

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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INTRODUCTION

Presentation of the study

This report 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 report 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 recognition¹. 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.

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 nomenclature²

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.

Note: the abbreviations used in this report 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.

COMPARATIVE 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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •Publishing (NACE 22.1) •Recreational, cultural and sporting activities as a whole (NACE 92) •Estimations for the arts sector 	<ul style="list-style-type: none"> •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 	<ul style="list-style-type: none"> •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	<ul style="list-style-type: none"> •C&M sector 	<ul style="list-style-type: none"> •Private-sector jobs: 18,512 •Public-sector jobs : 32,937 Not included: self-employed persons (genuine or otherwise) and informal workers, both quite frequent 	<ul style="list-style-type: none"> •Private sector: 2,658 •Public sector: 1,624 Very different legal forms; very large number of small structures
Denmark	<ul style="list-style-type: none"> •C&M sector (NACE 92.1- 92.5) 	<ul style="list-style-type: none"> •C&M sector: 33,945 jobs (or 36,009 workers) equivalent to approx. 1.15% of the total number of jobs in Denmark 	<ul style="list-style-type: none"> •C&M sector: 5,662 workplaces corresponding to approx. 2.50% of registered workplaces in Denmark The sector is dominated by private enterprises
Finland	<ul style="list-style-type: none"> •Culture sector •Media sector 	<ul style="list-style-type: none"> •Culture: about 40,000 people (1.8% of the employed labour force) •Media: about 50,000 people (2.2% of the employed labour force) 	<ul style="list-style-type: none"> • 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:

			<p>strong and traditional industry; shift work</p> <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Culture (based on official nomenclature of professions) • Audiovisual and performances (based on INSEE Employment survey 2002) 	<ul style="list-style-type: none"> • Culture: nearly 429,000 workers, or almost 2% of the working population • Audiovisual and performance: around 116,000 workers 	ND
Germany	• C&M sector	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Culture sector • Media sector 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Culture sector • Media sector 	<ul style="list-style-type: none"> • Culture: 188,700 people, or 2.5% of total employment • Media: 121,500 people, or 1.6% of total employment 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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" 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 441,000 jobs (source: Ministry of Education) or 850,000 jobs (source: García, M.I.; Fernández, Y. Zofio, J.L.) Significant rise in employment in 	<ul style="list-style-type: none"> • 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

		recent years	
Sweden	•C&M sector	<ul style="list-style-type: none"> •53,373 workers (corresponding to 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 	<p>The public sector is present, though not exclusively, in some sub-sectors</p> <ul style="list-style-type: none"> •Around 23,300 companies, of which some 87% without 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	<ul style="list-style-type: none"> •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 	<ul style="list-style-type: none"> •41,822 companies corresponding to 2.3% of the total number of companies, of which 69% are "Artistic, literary etc." companies <p>The average size of employing units is small High percentage of freelance and independent employment in the sector</p>

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 sized 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.
- 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 Council³.

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	<u>Culture</u> : • 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 repertoires.
Germany	<u>C&M sector</u> : 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	<u>Culture sector</u> : 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. <u>Media sector</u> : 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 omnipresence 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	<u>C&M Sector</u> : 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	<u>Audio-visual sector</u> : 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 nationwide 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	<u>Culture</u> : 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. <u>Media</u> : 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	<u>Culture sector</u> : it is of little importance in the Portuguese economy as a whole. <u>Media sector</u> : 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	<u>C&M</u> : 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	<u>C&M sector</u> : 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	<u>Cultural activities</u> : the operation of arts facilities has proved the most dynamic. <u>Media activities</u> : 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 LEVEL⁶

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 in 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 (EIROOnline), *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 Actors⁸

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 Sector⁹

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 Musicians¹⁰

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.

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 sector¹¹

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 Journalists¹²

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 Broadcasters¹³

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 Producers¹⁴

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 Europe¹⁵

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 Radios¹⁶

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 Associations¹⁷

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 DDDFF (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, VTFE (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: KVGGO (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: AGEF (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 Catalan 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), POTHΑ (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 payers 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.

NATIONAL REPORTS

AUSTRIA

1. DESCRIPTION OF THE SECTOR

Delimitation and scope of activities

The sector definition reflects the own national expert's opinion, which in turn is in accordance with the normal understanding of C&M in Austria. There is a tendency to understand C&M as entertainment. This is because many activities addressed by the project outline are subsumed by NACE classifications under the broader category of Code 92, which embraces "recreational, cultural and sporting activities". Likewise, one of the trade unions relevant to this study includes the arts, the media, and sporting activities in its constituency. By contrast, internet-related activities are more associated with NACE Code 72 (i.e. computer and related activities). This is also manifested in the system of industrial relations, particularly CB, and in actors that are not linked to culture and the media. If we add the press, in line with the project outline, a reasonable delimitation of the sector in terms of NACE categories emerges as follows: 22.1 publishing; 92.1 motion picture and video activities; 92.2 radio and television activities; 92.31 artistic and literary creation and interpretation; and 92.32 operation of arts facilities. For the sake of brevity, activities embracing 92.1, 92.2, 92.31 and 92.32 are henceforth referred to as the "arts sector".

Sector properties and developments

The sector is clearly divided into two sub-sectors: publishing and the arts. As this report will outline in greater detail below, this especially applies to industrial relations and its actors, but there are nonetheless important commonalities. One feature common to all parts of the sector is the comparatively strong state interference in business activities. This has taken two main forms: firstly, almost all parts of the sector receive state subsidies¹⁸; the broad coverage of this state support can be seen in the fact that even highly profitable newspapers with massive sales are subsidised by the state¹⁹; secondly, the other form of interference is state ownership, but more importantly, this concerns theatres, radio and television activities. The state-owned Austrian Broadcasting Corporation (Österreichischer Rundfunk Fernsehen, ORF) had a broadcasting monopoly until 1993. After that, the broadcasting market was gradually opened up as private networks were awarded licences to operate via cable or satellite at local and regional level. However, it was not until 2001 that legislation permitted the full commercialisation of broadcasting, thereby paving the way for a tender for the first country-wide television licence based on terrestrial transmission in addition to the ORF. Following this tender, the first and only private television company entitled to transmit its programmes across the entire country started operating in 2003. In the European Union, Austria was the last member state to issue such a licence. As a consequence of this rather restrictive policy, private broadcasting companies based in Austria are extremely small in terms of market share, as compared to the ORF. Another commonality derives from the fact that Austria is part of the larger area of German-speaking culture, and there has traditionally been close contact and considerable interpenetration with all parts of Germany's C&M industry, giving rise to intensified cooperation, as well as competition, between Austrian and German corporations. This also included broadcasting even during the period when the ORF enjoyed a formal, or de facto, monopoly. The ORF has developed cooperative relations with several German broadcasting corporations with a view to co-producing and co-financing television programmes. Conversely, the ORF has had to face stronger competition from the German broadcasters than from private Austrian companies as a result of trans-national transmissions by cable and satellite: in 1998, for instance, the ORF's market share in households with cable-TV or satellite-TV was no more than about 50% (Institut für Publizistik und Kommunikationswissenschaft 1998). Notably, this competition concerns revenue from advertising, as several German broadcasting corporations have inserted commercials into their programmes which particularly target the Austrian market. As regards publishing, traditional cultural links between Austria and Germany have led to the growing presence of German companies in Austria, and many publishing houses (including those which produce the best-selling newspapers) are now owned or co-owned by German enterprises.

¹⁸ Supplementary comment by the KMSfB: Moreover, because of the low budget and the restrictive financing policy of the public bodies, it could happen that many small theatres will be closed (the new "Theaterreform" of the city of Vienna). The "Theaterreform" on the other hand supports free acting or dancing groups. Consequently, there is a big rate of unemployed performers, who receive unemployment benefit from the public unemployment office (AMS). However, if they were not employed (which is very often the case in small theatres) they cannot benefit of unemployment insurance according to the law.

¹⁹ A case in point is the "Kronenzeitung", which is by far the country's best-selling newspaper: in 2003, the "Kronenzeitung" received EUR 2,62,1,468 in subsidies (Der Standard 2004).

Employment

Official employment figures are available for publishing (i.e. NACE 22.1) and recreational, cultural and sporting activities as a whole (i.e. NACE 92). For publishing, there are 7,556 employees out of total employment of 7,735, and for recreational, cultural and sporting activities, there are 34,896 employees out of total employment of 44,503²⁰. There are no reliable figures for what was defined as the arts sector above; however, on the basis of several sources in the various sub-sectors of the arts that mainly stem from interest associations, it is possible to estimate employment figures²¹. On this basis, employment stood at around 31,300 in the late 1990s. This estimate makes it very clear that the lion's share of employment in NACE 92 is concentrated in the arts sector. If one takes the difference between total employment and the number of employees as a proxy for atypical (i.e. free-lance) employment, the figures of Table 1 suggest that there are more free-lancers in the arts sector than in publishing. This is plausible since the arts have been a traditional field of free-lance work. Free-lancing seems to have expanded hugely since the early 1990s: as a trade union official interviewed on this issue complained, about 80% of self-employment in the area of the arts has the task profile of an employee, and the correct employment relationship would be a labour contract, but in fact, employers frequently resort to a free-lancing service contract as this incurs lower labour costs. A similar trend towards self-employment is reported for the journalists' sub-category of publishing: according to union estimates, 60% of journalists work as employees, and the rest are free-lancers.

The labour force in both publishing and the arts is characterised by a fairly high level of qualifications, although this only appears to translate into above-average earnings in the case of publishing. Income statistics are only documented for broader areas of business activities: in the case of publishing, printing and the reproduction of recorded media (NACE 22), the average earnings of the sector's employees was 38.6% above the average earnings of all Austrian employees in 1999; by comparison, the corresponding figure for recreational, cultural and sporting activities (NACE 92) was 92.3% (Rechnungshof 2000). There are no data for the stratification of earnings (i.e. earnings differentials), but given that the small number of "stars" is at odds with the rest of employees in the arts sector and in journalism, there is good reason to believe that the distribution of earnings is more unequal in these two areas of employment than it is in Austria as a whole. This divergence in earnings has its counterpart in the preferred type of contract: while "stars" usually find free-lancing more attractive than a labour contract, the opposite holds true for the rest.

It is not possible to provide data on the relative importance of the sector compared to the whole of the economy, or the estimated importance of the underground economy.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING

As is generally the case in Austria, the sector is characterised by the principle of free CB. This means that social dialogue is purely bipartite, and that there is no state interference. An effect of this is that no sector-specific boards of tripartite negotiations or concertation have been established. CB takes place almost exclusively at the multi-employer level; the most important exception to this rule is the ORF, which is among the very few companies with negotiating rights, and it therefore takes part in CB in its own field. Single-employer bargaining also occurs on behalf of a few other groups of employees in the arts²². The other legally institutionalised mechanism of social dialogue in Austria after CB is the Works Council. From a legal point of view, Works Councils are formally independent of the unions, so it is possible to speak of a "dual" system of employee representation. In practice, though, they are generally integrated into the trade union system due to their high degree of union membership. The activities of Works Councils are subordinate to CB insofar as labour law allocates them a rather narrow list of competences, wage negotiations not normally being included in this list. As far as the system of CB is concerned, its complexity in terms of the parties to CB is far higher in the arts sector than in publishing. Table 1 gives a brief overview of the basic structure of the bargaining system in publishing; Table 2 does so with regard to the arts.

20 Employment 1999, Data source: Statistik Austria (2001) for publishing; Rechnungshof (2000) for recreational, cultural and sporting activities.

21 These sources are employment statistics in the Fachverband der Audiovisions- und Filmindustrie; Wirtschaftskammer Österreich (1997) and Theaterstatistik des deutschen Bühnenvereins, Scheuch (2000), and oral information provided by the Fachverband der Telekommunikations- und Rundfunkunternehmen. The problem with these sources is that they focus on different years, and refer either to employees or to total employment.

22 Examples of employers that conclude their own CA are the Holding of the Theatres of the Federal State (Bundestheaterholding) and the Province of Styria in cooperation with Graz local authority (on behalf of the Graz Philharmonic Orchestra).

Table 1 The system of multi-employer bargaining: publishing

Parties to CB		Purview of the CAs
Trade unions	Employers' organisations	
GDJP*	VÖZ	Daily, weekly and monthly newspapers, journals and magazines
GDJP*	ÖZFMV	Journals and magazines publishing a minimum of 4 issues and a maximum of 26 issues a year; weekly journals and magazines with print-runs of under 5000; free newspapers
GPA*	VÖZ	Administrative staff on daily, weekly and monthly newspapers, journals and magazines
GPA*	ÖZFMV	Administrative staff on journals and magazines publishing a minimum of 4 issues and a maximum of 26 issues a year; weekly journals and magazines with print-runs of under 5000; free newspapers

* Member unions of the ÖGB. For abbreviations, see Section 3 of this paper.

Table 2 The system of multi-employer bargaining: the arts²³

Parties to CB		Purview of the CAs
Trade unions	Employers' organisations	
KMSfB*	FAF ⁺	Motion picture and video activities (except cinemas)
KMSfB*	FLA ⁺	Cinemas ¹
KMSfB*	WBV	Theatres under the umbrella of the WBV ¹
KMSfB*	TV	Theatres owned by the <i>Länder</i> and municipalities ¹
KMSfB*	VVAT	Musicians employed by companies putting on musical entertainment
KMSfB*	FV ⁺	Technical employees of the United Theatres of Vienna ¹
GPA*	FLA	White-collar employees in cinemas ¹

* Member unions of the ÖGB; ⁺ Sub-unit of the WKÖ; ¹ Regionally differentiated bargaining. For abbreviations, see Section 3 of this paper.

In publishing, the system reveals that employee status is differentiated on the trade union side, and how this generally characterises Austrian private-sector CB. It should be noted, however, that white-collar employment is more narrowly defined than is usually the case; the Private-sector White-collar Workers' Union (Gewerkschaft der Privatangestellten, GPA), for example, only negotiates on behalf of administrative staff among white-collar employees. The system of employers' organisations significantly differs from standard practice in Austria: in the case of publishing, only voluntary employers' organisations are involved in negotiations, whereas CB in the vast majority of other sectors is exclusively carried out by the branch sub-units (i.e. federal organisations and their *Länder*-level sub-units) of the mandatory Economic Chamber of Austria (Wirtschaftskammer Österreich, WKÖ).

Differentiation by union-related employee status is more weakly established in the arts sector, where it only applies to cinemas. Apart from that, all CAs in the sector are negotiated by the Arts, Media, Sporting Activities and Liberal Professions Union (Gewerkschaft Kunst, Medien, Sport, freie Berufe, KMSfB). By comparison, the arts differentiate more into separate branches, and this results in a larger number of sector-related employers' organisations, and there is also differentiation by territory as several CAs are sub-national (i.e. their purviews are limited to certain regional

²³ Comment by the KMSfB: Firstly, it seems that the information related to musicians is incomplete. There are many CAs for the musicians and different employers' associations in the field of musicians. The contact persons for the musicians is Mag. Thomas Dürrer, secretary and Peter Paul Skrepek, president of the Sektion Musik (00431/31316-83 830, thomas.duerrerr@kmsfb.oegb.or.at). The study was forwarded to them in order to give them the possibility to check the study and make their comments.

KMSfB negotiates also CAs for performers in the federal theatres - the employers' association is the "Bundestheater Holding", the general secretary of this employers association is Dr. Georg Spinger. The national disagrees about this comment, because the comment confuses employer ASSOCIATIONS and employers. Table 3 lists only multi-employer CAs (i.e. agreements concluded by an employer association). The comment refers to single-employer agreements (i.e. agreements signed by a company). For instance, the Bundestheater Holding cited above is a company.

areas). Again, the representation of employers is unusual in that half of the sector's employers' organisations are voluntary, and certain areas of the sector are not covered by CB at all. This mainly applies to areas where there is least state interference: examples include some small private theatres and, more importantly, private broadcasting corporations. While there is very little employment in these areas, the spread of free-lance work, in particular when it is designed to bypass labour contracts, poses a more serious challenge to the CB system²⁴.

In addition to CB, the social dialogue of both sectors includes bipartite boards. In publishing, they are the Platform for the Training of Journalists (Kuratorium für Journalistenausbildung), which sets training standards, and the Platform for Press Identity Cards (Kuratorium für Presseausweise), which issues uniform identity cards for press correspondents. The participants in both platforms are the GDJP, the VÖZ and the ÖZFMV.²⁵ In the arts, there is a bipartite examination commission (Paritätische Prüfungskommission) that examines young performers in the fields of stage plays, opera, operetta, musicals, choirs, ballet and stage direction. The KMSfB, the WBV and the TV are members of this commission.

The industrial relations system is quite stable on the whole. All the parties to CB listed in the Tables 2 and 3 are well established associations with a long and unchallenged bargaining tradition. This stability can be traced to the fact that the purview of the CAs is mutually exclusive, but economic changes have nonetheless affected the bargaining landscape. For some time now, the two sides of industry have been negotiating a CA for private radio stations, a sector which, as was noted above, has not previously been covered. Furthermore, most unionised journalists left the KMSfB in 2001 for the GDJP: this was caused by tensions between the journalists' section and the KMSfB leadership over how to deal with the issue of free-lancing. Since then, the GDJP has been recognised as having negotiating rights for journalists in publishing (see Table 1).

3. ACTORS IN INDUSTRIAL RELATIONS²⁶

The range of industrial relations actors involved in the sector more or less corresponds with the parties to CB documented in Tables 2 and 3. However, two more actors might be added. The first is the ORF: as this report described earlier, the ORF carries out single-employer bargaining, and the company agreement is negotiated by the KMSfB for the staff, and by the central works council of the ORF. The ORF is important for the labour market and employment relations in the sector because of its sheer size. The second will be private radio stations if the social partners succeed in establishing CB in the sector. If they do, the sector's bargaining system will incorporate a new actor on the employers' side: the Federal Organisation of Telecommunications and Broadcasting Corporations (Fachverband der Telekommunikations- und Rundfunkunternehmen, FTR) which, as a sub-unit of the WKÖ, includes private radio stations in its constituency. The following overview focuses on the sector's unions and employers' organisations engaged in recurrent CB (see Tables 2 and 3)²⁷.

²⁴ Supplementary comment by the KMSfB: Unfortunately, there are no CAs for screen actors in Austria. The Sektion Bühnenangehörige tries to work out a CA with the assistance of our Sektion Filmm, Foto, Video, audiovisuelle Kommunikation with the employers association (Federal Organisation of Motion Pictures and Videos). There have been talks (no negotiations), but these talks have been postponed until next year, because there remains an unsolved problem in the field of the copyright law for performers or screen actors in the movie sector. It is true that there are many *freelance* performers, the number is constantly increasing. The reason for this is the low budget of the public or the state. Nearly no theatre can exist without money from the public or the state, country, several cities. Because of the restrictive financing policy of the state many small theatres do not have enough budget to employ the performers. Therefore performers are not employed under "employee's" contracts, although by law they should be real employees (Schauspielergesetz 1922). For many years we have tried to find a solution with the responsible ministers, but until now there is no satisfactory solution to this problem. It is important to mention that they are not recognized as artists in Austria (Rome convention). There is no CA covering them. But in our point of view, they ARE artists and we had a long fight for them to be recognized as artists, but no solution was found. These categories are very disadvantaged, especially in the field of tax law and social security. As a consequence of this, the number of artists in these categories is very small.

²⁵ The press photographers' trade union is also a member of the Kuratorium für Presseausweise.

²⁶ In some cases, it has not been possible to supply figures more recent than those from 1996 and 1997.

²⁷ The data source of this overview is information provided by each of the associations included here.

3.1. Employers' organisations

3.1.1 The Austrian Newspapers' Association (Verband Österreichischer Zeitungen, VÖZ)

The VÖZ organises daily newspapers (except free newspapers) and weekly journals and magazines. It has 79 members, that is to say a density of 58%²⁸. The member companies of the VÖZ have about 4,130 employees. The VÖZ, which was founded in 1946, is a voluntary association that represents the interests of its members vis-à-vis the government, the public and the trade unions. Interest representation in relation to trade union matters includes CB on behalf of its members (see Table 1).

3.1.2 The Austrian Association of Journals (Österreichischer Zeitschriften- und Fachmedien-Verband, ÖZFMV)

The ÖZFMV is the voluntary association of journals and magazines that publish a minimum of 4 issues and a maximum of 26 issues per year, weekly journals and magazines with print-runs of fewer than 5000, and free newspapers. In this de facto constituency²⁹, the ÖZFMV has about 500 members, which in turn employ approximately 1,000 people. Density in terms of members is about 50%. The ÖZFMV's main task is the representation of its members in relation to the state, the trade unions (in CB), and the postal services (regarding the distribution of journals by post).

3.1.3 The Federal Organisation of Motion Pictures and Videos (Fachverband der Audiovisions- und Filmindustrie, FAF)

The FAF is a sub-unit of the WKÖ. Its constituency embraces the production, copying and distribution of movies and videos (with the exception of cinemas), sound engineering, and the manufacture of prepared unrecorded media (e.g. CDs). Since the manufacture of prepared unrecorded media, classified as NACE Code 24.65, is part of the manufacture of chemicals and chemical products (NACE 24), the FAF's constituency covers products other than those of the sector under consideration. In 2001, the FAF organised 63 companies with 3802 employees. As a sub-unit of the WKÖ, it benefits from compulsory membership, and density is therefore 100%. The FAF represents its members vis-à-vis the government and the trade unions; in this respect, the FAF also carries out CB.

3.1.4. The Federal Organisation of Cinemas (Fachverband der Lichtspieltheater und Audiovisionsveranstalter, FLA)

Like the FAF, the FLA is a sub-unit of the WKÖ. Its constituency covers cinemas. Thanks to compulsory membership, the FLA had 380 active members in 1997 (WKÖ 1998), and in 1996, 1282 employees were employed within its sphere (WKÖ 1997). Density is 100% as a result of compulsory membership. The FLA represents its members in relation to the government and the workforce, but it is not directly engaged in CB, as this task is left to its sub-units at the level of the Land.

3.1.5. The Association of Viennese Theatres (Wiener Bühnenverein, WBV)

The WBV is a voluntary association. Under the terms of its constitution, the WBV's constituency encompasses theatres in Vienna, provided that they are either owned by the federal state, or otherwise have a minimum of 20 employees on a permanent basis. Membership is open to directors of theatres in the WBV's sphere. The WBV has eight members: some of them represent holdings which own more than one theatre. Density is 100%. The task of the WBV is to represent its members vis-à-vis the government and the trade unions; this includes CB.

3.1.6. The Association of Land and Municipality Theatres (Theatererhalterverband österreichischer Bundesländer und Städte, TV)

The TV is the voluntary representative of those Länder (member states of the Austrian federal state) and municipalities that run theatres directly or indirectly. On this basis, the Association's membership is made up of seven theatres employing around 2,000 people. Density is 100%. Geographically speaking, the TV complements the WBV in that the former covers all Austrian Länder except Vienna, while the latter caters for Vienna. However, there is no strictly formal complementarity because the WBV also organises private theatres. Both the WBV and the TV concentrate on larger theatres; smaller theatres, which employ very few people on permanent labour contracts, or none at all, are not covered. Like the WBV, the TV represents its members in discussions with the government and with the trade unions.

3.1.7. The Federal Organisation of Entertainment Companies (Fachverband der Vergnügungsbetriebe, FV)

The FV is a sub-unit of the WKÖ. Its constituency includes private theatres (with site-related licences), itinerant theatres, variety halls, cabarets, circuses and other kinds of companies providing entertainment. As a result of compulsory membership, the FV had 1,014 active members in 1997 (WKÖ 1998), which in turn employed a total of 3,203 people in 1996 (WKÖ 1997). Thanks to compulsory membership, density is 100%. Like other branch sub-units of the WKÖ, the FV represents its members vis-à-vis the government and the trade unions, but is only indirectly involved in CB through its Viennese territorial sub-unit, which signs CAs dealing with technical staff employed by the United Theatres of Vienna.

3.1.8. Austrian Professional Copyright Users' Associations (Veranstalterverband, VVAT)

28 Density in daily newspapers is 100%.

29 The Association's constitution does not specify the membership constituency.

The VVAT's constituency covers all companies that use copyright-protected works of art (e.g. literature and music) for public events and entertainment. This includes a wide range of branches including retail (e.g. shopping centres that play background music), and bars, hotels and restaurants that employ musicians to entertain their guests. The VVAT is a voluntary association. It has about 52,000 members, of whom about 80% work in tourism. Density is estimated at about 90%. The main task that the VVAT performs on behalf of its members is to negotiate the scale of royalties paid for the use of copyright-protected works of art. Since the VVAT collectively negotiates royalties with the representatives of the copyright holders, the royalties fixed are lower than an individual user has to pay. This is a strong incentive for companies to join, and explains the high level of density. In addition to negotiating royalties, the VVAT also concludes CAs on behalf of companies that employ musicians. This applies to approximately 4,000 of its members. The VVAT also represents its members vis-à-vis the government in matters of copyright.

3.2. Trade unions

3.2.1 The Paper Products, Publishing and Printing Union (Gewerkschaft Druck, Journal, Papier, GDJP)

The GDJP is a member of the Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund, ÖGB). Its constituency is made up of people working in the manufacture of pulp, paper and paper products, and publishing and printing, although it does not recruit administrative staff. In 2002, the GDJP had 19,302 members. As this report has already noted, a group of journalists left the KMSfB for the GDJP in 2001³⁰. Density of journalists (i.e. the group that mainly interests us here) is estimated at about 50–70%. The GDJP represents its members in relation to the government as well as the employers. This work involves CB.

3.2.2 The Arts, Media, Sporting Activities and Liberal Professions Union (Gewerkschaft Kunst, Medien, Sport, freie Berufe, KMSfB)

The KMSfB is also a member union of the ÖGB³¹. Its constituency embraces the arts, the media, sporting activities and the liberal professions (*freie Berufe*): this means that the union's constituency also includes freelancers working in the sectors covered. Its membership is therefore very mixed, and covers more segments of the arts and media sector than either of the other two unions. The KMSfB's membership strongholds are theatres and the ORF. In 2002, it had 11,857 members. Union officials estimate density of 50-60% if the liberal professions and the journalists are not taken into account. The KMSfB represents members in discussions with the government and the sector's employers' organisations, mainly as a CB partner.

3.2.3 The Private-sector White-collar Workers' Union (Gewerkschaft der Privatangestellten, GPA)

Like the GDJP and the KMSfB, the GPA is a member union of the ÖGB. The GPA normally represents white-collar workers throughout the private sector, but its constituency in the arts and publishing is limited to administrative staff (as compared to technical white-collar workers and journalists). In 2002, the GPA had a total of 287,558 members. The union has been the largest member union of the ÖGB since the early 1980s, and in 1998, its overall density was about 30%. Compared with other sectors of white-collar employment (e.g. the metal industry), arts and publishing account for a relatively small proportion of its total membership. The GPA represents white-collar employees, as demarcated by its constituency, in discussions with the government, and also conducts CB on their behalf. As this section has just explained, CB on behalf of the sectors under consideration here covers administrative staff only.

It was not possible to supply data on possible disputes between actors, or concerning their positions on the future development of social dialogue in the sector.

³⁰ Supplementary comment by the KMSfB: We would also like to mention that not all journalists left the KMSfB. There is a special section of journalists still in the KMSfB (new section after 2001 Sektion Publizistik und Kommunikation, whose president is Michael Kress, edith.schuckert@kmsfb.oegb.or.at) and also the Sektion Elektronische Medien, which works for journalists in the ORF. The CA for the ORF is negotiated by the Sektion Elektronische Medien and the central staff Council.

³¹ Supplementary comment by the KMSfB: it is important to mention that the KMSfB not only *belongs* to the ÖGB, the KMSfB is a craft union of the ÖGB.

BELGIUM³²

1. DESCRIPTION OF THE SECTOR

The culture sector in Belgium continues to be extremely unclear as to where its boundaries are. As it has been difficult to establish a definition shared by all the social partners³³, the approach adopted here has consisted of identifying the Joint Commissions seen as representative of the culture sector. The same pragmatic approach has been employed for the media sector³⁴. NACE nomenclature has also been used to calculate the amount of salaried employment and the number of establishments in the culture and media sector.

Table 1: Private-sector employment in culture and the media

Nace/Sector	Jobs	Establishments
92.11. Film production	1,863	353
92.12. Film distribution	195	33
92.13. Film projection	1,476	78
92.20. Radio et television	2,791	168
92.31. Dramatic art and music	4,838	920
92.32. Theatre/cinema management	3,405	401
92.33. Funfairs and amusement parks	1,046	125
92.34. Other stage activities and entertainment	396	148
92.40. Press agencies	446	82
92.51. Administration of libraries and public archives	786	126
92.52 Administration of museums and cultural heritage	1,269	224
Total	18,512	2,658

Source: ONSS, 2002.

Table 2: Public sector employment in the culture and media sector³⁵

Nace/Sector	Jobs	Establishments
92.20. Radio and television	5,804	23 ³⁶
92.31. Dramatic art and music	1,879	51
92.32. Theatre/cinema management	1,572	133
92.51. Administration of libraries and public archives	5,345	379
92.52. Administration of museums and the cultural heritage	3,552	106

³² The report favours the private sector through the joint committees. Nevertheless, the point 2.2. deals with the public sector (see "2.2 The public sector).

³³ The author of this national report does not believe that the social partners operate on the basis of a homogeneous culture and media sector. Indeed, the dominant logics are decidedly sub-sectoral (e.g. theatres and cinemas). This derives partly from the fact that there are no representatives actors covering the sector as a whole, except on the trade union side.

³⁴ This very pragmatic approach has involved collating information from reading, and from interviews with social partners with a view to identifying the core elements. The author has also collaborated with the Belgian National Office of Social Security (Office National Sécurité Sociale, ONSS). However, caution is urged as some data have not been easy to find.

³⁵ Public sector employment does not take account of the activities of public bodies (Nace 75.12) in relation to culture. As data on these activities are combined with those relating to such matters as healthcare, the environment and education, it has been decided that it is better not to include them.

³⁶ EBU notes 15 establishments belonging to NACE 92.20. Nevertheless, the ONSS confirms the existence of 23 establishments at the 30th of June 2002.

80.421. Continuing training ³⁷	14.785	932
Total	32.937	1.624

Source: ONSS, 2002.

It is noteworthy that proportions of salaried employment vary considerably from sector to sector: for example, Anne Vincent and Marcus Wunderle state that “when any cultural activity gets under way, the creative activity is frequently the work of free-lance professionals, whether artists working in plastic fields or authors” (Vincent and Wunderle, 2002:13). The sector also includes a number of civil servants in addition to economically dependent workers. The underground economy is also more or less widespread. However, estimates of the numbers of economically dependant workers, civil servants and people working in the underground economy are not wholly credible, and could be the subject of a subsequent study. The exercise is also complex because there is no hard-and-fast definition of the sector. Organisations active in the culture and media sector have a wide variety of legal forms including limited companies, private limited companies, cooperatives, not-for-profit associations and establishments of public utility . Data on the size of organisations, associations, institutions and enterprises in the sector are broken down by NACE code. Entering them as such would take up several pages, and doing the opposite (i.e. globalising them) would be meaningless, but we can nonetheless see that the sector is made up of a very large number of small structures (i.e. employing fewer than ten people). There are no available figures for the various legal forms. To evaluate the relative importance of the culture and media sector in relation to the whole of the economy, we need a clear definition of the sector. However, the sector is so fragmented that a large amount of information would need to be added. When all is said and done, culture is not a classical economic activity, but a general trend is nonetheless developing with more and more actors insisting on the economic importance of culture, or, to put it in a different way, on the economic impact of culture. Just the same, a historical review of the birth and evolution of the sector is out of the question because of the specific dynamics at work in sub-sectors and in the communities (i.e. Flanders and Wallonia).

2. COLLECTIVE LABOUR RELATIONS

2.1. The private sector

There are six Joint Committees at sector level in the culture and media sector. It is worth noting that the CAS mentioned in this part of the report appears as indicative information, without any hierarchical structure.

a.- Joint Committee for the audiovisual sector (CP 227)

This Joint Committee was set up in 2001. It covers white-collar workers and employers “who principally or secondarily perform the following business activities”: 1) the design, production, exploitation and broadcasting of radio and television programmes; 2) the design, production and creation of audiovisual products other than full-length films; 3) the supply of audiovisual materials (the design, services, materials and staff required for the performance of duties referred in the previous two points). It is noteworthy that this Joint Committee’s scope incorporates “all the used media possible”, including the internet. No CA has yet been lodged with it, although some agreements are in preparation: they deal with working time, pay and job classifications.

b.- Joint Committee for the cinema industry (CP 303)

This Joint Committee was set up in 1971. It covers “workers in general and their employers engaged in the production and distribution of full-length films, cinemas and enterprises involved in the technical industries that support film-making”. This Committee is sub-divided into four Joint Sub-Committees for film production (SCP 303.01), film distribution (SCP 303.02), the use of cinemas (SCP 303.03) and the technical industries that support film-making (SCP 303.04). The Joint Sub-Committee for the use of cinemas is the only one in the cinema industry to have lodged agreements since 1999. There have been 32 altogether: they deal with issues such as the financial contribution to transport costs, time-credit schemes, shorter working careers and half-time working, pre-pensions, the status of the union delegation, the end-of-year bonus and the waiting period.

³⁷ This activity only appears for the public employment.

c.- Joint Commission for Entertainment (CP 304)

The sector social dialogue in the entertainment sector started in 1937. Nevertheless, the Joint Committee 304 was set up in 1973³⁸. It covers “all workers who 1) before an audience, and in any place or circumstances, give performances in the manner of MUSIC-HALL or fairs, and individually or collectively perform an art form based particularly on kinds of music, singing, dancing, speaking, mime and games of skill and strength; 2) perform any role in a performance; 3) perform any role in the preparation and/or organisation of their employers’ performances”. This applies for all workers employed from time to time, and for employers who rely on a different Joint Committee for other activities. Thirteen agreements have been lodged with the Joint Committee since 2000: they mainly deal with the employment and training of at-risk groups, time-credit schemes, shorter careers, half-time working, and the rules governing a minimum subsistence fund. It is noteworthy that most CAs concluded on this Joint Committee only concern employers based in the Flanders Region and the Flemish employers based in the Brussels region.

d.- Joint Committee for the socio-cultural sector (CP 329)

This Joint Committee covers workers and their employers in “non-profit organisations that engage in one or more of the following activities”:

- 1) cultural centres and all organisations that are involved in similar socio-cultural activities, and which makes premises available for this purpose;
- 2) libraries, reference libraries and games libraries, information and documentation centres, and archive centres;
- 3) non-commercial radio and/or television associations;
- 4) community development initiatives;
- 5) continuing adult education organisations;
- 6) organisations for the protection of the environment, living spaces and cultural heritage, and associations that provide training in these fields;
- 7) youth organisations and movements structured at federal, regional and local level, youth centres, youth clubs, organisations providing youth with services, and workshops aimed at young people;
- 8) organisations offering vocational training, additional training and re-training;
- 9) non-commercial tourist organisations;
- 10) organisations involved in development cooperation and development training;
- 11) organisations engaged in the promotion of ideologies;
- 12) museums, and the educational services run by them;
- 13) associations that promote the plastic arts and literature, or organise demonstrations or exhibitions of works of these types;
- 14) organisations that structure and support the organisations listed above³⁹.

This Joint Committee was set up in the 1990s. A little over 50 agreements have been lodged with it since 2000: they deal with job classifications, pay, the end-of-year bonus, the employment and training of at-risk groups, conditions of employment and trade union training.

e.- Joint Committee for tourist attractions (CP 333)

This Joint Committee was set up in 2003. It covers “workers in general and their employers, whose work mainly takes the form of the commercial exploitation of a tourist attraction, that is to say of a place that has been specially organised on a permanent basis, and is used regularly or on a seasonal basis as a focus of natural, cultural or recreational interest”. The attractions concerned include “cultural attractions” such as castles, citadels, residences and historic monuments, and museums.

This Joint Committee has only just been constituted, and the procedure for appointing members has therefore not yet been finalised.

³⁸ Source : SPF Emploi, Travail et concertation sociale. Nevertheless, PEARLE adds that although the name of the committee was different, it was existing, already in 1968 (commission paritaire des entreprises permanentes de spectacle, National Paritair Comité voor de vaste vermaakgelegenheden) and that the first collective agreement has been concluded on May 25, 1968.

³⁹ Because of the sector covered by this note, we have withdrawn associations, clubs and sports centres from this list.

f.- Joint Committee for the written press, publishing and the graphic arts industry

This Joint Committee was set up in 2001 ("Moniteur belge" 11 May 2001). It covers "workers whose jobs are mainly intellectual, and employers who principally or secondarily do the following jobs: the design, development and production (paper or electronic) of daily newspapers, weekly newspapers and periodicals: so-called "publishing house" and "communications agency" activities; and pre-press and printing work". Although the Joint Committee is officially in existence, it does not function because there are no employer representatives. No employers' organisation has been put forward to take up its place on the Committee. The workers and employers covered by this Joint Committee therefore always rely on the National Auxiliary Joint Committee for white-collar workers (CP 218).

2.2. The public sector

Some of the organisations that are active in the culture and media sector are in the public sector. Culture has been a community matter since 1971, and these organisations therefore mainly rely on the three communities. However, the federal state still covers national scientific and artistic institutions like the Royal Library Albert I, the Royal Museums of Art and History, the Théâtre royal de la Monnaie, the National Orchestra of Belgium and the Royal Reference Library. The provinces and local authorities are also active in the field of culture. Social dialogue for organisations in the public sector is organised in ways that are appropriate to that sector⁴⁰.

In the public sector, it is important to remember that the francophone radio and television company RTBF is a special case in the way that social dialogue is organised. This is also true of the Flemish radio and television station VRT and Flemish Opera in Flanders.

The characteristic features of social dialogue at RTBF, VRT and Flemish Opera are too complicated to be dealt with in a few lines⁴¹. One needs to examine social dialogue in the whole of the public sector in order to understand them. However, it is also impossible to conduct a historical review of the birth and evolution of industrial relations and CB in the sector because of particular dynamics operating in the sub-sectors and in the Communities (i.e. Flanders and Wallonia).

3. ACTORS IN SOCIAL DIALOGUE

3.1. Employers organisations⁴²

The five employer seats on the Joint Committee for the audio-visual sector (CP 227) are taken by:

- Independent Flemish Television Producers (Producteurs Indépendants Flamands de Télévision/Vlaamse Onafhankelijke Televisie Producenten, PIFT/VOTP) (a member of the European Coordination of Independent Producers (CEPI) (full member – 1 seat);
- Independent Flemish Television Companies-Facilitation (Entreprises Indépendantes Flamandes de Télévisie-facilitaire/Vlaamse onafhankelijke televisie-facilitaire Bedrijven) (full member – 1 seat);
- the Belgian Federation of Audio-visual Enterprises (Fédération belge des entreprises audiovisuelles/Federatie der belgische audiovisuele ondernemingen) (full member – 3 seats).

The 13 employer seats on the Joint Committee for the cinema industry (CP 303) are taken by:

- the Association of Flemish Film Producers (Syndicat Flamand des producteurs de Films/Vlaamse filmproducentenbond)(full member – 2 seats);

⁴⁰ The way in which social dialogue operates in the public sector has been examined in two special reports by Jean Vandewattyne: Secteur public local (June 2001) and Secteur public central (June 2003).

⁴¹ Two reports have been dedicated to the sectorial dialogue in the public sector : Jean Vandewattyne, Secteur public local (juin 2001) et Secteur public central (juin 2003).

⁴² The information provided is already available, or else has been communicated by the actors concerned. Unfortunately, some organisations failed to reply to e-mails and to telephoned requests for information. Moreover, this is not an economic sector in the classical sense of the phrase (e.g. cultural centres rarely express themselves in terms of turnover). Lastly, the data are not available systematically.

- the Union of Francophone Film Producers (UPFF) (full member – 2 seats); the UPFF covers film producers and, by extension, producers of audiovisual productions;
- the Belgian Association of Film Producers and Directors (Association belge des producteurs-réalisateurs de Films/Belgische vereniging van regisseurs en filmproducenten) (full member – 2 seats). This association, which was founded in the 1970s, has started re-focusing on documentary films in the last few years, and now has nearly 20 documentary film producers in membership (i.e. the overwhelming majority of Belgian documentary film-makers). The members are self-employed workers, and take on very few staff. The Union is not a member of any Belgian, European or international organisation;
- the Federation of Belgian Cinemas (Fédération des cinémas de Belgique/Federatie der cinema's van België) (full member – 4 seats). This federation was set up in 1938, and now has 28 members that run cinemas. It represents 60% of cinemas, and 80% of turnover in the sector. The Federation is a member of the International Union of Cinemas (UNIC), and therefore of the European Digital Cinema Forum (EDCF);
- the Belgian Association of Film Distributors (Association belge des distributeurs de films/Vereniging van film distributeurs van België, ABDF-VFDB) (full member – 3 seats). The association was founded in 1990. Its eight members account for 80% of cinema distribution in Belgium. The ABDF-VFDB says that there are about 30 distributors on the Belgian market. The Association is a member of the Consultation Committee of the Cinema and Audio-visual Centre of the French-speaking Community in Belgium, and of the International Federation of Film Producers Associations (FIAD).

The 14 employer seats on the Joint Committee for Entertainment (CP 304) are taken by:

- Flemish Performing Arts Association (Employeurs Flamands des Arts de la Scène/Vlaamse Directies voor Podiumkunsten, EFAS/VDP) (full member – 6 seats). The VDP recruits organisations, in Flanders and the Flemish employers in Brussels, that are active in the stage and music sector, and has over 100 members. It is a member of the Performing Arts Employers Associations League Europe (PEARLE*)⁴³;
- The Belgian Entertainment Association (Association belge du Spectacle/Belgische Schouwspelvereniging, ABS/BSV) (full member – 2 seats). This association was founded in 1981, and has 67 members active in organising and promoting concerts. It estimates that it has 65% of enterprises in the sector in membership. The ABS/BSV is a member of the Performing Arts Employers Associations League Europe (PEARLE*);
- the Employers' Association of Full-time Employers in French-language theatre (Chambre patronale des Employeurs permanents des Arts de la Scène d'expression française) (full member – 6 seats). This organisation was founded in the 1970s, and was originally known as the Belgian Syndicate of Theatre Directors and Theatre Companies (Chambre syndicale belge des directeurs de théâtre et de compagnies théâtrales). It now has 19 members, most of which are theatres. The most important in terms of jobs are the Royal Opera of Wallonia (282 workers) and the Liège Philharmonic Orchestra (126 workers). Members of the Association employ about 900 people. We understand that it is not affiliated to any Belgian, European or international body involved in defending its members' interests.

The 15 employer seats on the Joint Committee for the socio-cultural sector (CP 329) are taken by:

- the Federation of Employers in the Socio-cultural Sector (Fédération des employeurs du secteur socio-culturel/Federatie van Werkgevers van Sociaal-Cultureel Werk, FWSCW) (full member – 8 seats). The Federation was set up in 1992 in the context of the establishment of the Joint Committee for the socio-cultural sector. It has over 400 members;
- the Confederation of Employers in the Sports and Socio-cultural Sectors (Confédération des Employeurs des Secteurs Sportif et Socio-Culturel, CESSoC) (full member – 7 seats). The Confederation was founded in 1993. It coordinates the representation of French- and German-speaking employers in the sports and socio-cultural sectors. The CESSoC has nine employers' organisations and federations in membership, including the Association of Cultural Centres (Association des Centres Culturels), the Federation of Employers in the Adult Continuing Education and Training Sector (Fédération des Employeurs du Secteur de l'Education Permanente et de la Formation des Adultes) and the Reference Library of the French Community (Médiathèque de la Communauté française). Altogether, the Confederation represents about 800 employers, themselves occupying over 7,000 full-time equivalent workers. In Belgium, the CESSoC is a member of the Francophone Union of Not-for-profit Enterprises (Union Francophone des Entreprises Non Marchandes, UFENM) and of the Confederation of Not-for-profit Enterprises (Confédération des Entreprises Non-Marchandes, CENM).

In the press sector, there are three associations that look after the interests of editors:

⁴³ Source: VDP website.

- the Belgian Association of Newspaper Editors (Association Belge des Editeurs de Journaux, ABEJ), which brings together employers in the daily press (almost 10 editors and 27 titles altogether);
- the Belgian Magazine Federation (Fédération Belge des Magazines, FEBELMA), which has 18 editors representing 63 titles;
- the Union of Editors of Periodicals (Union des Editeurs de la Presse Périodique, UPP) with nearly 300 editors and 1,100 titles.

These organisations do not take part in collective labour relations.

Joint Committee 333 was been withdrawn as representatives have not yet been appointed.

3.2. Trade unions

By way of introduction, the table below shows the numbers of full-member seats held by trade unions on Joint Committees in the cinema industry (CP 303), entertainment (CP 304), the socio-cultural sector (CP 329) and the audio-visual sector (CP 227).

Here again, Joint Committee 333 has been withdrawn as representatives have not yet been appointed.

Table 3: Seats on Joint Committees (CP) by trade union

	CP 303	CP 304	CP 329	CP 227
CSC	6	6	7	2
FGTB	6	6	7	2
CGSLB	1	2	1	1

Source: Federal Public Employment, Labour and Social Consultation Service

This report contains no reference to the number of members that the trade unions have in the culture and media sector. This is partly because it is impossible to find a common, objective basis on which to estimate the number of unionised workers, and partly because of the qualitative and quantitative disparity of the information provided by the trade unions. This problem is itself an example of how difficult it is to identify the reality of the culture and media sector in Belgium.

a.- The Confederation of Christian Trade Unions (Confédération des Syndicats Chrétiens/Algemeen Christelijk Vakverbond, CSC/ACV)

Four occupational trade unions in the CSC/ACV (1,600,000 members in 2000⁴⁴) take part in social dialogue in the culture and media sector:

- the National Federation of White-Collar Workers (Centrale Nationale des Employés, **CNE**) (131,000 members in 2000) and the Union for Clerical Workers and Managerial Staff in Flanders and Brussels (Vakbond van Bediende en Kaderpersoneel, **LBC-NVK**) (285,000 members) cover white-collar workers in the “press” and “media and audiovisual” sectors, which still come under the National Joint Committee for White-collar Staff (CP 218);

- **the Confederation of Christian Trade Unions** (Confédération des Syndicats Chrétiens/Algemeen Christelijk Vakverbond, CSC/ACV) (45,000 members in 2000) sits on Joint Committees 227, 303, 304 and 329.. This confederation is active both in the public sector and in the private sector. In particular, it recruits workers in a number of sectors including radio and television, music, opera, audiovisual and theatre. Internally, the CSC/ACV is organised in eight “groups”, one of which is the “culture group”;

- **the Confederation of Christian Trade Unions-Food and Services** (Confédération des Syndicats Chrétiens-Alimentation et Services/Algemeen Christelijk Vakverbond-Voeding-Diensten, CSC/ACV) (233,000 members in 2000) sits on Joint Committees 303 and 329. It recruits blue-collar workers in the cinematographic industry (including cinemas) and the socio-cultural sector.

The Confederation of Christian Trade Unions-Transport and Communications (Confédération des Syndicats Chrétiens-Transport et Communications/Algemeen Christelijk Vakverbond-Transcom Cultuur, CSC/ACV) and the LBC/NVK are members of the Union Network International (UNI-MEI) section that brings together trade unions in the media, entertainment and the arts. CSC/ACV-

⁴⁴ The figures quoted refer to the interprofessional level and to occupational unions.

Transport and Communications is also a member of the International Federation of Musicians and the International Federation of Actors, and ACV-Transport and Communications belongs to the European Council of Artists. At international level, the CSC/ACV is a member of the European Trade Union Confederation (ETUC) and the World Confederation of Labour (WCL).

b.- The Belgian General Federation of Labour (Fédération Générale du Travail de Belgique/Algemeen Belgisch Vakverbond, FGTB/ ABVV)

In line with a decision taken by the FGTB/ABVV (1,300,000 members in 2002⁴⁵), the General Confederation of Public Services (Centrale Générale des Services Publics/Algemene Centrale Der Openbare Diensten, CGSP/ACOD) (285,000 members in 2002) recruits "culture workers: artists, technicians and administrative staff working in cinema, radio and television, the plastic arts, the socio-cultural field, and generally any form of live or audiovisual spectacle". CGSP/ACOD-Culture is active in the public, subsidised (e.g. Community television stations) and private-sector (e.g. Canal+ and local radio) sectors, and sits on joint Committees 227, 303 and 304.

Three other FGTB/ABVV unions are active in the culture and media sector:

- the Federation of Liberal Trade Unions of Belgium (Centrale Générale des Syndicaux Libéraux de Belgique/Algemene Centrale der Liberale Vakbonden van België, CGSLB/ACLVB) (333,000 members in 2002), a blue-collar union organisation active in the cinema industry, use of cinemas and socio-cultural sectors;
- Food-Hotels and Catering-Services (Alimentation-Horeca-Services) (89,300 members in 2002), a blue-collar organisation that sits on the Joint Committee for the socio-cultural sector;
- the Belgian Union of White-Collar Staff, Technicians and Managers (Syndicat des Employés, Techniciens et Cadres de Belgique, SETCA) (311,000 members in 2002), which recruits workers in the graphic arts, the written press and the private-sector audiovisual sector within its "information and communication" sector. In this connection particularly, the SETCA sits on Joint Committees 227 and 218.

The CGSP/ACOD and the SETCA belong to the section of Union Network International (UNI-MEI) that brings together trade unions in the media, entertainment and the arts. The CGSP/ACOD is a member of the International Federation of Musicians and the International Federation of Actors. ACOD-Cultuur is also a member of the European Council of Artists. At international level, the FGTB/ABVV belongs to the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU).

The dates when CSC/ACV and FGTB/ABVV unions active in the culture and media sector were founded are unknown: the actors we contacted were unable to reply to the question. Additional documentary research will be necessary.

c. The Federation of Liberal Trade Unions of Belgium (Centrale Générale des Syndicaux Libéraux de Belgique/ Algemene Centrale der Liberale Vakbonden van België, CGSLB/ ACLVB)

The CGSLB/ACLVB is not organised as a sector union, and stresses that it is "impossible in practical terms to isolate" its members working in the culture and media sector. The union believes that the rate of unionisation is very low because of the large number of SMEs and the widespread use of fixed-term employment contracts and contracts to complete a pre-determined task. The CGSLB/ACLVB is a member of the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU).

Data is not directly available on the role of the actors in industrial relations in the sector and the degree of participation in negotiations, the identification of players not recognised (or partly recognised) by the dominant players but who have to be considered to be playing a role in industrial relations in the sector, possible disputes between players and the expected resolution, and the positions of the players regarding future developments in social dialogue in the sector. In fact, there is no homogeneous culture and media sector, and answering these questions would require developments linked to each sub-sector. For the time being, that is materially out of the question.

Final note: A lot of data requested are generally not easily available. Joining together this information in a rigorous way would require a really high investment (time, energy, etc.). In Belgium, the C&M sector is actually far too big and heterogeneous. The players active in the field of C&M are also really numerous and the realities of the sub-sectors are very varied. Furthermore, the complex situation comes also from the fact that cultural policies fall under the communities (and not under the federal State). Finally, concerning the methodology of this report, it is also necessary to specify that the Joint Committees are historical constructs whose consistency is sometimes based more on social tinkering than on conceptual rationality.

⁴⁵ The figures quoted refer to the interprofessional level and to occupational unions.

DENMARK

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

Delimitation and scope of activities

The C&M sector is not officially recognised in Denmark. This delimitation and scope of activities is based on an estimate of available data. The Danish C&M sector therefore includes activities in NACE code 92.1-92.5, which, according to DB03, a Danish nomenclature based on EU nomenclature, covers the five following main pillars⁴⁶: Film and video (92.11 Film and video production, 92.12 Film and video communication/promotion, and 92.13 Cinemas/Movie Theatres); TV and radio operations; Other cultural activities (92.31 Performing arts, 92.32 Management of theatres, concert halls, arts and community centres etc); 92.33 Amusement parks; 92.34 Other forms of entertainment in general; Press bureaux (92.4); Libraries, archives, museums and other cultural activities (92.51 Libraries and archives; 92.52 Museums; and 92.53 Botanical and Zoological Gardens). We note that the media sector is often labelled a sub-sector of culture that is officially recognised in Denmark, but it is debatable whether sport should be included under culture. As we make clear elsewhere in this paper, we have chosen not to do so. Even though sport is listed under NACE code 92, and also comes within the remit of the Ministry of Cultural Affairs, we have still chosen to exclude sport from the delimitation of the sector. This decision was made following representations from workers' organisations in the field, and from organisations that cover sport⁴⁷. Furthermore, sport is not included in the Danish definition of "cultural industry"⁴⁸. It is also hard to distinguish between the culture and the media sub-sectors in Denmark: in most national official statements, the fields are combined, and there is also a significant grey area among activities that could come under either culture or the media⁴⁹. The media sector is often described as a sub-sector of culture. The most obvious way of dividing up the C&M sector would be to say that the media sector is covered by Nace codes 92.1, 92.2 and 92.4 (Film and video, TV and radio and press bureaux), while culture includes activities in Nace codes 92.3 and 92.5 (performing arts, amusement parks, libraries, archives, museums and other cultural activities).

The culture sector covers 4,556 workplaces and 17,442 jobs (i.e. 1.81% of the total number of workplaces and 0.60% of all jobs) (Statistics Denmark ultimo November 2002). In terms of the number of jobs, the media sector is almost twice as large as the culture sector but, as has already been pointed out, a lot of the jobs included in the film and video and TV and radio sectors are culturally oriented. There are 5,662 workplaces in what is defined as the Danish C&M sector categorised under the Nace codes 92.1- 92.5. This accounts for approximately 2.5% of registered workplaces in Denmark. According to this delimitation, the Danish C&M sector covers 33,945 jobs (or 36,009 employees)⁵⁰, that is to say about 1.15% of the total number of jobs in Denmark⁵¹ (Statistic Denmark ultimo November 2002). Examination of the field of responsibility of the Danish Ministry of Cultural Affairs – it has always had a wide-ranging role – produces a more comprehensive description of the scope of activities than the one referred to above. At different times, the postal service, folk high schools (*folkehøjskoler*) and environmental conservation have been the responsibility of the Danish Ministry of Culture. Today, the Ministry's domain ranges from sport to libraries, museums, education and training in the arts, and from theatre and music and all the creative arts to the entire electronic media landscape⁵².

⁴⁶ The entire DB03 is available in Danish at www.dst.dk/db03. (For further information, please contact Mai Hyldahl Wessing on + 45 3917 3895 or by e-mail: mhw@dst.dk)

⁴⁷ See <http://www.branchelink.dk/branche.nsf/AboutUs/1>.

⁴⁸ Denmark's Creative Potential – Culture and Business Policy Report. Published by the Danish Ministry of Cultural Affairs, 2000.

⁴⁹ Most activities in the field of audio-visual art are hard to divide into C&M. We use the phrase "grey area" to mean that if we are forced to distinguish between the field of culture and the field of media, a large number of the activities may be said to belong to both fields.

⁵⁰ The reason why there is a statistical difference between the number of jobs and the number of employees is that some people have more than one job. The number of jobs refers to the number of employees whose main job is in the sector, while the number of employees includes everyone working to the sector even if that are also employed in another sector.

⁵¹ The total number of jobs is 2,952,947, while the total number of employees represents 79.6% of all Danes aged between 16 and 66, and active on the labour market.

⁵² The Danish Ministry of Culture covers such areas as the visual arts, music, theatre, film, libraries, education in the arts, library science, archives, museums, zoological facilities, the cultural environment, sport, broadcasting and copyright. Cultural funding is guaranteed in the yearly Finance Act (Budget), which is in turn topped up by license fees and money raised by the football pools and the national lottery. The Danish Ministry of Culture's budget for 1999 was DKK 7.1 billion.

Government initiatives already under way aimed at boosting cooperation between cultural institutions and commercial enterprises include underpinning the regional perspective of culture/corporate cooperation, a review of the Copyright Act, enhancing the business focus in education, and facilitating (legal) digital distribution in the music industry. The government will continue to promote such interaction between the cultural and the corporate sector, firstly by submitting a proposal to give tax breaks on company donations to cultural institutions, and secondly by supplying information on the tools and inspiration available, and on regulations in the field (Denmark in the Culture and Experience Economy: 2003). There is no underground economy as such in the field of culture and the media.

Socio-economic features and organisation of the sector

The C&M sector does not differ significantly from other sectors in terms of overall structure. The sector embraces an average number of small companies⁵³ compared with business and industry generally in Denmark, and the educational level and composition of its workforce also lie close to the average (Denmark's Creative Potential 2000). The cultural industry is made up of a varied group of companies ranging from several of the biggest and best known to a broad range of smaller companies with few or no employees⁵⁴.

However the sector is dominated by private enterprises. There are 6,998 entities in the private sector, and only 19 public ones (most of them covered by Nace code 92.5 with 14 out of 16); in other words, if measured by the number of legal entities, only 0.23% of the C&M sector is in public hands. However, the phrase "legal entity" may not be an appropriate way of measuring, as it does not take the size of the enterprise or the number of jobs into consideration. Measured by the number of the legal entities, the sub-sector covered by Nace code 92.5 seems to be very small with only 373 legal entities (if measured by workplaces, the number is 401), but there are 7,652 jobs – a relatively large number – in the sub-sector altogether. In comparison with the largest sub-sector covered by Nace code 92.3 (it has 3,214 legal entities (4155 workplaces)), the sub-sector "only" covers 9,790 jobs⁵⁵. Since most public legal entities come under sub-sector 92.5, this might suggest that the public domain is larger in terms of number of jobs. By and large, Danish public enterprises are traditionally more labour-intensive, but we still do not know the total number of employees in the public C&M sector. We know that a total of about 900,000 are employed in the public sector in Denmark, and this in turn suggests that the C&M sector differs from other sectors in that there are a comparatively large number of employees in the private sector. It is important to note, however, that several public institutions and companies play a very significant role in the C&M sector, and are run in many respects along the same lines as private companies. Cases in point here include Danish Radio (DR)⁵⁶, which is in competition with Denmark's other television stations, the Zoological Gardens in Copenhagen, and the Royal Theatre, which in turn competes with several private theatres.

The public sector, insofar as it incorporates public institutes of culture, is at one and the same time an important framework for the culture industry and an active player in most of the culture industry's market and competitiveness. In 2002, the public budget for cultural activities came to DKK 15.8 billion, of which the state's contribution was approximately DKK 4 billion, or about 1% of the national budget (Denmark in the culture and experience economy 2003).

The birth and the current situation of the C&M sector

The development of cultural institutions and cultural policy in Denmark was 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 mid-nineteenth century, responsibility for support for the arts and culture gradually shifted from the Royal Court to the newly constituted Civil Administration. Denmark's first Ministry of Culture was established in 1961, thereby ushering in an era when cultural affairs were given higher priority, and in which Danish people became more involved in the arts and in other cultural activities. The basic legal and financial framework for cultural life was developed gradually, and over the decades, Danish cultural policy has become rooted in certain basic values, including freedom of speech, quality, decentralisation, cultural democracy and the arms-length principle/self-regulation. In the 1960s, Danish cultural policy focused on the dissemination of professional art as part of what was seen as a national monoculture, but a broader concept of culture was introduced into the culture policies of the 1970s.

⁵³ A feature of the Danish labour market is that about 80% of companies are small and medium-sized.

⁵⁴ A Danish Technological Institute survey of nine business lines covered by the culture industry shows a rather mixed assortment of companies and businesses. Each business line has its own structure and composition, and each cultural business is facing challenges specific to itself.

⁵⁵ Sources: Statistics Denmark and the Central Business Register (CVR).

⁵⁶ Danish Radio (Danmarks Radio, DR), the national radio and television station, has a public service duty under Danish law. This radio/television channel is financed by licence fees (Danish law).

The new ideals of cultural democracy showed more respect for cultural diversity and the right to pluralism: in the 1980s, the aims of cultural politics often took a more instrumental course, while in the 1990s, cultural politics 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. Today, as we commence a 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 (Danish Cultural Policy – 2002).

At present, the C&M sector is a growing industry, the number of enterprises having increased on average by between 100% and 200% every year since 1992. In 2003 the turnover for the whole sector was DDK 15,364.000 (Statistics Denmark). The media field in particular seems to be of significant economic importance, with the printed media being one of the largest and most dominant cultural industries in Denmark the main players include Berlingske Officin, Morgenavisen Jyllands Posten, Politikens Hus, Allers, Egmont Magasiner and Ritzaus Bureau. Most companies with the largest turnovers in 2003 also operate in the field of the media: in 2003, for example the public service broadcasting company Danmarks Radio (DR) had a turnover of DKK 2,764,700 and the other national television channel, TV2, one of DKK 1,243,086⁵⁷. In 2003, Danmarks Radio (DR) also had the largest growth rate measured by the number of employees.

The activities in the C&M sector are mainly urbanised. According to CD-Direct⁵⁸, 42% of companies in the field of culture and the media are situated in Copenhagen, with another 10% in the second largest city, Århus. In some sub-sectors today, we are witnessing a tendency towards concentration, in which fewer companies are involved on the production side: for example, there are now 25% fewer book and offset printers in Denmark than there were six years ago, although total turnover has not particularly declined. The same concentration tendency is also to be found in book retailing, with GAD, Busck and Bog og Idé now controlling 76% of retail turnover.

On the radio and television market, smaller producers have experienced substantial growth rates in recent years: this development has been reinforced by a tendency among public service broadcasters to outsource production.

At the same time as the C&M sector seems to be expanding, it is also stimulating a growing level of interest among consumers and enterprises, and it is also attracting political attention. The average Dane is four times more affluent today than 50 years ago⁵⁹, and (maybe) therefore demands cultural experiences to a much higher degree. Studies conducted by the Danish Social Research Institute suggest that participation in almost all types of cultural activity outside the home has risen dramatically over the past 30 years and that there have never been so many active consumers of culture and the arts as there in Denmark are today.

Interaction between culture and the corporate sector has flourished over time, and in recent years many artists and companies have come together to cooperate at the interfaces of the culture and experience economy. This appears in an increasing focus on cultural “outlooks” where culture and business are combined in newer and newer ways: examples include the Danish company B&O, which has created a new story lab, the health care company Novo Nordisk, which is cooperating with the Da Capo drama group on leadership development, and Zentropa Film, which is joining forces with the IT company Oracle to develop a new television channel on the internet. From a political point of view, there is evidence of an increasing awareness of culture and business in a new “creative alliance”, where culture is seen as a “future growth industry” and as “regional dynamo”⁶⁰. The government has already implemented several targeted initiatives aimed at strengthening conditions for growth, and for boosting production in the culture and experience economy (Danish Cultural Policy 2002). These initiatives have spurred the Ministry of Trade and Industry and the Ministry of Culture to become closer partners by cooperating on the common subject of the “Cultural Industry” as part of the Danish Growth Strategy.

⁵⁷ The two stations’ channels attract up to one third of all Danish viewers/listeners.

⁵⁸ CD-Direct is a Danish website listing all Danish companies that have notified their Nace code to the Central Tax and Duty Administration.

⁵⁹ Denmark in the Culture and Experience Economy 2003.

⁶⁰ Culture is seen as an important tool as regions compete to attract people, tourists and investment. Increasingly, cities and regions are consciously using culture and the arts to generate a creative and vibrant environment, and are seeking to put together a stronger international profile. The development of the Øresund region is an obvious example of this.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR AT NATIONAL LEVEL

Social dialogue in the sector

There is a long tradition in Denmark of regulating the labour market through CAs⁶¹ rather than by legislation. The Danish model of CB is described as a voluntary system, and the Danish Parliament has enacted very little formal legislation regulating it⁶². CB is conducted on the basis of a decentralised structure with negotiations taking place at sector level, and important issues such as wages also being negotiated at company level. No CB takes place above sector level.

Social dialogue in the field of culture and the media is largely based on bipartite negotiations between autonomous parties. There is no specific Joint Committee for the sector.

Employers' organisations in the C&M sector, (the Graphic Association of Denmark (Grafisk Arbejdsgiverforening, GA) and the Danish Newspapers' Employers' Association (Danske Dagblades Forenings Forhandlingsorganisation, DDFF)), have signed CAs with the National Union of Commercial and Clerical Employees in Denmark/private (Handels -og Kontorfunktionærernes Forbund i Danmark, HK/privat) and the National Union of General Workers (Specialarbejderforbundet i Danmark, SiD/Industri (emballage)). The Graphic Association of Denmark (GA) and the National Union of Commercial and Clerical Employees in Denmark/private (HK/privat) have also concluded a separate agreement, while the Danish Newspapers' Employers' Association (DDFF) has signed agreements with the Association of Danish Journalists (Dansk Journalistforbund, DJ). Of the above trade unions, only the Association of Danish Journalists (DJ) exclusively operates in the sector of culture and the media.

The trade unions have additionally concluded agreements with employers' organisations not specifically categorised under culture and the media, and with individual companies: for example, the Danish Musicians Union (Dansk Musiker Forbund, DMF) has minimum wage agreements with a number of employers throughout the country, including Landsdelsorkestrene, Levende Musik i Skolen (LMS), Danmarks Radio (DR) and many theatres belonging to the Association of Danish Theatres (*See more below*). Furthermore, the Confederation of Danish Set Designers (Sammenslutningen af Danske Scenografer, SDS), which is a member of the Danish Film and TV Workers' Association (Film-og TV Arbejderforeningen, FAF), is currently negotiating agreements with the national television and radio station, Danmarks Radio. These negotiations recently came close to breaking down, and the SDS actually issued a strike notice on DR, but at the last moment the Conciliation Board put forward a compromise proposal, which was accepted by all of the participant social partners.

3. PLAYERS IN THE SECTOR AT NATIONAL LEVEL

Employers' organisations

There are only two employers' organisations that primarily cover the field of culture and the media: the Graphic Association of Denmark (GA), an organisation for Danish companies working in the field of print and electronic communication, and covering 750 enterprises, and the Danish Newspapers' Employers' Association (DDFF), which, among other things, negotiates the working conditions and industrial relations for all groups of newspaper staff. Most, but not all, daily papers – and including the majority of influential newspapers – are members of the DDFF: Currently there are 98 member-companies of DDFF which is the Negotiation Organisation of Danish Newspaper Publishers' Association (DDF). In comparison DDF covers 37 companies. The main reason why the DDFF covers more companies than the DDF is that the latter only covers individual newspaper publishing companies, while the former also covers other related companies in newspaper publishing, mainly subsidiaries: these are typically printing firms, distribution companies, internet-related companies, and local and weekly newspapers.

⁶¹ CAs have been an important tool on the labour market since 1899 when the Danish Employers' Confederation (DA) and the Danish Confederation of Trade Unions (LO) recognised each other after a six-month strike/lock-out, and signed the first CA, the so-called September Agreement, which basically is still in force.

⁶² As a result, almost all CB is concluded without government intervention, whereas most significant legislative bodies regulating the labour market are tripartite bodies. Regional labour market policy is implemented in cooperation between the social partners and the government. Trade unions and employers have considerable influence over vocational training.

The GA and the DDFF are both members of the Danish Employers' Confederation (Dansk Arbejdsgiverforening, DA). According to the DA, two umbrella organisations, the Danish Commerce and Services (Dansk Handel og Service, DH&S) and the Confederation of Danish Industries (Dansk Industri, DI), also organise employers' organisations that deal with companies in the field of culture and the media; however, the scope of these associations is rather a matter of interpretation as they are not first and foremost companies that are seen as located in the field of culture and the media. It should be emphasised, however, that some companies, including some of the largest in the field (e.g. DR (the national radio and television station) and TV2 (another public service broadcasting company)), are not organised at all. Many companies are only members of various trade associations that look after their specific business interests, but which are not competent to negotiate CAs. Furthermore the Danish Producers' Association (Producentforeningen, DPA), is an important player in the field of culture and media.

The DPA has approx. 85 companies among its members. The members are Danish film and TV producers producing short film and documentaries, feature films, TV programmes, film and TV commercials, educational films, multimedia productions, and corporate profile videos

Being both a trade association and an employers' association, DPA has a two-fold purpose. In the role of trade association, Danish Producers Association seeks to gain political influence and promote members' interests relative to the copyright organizations, public institutions and TV stations that play a part in determining production conditions for film and TV producers. As an employers' association, DPA negotiates agreements with the various employee groups in the industry, e.g. actors, film workers, composers, etc.

Working to improve production conditions and expand the market is a major part of the association's activities. By way of example the association was instrumental in pushing through the stipulation in the radio and TV broadcasting act of 1996 that national TV stations must make more use of independent programme producers.

DPA is active in agreements in all production areas where its members operate and has been largely successful. DPA has agreements with The Danish Actors' Association, the Danish Film Directors, the Danish Film- and TV-Workers' Union, the Danish Dramatic Guild, the Danish Union of Journalists, the Danish Artist Union and the Danish Composers' Society.

DPA is also a member of international sister organizations in the TV, animated film, and film/TV commercial production industries.

DPA acts as the secretariat for the European commercial film production organization, CFP-E (Commercial Film Producers of Europe).

In the area of theatres on the employers' side, the Association of Danish Theatres (Danske Teatres Fællesorganisation, DTF) should be mentioned.⁶³ DTF consists of three province-scenes, the Copenhagen theatres covered by the Copenhagen (including suburbs) Theatre Community, The Danish Theatre and The Jytlandic Opera. As an employers organisation DTF has concluded several collective agreements, as is also the case with the Royal Theatre who has concluded agreements on company level. Among others, DTF has concluded a collective agreement with the Danish Theatre Technicians' Association (Teaterteknikerforbundet, TEF) concerning wages and conditions of employment for the scene-technical staff on the Danish Theatre

Trade unions

The Danish labour market is highly unionised in respect both of professional workers and of other workers. Trade union density stands at around 80%⁶⁴. The unions are predominantly divided according to educational background and qualifications, rather than by employment.

The three main organisations on the employees' side are all represented in the C&M sector. With approximately 1,500,000 members, the Danish Confederation of Trade Unions (Landsorganisationen i Danmark, LO) is the largest national trade union confederation in the country; it is also recognised as the most representative for skilled and unskilled workers' organisations in both the public and the private sector. There are two other representative umbrella wage-earner confederations: the Confederation of Salaried Employees and Civil Servants (Funktionærernes og Tjenestemændenes Fællesråd, FTF), whose 450,000-strong membership comprises white-collar and public servant groups, and the Danish Confederation of Professional Associations (Akademikernes Centralorganisation, AC), whose 200,000 or so members are mostly university graduates, or employees with a similarly high level of education. The LO, FTF and AC cooperate in all essential trade union and political issues, and they have mutual agreements delimiting their competencies and spheres of exclusive rights.

Numbers of union members in the C&M sector belonging to the three central organisations are the reverse of what might be expected: the LO, has only 1,477 members working in the field of culture and the media, that is to say 0.1% of their total membership, while the FTF has 7,477 (approximately 1.7%), and the AC has 16,680 members in the field of C&M (about 3.3%). However, in terms of educational skills, the sector's most representative union confederation is the Confederation of Salaried Employees and Civil Servants (FTF). Its members include the Danish Sacred Musicians' Association (Dansk Kirkemusiker Forening, DKF) which represents 685 church singers and organists, the Danish Theatre Association (Dansk Teaterforbund, DT), which is the result of a merger between the Danish Actors' Association (Dansk Skuespillerforbund, DSF) representing actors, opera singers, dancers and choreographers, and the Danish Theatre Technicians'

⁶³ DTF does not have an individual web-page and contact to the organisation is made through the Royal Theatre in Copenhagen

⁶⁴ 90% of public sector professionals, and 60% of privately employed professionals, are union members.

Association (Teaterteknikerforbundet, TEF); the latter's membership is made up of those in technical and administrative jobs that are directly or indirectly concerned with such matters as production, design and theatrical performance, and cultural and audio-visual events. DSF defends its members' interests in a number of areas including: Collective agreements relating to pay and employment conditions for actors working in theatres, radio, film and television. Protection of the performance of artists through legislation and collective agreement. Improvement of the conditions under which artists work by exercising an influence on cultural politics, and looking after its members' social and educational needs. In total, the DT represents 2,874 members, of whom 2000 are members of the DSF and DSF must be recognised as a central player in the area. Other organisations include the following: the Danish Film and TV Workers' Association (Film- og TV-arbejderforeningen, FAF) with 908 film and television workers, the Confederation of Danish Set Designers (Sammenslutningen af Danske Scenografer, SDS) with 210, and the Danish Musicians' Union (Dansk Musiker Forbund, DMF), whose members include musicians, soloists, singers and music teachers, and has 2800 altogether. Members of the AC include the Federation of Associations of Graduates at Academies of Music (Forbundet af kandidatforeninger fra musikkonservatorierne) with 1,642 members, the Danish Union of Librarians (Bibliotekarforbundet, BF), which organises approximately 5,000 Danish librarians (90% of all trained librarians in Denmark), and the Danish Association of Business Language Graduates (Forbundet Kommunikation og Sprog) with 10,038 members.

LO's affiliated unions include only one in the field of C&M: the Danish Artist Union (Dansk Artist Forbund, DAF) with 1,477 professional artists, including singers, vocal and instrumental soloists, entertainers, bands and groups working in, for example, pop, rock, jazz, folk, rap, shows, variety and the circus.

Just one association, the Stationary Employees' Association (Bog- og papirbranchens ansatte, BMF), belongs to the Union of Commercial and Clerical Employees in Denmark/Retail and Wholesale Trade (HK/handel). HK/handel, which has a total membership of about 377,000, is divided into four sections: one of them is HK/Retail and Wholesale Trade⁶⁵ with 100,000 members. BMF also organises 1,500 employees in bookstores, publishing firms and paper trades. In addition, there are a few trade unions that do not operate primarily in the area of culture and the media, but which nonetheless organise national professional organisations (*landsbrancheklubber*) in the field. An example is the professional organisation, Danish Designers (Danske Formgivere), which is part of the National Technicians' Federation (Teknisk Landsforbund, TL), which in turn organises 18 different kinds of technician ranging from designers to software engineers and technicians employed in such sectors as building, construction and electronics.

The largest trade union in the field of culture and the media, the Association of Danish Journalists (Dansk Journalistforbund, DJ), has 12,222 members, and is not a member of any of the main organisations; it therefore negotiates directly with individual firms and with employers' organisations covering the field. The same is true of the Association of Pictorial Medium Interpreters (Forum for Billedmedieoversættere, FBO), which is part of DJ, and has about 50 members.

For tax purposes, slightly over half of all freelancers organised in the DJ are defined as self-employed (*selvstændige erhvervsdrivende*); the rest are considered to be employees. From the DJ's point of view, it is imperative for notice of collective actions to be given on behalf of both groups. This has often been a source of conflict, though, because media companies regard freelancers as "self-employed journalists", and therefore refuse to negotiate CAs for them on the grounds that freelancers are able to work independently of CAs. In spite of numerous negotiations, the DJ has not managed to persuade employers including DDFF or TV2 to accept central agreements for its freelance members on salaries and other conditions of employment.

As virtually all players in the field of culture and the media take part in processes of CB, and given the large number of CAs that have to be discussed, negotiations leading to these agreements sometimes give rise to various possible disputes. Negotiations between the Association of Danish Journalists (Dansk Journalistforbund, DJ) and the national radio and television station, Danmarks Radio have traditionally led to disputes, which have in turn triggered further talks. There was a dispute in 2002 when journalists working for DR rejected a new individual wage scale that did not reflect employee solidarity (from the journalists' point of view. Under this proposal, managers have been given more say in deciding what salary an individual employee deserved. DR journalists have produced a home page (www.drkonflikt.dk) designed to inform other journalists about the disputes with DR. The website-site has not been updated since September 2002, even though there have been other disputes between the DJ and DR since then.

⁶⁵ The other divisions are HK/Private, HK/Government Institutions and HK/Municipal Authorities.

FINLAND

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

Delimitation and scope of activities in the sector

In Finland, statistics are collected for the field of "culture". The classifications of statistics reflect quite well the national traditions of the delimitation of the C&M sector. This field includes four separate sectors: the arts, the mass media, sculpting and advertising, and others (mainly entertainment). These sectors consist of several sub-sectors: the arts include, for example, artistic action, stage performances, concerts and libraries; the mass media sector includes the making and distribution of books, magazines (and newspapers) and films, as well as the operation of radio and television networks; and sculpting and advertising consist of advertising, architecture and industrial art. Other fields in the culture sector include photography shops, amusement parks and the gaming industry, as well as the production and sales of entertainment electronics⁶⁶. It might therefore be argued that the "culture" sector in Finland consists of a wide range of fields relating both to culture and to the media. The culture sector has normally been defined more broadly than that of the media: the former includes the latter, but it is still possible to make a (rough) distinction between the culture sector and the media sector even if there are some borderline cases like part of film industry.

The C&M sector has been officially recognised in Finland as a whole, but a strict distinction between the culture sector and the media sector (and the new media and marketing communication sector) has not yet been developed⁶⁷, and it is still changing.

Organisations, associations and institutions

A key organisation in the field of C&M is the Consultation Board of Unions in the Field of Culture (Kulttuurialan Ammattiliittojen Neuvottelukunta): the Central Organisation of the Trade Unions (SAK) and the Finnish Musicians' Union are members. Other members are the Union of Journalists in Finland (Suomen Journalistiliitto) and the Union of Finnish Actors and Theatre and Media Employees in Finland (Teatteri- ja Mediatyöntekijät, TeMe). The latter was founded in 1973, and until 1988 was known as the Joint Association of the Finnish Theatre Workers (Suomen Teatterityöntekijäin Yhteisjärjestö)

Another important umbrella organisation is Forum Artis, the national cooperation body for Finnish artists' associations and for free artists. Its aims are to advance the interests of its member societies, to promote cooperation within the various branches of art, and to foster the social and professional interests of its members. The organisation was formed in 1950 and its statutes were adopted the following year. Forum Artis became a registered association in 1962. Its member organisations are the Society of Swedish Authors in Finland the Association of Swedish-speaking Actors in Finland, GRAFIA (the Finnish Association of Graphic Design), SAFA (the Finnish Association of Architects), the Union of Finnish Writers, the Finnish Association of Translators and Interpreters, the Federation of Finnish Elocutionists, the Finnish Musicians' Union, the Finnish Dramatists' Union, the Union of Finnish Actors, the Society of Finnish Composers, the Artists' Association of Finland, FINNFOTO (the Central Association of Finnish Photographic Organisations); ELVIS ry (the Finnish Guild of Light Music Composers and Authors), TeMe (Theatre and Media Employees in Finland) and ORNAMO (the Finnish Association of Designers). Forum Artis is not directly party to the negotiations.

⁶⁶ Tietoaika 6-7/2004

⁶⁷ Statistics Finland publishes official statistics that cover the C&M sector. Work on media statistics was started in the late 1970s. The statistical publication Finnish Mass Media was launched towards the end of the 1980s. Finnish Mass Media is now issued every two years in even years. Other statistical reports and special surveys on the media are published regularly. Compilation of media statistics makes use of Statistics Finland's own material and registers, such as the Business Register and the Household Budget Survey. Every other year, Statistics Finland publishes a collection of articles, statistics and other data in a volume of cultural statistics: it mainly covers art, popular culture and cultural heritage. Cultural statistics are based on many different sources including statistical databases, population censuses and customer surveys: film, literature, the visual arts, photography, the industrial arts, music, architecture, and dance and theatre, for example, each has its own chapter in the publication.

The most important umbrella organisation for employers' organisations in the media sector is the Federation of the Finnish Media Industry (Viestinnän Keskusliitto, VKL). It is a central organisation for mass media and printing, and its aim is to promote general and economic conditions in the field. A member association, the Media Employers' Association (Viestintäyönantajat), conducts direct negotiations with the trade unions. Its other member organisations are the Finnish Periodical Publishers' Association, the Federation of the Printing Industry in Finland, the Finnish Newspapers Association, the Finnish Book Publishers' Association, and the Association of Finnish Broadcasters. The Media Employers' Association is the employers' spokesperson for the graphics industry, newspapers, periodicals and book publishers.

The Finnish Association of Marketing Communication Agencies (Markkinointiviestinnän toimistojen liitto) is a cooperative network whose purpose is to promote its members' professional and economic operating conditions. Membership is open to advertising agencies, media agencies, direct advertising agencies, graphic design agencies, new media agencies and other agencies that design and produce advertising copy. Membership of the European Association of Communication Agencies (EACA) ensures ongoing international interaction. The Finnish Association of Marketing Communication Agencies is not a direct bargaining party, but its members have CAs. In the field of marketing, the situation is quite unclear on the employee side, and it is changing: employees are members of the Union of Media Workers, the Union of Salaried Employees, the Service Union United PAM or the Federation of Special Service and Clerical Employees (ERTO). Union density is below average for the sector.

Copyright and related rights play an important role in the C&M sector. There are several associations that deal with the sector's interests: Gramex (for performing artists, music recordings and related matters), Kopioisto (photocopying, recording, broadcasting and television programs), Teosto (composers, lyricists and arrangers), Kuvasto (visual arts) and Tuotos (producers of audiovisual products). These organisations cooperate with the World Intellectual Property Organisation (WIPO) and WTO.

Employment

Table 1. Employed labour force in cultural industries by industry 1995, 2000 and 2002⁶⁸

Industry	1995	2000	2002*	Characterisation
Architectural and industrial design and art	3,327	5,374	6,077	Large enterprises, small agencies and self-employed workers
Art and antique shops and second-hand bookshops	396	444	519	Private shops and galleries
Libraries, archives, museums etc	9,516	9,780	9,771	Public sector (state and municipalities) employees, and temporary and part-time workers
Production and distribution of books	4,044	4,899	4,851	Printing firms: a few old ones, and many (small) ones; the old ones pioneered bargaining in Finland. Part-time and fixed-term work
Production and distribution of newspapers and periodicals	27,847	29,301	27,434	Strong and traditional line of industry; shift work
Advertising	4,767	8,470	7,663	Private agencies; project work
Photography	3,015	3,266	3,265	Agencies, shops and self-employed workers
Radio and television	11,459	13,982	13,096	YLE, the (state-owned) Finnish Broadcasting Company; many new commercial stations; new production houses
Production and distribution of motion pictures and videos	1,391	2,387	2,902	Mainly small production companies, international and national distribution chains
Production and distribution of music and sound recordings	992	1,154	1,192	International and national
Theatre, dance and concert activities, operation of arts facilities, amusement parks, games and other entertainment and recreation	8,718	10,661	10,826	Private and public, a lot of temporary and part-time work
Cultural industries total	75,472	89,718	87,596	
Percentage of total employed labour force	3.9	4.0	3.9	

* Preliminary data

⁶⁸ Statistics Finland, employment statistics

In an approximate distinction between the culture sector and that of the media in Finland, the former employs about 40,000 people (1.8% of the employed labour force) and the latter about 50,000 people (2.2% of the employed labour force). Men and women are employed in almost equal numbers in the two sectors, but the male/female ratio varies considerably from one sub-sector to the next.

Table 2. Employed labour force in the culture sector by occupation and gender 2000⁶⁹.

Occupation	Total	Males	Female	% in cultural industries	In cultural industries (number)
All employed labour force	2,228,557	1,151,121	1,077,436	4%	89,707
All cultural occupations	65,760	33,877	31,883	63%	41,296
Cultural services managers	914	396	518	82%	753
Advertising and public relations managers	613	291	322	50%	307
Advertising and marketing professionals	8,365	4,708	3,657	15%	1,285
Public relations professionals	2,708	642	2,066	13%	362
Archivists	584	120	464	22%	126
Curators	610	177	433	79%	479
Librarians and related information professionals	3,272	830	2,442	53%	1,743
Managing editors	500	313	187	78%	390
Journalists, editors and critics	6,047	2,936	3,111	83%	5,049
Radio and television journalists	2,295	1,164	1,311	97%	2,216
Advertising copywriters	520	264	256	90%	467
Authors and dramaturges	200	94	106	56%	112
Sculptors and painters	455	236	219	49%	222
Graphic designers	1,647	897	750	61%	998
Art and craft designers and related artists	1,484	670	814	42%	624
Composers, musicians and singers	2,264	1,410	854	43%	983
Choreographers and dancers	542	133	409	66%	360
Actors	1,041	562	479	83%	863
Stage and film directors	290	196	94	68%	197
Printing technicians	1,886	1,466	420	59%	1,119
Photographers and image and sound-recording equipment operators	2,994	2,167	827	73%	2,174
Broadcasting and telecommunications equipment operators	616	450	166	90%	557
Artistic and crafts and design associate professionals	1,955	1,125	830	57%	1,124
Producer's assistants and related associate professionals	433	99	334	91%	396
Radio, television and other announcers	345	233	112	47%	162
Night-club and related musicians, singers and dancers	1,551	1,324	227	28%	427
Clowns, magicians, acrobats and related associate professionals	74	37	37	66%	49
Library and filing clerks	5,140	994	4,146	83%	4,243

⁶⁹ Statistics Finland, employment statistics. Note: Statistics Finland uses a classification of occupations, which is based on the global classification of occupations ISCO-88 by International Labour Organisation ILO. While the classification of occupations is quite detailed, it may look as if some 'natural' occupational groups were missing. A good example is technical staff of theatres. According the Association of Finnish Theatres the number of this group is about 1300. This category is not explicitly embodied in the classification of occupations and therefore theatre technical staff has been classified in other available categories.

Musical instrument makers and tuners	164	140	24	63%	103
Handicraft workers in wood, textiles, leather and related materials	11	6	5	9%	1
Compositors, typesetters and related workers	3,334	1,706	1,628	85%	2,833
Stereotypers and electrotypers	1,397	763	634	86%	1 200
Printing engravers and etchers	29	20	9	38%	11
Photographic and related workers	250	101	149	68%	169
Bookbinders and related workers	442	182	260	67%	296
Silk-screen, block and textile printers	257	158	99	70%	180
Photographic-products machine operators	531	129	402	95%	504
Printing-machine operators	7,266	5,319	1,947	79%	5,750
Book-binding-machine operators	2,734	1,419	1,315	90%	2,462

Development of the sector

In recent times, the Finnish C&M sector has grown slightly more slowly than the economy in general. The share of GNP provided by enterprises in the C&M sector was about 3.9% in 1995, and it then rose to 4.0% in 2000 before falling back to 3.9% in 2002. The economic importance of the C&M sector has declined because of the mass media sector with sectors such as advertising, architecture, industrial art and entertainment (or free-time culture) increasing their share of GNP⁷⁰. Professions in the sector range from the most traditional to fledgling professions. Part-time employment, fixed-term employment, project work and self-employment are also quite common.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR AT NATIONAL LEVEL

Basic features of social dialogue

In the field of culture particularly, but also in the media sector, there are many organisations that specialise in dealing with their members' common and mutual interests. Only a minority take part in CB in Finland. If the organisation is a negotiating body, the most common way of taking part is to participate in the normal tripartite incomes policy process. Central labour market organisations and government negotiate a general tripartite framework agreement, and if the tripartite negotiations are successful, the results are passed on to the trade unions, and detailed bipartite agreements are signed at that level. If the tripartite negotiations fail, they have to be negotiated at union level. If the negotiations are successful, the normal outcome is a binding CA, with a special board deciding whether the agreement is collectively binding or not. Normally this assumes that the trade unions and the employers' organisations cover about half of the employees in the field. There are also bipartite agreements in the field of C&M, but many of them are not collectively binding: these agreements may cover only special groups, or else their coverage has been limited to a single employer, or to a small number of employers. Collectively binding agreements override all others. The coverage of CAs in Finland has been very high (over 90%); it is also high in the C&M sector. Industrial peace is secured by CAs.

A typical feature of the structuring of social dialogue in the C&M sector is the diversity of organisations: the C&M boasts the oldest trade union in Finland, and there are also many very small unions and associations, but their agreements can still be collectively binding. Employment in the new media is increasing, but there are no special agreements for them. However, unionisation in these new branches has increased irrespective of the fact that no new specialist unions have been established. A trend in the heterogeneous field of culture and the media has been the creation of umbrella organisations to cater for members' common interests and rights. A good example of this on the employers' side is the Federation of the Finnish Media Industry (Viestinnän Keskusliitto, VKL), which was founded in 2002 and represents about 80% percent of media markets. It does not participate directly in negotiations, but it may nonetheless be described as a broad industrial policy interest organisation. It takes an interest in many fields including national and international legislation, copyright, education and training policy, and R&D. A member organisation, the Media Employers' Association (Viestintäyönantajat, VTA), looks after labour market negotiations and agreements. Members of the Federation of the Finnish Media Industry are

⁷⁰ Source: Tietoaika 6-7/2004.

affiliated to many Nordic, European and international organisations including the European Magazine Publishers' Federation, Intergraf, the World Association of Newspapers WAN, ENPA, IFRA, Inma, IPI, the International Publishers' Association, the Federation of European Publishers and the Association of European Radios.

3. ACTORS IN THE C&M SECTOR AT NATIONAL LEVEL IN FINLAND

Due to the nature of the sector, there are several actors both on the employees' side and on the employers' side. Many of these work together, or only negotiate a separate CA with a particular organisation on the other side. Some of these CAs only apply to a very small number of employees, but they might still be collectively binding in the field in question.

The employers' organisations

The Service Branch Association (Palvelualojen Toimialaliitto) is a labour market policy and industry organisation that was founded in 1992. It is a member of the central Confederation of Finnish Industry and Employers (Teollisuuden Työntajat, TT). The organisation monitors labour market policy issues on behalf of its member companies in relation to trade unions, public authorities and other affiliations.

The Federation of the Finnish Media Industry (Viestinnän Keskusliitto) is a central organisation for the mass media and printing sectors. Its aim is to promote general and economic conditions in the field. It has member organisations in the fields of publishing, graphic industries, radio and television broadcasting. One of its members, the **Media Employers' Association** (Viestintätyöntajat, VTA), is party to negotiating CAs for the graphic industries, newspapers and periodicals, and book publishers. The Association has negotiated nine CAs, seven of which are collectively binding. Approximately 373 companies and about 30,000 employees are covered by these agreements. The Media Employers' Association has a long history of CB; it negotiated the first national CA in Finland in 1900, and is the successor to the former Employers' Federation of Graphics Industry (Graafisen teollisuuden työntajaliitto).

The Federation of the Finnish Media Industry (Viestinnän keskusliitto) and the Media Employers' Association (Viestintätyöntajat, VTA) are members of the Confederation of Finnish Industry and Employers (Teollisuuden ja Työntajain Keskusliitto, TT).

The Confederation of Finnish Industries and Employers has 5,600 member companies, which in turn employ approximately 520,000 workers. It is a member of UNICE. At a European level, it is a member of the EC Economic and Social Committee. It is also a member of the IOE (International Organisation of Employers), and of the BIAC (Business and Industry Advisory Committee), an OECD consultative committee representing business and employers.

The **Employers' Association of the Special Branches** (Erytispalvelujen Työntajaliitto) is a member of Employers' Confederation of Service Industries (Palvelutyöntajat, PT). The Association negotiates several CAs with trade unions, and has approximately 1,000 member companies, which in turn employ about 33,000 employees.

The Employers' Confederation of Service Industries (PT) and the Confederation of Finnish Industry (TT) are about to merge into a new central organisation, the **Confederation of Finnish Industries** (Elinkeinoelämän keskusliitto, EK). It will be officially operational from the beginning of next year, but in practice it will be up and running during the autumn of 2004. The new organisation will represent all sectors, about 15,000 enterprises, about 70% of the Finnish Gross National Product, and over 95% of Finnish exports. Member companies of the Confederation of Finnish Industry employ a total of 900,000 people.

The **Association of Finnish Theatres** (Suomen teatteriliitto ry) is an interest and employer organisation of Finnish professional theatres. It was founded in 1922. The Association has 40 member theatres: 38 theatres subsidised by law all around Finland, the Finnish National Theatre, and the Finnish National Opera. The Association of Finnish Theatres takes part in the CB agreement negotiations for its member theatres.

Trade unions

The **Union of Media Workers** (Viestintäalan ammattiliitto) is the oldest trade union in Finland. It was founded in 1894 and began operating in 1897. It was originally called the Typografian liitto, and was also known as the Kirjatyöntekijäin liitto for many decades. The Union was founded in 1995, but commenced operations a few years later. At the end of 2002, it had 27,775 members, of whom 52% were women and 48% were men. It takes part in CB, and has negotiated three separate agreements with the Media Employers' Association (Viestintätyöntajat, VTA). These agreements are collectively binding. One of these agreements is for the employees in the printing industry, the second covers the early delivery of newspapers, and the third is for commercial secretaries and sales staff in the graphics industry. The Union works in cooperation with the Central Organisation of Finnish Trade Unions (SAK). It is also a member of the NGU (the Nordic union for the graphical sector) and UNI (UNI-Europe-Graphical and UNI-World-Graphical).

The **Union of Journalists in Finland** (Suomen Journalistiliitto) was founded in 1921, and today has over 13,000 members. It has negotiated six CAs with three different employers' associations; the agreements cover the press, the Finnish Broadcasting Company (YLE), MTV3 commercial television, private local radio stations, television production companies and publishing companies (editors working in the publishing houses). The Union also negotiates with YLE and MTV3 on terms and conditions (e.g. commission rates) relating to freelance work in radio and television.

The **Public Journalist Association** (Yleinen Lehtimiesliitto) is a member of the Central Organisation of Finnish Trade Unions (SAK), and is committed to promoting the interests of employees in newspapers and periodicals as well as those in the electronic media. It is not a traditional trade union; it is a professional union for media workers, and promotes left-wing politics. It does not take part in CB.

The **Mediaunion** (Mediaunioni, MDU) was founded in 1909, but was then known as the Suomen Faktoriliitto (Union of Finnish Foremen of Printing Houses); it changed its name to Mediaunioni in 1999. It negotiated its first CA in 1971, but even before that it had negotiated conditions of employment such as pay levels with employers' organisations. It is a member of the Finnish Confederation of Salaried Employees (STTK), and through that affiliation, takes part in CB. The Mediaunion has 2,700 members.

The **Association of Professional Graphic Designers in Finland, Grafia**, is a trade union for graphic design employees in Finland. It was founded in 1933 and has 776 members. It is also a member of the Bureau of European Designers' Association (BEDA), the central organisation for design in Europe.

The **Finnish Musicians' Union** (Suomen Musikköjen Liitto ry) was founded in 1917 and is a trade union organisation for professional musicians. It has some 3,200 members and is affiliated to the Central Organisation of Finnish Trade Unions (SAK). Orchestral players, soloists and conductors account for approximately one third of the union's membership; the remaining two thirds consists of restaurant, entertainment, jazz and rock musicians, and DJs. Ballet dancers employed by the Finnish National Opera are also organised by the Union. The Finnish Musicians' Union takes part in CB and cultural politics in general. On an international level, it is affiliated to the International Federation of Musicians (FIM), Nordisk Musiker Union (NMU), an organisation for trade unions of musicians in Nordic countries), and the Association of European Performers' Organisations (AEPO).

The **Union of Salaried Employees** (Toimihenkilöunioni, TU) is the biggest industrial white-collar trade union in Finland. It has approximately 122,000 members in various fields of employment; almost half (45%) of the members are women. It is also a member of the Finnish Confederation of Salaried Employees (STTK). The Union represents clerical employees and foremen/forewomen, but it is only a small organisation in the C&M sector.

Theatre and Media Employees in Finland, TeMe (Teatteri- ja Mediatyöntekijät ry) has negotiated a CA for movie and television production, but it is not collectively binding. The organisation has 3,400 members who work in theatres, dance and movies, and on television. TeMe's largest member unions are the Union of Theatre Technicians (Suomen teatteritekninen liitto), the Union of Finnish Dance Artists (Suomen tanssitaiteilijöiden liitto, STTL) and the Union of Movie and Video Makers (Suomen Elokuva- ja Videotyöntekijöiden Liitto). TeMe has affiliated to UNI, and is a member of Media and Entertainment International via EURO-MEI.

The **Central Union for Special Branches within Akava** (Akavan Erityisalojen Keskusliitto, AEK) and its 21 independent affiliates is a member of the Confederation of Unions for Academic Professionals (AKAVA). A typical AEK member is a supervisor or specialist employee in administration, culture or various aspects of business life. There are altogether close to 17,000 members in AEK, which was founded in 1972. The union takes part in CB.

The **Service Union United (PAM)**, which is also a member of the Central Organisation of Finnish Trade Unions (SAK) started operating at the beginning of 2001. The founding unions were the Union of Commercial Employees (Liikealan ammattiliitto), the Hotel and Restaurant Workers' Union (Hotelli- ja ravintolatyöntekijöiden liitto), the Union of Technical and Specialist Occupations (Teknisten- ja erikoisalojen liitto) and the Caretakers' Union (Kiinteistötyöntekijöiden liitto). PAM has approximately 202,000 members, and is the second largest union in Finland, but it has only a few thousand members in the C&M sector. It is active in commerce, the accommodation and restaurant sector, security guarding, hairdressing, and the private cleaning sector, and has negotiated a CA for movie theatres with Erityispalvelujen Työnantajaliitto.

The **Union of Finnish Actors** (Suomen Näyttelijäliitto) was founded in 1913. At the end of 2003, it had 1,677 members. The membership consists of professional actors and actresses, singers and dancers. The union has signed a collectively binding agreement with the Association of Finnish Theatres (Suomen Teatteriiliitto) for actors working in theatres.

APPENDIX: AGREEMENTS IN THE C&M SECTOR IN FINLAND, October 2004

Date (in Finlex database)	Title of agreement	Collectively binding (Y/N)	Signatories	
			Employers	Employees
2.10.2001	CA applied to bingo workers	yes	Employers' Association of the Special Branches	Service Union United (PAM)
18.12.2001	CA applied to technical salaried employees	yes	Media Employers' Association (VTA)	Mediaunioni
5.2.2002	CA applied to salaried employees working in editorial posts in local radio	no	Media Employers' Association (VTA)	Union of Journalists in Finland
5.2.2002	CA applied to journalists	yes	Media Employers' Association (VTA)	Union of Journalists in Finland
7.6.2002	CA applied to restaurant musicians	yes	Employers' Association of the Special Branches,	Finnish Musicians' Union
4.6.2002	CA applied to dancers in theatres	yes	Association of Finnish Theatres	Theatre and Media Employees in Finland (TeMe)
4.6.2002	CA between The Finnish Musicians' Union and the Employers' Association: applied to musicians	no	Employers' Association of the Special Branches	Finnish Musicians' Union
4.6.2002	CA applied to actors and actresses in theatres	yes	Association of Finnish Theatres	Union of Finnish Actors
26.6.2002	CA applied to movie theatres	yes	Employers' Association of the Special Branches	Service Union United (PAM)
15.10.2002	CA applied to museums	no	Employers' Association of the Special Branches	Central Union for Special Branches within Akava (AEK)
11.11.2002	CA applied to musicians, singers and conductors working for companies producing sound recordings	yes	Employers' Association of the Special Branches	Finnish Musicians' Union
11.11.2002	CA applied to actors and actresses in films	no	Employers' Association of the Special Branches	Union of Finnish Actors
29.11.2002	CA applied to employees in newspaper delivery	yes	Media Employers' Association (VTA)	Union of Media Workers
12.3.2003	CA applied to dance instructors	yes	Association of Finnish Theatres	Union of Finnish Dance Artists (STTL)
30.9.2003	CA between the Media Employers' Association and the Union of Media Workers: applied to salaried employees in printing and graphic design	yes	Media Employers' Association (VTA)	Union of Media Workers
30.9.2003	CA applied to editors at publishing companies	yes	Media Employers' Association (VTA)	Union of Journalists in Finland
30.12.2003	CA applied to temporary theatre musicians	yes	Association of Finnish Theatres	Finnish Musicians' Union
30.12.2003	CA applied to permanent theatre musicians	no	Association of Finnish Theatres	Finnish Musicians' Union
31.5.2004	CA applied to the film and television industry	no	Employers' Association of the Special Branches	Theatre and Media Employees in Finland (TeMe) and Union of Journalists in Finland
2.6.2004	CA between the Media Employers' Association (VTA) and the Union of Salaried Employees	no	Media Employers' Association (VTA)	Union of Salaried Employees

Note: The list of agreements in the C&M sector may be incomplete. Source: www.finlex.fi/normit/index.html

FRANCE

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

1.1. Delimitation of the sector

In France, the sector under examination is officially known as the “culture sector”⁷¹. The Nomenclature of French Employment Activities (Nomenclature des activités françaises, NAF) sets out a “list of NAF jobs found in the ‘culture sector’”, while the Nomenclature des professions et catégories socioprofessionnelles, PCS) contains a “list of PCS jobs in the ‘cultural professions’”. The former nomenclature defines NAF jobs, and places them in the following categories together with the NAF codes for each item: cultural industries (publishing and book production, the press, radio and television, cinematographic activities and video), architecture, live entertainment and artistic activities, and heritage conservation. The “cultural professions” used in the latter nomenclature are the audiovisual and entertainment professions (artists working in the entertainment business, managers, and technicians and blue-collar workers in the entertainment business), plastic arts and the arts (plastic artists, designers and decorators, photographers and artistic professions), literary professions (journalists and managers in publishing, and literary authors) managers and technicians in documentation and conservation, art teachers, and architects. These lists, which have been drawn from nomenclatures, constitute the sole official definition of the field of culture, and are also employed by the Ministry of Culture. However, these nomenclatures pose a number of problems in that they incorporate within the same category certain activities that in fact only partly lie within the field of culture. An example is paper, which, although listed under the NAF “publishing and books” code, is not part of the culture field of activities⁷².

Within the context of this study, we will use the following delimitation of the sector: • live entertainment⁷³: theatre, dance, music, other entertainment and street art, and so-called entertainment-linked services; • recorded entertainment⁷⁴: cinema, recordings, radio and television; • plastic and visual arts (e.g. painting, sculpture, photography and design); • writing (the press, publishing and writers); • heritage conservation (administration of libraries and of the cultural heritage).

1.2. Importance of the sector and sub-sectors in the French economy

1990-1999: Most of the explanation for the advances made in the culture sector during these ten years lies in the sharp rise in employment in live entertainment and artistic activities (e.g. free-lance artists, permanently established companies and groups, and the creation of forms of entertainment), although activities involved in the administration of entertainment premises have declined fairly substantially (– 17%). Cinematographic and video activities (+ 81%) and, to a lesser extent, radio and television activities (+ 22%) posted large increases.

However, cinema-going declined by 5.4% in 2003 (174.15 million tickets sold) compared with 2002, and receipts fell by 2.7%⁷⁵. Export of television programmes (the value of the broadcasting rights of television programmes sold abroad in 2002 came to 106.1 billion euros) and of full-length French films fell in 2002 and in 2003; with 212 accredited films in 2003, 183 of them being French, cinematographic production rose by 6%. Investment achieved remarkable growth (+ 34%), and for the first time passed the symbolic 1 billion euro barrier.

⁷¹ The relevant French Ministry is that of Culture and Communication, hence the presence of the media in this field.

⁷² Architecture figures in the culture sector through its heritage dimension (i.e. via heritage conservation, which in turn administers historical sites and monuments), but activities listed under “architectural activities” in the NAF nomenclature cover the construction sector (architectural projects, advice given to construction contract managers, the conduct of operations carried out on behalf of owners, and advice and studies relating to urban and rural planning). However, distribution activities (bookshops, other publishing activities, and the sale and hiring of films) have not been placed in this field partly because they do not exclusively concern the culture field, and partly because retailers (e.g. large department stores) do not carry out all distribution. It should also be borne in mind that these activities are not always covered by representative trade unions in the culture field. Lastly, the field of socio-cultural direction is not considered by the Ministry of Culture to fall within the culture sector.

⁷³ Live entertainment may also be defined as a performance in the presence of an audience of a work of the imagination. It involves a creative act and a physical meeting between at least one interpretative artist and an audience. The appellation “live” distinguishes that form of entertainment from the “recorded” variety.

⁷⁴ Recorded entertainment, as distinct from live entertainment, relies on a support (e.g. records, cinema and audiovisual), and therefore embraces some of what is usually understood by the word “media”, to which may be added the written press, listed here under written professions.

1990-1999: During this period, the number of people working in the heritage conservation fell slightly. The dramatic increase in cinema and video activities acted as a boost to all activities in the field such as production, publishing, technical services and distribution: in radio and television, employment mainly grew in the production of films for television, but stagnated in radio activities, and declined in activities linked to the production of television programmes. The number of people working in publishing and bookshops fell generally, but increased slightly in the press.

2003: The recording industry, which posted pre-tax turnover figures of EUR 1.1 billion in 2003⁷⁶, underwent an unprecedented crisis during 2003. Record sales fell back again by 14.6% in 2003, and monthly turnover in the same year was without exception below 2002 figures. In 2003, the record market returned to a level lower than that achieved in 1997. The fall in the market affected all supports (except videos) and all kinds of music.

1.3. Employment

One of the difficulties systematically referred to by the social partners concerns the lack of comparative statistical data for the whole of the sector. This is not unrelated to recurrent controversies relating to the sector's boundaries, and to the fragmentation of employers' representation (usually the absence of a constituted "branch", and therefore of a branch relationship). The proportion of workers on fixed-term employment contracts doubled between 1990 and 1999, and in 1999, it was almost twice as large as for the whole of the employed active population. In March 2002, according to the official nomenclature of jobs referred to at the beginning of this report, nearly 429,000 people, that is to say almost 2% of the employed active population – the "employed active population" does not include unemployed workers⁷⁷ – were engaged in cultural employment. And according to the INSEE Employment Survey for 2002, it was estimated that approximately 116,000 people were employed in audiovisual and entertainment business jobs (i.e. jobs declared by individuals as their main employment) in that year. Most of these workers are men (66%), and they tend to be young (more than two thirds are under 40). These jobs are characterised by precarious employment, with part-time working (33%) and fixed-term contracts (52%) more common than previously. A recent public report states that active employees in the culture sector "mostly work in the associative, private and commercial sectors. The public sector accounts for 84,000 jobs: 24,000 jobs funded out of state budgets (including 5,000 in Public Industrial and Commercial Establishments) and 60,000 in the cultural departments of local authorities (including 33,000 teachers of arts subjects)... In 2002, in the fields of live and recorded entertainment, excluding leisure parks, there were 210,000 people – this figure was reached by matching and extrapolating data from various available sources – working more than ten hours a week: they included 30,000 singers and musicians, 25,000 actors, 8,000 directors and producers, 5,000 dancers, 3,000 circus and music-hall artists (all artists) and 29,000 others. During 2002, 100,000 of these workers paid into the basic Unedic scheme, and there were 110,000 'occasional workers' ('intermittents'⁷⁸) divided as follows: 60,000 artists, 30,000 technicians, 10,000 administrative staff and 10,000 other jobs⁷⁹". In 2004, the Ministry of Culture gave 28% of its total budget (EUR 2632.7 billion) to live entertainment⁸⁰.

1.4. Employment statuses

Workers in the culture field may be paid under one of the following four employment statuses: employee, self-employed, author (authors are allowed to work under the status of author and that of employee simultaneously) and public sector employee (e.g. live entertainment artists, artists-authors, and unskilled artistic workers such as entertainment technicians). Employees are catered for by the provisions of the Labour Code, and of CAs concluded in the sectors covering them; public sector employees come under a special employment and social protection scheme that varies according to whether they work under contracts of employment (precarious employment) or on permanent contracts (permanent employment), and whether they are employed at national or regional level; and authors are covered by the provisions of the Labour Code and the Social Security Code if their contracts count as employment contracts. At all events, the transfer of their author's rights, their pay and commercialisation of their works are governed by the Intellectual Property Code (Code de la Propriété Intellectuelle, CIP). The CIP also deals with comparable rights for certain auxiliary creative workers, mainly performing artists and Record producers).

⁷⁵ These and subsequent figures are taken from the 2003 report of the National Cinematography Centre (Centre National de la Cinématographie).

⁷⁶ Figures supplied by the National Phonographical Publishing Association.

⁷⁷ Source: "Employment in cultural professions in 2002 according to the Insee Employment Survey", Observatory of Cultural Employment, "Données de cadrage" Series, No 36, October 2004.

⁷⁸ "Occasional workers" receive benefits under Annexes 8 and 10 of the General Unemployment Insurance Scheme (Régime général de l'assurance chômage).

⁷⁹ Pour un débat national sur l'avenir du spectacle vivant (For a national debate on the future of live entertainment), Report by B Latarjet, April 2004, pp 25-26.

⁸⁰ Source: Ministry of Culture, quoted by B Latarjet, *op. cit.*

According to the 1999 population census, one active employee in five in the cultural sector is self-employed: in 1999, non-salaried employees accounted for 22% of active workers in the culture sector while representing 12% of the entire employed active population⁸¹. The Observatory of Cultural Employment states that with the exception of the heritage conservation sector, where nearly all workers are salaried, the smallest proportion of self-employed workers (17%) is to be found in cultural industries (cinematographic and video activities, radio and television, the press, publishing and books). However, a comparison with 1990 census data reveals that the proportion of non-SW has tended to increase quite sharply in some activities, and particularly in cinema film production (+ 10%) and television programme production (+ 9%), although this category of worker is still fairly marginal. In live entertainment and artistic activities of the type listed by the Ministry of Culture (e.g. self-employed artists, staff of standing companies and groups employed on permanent contracts, and the development of entertainment), one active employee in four is self-employed, although the proportion of self-employed workers fell between 1990 and 1999 (- 5%)⁸². Employment in the culture sector is also characterised by the widespread use of "constant use" fixed-term contracts of employment; there are four kinds of employment contracts in the sector: open-ended employment contracts, fixed-term employment contracts, "constant use" fixed-term contracts, and extended fixed-term contracts of employment⁸³.

Percentage distribution of salaried employees by length of contract of employment

	1990		1999	
	Fixed-term employment contract (*) (%)	Open-ended employment contract (**) (%)	Fixed-term employment contract (%)	Open-ended employment contract (%)
Cultural sector	13	87	27	73
All of the employed active population	10	90	15	85

(*) Jobs performed by workers on fixed-term employment contracts, job creation contracts, seasonal workers, occasional workers, temporary workers, workers on contracts with limited duration, and temporary public employees; (**) jobs performed by workers on open-ended employment contracts, civil servants, and people on contracts of unlimited duration.

Source: INSEE (Population census), quoted by the Observatory of Cultural Employment, "L'emploi dans le secteur culturel" (Employment in the culture sector), "Données de cadrage" series, No 32, February 2004.

The Entertainment Business Holiday Fund⁸⁴ listed 118,000 occasional workers in 2001: "developments over the last 15 years or so reveal a striking imbalance between growth in the number of occasional workers (which has tripled) and that of the volume of work (which has doubled). Individual terms and conditions of employment have declined overall during this period, particularly for artists. Occasional salaried employees were distributed as follows in 2001: 62,000 artists (including 28,000 musicians, 23,000 actors and 5,000 dancers), 20,000 managers, 31,000 technicians and 5,000 blue-collar workers⁸⁵." More recently, for the year 2002, Unedic listed about 103,000 occasional workers qualifying for benefits under Annexes 8 and 10 of the unemployment insurance scheme. In March, according to data supplied by the Central Agency of Social Security Bodies (Agence centrale des organismes de sécurité sociale), average monthly salaries in the audiovisual and live entertainment sectors stood at EUR 2,400 and 1,400 respectively.

⁸¹ Observatory of Cultural Employment, op cit. The culture sector referred to is that defined by the Ministry of Culture.

⁸² Observatory of Cultural Employment, op cit.

⁸³ Article L122-1-1 of the Labour Code states that an employment contract may only be concluded for a specified period of time in certain cases where it is standard practice not to have fixed-term employment contracts because of the kind of work performed and the temporary nature of these jobs. So-called "constant use" fixed-term contracts are no different from normal fixed-term contracts. They are simply used for different reasons. The difference between "constant use" fixed-term contracts and "associate use" extended fixed-term contracts lies in the accumulated duration of the fixed-term contract with a given employer.

⁸⁴ The Entertainment Business Holiday Fund assumes responsibility for numerous employers of giving paid annual holidays to salaried artists and technico-artistic personnel (e.g. managers, technicians and blue-workers) and casual staff in the entertainment sector. In statistical terms, the Fund calculates the number of occasional workers for each year (i.e. all salaried employees in the entertainment sector not employed by a given employer during the previous 12 months), together with their volume of work and the sums of money paid out for it to be done.

⁸⁵ Claude Seilbel and Frédérique Patureau, Standing Commission for Employment in Entertainment, Hearing held by the team gathering information on artistic professions/Cultural, Family and Social Affairs Commission, June 2004.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE VARIOUS SUB-SECTORS

Taking its lead from the Federation of Live Entertainment, Music, Audiovisual and Cinema Employers (Fédération des Entreprises du Spectacle vivant, de la musique, de l'Audiovisuel et du Cinéma, FESAC), which has been seeking to structure the sector while at the same time conserving the CB autonomy of the various "branches" (in the strict sense of the phrase, they do not have any), the legislation underpinning "constant use" fixed-term contracts has partly helped to shape social dialogue (and employers' representation) in the entertainment and audio-visual sector. In a field where representation of the social partners and of CB cover is undergoing restructuring (and structuring), the issue of the representativeness of organisations is largely assessed on the basis of the bargaining items tabled for negotiation.

2.1. Live entertainment

The live entertainment sector is covered by several CAs, and in 1995, a single National Joint Committee for Employment and Training-Live Entertainment (Commission Paritaire Nationale de l'Emploi et de la Formation-Spectacle Vivant, CPNEF-SV) was set up: all employers in the sector – with the exception of the occupational associations, as only occupational bodies are entitled to be members of a National Joint Committee for Employment and Training – are represented on it.

- The **Extended National CA (1994) for Artistic and Cultural Enterprises** now covers the subsidised live entertainment network: it broadened its scope in 1994 to include structures such as theatres and cultural centres that are subsidised by all local authorities.
- The **Extended CA (1993) for private theatres** was established in 1977 and extended in 1993. It covers "all fixed-site, private-sector enterprises that are not directly or regularly subsidised by the state and/or regional and local authorities, and which function on a national basis, and engage wholly or partly in live entertainment activities such as performances of drama, opera and dance, variety shows and concerts".
- The **Song, Variety Show, Jazz and Modern Music CA**, which dates from April 2003 and is growing.
- The **Extended CA (1993) for Live Entertainment Entrepreneurs Organising Tours** (the so-called "touring company agreement") covers live entertainment on tour (e.g. variety, theatre and opera) and artists.
- There is also a special "live entertainment" annex attached to the leisure park CA, which was concluded and extended in 1996.

2.2. Recorded live entertainment

• Recording

Negotiations are currently under way with all member federations of the five representative trade union confederations within the framework of a mixed joint committee, and under the aegis of the Ministry of Labour. They aim to draw up a "CA for performing artists in the recording industry". An initial agreement reached in September 2003 sets out the scope of the forthcoming agreement by defining the categories of "interpretative artist" and employer in the sector.

• Television

Public television channels may be covered by a joint inter-company agreement (known as the Non-extended CA for Production and Audio-visual Communication) or, like channels in the private sector, have their own agreements. The FESAC states that private-sector channels are catered for by FESAC agreements that automatically cover their area. There is no CA for permanent salaried employees in television production, although an agreement has just been signed on the 35-hour working week. The Audiovisual Production Association (Union Syndicale de la Production Audiovisuelle, USPA) also says, in relation to occasional technicians that "since 2000, there have been staged agreements designed to provide a fully effective CA." A performers' CA was signed in 1992 and extended in 1994. That agreement covers private and public sectors, production and broadcasters. Journalists are covered by a special schedule to the audio-visual agreement incorporated into the journalists' national CA. A negotiation is in progress and aims to elaborate a CA of the cable televisions.

• Cinema

– Cinema production is covered by the (non-extended) collective agreement for cinematographic production signed by just one of the sector's four representative employers' organisations, the professional association of exporters/producers of French films in 1967, by the French actors' union (Syndicat français des artistes-interprètes) and the Free National Association of Actors (Syndicat national libre des acteurs). The agreement is seen as largely obsolete by the unions of technicians and actors and for the most part it is no longer applied. As production enterprises are micro-structures in which no negotiations take place, the General Confederation of Labour (Confédération Générale du Travail, CGT) considers that it is even more important to set up a properly structured field of CB. A Joint Health and Safety Committee has been set up.

– The operation of cinemas is covered by three CAs: the Extended CA of 1 September 1984 for Cinema Operation (Cinema Personnel), the Non-extended National CA for White-collar Staff and Technicians Employed on General and Administrative Services in the Operation of Cinemas of 28 June 1976, and the 1971 Non-extended National CA for Managers and Supervisors Employed on General and Administrative Services in Cinemas. Negotiations are conducted by the five representative trade unions (CGT, Force Ouvrière, CFDT, CFTC and CGC) and the National Federation of French Cinemas (Fédération Nationale des Cinémas Français). No representative of the state is in attendance.

• **Radio**

The public-sector radio stations (Radio France, RFI and RFO) are covered by the inter-company agreement referred to above for the public audio-visual sector, but they have also negotiated enterprise-level agreements. Unlike generalist radio stations, companies in the private sector are covered by the National Collective Radio Agreement, which was extended in 1996. The French Democratic Confederation of Labour (Confédération Française Démocratique du Travail, CFDT) believes that this agreement is hard to operate. As elsewhere, journalists are covered by their own CA. Private generalist radio stations have enterprise-level agreements, but the RTL, for example, is also covered by the CA for advertising.

• **Technical services**

Enterprises that provide technical services in the audiovisual and live entertainment sectors come under the umbrella of the Federation of Cinema, Audio-visual and Cinema Industries (Fédération des industries du cinéma, de l'audiovisuel et du cinéma, FICAM). The field is covered by the CA for audio-video informatics, which dates from 1995, and was extended in 1996.

These days, the **audio-visual** sector (i.e. television and radio, and providers of technical services such as radio and television technicians and television producers) tends to structure itself in a more standard fashion. It very recently acquired a joint National Joint Committee for Employment, and in this way will move towards organising itself as an occupational branch.

2.3. The plastic and visual arts

Matters relating to artists' social security and to social action are dealt with by the "Maison des Artistes"⁸⁶, where artists' trade unions and broadcasting groups are represented.

2.4. The written word

• **Publishing**

The publishing sector is a classic field in CB terms (i.e. CA, a Joint National Committee for Employment, a National Joint Committee for Training and a Joint Committee). There is an extended national agreement that was amended in January 2000.

• **The press**

There are no extended CAs in the press sector apart from the one for journalists. The latter agreement covers all journalists. For other categories of staff, there are CAs organised on the basis of job classification, and catering for each of the three existing types of written press: the written press, the audio-visual press and the spoken press. These agreements only apply to members of the signatory employers' organisation that is representative in the type of press concerned.

2.5. Heritage administration

Most salaried employees – there are about 23,000 public employees altogether – in this sector are employed by the Ministry of Culture and by regional and local authorities. The exceptions are those who work for Public Industrial and Commercial Establishments (Etablissements Publics Industriels et Commerciaux) (EPICS), which come under the Ministry of Culture. Social dialogue in respect of the former takes place on joint bodies (Administrative Staff Commissions (Commissions Administratives du Personnel) Health and Safety Committees (Comités d'Hygiène et de Sécurité) and Joint Technical Committees (Comités Techniques Paritaires), and in frequent so-called "informal" meetings between the Ministry and representative trade unions. The representative trade unions are the five national trade union confederations and Sud Culture; they sit on the joint bodies. The EPICs are governed by enterprise-level agreements.

⁸⁶ The "Maison des artistes" is the body accredited by the state to take over the employer's obligations in respect of artists. Its main role is to obtain artists' and disseminators' contributions on behalf of the Basic Social Security Scheme; this task is performed for artists-authors by the Association for the Administration of Authors' Social Security (Association pour la gestion de la sécurité sociale des auteurs, AGESEA). Under Article L 383-4, the cost of employers' contributions is borne by a contribution that is in turn borne by disseminators. Disseminators are all workers who are engaged "as their principal or secondary occupation, in the broadcasting or commercial exploitation of original works of art".

3. DESCRIPTION OF THE CURRENT PLAYERS IN THE SECTOR

Some negotiations (i.e. those dealing with the conditions for paying occasional salaried employees under Annexes 8 and 10 of the General Unemployment Insurance Scheme) are (national) inter-professional and non-sector exercises in which employers' organisations and trade unions in the culture field are not directly, or not at all, represented. Other negotiations referred to later on in this report are sector.

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. The National Federation of Entertainment, Audio-visual and Cultural Action Trade Unions-CGT (Fédération nationale des syndicats du spectacle, de l'audiovisuel et de l'action culturelle-CGT, FNSAC-CGT) is an umbrella body for CGT occupational trade unions in the entertainment, audio-visual, cultural action and plastic arts fields. The FNSAC-CGT estimates that it has about 8,000 members in these sectors. All members of trade unions representing artists, technicians and blue-collar workers are occasional workers; salaried employees are more likely to be found in radio and television. In the CGT, the press and publishing are covered by another federation, the Federation of Workers in Books, Paper and Communication CGT (Fédération des travailleurs des industries du livre, du papier et de la communication CGT, FILPAC-CGT). Lastly, CGT-Culture, formerly known as USPAC, and only recently re-named CGT-Culture, takes part in activities directly relating to the Ministry of Culture.

The Federation of Workers in Books, Paper and Communication CGT took shape at the time when the ORTF (Office de Radiodiffusion Télévision Française) was being privatised, and now covers all activities in the culture field. It estimates that it has almost 10,000 members. Unlike the FTILAC, the FNSAC-CGT is made up of inter-category trade unions.

The CGT-FO is involved through the Federation of the Arts, Entertainment, the Audiovisual Sector, the Press, Communication and Multi-media Force Ouvrière (Fédération des arts, des spectacles, de l'audiovisuel, de la presse, de la communication et du multimédia Force Ouvrière) and through the various trade unions (including a number of occupational unions) that are members.

The other member federations of a representative trade union at national level are the Culture and Communication Federation-CFE/CGC (Fédération Culture et Communication-CFE/CGC) and the Communication Federation-CFTC (Fédération de la Communication-CFTC).

All of these federations are representative as of right in their field⁸⁷.

Coordinating bodies like the National Coordinating Body for Occasional Workers and Precariously Employed Workers (Coordination nationale des intermittents et précaires) and the Île de France Coordinating Body for Occasional Workers and Precariously Employed Workers (Coordination des intermittents et précaires d'Île de France) have been developing for several years in the context of the movement to mobilise occasional salaried employees in the culture sector. This mobilisation has grown particularly since the protocol of agreement was signed in June 2003. The signatories were the Medef (Mouvement des entreprises de France), the General Confederation of Small and Medium-sized Enterprises (Confédération générale des petites et moyennes entreprises) and the Craft Professional Union (Union professionnelle artisanale) for the employers, and the CFDT, the General Confederation of Managerial and Professional Staff (Confédération Générale des Cadres, CGC) and the French Christian Workers' Confederation (Confédération Française des Travailleurs Chrétiens, CFTC) for the trade unions: it altered the unemployment insurance scheme for occasional artists and technicians in the cinema, audio-visual and entertainment sectors. These coordinating bodies emphatically do not restrict themselves to occasional employment, and even discuss the definition of the live entertainment sector.

Another feature of the sector is that no employers' organisations are members of Medef except for the National Phonographic Publishing Association (Syndicat national de l'édition phonographique, SNEP) and the FICAM. The federations of employers that have been set up are calling for the right to take part in national-level discussions on the culture field. The establishment of the FESAC was followed in 2004 by the founding of the National Federation of Public and Private Live Entertainment Employers (Fédération nationale des employeurs du spectacle vivant public et privé). It is made up of the CPDO, SYNPASE, PRODISS, SDTP, SNTV, SYNAPSS-USR, SYNDEAC and SYNOLYRL.

⁸⁷ We will not refer to them in each of the sub-sectors listed below, but we will, so far as possible, refer to those trade unions that are effectively involved, and are members.

3.1. Live entertainment

Employers' organisations

- The National Association of Artistic and Cultural Enterprises (Syndicat National des entreprises artistiques et culturelles, SYNDEAC) was set up in 1971. It has 260 members (SYNDEAC figures for 2003) in the subsidised live entertainment sector (theatre, dance and music companies, and enterprises identified by the Ministry of Culture: national drama centres, national theatres, subsidised theatres and some contemporary music). The SYNDEAC is represented in the regions by delegates tasked with speaking for the organisation with decentralised services run by the state and local and regional authorities.
- The newly established National Association of Subsidised Public-law Orchestras and Opera Houses (Syndicat National des Orchestres et des Théâtres Lyriques Subventionnés de Droit Privé, SYNOLYR) is active in standing orchestras.
- The Professional Association of Opera Directors (Professionnelle des Directeurs d'Opéra, CPDO) was founded in 1932, and has developed subsequently as an employers' organisation. It has also had members in some other European countries for the last 2½ years. In France, nearly all opera directors are members (source: CPDO).
- The French Association of Orchestras (Association Française des Orchestres, AFO) was founded in the early 1980s by standing orchestras (with the exception of the Marseille orchestra) that employ their musicians 12 months of the year, even if they also employ free-lancers. The AFO is not an employers' organisation, and therefore does not take part in negotiations, but it lays great emphasis on the difficulty that its members covered by these negotiations face in applying the CA for artistic and cultural enterprises to artistic staff: *"This agreement has been designed to deal with occasional employment... An annexe has been on the negotiating table for full-time musicians since 1999 but..."* (AFO). In fact, the agreement seems to be applied mainly to administrative personnel, and only with much greater difficulty to artistic staff employed by the association's member orchestras.
- The Federation of Specialist Vocal and Instrumental Groups (Fédération des Ensembles Vocaux et Instrumentaux Spécialisés, FEVIS) is a professional association established in free-lance orchestras, and is not constituted as a representative body: its more influential members have joined the SYNDEAC.
- The Association for the Dissemination of French Operas (Association pour le Rayonnement des Opéras Français, AROF) is also established in the field.
- The National Association of Provincial Theatre Managers (Syndicat National des Directeurs de Théâtres de Ville, SNTV) includes premises where entertainment is provided, and which are managed under any type of legal status (e.g. associations, state control, mixed investment company status (*SEM*) and state-owned corporation for cultural cooperation status (*EPCC*)), and whose main subsidy is allocated by a regional or local authority (116 theatres and music-halls out of a total of about 650, i.e. approximately 18%). These establishments are represented by their directors. SNTV's funding comes from its members' contributions (EUR 650-1250 for 2004, depending on the number of inhabitants in the place where the premises are located and the total capacity of the auditoriums), and from the aid to the parity principle introduced under the National CA for Artistic and Cultural Enterprises (Convention Collective Nationale des Entreprises Artistiques et Culturelles).
- The National Association of Producers, Disseminators and Theatres/Cinemas (Syndicat national des producteurs, diffuseurs et salles de spectacles, Prodiss) has approximately 250 members among producers and disseminators, and private and subsidised premises used for entertainment and for the performance of songs, music-hall and modern music. The Prodiss, which is an association of "entertainment entrepreneurs", is show business's leading organisation. Its structure consists of three colleges (producers, disseminators and commercial entrepreneurs) and an additional festival college. The Prodiss argues in favour of "limiting live entertainment to two extended CAs that correspond to its two scopes of application: a single "public-sector" CA (there is one already in existence⁸⁸) and a single "private-sector" "CA (the Song, Variety Show, Jazz and Modern Music CA that the Prodiss has signed together the Synapss (small entertainment companies)).
- The Association of Private Theatre Managers (Syndicat des Directeurs de Théâtres Privés, SDTP) has about 50 theatres in membership: they represent the majority of theatrical creativity in Paris. The Association says it would also like there to be eventually two large CAs in live entertainment: one for the public sector, and one for the private sector. However, it also points out that "apart from the fact that the so-called 'Prodiss' agreement only concerns the varieties sector, it has not, so far as we are aware, yet been extended, and we do not see why a new agreement should be based on a non-extended one. After having searched for an inevitable closer working relationship between, and consensus of, employers' organisations, we are also striving for negotiation by all the social partners of a new agreement that will apply to the whole of the private sector and take account of the characteristic features and representativeness of each one. We think it is essential that each of the representative organisations in the private sector should have its characteristic features taken into account so that each of the sectors in particular, and the sector as a whole, can structure the field."

⁸⁸ A reference to the National CA for Artistic and Cultural Enterprises.

- The Association of French Artistic Cabarets, Premises used for Live Entertainment, and Discotheques (Chambre syndicale des cabarets artistiques, salles et lieux de spectacles vivants et discothèques de France, CSCA).
- The Federation of Technical Industries in Live Entertainment and Artistic Events (Fédération des industries techniques du spectacle vivant et de l'évènementiel, FIT/SVE) is an umbrella body for people who supply services to live entertainment.
- The National Association of Small Entertainment Companies (Syndicat national des petites structures de spectacle, SYNAPSS).

Workers' organisations

- The French Performing artists' Trade Union (Syndicat français des artistes interprètes, SFA) is a member of the National Federation of Entertainment, Audio-visual and Cultural Action Trade Unions-CGT (FNSAC-CGT). It represents a large number of artists (actors, singers, soloists and choirs, dancers, variety performers and puppeteers).
- The National Artist-Musicians Trade Union (Syndicat national des artistes musiciens, SNAM) is part of the FSNAC-CGT. This grouping that brings together almost 30 local, departmental and regional trade unions.
- The National Union for Theatre Professionals and Cultural Activities (Syndicat national des professionnels du théâtre et des activités culturelles, SYNPTAC) is part of the FSNAC-CGT: it represents technical, administrative and front-of-the-house staff in theatres and people employed in cultural action work.
- The National Union of Artists and Professions in Animation and Culture (Syndicat national des artistes et des professions de l'animation et de la culture, SNAPAC) is part of the FTILAC-CFDT. It represents artists, staff in enterprises working the culture, animation and sport sectors, and occasional workers.
- The Federation of Arts, Entertainment, Audio-visual, Press and Communication Trade Unions-Force Ouvrière (Fédération des Syndicats des Arts, des Spectacles, de l'Audiovisuel, de la Presse et de la Communication-Force Ouvrière, FASAP-FO-FO).

3.2. Recorded entertainment

• Recording

Employers' organisations

- The National Phonographic Publishing Association (Syndicat national de l'édition phonographique, SNEP) is an umbrella body for the leading companies in the field (these leading companies account for 80% of turnover in the sector), and some 30 independents. The SNEP is funded out of member's contributions. It is a member of Medef.
- The Union of Independent French Producers of Recordings (Union des Producteurs de Phonographes Français indépendants, UPFI) has members among independent producers.

Workers' organisations

- The National Federation of Artists-Musicians' Trade Unions-CGT (Union Nationale des Syndicats des Artistes Musiciens-CGT, and the French Union of Performing artists-CGT (Syndicat Français des Artistes Interprètes-CGT).
- The National Union of Orchestral Conductors-CFE-CGC (Syndicat National des Artistes Chefs d'Orchestre-CFE-CGC) • The National of Artists and Professions in Animation and Culture-CFDT (Syndicat National des Artistes et des Professions de l'Animation et de la Culture-CFDT) • The National Union of Musicians-FO (Syndicat National des Musiciens-FO) and the National Free Union of Artists-FO (Syndicat National Libre des Artistes-FO) • The National Entertainment Union-CFTC (Syndicat National du Spectacle-CFTC) • The National Union Of Performing artists and Managers in Arts and Entertainment Development (Union Nationale des Interprètes et Cadres de Création des Arts du Spectacle-CFTC).

• Television

Employers' Organisations

- The Audiovisual Production Association (Union Syndicale de la Production Audiovisuelle, USPA) has about 100 production companies in membership. They are producers of fictional drama (films for television) and of documentaries. The fictional drama produced by USPA members represents 75-80% of all fictional drama production (Source: USPA). USPA members represent about two thirds of all documentary film-making in terms of budget (USPA says that in terms of the number of producers and volume of production, the SPI certainly represents as much as USPA because their members are smaller). The USPA also says that it mainly represents enterprises that "are genuinely enterprises – permanence, and production work that is different, for example, from direction (although in documentaries, directors often set up their own production companies.) The USPA does not have many members among producers/directors: for the most part, they join the SPI."
- The Association of Animation Film Producers (Syndicat des producteurs de films d'animation, SPFA) represents producers of animation films.
- The Association of Independent Producers (Syndicat des Producteurs Indépendants) represents the group of independent producers.

- The Association of Public Audio-visual Service Employers (Association des employeurs du service public audiovisuel, AESPA) represents France 2 and France 3 in the television sector.
- The Association of Cable and Satellite Channels (Association des chaînes du câble et du satellite, ACCES) represents so-called “thematic” channels. The National Association of Technicians and Workers in Cinema and Television Production (Syndicat National des Techniciens et Travailleurs de la Production Cinématographique et Télévisuelle, SNTPCT) says it brings together about 80 or 90 enterprises in the field of thematic broadcasting.
- The National Association of Private Television Companies (Syndicat national des télévisions privées, SNTP) has just been established by TF1, M6 and Canal+. These stations had not previously belonged to any professional organisation. The SNTP was founded after the National Joint Committee for Employment (CPNE) was set up for the audio-visual sector (enterprises are not allowed to join CPNEs; only employers’ organisations may do so).

Workers’ organizations

- The French Directors’ Union CGT (Syndicat français des réalisateurs SFR-CGT) has elected members and representatives in the “Comités d’entreprise” of national television companies and TFI. The SFR-CGT specifies that it is the only Directors’ Union considered as representative for the INA (Institut National de l’Audiovisuel • The National Union of Cinema and Television “Actors of Complement” (Syndicat national des acteurs de complément ciné-télé CGT, SNACCT) (FNSAC-CGT). • The French Union of Performing artists CVGT (Syndicat français des artistes interprètes CVGT, SFA) • The National Union of Technicians and Directors In Cinema and Television Production (Syndicat national des techniciens et réalisateurs de la production cinématographique et de télévision CGT, SNTR-CGT) (FNSAC-CGT).
- The National Radio and Television Union CGT (Syndicat national de la radio-télévision CGT, SNRT) (FNSAC-CGT) is mainly a trade union for permanent salaried employees; it is well established in the France 3, France 2, TF1, ARTE France and Canal + television channels, but less so in the new cable channels.
- The Union of Directors (Syndicat des réalisateurs, SRCTA) and • the Independent Union of Actors (Syndicat Indépendant des Acteurs, SIA) are both members of the UNSA. The SIA is not legally representative, but it is signatory to the CA for performing artists.
- The Radio-Television Trade Union CFDT (Syndicat Radio-Télé CFDT) recruits members in enterprises active in audio-visual, radio, multi-media and telecoms. The Communication and Culture Federation-CFDT (Fédération Communication et Culture-CFDT) (FTILAC-CFDT).
- The Federation of Arts, Entertainment, the Audiovisual Sector, the Press and Communication Force Ouvrière CGT-FO (Fédération des Syndicats des Arts, des Spectacles, de l’Audiovisuel, de la Presse et de la Communication Force Ouvrière CGT-FO, FASAP-FO).
- The National Union of Technicians and Workers in Cinema and Television Production (Syndicat National des Techniciens et Travailleurs de la Production Cinématographique et Télévisuelle, SNTPCT) currently has about 940 paid-up members during the year (this is equivalent to about 1,000 members altogether). The SNTPCT is well established in the production of films for television and publicity films. It is also present in other sectors, but it does not recruit permanent staff in the public sector. The union was founded in 1937 by cinema directors and technicians, and joined the CGT in 1947. Since 1969, this scope has included cinema and television. The SNTPCT left the CGT in 1981: “we were opposed to the notion of the public audiovisual sector that confused cinema and television. We have always defended the specific characteristics of the cinema.” The union is representative at national level for the cinema and television, and is not affiliated to any inter-professional body.
- The National Union of Journalists (Syndicat national des Journalistes, SNJ) is an autonomous professional trade union. It has been in existence since 1918. The SNJ represents in the audio-visual and written press sectors, and says it is more established in this area outside Île de France (66%) than in the Paris Region (33%). The union won 46% of the turnout at workplace elections for the Commission on the French Journalists’ Charter (Source SNJ).
- Sud Culture has a trade union section at TV5.

• SNJ-CGT

• **The cinema**

Cinema production

Employers’ organisations

- The Professional Association of Producers and Exporters of French Films (Chambre syndicale des producteurs et exportateurs de films français, CSPEFF) has about 100 enterprises engaged in cinema production in membership (i.e. between 30% and 40% of all enterprises). These companies are very varied (“large, small and medium-sized production enterprises”) (Source: CSPEFF).
- The Groupings of Independent Producers (Syndicats des producteurs indépendants, SPI) mostly represents small, independent producers.

- The Association of Independent Producers (Association des producteurs indépendants, API) brings together the four largest producers in the sector (UGC, Gaumont, Pathé and MK2).
- The Union of Film Producers (Union des producteurs de films, UPF).

Workers' Organisations

- The National Union of Technicians and Directors in Cinema and Television Protraction CGT (Syndicat national de techniciens et réalisateurs de la production cinématographique et de télévision CGT, SNTR) • The French Directors' Union CGT (Syndicat français des réalisateurs CGT, SFR) • The General Union of Workers in the Film Industry CGT (Syndicat général des travailleurs de l'industrie du film CGT, SGTIF): blue-collar workers in cinema and audio-visual production, and technical and administrative staff in cinema laboratories. The National Union of Radio and Television "Actors of Complement" CGT (Syndicat national des acteurs de complément ciné-télé CGT, SNACCT) • The Union of Performing artists CGT (Syndicat des Artistes interprètes CGT, SFA-CGT).
- The National Union of Technicians and Workers in Cinema and Television Production (Syndicat National des Techniciens et Travailleurs de la Production Cinématographique et Télévisuelle, SNTPT) has members in all staff categories of cinema [production in the sector].

Cinema management

Employers' organisations

The National Federation of French Cinemas (Fédération Nationale des Cinémas Français, FNCF) was founded on 17-18 January 1945 through a merger of a large number of regional bodies, some of which had existed prior to the Second World War. The FNCF now consists of 22 organisations, most of which function at a regional level. The Federation's funding comes from members' contributions. Most cinemas in France belong to one of the Federation's organisations. The FNCF "is not a member of any purely employers' organisation, but it does belong to the Cinema Industries Liaison Office (Bureau de Liaison des Industries du Cinématographique, BLIC) and to the International Cinema Union (UIC) which represents national federations of cinema owners in 14 countries, most of them in Europe.

Workers' organisations

The National Union of Cinema Management-CGT (Syndicat national de l'exploitation cinématographique-CGT), FTILAC-CFDT, SASAP-FO and Trade Unions of Managers and Supervisors in the Cinema Industry-CGC (Syndicats des cadres et agents de maîtrise de la cinématographie-CGC) and the Departmental Union-CFTC (Union Départementale-CFTC).

• Radio

Employers' organisations

- The Association of National Networks (Syndicat des Réseaux Nationaux, SRN) was founded in January 1992. Four groups representing eight radio stations are members. The Association is funded through members' contributions. The SRN is not a member of any employers' organisation at inter-professional level.
- The Association of Private Generalist Radio Stations (Syndicat des Radios Généralistes Privées, SRGP) and the SRN are the most important employers' organisations in the private-sector radio sector.
- The National Confederation of Free Radio Stations (Confédération nationale des radios libres, CNRL).
- The National Confederation of Associative Radio Stations (Confédération Nationale des Radios Associatives, CNRA) represents some employers of small radio stations.
- The Association of Employers in the Public Audio-visual Service Employers (Association des employeurs du service public audiovisuel) represents Radio France, RFI and RFO In the radio sector

Workers' organisations

- The National Radio and Television Trade Union CGT (Syndicat national de la radio-télévision CGT, SNRT) is a member of the FNSAC-CGT, and mainly recruits permanent salaried employees. It is well established in Radio France and RFI, but less so in free radio stations. The CGT is also established among journalists through its journalists' union SNJ-CGT.
- The National Union of Journalists (Syndicat national des journalistes).
- The Radio and Television Union CFDT (Syndicat Radio-Télé CFDT) is a member of the FTILAC-CFDT. It recruits in enterprises in the audio-visual sector, radio, multimedia and telecoms sectors.

• Technical services

Employers' organisations

• The Federation Of Cinema, Audio-visual and Multi-media Industries (Fédération des industries du cinéma, de l'audiovisuel et du multimedia, FICAM) represents firms that hire materials, and enterprises in the former FIM association that had signed the audio-video informatics CA⁸⁹.

3.3. Plastic and visual arts

Workers' organisations

- The National Union of Plastic Artists CGT (Syndicat national des artistes plasticiens CGT, SNAP), FNSAC-CGT
- The Federation of Arts, Entertainment, Audio-visual, the Press and Communication Trade Unions Force Ouvrière (Fédération des Syndicats des Arts, des Spectacles, de l'Audiovisuel, de la Presse et de la Communication Force Ouvrière, FASAP-FO).
- The National Trade Union of Plastic Artists CGT (Syndicat National des Artistes Plasticiens CGT, SNAP CGT) had 350 paid-up members in 2003, and has an active roster of 4,500 sympathiser artists. It has four elected members on the Board of Administration of the Maison des Artistes, and sits on Committees set up by the Ministries of Culture and Social Affairs. The SNAP is represented in the Society of Authors.
- The National Union of Artists-Authors FO (Syndicat National des Artistes Auteurs FO, SNS FO) is well established among Parisian artists. It has also an elected member on the Board of Directors of the Maison des Artistes, and sits on Committees established by the Ministries of Labour and Social Affairs (Source: SNAP CGT).
- The Union of Creative Photographers (Union des photographes Créateurs, UPC) is an association (it does not have the status of trade union) that brings together several professional organisations in the photography sector (e.g. press photographers, advertising photographers and "high street photographers"). It is the largest association in the sector with about 1,500 members (Source: SNAP CGT). The UPC sits on committees established by the Ministries of Culture and Social Affairs, and is represented in the Society of Authors.
- The National Union of Painters-Illustrators (Union Nationale des Peintres Illustrateurs, UNPI) was a very large organisation in the days when magazines were lavishly illustrated, but now it is much smaller, and is mainly structured strip cartoons. It has several hundred professionals in membership. The UNPI has an elected member on the Board of Directors of the Maison des Artistes, and sits on committees established by the Ministries of Culture and Social Affairs. It is also represented in the Society of Authors (Source: SNAP CGT).
- The National Union of Textile Designers (Syndicat National des Designers Textiles, SNTDT) is a small organisation in a very precise sector. It sits on some committees established by the Ministries of Culture and Social Affairs, and is represented in the Society of Authors.
- The National Union of Sculptors and Plastic Artists (Syndicat National des Sculpteurs et Plasticiens, SNSP) only recruits sculptors who produce statues. The SNSP claims 320 members (Source: CGT). It has two elected members on the Board of Directors of the Maison des Artistes, sits on committees established by the Ministries of Culture and Social Affairs, and is represented in the Society of Authors.
- The Committee of Artists-Authors-Plastic Artists (Comité des Artistes Auteurs Plasticiens, CAAP) was founded in 1987. It has an elected member on the Board of Directors of the Maison des Artistes, and sits on committees established by the Ministries of Culture and Social Affairs.
- The Federation of Networks of Association of Plastic Artists (Fédération des réseaux d'associations d'artistes plasticiens, FRAAP) emanated from the CAAP.

Grouping of disseminators

• The Committee of Art Galleries (Comité des Galeries d'Art, CGA) is an umbrella body for gallery directors that have together developed a deontological code. It has three elected members on the Board of Directors of the Maison des Artistes.

3.4. Writing

• Publishing

Employers' organisations

⁸⁹ The SNTPCT says that most of these enterprises do not appear to be members. From the Association's point of view, this poses problems relating to CB in the future, and to the future of this particular CA.

- The National Publishers' Association (Syndicat National de l'Édition, SNE) has about 350 members (Source: SNE), or 80% of the French publishing sector.

Workers' organisations

- The National Book and Publishing Union CFDT (Syndicat national du livre et de l'édition CFDT, SNLE) (FTILAC-CFDT) brings together all crafts and professions in publishing (including electronic publishing) from the dissemination of books to their distribution. The CFDT is well established in publishing houses, and is the leading trade union in the sector (it controls almost 80% of Works Councils). The National Book-Publishing Union CFDT (Syndicat national Livre-Édition CFDT, SNLE) is the main union in terms of implantation in the publishing branch. It has 530 members in a sector with some 13,000 employees, and has a presence in most medium-sized and small enterprises. As a national trade union, the SNLE negotiates branch-level agreements alongside the FTILAC-CFDT.
- The FILPAC-CGT has about 350 members in publishing. It has been growing in the sector, particularly during the last two years.
- The Sud Culture trade union has recently established itself in two publishing houses: Encyclopedia Universalis and Hatier (35% of votes in the June 2004 workplace elections).

• **The press**

Employers' organisations

- The Parisian Press Association (Syndicat de la Presse Parisienne, SPP).
 - The Regional Daily Press Association (Syndicat de la presse quotidienne régionale, SPQR).
 - THE DEPARTMENTAL DAILY PRESS ASSOCIATION (SYNDICAT DE LA PRESSE QUOTIDIENNE DÉPARTEMENTALE, SPQD).
- There are several employers' organisations in the magazine press sector: • the Information Magazine Press Association (Syndicat de la Presse Magazine d'Information, SPMI) is the most important. It is followed by • the National Specialist Press Association (Fédération Nationale de la Presse Spécialisée, FNPS), the second most important organisation, • the Opinion Magazine Press Association (Syndicat de la Presse Magazine d'Opinion, SPMO) and, in the provinces, • the Regional Periodical Press Federation (Fédération de la Presse Périodique Régionale, FPPR).
- Press agencies are mainly organised around the French Federation of Press Agencies (Fédération Française des agences de presse, FFAP).

Workers' organisations

- The Federation of Arts, Entertainment, Audiovisual, the Press and Communication Force Ouvrière (Fédération des Syndicats des Arts, des Spectacles, de l'Audiovisuel, de la Presse et de la Communication Force Ouvrière, FASAP-FO).
- FILPAC CGT organises all blue-collar workers in the national daily press, and 80% in the regional press
- The National Union of Journalists (Syndicat National des Journalistes) is the majority union among journalists.
- The National Writing Union CFDT (Syndicat national de l'écrit CFDT, SNE, FTILAC-CFDT) recruits members in enterprises in the press and in graphic industries.

3.5. Heritage Administration

Workers' organisations

- The National Union for Pedagogical Documentation Centre Staff CGT (Syndicat des personnels du centre national de documentation pédagogique CGT, SPAVE-SNDP). FNSAC-CGT.
- USPAC CGT recruits salaried staff in the Ministry of Culture and its establishments (with the exception of establishments covered by the CGT entertainment federation): examples include museums, national monuments and national archives. USPAC CGT come out top in the elections for representatives on the Ministry of Culture's Ministerial Joint Technical Committee. The USPAC has about 1,500 members, and is well established in the 33 national museums.
- The City of Science and Industry Staff Union CGT (Syndicat des personnels de la cité des sciences et de l'industrie CGT, FNSAC-CGT).
- The General Cultural Affairs Union CFDT (Syndicat général des affaires culturelles CFDT, SGAC) (FTILAC-CFDT) represents members at the Ministry of Culture and its related establishments.
- Sud Culture was founded in 1997 by former CFDT activists to cover the communication/culture field within and outside the Ministry of Culture. Sud Culture says it has ambitions to become a federation eventually covering all sectors in the field of culture, the arts, the audio-visual sector and live entertainment. It began with a section at the Louvre in the Ministry of Culture, and subsequently won representative status in other places (e.g. MK2, TV 5 and the City of Science and Industry) following legal claims. Several of the union's activists are involved in the coordination of occasional workers. Sud Culture is also established at the Institute of the Arab World. It now estimates that it has about 500 members altogether throughout the field.

MAIN ACRONYMS

- AFDAS (Association pour la formation des activités du spectacle)
- CGC (Confédération générale de l'encadrement)
- CPNEF (Commission Paritaire Nationale de l'Emploi et de la Formation)
- EPIC (Etablissement public industriel et commercial)
- FASAP-FO (Fédération des syndicats des arts, des spectacles, de l'audiovisuel et de la presse-Force Ouvrière)
- FNSAC-CGT (Fédération nationale des syndicats du spectacle, de l'audiovisuel et de l'action culturelle-Confédération général du travail)
- FTIAAC-CFDT (Fédération des travailleurs de l'information, de l'audiovisuel et de l'action culturelle- Confédération Française Démocratique du Travail)
- FESAC (Fédération des Entreprises du Spectacle vivant, de la musique, de l'Audiovisuel et du Cinéma)
- The acronyms of the numerous organisations quoted in this report are systematically set out in the list by sector of activity of trade unions and employers' organisations in the field.
- List of the member organisations of FESAC
- AESPA, Association des Employeurs du Service Public Audiovisuel
- ACCeS, Association des chaînes du câble et du satellite
- AFFP, Association Française de Producteurs de Films et de Programmes Audiovisuels
- API, Association des Producteurs Indépendants
- CNRA, Conseil National des Radios Associatives
- CNRL, Confédération Nationale des Radios Libres
- CPDO, Chambre Professionnelle des Directeurs d'Opéra
- CSCA, Chambre Syndicale des Cabarets
- CSPEFF, Chambre Syndicale des Producteurs et Exportateurs de Films Français
- FICAM, Fédération des Industries du Cinéma, de l'Audiovisuel et du Multimédia
- (FIT/SVE) SYNPASE, Fédération des Industries Techniques du Spectacle Vivant, et de l' Événementiel
- PRODISS, Syndicat National des Producteurs, Diffuseurs et Salles de Spectacles
- SDTP, Syndicat des Directeurs de Théâtres Privés
- SIRTI, Syndicat Inter-professionnel des Radios et Télévisions Indépendantes
- SNDTV, Syndicat National Des Théâtres de Ville
- SNEP, Syndicat National de l'Édition Phonographique
- SNES, Syndicat National des Entrepreneurs de Spectacles
- SNTP, Syndicat National des Télévisions de Proximité
- SPFA, Syndicat des Producteurs de Films d'Animation
- SPI, Syndicat des Producteurs Indépendants
- SRGP, Syndicat des Radios Généralistes Privées
- SRN, Syndicat des Réseaux Radiophoniques Nationaux
- SYNAPSS – USR, Syndicat National des Petites Structures de Spectacle - Union de Syndicats Régionaux
- SYNDEAC, Syndicat National des Entreprises Artistiques et Culturelles
- SYNOLYR, Syndicat National des Orchestres Lyriques
- UPF, Union des Producteurs de Films
- USPA, Union Syndicale de la Production Audiovisuelle

GERMANY

1. CONTEXT

1.1 Range of activities

So far as we are aware, there is no official delimitation of the C&M sector – this is underlined by the large number of organisations that are active in the area and sometimes organising other sectors as well – but some political institutions do deal with culture and the media together. However, the political measures and initiatives taken by these institutions are aimed at sub-sectors or, to be more precise, at activities within these sub-sectors (i.e. subsidies for theatre or movies). These institutions wouldn't provide an official definition of the C&M sector.

An obvious alternative would have been an international industry classification like NACE, particularly as a large number of data-gathering institutions use it, but the resulting data are only available on a higher level of aggregation. In these C&M activities are grouped together with sports, bookmaking, amusement arcades, casinos and so on. Using the NACE delimitation as a basis, it is not possible to provide disaggregated employment figures, and all figures would also include sub-sectors such as sport and gambling. In order to provide better data, we decided to follow the occupational delimitation of the Nuremberg Institute for Labour (Institut für Arbeitsmarkt- und Berufsforschung, IAB), which also provides data on employment in this sector, and draws on the statistics of the Federal Labour Agency (Bundesagentur für Arbeit). To be precise, these statistics give the number of people who work in these occupations and not those who work in these industries.

However, in this sector particularly, it can be expected, that the resulting difference is rather small, because artists and similar workers do not have many opportunities to work in other industries. The C&M sector is heterogeneous, consisting of several industries, and therefore the exact boundaries of these industries and of the sector itself are hard to define (for an example of these demarcation problems, see Marrs, Boes, 2003). However, depending on the availability of data, we will give numbers for other demarcations and sub-groups. In 2002, there were around 238,000 persons registered with the compulsory social security scheme used in C&M occupations; they constituted 0.9% of all employees in compulsory social security. Furthermore, 51,402 unemployed people (17.8% of the total of employed and unemployed people (Table 2)) have looked for jobs in this area, indicating that unemployment in this sector was above the national level. Publicists, including journalists, authors, radio and television announcers, formed the largest sub-group with over 60,000 employees. Additionally, there are around 200,000 employees in the printing industry, which, however, resembles much more a classical industrial sector than any of the sub-sectors of C&M.

Table 1: Employment in cultural and media occupations by sub-sector in 2002⁹⁰

Sectors by occupation	Employment*
Publicists, including authors, journalists, and radio and television announcers	60,496
Librarians, including archivists and librarian assistants	45,102
Musicians, including composers, conductors, choir directors and orchestral musicians	20,867
Performing artists, including stage directors, directors, singers, dancers, actors, singers and ballet dancers	21,615
Workers in fine art, including sculptors and painters	32,938
Support staff, including set designers, technical stage directors, sound engineers, lightning engineers, cutters and film projectionists, and radio and television mechanics	45,901
Photographers, including cameramen and press photographers	10,861
Total	237,780
Reference: Whole economy	25,969,313

Source: IAB 2004

* Only employees covered by the compulsory social security scheme. This excludes freelancers, civil servants (Beamte) and unemployed workers.

⁹⁰ Based on a different demarcation the audio-visual media sector is estimated to have a workforce around 100 000 persons (Mars, Boes 2003).

However these employment figures may be misleading because large parts of the sector are characterised by a large proportion of self-employed workers and freelancers. HAAK and SCHMID (1999) estimate that in 1994, the self-employed made up between a third and a half of the total workforce in this area, while the percentage for the German economy as a whole was around 10%. BETZELT (2001) presents similar numbers for journalists in 1999. It should also be noted that the C&M sector is characterised by the co-existence of public and private institutions: the amount of public involvement is especially significant at municipal and state levels in the performing arts (e.g. theatre, opera and District Music Schools (Kreismusikschulen)) and fine arts (e.g. museums). During the season 2002/03 there were 150 public and 216 private theatres. In addition, 48 orchestras and 37 festivals (Festspiele) are also public (Mertens 2004; Deutscher Bühnenverein 2004). The public theatres employed almost 24 000 artistic employees and around 15 000 non-artistic ones (Haak, Schmid 2001; Deutscher Bühnenverein 2004). In broadcasting there is also a strong public service sector. In 2000 (2003), the 94 (103) private television companies employed 10,600 (12,000) people, the 209 (215) private radio companies had 4,600 employees, and the 14 public service broadcasting stations had a combined workforce of 29,300 (this figure also includes 1,600 musicians playing for orchestras and big bands) (29,648)⁹¹ (DLM 2001, Seufert 2003). Private TV- and radio broadcasting stations also employed 7,400 (6.800) freelancers and public service broadcasters 19,500⁹² (DLM 2001). Some of the freelance workforce of the latter are so-called 'regular freelancer' (feste Freie) or so-called 'socially and economically dependent freelancer' (arbeitnehmerähnliche Personen: persons similar to employees) who enjoy a status very similar to the permanent standard normal employment and who work full time for the public service broadcasters. There is very little information about the audio-visual media and film industry not belonging directly to the broadcasting sub-sector (Marrs, Boes 2003).

The C&M sector has been expanding exponentially, and is expected to carry on doing so in the future: between 1978 and 1995, the workforce doubled to 230,000 employees (Haak, Schmid 2001). Additionally, a study by Prognos AG for the IAB forecasts that it will almost double again by 2010, with predicted employment of 430,000 people (Weidig, Hofer, Wolff 1999). In other words, employment in this sector is expected to increase from 0.7% to 1.3% of the workforce. C&M occupations will exceed most other in terms of employment growth. However, it is still a rather small sector of the overall economy and will remain small for the foreseeable future, and predicted growth will vary from sub-sector to sub-sector: some might grow less quickly, and others may even get smaller. Growth in some, but not all, sub-sectors of the C&M sector has been accompanied by an increase in the proportion of work performed by freelancers (Gottschall 1999; Gottschall, Betzelt 2001). Furthermore, the labour market and social situation for many individuals in some sub-sectors are critical and insecure. There are several reasons for this: firstly, labour demand is rising, but the labour supply is rising even faster (Gottschall, Betzelt 2001; for the case of journalists, see Gottschall 1999); secondly, growing concentration and internationalisation in the newspaper and broadcasting market and tight public budgets (Vesper 1998) have been putting pressure on publishing houses (Gottschall 1999), theatres, operas and broadcasting stations to economise and cut costs; thirdly, the current economic crisis and competition from online providers has led to a virtual collapse in the use of job vacancies and other forms of newspaper advertising, and also of advertising revenue (DLM 2001). This has precipitated a crisis among newspapers and broadcasters, and many have introduced substantial redundancies (Gottschall, Betzelt 2001). These factors have induced firms to increase the proportion of work done by freelancers.

While the internet economy is seen as central to the future economic development of Germany, there is little information about it, especially in respect of cultural and media content. The internet sector is subsumed into the information and communication technology (ICT) sector, but internet services, and especially media and cultural internet activities, seem to account for only a small proportion. According to Seufert (1996), 93,000 people were employed in the electronic media sector in 1992: he forecasts that employment will rise to 127,000 by 2000, and to 151,000 by 2010. However, his definition of the electronic media sector includes the digital internet-based media and classic electronic media like broadcasting stations. Finally, it is difficult to collect clear employment figures for the internet sector of the economy because the number of freelancers and self-employed is especially high, and the work is organised around projects with changing

⁹¹ EBU gave the number of 20,000 employees and EFJ of 40,000 in public service broadcasting in their comment. However, the numbers quoted above are collected by an institute specialized in media research (Hans-Bredow-Institute) and are used in publications of media authorities (Landesmedienanstalten). Additionally, the number given in the text is viewed by ARD the most realistic.

⁹² This figure is problematic. EBU suggest that one of the ten ARD-stations (WDR – Westdeutscher Rundfunk, West German Broadcasting) is employing alone around 18,500 freelancers and the WDR itself is giving the number of 20,000 freelancers. Thus, all public broadcasting stations should employ together a much larger number of freelancers. The number of 19,500 for the total public-law broadcasting sector is stemming from the Direktoren Konferenz der Landesmedienanstalten (DLM – Conference of Directors of the Media Authorities of the Federal States). There is no clear indication what the difference in numbers is causing. One reason for the differences in numbers might be, that they include the different types of free lancer in different ways. However, one thing is certain, that is the number of freelancers is rather high and they constitute a major part of the workforce in the broadcasting sector.

teams of freelancers and fixed-term employees (Manske 2003; for a similar report on the audiovisual media industry, see Marrs, Boes 2003). The latter observation also applies to the film sector, where work tends to be focused on film-specific projects.

1.2. Status groups

A closer examination of the workforce in the C&M sector (Table 2) reveals that the most striking feature is, as already mentioned, the large number of freelancers and self-employed. Given that this proportion concerns everyone working in the C&M sector, and that the Table only includes employees in the compulsory social security scheme, there is a whole workforce of 420,000-480,000. The group of self-employed workers is dominated by single-person entrepreneurs (Bögenhold, Leicht 2000; Haak, Schmid 2001), and is characterised by strong, and growing, social inequality. Although there are some "élite freelancers" who enjoy a good reputation, and a comfortable market position that allows them to earn a sizeable income as well as several 'feste Freie' (regular freelancers) and 'arbeitnehmerähnliche Personen' (socially and economically dependent freelancer) with a stable economic position, many struggle on low incomes and have to put up with frequent spells of unemployment (Betzelt 2001), especially in some areas of the (private) audiovisual media. The economic position and coverage by CB of freelancer is varying from sub-sector to sub-sector.

Another feature of the workforce is the large proportion of people with an academic education. While the proportion of employees with this level of education varies from one sub-sector to the next, the average level of education is much higher than among the workforce as a whole (IAB 2004); on average the proportion of employees holding a university degree is three times higher in this sector than in the overall workforce. The substantial variation across the cultural and media sub-sectors is partly due to relatively free and open access to the relevant labour markets (Betzelt 2001). Marrs and Boes (2000) emphasise the importance of practical experience for employment in audio-visual professions, with such experience being valued more highly than formal education. In some sectors (e.g. the performing arts and fine art), there is a large proportion with unknown vocational training (IAB 2004). Given the entry conditions and the large number of people with unknown educational and training backgrounds, the large number of academically trained people is all the more remarkable. Two features that mark several sub-sectors (i.e. the high proportions of freelancers and academics) could pose quite a challenge for unions trying to organise the workforce: firstly, freelancers and self-employed could replace permanent employees, and thus undermine the bargaining position of the trade unions; secondly, empirical studies show that, the higher their level of academic education, employees are less likely to join trade unions (for an overview, see Schnabel 2003); thirdly, attempts to organise employees in the cultural and media sector and in the new internet-oriented firms are hampered by the more individualistic culture and lifestyle of people working in these sectors (Marrs, Boes 2003).

With the exception of musicians, the proportion of part-time employees in the C&M sector is close to, or below, the proportion of part-time employees in the economy as a whole. This is also true for part-timers working more than 18 hours a week (IAB 2004). This suggests that people who prefer non-standard working hours are opting for freelance status as this enables them to allocate their working time according to their preferences. Female employment varies substantially across the different sub-sectors in the C&M sector, but on average, the proportion of female employees in the sector is equal to the average for the whole economy.

Table 2: Characteristics of employment in C&M occupations' in 2002

Occupation ^f	Employed	Unemployed.	Total	Freelancers ^d	Total incl. freelancers ^e	Women	Part-time ^a	University degree
Publicist	60,496	7,801	68,297	32%	87 560	41.2%	2.0%	34.8%
Librarian	45,102	4,056	49,158	n. a.	49 158	73.9%	4.8%	16.2%
Musician	20,867	2,286	23,153	45%	42 096	31.8%	17.4%	33.1%
Performing artist	21,615	7,006	28,621	40%	47 702	47.2%	5.7%	13.8%
Fine artist	32,938	16,414	49,352	45% ^c	89 730	51.5%	2.3%	9.8%
Support staff	45,901	10,643	56,544	30%	80 777	24.8%	1.7%	2.35%
Photographers	10,861	3,196	14,057	47%	26 523	42.7%	2.4%	2.1%
Total	237,780	51,402	289,182	41,8% ^e	423 546	45.5% ^e	4.2% ^e	18% ^e
Reference: whole economy	25,969,313	3,941,832	29,911,145	10%		44.9%	3.4%	5.9%

Source: IAB 2004

^{*} Only employees in the compulsory social security scheme. This excludes freelancers, civil servants (Beamte) and unemployed workers.

^a under 18 hours; ^b free art; ^c applied art; ^d Estimates from IAB (2004c) using the Mikrozensus 1% sample for 1995; ^e Own calculation on the basis of data given in Table; ^f Including all occupations indicated in Table 1

2. THE NEGOTIATION PROCESSES: SETTINGS AND ACTORS

2.1. Culture and the media: an overview

The legal and institutional framework of industrial relations in the German C&M sector is very similar to what is found in other parts of the private sectors. Pay and working conditions are dealt with by bipartite CB (Tarifmodell) between trade unions and employers' organisations. The CA Act (Tarifvertragsgesetz, TVG) governing CB guarantees free CB (Tarifautonomie), including the right to strike and lock out (Keller 1993). While the annual CAs for white- and blue-collar workers (Vergütungs- and Lohnstarifverträge) fix pay according to employees' classifications (Eingruppierung), the criteria for this classification and the basic principles of remuneration are laid down in longer-term agreements called "main framework agreements" (Manteltarifverträge, MT). Some employees working for public institutions (mainly non-artistic staff in public theatres, orchestras and festivals) are governed by corresponding rules for the public sector: for white-collar workers, they are fixed in the Federal CA for Salaried Employees (Bundesangestelltentarifvertrag, BAT), and for blue-collar workers, in the Framework Agreement for Blue-collar Workers at Federal and Länder Level (Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder, MTArb). Although, as outlined in a previous report (cf. Sadwoski, Pull, Reden 2000), CB in the German public sector (including non-artistic staff in public cultural institutions as well as public museums) is remarkably centralised (Keller 1993: 27), this is not true of the remaining parts of C&M sector, or of artistic staff in public cultural institutions. The other major exception to these similarities is the fact that most organisations in the C&M sector are so-called Tendenzbetriebe⁹³. Although the Works Constitution Act (BetrVG) and the public-sector Federal Staff Representation Act (Bundespersönalvertretungsgesetz, BPersVG) normally apply to these organisations, the extent of the action and rights of Works Councils (Betriebsräte) and Staff Councils (Personalräte) is substantially reduced (Löwisch, Kaiser 2002; BetrVG §118). Another difference between some of the sectors in the private C&M industry (particularly the audio-visual media sub-sector) and the rest of the private-sector economy flows from the large number of freelancers and self-employed, who, to a large extent, do the same work as permanent employees. Employers are therefore potentially able to replace permanent employees with freelancers, and thereby strengthen the employers' bargaining power. The fact that a higher proportion of the workforce is freelance also could undermine the CB system by decreasing the proportion of the workforce covered by CAs. There are agreements on pay for artists and support staff (Gagentarifvertrag) in the audio-visual media which incorporate the freelancer into the CB-system. However Marris and Boes (2000) found that there are in some areas of the audio-visual media pay rates above and below those agreed in the CA indicating that these CAs serve more as a negotiation base than as strict rules. This holds according to them especially for independent production firms. Marris and Boes (2000) conclude that only within the area of public service broadcasting and to a lesser extent the large private broadcasting stations there is a well established system of CAs and industrial relations and not within the remaining parts of audio-visual media. The public service broadcaster as well as theatres adhere to the CAs on payment for artistic and support staff, while this is not always case in the private sector. Project orientation and the widespread use of freelancers are undermining the basis of classic industrial relations patterns: the establishment, and the permanent "standard normal" employment contract. As a result, while the formal and legal structure of the industrial relations framework is the same as in other sectors, the individualistic project orientation of work organisation in several parts of the C&M sector reduces the importance of these frameworks especially in the private sector (Marris, Boes 2003). Despite the establishment of ver.di – the Unified Service Union (Vereinigte Dienstleistungsgewerkschaft) – which made it a central CB body in specific parts of the sector under consideration, there are other employee organisations also active in several sub-sectors. The employers' side is even more heterogeneous with CB fragmented by sub-sectors, but centralised to varying degrees internally.

Finally, industrial relations activities in the ITC sector are hard to categorise because they are not treated as a coherent sector by the social partners. Bargaining is conducted in different sectors, such as telecommunications (see a previous report, Sadowski, Pull, Schneider 1999) and electronics, so in CB terms, there is virtually no internet sector in its own right, and industrial relations in the media and culture internet sector are mainly included in relations for the C&M sector, if there are any. However, two overarching industry associations represent the political and regulatory interests of firms in the ITC sector: the German Association for Information Economy, Telecommunications and New Media (Bundesverband Informationswirtschaft, Telekommunikation und

⁹³ Literally this means "tendential establishments". They are defined by the fact, that because of the way it has been framed, the Works Constitution Act is only partly applicable and these establishments are located in the field of politics, education, the press, culture, science and churches.

neue Medien e.V.) and the Association of the German Internet Economy (Verband der Deutschen Internetwirtschaft e.V.). Both view themselves, according to their homepages, as exclusively service and lobbying organisations for their members, and not as industrial relations organisations. According to conexx.av, an offspring and part of the unified service sector union ver.di designed to organise employees in the media sector as well as those involved with “new media” and internet businesses, there is no collective agreement in place for the ‘internet sector’ as such regardless of the demarcation.

In summary, due to the diversity of the C&M sector, it is difficult to identify clear economic and industrial relations trends within it. Sectors with very strong social partners and high CB coverage can as well be found as sectors with weak CAs. The C&M sector is expected to grow, but increasing use of freelancers and self-employed and the kind of CB in some parts of the sector suggest that gains accruing to employees from this growth may be limited.

2.1.1. Bargaining agents on behalf of employers

In the various sub-sectors that make up the C&M sector, the employers are represented by a large number of organisations in CB on pay and working conditions. They are set out below in alphabetical order⁹⁴. However, in some cases there are no overarching employer organisations (e.g. in public service broadcasting) and/or company agreements are dominating despite the existence of such organisations (private broadcasting). Although in both cases there is certainly CB and a social dialogue the respective agents, that is corporations, are not listed here, because that would be beyond the scope of this report. Nevertheless some of the characteristics of the CB in the concerned subareas are mentioned in other chapters.

1. Association of German Cinemas (Hauptverband deutscher Filmtheater e.V., HDF)*

•Membership of higher-ranking organisations:

- National organisations: as a member in SPIO; as an agent in FFA, BKM, FBW, Working group church film production, BFGGE, German film artist makeshift, film-TV-fund Bayern, IVW administrative board, curatorium of the Friedrich-Wilhelm-Murnau foundation, DKE, board of the cinema technique
- European/international organisations : UNIC

2. Association of German Magazine Publishers (Verband Deutscher Zeitschriftenverleger e.V., VDZ)

•Representativeness:

- CB coverage: 60% of companies, 80% of employees (magazine publishers)
- Structure of these employees: full-time and part-time workers

•Membership and cooperation:

- Members: 380
- Employees of members: unknown
- Coverage (company level): 80% of the companies, measured by turnover
- Membership structure: characterised by medium-sized companies located in all parts of Germany

•Social and political bargaining/participation:

- Political counselling: Press law, copy right law, competition law, Work Constitution Act; fiscal law, and social insurance for artists
- Participation in committees: involved in all bills that affect the publishing sector

•Membership of higher-ranking organisations:

- National organisations: BDA, Press Council, voluntary self-control multimedia, association of the German advertising industry, Foundation reading
- European/international organisations: FAEP and FIPP

⁹⁴ * Our requests were not addressed, and the information that has been gathered derives from information available on the organisations’ homepages. No reference is made to information that is not available.

3. Association of German Movie Producers (Verband Deutscher Spielfilmproduzenten)*: ND

4. Association of New German Movie Producers (Arbeitsgemeinschaft Neuer Deutscher Spielfilmproduzenten)*

- Representativeness:

- Membership and cooperation:

- Members: 61

- Membership of higher-ranking organisations:

- National organisations: FFA, BKM, film-tv-fund Bayern, Film board Berlin-Brandenburg, export-union of German film, VGF

- European/international organisations: German-French Film Academy

5. Association of Technical Operators for Movies and Television (Verband Technischer Betriebe für Film und Fernsehen, VTFF)*: ND

6. Employer Association of Service Firms (Arbeitgeberverband Dienstleistungsunternehmen e.V., ar.di)*⁹⁵

- Representativeness:

- CB coverage: 2 large cinema groups

- Employees affected by CB: 1,500 MA

- Structure of these employees: 75% part-time workers and students

- Membership and cooperation:

- Members: 3

- Employees of members: approximately 3,500, 75% of part-time workers in cinema companies

- Coverage (company level): not known exactly – approximately 10% in the cinemas

- Membership structure: Cinemas, Multiplex

- Social and political bargaining/participation:

- Political counselling: labour and social law

- Membership of higher-ranking organisations:

- National organisations: European Association for Social Policy

- European/international organisations: European Association for Social Policy

7. Federal Association of German Newspaper Publishers (Bundesverband Deutscher Zeitungsverleger e.V., BDZV)*

- Representativeness:

- CB coverage:

- Employees affected by CB:

- Structure of these employees:

- Membership and cooperation:

- Members:

- Employees of members:

⁹⁵ This information was given to us by the managing director of ar.di, Dr. F. W. Lehmann, on July the 15th 2004. However, as reported below a cinema group left ar.di. Additionally EFJ as well as ver.di commented that ar.di doesn't longer play any role in the C&M sector and that it does have no members anymore and that it does not longer negotiate in this sector.

- Coverage (company level):
- Membership structure:
 - Social and political bargaining/participation:
- Political counselling:
- Participation in committees:
 - Membership of higher-ranking organisations:
- National organisations:
- European/international organisations:

8. Federal Association of German Television Producers (Bundesverband Deutscher Fernsehproduzenten)

- Representativeness:
 - CB coverage: more than 50 % of production
- Membership and cooperation:
 - Members: 96
 - Coverage (company level): 90%
- Social and political bargaining/participation:
 - Political counselling: Participation in legislation affecting the film industry (e.g. film promotion and copyright. Member of Social Security for Arts, and the Pension Fund for Broadcasting)
- Membership of higher-ranking organisations:
 - National organisations: SPIO
 - European/international organisations: CEPI

9. Federal Print and Media Association (Bundesverband Druck und Medien, BVDM)*

- Representativeness:
 - CB coverage: 12,400 companies in total, and 6,000 members (i.e. approximately 48%)
 - Employees affected by CB: 95,328 out of 197,000 employees (i.e. 48%)
- Membership and cooperation:
 - Members: 12 regional associations organising 6,000 companies mainly involved in printing
 - Employees of members: approximately 95,328
 - Coverage (company level): 48%
 - Membership structure: 94% of all companies employ less than 50 employees
- Social and political bargaining/participation: ND
- Membership of higher-ranking organisations:
 - National organisations: BDA, BDI, DID, IW and ZAW
 - European/international organisations: AEGRAFLEX, FESPA and INTERGRAF

10. German Stage Society – Federal Association of German Theatre (Deutscher Bühnenverein – Bundesverband Deutscher Theater)

- Representativeness:
 - CB coverage: approximately 99% of public theatres
 - Structure of these employees: irregular working hours; mostly full-time employment

- Membership and cooperation:
 - Members: Total membership of 423, including 211 theatres, 34 independent symphony orchestras, and 43 inactive and 118 active personal members
 - Employees of members: approximately 45,000 and 9,500 freelancers
 - Coverage (company level): approximately 99% of public theatres
 - Membership structure: public theatres (federal, state and municipal level); private theatres
- Social and political bargaining/participation:
 - Political counselling: Participation in all legislation procedure from the EU, the state and the federal states that affects the sector
 - Participation in committees: Participation in all committees that affect the sector (e.g. implementation of the EU-Code 2003-10EG (Noise))
- Membership of higher-ranking organisations:
 - National organisations: BDA, German culture council, Fund performing arts
 - European/international organisations: PEARLE*, international theatre institution, ISPA and IAOA

11. Private Broadcasting CB Association (Tarifverband privater Rundfunk, TPR)

- Representativeness:
 - CB coverage: 81%
 - Structure of employees: editorial journalists, technicians, producers, clerical assistants and computer specialists (the CA only applies to regular/permanent employees)
- Membership and cooperation:
 - Members: 7
 - Employees of members: 700
 - Coverage (company level): 50%
 - Membership structure: an average of 80 employees work on radio stations, up to 60% as editorial staff; the other 40% are divided into areas such as administration and marketing. Television companies are currently not represented, but most private television companies follow the TPR CA.
- Social and political bargaining/participation:
 - Political counselling: None. This is done by the Association of Private Radio and Television Stations (VPRT)
 - Participation in committees: each member handles these issues with the appropriate authorities itself
- Membership of higher-ranking organisations:
 - National organisations: BDA
 - European/international organisations: none

12. Working Group Private Broadcasting (Arbeitsgemeinschaft Privater Rundfunk APR)

- Representativeness:
- Membership and cooperation:
 - Primarily local and state-level broadcasting stations (radio and TV) organised in 7 sections which are structured by region and sub-sector
 - Manly located in Baden-Wuerttemberg, Bavaria, North Rhine-Westphalia

This list indicates substantial diversity on the employers' side. These employers' organisations bargain within their sub-sectors on their own, and not on joint committees on behalf of the whole C&M sector. Almost all employers' organisations focus on a specific sub-sector in which they represent the employers exclusively, but the recently formed ar.di aims to organise all service businesses: while it claims that it was able to organise two major players in the cinema industry, the cinemaxx and Ufa groups, it was unable to penetrate the C&M sector any further and even this small success is doubtful as the unions which are ar.di's negotiation partners report that all members in this sector left ar.di and that it is not negotiating in this sector anymore. The HDF

represents smaller cinemas in CB. The cinema industry is (or at least was) therefore a sector with two employers' organisations participating separately in CB if ar.di's claims are still holding. It is the only sector in C&M with such a structure. Other employers' organisations, like the three film producer associations, conduct joint negotiations within their own sub sector. The VDZ and BDZV are also cooperating very closely with each other as well as with the BVDM. So-called 'Doppelmitgliedschaften' (double membership) which mean, that one employer is member of two or even three of these employer organisations, are rather common.

As this report has already made clear, much of the theatre and orchestra sector is public and the non-artistic staff there as well as many employees of museums are parts of the public sector. The relevant employers' organisations for these sectors are therefore the Bargaining Association of German States (TDL) and the Federation of Local Government Employers' Organisations (VKA): they were described in detail in previous reports (SADOWSKI, LEILICH, PULL 2003; SADOWSKI, GOTZEN 2001; SADOWSKI, PULL, REDEN 2001) and, although they cooperate with the German Stage Association, they will therefore not be discussed any further.

2.1.2. Bargaining agents on behalf of employees

Unlike the situation on the employers' side, employee representation is driven by the principle of industrial unionism (Industrieverbandsprinzip) that typifies the German private sector. It largely applies to the C&M sector. The peak organisation of employee representation is the German Trade Union Federation (DGB). It has 7.7 million members and eight member unions. The Unified Service Sector Union (Vereinte Dienstleistungsgewerkschaft, ver.di) is the largest⁹⁶, and also organises many employees in the C&M sector. This dominance has arisen as a result of a succession of union mergers (Sadowski, Leilich, Pull 2003; o.V. 2004b), but, as this report has already described, the sector under examination is somewhat diverse, and ver.di's dominance is therefore not complete: for example, employees of theatres, orchestras and similar bodies are represented by the Cooperative of German Stage Employees (GDBA), the Association of German Opera Choruses and Dancers (VdO) and the German Orchestra Association (DOV), while journalists are represented by ver.di and the German Association of Journalists (DJV). Ver.di has four organisational levels: the national, or federal, level (Bund); regional districts (Landesbezirke); districts (Bezirke); and local level (Ortsebene)⁹⁷. They have around 2.7 million members, and this makes ver.di the largest independent trade union in the world. The organisation is divided into 13 sector areas (Fachbereiche) (Sadowski, Leilich, Pull 2003). The relevant sector area is the Media, arts and industries area (Fachbereich 8, Medien, Kunst und Industrie). In this there are 12 sector sub-areas (Fachgruppen), covering Metal- and chemical Industries, Printing Industry and newspaper-companies (about 100,000 members), packaging industry, publishing companies and advertising agencies, German journalists union (dju, 24.000 journalists), Broadcast, Film and Audiovisual medias (Public service and private broadcast companies, Film industry, about 25.000 members), literates and authors (Verband deutscher Schriftsteller, VS, including translators Association (VdÜ about 3500 members), theatres (17.000 members), performing arts, fine arts, music and professional sportsmen (sports union). Thus ver.di covers all sub-sectors of the C&M sector. However in some sub-sectors there are additional employee organisations. For example, the DJV represents the interests of journalists, although negotiations are conducted jointly with ver.di. Thus, ver.di is representing the non-journalistic staff in the newspaper, printing and broadcasting industries exclusively, while the representation of the journalistic employees is split between ver.di and DJV. Artistic staff employed by theatres and orchestras are represented by three organisations: soloists, stage technicians, choir members and dancers are organised and represented by the GDBA and the VdO, and orchestral musicians are represented by the DOV. These three organisations represent most artistic employees in theatres and orchestras, while ver.di mainly represents non-artistic staff. The latter claims 17,000 members in theatres, orchestras and music-halls. The GDBA and the VdO jointly negotiate agreements with the German Stage Society, and the DOV and ver.di cooperate closely on a contract that was originally concluded with one of ver.di's predecessors, but the DOV negotiates agreements on its own in its field. These artistic unions representing artistic employees negotiate exclusively with the German Stage Society, thus, while the employees' side in most sub-sectors is more centralised than the employers' side, the reverse is true for theatres and orchestras. The connex.av project was founded by ver.di in 1999 and is part of ver.di. Connex sees itself as an "interface with the union", and is an attempt to organise both traditional employees and freelancers and self-employed in the private broadcasting, film making, audio-visual production and new media sectors (connex.av 2004). It addresses the particular issues of employees in these sectors, especially the reluctance of media and creative workers to unionise, and aims to recruit freelancers into the union. This attempt to organise the self-employed in the sector is not restricted to connex.av, but it is a general policy of ver.di (ver.di 2004a). It was able to organize 32,000 freelancer and self-employed in all sectors. There is a special project for freelancers within ver.di called mediafon. At all events, it is particularly relevant for the C&M sector of the economy due to the prevalence and importance of freelance worker in this sector. Ver.di is (together with DJV) also the negotiating partner of the BVDM within the printing industry and for the public service broadcasting stations

⁹⁶ DGB-Homepage; sueddeutsche 2004.

⁹⁷ ver.di-homepage.

(sometimes together with DJV and/or DOV) and thus the dominating employee organisation within the C&M sector, with the exceptions mentioned above. Additionally it is negotiating with APR and TPR within in the private broadcasting sector (jointly with DJV) however these are covering only smaller stations. These organisations are set below in alphabetical order⁹⁸.

1. Association of German opera choruses and dancers (Vereinigung deutscher Opernchöre und Bühnentänzer, VdO)*

Representativeness:

-Total employment in this sector: approximately 4,500 dancers and choir singers in public theatres

-Coverage: almost all public theatres

•Membership and cooperation:

-Members: around 4,200; depending on the unknown size of the private theatre workforce, approximately 40%-90%

•Membership in higher-ranking Organisations: VdO is not member of any higher ranking organization, but only members in committees and councils concerning certain topics.

2. Connex.av (part of ver.di)

•Representativeness:

-Total employment in this sector: approximately 250,000

-Proportion of freelancers: depends on the sector: private broadcasting (around 70% permanent); public broadcasting (around 60% other employees (trainees, permanent freelancers and freelancers); film industry (similar to private broadcasting, (contracts are mostly placed for the time of film production))

-Proportion of employees in public and private institutions: public sector (51,378 employees), private broadcasting (23,307 employees), film production (completely private institutions)

-Coverage: public service broadcasting (almost 100%), private broadcasting (about 5%), film industry (about 10%) and audio-visual media (about 20%)

-Employees and structure of employees covered by CB: agreements in the private sector cover only permanent employees; those in the public sector also deal with freelancers

•Membership and cooperation:

-Members: approximately 10,000

-Organised free-lancer: yes

-Average income/ agreed wages: private broadcasting: TG 1: 1.699 – 1.862 till TG 7: 3.643 – 4.411; film and tv: week fee: 553,22 – 2.362,17; AV-production and services: LG 1 1.527.75 till LG 6 2.264,50, GG 1 1.356,00 till GG 7 3.542,00; new Media: average annual income for permanent employees: 36.903; average annual income for temporary employees: 32.504; average annual income for freelancer: 35.911

•Social and political bargaining/participation:

-connex.av is a part of ver.di and thus via ver.di member of all the institutions ver.di participates in

-Political counselling: the higher-ranking organisation ver.di takes on these functions (e.g. copyright)

•Membership of higher-ranking organisations:

-National organisations: Linked to, and closely cooperates with ver.di; membership in other organisations is through ver.di

-European/international organisations: Linked to, and closely cooperates with, ver.di; membership in other organisations is through ver.di

3. Cooperative of German Stage Employees (Genossenschaft Deutscher Bühnen-Angehöriger, GDBA) *

Representativeness:

-Total Employment in this sector: approximately 30,000-40,000

⁹⁸ * Our requests were not addressed, and the information that has been gathered derives from information available on the organisations' homepages. No reference is made to information that is not available. ** All freelancers organised in ver.di; GATS; IBFG; IÖD; ITF; OECD; UNI; WHO; WTO.

-Coverage: nearly all public theatres

•Membership and cooperation:

-Members: around 7,000 (17.5-23.0%)

•Membership of higher-ranking organisations:

-European/international organisations: Fédération Internationale des Acteurs (FIA) and cooperative relations with the British Actors' Equity Association, the Dutch Kunstenbond and the American Guild of Musical Artists

4 German Association of Journalists (Deutscher Journalisten-Verband – Gewerkschaft der Journalistinnen und Journalisten, DJV)

•Representativeness: ND

•Membership and cooperation:

- Members: 41,400

•Social and political bargaining/participation:

- Political counselling: Parliamentary committees

•Membership of higher-ranking organisations:

- European/international organisations: International Federation of Journalists (IJF)

5. German Orchestra Association (Deutsche Orchestervereinigung, DOV)

Representativeness:

-Total employment in this sector: 9,000 orchestral musicians in theatres and orchestras, 1,600 musicians in orchestras, big bands etc in public service broadcasting stations, and 1,000 in free orchestras

-Proportion of freelancers: unusual for orchestral musicians

-Proportion of employees in public and private institutions: 10,600 employees in public and publicly financed institutions, and 1,000 in non-public institutions

-Coverage: 90%

-Employees and structure of employees covered by CB: Mostly full-time and permanent employment

•Membership and cooperation:

-Members: 13,200

-Organised free-lancers: yes

-Structure of the qualifications of employees: only trained musicians with a certified educational degree are accepted for membership

-Average income/agreed wages: pay depends on reputation and position within the ensemble. Pay ranges from EUR 1,000 to EUR 7,000 a month

-Distinguished by employees in public and private institutions: Not applicable

•Social and political bargaining/participation:

-Political counselling: on diverse topics (copyright law, occupational safety and health, mandatory accident insurance) at cultural and educational ministries

-Participation in committees: Federal Committee on Music Occupations in the German Music Council, 'schools and orchestras' network

•Membership of higher-ranking organisations:

-National organisations: German Federation for Legal Protection and Copyright

-European/international organisations: International Federation of Musicians (FIM) and European Arts and Entertainment Alliance (EAEA)

6. Unified Service Union (Vereinigte Dienstleistungsgewerkschaft, ver.di)*

•Membership and cooperation:

- Members: 215,835
- Organised free-lancers: 26,264**
- Social and political bargaining/participation:
 - Participation in committees: WTO, GATS, OECD, WHO, IÖD, ITF and UNI
 - Membership of higher-ranking organisations:
 - National organisations: DGB
 - European/international organisations: IÖD, ITF, UNI and ICFTU (through the DGB), MEI, FIA (Actors), FIM (Musicians International), European Writers Congress (Literates), CEATL (translators), Three seas TranslatorsFIT (Translators), ALTA (Translators), European Journalists Federation / International Journalists Federation

2.1.3. CB and CAs in the C&M sector

The heterogeneity of the C&M sector and the multitude of employer and employee organisations make it impossible to give a complete and detailed overview of CAs and CB in the C&M area. Thus, given the scope of this report we can in this chapter only give examples and highlight the most noteworthy aspects of CB in C&M. In some sub-sectors of C&M, and unlike what happens in most other industries, CB is mainly conducted at national level (Keller 1997; Müller-Jentsch 1997; Meyer 1995). There are no legal restrictions on the content of CAs; the CA Act guarantees free CB (Tarifautonomie) "on virtually all matters of labour relations" (Paqué 1993: 209). Despite the existence of several firm agreements (Haustarifvertrag), these procedures ensure rather uniform agreements within some sub-sectors. An exception might have been the cinema industry. ar.di organised for some time two large cinema groups (cinemaxx and ufa), and the HDF represents a large number of small, independent cinemas, but cinemaxx eventually left ar.di, and is now under pressure from ver.di to negotiate a company agreement (WEB-Wecker 2004). Despite the existence of a CA concluded by ver.di, its predecessors and the three film producer associations on pay for artists and support staff in audio-visual media and film production, contracts are often subject to individual bargaining; at least employees reported so in interviews in the studies of Marrs and Boes (2000, 2003). The rates set out in CAs give a more or less clear indication of the basis for negotiations (Marrs, Boes 2000; Marrs, Boes 2003). Public service broadcasters also conclude CA with socially and economically dependent freelancers, furthermore there CAs dealing with minimum wages of freelancers. For the remaining part of the audio-visual media and film production Marrs and Boes (2003) found that the union implicitly acknowledges the 50-hour working week, which is very close to the legal limit and far above average working time in most other sectors. Current negotiations are addressing the issue of working time flexibility and the huge differences between agreed working time and actual working time (connexx.av 2004b). The TPR for the employers and ver.di and the DJV for the employees re-established a CA in April 2004 after it had been previously terminated. The new agreement takes the critical economic condition of the broadcasting industry into account, and provides for only moderate pay raises (connexx.av 2004c). It mainly covers private radio stations. The largest private TV-station, RTL, has a company agreement in place that was concluded at the end of 2003: it includes a moderate pay increase and an innovative element that links additional pay increases to the company's profit growth. This profit-based pay increase was introduced in an earlier agreement between the two partners (connexx.av 2004d). Another broadcasting station – n-TV, which is mainly owned by RTL – terminated the company agreement between ver.di and itself on 31 December 2003, and after that, there was no agreement, and ver.di vigorously called for negotiations to take place. The other large TV operator, the Pro7 SAT1 Media group, is also negotiating on its own, if it participates in CB. Similarly to the company agreements dominating the private broadcasting sector the CB is conducted within the public service broadcasting sector without an employer organisation. The 14 different public service broadcasters are conducting sometimes negotiations each on their own and sometimes jointly.⁹⁹ There partners are ver.di, DJV and DOV, however ver.di is the major negotiating partner. Besides the usual CAs on pay and general issues they also conclude so-called Versorgungstarifverträge (care CAs) which regulate additional pension schemes. After tough talks accompanied by several strikes, the DJV, ver.di and the DBZV concluded a general agreement and a pay agreement at the beginning of 2004 for the newspaper industry. The employers (DBZV) demanded that any new agreement should reflect the crisis of the newspaper industry with moderate pay increases, shorter holidays and reduced holiday pay, and longer working hours with no additional pay. They succeeded in part, with a pay increase of approximately 1.3% for editorial journalists matched by shorter holidays and reduced holiday pay (Netzzeitung 2004). In the newspaper, magazine and printing sub-sector as well as in the sub-sector of public service broadcasting there is full set of CAs covering around 250,000 employees conducted by ver.di and the corresponding employers and employers' organisations. Agreements concerning journalist in these sub-sector were conducted jointly with the DJV. In the theatre and orchestra sub-sector, there are central agreements between the German Stage Society and the three trade unions for artistic employees; they include a minimum pay rate of EUR 1,550, but the central agreements have now been amended by around 200 company agreements to ensure the survival of the organisations concerned. These organisation-specific

⁹⁹ These 14 public broadcaster include the 10 semi-independent broadcasting station of the ARD. In most cases they are negotiating together on the ARD-level.

agreements reflect the CAs, and alter about 5% of their contents. There is evidence of various kinds of concession bargaining in this part of the sector in order to secure employment. In the sub-sector of artistic staff in theatres and orchestras the employer side is more centralised than the employee representation contrasting the major part of C&M. These organisations are involved in CB and are therefore recognised by at least one other organisation. There seems to be an element of conflict, or rather competition, between ar.di and the other employers' organisations, especially in the cinema sector, which now might have been lost by ar.di. There also seems to be competition for members between ver.di and most other unions. However, this competition is attenuated by some cooperation agreements as well as by joint CB. Although these disputes are known to exist, they are not conducted openly, and information on them is accordingly hard to get hold of. They can only be deduced from the attempts of different organisations to organise the same constituency. As mentioned before it has to be noted that despite of this competition ver.di is dominating the employee side of the C&M sector with the noteworthy exception of the artistic staff in theatres, orchestras and festival halls.

3. TRENDS AND DEVELOPMENTS

While the C&M sector is widely expected to grow, firms operating in it are also seen to be under pressure, although this pressure varies from sub-sector to sub-sector. It is the result of increasing competition from abroad, and from within the sector itself (e.g. the "old" media versus the "new" media). The employers' position towards terms and conditions of employment may harden in consequence, and they may seek to increase flexibility by increasing their reliance on freelancers and self-employed (Gottschall 1999; Gottschall, Betzelt 2001). This could undermine the structure of industrial relations further. On the other hand, there are examples in the public service broadcasting sub-sector where CAs are concluded for economically dependent freelancers. Profit-based pay increases as agreed by ver.di and the RTL might be one way of dealing with critical economic situations and insecurity in the business environment, but with increasingly insecure and volatile markets, this innovation could spread to other industries, and solutions found in the newspaper industry (i.e. moderate pay increases and a reduction in some benefits like holiday entitlement and holiday pay above the legal limit) might spread through the sub-sector and into other sectors. Such a trend could become even more likely with the latest company concession bargaining at Daimler-Chrysler and Siemens. Some authors argue that terms and conditions of employment and industrial relations in several parts of the C&M industry will not evolve towards the standards common in most other industries. On the contrary, they say that the reverse is much more likely, and the looser industrial relations of the audio-visual sub-sector might become a pattern for other industries as well (Haak, Schmid 2001). However, it has to be remembered that the substantial diversity in the sub-areas means that there is no universal trend, and that some sub-sectors might take a totally different direction. We suggest that internet-based activities might be excluded from further data collection on the social partners in the C&M sector because, given the information we were able to gather, it seems there is almost no industrial relations activity to report in this sub-sector at all. We suggest therefore to make an exploratory report of this industry and additionally to investigate the sub-sectors of the media (e.g. newspaper, printing, broadcasting and radio stations), film production, and theatres and orchestras in four or three separate studies. Such a demarcation would acknowledge that information on these sub-sectors is hard to come by, and that a joint report might lead to a misconception based on different data availability. Additionally these separate studies would allow giving each sector as much attention as they need. This is in the light of the fragment nature of collective bargaining in C&M (12 employer organisations, 6 unions and many company agreements) especially important. What is more, given the information presented in this report, these sub-sectors seem to be marked by enormous differences in industrial relations that cannot really be covered in a single report.

ANNEX : GLOSSARY OF GERMAN TERMS

Arbeitgeberverband Dienstleistungsunternehmen (ar.di)	Employer association of service firms
Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland	Association of public service broadcasting stations in the Federal Republic of Germany
Arbeitsgemeinschaft Neuer Deutscher Spielfilmproduzenten	Association of New German Movie Producers
Arbeitnehmerähnlich Personen	Socially and economically dependent persons, persons similar to a full-time employee
Beauftragte Bundesregierung für Kultur und Medien (BKM)	Federal Government Commissariat for Culture and the Media
Bereich Medien, Kunst und Industrie	The area, media, art and sector
Berufsgenossenschaft für Feinmechanik und Elektrotechnik (BFGE)	Employers' Liability Insurance Association for Precision Mechanics and Electronic Engineers
Betriebsverfassungsgesetz (BetrVG)	Works Constitution Act
Bezirke	Districts
Bildende Kunst	Fine Arts
Bund	National/ federal
Bundesagentur für Arbeit	Federal Labour Agency
Bundesangestelltentarifvertrag (BAT)	Federal CA for Salaried Employees
Bundespersonalvertretungsgesetz (BpersVG)	Federal Staff Representation Act
Bundesverband der Deutschen Industrie (BDI)	Federation of German Industries
Bundesverband Deutscher Fernsehproduzenten	Federal Association of German Television Producers
Bundesverband Deutscher Zeitungsverleger e.V. (BDZV)	Federal Association of German Newspaper Publishers
Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e. V. (BITKOM)	German Association for Information Economy, Telecommunications and New Media
Bundesvereinigung der Gewerkschaftsverbände Bildender Künstler	The Federal Association of Fine Art Unions
Bundesvereinigung deutscher Arbeitgeberverbände (BDA)	Confederation of German Employers' Associations
Darstellende Kunst	Performing Arts
Deutsche Elektrotechnische Kommission der DIN DVE (DKE)	German Electric Commission of the DIN DVE
Deutsche Journalisten und Journalistinnen Union	German Journalists' Union
Deutscher Bühnenverein – Bundesverband Deutscher Theater	German Stage Society – Federal Association of German Theatre
Deutsche Orchestervereinigung – DOV	German Orchestra Association
Deutscher Bundestag	German Federal Parliament
Deutscher Gewerkschaftsbund (DGB)	German Trade Union Federation
Deutscher Journalisten Verband – Gewerkschaft der Journalistinnen und Journalisten (DJV)	The German Association of Journalists
Deutsches Institut Druck e.V. (DID)	German Institute of Print
Druckindustrie und Zeitungsverlage	Print Industry and Newspaper Publishing Houses
Eingruppierung	Employee classification
Europäische Vereinigung der Graveure und Flexografen (AEGRAFLEX)	European Association of Gravure and Flexographs
Europäischer Zeitschriftenverleger Verband (FAEP)	European Association of Magazine Publishers

Fachbereiche
Fachgruppen
Feste freie
Festspielhäuser
Filmbewertungsstelle (FBW)
Filmförderungsanstalt (FFA)
Gagentarifvertrag
(Genossenschaft Deutscher Bühnen-Angehöriger – GDBA)
Gewerkschaft der geistigen und kulturell schaffenden
Gewerkschaft der Musikerzieher und konzertierende Künstler
Hauptverband deutscher Filmtheater e.V. (HDF)
Haustarifvertrag
IG Druck und Papier
IG Kunst, Kultur und Medien
IG Medien – Druck und Papier, Publizistik und Kunst
Industrieverbandsprinzip
Institut der deutschen Wirtschaft (IW)
Internationale der öffentlichen Dienste (IÖD)
Internationale Transportarbeiter-Föderation (ITF)
Internationaler Bund freier Gewerkschaften (IBFG)
Internationaler Zeitschriftenverleger Verband (FIPP)
Kreismusikschulen
Kunst und Kultur
Landesbezirke
Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder (MTArb)
Manteltarifverträge
Medien und Publizistik
Musik
Ortsebene
Personalräte
Rundfunk, Film und Audiovisuelle Medien
Spitzenorganisation der Filmwirtschaft (SPIO)
Tarifautonomie
Tarifgemeinschaft der deutschen Länder –TDL
Tarifausschuss
Tarifmodell
Tarifverband privater Rundfunk (TPR)
Tarifverträge
Tarifvertragsgesetz (TVG)

Sector areas
Sector sub-areas
Regular freelancers
Opera house
Film assessment office
German Federal Film Board
Agreement on payment for an artist
Cooperative of German Stage Employees
The Trade Union for Cultural and Intellectual Employees
The Union of Music Teachers and Musicians
Association of German Cinemas
Company agreements
Union of Printing and Paper Industries
The Art, C&M Trade Union
The Union Media – Printing and Paper, Journalism and Art
The principle of industrial unionism
Institute of the German Economy
Public Services International (PSI)
International Transport Workers Federation
International Confederation of Free Trade Unions
International Association of Magazine Publishers
District music schools
Art and Culture
Regional districts
Framework CA for Blue-Collar Workers at Federal and State Level
Frame-work agreements on working conditions
Media and Publishing
Music
Local level
Staff councils
Broadcasting, film and audiovisual media
Peak organisation of the film business
CB autonomy
Bargaining Association of German States
bargaining commission
Principle according to which pay and working conditions of employees are regulated by CA
Private Broadcasting CB Association
CAs
CA Act

Tendenzbetrieb

Union Internationale des Cinémas (UNIC)

Verband der Deutschen Internetwirtschaft e. V. (eco)

Verband der europäischen Papierindustrie (CEPI)

Verband deutscher Schriftsteller in ver.di

Verband Deutscher Spielfilmproduzenten

Verband Deutscher Zeitschriftenverleger e.V. (VDZ)

Verband Technischer Betriebe für Film und Fernsehen (VTFF)

Vereinigte Dienstleistungsgesellschaft (ver.di)

Vereinigung der kommunalen Arbeitgeberverbände – Vka

Vereinigung deutscher Opernchöre und Bühnentänzer - VdO

Vergütungs- und Lohntarifverträge

Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH (VGF)

Zentralverband der deutschen Wirtschaft (ZAW)

Zweites deutsches Fernsehen (ZDF)

Establishment active in the areas of politics, education, the press, science, religion and so on to which the Works Constitution Act does not fully apply

International Union of Cinemas

Association of the German Internet economy

Confederation of European Paper Industries

Association of German Writers in ver.di

Association of German Movie Producers

Association of German Magazine Publishers

Association of Technical Operators for Movies and Television

Unified Service Union

Federation of Local Government Employers' Associations

Association of German Opera Choruses and Dancers

CAs for white- and blue- collar workers

Collecting Society for Film Copy Rights

Central Association of German Business

Second German TV

GREECE

A. CULTURE SECTOR

1. DESCRIPTION OF THE SECTOR

1.1 Delimitation and scope of activities

No legal structure has been involved in the delimitation of these sectors. The distinction between C&M sector activities in Greece has been made by the national expert alone, and for purely practical and methodological reasons, with a view to giving a less confusing account of this vast sector. The cultural sector in Greece covers a wide range of artistic activities including music, theatre, the cinema, dancing, the plastic arts, the performing arts, literature and photography. Cultural activities, along with recreational and sports activities, fall under the same statistical classification, Nace 92, with no distinction being made between the sector's three components. Book publication comes under Nace 22. Culture is often referred to as Greece's "heavy industry", although the funding of cultural activities is very erratic and inadequate, and the absence of long-term goals and perspectives is characteristic of a national strategy that is residual and lacking vision. State subsidies ensure the survival of a plethora of cultural groups, associations, bodies and institutions, but private initiative and sponsorship also play a crucial role in artistic creation and expression¹⁰⁰. On the other hand, the sector is also characterised by an extreme fragmentation, intense competition between protagonists, the absence of formal graduate and post-graduate education in the majority of the arts¹⁰¹, regional inequalities, and blurred professional rights and validation procedures.

1.2. Organisations, associations and institutions

In addition to the social partner organisations involved in CB (see Section 3), there is a wide range of public, private and mixed institutions, bodies and foundations covering all areas of artistic production. They include the Greek Film Centre (EKK), the Hellenic Audiovisual Institute (IOM), the National Book Centre (EKEVI), the Institute of Books and Reading, the Cinema Film Distributors' Union, the Greek Federation of Cinema Societies, the Mediterranean Film Institute, Hellenic Cultural Heritage, the Hellenic Foundation of Culture, the European Cultural Centre of Delphi, the Melina Mercouri Foundation, the Hellenic Authors' Society, the Greek Writers' Society, the Hellenic Intellectual Property Organisation, the Greek Directors' Guild (EES), the Scriptwriters' Guild of Greece (ESE), the Greek Choreographers' Association and the Greek Chamber of Visual Arts.

1.3. Employment

There is no statistical evidence on the total number of employees involved in the various artistic professions, as large numbers of artists are not members of professional associations or guilds, or else do not have the formal qualifications to work in their chosen field. Moreover, due to the seasonal character of artistic professions, it is impossible to make even an approximate estimate of the number of people involved in the culture sector. Artistic professions fall under "STEP-92 Statistical Category 27: Individuals exercising a scientific, artistic or similar profession" (Source: National Statistics Service of Greece). This category includes writers, actors, directors, musicians, composers, choreographers, dancers, painters and sculptors but because the Labour Force Survey of 3-digit professions is very small, the data are unreliable, and can only be viewed as indicative¹⁰² (see examples in table below).

273	writers and journalists	8,852
274	painters, plastic artists etc	6,885

¹⁰⁰ In Athens alone, there are more than 160 theatres playing every season. There are also 16 municipal and regional theatres, and 2 state theatres. Around 60 theatrical groups receive state subsidies; 23 dancing groups also receive state subsidies.

¹⁰¹ There is a musicology department, a theatre department, and a newly established cinema department.

¹⁰² The National Statistics Service of Greece has yet to make available the very reliable 2001 Census data.

275	composers and musicians	1,174
276	choreographers and, dancers	ND
277	actors and directors	2,383

Source: National Statistics Service of Greece, Statistical classification of professions, STEP-92, 1995

No study has dealt with topics like the relative importance of the sector compared to the whole of the economy, or the estimated importance of the underground economy.

1.4. Evolution

The culture 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 (advances in audiovisual and digital technology), and the establishment of the necessary infrastructure that was missing until recently in Greece. The widespread dissemination of new technology such as digital cinema and television, multimedia, home cinema, multiplex cinemas and the internet is expected to trigger far-reaching changes in the cultural and audio-visual landscape in general, as well as in traditional forms of artistic expression¹⁰³. All those involved in the culture industry – artists, entrepreneurs, sponsors and institutions – are being urged to respond dynamically to the new challenges ahead. They also represent new opportunities. The safeguarding in particular of quality, pluralism and diversity will be increasingly difficult in a context of extreme commercialisation, a concentration of power and resources, and declining quality standards.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR

2.1. Basic features of the social dialogue

Social dialogue in the culture sector is bipartite, and is conducted between employers' and workers' representative organisations. A large number of artists, however, fall outside the scope of CAs, due to the absence of a competent social partners' organisation. Singers, dancers¹⁰⁴, painters, photographers, directors, script writers are excluded from the social consultation process.

2.2. Evolution and trends

Collective negotiations in the culture sector were given a fresh impetus when the Greek industrial relations system was modernised in the late 1980s and early 1990s: the rules and criteria for the representativeness of the social partners' organisations, the recognition criteria and the extension procedures are clearly set out in Law 1987/1990. The CB agenda in the sector, as is usually the case in negotiations elsewhere, focuses mostly on pay and social security issues.

2.3. Issues of social dialogue

Despite the obvious differences that persist between industrial relations relating to the various categories of artists, many problems – and consequently many claims – are common to employees in all sub-sectors. These mainly relate to job insecurity, inadequate social insurance and pension coverage, low pay for most artists (excluding the “big” names), and the absence both of higher education courses in art and of a system for skills validation. In particular, the main problems in the sub-sectors involving the greater number of employees, are as follows:

- for actors: extremely high unemployment rates (estimated at over 80%); widespread violation of employment and social security rights; the uncertain professional status of actors; ineffective management of state subsidies to theatres; low pay for the majority of actors, and a significant share of unpaid work for new entrants; poor working conditions; lack of a meritocracy; and sexual harassment;

¹⁰³ For instance, there has been a significant decrease in film production as a result of the emergence of television. The peak of production was in 1967 when 196 films were made; in 2001, there were just over 20 films (see Hellenic Audiovisual Institute, 2003).

¹⁰⁴ With the exception of singers and dancers employed at the National Conservatory and state theatres.

- for musicians: precarious employment; great job insecurity owing to the seasonal nature of the job; violation of agreed working hours; unpaid overtime; the penetration of cheap foreign and student labour in the profession; the absence of quality standards; a lack of validation procedures;
- for singers: since 1998, no collective labour agreement covering the singers because there is no employers' organisation (efforts are currently being made to establish one in Thessalonica); precarious employment and inadequate social security coverage; no formal education institution for singing; no validation of skills;
- for writers: social security cover; eligibility to a pension; access to medical care; state support for writing.
- for publishers: book production is an important sub-sector of the culture industry. There are over 6,500 new titles published every year in Greece. Despite the large number of registered publishers (889), the market is highly concentrated, with 50 publishers accounting for 80% of total book production¹⁰⁵. There are 2,014 bookstores in the country; of these, 232 are purely bookstores, and sell nothing else, and another 172 are mainly bookstores. Almost 55% of all bookstores are concentrated in Athens and Thessalonica¹⁰⁶. The main problems facing book production in Greece include the restricted purchasing power of the local market; problems in the promotion and marketing of published books; lack of resources, and difficulty in accessing finance; unfair taxation; the short lifespan of books; competition from the new media; language barriers for penetrating foreign markets.

3. PLAYERS INVOLVED IN THE SOCIAL DIALOGUE PROCESS

3.1. Employers' organisations

A. Theatre

The Pan-Hellenic Union of Free Theatre (PEETH), the National Theatre, the State Theatre of Northern Greece (KVTHE) and Regional Theatres (DIPETHE).

The National Theatre of Greece was established in 1901 and has six stages. It has a CA with the SEI (actors).

The State Theatre of Northern Greece was established in 1961 in Thessalonica and has five stages. It is a member of the UTE (Union of European Theatres). It has a CA with the SEI.

The Regional and Municipal Theatre has 16 local branches that were gradually established between 1982 (when the Regional and Municipal Theatres institution was first established) and 1997; it has a CA with the SEI.

All of the above theatres are supervised by the Ministry of Culture.

B. Audiovisual industry

The Association of Independent Producers of Audio-visual Works (SAPOE).

C. Entertainment

The Pan-Hellenic Association of Entertainment Club Entrepreneurs (PSEKD)¹⁰⁷

D. Publishing

The Pan-Hellenic Federation of Publishers and Bookstores (POEV).

⇒ Pan-Hellenic Association of Free Theatre (Panellinia Omospondia Eleftherou Theatrou, PEETH)

The PEETH¹⁰⁸ represents the theatrical entrepreneurs who own the non-subsidised central theatres in Athens. It has 20 members and concludes three CAs: (a) with the Hellenic Actors' Union (SEI), (b) with the electricians' union and (c) with the electricity, light and sound engineers' union. At the European level, PEETH is a member of PEARLE*.

¹⁰⁵ See EKEBI, 1998

¹⁰⁶ Op cit.

¹⁰⁷ PSEKD suspended its activities in 1999. The last CAs it concluded were in 1997 with the Panhellenic Musicians' Union (PMS), and in 1998 with the Union of Greek Singers (EET).

⇒ Association of Greek Independent Audiovisual Producers (Syndesmos Anexartiton Paragogen Optikoakoustikon Ergon, SAPOE)

The SAPOE was founded in 1975, and was originally known as the Association of Greek Television Producers (SPET). It has 86 members, all of whom are registered as independent producers, and represents the most dynamic small and medium-sized firms in audiovisual production. The Association concludes two CAs, one with the Hellenic Actors' Union (SEI), and the other with the union of film, television and audiovisual workers, ETEKT. The latter agreement also applies to two employers' organisations, the Association of Greek Cinema-TV-Video Producers (SEPKTV) and the Association of Cinema-TV Producers (PAKT), which do not sign their own agreement. At European and international levels, SAPOE is a member of CEPI (European Co-ordination of Independent Producers) and the Association of International Collective Management of Audiovisual Works (AGICOA).

⇒ Pan-Hellenic Federation of Publishers and Bookstores (Panellinia Omospondia Ekdoton Bivliohartopolon, POEV)

The POEV was established in 1961 and has 17 regional members. For the time being, there is no special CA covering the sector, but preparations are being made for one. Employees working for publishers and in bookstores are covered by the commerce sector agreement. POEV is affiliated to the Federation of European Publishers and the European Booksellers' Federation.

No one is able to provide relevant information about the number (or even an approximate number) of workers that each organisation represents. The CAs mostly deal with pay and social security issues, pension rights, and job insecurity.

3.2. Trade unions

⇒ Hellenic Actors' Union (Somateio Ellinon Ethopoion, SEI)

The SEI was established in Athens in 1917. It has a membership of approximately 2,500 actors who work in the theatre, in the cinema and on television. Most of them are based in the Athens metropolitan area, and membership is weak outside the capital. The total number of actors cannot be established as there is no obligation to issue a licence to work as an actor, and anybody can set up as an actor/actress. Licensing was mandatory until 1982, when it was abolished. However, according to unofficial estimates, there are between 5,000 and 6,000 actors with or without formal training. Unemployment is extremely high in the actors' profession.

The SEI negotiates and concludes five different collective labour agreements with the following employers' associations: the Pan-Hellenic Union of Free Theatre (PEETH), the National Theatre, the State Theatre of Northern Greece (KVTHE), the Regional Theatres (DIPETHE) and the Association of Independent Producers of Audio-visual Works (SAPOE)¹⁰⁹.

At the national level, the SEI is affiliated to the confederal GSEE (General Confederation of Greek Workers). At European and international levels, it is affiliated to EUROFIA and FIA respectively.

⇒ Greek Union of Film, Television & Audiovisual Workers (Enossi Tehnikon Ellinikou Kinimatografou, Tileorassis & Optikoakoustikon Meson, ETEKT)

The ETEKT was founded in 1948. It covers technicians working in film-making and audio-visual production, and has approximately 600 members, all of whom have accredited skills. It concludes a collective labour agreement with SAPOE, and is a member of the national federation POTHA and of UNI-MEI.

⇒ Association of Greek Theatre Technicians (Somateio Ellinon Tehnikon Theatrou, SETTH)

The SETTH was established in 1917 and, along with the SEI, is one of the oldest union organisations in the culture sector. It has 400 members and concludes a collective labour agreement with PEETH. It is affiliated to POTHA at national level, but has no European or international affiliations for the time being.

⇒ Association of Theatre Electricians, Light and Sound Engineers (Somateio Ilektrologon Fotistikon Ihitikon Theatrou, SIFITH)

The SIFITH was established in 1974 and has 100 members. It concludes a CA with PEETH, and has no European or international affiliation. Efforts are being made to bring the two theatre technicians' organisations, the SETTH and the SIFITH together during the coming year with a view to establishing a single powerful union that will have greater appeal to workers.

⇒ Panhellenic Musicians' Union (Panellinios Mousikos Syllogos, PMS)

The PMS was established in 1913. It has 3,800 members. It is not clear how many musicians there are because of high seasonal fluctuations in the profession and the increasing amount of non-unionised labour. The PMS concluded a collective labour agreement with the Association of Entertainment Clubs' Entrepreneurs until 1997. At European and international levels, the PMS is affiliated at the FIM UE and FIM (International Federation of Musicians) respectively.

¹⁰⁸ There is no information relating to the founding of this institution (Source: President of PEETH).

¹⁰⁹ This also applies to two employers' organisations: the Association of Greek Cinema-TV-Video Producers (SEPKTV) and the Association of Cinema-TV Producers (PAKT).

⇒ Union of Greek Singers (Enosis Ellinon Tragoudiston, EET)

The EET was established in 1980. It currently has 520 members, but it does not negotiate CAs, and is looking for a valid employers' organisation. The last agreement signed was in 1998 with the Panhellenic Association of Entertainment Clubs' Companies (PSEKD). At European and international levels, the EET is affiliated to EUROFIA and FIA respectively.

⇒ Radio-television Union (Panellinia Omospondioia Prosopikou Epiheiriseon Radio Tileorassis, POSPERT)

The POSPERT was established in 1978, initially as a federation of public radio-television (ERT) unions. It currently has 3,000 members, of whom 1,000 work for private radio and television stations; the remaining 2,000 are employed in the public sector. The POSPERT concludes a CA with ERT management, and co-signs three other agreements concluded by the engineering ETITA and ETITVE unions and the journalist's union ESIEA (see media report). It is affiliated to UNI-MEI.

⇒ Hellenic Entertainment Federation (Panellinia Omospondia Theamatos Akroamatos, POTH)

The POTH is a secondary-level federation. It was established in 1965, and has 7,000 primary associations in membership. It is not directly involved in CB. The POTH represents unions of employees working in the entertainment industry.

⇒ Greek Directors' Guild (Etaireia Ellinon Skinotheton, EES)

The EES (1973) has around 800 members, and until 1989 signed a collective labour agreement with the public broadcasting and television corporation ERT. Since then, it has not been able to reach an agreement with ERT management. The EET represents film, theatre and television directors. It is a member of EURO-MEI and of the Federation of European Film Directors (FERA).

For all of these organisations, the main CB items are pay and social security issues.

CAs in the culture sector. Main actors

EMPLOYERS' ORGANISATIONS				
Acronym	Activity	Current CAs with	International and European affiliation	National affiliation
PEETH	independent theatres	SEI; SETTH; SIFITH	PEARLE*	
SAPOE	audiovisual producers	SEI; ETEKT	CEPI; AGICOA; European Producers' Club	
National Theatre; State Theatre of Northern Greece; Regional Municipal Theatres	state-funded theatres	SEI		
TRADE UNIONS				
SEI	actors (theatre, cinema and television)	National Theatre; State Theatre of Northern Greece; Municipal Regional Theatres; PEETH (independent theatres); SAPOE	FIA; EUROFIA	POTH
SETTH	theatre technicians (engineers)	PEETH	None	POTH
SIFITH	electricians, sound and lighting engineers	PEETH	None	POTH
ETEKT	cinema, theatre, and audiovisual engineers	SAPOE	UNI-MEI	POTH
EET	singers	-	FIA; EUROFIA	POTH
PMS (suspended activities in 1998)	musicians	-	FIM; FIM-UE	POTH

There is no information about the relative impact of each organisation, about disputes between the actors, and about the actors' positions regarding future developments in social dialogue in the sector.

B. THE MEDIA SECTOR

1. DESCRIPTION OF THE SECTOR

1.1. Delimitation and scope of activities

There is no distinct media sector in the statistical classification, but journalistic, radio and television activities are classified under the NACE 92 classification, in particular under the three-digit codes 92.1, 92.2 and 92.4. Printing activities, though, come under NACE 22.1.

The media sector in Greece consists of the daily and periodical press, public and private television and radio services, and the electronic press. After television and radio services were liberalised in the late 1980s, there was an explosion in the number of private, independent broadcasting enterprises, and the number of newspapers, periodicals and journals also increased sharply. At present, the country has 253 local, regional and national daily newspapers, 146 television channels (55% of which transmit nationally), and 463 radio stations¹¹⁰. There is also a growing number of portals and electronic editions of papers, television channels and radio stations. The public broadcasting corporation ERT SA operates three television stations and five radio stations nationwide, as well as a television channel and a radio station that broadcast worldwide via satellite. The high concentration of the media industry in the capital is illustrated by the fact that 24 television stations, 35 radio stations, 31 newspapers (10 of which have with the highest nationwide circulation) and more than 1075 magazines are published in the Athens metropolitan area¹¹¹.

1.2. Organisations, associations and institutions

Apart from the social partners' organisations, which are described in Section 3, other organisations and institutions in the media sector include the Greek National Council for Radio and Television (ESR), the Balkan Press Centre, the Botsis Foundation for the Promotion of Journalism, the Institute of Communication, the Institute of Journalistic Studies and Researches (IDME) and the European Greek Women Journalists' Network. The single most important institution is the National Council for Radio and Television, whose functions are described below.

1.3. Employment

The workforce, the exact size of which is unknown, is made up of journalists, engineers, graphic artists, cameramen, operators, and various categories of artists and the support staff. It is possible to extrapolate the total number of journalists in Athens if the membership figures given by the journalists' union ESIEA are multiplied by two: as union density is estimated at around 50%, there are about 7,500 or 8,000 journalists working in Athens daily newspapers, radio and television stations in Athens. To confuse matters further, there are no barriers to entry into the profession – the criteria for becoming a union member are relatively strict, but they concern only those wishing to join a professional union – and no reliable data exist.

There is no information about the types of contracts and the relative importance of each type, and no detailed account can therefore be given.

1.4. Evolution of the sector

The media sector in Greece has expanded rapidly over the past twenty years, and private investment in media enterprises has also grown enormously. The major change was the transition from the public monopoly of the broadcasting system, which had prevailed until the late 1980s, to a market-oriented media system, and this triggered a major restructuring of the sector. The media industry is currently one of the most powerful pillars, if not the most powerful pillar, of dominance and control in the country; it exercises a pervasive economic, political and social

¹¹⁰ Private radio stations can only transmit locally.

¹¹¹ See www.mediainfo2004.gr

influence and is involved in questionable interactions and exchanges with several interest groups (e.g. financial, technical, partisan, sport, religious and foreign). As with most advanced countries, the state attempts (with limited success) through legislative initiatives to impose restrictions on the political and mostly economic omni-presence of the media barons¹¹². Fierce competition between the mass media groups and the need to reduce labour costs go hand in hand with the deregulation of employment, an increased flexibility of the terms and conditions of media personnel (employment conditions, pay and working hours), and an intensification of the pace of work. Precarious employment, frequent dismissals, job irregularity and widespread pay discriminations are expected to continue in a context of continued deregulation of the broadcasting system. Excessive deregulation has made a re-regulation process necessary. Since the mid-1990s, the state has made efforts to regulate the sector, and to bring operating conditions into line with the EU Directive "Television without frontiers". The main issues at stake concern advertising time (following the extreme commercialisation of television time¹¹³), programme quotas, the protection of minors, media ownership¹¹⁴, transparency, quality standards, and reinforcement of the role of the National Radio and Television Council (ESR). The latter is an independent authority responsible for issuing licences, guaranteeing economic transparency, ensuring the quality of radio-television services, and imposing administrative sanctions to broadcasters. The development of satellite, code-signalled and terrestrial digital television and radio services has opened up new opportunities and further increased pluralism in the sector, thereby compelling the state to introduce new legislation in order to regulate the expanding new forms of broadcasting services (cf. Law 2644/1998). The Greek media sector seems prepared to participate fully in the new digital era by offering the public new services and diversifying its revenue resources.

Because of a lack of information, no detailed account can be given about the relative importance of the sector compared to the whole of the economy and the estimated importance of the underground economy.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR

2.1. Basic features of social dialogue

Employment rights, pay conditions, social security and pension rights, disparities within the workforce (especially internal and external), working hours, and ethical problems related to the quality of information are at the heart of social dialogue between the employers' associations and the media unions. Industrial relations are characterised by a climate of tension, and negotiations between the parties involved are often difficult, and marked by strikes and confrontations. Media workers across the board, irrespective of professional status, are facing a series of long-standing common problems; they include the violation of labour law and of basic workers' rights, the fact that many employees are not covered by a collective labour agreement, increased flexibility of working conditions, job cuts and closures (leading to increased job insecurity), long and irregular working hours, low pay for most workers, inadequate social insurance cover, and difficulties in the exercise of union rights.

Journalists, in particular, are facing a number of additional problems¹¹⁵: they include the way that a change in ownership of a newspaper or television channel can have adverse effects on journalists' employment rights and working conditions, excessive wage differentiations persisting between the "big" names of journalism and the overwhelming majority of journalists, the fact that

¹¹² See law 3021/2002 "Restrictions in public procurement contracts with persons involved or participating in mass media companies". This law is a typical example of a "draconian" institutional framework that is being constantly circumscribed by the interested parties.

¹¹³ Private television attracts the largest share of advertising spending (96%); this drastically restricts the revenue resources of public television, which still depends on licence fees and public funding (Hellenic Audiovisual Institute, 2003).

¹¹⁴ To avoid media concentration, the participation of a person or legal entity in more than two mass media is prohibited by law. The law also provides for a series of incompatibilities for television companies and persons or legal entities that participate in such companies (see Hellenic Audiovisual Institute, 2003).

¹¹⁵ For a detailed account on the situation of Greek journalists, see the findings of the V-PRC Ltd. survey commissioned in 2002 by the European Greek Women Journalists' Network (see Eiro on-line web site). This survey states that 34.7% of respondents are classified as low paid, 22.6% have no form of social insurance, and 48.1% have little or no job security in the immediate future.

frequent dismissals and low pay forces most journalists to resort to a second, or even a third, job, thus intensifying their pace of work¹¹⁶, the fact the intellectual property rights are inadequately, or not at all, protected¹¹⁷, and failure to comply with ethical rules. Journalists' unions urge employers to introduce measures to safeguard the quality of information provided to the public, and to apply a mutually binding code of principles. Pseudo-independent employment is a major problem in the profession. Journalists can be fired without notice and compensation, and they are not entitled to unemployment benefit, paid holidays, and other employee benefits; additionally, female journalists, who make up over 41% of the profession, are paid worse than men, and significant numbers (32.5% according to a 2002 V-PRC survey) have been the victim of sexual harassment at work at least once¹¹⁸.

Because of the shortage of data and references, it is not possible to provide a more detailed account of how social issues are handled.

2.2. Evolution and trends

Given the confrontational attitude of most media owners, the on-going deregulation process, the intense competition and the emergence of new actors, the climate of tension in the media sector is not expected to subside in the next few years. Job security, flexible work and working time, quality and ethical considerations will remain at the heart of social dialogue in the media sector in addition to pay issues. Increasingly, journalists' unions are pressing hard for the application of the "Code of Professional Ethic and Social Responsibility of Journalists", as well as for greater economic transparency. A Presidential Decree recently ratified the new code of conduct for news bulletins and other journalistic and political broadcasts; the code was drafted by the National Council for Radio and Television. The issue of journalists' intellectual property rights is also likely to remain high in the CB agenda, particularly as media owners seem reluctant to recognise these rights and incur the cost of such recognition.

The unification of all media sector unions into a single, powerful association is a long-standing demand of most unions but comes to grief over the issue of the diversity of social security rights of the various categories of media personnel.¹¹⁹ Unless these problems are overcome, the excessive fragmentation of union structures will continue to play right into the employers' hands.

3. PLAYERS INVOLVED IN THE SOCIAL DIALOGUE PROCESS

Owing to the high degree of concentration of the media industry in Athens, the majority of employers' and union organisations are also based in the capital.

3.1. Employers' organisations

→ E I I R A: Athens Independent Radio Station Association

E I I R A was established in 1993. It brings together the owners of all 35 radio stations operating in the Athens metropolitan area, and covering 71% of the total radio audience. The number of workers the members of this organisation represent is not available. E I I R A concludes one collective labour agreement with ETER, and one with ESIEA (see below). At the European level, E I I R A is affiliated to the ASSOCIATION EUROPÉENNE DES RADIODIFFUSEURS (AER).

→ E I I E A: Association of Athens Daily Newspaper Owners

E I I E A was established in 1951. Its members are the 29 owners (out of a total number of 36 owners) of daily newspapers that are published in Athens. The number of workers the members of this organisation represent is not available. E I I E A concludes a CA with the Athens journalists' union ESIEA (see below); this is extended by law to cover journalists working on non-member daily newspapers, as well as those working on daily newspapers in Thessalonica. At European and international levels, E I I E A is affiliated to the European Newspaper Publishers' Association (ENPA) and to the World Association of Newspapers (WAN) respectively.

¹¹⁶ According to the 2002 V-PRC survey referred to above, only 52.4% of journalists are employed exclusively in one medium.

¹¹⁷ Only the TV channel ownership ALTER effectively protects intellectual property rights.

¹¹⁸ 46% of female respondents to that survey said that sexual harassment was a frequent phenomenon in their profession.

¹¹⁹ In order to become a member of journalists' union, a journalist must belong to the appropriate social insurance fund.

→ **E I I E E** : Association of Daily Regional Newspaper Owners

E I I E E was established in 1956, and represents 97 out of approximately 150 daily regional newspapers owners. The remaining owners are represented by the Association of Daily Regional Newspapers, SIPE. The number of workers the members of this organisation represent is not available. E I I E E concludes four collective labour agreements: with the journalists' unions of Macedonia-Thrace, Peloponnese and the Isles, and Thessaly, and with the Press and Paper Federation. It has no European or international affiliations.

→ **E I T I S E E** : Association of Private Television Station Owners of national coverage

EITISEE was established as recently as 2003. It brings together all six owners of private television stations of national coverage. The members of this organisation are the six TV station owners of national coverage. The number of workers the members of this organisation represent is not available. It normally concludes three CAs: with the journalists' union ESIEA, with EPIEA. (Union of Athens daily newspapers' personnel), and with the two private television engineering unions, ETITA (Association of Private Television Engineers of Attica) and ETITVE (Association of Private Television Engineers of Northern Greece). However, negotiations of the latter agreement this year have not been conclusive (see below). EITISEE has not yet become a member of a European or international organisation, as it has been recently established, but its six members are affiliated to ACTE.

→ **ERT SA**: Public Broadcasting Corporation

ERT is a private-law legal entity that has operated as a limited liability company since 1987. Its predecessor, EIRT (National Radio-Television Foundation), was founded in the 1970s, after changing its name from EIR (National Radio Foundation, established in 1945). ERT held the monopoly of broadcasting services until 1989, when the first private television stations made their appearance. At present, ERT is supervised by the state and is administratively and financially independent. ERT concludes one CA with POSPERT, and one with ESIEA. It is affiliated to the European Broadcasting Union (EBU).

3.2. Trade unions

→ **ESIEA**: Journalists' Union of Athens Daily Newspapers

The ESIEA was established in 1947. With 3,813 members, it is the largest journalists' association in Greece. It concludes four separate CAs: (a) with the owners of the daily Athens newspapers, (b) with the owners of private television TV stations (ETISEE), (c) with the public broadcasting corporation ERT and (d) with the private radio stations (E I I R A). The CAs are also extended to non-members of ESIEA. This year's CA with the Athens daily newspaper owners – it was eventually signed for a two-year period, following a period of prolonged strike action and intense confrontation – constitutes a major breakthrough in the media sector. The agreement stipulates substantial wage increases of up to 5-6% per annum for low-paid journalists, significant benefits, high standards for pension protection, better leave arrangements for mothers, and special arrangements for early retirement. However, the agreement with television station owners signed last year includes the following provisions: (i) it is prohibited to hire out journalists without their explicit consent; (ii) new, improved arrangements are introduced regarding pension rights; (iii) a commitment by employers to recruit at least 15% of journalists from the special unemployed register kept at ESIEA; and (iv) the setting up of a committee charged with suggesting ways of regulating daily working hours. The ESIEA is a member of the European Federation of Journalists (EFJ) and the International Federation of Journalist (IFJ).

→ **ESIEMTH**: Journalists' Union of Macedonia and Thrace

The ESIEMTH was established in 1923, and is the oldest journalists' union in Greece. It represents journalists working in newspapers published in the north of the country. It has 647 members, and signs two CAs, one with E I I E E (daily regional newspaper owners), and the other with the Thessalonica Municipal Radio and Television company (DEPTHE). Journalists in Northern Greece working in other media are covered by agreements signed by the ESIEA that are also extended to other regional unions. The ESIEMTH is affiliated to the European Federation of Journalists and the International Federation of Journalists.

→ **POESY**: Pan-Hellenic Federation of Journalists' Unions

The POESY was established in 1994, and is a confederal organisation bringing together the four regional journalists' unions (Athens, Northern Greece, the Peloponnese and Isles, Thessaly) and the Periodical and Electronic Press Union. It is not empowered to conclude CAs with employers' associations; they are signed by the journalists' unions. The POESY is a member of the International Federation of Journalists and of the European Federation of Journalists.

→ **ESPIT**: Periodical and Electronic Press Union (P.E.P.U.)

The ESPIT was established in 1959, and its membership consists of 932 journalists working in periodicals, electronic media, periodical news bulletins, and periodicals issued for Greeks living abroad. It is the only association that also accepts freelance journalists as members. Owing to the absence of an employers' association with the capacity to negotiate, the ESPIT does not sign CAs. Instead, its members are covered by the provisions of a special Ministerial Decree issued by the Ministers of Employment and National Economy that is adjusted from the National General

Collective Labour Agreement¹²⁰. The employers' organisation, the Association of Periodical Press Enterprises (SEPT), which was established in 2002, is now seeking to change its constitution and acquire the status of social partner, and thus have the right to negotiate a CA, but the procedure is expected to take some time¹²¹. The ESPIT is a member of the IFJ and the EFJ.

→ POSPERT: Pan-Hellenic Association of Radio-Television Employee Unions

The POSPERT was established in 1978. It was initially a confederal organisation that exclusively represented the unions of employees working for the public broadcasting corporation ERT, but it recently changed its statutes to include unions representing employees working on private radio and television stations. It has around 3,000 members, of whom 2,000 work in public radio and television, and others in the private stations. The POSPERT directly concludes one CA with the ERT, and undersigns the agreements between EIIRA and ETER (radio stations with radio engineers), and with EITISEE and ETITA and ETITVE (TV stations with TV engineers). The POSPERT is affiliated to UNI-MEI.

→ ETER: Greek Union of Radio Engineers

The ETER covers electronics and sound engineers who work for private radio stations. It was established in 1997, and has approximately 300 members. It signs one CA with the Athens Independent Radio Station Association (EIIRA). The ETER is affiliated to POSPERT at national level, and to UNI-MEI at the European level.

→ ETITA – ETITVE: Union of Private Television Engineers of Attica and Northern Greece

These two unions, which were established in 2002 and 2003 respectively, represent skilled personnel (and their assistants) involved in television production¹²². The number of workers these organisations represent is not available. They negotiate a CA with EITISEE, but this year, despite long-lasting negotiations and mediation efforts, the two sides have not yet been able to reach an agreement. The two unions are therefore urging the government to issue a Ministerial Decree whereby, in accordance with Law 3166/2003, the respective agreement between public television and its workforce will be extended to staff employed by private television stations. However, the government is reluctant to go ahead and issue the decree, and has thus caused tension with the unions.

→ EPIEA: Union of Athens daily newspapers' personnel

It was established in 1945 and has 932 members. It concludes a CA with EIIEA (daily Athens newspapers) and another with EITISEE (Association of Private Television Station Owners). It is a member of the EFJ and IFJ.

→ ETIPTA: Union of Athens daily and periodical press technical personnel

It was established in 1931. It has approximately 3,000 members, and signs a CA with EIIEA (Athens daily newspapers). It is a member of UNI-Europa Graphical.

CAs in the media sector, Main actors

EMPLOYERS' ORGANISATIONS				
Acronym	Activity	Current CAs	International and European affiliation	National affiliation
EIIEA	daily Athens newspapers	ESIEA; EPIEA; ETIPTA	ENPA	
EIIIE	daily regional newspapers	ESIEMTH; ESEPIN; ESISTHE	None	
EIIRA	private radio stations (Athens)	ESIEA, ETER	AER	
EITISEE	private television stations (nationwide)	ESIEA; EPIEA; (ETITA & ETITVE ¹²³)	Not accomplished yet (ACTE)	
ERT SA	public broadcasting corporation	POSPERT; ESIEA	EBU	
TRADE UNIONS				
ESIEA	Athens journalists' union	EIIEA; EIIRA; ERT; EITISEE	European Federation of Journalists (EFJ); International Federation of Journalists (IFJ)	POESY
ESIEMTH; ESEPIN; ESISTHE ¹²⁴	regional journalists' union	EIIIE; DEPTHE (Thessalonica Municipal Radio and television); TEP (Hellenic Regional Television)	EFJ; IFJ	POESY

¹²⁰ This years' Ministerial Decree was issued in February 2004.

¹²¹ SEPT was founded in 2002 and has 22 members. It is affiliated to the F.I.P.P. (Fédération Internationale des Publicateurs des Periodiques).

¹²² They include cameramen, sound engineers, electricians, monteurs, operators, floor managers, graphic artists, hairdressers, costume designers, film directors and stage directors.

¹²³ The two sides have not been able to reach an agreement this year.

ETER	radio engineers	E I I R A	UNI-MEI	POSPERT
ETITA & ETITVE	television engineers	E I T I S E E ¹²⁵	None	POSPERT
POSPERT	public radio and television staff	ERT	UNI-MEI	GSEE
ESPIT	periodical and electronic press journalists	ministerial decree (no equivalent employers' association yet)	EFJ; IFJ	POESY
EPIEA	Athens daily newspapers' staff	E I I E A; EITISEE	EFJ; IFJ	ND
ETIPTA	Athens daily and periodical press technical staff	E I I E A	UNI – Europe Graphica; IGF	ND

The content of the CAs is mainly on pay and social security issues, pension rights, job insecurity.

¹²⁴ These organisations are not noted in the text because none contact with them was possible.

¹²⁵ This year, the two sides have not been able to reach an agreement.

IRELAND

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

1.1. Boundaries and scope of activities in the sector

a) Activities included in the C&M sector. Measuring the sector

The C&M sector in Ireland has traditionally been 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, and during the 1990s a number of stakeholder and special interest lobbies emerged such as in film, animation film, music. It is only in recent years that employer bodies, such as in the area of film production, have emerged. Trade union representation has been slow to develop in many sub-sectors of the sector where participants consider themselves artists rather than "workers". In a few areas, such as orchestras and acting, there has been a tradition of employee organisation which dates back to early periods of the growth of the Irish Trade Union movement.

The activities outlined in the Arts Council of Ireland's Arts Plan for 2002-2006 provide a starting point for describing the activities included in the cultural sector in Ireland. These activities encompass music, dance, film, literature, opera, theatre, traditional arts, visual arts and cultural exhibition centres. Galleries, heritage centres and arts centres may also be included.¹²⁶ In broader terms, cultural industries in Ireland "embrace heritage and tradition, contemporary entertainment, and art and innovation or experiment"¹²⁷. Numerous definitions of the media exist, and the majority state that the media are an object of communication. The mass media are channels of communication that flow from a relatively small number of people to reach a large audience; they include television, the press, radio and the internet. The Irish media sector is complex, and comprises a wide variety of sub-sectors. For the purpose of this study, the activities included in the media sector are radio, the press¹²⁸ and television (including broadcasting and production). An important feature of the C&M Industries is that a certain amount of overlap exists between the two sectors. 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. This study also includes animation and some technological sub-sectors on the advice of employer bodies.

The increasing value of the C&M sector as a source of real economic activity and employment is slowly being acknowledged at European Union level, but quantification of the economic and employment benefits presents difficulties due to problems with definitions, the nature and fragmentation of the sector's activities, and difficulties in collecting statistical data¹²⁹. Ireland's tourist industry relies a great deal on the cultural sector. Of the top twelve things to do in Dublin, ten are related to cultural sites/buildings¹³⁰: the Policy Institute, Trinity College Dublin, established in its 2001 research that 50% of heritage attractions in Ireland owe their existence to European Union funding¹³¹. In relation to the media, radio is extremely popular in Ireland: according to figures published in a consultation document on the review of radio licensing in Ireland, 86% of the adult population over 15 years of age tune in to the radio every day, with an average listening period of over four hours. While this has declined slightly from 90% in 2002, Irish radio listening habits are still amongst the strongest in the world¹³². This sub-sector is estimated to generate substantial advertising turnovers: for example, the estimated value of independent radio station advertising turnover is EUR 72.3 million.

¹²⁶ Coopers and Lybrand Study for Temple Bar Properties Ltd. (1994), "The Employment and Economic Significance of the Cultural Industries in Ireland".

¹²⁷ Coopers and Lybrand Study for Temple Bar Properties Ltd. (1994), "The Employment and Economic Significance of the Cultural Industries in Ireland", p. 1.1.

¹²⁸ Both newspapers and magazines.

¹²⁹ Coopers and Lybrand Study for Temple Bar Properties Ltd. (1994), "The Employment and Economic Significance of the Cultural Industries in Ireland", p. 1.1.

¹³⁰ http://www.tourismireland.com/gb/index.cfm/level/page/aID/196/pageid/1162/Content_Key/1680/type/Page/subpage/264/PaGeName/ireland-Places-to-visit.html.

¹³¹ Quoted in the Heritage Council's Museums and Archives Committee (2002), "Museum and collection-based organisations", p. 7.

¹³² Department of Communications, Marine and Natural Resources (2004) 'Review of Radio Licensing in Ireland: Consultation document' p. 2.

b) Fiscal policy

Irish fiscal policy, which allows for certain tax relief within the C&M sector, indicates that this is an area of the economy in which the government wants to help facilitate growth. Income tax and surtax exemption for writers, composers and artists is provided under the Finance Act of 1969. This exemption is on earnings from original and creative work. This has encouraged English-speaking rock singers and actors to reside in Ireland. The creation of Aosdána¹³³ extended this “special” tax position of artists, allowing up to 200 artists to receive tax-free stipends from the Arts Council for up to five years. Tax relief for investments in the Irish film industry was introduced in 1987 under Section 35 of the Finance Act. Several subsequent Acts have revised this scheme. In its current form, Section 481 allows for tax relief on all Irish expenditure on films, up to a certain amount. The scheme, which was due to terminate on 31 December 2004, will be renewed for another four years until December 2008, and the cap on the maximum amount of funding eligible for tax relief will be raised.

c) Training policy

The existence of vocational training in the C&M sector may serve as an indicator of the industry's importance. FÁS, the national training authority, and further Education and Training Awards Council (FETAC) offer courses in the C&M sector.

d) Internationalisation

A number of culture, arts and media activities are internationalised. Performances, events and broadcasts are located in Ireland temporarily, providing fixed-duration employment. A small number of powerful foreign multinational corporations control much of this incoming entertainment.

e) Boundaries suggested for the C&M sector

The boundaries of activities in the sector must be stated as the industry itself includes many diverse sub-sectors such as retailing and distribution. A previous study overcame this problem by including “only those elements related to the direct creative or cultural practice of each industry”¹³⁴. The media industry is sufficiently complex to make definition a complicated and difficult task. Again, the boundaries of this sector pose problems: for example, the press sub-sector could also include printing, yet a large proportion of this sector has no relation to the media.

f) Sub-sectors not included in the study

Although crafts may be considered to be part of the cultural sector, they will not be included in this report as the parameters and boundaries of the craft industry are too wide, and may, for example, include a worker who may only occasionally produce one item. Architecture, which is recognised in the activities of the Arts Council, will not be included in this report either as it is too wide an area for the scope of this study, and may relate to other areas of social dialogue. Cinemas that show films with an explicit cultural content will, however, be included: this will incorporate the Irish Film Centre (IFC) in Temple Bar¹³⁵, Dublin. Other cinemas, most of which are multiplex, are deemed to be commercial enterprises¹³⁶. Other sub-sectors to be excluded from this study include picture framing, antique restoration and building restoration, as they are considered to be located in other sector dialogue. In Ireland, the internet is part of the communications sector, and will therefore not be included in this study, subject to web-based media and entertainment. The growth of the internet has sparked off controversies over intellectual property rights, which have employment and wealth implications. This could affect Ireland in that it has an extremely open and international economy, so any changes in United States legislation, for example, would have an effect here.

¹³³ An affiliation of creative Irish artists. “Aosdána” means “people of the arts”.

¹³⁴ Coopers and Lybrand Study for Temple Bar Properties Ltd. (1994), “The Employment and Economic Significance of the Cultural Industries in Ireland”, p. 2.3.

¹³⁵ This area in Dublin is considered to be the city's “cultural quarter”.

¹³⁶ A press release on an upcoming report, “The Cultural and Economic Trends of Cinema in Ireland and Wales”, stated that there is a low proportion of cultural or specialised programming in Ireland. Out of a total of 64 cinemas, only 6 indicated a general programming style that could be described as specialist or cultural (source: <http://www.artscouncil.ie/news/press106.htm>).

1.2. Organisations, associations, institutions and enterprises

a) Characteristics and numbers of organisations, associations, institutions and enterprises in the C&M sector

Organisations, associations and Institutions in the C&M sector

Sub-sector	Name	State/ Independent	Details
Television	RTÉ	State	One state television broadcaster (with three channels)
Television	TV3	Independent	One independent television station
Radio	RTÉ	State	One state radio station (with four channels)
Radio	Various	Independent	50 (licensed) ¹³⁷
Theatre	Various	Independent	The exact number of theatre companies is not available, but Theatre Forum ¹³⁸ has around 151 member companies and groups. Relevant organisations include the Drama League of Ireland and the Association of Professional Dancers in Ireland.
Press	Various	Independent	Newspaper organisations include the Regional Newspapers Association and National Newspapers of Ireland (NNI)
Visual Arts	Various	Independent	There are numerous organisations and associations for the visual arts; they include the Artists' Association of Ireland (AAI), The Illustrators Guild of Ireland (IGI) and the Sculptures Society of Ireland.
Music	Irish Music Rights Association (IMRO)	Independent	IMRO is a national organisation that represents songwriters, composers and music publishers in matters of royalties and copyright.
Music	Various other music organisations exist	Independent	Music organisations include the Association of Irish Composers, Comhaltas Ceoltoirí Éireann ¹³⁹ , the Music Association of Ireland, the Irish Association of Youth Orchestras and the Contemporary Music Centre
Literature	Various	Independent	These organisations include Clé ¹⁴⁰ and the Irish Playwrights' and Screenwriters' Guild
Museums	Irish Museums Association	Independent	This voluntary, not-for-profit association was set up to promote the interests of museums and of those who work in them, in both the north and the south of Ireland.

b) Employment:

b.1) Characteristics and numbers of workers by category

The C&M sector employs over 21,000 people, according to the 2002 Census. The Census distinguishes between four groups or categories of cultural work: a "writing" category, an "art and design" category, a "performance/theatrical" category and a "technical" category. Employment growth in the cultural sector has been rapid, with employment growing by some 21% between 1996 and 2002. This rate of growth is a sign of dynamism in the sectors. The fastest-growing category was the art and design category, which includes commercial and industrial artists and designers, but it is not known how much of this was temporary, part-time or occasional. Between 1996 and 2002, the proportion of women working in the sector rose slightly from 37% to 40% of total employment in the C&M sector. There is a significant proportion of self-employed actors and technical and other media staff. Trade unions see this self-employment in the sector as reluctant or as forced self-employment. Although they are considered to be self-employed, most do not control their work, and are subordinate/dependent in work provider/trader relations. Self-

¹³⁷ There was a crackdown on pirate (illegal) radio stations in the late 1980s, however, a number of these stations are beginning to appear again.

¹³⁸ Theatre Forum is a representative body for theatre production companies, venues and arts centres among others.

¹³⁹ The Association of Irish Musicians (Comhaltas Ceoltoirí Éireann)

¹⁴⁰ The Irish Book Publishers' Association (Cumann Leabharfoilsitheoirí Éireann, Clé).

employed actors and technical and other media staff face difficulties in accessing social welfare, a transfer on which many are heavily reliant: this is partly due to the nature of their work, which often consists of cyclical periods of employment and unemployment, and partly due to the difficulty in proving that they are looking for work¹⁴¹.

Employment in the C&M Sector. Census Measure 1996 and 2002

Occupations	Persons		Male		Female		Growth 1996-2002	
	1996	2002	1996	2002	1996	2002	Growth	% Growth
Authors, writers and journalists	4,274	5,328	2,521	2,990	1,753	2,338	1,054	25
Artists, commercial/industrial artists, graphic and clothing designers	5,666	8,016	3,056	4,286	2,610	3,730	2,350	41
Actors, musicians, entertainers, stage managers, producers and directors	4,898	5,759	3,301	3,712	1,597	2,047	861	18
Photographers, camera, sound and video equipment operators	1,996	2,324	1,606	1,831	390	493	328	16
Total	16,834	21,427	10,484	12,819	6,350	8,608	4593	21

Source: CSO (2003) Census 2002. Extracted from: Vol. 6, Occupations. Table 8, Code 380, 381, 384, 386.¹⁴²

b.2) Types of contract, and the relative importance of each type

There is little information on the types and relative importance of contracts in the C&M sector, but what information is available will be examined below to help understand the volatile and unpredictable nature of employment in this sector, along with average earnings and multiple job holding.

b.3) Characteristics of employment in terms of factors such as qualification level, wages, establishment of atypical work, and gender repartition

Analysis of the nature of employment in the C&M industries shows that employment in this area can be volatile and unpredictable, even though there has been rapid growth in the sector. This unpredictability can be examined by looking at three areas:

*Breakdown of contract type There is little information available on the types of contract that workers in the C&M sector have. One study that did give a breakdown is the Coopers and Lybrand study (1994) of the economic significance of culture industries, although it is now ten years old. According to this report, 43% of employees in the cultural sector are permanent full-time, 14% are permanent part-time, 22% are temporary full-time and 21% are temporary part-time. More recent figures for the breakdown of employment by contract type show that in museums and collection-based organisations¹⁴³, 31% are paid permanent full-time, 25% are volunteers, 15% are paid temporary part-time, 15% are FÁS/CEP, 7% are paid permanent part-time and 7% are paid temporary full-time. In the professional performing arts¹⁴⁴, 45% of PAYE (Pay As You Earn tax system) employees working in management/administration are full-time (compared with 34% who work part-time), 25% who work in the artistic field are full-time (compared with 40% who are part-time), and 24% who work in the technical field are full-time (compared with 18% who are part-time). As for contract types in the performing arts, employment is most often for a given production only, or maybe for even just a single performance. The unstable nature of theatre work makes conversion into full-time equivalents very difficult. Another factor that adds to the difficulty of consolidating theatre jobs is the fact that all types of trades and professions are involved, but a study by the European Commission found that the 2,650 theatre jobs in Ireland were equivalent to just 755 full-time jobs¹⁴⁵.

¹⁴¹ In order to receive unemployment benefits, self-employed actors, technical and other media staff have to prove that they are looking for work and attending interviews. Actors, musicians and other media workers can only attend auditions when they arise, and they therefore may be perceived as not being available for, or seeking, employment (Ralaheen Interviews, June 2004). The same applies to journalists.

¹⁴² Excludes museum curators and arts administrators.

¹⁴³ Source: The Heritage Council's Museum and Archives Committee, 2002:15

¹⁴⁴ Source: Fitzpatrick Associates (2004), "Economic Role of Professional Performing Arts in Ireland". Commissioned by the Theatre Forum. Not yet published. Permission given to quote. Figures only include respondents to the survey.

¹⁴⁵ European Commission paper, "Culture the Cultural Industries and Employment", SEC (98)837, 14 May 1998, p. 8.

*Average Earnings An examination of average wages in the C&M sector also gives an indication of employment security. Again, there is very little information in this area, but according to the Arts Council, gross annual turnover in the arts sector is less than EUR 20,315 per person when an allowance is made for full-time equivalents. The corresponding figure for manufacturing is EUR 63,486, which suggests that the average income per person in the arts is low¹⁴⁶. This is confirmed by the Coopers and Lybrand study, which states that income per head in the cultural sector varies from EUR 8,353 to EUR 12,697, but it has to be remembered that these figures are derived from 1994 data.

*Multiple job holding The incidence of multiple job holding may suggest that workers in the C&M sector are often unable to earn enough from arts/culture/media activities. According to recent Eurostat figures, cultural employment is more precarious than total employment, and many workers have a second job. This was highest in Denmark with 20%, but Ireland has one of the lowest figures (4%) for cultural workers with a second job. The figure for people in Ireland with a second job in total employment is below 2%¹⁴⁷.

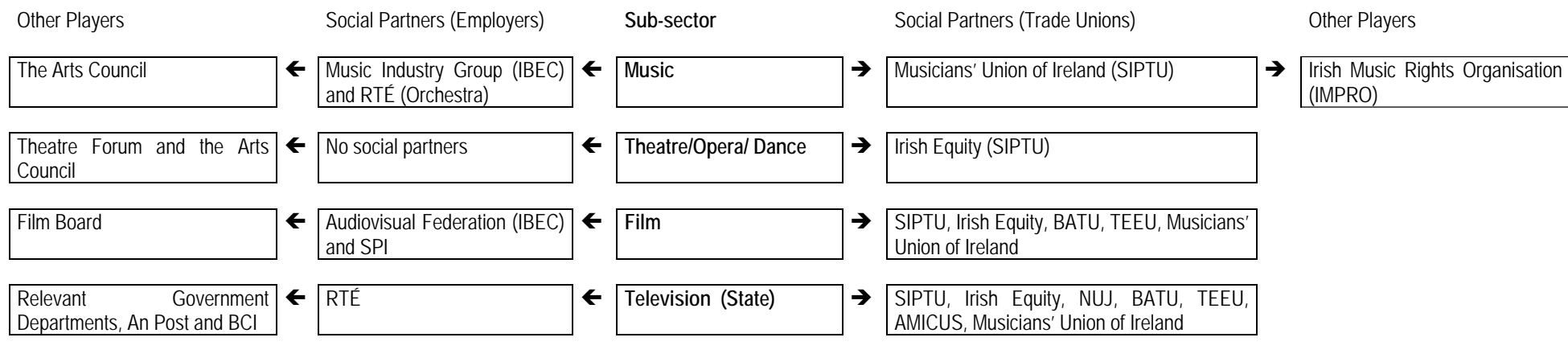
b.4) Estimated importance of the underground economy by sector and sub-sector

There are problems of piracy and intellectual property theft in the C&M industries in Ireland. A considerable informal economy exists in culture and the media. This is open and transparent, and is not part of a tax-evading underground economy. Theatre Forum explains that there is reluctance among some small producers to see themselves as employers, and the Arts Council is planning to conduct a study soon on the socio-economic status of artists that will help to explain this issue further¹⁴⁸.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR AT NATIONAL LEVEL

2.1. Basic features of social dialogue

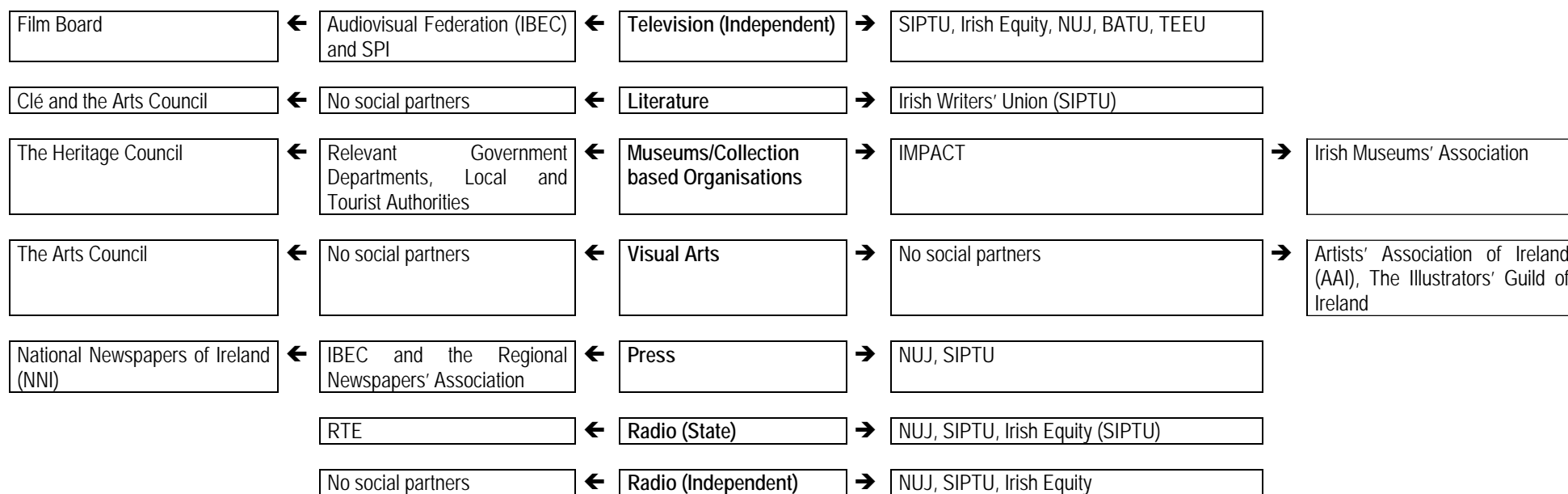
a) Structuring of social dialogue in the C&M sector



¹⁴⁶ The Arts Council (1994), "The Economics of the Arts in Ireland", p. 16.

¹⁴⁷ Eurostat, "News Release", 68/2004, 26 May 2004.

¹⁴⁸ Ralaheen Interviews, June 2004.



Details of the Social Dialogue in the Sector

Sub-sector	Status of workers	Dialogue Yes/No	Type of dialogue	Employers' organisations	Unions	Details of dialogue/ negotiations
Film	Many self-employed/ freelance; others work on a contractual basis (e.g. hairdressers and builders)	Limited dialogue	Bipartite	Screen Producers Ireland (SPI)	SIPTU, Irish Equity, ATU, TEEU	According to SPI, "as the employers' organisation, one of the functions of SPI is on-going negotiations with the unions involved in feature film and television drama crewing" ¹⁴⁹ . Powerful influential bodies in film-making that do not take part in social dialogue, are global and national the film distribution companies.
Theatre/ opera/dance	Mostly employees, but also many self-employed	Yes	Bipartite and Forums/ Plenary sessions	Theatre Forum	Irish Equity (SIPTU)	A common CA is in place between Irish Equity and a large number of theatre companies. Many companies who do not have formal agreements with the union also use the "Equity Theatre Agreement" when employing performers. As well as this, theatre Forum holds a number of plenary meetings a year. The turnout at these meetings has been very high, and they serve as opportunities to update members on Theatre Forum's activities, to discuss particular subjects of interest or concern, and to meet other members in order to exchange information. These meetings are forums from which dialogue may emanate.
Television (State)	Employees	Yes	Bipartite	RTE	SIPTU Irish Equity, NUJ	RTE has the most sophisticated dialogue of the sector. It has very high union representation of around 90%. This consists of a Group of unions including the

¹⁴⁹ SPI information booklet.

					TEEU, ATU AMICUS ¹⁵⁰	broadcasting branch of SIPTU, the National Union of Journalists (NUJ), the Musicians' Union (SIPTU), Irish Equity (SIPTU) and the TEEU. A few workers are members of BATU and AMICUS. The dialogue is organised on a section-by-section or grade-by-grade basis. The sections include vision, sound and clerical/administrative. RTÉ has an industrial relations tribunal to deal internally with collective issues, but over the last few years, RTÉ has increasingly outsourced workers, and laid off 18% of its full-time staff ¹⁵¹ .
Television (Independent)	Self-employed	Limited dialogue (contractual basis)	Bipartite	SPI	SIPTU Irish Equity, BATU, TEEU, NUJ	Same as for film.
Music	Mostly self-employed, although some workers are employees of record companies/ studios, music venues and the RTÉ (orchestra)	No (except RTÉ workers)	ND	ND	SIPTU, Musicians Union	Although there is no social dialogue, IBEC has a Music Industry Group that serves as a forum for the different sectors of the music industry in Ireland to meet and discuss areas of common interest. It "provides a voice" ¹⁵² for the industry, and promotes the development and implementation of adequate copyright laws in Ireland and in Europe.
Museums and collection-based organisations	Employees (although a large number of workers in this sector are voluntary staff)	Yes	Tripartite (Social partnership agreements)	This depends on the administrative structure of the particular museum, and might include government departments, local authorities and tourist authorities.	Public sector unions, such as, IMPACT	"Sustaining Progress" 2003-2005 ¹⁵³ .
Literature	Self-employed	Limited dialogue	ND	Clé, ¹⁵⁴ The Irish Book Publishers' Association	SIPTU, Irish Writers' Union	The Irish Writers' Union negotiates on behalf of writers with the Arts Councils in both the north and the south (Bord na Leabhar ¹⁵⁵ and Clé), among others. Clé's membership consists of most of the major publishing houses in Ireland (i.e. a mixture of trade, general, legal and academic publishers).
Visual Arts	Self-employed	No	ND	ND	ND	Although there is no social dialogue, this is a very active area that has numerous

¹⁵⁰AMICUS is the result of a merger between the Manufacturing, Science and Finance Union (MSF) and the Amalgamated Engineering and Electrical Union (AEEU).

¹⁵¹ Ralaheen Interviews, June 2004.

¹⁵² http://www.ibec.ie/ibecweb.nsf/wfBusSector?OpenForm&SN=Music_Industry_Group.

¹⁵³ A new national centralised CB agreement was negotiated in 2002/2003 for the three years from 2003 to 2005. The agreement was negotiated by the public sector employer (represented by the Department (Ministry) of Finance), the Irish Congress of Trade Unions, the Irish Business and Employers Confederation and the voluntary sector. The voluntary sector did not participate in pay negotiations. The pay element of the agreement, called "Sustaining Progress", will last for an 18-month period during 2003-2004. The pay agreement of public service workers, which was adopted in 2003, expires on 31 December 2004. As in the past, the Sustaining Progress Agreement serves as a reference point for large numbers of bodies and companies that are not part of the social partner groups that negotiate the agreement. The agreement in this sense fulfils a stabilising role for the economy as a whole, and provides an element of predictability at times of market volatility.

¹⁵⁴ The Irish Book Publishers' Association (Cumann Leabharfoilsitheoirí Éireann, Clé).

¹⁵⁵ The Book Board (Bord na Leabhar).

						associations and organisations to represent its members. They include the Artists' Association of Ireland (AAI), the Illustrators' Guild of Ireland (IGI) and the Sculptors Society of Ireland.
Press	Mixture of employees (e.g. editors and printers) and self-employed workers (e.g. freelance journalists)	No	ND	IBEC Regional Newspapers' Association	NUJ, SIPTU	Wages are negotiated with individual employers, usually in line with the current national social partnership agreement.
Radio (State)	Employees	Yes	Bipartite	RTE	SIPTU, Irish Equity, NUJ	As for state television.
Radio (Independent)	Employees	No	ND	IBEC	SIPTU, NUJ	Negotiations are between unions and individual companies. They often use the social partnership agreement as a reference point.
Animation		No	ND	SPI	Non-unionised	The animation sub-sector consists of 20 companies such as Brown Bag Productions and Bolder Media. Most of the animation used by RTE in 2003 came not from these companies, but from foreign animators. The sector is non-unionised, but it has employer representation from SPI.

b) Functioning of social dialogue

In addition to the details of the social dialogue in the C&M sector outlined above, CB in Ireland is conducted on a voluntary basis: no side is obliged by law to enter negotiations, and the negotiations do not have a statutory basis.

3. PLAYERS IN THE SECTOR AT NATIONAL LEVEL

A major player that has been identified in the area of performing arts, but which does not take part in negotiations as a representative body of employers, is the Arts Council. The Arts Council is reluctant to involve itself in dialogue on wages and going rates, as this may have funding implications: it may have to fund any pay rises itself. The Arts Council has a monopoly of control regarding funding within the sector, and generally tends to spread its funding widely and thinly, instead of giving more funding to fewer companies, and thereby adds to the financial problems faced by many in this sector¹⁵⁶. SIPTU's Broadcasting Branch explains that the Irish Film Board plays a part in the funding of Irish films, but its exact role needs to be defined¹⁵⁷. Similarly, Screen Producers Ireland has mentioned the Irish Film Board as an important agency that has an interest in negotiations, but it does not sit at the table. The Film Board plays a significant role in the Irish film industry, and controls much of the funding¹⁵⁸.

Bodies and influential players in RTE that do not sit at the negotiating table include relevant government departments, other important agencies like An Post (which is responsible for collecting the licence fee), and the Broadcasting Commission of Ireland (BCI), the licensing and regulatory body for independent broadcasting¹⁵⁹. There is a variety of associations and organisations within the cultural sector: this is outlined in the Table on "Organisations, associations and Institutions in the C&M sector". These play an important role in representing the workers in the sector such as composers, artists, musicians, sculptors, actors and illustrators, as well as providing a network for their members to make contacts. As a lot of work in the culture sector lacks structured social dialogue, these associations and organisations should be seen as playing an important role in the sector.

On the subject of players that are not recognised, but which play a role in industrial relations in the sector, the importance of the internationalisation of popular culture and entertainment should not be underestimated. Large international bodies dominate much of the popular culture and entertainment arena: the American multinational Clear Channel Communications Incorporated

¹⁵⁶ Ralaheen Interviews, June 2004.

¹⁵⁷ Ralaheen Interviews, June 2004.

¹⁵⁸ Ralaheen Interviews, June 2004.

¹⁵⁹ Ralaheen Interviews, June 2004.

dominates venue and theatre management in the US and parts of Europe, and also has global interests in radio, entertainment, advertising and communications. Clear Channel exercises its dominance through ownership, part ownership or management. In Ireland, it controls the Point Theatre¹⁶⁰.

As for disputes, an issue that arose with SIPTU's Film Branch and Irish Equity was the failure to reach agreement on reviewed and updated agreements. The main agreements extend back as far as 18 years. Irish Equity explained how it was negotiating to review and update the Actors' Film Agreement, and that it is in the process of renegotiating the Independent Television production agreement. These agreements cover pay, the length of working day, what constitutes a day/night shift, and workers' breaks. SIPTU's Broadcasting Branch viewed the negotiations, or the lack of negotiations, as a major issue facing the sector. On the other hand, SPI is concerned at the level of flexibility of Irish unions in the context of the global film and television industries. Although Irish Equity, the Broadcasting Branch, the Musicians' Union (all branches of SIPTU), the NUJ, BATU and the TEEU have agreed to participate in dialogue as a group, SIPTU is uncertain as to who the partner on the other side of the table is. The need for agreements is becoming more apparent due to the casualisation of employment in the industry, and concerns were expressed about the lack of training in Ireland for broadcasting technology. One opinion that emerged was that broadcasting technology frequently changes, and workers need to be constantly upgrading their skills. Training in Ireland remains poor (with the exception of that received by RTÉ employees) due to the casual nature of this employment. Concerns have been expressed about the effect this may have on the future of Ireland's broadcasting sector, and particularly on the continuing trend of attracting film-makers to Ireland¹⁶¹. FÁS, the national training body, has a sub-section called Screen Training Ireland which was established approximately 15 years ago to ensure that there was a large enough indigenous skilled pool to support the developing film industry. Screen Training Ireland is overseen by a Board known as the Film and Television Advisory Group, which decides each year what training is required, based on the needs of the current industry. However, the sub-section is constrained by budget and a member of the Board stated that they would run far more courses if the money was available. Theatre Forum is worried about the lack of money in the performing arts sector. Theatre Forum acts as a representative body and advocate on behalf of theatre production companies, venues, arts centres and dance companies, among others, in making a case for development, including improved funding for the sector. It plans to publish a report in September 2004 called "The Economic Role of Professional Performing Arts in Ireland" with a view to addressing the gap in information on the economics of the performing arts, and identifying the sector's direct economic role as an employer. In August, the Contemporary Music Centre (CMC), Ireland's national archive and resource centre for new music, announced that it would receive no funding from the Arts Council of Northern Ireland (ACNI) next year. This was due to a proposal deadline that was missed by the CMC. At a meeting in May, the ACNI signalled a change in the strategic direction of its support for new music in the future: it now wants a more localised service for composers in Northern Ireland, rather than the existing service in Dublin. The CMC, however, wishes to continue to operate on an all-Ireland basis. This debate has emerged not because of the one-year break in funding, but because of a change in future funding policy expressed by ACNI¹⁶². None of the players has identified specific positions on the future development of social dialogue.

3.1. Employers' organisations

Screen Producers Ireland (SPI) was established in November 1987, and represents over 200 independent film, television, animation and interactive media companies in Ireland¹⁶³. Interactive content is growing in Europe and Ireland, and links television, the web, the telephone and DVD, leading to issues of intellectual property rights. SPI was established with the intention of creating an environment for the development of the indigenous industry, and to establish Ireland as a competitive base for attracting production into the country. The organisation operates via a Board and four committees, the latter focusing on film, broadcasting, animation and labour relations. SPI is funded in four different ways: firstly, by the annual membership fee of EUR 300 per company; secondly, a levy of 1% on the value of independent commissions for RTÉ undertaken by SPI members, and is paid to SPI by RTÉ; thirdly, an annual subvention from TG4¹⁶⁴ to support SPI activities; and fourthly, a feature film levy on all SPI members' projects using Irish Film Board Funding or Section 481 finance.

The Irish Business Employers Confederation (IBEC) provides a range of services to more than 7,000 businesses and organisations that make up its membership. IBEC services its members on a wide range of issues including sector matters. It is the leading umbrella body, and acts as a voice for industry in Ireland on behalf of Irish business and employers. IBEC represents its own

¹⁶⁰ The Point Theatre is one of Dublin's premier venues.

¹⁶¹ Ralaheen Interviews, June 2004.

¹⁶² Contemporary Music Centre Press Release, 25 August 2004, "Signalled Intention of ACNI to Withdraw Funding".

¹⁶³ There are European-level issues of what constitutes an independent producer.

¹⁶⁴ TG4 is an Irish-language television channel.

members' interests to the government, state agencies, trade unions, other national interest groups, and the general public. It works on European policy issues on behalf of Irish business and employers at European level in tandem with the Irish Business Bureau (IBB) in Brussels. IBEC is a representative body for the following industry representatives, associations and federations¹⁶⁵: the Transport Council, the Small Firms' Association, ICT Ireland, the Telecommunications and Internet Federation, the Music Industry Group, the Consumer Electronics Distributors' Association, and the Audiovisual Federation. IBEC is funded by the affiliation fees of its members and grew partly out of the Federated Union of Employers, which came to prominence as an employer body in the 1960s.

The degree of participation in negotiations and the frequency of negotiations are described in the table "Details of the Social Dialogue in the Sector".

3.2. Trade Unions

The main unions involved in the C&M sector are:

The Services Industrial and Professional Trade Union (SIPTU), including Irish Equity, is the largest trade union in Ireland and represents workers in the public and private sectors in general, in technical and professional occupations and in sectors. It dates from the beginning of the 20th century, when it was known as the Irish Transport and General Workers' Union (ITGWU), which later amalgamated with the Workers' Union of Ireland and the Irish Women Workers' Union. SIPTU is organised in sector Branches and in Regions. The Branches that are relevant to this study include Irish Equity, the Irish Musicians' Union, Broadcasting, Film and the Theatre Technicians. SIPTU caters for full-time, part-time, temporary, permanent and contract workers, as well as retired and unemployed members. The aim of SIPTU is to represent its members in all aspects of CB, and to maintain standards of living.

The National Union of Journalists (NUJ) is the world's largest journalists' union. It has 34,000 members worldwide, and more than 4,000 members in Ireland. The Irish branch has members from a range of sub-sectors, such as television, press and radio. The union was founded in 1907 to fight for journalists, their pay and conditions, their working rights and their professional freedom. The NUJ's membership has been rising steadily over the last four years. It covers the whole range of editorial work: staff and freelance, writers and reporters, editors and sub-editors, and photographers and illustrators working in broadcasting, newspapers, magazines, books, on the internet and in public relations.

The Building and Allied Trades' Union (BATU) is the trade union for building workers, tradesmen and apprentices in bricklaying, carpentry and interiors, and in furniture industries. The main aims of BATU include the achievement of a fair deal for all building workers, a new approach to CB, and a workers' agenda for a modern industry. BATU was founded in 1989 following a merger of the National Union of Woodworkers and Woodcutting Machinists and the Ancient Guild of Incorporated Brick and Stone layers and Allied Trades Union. With membership standing at over 9,000, BATU is the largest building workers' union in Ireland. BATU members include tradesman and apprentice bricklayers, carpenters, stonecutters, tilers and wood machinists. They are mostly skilled manual workers in the public and private sector.

The Technical, Engineering and Electrical Union (TEEU) came into existence in 1992 following a merger of the Electrical Trades Union and the National Engineering and Electrical Trades Union. Both unions originated in the 1920s when union activists in British-based unions thought that Irish workers needed autonomous representation in the emerging Irish State. With over 35,000 members, the TEEU is Ireland's largest engineering union and the second largest union in the manufacturing sector. It represent a broad range of workers throughout industry and the public service, and recruits craft workers, technicians, skilled operatives, general workers, and technical, administrative and supervisory staff.

The TEEU, like other trade unions, aims to represent its members.

Number of members in each trade union

Name	Total membership	Membership within the C&M sector
SIPTU	200,000	ND
NUJ	4,000	4,000
BATU	9,000	ND
TEEU	35,000	ND

¹⁶⁵ Taken from the IBEC website: www.ibec.ie. There are many more organisations that IBEC represents, but which are not listed above. Please refer to the IBEC Annual Review 2003/2004 p. 17-21.

SIPTU, BATU and the TEEU have agreed to participate in dialogue as a group, and they worked well together in lobbying for the retention of Section 481¹⁶⁶. The NUJ co-operates with these unions in several sector groups. As this report has already pointed out, the lack of negotiated agreements in this sector has emerged as a significant issue for the trade unions. Much negotiation is on a job-by-job basis – for instance, wages and conditions may be negotiated for a specific film or production only – and due to this lack of negotiated agreements, some employers in the C&M sector use the Sustaining Progress Agreement¹⁶⁷ as a reference point. Sustaining Progress is the most recent of the social partnership agreements. Social partnership agreements are negotiated every three years. Theatre Forum explains that the relationship between employers and employees in the theatre sector is not a traditional one as the employers are not in the sector for profit, but rather to give of their artistic best. Indeed, many employers are also employees themselves. As a result, there is no “us and them” relationship. This relationship is a big grey area in the theatre sector¹⁶⁸. The trade unions are funded by members’ weekly or monthly contributions.

Employers’ organisations

Organisation	National affiliations	European affiliations	International affiliations
IBEC	-	UNICE (Union of Industrial and Employers’ Confederations of Europe)	-
SPI	IBEC	European Coordination of Independent Producers (CEPI)	-
Theatre Forum	None	PEARLE*, UK Theatre Managers’ Association, the Independent Theatre Council and the Arts Marketing Association	-

Trade Unions

Organisation	National affiliations	European affiliations	International affiliations
SIPTU	ICTU	UNI-MEI	The International Federation of Musicians, the International Federation of Actors (it has a European section called EuroFIA)
NUJ	ICTU	-	International Federation of Journalists (IFJ)
BATU	ICTU	-	-
TEEU	ICTU	-	-

¹⁶⁶ Ralaheen Interviews, June 2004.

¹⁶⁷ Sustaining Progress the most recent national CB agreement, in force during 2004.

¹⁶⁸ Ralaheen Interviews, June 2004.

ITALY

1. DESCRIPTION OF THE C&M SECTOR AT NATIONAL LEVEL

Suggested delimitation for the sector

Neither legislation nor CB is helpful at the present time in identifying a homogeneous economic area that could be defined as the C&M sector in Italy. Similarly, the C&M industries are not easy to recognise even if they are considered separately. For this reason, and with a view to providing a functional definition of the C&M &M sector for the study of the social partners' representativeness, we have chosen to employ an empirical criterion based on existing classifications of economic activities on the one side, and on the retrieval and selection of all national collective industry-wide agreements (Contratti Collettivi Nazionali di Lavoro, CCNLs) signed during the last ten years. The ATECO 2002 national classification of economic activities, provided by ISTAT¹⁶⁹ and derived from the current NACE Rev.1.1, refers to the "Recreational, cultural and sporting activities" economic category (ATECO Code No 92), which includes activities related to both culture and the media, but it does not make any explicit reference to the "media" category. ATECO category No 92 currently includes nearly all economic activities related to the culture and the media sector and most of the wide-ranging CB activity in the sector¹⁷⁰ can be easily classified into its several subdivisions¹⁷¹. In detail, some activities are regarded as "entertainment activities", some as "cultural activities", and some as "recreational activities", but such categorisation excludes a number of activities that should be included in the culture and the media sector. The most important case is that of publishing. Even excluding industrial activities not directly related to publishing and printing activities (e.g. "Manufacture of pulp, paper and paper products" (ATECO Code No 21)), it is necessary to consider all activities in the publishing and printing of newspapers, books, periodicals, audio tapes, CDs, DVDs and so on, as well as web-publishing activities. The "Publishing, printing and reproduction of recorded media" (ATECO Code No 22) category should therefore be included in the culture and the media sector. Moreover, signatory organisations in Italy to national collective industry-wide agreements covering the sector are usually employers' organisations and trade unions in the communications sector¹⁷². Another significant case is that of advertising, which is classified in ATECO 2002 into a sub-division of the "Other business activities" (ATECO Code No 74.4) category¹⁷³.

The suggested delimitation of the sector (ATECO category Nos 92, 22 and 74.4) excludes several economic activities¹⁷⁴, although they probably ought to be included in the culture and the media sector, since they are extremely difficult to recognise and quantify, and they are not covered by specific CCNLs. In these cases, the signatory organisations are normally employers' organisations and trade unions in the trade sector.

To summarise, three ATECO economic categories have been used in this study of the culture and the media: a) "Recreational, cultural and sporting activities" (92) (this category includes sub-categories 92.1, 92.2, 92.3, 92.4, 92.5, 92.6 and 92.7); b) "Publishing, printing and reproduction of recorded media" (22) (they are distinct activities rarely carried out in the same unit: publishing activities usually issue copies of works for which they possess copyright, whereas printing activities print products, such as newspapers, books, periodicals and other materials, and perform

¹⁶⁹ National Institute of Statistics (Istituto Nazionale di Statistica, ISTAT).

¹⁷⁰ Seven sub-divisions in ATECO category No 92 are covered by 25 of the 36 Italian CCNLs that apply to the culture and the media sector.

¹⁷¹ See the introduction to this final report.

¹⁷² Category No 22 is covered by 6 of the 36 CCNLs that apply in the culture and the media sector.

¹⁷³ The "Advertising" (ATECO Code No 74.4) category is covered by 1 of the 36 CCNLs that apply in the culture and the media sector. There are also another 4 CCNLs that cover the wider trade and services.

¹⁷⁴ In particular, a number of activities classified into the ATECO Code Nos 74.87 ("Other business activities n.e.c." (i.e. activities of fairs, exhibitions and congress organisers; activities carried out by agents and agencies on behalf of individuals, and usually involving the obtaining of engagements in motion pictures, theatrical productions and other entertainment or sports attractions, and the placement of books, plays, artworks, photographs etc with publishers and producers)) and 91 ("Activities of membership organisations n.e.c." (e.g. activities of religious organisations; activities of political organisations; and activities of other membership organisations n.e.c., such as associations engaged in cultural and recreational activities and hobbies such as poetry, literature clubs, history, gardening, film and photography, music and art, craft and collectors' clubs and social clubs)).

support activities. This category includes sub-categories 22.1, 22.2 and 22.3); and c) "Advertising" (74.4) (this includes the design and realisation of advertising campaigns; activities involved in the production of commercial messages for radio, television and film are included in Category No 92).

With regard to CB, the National Archive of CAs of CNEL¹⁷⁵, which offers a classification of all national collective industry-wide agreements, refers to the category "Printing and entertainment"¹⁷⁶. Such a category includes a large number of CAs, covering nearly all the above-mentioned economic activities¹⁷⁷. As regards the CAs¹⁷⁸ that apply to all economic activities related to the culture and the media sector (see "Main signed CAs and signatory organisations"), the delimitation suggested for the sector excludes the following categories: "Manufacture of pulp, paper and paper products" (21)¹⁷⁹, "Computer and related activities" (72)¹⁸⁰, "Other business activities" (74)¹⁸¹ (with the exception of "Advertising" (74.4)) and "Activities of membership organisations n.e.c." (91)¹⁸².

However, it is still important to make clear that this criterion will probably pose problems for future sector studies. On the one hand, by seeing the culture and the media sector as being composed of ATECO category Nos 92, 22, and 74.4, analysis of quantitative data on the number and size of companies and the structure of employment will exclude a number of cases currently covered by existing CCNLs that apply to the sector, and it will therefore be impossible to measure the representativeness and the coverage rate of CAs. On the other hand, inclusion of other ATECO economic categories (Code Nos 21, 72, 74.20.3, 74.81, 74.87 and 91) will compel us to see a large number of cases of different sectors and being not covered by sector CCNLs as culture and the media companies and workers. It is also very important to be aware that the sub-division suggested in the above paragraphs is clearly incomplete. Firstly, so-called "creative" activities should be separated from the activities of production, distribution and management. For example, a distinction between audio-visual industries and the activities of cinema directors, actors, and artists would be required; similarly, the activity of printing companies in the publishing sector should be separated from the activity of authors and publishers. In fact, no statistical classification of economic activities draws such a distinction and verifies the impact of the sub-sectors in terms of numbers of companies and the employment structure. Indeed, most CAs are not diversified¹⁸³. Secondly, the decision to include an economic activity into the culture or media sector is influenced by pre-existing general principles. For example, if we emphasised its communicative character, cinema would be included in the media sector as well as radio, television, press and publishing, and movies would be considered "media", while theatrical presentations would be regarded as cultural activities. On the other hand, the culture sector would only include sporting activities such as horse-racing, but not activities such as motion picture production and publishing. Lastly, it is not easy to decide whether to include the activities of production, distribution and management of cultural structures, such as cinemas and theatres, into the culture or the media sector. Indeed, given that the activity of cinema management is normally included in the media sector, it is very difficult to see the activity of theatre management as a cultural activity. There is also a large number of "mixed" activities. For all these reasons, we suggest drawing a distinction between culture and the media (ATECO category Nos 92.1, 92.2, 92.3, 92.4, 92.5, 22, and 74.4) and recreational activities (ATECO category Nos 92.6 and 92.7). No further sub-division is recommended.

It is also necessary to point out that the CAs listed above often apply to other categories of company and worker which, according to the suggested definition, should not be included in the culture and the media sector. They include the two CCNLs for the paper industry, the inter-sector agreement for private bodies and institutions, and particularly all three CCNLs for trade and services, and the CISAL CCNL for tertiary and services. As for the CCNLs that directly concern the C&M sector, they have a rather similar structure: firstly, a "normative" section that sets out general rules on such matters as application, staff classification, employment contracts and flexibility, working time and rest periods, and union rights, and also the procedures and content of

¹⁷⁵ *Consiglio Nazionale dell'Economia e del Lavoro* – National Council of Economy and Labour.

¹⁷⁶ Literally, "*Poligrafici e spettacolo*".

¹⁷⁷ In detail, it gathers together 30 of the 36 CCNLs applying to the C&M sector.

¹⁷⁸ They are not always industry-wide. See the CONI, RAI and SIAE CAs: they are really enterprise-level.

¹⁷⁹ This category refers to industrial activities that are not directly related to the culture and the media sector. If we had chosen to consider activities of this kind, we would also have included all activities linked to the manufacture of basic materials used in the sector.

¹⁸⁰ Despite the fact that it includes web-publishing activities, which are covered by the "Publishing and graphic industries" CCNL, this category it is too broad, and the amount of web-publishing and other internet-related activities is impossible to quantify.

¹⁸¹ "Aerial photography and cartographic activity" (74.20.3), "Photographic activities" (74.81) and "Other business activities n.e.c." (74.87). These are very wide-ranging categories, and include a large number of activities not directly related to the culture and the media sector.

¹⁸² As this report has already pointed out, these activities are extremely difficult to recognise and quantify, and are not covered by specific CCNLs.

¹⁸³ Only 5 of the 36 CCNLs clearly refer to workers such as artists, authors and journalists.

second-level (i.e. regional, provincial and company) bargaining; and secondly, a wages section. Because of the huge number of these CCNLs (there are about 30 of them), detailed analysis of their content would have taken up too much time (and resources), and for this reason and given the merely “exploratory” nature of this study, such an analysis is deferred for a later piece of work.

Socio-economic features of the C&M sector

Characteristics and number of organisations, associations, institutions or enterprises¹⁸⁴

According to ISTAT’s 8th National Statistical Census on Industry and Services of March 2004¹⁸⁵, the Italian C&M sector is characterised by the presence of a comparatively small number of companies and institutions.

Number of companies and institutions in the C&M sector, by legal form and size of companies

Companies and Institutions	Number	%	No SW	%	<10 SW	%	10-100 SW	%	100-1,000 SW	%	>1,000 SW	%
<i>Private companies</i>	77,524	77.5	0	0.0	72,291	95.3	4,999	86.8	224	81.8	10	83.3
Co-operatives	2,235	2.2	0	0.0	1,814	2.4	403	7.0	18	6.6	0	0.0
Others	210	0.2	0	0.0	196	0.3	12	0.2	1	0.4	1	8.3
Public institutions	172	0.2	2	0.0	80	0.1	76	1.3	13	4.7	1	8.3
Not-for-profit institutions	19,905	19.9	18,135	100.0	1,482	2.0	270	4.7	18	6.6	0	0.0
Total	100,046	100.0	18,137	100.0	75,863	100.0	5,760	100.0	274	100.0	12	100.0

Source: ISTAT, 8th National Statistical Census on Industry and Services, 2001 (definitive data)

Number of companies and institutions in the recreational activities sector, by legal form and size of companies

Companies and Institutions	Number	%	No SW	%	<10 SW	%	10-100 SW	%	100-1,000 SW	%	>1,000 SW	%
<i>Private companies</i>	18,310	19.1	0	0.0	18,012	76.1	290	37.6	8	42.1	0	0.0
Co-operatives	1,305	1.4	0	0.0	1,193	5.0	109	14.1	3	15.8	0	0.0
Others	108	0.1	0	0.0	97	0.4	9	1.2	2	10.5	0	0.0
Public institutions	44	0.0	32	0.0	10	0.0	1	0.1	0	0.0	1	100.0
Not-for-profit institutions	76,193	79.4	71,481	100.0	4,343	18.4	363	47.0	6	31.6	0	0.0
Total	95,960	100.0	71,513	100.0	23,655	100.0	772	100.0	19	100.0	1	100.0

Source: ISTAT, 8th National Statistical Census on Industry and Services, 2001 (definitive data)

If entertainment activities (ATECO category Nos 92.1, 92.2 and 92.3) are added to advertising (Code No 74.4), there is only a small number of organisations, mostly small private companies (more than 90%), in motion picture and video production (about 5,000) and radio and television activities (2,616). The 17,102 organisations in advertising are mostly private companies

¹⁸⁴ Private companies include single/individual firms, joint-partner companies and stock companies, co-operatives (but excluding social co-operatives), not-for-profit institutions (including recognised associations, foundations, non-recognised associations and social co-operatives), and others.

¹⁸⁵ Data are updated to 2001.

employing fewer than 10 SW. Lastly, there is the wide-ranging residual category of "Other entertainment activities" that includes 41,672 organisations: 40.2% of them are not-for-profit organisations, and the rest are mostly SMEs. As regards cultural activities (ATECO category Nos 92.4 and 92.5) and publishing and related activities (Code No 22), there are 3,351 companies, mostly small private companies, in news agency activities, and 3,347 organisations carrying out library, archive, museum and other cultural activities. The latter group includes a large proportion (about 75%) of not-for-profit institutions. Lastly, small and medium-sized private companies are clearly in the majority in publishing, printing and reproduction of recorded media (26,970 organisations altogether).

Amongst the companies and institutions carrying out recreational activities, there are 67,406 carrying out sporting activities and 28,554 undertaking other recreational activities. There is also a large number of not-for-profit institutions.

Characteristics of employment

There are altogether 371,618 workers employed in the C&M sector (i.e. 1.9% of the total workforce employed in industry and services in Italy)¹⁸⁶. Of these, 262,080 are SW; they represent 70.5% of the workforce in the sector. If the 58,976 atypical workers (e.g. coordinated freelance workers and temporary agency workers¹⁸⁷) and the 283,885 volunteers are included, the true number of workers doubles to 714,479. As for gender distribution, 62.1% are men and only 37.9% are women. More specifically, there are 27,277 in motion picture and video production and 27,743 in radio and television activities. Most workers in these sub-sectors are male and salaried, and are employed by private companies. In advertising, there are 51,166 workers, with an equal proportion of women and men; they are divided between self-employed and SW. There are also 11,496 atypical workers, whereas only an insignificant number of volunteers. By contrast, in the particular case of other entertainment activities, the ratio of volunteers (235,666) to workers (72,701) is about 3:1. In news agency activities, there are 6,075 workers, with a ratio of men to women of exactly 2:1; there is also a clear majority of self-employed workers (4,057). A relatively large number of workers are employed in organisations (mainly private companies) in the publishing, printing and reproduction of recorded media (176,148), but only 9,854 employed in organisations carrying out library, archives, museums and other cultural activities: most of them are SW, although there is also a large number of volunteers (40,038) in the sub-sector. There is also an extremely high proportion of volunteers (958,894) in recreational activities because of the large number of non-profit institutions in the sector. Volunteers are well represented sporting activities (651,309). Workers number 67,063: 39,029 in sporting activities and 28,034 in other recreational activities; they are mostly male (61.9%) and salaried (56.1%). Lastly, private companies as well as not-for-profit institutions in sporting activities make considerable use of atypical workers (35,614 in the sector as a whole, and 27,593 in sporting activities).

In conclusion, there are figures for qualifications and wages, or for the amount of undeclared employment in the sector.

Evolution and trends

As for the history of the audio-visual sector in Italy, the very first experiments (with no public dissemination) of television broadcasting date back to 1933, although Italian television did not formally come into being until 1954, many years later than all other European countries. By the end of the year, the public broadcasting company, Radio Televisione Italiana (RAI) covered something like 50% of the population, but by 1960, this percentage had 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 came to over 6 million. In 1975-76, the state monopoly on television broadcasting came to an end, and the number of private broadcasters began to grow, although only at local level. In the early 1980s, there were something like 600 private broadcasters. As a result of increasing competition, RAI adopted a strategy of "differentiation", and in 1980, the national broadcaster had three national channels, and was one of the most important cinema producers in Italy. In the same year, a private broadcaster attempted to erode RAI's monopoly of nationwide broadcasting for the first time, and in 1994, there was a clear situation of factual "duopoly" between RAI and Fininvest (now Mediaset).

An examination of statistical data in the 1991 and 2001 censuses reveals no evidence of homogeneous tendencies within the sector; in fact, this phenomenon should be seen as an obvious consequence of the large number and heterogeneity of the sub-sectors considered. More specifically, the past decade has seen a proliferation of companies, most of them private companies,

¹⁸⁶ The total workforce in industry and services, according to the Census, is 19,410,556.

¹⁸⁷ As regards the "coordinated freelance work", the most important atypical work contract in Italy until the labour market underwent a wide reform in 2003 (Law no. 30, implemented by Legislative Decree no. 276), it was a form of consultancy and freelance work "coordinated" by an employer, lying midway between dependent employment and self-employment. Actually, this form of employment relationship was not subject to a specific regulatory framework, but only to a number of obligations with regard to social security payments. Law no. 30/2003 provided for the conversion of employer-coordinated freelance contracts in the so-called "project contracts". As for temporary agency work, it was introduced in Italy by Law no. 196/1997, so-called "Treu Act".

undertaking news agency activities as well as motion picture and video production. More to the point, an exponential growth of employment, for the most part among SW, has followed the steep rise in the number of companies. There is clear evidence of a proportional increase in the number of companies, workers and salaried in other entertainment activities and advertising. In the publishing, printing and reproduction of recorded media, the slight increase in the number of companies was matched by a proportional fall in employment, but considering the absolute variation in the number of workers, job losses in the sector over the ten-year period came to 22,925. The number of companies and workers declined in radio and television activities. These figures are in sharp contrast to the tendency towards constant growth that was observed in the entertainment sector. This negative trend is probably due to the particular situation of duopoly in the television broadcasting sector in Italy. In fact, the presence of two huge groups of companies, RAI and Mediaset, makes it extremely difficult for medium-sized and smaller enterprises to survive. To conclude, ISTAT does not provide comparative statistical data either for libraries, archives, museums and other cultural activities, or for recreational activities.

2. INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING IN THE SECTOR AT NATIONAL LEVEL

Basic features of social dialogue

Given the suggested delimitation, it is impossible to identify a homogeneous model of social dialogue in the C&M sector. The Christmas Pact of 1998 generally provided for the institutionalisation of concertation, and in 1999, the Italian Government accordingly set up 18 “technical tables” at which representatives of the 32 signatory organisations could sit with representatives of local public administrations, and negotiate at national level. They included two tables on “Cultural goods” and “Telecommunications”. However, this tripartite model of social negotiation never got off the ground.

CB is strikingly characterised by extreme fragmentation. There are 36 CAs covering the sectors considered, and most national collective industry-wide agreements (CCNLs) involving a large number of employers’ organisations and trade unions, but there are also some company agreements that apply to important national institutions such as RAI, SIAE and CONI. The dominant actors in CB are mostly organisations in the communications sector, but a few organisations in the trade and services sector also play an important role in industrial relations within the sector. Public actors only play a key role in the Italian Olympic Committee (CONI) as it is a public institution.

CB is normally structured on the basis of a two-tier system: a “first-level” national industry-wide agreement, and a decentralised (i.e. regional, provincial or company) agreement. The former provides minimum standards governing pay, working time, working conditions and equal opportunities for women and men; the latter provides for implementation of the CCNL, and is mainly used to define variable pay and incentives. The main signed CAs and signatory organisations are as following:

CAs in the C&M sector by term of validity and signatory organisations

CAs	Term of validity	Signatory employers’ organisations	Signatory trade unions
1. Advertising (SIPRA ¹⁸⁸) ¹⁸⁹	2001-2004	SIPRA	SLC, FISTEL, UIISIC
2. Cinema (Audio-visual industries)	2001-2003	ANICA (UNICS, UNIDIM, UNPF, UNITEC)	SLC, FISTEL, UIISIC
3. Cinema (Troupes and associated personnel)	2000-2004	ANICA (UNICS, UNPF), APC, API, APT	SLC, FISTEL, UIISIC
4. Cinemas and movie theatres (Businesses)	1998-2002	ANEC	SLC, FISTEL, UIISIC
5. Entertainment (Public businesses: fixed-term artists)	1998-2001	FIPE	SLC, FISTEL, UIISIC
6. Journalists	1999-2003	FIEG	FNSI

¹⁸⁸ Italian Society for Radio Television Advertising (Società Italiana Pubblicità per Azioni, SIPRA)

¹⁸⁹ Advertising is a special case. Although the sub-sector is covered by a special CCNL, the activity of advertising agencies is also supposed to be regulated by industry-wide agreements in trade and services.

7. Journalists (Radio and television: local private companies)	2000-2004	AER, ANTI, Corallo S.c.r.l.	FNSI
8. Journalists (RAI) ¹⁹⁰	1991-1994	Intersind ¹⁹¹	FNSI, USIGRAI
9. Operatic and orchestral foundations	1998-2001	ANFOLS	SLC, FISTEL, UILSIC, FIALS
10. Magazines and newspapers (Directors and executives)	2000-2003	FIEG	Federmanager
11. Magazines and newspapers (Employees)	1999-2002	FIEG, ASIG	SLC, FISTEL, UILSIC
12. Paper industries, publishing and graphics (CISAL)	2001-2005	CNAI (MCM, UNAPI)	FAILGC
13. Paper industries, publishing and graphics (SMEs)	2001-2004*	Confapi (UNIGEC, Unimatica), USPI	SLC, FISTEL, UILSIC
14. Private bodies and institutions (Federculture) ¹⁹²	1999-2003	Federculture	FP, FIST, UIL-EE.LL.
15. Publishing and graphics (Craft companies) ¹⁹³	1997-2001	Confartigianato (ANG, ANFOV, ANICEL), CNA (Associazione Grafica, SIAF), CASA, CLAAI	SLC, FISTEL, UILSIC
16. Publishing and graphic industries	2000-2003*	AIE, ANES, Assografici	SLC, FISTEL, UILSIC
17. Radio and television (Private companies)	1999-2001	FRT, RNA, ANICA	SLC, FISTEL, UILSIC
18. Radio and television (CISAL, private companies)	2001-2003	AER, ANTI, Corallo S.c.r.l.	FENASALC
19. RAI ¹⁹⁴	2000-2003*	RAI-Radiotelevisione Italiana S.p.A., RAI Sat S.p.A., RAI Way S.p.A. ¹⁹⁵	SLC, FISTEL, UILSIC
CAs	Term of validity	Signatory employers' organisations	Signatory trade unions
20. RAI (Artists) ¹⁹⁶	1995-1998*	Intersind	SLC, FISTEL, UILSIC
21. Recording industry (Video-recording producers)	2001-2005	Assolombarda, AFI, FIMI, Univideo	SLC, FISTEL, UILCOM (ex UILSIC)
22. SIAE (Employees) ¹⁹⁷	1993	SIAE	SLC, UILDEP-SIAE, SAD-SIAE, Sindacato Periferia SIAE, SID-SIAE, SNAD-SIAE, MONDO-SIAE, UGL-SIAE
23. SIAE (Executives) ¹⁹⁸	1998-2001	SIAE	FISTEL, UILPA, Confasal SIAE, SNAD-SIAE, UGL-Comunicazioni
24. Tertiary and Services (CISAL)	2001-2005	CNAI (UCICT, MCM)	FENASALC

¹⁹⁰ This was an extension of the RAI CCNL. Its term of validity expired in 1994, and it was not renewed. A supplementary agreement was signed in 1998. Although RAI, the national public television and radio supplier, was privatised in the 1990s, there are still different CAs for RAI and for private companies.

¹⁹¹ The Intersind (the organisation representing the publicly-owned enterprises of Italy's IRI Group) exercise ceased in 1998 when the public companies were privatised.

¹⁹² Inter-sectoral agreement.

¹⁹³ A supplementary agreement was signed in 2003.

¹⁹⁴ Italian Radio and Television (Radio Televisione Italiana, RAI).

¹⁹⁵ As this report has already noted, this agreement is a company agreement. It was signed by three stock companies of the RAI Group.

¹⁹⁶ This agreement expired in 1998, and was not any renewed.

¹⁹⁷ Italian Society of Authors and Publishers (Società Italiana Autori ed Editori, SIAE). In fact, the agreement was an internal regulation covering SIAE staff. It was signed in 1993 by SIAE and several workers' organisations, and a supplementary agreement was signed in 1998.

¹⁹⁸ Company agreement.

25. Theatres (Artists)	1997-2000	AGIS (ANTAD, ANTS, UNAT), ANITA	SLC-SAI, FISTEL, UILSIC
26. Theatres (Non-artistic personnel)	1999-2003	ANET	SLC, FISTEL, UILSIC
27. Theatres (Public established theatres and ETI ¹⁹⁹ theatres)	1999-2003	AGIS (ANTAD, ETI)	SLC, FISTEL, UILSIC
28. Trade and services	1999-2002	Confesercenti	FILCAMS, FISASCAT, UILTUCS
29. Trade and services (CISAL, companies with >50 employees)	2001-2004	CNAI (UNCI, UCICT, MCM)	FENASALC
30. Trade and services (Federterziario)	1997-1999	Federterziario	FENASALC

* Renewals

CAs in the recreational activities sector by term of validity and signatory organisations

CAs	Term of validity	Signatory employers' organisations	Signatory trade unions
1. CONI ²⁰⁰	1998-2001	ARAN	FP, FPS, UILPA, SNALC, RDB-ANDICO, Confasal FNP, UGL, CIDA-ASDICO
2. Horse-racing (Betting agencies)	2000-2002*	SNAI	FILCAMS, FISASCAT, UILTUCS
3. Horse-racing (Gallop stables)	2000-2001*	UNAG	SLC, FISASCAT, UILSIC
4. Horse-racing (Trot stables)	1998-2001	ANAGT	SLC, FISASCAT, UILSIC
5. Horse-racing societies	2002-2003*	Federippodromi, UNIRE, Trenno S.p.A.	SLC, FISASCAT, UILCOM (ex UILSIC)
6. Private bodies and institutions (Federculture) ²⁰¹	1999-2003	Federculture	FP, FIST, UIL-EE.LL.
7. Sports arenas and stadiums (Employees)	2000-2003*	FIIS	SLC, FISASCAT, UILSIC

* Renewal

As this report has pointed out, CB in the sector is characterised by extreme fragmentation²⁰². The signatory organisations are established in the communications sector. In particular, on the employees' side, the three national associations belonging to the most representative trade union confederations, the CGIL-SLC, CISL-FISTEL and UIL-UILCOM (formerly UILSIC), are easily recognisable as the dominant players in the sector as they have signed most the afore-mentioned CAs. Recreational activities, too, are marked by fragmentation. It is important to make clear that the CONI CCNL is a public-sector CA, and on the employers' side, it was signed by the Agency for Representation by the Public Administration in Negotiations (ARAN, which was set up in 1993). The CCNL for employees of sports arenas and stadiums was signed by the Federation of Sport Employers (FIIS), which is part of Confindustria, the main Italian employers' confederation of trade and services. To conclude, the inter-sector agreement for private bodies and institutions was signed by organisations representing the public and semi-public sectors; they included CGIL-FP, CISL-FIST and UIL-EE.LL for the trade unions, and Federculture for the employers, although the latter body cannot be properly regarded properly as a public actor²⁰³.

¹⁹⁹ Italian Theatrical Body (Ente Teatrale Italiano, ETI).

²⁰⁰ The Italian National Olympic Committee (Comitato Olimpico Nazionale Italiano, CONI).

²⁰¹ Intersectoral agreement.

²⁰² The CA for private bodies and institutions is actually "inter-sectoral".

²⁰³ On the employers' side, only ARAN can be considered to be a public actor.

Evolution and trends

The history of industrial relations in the C&M sector, and particularly in the audio-visual sector in Italy, is quite short as radio and television broadcasting were a state monopoly until the 1980s, and anyway there was no CB in the public and semi-public sector. Negotiations in RAI started during the 1980s, and the employer was represented by Intersind, the Association of State-Owned and Controlled Enterprises. As a result of the wide-ranging process of reform of the public sector which started in 1993 and culminated with the privatisation of semi-public companies in 1998, RAI took the legal form of stock-company ("S.p.A."), and the RAI CCNL accordingly took the form of a company agreement. Intersind ceased activities in the same year. CB in the private sector got under way in the 1990s when private broadcasters began to grow in number and importance.

There is no evidence at present of any clear tendency towards a reduction of the number of CAs, although there has been a significant decrease in the number of industry-wide agreements, with the audio-visual industries' CCNL incorporating three different CAs. There are also some CAs whose term of validity formally expired a long time ago, and which have not been renewed. In fact, older agreements are not supposed to remain in force indefinitely, and should therefore be considered invalid anyway. At all events, the main feature of the structure of CAs in the C&M sector is still fragmentation.

3. ACTORS IN THE SECTOR AT NATIONAL LEVEL

The dominant actors

Employers' organisations

The situation of employers' organisations in the C&M sector reflects the fragmentation of the structure of CB: there are organisations representing industry and the trade and the craft sector, as well as public and semi-public institutions, and there are even a number of independent associations in different sectors.

The most important organisations in the C&M sector are unquestionably those affiliated to **Confindustria** and **AGIS**, the only Italian employers' organisation affiliated to the Performing Arts Employers Associations League Europe (PEARLE*).

- The main sector associations of the General Confederation of Italian Industry are: **ANICA**, the National Association of Audiovisual and Cinematographic Industries, whose associated unions (UNICS, UNIDIM, UNITEC and UNPF) are signatories to two CCNLs for the cinema and one for private radio and television broadcasters; **Assolombarda**, the Association of Milan-based Businesses; **FIMI**, the Italian Federation of the Phonographic Industry; **Univideo**, the Italian Union of Audiovisual Publishers, which signed the CCNL for video-recording producers; **ASIG**, the Association of Italian Newspaper Printers, which, together with FIEG, is a signatory to the CCNL for magazine and newspaper employees; **ANES**, the National Association of Specialist Periodical Publishing, and **Assografici**, the Italian Printing and Paper Converting Industries Association, which, together with the AIE, signed the CCNL for publishing and graphic industries.

- As main sector associations of AGIS are: **ANEC**, the National Association of Italian Cinema Owners, which is a signatory to the CCNL for cinemas and movie theatres; **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, which, together with ANITA, signed the CCNL for theatrical artists; **ANET**, the National Association of Italian Theatrical Businesses, which signed the CCNL for non-artistic personnel of theatres; and **ETI**, the Italian Theatrical Body, which, together with the ANTAD, is a signatory to the CCNL for public established theatres.

Confcommercio, the most important Italian confederation of the trade sector, plays a marginal role, as it does not have any national associations representing the C&M sector. The CCNL for fixed-term artists of entertainment public businesses, was signed by **FIP**, the Italian Federation of Bars and Catering. In recreational activities, there is **FIS**, the Federation of Sport Employers, which is signatory to the CCNL for employees of sports arenas and stadiums.

As for craft associations, **CNA** and **Confartigianato**, together with the smaller **CASA** and **CLAAI**, are involved in CB for publishing and graphics, while their sector associations (i.e. **Associazione Grafica** and **SIAF** for CNA, and **ANFOV**, **ANG** and **ANICEL** for Confartigianato) are signatories to a CCNL for craft companies. Lastly, **UNIGEC** and **Unimatica**, two national associations of **Confapi**, the Italian Confederation of Small and Medium-sized Industry, have, together with USPI, signed the main CCNL for paper industries, publishing and graphics, and **Federterziario**, which is affiliated to CLAAI, has signed a CCNL for trade and services.

Employers' organisations also include a number of publishers' associations. They include: **FIEG**, the Federation of Newspaper Publishers, which is a signatory to three separate industry-wide agreements for magazines and newspaper journalists, employees, directors and executives; **AIE**, the Italian Publishers' Association, which, together with ANES and Assografici, signed the

CCNL for publishing and graphic industries; and **USPI**, the Union of Italian Periodicals, which, together with the two sector associations of Confapi, is a signatory to the main CCNL for paper industries, publishing and graphics.

ARAN, the Agency for Representation by the Public Administration in Negotiations, has a marginal role in a sector that has now gone almost entirely “private”, but as CONI is the most important public institution in the sports sector, it is a signatory organisation to its CCNL

Other important organisations involved in CB in recreational activities are **SNAI**, the National Association of Betting Shop Owners, and **UNIRE**, the National Union for Increasing Horse Breeds, which operates in the horse-racing sub-sector.

Federculture, the Italian Federation of Public Services for Culture, Tourism, Sport and Leisure has signed an inter-sector agreement for private bodies and institutions that undertake “cultural” activities.

To conclude, there are also some smaller sector associations that are mainly involved in CB in the entertainment sub-sector.

Trade unions

As this report has pointed out, **SLC**, **FISTEL** and **UILSIC** (now **UILCOM**), the three national associations of the three most representative union confederations in the communications sector (CGIL, CISL and UIL), have signed 17 industry-wide agreements in the C&M sector, and are easily recognisable as the dominant players in the sector²⁰⁴. SLC and UILCOM, together with FISASCAT, the CISL federation of trade, services and tourism, have also signed four CCNLs for recreational activities (horse-racing and sports arenas and stadiums).

FISASCAT, **FILCAMS** and **UILTUCS**, the national associations of the CISL and UIL in the trade sector signed the CCNL for trade and services (advertising) and the SNAI CCNL for betting agencies.

The public-sector national associations of the most representative union confederations (CGIL-FP, CISL-FPS, CISL-FIST, UIL-EE.LL. and UILPA) are also involved in CB in the C&M and recreational activities sectors. More specifically, **FP**, **FIST** and **UIL-EE.LL.** signed the CCNL for private bodies and institutions, while **FPS**, **UILPA**, **FP**, **UGL** and other minor organisations are signatories to the CONI CCNL.

In the journalism sector, the main trade union actor is the **FNSI**, the Italian National Press Federation. Its counterpart is the FIEG.

To conclude, a number of autonomous organisations and grassroots unions are involved in CB for SIAE and CONI.

Non-recognised actors

Some actors not recognised by the dominant players, but playing a role, albeit a marginal one, in industrial relations in the sector, can also be identified; for example, the minor confederations CNAI and CISAL are signatories to a few less important agreements that cover a few employees in the C&M sector.

On the employers’ side, **CNAI** is a group of eight Christian associations representing small firms and craft co-operatives. This autonomous organisation has a conflictual relationship with the most representative union confederations and the main employers’ peak associations, and demands effective participation in national social dialogue. Its member bodies include: **MCM** and **UNAPI**, signatories to a separate CCNL for paper industries, publishing and graphics; **UCICT**, a signatory, together with MCM, to the CCNL for tertiary and services; and **UNCI**, a signatory, together with MCM and UCICT, to a separate CCNL for trade and services.

CISAL, CNAI’s usual counterpart, is a minor independent confederation founded in 1957. its member bodies include: **FAILGC**, a signatory to the CCNL for paper industries, publishing and graphics referred to above; **FENASALC**, a signatory to the separate radio and television CCNL for private companies, and to three separate industry-wide agreements in tertiary, trade and services; **FIALS**, a signatory, together with the sector associations of the three most representative union confederations, to the CCNL for operatic and orchestral foundations; **SAD-SIAE**, the Autonomous Union of Employees of the SIAE; and **SNALC**, a signatory to the CONI CCNL.

In conclusion, it is important to note that the representativeness of these organisations is questioned by many experts, and in some cases is even considered to be non-existent.

Employers’ organisations, by sectors and sub-sectors covered, and national direct affiliation

Sectors and sub-sectors	Confindustria	Confcommercio	Craft associations	Others
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²⁰⁴ The CCNL for theatre artists was signed specifically by SAI, the Italian Actors’ Union of the SLC.

C&M				
92.1	ANICA ²⁰⁵ , Assolombarda			ANEC-AGIS, APC, API, APT, Federculture
92.2	ANICA, FIMI, Univideo			AER, AFI, ANTI, FRT, Intersind ²⁰⁶ , RNA
92.3		FIPE		AGIS ²⁰⁷ , ANITA
92.4	ASIG			AER, ANTI, FIEG, Intersind
92.5				Federculture
22	ANES, Assografici		CASA, CLAAI, Confapi ²⁰⁸ , Confartigianato ²⁰⁹ , CNA ²¹⁰	AIE, CNAI ²¹¹ , USPI
74.4			CLAAI-Federterziario	Confesercenti, CNAI ²¹² , SIPRA
RECREATIONAL ACTIVITIES				
92.6		FIIS		ANAGT, ARAN, Federculture, Federippodromi, UNAG, UNIRE
92.7				Federculture, SNAI

Trade unions, by sectors and sub-sectors covered, and national direct affiliation

Sectors and sub-sectors	CGIL	CISL	UIL	UGL	CISAL	Others
C&M						
92.1	FP, SLC	FIST, FISTEL	UIL-EE.LL., UILSIC			
92.2	SLC	FISTEL	UILSIC		FENASALC	FNSI, USIGRAI
92.3	SLC ²¹³	FISTEL	UILSIC		FIALS	
92.4	SLC	FISTEL	UILSIC			FNSI, USIGRAI, Federmanager
92.5	FP	FIST	UIL-EE.LL.			
22	SLC	FISTEL	UILSIC		FAILGC	
74.4	FILCAMS, SLC	FISASCAT, FISTEL	UILSIC, UILTUCS		FENASALC	

²⁰⁵ Includes UNICS, UNIDIM, UNITEC, UNPF.

²⁰⁶ See Table "CAs in the C&M sector, by term of validity and signatory organisations".

²⁰⁷ Includes ANEC, ANET, ANFOLS, ANTAD, ANTS, ETI, UNAT.

²⁰⁸ Includes UNIGEC, Unimatica.

²⁰⁹ Includes ANFOV, ANG, ANICEL.

²¹⁰ Includes Associazione Grafica, SIAF.

²¹¹ Includes MCM and UNAPI.

²¹² Includes MCM, UCICT, UNCI.

²¹³ Includes SLC-SAI.

Other (SIAE)	SLC	FISTEL	UILDEP-SIAE, UILPA	UGL-SIAE, UGL Comunicazioni	SAD-SIAE	Confisal-SIAE, MONDO-SIAE, SID-SIAE, Sindacato Periferia SIAE, SNAD-SIAE
RECREATIONAL ACTIVITIES						
92.6	FP, SLC	FISASCAT, FIST, FPS	UILCOM ²¹⁴ , UILPA, UIL-EE.LL., UILSIC	UGL	SNALC	CIDA-ASDICO, Confisal FNP, RDB-ANDICO
92.7	FILCAMS, FP	FISASCAT, FIST	UILTUCS, UIL-EE.LL.			

Final note

Given the heterogeneity of the C&M sector and the huge number of the interest organizations playing a role in the professional relations in the sector, and considering that many associations have membership that includes employees/companies in different sectors, a further description of national associations involved in sector CB could be attempted in future national sector studies. However, given the sector's diversity, and above all, the huge number of associations involved in industrial relations in the sector, the actors' general positions on future developments in social dialogue in the sector should be addressed in a subsequent study.

²¹⁴ Formerly UILSIC.

ANNEX: LIST OF ABBREVIATIONS AND ACRONYMS

National organisations: Employers

AER – Associazione Editori Radiotelevisivi (Italian Radio and Television Association)
AFI – Associazione dei Fonografici Italiani (Italian Record Producers' Association)
AGIS – Associazione Generale Italiana dello Spettacolo (Italian Federation of Associations in the Performing Arts)
AIE – Associazione Italiana Editori (Italian Publishers' Association)
ANAGT – Associazione Nazionale Allenatori Guidatori Trotto (National Association of Trot Guides Trainers)
ANEC – Associazione Nazionale Esercenti Cinema (National Association of Italian Cinema Owners)
ANES – Associazione Nazionale Editoria Periodica Specializzata (National Association of Specialised Periodical Publishing)
ANET – Associazione Nazionale Esercizi Teatrali (National Association of Italian Theatrical Businesses)
ANFOLS – Associazione Nazionale Fondazioni Liriche e Sinfoniche (National Association of Italian Opera and Orchestral Foundations)
ANFOV – Associazione per la Convergenza nei Servizi di Comunicazione (National Association for the Convergence in Communication Services)
ANG – Associazione Nazionale Grafici di Confartigianato (National Association of Graphics of Confartigianato)
ANICA – Associazione Nazionale Industrie Cinematografiche, Audiovisive e Multimediali (National Association of Audiovisual and Cinematographic Industries)
ANICEL – Associazione Nazionale Imprenditori Copisterie, Eliografie e Legatorie (National Association of Photocopy, Blueprint and Bindery Shops)
ANITA – Associazione Nazionale Imprese Teatrali Autogestite (National Association of Italian Autonomous Theatrical Businesses)
ANTAD – Associazione Nazionale Teatri D'Arte Drammatica (National Association of Italian Dramatic Art Theatres)
ANTI – Associazione Nazionale Teleradio Indipendenti (National Association of Italian Independent Radio and Television Broadcasters)
ANTS – Associazione Nazionale Teatri Stabili d'Interesse Pubblico (National Association of Italian Public Established Theatres)
APC – Associazione Produttori Cinematografici (Association of Italian Cinema Producers)
API – Associazione Produttori Indipendenti (Association of Italian Independent Producers)
APT – Associazione Produttori Televisivi (Association of Italian Television Producers)
ARAN – Agenzia per la Rappresentanza Negoziante delle Pubbliche Amministrazioni (Agency for Representation by the Public Administration in Negotiations)
ASIG – Associazione Stampatori Italiana Giornali (Association of Italian Newspaper Printers)
ASSOCIAZIONE GRAFICA – Associazione Nazionale dei Grafici (National Association of Graphics)
ASSOGRAFICI – Associazione Nazionale Italiana Industrie Grafiche, Cartotecniche e Trasformatrici (Italian Printing and Paper Converting Industries Association)
ASSOLOMBARDA – Associazione delle Imprese Industriali e del Terziario dell'Area Milanese (Association of Milan-based Businesses)
CASA – Confederazione Autonoma Sindacati Artigiani (Independent Confederation of Artisans' Organisations)
CLAAI – Confederazione Libere Associazioni Artigiane Italiane (*Confederation of Italian Free Crafts Associations*)
CNA – Confederazione Nazionale dell'Artigianato e della PMI (National Confederation for the Craft Sector and Small and Medium Enterprise)
CNAI – Coordinamento Nazionale Associazioni Imprenditori (*National Union of Entrepreneurs' Associations*)
CONFAPI – Confederazione Italiana della Piccola e Media Industria (*Italian Confederation of Small and Medium-sized Industry*)
CONFARTIGIANATO – Confederazione Generale Italiana dell'Artigianato (*General Italian Confederation of Artisans*)
CONFESERCENTI – Confederazione Italiana Esercenti Attività Commerciali, Turistiche e dei Servizi (Trade, Tourism and Services' Italian Confederation)
CONFCOMMERCIO – Confederazione Generale Italiana del Commercio, del Turismo, dei Servizi e delle PMI (*General Confederation of Trade, Tourism, Services and Small and Medium-Sized Enterprises*)
CONFINDUSTRIA – Confederazione Generale dell'Industria Italiana (*General Confederation of Italian Industry*)

ETI – Ente Teatrale Italiano (Italian Theatrical Body)
 FEDERCULTURE – Federazione Servizi Pubblici per Cultura, Turismo, Sport, Tempo Libero (Italian Federation of Public Services for Culture, Tourism, Sport and Leisure)
 FEDERIPPODROMI – Federazione Ippodromi d'Italia (Federation of Italian Hippodromes)
 FEDERTERZIARIO – Federazione Italiana del Terziario, dei Servizi, del Lavoro Autonomo e della Piccola Impresa (Federation of Operators in the Advanced Tertiary and Services)
 FIEG – Federazione Italiana Editori Giornali (Federation of Newspaper Publishers)
 FIIS – Federazione Imprenditori Impianti Sportivi (Federation of Sport Employers)
 FIMI – Federazione dell'Industria Musicale Italiana (Italian Federation of the Phonographic Industry)
 FIPE – Federazione Italiana Pubblici Esercizi (Italian Federation of Bars and Catering)
 FRT – Federazione Radio Televisioni (Federation of Private Broadcasters)
 INTERSIND – Associazione Sindacale delle Imprese a Partecipazione Statale (Association of State-Owned and Controlled Enterprises)
 MCM – Movimento Cooperative e Mutue (Co-operatives' Movement)
 RNA – Radio Nazionali Associate (Association of National Radio Broadcasters)
 SIAF – Associazione Fotografi Professionisti (Professional Photographers' Association)
 SNAI – Sindacato Nazionale delle Agenzie Ippiche (National Association of Betting Shop Owners)
 UCICT – Unione Cristiana Italiana Commercio e Turismo (Italian Christian Union of Trade and Tourism)
 UNAG – Unione Nazionale Allenatori Galoppo (Gallop Trainers' National Union)
 UNAPI – Unione Nazionale delle Associazioni dei Piccoli Imprenditori (National Union of Associations of Small Entrepreneurs)
 UNAT – Unione Nazionale Attività Teatrali (National Union of Italian Theatrical Activities)
 UNCI – Unione Nazionale Cooperative Italiane (Italian Co-operatives' National Union)
 UNIRE – Unione Nazionale per l'Incremento delle Razze Equine (National Union for Increasing Horse Breeds)
 UNICS – Unione Nazionale Industrie Cinetelevisive Specializzate (National Union of Specialised Cinematographic Industries)
 UNIDIM – Unione Nazionale delle Imprese Industriali di Distribuzione Multimediale (National Union of Industrial Multimedia Distribution Companies)
 UNIGEC – Unione Nazionale della Piccola e Media Industria Grafica Editoriale, Cartaria e Cartotecnica (National Union of Graphic, Editorial, Audiovisual and Paper Small and Medium-sized Industries)
 UNIMATICA – Unione Nazionale della Piccola e Media Industria Informatica, Telematica e Affine (National Union of Data Processing Small and Medium-sized Industries)
 UNITEC – Unione Nazionale Industrie Tecniche Cinematografiche e Audiovisive (National Union of Technical Cinematographic and Audiovisual Industries)
 UNIVIDEO – Unione Italiana Editoria Audiovisiva (Italian Union of Audiovisual Publishers)
 UNPF – Unione Nazionale Produttori Film (National Union of Film Producers)
 USPI – Unione Stampa Periodica Italiana (Union of Italian Periodicals)

National organisations: Trade Unions

CGIL – Confederazione Generale Italiana del Lavoro (*General Confederation of Italian Workers*)
 CIDA-ASDICO – Confederazione Italiana Dirigenti d'Azienda - Associazione Sindacale dei Dirigenti CONI (Managers' Italian Confederation - Trade Union Association of Managers of CONI)
 CISAL – Confederazione Italiana Sindacati Autonomi Lavoratori (*Italian Confederation of Autonomous Workers' Unions*)
 CISL – Confederazione Italiana Sindacati Lavoratori (*Italian Confederation of Workers' Union*)
 CONFASAL – Confederazione dei Sindacati Autonomi dei Lavoratori (Autonomous Trade Unions' Federation)
 CONFASAL-FNP – Confederazione dei Sindacati Autonomi dei Lavoratori - Federazione Nazionale Parastato (Autonomous Trade Unions' Federation - National Federation of the Semi-public Sector)
 CONFASAL-SIAE – Confederazione dei Sindacati Autonomi dei Lavoratori – SIAE (Autonomous Trade Unions' Federation - SIAE)

FEDERMANAGER – Federazione Nazionale Dirigenti Aziende Industriali (National Federation of Industrial Executives)

FENASALC – Federazione Nazionale Sindacati Autonomi Lavoratori Commercio (National Federation of Autonomous Trade Unions of Trade Employees)

FAILGC – Federazione Autonoma Italiana Lavoratori Grafici e Cartai (Autonomous Federation of Graphics)

FIALS – Federazione Italiana Autonomi Lavoratori Spettacolo (Autonomous Federation of Entertainment Workers)

FILCAMS – Federazione Italiana Lavoratori Commercio Alberghi Mense Servizi (Italian Federation of Trade, Hotels, Canteen and Services Workers)

FISASCAT – Federazione Italiana Sindacati Addetti Servizi Commerciali Affini e del Turismo Servizi (Italian Federation of Trade, Services and Tourism Workers)

FIST – Federazione Italiana Servizi Territoriali (Italian Federation of Territorial Service Workers)

FISTEL – Federazione dello Spettacolo, dell'Informazione e delle Telecomunicazioni (Federation of Entertainment, Information and Telecommunications Workers)

FNSI – Federazione Nazionale Stampa Italiana (Italian National Press Federation)

FP – Funzione Pubblica (Italian Public Service Workers Union)

FPS – Federazione Lavoratori Pubblici e dei Servizi (Federation of Public and Service Workers)

MONDO-SIAE – Movimento Nazionale Dipendenti Organizzati SIAE (National Movement of Organised Employees of SIAE)

RDB-ANDICO – Rappresentanze di Base – ANDICO (Base Union- ANDICO)

SAD-SIAE – Sindacato Nazionale Autonomo Dipendenti SIAE (Autonomous Union of Employees of SIAE)

SID-SIAE – Sindacato Direttivi SIAE (Union of Executives of SIAE)

SINDACATO PERIFERIA SIAE – Sindacato dei Dipendenti della Periferia SIAE (Union of Employees of SIAE Periphery)

SLC – Sindacato Lavoratori della Comunicazione (Communication Workers' Union)

SLC-SAI – Sindacato Lavoratori della Comunicazione - Sindacato Attori Italiano (Communication Workers' Union - Italian Actors' Union)

SNAD-SIAE – Sindacato Nazionale Autonomo Dirigenti SIAE (Autonomous Union of Executives of SIAE)

SNALC – Sindacato Nazionale Autonomo Lavoratori Case da Gioco (National Autonomous Gaming Workers' Union)

UGL – Unione Generale del Lavoro (General Workers' Union)

UGL-Comunicazioni – Unione Generale del Lavoro – Comunicazioni (General Workers' Union - Communications)

UGL-SIAE – Unione Generale del Lavoro – SIAE (General Workers' Union - SIAE)

UIL – Unione Italiana del Lavoro (Union of Italian Workers)

UILCOM – Unione Italiana Lavoratori della Comunicazione (Italian Communications Workers' Union)

UILDEP-SIAE – Unione Italiana Lavoratori Dipendenti Enti Pubblici – SIAE (Public Workers' Union - SIAE)

UIL-EE.LL. – Unione Italiana Lavoratori degli Enti Locali (Local Authority Workers' Union)

UILPA – Unione Italiana Lavoratori della Pubblica Amministrazione (Public Administration Workers' Union)

UILSIC – Unione Italiana Lavoratori di Stampa, Spettacolo, Informazione e Comunicazione (Press, Information and Communication Workers' Union)

UILTUCS – Unione Italiana del Lavoro - Turismo, Terziario e Servizi (Tourism, Trade and Services Workers' Union)

USIGRAI – Unione Sindacale Giornalisti RAI (Union of RAI Journalists)

LUXEMBOURG

1. ENTERPRISES AND WORKFORCE FIGURES

On 1 January 2003²¹⁵, there were 342 enterprises in the C&M sector in Luxembourg. It should be clearly understood from the outset that we are going to refer to the “field”, rather than to the “sector”, the latter term being rarely used in Luxembourg in relation to the media and to couture. In fact, there is no hard-and-fast definition of the “C&M sector” in Luxembourg at all. As a result of this absence of a definition, activities exclusively associated with couture and the media have been listed in activities that come under NACE codes, and relying on the national expert’s good sense. This, then, is what the definition of the field is based on. It should also be pointed out that the two trade unions consulted include the issue of printing sector activities among their concerns relating to culture and the media. As we do not see this activity as purely “cultural” or “media-related”, but rather as industrial and commercial, we have, in the light of the above distribution of NACE codes, which do not include printing, deliberately withdrawn printing from this report.

Enterprises in this field are listed under 15 NACE codes. These codes are set out below:

92.111 Production of cinema films	30 enterprises (8,8%)
92.112 Production of films for television	9 enterprises (2,7%)
92.113 Production of other films	58 enterprises (17,0%)
92.114 Services linked to film production	29 enterprises (8,5%)
92.120 Film distribution	16 enterprises (4,7%)
92.130 Projection of cinema films	10 enterprises (2,9%)
92.201 Production and distribution of films for television	15 enterprises (4,4%)
92.202 Production of television films	15 enterprises (4,4%)
92.203 Radio news	13 enterprises (3,8%)
92.320 Operation of arts facilities	7 enterprises (2,0%)
92.330 Fairs and amusement parks	20 enterprises (5,8%)
92.340 Other entertainment activities	23 enterprises (6,7%)
92.400 Press agencies	74 enterprises (21,6%)
92.510 Library management	7 enterprises (2,0%)
92.520 Management of the cultural heritage	16 enterprises (4,7%)
TOTAL	342 enterprises

As our table shows, the field of culture and the media in Luxembourg is defined very broadly, and includes the press. These 392 enterprises, which were examined on the same date out of the 23,194 registered in Luxembourg, represent 1.47% of all enterprises in the country in terms of entities. As for the qualifications of the people working in the field, there is, according to the union representatives that we met, a fairly mixed picture of people holding a BAC +4, and of skilled blue-collar workers. We can also say that the national market in this field is rather limited, that it is subsidised, and that new French-language newspapers are experiencing financial difficulties. Luxembourg’s financial slowdown has clearly impacted on media receipts. It is also worth noting that the large group RTL²¹⁶ has been placed under a Konzessionsvertrag, meaning that the state will grant it its Hertz frequencies.

Unfortunately, this is the only available information in Luxembourg in the field. There are currently no figures on the number and gender of the workforce, or of the size of the enterprises.

²¹⁵ Systematic listing of enterprises in Luxembourg, STATEC, Luxembourg, January 2004.

²¹⁶ RTL is an independent group in which the state has no financial interest.

National data produced by the STATEC²¹⁷ in its "Luxembourg Statistical Yearbook" include no precise figures, and STATEC's "Systematic list of enterprises" only gives the number of enterprises and their addresses by NACE code. The problem of collating statistics in this field is all the greater as there is no employers' organisation. Similarly, there are no statistics on the informal economy in the sector, or on developments in the field in terms of employment, privatisation and organisations.

2. COLLECTIVE BARGAINING

2.1. Background

Contrary to normal practice in Luxembourg, there is no CB in the field of culture and the media between employers' organisations and trade unions for the simple reason that there is no employers' organisation. Bargaining takes place at enterprise level, sometimes with just one of the unions referred to above, and sometimes with both. It follows that there is no bargaining, and there are no sector or inter-professional agreements. As agreements are concluded at enterprise level, negotiations are carried on a case-by-case basis, depending on the types of worker involved in each individual enterprise. The trade unions concerned are:

- the "Printing, Media and Artistic Activities" trade union (OGB-L²¹⁸) and
- the LCGB²¹⁹.

2.2. Progress in negotiations

Little has happened in the way of negotiations in the field of culture and the media. All that can be reported is that the status of occasional workers in the entertainment sector was regulated in Luxembourg as long ago as 2000 through the Grand-Ducal Decree of 21 February 2000 establishing procedures for issuing and holding occasional workers' work permits in the entertainment sector as laid down by the Law of 30 July 1999 concerning the status of free-lance professional artists and occasional workers in the entertainment sector, and the promotion of artistic creation²²⁰. Provisions in this legislation regarding artists and occasional workers in the entertainment sector impact particularly on the law's scope²²¹, and identification of matters such as certain statuses that artists may hold²²², and some of their rights.

There is also evidence of recurrent restructuring problems in the written press, although they do not have a direct impact on CB.

Lastly, it is proving somewhat difficult to negotiate a reduction in working hours in this field. The main negotiating items are job evaluation, complementary pensions and profit-sharing.

²¹⁷ Service national de la statistique et des études économiques (National Luxembourg Central Service for Statistics and Economic Studies).

²¹⁸ Confederation of Independent Trade Unions.

²¹⁹ Luxembourg Confederation of Christian Trade Unions.

²²⁰ Grand-Ducal Regulation of 21 February 2000 establishing procedures for issuing and holding work permits for occasional workers in the entertainment sector as laid down by the Law of 30 July 1999 concerning a) the status of free-lance professional artists and occasional workers in the entertainment sector and b) the promotion of artistic creation, List A, No 22, 16 March 2000.

²²¹ The law applies to authors and interpreters in the fields of graphic and plastic arts, stage scenery (particularly the theatre and dance), literature, music, and creators and/or performers of works of art that make especial use of photographic, cinematographic, sound and audiovisual techniques, and any other cutting-edge technology, whether digital or otherwise, and used at the present time or in the future.

²²² Free-lance professional artists in Luxembourg are deemed to be people who have worked without any "master/servant" relationship for at least three years, who themselves determine the conditions in which they provide these artistic services, and who take that economic and social risk to the exclusion, therefore, of all other professional activities. Occasional workers in the entertainment sector are deemed to be people who work for an entertainment industry enterprise on a production (particularly a cinematographic, theatrical or musical production), or who offer their services in return for a fee, and on the basis of an artistic services contract.

2.3. CAs

The following CAs are in force:

- the CAs for CLT-UFA employees, which came into force on 1 January 2000 and expired on 31 December 2002, but was subsequently revived. The agreement was signed by the trade unions referred to above;
- the CA for employees of the Henri Pensis Foundation (the Luxembourg Philharmonic Orchestra), which was signed on 19 December 2002, and applied from 1 January 2002 to 31 December 2004. It was only signed by the OGB-L;
- the CA for staff at Utopia SA, which was signed on 31 May 2002 by the OGB-L alone; it will run from 1 June 2002 to 31 May 2004. Although there is no sector agreement in the field of culture and the media, the declaration of a generally binding nature of 5 December 2002²²³ in the Utopia SA agreement ensures that the agreement is applied to all similar enterprises that carry out the same activities in Luxembourg during the time that the agreement is in force;
- the schedule of the CA for employees of Editpress Luxembourg SA, which was signed on 24 May 2004. This schedule extends the period of validity of a previous CA covering the press. It will run from 1 February 2004 to 31 January 2006, and was only signed by the OGB-L.

The main issues in these agreements are recruitment and conditions of hiring, the organisation of services, pay and benefits, leave, training, professional duties, professional incompetence, penalties, additional payments and bonuses, and the salary grid.

2.4. Scope

It is important to note that all of the above CAs apply to white- and blue-collar employees in the companies referred to, but not to managers.

3. ORGANISATIONS

We will now examine the two trade unions involved in the conclusion of CAs in the field.

3.1. Luxembourg Confederation of Christian Trade Unions (Confédération luxembourgeoise des syndicats chrétiens, LCGB)²²⁴

The Luxembourg Confederation of Christian Trade Unions is an umbrella organisation for the trade unions particularly in the following key fields:²²⁵ health, healthcare and social welfare; the steel industry; construction and skilled craft work; chemicals, ceramics, glass and other industries; commerce and transport; banking and insurance; commerce and other sectors; and the economy.

The LCGB as such has responsibility for CB in this field. None of the confederation's individual trade union is involved. It is extremely difficult to determine the number of unionised workers; indeed, many are free-lance and are not union members. The same is true of journalists who are self-evidently less likely to join for obvious reasons of objectivity. At national level, and not only counting its own members to one side, the LCGB estimates that about 15% of white-collar workers, over 30% of blue-collar workers and over 15% of skilled staff are unionised; the rest are not. The LCGB participates extensively in CB, but its representativeness is not called into question on account of its national representative status, which is recognised by the Law of 30 June 2004 on CAs²²⁶. It also takes part in consultation exercises with the public authorities.

²²³ Grand-Ducal Regulation of 5 December 2002 containing a declaration of a generally binding nature relating to the CA concluded between the OGB-L and LCGB trade unions and Utopia SA. List A, No 5, 17 January 2003.

²²⁴ Luxembourg Confederation of Christian Trade Unions.

²²⁵ Luxembourg telephone directory for 2005, editus.

²²⁶ The law of 30 June 2004 concerning collective employment relations, the regulation of collective labour disputes and the National Conciliation Office, and amending 1. the amended law of 7 June 1937 aimed at reforming the law of 31 October 1919 containing statutory regulation of the hiring of services by private-sector workers; 2. the amended law of 9 December 1970 dealing with the reduction and regulation of the working hours for blue-collar workers employed in the public and private sectors of the economy; 3. the law of 16 April 1979 establishing the general

The LCGB has no other affiliations at national level. At European level, it is affiliated directly to the ETUC, and at international level, directly to the World Confederation of Labour.

3.2. The Printing, media and Artistic Activities (Imprimerie, medias et activités artistiques) trade union (OGB-L)

The OGB-L has its roots in a range of associations of mining and engineering workers during the last century and in grassroots organisation of the trade union movement in the century before that. The Luxembourg Blue-collar Workers' Union (Letzburger Arbechterverband, LAV) was founded in 1944. With almost 57,000 members, the OGB-L is the most important trade union in Luxembourg. It operates in the same sectors as the LCGB²²⁷.

The organisation within the OGB-L dealing with the field that concerns us is the Printing, Media and Artistic Activities trade union. It has about 600 members. Membership figures are impossible to determine on the basis of the number of employees: it is important to recall that numbers of employees in the field are not currently being counted. The membership is made up of 20% blue-collar workers and 80% white-collar. A large number of self-employed and free-lance staff²²⁸ are employed in the field, and this makes it even harder to make any calculations or evaluation.

The OGB-L's Printing, Media and Artistic Activities trade union is deeply involved in CB without its representativeness being called into question in respect of its national representative status which is recognised by the law of 30 June 2004 on CAs. It also participates in consultation exercises with the public authorities.

The Printing, Media and Artistic Activities trade union is a structural element of the OGB -L. It is affiliated at national level to the CGT-L²²⁹ through its membership of the OGB-L. At European level, the union is affiliated, through its membership of the CGT-L, to Uni-Europa and to the ETUC. At national level, the OGB-L is affiliated to the FIA²³⁰.

These trade unions take part in negotiations with the public authorities. For example, they participated in discussions that took place prior to the previously mentioned Grand-Ducal Regulation on the status of occasional workers in the entertainment sector. They also take part in consultation exercises, and indirectly, through their representatives in Chambers of Trades that issue opinions on draft legislation, they are organically involved in the development of law.

Unfortunately, we can supply accurate figures for total trade union membership at national level because of this lack of data on the subject.

There are no actors than the afore-mentioned trade unions and the enterprises specifically enabled to sign CAs in the field. It follows that disputes are always one-off, and are linked to negotiations relating to specific enterprises. Future positions on growth in social dialogue in culture and the media will therefore linked to the uniqueness of the negotiating enterprises.

status of civil servants; 4. the amended law of 24 December 1985 establishing the general status of local authority civil servants; 5. the amended law of 23 July 1993 containing various measures in favour of employment. Mémorial A, No 119. 15 July 2004.

²²⁷ See www.obg-l.lu September 2004.

²²⁸ It is important to note that self-employed workers tend to be taking part in performances, while free-lance staff are more likely to be performing a range of different duties for several enterprises at the same time.

²²⁹ General Confederation of Labour-Luxembourg.

²³⁰ International Federation of Actors.

NETHERLANDS

This report aims to evaluate interest representation of social partners organizations in the Dutch culture and media sectors. To that aim interest organisations have been approached with a questionnaire, in addition available written sources have been consulted.

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

According to the Dutch Ministry of Education, Culture and Science (Onderwijs, Cultuur en Wetenschap, OCW), the culture sector encompasses the creative and performing arts, amateur arts, arts education, cultural premises, museums, the care of monuments, the media, literature and libraries (OCW, 2003). According to this definition, the culture sector includes the media, but in this report, culture is understood as meaning the arts and, because interest representation in the arts sector are different from those in the media, particularly with regard to public and private activities, in this report a distinction will be made in each section between culture on the one hand and the media on the other. The words "culture" and "arts" are used interchangeably to denote the culture sector.

1.A Culture

1.A.1. Delimitation and scope of activities

The Dutch Ministry of Education, Culture and Science draws a distinction within the arts between museums, performing arts, film, the visual arts, (industrial) design, architecture, amateur arts, and culture education. Design encompasses industrial design, fashion design, interior design, graphic design, applied art, and design for the digital media. The performing arts are subdivided into music, dance and theatre (OCW, 2003). The Dutch Social and Cultural Planning Agency (Sociaal Cultureel Planbureau, SCP) considers that public libraries, subsidised performing arts, museums, arts education and public broadcasting are part of the culture sector (SCP, 2002:108).

Taken together, we list the following activities as part of the culture, or arts, sector: film, performing arts, expressive (plastic) arts, design (not graphic and the media), architecture, (movie) theatres, concert halls, museums/galleries, cultural events, libraries, literature, and amateur arts/culture education. Using this list of activities and the "Standaard Bedrijfsindeling", SBI 1993 (the Dutch equivalent of the NACE classification system) of the Central Bureau of Statistics (CBS) as a basis, the following activities can be classified as part of the culture sector: the numbers are (the first digits of) SBI codes 7420 & 7487.5: Architecture and designers (excluding graphic design); 9133: Amateur arts; 921 & 923: Visual arts, performing arts, film, literature and theatres; 925: Libraries, museums/galleries and archives.²³¹

1.A.2. Organisations, associations, institutions and enterprises

There is a large number of medium-sized and small employers in the culture/arts sector. There are only few companies that employ more than 100 persons. There is an elevated number of employers' associations in the sector. The largest employer's associations are united under the Federation of Employers' Associations in Culture (Federatie van Werkgeversverenigingen in de Cultuur, FC) umbrella platform (see below). Employees in the culture sector are represented by (divisions of) the largest trade union federation in the Netherlands, the FNV: the arts division of the Christian trade union federation, the CNV; the Dutch Union for Musicians (Nederlandse Toonkunstenaarsbond, NTB); and the KNTV (*Koninklijke Nederlandse Toonkunstenaarsbond*, Royal Dutch union for Musicians). Trade union membership in the culture sector lies somewhere around 20 percent (see below).

1.A.3. Employment

Approximately 50,000 people are employed in the culture sector²³², and 40,000 in the "G&G" arts sector²³³ (i.e. the "contributed and subsidised" semi-public sector (gepremieerde- en gesubsidieerde sector)), and 10.000 in the private sector.

²³¹ We do not include the interest representation of architects and designers in our report.

²³² Source: CNV KB.

Employment in Culture

Sub-section	# Employees (2002) ²³⁴	# organisations (2002)
Architects and technical design bureaux	84,900	14,990
Design	ND	2,230
Amateur arts	45,600	4,540
Film/video	7,000	1,017
Arts	31,300	4,785
Museums, libraries etc.	19,900	1,355
total	188,700	28,917

Source: CBS, statline (accessed 01-07-'04; 29-07-'04)

Mostly people in executive and technical jobs have a “regular” labour contract, but part-time work is very common in the culture sector (SCP, 2002:132)²³⁵. The majority of employees in the culture/media sector, and mainly in the culture sector, are employed by public organisations.²³⁶ 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 funds²³⁷. Some employees in the performing arts (percentage not available) have the status of public servant: in practice, there are more public servants in the performing arts than in other culture sectors.²³⁸

The Dutch Ministry of Education, Culture and Science is responsible for culture policy, but most cultural/ media products are developed “on the market” without government intervention (SCP, 2002:570). The culture sector is marked by an intricate pattern of subsidies both for people and for institutions, though the relative share of the sector’s income based on government subsidies cannot be estimated given that overall turn-over of the cultural sector is unknown. The overwhelming majority of these subsidies (more than 58% in 2002) goes to performing arts²³⁹ (Min OCW, 2003: 71). Local and regional government plays a large role in the culture sector, and the government refrains from making decisions on content of, to a larger extent cultural, and, to a lesser

²³³ Source: FNV KIEM.

²³⁴ Please note that these employment figures have been derived from our questionnaire, and do not match with figures from CBS in the table below, which refer to “jobs of employees” (*Banen van werknemers*). The sectoral distribution of labour market activity is difficult to estimate given the fact that both employees and self-employed persons are working in the sector. Overall about 30% of the active labour force are self-employed persons, but this percentages varies per sub-sector (Langenberg, 1999: 37-38). In addition, there is a substantial unemployed population in each subsector.

²³⁵ Figures for numbers and percentages of employees in part-time work are unavailable. In a written message to the authors, VNT argues that 60% of performing artists work on short-term contracts (3 to 4 months), and indeed most theatre companies have a high percentage of temporary contracts. In other sectors however, such as in the subsidised dance companies and orchestras, this percentage is much lower, so here more long-term contracts are found.

²³⁶ It is believed that many employees in the cultural sector switch back and forth between subsidised and commercial producers, often with short-term employment contracts. Regrettably, exact figures for numbers and percentages of people employed by private organisations in the culture sector are unavailable.

²³⁷ Bakels, 2000: 11/12

²³⁸ ABVA KABO represents employees in the public sector. It is part of the national trade union confederation FNV.

²³⁹ 371 art institutions were subsidised during the period 2001-2004 (OCW, 2003: 154). Selected institutions always receive subsidies for four years, as entitlements to subsidies are set out in the Culture Bill (Cultuur Nota) that is drawn up by the Ministry every four years.

extent, media policy. Great importance is attached to advice given by the Culture Council (Raad voor Cultuur): the Council²⁴⁰ gives advice on subsidies, and plays a part in cultural policy-making (SCP, 2002:52).

The cultural sector at large is on average growing at higher speed of 1% than the national economy (source: VSCD).²⁴¹ In terms of employment, developments in the culture sector follow general economic movements. The range of the culture sector in terms of numbers of visitors expanded in the 1990s, but a more sector-specific development is the rise of the sector's commercial segment (e.g. musical productions and "soap" series on television). Here, commercial art forms stimulate new jobs, but often provide actors with a poor legal status (source: FNV KIEM).

1.A.4. Evolution of the sector

Since the politics of government cabinets shifted to the centre-right (2002), the Ministry of Education, Culture and Science has made a series of cuts, and carried out major redistributions of subsidies in the culture sector at national and regional level. This is resulted in redundancies as employers were forced to rethink their expenditure (source: CNV KB). The Dutch government has also initiated a range of cutbacks in social security payments (e.g. unemployment and disablement benefit), and allocated an increasing share of responsibility to employers (in the subsidised sectors). Employers' organisations in particular have seen a sharp increase in government regulations and legal arrangements that have led to an increase in costs for employers in the arts sector. The government encourages the culture sector to become more commercially oriented, with resulting demands on organisations in the sector to address output and audience range. Because of changes in the way the Culture Council grants subsidies, there is a degree of uncertainty about the continued existence of government-financed initiatives. A review in recent years of the government's role has led both to decentralisation and to centralisation: as far as cultural heritage is concerned, there has been large-scale decentralisation, while the simplification of administrative affairs for stage and visual arts has been centralised (OCW, 2003:70).

1.B The media

1.B.1. Delimitation and scope of activities in the sector

Using the Standaard Bedrijfsindeling 1993 (the Dutch equivalent of the NACE classification system) of the Central Bureau of Statistics (CBS), the following activities form part of the media sector: 9220: Radio and television (including broadcasting networks), the production of radio and television shows, and supporting activities; 9240: Press and news agencies, and journalists; 7440: Graphic/printing firms; 22: Printers, publishers, and reproduction of recorded media.

1.B.2. Organisations, associations, institutions and enterprises

Until 1 February 2003, membership of a trade union or employers' organisation was compulsory for technical staff in the graphic/printing business²⁴². Trade union membership among journalists and people in the graphic/printing business is somewhere around 75%. For people in publishing and broadcasting, the figures is about 25% (sources: NVJ, CNV).

²⁴⁰ The Culture Council (Raad voor Cultuur) is an independent legal body empowered to give advice on culture policy to the Dutch government and to the First and Second Chambers. It also advises the government once every four years on the granting of subsidies to cultural bodies. The Culture Council consists of 18 members and a Chairperson; all of them come from the culture sector. They are appointed for four years by the Dutch administration on the proposals of an independent committee (www.cultuur.nl, via 'over de raad' and 'samenstelling', accessed 16-06-'04).

²⁴¹ In a remark by the employers' association VSCD, it was mentioned that according to their own calculations, the costs for venues have doubled between 1996 and 2003 in order to comply with the European regulation on working hours and health and safety, which resulted in an additional investment of about 500 Million Euro in theatre buildings (source: VSCD).

²⁴² See also below, section "Media: Evolution/challenging representativeness".

1.B.3. Employment

Employment in the media

Sub-section	# Employees (2002)	# Enterprises (2002)
Printers, publishers, and reproduction of recorded media	79,000 (65%)	6,910 (35.5%)
Graphics/Printing firms	29,300 (24%)	11,925 (61.2%)
Radio and television	11,900 (10%)	410 (2.1%)
Press agencies/journalists	1,300 (1%)	235 (1.2%)
total	121,500	19,480

Source: CBS, statline

According to CBS figures, there was a total of 7,363,000 on “jobs of employees” in 2004: in the media, there were 121,500 people employed (1.6% of the total), and in culture, there were 188,700, or 2.5% (CBS figures). The sector is subdivided into a range of smaller sub-sectors, for which information could not be obtained. Most employees in the media work on commercial contracts, and the employment relationship is market-mediated. Part-time work is very common in both the media and culture, but unfortunately, no figures are available.

1.B.4. Evolution of the sector

General developments in the media sector are more information, less formalisation, and globalisation (OCW, 2003, chapter 7 and 8). During the last ten years, and against the backdrop of rising affluence, continuing integration at European level and technological developments, policy has been characterised by liberalisation. In media policy, the internet is not yet an isolated theme (Min OCW 2003, chapter 4). The production of newspapers rose in the early 1990s, and stabilised in the mid-1990s, but it is now slowly declining. The newest form of media is the internet: around 60% of Dutch households are now connected.

The Media Directorate (Commissariaat voor de Media) was set up in 1988 to ensure compliance with provisions of the Media Act. In practice this entails the Directorate supervising, albeit retrospectively, the programmes of public as well as commercial broadcasting networks (i.e. regulations on advertising and sponsoring, the finances of public broadcasting and broadcasting time, and media concentrations and their impact on the quality and independence of information supply). The so-called “concession law” was passed in 1997 to regulate the media landscape following the influx of commercial broadcasting. This legislation has fostered a more professional and centralised governance structure aimed at stimulating public broadcasting associations to operate as a single unit. The Dutch Broadcasting Foundation (Nederlandse Omroep Stichting, NOS), the main licence-holder, is obliged to ensure that broadcasting organisations comply with the Media Act, and provide high quality programmes that reach various sections of the population. Until 2000, the public broadcasting system was financed by the proceeds of advertisement and a legally fixed broadcasting fee that each household with a radio and/or a television set had to pay. Since January 2000, there has been an indexed government contribution: this is restricted in order to guarantee the independence of public broadcasting.

The regional and local media have grown exponentially in recent years. Each province now has its own regional radio and television network jointly financed by the province and central government. Technological developments in the printing/media industry have strongly impacted on the way firms are managed, and on the work people perform, labour in the media sector has undergone a process of flexibilisation over the last 5-10 years: this is reflected in a part transition from fixed to flexible employment contracts (source: CNV). Due to the changes in services that firms provide, the divisions between activities in the media industry are blurred. Economic fluctuations have also had an impact on the printing/media industry, and in times of recession, companies cut expenditure on advertising, communication and PR (source: KVGQ). Recent enterprise-level developments with regard to downsizing, mergers and takeovers must be seen in the light of these economic variations (source: FNV KIEM). It has not been possible to obtain information on the informal economy.

2. PROFESSIONAL RELATIONS AND COLLECTIVE NEGOTIATION IN THE SECTOR

2.A Culture

2.A.1. Basic features of the social dialogue

There are about ten sectors CAs in the culture sector, 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) (source: VSCD). The ARAR, which is published by the Ministry of Internal Affairs and Kingdom Relations (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties), describes the legal position of public servants: it sets out the rules concerning hiring and firing, salary, holidays and leave-regulations, and employees' participation. This is complementary to various CAs for public servants in various sectors.

CAs Culture

Name	Level	General extension	Employers' associations	Trade unions	# of employees covered	# of firms covered
CAO Kunstzinnige Vorming (arts education) 2003-2004 ²⁴³	Sector	Yes	VKV	KNTV, FNV KIEM ²⁴⁴ , NTB	5,000-10,000	200 subsidised art centres and supporting institutions
CAO Nederlands Theater (Dutch theatre) 2004	Sector	No	VNT	FNV KIEM	2,000-2,500	84
CAO NKK (Dutch Chamber Choir)	Company	No	NKK	FNV KIEM	ND	ND
CAO Nederlandse Podia (Dutch stages) (since 2003)	Sector	No	WNP	ABVAKABO, FNV, FNV KIEM	2,500 –3,000	47
CAO Dans (dance) (1 Aug 2003-31 Dec 2004)	Sector	No	DOD	ND	600-800	19 subsidised dance companies
CAO Amateurkunst (amateur art)	Sector	No	VWA	NTB, KNTV, FNV KIEM	110	8 nationally or regionally subsidised institutions for amateur arts
CAO Muziekcentrum voor de Omroep (Music centre for broadcasting organisations)	Company	No	ND	FNV KIEM	ND	ND
CAO Nederlandse Orkesten (Dutch Orchestras)	Sector	No	CNO	FNV KIEM, NTB	1,200-1,600	10 symphonic orchestras
CA98 indseveral theatres	Company	No	Among which Carre, Muziektheater	FNV Kiem, but also non-unionised theatres	4-5,000	98
CAO Stage artists who take part in television shows	Sector	No	VNT, DOD, Dutch Opera, NKK, CNO	FNV KIEM, NTB	1,630 (cno+)	

Sources: Pentenga, 2003; FNV KIEM; CNO; VSCD 2004; VNT 2004; DOD.

*figures for 2002/2003 (see: Pentenga, 2003: 13)

²⁴³ The CA for the municipal sector is called CAR/UWO, and is negotiated by the ACOP (a coordinating body of public sector unions) and the Association of Dutch Municipalities (Vereniging van Nederlandse Gemeenten).

²⁴⁴ FNV KIEM is the subdivision of FNV for the C&M sector. In the box FNV belongs to ABVAKABO FNV; to delineate that ABVAKABO is also part of the FNV union federation.

There are various bodies through which consultation and negotiation between social partners, and between social partners and the government, takes place. The Federation of Employers' Associations in Culture; (Federatie van Werkgeversverenigingen in de Cultuur, FC) is a central platform on which all large business associations in the cultural sector are united, and through which employers' organisations in the culture sector consult with national and local government.

Several employers' associations (CNO, VNT, VKV, DOD, VWA) discuss with the government through the Employers' Consultation Platform in Culture (Werkgeversberaad Cultuur, WBC). The WBC is not an organisation or a physical entity, but the term used for the consultation process between the government and employers' associations in the culture sector about the government's contribution to wages and wage-related aspects.

Government consultation on general socio-economic issues takes place through the VNO-NCW and MKB national employers' associations (source: VKV). VNO-NCW is the largest national employers' organisation; nearly all employers' associations are affiliated to it. Employers' organisations are often members without explicitly saying so in documents and/or on their website²⁴⁵. However, this does not, as source within VKV confirm, necessarily mean that these employers' organisations in the culture sector are not members. VNT, CNO and WNP are however affiliated with MKB-Nederland, and not with VNO-NCW.

Consultation between workers' organisations and the Dutch government in the arts sector also takes place under the aegis of the Federation of Artists' Associations, FVKV. FVKV is an advocate for associations of independent artists.²⁴⁶ Representatives of this federation participate in various funds, including a pension fund and an education fund.²⁴⁷ 22 occupational and employees' associations are members of the Federation. The FVKV is a member of the European Council of artists (ECA), the EFAH, and the European Forum for the Arts and Heritage. The chairman of the FVKV is a member of the board of the ECA: the ECA is a cooperation-network consisting of around 20 arts organisations in Europe; it is financially supported by the EU. The Federation is further supported by the member organisations, and receives government subsidies for activities in the field of information and policy formation²⁴⁸. The social partners sit on a large number of committees and social funds (i.e. pension fund, education fund). and many of them are set up within the framework of CB (FNV KIEM). In various branches, a (binding) arbitration board has been established. Furthermore, all employers and employees in the Dutch culture sector have to comply with the Labour Conditions Act (Arbo-wetgeving) of 1998.

2.A.2. Evolution/challenging representativeness

Competition, efficiency and a desire for flexibility have increased in recent years in the Dutch culture sector. These developments are reflected in changes in CAs: more attention is now paid to flexibility and differentiation between workers, and the agreements are now equipped with instruments that support personnel management, for example, with regard to the elderly, the combining of work and care, and the prevention of sick leave (source: FNV KIEM). A range of provisions concerning childcare, disability and (early) retirement have been negotiated in recent years, and laid down in CAs. The issue of the general extension of CAs was fiercely debated in the Netherlands during the summer of 2004, due to a political conflict between the national government and the national trade unions (irrespective of developments in the culture sector).²⁴⁹ One should not overlook the fact that CB covers only a partial share of the overall employment in the sector.

2.B Media

The Dutch government accords public authorities and tasks to private institutions; public broadcasting is a good example of this (OCW, 2003:28). Media policy provides the public broadcasting network with support in exchange for compliance with a number of requirements concerning the amount of information, culture and education they offer. Individual broadcasters are obliged to represent parts of Dutch society, and to have enough members (SCP, 2002:50). The central instrument in media policy is the Media Act of 1988 (see above). The C&M sector has an intricate

²⁴⁵ This is why it could not be entered in the table "Employers' organisations culture".

²⁴⁶ Note that also the trade union FNV Kiem organises about 6-7,000 independent artists.

²⁴⁷ This educational funds (*Scholingsfonds voor Kunst en Cultuur*) was not initiated on behalf of self-employed artists, but for employees of state-funded arts institutions. The fund's legal entity was not chartered by the FVKV (but by VNT, CNO, Koepel opera, DOD and VNME). The fund's remit has only recently been broadened to include independent artists, at which point FVKV joined the managerial board of the fund.

²⁴⁸ FVKV website, via 'organisatie' and 'werkwijze', accessed 28-07-'04. FC

²⁴⁹ Accessed 22-06-'04 via: <http://info.omroep.nl/ncrv/radio?nav=sbcvHsHjHAQTDDkxuWfxuWC> . The dispute was overcome with a national central agreement between the government and national social partner organisations, dd. November 5th. 2004.

system of funds and government subsidies (OCW, 2003): at European level, the audiovisual sector is financed by Media Plus and Eurimages, and at national level, there is the "Fund for stimulating Dutch cultural broadcasting products" and the "Fund for Dutch films" (OCW, 2004). Finances and authority are usually allocated to producing or preserving institutions: this is not based on the number of consumers, but on quality as ascertained by a commission of experts (OCW, 2003:66).

2.B.1. Basic features of social dialogue

Like the culture sector, the media sector has around ten sector CAs and a large number of enterprise-level agreements, the largest of which, and the ones that the main trade unions negotiate, are listed below. A major sector CA in the media is the printing/media agreement, known in Dutch as the "Grafimedia CAO". This particular agreement has been in existence since 1997, but the sector has a long history of CAs, the first typographers' agreement dating back to 1914. Because FNV KIEM represents the majority of union members in the sector, negotiations are carried out between one spokesperson for KVGGO and one for FNV KIEM (Brug, 2003).

CA's in the media sector²⁵⁰

Name of CA	Level	General extension	Employers' organisations	Trade unions	Employees covered before extension	Employees covered after extension	Firms covered after extension
Grafimedia CAO, CA for printing and the media (2004-2008)	sector	Yes	KVGGO, NDP/NUV, VKGO, ZSO	CNV Media, De Unie, FNV KIEM	45,559**	55,000* 49687**	3,000
CAO boeken- en tijdschriften uitgeverijbedrijf (CAO BTU), CA for book and magazine publishers (Jan-Dec 2003)	sector	Yes	NUV	CNV Media, FNV KIEM, De Unie	7,500* 9,500**	10,400**	ND
CAO AT5	company	No	AT5	NVJ,	ND	ND	ND
CAO Holland Media Groep (HMG), (April 2001-April 2002)	company	No	RTL/ Holland Media Groep SA	CNV Media, DE Unie, FNV NVJ, FNV KIEM	ND	ND	ND
CAO SBS Productions B.V	company	No	SBS Productions, BV	FNV NVJ	ND	ND	ND
CAO publieke omroepen, CA for public broadcasting personnel (October 2002-January 2004)	sector	No	43 employers	CNV Media, FNV KIEM, De Unie, FNV NVJ	ND	6,500	ND
CAO for journalists with Associated Press in the Netherlands, 2001-2004	company	No	Associated Press (AP), a "New York Corporation"	FNV NVJ	ND	ND	ND
CAO for ANP journalists 2003	company	No	ANP BV	FNV NVJ	ND	ND	ND
CAO voor vaktijdschriftjournalisten (CAO VAK), CA for journalists on professional magazines (Jan 2003-Dec 2004)	sector	For 02, yes	NUV	FNV NVJ	750	ND	ND
CAO voor Publiekstijdschriftjournalisten (CAO PU), CA for journalists on general-interest magazines (Jan 2003-Dec 2004)	sector	For 02, yes	NUV	FNV NVJ	800	ND	ND
CAO voor Opinieweekbladjournalisten (CAO OP), CA for journalists on news magazines (Jan 2003-Dec 2004)	sector	For 02, yes	NUV	FNV NVJ	150	ND	ND
CAO voor Dagbladjournalisten, CA for newspaper journalists (Jan-Dec 2003)	sector	For 01, yes	NUV	FNV NVJ		ND	ND

²⁵⁰ There are no data on the general extension in the enterprise-level for the simple reason that there is no general extension. It has accordingly been impossible to put any information into the empty boxes. Furthermore, AT5, RTL and Holland Media Groep SA, SBS Productions BV, Associated Press (AP) and ANP BV do not appear in the table because these are all individual firms, that is to say they are not employers' organisations. VSHU does not appear because it is very small.

CAO voor Huis-aan-Huisbladjournalisten, CA for journalists on free local papers 2003	sector	Yes, 03	Sept. VSHU	FNV NVJ	415**	510**	ND
CAO voor Nieuwsbladjournalisten, CA for journalists on news magazines (July 2000-July 2002)	sector	No	NNP	FNV NVJ	159	ND	ND

Sources: KVGGO; NNP; CNV Media; NUV; <http://www.nuv.nl/cao/caosalaris.html>; <http://www.villamedia.nl/n/nvj/caos.shtm>

* figures for 2002/2003 (see: Pentenga, 2003:13); ** SZW, 2003: www.cao.szw.nl

As far as consultation and negotiations are concerned, the Dutch Publishers' Association NUV engages in institutionalised consultation with SZW (source: NUV). KVGGO only negotiates with the Dutch government on a project basis, and not on an institutionalised basis. All other negotiations take place through VNO-NCW (source: KVGGO). As for OTP, consultation with the government takes place through MKB. Actors in the media sector are organised in the ROGB: the ROGB is made up of representatives of the signatories to the printing/media CA, and is committed to drawing up annual policy frameworks on labour market policy²⁵¹. However, the ROGB's central task is to monitor implementation of the CA (source: KVGGO). The publishing business has an Industry Bureau (Bedrijfstakbureau), the only sector in the Netherlands to have one. This Industry Bureau is the umbrella bureau for parties to the CA in the publishing sector, and its task is to interpret agreements reached by the negotiating parties. Therefore, all activities relating to, or stemming from, the CA are brought together in the Industry Bureau. The eight parties negotiate that CAs and participate in the Industry Bureau are, on the employers' side, GAU, GEU, UVW and PU (four sub-groups of the employers' association NUV), and on the employees' side, FNV KIEM, Dienstenbond CNV, De Unie and NVJ²⁵². The Industry Bureau is more directly involved in the implementation of signed agreements, while the ROGB has more a monitoring (i.e. less direct) function. Firms in the printing/media industry affiliated to the employers' organisation KVGGO do not have a company-level CA (source: KVGGO), but those in the radio/television industry all have company-level agreements. In this segment of the media sector, there is no industry-wide CAs, but partners both on the employees' and on the employers' side would like one, and there are regular talks on this topic (source: FNV KIEM).

2.B.2. Evolution/challenging representativeness

In 1993 the printing/media, or "Grafimedia", agreement was turned into a "framework agreement" that included a number of sector-specific provisions and possibilities for decentralised consultation (source: KVGGO). This involved a certain amount of authority being delegated to enterprise level, and this in turn has strengthened the position of Works Councils (source: CNV). A multiple choice-system regarding conditions of employment (i.e. à la carte conditions) has also been introduced for employees: this gives employers some flexibility in relation to the conditions they can offer employees (source: KVGGO, CNV). Other developments in collective negotiations have been the setting up of a range of education committees and projects, and the once-and-for-all abolition of the "closed shop" system of compulsory membership (source: KVGGO). This system of compulsory membership was abolished by parties to the CA themselves. No objections have been raised in the media sector with regard to the general extension of a number of CAs, with the exception of the "Grafimedia" agreement. In 2003, two companies filed complaints concerning doubts about the representativeness of the negotiating parties, but the CA was generally extended²⁵³.

²⁵¹ Source: Labour market monitor for the printing sector of the Centre for Work and Income, CWI, available via: http://www.werkzaken.nl/arbeidsmarktmonitor/papier_grafisch/main.htm, accessed 21-07-'04.

²⁵² Source: <http://www.nuv.nl/cao/caosalaris.html>, link to "CAO voor het Boeken en Tijdschriftuitgeverijbedrijf", accessed 08-06-'04

²⁵³ December 24, 2003: Decision by the Ministry of Social Affairs and Employment to extend generally the provisions of the Printing/Media ("Grafimedia") CA.

3. ACTORS IN THE SECTOR AT NATIONAL LEVEL

3.A Culture

3.A.1. Employers' organisations

All large business associations in the cultural sector are brought together in the FC umbrella platform (FC website²⁵⁴). The FC has 15 members, all of them umbrella organisations in the culture sector. They are Koepel opera, WKC, CNO, DOD, FKU, RFI, VNME, VNP, VNT, VRM, VVTP, VWA, WNP and WOB. The following employers' organisations are affiliated to a European employers' association and/or participate in CB:

Employers' organisations in the culture sector²⁵⁵

Organisation	Member firms	# of employees in member firms	National affiliation	International affiliation
CNO	11	1,630	FC, MKB	PEARLE* ²⁵⁶
DOD ²⁵⁷	23	700	FC	ND
NFC	ND	ND	ND	ND
VNT	85	2,162	MKB, FC	PEARLE*; EFAH ²⁵⁸ / IETM ²⁵⁹
VNP	64	1,483	FC	ND
VSCD	140 ²⁶⁰	7,570	MKB	PEARLE*
VKV	230	ND	MKB	ND
VWA	ND	ND	FC	ND
WNP	46	ND	FC	ND

Sources: OCW, 2003; VNP, 2004; CNO, VKV; VKV, website; VSCD; VNT, 2004; DOD.

3.A.2. Trade unions

Union density in the culture sector stands at about 20-30%, and varies considerably from one industrial sub-section to the next (sources: CNV KB; FNV KIEM, VSCD).

Trade unions in the culture sector²⁶¹

Trade union	Membership	National affiliation	International affiliation
FNV KIEM	8,000	FNV Federation, FVKV	FIA, FIM, UNI
CNV KB	700	CNV Federation, FVKV	EZA

²⁵⁴ Accessed 27-07-'04

²⁵⁵ The international affiliations are in fact European affiliations.

²⁵⁶ European League of Employers' Associations in the Performing Arts Sector.

²⁵⁷ In 2003 the name Consultation Secretariat Dance (Directie Overleg Dans, DOD) was replaced by Dance Business Association (Brancheorganisatie voor de dans, DOD) to indicate how the scope of the association's activities had broadened (OCW, 2003: 182).

²⁵⁸ European Forum for the Arts and Heritage.

²⁵⁹ Informal European Theater Meetings.

²⁶⁰ I.e. an interest association, not an employers' association

²⁶¹ With the exception of EZA, there are no affiliations to European organisations. CNV KB is the only organisation that does not sign CAs.

KNTV	ND	ND	FIM
NTB	3,000	ND	ND

Sources: FNV KIEM website; CNV KB website (www.continentals.nl); FVKV website²⁶²; FNV KIEM.

FNV KIEM is the trade union for the arts, media, and the information industry. It has around 50,000 members in seven sectors: the arts, printing, pre-publishing, cardboard and flexible packing, the elderly and people entitled to benefits, publishers, and the audio-visual sector (www.fnv-kiem.nl)²⁶³. The National Christian Trade Union Federation CNV also has a cultural section called the CNV Arts Association (CNV-Kunstenbond, CNV KB); it has around 700 member organisations in the Netherlands (source: CNV KB). Association Christian Artists (ACA), an umbrella body bringing together various organisations in a range of countries (including the Netherlands), joined the CNV in 1998. When joining the Dutch CNV only the Dutch members of ACA became affiliates. In 1995, the Dutch part of ACA moved over to the CNV Arts Association, which is basically a union of independent organisations²⁶⁴. Both the KNTV and the NTB are unions for practising musicians, music teachers, conductors and composers that want to set up a professional business enterprise. They both provide their members with fiscal and legal advice on how to run their businesses.

3.B Media

3.B.1. Employers' organisations

Employers' organisations in the media sector

Employers' organisations	# of member firms	# of employees in member firms	Density	National affiliation	European affiliation
KVGO, Royal Association of Printing Firms	2,500	45,000	ND	VNO-NCW; AWWN	Intergraf; Egin ²⁶⁵
NUV, Dutch Publishers' Association	140	22,000	85% of employment in the business (i.e. total # of employees in business: +/- 26,000)	ND	ND
NNP, Organisation for Local News Media	65	ND	ND	ND	ND
NVCR, Dutch Association for Commercial Radio	12 (i.e. radio stations)	ND	ND	ND	AER
OTP, Association of Independent Television Producers	13	1,100	ND	MKB	CEPI
VKGO, Association for Smaller Printing Businesses	See KVGO				

Sources: KVGO; OTP; NNP; NUV, website²⁶⁶; OCW, 2004; KVGO, website; VKGO, website; AER website: <http://www.aereurope.org/members/nvcr.html>, accessed 15-07-'04; NVCR, OTP and VKGO do not sign CAs.

The VKGO is affiliated to the KVGO. This means that VKGO members are also members of the KVGO, despite the fact that the VKGO was set up to represent the specific interests of smaller printing firms. The VKGO is now on the point of being taken over by the KVGO (source: KVGO). In the VKGO, indirect interest protection is expressed in KVGP seminars and committees, and through representation on KVGO, GOC and ROGB executives. The NNP is a national organisation of local news media: free and paid-for local news media; free and paid-for local newspapers,

²⁶² via 'organisatie' and 'mensen', accessed 28-07-'04.

²⁶³ via 'over FNV KIEM' and 'sectoren', accessed 04-06-'04.

²⁶⁴ <http://www.continentals.nl/frameset.asp?language=dutch>, accessed 07-06-'04.

²⁶⁵ Intergraf is the Brussels-based International Confederation for Printing and Allied Industries (www.intergraf.org); Egin is the European Graphic/Media Industry Network in Sweden. The network has been set up by social partners in the Netherlands, Norway, Denmark, Finland and Sweden to encourage cooperation in training and education in the printing/media industry (www.egin.se).

²⁶⁶ accessed 21-06-'04 and 27-07-'04.

newspapers on television channels, and news websites. The 12 main commercial stations joined forces in the NVCR in 1995. This association aims to promote members' common interests: this involves negotiations, lobbying government officials, and promoting radio as an effective advertising medium. No information was obtained in respect of the OTP and NUV.

3.B.2. Trade unions

Table 8. Trade unions in the media sector²⁶⁷

Union	Membership	National affiliation	International affiliation
FNV KIEM ²⁶⁸	23,000 (=85%)	FNV Federation	UNI-MEI
CNV Media	5,000	CNV Federation	WCL (indirect)
NVJ	9,200	FNV Federation	IFJ
Unie	ND	ND	ND

Sources: Brug, 2003; FNV KIEM, NVJ, CNV.

FNV KIEM is also the largest trade union for the media sector (see above). FNV KIEM represents 85% of union members in the sector media (Brug, 2003: 77). This means about 23,000 people (Brug, 2003:81). The Christian union federation is represented in the media sector by CNV Media. CNV Media is the outcome of a merger between the CNV Graphic Union CNV and the CNV Services Union in 1995. There are three professional groups in CNV Media: graphic/printing firms, publishers and bookstores and broadcasting/audio-visual²⁶⁹. The NVJ protects the interests of around 9,200 journalists. There is no specific information about the Unie at the level of the C&M sector.

SUMMARISING TABLES

4.A. Culture

<i>1. Sector identification</i>	
Core characteristics	Pluriform, heavily government-subsidised
Major developments	Flexibilisation, commercialisation, government cuts in subsidies and social expenditure
<i>2. Labour and management organisations</i>	
Organisations	Around 10 employers' organisations and 4 trade unions that negotiate CAs
Membership procedures	Voluntary membership
Membership	Moderate
Challenging representativeness	No
<i>3. Recognition</i>	
Bi-partite CB	Many company-level agreements
Consultation	At all levels
Joint management	Funds for education and training, pensions, observance of CAs etc.
Membership to higher level organisations	Majority of unions and employers' organisations affiliated to national and European confederations

²⁶⁷ There are no affiliations to European organisations

²⁶⁸ The respondent for the FNV KIEM media sector would not give membership figures. She said that the union had a policy of not giving these figures to third parties.

²⁶⁹ <http://www.cnvdiensbond.nl/cnvdiensbond/cluster/media.html>, accessed 07-06-'04.

4.B. Media

<i>1. Sector identification</i>	
Core characteristics	Pluriform as a result of the Dutch society until the sixties
Major developments	Technological developments, partly resulting in job losses; Commercialisation
<i>2. Labour and management organisations</i>	
Organisations	6 employers' associations and 4 trade unions that negotiate CAs
Membership procedures	Voluntary membership
Membership	Membership of employers' organisations and trade unions quite high due to compulsory membership in the graphic/printing business until 2003
Challenging representativeness	Some, on the basis of representativeness
<i>3. Recognition</i>	
Bi-partite CB	Many company-level agreements
Consultation	At all levels
Joint management	Funds for education and training, pensions and observance of CAs etc.
Membership to higher level organisations	Majority of unions and employers' organisations affiliated to national and European confederations

As has been explained in more detail above, this report studies the representation of social interest organizations in the Dutch culture and media sector. The representation is not an open issue in this sector. In both sectors under analysis in this chapter, no forms of challenging representativeness have been found and no information on unrecognised actors appeared. Both sectors show an important internal dynamic of growth, they are very diverse in terms of interest representation, with numerous smaller and larger actors. The expert has not come across any information on disputes concerning such matters as representativeness and the positions of the actors, and believes that many small organisations operate in small niches, thereby not running into substantial disputes with other parties. On the other hand, the very fact that the sector is so diversified makes it hard to negotiate agreements for all workers and, because of the large number of self-employed persons and the substantial number of enterprise-level CAs, there may be a substantial number of persons who are not covered by a CA.

By and large, as the sector contains a wide range of employer's and workers' organisations as well as individual firms, it was impossible, within the limited amount of time available and due to the limited resources for research, to consult all separate companies. Moreover, respondents were only able to answer questions for a very small niche within the entire sector. When information was obtained in our questionnaire, only in single cases this information could be related to other written sources. Overall, the sector is too large and diversified to investigate thoroughly within the given time constraints.

ANNEX: LIST OF ABBREVIATIONS

ABVA/KABO	Algemene Bond van Ambtenaren/Katholieke Bond van Overheidspersoneel, General Union of Public Servants/Catholic Union of Public Sector;
AER	Association Européenne des radiodiffuseurs, Association of European Radios;
ANP	Algemeen Nederlands Persbureau, General Dutch Press Agency;
ARAR	Algemeen Rijksambtenaren Reglement, General Public Servant Regulation;
ASF	Algemeen Sociaal Fonds voor de Grafische Bedrijven, General Social Fund for Printing Firms;
AVRO	Algemene Nederlandse Radio Omroep, General Dutch Radio Broadcasting;
CAO	Collectieve ArbeidsOvereenkomst, Collective Labour Agreement;
CBS	Centraal Bureau voor de Statistiek, Statistics Netherlands;
CEPI	Co-ordination Européenne des Producteurs Indépendants, European Coordination of Independent Producers;
CNO	Contactorgaan van Nederlandse Orkesten, Association of Dutch Orchestras;
CNV (KB)	Christelijk Nationaal Vakverbond, Christian National Union Confederation (Kunsten Bond, Arts Association);
CWI	Centrum voor Werk en Inkomen, Centre for Work and Income;
DNO	Koepel Opera, Umbrella Opera;
DOD	Directie Overleg Dans, Consultation Secretariat Dance;
ECA	European Council of Artists;
EFAH	European Forum for the Arts and Heritage;
EO	Evangelische Omroep, Evangelical Broadcasting;
EZA	Europäisches Zentrum für Arbeitnehmerfragen, European Centre for Workers' Questions;
FC	Federatie van Werkgeversverenigingen in de Cultuur, Federation of Employers' Associations in Culture;
FIA	Fédération Internationale des Acteurs, International Federation of Actors;
FIM	Fédération Internationale des Musiciens, International Federation of Musicians;
FNV	Federatie Nederlandse Vakbeweging, Confederation of Dutch Unions;
FKU	Federatie Kunstuitleen, Art Lending Federation
FVKV	Federatie van Kunstenaarsverenigingen, Federation of Artists' Associations;
GAU	Groep Algemene Uitgever, Group General Publishers;
GEU	Groep Educatieve Uitgeverijen, Group Educational Publishers;
G&G-sector	Gepremieerde en Gesubsidieerde Sector, Semi-Public Sector;
GBF	Grafisch BedrijfsFonds, Printing Business Fund;
IETM	Informal European Theater Meetings;
IFJ	International Federation of Journalists;
KNTV	Koninklijke Nederlandse Toonkunstenaarsvereniging, Royal Dutch Association for Musicians;
KRO	Katholieke Radio Organisatie, the Catholic Radio Organisation;
KVGO	Koninklijk Verbond van Grafische Ondernemingen, Royal Association of Printing Firms;
MKB	Midden- en Klein Bedrijf, Employers' organisation for Small- and Medium-sized enterprises;
NCRV	Nederlands Christelijke Radio Vereniging, Dutch Christian Radio Association
NFC	Nederlandse Federatie voor de Cinematografie, Dutch Federation for Cinematography;
NICAM	Nederlands Instituut voor Classificatie van Audiovisuele Media, Netherlands Institute for the Classification of Audiovisual Media;

NKK	Nederlands Kamerkoor, Netherlands Chamber Choir;
NNP	Organisatie voor Lokale Nieuwsmedia, Organisation of Local News Media;
NOS	Nederlandse Omroep Stichting, Dutch Broadcasting Foundation;
NTB	Nederlandse Toonkunstenaarsbond, Dutch Union for Musicians;
NUV	Nederlands Uitgeversverbond, Dutch Publishers' Association;
NVCR	Nederlandse Vereniging voor Commerciële Radio, Dutch Association for Commercial Radio;
NVJ	Nederlandse Vereniging van Journalisten, Dutch Union for Journalists;
OCW	Ministerie van Onderwijs, Cultuur en Wetenschap, Ministry for Education, Culture and Science;
OTP	Vereniging van Onafhankelijke Televisie Producenten, Association of Independent Television Producers;
PU	Publiekstijdschriften, Public Magazines.
RFI	Rijksgesubsidieerde Filminstellingen, State Subsidized Film Institutes;
ROGB	Raad van Overleg in de Grafimedia Branche, Consultation Council for the Printing/Media sector;
SBI	Standaard BedrijfsIndeling, Dutch equivalent of NACE;
SCP	Sociaal Cultureel Planbureau, Social and Cultural Planning Office;
SZW	Ministerie van Sociale Zaken en Werkgelegenheid, Ministry for Employment and Social Affairs;
SUWI	Structuur Werk en Inkomen, Structure Work and Income;
TROS	Televisie Radio Omroep Stichting, Television and Radio Broadcasting Foundation;
UNI(-MEI)	Union Network International-Media, Entertainment and Arts;
Unie	Vakcentrale voor Middelbaar en Hoger Personeel, National Confederation for Staff and White-collar Employees.
VKV	Vereniging van Centra voor de Kunsten, Association of Art Centres;
UWV	Uitgevers van Vak en Wetenschap, Publishers of Scientific Literature;
UWV	Uitvoering Werknemersverzekeringen, Implementation Employees' Benefits;
VAMP	Vereniging Actuele Muziek Podia, Association for Contemporary Music Stages;
VARA	Vereniging Arbeiders Radio Amateurs, Association of Labour Radio Amateurs;
VIP	Vereniging van jazz- en Improvisatiemuziek Podia, Association of Stages for Jazz Music;
VKGO	Vereniging van Kleinere Grafische Ondernemingen, Association for Smaller Printing Firms;
VKV	Vereniging van Centra voor de Kunsten, Association of Art Centres;
VNME	Vereniging Nederlandse Muziek Ensembles, Association of Dutch Music Ensembles;
VNT	Vereniging van Nederlandse Theatergezelschappen, Association of Dutch Theatre Companies;
VNO-NCW	Vereniging Nederlandse Ondernemingen-Nederlandse Christelijke Werkgeversorganisatie, Association of Dutch Companies-Dutch Christian Employers' Associations;
VNP	Vereniging van Nederlandse Poppodia, Association of Dutch Pop Music Stages;
VPRO	Vrije Publieke Radio Omroep, Free Public Radio Broadcasting;
VRM	Vereniging van Rijksgesubsidieerde Musea, Association of State Subsidized Film Museums;
VSCD	Vereniging van Schouwburg- en Concertgebouwdirecties, Dutch Association of Theatres and Concert Halls;
VPT	Vereniging voor Podiumtechnologie, Association for Stage Technology;
VVTP	Vereniging van Vrije Theaterproducenten, Association of Independent Theatre Producers;
VWA	Vereniging Werkgevers Amateurkunst, Employers' Association for Amateur Arts;
WBC	Werkgeversberaad Cultuur, Employers' Consultation in Culture;
WCL	World Confederation of Labour;

WIK Wet Inkomensvoorziening Kunstenaars, Artists' Income Scheme Act;
WKC Vereniging van Werkgevers Kunst en Cultuur, Association of Employers in Arts and Culture;
WNP Werkgeversvereniging Nederlandse Podia, Employers' association of Dutch venues;
WOB Werkgeversvereniging Openbare Bibliotheken, Employers' Association for Public Libraries.

PORTUGAL

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

It must be stated at the outset that access to employers' organisations and trade unions in the sector under examination was extremely limited notwithstanding persistent requests from the research team by every possible means (repeated letters, telephone calls, faxes and e-mails), and the credentials of the European Commission and the IST.

Delimitation and scope of activities in the sector

This report will take into account NACE Codes 921, 922, 923, 924, 925 and 927²⁷⁰.

The official bodies, INE and DETEFP, describe the culture sector as the "Culture, Sport and Recreation Sector (Recreational and Cultural Activities)". This includes the following specifications: cinema and video activities, radio and television activities and shows and other artistic activities, news agency activities, libraries, archives, museums and other cultural activities, and other recreational activities. However, there are some other references involved in the definition of this sector of activity. The broad scope of the culture sector should be taken into consideration from the outset. From an essentially formal institution perspective, the scope of the sector's boundaries varies. Sometimes they are narrower, and sometimes they are broader, and the latter profile, which is more common, covers the cultural industries, the media, socio-cultural activities, sport and tourism. In addition to these classic areas, attention should also be focused on heritage, music, the plastic arts, books and reading, dance and theatre²⁷¹. According to the Office, Commerce, Hotel and Service Workers' Union (Sindicato dos Trabalhadores de Escritório, Comércio, Hotelaria e Serviços, SITESE), the culture sector includes publishers and booksellers, together with advertising and communications enterprises, and the media sector includes public and private television, public and private radio, the daily and non-daily press, and news agencies.

Socio-economic features of the sector²⁷²

Enterprises and people employed by sections on the cultural and recreational activities

Sections	Source: INE (2001 data)		Source: DETEFP (2001 Data)	
	Enterprises	Employees	Enterprises	Employees
921 – Cinema and video	779	3,069	356	3,388
922 – Radio and television	366	5,905	248	5,598
923 – Other Artistic Activities (e.g. shows and concerts)	927	3,120	337	2,265
924 – News agencies	37	513	23	507
925 – Libraries, museums and other cultural activities	46	394	63	1,043
927 – Other recreational activities	1057	5,578	500	5,944
Total	3,212	18,579	1,527	18,745

²⁷⁰ Sporting activities are also included in division 92 (Sub-Class 926), but as they are not the focus of study, they are not considered in our analysis.

²⁷¹ Neves, J. S. (2002), "Emprego e trabalho culturais em Portugal: Criação de emprego e qualificação profissional", *Boletim do Observatório das Actividades Culturais*.

²⁷² Some statistical data about the sector for 2001 (most recent data available in the statistical sources analysed) are presented below. They are based on statistics published by the National Statistics Institute (INE) (Economy and Finance, Statistics on Enterprises and Statistics on Enterprises and Establishments) and by the Statistics Department on Labour, Employment and Occupational Training (DETEFP) of the Ministry of Social Solidarity and Labour (MSST) – Lists of Personnel. We draw attention to differences in the figures presented: this is due to differences in the concepts and methodology used by each of the organisations referred to.

Enterprises and people employed by legal status and sections on cultural and recreational activities

Sections	921		922		923		924		925		927		Total	
Legal status	E ²⁷³	PE ²⁷⁴	E	PE	E	PE	E	PE	E	PE	E	PE	E	PE
Legal person governed by public law	0	0	0	0	1	286	0	0	0	0	2	8	3	294
Public administration body	2	26	0	0	0	0	0	0	0	0	0	0	2	26
Public enterprise	0	0	0	0	2	96	0	0	1	50	1	12	4	158
Charitable humanitarian association	0	0	0	0	1	1	0	0	0	0	4	93	5	94
Cultural and recreational association	4	32	8	38	27	393	1	13	5	15	52	278	97	769
Employer or trade union	0	0	0	0	1	2	0	0	0	0	0	0	1	2
Community house	0	0	0	0	0	0	0	0	0	0	2	6	2	6
Other associations	1	6	6	25	1	20	1	2	1	3	7	18	17	74
National foundation	0	0	0	0	1	18	0	0	10	416	0	0	11	434
Partnerships	0	0	0	0	0	0	0	0	0	0	1	3	1	3
Public limited company	30	961	26	4,087	10	42	3	355	6	335	14	3,725	89	9,505
Private limited company	288	2,246	129	1,065	236	1,052	14	112	33	167	294	1,472	994	6,114
Cooperative	4	39	75	359	11	253	0	0	1	25	1	15	92	691
Individual person	1	2	0	0	4	6	0	0	0	0	1	1	6	9
Legal religious body	0	0	1	3	0	0	0	0	0	0	1	7	2	10
Equivalent foreign body	1	2	2	20	0	0	3	24	0	0	0	0	6	46
Sole trader	22	53	1	1	37	73	1	1	4	7	115	272	180	407
Individual limited establishment	0	0	0	0	1	2	0	0	0	0	0	0	1	2
Company without regular status	3	21	0	0	3	19	0	0	0	0	4	17	10	57
Other legal status	0	0	0	0	1	2	0	0	2	25	1	17	4	44
Legal person governed by public law	0	0	0	0	1	286	0	0	0	0	2	8	3	294

Small and medium-sized enterprises are in the majority in this sector²⁷⁵; in broad terms, this reflects the characteristics of Portuguese business. It is also in line with the general distribution of enterprises throughout the country with most enterprises in this activity sector in the Lisbon and Tagus Valley region (47.02%), in the capital of Portugal, and in the northern (23.84%) and central (13.36%) coastal regions²⁷⁶. Analysis of the legal status of enterprises reveals a significant percentage of private limited companies (65.09%), sole traders (11.79%), cultural and recreational associations (6.35%), cooperatives (5.89%) and public limited companies (5.83%)²⁷⁷. Most workers in this sector, in both the public and the private sector, are on permanent contracts, although there has been a marked increase in recent years in the number of non-permanent workers with fixed-term contracts and of independent workers ("green" receipts). According to a study published by Eurostat on the employment situation in the culture sector in 2002, Portugal is the EU member state with fewest jobs in the culture sector, and also the country where workers in this activity have the lowest qualifications. Employment in the Portuguese culture sector, which covers work associated with culture in the economy as a whole and with the economic activity of

²⁷³ Enterprises

²⁷⁴ People employed

²⁷⁵ Enterprises with up to nine workers account for more than 85% (DETEFP, 2001 data) or 95% (INE, 2001 data) of all enterprises in the sector, and account for 20.5% (DETEFP, 2001 data) or 35.5% (INE, 2001 data) of employment. DETEFP (2001 data) also notes that the 15 enterprises with more than 200 workers (under 1% of the total number of enterprises in the sector) account for almost 50% of employment.

²⁷⁶ Source: DETEFP

²⁷⁷ Source: DETEFP

culture, represents 1.4% of total employment. A significant amount of work carried out in the Portuguese C&M sector falls into the service sector, and the form of employment is often atypical and voluntary, and is either unpaid or very low paid. This means that a considerable number of the organisations in the sector depend on voluntary work, and do not have enough qualified staff; this is mainly due to financial difficulties, particularly in the case of cultural and recreation associations linked to forms of popular culture. The salary levels of these workers are in line with the national average, and in certain cases there is a slight trend for them to be above this average. The media sector is of considerable economic, social and political significance in Portugal, in that it has a great impact in terms of being in the public eye. In recent years, television activities have expanded significantly with the appearance of a number of private television channels. The same cannot be said of the culture sector which, as the trade unions consulted confirmed, is of little importance in the Portuguese economy as a whole. New internet-related jobs, areas of research, and the collection and processing of communications/information are only found in the media sector, but it is important to bear in mind that these new professions are still in their very early stages.

Enterprises

Sub-sectors	Sources	Number of Enterprises	% enterprises without SW	% enterprises with <10 SW	% enterprises 10-100 SW	% enterprises with > 100 SW
Culture and the media	INE (2001)	3,212	0	95.33%	4.67%	
	DETEFP (2001)	1,527	0	85.59%	12.77%	1.64%

Workers

Sub-sectors	Sources	Number of workers	Number of SW	Number of SW/number of SW in the country (%)	Number of SW in enterprises <10 SW/number of SW (%)	Number of SW in enterprises 10-100 SW/number of SW (%)	Number of SW in enterprises >100 SW/number of SW (%)
Culture and the media	INE (2001)	ND	18,579	0.61%	35.64%	64.36%	
	DETEFP (2001)	ND	18,745	0.66%	20.49%	24.76%	54.75%

2. SOCIAL DIALOGUE AT SECTOR LEVEL

Social dialogue in the C&M sector is structured in Collective Labour Contracts (CLCs) and Enterprise Agreements (EAs). The culture sector has a CLC between the Portuguese Association of Publishers and Booksellers (APEL) and trade unions in the "Publishers and Booksellers" sector, and a CLC between the Portuguese Association of Publicity and Communication Enterprises (APAP) and trade unions in the advertising and communications enterprises sector. The media sector has an EA in the public radio sector, an EA for the LUSA news agency, and a CLC in the private radio sector.

Specifically in relation to the broadcasting sector, there are not yet any specific regulations governing the labour relations to be established between enterprises and their employees and workers. Only Rádio Difusão Portuguesa (a public enterprise) and Rádio Renascença – Emissora Católica Portuguesa (a private enterprise) have enterprise agreements regulating labour relations. The following Enterprise Agreements (AE) were made in the Broadcasting sector:

- AE between *Rádio Renascença* – Portuguese Catholic Broadcasting Station and the Trade Union for Audiovisual Means (SMAV);
- AE between *Rádio Renascença* – Portuguese Catholic Broadcasting Station and the National Trade Union of Postal and Telecommunications Workers (SNTCT);
- AE between RDP – Portuguese Broadcasting and the Trade Union for Communications of Portugal (SICOMP), the Federation of Trade Unions for Service Workers and others (FETESE), the Trade Union of Engineers in the Southern Region (SERS) and the Trade Union of Office, Service and Commerce Workers (SITESC).

In 2001, the Portuguese Broadcasting Association (Associação Portuguesa de Radiodifusão, APR) commenced negotiations on a CA with the Journalists' Union aimed only at regulating industrial relations between journalists and broadcasting enterprises; these negotiations were concluded in June 2002, and the agreement came into effect in July that year. Nevertheless, the APR was also contacted in 2002 by other trade unions in the sector that wanted to overcome this sector weakness, and negotiations began officially in May 2003 with a view to establishing the first CLC for the broadcasting sector. The talks involved the APR and two trade unions representing the sector: the Telecommunication and Audiovisual Communication Workers' Union (STT)

and the Audio-visual Sector Union (SMAV). These negotiations were concluded in June 2004 and the first CLC for the broadcasting sector is awaiting publication in the "Labour and Employment Bulletin" (Boletim do Trabalho e Emprego), so that it can officially come into force. It is intended that both these agreements (the Journalists' Collective Labour Agreement and the Broadcasting Sector Collective Labour Contract) should only be applied to members of the two trade unions working in APR-owned radio stations. Consideration is currently being given to a request to extend the Decree with a view to applying the Agreement to the whole broadcasting sector without exception.

The leaders of the Show/Concert Workers' Union (STE) acknowledge that the union ceased CB on this five years ago. The reasons given for this are set out below.

a) the Shows/Concerts CLC has not been negotiated (reviewed) because one of the employers' organisations, the Portuguese Association of Concert/Show Entrepreneurs (Associação Portuguesa de Empresários de Espectáculos) no longer has any members and, as it could not be considered to be representative of the sector, it could not have negotiating powers;

b) negotiations on the Portuguese state radio station RDP for radio and the theatre were terminated at the request of the RDP Board of Directors, which subsequently curtailed the use of this cultural activity;

c) the EAs with the D Maria II National Theatre, the São Carlos National Theatre and the National Ballet Company have unilaterally ceased to be reviewed.

The social dialogue model is essentially bipartite through the annual negotiation of the various existing instruments of regulation. The main bargaining items are salaries (bearing in mind the disparity of salary levels in the sector), the definition and revision of professional careers, and respective functions and working hours. There are difficulties in negotiating working hours, particularly in relation to night and weekend working and holidays. Negotiations are also problematic in respect of the functions of professional careers given that it is becoming increasingly necessary to have functional flexibility.

In the media sector, it is more difficult for the partners to negotiate in the public sector, 'particularly as a result of pressure from politicians responsible for the sector'.

The STE has identified the need to raise the proportion of national products, particularly audiovisual products, and refers to the need for official bodies to intervene and regulate this matter.

There are no data on developments and trends in industrial relations and CB.

In May 2004, the new CCT (Collective Labour Contract) for the Non-Daily Press was published in the Labour and Employment Bulletin (BTE) (no. 17). This CCT, signed by the Journalists Trade Union (SJ) and the Portuguese Press Association (AIND), substituted and standardised the 1993 contract and the alterations of 94, 98, 99 and 2000. In addition to revising monetary matters, the following were also revised: occupational training, professional careers, and duration of work, weekly rest and the sector scope. In December 2003 the CCT between the Portuguese Association of Cinema Enterprises and the National Trade Union for Telecommunication and Audiovisual Workers (SINTTAV) was revised as well as the CCT between the abovementioned association and the Federation of Trade Unions for Service Workers and others (FETESE). The main topics for negotiation were salary scales and entry conditions (trial period). In August 2003, the Enterprise Agreement between the ICP-ANACOM – National Authority for Communications and the National Trade Union of Postal and Telecommunications Workers (SNTCT) was published in the BTE

3. NATIONAL ORGANISATIONS (EMPLOYERS' ORGANISATIONS AND TRADE UNIONS)

Elements of the representativeness of employers' organisations²⁷⁸

	Daily Press Association (AID)	Portuguese Broadcasting Association (APR)	Portuguese Association of Advertising and Communications Enterprises (APAP)
Particular characteristics of the organisation	AID was founded in 1938 as the National Daily Press Guild (Grémio Nacional da Imprensa Diária), and subsequently changed its name to the Daily Press Association. It is Portugal's only daily press association.	The origin of the APR was the movement to legalise local radio stations, which began in the early 1980s. The Local Radio Institute was established in May 1987; it became the APR in 1990. Since then it has supported its members with a policy of providing technical advice in a wide range of areas from commercial matters and technical issues to support for productions and vocational training.	The APAP dates from the former National Guild of Advertising Activities (Grémio Nacional das Actividades Publicitárias), which was founded in 1969. On 25 April 1974, it became the Portuguese Association of Advertising and Communications Activities (Associação Portuguesa das Actividades Publicitárias). The main aim of the APAP is to defend the interests of associated communication enterprises.
Types of member enterprises (e.g. SMEs, public enterprises, activity categories and sub-sectors)	Daily newspapers (members are currently regional dailies).	Bodies with a licence to work in broadcasting at local, regional or national level. No public bodies with a broadcasting licence are members of the APR.	Private enterprises: advertising agencies, media agencies and marketing agencies.
Number of affiliated enterprises	ND	225 members	ND
Number of SW	ND	ND	ND
Number of enterprises affiliated in comparison with the total number of enterprises in the sector (%)	ND	70%	ND
Number of SW in affiliated enterprises in comparison with the total number of SW in the sector (%)	ND	ND	ND

²⁷⁸Data provided by the organisations themselves unless otherwise indicated. In spite of the effort made by the research team to obtain information from the directors of the employer associations listed below with regard the sector under study, they did not receive a reply in time to prepare this report: National Ballet Company, Portuguese Press Association (API), Portuguese Association of Concert/Show Entrepreneurs, Portuguese Association of Publishers and Booksellers (APEL). However, we must stress that the associations contacted by us specifically in relation to this sector of activity showed a great lack of availability in spite of insistence to contact them by every possible means (repeated letters, telephone calls, fax and e-mails) and the credentials of the European Commission and ISST.

List of higher-level national organisations to which the organisation is directly or indirectly affiliated	Doesn't exist.	Market Analysis and Studies Committee (Comissão de Análise e Estudos de Mercado, CAEM) Portuguese Private Radio Federation (Federação Portuguesa de Rádios Privadas, FPRP) Portuguese Media Federation (Confederação Portuguesa de Meios) Portuguese Confederation of Trade and Services (Confederação Portuguesa do Comércio e Serviços, CCP)	Civil Institute of Self-discipline in Advertising (Instituto Civil da Autodisciplina em Publicidade, ICAP) Communications Observatory (Observatório da Comunicação, OBERCOM)
List of higher-level European organisations to which the organisation is directly or indirectly affiliated	European Newspaper Publishers' Association (ENPA)	European Radio Association (AER)	European Association of Communication Agencies (EACA) Advertising Confederation of Portuguese-speaking Countries (Confederação da Publicidade dos Países de Língua Portuguesa, CPPLP) (founder member)
List of higher-level international organisations to which the organisation is directly or indirectly affiliated	World Association of Newspapers (WAN) International Newspaper Marketing Association (INMA)	World DAB Forum	None
Do the social partners have formal or reciprocal recognition systems in the sector?	ND	ND	ND
Does the organisation sign or coordinate sector CAs? Which?	AID participates in CB every year with the Journalists' Union and the Cellulose, Paper, Graphics, and Press Industry Workers' Union, and has several meetings every year with each.	Yes. The Journalists' Collective Labour Agreement between the APR and the Journalists' Trade Union, and the Collective Labour Contract for Broadcasting sector workers between the APR and the SMAV and the STT.	The APAP annually negotiates the sector's Collective Labour Contract (CLC), and is an active participant in this process.
How many CAs have been signed by the organisation by sector or by enterprise in 2002 and 2003?	ND	Two	
Participation in formal consultations at national, sector or enterprise level	ND	ND	ND

Data relating to organisations: Employers' organisations

Organisation		Sub-sectors covered	Enterprises	SW	Density Enterprises	Density SW	CB	National affiliations		European affiliations		International affiliations	
Original name	English name		number	number	%	%	yes/no	Direct	Ind.	Direct	Ind.	Direct	Ind.
Associação da Imprensa Diária (AID)	Daily Press Association	Daily newspapers (current members are regional dailies)	ND	ND	ND	ND	Yes	None		European Newspaper Publishers' Association (ENPA)		World Association of Newspapers (WAN); International	

											Newspaper Marketing Association (INMA)	
Associação Portuguesa de Radiodifusão (APR)	Portuguese Broadcasting Association	Broadcasting activities	225	ND	70%	ND	Yes	Market Analysis and Studies Committee (Comissão de Análise e Estudos de Mercado, CAEM) Portuguese Federation of Private Radio Stations (Federação Portuguesa de Rádios Privadas, FPRP) Portuguese Media Confederation (Confederação Portuguesa de Meios) Portuguese Confederation of Commerce and Services (Confederação Portuguesa do Comércio e Serviços, CCP)		European Radio Association (Associação Europeia de Rádios, AER)	World DAB Forum	
Associação Portuguesa das Empresas de Publicidade e Comunicação (APAP)	Portuguese Association of Publicity and Communication Enterprises	Publicity agencies, media agencies and relational marketing agencies	ND	ND	ND	ND	Yes	Civil Institute of Self-discipline in Advertising (Instituto Civil da Autodisciplina em Publicidade Civil, ICAP) CAEM Communications Observatory (Observatório da Comunicação, OBERCOM)		European Association of Communication Agencies (EACA) (Confederação da Publicidade dos Países de Língua Portuguesa, CPPLP) (founder member)	None	

Elements of trade union representativeness²⁷⁹

	(Concert/Show Workers' Union) Sindicato dos Trabalhadores de Espectáculos, STE)	Office, Commerce, Hotel and Service Workers' Union (Sindicato dos Trabalhadores de Escritório, Comércio, Hotelaria e Serviços, SITESE)
Number of SW in membership	The STE currently has a little over 1,000 members, with only half having full rights due to the crisis in the labour situation in the sector.	The SITESE has historic and current importance because of the range of the sectors it covers.
Number of SW in membership in the sector		ND
Number of SW who are members of the trade union compared with the total number of SW in the sector (%)	5.38% (INE data) 5.33%% (DETEFP data)	ND
Particular characteristics of the trade union (e.g. brief history, sub-sectors covered, and how the union is funded)	The STE was founded in 1936 and has always covered the following sub-sectors: theatre, ballet, the circus, opera, variety shows, cultural animation, radio, television, the cinema and plastic arts.	The SITESE was founded following the publication of the National Labour Statute. It operates in administrative, commerce, hotel and tourism and service areas
Type of workers recruited (e.g. white-collar, blue-collar, executives and skilled occupations)	Permanent and non-permanent workers but mainly self-employed workers, most of whom are occasional workers.	Permanent and full-time workers, workers employed under specific legislation, staff workers in the public and private sectors, administrative areas, commerce, hotels and tourism and services.
List of higher-level national organisations to which the union is affiliated either directly or indirectly	Federation of Lisbon Trade Unions) União dos Sindicatos de Lisboa) General Confederation of Portuguese Workers – National Intersindical Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional, CGTP-IN)	General Workers' Union (União Geral de Trabalhadores, UGT) Federation of Trade Unions of Service Workers and other Workers (Federação dos Sindicatos dos Trabalhadores de Serviços e Outros, FETESE)
List of higher-level European organisations to which the union is affiliated either directly or indirectly	Doesn't exist	Union Network International (UNI)
List of higher-level international organisations to which the union is affiliated either directly or indirectly	International Federation of Actors (Federação Internacional de Actores, FIA)	Doesn't exist
Do the social partners have formal or reciprocal recognition systems?	ND	ND
Does the union sign or coordinate sector CAs? Which?	The STE has not taken part in CB for the last five years for the following reasons: a) the Concert/Shows CLC has not been negotiated (revised) because one of the employers'	The level of preparation and the frequency of negotiations are very relevant because the union is organised horizontally and vertically in

²⁷⁹ Data provided by the organisations themselves, unless otherwise indicated. In spite of the efforts made by the research team to obtain information on the sector from the leadership of trade unions listed below, they did not receive replies in time to prepare this report from the Trade Union for Audio Visual Means (SMAV), the Arts and Shows/Concerts Union (SIARTE), Democratic Trade Union of Workers in Communications and the Media (SINDETELCO), the Portuguese Communications Union (SICOMP), the Journalists' Union (SJ), the Trade Union for Senior Staff in Communications (SINQUADROS), the Musicians' Union, the Telecommunications and Audio-visual Communications Workers' Union (STT) and the National Telecommunications and Audio-visual Workers' Union (SINTTAV). The unions we contacted specifically in relation to this sector of activity made themselves extremely inaccessible despite our efforts to contact them by every possible means (by repeated letters, telephone calls, faxes and e-mails) and the credentials of the European Commission and ISST.

How many CAs have been signed by the union in each sector and in each enterprise in 2002 and 2003?	organisations, the Portuguese Association for Concert/Show Entrepreneurs, is no longer a member, and is therefore not considered to be representative of the sector, and accordingly has no negotiating powers; b) negotiations on the Protocol with the RDP for radio and the theatre were terminated at the request of the RDP Board of Directors; the Board subsequently stopped the use of this cultural activity; c) the review of Enterprise Agreement with the D Maria II National Theatre, the São Carlos National Theatre and the National Ballet was unilaterally terminated.	all sectors of activity except aviation, the railways, banking and insurance.
Participation in formal consultations at national, sector or enterprise level?	ND	ND

Data relating to the organisations: trade unions

Organisation		Type of SW	Members	Members working in the sector	Density		CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Type	Number	Number	%		yes/no	Direct	Ind.	Direct	Ind.	Direct	Ind.
Sindicato dos Trabalhadores de Espectáculos (STE)	Shows/Concert Workers' Union	Permanent and non-permanent workers, but mainly self-employed workers, most of whom are occasional workers	About 1,000.	About 1,000.	5.38% (INE)	5.33% (DETEFP)	Yes	Federation of Lisbon Trade Union (União dos Sindicatos de Lisboa) General Confederation of Portuguese Workers – National Intersindical (Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional, CGTP-IN)		None		International Federation of Actors (FIA)	
Sindicato dos Trabalhadores de Escritório, Comércio, Hotelaria e Serviços (SITESE)	Office, Commerce, Hotel and Service Workers' Union	Permanent and full-time workers, workers employed under specific legislation, staff workers in the public and private sectors, administrative areas, commerce, hotels and tourism and services.	ND	ND	ND		Yes	União Geral de Trabalhadores (General Workers Union) (UGT) Federation of Service Workers and Other Workers (Federação dos Sindicatos dos Trabalhadores de Serviços e Outros (Federation of Service and Other Workers Trade Unions) (FETESE)		Union Network International (UNI)		None	

Because of the inaccessibility of the social partners in sector under examination, and as a result of the lack of available data, it has not been possible to supply information on issues such as the identification of non-recognised actors that have to be deemed to be playing a role in industrial relations, possible disputes between them, and the actor's various positions on future developments in social dialogue in the sector.

SPAIN

1. DESCRIPTION OF THE SECTOR

1.1. Definition of the activities in the sector

One of the most difficult aspects of defining the C&M sector, and particularly as far as culture is concerned, is the fact that it has traditionally been considered to be a public and political space to be kept apart from industry and trade. Although the relationship between the sector and the economy is currently undergoing redefinition, the sector as a whole is not widely studied in Spain, and there are therefore few reliable statistics available. What is more, some of these figures are based on concepts and categories that are a considerable remove from the socio-economic reality of the sector. Definition of the sector is therefore a difficult matter. In its report *Las cifras de la Cultura en España* (Figures for Culture in Spain), the Spanish Ministry of Education includes activities that might be related to the media. The report describes a countrywide tendency that sees the media as part of culture, and thinks that culture includes the following: library activities, archives, museums and other cultural institutions; publishing (books and periodicals); cinema and video activities; broadcasting and news agencies; art and entertainment activities; the graphic arts; performers of recorded media; the manufacturing of image and sound devices; and the manufacturing of musical instruments.

The annual report on the services sector from the *Instituto Nacional de Estadística* (National Institute of Statistics) only makes one explicit reference to cinema and video activities (production, distribution and showing) and broadcasting among the activities to be included in the target of this report. This typifies the scant attention paid at a public level to employment and to other aspects of the sector as a whole.

Fragmentation of CB and of participant organisations is another reflection of how weakly structured culture and the media are as an organised sector.

1.2. Organisations, associations, institutions and companies

Fragmentation and diversification are two of the sector's most potent features. This fragmentation has increased with the growth in demand and in new forms of consumption, which themselves change very quickly, and are highly fragmented. The sector is made up of large public entities, and of a large number of professionals, self-employed workers and independent managers. The public sector is present, though not exclusively, in television, radio, museums, libraries and archives and, to a lesser extent, in press agencies, publishing, the stage and entertainment activities. The Central Directory of Enterprises (Directorio central de Empresas, DIRCE) of the National Institute for Statistics) provides the following figures dated 1 January 2003:

Number of companies according to number of employees

	No employees	1 to 9	10 to 49	50 to 99	100 to 199	200 to 499	More than 500	Total
Cinematography and video	2,219	2,278	478	36	53	27	7	5,098
Broadcasting and television	430	716	313	20	15	14	14	1,522
Other artistic activities and entertainment	14,744	5,710	919	48	60	23	3	21,507
News agencies	90	22	11	0	1	1	1	126
Libraries, archives, museums and other cultural institutions	1,579	1,156	204	18	18	8	0	2,983
Total	19,062	9,882	1,925	122	147	73	25	31,236

1.3. Employment

Available statistics on employment in the sector simply reflect the fact that employment has risen significantly in recent years. The differences in figures are remarkable: the Ministry of Education, for example, recorded 441,000 jobs in the whole sector for 2000, but using taxation data as a basis, one of the few rigorous studies estimated 850,000²⁸⁰ jobs in the same year. The difficulties involved in statistic measurement are obvious: they derive not only from the source, but also from the huge variety of recruitment procedures and of forms of employment to be found in the sector, for example, part-time employment, intermittent permanent workers, self-employed workers, informal employment, temporary employment agencies and outsourcing, all with a high tendency to externalise activities. Furthermore, the information only refers to some specific sub-sectors, or else it is included with other sectors under a single heading such as public reorganisation, associative activities and different associations of personal services (all of NACE 90, 91, 92 and 93). In conclusion, it may be said that available statistical information on employment in Spain is not really useful or reliable: it is biased. The only information available to experts and the social partners is that it is estimated that part-time employment, temporary employment, hidden employment, self-employment and other kinds of atypical work are widespread, particularly among women in the rate of employment as a whole. It is not, however, to quantify the spread.

1.4. Development of the sector

The C&M industry is a growing sector and a new field for private action. The fact the sector accounted for 2.0% of GDP in 1993, and 6.5% in 2000, is proof of that. We may therefore say that it is in a transformation stage: this means changes in the representative organisations, especially among managers, with some of them starting off, some at the end of their careers, and the steadiest of them consolidating.

2. SOCIAL DIALOGUE AND COLLECTIVE BARGAINING IN THE SECTOR

2.1. Main characteristics

The sub-sectors are extremely different – each has its own bargaining patterns, and each has its own managers' organisations. The CCOO and the UGT are the only trade unions that take part in all, or nearly all, bargaining processes. They try to unify bargaining criteria through their respective Federations, although, for some years now, the CCOO, UGT and the Spanish Confederation of Employers' Organisations Confederación Española de Organizaciones Empresariales, CEOE) have reached annual agreement on patterns to be followed in CB at all levels.

There is social dialogue of a bipartite or tripartite kind, but it is not very intense, and usually focuses on joint CA committees (trade unions and employers' organisations) in relating to interpretation of CAs and vocational training. These committees are going through a transformation process, and are turning into tripartite committees with government participation. Joint CA committees for training exist in the following sub-sectors: the daily press, the non-daily press, advertising, audiovisual production (including cinematography, video, broadcasting, television, and other artistic and entertainment activities) and cinema screening. Some other committees have been set up for specific purposes (e.g. artists' social security), or else are in the process of being established with government participation. Social dialogue and CB are mainly characterised by very high fragmentation, with different CAs at state level. In addition, there are provincial and autonomous community agreements, and also company agreements.

The most important CAs at state level are to be found in the following sub-sectors:

-Advertising companies. Negotiated on the managers' behalf by AGEP, AEPE, FNEP and AECP, and for the trade unions by FCT-CCOO and FeS-UGT.

-Photography Industry. Negotiated on the managers' behalf by FEP, ANEFOT, APROFOT and CTD, and by the company Paisajes Españoles, and for the trade unions part by FeS-UGT and FCT-CCOO.

-Audiovisual Production Industry. Negotiated on the managers' behalf part by FAPAE, and for the trade unions part by FeS-UGT, FCT-CCOO and TACE.

-Cinema distribution. Negotiated on the managers' behalf by FEDICINE, and for the trade unions by FeS-UGT and FCT-CCOO.

-Cinema showing. Negotiated on the managers' behalf by FEECE, and for the trade unions by FeS-UGT, FCT-CCOO and CGT.

²⁸⁰ Garcia, M.I.; Fernández, Y. Zofio, J.L. (2000): *La industria de la cultura y el ocio en España. Su aportación al PIB (1993-1997)*. Madrid: Fundación Autor. See also Bellvis, L. (2002): *Análisis de situación de las empresas productoras de teatro y danza de la Comunidad Valenciana*. Valencia: AVETID.

-Non-daily press. Negotiated on the managers' behalf by ARI, and for the trade unions by FeS-UGT and FCT-CCOO.
-Actors and cinema producers. Negotiated on the managers' behalf by APC, UPCT and ACP, and for the trade unions by FeS-UGT and FCT-CCOO and FAEE.
-Bullfighting shows. Negotiated on the managers' behalf by ANOET and UNETE, and for the trade unions by Unión Nacional de Matadores de Toros, Novilleros y Rejoneadores (National Union of Bullfighters, Apprentice Bullfighters and Mounted Bullfighters), Nueva Agrupación de Matadores de Toros, Novilleros y Rejoneadores (New Gathering of Bullfighters, Apprentice Bullfighters and Mounted Bullfighters), FeS-UGT, Unión Nacional de Picadores y Banderilleros Españoles (National Union of Spanish Picadors and Banderilleros) and Asociación Sindical de Mozos de Espadas y Puntilleros Españoles (Union Association of Bullfighters' Assistants and Puntilla Bullfighters).

The negotiating of CAs in Spain always follows similar patterns. CAs regulate wages, wage supplements and incentives, working hours, rest time and holidays, occupational categories or occupational groups, rights regarding time off, systems of disciplinary measures, and measures regarding prevention of labour risks. A few CAs also include clauses about such matters as vocational training, different kinds of working contracts and conditions to be applied to the sector or company, union rights for representativeness, and equal rights. There are CAs (set out in several hundred other agreements) at provincial and autonomous community level in the following sub-sectors: dubbing actors, theatre actors, theatre technicians, and local television and entertainment premises. Here, the managers are represented by the particular managers' organisation that covers the sub-sector and area. There are inevitably a lot of them. The two main trade unions, the CCOO and the UGT, are usually involved; some other unions are active in some CAs.

Finally, CAs are mainly concluded at company level in the radio, television, orchestra and daily press sub-sectors. Here, each company negotiates its own CA. Management speak for the company, while the workers are represented either by the workers' committee, or by the trade unions represented on the workers' committee. The trade unions most involved are the CCOO and the UGT, but other trade unions may also take part.

It is also important to point out that due to the legal characteristics of bargaining CAs in Spain, these agreements cover all employees: whenever a CA is signed by the most representative organisations, its contents are compulsorily applied to all employees at a given level.

2.2. Evolution and trends

For some years now, CB has been tending towards centralisation, that is to say, towards the acceptance of CAs from higher levels, and especially from the state. This tendency has coincided with an increasing opening-up of state CAs, which in turn has caused concrete elements of them to be transferred to the levels below. However, trade unions still complain about the lack of a management counterpart to bargain with in some sub-sectors – that is to say there are no managers' organisations recognised as representing the companies involved. This is the reason for the high fragmentation of CB. There is also a strong tendency for some companies to remain separate, and to base their practice on a work contract relationship.

3. MAIN ORGANISATIONS IN THE SECTOR

Fragmentation in the sector is reflected in the proliferation of social partners, particularly as regards managers' organisations involved in CB. As has already been pointed out, there are no bargaining processes other than those that take place in each sub-sector or company.

3.1. Employers' organisations

A) ADVERTISING

AGEP (Asociación General de Empresas de Publicidad, General Association of Advertising Companies)

AGEP (1977) is an umbrella association serving companies in the advertising field, and mostly in Madrid. Altogether, it represents about 200 companies, mostly small and medium-sized concerns employing around 5,000 workers, or 20% of workers in the advertising business. AGEP is a member of the FNEP, and indirectly takes part in the work of CEOE, FIAP and SAWA. AGEP participates in negotiating the CA for advertising companies at state level.

AEPE (Asociación de Empresas de Publicidad Exterior, Association of Companies of Exterior Advertising)

The AEPE takes part in national level negotiations on the CA for advertising companies. It used to be a member of the CEOE. It brings together 43 enterprises, mostly small and medium-sized companies, and all of them related to outside advertising (i.e. advertising in the street). The AEPE was founded in 1977.

FNEP (Federación Nacional de Empresas de Publicidad, National Federation of Advertising Companies)

The FNEP (1978) embraces companies and company associations that operate in advertising and other different forms of commercial communication all over Spain. It represents approximately 900 enterprises, most of them small and medium-sized companies (more than 80% have fewer than 10 workers) in Madrid and Catalonia. These companies employ between 10,000 and 18,000 workers, depending on whether auxiliary industry is included or not²⁸¹. Altogether, these companies represent 95-100% of employees in the sector. Companies and company associations represented by the FNEP control 85-90% of advertising market share. The FNEP is party to the advertising agreement at state level, and to agreements for continuing training. It also gives support to various territorial associations. The Federation is a member of CEOE committees and of the AAP (Asociación para la Autorregulación de la Comunicación Comercial, Association for the Self-Regulation of Trading Communication), and it attends meetings of various Public Administration committees. The FNEP also belongs to the FIAP and SAWA, and, indirectly, to Alliance.

AEAP (Asociación Española de Agencias de Publicidad, Spanish Association of Advertising Agencies)

The AEAP was founded in 1977. It brings together the country's main advertising agencies, of which there are about 40. They turn over more than 85% of investment managed through advertising companies, employ about 4,000 staff, and have about 85% market share. The association is party to the advertising companies' agreement at state level, and to the agreement on continuing training for workers. The AEAP is a member of the AAP (Asociación para la Autorregulación de la Comunicación Comercial, Association for the Self-Regulation of Trading Communication) and of the EACA (European Association of Communication Agencies).

AECP (Associació d'Empreses Catalanes de Publicitat, Association of Catalan Advertising Companies) Formerly the Guild of Advertising

This association (1977) brings together about 150 advertising companies and companies involved in all forms of company communication in Catalonia. They employ approximately 25% of all workers in the C&M sector in Catalonia (i.e. about 2500 workers in the C&M sector in Catalonia). Distribution by size is as follows: 60% of companies have fewer than 10 workers, 35% have between 10 and 50 workers, and 5% of companies have more than 50 workers. The AECP is party to the CA for of advertising companies at state level. It belongs to the FNEP and, indirectly, to the CEOE, FIAP and SAWA. The AECP is also a member of the AAP (Asociación para la Autorregulación de la Comunicación Comercial, Association for the Self-Regulation of Trading Communication).

B) PHOTOGRAPHY INDUSTRY**FEPFI (Federación Española de Profesionales de la Fotografía y de la Imagen, Spanish Federation of Photography and Image Professionals)**

The FEPFI was founded in 1992. It has 1,981 members, who join on an individual basis. Most of them are workers in photographic studios or in the photography businesses, which is mostly made up of small companies). The Federation is involved in negotiating the CA for the photography industry at state level. It belongs to the WCPP (World Council of Professional Photographers) and to the FEP (Federation of European Photographers).

ANEFOT (Asociación Nacional de Empresas Fotográficas, National Association of Photography Companies)²⁸²

The ANEFOT is involved in negotiating the CA for the photography industry at state level.

APROFOT (Associació Provincial de Fotògrafs Professionals de Tarragona, Provincial Association of Professional Photographers of Tarragona)²⁸³

The APROFOT is a sub-sector association representing companies in the province of Tarragona. It is involved in negotiating the CA for the photography industry at state level.

²⁸¹ The phrase "auxiliary industry" means industry directly dependent on the advertising activity (e.g. advertising cinema producer companies).

²⁸² It was not possible to contact ANEFOT because of difficulties in finding a contact-person by telephone or e-mail.

²⁸³ It was not possible to contact APROFOT because of difficulties in finding a contact-person by telephone or e-mail.

C) AUDIOVISUAL INDUSTRY

FAPAE (Federación de Asociaciones de Productores Audiovisuales de España, Federation of Associations of Audiovisual Producers of Spain).

The FAPAE (1991) brings together 15 managers' associations in the field of cinema, video, television and advertising production nationwide. Altogether 368 companies are represented by the FAPAE; most of them are small companies in Madrid and Catalonia. They employ a total of 7,000 people who, the Federation claims, make up 89% of all employment in the audiovisual production sector. The FAPAE is a member of the CEOE (Confederación Española de Organizaciones Empresariales, Spanish Confederation of Employers' Organisations), the CEIM (Confederación Empresarial de Madrid, Employers' Confederation of Madrid) and directly of two international organisations: the FIAPF and the Committee of the Cinematographic Industries in the European Union. The Federation is also indirectly a member of the FIPCA and the CEPI. The FAPAE is the only managers' organisation involved in negotiating the CA for the audiovisual production industry at state level.

ANEPA (Asociación Nacional de Empresas de Producción Audiovisual, National Association of Audiovisual Production Companies)

The ANEPA was founded in 1991. It is not involved in negotiating CAs. The ANEPA is a member of the FAPAE (and through it, of the CEOE) and of the CEPI (Coordination Européenne des Producteurs Indépendants). It represents about 40 or 45 production companies in cinema and television. Numbers of employees in these companies are difficult to calculate since recruitment depends on the productions taking place at any given moment. The size of the associated companies also varies from large production companies such as SOGECINE and Globomedia to a range of SMEs.

D) CINEMA DISTRIBUTION

FEDICINE (Federación de Distribuidores Cinematográficos, Federation of Cinema Distributors)²⁸⁴

The FEDICINE operates as the only managers' organisation in the sub-sector of cinema distribution at state level.

E) CINEMA SHOWING

FEECE (Federación de Entidades de Empresas de Cine de España, Federation of Entities of Cinema Companies of Spain)

The FEECE was started in 1977 with a view to representing the cinema showing company sector in Spain. Its members are cinema managers, cinema showing companies, managers' organisations and association of the entities that make up the previous groups. At present, there are 1,049 cinemas in Spain with a total of 4,160 screens. Of them, the FEECE represents about 3,000 screens (approximately 70% of screens in the sector), and it is estimated that each screen has an average of five workers. It would follow that companies represented by the FEECE have a total of 15,000 employees. The FEECE is a member of the CEOE (Confederación Española de Organizaciones Empresariales, Spanish Confederation of Employers' Organisations), the Committee of the Cinematographic Industries of the European Union (CICC) and the International Union of Cinemas (UNIC). The FEECE is also the only managers' organisation involved in CB for cinema showing at state level.

F) NON-DAILY PRESS

ARI (Asociación de Revistas de Información, Association of Information Journals)²⁸⁵

The ARI is the only managers' organisation involved in negotiating the CA for the non-daily press at state level.

G) ACTORS AND CINEMA PRODUCTION COMPANIES²⁸⁶

APC (Asociación de Productores Cinematográficos, Association of Cinema Producers)

The APC is involved in negotiating the CA for the sub-sector of actors and cinema producers at state level.

UPCT (Unión de Productores de Cine y Televisión, TV and Cinema Producers' Union)

²⁸⁴ This association has not answered our survey.

²⁸⁵ The ARI has told us that it is impossible to answer our survey, and we therefore provide any further information about this organisation.

²⁸⁶ It has not been possible to contact these associations due to difficulties in finding a contact-person by telephone or e-mail.

The UPCT is involved in negotiating the CA for the sub-sector of actors and cinema producers at state level.

ACP (Agrupació Catalana de Productors, Catalanian Association of Producers)

The ACP operates in the sub-sector of television and cinema producers in the Autonomous Community of Catalonia. Its representative status enables it to negotiate the CA for the sub-sector of actors and cinema producers at state level.

EZEE (Euskal Zine Ekoizleen Elkarte – Asociación de Productores de Cine Vascos, Basque Country Association of Cinema Producers)

The EZEE operates in the sub-sector of television and cinema producers in the Autonomous Community of the Basque Country. Through its representative status, the EZEE is involved in negotiating the CA for the sub-sector of actors and cinema producers at state level.

H) BULLFIGHTING SHOWS²⁸⁷

ANOET (Asociación Española de Organizadores de Espéctaculos Taurinos Españoles, Spanish Association of Organizers of Spanish Bullfighting Shows)

The ANOET is involved in negotiating the CA for bullfighting shows at state level.

UNETE (Unión Nacional de Empresarios Taurinos Españoles, National Union of Spanish Bullfighting Companies)

The UNETE is involved in negotiating the CA for bullfighting shows at state level.

I) OTHER ACTIVITIES

AERC (Asociación Española de Radiodifusión Comercial, Spanish Association of Commercial Broadcasting)

The AERC represents almost all of Spain's 1,150 radio private companies. It is a member of the AER (Association of European Radios) and the AIB-IAB (International Association of Broadcasting). The AERC does not directly take part in negotiating CAs as, in the sub-sector that it represents, CAs are concluded at company level. There is no further information available on such matters as the number of workers represented, the proportion of employment that they represent in the sector, or the date when the organisation was set up.

Red Española de Teatros, Auditorios y Circuitos de Titularidad Pública, The Spanish Network of Theatres, Auditoriums and Public Title Circuits²⁸⁸

The network does not directly take part in negotiating CAs in the sub-sector.

AEDE (Asociación de Editores de Diarios de España, Editors' Association of Newspapers of Spain)²⁸⁹

This association does not directly take part in negotiating CAs in the sub-sector.

FAETEDA (Federación Estatal de Empresas Productoras de Teatro y Danza, State Federation of Producer Companies of Theatre and Dance)

The FAETEDA does not directly take part in negotiating CAs due to the structure of collective bargaining²⁹⁰ in this sub-sector, but the members of FAETEDA are the ones who negotiate/bargain at regional level with trade unions (actors and technicians). The Federation was founded in 1996. It brings together the main theatre and dance companies: there are approximately 300 of them. They have 4,500 employees. They also produce more than 80% of all shows in the country.

AEOS (Asociación Española de Orquestas Sinfónicas, Spanish Association of Symphony Orchestras)²⁹¹

The Federation does not directly take part in negotiating CAs in this sub-sector. The AEOS was founded in 1993, and it currently represents 29 professional symphony orchestras (that is to say all the orchestras in Spain). Most of these orchestras are public foundations and consortia, and some of them are private foundations. The size of the companies is, like their budgets, very variable as they manage their finances and expenditure in very different ways, although they usually have an average of 90 employees in each orchestra, including administration staff and

²⁸⁷ It has not been possible to contact these associations because of difficulties in finding a contact-person by telephone or e-mail.

²⁸⁸ This association has not answered our survey.

²⁸⁹ We have not contacted this association as it is not a social partner in CB or social dialogue.

²⁹⁰ The national expert proposes this text, more exact than those suggested by the organisation: the structure of the collective bargaining and the structure of the Spanish State are two different things.

²⁹¹ It has not been possible to contact with this association.

musicians. These companies represent approximately 2,500 workers. The AEOS does not belong to any Spanish or European associations, but it has links with the French, British and Finnish counterpart associations.

3.2. Trade Unions

The most representative trade unions that usually take part in CB for whole sector are the CCOO and the UGT. The Ministry of Labour has provided data about trade union representativeness according to the number of workers' delegates that each union has in different activity sub-sectors. These figures are set out in the following chart:

Number of workers' delegates and their distribution by trade unions²⁹²

	CCOO	UGT	CGT	ELA	Other unions	Total
Cinema and video activities	172 (40.6%)	125 (29.5%)	38 (9.0%)	22 (5.2%)	67 (15.8%)	424 (100%)
Broadcasting activities	391 (42.8%)	278 (30.4%)	30 (3.3%)	39 (4.3%)	175 (19.2%)	913 (100%)
Artistic shows and entertainment	173 (34.4%)	162 (32.3%)	32 (6.4%)	27 (5.4%)	108 (21.5%)	502 (100%)
News agencies	32 (44.4%)	25 (34.7%)	ND	ND	15 (20.8%)	72 (100%)
Libraries, Archives, Museums and other institutions	126 (33.7%)	112 (29.9%)	ND	ND	136 (36.4%)	374 (100%)

FCT-CCOO (Federación de Comunicación y Transporte de Comisiones Obreras, Federation of Communications and Transport – Workers' Commissions')

Trade unions in Spain were legalised in 1977, and the CCOO was legally constituted in the same year. Unionised workers account for about 1.5% of employment in the sector. The Federation has about 115,000 members. Of them, between 1,500 and 2,000 work in the field of culture, and between 4,000 and 4,500 are in the communication media. FCT-CCOO is involved in negotiating all sub-sector CAs at state level, at nearly all lower territorial levels, and in large broadcasting companies and the daily press. FCT-CCOO takes part in many round-table negotiations with the Public Administration in the field of C&M in Spain. The Federation is a member of the MIF (Musicians' International Federation), AIF (Actors' International Federation), IFJ (International Federation of Journalists), MEI (Media International Federation), ICFTU (International Confederation of Free Trade Unions), and the corresponding European federations of the ETUC (European Trade Union Confederation).

FeS-UGT (Federación de Servicios de la Unión General de Trabajadores, Services Federation of the General Workers' Confederation)

The FeS-UGT was legally constituted in 1977, and now has a total of 120,000 members, of whom 1,500 work in the field of culture and 3,000 in the media. Unionised workers account for about 1.1% of employment in the sector. The FeS-UGT is involved in negotiating all sub-sector CAs at state level, at nearly all territorial levels below that, and in large broadcasting companies and the daily press. The Federation also takes part in a number of round-table negotiations with the Public Administration in Spain in the field of C&M, it is a member of UNI-MEI, and it is indirectly linked to the ETUC and the ICFTU

ELA (Euzko Langileen Alkartasuna, Basque Workers' Solidarity)²⁹³

FETA-ELA is part of to ELA and MEI, and is indirectly affiliated to the ETUC through ELA. It is involved in negotiating CAs of companies located in the Basque Country.

FGE-CGT (Federación Gráfica Estatal de la Confederación General del Trabajo, State Graphic Federation of the General Confederation of Labour)

This federation was legally constituted in 1977. It has about 1,500 members working in different areas of culture and the media. It is involved in CB for some sub-sector CAs at provincial and company level. It does not belong to any associations. Trade union members account for about 0.4% of employment in the sector.

Área de Servicios de USO (Unión sindical obrera, Services Area of Workers' Trade Unionist Confederation)

The USO was legally constituted in 1977. The Services Area of USO has 7,935 members, 425 of them working in the field of culture and the media. Trade union members account for about 0.1% of employment in the sector. The USO does not take part in negotiating CAs at state level, but it is involved in discussing some sub-sector agreements at territorial and company level. The most important agreement is that covering Radio Televisión Española. The USO is a member of the World Confederation of Labour (WCL).

²⁹² Note: figures show the number of each trade union's delegates on workers' committees and, between brackets, the percentage of the total in the corresponding activity sub-sector.

²⁹³ This association has not answered our survey.

TACE (Técnicos Audiovisuales Cinematográficos Españoles, Spanish Cinema Audiovisual Technicians)

TACE was founded as an independent trade union in 1977. It has 454 members among audiovisual technicians. Unionised workers account for about 0.1% of employment in the sector. TACE takes part in negotiating the audiovisual CA at state level. It does not belong to any national or international organisations.

FAEE (Federación de Artistas del Estado Español, Artists' Federation of the Spanish State)²⁹⁴

FAEE, founded in 1987, is a federation formed by 5 regional Actors' Trade unions: Unión ed Actores de Madrid –the largest in Spain-, Unión de Actores ed Asturias, Unión de Actores de Málaga, Unión ed Actores Intérpretes Andalucía, Unión de Actores Castilla y León; and a Dancers' Trade Union: Asociación de Profesionales de la Danza. The Federation takes part in negotiating CAs in its field.

Sindicato Profesional de Músicos Españoles, Professional Union of Spanish Musicians²⁹⁵

This musicians' union is involved in negotiating some CAs in its field. It belongs to the CSI-CSIF (Central Sindical Independiente y de Funcionarios, Independent civil servants' union) and to the MIF (Musicians' International Federation).

Unión Nacional de Matadores de Toros, Novilleros, Rejoneadores y Apoderados, National Union of Bullfighters, Apprentice Bullfighters, Mounted Bullfighters and Representatives²⁹⁶

This association is involved in negotiating the CA for bullfighting shows at state level.

Nueva Agrupación de Matadores de Toros, Novilleros y Rejoneadores, New Gathering of Bullfighters, Apprentice Bullfighters, and Mounted Bullfighters²⁹⁷

This association is involved in negotiating the CA for bullfighting shows at state level.

Unión Nacional de Picadores y Banderilleros Españoles, National Union of Spanish Picadors and Banderilleros²⁹⁸

This association is involved in negotiating the CA for bullfighting shows at state level.

Asociación Sindical de Mozos de Espadas y Puntilleros Españoles, Union Association of Bullfighter's assistants and Puntilla Bullfighters²⁹⁹

This association is involved in negotiating the CA for bullfighting shows at state level.

There is no social dialogue in any part of the C&M sector, or in any of the sub-sectors. In the case of the sub-sectors, this was due to the weakness of the representative organisations. There are no major disputes between the social partners, apart from those arising out of industrial relations issues and some minor issues involving managers' associations, and relating to recognition of representativeness.

²⁹⁴ This association has not answered our survey.

²⁹⁵ It has not been possible to contact this association.

²⁹⁶ It has not been possible to contact these associations because of difficulties in finding a contact-person by telephone or e-mail.

²⁹⁷ It has not been possible to contact these associations because of difficulties in finding a contact-person by telephone or e-mail.

²⁹⁸ It has not been possible to contact these associations because of difficulties in finding a contact-person telephone or e-mail.

²⁹⁹ It has not been possible to contact these associations because of difficulties in finding a contact-person telephone or e-mail.

SWEDEN

1. IDENTIFICATION OF THE SECTOR

1.1. Brief history of the sector, its structure and key developments

The C&M sector is undergoing considerable expansion, with employment in the sector increasing sharply by about 30% (from about 26,000 to 33,500 jobs in the last ten years). The sector's activities are very varied. Sectors and activities in culture and the media with high employment include, in ascending order of importance, artistic activities, and radio and television. The latter account for over 70% of total employment in the sector. There is also a large number of workers, technicians and artists: in 2003, there were about 20,000 of them.

1.2. General quantitative data on the sector

In statistical terms, the sector of culture and the media comprises activities classified in Section OA, sections 92, but there is no "official definition" of the C&M sector, and analysis of movements in employment is based on the European NAF/Nace classification used by Statistic Sweden. SECTION OA: section 92, Collective social and personal services: 92100 Film and video production and distribution; 92200 Radio and television; 92300 Artistic activities, shows, and services related to shows; 92400 Press agencies; 92500 Management of libraries, museums and the natural heritage.

In 2003, according to the Institute of Swedish Statistics (SCB), there were about 23,300 enterprises (2,986 of them employing staff) in the Swedish C&M sector; about 87% of them (20,239 enterprises) had no employees at all. Distribution by size of enterprise is out of kilter with that of the economy as a whole, particularly in respect of the proportion of enterprises with no staff: this is especially high in the C&M sector (87% compared with 75% for the whole economy). The sector is dominated by 25 large enterprises with over 200 employees, and salaried employees account for 42% of employment in the branch. In 2003, the branch accounted for about 0.8% of the employed active population in Sweden, and 0.9% of salaried employment (i.e. about 33,400 salaried employees). According to Statistics Sweden self-employed³⁰⁰ accounts for approximately 37% of total employment in the sector (about 20,000 self-employed workers out of a total workforce of about 53,400). Enterprises with more than 50 employees account for about a third of salaried employment, while large enterprises (i.e. those with more than 100 employees) account for about 53% of total employment in the sector. Approximately 2,200 enterprises/organisations are affiliated to various employers' federations; density is estimated at about 75%. In 2003, about 30% of salaried employees in the sector had fixed-term employment contracts, a much higher figure than for the economy as a whole (15% in 2003). Legally speaking, workers in the C&M sector do not come any labour regulation specifically relating to them. Unfortunately there is no breakdown by gender, occupational level, wage, and no data is available for an estimate of the importance of the underground economy.

Companies

Sub-sectors	Number of Companies	% companies without SW	% companies with <10 SW	% Companies 10-100 SW	% companies with > 100 SW
Film and video production and distribution	2,837	75%	22.5%	2.5%	0.1%
Radio and television	631	67.8%	25.0%	6.2%	1.1%
Artistic activities, live shows etc	18, 352	90.7%	8.5%	0.7%	0.1%
Press agencies etc	786	90.7%	7.1%	1.8%	0.4%
Libraries, museums etc	709	59.4%	27.2%	10.9%	2.5%
Total for the sector	23,315	87.2%	11.2%	1.4%	0.2%

Source: Statistics Sweden (SCB), 2003

³⁰⁰ According to Statistics Sweden, self-employed (*eget företagare*) are defined as entrepreneur without dependent employees.

Workers

Sub-sectors	Number of workers	Number of SW	Number of SW/number of SW in the country (%)	Number of SW in companies <10 SW/number of SW (%)	Number of SW in companies 10-100 SW/number of SW (%)	Number of SW in companies >100 SW/number of SW (%)
Production and distribution of films and video	6 516	4 391	0,12%	32,8%	39,4%	22,5%
Radio and television	8 976	8 549	0,22%	4,8%	15,5%	79,7%
Artistic activities, live shows etc	28 731	12 888	0,32%	26,6%	29,4%	44,0%
Press agencies etc	1 848	1 135	0,03%	14,1%	32,2%	53,7%
Libraries, museums etc	7 702	7 281	0,19%	7,2%	39,8%	53,1%
Total for the sector	53 373	33 444	0,88%	17,2%	29,5%	53,3%

Source: Statistics Sweden (SCB), 2003

2. THE CB CONTEXT

Social dialogue is bipartite, and CB takes place at industry level. There are six employers' organisations in the C&M sector (see below for detailed descriptions): three in the media sector, and three in the culture sector. Salaried employees are represented by about 15 trade unions that take part in CB at branch level. The main bargaining items, apart from pay levels, are matters relating to working time (number of hours and adjustments), social protection issues (mainly retirement), and questions associated with authors' rights (particularly in the media sector for journalists, but also in the culture sector for playwrights, authors/composers and scene designers)³⁰¹. In addition to general provisions relating to conditions of employment (e.g. redundancy notice, working hours, paid holidays, overtime pay, training and authorised absence), agreements lay down rules dealing with the duration of employment contracts. It is also worth noting that some CAs in the media sector are concluded for free-lancers³⁰² (mostly in the written and spoken press). A fresh round of negotiations took place in the spring, and the majority of branch-level CAs in the C&M sector were renewed: most will run for between two and three years, depending on the field in which the agreement was concluded.

At 90%³⁰³, the coverage rate of CAs is relatively substantial, and in the local authority and public radio and television sector, it is as high as 100%. The reason for this high coverage rate lies partly in the fact that all the large enterprises in the sector are affiliated to the various employers' organisations; it is generally higher than the total unionisation rate because of extension procedures³⁰⁴ (*hängavtal*) relating to CAs.

Industrial relations in the sector are not out of line with those operating on other sectors. Globally, there has been a tendency since the early 1990s towards the decentralisation of CB from inter-professional level to branch level. The last 30 years have also seen a marked tendency towards an individualisation of salary formation and conditions of employment. As in other fields covered by CAs, industrial relations in the C&M sector are "cooperative" and marked by a will to reach compromise and agreement (The labour disputes are, by international standard, few). The unionisation rate and the coverage of CAs are high, and have undergone little change in the last ten years. The sector's social partners enjoy great autonomy *vis-à-vis* the public authorities, and the sector, like the whole of the Swedish economy, is largely regulated by CAs. Legislative regulation plays, compared to other EU member states, a secondary role.

³⁰¹ Issues related to authors' rights are being bargained, but they are not subject to a formal collective agreements. These negotiated "rights' agreements" extend also to other categories than authors, for example for other categories within the visual and musical arts.

³⁰² In the media sector a freelance journalist usually works as an entrepreneur like many set-designers and photographers.

³⁰³ In the media sector, the most important organs of the press, television and radio are affiliated to the various employers' organisations that sign branch-level CAs, and the coverage rate is accordingly high. In the culture sector, where the main theatres, opera houses and similar institutions are also members of the Svensk Scenkonst. In the public and local authority culture sector, the coverage rate is 100%.

³⁰⁴ This extension procedur (*hängavtal*) is a legale procedure allowing firms not affiliated to an employer organisation to conclude a local collective agreement identical to the prevailing industry-wide collective agreement.

3. DENOMINATION AND CHARACTERISTICS OF ORGANISATIONS³⁰⁵

The employers' organisations and trade unions that take part in CB in the sector are set out below. Their representativeness is not in question.

3.1. Employers

A. Culture

a) Association Swedish Performing Arts (Svensk Scenkonst)

This association is an independent employers' organisation that looks after the interests of enterprises operating in the arts and music-hall branch, which is largely made up such institutions as public, private and subsidised theatres, symphony orchestras, opera, opéra comique and classical dance classes. About 100 enterprises and organisations are members of the Svensk Scenkonst. They have a combined workforce of about 6,000. The main trade unions that deal with Svensk Scenkonst on behalf of administrative workers are TF, SMF, SYMF and HTF. Svensk Scenkonst concludes seven branch-level CAs, six agreements covering artistic and technical staff (e.g. actors, singers, musicians, choreographers and directors), and one agreement for administrative staff. The federation also concludes agreements on the rights of authors/composers with a number of organisations, and particularly with the IFPI (International Federation of the Phonographic Industry) and the SDF. Negotiating items raised in CB include working hours and social protection (pensions). The employers' organisations that operate in the C&M branch (e.g. museums, libraries, cultural centres and national archives) in the public sector (i.e. the state and local authorities) are set out below.

b) Swedish Association of Local Authorities (Kommunförbundet, KF et Landstingsförbundet LF)

This federation negotiates on behalf of 290 local authorities and 20 regions. In 2004, approximately 996,000 salaried employees were covered by CAs concluded by the Swedish Association of Local Authorities. The main cultural activities put on by local authorities are municipal libraries and museums and cultural centres. Sweden has 1,473 libraries and branch libraries, 148 municipal museums and 284 cultural centres (music, dance and culture). About 15,250 local authority and regional salaried employees (local authorities: 11,000; regions: 4,250) work in the C&M sector (e.g. librarians, library assistants, library managers, museum staff, archivists and heritage specialists (e.g. antiquarians and archivists)), and account for about 1.5% of all salaried employees working for local authorities. The main trade unions that negotiate in the C&M sector are the Swedish Federation of Local Authority Workers (Kommunal), which is a member of the General Confederation of Labour (LO), the Federation of Local Authority Civil Servants (Sveriges Kommunaljänstemannaförbund, SKTF), which is a member of the TCO Confederation, and the DIK.

c) The Swedish Agency of Public Employers (Arbetsgivarverket, AgV).

This agency covers the whole of the public sector (270 agencies), including about 40 public organisations in the C&M sector (mainly state museums, public archives and some libraries, such as the Royal Swedish Library). About 5,000 public sector civil servants work in the sector. This employers' organisation negotiates one branch-level CA that lasts two years. The main counterpart trade union is the DIK.

B. The media

d) Swedish Radio Television Broadcasting Employers' Organisation (Sveriges Radio Arbetsgivare Organisation, SRAO)

The SRAO employers' organisation, which was founded in 1993, brings together three enterprises (the public television company Sveriges Television (SVT) (two channels: SVT1 and SVT2) and the public radio companies Sveriges Radio (SR) and Utbildningsradio (UR). The SVT, SR and UR have a combined workforce of about 6,000 people, all categories included. The main trade unions with which the SRAO negotiates are the SIF, SJF, TF and SMF, and a group of federations: the Federation of University Graduates³⁰⁶ (Akademikerförbunden), which belongs to the General

³⁰⁵ EBU notes that some organisations are left out, Collecting societies with which it has agreements and other artists' organisations with which it has Collective rights agreements. The national author of the report thinks that compared to others, these agreements are less significant, especially in the framework of an exploratory study.

³⁰⁶ This grouping of SACO federations, *Akademikerförbunden*, is made up of the following federations: the Federation of Graduate Engineers (Civilingenjörförbundet, CF), the Association of Higher Education Graduates in Agronomy, Forestry, Horticulture and Nutrition Sciences (Agrifack), the National Swedish Federation of Economic and Commercial Science Graduates (Civilekonomerna), the Swedish Association of Graduates in Social Science, Personnel Administration, Management, Economics and Social Work (Akademikerförbundet, SSR), the Federation of

Confederation of Intellectual Workers (Sveriges Akademikers Centralorganisation, SACO). The SRAO has concluded seven branch-level CAs in the media sector with its counterpart trade unions. It has also concluded two other branch-level agreements dealing with authors' rights and other related issues, with the SDF and SFF.

e) The Almega Federation of Media and Information Employers (Almega Medie- och Informationsarbetsgivarna, MIA)

This association is a member of the Almega³⁰⁷ Federation, which is itself a member of the Swedish employers' confederation Sveriges Näringsliv. The MIA association now has 372 affiliated enterprises, whose activities cover a range of sectors including not only private television and radio companies, film production and distribution, videos and record companies, but also publishing houses (magazines, journals and books) and advertising firms. The enterprises affiliated to the MIA have a combined workforce of about 9,600 employees. The main counterpart trade unions with which the MIA concludes branch-level CAs (a total of 14 CAs in the sector of culture and the media) are SJF, TF, SMF, G, SIF, DIK and a group of federations (Akademikerförbunden) belonging to the SACO (see below). CAs have been concluded on behalf of administrative and managerial staff at HTF and Ledarna, and MIA has also signed two framework agreements dealing with authors' rights with the Swedish Writers' Union (SFF) and the Swedish Federation of Dramatists (SDF).

f) Swedish Newspaper Publishers' Association, (Tidningsutgivarna, TU)

This independent employers' organisation looks after the interests of newspaper publishers. About 200 newspapers and other enterprises in the sector are members of the association; 170 are daily newspapers. They have a combined workforce of about 16,200 full-time equivalent employees (5,500 journalists, 3,200 typographers, printers, 4,500 salaried administrative staff and 3,000 newspaper distributors). The Association's main counterpart trade unions are, in ascending order of importance, SJF, G, HTF, the Transport Federation and Ledarna. The Swedish Newspaper Publishers' Association has concluded nine branch-level CAs in the media sector.

3.2. Salaried employees

The C&M sector has no fewer than 13 trade unions³⁰⁸. They are set out below.

A. Culture

a) Swedish Union for Theatre, Artists and Media (Teaterförbundet, fackförbundet för Scen och Media, TF)

The TF Federation is the 12th largest federation in terms of membership in the General Confederation of Civil Servants and White-Collar Staff (Tjänstemännens Centralorganisation, TCO). It has membership among professional actors, dancers, choreographers, directors and technical staff. In 2004, the Federation has about 7,600 active members employed on work directly linked to the branch. The TF's main counterpart employers' organisations are the employers' body, Svensk Scenkonst (four branch-level CAs, two agreements for actors (subsidised theatres) and two for

Graduates in Law, Economics, Informatic Sciences, Personnel Administration and Social Sciences (Jussek), the Federation of Swedish Church Staff (Kyrkans Akademikerförbundet), the Swedish Federation of Directors, Principals and Head Teachers of Schools (Skoledarna), the Federation of Scientific Staff (Naturvetareförbundet), the Federation of Researchers and Culture and Information Professionals (DIK) and the Union of Swedish Psychologists (Psykologförbundet). These federations have approximately 325,900 members altogether. As the *Akademikerförbunden* grouping does not have its own legal status (moral person), the CF and/or the DIK federation is usually involved in negotiations in the C&M sector on behalf of federations belonging to the grouping, which jointly sign the CA.

³⁰⁷ The Almega employers' organisation is an umbrella body for 8,750 service enterprises that have a combined total workforce of 350,000 employees. These enterprises are members of seven employers' organisations, which together form ALMEGA. The Federation of Placement/Recruitment Agencies (Bemanningsföretag) is one of them. The organisations concerned are: the Almega IT Industry and Commerce Federation (Almega IT-företagens arbetsgivarorganisation), the Samhall Enterprises Federation (Almega Samhallförbundet), the Service Enterprises Federation (Almega Tjänsteförbunden), the Information and Media Enterprise Federation (Medie- och informationsarbetsgivarna, MIA), the Swedish Service Enterprises' Federation (Tjänsteföretagens arbetsgivarförbund), the Federation of Placement/Recruitment Enterprises (Bemanningsföretagens Förbund) and the Federation of Social Sector and Health Employers (Vårdföretagarna). Almega is a member of the Swedish Employers' Confederation, Svenskt Näringsliv.

³⁰⁸ There are 14 trade unions if the *Akademikerförbunden* grouping, which consists of ten Federations belonging to the General Confederation of Intellectual Workers (Sveriges Akademikers Centralorganisation, SACO) (see below) is included.

technical staff (subsidised theatres)) MIA (private-sector television and radio companies) and SRAO (four branch-level CAs). The most common bargaining items are levels of pay, together with matters relating to working hours (annualisation) and pensions.

b) The Swedish Federation of Musicians (Svenska Musikerförbundet, SMF)

The Federation is a member of the General Confederation of Labour (Landsorganisation, LO). The SMF organises musicians, writers of lyrics, chorus members, soloists, singers and troubadours, in addition to music and singing teachers, DJs and studio technicians, and in 2004 has about 3,500 members. SMF and the Federation of Professional Musicians have together concluded one CA with the employers' organisation Svensk Scenkonst, one with the IFPI, one with MIA (private-sector television and radio stations) and two branch-level agreements (one in radio and one in public-sector television) with SRAO. Recurrent bargaining items include pay levels and social protection (retirement).

c) The Federation of Professional Musicians (Sveriges Yrkesmusiker Förbund, SYMF)

The SYMF, which was founded in 1984, is the 16th largest Federation in the TCO by membership. For the most part, it recruits professional musicians and singers who mainly work for symphony orchestras, opera houses, and public- and private-sector regional and national theatres. In 2004, the Federation has about 2,000 active members employed on activities directly linked to the branch; 600 of its members are free-lance. Like its sibling organisation in the LO, the SYMF signs traditional branch-level agreements on conditions of employment with the employers' organisation Svensk Scenkonst, and another agreement with the IFPI on payment during recordings and similar times. The most important bargaining items include working hours (duration and adjustments).

d) The Salaried Employees' Union (Tjänstemannaförbundet, HTF)

The HTF is the 4th largest Federation in the TCO by number of members (about 158,000 active members in 2003). The union recruits white-collar employees in private-sector commerce, transport and services³⁰⁹ (mainly white-collar workers and middle managers). In the C&M sector alone, about 5% of the Federation's active members were employed on activities directly linked to the branch in 2003. The HTF Federation has signed one CA in the culture sector with the employers' organisation Svensk Scenkonst, one with MIA, and a CA with TU.

e) Documentation, Information & Culture (Dokumentation och Information Förbund, DIK)

With about 14,700 members in 2004, this DIK was the 13th largest federation in the SACO, DIK recruits librarians, archivists, antiquarians and cultural heritage managers, museum curators and staff, and translators. In 2003, the organisation had about 8,580 active members in the C&M sector whose employment was directly linked to the branch (i.e. about 59% of total membership). The Federation says that its membership oscillates between 70% (librarians and university teachers) and 90% (archivists, museum curators and staff, local authority librarians, and cultural heritage administrators). DIK has concluded one branch-level CA with KF/LF, and one with AgV on cultural activities handled by local authorities and the state. Another CA has also been signed in the arts and music-hall sector with the employers' organisation Svensk Scenkonst, and yet another with MIA. Lastly, DIK and the Akedimerförbunden grouping have jointly signed a CA in the public-sector radio and television sector with SRAO. The main bargaining issues are pay and conditions of employment (working hours and adjustments to working time). Broadly speaking, DIK favours the decentralisation and individualisation of salary formation.

f) SIF³¹⁰

The SIF is the largest federation in TCO by number of members (306,500 active members in 2004). For the most part, it recruits white-collar workers and technicians (mainly white-collar employees and middle managers). Strictly within the C&M sector, the SIF mainly recruits staff like sound and lighting technicians, camera operators and editors. In 2004, the SIF has about 12,000 active members (i.e. about 4% of total membership) employed in work directly linked to the branch. The Federation claims density of approximately 70-80%. It has signed some ten branch-level agreements, mainly with MIA and SRAO. The most common bargaining items are pay levels and issues relating to working time (atypical hours) and contracts of employment.

³⁰⁹ The scope of the HTF's CAs includes a wide range of activities such as tourism (hotels, airlines, coach companies, travel agencies/organisers and tourist facilities), wholesale and retail trade, transport (e.g. forwarding agents and haulage firms), organisations (sporting and other associations and political parties) service agencies (e.g. chartered accountants, and recruitment agencies and temporary agencies), newspapers and the media (e.g. advertising agencies and information technology firms), private dental care, and several other rather small sectors.

³¹⁰ The Federation of White-Collar Employees and Technicians in Industry (Svenska Industritjänstemannaförbundet) became the SIF Federation (the acronym does not stand for anything) at the beginning of the year.

B. The media

g) The Swedish Union of Journalists (Svenska Journalist Föbundet, SJF)

With about 15,000 active members in 2004, the SJF is the 9th largest federation in the TCO by numbers of members. The union recruits journalists employed in the written and spoken press. About 65% of the SJF's active members have jobs in the daily, weekly and monthly press, and on specialist magazines, 20% work in public- and private-sector radio and television, and about 15% are free-lance journalists. The SJF has also signed two branch-level agreements with SRAO (one dealing with salaried employees, the other with free-lancers), two branch-level agreements with MIA (one for press publications, the other in private-sector radio and television), and an agreement for free-lance journalists in the collectively agreed territory of MIA. The CAs will run for three years, from 2004 to 2007. The more controversial issues include those relating to employment contracts: workers on fixed-term and open-ended employment contracts (i.e. improvements to conditions of workers on fixed-term contracts).

h) Graphic and Media Workers' Union (Grafiska Föbundet och Media facket, G)

The Graphic and Media Workers' Union, or G, is a member of the General Confederation of Labour (Landsorganisation, LO). It has about 24,000 active members altogether. G mainly recruits compositors and binders, and also packagers. In the C&M sector alone, the union has about 4,000 active members employed in jobs directly linked to the C&M branch (i.e. 17% of total membership). The union has signed one branch-level agreement with TU for the written press, and a branch-level agreement with MIA for publishing houses and the press (e.g. magazines and journals). A new three-year CA came into force as recently as June 2004 in the area covered by the first of these CAs. Bargaining issues are not restricted to pay.

i) Transport Workers' Union (Transportarbetareförbund, Transport)

This federation was founded in 1897. It covers salaried employees in the transport sector (mainly lorry drivers, taxi drivers, bus drivers and newspaper distributors), and staff employed in maintenance, cleaning and distribution. In 2004, it has approximately 74,000 members altogether. The union has about 6,500 members (i.e. about 9% of total transport membership) employed in work directly linked to the branch. Transportarbetareförbund is affiliated to the General Confederation of Labour (Landsorganisation Sverige, LO-S); it is the 7th largest Federation by number of members. Unionisation is approximately 70%. The main counterpart trade union in the media sector is TU, with which Transportarbetareförbund has signed a branch-level CA covering about 6,500 salaried employees.

j) SIF (see above)

k) Swedish Association of Graduate Engineers (Civilingenjörförbundet, CF) (part of the General Confederation of Intellectual Workers (Sveriges Akademikers Centralorganisation, SACO))

With about 99,000 members altogether in 2004, CF is the largest federation in the SACO. It recruits graduate engineers. In 2003, CF had about 500 active members in the C&M sector employed in activities directly linked to the branch. CF has jointly with SIF concluded a branch-level CA with MIA, and in the public-sector radio and television sector, it has, together with the Akedimerförbunden grouping, signed a CA with SRAO.

l) The Swedish Federation of Dramatists (Sveriges Dramatiker Förbund, SDF)

The principal aim of the SDF is to defend the interests of Swedish playwrights and translators. This independent organisation was set up in 1941, and brings together nearly all active Swedish dramatists. In 2004, the SDF has 680 active members in the branch comprising shows, theatre, television, public- and private sector radio, and the cinema industry. The SDF's main counterpart employers' organisations are Svensk Scenkonst, MIA and SRAO.

m) The Swedish Writers' Union, Sveriges Författareförbund, SFF

The SFF was founded in 1893. The main objective of this independent organisation is to defend the economic and moral interests of writers and literary translators in Sweden. Its chief counterpart employers' organisations are MIA and SRAO.

n) The Swedish Association for Managerial and Professional Staff (LEDARNA)

Ledarna mainly recruits managers (middle managers, supervisors and senior managers). It has concluded two major branch-level agreements with TU and MIA for the media sector.

There are no unrecognised (or partly recognised) actors who should be seen to be playing a role in industrial relations in the sector. The actors have taken no particular position regarding the "future" of, or developments in, social dialogue in the sector.

Principal employers' organisations

Organisation		Sub-sectors covered	Companies	SW	CB	National affiliations		European affiliations		International affiliations	
Original name	English name		number	number	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Svensk Scenkonst	Swedish Performing Arts	music, music-hall, symphony orchestras, opera, dance, subsidised and private theatres	100	6 000	Yes	Independent	-	PEARLE*	-	-	-
Almega Medie- och informationsarbetsgivarna (MIA)	The Almega Federation of Media and Information Employers (MIA)	Video, Film, Radio, TV-production and broadcasting Cinema Press, Multimedia firms	372	9 600	Yes	Svenskt Näringslivs (Confederation of Swedish Enterprises)	-	-	UNICE via Svenskt Näringsliv EBU via one of its affiliates, TV4	-	-
Tidningsutgivarna, TU	Swedish Newspaper Publishers' Association	Newspaper Publishers	200	26 000	Yes	Independent	-	European Newspaper Publisher Association (ENPA)	-	-	World Association of Newspapers (WAN)
Sveriges Radio Arbetsgivare Organisation, SRAO	The Swedish Radio Television Broadcasting Employers' Organisation	Public Radio and Television broadcasting	3	6 000	Yes	Independent	-	-	EBU via its affiliates SVT, SR and UR	-	-
Kommunförbundet, KF et Landstingsförbundet, LF	The Swedish Association of Local Authorities	Media and culture activities at local authority level	290 local authorities and 20 regions	15 250	Yes	Independent	-	CEEP European Centre of Enterprises with Public Participation	-	-	-
Arbetsgivarverket, AgV	The Swedish Agency of Public Employers	Media and culture activities at State level	State, 50 organisations, museums, public state libraries, state archives	5 000	Yes	Independent	-	CEEP, ditto	-	-	-

Principal trade unions in the C&M sector

Organisation		Type of SW	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Type	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Teaterförbundet fackförbundet för Scen och Media (TF)	Swedish Union for Theatre, Artists and Media	Performers, technicians and administrative staff in Swedish theatre, film, radio,	Yes	TCO Tjänstemännens Centralorganisation.	-	UNI-MEI-Europa, Euro-FIA, Federation of European	European trade Union Confederation and Eurocadres via	UNI Union Network International, FIA, Association	Confédération Internationale des Syndicats Libres

		television and the cinema		Svensk Teaterunion – Swedish centre of the ITI. Copyswedeand KLYS (Swedish Joint Committee for Artistic and Literary Professionals)		Directors (FERA)	TCO	International des auteurs de l'audiovisuel (AIADA)	(ICFTU), via TCO
Svenska Musikerförbundet, SMF	The Swedish Federation of Musicians	Musicians, composers, singers, music teachers, music technician	Yes	LO-S Landsorganisation Sverige	-	UNI-MEI-Europa	European trade Union Confederation via LO-S	FIM, UNI Union Network International	Confédération Internationale des Syndicats Libres (ICFTU), via LO
Sveriges Yrkesmusiker Förbund, SYMF	The Federation of Professional Musicians.	Musicians (symphony orchestras, opera houses, music-halls)	Yes	TCO Tjänstemännens Centralorganisation	-	-	European trade Union Confederation and Eurocadres via TCO	FIM, Nordic Music Union	-
Svenska Journalist förbundet, SJF	The Swedish Union of Journalists	Journalists (news papers, radio and television, magazines, audiovisual companies), information officers and editors	Yes	Tjänstemännens Centralorganisation, TCO	-	European Federation of Journalists (EFJ)	European trade Union Confederation and Eurocadres via TCO	International Federation of Journalists	Confédération Internationale des Syndicats Libres (ICFTU), via TCO
Grafiska Förbundet och Media facket, G	Graphic and Media Workers' Union	Bookbinders, lithographers and typographers, Web wand media designers	Yes	LO-S Landsorganisation Sverige	-	UNI- Graphical	European Trade Union Confederation via LO-S	UNI Union Network International Graphical (UNI Graphical)	Confédération Internationale des Syndicats Libres (ICFTU), via LO
Transportarbetareförbund, Transport	Transport Workers' Union	Drivers	Yes	Landsorganisation Sverige (LO-S)	-	European Transport Workers' Union	European Trade Union Confederation, via LO-S	International Federation of Commercial, Clerical, Professional and Technical Employees (FIET), Union Network International (UNI)	Confédération Internationale des Syndicats Libres (ICFTU), via LO
Sveriges Dramatiker förbund, SDF	The Swedish Federation of Dramatists	Writers, translators	Yes	-	-	-	-	-	-
Sveriges Författarförbund, SFF	The Swedish Writers' Union	Writers and literary translators	Yes	-	-	European Writers' Congress (EWC), European Council of Associations of Literary Translators (CEATL)		International Confederation of Authors and Composers (CISAC)	

Dokumentation och Information Förbundet, DIK	The DIK Association (Documentation, Information & Culture)	Antiquarians, archivists, archaeologists, curators, researchers, editors, computer technicians, information officers, librarians, museum professionals, public relations managers, restorers, translators, administrators of cultural, musical and tourist activities	Yes	Sverige Akadamer Centralorganisation (SACO)	-	EBLIDA (European Bureau of Library, Information and Documentation Associations) EUPRERA European Public Relations Education and Research Association ENCATC European Network of Cultural Administration Training Centres	European Trade Union Confederation and Eurocadres (via SACO)	IFLA International Federation of Library, Associations and Institutions (ICA) International Council of Archives, International Council of Museums (ICOM)	Confédération Internationale des Syndicats Libres (ICFTU), via SACO
SIF	SIF	White-collar staff and technicians	Yes	TCO Tjänstemännens Centralorganisation	-	-	European Trade Union Confederation and Eurocadres (via TCO)	UNI-MEI	Confédération Internationale des Syndicats Libres (ICFTU) (via TCO)
Tjänstemannaförbundet (HTF)	The Salaried Employees' Union	White-collar staff, office workers and executives	Yes	TCO Tjänstemännens Centralorganisation	-	- UNI-Europa	European Trade Union Confederation and Eurocadres via TCO	UNI Union Network International	Confédération Internationale des Syndicats Libres (ICFTU) via SACO
Civilingenjörförbundet, CF	The Swedish Association of Graduate Engineers	Engineers	Yes	Sverige Akadamer Centralorganisation (SACO)	-	-	ETUC (via TCO), ETWU, UNI-Europa, Eurocadres via SACO	UNI Union Network International	International Confederation of Free Trade Union via SACO
LEDARNA	The Swedish Association for Managerial and Professional Staff	White-collar staff, middle managers, executives and managerial staff	Yes	-	-	CEC European Confederation of Executives and Managerial Staff	-	-	-

THE UNITED KINGDOM

1. DESCRIPTION OF THE SECTOR AT NATIONAL LEVEL

1.1. Delimitation and scope of activities in the sector

There is no official delimitation of the sector. The project describes the two sectors as covering the following activities:

- The culture sector through all of its activities, services, locations, associations, organisations, institutions and enterprises, and people both individually and collectively (e.g. administrative and technical personnel) in relation to the arts (e.g. plastic (sculpture etc), graphic design, graphic artists and designers) books, publishing etc; live shows (e.g. theatre, mime, acrobatics, stage shows, musical ensembles, opera, music-hall, orchestras, dance and ballet); the cinema (e.g. actors, animation designers, cameramen, editors, property managers, production designers, boom operators, script writers, projectionists and ushers/usherettes); and literature.
- The media sector is similarly defined in relation to: audio-visual arts (e.g. public broadcasting, commercial broadcasting, the production and distribution of films, television production, the film industry, video games, and journalists, film producers, actors and musicians); radio (e.g. journalists); the press (e.g. journalists); and the internet.

The sector as a whole is quite well covered by NACE, although freelance activities may well lie outside the coverage of the Annual Business Inquiry as this focuses on enterprises. It also excludes C&M workers who are employees of firms classified in other economic sectors. As it is defined here, the media sector does not include printing, and particularly newspaper printing.

1.2. Socio-economic features of the sector

Overall, in recent years, between 1998 and 2002³¹¹, the different elements within these broad sectors have grown at different speeds, some faster than the economy as a whole, and some slower. Among cultural activities, the operation of arts facilities has proved the most dynamic, and among media activities, growth has been led by radio and television activities. In contrast, employment growth has outpaced the whole economy³¹² in all C&M sub-sectors, bringing it to about 1% of total employment by 2002, and nearly 2% of total value added in the economy. The average size of employing units across the two sectors is small, especially in artistic and literary creation, but also in motion picture and video activities, and reflects the high percentage of freelance, independent employment in the sector. For example, a survey by the Association of British Orchestras (ABO) (2000) reported that of the 27 orchestras surveyed, just over 50% of their 1,725 core players in 1998/1999 were regularly employed on a freelance basis (ABO 2000, Knowing the Score). In terms of pay, average employment costs in cultural activity sectors are at, or below, those of the economy as a whole, whereas those in media activities are more than double that figure. This reflects generally higher levels of value added per employee. The relative pay position of C&M staff is confirmed by the results from the annual New Earnings Survey by the Office for National Statistics. Radio and television professionals, and the radio and television sector top the earnings league, although what is notable is the big dispersal of earnings (a top-to-bottom decile ratio of 3.8 for NACE 922 compared with 3.6 for the economy as a whole. Qualifications cover a very wide range, and there are clearly many people who hope to enter the sector by building up experience on the job. To judge by the strong growth in the number of enterprises in all sub-sectors except artistic and literary creation, it is fairly easy for new firms to enter the sector, and one would therefore expect competition to be fairly intense.

Companies³¹³ and workers³¹⁴

Sub-sectors	Number of Companies	Number of workers
Motion pictures and video 92.1	6,692	45,000
Artistic, literary etc. 92.31	28,894	71,000
Operation of arts facilities 92.32	978	13,000

³¹¹ The short time-span gives an impression of growth recently during the 1990s.

³¹² Total employment in 2002 was 23.5 million, and there were 1.9 million enterprises (same source as above). The C&M sector is therefore quite small.

³¹³ No data were found for the percentage of companies by size.

³¹⁴ No data were found for the number of SW, the number of SW/number of SW in the country (%) and the number of SW in companies by size/number of SW in the sector (%).

Radio and television 92.2	4,283	77,000
News agency activities 92.4	675	12,000
Total for the sector	41,822	218,000

Source: Office for National Statistics, Annual Business Inquiry, 2002.

There are many informal arrangements in the sector, but little is known about them. They have not been well researched.

2. SOCIAL DIALOGUE IN THE SECTOR

2.1. Basic features of the social dialogue

Social dialogue in the two sectors has a historically strong element of CB, although, in the case of the newspaper industry, this was severely weakened when News International moved its operations from Fleet Street in Central London to its new premises in Wapping, in east London. In addition to the printing unions, journalists also lost CB representation in that firm as it set up its own staff association, NISA (News International Staff Association). The latter was recently refused accreditation as an independent trade union by the government's Certification Officer (IDS Report 835, June 2001, p.7).

Social dialogue in the sector reflects the importance of network patterns of organisation which are widespread. This contrasts with the reliance upon large employing organisations which, in many other sectors, have been the organisational forms driving CB and social dialogue. A distinctive feature of the pay agreements in parts of the sector, such as in theatre employment, is that negotiations establish the minimum rates at which people should be hired as much as the rates of pay of incumbent workers. The social dialogue covers a wide range of issues, as do the representative organisations. The Broadcasting Entertainment Cinematograph and Theatre Union (BECTU), for example, offers a wide range of services to its members including negotiation with employers, but also advice on careers, how to deal with agents, a script registration service, skill development, and stakeholder pensions as many workers will not be eligible for occupational pension schemes run by employers.

2.2. Players

The sector is characterised by a mix of CB with individual companies, and bargaining with an employers' organisation, notably in the theatre sector, where the Theatrical Management Association (TMA) takes on a CB role. PACT negotiates on behalf of producers in film and TV. In broadcasting, the British Broadcasting Corporation and the leading independent television companies engage directly in CB with the unions they have recognised. These cover the full range of their activities.

2.3. CAs

The pattern of wage negotiations in the two sectors is very varied. As with the rest of the UK, the enterprise level plays a very important part, especially where there are major employers, such as the broadcasting organisations. The pattern of CAs in the sector is very complex, as is illustrated by the list of agreements between BECTU, Equity, and some of the other associations and the various employers and their organisations.

Agreements in theatre and variety and orchestras

The CAs in the theatre sector present a complex structure in which the Theatrical Management Association (TMA), which has the widest coverage and represents regional theatre, negotiates across the sector with unions representing different categories of staff and each of the groups represents a different occupation³¹⁵. SOLT (the Society of London Theatres) covers London's West

³¹⁵ TMA for example has negotiated with BECTU (the theatre workers' union) an agreement covering most private theatres outside London; with / Equity (Actors) - Commercial Theatre and Subsidised Repertory; with MU (Musicians Union); with the Creative Team formed by Equity Choreographers, BECTU / Equity Theatre Designers, Equity Theatre Directors and Equity Fight Directors; with Writers; with Opera and Ballet.

End theatres, and the ITC, fringe and small-scale touring companies.³¹⁶ BECTU represents all employees not already represented by Equity, the Musicians' Union and executive grade management staff (Agreement between the TMA and BECTU October 2002). The complex structure of agreements in the sector is also illustrated by the range of agreements between Equity, the actors' union, and different employers. In fact, Equity's Theatre and Variety Department negotiates with representatives of employers' organisations to formulate Equity agreements in all areas of theatre and light entertainment³¹⁷. These cover performers, stage management and members of the creative team. In the orchestral sector, the Association of British Orchestras negotiates an annual agreement with the Musicians' Union, the ABO/MU Freelance Orchestral Agreement.

Agreements in television and new media, film and radio

Agreements in television, film and radio display a similarly complex structure to those in theatre and live performance activities. Again this reflects the wide diversity of employment statuses in the sector, especially the divide between employees and freelance workers, and the diverse occupational structure with a large number of skilled occupations, and a network pattern of organisation³¹⁸. Equity's industrial department also negotiates a complex array of agreements on behalf of members working in television and new media and on film and radio, representing their interests to employers and ensuring that all aspects of pay, terms and conditions are covered in the resulting agreements³¹⁹. PACT/Bectu have a freelance production agreement to cover the engagement of BECTU freelance production crews on Pact member film and television productions.

News media

In the news media, CAs (where they are negotiated at all) are established with individual employers. In the mid-1980s, much of the newspaper industry relocated from its historical base in Fleet Street in central London to the former docklands in east London and Wapping. Some newspaper companies retained CB, but used the move as an opportunity to restructure their employment relations fundamentally, while others, such as News International, used the move to derecognise unions altogether³²⁰.

³¹⁶ Opera and ballet companies are covered by the TMA and SOLT.

³¹⁷ Equity Theatre Agreements: West End Theatre Performers and Stage Management; Subsidised Repertory for Performers and Stage Management; Commercial Theatre for Performers and Stage Management; ITC for Performers and Stage Management; Theatre Directors - West End, Provincial Theatre, Subsidised Theatre, ITC; Choreographers - West End, Commercial Theatre, Subsidised Theatre; Theatre Designers - West End, Provincial Theatre, Subsidised Theatre, ITC; Fight Directors; RSC/RNT for Performers and Stage Management; Overseas Touring; BPI Current Cast Show Recording; Guidelines for Working on the Fringe; Opera Singers; Opera Guest Artists; Opera Producers/Directors; Opera and Ballet Stage Management; SOLT/TMA Ballet and Dance; there are also a number of local Agreements in the area of Opera and Dance, for example with the Royal Opera House and Royal Ballet. These cover opera singers, ballet dancers, stage management, actors and dancers; Local Agreements made with employers in theatre include the NMEC for the Dome, Walt Disney Theatrical (UK) Ltd and Shakespeare's Globe. Equity Variety Agreements: CORCA contract for use in over 6,500 clubs; VLEC (Variety and Light Entertainment Council) Standard Contract for Act as Known; VAEC Standard Floorshow Contract; VLEC Cruise Contract; VLEC Circus Contract; Standard Contract for Overseas Engagements (primarily for chorus dancers).

³¹⁸ BECTU Agreements in television and film: APA Production Agreement (the Commercial's Production Agreement between BECTU and APA covers UK freelances in advertising film and videotape production); Code of Practice for Submission of Programme Proposals; The agreement is between the main UK broadcasters and the Alliance for the Protection of Copyright (APC) which includes BECTU; Directors' contract guidelines; The agreement is between UK broadcasters and BECTU, the Directors Guild of Great Britain (DGGB) and the Personal Managers Association (director's agents); PACT Production Agreement; The Freelance Production Agreement between BECTU and PACT sets out minimum rates of pay for freelances across film and television production; FAA/PACT Agreement; Agreement covering background artists working on PACT film and television productions; Last updated 20 April 2004.

³¹⁹ Equity television and film agreements: BBC Agreement for Main and Walk On Artists; ITV Agreement for Main and Walk On Artists; PACT Agreement for Independent Television Productions for Main and Walk On Artists; PACT Agreement for Cinema Film Productions (Main Part Artists only); TAC Agreement for Main and Walk On Artists working on Welsh Language Independent Television Productions; BBC Radio Agreement 1998; BPI Pop Video Agreement; BPI Gramophone Recording Agreement (non-classical); BPI Gramophone Recording Agreement (classical); Electronic Arts Interactive Media Agreement; Radio Independents Organisation Agreement; Central Office of Information Fillers Agreement; National Film and Television School Agreement; BBC On Line Agreement.

³²⁰ At News International, whose titles include the Sun and the Times newspapers, the company set up the News International Staff Association (NISA) after it derecognised the unions in 1986 when it moved its facilities to Wapping in East London. In June 2001, the company applied to the government's Certification Officer for trade unions for recognition as an independent trade. The

2.4. Joint forums

The Joint Industry Forum for the use of Directors, Agents, Television Contracting Departments, Producers and Lawyers in the engagement of Directors in British Television issues guidelines for best practice in the engagement of freelance directors. The latest issue is dated 1 June 2002. Membership includes unions, and employers, and employers' organisations³²¹.

3. ACTORS IN THE SECTOR

3.1. Employers' organisations in the sector

3.1.1. Identification of the organisations

a) The independent producers' association, PACT

PACT is the UK trade association that represents and promotes the commercial interests of independent feature film, television, animation and interactive media companies. It has its headquarters in London, an office in Scotland and regional representation throughout the UK, in order to support its 1000-plus members. It was formed in 1991 by the merger of the Independent Programme Producers Association with the Producers' Association and two other production associations. The market for the output of the independent media companies depends very much of the level of in-house production of programme material by the BBC and the ITV, the big broadcasting companies. Minimum levels of outsourcing have been fixed by governmental decision, and so PACT has developed an important and effective lobbying capacity.

The 1986 Peacock Report on the future funding of the BBC recommended that the BBC and ITV should be obliged to take 40% of their programming from the independent sector. The BBC and ITV opposed this, and the government decided on 25% as a minimum level of outsourced production. PACT's next big campaign was in 1993, when it successfully challenged ITV's proposed commissioning structure. The new structure – guaranteeing equal access for all producers and a uniquely favourable deal – has given producers the opportunity to own rights, and to generate significant revenues from secondary exploitation and export. In January 2003, PACT's lobbying of government resulted in the introduction of over 60 amendments to the Communications Bill, thereby fundamentally changing the relationship between independents and broadcasters across all public service broadcasters. Under the new Act, broadcasters will have to adhere to regulated codes of practice and terms of trade governing their business dealings with independents. The premise will be that producers retain all rights, unless negotiated otherwise.

PACT also provides a range of services including training, events, business advice and subsidised legal services for all its members. It administers the Independent Production Training Fund levy for television producers and is a partner in the Skills Investment Fund – the feature film-training levy administered by Skillset. PACT also negotiates terms of trade with all public service broadcasters in the UK and supports members in their business dealings with cable and satellite channels; lobbies for a properly structured and funded UK film industry and maintains close contact with the Film Council and other relevant film organisations and government departments; encourages the development of creative clusters throughout the regions, and has strong

Certification Officer was charged with establishing whether the union was 'not under the domination or control of an employer' and 'not liable to interference by an employer', under the Trade Union and Labour Relations Act of 1992, and concluded that it was not independent. The application by NISA was regarded by some, according to Income Data Services (IDS), as an attempt by the company to prevent the AEEU, GPMU, and the NUJ using the new statutory recognition rights enacted in June 2000. (IDS Report 835, June 2001, p.7). NISA negotiated a three-year deal with the company effective from July 2000. The Certification Officer considered that the association's membership structure (no membership register), its organisation and its dependence on the company for funding disqualified it from counting as an independent trade union.

³²¹ Parties to the All Industry Directors' Forum:

-Directors' Representative Organisations: Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU); Directors' and Producers' Rights Society (1992) Limited (DPRS); The Directors Guild of Great Britain (DGGB); The Personal Managers' Association (PMA).

-Broadcasters/Producers: The British Broadcasting Corporation (BBC); British Sky Broadcasting Limited (BSkyB); Channel Four Television Corporation (C4); Channel 5 Broadcasting Limited (C5); ITV Network Limited (ITV); Producers' Alliance for Cinema and Television (PACT); Sianel Pedwar Cymru (S4C); Teledwyr Annibynnol Cymru (TAC).

relationships with regional development agencies and screen agencies; works to encourage the financial community to invest in the UK independent sector; is involved with the EU in regulatory and policy issues; The Producer Rights Agency is a subsidiary of PACT, and negotiates all CAs with unions and guilds. PACT is governed by a council, elected by and from its membership. All companies' interests are represented, irrespective of size or location.

b) The Society of London Theatre and the Theatrical Management Association -SOLT/TMA

Society of London Theatre (SOLT)

The Society was founded in 1908, and it is the trade association which represents the producers, theatre owners and managers of the major commercial and grant-aided theatres in central London. Today the Society combines its long-standing roles in such areas as industrial relations and legal advice for members with a campaigning role for the industry, together with a wide range of audience-development programmes to promote theatre-going. In industrial relations, the Society plays a major role with Equity (the actors' union), the Musicians' Union and the Broadcasting Entertainment Cinematograph and Theatre Union (BECTU). The Society is responsible for CB on behalf of its members on the minimum rates of pay and conditions, and gives advice on a range of employment matters relating to the engagement of artists, choreographers, designers, directors, musicians, box office and front-of-house staff and technicians. The Society plays an active role in mediating and settling disputes concerning employment and contractual matters, and employs the professional staff team who provide the services for members.

Theatrical Management Association (TMA)

The TMA is the pre-eminent UK-wide organisation dedicated to providing a professional support network for the performing arts industry. Founded in 1894, it is now an association of people and organisations throughout the UK professionally involved in the production and presentation of the performing arts. Its members include repertory and producing theatres, arts centres and touring venues, major national companies and independent producers, opera and dance companies, and associated individuals and businesses. TMA is run by a Council elected from and by its membership. This Council represents all sectors of the business. As shown above, the TMA has an extensive role in industrial relations, and has agreements with BECTU, Equity and the Musicians' Union covering many areas of employment in the sector. Over 200 theatre companies across the UK are members of the TMA.

c) The Association of British Orchestras (ABO)

ABO is the national body representing the collective interests of professional orchestras throughout the UK. It exists to support, develop and advance the interests and activities of orchestras in the UK. It seeks to influence and improve the environment in which orchestras operate, and to ensure they flourish and achieve their maximum potential. The Association of British Orchestras describes its key activities as covering four areas: Advocacy: to be an advocate for the orchestral community of the UK ensuring that the voice of British orchestras is heard by all relevant parties; Services: to provide relevant and value for money services to members for their benefit and convenience; Communication: to provide the principal means by which members communicate collectively with each other to facilitate shared knowledge, collaborative initiatives and problem solving; Information: to provide accurate, timely and comprehensive information on issues and events that impact on the management, development and legal responsibilities of orchestras. ABO was founded in 1947 as the Orchestral Employers' Association, primarily to negotiate with the Musicians' Union and other bodies on behalf of its membership, which consisted almost entirely at that time of those orchestras receiving annual funding from the newly established Arts Council of Great Britain. In 1982 the Association took on company status, becoming the Association of British Orchestras. It continues to negotiate the ABO/MU Freelance Orchestral Agreement with the MU, annually, and represent its membership in discussions and negotiations with a number of other national organisations. During the past decade, the organisation has grown substantially in terms of its size (an increase from 35 in 1989 to 128 today) and its role, which has expanded to include a diverse range of activities designed to support the development of the UK's orchestral life. The ABO now has an extensive programme of Events from specialist managers' meetings and training to seminars, public symposia and the Annual Conference. In past years, the Association of British Orchestras has developed a role as co-ordinator of national projects, including two major sponsorship programmes involving the participation of a large number of member orchestras. As a champion of the education and community work of the UK's orchestras, one of the ABO's key objectives has been the support and development of this, now core, area of work. A series of nationally co-ordinated education projects over the past few years resulted in a well established Orchestras in Education programme, which existed to promote the education work of member orchestras and to develop the relationship between schools, teachers and orchestral players. The Association of British Orchestras has also mounted a number of research initiatives, with a series of important industry reports being produced, such as a comprehensive statistical survey of the UK's orchestral profession, Knowing the Score, and the highly influential report on noise damage to musician's, A Sound Ear.

d) Radio and television

Commercial Radio Companies Association

The Commercial Radio Companies Association (CRCA) is the trade body for commercial radio companies in the United Kingdom. It is a voluntary, non-profit making body formed by the first radio companies when Independent Radio began in 1973. It has always enjoyed the overwhelming support of the radio industry – all but a handful of stations are in membership – and has been an influential force in British broadcasting throughout its existence. As well as promoting the importance of commercial radio, CRCA plays an active role in promoting conditions that will enable it to thrive into the future. It is funded by the subscriptions of its member radio companies, which in turn share the cost of CRCA in proportion to their share of the industry's broadcasting revenue. CRCA is widely recognised outside radio as one of the most active and effective media trade associations. It maintains close and constructive links with relevant regulators, with all the other media and advertising bodies such as the Advertising Association, ITV Network Centre, IPA and ISBA, with other broadcasting bodies such as the BBC, the Radio Academy, the WorldDAB Forum and the EBU, with commercial radio associations abroad such as the National Association of Broadcasters (US) and – via the Association of European Radios of which it was a founder member – with commercial radio associations in France, Germany, Greece, Italy, The Netherlands, Portugal, Spain, Switzerland and Scandinavia. Although the CRCA represents its members over a wide range of important issues, these do not include collective negotiations on behalf of its members with the media industry unions. However, it does negotiate copyright arrangements on behalf of the industry. These concern the royalties that stations pay to MCPS, PPL and PRS for playing the music of the artists, composers and record labels represented by those organisations. CRCA also negotiates freelance journalists' rate of pay with the NUJ on behalf of its members. The Association also provides a 'Business Support Helpline' service of immediate industrial relations and business advice to all CRCA members. This service is operated by Croner Consulting, a respected consultancy in this field with special knowledge of broadcasting. Croner Consulting also provide access to factsheets on a wide range of topical business and legal issues via the Members Area of the CRCA website. These services are free to CRCA members. Additionally, members can make use of a range of Croner Consulting services, including representation at tribunals, at special rates. It also plays a role in industrial training, and provides an industry pension scheme.

e) Major television companies

As producers of programmes

The BBC and the independent television company Granada have CAs with BECTU, Amicus and the NUJ. ITV also has CAs with Equity, the Musicians Union and the Writers Guild. The British Broadcasting Corporation, the BBC, is the major producer of programme material in Britain; currently, over 70% of its productions are made in-house by BBC employees, involving almost 20,000 staff. It is obliged to commission 25% of its programmes from outside, although certain genres are exempt. PACT, representing independent producers, wants BBC in-house productions limited to 50% of its output, with 25% reserved for independent production companies ("indies") and the rest open to all; the latter would open up scope for producers that do not count as independents, such as Granada, the programme-making arm of ITV. The BBC is currently undertaking a review of the BBC's commissioning and production structure, commissioned by the new Director General, Mark Thompson, when he took over in June 2004 (Guardian 19.8.04 'More in-house BBC shows face the axe').

As broadcasters

Apart from the independents organized within Pact, the ITV (independent television broadcasting companies) companies have their own programme-making companies, Granada and the Scottish Media Group. The BBC and the ITV companies engage in CB with the media unions. In recent years, the satellite broadcasting company Sky has become a major player.

3.1.2. National, European and international affiliations

Pact is a member of CEPI, the Independent Production Representatives in the European Union, a pan-European organisation. The Society of London Theatre, and the Theatrical Management Association (SOLT/TMA), and the Association of British Orchestras are affiliated to PEARLE*, the Performing Arts Employers Associations League Europe.

Employers' organisations

Original (English) name	Sub-sectors covered	Companies number	SW number	Density Companies %	Density SW %	CB yes/no	European affiliations	
							Direct	Indirect
PACT	*	*	Over 1000	*	*	Yes	CEPI	*
SOLT/TMA	Theatres	ND	ND	ND	ND	Yes	PEARLE*	*

ABO	Orchestras	Over 100	*	*	*	Yes	*	*
CRCA	Broad-casting	*	*	*	*	*	*	*
BBC	Broad-casting	*	*	*	*	Yes	*	*

* Awaiting information

3.2. Trade unions in the sector

3.2.1. Identification of the organisation

Federation of Entertainment Unions (FEU)

Unions in the sector are federated into the Federation of Entertainment Unions (FEU). The FEU grouping consists of six UK unions: BECTU (Broadcasting, Entertainment, Cinematograph & Theatre Union), Equity (representing actors), the Musicians' Union, the NUJ (National Union of Journalists), the Professional Footballers' Association (not included in the current study), and the Writers' Guild of Great Britain.

a) Broadcasting, Entertainment, Cinematograph & Theatre Union – BECTU

BECTU was founded in 1991 after a series of mergers between separate unions during the 1980s, the history of which can be traced back to 1890. According to its website, BECTU is the independent union for those working in broadcasting, film, theatre, entertainment, leisure, interactive media and allied areas that are primarily based in the United Kingdom. It represents permanently employed, contract and freelance workers within these sectors. It offers a wide range of services to its more than 25,000 members, including: Negotiating pay, conditions, safety and contracts with employers; Services and benefits for individual BECTU members; Personal advice and representation of individual members with employers; and Publishing its "Stage Screen and Radio" magazine ten times a year. Membership is voluntary, and anyone working or seeking employment in the sectors covered by BECTU can apply for membership. The union is financed entirely by individual subscriptions from members. The union's head office is situated in south west London, and is supported by a number of regional offices. Members are grouped into Branches, which elect representatives to an annual policy-making Conference. Branches themselves are grouped into six Divisions. The National Executive Committee (NEC), consisting of members elected by secret ballot every two years, has on-going responsibility for the running of the union. BECTU is represented on the Board of Skillset, the sector skills council, and is represented on the Governors of the National Film and Television School, and plays a part in a number of other industry bodies, including the British Screen Council. In addition to the FEU, BECTU's affiliations include: the Trades Union Congress (TUC), UNI, the Union Network International, General Federation of Trade Unions (GFTU), which is the UK federation for specialist unions., and the Labour Party. BECTU participates in the European social dialogue on behalf of its members in live entertainment, under the auspices of the European Commission between EURO-MEI (the European section of the union's international affairs) and PEARLE*. BECTU is also engaged in European social dialogue on behalf of its members in audio visual and film, with the EBU and a number of other European employer associations.

b) Equity³²²

Equity represents artists from across the entire spectrum of arts and entertainment. Formed in 1930 by a group of West End of London performers, Equity quickly spread to encompass the whole range of professional entertainment so its membership includes actors, singers, dancers, choreographers, stage managers, theatre directors and designers, variety and circus artists, television and radio presenters, walk-on and supporting artists, stunt performers and directors and theatre fight directors. Equity is not politically affiliated and so does not make payments to any political party, and this, it argues, improves its ability to lobby governments of all political colours. Its is affiliated to the Trades Union Congress, and Equity delegates attend the annual TUC conference as a means of bringing performers' issues to a wider audience. According to the union, its main function is to negotiate minimum terms and conditions of employment throughout the entire world of entertainment, and to endeavour to ensure these take account of social and economic changes. It negotiates agreements to embrace the new and emerging technologies that affect performers; satellite, digital television, new media and so on are accordingly all covered, as are the more traditional areas. It also works at national level by lobbying government and other bodies on issues of paramount importance to the membership, and operates at international level through the Federation of International Artists, which Equity helped to establish, and the International Committee for Artistic Freedom, and through agreements with sister unions overseas.

³²² <http://www.equity.org.uk>

c) Musicians Union³²³

The MU was founded in 1893, and has served musicians of all types. The music profession and the music industry have seen constant evolution and change over the years. It has fought hard to “keep music live”, which, it argues, is the best means of assuring a constant supply of high quality recorded music. It has 100 branches throughout the UK, and stresses the importance of developing live music at all levels including local pubs and clubs.

d) National Union of Journalists (NUJ)

The NUJ is one of the biggest and best-established journalists’ unions in the world, with 364,000 members. These members cover the whole range of editorial work: staff and freelance, writers and reporters, editors and sub-editors, and photographers and illustrators working in broadcasting, newspapers, magazines, books, on the internet and in public relations. The union was founded in 1907 and has fought for journalists, their pay and conditions, their working rights and their professional freedom ever since. The NUJ has held on to these values through war and peace, boom times and recessions³²⁴. The NUJ’s membership has been rising steadily for the last four years.

e) The Writers’ Guild of Great Britain³²⁵

The Writers’ Guild of Great Britain is the TUC union for all professional writers. The Writers’ Guild is a trade union for writers working in television, radio, film, theatre, books and multimedia. It is affiliated to the Trades Union Congress and it has over 2,000 members. The Guild was established in 1958. It describes its mission as being to represent writers in all media. For nearly half a century it has aimed to ensure that writers are properly paid and credited. It stresses that the media industry may have changed but the Guild’s philosophy has remained the same. Writing is by its nature a solitary occupation, but membership of the Writers’ Guild means that writers need not be isolated. Its Minimum Terms Agreements and advice services are safeguards against exploitation. Its professional, cultural and social activities enable writers to be part of a community, in touch with each other and with new ideas.

3.2.2. Recognition: Capacity to negotiate CAs or to take part in formal consultation

As discussed above, all the major unions have CAs with the employers’ organisations and many of the main employers, such as the major television and newspaper companies. News International is the chief exception. The unions and employers’ organisations are also deeply involved in training activities such as in Skillset, the media industry training organisation. Skillset is charged with developing a Sector Skills Agreement to address future training and educational needs of staff working in the audio visual industry.

3.2.3. National, European and international affiliations

All the major unions – BECTU, Equity, the Musicians’ Union, the NUJ and the Writers’ Guild – are affiliated to the Federation of Entertainment Unions (FEU), and the Trades Union Congress (TUC) in Britain, and to UNI-Media at the European level.

Trade Unions

Organisation	Type of SW	Members	Members working in the sector	Density	CB	National affiliations		European affiliations		International affiliations	
						Direct	Indirect	Direct	Indirect	Direct	Indirect
BECTU	Various	25,000	25,000	*	Yes	FEU. TUC.	*	UNI-Media, EURO-MEI, and EBU	*	UNI, the Union Network International, General Federation of Trade Unions (GFTU)	*

³²³ <http://www.musiciansunion.org.uk>

³²⁴ “Despite the attacks in the UK on trade unions and independent journalism, despite the supposed fall in public appreciation of our members’ work, we are thriving.”

³²⁵ <http://cgi.writersguild.force9.co.uk>

Equity	Actors	35,400	*	*	Yes	FEU, TUC	*	UNI-Media, Eurofia	*	Federation of International Artists, International Committee for Artistic Freedom	*
Musicians' Union	Musicians	31,300	*	*	Yes	TUC, FEU	*	UNI-Media	*	*	*
NUJ	Journalists, editors, freelance staff	34,000	34,000	*	Yes	FEU, TUC	*	European Federation of Journalists	*	*	*
Writers' Guild	Writers	2,000	2,000	*		FEU, TUC	*	UNI-Media	*	FIM UE	*

*Awaiting confirmation

No data could be provided about the identification of players not recognised who have to be considered as playing a role in the professional relations within the sector³²⁶, the possible conflicts between players and about the positions of the players regarding the future evolutions of the social dialogue in the sector.

³²⁶ The national expert means that there are numerous "fringe" groups, albeit more in terms of fringe companies and activities rather than fringe "social partners".

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- EUROPEAN COMMISSION, EMPLOYMENT AND SOCIAL AFFAIRS DG, Adaptability, Social Dialogue and Social Rights, D1 : Social dialogue, industrial relations and adaptation to change. Minutes of the SDC meeting, "AUDIOVISUAL" Sector, 29.04.2004, 10th of June, 2004.

For further information about terminology, please refer to the series of studies completed jointly by FIA, FIM and Euro-MEI with the support of the ETUC and of the European Commission. These studies are focused on the status of the artist in the EU and in 5 of the new Member States (2001, 2003) and on the Enlargement of the European Social Dialogue in the Performing Arts Sector (2004). They give a very comprehensive picture of the status of the artist throughout the EU and of the existing structures of social dialogue at national level. Moreover, they use a complex terminology that could be very useful in the context of the current report. These studies can be obtained at the Secretariats of any of the above-mentioned federations.

Websites

- <http://www.fia-actors.com>
- <http://www.fim-musicians.com>
- <http://pearle.ws>
- <http://www.ifj-europe.org>
- <http://www.ebu.ch>
- <http://www.acte.be>
- <http://www.aereurope.org>
- <http://www.fiapf.org>

ORGANISATIONS CONSULTED FOR THE ELABORATION OF EXPERTS'REPORTS

In the framework of the redaction of the reports, the national expert consulted these persons:

Austria

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
A. Kerschner	GDJP	Staff
Dr. H. Stegmüller	KMSfB	General secretary of KMSfB
Dr. W. Brandstetter	ÖZFMV	Staff
W. Schaffelhofer	VÖZ	Staff
Gen.Dir. F. Häussler	VBW	Official
Mag. A. Hüttner	VV	Staff
Dr. P. Nebel	TV	Official
Mag. R. Tritscher	FTR	Staff

Belgium

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Nicola Donato	CGSP-secteur culturel	Francophone National Secretary
Michel Hendrickx	CSC Transport et communication	Head of the Culture Sector
Jean-Paul Van Der Vurst	ACV Transport en communicatie	Algemeen sectorverantwoordelijke
Didier Seghin	Confédération des Syndicats Libéraux de Belgique	Information Center
Ignace De Breuck	Association Belge du Spectacle	-
Guy Morillon	Fédération des Cinémas de Belgique	-
Patrick Quinet	Union des producteurs de films francophones	-
Willy Perel	Association Belge des producteurs-réalisateurs de films	-
-	Vlaamse Onafhankelijke televisie producenten	-
-	Vlaamse Onafhankelijke televisie-facilitaire bedrijven	-
-	Fédération Belge des Entreprises audiovisuelles/Federatie Des Belgische Audiovisuelle Ondernemingen	-
-	Vlaamse Filmproducentenbond	-
-	Association Belge des Distributeurs de Films	-
Liesbeth Dejonghe	Vlaamse Directies voor Podiumkunsten (VDP)	-
-	Chambre Patronale des Employeurs Permanents des Arts de la Scène	-
-	Federatie van werkgevers van sociaal-cultureel werk	-
Pierre Malaise	Confédération des Entreprises du Secteur Sportif et Socioculturel (CESSOC)	Directeur
Laurette Muylaert	CGSP/ACOD	
J.M. Cappoen	Setca	
P. Vanheddegem	LBC-NVK	

Denmark

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Claus Borly	<i>The Danish Newspapers' Employers' Association</i> (DDFF) Danske Dagblades Forenings Forhandlingsorganisation.	Head of agreements (overenskomstchef)
Finn Obbekær	<i>The Graphic Association of Denmark</i> (GA). Grafisk Arbejdsgiverforening,	Head of department (afdelingschef)
Henrik Petersen	<i>The Danish Actors' Association</i> (DSF). Dansk Skuespillerforbund.	President (formand)
Mette Eeg	<i>The Association of Danish Journalists</i> (DJ) Dansk Journalistforbund.	Information officer and webmaster
Jakob Pelch	<i>The Confederation of Danish Set Designers</i> (SDS) Sammenslutningen af Danske Scenografer.	Business Manager (forretningsfører)

Lilli Petersen	<i>The Danish Musicians' Union</i> (DMF) Dansk Musiker Forbund.	Business Manager (forretningsfører)
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Finland

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Seppo Paananen	Statistics Finland	Statistician
Raimo Söder	Theater and Media Employees	Managing director
Håkan Gabriëlsson	Federation of the Finnish Media Industry	Managing Director
Satu Kangas	Federation of the Finnish Media Industry	Director
Liisa Wessman	Forum Artis	Secretary
Christian Bäcklund	Media Union	Head of international affairs
Jukka Ekholm	Satistics Finland	Actuar
Tuomas Auvinen	Association of Finnish Theatres	Managing Director

France

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Claude Michel	FNSAC-CGT	Secrétaire général adjoint
Danièle Rived	FTILAC-CFDT	Secrétaire générale
M. Peskine	USPA et FESAC	Président USPA et FESAC
Colette Chardon	PRODISS	Déléguée générale
Frédéric Goldsmith	SNEP	Directeur juridique
M. Hersent	Sud Culture	Secrétaire national
M. Cottin	Chambre syndicale des producteurs et exportateurs de films français	Secrétaire général
M. Burdin	CGT	Responsable secteur culture
M. Lanneau	Syndicat national des artistes plasticiens - CGT	Secrétaire général
M. Fabert	FILPAC-CGT	Secrétaire de l'union fédérale des ingénieurs et cadres techniques du livre et de la communication
M. Canon	USPAC-CGT	
M. Pozdrec	Syndicat national des techniciens et travailleurs de la production cinématographique et de télévision	Délégué général
M. Kerdraon	Syndicat des réseaux nationaux	Président
Mme Charpy	Syndicat National des Directeurs de Théâtres de Ville	Déléguée générale
Mme Ramond-Bailly	Syndicat national de l'édition	Chargée de la négociation collective
M. Girard	Association française des orchestres	Secrétaire général
M. Caillé	Syndeac	Secrétaire national adjoint
Mme Gentillhomme	Syndicat des Directeurs de Théâtres Privés	Déléguée générale
M. Médecin	Chambre Professionnelle des Directeurs d'Opéra	Président
M. Boissarie	Syndicat national des journalistes	Premier secrétaire général
Mme Uberson	Syndicat national des entreprises de loisirs, d'attraction et de culture	
Mme Dechelette	Fédération nationale des exploitations cinématographique	
Bernard Gourinchas	Association des employeurs du service public audiovisuel	Président
M. Daucé	Fédération des ensembles vocaux et instrumentaux, FEVIS	
M. Sebbag	SPI	Délégué TV, Entreprise, Multimedia
Mme Kacki	Syndicat des radios generalists privées, CRGP	
	Syndicat national des artistes musiciens de France, SNAM-CGT	Responsable du syndicat
M. Blanc	FASAP-FO	Secrétaire general
Daniel Edinger	Syndicat français des réalisateurs, SFR-CGT	secrétaire général
Mme Bovierlapierre	Syndicat national des techniciens et réalisateurs de la production cinématographique et de télévision, SNTR-CGT	Secrétaire général
M. Ferrier	Syndicat national des professionnels du théâtre et des activités culturelles, SYNPTAC-CGT	Secrétaire général

Germany

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
ARD	Mr. Gruber	Chairman
ZDF*	Mr. Winter	Head of HRM
ProSiebenSat1 Mediagroup*	Mrs. Pichler	Head of corporate communication
RTL*	ND	General corporate communication
TPR*	Mr Schunk	Chairman
Ar.di*	Mr. Lehmann	Managing Director
Bvdm*	Mr. Mayer	Managing director and head of social policy and law
German stage society - federal association of German theater*	Mrs. Schmalbach	Lawyer within the organisation
Syndicate of new German movie producer*	ND	General communicaton
Federal association of German TV producer*	Mr. Kreile	Managing director
HDF *	Mrs. Rieger	Assistant of the Board of Directors
VDZ*	Mr. Platte	lawyer
BDZV *	Mrs. Laumer	Assistant of the director
VTFF*	ND	General communications
Association of German movie producer *	ND	General communication
Connex.av*	Mr. Steinle, and general communication	Projektmanager connexx.av
ver.di	Mr. Werneke Mr. Kaschel-Arnold (answered the requests)	Head of media, arts and industry Assistant in media, arts and industry
DJV*	Mr. Klem	Department international relations, new media and private broadcasting
GDBA *	ND	General communication
VdO*	Mr. Meuschel	Managing Director
DOV	Mr. Mertens	general manager
APR*	ND	General communication

*: no answer received from this organisation.

Greece

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
<i>Culture</i>		
PLATAKIS, Vassillis	PEETH	President
VAROUHAS, Antonis	SEI	Vice-President
SKONDRAS, Constantinos	EET	General Secretary
PAGANI, Asimina	PMS	Secretary
KOLOVOS, Vassillis	POTHA	President
MOUZAKI, Despina	SAPOE	President
ALEXAKIS, Tassos	ETEKT	President
SOUTALOS, Panayotis	SETTH	President
PAPADATOS, Marinos	SIFITH	President
DARDANOS, Giorgos	POEV	President
<i>Media</i>		
COSTOPOULOS, Petros	E I I R A	President
FILIPPOPOULOS, Constantinos	E I T I S E E	Legal advisor
LAYIOS, Nicos	E I I E A	Administrative Manager
ASLANOGLOU, Constantine	E I I E E	President
KAVATHAS, Kostas	SEPT	President
DAVANELOS, Antonis	POESY	Organisational Secretary
MATHIOUDAKIS, Manolis	ESIEA	President

GOUSIDES, Dimitris	ESIEMTH	President
VOULDIS, Apostolos	ESEPIN	President
PLAHOURLIS, Yannis	ESPIT	President
KALFAYANNIS, Panayotis	POSPERT	President
KAMARINOPOULOS, Dimitris	ETER	President
DELIKARIS, Giorgos	ETITA & ETITVE	President
XIROYANNIS, Panagiotis	EPIEA	President
CONSTANTINIDES, Stelios	ETIPTA	President

Ireland

Name of the person consulted	Name of the organisation consulted	Function of the person in the organisation	Validation received
Dónall Ó Braonáin	RTÉ Trade Union Group	Secretary	Yes
Tania Banotti	Theatre Forum	Chief Executive	Yes
Malcom Byrne	Screen Producers Ireland	Director	Yes
Jane Boushell	Irish Equity (SIPTU)	Branch Secretary	No
Jimmy Jordan	Broadcasting Branch (SIPTU)	Branch Secretary	No

Italy

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
CHIARA SBARIGIA	APT	General Secretary
GIANFRANCO COMANUCCI	RAI S.p.A.	Human Resources and Industrial Relations Responsible
FRANCO SIDDI	FNSI	President
MASSIMO CESTARO	SAI	General Secretary
EMILIO MICELI	CGIL - SLC	General Secretary
ALBERTO FRANCESCONI	ANEC - AGIS	President
EDUARDO MONTEFUSCO	RNA	President
GIANNI MASSARO	ANICA	President
-	Mediaset S.P.A.	Human Resources Responsible

The report was sent to the persons indicated, only the FNSI has replied by sending a document explaining the role and function of FNSI, but with no specific comments on the report. Furthermore, in view of the "explorative" nature of the present study and considering the huge number of interest organizations playing a role in the CB in the sector (more than 50), the interviews with the representatives of the social partners will be carried out in a subsequent sector study, as it has been in the cases of Construction and the Public sector, in 1999 and 2003 respectively.

Luxembourg

Name of the organisation consulted	Name of the person consulted and function in the organisation
LCCB	Mme Alexandra BERTEMES, secrétaire syndicale.
OGB-L	M. Léon JENAL, secrétaire central.

Netherlands

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Vereniging van Nederlandse Theatergezelschappen	Mirjam Bach	Policy advisor
Schouwburg/Concertgebouwdirecties	Hans Onno van den Berg	manager
Onafhankelijke Televisieproducenten	Veroniek Schaafsma	Policy advisor
Vakbond voor Kunsten, Informatie en Media	Lucia van Westerlaak	chairwoman
KVGO, de werkgeversorganisatie in de grafimedia branche	T.Boomgaard	
Cnvdivo Dienstverbond media	J.Bleeker	
Directie Overleg Dans	Lineke Burghout	secretary

Portugal

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
João Vidigal	STE	President
Inês Gaspar	AID	Secretary Direction

José Faustino	APR	President
Rodrigues Gonçalves	APAP	Director
Victor Hugo Sequeira and Bruno Domingues	SITese	Secretary General

Spain

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
May Marqués	TACE (Técnicos Asociados Cinematográficos Españoles)	Ex-Secretaria General
Carlos Ponce Domínguez	UGT-Federación de Servicios	Secretario de Comunicación Social, Cultura y Deporte
Noemi Etxebarria	ELA	
Paco Olmedo	CGT - Sindicat d'Espectacles, Gràfiques, Paper i Audiovisuals de Barcelona	Secretario General
Antonio Ares	CGT-Federación Estatal	Responsable de Organización
Raúl Olmos; Enrique Fossoul	CCOO-Federación Estatal de Comunicación y Transportes	
Santiago González	USO	
Luis Bellvís	Universidad de Valencia	Autor del estudio: "Análisis de situación de las empresas productoras de teatro y danza de la comunidad valenciana", 4/2002
José Luis Escolar	Asociación de Directores de Producción Cinematográfica de España (ADPCE)	Presidente
Ángeles San Gabino Martínez	Federación de Entidades y Empresas de Cine de España (FEECE)	Secretaria General
María del Carmen Merencio	Asociación de Revistas de Información (ARI)	Jefa de Secretaría
Jara Fernández	Asociación General de Empresas de Publicidad (AGEP)	Secretaria de Dirección
Jordi Ventura Boleda	Federación Nacional de Empresas de Publicidad (FNEP); Associació Empresarial Catalana de Publicitat	Director General
Fabia Buenaventura	Federación de Asociaciones de Productores Audiovisuales de España (FAPAE)	Directora General
Carlos Rubio	Asociación Española de Agencias de Publicidad (AEAP)	Director General
Begoña Camarero	Asociación Española de Empresas de Publicidad Exterior (AEPE)	Secretaria
Elena Jorge	Federación Estatal de Empresas Productoras de Teatro y Danza (FAETEDA)	Secretaria Técnica
Josefina Andrade	Federación de Distribuidores Cinematográficos (FEDICINE)	
Rocío	Asociación de Editores de Revistas Culturales de España (ARCE)	
Susana Martín	Federación de Artistas del Estado Español (FAEE)	
Ester Romero	Asociación Española de Radiodifusión Comercial (AERC)	
Silvia	Unión de Actores	
Ximo Romà	Red Española de Teatros, Auditorios y Circuitos de Titularidad Pública	Presidente
Olga	Associació d'Actors i Directors Professionals de Catalunya	
Marisa	Asociación de Representantes Técnicos del Espectáculo (ARTE)	
Estrella Nogales	Asociación Nacional de Empresas de Producción Audiovisual (ANEPA)	Gerente
Amaia Mañeru	Federación Española de Fotógrafos Profesionales de la Fotografía y de la Imagen (FEPFI)	Secretaria Técnica
Patrick Alfaya (presidente); Jorge Culla (ex-presidente)	Asociación Española de Orquestas Sinfónicas (AEOS)	Presidente y ex-presidente
forma-spme@teleline.es	Sindicato Profesional de Músicos Españoles (SPME)*	
Helena Jorge info@faeteda.org	Federación Estatal de Asociaciones de Empresas Productoras de Teatro y Danza (FAETEDA)*	Secretaria
anepa@anepa.org	Asociación Nacional de Empresas de Producción Audiovisual (ANEPA)*	
Susana Martín faee@wanadoo.es	Federación de Artistas del Estado Español (FAEE)*	
Ester Romero aerc@retemail.es	Asociación Española de Radiodifusión Comercial (AERC)*	

Ximo Romà redteatros@redescena.net	Red Española de Teatros, Auditorios y Circuitos de Titularidad pública*	Presidente
Noemí Etxebarria netxebarria@elasind.org	Sindicato ELA *	

*: no answer received from this organisation.

Sweden

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
<i>Trade Unions</i>		
Sara Andersson and Ulf Björkstrand sara.andersson@dik.se, ulf.bjorkstrand@dik.se	Swedish Federation DIK (Documentation Information and Culture)	Ombudsman and bargaining chief
Anders.graneld@teaterforbundet.se	Teater Förbundet (TF), Swedish Union for Theatre, Artists and Media	Ombudsman, Jurist
Hans Ekström, hans.ekstrom@sif.se	SIF	Ombudsman
Sören brandström Sören.brandstrom@musikerforbundet.se	Svenska Musikerförbundet	Ombudsman
Lillemor Svensson, lillemor.svensson@symf.se	Sveriges Yrkesmusikerförbundet (SYMF)	Ombudsman
Margaret Gillberg mgb@sjf.se	Svenska Journalistförbundet (SJF)	Ombudsman
Göran Hamrin goran.hamrin@cf.se	Civilingenjörförbundet (CF)	Ombudsman
Jan Österlind jan.osterlind@gf.se	Grafiska Fackförbundet, mediafacket (GF)	President
Martin Jeffle maje@htf.se	Tjänstemannaförbundet, HTF	Information unit
<i>Employers</i>		
Inga Lundberg, inga.lundberg@arbetsgivarverket.se	Arbetsgivarverket (AgV)	Bargaining Unit
Lotta Kärger, lotta.karger@svekom.se	Kommunförbundet (KF)	Ombudsman
Stefan Koskinen stefan.koskinen@tu.se	Tidningsutgivarna (TU)	Bargaining chief
Hans Andersson Hans.andersson@almega.se	Media- och information arbetsgivarna, MIA	Bargaining staff
Svante Rosing, svante.rosing@srao.se	SRAO (Sveriges radio Arbetsgivare Organisation)	President
Erica Norman erica.norman@svenksscenkonst.se	Svensk Scenkonst	Information Head

The United Kingdom

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Mr. Tim Wilson	PACT	Director
Mr. Peter Morris,	Theatrical Management Association	Industrial Officer
Ms. Lisa Kerr	Commercial Radio Companies Association	External Affairs Manager
Mr. Russell Jones	Association of British Orchestras	Director
Mr. Roger Bolton,	Broadcasting, Entertainment, Cinematograph & Theatre Union - BECTU	General Secretary
Mr Ian McGarry,	Equity	General Secretary
Mr. John Smith,	British Musicians' Union	General Secretary
Mr. Jimmy Dear	National Union of Journalists	General Secretary
Mr. Bernie Corbett	The Writers' Guild of Great Britain - WGGB	General Secretary

EUROPEAN ORGANISATIONS CONSULTED

Name of the organisation consulted	Name of the person consulted
ACT	Ross Biggam
AER	Christina Sleszynska
CEPI	Bruno Alves
EBU	A. Fikentscher
EFJ	Marc Gruber
EURO-MEI	Johannes Studinger
FIA	Bianca Busuioc, Dominick Luquer
FIAPF	Valérie Lépine, Bertrand Moullier
FIM	Thomas Dayan, Antony Marschutz, Benoît Machuel
PEARLE*	Anita Debaere

ANNEX: QUESTIONNAIRE SENT TO NATIONAL EXPERTS

Collective Bargaining in the field CULTURE & MEDIA in Europe (UE15)

1. Objective of the study and delimitation of the sector

The object of this comparative study can be resumed under three main points :

- i. Description of the structuring of the whole of the CULTURE & MEDIA fields through certain key aspects which make it easier to compare one EU country with another.
- ii. 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.
- iii. Provision of an overview of the main protagonists operating in this sector.

For information purposes, this study is of the same type as that describing the public sector, which some of you carried out during the year 2000 (if you would like it, we can send it to you as an example).

In particular, 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 EU member states.

As an illustrative example, we could highlight:

• The CULTURE sector through the entirety of its activities, services, locations, associations, organisations, institutions, enterprises and people both as individuals and 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
- etc.

• The MEDIA sector through the entirety of its activities, services, locations, associations, organisations, institutions, enterprises and people both as individuals and in a collective capacity (administrative, technical personnel, etc.) 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
- etc.

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 delimitation is thus given to you as an **indication**. Item 1 of the questionnaire will aim to delimit the sector at the national level.

2. Methodological remarks

A **national report in English** (about **10 pages**) will be worked out by the national research team. This report will contain one section relating to the description of the sector at national level, another giving the basic features and the evolution and trends of the professional relations and collective negotiation, and finally the third one will focus on the players in the sector.

To answer the questionnaire (see point 3), the following stages will be carried out by the experts :

- Identification of the relevant key people who may help to collect the data
- Interview these key people, the representatives of the employers' organisations and the trade unions and collect some documents that may help to collect the data
- Redaction of the report
- Feedback of the social partners (sending study, taking into account of their remarks, verify your data and include their changes or explain the reason of their exclusion)
- Sending the report to IST*
- Reply to the possible additional queries of the co-ordinator

*Reminder of the deadline : Monday August 16, 2004

Which organisations have to be included in the study ?

The national reports have to contain information about organisations :

- Taking part in social dialogue in the sector and/or
- Members of the European organisations

		Members of European organisations	
		Yes	No
Taking part in social dialogue	Yes	X	X
	No	X	-

Quantitative data

The European Commission has reaffirmed the importance of the quantitative data allowing the assessment of social partners importance within the sector. This is the reason why we ask you to:

precise when the quantitative data are not reliable

provide membership **estimates** in the case of non-availability of data from the organisations.

Otherwise, the national experts are asked to notice **the sources of the different data collected** (because of the possible contestations from the organisations).

3. Questionnaire

Very important notes:

- when it's possible, please note the distinction between the information from the Culture sector and from the Media sector
- For all information, which is difficult to collect, please note the type of difficulty or obstacle you have met and answer to the questions: what exactly is difficult to collect? Why? What would be the solution to get the information (a change in the way of distributing the data, transparency, quantity or quality of the information distributed, etc.)
- for the quantitative data, please detail the methodology used to get the information
- in every case, please indicate the source of the data

A. Description of the sector at national level

Delimitation and scope of activities in the sector

- Activities included in the sector CULTURE and in the sector MEDIA (what does it mean by "culture" and "media"?) in your country
- Subdivision and structure of the sector, and relative importance of the sector CULTURE & MEDIA compared to the whole of the economy and of each sub-sector compared to the others sub-sectors
- Characteristics and particularities of the activities (indicate also the "new" cases, for instance if your country already includes the internet professions in the sector Media)
- Delimitation suggested for the sector CULTURE & MEDIA, and the justification of this suggestion (why do you propose this suggestion, which basis ?)

Organisations, associations, institutions or enterprises

- Characteristics and number of the organisations, associations, institutions or enterprises in the sector CULTURE & MEDIA (size, type, private/public, etc.)

Employment

- Characteristics and number of the workers by category (permanent or intermittent workers -relating to independent work, no declared work, part time work, project job, etc.-; worker for private or public sector; profession or job; status: white collar/blue collar, executive or skilled occupations; etc.) and relative importance of each category
- Types of contracts and relative importance of each type
- Characteristics of employment in terms of qualifications level, wages, establishment of atypical work, gender repartition, etc.
- Estimate importance of the underground economy by sector and sub-sector

Evolution

- Brief historical review of the birth and evolution of the sector CULTURE & MEDIA (in terms of employment, privatisation, type of organisation, etc.)

B. Professional relations and collective negotiation in the sector at national level

Basic features of the social dialogue

- Structuring of social dialogue in the CULTURE & MEDIA sector: subdivisions by sub-sector, by statutes of workers, by public and private divisions, etc.
- Functioning of social dialogue (bipartite/tripartite; CB/consultation, formal/informal; levels of the CB; links between the different levels of the CB -state of the negotiations in enterprises/decentralisation-; etc.) in accordance with the regions, sub-sectors, private and public sectors, categories of workers, etc.

Evolution and trends

- Brief historical review of the birth and evolution of the professional relations and collective negotiations in the sector and sub-sectors CULTURE & MEDIA

C. Players in the sector at national level

Short description of the players (workers and employers, private and public)

- Identification of dominant players who have to be considered as playing a role in the professional relations within the sector (rights of representation, consultation and information; power of taking decisions, of negotiation or control; etc.)
- Identification of players not recognised (or partially recognised) by the dominant players but who have to be considered as playing a role in the professional relations within the sector
- Possible conflicts between players and expected resolution
- Positions of the players regarding the future evolutions of the social dialogue in the sector

The employers' organisations

- Name of the organisations (original name, English name)
- Particular characteristics of the organisations (brief historic, way of funding of the organisation, sub-sectors covered by the organisations, etc.)
- Type of members: public or private organisations, activity categories, sub-sectors, etc.
- Relative weight of the organisation compared to the others organisations (if possible, memberships, social elections results, other)
- Degree of participation to the negotiations and frequency of the negotiations

The Trade unions

- Name of the organisation (original name, English name)
- Particular characteristics of the organisation (brief historic, sub-sectors covered by the organisation, way of funding of the organisation, etc.)
- Type of members: permanent or intermittent (relating to independent work, no declared work, part time work, project job, etc.) workers; white collar/blue collar, executive or skilled occupations; etc.
- Relative weight of the organisation compared to the others organisations (if possible, memberships, social elections results, other)
- Degree of participation in the negotiations and the frequency of negotiations