

# FIA CONFERENCE



Panelists Seamus Dooley, John Myers, Bertrand Maon and Johannes Studinger with moderator Karan O'Loughlin (centre) at the FIA conference

## Artists urged to assert rights as 'workers, not employees'

by Michael Quinn

A "common vision" is needed by artists working within the live performance sector if they are to "defend against the driving down of wage costs and employment rights".

This was one of the starkest warnings issued at the second conference of the International Federation of Actors, held in Dublin, Ireland.

With pressures mounting on existing employment agreements, Seamus Dooley from the National Union of Journalists, Ireland, warned that many employers now regard "collective representation

as an economic nuisance" and that, if left unchallenged, such an attitude would lead to employment in the creative sector becoming even more precarious than it already is.

Recognising that "freedom of association is problematic in many countries", Johannes Studinger, head of the Belgium-based International Arts and Entertainment Alliance, UNI-MEI, called on the sector to "reach out to freelance and self-employed workers" in order to strengthen negotiating rights at a time of growing "antipathy towards the plight of the creative industries".

John Myers, former education, culture and media specialist, called on performers to insist on "a commercial contractual, rather than employment, relationship" with employers, echoing many others in insisting that artists should assert their rights as "workers, not employees".

While Myers also called on unions to "work together on gathering better data as the best way to develop an agreeable code of practice", Dooley cautioned against any lessening of existing, hard-won rights: "The right to collective bargaining without the right to strike is about as useful as a eunuch in a brothel."

## Taking steps to plug the leaks in arts funding

Arts cuts came under fire at the FIA conference, with Pierre Santini leading the attack. The former president of Adami, a society for the collective administration of performers' rights in France, said: "Cultural policy is all very well, but what if you don't have the resources?"

While funding experiences within Europe since the 2008 recession were largely characterised by what Fiach Mac Conghail, director of Dublin's Abbey Theatre, described as "savage, disproportionate cuts", different funding models elsewhere appeared to offer greater stability.

Norway's "strong tradition of strong unions" and unwavering state commitment to spending on the arts, meant that the sector was reliant on private sponsorship for just 7% of its income, said Morten Gjelten, managing director of the Association of Norwegian Theatres and Orchestras.

While "on average 70%" of Russian arts bodies' income came from state funding, Vladimir Kamen, general secretary of Russia's Consultative Council of Cultural Workers' Union, warned that the country's continuing transition from centralised control to a market economy produced its own problems.

With state funding "likely to continue but also to become increasingly insufficient", private sponsors were "few and far between". The result, he added, was one of "huge impact but little change".

Timothy Shields, president of the League of Resident

Theatres, provided a contrasting image of state funding in the US, where "the biggest contribution the federal government makes is tax breaks for arts giving", offering direct investment of "less than 50 cents [33p] per person".

Although private benefactors contributed \$16.7 billion (£11 billion) to the arts in 2014, Shields warned of "limitations in private funding, when some of those who write large cheques expect something in return".

Herself a writer and theatre-maker and elected to the European Parliament in 2014, Julie Ward identified funding streams available to EC members, but told delegates they would need to challenge a shift in policy towards "fewer and larger projects" newly championed by European Commission president Jean-Claude Juncker.

Left unchecked, she added, the approach would worsen the imbalance between rural and urban projects and established and emerging artists and companies.

Mac Conghail warned that governments' increasing insistence on linking arts spending to tourism and job creation risked "shaking hands with the devil".

The demand for more money for the arts was not, in itself, likely to persuade legislators or taxpayers. Performers, he added, needed to develop "philosophical, ideological and policy-driven reasons for the pressing need for arts funding".

## EC red tape 'contributing to growing cultural elitism'

Performers' employment rights are under constant "danger and threat" around the world as the "gap between beautiful sentences on policy papers and what we actually see and experience on the ground continues to widen".

This was the warning from Claude Michel, assistant general secretary of French audio-visual federation, CGT Spectacle.

Michel added that "the huge amounts of red tape" within the European Commission's cultural funding programmes was contributing to diminishing access and growing elitism within the arts. More dangerous, he said, was the impact on diversity.

This was an argument taken up by former MEP Carole Tongue, now president of the



Basma El Hussein, Claude Michel, Garry Neil, Carole Tongue and moderator Ian Barritt address the fight for performers' rights

European Coalitions for Diversity of Cultural Expressions, who complained about the European Commission's dual "obsessions with the single, global marketplace showing no regard for

local, regional needs" and in "reforming – and by reforming they mean weakening – copyright protection".

Conditions in North Africa were more contrary, Egyptian

cultural activist Basma el Hussein revealed, pointing to "very comprehensive legislation" in Morocco that "encourages dialogue and protects contracts and remuneration" for live performers.

Even so, she added, such laws didn't prevent the recent arrest of anti-government rap artists, and no Arab country had developed an official cultural policy, the absence of which "effectively allows regimes to control the creative space".

Arguing that the "challenges for transnational mobility of artists remain the same as five years ago", arts and cultural policy expert Garry Neil cautioned that "the trend towards corporate control of the internet", as typified by development in the US and China, "will lead to homogenisation with little policy attention paid to digital issues affecting live performance beyond 'net neutrality' and copyright concerns".



Deena Aziz, Agnete Haaland, Jorg Lower, Christine Toy Johnson and moderator Simon Burke discuss diversity at the FIA conference

## Delegates hear call for 'stiff audit' of diverse casting

In a wide-ranging discussion on barriers to greater diversity in live performance, International Federation of Actors vice-president and former president of Equity Australia Simon Burke noted that "although theatre is seen as a place where everything is equal, that seems not to be the case".

The observation prompted actor and playwright Christine Toy Johnson to insist that "equal rights are a right, not a privilege", asserting that "shifting perceptions is key to achieving any kind of parity – and there is still a long way to go".

Her suggestion that theatres prepared to "diversify the people on stage and backstage" were likely to benefit, in turn, from "a more diverse audience" received widespread consensus.

The theme was taken up by several delegates, with Agnete Haaland of Norway's National Stage pointedly asking: "Why am I the first female artistic director of the theatre Ibsen started more than 160 years ago?"

Dancer and choreographer Jorg Lower said the situation in Germany was problematic and that despite the country's "strong" anti-discrimination

laws, "ethnically diverse performers were not given opportunities available to others, often being cast in clichéd roles".

Calling on actors' unions, theatre managements and funders to conduct "a stiff audit" of inclusive and diverse casting, actor Deena Aziz said the lack of parity and access to norms enjoyed by other performers was "an infringement of rights and a cause for significant concern" even in her native Canada. "Casting me as an alien is okay, but not as Juliet?" she asked.

Haaland's insistence that "one way to get equality is to count" also received broad approval as a call to action.

## Fears over touring performers' income

Uncoordinated international legislation is resulting in unfair and harsh penalties on performers' incomes, entertainment tax specialist Dick Molenaar has warned.

Existing rules, he said, meant touring performers were being taxed twice on the same income, making it difficult to accrue sufficient entitlements in their home countries. This created a risk of being excluded from social security benefits.

With attempts to address the imbalance currently being considered by the European Commission, Spanish choreographer and arts

manager Cesar Casares called for the creation of a website for employers and workers to provide access to new employment positions as they are advertised in national territories and to stabilise current conflicting regulations.

A new, cross-border development in Latin America had already begun to show positive results, with moves to promote joint productions on international stages, support festivals and venues and promote social inclusion.

Technical manager Guillermo Heras said Iberescena, a Latin American arts group, would help in

territories where employment conditions are respected in state theatres but considered "exotic" elsewhere. It would also challenge "the law of the jungle" around issues of copyright and assert performers' rights to be credited as "author" of a particular work, he added.

Also arguing for greater integration, actor, playwright and president of actors' syndicate Sidarte, Andrea Gutierrez, pointedly noted that there was no state support for theatre in her native Chile. She called for the creation of national structures to secure the protection of artists moving across borders to work.

## Safety issues highlighted

Audiences are not aware that performers "live at permanent risk" of injury, claimed social researcher Juvenal Garcia Alvarez, who also warned that "the 'show must go on' syndrome" also posed a threat to health and livelihood.

Ballet company manager Tobias Ehinger said dancers were especially at risk as falling funding led to greater pressures and stress on performers already endangered by unsuitable flooring and a growing trend for inappropriate costumes and props.

The sentiment was echoed by the Russian National Circus Company's Grigory Ostrovsky, who described working conditions in the country as being "like a soldier in a minefield trapped by snipers". While companies are obliged to provide "technical passports" for equipment and to test the health of artists before performances, he said, circus shows still presented risks "in the air as well as on the ground".

Pointing to performers often being excluded from health and safety regulations,

Magdalena Rodrigues, president of the Brazilian artists and technicians union Sated, cautioned that "legislation isn't enough".

Stage manager Ira Mont noted that American Equity was concerned about the physical demands on performers of raked stages and had placed a warning limit on inclines with a ratio of more than half an inch to one foot. She added that it was also compiling a database of injuries, and that while vocal injuries for actors and singers were just as prevalent as those endured by dancers, insurance companies had a tendency to dismiss them as "a sore throat".

Some encouragement was offered by the announcement of OIRA, a free, European-backed, industry-wide online risk-assessment tool. Although still in development, the site aims to educate and raise awareness of risks affecting performers and backstage crew and also covers the use of costumes and props and the challenges of artists interacting with audiences.

## Concerns raised over pay levels

A growing tendency by producers to exploit performers' willingness to work without payment and proposed legislation allowing unpaid amateurs to work alongside paid professionals are threatening to drive down rates of pay.

The stark warning was voiced by Equity UK's assistant general secretary, Stephen Spence, who quoted Society of London Theatre research findings that 80% of London fringe actors are "paid nothing at all or below the minimum wage". Equity's position, he added, was "low pay, no way".

Actors' unions elsewhere voiced concern over increasing challenges to wage levels,

with many declaring it was time to decide "where to draw the line" in response to challenges to conditions of employment and "to educate the audience as well as performers" about the diminishment of artists' status as professionals.

Alarming, a survey by Equity in Canada revealed that 60% of members were unaware of the terms of contracts they had accepted.

Addressing the issue, Mary McColl, executive director of American Equity said the union had just launched its 'Ask if it's Equity' website, insisting "performers are workers, and workers get paid".

## Meeting the challenges of the digital age

Existing and emerging digital technologies present challenges to ensure performers receive payment for their online profiles, the conference heard.

The accelerating pace of developments also poses problems, with American Equity's assistant executive director Thomas Carpenter revealing that the union negotiated 150 separate media agreements in the past year.

Australian Equity director Zoe Angus questioned how best to regulate digital usage

of performances, but Equity UK's head of live performance Hilary Hadley said agreements for digital platforms were no guarantee of financial return and performers must learn to live with a degree of unauthorised online exploitation. Although "very good royalties" were being produced by the National Theatre's streaming and broadcast arm, NT Live, download pioneers Digital Theatre had produced "no royalties yet, six years in".

While cinema broadcasts of Billy Elliot had earned actors 6% royalties on ticket revenues of £1 million, she added, payments had yet to be received because its distributor's own costs had not been recouped.