter-company or company agreements is the general rule (television, radio). A performers' collective agreement was signed in 1992 and extended in 1994. That agreement covers private and public sectors, production and broadcasters. Journalists are covered by one of the only professional agreements existing in France.
Germany	As in a number of countries, the organisation of social dialogue in the C&M sector in Germany is quite fragmented. Some workers belong to the public sector (particularly non-artistic personnel working in public theatres, operas and festivals) and are covered by rules for that sector. In the private sector, workers are covered either by an annual CA for manual labourers, or by a CA for non-manual workers. Negotiations are therefore separate in the sub-sectors of activity: audiovisual; theatres and orchestras; etc.
Greece	In Greece, social dialogue is the culture sector is bipartite and conducted by trade union organisations and employers' organisations. Many artists, however, are not covered by CAs given the absence of representative organisations: singers, dancers, painters, photographers, etc. are excluded from this process. In the media sector, social dialogue is also bipartite and takes place between trade union organisations and employers' organisations (sector level).
Ireland	Social dialogue in Ireland in the C&M sectors works differently depending on the sub-sector concerned. CB is voluntary. In some sub-sectors, dialogue is bipartite and well organised (public television and radio). In others, it is bipartite but relatively limited (film; private television; literature). Finally, in certain sub-sectors social dialogue is lacking altogether or virtually absent (theatre, opera, dance; music; visual arts; press). Museums, on the other hand, are covered by tripartite dialogue and CAs.
Italy	Social dialogue is very fragmented in Italy. Indeed, 36 CAs cover the sectors in question, including branch agreements (national collective industry-wide agreements), and company-level agreements covering important national institutions. These CAs are structured in terms of sub-sector of activity (advertising, cinema, press, publishing, radio, television, theatre, etc.), workers' employment status (company, artists employed on a fixed-term basis, journalists, directors and managers, etc.) or by type of enterprise (SMEs, craft companies, private or public enterprises). These different criteria are superimposed. There is also a decentralised level of negotiation, namely a regional, provincial or enterprise level, within which higher level provisions are implemented.
Luxemburg	Given the absence of employers' organisations in this sector in Luxembourg, CB takes place solely at the company level.
Netherlands	There are about ten sector collective agreements in the culture sector (arts education, theatre, dance, orchestra, etc.), and a large number of company-level agreements: the larger ones and those to which the large trade unions are a negotiating party are discussed below. Regarding the venues within the performing arts sector, there are around 46 venues with a company-level agreement (those venues that are member of WNP) among the 140 venues that are member of VSCD. In addition, around 25 venues that are affiliated with VSCD make use of the General Public Servant Regulation (Algemeen Rijksambtenaren Reglement, ARAR). The sector also features a number of structures where employers' organisations, trade unions and the government engage in consultations. In the media sector, there are also around 10 sector-level CAs (printing works, newspaper journalists, magazine journalists, etc.) and a large number of company-level agreements.
Portugal	CB in Portugal takes place at the sector level (publishers and booksellers; advertising and communication) and at company level (public radio; LUSA news agency; private radios).
Spain	Social dialogue in the C&M sectors is highly fragmented in Spain. CB can take place at sub-sector level. In the different sub-sectors, social dialogue is held in joint committees (joint CA Committees for interpretation of CAs; joint CA committees for professional training). These committees are currently undergoing restructuring and becoming tripartite. They are organised in terms of the following sub-sectors: daily press, non-daily press, audiovisual production, advertising, cinema screening. The main CAs cover advertising companies; the photography industry; the audiovisual production industry; cinema distribution; cinema screening; non-daily press; film actors and producers; and bullfighting. In some sub-sectors, CB takes place at company level. Certain agreements can also apply to a territorial entity, namely an autonomous community or region. For the last few years, however, there has been a trend towards centralised CB.
Sweden	CB in the C&M sector takes place at sector level.
United Kingdom	CB in the C&M sectors in the United Kingdom is historically strong in spite of some weakening in the press sector. The structure of social dialogue reflects the great patchwork of organisations in the sector. Social dialogue is quite varied and is characterised by a combination of CB with an employers' organisation in sub-sectors like theatre and orchestras, and negotiation with individual employers in the press (news media). The structure of negotiations in each sub-sector depends on the different categories of staff or on different activities.

Source: national reports

Furthermore, it is possible that a collective agreement may comply with certain mechanisms for extension. These mechanisms ”extend the provisions of collective agreements beyond the members of the signatory organisations” and ”are important factors which strongly affect the procedures and practices through which wages, hours and working conditions are determined, and thus also affect economic development"[7]. The FIA underlines, moreover, that this system of "extended collective agreements" is specific to the Scandinavian countries.

b) Developments and main stakes of social dialogue in the European countries

Describing the main developments and stakes of social dialogue in culture and the media in Europe is no easy task given the broad and diverse nature of the area under consideration. In a single country, for instance, social dialogue can be strong and established for years in certain sub-sectors, while virtually non-existent or very recent in others (in many countries, certain sub-sectors are not yet covered by CB or are only beginning to structure such negotiations). Similarly, the stakes of social dialogue vary widely in sub-sectors coming within the public sector and in those in the private sector. There are also appreciable differences from one country to the next. Social dialogue can be either ridden with conflict or virtually conflict-free depending on the sub-sector and the country under consideration. Accordingly, no general tendency affecting the entire sector under review can be observed. We will therefore limit our discussion to some of the salient features observed in the national situations.

b1) Evolution of the sector and consequences on social dialogue

In a number of countries, there is an observable tendency that particularly affects the media sector. This sector is experiencing increasing competition, greater demand for flexibility by employers and consequently a growing lack of job security and deteriorating working conditions and industrial relations (Germany, Greece and the Netherlands). In parallel, the use of self-employed workers is an ever increasing phenomenon (see below). As a result of this continually stronger demand for flexibility, there is a trend towards the individualisation of wage formation and working conditions. In some countries, however, this tendency does not appear to be specific to this sector but is a general tendency (Sweden).

In certain cases, the press appears to be particularly affected by deteriorating industrial relations, notably in the United Kingdom, and by recurrent restructuring (especially in Luxembourg).

In the Netherlands, negotiations in the culture sector are particularly characterised by growing attention to flexibility and increasing differentiation between workers.

b2) Employment status of workers

Certain categories of workers in the C&M sector are required to work with an employment status that is quite removed from the classic open-ended contract. The sometimes massive use of self-employed workers and sporadic workers gives rise to new orientations in the organisation of work that cannot be or are not yet addressed by industrial relations structures in their present form. In certain C&M sub-sectors, the individualisation of wage formation and working conditions makes these structures virtually pointless. The high level of self-employed workers makes worker organisation difficult in the sector. In some countries, however, attempts to resolve issues relating to the different types of employment status do exist. That said, it should be noted that these issues are specific to certain sub-sectors and cannot be generalised to the C&M sector as a whole.

In Germany, the ever higher proportion of freelancers in some sub-sectors of culture and media who, to an extent, perform the same work as employees, is giving rise to an increase in employers' negotiating power and the individualisation of negotiations. Thus, in these areas, which do not include the semi-public and public sub-sectors (public broadcasting, museums, theatres) the proportion of the workforce covered by CAs can be expected to decline.

In Greece, in the culture sector, major differences continue to exist in industrial relations depending on the category of artists. The employment status of actors remains uncertain and the use of "false self-employed" workers in journalism is on the rise.

In Austria, the question of freelancers has led to changes in terms of trade union membership: journalists belonging to KMSfB (Union of the Arts, Media, Sporting Activities and the Liberal Professions) joined GDJP (Union of Paper Products, Publishing and Printing) following a disagreement with the management of KMSfB over how to solve the problem of freelancers. Since then, GDJP is entitled to negotiate on issues affecting journalists.

In Luxembourg, the question of the employment status of sporadic workers was settled with the adoption of the Regulation of 21 February 2000 establishing practical arrangements for the issuing and completion of work documents for sporadic workers in the performance sector and for the promotion of artistic creation.

In Sweden, certain CAs in the media sector have been concluded for freelancers (mainly for the written and spoken press).

In France, agreements on the employment status of sporadic workers have been concluded in the recorded performance sector. They represent a major step towards the establishment of CAs.

[7] Source: European industrial relations observatory on-line (EIROnline), *Collective bargaining coverage and extension procedures*, December 2002, http://www.eiro.eurofound.ie/2002/12/study/index.html

b3) Other issues addressed
Other subjects are also addressed on a recurring basis in CB in the 15 European countries under consideration. We might mention, inter alia, social security and pension systems, working hours and the issue of protection of intellectual property rights.

In Greece, the subjects of negotiation in the culture sector primarily concern: the lack of job security; social security and pension systems, considered inadequate; low wages; the absence of higher education in artistic fields; and working conditions, seen as too intense (working hours). In the media sector, the subjects are: wage conditions; the right to social security and a pension; working hours; the disparity of types of employment status; the increasing flexibility of working conditions; and social cover, considered inadequate. In the case of journalists, the main issues are: excessive wage differentiation; the question of protection of intellectual property rights; frequent dismissals; and the problem of "false self-employed" persons.
In Luxembourg, the decrease in working time, the evaluation of work, and the problems of supplemental pensions and the distribution of profits are areas of discussion.
In the Netherlands, various measures were recently negotiated in the culture sector. They concern childcare, disability and (early) retirement.
In Spain, CAs in the sector concern the following issues: wages, working hours, holidays, professional categories, safety at work, training and so on.
In Sweden, other than wages, some of the main subjects of negotiation are working hours (duration and reorganisation), social security (essentially pensions) and copyright. In addition to general provisions on working conditions, the agreements set out rules on the duration of employment contracts. In the media sector, certain CAs are concluded for freelancers (mainly for the written and spoken press).
In France, subjects of negotiation include, inter alia: working hours, the right to intellectual property, social security for artists and social action and the question of teleworkers in the publishing sector.

3. Players in the sector

3.1. European level

At European level, the players in the C&M sectors are the following:

A. Culture

A.1. Trade unions

EEA – European Entertainment Alliance, composed of:
• FIA - International Federation of Actors[8]
The International Federation of Actors (FIA) was found in 1952 and brings together more than 100 unions, guilds and associations of actors, dancers, choreographers, circus and variety artists in more than 75 countries worldwide. FIA's main objective is to ensure adequate protection for its members, both in the employment and in the social dimensions of their status. On behalf of its members, FIA takes part in international fora dealing with issues affecting the life and status of professional performers, and at European level, as member of the EAEA, FIA takes part in the Social Dialogue Committees on Audiovisual and Live Performance. EuroFIA is the European group of the International Federation of Actors. It represents trade unions of performers in 23 of the European Union member states, the European Economic Area and Switzerland, working both in live performance and in the recorded media.
• EURO-MEI – Technical Professions of the Entertainment Sector[9]
UNI-MEI, a sector of Union Network International (UNI), represents over 130 trade unions with a total membership of 250,000 workers and 14 service sectors (in the arts and audiovisual, cultural, entertainment and mass media sector). At EU level EURO-MEI, the European organisation of UNI-MEI, has set up social dialogue committees in the live performance sector and the audiovisual sector.
• FIM - International Federation of Musicians[10]
The FIM, founded in 1948, is the international organisation for musicians and currently has 72 union members throughout the world. It collaborates with all national and international organisations. It has close working relations in the framework of the International Arts Entertainment Alliance (IAEA) with the FIA and UNI-Media and Entertainment International (UNI-MEI). FIM has set up social dialogue committees in the live performance sector and the audiovisual sector.

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[8] Source: comments from FIA
[9] Source: intern paper EURO-MEI
[10] Source: http://www.fim-musicians.com

A.2. Employers' organisations

•PEARLE* - European League of Employers' Associations in the Performing Arts sector[11]

Created in 1991, PEARLE* represents more than 3,000 employers in the performing arts sector. PEARLE* was appointed by the European Commission to the Social Dialogue Committee for Performing Arts together with the European Entertainment Alliance, representing FIM, FIA and MEI. PEARLE* has set up social dialogue committees in the live performance sector.

B. Media

B.1. Trade unions

•EURO-MEI - Technical Professions of the Entertainment Sector

See above

•FIA - International Federation of Artists and Actors

See above

•FIM - International Federation of Musicians

See above

•EFJ - European Federation of Journalists[12]

The EFJ is a regional organisation of the International Federation of Journalists (IFJ). It is Europe's largest organisation of journalists, the representative voice of journalists in Europe, and represents around 280,000 journalists in over 30 countries. EFJ has set up social dialogue committees in the audiovisual sector.

B.2. Employers' organisations

•EBU - European Union of Broadcasters[13]

The EBU is the largest professional association of national broadcasters in the world. The Union has 72 active members in 52 countries and 50 associate members in the world. The EBU was founded in February 1950 by Western European radio and television broadcasters. It merged with the OIRT - its counterpart in Eastern Europe - in 1993. The EBU works in close collaboration with sister unions on other continents. EBU has set up social dialogue committees in the audiovisual sector.

•CEPI - European Coordination of Independent Producers[14]

The CEPI was founded in 1989 to organise and represent the interests of independent cinema and television producers in Europe. Today it represents approximately 4,000 cinema and television producers in Europe, which is equivalent to 95% of the entire European audiovisual production industry. CEPI has set up social dialogue committees in the audiovisual sector.

•ACT - Association of Commercial Television in Europe[15]

ACT was formed in 1989 and represents the business interests of the commercial television sector with the EU Institutions. The 22 member companies are active in 19 European countries and encompass several business models, from free-to-air television broadcasters to multimedia groups and digital TV platform operators. Cumulatively, these companies offer many hundreds of television channels. Membership of the ACT is open to any private television broadcasting company in Europe that approves the ACT's statutes of association. ACT has set up social dialogue committees in the audiovisual sector.

•AER - Association of European Radios[16]

The AER is a Europe-wide trade body representing the interests of over 4,500 private/commercial radios stations in eleven EU Member States, Switzerland and Romania. AER has set up social dialogue committees in the audiovisual sector.

•FIAPF – International Federation of Film Producers Associations[17]

With 29 member associations from 23 of the leading audiovisual production countries, FIAPF is the only organisation of film and television producers with global reach. FIAPF has set up social dialogue committees in the audiovisual sector.

[11] Source: http://pearle.amercom.be

[12] Source: http://www.ifj-europe.org

[13] Source: http://www.ebu.ch

[14] Source: Intern paper CEPI

[15] Source: http://www.acte.be

[16] Source: http://www.aereurope.org

[17] Source: http://www.fiapf.org

3.2. NATIONAL LEVEL

a) Employers' organisations active in the sector

Employers' organisations active in the sector by country

Country	Employers' organisations
Austria	The range of industrial relations players with relevance for the sector corresponds more or less to the parties to CB documented in Tables 2 and 3. 8 organisations: VOZ (Association of Austrian Newspapers), ÖZFMV (Austrian Association of Journals), FAF (Federal Organization of Motion Pictures and Videos), FLA (Federal Organization of Cinemas), WBV (Association of Viennese Theatres), TV (Association of the Theatres of the Länder and Municipalities), FV (Federal Organization of the Entertainment Companies), VVAT (The Austrian Professional Copyright Users Associations)
Belgium	The following 13 organisations take part in CB through 4 joint committees: Flemish Independent Television Producers (VOTP), Flemish Independent Television Services Professions, Belgian Federation of Audiovisual Enterprises, Flemish Film Producers' Union, Union of French-speaking Film Producers, Belgian Association of Film Producers and Directors, Federation of Belgian Cinemas, Belgian Association of Film Distributors, Flemish Performing Arts' Directors, Belgian Performing Arts Association (ABS/BSV), Organisation of French-language Performing Arts Employers, Federation of Socio-cultural Sector Employers (FWSCW) and the Confederation of Sport and Socio-cultural Sector Employers. There are 3 associations of publishers in the press sector, but they are not active in CB.
Denmark	There are only 2 employers´ organisations primarily covering the field of C&M: GA (The Graphic Association of Denmark) and DDFF (Danish Newspaper Employers' Association), both of which are members of DA (Danish Employers' Confederation). Note that some companies are not organised at all, including some of the largest in the field of C&M.
Finland	There are 5 organisations active in the sector and which take part in CB: the Service Branch Association, the Federation of the Finnish Media Industry, the Confederation of Finnish Industries and Employers, the Employers' Association of the Special Branches and Association of Finnish Theatres.
France	There are more than 45 organisations active in the sector. They are classified by the following areas of action (in parentheses, the number of active employers' unions): live performances (12), recorded performances (records (2), television (6), cinema (5), radio (5) and technical services (1)), the plastic and visual arts (1), literature (publishing (1) and press (8)) and heritage conservation (0). With the exception of a few organisations, none of the others belongs to MEDEF.
Germany	There are 11 organisations active in the sector, some of which are members of BDA (Confederation of German Employers' Associations): TPR (CB syndicate private broadcasting), HDF (Association of German Cinemas), German stage society – Federal Association of German Theatre, BDZV (Federal Association of German Newspaper Publishers), VDZ (Association of German Magazine Publishers), Employers' Association of Service Firms, Federal Association of German TV Producers, Syndicate of New German Film Producers, Association of German Film Producers, VTFF (Association of Technical Operators for Film and TV) and BVDM (Federal association Print and Media).
Greece	There are 11 organisations active in the sector. Culture (6): PEETH (Pan-Hellenic Association of Free Theatre), the National Theatre, KVTHE (State Theatre of Northern Greece), DIPETHE (Regional Theatres), SAPOE (Association of Greek Independent Audiovisual Producers) and POEV (Pan-Hellenic Federation of Publishers and Bookstores). Media (5): EIIRA (Athens Independent Radio Station Association), EIIEA (Association of Athens Daily Newspapers Owners), EIIEE (Association of Daily Regional Newspaper Owners), EITISEE (Association of Owners of Private Television Stations of national coverage) and ERT SA (Public Broadcasting Corporation).
Ireland	There are 2 organisations active in the sector: the SPI (Screen Producers Ireland) and the IBEC (Irish Business Employers Confederation).
Italy	Sector very fragmented but the most important organizations (13) of the C&M sector are those affiliated with Confindustria and AGIS (General Confederation of Italian Industry). AGIS: ANICA (the National Association of Audiovisual and Cinematographic Industries), Assolombarda (the Association of Milan-based Businesses), FIMI (the Italian Federation of the Phonographic Industry), Univideo (the Italian Union of Audiovisual Publishers), ASIG (the Association of Italian Newspaper Printers), ANES (the National Association of Specialised Periodical Publishing) and Assografici (the Italian Printing and Paper Converting Industries Association). Confindustria: ANEC (the National Association of Italian Cinema Owners), ANTAD (the National Association of Italian Dramatic Art Theatres), ANTS (the National Association of Italian Public Established Theatres), UNAT (the National Union of Italian Theatrical Activities), ANET (the National Association of Italian Theatrical Businesses) and ETI (the Italian Theatrical Body). In addition, there are also 14 other organisations which are involved in the sector and several players not recognised by the dominant players, but having a (minor) role.
Luxembourg	There are no organisations active in the sector. Companies are sometimes led to sign agreements on a one-off basis. Conflicts are therefore unique and linked to specific negotiations in a single enterprise. Future positions on the development of social dialogue in this area are consequently also related to the fact that they are negotiated by single companies.
The Netherlands	Globally, there are 21 organisations active in the sector. In the cultural sector, all large business associations (15 but around 10 negotiate CAs) are united in the umbrella platform FC (Federation of Cultural Employers' Associations). In the media sector, there are 6 organisations: KVGO (Royal Association of Printing Firms), NUV (Dutch Publishers' Association), NNP (Organisation for Local News Media), NVCR (Dutch Association for Commercial Radio), OTP (Association of Independent Television Producers) and VKGO (Association for Smaller Printing Businesses).
Portugal	There are 3 organisations active in the sector: AID (Daily Press Association), APR (Portuguese Broadcasting Association) and APAP (Portuguese Association of Publicity and Communication Enterprises).
Spain	There are 24 organisations active in the sector in 9 sub-sectors. Advertising sector: AGEP (General Association of

	Advertising Companies), AEPE (Association of Exterior Advertising Companies), FNEP (National Federation of Advertising Companies), AEAP (Spanish Association of Advertising Agencies) and AECP (Association of Catalonian Companies of Advertising). Photography sector: FEPFI (Spanish Federation of Photography and Image Professionals), ANEFOT (National Association of Photography Companies). Audiovisual industry: FAPAE (Federation of Associations of Audiovisual Producers of Spain) and ANEPA (National Association of Audiovisual Production Companies). Cinema distribution: FEDICINE (Federation of Cinema Distributors). Cinema Showing: FEECE (Federation of Entities of Cinema Companies of Spain). Non-daily press: ARI (Association of News Magazines). Actors and cinema production companies: APC (Association of Cinema Producers), UPCT (TV and Cinema Producers' Union), ACP (Catalonian Association of Producers), EZEE (Basque Country Association of Cinema Producers). Bullfights: ANOET (Association of Organizers of Spanish Bullfights) and UNETE (National Union Spanish Bullfighting Companies). Other activities: AERC (Spanish Association of Commercial Broadcasting), Spanish Network of Theatres, Auditoriums and Circuits of Public Ownership (not directly taking part in CB), AEDE (Association of Newspapers of Spain - not directly taking part in CB), FAETEDA (State Federation of Producer Companies of Theatre and Dance) and AEOS (Spanish Association of Symphonic Orchestras - not directly taking part in CB).
Sweden	There are 6 organisations active. Culture: Association of Swedish Performing Arts, Swedish Association of Local Authorities and the Swedish Agency of Public Employers. Media: Swedish Radio Television Broadcasting Employers' Organisation, Almega Federation of Media and Information Employers and the Swedish Newspaper Publishers' Association.
United Kingdom	There 5 organisations active in the sector (except for CRCA, all participate in CB): PACT (Independent Producers' Association), SOLT/TMA (Society of London Theatre and the Theatrical Management Association), ABO (Association of British Orchestras), CRCA (Commercial Radio Companies Association) and the BBC.

Source: national reports

The number of employers' organisations active in the culture/media sector is high on the whole in all countries except Luxembourg, Denmark, Ireland and Portugal.

b) Trade unions active in the sector

Trade unions active in the sector by country

Country	
Austria	The 3 organisations active in the sector belong to the ÖGB (Austrian Trade Union Federation): GDJP (Union of Paper Products, Publishing and Printing), KMSfB (Union of the Arts, Media, Sporting Activities and the Liberal Professions) and (Union of Private Sector Professional Personnel).
Belgium	There are 7 organisations active in the sector. The two main Belgian trade union confederations (FGTB and CSC) have professional affiliated unions involved in social dialogue: three for the CSC (National Employees' Confederation, Transport & Communications, Food and Services) and four for the FGTB (General Federation, Food-Hotel-Restaurant-Cafe-Services Workers' Federation, Federation of Employees, Technical Staff and Management (SETCa), General Public Services Federation). These bodies sit in the different joint committees (4) that concern the sector.
Denmark	There are 11 organisations active in the sector in addition to a few trade unions not belonging primarily to the sector. The three main trade union confederations are all represented in the C&M sector (LO, FTF and AC). Among the FTF members in the sector: DKF (The Danish Sacred Musicians´ Association), DT (The Danish Theatre Association), FAF (The Danish Film and TV Workers´ Association), SDS (the Confederation of Danish Set Designers) and DMF (the Danish Musicians' Union). Members of AC include the Federation of Associations of Graduates of Academies of Music, BF (the Danish Union of Librarians) and the Danish Association of Business Language Graduates. There is also a single association, the BMF (Stationary Employees Association) belonging to HK/handel (Union of Commercial and Clerical Employees in Denmark/Retail and Wholesale Trade). Finally, the largest trade union in the C&M sector, DJ (Association of Danish Journalists) does not belong to any of the main organisations and therefore negotiates directly with the individual firm or employers' associations in the field.
Finland	There are 11 organisations active in the sector. Several trade union confederations (SAK, STTK, Akava) have members involved in the sector. For SAK: the Finnish Musicians' Union, PAM (the Service Union United), the Public Journalists' Association and the Union of Media Workers (limited to co-operation). For STTK: MDU (Mediaunion) and TU (Employees' Union). For Akava: the Central Union for Special Branches. In addition, there are other organisations active in the sector: the Union of Journalists in Finland, Grafia (Association of Professional Graphic Designers in Finland), TeMe (Finnish Theatre and Media Employees) and the Union of Finnish Actors.
France	The CGT trade union is the confederated union most widely established in the cultural field. The recent professional elections in retirement (caisses de retraite) institutions have further reinforced this position. Other federations that are members of a trade union organisation representative at national level are: the French Democratic Confederation of Labour (CFDT), the Culture and Communication Federation-CFE/CGC and the Communication Federation-CFTC. There are 44 organisations active in the sector. These are classified according to the following areas of action (in parentheses, the number of active employers' unions): live performances (5), recorded performances (records (2), television (9), cinema (3), radio (3) and technical services (0)), the plastic and visual arts (10), literature (publishing (3) and press (4)) and heritage conservation (5).
Germany	Contrasting with the situation on the employer side, worker representation is driven by the principle of industrial unionism typical of the German private sector. There are 6 organisations active in the sector, of which Ver. Di (Unified Service Union) is the most important and is a member of the national organisation DGB (German Trade Union Federation). The other organisations are: Connex.av, GDBA (Co-operative of German Stage Employees), VdO (Association of German

	Opera Choirs and Dancers), DOV (German Orchestra Association) and DJV (German Association of Journalists).
Greece	There are 17 organisations active in the sector. Culture (9): SEI (Hellenic Actors' Union), ETEKT (Greek Union of Film, TV & Audiovisual Workers), SETTH (Association of Greek Theatre Technicians), SIFITH (Association of Theatre Electricians, Light and Sound Engineers), PMS (Pan-Hellenic Musicians' Union), EET (Union of Greek Singers), POSPERT (Pan-Hellenic Association of Radio-Television Employee Unions), POTHA (Hellenic Entertainment Federation) and EES (Greek Directors' Guild). Media (8+1): ESIEA (Journalists' Union of Athens Daily Newspapers), ESIEMTH (Journalists' Union of Macedonia & Thrace), POESY (Pan-Hellenic Federation of Journalists' Unions), ESPIT (Periodical and Electronic Press Union), POSPERT (Pan-Hellenic Association of Radio-Television Employee Unions), ETER (Greek Union of Radio Engineers), ETITVE (Union of Private Television Engineers of Attica and Northern Greece), EPIEA (Athens Daily Newspapers' Personnel) and ETIPTA (Athens Daily and Periodical Press Technical Personnel).
Ireland	The main unions (4) involved in the C&M sector are: SIPTU (Services, Industrial and Professional Trade Union), NUJ (National Union of Journalists), BATU (Building and Allied Trades Union) and TEEU (Technical, Engineering and Electrical Union).
Italy	Globally, there are 24 organisations active in the sector. The three national associations of the communications sector (SLC, FISTEL and UILCOM) of the three most representative union confederations (CGIL, CISL and UIL) are easily recognizable as the dominant players in the sector. There are also other federations belonging to the three active confederations (e.g. in the public sector with CGIL-FP or CISL-FIST). The journalists are represented by a specific trade union (FNSI). Moreover, some small players are not recognised by the dominant players but play a (minor) role (e.g. CNAI or CISAL).
Luxembourg	There are 2 organisations active in the sector, which have ties to the two main trade union confederations. The OGB-L has a specific structure for the sector (Printing Works, Media and Artistic Activities Union) while in the LCGB, the confederation negotiates directly.
The Netherlands	There are 8 organisations active in the sector, all of which negotiate CAs. In the culture sector, we find FNV KIEM (Confederation of Dutch Unions – Arts, Media and Information Industry), CNV KB (Christian National Union Confederation – Arts Association), KNTV (Royal Dutch Association for Musicians) and NTB (Dutch Musicians' Union). In the media sector, the following organisations are active: FNV KIEM (Confederation of Dutch Unions – Arts, Media and Information Industry), CNV Media, NVJ (Dutch Journalists' Union) and Unie (National Confederation for Professional Personnel – Associations of Arts Centres).
Portugal	There are 2 organisations active in the sector: STE (Trade Union for Concert/Show Workers), which is a member of the CGTP-IN (General Confederation of Portuguese Workers – National Inter-Trade Union) and SITESE (Trade Union for Office, Commerce, Hotel and Service Workers), which belongs to UGT (General Workers Union).
Spain	There are 12 organisations active in the sector. The most important are members of 4 trade union confederations (COO, UGT, CGT, ELA) which represent more or less 75% of union members in the sector: FCT-CCOO (Federation of Communications and Transport Workers' Commissions), FeS-UGT (Services Federation of the General Workers' Confederation), FGE-CGT (State Graphic Federation of the General Confederation of Labour), ELA (Basque Workers' Solidarity). There are also other trade unions active in the sector: Services Area of Workers' Trade Unionist Confederation, TACE (Spanish Cinema Audiovisual Technicians), FAEE (Artists' Federation of Spain), Professional Union of Spanish Musicians, National Union of Bullfighters, Apprentice Bullfighters, Mounted Bullfighters and Representatives, New Gathering of Bullfighters, Apprentice Bullfighters, Union Association of Bullfighter's Assistants and Puntilla Bullfighters and Mounted Bullfighters and National Union of Spanish Picadors and Banderilleros.
Sweden	There are 13 organisations active in the sector. The majority are members of the trade union confederations (SACO, TCO and LO). For SACO: DIK (Documentation, Information & Culture) and CF (Swedish Association of Graduate Engineer). For TCO: TF (Swedish Union for Theatre, Artists and Media), SYMF (Federation of Professional Musicians), HTF (Employees' Union), SIF and SJF (Swedish Union of Journalists). For LO: SMF (Swedish Federation of Musicians), G (Grafik and Media Union Workers) and Transport Workers' Union. In addition, there are several independent organisations: SDF (Swedish Federation of Dramatists), SFF (Swedish Writers' Union) and LEDARNA (Swedish Association for Managerial and Professional Staff).
United Kingdom	There are 5 organisations active in the sector (most negotiate CAs): FEU (Federation of Entertainment Unions), BECTU (Broadcasting, Entertainment, Cinematograph & Theatre Union), Equity, NUJ (National Union of Journalists), Musicians Union and Writers' Guild of Great Britain.

Source: national reports

On the trade union side, we observe that myriad players intervene in the area being studied, with as many as 45 different players in France. Trade union confederations seem to represent a majority of workers in the C&M sector (as in France, Italy, Spain and Belgium). This does not, however, rule out the existence of independent organisations which, depending on the country, play a more or less prominent role (in terms of members and negotiating power).
We observe that in certain small countries (Belgium, Austria, Portugal and Luxembourg), the number of players is relatively limited and all are members of a trade union confederation.