



FIA 21 CONGRESS

SEPTEMBER 22-25, 2016
SÃO PAULO, BRAZIL

APPROVED MOTIONS

APPROVED MOTIONS

**MOTION N. 1 OF THE 21ST FIA CONGRESS ABOUT
NON-DISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY**

São Paulo, Brazil, 25 September 2016

Whereas, FIA's Lesbian, Gay, Bisexual, and Transgender (LGBT) Equality Working Group recently conducted a survey of the membership of 14 cooperating FIA member unions; and

Whereas, the results of that survey clearly demonstrate a consistent and significant frequency of discrimination against individuals based on actual or perceived sexual orientation or gender identity or expression.

The 21st Congress of the International Federation of Actors resolves:

That all people are entitled to a discrimination-free workplace and equal opportunity to compete for employment, and accordingly that employment discrimination on the basis of sexual orientation or gender identity or expression should be prohibited.

That FIA will take appropriate measures to advance non-discrimination, equal employment opportunity and diversity, and also urge its affiliate unions to do so within their respective jurisdictions.

APPROVED MOTIONS

**MOTION N. 2 OF THE 21ST FIA CONGRESS ABOUT
THE PROMOTION OF DIVERSITY AND THE FIA CONSTITUTION**

São Paulo, Brazil, 25 September 2016

Whereas, the promotion of diversity and non-discrimination in employment should be considered a principal aim and object of FIA, and whereas existing language in the FIA Constitution conveys the impression that this priority is part of and subordinate to the objective of promoting employment of artists generally, rather than being an important aim and object in its own right.

The 21st Congress of the International Federation of Actors resolves:

That the Constitution of the International Federation of Actors is hereby amended as follows:

Art. 3

h. The promotion of employment for artists, ~~including efforts and measures designed to ensure equal employment opportunity and non-discrimination~~, and the support of all measures which combat unemployment.

i. The promotion of diversity, including advancing efforts and measures designed to ensure equal employment opportunity and non-discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, religion or belief, political opinion, membership of a national minority, disability, age, sexual orientation, gender identity or expression.

(succeeding subsections renumbered accordingly)

**MOTION N. 3 OF THE 21ST FIA CONGRESS ABOUT
A FIA GLOBAL DIVERSITY WORKING GROUP**

São Paulo, Brazil, 25 September 2016

Whereas, FIA has a longstanding commitment to the advancement of equal employment opportunity for all, with success in a number of particular areas including the updated FIA Gender Charter at the Toronto Congress, and

Whereas, the FIA LGBT working group was established at the 2011 FIA Executive Committee meeting in Sydney, and

Whereas, having completed its preliminary work, the LGBT Working Group has determined that its work should transition to become part of the broader diversity efforts of FIA across all forms of discrimination, and

Whereas, considering that FIA's existing work and policy statements support non-discrimination efforts and the advancement of diversity on a number of bases, including gender, race, and ethnicity, and

Whereas, FIA presently does not have a Federation-wide working group exclusively dedicated to issues of diversity across all protected groups.

The 21st Congress of the International Federation of Actors resolves:

That the FIA LGBT Working Group is hereby renamed the FIA Global Diversity Working Group, and that the President is requested to ensure that the composition of the Working Group reflects appropriate regional, linguistic, and other diversity factors; and

That the mandate of this working group is expanded to include diversity and equal employment opportunity across all protected groups and categories, including sex, race, colour, ethnic or social origin, genetic features, religion or belief, political opinion, membership of a national minority, disability, age, sexual orientation, gender identity or expression, and

That the FIA Global Diversity Working Group is authorized to research, prepare, and implement practical toolkits and materials designed to assist affiliate unions in undertaking appropriate programs within their respective jurisdictions to further equal employment opportunity and diversity, in addition to such other activities it may undertake within the scope of its mandate.

**MOTION N. 4 OF THE 21ST FIA CONGRESS ABOUT
THE RATIFICATION OF THE WIPO BEIJING TREATY**

São Paulo, Brazil, 25 September 2016

Considering:

That the WIPO Beijing Treaty (BTAP) - adopted in Beijing on June 24, 2012, after a challenging and long negotiation - is a landmark international instrument and a powerful tool to enhance the intellectual property protection of audiovisual performances around the world;

That the BTAP grants performers key economic and moral rights that are fit for the digital environment and that are still largely denied to them in many countries;

That the BTAP requires a minimum of 30 ratifications or accessions to enter into force and establish a global new minimum standard in the field of neighbouring rights for performers;

That since the last FIA Congress, the Federation has worked hard to promote and raise awareness about the BTAP, both among its members, the performer community and decision-makers – including by editing a multilanguage guide to the treaty, various campaign materials, a resource website, as well as by attending various regional WIPO meetings and promoting the ratification of the BTAP on World IP Day;

That further work remains necessary to achieve the entry into force of the BTAP and that FIA, with all its members, have a joint responsibility in driving this forward.

The 21st Congress of the International Federation of Actors resolves:

To keep the ratification of the BTAP as one of the key priorities of the Federation in the forthcoming business period;

That all FIA members shall continue to support the FIA Secretariat, with a view to raising further awareness about the BTAP and its key provisions;

That all FIA members and the Federation shall continue to promote the ratification of the BTAP and a meaningful implementation of its key legal provisions to the benefit of performers – at both international and national level.

MOTION N. 5 OF THE 21ST FIA CONGRESS ABOUT PERFORMER REVENUE FROM DIGITAL USE

São Paulo, Brazil, 25 September 2016

Given that:

Globally, one in four people will own a tablet computer by 2019 and smartphones will account for over half of all mobile phone connections in 2019.

Consumer spending on physical media content continues to fall rapidly and even digital content ownership is being superseded by the growth in streaming services. Already, 21% of teenagers worldwide access Netflix every month.

In this environment it is imperative that performers' unions are able to adapt and secure for their members fair payments for the use of their work. Unions are also best placed to reach appropriate agreements with new and emerging content producers.

Generating additional payments for performers through collective bargaining is an effective means of ensuring that the best possible deal is achieved for performers. In those countries where this model effectively operates significant monies can be distributed to performers and performers' earnings from these revenue streams are growing each year.

Unions can also drive a favourable legislative environment to adequately meet performers' legitimate revenue expectations including statutory mechanisms that may generate additional income from online use.

The 21st Congress of the International Federation of Actors therefore resolves:

To support unions across the globe in their efforts to secure through collective bargaining on-going payments for performers for the use of their work by digital services.

To ensure that performers retain the exclusive right to make their performances available on demand and trade unions retain the capacity to negotiate collective agreements for the transfer of this right on their behalf.

The 21st Congress of the International Federation of Actors furthermore resolves:

To also campaign for the introduction of a complementary and unwaivable right for performers to receive equitable remuneration from digital services for the making available on demand of their performances, which shall be collected from the users and subject to mandatory collective administration.

This additional right shall not prejudice existing or future agreements, whether individual or collective, granting performers payment for the use of their performances.

To continue to work in partnership with collecting societies to ensure that distribution of monies to performers conforms to the highest possible standards of efficiency, transparency and accountability.

**MOTION N. 6 OF THE 21ST FIA CONGRESS ABOUT
SECONDARY USE RIGHTS FOR AUDIOVISUAL PERFORMERS IN JAPAN**

São Paulo, Brazil, 25 September 2016

Whereas audiovisual performers in many countries of the world enjoy statutory rights entitling them to claim remuneration for the secondary use of their performances, including also by way of individual or collective agreements; and

Whereas Japanese copyright law, adopted in 1970 and implementing the 1961 Rome Convention, does not grant any post-fixation rights to audiovisual performers, thus severely affecting their chances to make a living from the exploitation of their performances;

Whereas it has been close to impossible for audiovisual performers in Japan to negotiate fair terms and conditions with employers, including royalties or residual payments for secondary uses, and

Whereas the WIPO Beijing Treaty has set a minimum new international standard in the field of performers' intellectual property rights, with meaningful economic and moral rights for audiovisual performers and has acknowledged the right of contracting parties to implement statutory mechanisms to guarantee on-going payments for any use of their performances.

The 21st Congress of the International Federation of Actors:

Urges the Government of Japan to implement the provisions of the Beijing Treaty in the best interest of performers and amend copyright legislation by establishing their right to receive an equitable remuneration for any secondary use of their performance, subject – where appropriate – to mandatory collective management.

**MOTION N. 7 OF THE 21ST FIA CONGRESS ABOUT
THE TERM OF PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN THE
AUDIOVISUAL SECTOR**

São Paulo, Brazil, 25 September 2016

Four years ago, in September 2012, a motion (No. 15) was adopted by the 20th FIA Congress concerning the term of protection of audiovisual performers' intellectual property rights.

The 20th FIA Congress reaffirmed its support for EuroFIA and its member unions in their struggle to obtain the same term of protection of performers' intellectual property rights, irrespective of how the performance is recorded. It also asked the FIA Secretariat to coordinate this campaign and actively bring it to the European Commission and the European Parliament, where appropriate, in cooperation with other European performer organisations.

Since the adoption of Directive 2011/77 within the European Union, the term of protection of performers' intellectual property rights in the audiovisual sector has clearly not been extended yet.

Since 2014, a new European Commission has been appointed and a new Parliament elected. EU Member States have meanwhile transposed Directive 2011/77 into national law, strengthening the rights of audio performers exclusively.

The discrimination between audio and audiovisual performers is therefore still tangible.

An impact assessment for a possible extension of the term of protection for audiovisual performers has not been carried out yet, despite being expressly prescribed in Directive 2011/77.

The 21st Congress of the International Federation of Actors resolves:

That the FIA Secretariat shall approach performers' collecting societies in the EU, in order to lead this campaign together and make their voices heard by the European Commission and the European Parliament.

**MOTION N. 8 OF THE 21ST FIA CONGRESS ABOUT
THE ADMINISTRATION OF PRIVATE COPYING LEVIES IN SLOVENIA**

São Paulo, Brazil, 25 September 2016

Whereas the assignment of a licence to collect and distribute blank tape levies by a collective management organization has been withheld for several years in Slovenia, causing audiovisual performers great loss; and

Whereas audiovisual performers in Slovenia are entitled to fair compensation for acts of private copying, according to national law and in compliance with EU legislation, and

Whereas the lack of compensation hits audiovisual performers in Slovenia very hard, particularly since they do not enjoy a statutory right of equitable remuneration for communication to the public or for the cable retransmission of their performances, as opposed to their colleagues in the audio field.

The 21st Congress of the International Federation of Actors:

Calls on the Slovenian Government, the National Assembly, the national Council, the Ministry of Economic Development and Technology, the Ministry of Culture and the Ministry of Finance to address the discrimination between audio and audiovisual performers and to license the collection and distribution of private copying levies without further delays.

**MOTION N. 9 OF THE 21ST FIA CONGRESS ABOUT
BUY-OUTS IN FILM AND TELEVISION PRODUCTION IN CROATIA**

São Paulo, Brazil, 25 September 2016

Considering:

That Croatia has implemented all EU copyright directives, thus granting audiovisual performers moral and exclusive economic rights for the use of their performances, both fixed (live) and unfixed (recorded on media);

That these rights may not be waived and are thus contractually transferred to the producer;

That the standard industry practice, both in film and television, is a buy-out, where all rights are transferred in perpetuity and for all uses, in return for a one-off, all inclusive payment – and that only a handful of actors in the country are in the position to negotiate residual payments individually;

That in 1999 the public broadcaster HRT, then the only broadcaster in the country, signed an agreement for the residual payment of rebroadcasts, that however never included performance fees or additional terms and conditions for use;

That with the advent of commercial networks, that were not yet paying residuals for rebroadcasts, HRT unilaterally terminated the agreement. This acted as a strong deterrent for the commercial networks, that were at the time considering signing an agreement for reruns.

The 21st Congress of the International Federation of Actors resolves:

To firmly condemn the widespread practice of buy-outs, whereby performers in film, television or other recorded media are forced to sign away all their rights in perpetuity at point of contract in return for a one-off and all-encompassing payment;

To support affiliates in their legitimate claims for collectively bargained agreements with producers/broadcasting organisations, regulating the work of performers in all recorded audiovisual media, as well as laying out minimum terms of use of their fixed and unfixed performances;

To call on the Croatian government, the Ministry of Culture and the Croatian parliament (SABOR) to urge the Croatian public broadcaster HRT, followed by private networks, to enter into *bone fide* negotiations with performers' representative organisations in the country, with a view to concluding an agreement about terms and conditions as well as minimum fees and residual payments to performers for the secondary use of their work.

**MOTION N. 10 OF THE 21ST FIA CONGRESS ABOUT
HEALTH AND SAFETY RISK PREVENTION**

São Paulo, Brazil, 25 September 2016

Considering that:

FIA has delivered significant and valuable work regarding risk prevention for performers, through the development and dissemination of its handbook "Act Safe", compiling good practices for performers working in the live shows and audiovisual production. Health and safety issues have also been high on the 2015 FIA World Live Performance conference agenda whilst, at European level, the development of an online risk assessment tool (OIRA) for the live performance sector has been commended as a very practical initiative to address risk prevention.

Further progress is desirable and in particular, more scientific and systematic research and analysis is needed as a basis for better policy-making. Minimum mandatory standards to protect the occupational health and safety of performers would be very valuable in many countries where there currently are no such rules.

Further awareness about specific occupational health and safety issues related to the work of performers, including threats to their psychological and moral well being (due to pressure, harsh competition, job insecurity, etc.) need to be raised.

The 21th Congress of the International Federation of Actors resolves:

To advocate for the development of risk assessment tools and minimum mandatory safety standards at all levels, including internationally;

To encourage scientific research on health and safety in the performing arts and gather in a database the most significant material and/or findings that are known, and publicly available, on this matter;

To further develop and promote specific risk assessment tools, such as the OIRA tool for the live performance sector;

To encourage the sharing of experience and best practice among FIA members in this area.

MOTION N. 11 OF THE 21ST FIA CONGRESS ABOUT CIRCUS PERFORMERS

São Paulo, Brazil, 25 September 2016

Whereas circus has a long tradition, that it is often by its nature itinerant and historically maintained by families, when it is not elevated to the status of a genuine permanent institution - as is the case in the countries of the former Soviet Union;

Whereas circus is a performing arts discipline that entails many risks to the health and safety of performers, whether in connection with the high physical intensity and difficulty of performances, frequent interactions with animals, the use of open flames or even aging performance venues;

Whereas circus, especially in its itinerant and family form, is characterised by an ingrained 'informality' in terms of work, resulting in the absence of labour contracts, the virtual absence of collective agreements and, sometimes, a certain recklessness in relation to health and safety rules;

Whereas 'new' circus or contemporary circus has been experiencing renewed popularity among the public for some time;

Whereas there is very little data concerning provisions relating to the working conditions of circus performers, both those working in traditional as well as in contemporary circuses.

The 21st Congress of the International Federation of Actors resolves:

To reaffirm its commitment to represent and defend the interests of circus performers;

To conduct an international survey of its affiliates to collect data on working conditions in the circus industry, whether traditional or contemporary, itinerant or permanent;

To develop and defend recommendations and best practices based, on the survey results, to help FIA affiliates offer circus performers balanced and fair working conditions.

**MOTION N. 12 OF THE 21ST FIA CONGRESS ABOUT
FIA'S COMMUNICATION POLICY**

São Paulo, Brazil, 25 September 2016

Considering:

The significant improvement of FIA's communication policy since the last Congress - including a positive overhaul of its website, now informative and regularly updated, the distribution of a regular electronic newsletter briefing affiliates about new developments, a systematic use of social networks to promote FIA's policies, various ancillary websites serving specific events or campaigns, etc. – all of which contributed to raising the profile of the Federation and its perception by the public;

The importance of these communication tools, and others that may still be developed in light of further technological developments, to retain a strong link with the membership, including with affiliates that cannot attend regular meetings but are seeking guidance and best practices with respect to the labour representation of professional performers in their countries;

That an effective communication policy requires resources, both financial and human, to maintain a high standard and be sustainable in the long term.

The 21st Congress of the International Federation of Actors resolves:

To acknowledge the work by the Secretariat to step up FIA's online presence and facilitate its communication with the members, institutional partners and other stakeholders;

That efforts shall continue to be made to hone these achievements and further promote the work and image of the Federation, with a view to raising global awareness about the policies, activities and campaigns of FIA and its members;

That reasonable, but adequate, resources shall be set aside annually to sustain FIA's communication policy.

**MOTION N. 13 OF THE 21ST FIA CONGRESS ABOUT
THE IMPORTANCE OF FUNDING FOR THE ARTS AND CULTURE**

São Paulo, Brazil, 25 September 2016

Considering:

That the arts and culture can break down boundaries;

That as the world is challenged by unrest and fear, arts and culture are more important than ever, as a cultural build-up is far more adequate than weapons and security measures.

That arts and culture unite across beliefs and cultural backgrounds. When we are gathered as human beings around the arts, we create a better foundation for peaceful coexistence.

That in the globalized world of today, people are increasingly influenced by political currents, conflicts and fears.

That arts and culture and cultural diversity are therefore crucially important in order to break down these fears, prejudices and entrenched beliefs.

The 21st Congress of the International Federation of Actors:

Appeals to all nation states to focus even more on, and allocate more resources to, the arts and culture;

Encourages its members to continue to advocate for sustainable and significant cultural policies and expresses its full support to their on-going endeavours.

APPROVED MOTIONS

**MOTION N. 14 OF THE 21ST FIA CONGRESS ABOUT
THE NEED FOR A BETTER ECONOMY OF CULTURE IN SPAIN**

São Paulo, Brazil, 25 September 2016

Considering:

The resolute rejection by the FIA 2012 Congress of a tremendous increase of the value added tax in cultural goods and services decided by the Spanish government, as well as the scrapping of private copying levies and subsequent compensation of right owners on the basis of an arbitrary, and grossly inadequate, State-budget flat amount;

That these changes have had a devastating effect on the sustainability of the arts and cultural sector in Spain, the employability of performers as well as the funding of various social programmes, meant to alleviate the worse effects of precariousness and job insecurity in the sector;

That all attempts since then to build a constructive dialogue with the Spanish government have failed to deliver a positive outcome;

That political elections may deliver new opportunities for a constructive dialogue,

The 21st Congress of the International Federation of Actors urges the Spanish government to implement a more equitable taxation policy in the field of arts and culture, as well as measures – including with reference to intellectual property – to promote investment, sustainable growth and decent work opportunities in the sector.

**MOTION N. 15 OF THE 21ST FIA CONGRESS ABOUT
REPERTORY THEATRE AND FUNDING**

São Paulo, Brazil, 25 September 2016

Given that:

In a precarious profession, repertory theatre companies in their various forms across the world provide a degree of stability and security for actors and other creative workers. They enable younger performers to develop their skills across a range of work and help to sustain the careers of established performers.

Repertory theatres are also more likely to uphold best practice in terms of providing properly paid preparation and rehearsal time for performers and in giving access to unions to organise performers. They are also best placed to respond to the increasing demands made by creative workers for family friendly working practices.

In many countries, however, repertory companies are suffering from a lack of investment by Governments. In response companies have been forced to close, reduce the terms and conditions offered to company members or cut the number of productions that they can undertake.

The 21st Congress of the International Federation of Actors resolves to:

Support FIA affiliates in their campaigns to protect funding for repertory theatre at national, regional and local level.

Make the case for repertory theatre as an essential component of a sustainable live performance sector in particular by providing an excellent training ground for the next generation of performers.

**MOTION N. 16 OF THE 21ST FIA CONGRESS ABOUT
COLLECTIVE BARGAINING FOR FREELANCE AND SELF-EMPLOYED PERFORMERS**

São Paulo, Brazil, 25 September 2016

Acknowledging the significant barrier to collective bargaining for freelance artists in many European countries and the subsequent insecurity this brings for the workers concerned.

Further acknowledging that this is a problem also elsewhere, in countries with similar legal frameworks as regards the promotion of competition and the prevention of anti-competitive practices.

Whereas ILO Recommendation no. 198 sets out well established criteria for the existence of a work relationship and calls on member states to ensure the effective protection of all workers.

Whereas at the May 2014 Global Dialogue Forum on Employment Relationships in the Media and Cultural Sector the ILO adopted Points of Consensus which also stated that "governments need to ensure that competition legislation does not obstruct the right of media and cultural workers to freedom of association or to engaging in social dialogue with their social partners", also saying that "social dialogue includes collective bargaining" among other things. These Points of Consensus were later adopted by the Governing Body of the ILO in November 2014 during its 322th session.

Whereas the European Economic and Social Committee - in its 18 May 2016 opinion on the changing nature of employment relationships and its impact on maintaining a living wage, social security systems and labour law - expressed concerns that where workers are regarded as self-employed, their right to associate freely may be in question if their association may be regarded as forming a cartel - the opinion further stating that these concerns, which could undermine this fundamental right, need to be addressed and remedied.

Whereas guidance is needed around the application of competition rules to self-employed workers in an employee-like situation. In this context, the use of the ILO understanding of "worker" rather than the more narrowly defined "employee", could be helpful to better understand how fundamental principles and rights at work apply, the enjoyment of which competition rules should not impede.

Whereby efforts are being made at national level in Ireland and the Netherlands to create national legislation on this issue.

The 21st Congress of the International Federation of Actors:

Affirms its on-going support to affiliates in pursuing a commitment to ensure that the fundamental rights of all workers to enjoy freedom of association and core labour rights such as collective bargaining, regardless of the status of the employment or contractual relationship, is not undermined by competition rules.

Further undertakes to use the experience garnered within the European context to better advocate for performers elsewhere, experiencing similar over-zealous and unfair application of competition rules to the detriment of collective bargaining to regulate minimum rates of pay and create a more equitable industry.

**MOTION N. 17 OF THE 21ST FIA CONGRESS ABOUT
THE STATUS OF THE ARTIST IN JAPAN**

São Paulo, Brazil, 25 September 2016

Whereas most performers in Japan have no employee status and thus fall outside the scope of labour law – with no social benefits, no entitlement to unemployment benefits or insurance coverage at the workplace;

Whereas competition law severely hampers their collective representation and the negotiation of minimum terms and conditions in television, film and theatre (including where publicly funded);

Whereas performers in Japan also encounter frequent difficulties with agents and managers, whose work is completely unregulated and who may exert a quasi-proprietary control over performers, preventing them from making free artistic choices, morally harassing them and keeping them from choosing who else may manage their professional careers;

Whereas in general, there is no legislation in Japan – other than in the field of intellectual property – that even remotely addresses the needs of performers, from a labour, social and human point of view.

The 21st Congress of the International Federation of Actors:

Strongly affirms the principle whereby, regardless of their contractual status, performers are workers and are as such entitled to have access to core labour rights, including the right to unionise and bargain collectively.

Calls on governments, including the government of Japan, to respect and implement the UNESCO resolution on the Status of the Artist by creating a legislative framework to protect and enhance the wellbeing of performers in society.

Furthermore, the FIA Congress resolves:

To continue to work with other global union federations to promote access to core labour right for all workers in the media, arts and entertainment sector, fight against disguised employment practices and advocate for sustainable employment policies at national, regional and international level.

To continue to advocate for an exemption for economically dependent workers engaged in collective bargaining from the scope of competition law, as they apply to undertakings and in the corporate world.

To collect good practices with respect to the regulation of the work of agents and managers, with a view to assisting affiliates in their efforts to drive higher standards, through self-regulation or normative action.

**MOTION N. 18 OF THE 21ST FIA CONGRESS ABOUT
PAID ARTISTIC WORK**

São Paulo, Brazil, 25 September 2016

Whereas Article 23 of the Universal Declaration of Human Rights states that everyone has the right to work, to free choice of employment with fair and favourable conditions, thus ensuring for himself and his family a dignified existence;

Whereas UNESCO's 1980 Recommendation on the Status of the Artist affirms the artist's rights to be considered a cultural worker and to benefit accordingly from all social and economic benefits relating to the legal status of workers;

Recalling that this Recommendation considers that artists should have the right to be recognised as a professional category and that, in addition, it affirms:

That Member States must recognise the right of the artist to make a living of their work;

That the artist is entitled, as a cultural worker, to economic guarantees and that he/she should receive protection with regard to income and social security;

Whereas the FIA and FIM Manifesto on the Status of the Artist asserts a number of core rights for professional artists to make a dignified living through their profession.

The 21st Congress of the International Federation of Actors affirms:

The inalienable right of all performing artists on set or on stage to receive a fair remuneration for their work, wherever and whenever a show is professionally produced, in accordance with the FIA Better Rates Principle.

**MOTION N. 19 OF THE 21ST FIA CONGRESS ABOUT
THE PROLIFERATION OF NON-UNION ARTISTS' GROUPS**

São Paulo, Brazil, 25 September 2016

Whereas:

At the Global Dialogue Forum on Employment Relationships in the Media and Culture Industry organised by the International Labour Office in May 2014, employer representatives expressed their wish to pave the way for professional associations that are not unions to become potential partners;

In some of our international business sectors, such as the recording industry, the same desire exists on the management side and the European group of FIA itself has co-signed an initiative with one of these associations;

In many countries where unions do not exist, professional associations are emerging; they can also thrive where unions covering the same occupations already exist;

In the former case, these organisations could be a necessary response, perhaps temporary, to a situation of repression and lawlessness, with a view to gradually evolving to union status: an objective that is desired and is to be encouraged;

In the latter case, these associations sometimes act in harmony with the unions, providing a forum for the exploration of professional realities that transcends the 'core business' of traditional unions;

Yet they sometimes operate in competition with the unions, seeking to benefit from the same rights and attributes as these, without having the same obligations. They can also have shared views with employers or even be promoted by them.

The 21st Congress of the International Federation of Actors resolves:

To establish a working group to study the extent of this phenomenon and to share the experiences of members, with the aim of determining, if necessary, a common strategy to face the challenges potentially posed at national and international levels, and to adopt a clear stance for the Federation concerning its relationship with such associations.

**MOTION N. 20 OF THE 21ST FIA CONGRESS ABOUT
PROMOTING BEST CONTRACTUAL PRACTICES IN AUSTRIA, SUPPORTED BY
ADEQUATE PUBLIC INVESTMENT IN THEATRE**

São Paulo, Brazil, 25 September 2016

Whereas in theatres in Austria, showing opera, musicals, or drama, there is an increasing number of short-term contracts or guest contracts and in-house ensembles are steadily reduced by the employers. The previous practice of 12 month contracts for performers in such artistic venues is being eroded and undermined.

Whereas such theatre ensembles are essential for the artistic identity and continuity of theatres and also for the professional security of the performing artists.

Whereas, the Austrian union has a long-standing demand that performers working in the field of small theatres or theatre groups have to get employee contracts according the Austrian law in this area (The "Theaterarbeitsgesetz").

Whereas this law, which in theory regulates the engagement of all performers as employees, is not implemented in reality, mainly because smaller theatres do not, in practice, get sufficient public financial support to enable them to offer such employee contracts.

Whereas, such small theatres often offer the first opportunity for young performing artists after their graduation from acting schools and that they therefore all the more urgently need employee contracts to get social insurance at the beginning of their professional working lives.

The 21st Congress of the International Federation of Actors:

Calls on the government of Austria to stop this negative trend in Austrian theatre and to enable the continuation of the practice of engaging performers on 12 months contracts in the theatres in Austria to foster theatre ensembles to the benefit of Austrian theatrical tradition.

Calls upon the public authorities to grant sufficient financial assistance to other small theatres and theatre groups to enable the employers to grant employee contracts in accordance with the Austrian law (Theaterarbeitsgesetz)

Affirms its support to Younion, HG VIII, Sektion Bühnengehörige in its efforts on behalf of performers in Austria.

**MOTION N. 21 OF THE 21ST FIA CONGRESS ABOUT
THE PROFESSIONAL TRANSITION OF DANCERS**

São Paulo, Brazil, 25 September 2016

Considering that:

Lifelong training and professional transition have become important aspects of all performers' careers, but this is especially true and crucial for professional dancers. Many dancers end their performance careers at an early age, a time when other professionals are reaching their most productive years. Although their dance career may have ended, transitional support enables dancers to drive their passion, creativity and pursuit of excellence towards a wide range of alternative career options.

FIA has been involved in supporting the professional transition of dancers by gathering and sharing information on the issue as well as conducting specific endeavours, among which a project on career transition schemes for dancers in Europe, in cooperation with the International Organization for the Transition of Professional Dancers (IOTPD). The project aimed at gaining a better understanding of the career trajectories of dancers in Europe and of how transition schemes could maximise these. A new project is expected to help disseminate good practices and develop career transition schemes in a few countries in Europe where there currently are none.

Efforts to raise awareness about dancer transition issues worldwide and share experiences, find information and support for professional dancers are of main importance to FIA members and should remain high on the FIA Agenda.

The 21th Congress of the International Federation of Actors resolves:

To keep collecting information about good practices and innovative projects in the field of professional transition for dancers;

To keep working with other performers' organisations, international governmental organisations/ bodies and stakeholders on this issue, as appropriate;

To continue to promote awareness and recognition of the role of dancers' transition at all levels;

To encourage FIA members to advocate with competent authorities, employer and other bodies for new transition opportunities for professional dancers.

**MOTION N. 22 OF THE 21ST FIA CONGRESS ABOUT
PROFESSIONAL WORK OPPORTUNITIES IN ATYPICAL WORK ENVIRONMENTS**

São Paulo, Brazil, 25 September 2016

Considering that:

Performers constantly need to hone and diversify their professional skills to stay on top of their game, generate new work opportunities and maximise their chances to earn a decent living from their craft;

Beyond their conventional work environment (e.g. a stage or a set), there are many – arguably less typical – opportunities in society where their professional skills may be put to good use and that performers may thus wish to consider as complementary, or sometimes even alternative, career development options – including performing arts teaching in primary or secondary schools; therapeutic dancing with special need groups; public performance skills development in the corporate world, etc. Most of these jobs have a meaningful societal value as they contribute to enhancing the physical and/or physiological wellbeing of other people.

Other professionals, lacking proper artistic training, often end up filling in this "niche" market – despite its reliance on strong performing skills,

The 21th Congress of the International Federation of Actors resolves:

To endorse the employment of professional performers, not just in customary work environments but equally wherever performing skills are sought after in a less typical context - e.g. for the purposes of teaching performing arts in primary or secondary schools or attending to the therapeutic needs of special groups, etc. – with an interdisciplinary approach, where suitable.

To further recognition by life-long and career transition centres, professional qualification and training programmes in the performing arts field of the opportunities that this "niche" market may also offer for the employment of professional performers and their contribution to the wellbeing of society.

**MOTION N. 23 OF THE 21ST FIA CONGRESS ABOUT
COORDINATING THE ENFORCEMENT OF SAFETY AND OTHER WORKING
CONDITIONS REQUIREMENTS ON INTERNATIONAL PRODUCTIONS**

São Paulo, Brazil, 25 September 2016

Whereas FIA affiliates share the objective of ensuring that performers work under contracts that include terms related to payment, working conditions, safety, and dignity and respect on set;

And whereas in this global entertainment market, productions are taking place around the world;

And while in many cases, where performers are required to work on a contract of their own union or the union in place in the location of production, it is not possible for home performer's union to be on location to enforce the home agreement or the individual performer's contract

The 21st Congress of the International Federation of Actors resolves:

That when performers resident in the geographic jurisdiction of one affiliate ("originating affiliate") are working at a location that is distant from the performers' home and within the geographic jurisdiction of another affiliate ("production site affiliate"), the originating affiliate is encouraged to inform the production site affiliate and the two affiliates are encouraged to exchange information that will be useful for monitoring safety issues on set;

That the production site affiliate is encouraged, to the extent that it is necessary and practical, to assist with monitoring and enforcing safety requirements on set in cooperation with the originating affiliate;

That a working group shall be formed to develop protocols for such communication and activity and to gather information with respect to legal and contractual safety requirements that may be applicable to productions in affiliate jurisdictions.

APPROVED MOTIONS

**MOTION N. 24 OF THE 21ST FIA CONGRESS ABOUT
MULTINATIONAL MEDIA COMPANIES**

São Paulo, Brazil, 25 September 2016

Considering:

The role of powerful multinational media companies in content production and distribution, both in the analogue as well as in a digital and borderless environment;

That some of those companies, and/or their subsidiaries operating at national level, show patent disregard for core labour rights, shunning collective bargaining and preventing trade unions from collectively representing the fair and legitimate interests of professional performers;

That other international trade union federations like UNI and its media branch, UNI MEI, have been successful in negotiating global framework agreements with global companies, establishing important principles from top to bottom – among which respect for the right of workers to organise and negotiate collectively.

The 21st Congress of the International Federation of Actors resolves:

To expand on the work of its co-production and international production working group so as to promote respect for performers' core labour rights, not only on a production-basis but equally at global corporate media level;

To collect data and identify multinational media companies sustaining or tolerating anti-labour practices, either directly or through parent local companies;

To reach out to sister trade union internationals and explore areas of mutual cooperation to promote respect for core labour rights at all production levels.

**MOTION N. 25 OF THE 21ST FIA CONGRESS ABOUT
HEALTH AND SAFETY IN FILM AND TELEVISION PRODUCTION IN INDIA**

São Paulo, Brazil, 25 September 2016

Considering:

That in recent years, the Indian television industry has grown at an unprecedented pace, with hundreds of channels now commissioning an extremely diverse content, from feature films, to soaps, documentaries, reality shows, games, etc. and in several languages;

That many international media companies, like Fox, Sony, the BBC, Disney, Endemol, Discovery, Netflix have set up parent companies in India to compete for audience and benefit from the windfall of a vast and young market and that, whilst complying with strict H&S standards abroad, most of the production carried in India for them is unspeakably dangerous;

That whilst performers play an essential role in the delivery of such rich and diversified content, they work in appalling conditions, are subject to gruelling shifts, with barely any time to rest, have almost no time to rest, are exposed to serious risks as most shootings are on location and do not comply with the most elementary health and safety requirements;

That performers and crew must be constantly on call and that are often subject to exhaustion, stress-related or induced injuries and accidents;

That fire, electrical shocks, trips and falls and other injuries are commonplace and casualties also a recurring fact among both performers, especially stunts, and crew;

That most of these accidents, that often have life-long consequences, could be easily avoided by proper sectorial OSH regulation, industry H&S codes, awareness raising campaigns and proper implementation mechanisms.

The 21st Congress of the International Federation of Actors resolves:

To firmly condemn double standards by multinational media companies with respect to their production houses based in India, especially where they gamble with the safety and the lives of performers and crew and run their businesses on the premise that replacing labour in India is a cheaper and more convenient option than investing in proper H&S;

To urge the Indian government to regulate the film and TV content market, namely by adopting a H&S framework for the film and television industry, appropriate mechanisms to enforce these provisions and by spearheading the negotiation of an industry safety code by legitimate labour and business representatives, in line with international standards;

To urge the Indian government to upscale investment in Film City, a state-owned studio complex in Mumbai, whose state of decay poses severe threats to the safety of all workers and to provide, among other things, satisfactory medical and sanitary facilities for performers and crew working there;

To continue to work with other trade union internationals like UNI MEI to raise awareness about OSH management and build capacity among film and television workers' unions in India, and in Bollywood especially, with a view to raising industry standards and enhance collective bargaining.

**MOTION N. 26 OF THE 21ST FIA CONGRESS ABOUT
CAPACITY BUILDING IN CENTRAL AND SOUTHEASTERN EUROPEAN COUNTRIES**

São Paulo, Brazil, 25 September 2016

Considering:

That performers' organisations, whether guilds, unions or associations, in Central and South-eastern Europe are unable to meet and exchange best practices and experiences on a regular basis, due to language barriers and economic restrictions among other things;

That they have a strong common history and face similar challenges, especially with regards to organising an increasingly freelance and self-employed workforce and collectively negotiating minimum terms and conditions with employer bodies;

Acknowledging:

The valuable support provided by FIA, especially at meetings of its European group or within the framework of EU-funded projects and the EU Social Dialogue;

The need for a stronger focus on the specific needs of FIA members in Central and South-eastern European countries, where performers' organisations are still weak and collective bargaining a far cry from established practices of the Western world,

The 21st Congress of the International Federation of Actors resolves:

To step up its capacity building efforts in this region and further encourage a sustainable and organised dialogue between performer organisations and employer bodies, both in the field of audiovisual production and live performance;

To continue to provide advice and experience to members in this region around the collective representation of freelance and self-employed performers, as well as collective bargaining;

To continue to share valuable information with respect to the status of the artist and the collective management of intellectual property rights.

**MOTION N. 27 OF THE 21ST FIA CONGRESS ABOUT
CAPACITY BUILDING FOR UNIONS IN THE CAUCASUS, EAST EUROPE AND CENTRAL
ASIA (CEECA) REGION**

São Paulo, Brazil, 25 September 2016

APPROVED MOTIONS

Considering:

That cultural workers' and actors' unions in CEECA countries that used to be part of the former Soviet Union thrived as long as centralised economies supported permanent employment in the sector, with venues and production houses entirely subsidised by state budgets and trade unions representing nearly 100% of the workforce;

That since the switch to the market economy, deregulation, competition, liberalisation and severe cuts to public funding have brought about greater employment insecurity and job casualisation for all workers in the live performance and audiovisual sectors, primarily performers but also certain technical trades;

Recalling:

The motions on trade union development and capacity building adopted over the past two decades by several FIA Congresses, including those held in Copenhagen, Montevideo, Budapest, Marrakech and Toronto;

The generally positive outcomes of the union development, capacity building and twinning campaigns carried out by FIA over several past business periods in Africa, Asia, Latin America and the former Soviet Union, notably through partnerships with sister internationals and external donors;

Noting:

That in order to adjust to the new economic realities and remain relevant to these segments of their membership, cultural workers' and performers' unions in CEECA countries need to adapt and modify their organizational structure and operational policies and procedures so as to serve and represent these new casual workers and avoid letting them "fall through the cracks";

That this is an area where FIA affiliates in this region still need to and can benefit from the experience, support and advice of their Western colleagues;

The 21st Congress of the International Federation of Actors resolves:

To step up efforts to seek financial support, in cooperation with UNI MEI, from Union To Union or other trade union sources with a view to advising unions in the CEECA region as to how best they can reach out to, and represent, cultural workers and performers with short-term, project-based and other casual forms of employment.

**MOTION N. 28 OF THE 21ST FIA CONGRESS ABOUT
PERFORMER AND ACTIVIST SILVANOS MUDZVOVA IN ZIMBABWE**

São Paulo, Brazil, 25 September 2016

Performer and activist Silvanos Mudzvova is currently recovering in a hospital in Harare, Zimbabwe, after six armed men abducted him from his home.

Late in the evening on 13th September 2016 Silvanos was driven out of the city and brutally tortured.

Silvanos believes that he was targeted, as he is responsible for the creative side of a civil society movement called Tajamuka and was also acting as its spokesperson. It is also believed that his attackers are linked to the Zimbabwean Government.

Since April 2016 Mudzvova has been performing a one-man play, 'Missing Diamonds, I Need My Share', which focuses on money that has gone missing from mining operations in Zimbabwe. He was arrested for his first performance of the play, which he staged in front of parliament, and was released later that evening.

The 21st Congress of the International Federation of Actors resolves:

To resolutely condemn the most recent attack on Silvanos Mudzvova and the harassment he has previously suffered while performing;

To restate FIA's commitment to campaigning for freedom of artistic expression for all performers and creative workers;

To encourage FIA affiliates to support Silvanos Mudzvova in his current struggles and help convey any practical support to him through a trusted network.

**MOTION N. 29 OF THE 21ST FIA CONGRESS ABOUT
ACCEPTABLE TERMS AND CONDITIONS FOR VIDEO GAME PERFORMERS IN THE US**

São Paulo, Brazil, 25 September 2016

Considering:

That the production of video games has grown into a multi-billion dollar global industry that relies upon professional performances to achieve immersive, compelling game experiences for consumers;

That video game producers have largely resisted the requirement of making any form of secondary payment to those professional performers in circumstances where other entertainment employers typically do;

That the vocal performances rendered for video games frequently consist of painful deaths, battle cries, grunts, creature sounds and other vocalizations that pose an unusual risk of stress and damage to performers' voices;

That video game companies typically engage performers without providing essential information including the title of the game, the role they are casting for and the nature of the performance they seek, thereby rendering performers unable to make meaningful decisions about whether to accept a role and unable to bargain for fair compensation when they do;

That US video game performers working under the SAG-AFTRA Interactive Media Agreement, which has been expired for nearly two years, are attempting to address these concerns in a challenging negotiation with video game employers who have thus far resisted progress on these issues.

The 21st Congress of the International Federation of Actors resolves:

To support the achievement of secondary payments for performers working in video games;

To support the establishment of meaningful protections against vocal stress and damage for performers working in video games;

To support the requirement of transparency for performers working in video games so that they can make meaningful decisions about which roles to accept and bargain for fair compensation when they do;

To encourage FIA affiliates worldwide to express their support and lend assistance as appropriate to the SAG-AFTRA video game performers who are presently attempting to achieve these objectives in a challenging negotiation with a group of major video game producers.

APPROVED MOTIONS

**MOTION N. 30 OF THE 21ST FIA CONGRESS ABOUT
IRANIAN ACTOR AND REFUGEE SEEKING ASYLUM IN AUSTRALIA**

São Paulo, Brazil, 25 September 2016

Given that:

Mehdi Savari is an Iranian actor who has worked with numerous theatre troupes in many cities and villages in Iran and for a time was the host of the most popular children's television show in Iran's Khuzestan Province.

On 23 July 2013, Savari undertook a dangerous journey by boat and landed on Christmas Island in Australia, asking for political asylum. Four days earlier on 19 July 2013 the Australian government introduced the new policy that any asylum seeker who comes to Australia by boat without a visa, even if found to be a genuine refugee, would be refused settlement in Australia. Soon after Savari landed in Christmas Island, he was transferred out of Australia to an offshore detention facility in Manus Island, Papua New Guinea (PNG).

He has since been found to be a genuine refugee and asks to be settled in Australia.

Savari has been in detention on Manus Island in Papua New Guinea for almost three years. During this time he has become famous throughout the detention centre and around the Island for his dramatic skills. He stages plays for the other prisoners and is particularly known for his satirical performances.

The 21st Congress of the International Federation of Actors therefore resolves:

To support the call by the Media, Entertainment & Arts Alliance (MEAA) for the Australian government to release from detention the Iranian actor and MEAA member Medhi Savari who has been recognized as a genuine refugee and continues to be held on Manus Island.

**MOTION N. 31 OF THE 21ST FIA CONGRESS ABOUT
THE SUSPENSION AND DISMISSAL OF ACTORS IN THE MUNICIPAL THEATRE OF
ISTANBUL IN TURKEY**

São Paulo, Brazil, 25 September 2016

Considering that:

The declaration of a state of emergency in Turkey raises concerns in the artistic community about a possible abuse of power by local authorities to the detriment of performers.

After the declaration of the state of emergency, six performers employed by the Municipal Theatre of Istanbul were suspended from work. No one in authority in the theatre or in the municipality have explained so far on what basis these measures were taken.

Twenty-one performers working in the Municipal Theatre of Istanbul have been hired and later dismissed by a subcontractor with no justifiable explanation. Subcontracting performers is a precarious and unlawful practice.

Following a social media campaign and discussions with the Municipal Theatre, thirteen out of those twenty-one performers were reinstated. Yet, no justifiable explanation has been given so far regarding their dismissal and subsequent reinstatement, or with respect to the future treatment of the other eight performers.

That yet another performer employed by the Municipal Theatre of Istanbul was subject to disciplinary action on the basis of his perceived political statements on social media. This performer was subsequently dismissed.

The 21st Congress of the International Federation of Actors:

Calls on the Mayor of the Istanbul Metropolitan Municipality, the Municipal Theatre of Istanbul and all relevant authorities to cease the current unacceptable practice of dismissing performers without cause or explanation and to immediately reinstate all performers who have been dismissed or suspended.

Urges the Municipal Theatre of Istanbul to stop the precarious and unlawful practice of hiring performers through subcontractors.

Most importantly, this Congress calls upon the Turkish Government to ensure that the state of emergency does not undermine artistic freedom or the safety of performers.

**MOTION N. 32 OF THE 21ST FIA CONGRESS ABOUT
DIVERSITY, NON-DISCRIMINATION AND RESPECT OF REFUGEE ARTISTS**

São Paulo, Brazil, 25 September 2016

Considering that:

New waves of migration, caused by conflict and economic stress, are currently roiling the world;

Performers are among those to be found among the flow of migrants and refugees;

Many performers are working in refugee camps to alleviate the conditions of those that are populating them.

The 21st Congress of the International Federation of Actors resolves:

To ask affiliate unions to seek to take stock of the situation of migrant and refugee performers in their region;

To report on good practices concerning performers working with the population of refugees and migrants, and

To seek to centralize this information so that a working group might search for effective means to improve the situation of performers stuck in the wave of migration.

**MOTION N. 33 OF THE 21ST FIA CONGRESS ABOUT
THE DOUBLE TAXATION OF WORKERS IN THE ARTS AND ENTERTAINMENT SECTOR
IN CHILE**

São Paulo, Brazil, 25 September 2016

Considering that:

Workers in the arts and entertainment sector are subject by article 145L of the Chilean Labour Code to a double taxation, as they are considered to be employed workers (for the purposes of social security) and independent contractors (for the purposes of taxation).

This hinders employment opportunities in the sector, both for workers and employers, increasing hiring costs and affecting the income of artists and technicians.

Wages in the sector are low, especially in theatre, which affects the quality of life of workers, whilst stifling the efforts undertaken by the Chilean actors' union (SIDARTE) to formalize employment in the live performance and audiovisual sectors.

A few weeks ago, SIDARTE was informed of the decision by the current government to scrap the removal of this damaging article from the legislative agenda - a commitment that the government had taken with the union and the workers.

The 21st Congress of the International Federation of Actors resolves:

To support the campaign of its affiliate in Chile, SIDARTE, to remove this double taxation, which negatively affects performers.

To urge the government of Chile to include this amendment to the Labour code in its forthcoming legislative agenda.