

**RESOLUTION
REGARDING CHAINING OF FIXED-TERM CONTRACTS FOR DANCERS IN SPAIN**

The European group of the International Federation of Actors (EuroFIA) brings together performers' unions, guilds and professional associations from across the EU, EFTA and neighbouring countries, representing tens of thousands of performers, including dancers, across Europe.

The EuroFIA group has reviewed with grave concern the surprising and worrying introduction of an exception to Article 15 of the Spanish Workers' Statute, which was included in Article 5 of the recent Royal Decree 2/2018. This Decree aims at modifying Copyright Law in Spain in order to transpose directive Directive 2014/26/EU in relation to collective management of copyright and related rights and Directive 2017/1564 on certain uses of works protected by copyright by persons who are blind and visually impaired. The exception included in Additional Disposition 5 bears no relation to the aims of these directives however. It is to apply to dancers in the two Spanish national companies and aims to legalise the indefinite chaining of fixed-term work contracts for these workers.

European workers on fixed-term contracts are protected by Council Directive 1999/70/EC, whose stated aim is "to improve the quality of fixed-term work by ensuring the application of the principle of non-discrimination". This Directive seeks to end abuses arising from improper use and reliance on fixed-term work to the detriment of workers. While a special legal regime applies to artists in shows in Spain, this must be objectively justified and should not result in a reliance on excessive chaining of fixed-term contracts.

The EuroFIA group is highly concerned that:

- The process of transposing a European Directives 2014/26/EU and 2017/1564 on copyright has been improperly used to create an exception in the Workers' Statute creating an unfair and discriminatory possibility of maintaining dancers in unjustified fixed-term employment;
- This flies in the face of the stated aim of the Directive 1999/70/EC on Fixed Term Work of offering equal protection and opportunities to fixed-term workers. The European Court of Justice stated in 2015 that the abusive use of successive fixed-term contracts reduces significantly the categories of person able to enjoy the benefit of the protective measures provided for in the Framework Agreement, breaking the principle workers' protection through stability of employment;
- It will effectively create a lower quality employment regime for dancers in relation to other artists but may also open the door to future wider recourse to undue chaining of short-term contracts, damaging the quality of work in the sector;
- The specific implementation of the Directive 1999/70/EC on Fixed-Term Work at national level is a matter for consultation with the national social partners and this inclusion in a decree pertaining to copyright has impeded that due process.

We invite the Government of Spain to revisit this problematic inclusion and to consult with national social partners to resolve this issue and address the specific needs of professional dancers in a positive way. We are at your full disposal to discuss this matter further.

Brussels, Belgium, 07 June 2018