

A report prepared by ICF Consulting Services and commissioned by the members of the European social dialogue committee on Audiovisual services: CEPI, EBU, EFJ, EURO MEI, FIA, FIAPF, and FIM as part of a project, co-funded by the European Commission, DG Employment, Social Affairs and Inclusion (VS 2015/0046)

Analysis of the EU audiovisual sector labour market and of changing forms of employment and work arrangements

Country reports

May 2016



This publication was made with the financial support of the European Union.
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1 Czech Republic¹

1.1 Introduction

1.1.1 Definition of the AV

The interviewed representatives of employers and employer/employee organisations had a similar understanding of the audiovisual sector, reporting that it consisted of activities classified under NACE rev 2 J59 and J60 sectors. Thus their definition was slightly broader than the one employed in this study, because they usually included sound recording and music publishing activities (J59.2) under the audiovisual sector.

The Czech National Statistical Office (CNSO) also defines audiovisual sector as activities included under NACE rev 2 J59 and J60 codes². Under the CNSO classification, the audiovisual activities belong under the information and media sector. This sector includes publishing and other informational activities (J58.1 and J63.9) in addition to the audiovisual sector.

There were no Czech studies focusing exclusively on the audiovisual sector published as of the date of this study. Audiovisual activities were only analysed in a few studies focusing on a broader area of cultural industries (Zakova, 2010; Nemec 2013). The cultural industries included music, videogaming, publishing and printing industries in addition to what is understood as audiovisual sector in this study. The definition of cultural industries followed a definition adopted in the study “Economy of Culture in Europe” published in 2006 by the European Commission³.

1.1.2 Overview of the AV sector

According to the CNSO data, the audiovisual sector⁴ accounted for approximately 0.2% of the national Gross Value Added (GVA) in 2012. This equalled approximately 3.8% of the GVA of the whole informational and communicational NACE J sector. Thus, given the small size of the Czech economy, the national market can be perceived as relatively small within the European context.

The programming and broadcasting activities accounted for almost two thirds (60%) of the overall GVA of the audiovisual sector in 2012. The remaining 40% were attributable to the motion picture, video and television programme production⁵.

¹ The national report reflects the situation as of 8th of January 2016.

² https://www.czso.cz/csu/czso/informacni_a_medialni_sektor

³ <http://www.keanet.eu/ecoculture/studynew.pdf>

⁴ Defined as NACE J59 and J60 activities including sound recording and music publishing activities.

⁵ Note that the CNSO definition also includes sound recording and music publishing activities under this category.

There was a total of 3,832 businesses operating in the audiovisual sector as of 2012. These businesses had a total of 5,767 workers, where worker is defined as any person that undertook paid work within that year, including self-employed individuals.

It is important to note that this overall number of workers relates only to activities included specifically under NACE J59 and J60 codes⁶. This number should not be directly compared with the number of employees reported by public broadcasting companies (see sub-section 1.1.3) because CNSO data is based on the Annual structural business statistics collected according to the directive of European Commission and Parliament nr. 295/2008. Businesses identified in this way, or their units specializing on different activities in case of bigger employers, are classified according to NACE-CZ⁷ into the relevant economic sectors.

Thus the CNSO data is likely to include only those employees that work in businesses, or business units in case of bigger employers, that focus specifically on the following activities defined under NACE J59 and J60 codes:

- Production of movies, video recordings, TV shows and commercials;
- Post-production activities such as editing, recording, subtitling, PC animation and graphics;
- Distribution of movies to cinemas and TV networks;
- Projection of motion pictures in cinemas and other related venues;
- Sound engineering and music publishing;
- Audio broadcasting activities; and
- Production of television programmes and their broadcasting.

The NACE-CZ documentation specifically mentions that statistics do not cover activities of self-employed actors, draughtsman, directors, scenic designers and technicians (NACE code J90) and of agencies mediating actor and artist employment (NACE code J74) under NACE code J59. It is not obvious to what extent the CNSO data covers the activities of business units focusing on activities such as marketing, branding, PR, ICT, trade, HR and other supporting activities demanded by employers in the audiovisual sector. If these business units are clearly demarcated within a business according to the type of supporting activity, they are likely to be classified under their respective NACE codes rather than under NACE J59 and J60 codes. In contrast, the data on employees of public broadcasting companies (see section 1.1.3) include all employees under part-time, full-time or fixed-term contracts employed by these organisations.

The vast majority of businesses in the audiovisual sector (all except eight) had less than 50 employees⁸. According to the interviewees, the small number of businesses with more than 50 employees were likely to be television or radio broadcasters. Indeed, there were only 169 businesses operating in programming and broadcasting compared to 3,832 in the motion picture, video and television programme production, suggesting that employment in the former part of the audiovisual sector was more concentrated.

⁶ https://www.czso.cz/documents/10180/23174387/vysvetlivky_cz_nace.pdf/f530ebef-f949-40c7-a27d-f8888503d791?version=1.0

⁷ https://www.czso.cz/documents/10180/23174387/metodicka_prirucka_cz_nace_rev_2.pdf/e26ebef3-a5b2-48a1-a036-75e14cdb8944?version=1.0

⁸ https://www.czso.cz/csu/czso/informacni_a_medialni_sektor

Public companies are likely to account for a significant share of employment in the audiovisual sector. The two public broadcasting companies, Czech Television and Czech Radio, together have approximately 4,400 core employees, which could amount to as much as a half of employees in this sector.

The Czech audiovisual sector is concentrated in Prague. The largest public and private employers (i.e. TV and radio broadcasting companies) have their headquarters in the Czech capital. The contribution of the broadly defined cultural industries⁹ to overall GVA was also much higher in Prague than in the whole Czech Republic. It amounted to 3.8% of GVA in Prague but only 1.9% of GVA at the national level (Nemec, 2013).

1.1.3 Main employers

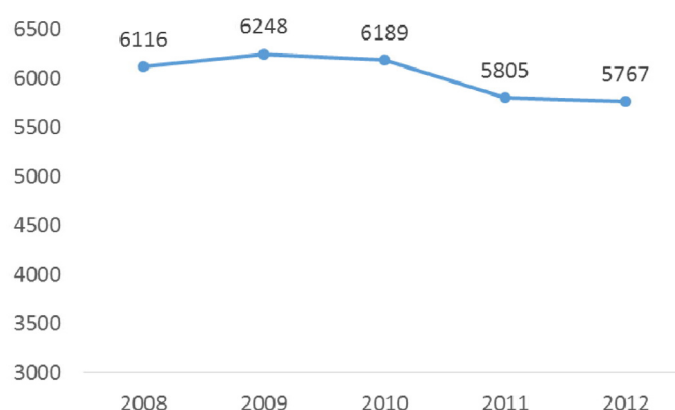
The main employers are the two public broadcasting companies, Czech TV ('Česka Televize') and Czech Radio ('Česky Rozhlas'). In 2014, the former had 2,900 and the latter 1,500 core employees. These public companies focused both on programming and broadcasting and on production of Czech motion pictures, videos and TV programmes. According to the interviewees, the two largest private television broadcasters (CET 21 and PRIMA) were also likely to account for a noteworthy proportion employment. All of these employers have headquarters in Prague.

1.2 Major trends affecting the AV sector

1.2.1 Major trends and drivers of change since 2008

According to the CNSO data, the number of workers in the audiovisual sector declined from 6,116 in 2008 to 5,767 in 2012 (see Figure 1.1). This amounts to a moderate decline of about 6% in the number of workers.

Figure 1.1 Number of workers in the audiovisual sector



Source: CNSO data, https://www.czso.cz/csu/czso/informacni_a_medialni_sektor

⁹ Includes audiovisual sector activities, videogames, music, publishing and printing industry, and traditional arts such as fine and scenic arts

This decline may be at least partially explained by the following trends:

1.2.2 Restructuring of the public broadcasting organisations to achieve higher effectiveness in service delivery

Interviewed representatives of the public broadcasters reported internal restructuring activities since 2008 that aimed to achieve increased workforce productivity. Increase in workforce productivity may have resulted in a lower number of workers required to deliver the overall workload of these public companies. This may have affected particularly the amount of externally delivered services – between 2008 and 2014, the costs of Czech TV associated with external services declined from 141.6 € million¹⁰ to 123.6 € million¹¹, which amounted to a decline of 13%. In contrast, the number of core employees of the TV remained stable around 2,900.

■ Shifts in workforce composition associated with new technological and market developments.

Both the motion picture and broadcasting industries are currently undergoing significant technological changes associated with digitalization of production, introduction of 3D movies and new on-line services for customers, such as internet protocol television (Mosna, 2010; Hadas, 2010). Most of the interviewees reported that this led to a higher proportion of positions associated with ICT, including such positions as web-designers or consumer data analysts.

In addition, most of the interviewees mentioned that new market developments in the audiovisual sector, often associated with the introduction of the new on-line services, resulted into increased proportion of positions related to marketing, sales and public relations in the workforce.

It is not clear whether all of these positions are included in the CNSO data according to its definition of the audiovisual sector (see sub-section 1.1.2 for details)¹². The lack of inclusion of some of these new occupations may have contributed to the decline in the overall number of employees recorded in the CNSO data.

■ Lack of government support for foreign motion picture production in the Czech Republic up until 2010.

The volume of foreign motion movie production declined drastically from about 200 € million in 2003 to only 28 € million in 2008 and did not pick up much until 2012¹³. According to a recent study analysing the Czech motion picture industry (Hadas, 2010), a large part of this decline can be attributed to a lack of government financial support for foreign motion picture production up until 2010.

10 http://img.ceskatelevize.cz/boss/image/contents/rada-ct/vyrocní_zpravy/zprava2012_hospodareni.pdf

11 http://img.ceskatelevize.cz/boss/image/contents/rada-ct/vyrocní_zpravy/zprava2008_hospodareni.pdf

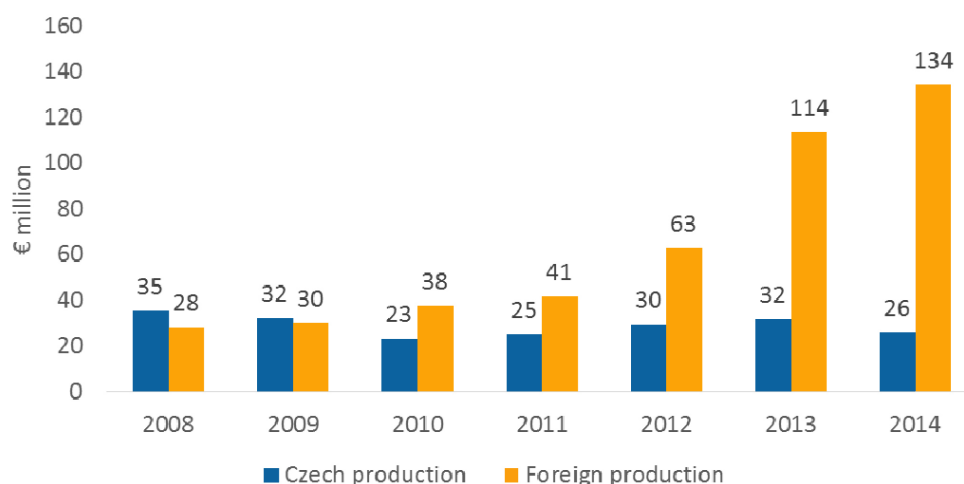
12 https://www.czso.cz/documents/10180/23174387/vysvetlivky_cz_nace.pdf/f530ebeb-f949-40c7-a27d-f8888503d791?version=1.0

13 <http://www.asociaceproducentu.cz/cz/prispevek/20>

According to the authors of this study, the lack of such policies prevented Czech Republic from being competitive within the context of intense struggle for foreign movie production among other European countries. For example, a sharp decline of foreign motion picture production in Czech Republic between 2003 and 2004 was associated with introduction of government support policies in this area in Hungary during this period.

A major change was the introduction of government support policy for foreign motion picture production in 2010 as a part of the government 'Strategy for competitiveness of the Czech motion picture industry for years 2011-2016'. It was enshrined into legislative in 2012 under the Act nr. 496/2012 Coll about audiovisual works and support of cinematography. The government support scheme offers to repay part of certain costs of motion pictures produced at least partially in Czech Republic. More specifically, producers can claim repayment of 20% of costs associated with purchases of services and goods from Czech businesses; and 10% of costs associated with salaries for actors and film crew members from Czech Republic.

Figure 1.2 Volume of motion picture production in Czech Republic by origin of production



Source: APA data, <http://www.asociaceproducentu.cz/cz/prispevek/20>

The introduction of this government support scheme has led to a rapid increase in the volume of foreign movie productions in recent past, which the interviewees expected to continue in the near future (see Figure 1.2). The government spent 12 € million on this scheme in 2012, 20 € million in 2013, 32 € million in 2014 and is expected to spend further 32 € million in 2015. The Association of Producers in the audiovisual sector (APA) expects that the support could bring a potential volume of 200 € million in foreign motion picture production in 2015.

In 2014, foreign motion pictures accounted for a total value of 134 € million in the production industry, compared to 26 € million generated by Czech motion pictures in 2014¹⁴.

Some interviewees noted that foreign producers often employ nationals from their own country of origin for certain positions, which may limit employment demand from this source.

¹⁴ <http://www.asociaceproducentu.cz/cz/prispevek/20>

However, increased volume of foreign motion picture production clearly benefitted Czech producers as well – the turnover of APA member companies in 2014 increased by 18% compared to 2013 and by 46% compared to 2012¹⁵. According to interviewed representative of APA, this growth is also expected to continue.

1.2.3 Main factors likely to affect employment and work arrangements in the sector in the future

According to the interviewees involved in the motion picture industry, the volume of Czech motion picture production is also likely to increase in the coming years. This is because the government has recently passed an amendment of the Act nr. 496/2012 Coll about audiovisual works and support of cinematography, in which it commits to further support the Czech motion picture production. The amendment will come into effect from the beginning of 2016 and will result into doubling of the current funding available. Thus the government support of Czech motion picture production is likely to increase from the current amount of about €7.5 million to about €15 million in 2016¹⁶.

1.3 Analysis of the labour market and changing forms of employment and work arrangements

1.3.1 Overview of current forms of employment and work arrangements CNSO data on employment and self-employment

The CNSO data on number of employees and self-employed persons is a good starting point of analysis of different forms of work arrangements in the audiovisual sector. However, it is not clear to what extent the CNSO data includes certain occupations demanded by businesses in the audiovisual sector (see sub-section 1.1.2 for more detail). For example, it excludes activities of self-employed actors, draughtsman, directors, scenic designers and technicians (NACE code J90) and of agencies mediating actor and artist employment (NACE code J74) in motion picture industry.

The number of employees decreased by almost 700 between 2008 and 2012 from 3,641 to 2,960, according to the CNSO data¹⁷. This decline is likely to be a result of terminating employment contracts in the private sector - public radio and TV broadcasters reported stable number of core employees over this period.

The proportion of employees in total workforce also decreased over time, from 60% in 2008 to 51% in 2012.

¹⁵ <http://www.asociaceproducentu.cz/cz/prispevek/20>

¹⁶ <http://www.asociaceproducentu.cz/cz/prispevek/19>

¹⁷ However, CNSO data is likely to omit at least some at some employees in the audiovisual sector, for example in marketing or ICT departments of public broadcasters. Thus the number and trends reported may not be entirely representative of the sector.

As noted above, the decline in number of employees may also be associated with shifts in workforce composition due to technological changes in the sector (see sub-section 1.2.1).

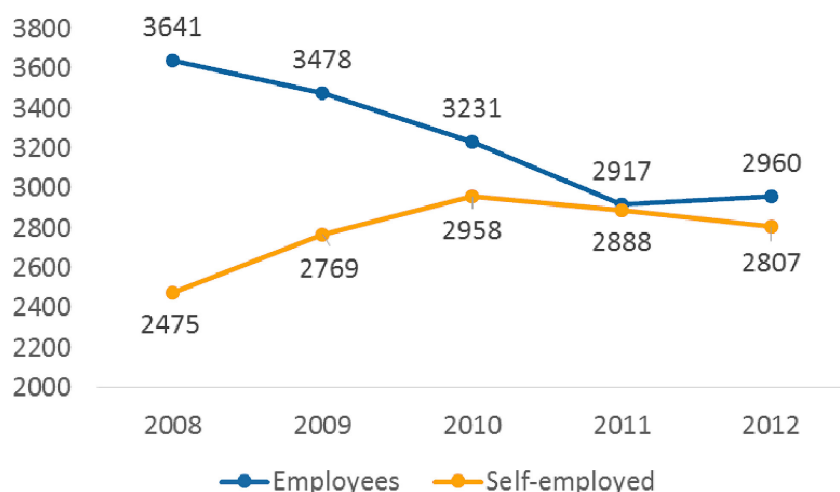


Figure 1.3 Number of workers in audiovisual sector by type of work arrangement

Source: CNSO data, https://www.czso.cz/csu/czso/informacni_a_medialni_sektor

■ Information available from employers on forms of work arrangements

A key gap in terms of data coverage is that fact that very limited information is available outside the public sector (Czech TV and Czech Radio). There is no publically available information on number of employees in private companies and no representative of such companies agreed to be interviewed for the study to get more detailed understanding of this area.

According to the interviewed representatives of public broadcasters, a vast majority of their employees have a standard employment contract. In Czech TV, about 90% of core employees have a standard employment contract which amounts to about 2600 employees. In comparison, only 80 core employees are employed part-time and 200 to 250 on fix-term contracts. The situation was similar in Czech Radio.

In addition to core employees, the public companies also employed some people based on Agreements to Perform Work or Agreements to Perform Work Activity (see sub-section 1.3.5 on other atypical forms of contract for more detailed description of these agreements). These agreements were typically used to contract for one-off activities of very short duration, such as short acting performances (extras), short presenter performances or training delivery. Thus their extent was difficult to precisely quantify.

Other forms of work arrangements, such as internships or personal agencies were not common. There were only about 10 internships in Czech Radio and 20 in Czech TV. The only identified instance in which people were employed by a personal agency was for workers in the area of dubbing (see details in section 1.3.8).

Table 1.1 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence	Trend since 2008	List specific groups and/or subsectors and/or occupations concerned:	Summary of main differences compared to standard contracts:
Standard employment contracts	Widespread	Down	Public employers, positions associated with regular broadcast programmes (newscast, weekly shows, etc), support roles such as PR and marketing, ICT, lawyers...	N/A
Fixed-term contracts	Uncommon	Down	Public employers, used for probationary period, longer projects and replacements in case of illness or motherhood	Differs in duration (maximum three years)
Part-time employment	Almost inexistent	Down	Used in very limited number of cases	Cannot be assessed
Other forms of atypical contract - Agreements to Perform Work or Work Activity	Widespread	Down	Used for activities of short duration, such as short acting performance, extras, short presenter performance or training delivery	More flexible work time; No notice for termination of the employment contract required; No employee compensation in case of employment contract termination; No holiday; Tax and insurance exemptions in case of low salary
Traineeships/ internships and apprenticeships	Uncommon	Stable	Independent motion picture production, public employers	Involve unpaid training activities; Performed work is usually paid according to Agreements to Perform Work or Work Activity
Self-employment and freelance work	Widespread	Up	Private sector Independent motion picture production, actors, artists, animators	No holiday or sickness absence leave; No restrictions on working time arrangements; No guarantee of stable employment; Administrative burden shifted from employers to self-employed; Lower tax and insurance payments;

1.3.2 Standard work contracts (full-time, permanent contracts)

According to the interviewees, standard employment contracts occur mostly in the two large public broadcasting companies, Czech TV and Czech Radio. These companies had together a relatively stable number of 4,400 core employees between 2008 and 2014, out of which about 90% employees (4,000) were on standard employment contracts.

This number is higher than the one reported in CNSO data (see *Figure 1.3*) because it includes a broader range of jobs, including people employed in PR and marketing departments, law and administration services, HR, and other jobs that support but do not necessarily participate directly on the creation of audiovisual products.

The interviewed representatives of the public employers reported that standard employment contracts were common especially in production of regular TV and radio programmes, such as news broadcasting or regular talk shows. The regular nature of these programmes led to stable supply of work for those involved in their creation (ranging from moderators across script-writers to sound engineers) and thus was suitable for standard employment contracts. In addition, standard employment contracts were often reported in positions providing continuous support to programme production and broadcasting, such as in PR and marketing, trade, lawyer and administration, and ICT support departments.

The interviewees felt that there was a much smaller number of standard employment contracts in the private sector. Private businesses relied more frequently on hiring of external self-employed individuals. According to the interviewees this was because the nature of work of private businesses was more irregular and because they were more profit driven (see *details in sub-section 1.3.7*).

Interviewees could not identify any variation in occurrence of standard employment contracts according to age, gender or ethnicity.

According to the Employment Law nr 262/2006 Coll., Law about income tax nr. 586/1992 Coll, Law about pension insurance nr 155/1995 Coll.; Law about social insurance and contributions to national employment policy nr. 589/1992 Coll; Law about illness insurance nr. 187/2006 Coll, and Law about general health insurance nr. 592/1992 Coll, the main characteristics of the employment contract are:

- The maximal length of work time is 40 hours per week;
- The notice period is 2 months. If an employer wants to terminate an employment contract due to reorganization or dissolving of the company, it is required to pay the employee a compensation dependent on prior duration of the employment contract.
- A minimum of 4 weeks of holiday per year for employees;
- Employer is required to excuse employee absence due to sickness and compensate employees with 60% of their pay during the first 14 days of sickness in a given calendar year; and
- The taxation and insurance payment are shared by employers and employees, but employers are responsible for their payment and administration. The employer is thus responsible for payment of income tax (15% of super-gross salary¹⁸), social insurance (31.5% of gross salary) and health insurance (13.5% of gross salary).

■ ¹⁸ Gross employee salary plus social and health insurance paid by the employer

- There can be either a 3-month or 6-month probationary period.

1.3.3 Fixed-term contracts

According to the Employment Law nr 262/2006 Coll, there is a possibility of concluding fixed-term contract for a maximum of three years. Apart from its limited duration, the main characteristics of this type of employment arrangements are identical to standard employment contract.

Based on estimates provided by the interviewees, employees with this type of contracts form less than 10% of their workforce. Interviewees from public broadcasting companies reported that fixed-term contracts are used as a form of probationary measure (Czech Radio), in longer-term projects (Czech TV) or as a substitution for workers with long-term illnesses or new mothers (both Czech Radio and Czech TV).

According to the interviewees, these types of contract are not very popular because of their higher administrative requirements compared to standard employment contracts. This is because employers have to go through the same amount of administrative burden to set up the fixed-term contract but it usually lasts much less than the standard employment contract. Interviewees reported that it may be easier to contract out self-employed persons for jobs of limited duration.

1.3.4 Part-time work contracts

Interviewees claimed that part-time contracts were almost inexistent in the sector. Even the representatives of the Czech TV and Radio reported they had only a few of such contracts. This is because public companies are required to submit yearly reports to the Parliament for a review of their economic results. According to the interviewees, the number of employees in public companies is monitored particularly closely. Since part-time employees count into the total number of employees presented to the Parliament, this form of employment is not popular among public broadcasters. They prefer to combine part-time jobs into full-time contracts or outsource contracts to reduce the total number of staff.

1.3.5 Other forms of atypical contracts

There are two main atypical contracts defined in Czech Employment Law nr 262/2006 Coll, Agreements to Perform Work and Agreements to Perform Work Activity. Both of agreements are meant to cover short-term irregular work. The Agreement to Perform Work can cover only work activities that last less than 300 hours a week. Under the Agreement to Perform Work Activity, working time cannot exceed half of the time of a standard working week. It is apparent from the definition of these agreements that they are used for short-term jobs, because they require less administrative work from employers and lead to tax and insurance exemptions in case of low salaries.

These agreements are covered by the same legal provisions as standard employment contracts, with the following differences:

- Work time arrangements are more flexible, but cannot exceed 12 hours per day;
- There is no guarantee for notice or employee compensation for termination of the contract; and
- No right to paid leave.

In addition, tax and insurance exemptions apply in cases where monthly salaries fail to reach certain thresholds.

Interviewees confirmed that the Agreements to Perform Work or Work Activity are commonly used in the sector to carry activities of a temporary nature, such as one-off actor/presenter performances, short-term tasks for technicians, or delivery of training activities. However, no estimates of the number of workers covered by the agreements (or full-time equivalent) could be provided by consulted organisations.

1.3.6 Traineeships, internships and apprenticeships

Traineeships, internships and apprenticeships are infrequent in the Czech audiovisual sector. They are limited to small internship schemes run by public broadcasting companies and small grant schemes available from government or third sector organisations.

The internship schemes run by Czech TV and Radio together involve less than 40 people per year. They consist of unpaid training activities and paid work based on Agreements to Perform Work or Work Activity. According to the interviewed representatives of the public broadcasting companies, they can often result into permanent employment after the end of internship.

In addition, there is a small scheme (budget around €11,000) funded by the Association of Producers in the audiovisual sector that supports students in undertaking internships abroad. The National Fund for Cinematography also provides some funding for internships.

Some interviewees reported that the number of internships is severely limited because of low capacity of small private businesses to mentor and train new staff and their limited human resources. Having a mentor dedicating time to training the interns is not a feasible arrangement for many small businesses.

1.3.7 Self-employment and freelance work

The number of self-employed persons in the sector grew from 2,475 in 2008 to 2,807 in 2012 according to the CNSO data and the proportion of self-employed in total workforce rose from 40% to 49% over the same period. The rise in the number of self-employed people may be due to private sector business reducing the number of employees to use external self-employed workers instead¹⁹.

¹⁹ See for example <http://www.digizone.cz/clanky/nova-propousti-a-omezuje-chysta-se-jeji-prodej/>

According to the interviewees, a majority of workers in the private sector are self-employed.

For example, about 70% to 80% of people working in animation are estimated to be self-employed. About three quarters of actors are self-employed, with the remainder likely to be employed in theaters and only working in the audiovisual sector based on atypical short contracts (Agreements to Perform Work or Agreements to Perform Work Activity, see sub-section 1.3.5 for details). Similarly, interviewees reported that in motion picture production majority of employees are self-employed.

There are several ways in which self-employed workers can be contracted by employers.

- Typically, self-employed persons are registered in the national trade register, produce invoices documenting their work activities and get paid based on these invoices (Trade Act nr. 455/1991 Coll).
- Interviewees reported that Agreement about Work (Act nr. 89/2012 Coll) – different from the above mentioned Agreement to Perform Work or Agreement to Perform Work Activity - is also used relatively frequently in the audiovisual sector – in this agreement self-employed persons commit themselves to deliver a piece of work at their own risk while the employer commits to pay a specified price for it²⁰.
- Finally, in case of works of art, employers also commonly use the Agreement about Creation of an Authored Work (Author Act nr. 121/2000 Coll). In this agreement the author commits to create a work of art and employer commits to pay a specified price for it. In addition, the agreement specifies authorship and license rights to authored works.

The following advantages and disadvantages were mentioned by interviewees when comparing self-employment to standard employment contracts:

- Self-employment gives worker complete freedom to arrange their working time but no guarantee of future work. On one side, this is a positive outcome because it allows employees to organize their time more effectively according to their needs. On the other hand, self-employment leaves workers unprotected against possible future lack of work. There are no provisions related to paid sick leaves and holidays and employers are able to terminate their cooperation with self-employed workers much more rapidly than in case of employees.
- It gives employers more flexibility to organize their workforce according to the current demand for their services and products. This was felt to be particularly important in the context of the Czech audiovisual sector, which is perceived to be small and often irregular in terms of overall volume of demand. Stable employment contract was perceived to be less suitable for this type of market, as it would require businesses to keep employees even at a time when there is no demand for their work.
- It is more suitable for employers as it reduces their administrative burden. Employers do not have to design employment contracts, arrange payment of taxes and insurance, and monitor working conditions for self-employed workers. This burden falls instead on the self-employed workers themselves, who have to produce invoices for activities performed and calculate and pay the taxes and insurance from their own salary.
- Self-employment leads to savings both on the side of employers and self-employed persons²¹. This is because the tax and insurance bases are different for standard employment

²⁰ Note that this is a distinct agreement from

²¹ <http://www.finance.cz/zpravy/finance/355004-hledame-praci-jaky-plat-zamestnance-odpovida-zisku-osvc/>

contracts and self-employment, generally being much more favourable for the second group. The tax and insurance base for employees on standard employment contract is their gross (social and health insurance) or super-gross salary²² (income tax). The tax and insurance base for self-employed persons is their profit (whole profit for income tax, 50% of profit for social and health insurance), which is much lower than their gross salary.

In Czech Republic, the contracting of external self-employed workers for activities that fulfill the definition of dependent work is called 'Svarc system'²³ and is expressly forbidden by the Employment Act nr. 262/2006 Coll since January 2012²⁴. 'Svarc system' is considered to be a means of tax evasion, given the lower tax and insurance payments required from self-employed workers.

However, some interviewees reported that 'Svarc system' is a relatively common practice among private businesses in the audiovisual sector. This is because the private businesses are more profit driven than public ones and, according to one of the interviewees, because the state frequently tolerates this practice in case of private sector.

In 2011, the Czech TV commissioned an independent evaluation of various positions within the company to determine if they can be considered as work dependent on employer. Based on the results of this analysis, the Czech TV transferred approximately 180 workers previously contracted as self-employed individuals on standard employment contracts. This change affected mainly the newscast, sport and new media departments²⁵.

1.3.8 Other trends in employment and work arrangements affecting working conditions

One of the first uses of employment agencies within the sector was also recorded in 2014. It was initiated by the Actor's Association in relation to the motion picture dubbing activities. According to the representatives of the association, the quality and salary for movie dubbing has recently markedly declined as a result of cost saving measures among employers. These included hiring dubbers without adequate qualifications and reducing spending on translators and sound engineering. As a result, majority of professional dubbers decided to use the ManpowerGroup employment agency, with the aim of unifying payments for dubbing based on a standard charge required for each dubbed script line by this agency.

To date, the outcome of the employment agency arrangement remains unclear. According to the representatives of the Actor Association, only Czech TV accepted this arrangement and started contracting dubbing professionals through the ManpowerGroup, paying them a fixed amount for each script line dubbed.

²² Compared to gross salary, super-gross salary includes the social and health insurance paid by employers and thus is higher.

²³ https://cs.wikipedia.org/wiki/%C5%A0varc_syst%C3%A9m#cite_note-zp-4

²⁴ This is because it leads to tax and insurance evasion, as self-employed persons have much lower tax and insurance bases for their incomes.

²⁵ http://img.ceskatelevize.cz/boss/image/contents/rada-ct/vyrocní_zpravy/zprava2014_hospodareni.pdf

Private businesses chose to employ dubbing professionals which operate outside of the employment agency (there is around 250 dubbing professionals in Czech Republic, out of which about 180 relies on the employment agency).

The representatives of the Actor's association claimed that more recently, under the pressure of customer complaints about the quality of dubbing, some private employers started hiring dubbing professionals through ManpowerGroup as well.

While the outcome of this new work arrangement remains to be seen, the dubbing professionals were satisfied with some aspects:

- It protected dubbing professionals from requests of producers for unpaid additional work based on friendly relationships;
- It effectively guaranteed payments by the date specified in the contract, which is not always the case when not under employment agency. This was because ManpowerGroup has a large law department that specializes in enforcement of work contracts.

1.3.9 New and emerging occupations

According to the representatives of the public broadcasting companies, new occupations linked to ICT emerged as a consequence of the rise of new media, such as internet broadcasting for computers, tablets and smartphones. These included occupations such as web-designers or analysts of on-line customer volume and demand for various programmes.

Some of these positions were assigned to employees on standard employment contracts, while others were contracted out to self-employed people (or specialist ICT companies in case of larger projects). Czech Radio representatives reported that finding stable employees was difficult in this area because of high salaries and more flexible working arrangements required by ICT professionals. Czech TV representatives did not report such issues and said that the new media related positions were typically based on standard employment contracts.

The public broadcasters also reported strengthening of their market and public relations departments, which was typically achieved by hiring new employees on standard employment contracts. These marketing and public relations jobs were often associated with the rise of new media and focused on on-line promotion and branding.

Similar trends can be expected in the private programme broadcasting, since the shift towards new media affected the whole sector (Mosna, 2010).

1.3.10 Trends in professional mobility

According to the interviewees, the professional mobility within the sector depended to a large extent on occupation type. There were some positions, such as news broadcaster, where there was a clear career progression model.

There was also some scope for some positions, such as script writers, to be employed in various parts of the sector – for example, they could either work in TV programming and broadcasting or in independent motion picture production.

On the other hand, interviewees felt that mobility across occupations was severely limited by the fact that many occupations required highly specific knowledge including specialist university degrees (i.e. sound engineering).

1.4 Impact on changes on continuous training

1.4.1 Overview of the state of play in relation to continuous training

There is very little information about the provision of continuous training and lifelong learning in the audiovisual sector outside the public sector. Based on the information collected during the interviews, training activities paid by employers are uncommon and are limited almost exclusively to the public broadcasting companies.

Both public companies provide a range of training activities for their employees, including training legally required for certain occupations; courses related to projects within the company, such as launching new websites; or voluntary courses for specific occupations. The content, delivery mode and cost of the training is likely to vary significantly by job role – for example, the representatives of Czech TV said that courses aimed at ICT professions tend to be externally delivered and are very costly.

In addition, Czech Radio has a centrally agreed fund for continuing training and education of its employees. Employees of the Czech TV have 'personal accounts' set up by the company, which provide them with approximately €240 per year that can be used for continuous training or lifelong learning activities. Both of these provisions are agreed as a part of the collective agreements between the public broadcaster companies and the trade unions of their employees.

Other sources of funding available for training opportunities is very limited. It consists of support by the National Fund for Cinematography, which has a yearly budget for funding of continuing training and lifelong learning activities of employees in the audiovisual sector. In 2014, the National Fund for Cinematography provided a total support of about €160,000 for these purposes. About three quarters of this amount was spent on a total of 9 small-scale training projects for professionals in the audiovisual sector. The remaining quarter focused on initial education and training of young people not yet in employment²⁶.

²⁶ http://fondkinematografie.cz/assets/media/files/informace/Vyrocn_zprava_SFK_2014_v1.0.pdf

1.4.2 Impact of employment and working arrangements on access to continuous training

In the audiovisual sector, access to continuous training and lifelong learning differs across the private and public sector, which are characterized by different work arrangements.

As discussed above, public broadcasting companies have a large number of employees in standard employment contracts. Representatives of these companies claimed that these employees typically worked for the company for a long time, which provided strong incentives to train them. Additional funds that can be used to pay for learning activities are also enshrined in collective agreements at the Czech TV and Radio.

According to consulted interviewees, Czech TV collects data in the average number of training hours per employee.

In contrast, in the private sector, access to training is very limited as workers are typically self-employed or if employed, not covered by collective agreements. According to the interviewees representing the private sector, the fact that workers work for several employers at the same time and for short periods does not create incentives for private businesses to invest in their training, since cannot be sure that a given worker will continue working for them. Thus, according to the interviewees, workers are expected to educate themselves at their own expense or learn on the job.

According to some of the interviewees, many workers are not willing to train themselves at their own expense while missing potential days of work. The view of interviewees on how much can be learned on-the-job differed, with at least some reporting concerns about limitations of on-the-job learning, and possible negative impacts of gaps in training provisions on productivity.

These concerns were reported for example by the representative of the Association for Animated Motion Pictures. The animation industry is composed almost entirely of micro enterprises ranging from 1 to 9 employees. There is limited number of senior employees that could serve as role models in the industry and that could effectively pass on their knowledge to others during their work. Different animators tend to specialise in different technologies and thus may learn relatively little from one another during their work. Furthermore, pooling of knowledge across different employers is uncommon due to the fractured nature of the market composed of so many micro-companies. Overall, the representative of the association was concerned that this may lead to delays in catch-up with modern animation technologies and impair productivity.

1.5 Impact on industrial relations

1.5.1 Industrial relations in the sector

There is no comprehensive industrial relations model covering the entire audiovisual sector in the Czech Republic, and there are only two collective agreements in the audiovisual sector (both at the company level) which apply to employees of the TV and radio public broadcasters.

The trade union associations in the audiovisual sector, which are the Independent Trade Union of Czech TV and the Radio Trade Union, only cover only employees of the two public broadcasting companies (Czech TV and Czech Radio). Both are included under the umbrella organisation of Media Trade Union. They cover only internal employees of these organisations, which means employees under standard employment contracts, part-time employment contracts and fixed-term employment contracts.

Trade unions have negotiated company level collective agreements with Czech TV and the Czech Radio respectively. These agreements are not publically available, but the following key benefits were mentioned by the representatives of trade unions and the public broadcasting companies:

- Additional budgets for continuing training and lifelong learning opportunities (*see subsection 1.4.1*);
- Additional week of holiday compared to standard employment contracts;
- Higher compensation for employment contract termination than in standard employment contracts for employees who have worked longer time for the company;
- Guaranteed return to work after maternity leave for 3 years (in case of Czech Radio);
- Additional loyalty bonuses for working longer time for the company;
- Lower amount of work hours if the employee works irregular shifts (in case of Czech TV); and
- Financial support for purchasing food in the form of food coupons and discounts in local restaurants.

These collective agreements are valid for five years and then can be renegotiated. Given the stable number of public employees in these companies, they have covered approximately 4,400 workers throughout the whole period 2008 to 2014.

There are no trade unions representing workers in the private audiovisual sector, including self-employed workers. This is probably associated with the small size of the private audiovisual sector and the high proportion of small to micro enterprises in the sector. Some of the interviewees also felt that this may be because of the generally low popularity of trade unions in Czech Republic. They claimed that in the past two decades the effort was spent mainly on liberalizing the economy after the previous communist regime rather than creating market and employment contract regulations.

In addition, there is also a variety of professional and employer associations, which cover both public and private sector. These include for example the Association of producers in

the audiovisual sector, the Association of Czech Animation Film, the Union of film distributors (employer organizations), the Association of Czech cameramen, Actor association, the Association of directors and script writers (worker associations) and a few others. The coverage of these organizations varies by organization. For example:

- The Actor association has about 1,000 members, which accounts for about a fourth of all actors in Czech Republic; and
- The Association of producers in the audiovisual sector currently has 83 members, including the largest production companies. However, it is not entirely clear what is its coverage given the large number of small enterprises in the industry.

The professional associations sometimes aim to establish certain working conditions, such as minimum salary for a piece of work to be charged by a member of the association or a minimum quality of delivered work. However, there is no collective bargaining between employers and employee associations in the private audiovisual sector.

The role of professional associations in shaping employment and work arrangements can be illustrated by the example of the Actor Association. This association:

- Has encouraged dubbing professionals to work under the ManpowerGroup employment agency to ensure that they receive standard payment per each dubbed script-line and that the delivered dubbing work is of required quality (see sub-section 1.3.8);
- Aims to extend this arrangement from dubbing to other actor professions;
- Has negotiated an agreement with Czech TV and Czech Radio about fees that actors receive from re-runs of programmes they acted in; and
- Provides free law advice to its members.

1.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

Based on the evidence collected and interviewees' assessment, no major changes can be identified in relation to the coverage of collective agreement (which remains limited), as well as the density of trade unions organizations and of employers' organization.

As mentioned above, trade unions only cover employees in the public sector (Czech TV and radio) and the representativeness of employers' organizations is difficult to assess as most business in the sector are microenterprises.

1.6 Sources

1.6.1 Publications

Zakova, E., & Collective (2010). Kulturni a kreativni prumysly v Ceske republice. Institut umeni.

Hadas, J. (2010). Rozhlasove a televizni vysilani. Institut umeni.

Mosna, P. (2010). Film. Institut umeni.

Ministry of Culture (2010) Strategie konkurenceschopnosti ceskeho filmoveho prumyslu 2011-2016

Nemec, M. (2013). Vyznam kulturnich a kreativnich prumyslu v EU, Ceske republice a hl. m. Praze. Útvar rozvoje hl. m. Prahy, Odbor strategické koncepce.

1.6.2 List of consulted organizations

The following organisations were interviewed during the project:

- Czech Television 23/09/2015;
- Czech Radio - 24/08/2015;
- Trade Union Media (OS Media) – 24/08/2015;
- Association of Producers in the Audiovisual sector (APA) – 22/09/2015;
- Association of Czech Animation Film (ASAF) – 21/09/2015; and
- Actors' Association – 22/09/2015;

2 Denmark¹

2.1 Introduction

This country reports provides the result of the literature review and stakeholder consultations undertaken in Denmark. Research carried out has focused on professional categories: journalists and other media technicians involved in editing of content production of news content, actors, cinema and TV photographers, makeup artists, sound lighting technicians, set decorator, sound technicians and designers etc. The following categories were not included: film directors, and play writers – who are organised separately and for which separate collective agreements and contracts apply².

Likewise, the assignment did not consider employees with the Danish Broadcasting Corporation (DR) and TV2 (main Danish broadcaster) which are not traditionally associated with AV sector³.

2.1.1 Definition of the AV sector

There is no official definition of what constitute the audio-visual sector in Denmark.

TV, radio, motion picture, radio and television broadcasting and production (including TV and other AV advertising) t is generally considered to be the audio-visual sector. In addition, video games, AV online content (e.g. AV content on newspapers websites but also other production for web-dissemination) production of audiovisual content for non-public use (e.g. for training purposes) and dubbing are likewise mentioned as being part of the audiovisual sector.

Judging by the results of the interviews the definition is rather functional, covering audiovisual content produced the main employer categories (see below) as well as other AV content, in which workers federated in the main unions are professionally engaged (and covered by collective agreements; unilateral declarations and/or standard contracts).

2.1.2 Overview of the AV sector

There are three main producer categories in Denmark:

- The public service producer and broadcaster DR (Danish Radio and TV)
- TV2, a publicly owned limited company, broadcasting nationally on a commercial basis
- Private sector producers of TV programmes, motion pictures, TV advertising (and video games).

¹ The national report reflects the situation as of 8th of January 2016.

² See Danske Dramatikere at <http://www.dramatiker.dk/spillefilm.html>

³ Such as staff with an academic degree working in administration, manual support workers and administrative support.

AV production for online media (media advertising excluded) such as short news features on newspapers websites, newspaper online TV channels⁴ and private media such as the online TV station of Jutland bank⁵ - are in terms of employment overall relatively marginal within the sector. It is however an area in development and scope is expected to develop further.

■ Relative weight of the public and private sector producers

In terms of financial turnover and employment public/publicly owned radio and TV are by far the most important individual employers. DR and TV2 represent 71% of total employment and 68% of total turnover (video games excluded⁶). Motion pictures represent 13% of turnover, and 7 % of employment.

Table 2 below provides an overview of the relative share and weight of Danish producers in the AV sector (latest available data). The data on independent producers cover a total 263 producers.

The data include radio production of DR. Radio production of other actors is not included. This needs to be seen in a context where 75% of total Danish radio listenership is concentrated with DR⁷.

Table 2.1 Turnover and employment in the AV sector – and relative weight of the main producer categories.

Type	Turnover/ income (DKK million)	Turnover (€ Million)	Total FTE employment (2014 or 2013)	Share of total AV sector turnover	Share of total employment
DR (radio included)	4,316.30	578.48	3,217	43%	53%
TV2	2,570.00	344.44	1,072	25%	18%
Independent producers: motion pictures, TV production, documentaries and commercials	3,262.10	437.19	1,754	32%	29%
Total	9,728.30	1,303.80	6,043	100%	100%

Source: DRs årsrapport 2014, TV2 Danmark årsrapport 2014 and Danske Indholdsproducenter, Film, TV og Computerspil I tal, 2013

⁴ One of the more significant examples are <http://ekstrabladet.dk/tv/>

⁵ <http://jyskebank.tv/>

⁶ The sector video games has a turnover of 823.1 Million DKK in 2013, and employed 721 FTE. Most of the production was exported (81%). Source: Danske Indholdsproducenter, Film, TV og Computerspil I tal 2013

⁷ Collectively commercial stations represent 22.6%. Largest commercial stations are Nova (3.8% of Danish radio listenership); pop FM (2.6%) and the Voice (1.3%). Main commercial stations are music stations and they are therefore not considered within the scope of the assignment (source: Lyttertal uge 40 2015).

■ Development of the sector overall

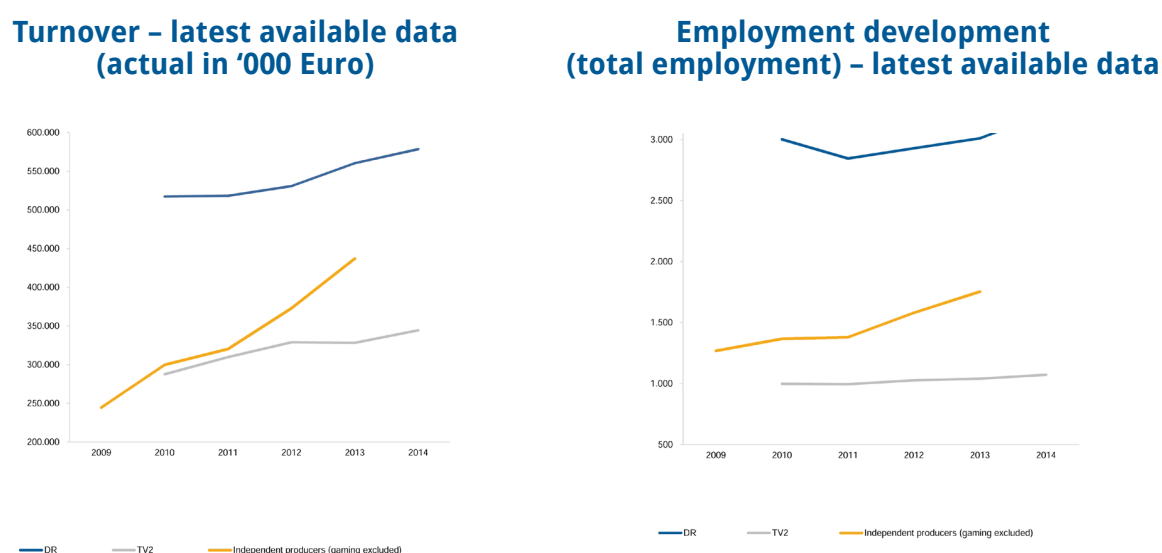
Overall the Danish AV sector has not been affected by the 2009 financial crisis in any substantial way. On the contrary the sector has known a positive development in the last years both in terms of turnover and employment.

This positive development is driven especially by independent private producers. Some interviewees refer to the sector as “exploding” benefitting among other, from high levels of popularity of Danish AV content, both nationally and internationally.

In the 2009 to 2013 period independent producers’ turnover has increased not less than 79%. Employment has increased with 38%.

Turnover and employment figures for TV2 and DR are likewise positive, albeit more modest than for the independent producers – as illustrated in the figures below.

Figure 2.1 Turnover and employment figures – AV sector



Source: DRs årsrapport 2014, TV2 Danmark

årsrapport 2014 and Danske Indholdsproducenter, Film, TV og Computerspil I tal, 2013

■ Geographical location of the sector

The bulk of AV production – public and private - takes place within the capital region of Copenhagen. More than 70% of all independent producers of films, commercials and TV are located in the region of Copenhagen. This share is higher if one consider exclusively independent producers of motion pictures and documentaries (90%) and producers of TV production (80%)⁸. DR headquarters are likewise located in Copenhagen, as is most of its production.

There are however some exceptions. TV2 is located in the city of Odense (third largest city in Denmark) and part of DR's production (children and youth programmes) is located in Aarhus.

⁸ Danske Indholdsproducenter, Film, TV og Computerspil I tal, 2013

Likewise DR has regional newsrooms in several cities and towns outside Copenhagen⁹ as does TV2 Regions.

Interviewees note that there is and has been a political attempt to move public sector AV production outside of Copenhagen. In practice however, Denmark is considered too small for regional AV clusters. As a result there is a tendency to move production to Copenhagen.

This development is most notably illustrated by the case of TV2. While TV2's public service license from 2003¹⁰, and latest the 2014 updated public service licence¹¹, stipulate that the headquarters and central newsroom is in Odense, the number of jobs in TV2 in Copenhagen has increased over the last decade. By 2013 there were more employees in Copenhagen than in Odense¹². It was in 2014 stipulated that that TV2 is not allowed to move further activity to Copenhagen.

2.1.3 Main employers

2.1.3.1 DR (the Danish Broadcasting Corporation)

DR is the main public service broadcaster and producer of both TV and Radio programmes in Denmark. DR broadcast 6 TV channels (DR1, DR2, DR3, DR K, DR Ramasjang and DR Ultra) – of which two, DR Ramasjang and DR Ultra, are targeted children (part time TV channels). In addition, on demand services (catch up TV) are available. DR also operates three national radio channels (FM and DAB), one regional channel (national coverage with different regional programmes) as well as 6 DAB channels, all also accessible on DR web radio.

DR share of total radio listenership is, in a European comparison, exceptionally high. Collectively, 73,5% of total Danish radio listenership in 2014 was with DR radios (with P3 and P4 having the highest audience figures)¹³. Latest data suggest that this has increased to 75,0% in 2015¹⁴. The share of total TV viewership was in 2014 33,7%¹⁵ (with DR1 having the highest audience figures).

Employment data for DR is presented below. Employment has remained stable in the 2010-2013 period, but increased in 2014. It is expected that the employment will decrease to below 3000 in 2015 (increase in employment from 2013 to 2014 in part reflect the Eurovision Song Contest 2014).

⁹ Aalborg, Holstebro, Aarhus, Vejle, Esbjerg, Aabenraa, Odense, Næstved and Ronne

¹⁰ Tilladelse til TV 2/DANMARK A/S til at udøve public service-programvirksomhed, 2003

¹¹ Tilladelse til TV 2 DANMARK A/S til at udøve public service-programvirksomhed 2014

¹² See <http://journalisten.dk/ministeren-fastslaar-tv-2-skal-mest-ligge-paa-fyn>

¹³ DR I 2014

¹⁴ Lyttertal uge 40 2015 at <http://tvm.tns-gallup.dk/tvm/rpm/default.htm>

¹⁵ DR in 2014

Table 2.2 Employment development – DR

	2010	2011	2012	2013	2014	% increase 2010 - 2014
Total employment - FTE	3,002	2,846	2,929	3,011	3,217	7%
Traineeships/ internships and apprenticeships	106	112	118	118	124	17%

Source: DRs årsrapport 2014

The majority of DR's revenue (90%) stem from licence fees. DR is located in Copenhagen.

2.1.3.2 TV 2

TV2 Denmark is a broadcaster and producer of TV and a producer of news content and sport. It is a public owned limited company operating on a commercial basis.

TV2 Denmark operates TV2, its main channel, as well as TV2 News, TV 2 ZULU, TV2 Charlie, TV2 Sport; TV2 Fri and the on-demand service TV 2 Play. TV2 also produces and broadcast regional TV.

The share of total TV viewership was in 2014 34,9%¹⁶ (with TV2 generating the highest audience figures (21.4%). Employment data for TV2 is presented below. It may be noted that employment overall has slightly increased in the 2010-2014 (7% or 73 employees). No data is available on apprentices or internships.

Table 2.3 Employment development – TV2

	2010	2011	2012	2013	2014	% increase 2010 - 2014
Total employment – FTE	999	995	1,027	1,041	1,072	7%

Source: TV2 Danmark årsrapport 2014

49% of TV2's revenue stem from advertising. 48% stem from subscription fees¹⁷. TV2 is located in Odense. However, as outlined above, about half of those employed are located in Copenhagen.

2.1.3.3 Independent (private) producers

In total, in 2013 there were 263 independent producers in Denmark involved in the production of motion pictures, TV programmes, documentaries and commercials.

The Danish independent AV sector has grown significantly in the 2009-2013 period, in terms of turnover and in terms of employment as well as in terms of enterprises.

¹⁶ TV2 Danmark årsrapport 2014

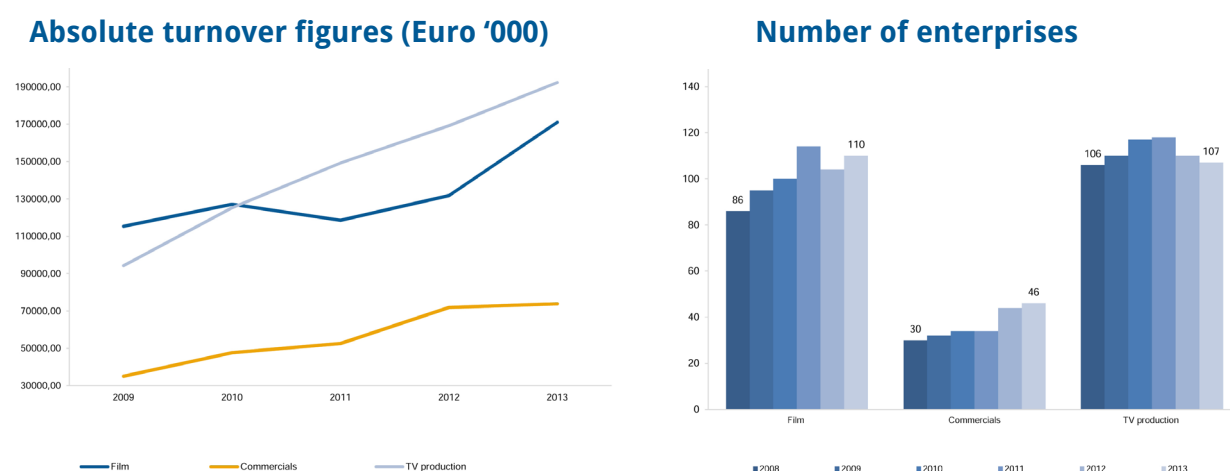
¹⁷ Ibid

Growth was particularly strong from 2009 to 2010 – largely spurred by growth in the TV production sector. The growth pattern continued in 2011 albeit at a slower rate. In 2013 growth is particularly prominent in the film industry. Overall the sector has had a 79% growth rate in the 2009-2013 period.

Increases in turnover goes, for most sectors, in pair with increased exports. From 2009 to 2013 the film sector increased its export with 159% and the TV sector with 48%. Export increases in the commercial/AV advertising are significantly lower (16%).

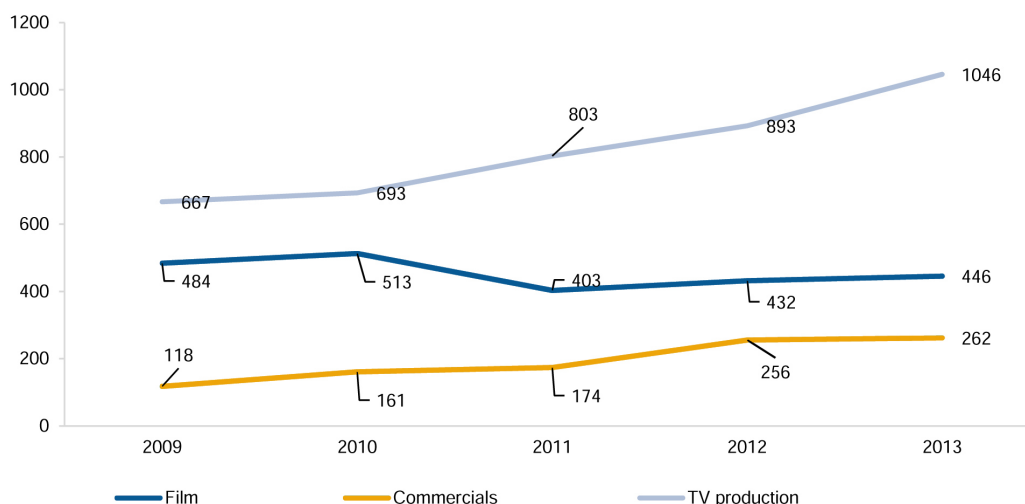
The figures below provide an overview of the growth in turnover and in the number of enterprises within the different sectors.

Figure 2.2 Growth patterns for the industry per sector



Employment has likewise developed positively. In the period 2009-2013, employment has increased with 38% in the sector overall. Employment increases are most significant in the TV production and commercial/advertising sector where it has increased respectively with 57% and 112%. However, employment in the film production has decreased (motion pictures and documentaries – 8% decrease).

Figure 2.3 Employment development, measured in FTE, 2009-2013



When considering development of independent producers the following aspects should finally be noted:

- While the sector to a wide extent is dominated by smaller enterprises – many of which having few or no employees – the turnover is largely generated by large enterprises. 91% of the total turnover in 2013 was generated by producers having a turnover of >1 million Euro (63 enterprises of the total 263 independent producers involved in the production of motion pictures, TV programmes, documentaries and AV commercials).
- While the film sector has known a very positive development in terms of turnover, data suggest that turnover increases may stem from a few producers – as enterprises in the sector overall report decreasing revenues¹⁸.
- While commercial/AV advertising sector overall has known a very positive development, this data goes in hand with a reported decrease in AV commercials for TV, following the 2009 crisis, suggesting that AV commercial increasingly may be produced rather for online media.

The largest producers of motion pictures are Zentropa¹⁹ and Nordisk Film²⁰ (which owns 50% of Zentropa). Nordisk Film also distributes movies and owns movie theatres in Denmark and Norway. The company also supplies production and post-production facilities to a number of Nordic film companies. The company employs a staff of 1,400 in the Nordic region. The largest producer of TV programmes is Nordisk Film TV²¹.

As outlined above, the independent producers are in the main located in the region of Copenhagen.

2.2 Major trends affecting the AV sector

2.2.1 Major trends and drivers of change since 2008

The results of the interviews and the desk review suggest that there are several developments in the 2008-2014 period which have affected employment in the AV sector (beyond the turnover and export trends presented above).

There are, in addition, other developments which have affected the sector overall – but where potential employment impacts are yet to be seen.

These developments are briefly presented below. They should be seen in a context of:

- Overall stable consumption of TV content²². In 2014, Danes watched an average of nearly three hours TV on average per day (2h, 53 minutes). This number has increased in the 2008-2013 period, but 2014 data is very close to those of 2008.
- TV consumption remains largely concentrated on the channels of the main broadcasters

¹⁸ See Branchebarometer 2014 Film TV og computerspil

¹⁹ <http://www.zentropa.dk/about/historie>

²⁰ <http://www.nordiskfilm.com/>

²¹ <http://www.nordiskfilmtv.com>

²² Medieudviklingen 2014

(DR and TV2). By 2014, DR and TV2 channels concentrated 69% of the audience²³. Other main broadcasters are MTG TV (nine channels²⁴) and SBS Discovery Media (14 channels) which represented respectively 10 and 11% of total viewing in Denmark in 2014. Rather than a spread consumption over many broadcasters, consumption is concentrating on these four main broadcasters. However, as outlined below it is expected that video on demand (VOD) may crowd out a part of consumption of traditional linear broadcasting.

- Cinema viewership (number of tickets sold) has been somewhat decreasing since 2008 but has been improving recently. The expectation is that total number of tickets sold in 2015 will be higher than in 2008, which was a record year²⁵.

- Cinema audience show extensive interest in Danish films. Preliminary figures from 2015 suggests that the number of cinema tickets sold to Danish films in 2015 will be higher than in 2008, which was a record year²⁶. The total market share of Danish films was in 2014 27,3% - which is the fourth highest in EU-28²⁷. Five of the ten most watched films in 2014 in Denmark were Danish²⁸.

■ Funding of independent production, outsourcing and budgetary cuts

Public/publicly owned radio and TV (TV2 and DR) are a significant buyers and funders of privately/independently produced AV programmes. Current and past Public Service Agreements²⁹, legislation³⁰ and executive orders³¹ covering DR and TV2 Denmark and TV2 Regional, stipulate that:

- TV2 Denmark and TV2 Regional own productions are limited news, current affairs and sports. Other programmes broadcasted are either license purchase of films and series or programs made by independent producers. In line with the 2012 – 2014 public service agreement TV2 invested in 2014 83,2 million in Danish films, of which 72% was allocated to motion pictures (broadcasting rights and production). The remaining share was allocated to documentaries and short films, as well as to talent development in the AV sector³².

- A share of DR's budget is to be spend on production outsourced to independent producers. In line with the public service agreement about 10 percent of total costs of DR was in 2014 spend on production and production facilities outsourced to independent producers³³ (404,2 Million DKK). An additional 71,4 million was allocated to Danish films, of which about two thirds was allocated to motion pictures (broadcasting rights and production). The remaining share was allocated to documentaries and short films, as well as to talent development in the AV sector. Interviewees estimate that about 75% of DR TV programmes (news and sports excluded) are produced by independent producers.

²³ Ibid.

²⁴ See <http://tv3test.dk/>

²⁵ See Biograferne fortsat på rekordkurs article at <http://danske-biografer.dk/biograferne-fortsat-paa-rekordkurs/>

²⁶ Biograferne fortsat på rekordkurs article <http://danske-biografer.dk/biograferne-fortsat-paa-rekordkurs/>

²⁷ Press release - Box office up in the European Union in 2014 as European films break market share record

²⁸ Top 30 – Danmark – 2014 <http://danske-biografer.dk/top-30-danmark-2014/>

²⁹ Mediaaftale_2011-2014; Mediaaftale for 2012 – 2014

³⁰ LBK nr 255 Bekendtgørelse af lov om radio- og fjernsynsvirksomhed, 23. september 2013

³¹ BEK nr 103 af 28/01/2010 Bekendtgørelse om TV 2/DANMARK A/S' programvirksomhed Tilladelse til TV 2 DANMARK A/S til at udøve public serviceprogramvirksomhed, 2014

³² TV2 Public Service Redegørelsen 2014

³³ DRs årsrapport 2014

DR outsourcing has been increased in the 2008-2014 period – creating thus a bigger market for independent production in Denmark. As, outlined below, employment in the independent AV sector is largely characterised by temporary and freelance employment and outsourcing therefore impacts on employment patterns in the AV sector.

Further outsourcing from DR to national independent producers can be expected. The amount which is to be allocated to this has been increased with the Public Service Agreement of 2015-2018³⁴ (from 250 million DKK in 2014 to 300 million DKK on average yearly in the 2015-2018 period).

In addition to outsourcing, budgetary cuts (with a decrease in revenue of 75 million annually as from 2015³⁵); budget optimisation and internal competition within DR (that is competition between different production departments for in house production) and decreases in regular employment collectively drives up time limited and freelance employment (see figures below).

The Public Service Agreement³⁶ covering 2015-2018 finally stipulate that both DR and TV2 are to provide funding to Danish film at an annual average level of 65 million DKK.

■ **New production demands**

In the last years, AV content is increasingly being requested by new clients and/or new media:

- While the production of TV commercials has reduced (compared to 2008), advertisements are now increasingly produced for online platforms.
- Professional AV content is increasingly being developed for educational purpose (non-publicly available).
- More content is being produced exclusively for online dissemination.
- There is also more content being development for VOD. However compared to traditional production, this production remain secondary.

■ **New producers and collective agreements**

As outlined the number of new producers has increased substantially in the last years. Interviewees estimate that about 15% of AV fiction content, is produced by newer independent producers. The multiplication of producers create working challenges as these tends not to be part to the collective agreements which are in force.

■ **New consumption patters**

Changes in AV content consumption patterns and on demand streaming services are also affecting the sector.

³⁴ Mediepolitisk aftale for 2015-2018

³⁵ DRs årsrapport 2014

³⁶ Mediepolitisk aftale for 2015-2018

In the last years, streaming has increased significantly. By 2014 streaming represented around 17% of total TV viewing time in Denmark (up from 12% in 2013³⁷). Other technology driven changes are:

- On demand streaming services and TV content via new platforms (tablets, computers and smart phones).
- Enhanced use of the internet – especially via mobile and tablets. The use of mobile and tablets among children has especially boomed.
- Mainstreaming of Smart TVs – and an expectation of enhanced consumption of over the top (OTT) VOD via these.

Both TV2 and DR have in the last years developed a comprehensive digital offering responding to new consumer patterns. Both broadcasters have developed web-TV offerings, on their websites with access to catch up TV services and TV2 provide SVOD services³⁸.

2.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

Beyond the factors mentioned above, interviewees highlight the following developments as likely to impact on employment and work arrangements:

- More international production and more pressure from important international OTT VOD providers. Issues of concern relate in particular to:
 - Viability of a collective agreement based approach – in a system where large players (e.g. Google, Netflix) defines terms rather than negotiating them;
 - Poorly regulated royalty rights.
- National pressure on the collective agreement system from independent producers – with more producers not being part of collective agreements and with producers indicating that the current systems are too expensive. One trade union reported in this regard that the unions have limited bargaining power, as there is a systematic “over-supply” of potential employees (an area that many people wants to work in – even if the sector is expanding).

2.3 Analysis of the labour market and changing forms of employment and work arrangements

Forms of employment, work arrangements in the AV sector and rules and agreements governing these, sit within the broader Danish labour market context. Two main aspects need to be taken into account:

- The “Danish Model” of labour market regulation
- Definitions in Denmark of freelancers and self-employment

These are briefly introduced below, together with implications for workers and work arrangements in the AV sector.

³⁷ Medieudviklingen 2014

³⁸ At dr.dk and TV2.dk

■ The Danish model – and the AV sector

The Danish labour market model sets the framework regulating the working conditions and rights within the AV sector. Key elements are:

- The voluntary agreements concluded between employers and trade unions which set out the salary and working conditions (and associated, very limited regulatory labour market legislation) and
- High levels of employers and employees organisation (also in the AV sector) ensuring high coverage of collective agreements.
- There are a few main employers in the AV sector in Denmark. On the employee side, a number of trade unions federate workers in the AV sector (including self-employed) – the most important being:
 - the Danish Union of Journalists³⁹ federating Journalists and other media professionals – with a total membership of some 18.000 working across all media, and as professional communicators
 - The Danish Actors' Association⁴⁰
 - The Union of Film and TV producers⁴¹ federating some 1,300 professionals working in Film and TV production (essentially for independent producers)

Other unions operating in the AV sector (beyond those federating musicians) are union of Danish play writers⁴²; Danish film directors⁴³; the Danish Artists⁴⁴ (federating mainly musicians but also some actors); the Media union (federating media technicians working for DR) and other unions which essentially federate workers outside the AV sector, but which have entered collective agreements for employees with DR⁴⁵ and TV2.

Each of these unions have collective agreements (or similar arrangements) with the main employers (DR, TV2 and the independent Producers) for which their members work. These agreements set out the salary and working conditions for both employees and (employee) freelancers, and are underpinned by standard contracts. Some key characteristics of these agreements are:

- Collective agreements in the AV sector are generally “area agreements” – that is: employers covered by the agreement commit not to employ workers of the type covered by the agreement in less favourable conditions than those stipulated by the agreements (i.e. irrespective of the extent to which employees are organised);
- Royalty payments is covered by the collective agreements.

However, not all producers are covered by the collective agreements. Likewise, collective agreement are not systematically in place. Where collective agreements (or employers' declarations of intent, or house agreements) do not apply, “standard contracts” may be used to define minimum employment conditions and associated rights. If there are no agreements, working conditions are only defined in the individual contracts.

³⁹ <http://journalistforbundet.dk/>

⁴⁰ <http://skuespillerforbundet.dk/>

⁴¹ <http://www.filmmtv.dk/>

⁴² Danske Dramatikere at <http://www.dramatiker.dk/spillefilm.html>

⁴³ Danske Film instruktører at <http://www.filmldir.dk/>

⁴⁴ Dank Artist forbund at <https://www.artisten.dk/>

⁴⁵ See collective agreement between DR and unions federating various workers at <http://www.dr.dk/OmDR/Job+og+karriere/20080708134840.htm>

A significant role of the trade unions in this context is to provide guidance on contract development, within and beyond the scope of the collective agreements.

■ **Employment, temporary employment, freelancers and self-employment**

Within the Danish system several forms of employment are possible – and the sort of collective agreement that will apply will vary accordingly. Globally one can distinguish between works undertaken under:

- Standard employment contracts (including . fixed-term contracts and Part time employment)
- Freelance/project related contracts
- Self-employed “company to company” contracts

Main characteristics of the different options in the AV sector is presented in table 1 below. In Denmark freelancers can be “employee” freelancers – and many are in practice. They are thus non independents – and there are collective agreements covering these. Freelancers are thus clearly distinguished from self-employed/enterprises which by their nature cannot be covered by collective agreements.

Within a given year, an AV worker may have several contracts of different natures (e.g. a fixed term contract regulated under the collective agreements covering employees, one or more freelance employee contracts and contracts as self-employed). Options are further complicated by the fact that delivery of services as an enterprise may or may not be subject to VAT – as artistic work may be VAT excluded⁴⁶.

⁴⁶ Cf LBK nr 106 af 23/01/2013 Bekendtgørelse af lov om merværdiafgift (momsloven), art. 13 at <https://www.retsinformation.dk/Forms/R0710.aspx?id=145054&#Kap3>

Table 2.4 Overview of contractual options and associated collective agreements (main contracts)

	Standard and Part time employment	Fixed-term contract	Freelance contract – A	Freelance contract – B	Self-employed No VAT	Self-employed VAT
Description	Traditional employee (not relevant for the category: actors)	Temporary employee	Employee freelancer – main activity taxes paid by employer(s)	Employee freelancer – secondary activity – taxes paid by worker, but as an employee	Independent - taxes paid by worker – No VAT	Independent - taxes paid by worker –VAT
Covered by	Collective agreements: employees (for employments beyond a month) - for most employee categories in the AV sector. Examples of most notable agreements: Journalists: DR , TV2 , TV2 regional TV and producers) Media technicians involved in editing of content production of news content: and producers on TV/ independent producers and AV professionals/ technicians with DR Media technicians: and series fiction		Collective agreements and other agreement - Examples of most notable agreements: Journalists freelancers: DR ; TV2 and TV 2 regional TV Actors: DR & a set of collective agreements with the producers covering different production (motion pictures, TV production; advertising; dubbing; short films etc.) Media technicians: collective agreement covering TV production by independent producers ; motion pictures ; short film and documentaries AV professionals/ technicians with DR		N.A. Collective agreements not possible	

2.3.1 Overview of current forms of employment and work arrangements

The main current forms of employment in the AV sector are:

- Standard open-ended contract based employment (including part time employment);
- Fixed term employment;
- Freelance employment.

In addition, workers may be associated to projects as self-employed (i.e. enterprise to enterprise basis). Standard open-ended contracts are prevalent for employees of the two main employers in the sector DR and TV2. For all other workers fixed term employment and freelance employment is prevalent.

All forms of employment, were established before 2009. However, there is – among certain groups of workers an increase towards more fixed-term and freelance employment. This is caused mainly by the increasing use of outsourcing by DR, a more competitive project based approach to production within DR and the growth of the Danish independent AV sector (which largely engage on fixed-term and freelance basis). For other groups, notably actors, freelance and fixed term employment is and has traditionally the most common working arrangement.

Changes in employment – and the increased prevalence of freelance and temporary employment have not lead to wage pressure or negative developments in wages in the last decade. While some trade unions (those representing actors notably) report issues with ensuring a sufficient income, this is not perceived as a new challenge, but rather a continued challenge within their sub-sector. In contrast, in the areas where freelancing and fixed term contracts is developing (journalists, photographers, editors etc.) incomes are reported overall to be in the high end.

As outlined above freelancing (i.e. employee freelancer) is covered by a set of collective agreements. While these are perceived as providing adequate coverage to ensure appropriate wages working rights are less covered:

- Pension is not covered by several freelance agreements. Where pension payment is included it may be insufficient (for example in the case of actors)
- Most freelance collective agreements do not cater for paid continuous .
- Parental and maternity leave is generally not covered by freelance collective agreements
- Paid sickness leave is generally not covered by freelance collective agreements

Fixed-term workers can also have limitations to access parental and maternity leave and training as these are associated to the length of the contract.

In addition, there are developments towards multiple forms of employment – i.e. a worker may within a given time period have a part-time job; a freelance employment and be contracted as self-employed for other sort of assignments. This development is noted especially by the Journalist Union – albeit it is more prevalent among journalists working outside the AV sector than inside. This issue creates additional challenges, not only as regards the above mentioned points but also as regards access to unemployment benefits and needs for additional insurance. One union estimate that more than one third of those in multiple employment/self-employment situations are inadequately covered in the case of sickness, health insurance and pension.

Lastly, fixed-term workers may be more affected by work pressure, inadequate attention to working hours and the payment of overtime⁴⁷. These works tend to exhibit more motivation and engagement showing a desire to position themselves for permanent employment⁴⁸.

An overview of forms of employment is presented on the next page.

⁴⁷ DJ på TV-området 2015, presentation (not published)

⁴⁸ Laura Ellemann-Jensen Tidsbegrænset ansatte og motivation, final dissertation, 2013

Table 2.5 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence: Almost inexistent Uncommon Relatively widespread Widespread Dominant form No reliable information available	Trend since 2008: Up Stable Down No reliable information available	List specific groups and/or subsectors and/or occupations for which this type of arrangements is the most widespread (if relevant)	Summary of main differences compared to standard contracts: e.g. lower pay, different benefits, higher/lower cost for the employer, higher flexibility for the employer
Standard employment contracts	Dominant form Employment with DR & TV2 Employment with independent producers: Uncommon Almost inexistent: actors	Stable Has increased with TV2	Dominant form Employment with DR & TV2	NA
Fixed-term contracts	Relatively widespread DR and TV2 Widespread: employees working for independent producers	Up: DR	Employees working for independent producers	Positive <ul style="list-style-type: none"> Higher flexibility for the employer Allow for project related employment Incentives for an "extra effort" Negative <ul style="list-style-type: none"> Pension rights Training rights Paid parental and maternity leave
Part-time employment	Not known	No reliable information available	No reliable information available	No reliable information available
Freelance employment	Widespread employees working for independent producers & actors (irrespectively of producer) Relatively widespread DR	Up	Employees working for independent producers Actors	Positive <ul style="list-style-type: none"> Higher flexibility for the employer Allow for project related employment Incentives for an "extra effort" Negative <ul style="list-style-type: none"> Pension rights Training rights Paid parental and maternity leave
Traineeships/ internships and apprenticeships	Mandatory for journalists (forms part of journalistic education)	Stable all professions in which traineeships are mandatory Up: traineeships for academic students	NA	N/A (not used as a substitute for work contracts)
Self-employment	Uncommon, as main employment form: all categories d	Up	Journalists	NA.

2.3.2 Standard work contracts (full-time, permanent contracts)

Full-time (or part time) standard permanent contracts are prevalent mainly with DR and TV2. In both cases a clear majority of employees are under standard contracts. Share of permanent employment is overall significantly higher in TV2 than DR.

The number of DR employees under standard contracts and its relative weight of the total working arrangements is presented in table 9. As it can be seen standard employment has largely remained stable in the 2010-2014 period. In contrast the share of total employees with standard contracts has decreased.

Equivalent data is not available for TV2 employment overall. Partial data however, is available for journalists and other media professionals federated in the union of journalists (also presented in table 9). With respect to TV2 interviewees report that there have been issues with large numbers of fixed-term and freelance contracts with TV2 in the past, but also that these issues have largely been resolved in recent years and these numbers have been reduced.

Table 2.6 Standard employment in DR and TV2

	2008	2009	2010	2011	2012	2013	2014	% increase first and latest year available
DR - all employees								
DR - Full time employment –			2309	2149	2229	2223	2250	-3%
Share of all employees in regular open-ended contracts			77%	76%	76%	74%	70%	Decrease of 7% points
TV2 national and regional TV journalistic employees (federated in the Danish Union of Journalists)								
TV2 national	330	313	329	319	316			-4%
Share of all employees in regular open-ended contracts – TV 2 national	87%	91%	90%	91%	92%			Increase of 5% points
TV 2 Regional	350	339	330	340	304			-13%
Share of all employees in regular open-ended contracts – TV 2 Regional	99%	96%	98%	100%	98%			Decrease of 1% points

Source: DRs årsrapport 2014⁴⁹ and Danish Union of Journalists

The share of employees with full-time (or part time) standard permanent contracts working with independent producers is significantly lower.

While there is no data available on the scale of permanent employment, interviewees indicate that employees with full-time (or part time) standard permanent contracts represent only a small share of total employment of independent producers (estimated between 5 and 10%). Finally, there are employees groups which are never subject to full-time (or part time) standard permanent contracts due to the very nature of their work (actors, scriptwriters, directors etc.).

Beyond these variations, there is nothing to suggest that standard work contracts are more frequently found across specific groups of AV workers (e.g. a gender or educational bias). One interviewee, however, suggested that there may possibly be an age bias, with younger groups and older groups, being more inclined and willing to take up other forms of employment. Full-time (or part time) standard permanent contracts are likely to be more prevalent among the age category 35-50, reflecting a desire of employment stability.

■ Collective agreements and coverage

There is a large set of collective agreements covering permanent employment in the AV sector. Collective agreements are in place between all of the main unions and the main employers/associations of employers.

Those covering journalists, media technicians and other AV technicians are listed below, together with their coverage. It should be noted that not all independent producers are covered by the collective agreements. This is due to the fact that some of the members of the producers association (notably associated members) are not included.

Table 2.7 Collective agreements standard employment

Collective agreement	Employer	Type of employees covered	Covers & selected rights
AV technicians and DR	Individual employer DR	Examples only: Assistant Director; costume Assistant; producer Assistant; production Assistant; makeup artist; technical assistant; Graphical designer; Assistant Director; production Manager	Minimum wages Working hours, flex time and payment of overtime and work during weekends and nights Part time employment Pension payment by employer Training with wage Paid sick leave Paid parental leave Paid extra-legal holidays - one week Paid leave care of certain family members Paid holidays (beyond minimum holidays) Termination of contract Group insurance

Collective agreement	Employer	Type of employees covered	Covers & selected rights
DR and the Danish Union of Journalists	Individual employer: DR	Journalists including, film and press photographers, employees texting, technicians involved in the editing of content and technicians involved in news production.	Minimum wages Working hours, flex time and payment of overtime and work during weekends and nights Part time employment Pension payment by employer Training with wage Paid sick leave Paid parental leave Paid extra-legal holidays - one week Paid care of certain family members Paid holidays (beyond minimum holidays) Termination of contract Copyright and royalties
Between TV2 and the Danish Union of Journalists	Individual employer: TV2	All employed staff in the editorial, production and development of TV 2 broadcasting	Minimum wages Working hours, flex time and payment of overtime and work during weekends and nights Part time employment Pension payment by employer Full pay during sick leave of children (first 2 days) Training with wage Paid parental leave Paid extra-legal holidays/leave - one week Termination of contract Copyright and royalty payment
Between the group TV2 regions and the Danish Union of Journalists	Individual employer: TV2 regional TV	All permanent staff in the editorial, production and development of TV 2 broadcasting	Minimum wages Working hours, flex time and payment of overtime and work during weekends and nights Part time employment Pension payment by employer Full pay during sick leave of children (first 2 days) Training with wage Paid parental leave Paid extra-legal holidays/leave - one week Termination of contract Copyright and royalty payment
Danish Producers Association and the Danish Union of Journalists Danish Producers Association and the Film and television works Union (same terms)	Independent producers (not all)	Employees employed in editorial, production and development, video, multimedia production and AV by members of the producers' association TV workers	Minimum wages Working hours, flex time and payment of overtime and work during weekends and nights Pension payment by employer Paid extra-legal holidays/leave - one week Paid sick leave Full pay during sick leave of children (first 2 days) Paid parental leave Termination of contract Copyright and royalty payment

2.3.3 Fixed-term contracts

All the collective agreement mentioned above cover fixed term contracts, of a duration of one month or more. Terms and conditions are consequently the same, as are the standard contracts which apply. However some rights are limited by length of employment:

- Rights of extra-legal paid holidays/leave – which in some cases is conditioned by a minimum period of employment (between 8 month and a year, depending on the agreement)
- Access to 5 days of paid training with pay (all agreements)
- Access to full pay during maternity leave – which are subject to the employee having earned rights for public parental benefits (i.e. having worked for a certain period) – and in the case of the producers collective agreement, at least 20 months of employment.

As collective agreements for standard employment also cover time limited contracts – specific collective agreements for fixed term contracts are generally not developed. However the Danish Producers Association and the Film and Television Works Union have agreed to a collective agreement on TV series fiction production⁵⁰ - covering time limited contracts - which notably cover:

- Minimum wages
- Working hours, flex time and payment of overtime and work during weekends and nights
- Paid sick leave
- Paid parental leave
- Termination of contract
- Copyright and royalty payment
- Pension payment by employer

In contrast, the agreement does not consider other aspects such as holiday entitlements during employment, pay during sick leave of children, training and maternity and parental leave.

There is no data available on the total number of fixed term contracts. However together with freelance contracts⁵¹ these are prevalent among employees of independent producers. Among journalists it may be estimated that fixed-term and freelance contracts represent some 90 to 95% of all employment with independent producers.

Fixed terms contracts and freelance contracts represent some 30% for DR and has increased since 2008. Some of this increase, is due to project limited employment in relation to the Eurovision Song Contest 2014.

Within these overall trends, however, there appear to be differences between the different employees groups – with the journalist union noting that time limited contracts have decreased recently with DR whereas time limited contracts with TV2 have increased to between 10 and 20% (in 2012 time limited employment represented 8% for TV2 National and some 2% for TV 2 regions⁵²).

⁵⁰ At <http://www.filmtv.dk/wp-content/uploads/2014/12/Seriefiktion.pdf>

⁵¹ Freelance employment is used for employment of less than a month.

⁵² Data provided by the Journalist Union

2.3.4 Part-time work contracts

Part time contracts are considered as regular contracts – and rights are thus included within the collective agreements mentioned above. The right for part time work is explicitly covered by the collective agreements covering TV2 and DR – but is not covered by the collective agreement covering producers.

Data on part time employment is not available. However, none of the interviewees reported particular issues with part time employment.

2.3.5 Other forms of atypical contracts: freelance contracts

Freelance contracts, together with temporary employment contracts are prevalent among employees with independent producers. There is no comprehensive data on the number of employees under fixed term and freelance employment contracts, but as outlined above it is estimated that these represent the clear the majority of workers employed by independent producers and around 30% of employment with DR. As mentioned, freelance contracts are common to actors irrespective of the nature of the producer.

There are a large number of collective agreements covering freelance and temporary work in the AV sector. Collective agreements are place between all of the main unions (i.e. those representing journalists, TV and film workers and actors – as well as with other unions) and the main employers/associations of employers (DR, TV2 and independent producers)⁵³.

These agreements generally regulate the following issues:

- Minimum wages (e.g. per hour) and payment during weekends and nights;
- Termination of contract;
- Copyright and royalty payment (where applicable);
- Holiday payment (Part of regular payment: lump sum pay out as a share of the pay);
- In some cases (some) pension payment by employer (e.g. collective agreements between the producers and Film and TV workers union which foresee 7.6% of wages as pension payment for work under the agreements covering motion pictures, series fiction and short films and 9% under the agreement covering TV production).

Given that workers under freelance are employees, they have rights to unemployment benefits.

In contrast, freelance employee agreements do generally not cover the following rights – or do not comprehensively:

- Rights of access to paid training (no paid training) – with the following exceptions:
 - TV2 journalists – options to participate to internal training if worked more than 1000 hours within a year (TV2 national and regional)

⁵³ Most can be found at the following webpages:

<http://www.dr.dk/OmDR/Job+og+karriere/20080708134840.htm>

<http://skuespillerforbundet.dk/raadgivning/loen-og-ansattelse/overenskomster-og-kontrakter/>

<http://medieforbundet.com/ansattelse-og-loen/>

- Rights of paid maternity/parental leave – with the following exceptions:
 - Possibilities for parental pay by employer – subject to having generated a pay over a certain threshold within last 6 months (DR, journalists)
 - If worked more than 1,000 hours within a year (TV2 national and regional journalists).
- Comprehensive pension payment – while pension may be covered in some cases payments are often too limited to ensure sufficient pension entitlements (e.g. actors collective agreements with independent producers which foresee a pension contribution for a month work of about 150 Euro) or pension may not at all be covered (e.g. all collective freelance agreements with DR). Some interviewees note that royalty payments in practice often works as a pension (e.g. for actors).
- Paid sickness leave (i.e. wage during sickness) – exceptions:
 - Full pay during sickness - included generally in the different collective agreements between independent producers – and the Film and TV workers union⁵⁴ as well as with the journalist union⁵⁵
 - Sickness benefits (sygedagpenge) + top up by employer in case of sickness during fixed duties (collective agreement DR/journalists and DR/Medieforbundet).
 - TV2, journalists: sickness pay during fixed duties if worked for more than 250 hours within last 3 months & sickness pay first two day of child sickness.

In some cases there are alternative set ups to cover maternity leave and training paid by the employer. These systems include notably the agreement between independent producers – and the Film and TV workers union covering motion pictures, where producers are committed to pay 1.1% of total employment payment under the agreement to the union⁵⁶ (which then may provide financial support on application to training and for parental leave to those having worked on motion pictures (about 270 Euro/month for parental leave).

2.3.6 Traineeships, internships and apprenticeships

The prevalence of internships traineeships and apprenticeships vary across the type of employee categories (e.g. no tradition for actors whereas apprenticeships form an integrated part of the journalist education).

A distinction is necessary between apprenticeships which are mandatory and regulated under collective agreements (including pay), volunteering and internships of HE students. The latter groups are not subject to any pay.

Overall, interviewees do not note any significant issues with internships traineeships and apprenticeships. There has in the past been some issues with request for “promotion” work for free – but interviewees note that the magnitude of this issue has been decreasing since the 2000s.

⁵⁴ At <http://www.filmtv.dk/overenskomst/indgaet/>

⁵⁵ <http://journalistforbundet.dk/Job--lon/Overenskomster/Freelance-aftaler-alfabetisk/Angel-Produktion114/>

⁵⁶ <http://www.filmtv.dk/overenskomst/indbetaling-til-b-e-t-fonden-2/>

■ Apprenticeships

Apprenticeships form an integrated part of the journalistic education in Denmark (12 or 18 months). These apprenticeships are regulated by collective agreements between the trade union for journalists and the main employers – either by specific agreements covering exclusively apprenticeship⁵⁷ or alternatively regulated under the collective agreements for employees (the case for TV2 national and TV2 regions). The collective agreements cover aspects such as pay during sickness, payment during holidays, parental leave etc. The main difference in terms of rights is that the collective agreements do cover pension contributions.

Similar observations may be made for the collective agreement⁵⁸ between Film and TV workers union and the Grouping of Danish Producers ASAV (which was set up to support the guidance of the film and TV production education⁵⁹) which cover apprenticeships of Film and TV workers in education.

■ Volunteering

Volunteering within independent producers (TV production, short films and documentaries) is regulated by two Protocols specifying length and purpose of volunteering activities⁶⁰. They cover notably:

- The requirement of an a Volunteering agreement
- Stated purpose and limitation of tasks
- Maximum length (3 month), can be extended by 3 months but only if the tasks are substantively different in nature
- Maximum number of volunteers per employed (one volunteer per each 10 employees)

Similar protocols are not in place for other sectors or for TV2 and DR.

There is no data available on the number of volunteers within the sector. However, interviewees note that there are not substantive issues with volunteering or “free work” within the sector. They also note that the number of volunteers with DR and TV2 remains relatively constant.

■ Internships as part of HE education

Internships as part of HE education, is increasingly being mainstreamed. The internship typically is of a duration of 5 month (and typically with DR or TV2). A requirement is that the internship can form an integrated part of the education (i.e. be subject to 30 ECTS points). As a part of the HE students maintain their HE monthly student grant.

There is no data on the number of HE students in internships (data not broken down per type). Interviewees note that the number of HE internships are increasing, reflecting largely higher intake on HE education.

⁵⁷ DR - løn- og arbejdsvilkår for praktikanter <http://journalistforbundet.dk/Job--lon/Overenskomster/DR-lon--og-arbejdsvilkar-for-praktikanter/>

⁵⁸ <http://www.film.tv.dk/wp-content/uploads/2014/12/FTP-overenskomst-2015-2017.pdf>

⁵⁹ <http://www.asav.dk/default.asp?id=302>

⁶⁰ <http://pro-f.dk/overenskomster/tv-%E2%80%A2-volont%C3%B8rer>

and http://www.film.tv.dk/wp-content/uploads/2014/12/OVERENSKOMST-MELLEM-FILM_01.pdf

■ Other forms of discounted work

There are collective agreements/agreed standard contracts covering actors' participation to short films produced by film schools⁶¹ which must be used. These agreements provides the basis for discounted rates (compared to other standard contracts) – with modulates rates depending on the extent to which these are shown exclusively internally or also externally. The standard contracts also cover royalty payment and copyright.

2.3.7 Self-employment and freelance work (section exclusively related to self-employment)

The number of AV workers working as self-employment is not known. Interviewees however note that there are few workers which operate exclusively as self-employed. Instead, self-employment tends to be a secondary activity, along with time limited and free-lance employment. Judging from the interview it does not appear that any particular groups work as self-employed.

Obviously no collective agreements apply for self-employment. Access to unemployment benefits is conditioned by the closure of the company (requirement to stop as self-employed). Access to sickness benefits requires that the worker has opted for voluntary insurance. Royalty payments is possible (subject to a contractual agreements – as it is the case also for employee arrangements).

2.3.8 Other trends in employment and work arrangements affecting working conditions

Developments towards multiple forms of employment have been identified – i.e. a worker may within a given time period have a part-time job; freelance employment and be contracted as self-employed for other sort of assignments. This development is noted especially by the Journalist Union – albeit it is more prevalent among journalists working outside the AV sector than inside. This issue create additional challenges, not only as regards to access of parental benefits, pension and sickness pay points but also as regards access to unemployment benefits and needs for additional insurance.

One interviewee estimated that more than one third of those in multiple employment/self-employment situations are inadequately covered in the case of sickness, health insurance and pension.

2.3.9 New and emerging occupations

There is nothing to suggest that “few forms of employment” are emerging on the AV marked.

⁶¹ These can be found at <http://skuespillerforbundet.dk/raadgivning/loen-og-ansaettelse/overenskomster-og-kontrakter/>

2.3.10 Trends in professional mobility

NA

2.4 Impact on changes on continuous training

2.4.1 Overview of the state of play in relation to continuous training

Access to continuous training in the AV sector vary in function of the nature of the employment contracts and across types of employees. Employees on regular contracts under collective agreements are generally entitled to at least week of training per year of employment (in addition to any eventual training needed). Freelancers and employees on time limited contracts generally do not have such entitlements.

The rights of employees which are not covered by collective agreements will be defined only in the employment contracts.

Various funds, managed by the unions, support continuous training and lifelong learning in the sector. Funds usually steam from royalty payout or are in some cases provided by the employers under collective agreements. Unions may operate directly as training providers or may ensure that a training offer is available.

Data on training participation is not available, but interviews suggest that there is variation in actual participation in continuous training across categories.

■ **Rights of access – employees under standard employment contracts – and time- limited/temporary employment contracts under collective agreements**

Employees under standard employment contracts and temporary employment, which relate to journalists and other media professionals generating AV content, as well as other AV employees have the rights to access to training (and normal wages during training). These rights are laid down in the collective agreements between the social partners and consequently vary by type of employee. As these collective agreements are area agreements, the rights for access to continuous training do not depend on the employee's union membership.

Generally however, rights to training with full pay is conditioned by a year of employment. Consequently most temporarily employed are not eligible.

Table 2.8 Training provisions in collective agreements for employees

Type	Area of coverage	Rights	Comments
TV workers	TV production collective agreement with private sector producers*	Each employee is entitled to a week's training with full pay per year of employment. If an employee has not been in training within the year, the rights are transferred to the following year.	Training is agreed between the employee and the employer. Regular training that is necessary for the individual to perform normal work duties is not considered to be continuous training (i.e. training rights are not affected hereby).
TV workers	DR**	Access to training with pay (length not specified)	A yearly pool of 50,000 DKK is allocated to funding of training activities The purpose of the pool is to ensure that there is a continuous and systematic effort place to train in order to meet the individual employee's development needs and DR objectives. The pool can be used for both relevant professional and relevant personal training / development.
Journalists and other media technicians involved in editing of content production of news content	DR***	Access to paid training with full pay on application –length and scope not defined.	In addition DR is committed to a mandatory introduction to radio and TV to new employees
	TV2Denmark and TV 2 News**** TV2 regional TV*****	Each employee is entitled to a week's training with full pay per year of employment. TV2 regional TV, right of transfer (max 3 weeks)	In addition TV2 is committed to a mandatory training to new employees
	Collective agreement with private sector producers*****	Each employee is entitled to a week's training with full pay per year of employment. If an employee has not been in training within the year, the rights are transferred to the following year.	Training is agreed between the employee and the employer. Regular training that is necessary for the individual to perform normal work duties is not considered to be continuous training (i.e. training rights are not affected hereby).

* TV overenskomst ansatte - Overenskomst mellem Film- og TV-arbejderforeningen (FAF) og Producentforeningen for ansatte, at http://www.film.tv.dk/wp-content/uploads/2014/12/TV-overenskomst_Ansatte_01.docx

** Produktionsoverenskomsten http://medieforbundet.com/wp-content/uploads/2015/06/MDR_2014_endelig_aftale.doc

*** Overenskomst ansatte, Overenskomsten omfatter Danmarks Radio, At <http://journalistforbundet.dk/Filer/DJ/Dokumenter/Job%20og%20loen/Overenskomster/Materiale%20til%20urafstemninger%20og%20hjemmeside/DR%20-%202014-2017/DR%202014.pdf>

**** Overenskomst mellem Journalist forbundet og TV2 Danmark at <http://journalistforbundet.dk/Filer/DJ/Dokumenter/Job%20og%20loen/Overenskomster/Materiale%20til%20urafstemninger%20og%20hjemmeside/TV2Danmark/TV%202%20Danmarks%202015-2018/TV%202%20overenskomst%202015-2018%20m%20%20underskrifter.pdf>

***** Overenskomst mellem Journalist forbundet og Foreningen af TV2 – Regioner at: <http://journalistforbundet.dk/Filer/DJ/Dokumenter/Overenskomster/Foreningen%20af%20TV%202-Regioner.pdf>

***** Overenskomst mellem Dansk Journalistforbund og Producentforeningen for ansatte at http://journalistforbundet.dk/Filer/DJ/Dokumenter/Job%20og%20loen/Overenskomster/Producentforeningen_ansatte2008_2009.pdf

■ Employees under freelance contracts (under collective agreements)

Generally, collective agreements covering freelance employment do not cover training. Consequently employees on freelance contracts generally have no right of access to training during employment (with the exception of journalists under freelance contracts with TV2 which have the option to participate to internal training with pay if worked more than 1000 hours/125 days within a year for TV2).

■ Funds available for training

There are a number of funds which provides co-funding opportunities for training within the AV sector.

These funds are generally managed by the unions. Financial resources from these funds generally stem from royalties which cannot be paid out to individuals. Funding may also stem from membership to the fund. Main funds include:

- Directors training fund (FAF)⁶²
- Photographers training fund (FAF)⁶³
- Clipping, light and sound training fund (FAF)⁶⁴
- Still photographers training fund (FAF)⁶⁵
- Continuity United training fund for Scriptwriters (FAF)⁶⁶
- The Film and TV workers training fund (FAF) – primarily for those without rights for royalty payments⁶⁷
- The freelance groups royalty fund (Journalists)⁶⁸
- The press training fund⁶⁹
- The Sabbat fund for journalists⁷⁰ (for DR employees)
- Education and study travel grants for actors and other artists⁷¹

62 <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/instruktoerernes-efteruddannelsespulje/>

63 <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/faf-og-dffs-faellesfond/>

64 <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/klip-lys-og-lyds-efteruddannelsespulje/>

65 <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/klip-lys-og-lyds-efteruddannelsespulje/>

66 <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/continuity-united/>

67 <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/faf-puljen/>

68 <http://freelancegruppen.dk/Genveje/Efteruddannelse/>

69 <http://www.pressensuddannelsesfond.dk/>

70 <http://journalistgruppenidr.dk/Sabbat/Sabbat/>

71 <http://skuespillerforbundet.dk/medlemstilbud/legater-fonde/arbejds-og-studielegater/>

Some collective agreements furthermore ensures that employers provides funds for training. This include notably the agreement between independent producers– and the Film and TV workers union covering motion pictures and short films where producers are committed to pay 1.1% of total employment payment under the agreement to the union⁷². This fund (the BEF Fund) provides financial support on application to a) training and b) parental payments to those having worked on motion pictures. The Press training fund is likewise funded by employers, individual members and union funding.

For all funds applicants are submitted to the unions for funding of specific training projects. Maximum funding allocated vary – as does requirements for co-funding.

Finally interviewees indicate that many workers in the AV area use their individual royalty payments to fund training.

■ Training providers

There is not a single system for training provision. However, across groups of employees unions overall play an important an important role to support training. Besides allocation of grants for training unions may directly provide training (the Union of Actors⁷³) or may (co-) manage the educational offer. This is notably the case for the Press Training Fund which manage the full training offer, and provides financial training support to the trainings offered⁷⁴ (in addition to the training grants mentioned above).

■ Participation to training

No data was identified on participation rates to training and lifelong learning activities. Judging by the interviews participation rates vary significantly. For instance, among actors there is little tradition for participation to training.

2.4.2 Impact of employment and working arrangements on access to continuous training

As it can be seen from the above, access to training during employment is regulated by collective agreements – where these apply. For other groups, access will take place outside of employment – but funds are available to co-fund participation.

The extent to which working arrangements impact on training participation is not known.

⁷² <http://www.film.tv.dk/overenskomst/indbetaling-til-b-e-t-fonden-2/>

⁷³ <http://skuespillerforbundet.dk/dsf-studio/aktiviteter-i-dsf-studio/alle-aktiviteter/>

⁷⁴ See <https://mediernesefteruddannelse.dk/om-os/>

2.5 Impact on industrial relations

2.5.1 Industrial relations in the sector

Social partners in the AV sector play a key role in defining terms and conditions in relation to different types of employment and work arrangements. The labour market in the AV sector is to a wide extent covered by collective agreements (or similar lower level agreements (husaftaler or declarations) - especially for the main producers - which defines minimum wage and various benefits when in employment, under freelance contracts and when undertaking internships.

Trade unions furthermore develop standard contracts in cases where no collective agreements and no declarations are in place. They furthermore are extensively engaged in reviews of contracts and terms.

Collective agreements are area agreements – meaning that the employers covered by the collective agreement is bound to ensure that all employees falling within the categories covered by the collective agreement are provided the minimum benefits provided for in the collective agreement (“applicable to all employees”) – insuring in turn a high level of coverage.

As outlined, collective agreements between trade unions and employers may cover one significant employer (e.g. DR) or a group of employers (the producers, or a subset hereof). In total +30 collective agreements or lower level “declarations”, standard contracts or “house agreements” (husaftaler) apply for the categories of AV sector workers covered by this case study⁷⁵.

As presented above, not all producers are covered by collective agreements. In those cases only employment contract apply (and rights stipulated in these).

2.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

Within the context presented above the following observations may be made:

- There have not been any changes in the density of trade unions or employer organisations operating in the AV sector (no increases or decreases in the number of organisations representing workers or AV producers).

⁷⁵ Main ones can be found here:

<http://www.dr.dk/OmDR/Job+og+karriere/20080708134840.htm>

<http://skuespillerforbundet.dk/raadgivning/loen-og-ansaettelse/overenskomster-og-kontrakter/>

<http://medieforbundet.com/ansaettelse-og-loen/>

<http://www.filmmtv.dk/overenskomst/indgaaet/>

<http://www.filmldir.dk/sites/default/files/page/attachments/Overenskomst%20DR.pdf>

<http://journalistforbundet.dk/Job--lon/Overenskomster/>

- There is nothing to suggest that the roles played by social partners in the AV sector has been substantially altered since 2007 – in terms of defining terms and conditions in relation to different types of employment and work arrangements.
- There is nothing to suggest that union organisation has decreased in the 2007-2015 period. The unions interviewed overall high levels of organisation of their respective members. Furthermore, those consulted report either a stable or increasing membership in the period. The main reported reasons for members having left unions is that these also have left the sector.
- There is nothing to suggest that the relative weight of sector level versus company level bargaining has been altered in the 2007-2015 period.
- The push towards freelance employment and self-employment in some sectors have not impacted on the density of trade union organisations (as self-employed and freelancers are, along with regular employees members of unions).

In contrast changes in the sector has impact on the forms of employment of some categories – which in absolute terms have impact on trade unions bargaining and employee protection:

- For workers (journalists and technicians), there are as outlined a certain shift from standard employment to project/freelance and short term and especially project/freelance contracts, which follows from enhanced outsourcing by DR; competitive procedures within and a positive development of independent producers (number and turnover). Rights and non-monetary benefits (e.g. education, parental leave and wages during sick leave) are associated with these agreements are less generous than those of regular employees.
- While the independent AV production sector is expanding, this does not go in hand with enhanced coverage and development of collective agreements. Three factors are in this context important:
 - Lack of recognition by both employers and employees that issues in the AV sector are structural – as opposed to individual – and associated hereto;
 - Lack of agreement of employers as regards willingness to enter into collective agreements (especially new/upcoming producers) – and non-comprehensive coverage of current collective agreements (not all those members/associated members of the federation of independent producers are bound by the collective agreements which is explained from the fact that the producer is not a traditional employers' association)
 - Lack of bargaining power, stemming from significant interest of workers to work in the AV sector ("over-supply) combined with high wages for freelancers.
- The fact that multiple forms of employment, including self-employment, is becoming more prevalent for workers, creates risks of ineffective social protection – within the framework of the Danish model. This issue however, appear rather sector specific. It does not apply to all categories of workers within the AV sector (e.g. no such issues with actors which works in nearly all cases under collective agreements in freelance/time bound employee arrangements).
- Web-TV is expanding and are expected to expand significantly in the coming years. These areas are currently poorly covered by collective agreements.

- Other main challenges stem from internationalisation of motion picture production and associated royalty issues and “imposed” terms of contracts by employers.

2.5.3 Overview of the state of play in relation to continuous training

Access to continuous training in the AV sector vary in function of the nature of the employment contracts and across types of employees. Employees on regular contracts under collective agreements are generally entitled to at least week of training per year of employment (in addition to any eventual training needed). Freelancers and employees on time limited contracts generally do not have such entitlements.

The rights of employees which are not covered by collective agreements will be defined only in the employment contracts.

Various funds, managed by the unions, support continuous training and lifelong learning in the sector. Funds usually steam from royalty payout or are in some cases provided by the employers under collective agreements. Unions may operate directly as training providers or may ensure that a training offer is available.

Data on training participation is not available, but interviews suggest that there is variation in actual participation in continuous training across categories.

■ **Rights of access – employees under standard employment contracts – and time- limited/temporary employment contracts under collective agreements**

Employees under standard employment contracts and temporary employment, which relate to journalists and other media professionals generating AV content, as well as other AV employees have the rights to access to training (and normal wages during training). These rights are laid down in the collective agreements between the social partners and consequently vary by type of employee. As these collective agreements are area agreements, the rights for access to continuous training do not depend on the employee’s union membership.

Generally however, rights to training with full pay is conditioned by a year of employment. Consequently most temporarily employed are not eligible.

Table 2.9 Training provisions in collective agreements for employees

Type	Area of coverage	Rights	Comments
TV workers	TV production collective agreement with private sector producers*	Each employee is entitled to a week's training with full pay per year of employment. If an employee has not been in training within the year, the rights are transferred to the following year.	Training is agreed between the employee and the employer. Regular training that is necessary for the individual to perform normal work duties is not considered to be continuous training (i.e. training rights are not affected hereby).
TV workers	DR**	Access to training with pay (length not specified)	A yearly pool of 50,000 DKK is allocated to funding of training activities The purpose of the pool is to ensure that there is a continuous and systematic effort place to train in order to meet the individual employee's development needs and DR objectives. The pool can be used for both relevant professional and relevant personal training / development.
Journalists and other media technicians involved in editing of content production of news content	DR***	Access to paid training with full pay on application –length and scope not defined.	In addition DR is committed to a mandatory introduction to radio and TV to new employees
	TV2Denmark and TV 2 News**** TV2 regional TV*****	Each employee is entitled to a week's training with full pay per year of employment. TV2 regional TV, right of transfer (max 3 weeks)	In addition TV2 is committed to a mandatory training to new employees
	Collective agreement with private sector producers*****	Each employee is entitled to a week's training with full pay per year of employment. If an employee has not been in training within the year, the rights are transferred to the following year.	Training is agreed between the employee and the employer. Regular training that is necessary for the individual to perform normal work duties is not considered to be continuous training (i.e. training rights are not affected hereby).

* TV overenskomst ansatte - Overenskomst mellem Film- og TV-arbejderforeningen (FAF) og Producentforeningen for ansatte, at

http://www.film.tv.dk/wp-content/uploads/2014/12/TV-overenskomst_Ansatte_01.docx

** Produktionsoverenskomsten

http://medieforbundet.com/wp-content/uploads/2015/06/MDR_2014_endelig_aftale.doc

*** Overenskomst ansatte, Overenskomsten omfatter Danmarks Radio, At
<http://journalistforbundet.dk/Filer/DJ/Dokumenter/Job%20og%20loen/Overenskomster/Materiale%20til%20urafstemninger%20og%20hjemmeside/DR%20-%202014-2017/DR%202014.pdf>

**** Overenskomst mellem Journalist forbundet og TV2 Danmark at
<http://journalistforbundet.dk/Filer/DJ/Dokumenter/Job%20og%20loen/Overenskomster/Materiale%20til%20urafstemninger%20og%20hjemmeside/TV2Danmark/TV%202%20Danmarks%202015-2018/TV%202%20overenskomst%202015-2018%20m%2020underskrifter.pdf>

***** Overenskomst mellem Journalist forbundet og Foreningen af TV2 – Regioner at:
<http://journalistforbundet.dk/Filer/DJ/Dokumenter/Overenskomster/Foreningen%20af%20TV%202-Regioner.pdf>

***** Overenskomst mellem Dansk Journalistforbund og Producentforeningen for ansatte at
http://journalistforbundet.dk/Filer/DJ/Dokumenter/Job%20og%20loen/Overenskomster/Producentforeningen_ansatte2008_2009.pdf

■ Employees under freelance contracts (under collective agreements)

Generally, collective agreements covering freelance employment do not cover training.

Consequently employees on freelance contracts generally have no right of access to training during employment (with the exception of journalists under freelance contracts with TV2 which have the option to participate to internal training with pay if worked more than 1000 hours/125 days within a year for TV2).

■ Funds available for training

There are a number of funds which provides co-funding opportunities for training within the AV sector.

These funds are generally managed by the unions. Financial resources from these funds generally stem from royalties which cannot be paid out to individuals. Funding may also stem from membership to the fund. Main funds include:

- Directors training fund (FAF)⁷⁶
- Photographers training fund (FAF)⁷⁷
- Clipping, light and sound training fund (FAF)⁷⁸
- Still photographers training fund (FAF)⁷⁹
- Continuity United training fund for Scriptwriters (FAF)⁸⁰
- The Film and TV workers training fund (FAF) – primarily for those without rights for royalty payments⁸¹
- The freelance groups royalty fund (Journalists)⁸²
- The press training fund⁸³
- The Sabbat fund for journalists⁸⁴ (for DR employees)
- Education and study travel grants for actors and other artists⁸⁵

76 <http://www.filmtv.dk/ophavsret/efteruddannelsespuljer/instruktoernes-efteruddannelsespulje/>

77 <http://www.filmtv.dk/ophavsret/efteruddannelsespuljer/faf-og-dffs-faellesfond/>

78 <http://www.filmtv.dk/ophavsret/efteruddannelsespuljer/klip-lys-og-lyds-efteruddannelsespulje/>

79 <http://www.filmtv.dk/ophavsret/efteruddannelsespuljer/klip-lys-og-lyds-efteruddannelsespulje/>

80 <http://www.filmtv.dk/ophavsret/efteruddannelsespuljer/continuity-united/>

81 <http://www.filmtv.dk/ophavsret/efteruddannelsespuljer/faf-puljen/>

82 <http://freelancegruppen.dk/Genveje/Efteruddannelse/>

83 <http://www.pressensuddannelsesfond.dk/>

84 <http://journalistgruppenidr.dk/Sabbat/Sabbat/>

85 <http://skuespillerforbundet.dk/medlemstilbud/legater-fonde/arbejds-og-studielegater/>

Some collective agreements furthermore ensures that employers provides funds for training. This include notably the agreement between independent producers– and the Film and TV workers union covering motion pictures and short films where producers are committed to pay 1.1% of total employment payment under the agreement to the union⁸⁶. This fund (the BEF Fund) provides financial support on application to a) training and b) parental payments to those having worked on motion pictures. The Press training fund is likewise funded by employers, individual members and union funding.

For all funds applicants are submitted to the unions for funding of specific training projects. Maximum funding allocated vary – as does requirements for co-funding.

Finally interviewees indicate that many workers in the AV area use their individual royalty payments to fund training.

■ Training providers

There is not a single system for training provision. However, across groups of employees unions overall play an important an important role to support training. Besides allocation of grants for training unions may directly provide training (the Union of Actors⁸⁷) or may (co-) manage the educational offer. This is notably the case for the Press Training Fund which manage the full training offer, and provides financial training support to the trainings offered⁸⁸ (in addition to the training grants mentioned above).

■ Participation to training

No data was identified on participation rates to training and lifelong learning activities. Judging by the interviews participation rates vary significantly. For instance, among actors there is little tradition for participation to training.

2.5.4 Impact of employment and working arrangements on access to continuous training

As it can be seen from the above, access to training during employment is regulated by collective agreements – where these apply. For other groups, access will take place outside of employment – but funds are available to co-fund participation.

The extent to which working arrangements impact on training participation is not known.

⁸⁶ <http://www.film.tv.dk/overenskomst/indbetaling-til-b-e-t-fonden-2/>

⁸⁷ <http://skuespillerforbundet.dk/dsf-studio/aktiviteter-i-dsf-studio/alle-aktiviteter/>

⁸⁸ See <https://mediernesefteruddannelse.dk/om-os/>

2.6 Sources

2.6.1 Documentation consulted

2.6.1.1 Reports and other documentation

TV2 Danmark årsrapport 2014

http://www.dr.dk/NR/ronlyres/CAFECAE2-9BEB-484F-A3B0-0E7645284CF4/6099706/DR_%C3%83konomi_2014_300415.pdf

DR I 2014

http://www.dr.dk/NR/ronlyres/D8F466AE-9EFB-4617-B8CD-5737425911FD/6100830/DR_i_2014.pdf

TV2 Danmark årsrapport 2014

http://omtv2.tv2.dk/fileadmin/user_upload/pdf/aarsrapporter/Aarsrapport_2014-web.pdf

Danske Indholdsproducenter, Film, TV og Computerspil I tal, 2013, Producentforeningen

http://pro-f.dk/sites/pro-f.dk/files/nodefiles/pdf/Danske_Indholdsproducenter_2014.pdf

Lyttertal uge 40 2015

<http://tvm.tns-gallup.dk/tvm/rpm/default.htm>

Branchebarometer 2014 Film TV og computerspil

http://pro-f.dk/sites/pro-f.dk/files/nodefiles/pdf/Branchebarometer_2014.pdf

Medieudviklingen 2014

http://www.dr.dk/NR/ronlyres/6E40D722-3E66-4304-9800-076F3F7C2FEE/6062535/DR_Medieudviklingen_2014.pdf

Top 30 – Danmark – 2014

<http://danske-biografer.dk/top-30-danmark-2014/>

TV2 Public Service Redegørelsen 2014

http://omtv2.tv2.dk/fileadmin/user_upload/pdf/public_service/Public_service-redegoerelse_2014-web.pdf

DJ på TV-området 2015, presentation (not published)

[Laura Ellemann-Jensen Tidsbegrænset ansatte og motivation, final dissertation, 2013](#)

2.6.1.2 Online articles

Ministeren fastslår: TV 2 skal mest ligge på Fyn

<http://journalisten.dk/ministeren-fastslaar-tv-2-skal-mest-ligge-paa-fyn>

Biograferne fortsat på rekordkurs

<http://danske-biografer.dk/biograferne-fortsat-paa-rekordkurs/>

Box office up in the European Union in 2014 as European films break market share record (05/05/2015 : Press release)

http://www.obs.coe.int/en/-/pr-cannes-2015-film-market-trends-2014?redirect=http%3A%2F%2Fwww.obs.coe.int%2Fpress%2Findividual-press-releases%2F2015%3Fp_p_id%3D101_INSTANCE_AboWabb2yPCc%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D2%26p_p_col_count%3D3

4 plads til dansk film i Europa

<http://danske-biografer.dk/4-plads-til-dansk-film-i-europa/>

2.6.1.3 Legislation and political agreements

LBK nr 106 af 23/01/2013 Bekendtgørelse af lov om merværdiafgift (momsloven)

<https://www.retsinformation.dk/Forms/R0710.aspx?id=145054&#Kap3>

LBK nr 255 Bekendtgørelse af lov om radio- og fjernsynsvirksomhed, 23. september 2013

<https://www.retsinformation.dk/forms/r0710.aspx?id=161625>

BEK nr 103 af 28/01/2010 Bekendtgørelse om TV 2/DANMARK A/S' programvirksomhed

<https://www.retsinformation.dk/Forms/R0710.aspx?id=130040>

Tilladelse til TV 2/DANMARK A/S til at udøve public service-programvirksomhed, 2003

http://www.kulturstyrelsen.dk/fileadmin/user_upload/dokumenter/medier/radio_og_tv/landsdaekkende_regional/TV2_tilladelse171203_til_at_udoeve_PS-programvirksomhed.doc

Tilladelse til TV 2 DANMARK A/S til at udøve public serviceprogramvirksomhed 2014

http://www.kulturstyrelsen.dk/fileadmin/user_upload/dokumenter/KS/medier/tv/TV_2/Tilladelse/TV2_tilladelse_og_bilag_2015-2018/Tilladelse_til_TV_2_DANMARK_til_at_udoeve_public_service-programvirksomhed.pdf

Mediaaftale 2011-2014

http://kum.dk/uploads/tx_templavoila/Aftaletekst_Mediaaftale_2011-2014.pdf

Mediaaftale 2012 – 2014

http://kum.dk/uploads/tx_templavoila/Endelig%20mediaaftale%20af%209%20oktober%202012%20DOK1496920.pdf

Mediepolitisk aftale for 2015-2018

http://kum.dk/fileadmin/KUM/Documents/Kulturpolitik/medier/Medieaftalen/Medieaftale_2014/Medieaftale_af_26_juni_2014endelig1.pdf

2.6.1.4 Websites of main employers and unions

Unions (main unions)

- Danske Dramatikere at <http://www.dramatiker.dk/spillefilm.html>
- Dansk Journalistforbund <http://journalistforbundet.dk/>
- Film og TV forbundet at <http://www.filmtv.dk/>
- Danske Film instruktører at <http://www.filmdir.dk/>
- Dansk Artist forbund at <https://www.artisten.dk/>
- Dansk Skuespillerforbund at <http://skuespillerforbundet.dk/>
- Medieforbundet I DR at www.medieforbundet.com

Employers' associations, main employers and broadcasters

- DR at <http://www.dr.dk>
- TV2 at <http://www.tv2.dk>

Producentforeningen at pro-f.dk

- Zentropa at <http://www.zentropa.dk/about/historie>
- Nordisk Film at <http://www.nordiskfilm.com/>
- Nordisk Film TV at <http://www.nordiskfilmtv.com>
- TV 3 at <http://tv3test.dk/>

Other

ASAV (Employers collaboration in relation to the management of the film and TV production education) at www.asav.dk

2.6.1.5 Collective agreements

Collective agreements covered by this study can be found on the following web-pages. Specific agreements are linked to in the main text

- <http://www.dr.dk/OmDR/Job+og+karriere/20080708134840.htm>
- <http://skuespillerforbundet.dk/raadgivning/loen-og-ansaettelse/overenskomster-og-kontrakter/>
- <http://medieforbundet.com/ansaettelse-og-loen/>
- <http://www.filmtv.dk/overenskomst/indgaaet/>
- <http://www.filmdir.dk/sites/default/files/page/attachments/Overenskomst%20DR.pdf>
- <http://journalistforbundet.dk/Job--lon/Overenskomster/>

2.6.1.6 Volunteering, traineeships and apprenticeship

Collective agreements, declarations and other documentation relative to volunteering, traineeships and apprenticeship can be found at

- <http://journalistforbundet.dk/Job--lon/Overenskomster/DR-lon--og-arbejdsvilkar-for-praktikanter/>
- <http://pro-f.dk/overenskomster/tv-%E2%80%A2-volont%C3%B8rer>
- http://www.film.tv.dk/wp-content/uploads/2014/12/OVERENSKOMST-MELLEM-FILM_01.pdf
- <http://www.dr.dk/NR/exeres/299CBE48-9B2D-4CCD-A7C8-1D706E0E831C.htm>
- http://www.dr.dk/Om_DR/Job+og+karriere/Praktikanter/12155601.htm
- http://www.dr.dk/Om_DR/Job+og+karriere/Praktikanter/12153054.htm
- <http://www.film.tv.dk/wp-content/uploads/2014/12/FTP-overenskomst-2015-2017.pdf>
- <http://pro-f.dk/overenskomster/tv-%E2%80%A2-volont%C3%B8rer> and VERENSKOMST MELLEM FILM- OG TV-ARBEJDERFORENINGEN (FAF) OG DANSKE FILM- OG TV-PRODUCENTER (DFTP) OM KORT- OG DOKUMENTARFILM http://www.film.tv.dk/wp-content/uploads/2014/12/OVERENSKOMST-MELLEM-FILM_01.pdf

2.6.1.7 Websites and pages relative to training and funds

The following sources have been consulted in relation to training (in addition to the collective agreements)

- <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/instruktoernes-efteruddannelsespulje/>
- <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/faf-og-dffs-faellesfond/>
- <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/klip-lys-og-lyds-efteruddannelsespulje/>
- <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/klip-lys-og-lyds-efteruddannelsespulje/>
- <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/continuity-united/>
- <http://www.film.tv.dk/ophavsret/efteruddannelsespuljer/faf-puljen/>
- <http://freelancegruppen.dk/Genveje/Efteruddannelse/>
- <http://www.pressensuddannelsesfond.dk/>
- <http://journalistgruppenidr.dk/Sabbat/Sabbat/>
- <http://www.film.tv.dk/overenskomst/indbetaling-til-b-e-t-fonden-2/>
- <https://mediernesefteruddannelse.dk/om-os/>
- <http://skuespillerforbundet.dk/medlemstilbud/legater-fonde/arbejds-og-studielegater>
- <http://skuespillerforbundet.dk/dsf-studio/aktiviteter-i-dsf-studio/alle-aktiviteter/>

2.6.1.8 Other sources used

- <http://ekstrabladet.dk/tv/>
- <http://jyskebank.tv/>
- <http://danske-biografer.dk>

2.6.2 List of consulted organisations

- Dansk Skuespillerforbund
- Dansk Artistforbund
- Dansk Journalistforbund
- European Federation of Journalists

3 Germany¹

3.1 Introduction

3.1.1 Definition of the AV sector

In Germany, the definition of the audiovisual sector generally follows the definition used within the context of this study, i.e.:

- motion picture, video and television programme production activities;
- radio broadcasting; and
- television programming and broadcasting activities.

The definition corresponds to sectors J59 (except sound recording and music publishing activities) and J60 of the NACE Rev 2 classification². This was confirmed by all interviewees. The definitions used by the Federal Statistical Office (Destatis) are based on the NACE J59 and J60 classifications.

3.1.2 Overview of the AV sector

The AV sector (NACE J59&J60) employed 117,000 workers in 2013; in terms of employment levels, the sector is currently contracting after reaching a peak in 2010 (130,000 workers).

Concerning the sector of motion picture, video and television programme production activities (NACE J59), there are around 11,000 companies active in this sector, of which 93% were microbusinesses³. UFA (www.ufa.de/company) is the holding company of all German production activities of FreemantleMedia, which runs the worldwide production business of the RTL Group, part of the German based BertelsmannGroup.

The market for film production in Germany is mostly populated by small and medium sized business (SMEs). The largest film production company is the Constantin Film AG, which has its headquarters in Munich with around 400 employees⁴ and the Bavaria Film AG, headquartered in Munich-Geiseltal. In addition, there are an estimated 300 smaller film production companies that produce a small number of movies a year. There are several major cinema companies on the German market, including CineStar, Cinemax and UCI.

¹ The national report reflects the situation as of 4th of February 2016.

² Council of Europe. Germany: Information Database.

<http://www.obs.coe.int/de/country/germany/overview#ancr3>

³ Source: 2011 data from the European Labour Force Survey, Eurofound (2013), in Germany:

The representativeness of trade unions and employer associations in the audiovisual sector. 17 April 2013. 17 April 2013. Available at: <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-the-representativeness-of-trade-unions-and-employer-associations-in-the-audiovisual-sector>

⁴ Elektronischer Bundesanzeiger, 10. Mai 2011, Konzernabschluss zum 31. Dezember 2010

The radio and TV broadcasting activities sector (NACE J60) is made up of public and private companies, with 22 large companies holding over 80% of the market share. There are also a small amount of non-profit radio broadcasting organisations. Since 1984, private and public TV stations have coexisted in the German TV market. The television sector is known as one of the most regulated industries in Germany. Historically, the right to broadcast radio and eventually television programmes was initially limited to public providers (öffentlich-rechtliche Anbieter), first at regional and subsequently at national level. This was motivated by political and well as practical reasons (limitations in available bandwidth). Expansion in this area first allowed for the transmission of a second channel (ZDF) in 1963 and in 1964 to the so-called 'third channels'. As technical limitations were being overcome, the federal courts ruled in 1981 to allow expansion to further channels, including private providers. A ruling in 1986 further opened the market to commercial providers. In this context it is important to note that it is the 16 German regions which are responsible for regulating (education and) culture. Therefore, each region has its own legal framework pertaining to broadcasting and it is regional bodies (Landesmedienanstalten) which issue licences to commercial broadcasters. There are approximately 11 public broadcasting institutions, generating around €4 billion in turnover per year. The main public broadcasting corporations are ARD, ZDF, the so-called 'third programs (regional public broadcasters such as Bayerisches Fernsehen, hr-Fernsehen, MDR Fernsehen, NDR Fernsehen, WDR Fernsehen, rbb Fernsehen and SWR/SR Fernsehen)' and some smaller stations (e.g. Arte, 3sat, KiKa etc.) which are co-operations between the larger broadcasters and in some cases with public broadcasters in other Member States. ARD, ZDF and regional public broadcasters encompass both radio and television (see also below).

The commercial sector is dominated by a number of large providers:

- ProSiebenSat1 Media SE based in Munich⁵,
- RTL group (part of the Bertelsmann Group) based in Cologne,
- Pay-TV company SKY Deutschland AG based in Munich-Unterföhring,
- Vodafone Kabel Deutschland ('KD'), Germany's largest cable operator.

The main radio and television broadcasters have subsidiary companies that undertake their commercial activities (i.e. advertising and sponsorship). These include the WDR Mediagroup (a subsidiary of the WDR) and BRmedia (Bayerischer Rundfunk). The 12th change to the Federal Broadcasting Treaty (12. Rundfunkänderungsstaatsvertrag) in 2008 formally introduced new regulations concerning the commercial activities of public broadcasting institutions. These changes were implemented in response to the AVMS-Directive.

⁵ One of the most important direct subsidiaries of ProSiebenSat.1 Media SE is ProSiebenSat.1 TV Deutschland GmbH. Under this umbrella all German TV stations work together in a cross-function matrix organization. In terms of structure, ProSiebenSat.1 Media SE differs considerably from other German TV companies. Not only does the company own all shares in the TV stations SAT.1, ProSieben, kabel eins, sixx, SAT.1 Gold and ProSieben MAXX, it also indirectly holds a 100 % stake in the sales companies SevenOne Media GmbH and SevenOne AdFactory. This results in advantages with regard to the station programming and the sale of advertising time. A number of companies in the online, games, travel and ventures areas are also affiliated indirectly with ProSiebenSat.1 Media SE via subsidiaries consolidated under the ProSiebenSat.1 Digital & Adjacent GmbH. The subsidiaries for the Content Production & Global Sales segment operate as the Red Arrow Entertainment Group, also a 100 %.

Further, there are subsidiary companies contracted with the film and television production side of these public broadcasters. This includes the Degeto Film GmbH, which is involved in the acquisition of feature films and the production of Primetime TV-Movies for the public service broadcaster ARD. ARD Degeto is a subsidiary company of the ARD whose shareholders are the nine regional broadcasters mentioned above. The company purchases licences and looks after commissioned productions and co-productions of TV movies and series for its shareholders. Degeto is also involved in final production and elements such as dubbing of foreign language productions. The company currently employs around 80 members of staff.

3.1.3 Main employers

In Germany, the main public broadcasting institutions are the ARD, Deutschlandradio and the ZDF.

- The ARD (Association of Free Broadcasting Corporations in the Federal Republic of Germany - Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland), which operates across broadcast, radio and online streaming, is an association of nine regional broadcasting corporations. It is the world largest public broadcasting corporation. In 2014 the ARD employed 22,926 workers (including both full-time and part-time employees) and had a budget of €6,3 billion.

- The ZDF (Zweites Deutsches Fernsehen) is the second largest public broadcasting corporation in Germany and is based in Mainz, in the region of Rhineland-Palatinate. The broadcaster has 3,600 employees on permanent contracts and co-operations additionally with around 4,500 self-employed⁶ professionals.

- Deutschlandradio (headquartered in Berlin and Cologne) runs three national radio programmes, namely Deutschlandfunk, DRadio Wissen and Deutschlandradio Kultur. . Deutschlandradio's annual budget in 2014 was recorded as €238 million.

- Deutsche Welle is a broadcaster delivering TV, radio and online content (in German and 30 other languages) in other countries. DW is headquartered in Bonn and 3,000 employees work at this and the company's Berlin site. DW also runs an academy for professionals working in the AV sector.

As indicated above, the main private broadcasting organisations in Germany are ProSieben-Sat1 Media SE, RTL Group, SKY Deutschland AG and Vodafone Kabel Deutschland (KD):

- ProSiebenSat1 Media SE is the largest private broadcaster in Germany. It operates across commercial television, premium pay channels, radio and online content. The company currently has operations across 13 European countries, with an overall revenue of 2.9 billion Euros in 2014⁷. In 2015, the Group had 4,578 employees calculated on the basis of full-

⁶ ZDF Website. Available at:

<http://www.zdf.de/zdf-mitarbeiter-und-standorte-zdf-studios-25172410.html>

⁷ ProSiebenSat 1 (2015), Annual Report. Available at:

http://en.prosiebensat1.com/media/6612596/p7s1_en_q2_2015.pdf

time equivalents, of those 3,832 employees are based in Germany⁸. The subsidiary firms SevenOne and SevenOne AdFactory, based in Munich, are responsible for the commercial and marketing activities of the group.

- The RTL Group, which is largely owned by Bertelsmann Capital Holdings GmbH, runs commercial television and radio broadcasting stations in Germany. It employs approximately around 3,000 workers in Cologne, Berlin, Munich, Hamburg and Frankfurt. Mediengruppe RTL Deutschland encompasses all of the RTL Group's German television activities. These include the channels RTL Television, VOX, n-tv and RTL NITRO, as well as the marketing company IP Deutschland, the news/magazine company infoNetwork, RTL interactive (business units Online), and the Cologne Broadcasting Company (CBC). In 2014, the RTL Group reported that the revenue amounted to € 5.808 billion for that year - € 2 billion alone came from RTL Mediengruppe Deutschland.⁹

- As mentioned above, SKY Deutschland AG is based in Munich-Unterföhring which has around 4.4 million customers in Germany.

- The Vodafone Kabel Deutschland ('KD'), Germany's largest cable operator, offering both TV, VoD, broadband internet and telephone services to approximately 8.3 million households. As of March 31, 2015, Kabel Deutschland had approximately 3,900 employees.

For private broadcasting institutions, subsidiary companies make-up a large share of the audiovisual sector landscape. Many private broadcasting institutions were described by employees as only having a small core team of 200 employees, with the rest of the services being produced by subsidiary companies. Furthermore, trade union representatives stressed that the official number of employees for broadcasting organisation do not necessarily provide a full and accurate representation of the number of individual working with these companies because the involvement of self-employed individuals is often not captured within these data.

⁸ Ibid.

⁹ The RtlGroup (2014), The Annual Report. Available at:
http://www.rtlgroup.com/files/pdf1/AR2014_RTLGroup.pdf

3.2 Major trends affecting the AV sector

3.2.1 Major trends and drivers of change since 2008

The 2011 Eurofound report¹⁰ on 'The representativeness of trade unions and employer associations in the audiovisual sector' noted that motion picture production sector and cinemas in Germany have been facing an economic downturn since 2006, with the total NACE 59 turnover dropping by 10% from 2003 to 2009.

The remainder of the sector has registered to boom in activity and companies entering the market, which initially led to increases in overall employment (but changes in employment structure). However, employment growth stagnated in 2010 and there has since been a decline.

From the interviews with trade unions and employee and employer organisations, the following major trends affecting the audio-visual sector in general emerged:

- Digitalisation: the switch to digital production methods and distribution platforms;
- Linked to digitalisation, increasing copyright law issues as a results of new marketing methods;
- The increasing integration of different media platforms (TV, radio, online);
- New entrants have played a role in the declining demand for 'classical' audio-visual media;
- Related to this, the blurring of the distinction between content production and distribution channels, through providers such as Netflix and Amazon Prime;
- Changes in the collection of public service broadcasting license fees (one residence – one fee);
- Decreasing safeguards against bogus self-employment, since the implementation of the Hartz IV reforms in Germany.
- The introduction of the minimum wage had a positive impact on wage standards for employees in low paid jobs in the audio-visual sector (especially in film theatres) according to the HDF (Hauptverband der deutschen Filmtheaterbetreiber); and
- Changes in social security legislation in 2008 made it possible for individuals in short-term contracts to claim unemployment benefits.

As reported in the Federal Government's Media and Communications Report (2008), from 2006 onwards, feature film production and film theatres have been reported to be facing severe economic downturn.

Like many other sectors of the economy, the audiovisual sector has been influenced by the trend towards digitalisation in the production and distribution of content. The German Federal Ministry for Culture created the 'DIGITAL' index to measure the use of information and communication technologies in sectors. For the category 'Verlagswesen, audiovisuelle Medien und Rundfunk' (which includes but is not exclusive to the audiovisual sector and also includes

¹⁰ Eurofound (2013). Germany: The representativeness of trade unions and employer associations in the audiovisual sector

publishing), the digital index increased 23.5 percentage points between 2003 and 2011¹¹.

The increasing digitalisation of audio-visual media revolutionises the production, dissemination and use of media content. This affects the structure of the industry and the audiences reached (and the way they are reached) by motion picture production and cinema. Interviewees noted that in recent years the distribution volume of audio-visual content has drastically increased due to digitalisation, whilst the actual production of content has not increased in proportion to rise in distribution. The convergence of sectors and industries is also highlighted, leading to a decreasing differentiation between telecommunication and media industries. It was also noted that the traditional boundaries between print, radio and television are increasingly fading.

In connection with the increased digitalisation of production and distribution media, a key trend noted is the diversification of the distribution chain. The issue arising is that digital channels, which are now increasingly being used to distribute audio-visual content, cannot be appropriately protected and policed by copyright law. Due to insecure legal protection mechanisms connected to digital media and platforms, producers are finding it harder to charge users for consuming their content/outputs. Furthermore, the use of archive material (which can often be accessed free of charge), has reportedly increased. There is the possibility to mitigate this effect through collective agreements in certain areas. It was noted by interviewees that often producers of audio-visual content do not receive additional remuneration for the rerun of a programme, but are paid a one-off fee in contracts (i.e. they have to sign a buy-out agreement including all reruns of the programme).

Changes made to the collection of the public service broadcasting license fee ("Rundfunkbeitrag") have affected employment trends in the sector. The Germany-wide license fee constitutes the primary source of income for public broadcasting institutions and is collected by the ARD/ZDF/DLR-Beitragsservice. Since 2013 the rule one residence – one fee applies. This means that the license fee is only paid once per residence irrespective of the number of broadcasting devices and the number of residents. The change is generally regarded as positive, leading to a stabilisation rather than a decrease in contributions. The introduction of the levying of the licence fee by household led to an increase in generated revenue. However, the revenue surplus is not distributed to the public broadcasting institutions. The body responsible for the assessment of the budget requirement of the broadcasting organisations (Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten, KEF) noted an increase in fees of €1.7 billion. For political reasons, the plan is to redistribute the 'excess' of collected revenue back to the fee-paying citizens. Views on how this has increased budgetary pressures vary across interviewees. Trade union representatives have noted that public broadcasting corporations register budgetary requirements with the KEF that are far too low (resulting in underfinancing, which affects the salaries and the nature of employment contracts). On the other hand, employer organisations have noted that the KEF should redistribute the increased revenue to the public broadcasting institutions.

¹¹ German Federal Ministry for Culture (2014). National Report.

<http://www.bmwi.de/BMWi/Redaktion/PDF/Publikationen/monitoring-report-digitale-wirtschaft-2014-langfassung,property=pdf,bereich=bmwi2012,sprache=de,rwb=true.pdf>

With the implementation of the Hartz IV reforms (as of 16 December 2003) entrepreneurship and self-employment (the creation of entrepreneurial businesses termed 'Ich-AGs') was encouraged. Interviewees noted that since the introduction of these reforms, bogus self-employment is less rigorously investigated and tackled. This is due to the fact that the reforms encouraged unemployed individuals to become self-employed. Whilst the effect of this is not exclusive to the audiovisual sector, it is thought to have a particularly significant effect due to the growing contribution of self-employed individuals in the sector.

As a result of a change in social security legislation in 2008, individuals on short-term employment contracts are now entitled to claim unemployment benefits. This is the case if employees fulfil the conditions of being socially insured during their employment relationship¹². This is of particular importance for individuals working in the audiovisual sector, where a large number of contracts are short-term and project-based.

New entrants in audio-visual content distribution include online platforms such as YouTube and content production and distribution channels such as Netflix. However, the use of online television and film distribution is still limited to a relatively small share of the population in Germany.

Interviewees noted an increasing blurring of lines between content production and distribution in the audio-visual sector. Companies which distribute television, radio and film content in Germany include Vodafone Kabel Deutschland (Germany's largest cable television operator, see above).

3.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

Factors and trends identified by interviewees that are likely to affect employment and work arrangements were:

- New employment profiles in the audiovisual sector linked to digitalisation. In particular, a greater demand for digital skills is anticipated.
- Increasing budgetary pressures due to rising costs and cut of production budgets.
- An increasing reliance on self-employed individuals and workers on non-standard contracts.

A further decrease in the number of jobs with permanent contracts are available in the audio-visual sector. For commercial television and radio the decrease in revenue from advertising was mentioned as a major factor contributing to budgetary pressures. With production costs increasing, this has contributed to a reduction in jobs and changes in the nature of contracts used.

¹² Termed Sozialversicherungspflichtig which corresponds to insurable employment or to be covered by the general social security

3.3 Analysis of the labour market and changing forms of employment and work arrangements

3.3.1 Overview of current forms of employment and work arrangements

While the most prominent form of contract remains the standard permanent employment relationship, significant evolutions are taking place in employment, contractual and working arrangements in the sector.

As highlighted by a report published by Eurofound's European Observatory of Working Life (2013)¹³, the audio-visual labour market in Germany has been affected by the economic crisis. This has led to the stagnation (from 2010) and subsequent contraction in employment, significantly company restructuring, the increasing use of non-standard employment contracts and self-employment and a decline in the coverage of collective bargaining.

Reflecting this, the majority of interviews considered the following to be among the key trends affecting employment and contractual relationships in the AV sector:

- Restructuring of companies, leading to redundancies.
- Increasing precariously in employment, with an increase in the use of atypical work contracts.
- A shift from offering jobs with permanent employment contracts to short-term contracts, which includes hiring self-employed persons and commissioning agency work.
- Increasing costs of production, leading to stagnation of salaries and demands for a similar quality of productions delivered in shorter time spans.
- An increase in labour supply that is not met with sufficient labour demand.
- Changes in occupational profiles and a diversification of tasks for employees. This is associated with changes in the way that content is delivered with the increasing use of online channels and VoD, among other things.
- Due to budget pressures, a general trend is towards a reduction of open-ended standard employment relationships and an increase in atypical work contracts. Trade union representatives referred to an increase in precariousness of employment in the audio-visual sector, as a result of workers being increasingly employed on short-term contracts or on project-based agreements. There has also been an increase in the use of self-employed workers or those operating on their own account.

As a result of the stagnation and reduction in budgets, in parallel to increasing costs, a trend that was widely noted was the decrease in content production periods expecting to create the same output in shorter periods of time.

Interviewees also noted stagnating or marginally decreasing salaries, partly resulting from increasing production costs. With regard to musicians producing audio-visual content, a decrease in salaries was noted by a representative of a trade union. As of 1.1.2015 the average annual salary of an entry-level employee (and self-employed) at national level in the

¹³ Eurofound (2013). Germany: The representativeness of trade unions and employer associations in the audiovisual sector.

occupational group 'Music' was 9,546 Euros. The average is slightly higher for men (10,402 Euros), than for women (8,721 Euros). The average for those with social insurance in the same time frame, occupational group and federal level was 12,930 Euros. The average is higher for men (14,247 Euros), than for women (10,975 Euros)¹⁴.

It was also noted by interviewees that in the audiovisual sector labour market supply is significantly greater than labour market demand. The number of graduates with a high level of training relevant to the audiovisual sector has increased, while labour demand has not risen accordingly. However, this trend started before 2008.

Table 3.1 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence:	Trend since 2008:	Specific groups and/or subsectors and/or occupations most concerned	Summary of main differences compared to standard contracts
Standard employment contracts	Dominant form	Decline	Men	N/A
Fixed-term contracts	Widespread (around 20% of total employment*)	Increase	No information available	Lower staff costs and greater flexibility for the employer.
Part-time employment	Relatively widespread	Stable	Women	No substantive differences except for working hours
Other forms of atypical contract (please specify)	No reliable information available	Increase	No reliable information available	
Traineeships/ internships and apprenticeships	Relatively widespread	Stable	Young persons	Lower, pay, Lower benefits, lower costs for the employer and greater flexibility for the employer.
Self-employment and freelance work	Widespread (around 20% of employment)	Increase	No reliable information available	No employer social security contributions, loose employment protection (e.g. regulations governing dismissal) and greater flexibility for employers (with the exception of para-subordinate workers)

* Including open-ended, fixed-term and self-employed.

Based on national statistics (Destatis), some differences between genders in terms of work arrangements exist. In 2013, women were slightly overrepresented among temporary workers in the AV sector (51%) while they were only representing 44% of workers on temporary contracts (compared to 52% in 2008). Women also represented 66% of part-time workers in the AV sector in 2013, and made up only 35% of full-time workers.

¹⁴ Statistics provided by the Deutsche Orchestervereinigung (DOV), based on data of Künstlersozialkasse.

3.3.2 Standard work contracts (full-time, permanent contracts)

Working time in the AV sector is covered by legislation (Arbeitszeitgesetz) and collective agreements, with a limit of 48 hours per week.

According to national statistics (Destatis), in 2013, there were around 68,000 individuals employed on open-ended contracts in the AV sector, compared to 71,000 in 2008. Stakeholders interviewed for this study confirmed that the number of permanent employment contracts has declined and vacancies are increasingly filled with individuals working on flexible contractual arrangements (e.g. fixed-term, temporary agency workers; or indeed the use of self-employed individuals).

Furthermore, stakeholders noted that job vacated by individuals retiring or leaving the sector are no longer filled as a result of pressures to produce the same output at lower costs. There have also been some redundancies with SWR cutting 2,000 jobs and Westdeutscher Rundfunk (WDR) reducing the number of permanent jobs by 500 (out of 4,500 - a reduction of 11%). This has led to an intensification of work for those remaining in employment.

3.3.3 Fixed-term contracts

As mentioned above, interviewees reported an increase in temporary contracts, both in the form of fixed-term contracts and temporary agency contracts. According to national statistical office, in 2013, there were around 24,000 individuals employed on fixed-term contracts in the audiovisual sector, compared to 16,000 in 2008.

3.3.4 Part-time employment

In 2013, 37,000 workers in the AV sector worked part-time, representing about 30% of the workforce; this proportion was of 40% among women compared to 21% among men¹⁵. Stakeholders interviewed for this study noted an increase in part-time work, particularly among women. However this was not considered to be problematic, but rather responding to the desire of individuals to reconcile work and family life.

3.3.5 Self-employment and freelance work

Self-employment is not defined under German Labour Law but exists according to German tax law. In principle, self-employed persons are not compulsorily covered by the social insurance schemes, but may choose to take out insurance on a voluntary basis. Social insurance for self-employed artists and publicists is provided by the so-called Künstlersozialkasse (artists' social insurance) which was introduced in 1983. The artists' social insurance provides for social security and regulates health, pension and disability insurance.

¹⁵ According to data from Destatis.

According to national statistics (Destatis), there were 28,000 persons working as self-employed of family workers in the AV sector (J59&J60), compared to 21,000 in 2008. They accounted for approximately 20% of the sector's workforce. There is no data on involuntary self-employment in the audio-visual sector, although interviewees noted that involuntary self-employment is not a significant issue.

A general trend noted by several interviewees was the shift from offering permanent contracts to the increasing use of sub-contracting to self-employed professionals and using short-term contracts for specific projects. In the film industry, a particular increase in short-term contracts was noted. Employing freelance workers and employees on short-term contracts was considered to enable greater flexibility and less financial risk for employers, as well as allowing broadcasting corporations to offer a wide variety of productions.

One reason for this trend is considered to be budgetary pressures due to reduced advertising revenues (for commercial broadcasters). Other reasons cited by interviewees for this trend include the need for a diverse range of content that cannot be produced in-house. In order to increase content diversity public broadcasters such as ARD and ZDF are increasingly employing freelance workers.

3.3.6 Other atypical work contracts

In this context, in some cases an increase in hiring temporary agency workers was noted by interviewees in both the private and the public service broadcasting sector. The Hartz IV reforms and the resulting increased flexibilisation of work contracts were mentioned as a contributing factor. The Federal Ministry of Labour and Social Affairs presented a draft bill in 2015 aimed at reforming terms and conditions of temporary work arrangements.

Relatedly, trade union representatives as noted an increase in 'crowd-working'. 'Crowd-workers' are described as employees that work micro jobs or are only employed for specific projects.

3.3.7 Traineeships, internships and apprenticeships

The audiovisual sector in Germany is characterised by a wide variety of apprenticeship, traineeship and internship programmes. The public and private sector offers diverse apprenticeships, traineeships (such as so-called Volontariate) and internships with different thematic foci, e.g. in the areas of design, development, programming and production.

3.3.8 New and emerging occupations

Changing job profiles were noted, shifting to more digitally-oriented skill sets. An example of this would be the shift from employing television studio set designers to technicians who manipulate/simulate studio backgrounds digitally.

3.3.9 Other trends in employment and work arrangements affecting working condition

An increase in teleworking and atypical working hours was also noted by interviewees, albeit not to a greater extent than in other sectors of labour market.

3.3.10 Trends in geographical and professional mobility

An increase in professional mobility, attributed to disproportionate labour supply and increasing production costs, was noted. Alongside an oversupply of labour, tight production budgets were cited as a reasons leading workers to take on longer commutes in order to obtain short-term work contracts. Workers have to cover their own travel costs for such commutes. Several interviewees mentioned that employees tend to change professions more quickly and take on a greater diversity of different types of work. It has also been noted that one employee is nowadays expected to cover multiple technical tasks that had previously been carried out by several employees.

3.4 Impact on changes on continuous training

3.4.1 Overview of the state of play in relation to continuous training

Continuous training is often delivered by the broadcasting corporations themselves. There is, however, a lack of data on the provision of lifelong learning by employers in the audiovisual sector.

Additionally, providers of continued training are the so-called 'media academies'. The ARD. ZDF media academy (Medienakademie) is a subsidiary company for the initial and continuing education and training of employees of these two public broadcasting institutions. Other independent training providers include higher education academies for the audio-visual sector (Filmhochschulen) which are located in every region. Deutsche Welle also has its own Media Academy DW (as indicated above).

In 2007 a European funded project 'MEDIA Mundus – Co-operation with AV professionals from third countries' was carried out with the support of the European Union.

3.4.2 Impact of employment and working arrangements on access to continuous training

Access to continuous training is a right for all employees working on a permanent employment contract. In Germany, employees are legally entitled to educational leave, so-called Bildungsurlaub. However, the rights to educational leave vary from one Federal State to the other. In addition, German employees can benefit from an education grant (Bildungsprämie), which is co-financed by the European Social Fund.

This grant allows employees over the age of 25, who are working at least 15 hours per week and earn less than EUR 20 000 per year, to participate in continuous training.

Barriers to offering more extensive continuous training opportunities to employees are the result of budgetary pressures, workload pressures and aspects of work culture in the sector. Interviewees noted that there are pressures that in practice prevent employees from exercising their rights to training and education. This includes also the perceived negative consequences on their employment and the social pressure of taking training days at the 'expense' of colleagues who have to take on their work obligations. Budgetary constraints and the pressure to be more productive in a shorter period of time has, according to interviewees, decreased the take-up of continuous learning opportunities. Last but not least, a cultural stigma of educational leave was cited as a reason why a high number of employees in Germany do not take advantage of it. In particular, in public service broadcasting corporations it was noted that access to continuous training is limited.

Furthermore, it was noted that due to short-term contracts and precarious work arrangements, individuals on such contracts and self-employed individuals do not have easy access to continuous training facilities

3.5 Impact on industrial relations

3.5.1 Industrial relations in the sector

The audiovisual sector has a number of trade union and professional associations representing employed and self-employed individuals. Membership density of trade unions is high compared to many other European countries with more than two million members.

A Eurofound study on the representativeness of trade unions and employers' associations in the sector estimated the collective bargaining coverage to be around 50%¹⁶.

Key organisations representing the interests of employees and self-employed individuals are:

- The United Services Trade Union, Ver.di (Vereinte Dienstleistungsgewerkschaft) is the main public services trade union representing workers across different sectors, including the media sector. Ver.di's members are employees, freelancers, civil servants and students drawn from over 1,000 different occupations. With connexx.av, Ver.di offers a network for individuals active in the audio-visual sector and its service 'mediafon' provides advice to self-employed individuals.
- From 2011 onwards, Die Filmschaffenden e.V. - Vereinigung der Berufsverbände Film und Fernsehen is an umbrella organisation of several professional associations which aims to influence collective bargaining partners.
- Further the Deutsche Journalisten-Verband is a professional association of journalists, which was established 1949 and has around 38,000 members.
- Die Vereinigung der Rundfunk-, Film- und Fernsehschaffenden (VRFF) is an organization for employed and self-employed workers in broadcasting, film and television.

¹⁶ Eurofound (2013).

■ Employers are represented by the following organisations:

- the German Producers' Alliance,
- the Association of Private Broadcasters and Telecommunication (VPRT),
- the collective bargaining association for private radio stations (TPR),
- VDFP – Verband deutscher Filmproduzenten e.V. - Association of German Filmproducers which represents around 105 cinema and film production companies; and
- VTFF - Verband Technischer Betriebe für Film- und Fernsehen (association of technical enterprises for film and television) represents technical and creative service providers¹⁷.

Generally, each public service broadcasting corporation being part of ARD and ZDF is covered by a separate collective bargaining agreement. So there are different collective agreements with the 11 PSB corporations. For the cinema sector, there are collective agreements covering all employees in cinema centres. This collective agreement has been negotiated between Ver.di, representing the employees and the employers/owners of the cinema centres.

Self-employed individuals in the sector are primarily represented by Ver.di, covering 30,000 employees in the media sector. Collective bargaining agreements also cover freelancers, so-called Freie Mitarbeiter. According to the Collective Agreement Act (Tarifvertragsgesetz), collective agreements can only be negotiated for freelancers who belong to the group of quasi-subordinate/'similar to an employee' workers (arbeitnehmerähnliche Personen)¹⁸. The company-level agreements that have been negotiated between the public broadcasting sector and the trade unions provide agreed rates of pay and benefits entitlement, including holiday pay, paid sick leave, and parental leave.

Due to the minimum wage legislation which entered into force in January 2015, no employment contract can be offered below the rate of €8,50 per hour since 2015.

3.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

As a result of labour market and contractual trends in the audiovisual sector resulting from ongoing developments in the sector as well as the crisis, employers' organisations have reorganised¹⁹. Among trade unions, Ver.di noted a decline in trade union membership, linked to the increase in atypical contracts and self-employment.

Regarding collective agreements in the audiovisual sector, the following trends were highlighted:

- As mentioned above, in 2008, a new regulation (Verkürzung der Rahmenfrist für Kultur- und Medienschaaffende) reduced that time that employees on short-term contracts in the audiovisual sector have to have worked in order to be entitled to claim unemployment benefit. This change was intended to take into account of changing contractual relationships within the sector.

¹⁷ In 2012 collective bargaining failed to reach agreement between Ver.di and VTFF ending 60 years of collective bargaining between the two organisations.

¹⁸ Tarifvertragsgesetz (TVG): http://www.gesetze-im-internet.de/tvg/_12a.html

¹⁹ Eurofound (2013)

- The first collective agreement for actors was concluded in 2013 by a joint cooperation between BFFS and Ver.di.
- In May 2014 the Deutsche Schauspielkasse GmbH (deska) was founded as the result of a collective agreement between the BFFS and ProSiebenSat.1 and a collective agreement with the Produzentenallianz. The deska is a body that manages the copyright and intellectual property rights and fees payable to actors.

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3.6.2 List of consulted organizations

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- ver.di Bundesvorstand, Fachgruppe Musik, Interviewed on 8 July 2015
- Bundesverband Schauspiel, Bühne, Film, Fernsehen und Sprache, Interview on 27 July
- Deutsche Journalistinnen- und Journalistenunion (DJU), ver.di, Interviewed on 15 July
- WDR, Interviewed on 28 July

Workers by type of employment and gender (NACE J59 & J60), in thousands²⁰

	2008			2009			2010			2011			2012			2013		
	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F
Total	123	67	57	133	76	57	130	75	55	121	69	52	126	73	53	117	67	50
Temporary	24	11	12	26	13	13	24	13	11	21	11	10	21	10	10	16	9	6
Open-ended	71	34	37	75	40	34	74	40	35	67	37	31	73	41	32	68	34	33
Self-employed, family workers	28	20	8	32	23	9	31	22	9	32	21	11	32	22	10	34	24	10
Total	86	52	34	96	61	35	98	62	36	88	58	30	90	58	31	86	55	31
Temporary	17	8	8	18	9	9	19	11	9	16	9	7	15	8	8	11	7	/
Open-ended	48	27	21	53	33	20	55	34	21	47	31	16	51	34	18	47	28	19
Self-employed, family workers	21	17	/	25	20	5	24	17	7	25	18	7	23	17	6	28	21	8
Total	37	14	23	37	15	22	32	12	19	33	11	22	36	15	21	31	12	19
Temporary	7	/	/	8	/	/	/	/	/	6	/	/	6	/	/	/	/	/
Open-ended	23	8	15	22	7	14	19	5	14	20	6	14	21	7	14	21	7	14
Self-employed, family workers	7	/	/	7	/	/	7	/	/	8	/	/	9	/	/	6	/	/

²⁰ Data from the Federal Statistical Office (Destatis).

4 France¹

4.1 Introduction

4.1.1 Definition of AV sector

The French classification of activities (NAF) has a similar structure to NACE.

The economic activities corresponding to the AV sector include (see Annex 1 for a full list):

- NAF 59 - Motion picture, video and television programme production and sound recording and music publishing activities. This includes the production of motion pictures for television and television programmes (59.11A), the production of institutional and promotional motion pictures (59.11B), the production of motion pictures for cinema (59.11C), post-production (59.12Z), distribution of motion pictures for cinema (59.13A) video edition and distribution (59.13B), motion picture projection activities (59.14Z), and sound recording and music publishing activities (59.20Z).
- NAF 60 - Programming and broadcasting activities. This includes radio broadcasting (60.10Z), broadcasting of TV programmes of general interest (60.20A) and thematic programmes (60.20B).

The national bipartite Commission for employment and training in the AV sector (CPNEF-AV, Commission Paritaire Nationale Emploi et Formation de l'Audiovisuel) which gathers representatives of employers and employees in the sector has a more selective scope, as it does not cover, among the above mentioned activities, distribution and projection activities as well as sound recording and music publishing activities. The CPNEF-AV gathers representatives of employers and employees involved in the production, broadcasting or delivery of technical services for radio, cinema and television, either in the public and private sector².

The CPNEF-AV was created in July 2004 by social partners in the sector and is funded by employers, based on a percentage of the annual payroll.

¹ The national report reflects the situation as of 8th of April 2016.

² The CPNEF-AV covers the activities as defined in the NAF classification: 59.11A, 59.11B, 59.11C, 59.12Z, 60.10Z, 60.20A and 60.20B. The following representatives of employers sit in the college of employers : AC-CES (Association des chaînes du câble et du satellite), AFFF (Association Française de Producteurs de Films et de Programmes Audiovisuels), APC (Association des Producteurs de Cinéma), API (Association des Producteurs Indépendants), CNRA (Conseil National des Radios Associatives), FICAM (Fédération des Industriels du Cinéma, de l'Audiovisuel et du Multimédia), SMSP (syndicat des médias de service public, qui regroupe aujourd'hui l'ensemble des diffuseurs publics : RF, FTV, INA, FMM Arte France, Arte GEIE, TV5, LCP, Public Sénat), SIRT (Syndicat Interprofessionnel des Radios et Télévisions Indépendantes), SNRL (Syndicat National des Radios Libres), SPFA (Syndicat des Producteurs de Films d'Animation), SPI (Syndicat des Producteurs Indépendants), SNRC (Syndicat National des Radios Commerciales), SRN (Syndicat des Réseaux Radiophoniques Nationaux), STP (Syndicat des Télévisions Privées), UPF (Union des Producteurs de Films), USPA (Union Syndicale de la Production Audiovisuelle). The following trade unions represent employees : CGT - FNSAC, SFA, SNTR, SNRT (Confédération Générale du Travail, Fédération Nationale des Syndicats du Spectacle, de l'Audiovisuel et de l'Action Culturelle, Syndicat Français des Artistes, Syndicat National des Techniciens et Réalisateurs, Syndicat National des Radios et Télévisions), CFDT : Confédération Française Démocratique du Travail, CFTC : Confédération Française des Travailleurs Chrétiens, FASAP-FO (Fédération Nationale des Syndicats des Arts, des Spectacles, de l'Audiovisuel et de la Communication - FO), CGC (Confédération Générale des Cadres (Média), SNTPCT (Syndicat National des Techniciens de la Production Cinématographique et de la Télévision), SNJ (Syndicat National des Journalistes), SNJ-CGT (Syndicat National des Journalistes - CGT).

Although it is not distinguished within the French classification of economic activities, animated films/series production is considered as a specific subsector of the AV industry, due to its noticeable presence in France and the existence of specific professional organisations gathering animation producers of animated films³.

A key source of data at the national level on employment in the AV sector is Audiens, the institution in charge of managing social insurance for all professionals active in the sectors of culture, communication and media, including the AV sector. All employers in these sectors must contribute to a supplementary pension scheme managed by Audiens and make an annual declaration on wages paid to each worked employed at least once during the year.

Data collected by Audiens distinguishes between various areas of activity⁴. The following industries are of relevance for this study and are classified within the category of spectacle enregistré (recorded performance):

- Production of TV programmes (production audiovisuelle)
- Motion picture production (production cinématographique)
- Technical industries (prestations techniques)
- Radio broadcasting (radiodiffusion)
- TV broadcasting (télédiffusion)
- Animated films production (production de films d'animation)

The concept of 'spectacle enregistré' also includes the music sector (édition phonographique).

4.1.2 Overview of the AV sector

France has a large and dynamic AV market. According to recent estimates released by the Ministry of Culture, in 2013, total production in the AV sector (radio, cinema, TV, video and recording industry) amounted to 28.4 billion euros in 2013. Its added value was of 12.5 billion euros, 0.66% of the added value generated by the French economy (compared to 0.57% in 1995)⁵.

The French cinema sector includes many independent producers; about 250 films are produced per year. In addition, a wide range of production of TV programmes, including fiction (mostly for the national market), documentaries and entertainment programmes. As mentioned above, animated film/TV series production is very well developed in France with about 60 producers active in France, according to USPA. The French animation sector is the leader in Europe in terms of production and the third in the world. About a third of production is exported abroad, mainly in Europe but also to the US and Asia.

This success is based on the existence of specific funding model to encourage the production

³ Employers are represented by the SPFA (Syndicat des Producteurs de Films d'Animation).

⁴ Within the sector of 'spectacle enregistré', Audiens also collects data on the sound recording industry (édition phonographique).

⁵ Ministère de la Culture et de la Communication. Département des études, de la prospective et des statistiques (2014-2015). Le poids économique direct de la culture en 2013

of animated files and series in France and the existence of high quality initial training to train professionals for the sector⁶.

Technical industries gather about 700 enterprises in (most of them SMEs) support the production of motion picture, video and television programmes. This includes suppliers and renters of material, mobile production units, image and sound post-production, dubbing, editing of copies, archiving, etc.)⁷.

According to the latest data from Audiens published on the website of the CNPEF-AV, about 200,000 persons worked in the AV sector in 2013⁸. However, many of these workers are employed only occasionally in the sector under temporary contracts and no estimates are available in full-time equivalent. About 9,000 journalists working for the TV and radio sectors⁹.

According to Eurostat data (Labour Force Survey), there were 97,000 workers in the sectors of production of motion picture, video and television programmes, sound recording and music publishing (J59) TV and radio broadcasting (J60) combined. The large difference with administrative data can be explained by the fact that the Labour Force Survey provides a snapshot of those working in the sector at a given point in time (using one week as a reference period), while data from Audiens covers all workers active in the sector at least once during the year.

The main characteristics of the AV sector in France are summarised below:

- The sector is highly regulated; public policies play an important role to stimulate artistic production.
- The largest employers are public-funded broadcasters.
- Public authorities have favoured the separation between TV broadcasting and production of TV programmes. The production of most TV programmes is outsourced, which gives a key role to independent producers.
- In the cinema sector, the fund managed by the national centre for cinema (Centre National pour la Cinématographie, CNC) grant subsidies to support the production of works of fiction and documentaries for TV and/or cinema (not applicable to entertainment programmes). The fund is financed by taxes on telephony internet/TV services and cinema tickets. The CNC subsidies aim to support artistic creation, and do not focus necessarily on high value programmes.

⁶ EY (2013) Premier panorama des industries culturelles et créatives. Au cœur du rayonnement et de la compétitivité de la France

⁷ Annual activity report from social partners in the field of technical industries. FICAM, SYNPASE (2014) Rapport de la branche des Entreprises Techniques au service de la Création et de l'Évènement- Livre I Entreprises Techniques au service de la Création et de l'Évènement Secteur de l'AV et du cinéma.

⁸ Scope: NAF codes: 6010Z, 5911A, 6020A, 6020B, 5911B, 5911C, 5912Z, 5913A, 5913B, 5914Z. the following activities outside the scope of the CNPEF-AV: 5920Z. Enregistrement sonore et édition musicale, 5913A : Distribution de films cinématographiques ; 5913B : Édition et distribution vidéo and 5914Z Projection de films cinématographiques. Staff active in more than one industry are only counted once. Source : Effectifs dédoublonnés de l'Audiovisuel, Audiens, available on the website of the CNPEF-AV : http://www.cpnep-av.fr/docs/pdf/Audiens_2013.pdf

⁹ Source : Données Observatoire des métiers de la presse - Afdas / CCIJP, <http://data.metiers-presse.org/overview.php#sector/alljournalists/2014/2008>

- Most employers in the sector are SMEs or very small companies; in the sector of motion picture, video and television programme production, there is a tendency to consolidation of the sector, with a diminution of the number of enterprises, especially marked in some sectors such as post-production¹⁰.
- The AV labour market is highly concentrated in the Paris region; other clusters of activities are located in the regions of Rhone-Alpes and Provence Alpes Cote d'Azur.

4.1.3 Main employers

The largest employers in the French AV sector are publicly-funded broadcasters fulfilling a mission of public interest:

- France Televisions (including 5 national channels, 24 regional channels and 9 overseas channels), representing about 9,000 FTE posts including temporary staff in total¹¹.
- Radio France group (6 national radios and 44 local radios within the network France Bleu), with about 5.800 FTE posts, including temporary staff¹².

Other significant employers include:

- Private TV broadcasters: TF1 (with approximately 2,500 employees in 2014)¹³, M6, Canal +, NRJ, NextTV and private radio broadcasters: RTL, Europe 1.
- Producers of TV programmes: Endemol, Shine, EuropaCorp TV, Havas Prod, Largardere Entertainment, Telfrance; in addition there are many small scale independent producers (3300 enterprises according to the report prepared by social partners¹⁴; according to SPFA, 10% of producers represent 80% of employment in the sector).
- Producers of motion pictures: EuropaCorp, Mandarin Cinema, Rectangle Prod.

The sector of private radios (including non-for-profit radios) and technical industries supporting the AV sector are very fragmented and do not include very large employers. For example, concerning technical industries, nearly all employers are SMEs (82% have less than 10 permanent staff, 30% do not have permanent staff¹⁵).

¹⁰ Commission du film d'Ile-de-France, Audiens (2015) Observatoire de la production audiovisuelle et cinématographique en Ile-de-France.

<http://www.idf-film.com/media/etude-audiens-2015.pdf>

¹¹ Source: 2013 Annual activity report of France Televisions.

¹² According to a recent audit report from the Court of Auditors (Cour des comptes), in 2013, the number of staff in Radio France was of 4904 ETP for CDI and CDD; in addition the group also makes significant use of intermittents (representing 700 ETP or 12 % of payroll in 2013. The use of intermittents had increased since 2009. Permanent staff (CDD and CDI) at Radio France has increased by 5.6 % between 2003 and 2010, half of this increase concerning journalists. <http://www.ccomptes.fr/Actualites/A-la-une/Radio-France-les-raisons-d-une-crise-les-pistes-d-une-reforme>

¹³ Source: Annual activity report. TF1 (2014) Document de reference 201.

<http://medias.groupe-tf1.fr/documents/finance/document-de-reference/2014/fr/index.htm#/257>

¹⁴ Source : AFPF, SPECT, SPI, USPA (2014) Rapport de branche Production Audiovisuelle 2013-2014

¹⁵ Source : FICAM (2014)

4.1.4 Characteristics of workers

The different industries composing the AV sector employ a large variety of profiles; the CNEPF-AV lists about 150 specific occupations. At France Televisions, the repertory of occupations includes 170 different job categories¹⁶.

The sector is male dominated, and includes many young workers. Based on available sectoral data, most workers active in the AV sector are employees working under fixed-term contracts, especially for technicians and artists. Both the AV and performing arts sectors largely rely on pool of professionals called intermittents du spectacle who work under fixed-term contracts called (CDDU). Intermittents active within the AV sector typically work for multiple employers and are mobile across various subsectors. Between successive contracts, they are covered from specific provisions in terms of paid leave, unemployment benefits and training.

In terms of level of qualification, workers in the AV sector are more qualified than in the economy as a whole and include many highly qualified professionals (ISCED levels 5&6) with a background in literature/arts, communication, journalism or a specific technical background. No data is available for the AV sector only, when considering the AV and multimedia sectors, across the 2009-2011 period, 60.0% of workers had achieved ISCED level 5-6¹⁷.

4.2 Major trends affecting the AV sector

4.2.1 Major trends and drivers of change since 2008

In the last decade, according to the literature as well as consulted organisations, the main drivers of change for the sector have been technological developments, change in the AV market and demand from users as well as in public policies.

As highlighted in a recent study on cultural and creative industries published in 2013, covering among other industries cinema, television and radio, the pace of change has never been faster¹⁸. Technological evolution has led to a significant change in the production of audiovisual products; the digitalisation of the cinema sector for example accelerated in the last few years and is now almost completed. Overall, the development of digital technologies and the growth in post-production compensated for the decline of photochemical activities, but has not created global opportunities for technical industries¹⁹.

While consumers are still attached to traditional media, such as TV and radio, the demand from users is also changing quickly with new forms of consuming cultural products, including the development of VOD platforms, streaming, podcasts, interactive content etc., blurring the difference between sectors and types of media.

¹⁶ Source : Interview with UER.

¹⁷ Source: Cereq, Portraits Statistiques de Branche, YB- Audiovisuel et multimedia (source: INSEE, Enquete emploi) Version du 27/07/13.

¹⁸ EY (2013) Premier panorama des industries culturelles et créatives. Au cœur du rayonnement et de la compétitivité de la France

¹⁹ Source: FICAM, 2014

Changes in consumption patterns, as well as infringements of intellectual property rights, challenge the funding models of the sector. A key issue for the AV sector as a whole is the decline in advertising revenue for broadcasters (their main source of revenue), which is yet not compensated by online advertising revenue. In the sector of production of motion pictures and programmes for TV, in order to share costs and compensate for the lack of funds from TV broadcasters, international co-productions with pre-sales of TV programmes abroad are developing.

Budget constraints also tend to result in a reduction of the duration of filming period for in TV fiction programmes and motion picture production, according to one of the trade unions consulted.

As mentioned above, public policies have a significant impact on the AV sector in France. In recent years, the volume of subsidies awarded by the CNC has declined²⁰. At the same time, the sector of production of motion picture and TV programmes is facing a fierce competition at the European level. Labour costs are higher in France than other countries in Eastern Europe with a tradition in motion picture production. France has also developed fiscal incentives to attract foreign investment but the French market is also impacted by schemes put in place by other countries. For instance, as a result of the Belgian tax shelter, part of the production and post-production of TV programmes has moved to Belgium.

4.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

The same factors described above, especially the growing internationalisation of the sector and development of international co-productions, are likely to impact employment trends in the sector. However, it is difficult to anticipate concrete gains and losses in employment as well as the impact of different types of work arrangements.

The current debates on the reform of the status of intermittents du spectacle (and especially their access to unemployment benefits via specific schemes) may have a storing impact on the AV sector given that this is one of most widespread form of employment and work arrangements in some of its industries and the only form concerning actors.

²⁰ Commission du film d'Ile-de-France, Audiens (2015) Observatoire de la production audiovisuelle et cinématographique en Ile-de-France

4.3 Analysis of the labour market and changing forms of employment and work arrangements

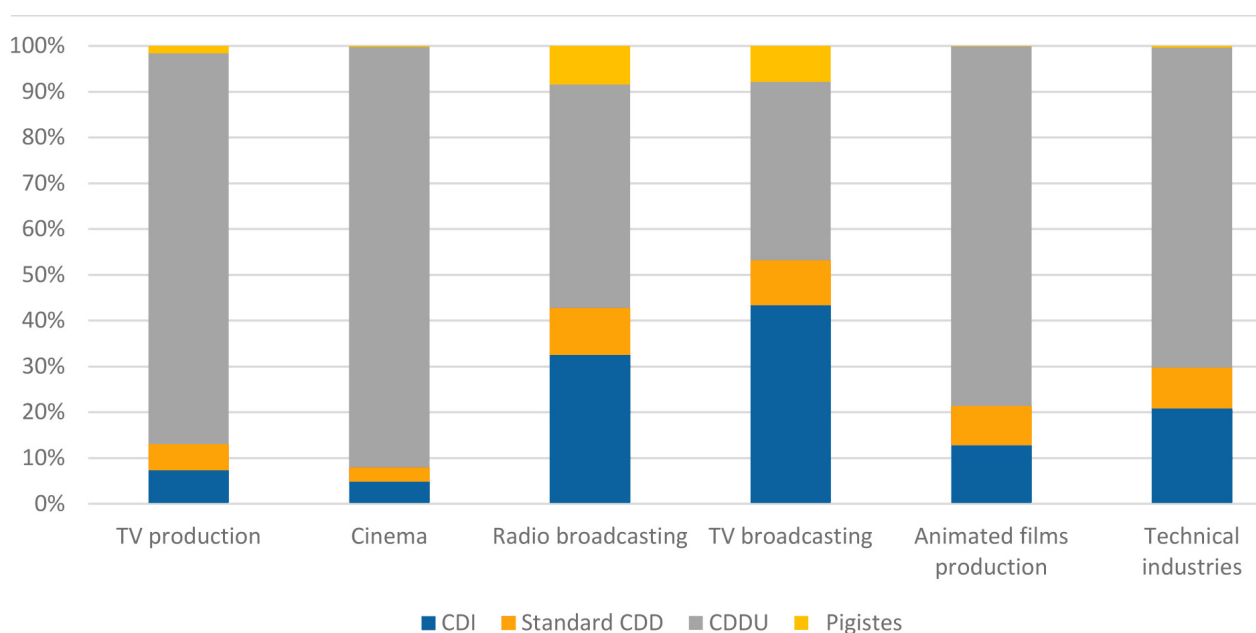
4.3.1 Overview of current forms of employment and work arrangements

In France, the use of specific fixed-term contracts known as CDDU (Contrat a duree determinee d'usage) which are to be distinguished from standard fixed-term contracts is widespread in the AV sector, except among the largest employers (TV broadcasters), where standard employment contracts prevail. The widespread use of CDDU, which also serves as an adjusting variable for the sector, explains the limited use of alternative forms of work arrangements. Limited evidence is available concerning the occurrence of part-time contracts, traineeships and apprenticeships and self-employment. No other forms of atypical contracts can be identified in the AV sector, except for journalists pigistes (assimilated to employees under an open-ended contract, but remunerated by tasks).

Concerning data from Audiens in the following sections, the 'audiovisual sector' refers to the aggregate to the following industries: production of TV programmes, production of motion pictures, production of animated films, technical industries, radio broadcasting and TV broadcasting. This covers all industries classified by Audiens under the field 'spectacle enregistré', except sound recording.

The most recent data available (2013) was compiled by Audiens for the preparatory document for the employment conference 15-16 October 2015 ('Diagnostic de l'emploi dans le spectacle vivant et enregistré') and is still unpublished.

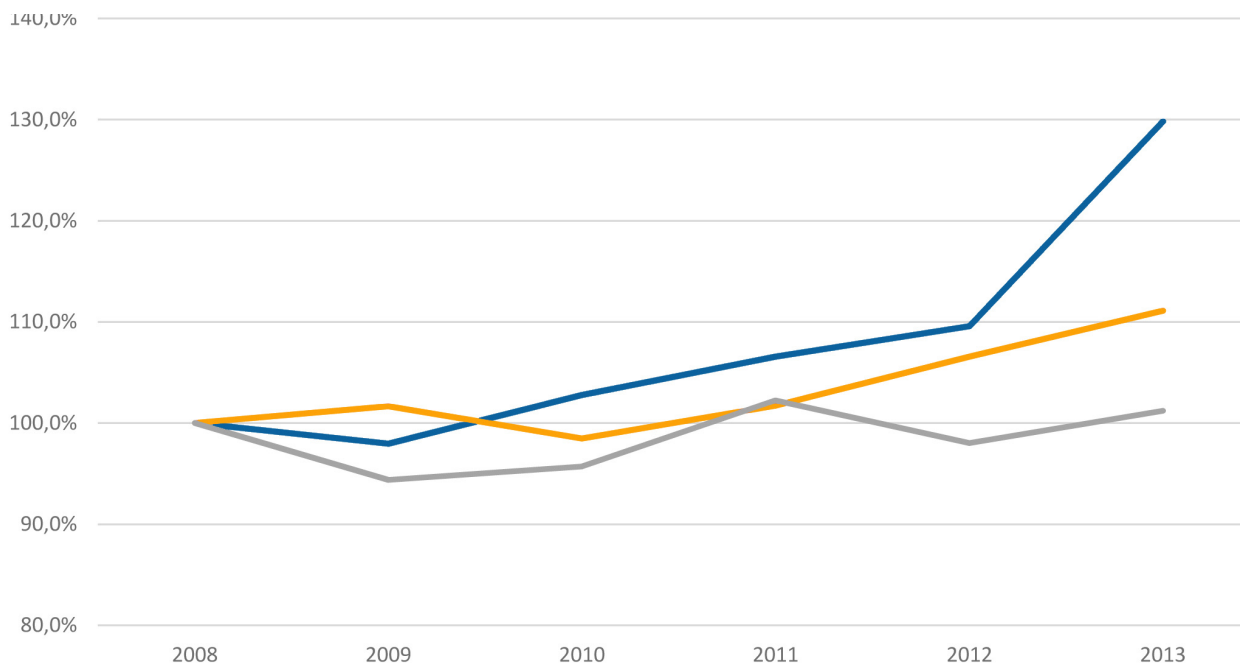
Figure 4.1 Workers by type of contract (% of all workers) and industry, 2013



Source: Audiens

Overall, across all AV industries considered, the total number of staff employed under open-ended contract had increased since 2008, while the number of employees under standard CDD has only increased marginally and the number of workers under CDDU has remained relatively stable.

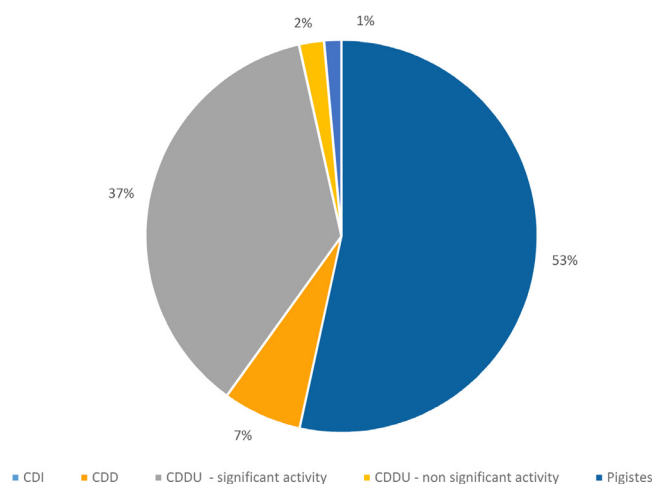
Figure 4.2 Evolution of the number of workers since 2008 (2008=100) by type of contracts, scope: production of TV programmes, production of motion pictures, production of animated films, technical industries, radio broadcasting and TV broadcasting



Source: Audiens

Audiens also collects data on the wage bill, by type of contract and industry. This data shows that although most of the wage bill corresponds to the wages of open-ended employees.

Figure 4.3 % of the total wage bill by category of work contract, scope: production of TV programmes, production of motion pictures, production of animated films, technical industries, radio broadcasting and TV broadcasting, 2013



Source: Audiens

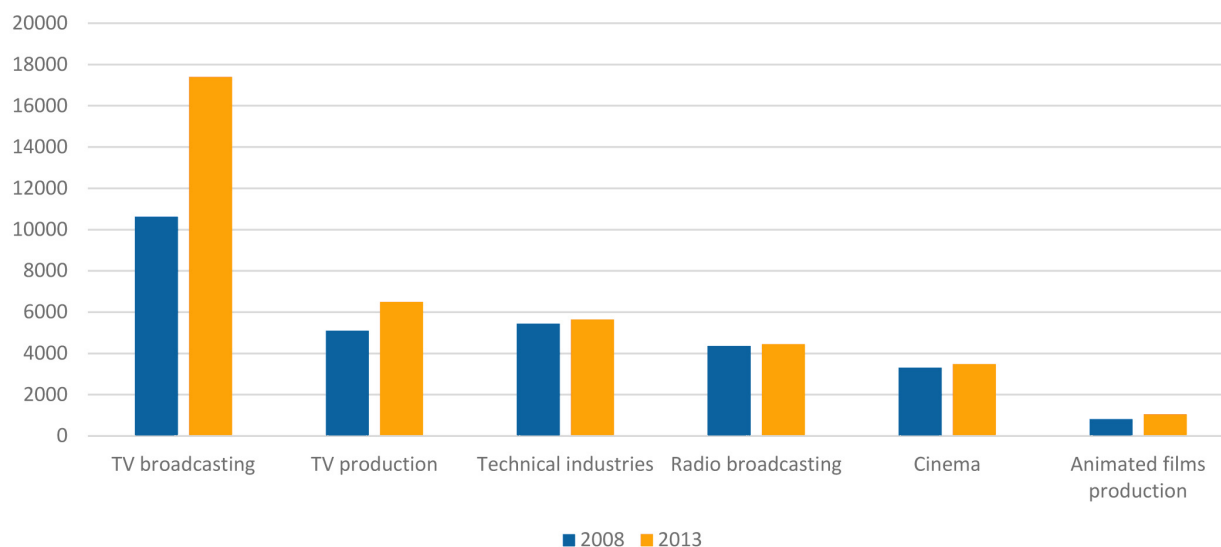
Table 4.1 Overview of forms of employment and work arrangements in the AV sector

	Occurrence:	Trend since 2008:	List specific groups and/or subsectors and/or occupations concerned	Summary of main differences compared to standard contracts:
Standard employment contracts	Depends on the size of company and sector (higher within large structure)	Stable	Mostly for support functions and/or in TV/radio broadcasting	N/A
Fixed-term contracts including CDDU (intermittence)	Depends on the industry and company size as well as occupational groups– from widespread to very widespread	Slight increase for standard CDDs Stable for CDDU	All sectors but mostly production and radio Dominant in SMEs All artists; widespread among technicians	Higher flexibility for the employer and overall lower costs compared to permanent staff (despite of higher social contributions) Benefits for employees: Access to a specific unemployment insurance scheme to complement earning Wider heterogeneity of earning than among permanent staff
Part-time employment	Uncommon (interviewees' assessment, no data available)	No reliable information available	No data available	Similar to standard contracts, but can offer a higher flexibility for employer and/or worker
Other forms of atypical contract: pigistes (employees)	Not common	Stable	Only for journalists	Assimilated to an open-ended contract, but remuneration based on tasks (more flexible for the employer)
Traineeships/ internships and apprenticeships	Uncommon (interviewees' assessment, no data available)	No reliable data available		N/A (not used as a substitute for work contracts)
Self-employment and freelance work	Uncommon	No reliable data available	N/A	Lower costs for companies Overall less advantageous for workers than CDDU

4.3.2 Standard work contracts (full-time, permanent contracts)

In 2013, approximately 38,500 permanent staff (open-ended contracts or CDI) were employed by the different industries of the AV sector, of which 17,400 in the TV broadcasting sector alone (source: Audiens).

Figure 4.4 Number of workers under CDI, scope: production of TV programmes, production of motion pictures, production of animated films, technical industries, radio broadcasting and TV broadcasting, 2013



Source: Audiens

As suggested by available data, as well as information collected from interviewees, standard contracts are generally not the norm in the AV sector. This is due to the specificities of work organisation in technical and artistic occupations and labour legislation applicable to the sector.

Based on information collected from interviewees, the occurrence of standard work contract does not vary significantly according to variables such as gender, level of education or age of workers; the most important factor being the type of occupation held, the area of activity and (closely linked to the former parameters) the size of the employer.

Considering variations across occupations, standard work contracts are more widespread in support functions of a permanent nature such as HR and administrative jobs than for technicians and artists which are typically recruited under CDDU to perform specific missions on a project basis. In some professions, the share of permanent staff can be considered to be extremely low. For example, according to the SNAM, concerning musicians working the AV sector, except for those working for permanent orchestras of Radio France, they do not hold open-ended contracts.

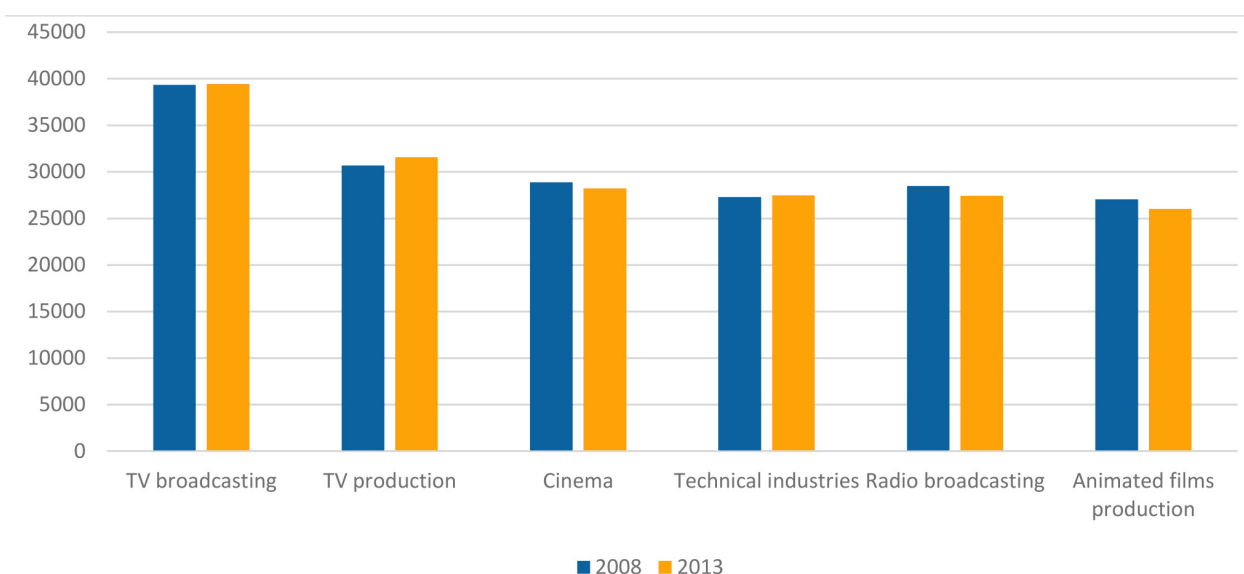
When comparing different types of economic activities, companies involved in production largely rely on non-permanent staff, while broadcasters employ relatively more permanent

staff. At France Televisions, by far the largest employer in the AV sector, collective agreements prioritise the use of standard contracts.

Differences across subsectors can also be explained by the influence of company size: the larger the employer, the higher is the proportion of permanent staff. For example, according to the annual activity report from social partners in the field of technical industries, post-production companies, which employ typically more staff than companies in the rest of technical industries have higher proportion of permanent staff²¹.

Evidence on the evolution of wages is available from Audiens, which gathers data on the total wage bill by industry and type of contract. The average wage bill per open-ended employee (total wage bill divided by number of employees) varies across industries; it ranges between 25,000 and 30,000 EUR per year except in the TV broadcasting sector where it is significantly higher (around 40,000 EUR). Between 2008 and 2013, the average wage bill has increased in production of TV programmes, TV broadcasting and slightly decreased in cinema, radio, production of animated films.

Figure 4.5 Average wage bill by employee (scope: CDI) by industry, 2008 and 2013,



EUR

Source: Calculations based on Audiens (*masse salariale/effectifs*)

²¹ Source : FICAM, SYNPASE (2014) Rapport de la branche des Entreprises Techniques au service de la Création et de l'Évènement- Livre I Entreprises Techniques au service de la Création et de l'Évènement Secteur de l'AV et du cinéma.

4.3.3 Fixed-term contracts

Two different types of fixed-term contracts exist in the AV sector: the so-called 'usual' fixed-term contracts (CDDU, *contrats à durée déterminée d'usage*) which are very widespread in the AV sector as well as 'standard' fixed-term contracts (CDD, *contrats à durée déterminée*).

■ Standard fixed-term contracts (CDD)

The use of CDD is limited to specific cases such as the temporary replacement of an employee or an additional amount of work which could not be foreseen. Their use is, according to consulted social partner organisations, limited, due to the existence of another category of fixed-term contract. According to data collected by Audiens, there were about 15.600 workers with a standard CDD in 2013 in the AV sector, which represents a small fraction of the entire workforce.

■ Intermittents du spectacle (CDDU)

CDDU are fixed-term contracts which can be used for activities of temporary nature in specific occupations in certain economic sectors, as this is acknowledged by the Labour Code as a common practice. This includes the audiovisual sector and performing arts²².

The use of such contracts is justified by the high fluctuations in the volume of activity and its organization on a project basis, with changing needs in terms of personnel. This form of employment was originally created in the cinema sector and was extended over time to other economic activities, including broadcasting, the production of audiovisual programmers and performing arts. While employers do not need to provide a specific justification for the use of CDDU for these specific sectors and occupations concerned, labour courts can verify if the employment is indeed of temporary nature.

The differences between CDD and CDDU are that for the latter there is minimum duration between two successive contracts, there is no bonus paid at the end of the contract (for a CDD, the *prime de précarité* amounts to 10% of total gross salary over the duration of the contract) and no maximum duration of the contract.

Artists, technicians and managers working under CDDU are called *intermittents du spectacle*. They often work for multiple employers and alternate between periods of employment and unemployment. The professions for which the use of CDDU is allowed are listed in various collective agreements²³. Concerning journalists, in principle CDDU should not be used for

²² Concerning the AV sector, their use is possible for the employers involved in the following activities:

5911 A - Production of films and television programmes

5911 B - Production institutional and commercials

5911 C - Production of films for cinema

5912 Z - Post-production of motion picture, video and television programmes

6010 Z - Broadcasting

6020 A - Generalist channels

6020 B - Special interest television channels

²³ An overview is available at:

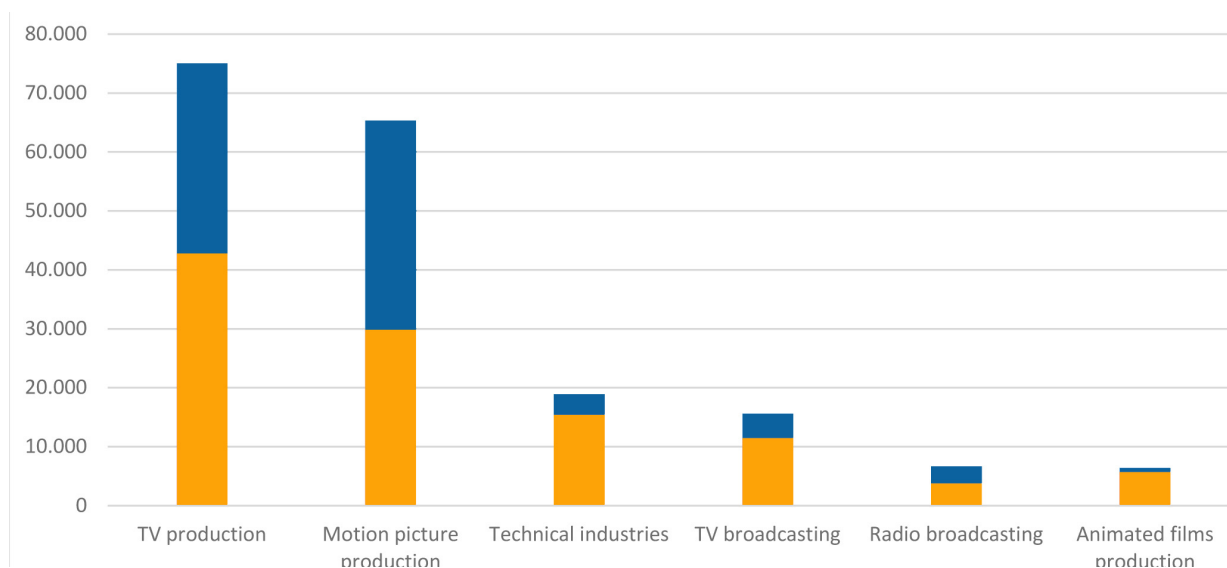
<http://www.pole-emploi.fr/informations/les-emplois-d-ouvriers-et-techniciens-de-l-annexe-8-@/article.jspz?id=60591>

those involved in regular and permanent activities (such as director or editor of TV news), as its use should be restricted to temporary tasks. However, in practice, some journalists working on the same programme on a very regular basis are employed under CDDU rather than open-ended contracts.

Intermittents are covered by a specific unemployment insurance regime offering more generous conditions than standard provisions to reflect their specific employment conditions. To be eligible for benefits they have to justify of a certain number of hours worked over a specific period (cachets, or lump-sum fees paid to intermittents are converted in number of hours)²⁴. Those who have worked at least 507 hours over a period of 10 months can access a specific regime of unemployment insurance²⁵. They also have a specific holiday pay fund, are entitled to training (managed by AFDAS) and are covered by specific occupational health services. The current system in place has been progressively developed by social partners since the 1970's with significant changes made in the early 2000's.

According to Audiens, in 2013, a total 188.000 workers had worked at least once under a CDDU in one industries of the audiovisual sector during this year. The number of intermittents active in the AV sector has remained relatively stable between 2008 and 2010.

Figure 4.6 Number of workers under CDDU, scope: production of TV programmes, production of motion pictures, production of animated films, technical industries, radio broadcasting and TV broadcasting, 2013



Source: Audiens

The CDDU is the dominant form of working arrangements in the production sector, especially in (very) small companies, where is common to find microenterprises employing only intermittents. The use of CDDU concerns all groups of AV professionals (technical, artistic and managerial roles), and in terms of gender, age or level of education.

²⁴ Depending on the number of successive cachets paid, one cachet is converted in 8 or 12 h.

²⁵ This regime is linked to the [Annex 8 and 10 of the unemployment insurance agreement](#). In addition, there is a specific fund for solidarity which provides complementary supports for artists and technicians, called Fonds de professionnalisation et de solidarité des artistes et techniciens du spectacle. Available at: <http://www.artistesettechniciensduspectacle.fr>

The CDDU is also largely used in the public radio sector, where the production of programmes is not outsourced and relies largely on the work of intermittents.

The CDDU is in comparison used to a much lesser extent in the broadcasting TV sector; a sectoral collective agreement is in place to control the use of CDDU in broadcasting. At France Televisions, a company-level collective agreements also prioritise the use of standard contracts. In 2013, CDDU represent 15.4% of full-time employment²⁶.

Available data from some of the largest employers suggest that CDDU are mostly used in the production units. For instance, in the production branch of France televisions, nearly all staff is hire under CDDU, while there is a small team of permanent staff. At TF1, the proportion of intermittents for the entire group, including TF1 Production, is of 9.5%, while only 2.5% of staff working for the TF1 channel are unemployed under CDDU.

Cases of requalification of CDDU into permanent contracts have occurred both in the public and private broadcasting sectors. The requalification can have very high costs for the employer, depending on the length of the period considered. Interviewees pointed out, however, that a requalification may not be advantageous for all intermittents, as the combination of their salary and unemployment benefits may be higher than the salary they would receive as a permanent employee.

At France Televisions, trade unions are taking action to ensure that the use of CDDU is limited to jobs of a non-permanent nature and excludes permanent roles, such as TV news director, assistant director or editor. This is mostly achieved through social dialogue and collective bargaining. Trade unions also provide legal advice to employees going to labour courts to claim a requalification of successive CDDU into permanent contracts.

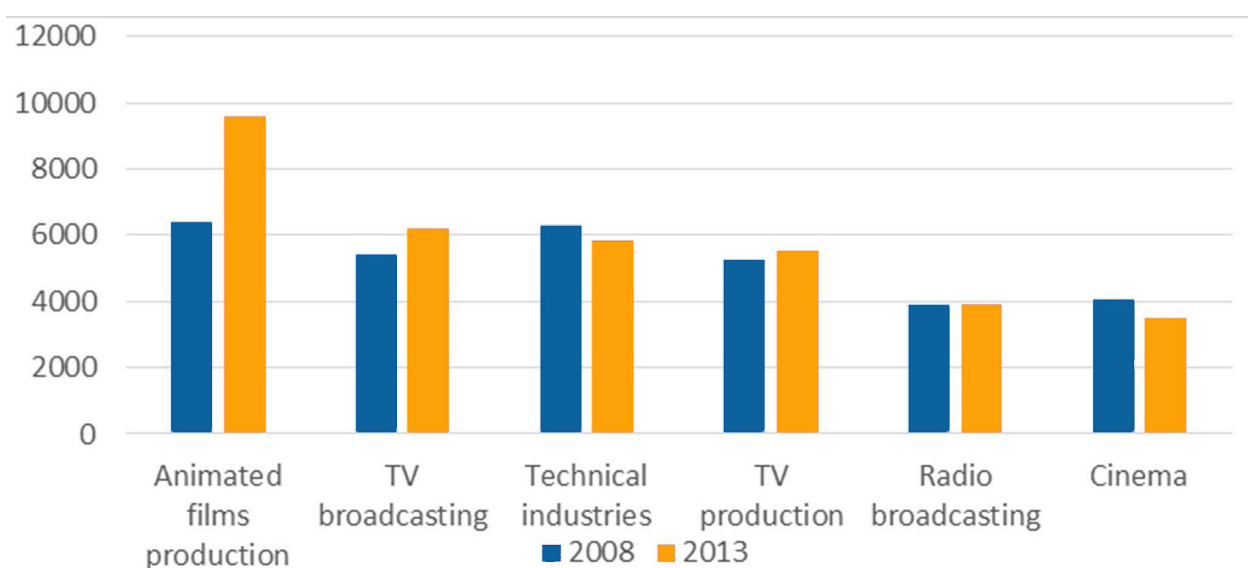
Data from Audiens on intermittents working for the AV sector suggested that level of intensity of their activity (number of hours worked and earnings) vary very widely. Only a fraction of all intermittents active in AV industries actually work very regularly for one or more industries of the AV sector and generate a significant amount of earnings from this activity. The rest are only occasionally employed in the AV sector. This can be due to the fact that they also work in other sectors (including in performing arts as intermittents or in other economic sectors under other forms of contracts). In 2013, it can be estimated that about 58% of intermittents in the AV sector (about 109,000 individuals) had a significant activity in the sector; these concentrated 95% of the total wage bill for intermittents.

The average wage bill per intermittent varies across different industries, as shown in Figure 1.7. It is the highest in the sector of animated film production, reflecting a significance increase since 2008 and is the lowest in cinema. The sectors of technical industries and cinema have experienced a contraction of the average wage bill per intermittent since 2008. Overall, the average wage bill per intermittent is higher when considering only those intermittents with a significant activity in the industry (see Figure 1.8)

Given than many intermittents work for more than one industry of the AV sector at once, the average wage bill per intermittent and industry does not provide an indication of average earnings for intermittents.

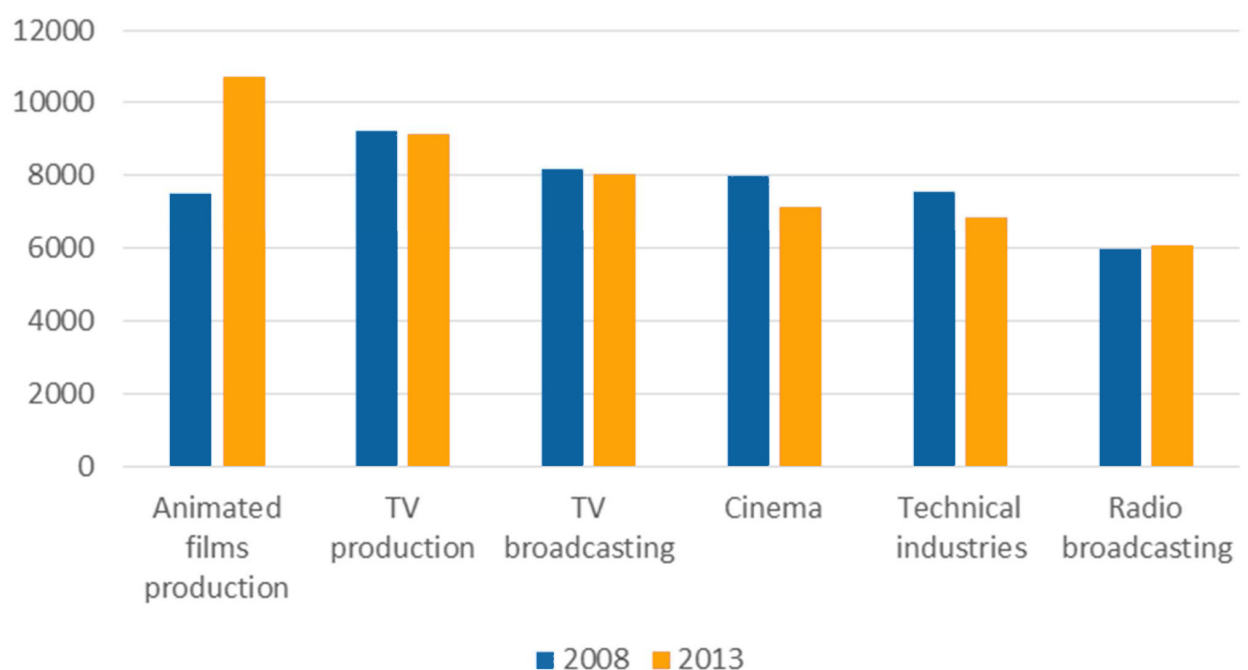
²⁶ France Televisions (2013) Rapport annuel

Figure 4.7 Average wage bill per intermittent (CDDU) by industry, 2008 and 2013, EUR



Source: Calculations based on Audiens (masse salariale/effectifs)

Figure 4.8 Average wage bill per intermittent (CDDU) with significant levels of activity by industry, 2008 and 2013, EUR



Source: Calculations based on Audiens (masse salariale/effectifs)

4.3.4 Part-time work contracts

No data is available from Audiens concerning the occurrence of part-time contracts across the entire sector or different industries.

According to consulted social partner organisations, part-time contracts are not a widespread type of arrangements in the AV sector. It is difficult to assess based on available information if part-time affects more particularly some groups. For example at France Televisions, it only concerns about 5,5% of permanent staff²⁷; while at TF1, 7,9% of all staff work part-time; this is considered as voluntary part-time employment. According to interviewees, the use of part-time contracts is more common across women, for some categories of staff (support function) in production companies, such as e.g. accountant, administrative assistant, etc.).

According to national statistics concerning both the AV and multimedia sector²⁸, 20,9% of employees worked part-time across the 2008-2010 period, which is similar to the proportion of part-time workers across all economic sectors (19,2%).

4.3.5 Other forms of atypical contracts

The use of temporary agency work appears to be very limited in the sector due to the widespread use of CDDU. No recent data is available for the AV sector as whole. As an example at example, agency workers represent only about 20 fulltime equivalent jobs in 2014. Over the period 2008-2010, in both the AV and multimedia sectors, **0.4% of workers** were interim workers²⁹.

Concerning journalists, a specific form of employment contracts which is used to some extent in the AV sector is the pige. Journalists working as pigistes are **remunerated by task** (typically by number of days) and can work simultaneously for various employers. Their status is regulated by legislation since 1974 (loi Cressard). In French law, pigistes are assimilated de facto to employees and are remunerated by a salary³⁰. Their employment contract is presumed to be an open-ended contract, unless specified in writing. Pigistes are covered by the national collective agreement for journalists and benefits from rights to annual leave, unemployment insurance, continuous training, etc.). According to Audiens, in 2013, about 6,000 workers in the AV sector had the status of pigiste, of which 4,300 worked in the radio and TV broadcasting sector. The numbers of pigistes in the AV sector has remained relatively stable since 2008.

²⁷ Source : Interview with UER

²⁸ Source: INSEE, Enquete emploi in Cereq, Portraits Statistiques de Branche, YB- Audiovisuel et multimedia, Version du 27/07/13.

²⁹ Source: INSEE, fichiers UNEDIC in Cereq, Portraits Statistiques de Branche, YB- Audiovisuel et multimedia, Version du 27/07/13.

³⁰ Cf Article L7112-1 of the Labour Code, introduced by the Cressard law : 'Toute convention par laquelle une entreprise de presse s'assure, moyennant rémunération, le concours d'un journaliste professionnel est présumée être un contrat de travail. Cette présomption subsiste quels que soient le mode et le montant de la rémunération ainsi que la qualification donnée à la convention par les parties'.

4.3.6 Traineeships, internships and apprenticeships

No data is available on the use of traineeships, internships and apprenticeships in the AV sector.

In France, the use of traineeships is quite strictly regulated across all sectors. Trainees have to be paid and traineeships should take place within a formal education and training programme. These conditions also apply to the AV sector, as confirmed by interviewees. Representatives of trade unions report that possible abuse of unpaid interns in very attractive sectors such as cinema to perform routine or manual tasks, but no quantitative evidence available to measure the extent of the phenomenon.

Concerning apprenticeships, interviewees report that this type of work arrangements is currently not widespread in the AV sector, although it is actively encouraged by social partner organisations as a way to train young professionals. The high level of regulation concerning apprenticeships in France generally prevents their use as a form of cheap labour³¹. Social partner organisations in the AV sector support the development of alternance training (which includes apprenticeship contracts as well 'professionalization contracts' targeting both young people and adult learners. One of the missions of the CPNEF-AV is to develop alternance training. Trade unions also support the development of alternance training; for instance SNRT-CGT highlights that offers high quality training and good prospects for immediate labour market integration.

However, according to anecdotal evidence, most of apprenticeship contracts are linked to support roles (e.g. HR) rather than technical occupations. They are not often used for journalists. While France Televisions welcomes graduates from journalism schools as interns, it has not yet developed a comprehensive policy on apprenticeship training, which remains extremely limited. At TF1 (private TV broadcaster), an initiative is in place to offer a professional experience to young people from disadvantaged backgrounds and offer them a first professional experience via an apprenticeship contract. In 2014 there were about 50 apprentices and 130 persons trained under a 'contract de professionalization'.

The limited development of apprenticeship training in the AV sector can be explained by the fact that employers have already easy access to a large pool of young, qualified professionals. The main motivation for employers to recruit apprentices is to comply with legal obligations to train apprentices, rather than address recruitment needs. Other barriers identified are of logistical nature. According to the representatives of employers consulted, in the AV production sector, it is difficult to combine production schedules with the organisation of training courses for apprentices. According to the trade union SNRT-CGT, the 'professionalization contract' (linked to continuous training) is more flexible and more suited to the AV sector than apprenticeship contracts.

31 Apprenticeships take the form of a fixed-term work contract in France. Apprentices are covered by social security and are paid, with an increase in pay over the duration of the contract and according to the age of the apprentice. Apprentices alternate between periods spent in an education and training institution and periods sent in an enterprise (typically 3 days per week).

4.3.7 Self-employment and freelance work

No statistics on the occurrence of self-employment are available from sectoral databases (Audiens), as these are based on the payment of social contributions for employees.

The most recent survey data available on this subject compiled by the Ministry of Culture, which relates to the 2008-2011 period³², suggests an increase in the numbers of self-employed in the AV sector, although these numbers remain very modest compared to the size of the total AV workforce. This data distinguishes between two different forms of self-employment in France: 'traditional' self-employment and since 2009, auto-entrepreneur, a simplified form of self-employment. While there were about 4,500 'traditional' self-employed workers in the AV sector in 2005, by the end of 2011 this figure was of 5,100; in addition, there were 3,100 additional auto-entrepreneurs.

The same survey also provides information on the average annual income of the self-employed in the AV sector. In 2011, the average annual income of the 'traditional' self-employed was about 25,000 EUR (compared to 28,000 in 2008), while it was only of 3,700 EUR for auto-entrepreneurs.

Consulted organisations (both on the employer and employee side) reported that self-employment is still not widespread in the AV sector, despite of recent developments. Indeed, the institutional and legal framework in place in France has favoured the development of salaried employment in the AV sector via the use of CDDU. For artists, the Labour Code states that any form of employment should be presumed to be salaried employment (article L 7121-03)³³. In practice, the use of CDDU allows a high degree of flexibility for employers, which limits the need to work with self-employed individuals.

According to consulted organisations, the self-employment status is not attractive for most intermittents as they would lose their access to specific unemployment regime³⁴. Therefore, voluntary transition to self-employment appears to be a relatively minor phenomenon, concerning permanent staff or experienced intermittents with high levels of income wishing to benefit from a more advantageous fiscal status.

Concerning involuntary self-employment (i.e. workers coerced into offering their services as self-employed external subcontractors), one interviewee from a trade union reported some isolated cases of substitution of work contracts by commercial contracts to reduce costs. However it is not possible to assess whether this is a wider issue, due to the lack of evidence on self-employment in the sector.

³² Source: INSEE, Acof, base non salariés / DEPS, Ministère de la Culture et de la Communication, 2015, in preparatory report for the Conference on employment 'Diagnostic de l'emploi dans le spectacle vivant et enregistré' (15-16 October 2015).

³³ An artist can provide its services as an entrepreneur but under specific conditions (fulfilling the conditions implying a registration at the national registry of trade, so that the presumption of salaried employment does not apply).

³⁴ It is possible to cumulate the status of intermittent with the status of entrepreneur, but the professional activity as self-employed does not generate rights under the intermittence regime

4.3.8 Other trends in employment and work arrangements affecting working conditions

No other significant developments concerning employment and work arrangements affecting working conditions in the sector can be identified.

However, the influence of other factors is noticeable. Working conditions are affected by technological developments in relation to the pace of work, requirements for multitasking etc. These evolutions, combined with budgetary constraints, which tend to intensify the workload, also generate some strong resistance to change among staff and trade union representative in public-funded broadcasters.

For actors, an intensification of work is taking place due to budget constraints and progress made by the use of digital technologies. Filming periods are significantly shorter due to smaller numbers of shots (typically about 30-40 days for a film, 20 days for a television film), which translated into tighter schedules and shorter contracts for artists, especially for secondary roles. It is often observed that actors will receive their contract only on the day of filming. On the other hand, SAF, the trade unions representing actors, reports improvement over time in the profession concerning health and safety matters.

4.3.9 New and emerging occupations

According to consulted social partner organisations, it is difficult to identify completely new or emerging occupations in the AV sector, while the demand for specific competences is evolving in a context of rapid technological development and market changes.

In the sectors of broadcasting, employees working on technical roles have to become polyvalent, and perform more than one function. At France Televisions, TV journalists typically work in a team of two, while in some private TV channels, one single journalist can be responsible for shooting and editing news items. The demand for some occupational groups is expected to contract in the sector, e.g. concerning lighting technicians or editor, as well as some support administrative support roles such as clerks.

In the film sector, post-production has developed significantly across the last decade. Thanks to digital technology, can also takes place almost in parallel to shooting. Such changes generate an additional demand for technicians involved in the development of visual effects and post-productions as well as directors of post-production. The development of motion capture to record movements of actors in order to animate digital characters generates some new employment opportunities for actors and dancers, but for this type of performance, artists typically do not perceive intellectual property rights in addition to their salary. This has been challenged by some artists in court.

A new emerging industry is the development of videos or entertainment programmes for online used, but it is not based on new professions per se. A few of the enterprises that are members of the national associations of producers of TV programmes (SPI, USPA) exclusively

produce content for Internet. Representatives of actors have requested for several years to launch collective bargaining processes in this specific area of activity, to take into account the specificities of the production of online programmes.

4.3.10 Trends in professional mobility

Concerning mobility between different types of employment and work arrangements, no clear patterns emerge.

A key characteristic of the French AV sector is the relative porosity across different industries and horizontal mobility. Mobility across industries and employers is facilitated by the existence of the status for intermittents du spectacle (common to different industries of the AV sector and performing arts), as well as the concentration of activity in the Paris region. Furthermore, the use of similar digital technologies in different industries of the AV sector increases the transferability of competence and it is observed that younger generations of AV professionals are more incline to work in different areas of activity than previous generations.

Available data from Audiens on the intermittents du spectacle shows that they typically work for multiple employers. Audiens calculated, based on sample of 133,700 intermittents du spectacle active in 2010, that only 5% of all intermittents du spectacle were declared by a single employer in 2010, 2011 and 2012³⁵.

In addition, most of intermittents du spectacle are active in more than one specific area of activity within the AV sector as well as in performing arts. The major overlaps concern production of TV programmes with cinema, technical industries, TV broadcasting and animated films production, as well as film production and animated film production. In addition, many intermittents du spectacle working in at least one field of the AV sector also work in the live performance sector, especially artists.

In average across the different industries of the AV sector, the proposition of intermittents working exclusively for one area of activity in 2012 was only of 13%, while the degree of specialization varies by industry. In motion picture production, only 8% of intermittents active in the field worked exclusively for this sector, while in the production of animated films and radio broadcasting this share is of 27%³⁶.

Concerning the production of TV programmes, the latest activity report issued by social partners in this area evaluated, based on available statistics from Audiens, the number of intermittents du spectacle working mainly in this sector at 14,000³⁷.

35 Audiens (2015) Emploi dans les 9 branches du spectacle et parcours professionnel des intermittents du spectacle. Annexe du Rapport 'BATIR UN CADRE STABILISE ET SECURISE POUR LES INTERMITTENTS DU SPECTACLE' de la Mission de concertation pour les intermittents du spectacle.

<http://www.ladocumentationfrancaise.fr/rapports-publics/154000024/>

36 Source: calculations based on data from Audiens, 2012.

37 This include intermittents which have a significant volume of activity (at least EUR 10,000 of income per year, excluding leave and unemployment benefits) and more than 50% of their activity paid by enterprise involved in AV production. Source. AFPP, SPECT, SPI, USPA (2014) Rapport de branche Production Audiovisuelle 2013-2014.

Concerning upwards mobility, a challenge for larger employers is to elaborate career pathways for their staff to allow professional development of the long term, given the diversity of occupations. At France Televisions for instance, differentiated career pathways (focusing one expertise and management) are being elaborated, but there is to date no comprehensive process in place for the prospective management of occupations and skills.

Concerning intermittents, consulted social partners organisations have pointed out that the AV labour market for intermittents is crowded and highly competitive, especially for artists. Competition create challenges in terms of upward mobility. The match between intermittents and employers can be facilitated by intermediaries, for instance 'régies' liaising between musicians and AV producers. Networking is key for AV professionals employed as intermittents and the process of integration of newcomers into this specific market takes several years.

4.4 Impact on changes on continuous training

4.4.1 Overview of the state of play in relation to continuous training

There is a recognised right to continuous training for all salaried workers in the AV sector regardless of the type of contract (open-ended, standard fixed-term contract or CDDU).

Training is delivered via sectoral schemes based on the pooling of funds from employers and in some cases, at the enterprise level; main employers have their own training department (e.g. Université TF1, recently created in 2014).

A training fund called AFDAS, collects mandatory contributions paid by employers in the AV sector to support continuing vocational training, as foreseen in the law and collective agreements.³⁸ The collective agreement concerning continuous training in the AV sector adopted by social partners in March 2015³⁹ foresees that employers make a higher contribution to training than the average across the entire economy. The contributions paid by employers vary according to the type of contracts (2.15% of payroll for intermittents du spectacle and from 1 to 1.6% of payroll for permanent staff depending on the size of the company).

The AFDAS informs and advises employees to facilitate their access to different modalities

³⁸ The AFDAS is a bipartite organisation and collects contribution from employers in the sectors of performing arts, cinema, AV, phonographic publishing, advertising and direct distribution, publishing of books, newspapers and news agencies, and entertainment. It also collects the apprenticeship tax from employers.

³⁹ Agreement of 27 March 2015.

of training recognized by the law⁴⁰, skills assessment or validation of acquired experience⁴¹ and support employers (especially SMEs and very small businesses) to organise their training plans.

Permanent staff (CDI/CDD) employed by a company contributing to AFDAS are eligible to benefit from training courses, either at their request or at the request of their employer. They can, in addition to their company training plan, follow the AV training plan covering priority areas defined by sectoral social partners. This sector-level training plan is financed by pooling of part of employers' contributions for permanent staff. The AFDAS also supports access to training of unemployed individuals who were previously employed by a company contributing to AFDAS.

Concerning intermittents in the AV sector, as foreseen in the cross-sectoral agreement of 6 July 2007 on access to continuous vocational training, they are entitled to access continuous training under certain conditions⁴². Intermittents generally undertake training during unemployment periods in between contracts and can follow training plans linked to their professional categories (e.g. AV technicians, performers, musicians) as well as transversal training (foreign language, ICT, etc.).

Concerning take-up, in 2011 (latest data available from the AFDAS), approximately 33,000 permanent staff (close to two thirds of permanent staff) engaged in training across the sector of production of TV and films, TV broadcasting, radio broadcasting and technical industries. In addition, about 4,500 AV technicians under CDDU that took part into training⁴³.

An example of training scheme delivered by the AFDAS in relation to specific training needs is the training platform for technical industries in the AV sector⁴⁴. This platform was created in 2010 at the initiative of social partners and the CPNEF-AV to support the adaptation of the sector to technological change and support the outplacement of workers whose knowledge and competences became obsolete with the development of digital technologies. The transition from film stock to digital support impacted in particular the activities of photochemical laboratories, dubbing and post-production. Affected workers were provided with specific retraining and support for outplacement. Services were provided with AFDAS with financial support from the State, the regional authorities of Île-de-France, Pôle emploi et AFDAS funds.

⁴⁰ The period of professionalization (PP) targets workers whose qualification has become inadequate and need to update their skills. The contract of professionalization (CP) targets young people aged 16-25 years old and jobseekers aged 26 and over who need to acquire a professional qualification. The individual right to training (DIF) allow workers to accumulate credit over a period of 6 years to undertake training (subject to the employer's agreement). For a full-time employee in the AV sector this credit is set at 21 hours per year (126 h over 6 years). The Individual Training Leave (CIF) allows every worker to undertake a training action, independently of training provided within the company's training plan.

⁴¹ A skills assessment (bilan de compétences) allows an employee to take stock of their skills, abilities and motivations and is carried out by an external service provider. The AFDAS can also support workers to undertake a process of VAE (validation of Acquired Experience) to recognize his experience to get a diploma, a title or a certificate of qualification.

⁴² They must justify a professional experience of at least 2 years and have accumulated over this period minimum number of days worked, or 'cachets' (48 for artists and 130 for AV technicians).

⁴³ Source: Observatoire des Metiers de l'Audiovisuel- CPNEF-AV based on data from AFDAS, 2011.

⁴⁴ Website: <http://www.plateforme-itac.fr>

Over the period 2010- 2013, about 750 employees in 250 companies have benefited from training. In 2015, the promoters of the platform extended the initiative in order to meet identified needs for (re) training in technical industries. Employees in technical industries can benefit from counselling to support their career development and/or further develop their technical competences.

4.4.2 Impact of employment and working arrangements on access to continuous training

No major changes have been identified concerning the impact of employment and training arrangements on access to continuous training in recent years. As mentioned above, there are institutional arrangements in place via the AFDAS to allow intermittents (workers under CDDU) to have access to continuous training in the AV sector, provided they have worked for a minimum duration.

According to some consulted organisations, opportunities to access to training differs across technicians and actors working as intermittents.

- All technicians need to continuously update their skills and knowledge. The status of intermittent actually provides more opportunities to benefit from longer periods of trainings in between contracts compared to permanent staff. AV technicians largely benefit from investment in continuous training. This also occurs within company-level training plans implemented at the company level. For example at TF1, as reported by a trade union representative, in some instances training budget has been reallocated in order to provide additional training for technicians under CDDU.
- On the other hand, as reported by the SFA, a growing numbers of actors are not eligible to benefit training according to the rules set by the AFDAS (minimum 48 cachets in the last 2 years), due to the general downward trend in relation to the duration of contracts.

4.5 Impact on industrial relations

4.5.1 Industrial relations in the sector

There are multiple organisations that represent the interests of salaried employees (including intermittents) and employers in the AV sector. Eurofound's 2013 study on the representativeness of the European social partner organisations in the audiovisual sector in France reported a particularly scattered landscape both on the employee side, with 21 trade unions covered in the study, and the employer side, with 25 sector-related associations covering different categories of producers, cable and satellite television enterprises, radios, etc.

The AV sector is regulated by a series of collective agreements for some professions and some specific industries. The above-mentioned study by Eurofound estimates that the overall collective bargaining coverage at 70% for the French AV sector due to the practice

of extension of collective agreements. Most of these agreements are mandatory for all employers (extended agreements) in the sector of TV broadcasting, Thematic TV channels, Radio broadcasting, production of TV programmes and technical industries. In addition, a national collective agreement for journalists is in place.

In the cinema sector, the first collective agreement in the sector of film production (signed in January 2012 after seven years of negotiations) sets minimum wages for workers and film technicians and regulates working hours. This agreement only applied to its signatories, i.e. the members of the Association of Independent Producers (API), which includes big players such as Pathé, Gaumont, UGC and MK2⁴⁵.

All journalists in the AV sector are covered by the national collective agreement for journalists. The trade union for actors (SFA) has requested employers to start collective bargaining processes dedicated to the production of Internet programmes, to take into account the specificities of this industry.

In addition, company-specific agreement are in place in larger undertakings. For example, at France Televisions, the latest company level agreement was signed on 28 May 2013 (including specific provisions concerning journalists). At Radio France, comprehensive company-level provisions are also in place. This covers for example annual leave, extra hours, work at nights or on Sundays/bank holidays.

The self-employed are not covered by any of the collective agreements in place in the AV sector.

4.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

Work arrangements in the AV sector have not evolved significantly across past years and hence not affected the coverage of collective agreements and trade union density in France. The SFA, the trade union representing artists, reports that despite of the high turnover among intermittents, the levels of trade unionization remain stable.

No significant changes in relation to the density of employer organisations are reported.

One of the challenges linked to the employment and work arrangements in the AV sector is to pursue current efforts to control the use of CDDU via social dialogue. The existence of CDDU and the existence of a large pool of intermittents brings flexibility for employers in the AV sector in terms of staffing of projects, planning and work organization. On the other hand, provisions are in place to ensure that intermittents can benefit from a good balance between flexibility and security. Their access to specific unemployment benefits provisions is a hot topic for social partners due to the pressure from public authorities to reform the existing system.

⁴⁵ The extension of the agreement to the entire sector, by the 1st July 2013 by the government was challenged by some smaller film producers and cancelled by a decision by the administrative court (Conseil d'Etat) on February 2015, on the grounds that the API does not represent the entire sector.

While all organisations agree to maintain a specific regime for intermittents (building on results of social dialogue), representative of employers and trade unions disagree on the type and depth of possible reforms.

The development of self-employment in the AV sector is not yet considered as an urgent issue by social partners, as it is still fairly limited. However, it is identified as a general trend in Europe and potential threat to the existing French model of work relations in the sector. Its development would have negative impacts on trade union density and coverage of collective agreements. In addition, representatives of producers (USPA) also point to the risk of fraud by individuals cumulating the status of intermittent with self-employed (auto-entrepreneur) and to the overall reduction in contributions in funds for intermittents.

4.6 Sources

4.6.1 Publications

Websites, including sources of statistical information:

- AFDAS: <https://www.afdas.com>
- CEREQ (2013) Portraits Statistiques de Branche, YB- Audiovisuel et multimedia, Version du 27/07/13 : <http://www.cereq.fr/index.php/articles/PSB-articles/PSB-du-tertiaire>
- CPNEF – AV: www.cpnef-av.fr
- Ministry of Culture, DEPSm Commission Emploi du CNPS
<http://www.culturecommunication.gouv.fr/Politiques-ministerielles/Etudes-et-statistiques/Statistiques-culturelles/Travaux-de-la-Commission-emploi-du-CNPS>
- Platform for training in technical industries: <http://www.pplateforme-itac.fr>

Reports prepared by social partners (rapports de branche)

- FICAM, SYNPASE (2014) Rapport de la branche des Entreprises Techniques au service de la Création et de l'Évènement- Livre I Entreprises Techniques au service de la Création et de l'Évènement Secteur de l'AV et du cinéma
http://www.ficam.fr/IMG/pdf/rapport_de_branche_2014_entreprises_techniques_creation_evenement_6eme_edition-2.pdf
- AFPF, SPECT, SPI, USPA (2014) Rapport de branche Production Audiovisuelle 2013-2014
http://spiac-cgt.org/download/rapport_de_branche/2014/Rapport%20de%20Branche%20CCNPAV%202014.pdf
- Rapport de branche production cinématographique 2013-2014 (not available on-line)

Other reports

- EY (2013) Premier panorama des industries culturelles et créatives. Au cœur du rayonnement et de la compétitivité de la France
- TF1 (2014) Document de reference 2014
<http://medias.groupe-tf1.fr/documents/finance/document-de-reference/2014/fr/index.htm#/257>
- Audiens (2015) Emploi dans les 9 branches du spectacle et parcours professionnel des intermittents du spectacle. Annexe du Rapport 'BATIR UN CADRE STABILISE ET SECURISE

POUR LES INTERMITTENTS DU SPECTACLE' de la Mission de concertation pour les intermittents du spectacle.

<http://www.ladocumentationfrancaise.fr/rapports-publics/154000024/>

■ Ministère de la Culture et de la Communication. Département des études, de la prospective et des statistiques (2014-2015). Le poids économique direct de la culture en 2013

http://www.culturecommunication.gouv.fr/content/download/102840/1213312/version/2/file/CC-2014-5_Poids%20%C3%A9conomique%20direct%20de%20la%20culture.pdf

■ Commission du film d'Ile-de-France, Audiens (2015) Observatoire de la production audiovisuelle et cinématographique en Ile-de-France

<http://www.idf-film.com/media/etude-audiens-2015.pdf>

■ Eurofound (2013) Study on the Representativeness of the European Social Partner Organisations: Audiovisual Sector

4.6.2 List of consulted organizations

■ Commission Paritaire Nationale Emploi et Formation de l'Audiovisuel- CPNEF-AV, Interviewed on 16/06/2015

■ SNAM-CGT (Syndicat National des Artistes Musiciens), Interviewed on 15/06/2015

■ SNRT-CGT (Syndicat National de Radiodiffusion et de Télévision), Interviewed on 02/06/2015

■ F3C CFDT (Syndicat National de Radiodiffusion et de Télévision), Interviewed on 16/06/2015

■ USPA (Union Syndicale de la Production Audiovisuelle) – Interviewed on 12/06/2015

■ France Télévisions – Interviewed on 11/06/2015 and 22/09/2015

■ SFA (Syndicat Français des Artistes-Interprètes) – Interviewed on 22/09/2015

Annex 4.1 List of NAF codes (French classification of activities) corresponding to the AV sector

59	Motion picture, video and television programme production, sound recording and music publishing activities
59.1	Motion picture, video and television programme activities
59.11	Motion picture, video and television programme production activities
59.11A	Production of motion pictures for television and television programmes
59.11B	Production of institutional and promotional motion pictures
59.11C	Production of motion pictures for cinema
59.12	Motion picture, video and television programme post-production activities
59.12Z	Motion picture, video and television programme post-production activities
59.13	Motion picture, video and television programme distribution activities
59.13A	Motion pictures for cinema distribution
59.13B	Video edition and distribution
59.14	Motion picture projection activities
59.14Z	Motion picture projection activities
59.2	Sound recording and music publishing activities
59.20	Sound recording and music publishing activities
59.20Z	Sound recording and music publishing activities
60	Programming and broadcasting activities
60.1	Radio broadcasting
60.10	Radio broadcasting
60.10Z	Radio broadcasting
60.2	Television programming and broadcasting activities
60.20	Television programming and broadcasting activities
60.20A	Broadcast of general-interest television programmes
60.20B	Broadcast of thematic television programmes

Annex 4.2 Data from Audiens

Table 4.2.1 Number of employees, by type of contracts and industry

		2008	2009	2010	2011	2012	2013
TV production	CDI	5,099	5,394	5,614	6,037	6,301	6,503
	Standard CDD	4,317	4,327	4,297	4,608	5,055	4,996
	CDDU	72,477	73,222	70,848	77,101	72,904	75,056
	CDDU with significant level of activity	39,693	39,381	39,754	41,193	41,904	42,780
	Pigistes	1,567	1,488	1,471	1,294	1,472	1,420
Cinema	CDI	3,308	3,243	3,230	3,374	3,282	3,488
	Standard CDD	2,304	2,171	2,079	2,126	2,153	2,200
	CDDU	62,007	56,610	61,075	65,799	61,892	65,357
	CDDU with significant level of activity	30,020	28,361	29,122	28,984	28,797	29,845
	Pigistes	90	98	94	84	93	139
Radio broadcasting	CDI	4,367	4,269	4,263	4,283	4,352	4,444
	Standard CDD	1,672	1,544	1,577	1,453	1,494	1,402
	CDDU	6,621	6,399	6,699	6,937	6,709	6,654
	CDDU with significant level of activity	3,943	3,747	3,940	4,088	3,919	3,786
	Pigistes	1,371	1,275	1,099	1,199	1,188	1,147
TV broadcasting	CDI	10,635	9,784	10,904	10,998	12,053	17,394
	Standard CDD	2,509	3,477	2,974	3,409	3,394	3,931
	CDDU	19,019	14,806	14,235	14,540	14,921	15,592
	CDDU with significant level of activity	12,027	10,923	10,677	10,987	11,313	11,469
	Pigistes	2,987	2,961	3,020	3,160	3,151	3,148
Animated films production	CDI	824	824	810	921	908	1,052
	Standard CDD	1,015	648	637	583	610	704
	CDDU	6,303	5,788	5,738	6,101	6,352	6,428
	CDDU with significant level of activity	5,290	5,097	4,991	5,319	5,549	5,702
	Pigistes	9	10	7	9	2	4
Technical industries	CDI	5,442	5,560	5,675	6,012	5,618	5,645
	Standard CDD	2,258	2,143	2,297	2,140	2,292	2,407
	CDDU	19,287	18,454	19,129	19,416	19,244	18,877
	CDDU with significant level of activity	15,534	15,088	15,541	15,843	15,850	15,406
	Pigistes	120	69	111	94	93	102

Table 4.2.2 Wage bill, by type of contracts and industry

		2008	2009	2010	2011	2012	2013
TV production	CDI	30,694	30,658	31,017	30,398	29,951	31,558
	CDD	11,543	11,585	11,908	11,363	10,928	10,002
	CDDU	5,262	5,225	5,378	5,401	5,566	5,503
	CDDU with significant level of activity	9,219	9,285	9,122	9,602	9,185	9,131
	Pigistes	6,184	7,016	7,281	6,484	5,951	5,507
Cinema	CDI	28,891	29,957	29,393	28,231	29,028	28,217
	CDD	10,226	9,876	9,812	9,421	8,922	8,027
	CDDU	4,081	3,752	3,875	3,766	3,644	3,483
	CDDU with significant level of activity	7,974	7,070	7,646	7,959	7,296	7,128
	Pigistes	3,000	1,633	1,596	1,667	2,043	2,086
Radio broadcasting	CDI	28,473	29,124	29,158	28,984	28,176	27,417
	CDD	11,423	10,518	10,152	9,979	9,217	8,046
	CDDU	3,901	4,049	3,911	4,093	3,922	3,925
	CDDU with significant level of activity	5,990	6,298	5,985	6,162	6,004	6,099
	Pigistes	3,056	3,059	3,567	3,436	3,561	3,714
TV broadcasting	CDI	39,347	39,923	43,162	41,089	40,965	39,410
	CDD	16,337	21,498	17,787	15,233	13,654	12,714
	CDDU	5,409	6,381	7,070	6,999	6,926	6,184
	CDDU with significant level of activity	8,193	8,335	9,066	8,881	8,730	8,049
	Pigistes	6,498	6,937	7,076	7,152	7,077	6,896
Animated films production	CDI	27,075	28,350	27,025	24,962	26,443	26,008
	CDD	8,571	11,682	11,743	12,710	12,213	9,290
	CDDU	6,426	7,201	7,170	8,236	8,714	9,602
	CDDU with significant level of activity	7,510	8,066	8,101	9,327	9,841	10,707
	Pigistes	3,333	4,000	10,000	3,333	5,000	5,000
Technical industries	CDI	27,299	27,473	27,470	26,209	27,280	27,474
	CDD	10,833	11,923	10,670	10,846	10,201	9,132
	CDDU	6,305	6,286	6,232	6,124	6,138	5,836
	CDDU with significant level of activity	7,564	7,383	7,374	7,204	7,152	6,834
	Pigistes	3,417	4,348	2,703	851	3,763	4,314

Table 4.2.3 Share of intermittents only working for a specific AV subsector (basis: intermittents du spectacle in 2010)

	All intermittents	Number of intermittents having a significant activity in a single subsector	Proportion of intermittents having a significant activity in a single subsector
Motion picture production	27446	2106	7.7%
Technical industries	20720	2540	12.3%
TV programmes production	39020	5208	13.3%
TV broadcasting	9211	1641	17.8%
Radio broadcasting	2984	820	27.5%
Animated films	3966	1070	27.0%

Source: *Emploi dans les 9 branches du spectacle et parcours professionnel des intermittents du spectacle*, Audiens.

5 Italy¹

5.1 Introduction

5.1.1 Definition of AV sector

There is not an official definition of the audiovisual sector in Italy and the lack of a national classification system of professional profiles means that there is not a clear definition of occupational profiles and job content in the sector. Regional governments are responsible for validation and classification of occupational profiles and training.

Isfol (the National Research Institute for vocational education and training employment and social policies) in its classification of professional profiles Orientaonline (www.isfol.it/orientaonline)² identifies the occupational area of 'audiovisual, performance and advertising' (*audiovisivi, spettacolo e pubblicit *)³.

The Lazio Region provides a classification of occupational profiles in the sector of 'cinema production and audiovisual' (*produzione cinematografica e audiovisiva*) and maps each job profiles against other five national classifications: Istat⁴, ISCO classification, EXCELSIOR⁵, Ministry of Labour and Isfol.

Istat in its website has a section of 'cultural statistics'⁶ where several statistics are provided in the areas of publishing industry (*editorial e stampa*) live performance (*spettacolo dal vivo*), audiovisual, mass media and new technologies (*audiovisivo, mass media e nuove tecnologie*), culture, economics and wellbeing (*cultura, economia e benessere*). Data on employment are provided under culture, economics and wellbeing (*presented in Table 5.1*).

The complexity of the national panorama was confirmed by consulted social partners. It is worth mentioning that interviewees (both employers and trade unions) were representatives of the broadcasting industry, therefore the information provided is based on the experience of the interviewees in this part of the industry. All interviewees agreed that there is not a clear definition of the audiovisual sector and interviews tended to identify sector as the TV broadcasting (due to the importance of the major players in the sector i.e. RAI, Mediaset and Sky and local broadcastings) and cinema.

¹ The national report reflects the situation as of 8th of January 2016.

² http://outcomes.stat.unipd.it/sites/outcomes.stat.unipd.it/files/cap4_vol1.pdf

³ The professional profiles included by ISFOL in this sector are: Art Director, attore, copywriter, sirettore di produzione, disk Jockey, doppiatore, fonico, fotografo, grafico pubblicitario, creatore degli effetti speciali, montatore, musicista e esecutore, operatore di ripresa, regista, responsabile del casting, sceneggiatore, scenografo, tecnico delle luci

⁴ The Italian National Institute of Statistics

⁵ Excelsior is an occupational databases containing the data from the Excelsior survey forecasting which is carried out by the Italian Union of the Chambers of Commerce (Unioncamere) and funded by the Ministry of Labour (through the European Social Fund). This survey is part of the official statistics produced on an annual basis within the Italian National Statistical System (SISTAN)

⁶ <http://www.istat.it/it/archivio/79529>

CGIL defined the sector of cultural production as comprising: a) artistic production which includes live performance and cinema; b) the audiovisual (i.e. television and radio broadcasting) and publishing industry.

CISL defined the audiovisual sector as comprising RAI, the two major private sectors (Mediaset and Sky), all local broadcasting stations and cinema. The industry is identified as *industria televisiva e dello spettacolo*; the concept of *spettacolo* was interpreted by interviewees as including the cinema.

According to APT (the Italian association of TV producers) the audiovisual sector comprises three sub-sectors: cinema and TV production; music publishing; television and radio broadcasting.

The broad professional groups working in the sector were identified by all interviewees as technicians, artists and administrative personnel (*impiegati*). These groups reflect the broad division of workers in the sector as defined by national collective agreements (*Contratti Collettivi Nazionali del Lavoro, CCNL*).

The following collective agreements strongly influence the way how the sector is defined in Italy.

■ Broadcasting sector

- CCNL RAI and a CCNL for the orchestra RAI
- CCNL for private TV (which includes Mediaset and Sky)
- CCNL CISAL Communications. CISAL⁷ is a national trade union affiliated to CESI (European Confederation of Independent Trade Unions⁸).
- A new employer organisation representing local broadcasters, *Aeranti-Corallo*, has recently signed a new collective agreement⁹. However, according to the trade union interviewed this new organisation has a very low level of representativeness in the sector.

■ Cinema

- One collective agreement which, applies to all technical industries including *Cinecittà*, signed by ANICA¹⁰ and APT¹¹.
- The national collective agreement for crew technicians in the cinema (*CCNL per troupe cinematografiche*¹²) signed by ANICA and APT.
- The national collective agreement in the dubbing industry, which covers all professional profiles in the dubbing industry (actors, directors, assistants, translators) and actors¹³ (*CCNL attori e doppiatori*).

⁷ <http://www.cisal.org/index.php/contratti-ccnl> According to CISL interviewees the national collective agreement signed by CISAL negotiated a salary 30% lower than the other national contracts.

⁸ <http://www.cesi.org/>

⁹ The organisation represents local radio and television companies, analog and digital, satellite, Internet, marketing agencies and television broadcasting. <http://www.aeranticorallo.it/>

¹⁰ The Italian Association of Film Industry associated to Confindustria http://www.anica.it/online/tax_cred-it/Filming%20in%20Italy_tax%20incentives%20supporting%20film%20productions.pdf

¹¹ Association of producers (Associazione Produttori Televisivi)

¹² <http://www.uil.it/Documents/20140702ccnl-accordo-anicauilcom.pdf>

¹³ http://www.saislc.cgil.it/index.php?option=com_content&view=category&layout=blog&id=41&Itemid=97

Another collective agreement, which has never been applied, should cover actors who work on television spots.

5.1.2 Overview of the AV sector

Statistical information on the AV sector is scarce, as confirmed by consulted organisations. Trade unions interviewed highlighted the lack of data in the sector as a key issue.

Some ad-hoc studies can be found at regional and local level. The municipality of Rome has published a study on the Roman AV industry (L'industria Romana dell'audiovisivo, 2004-2005¹⁴) which provides a picture of the AV sector. The reports makes it clear that the difficulty in finding statistical data on the satellite activities means that the report provided a partial picture and underestimated data. The report states that for the purpose of the research the AV sector comprises three strands: a) production which comprises production companies and technical companies (e.g. television studios, dubbing studios, renting of technical equipment etc...); b) distribution (for both cinema and television); c) retail (e.g. cinemas, shops for renting (e.g. DVD). The authors highlight that this definition of the AV sector is not commonly recognised, since there is not a common definition of the sector and a great variety of views among experts. Overall, in the Roman sector operate 1,500 companies (it is worth reminding that this data refer to 2004-2005), the majority of these companies are micro and small with a limited number of big players. According to this report in 2004 a total of 16,669 companies operated in the AV sector in Italy (data from the Chambers of Commerce of Rome) with a total of 54,515 workers (defined as occupati, the report does not specify whether this are employees or self-employed or workers with atypical contracts).

Confindustria Radio Televisioni (CRTV)¹⁵ has recently pushed a study which provides an overview of the private broadcasting sector¹⁶. According to this study, in 2012 a total of 26,500 were employed in the AV sector (public and private sector). The report defines these workers as 'employees' (dipendenti), therefore it can be assumed that self-employed are excluded from these statistics. However, the total labour force (forza lavoro) directly related to the supplying chain industry in the sector was estimated approximately at 90,000 workers. The report states that only 'a few accredited sources' exist in relation to sector of local TV channels, it is therefore important to emphasise the complexity of the Italian panorama and the difficulty in finding consistent data in relation to the AV sector.

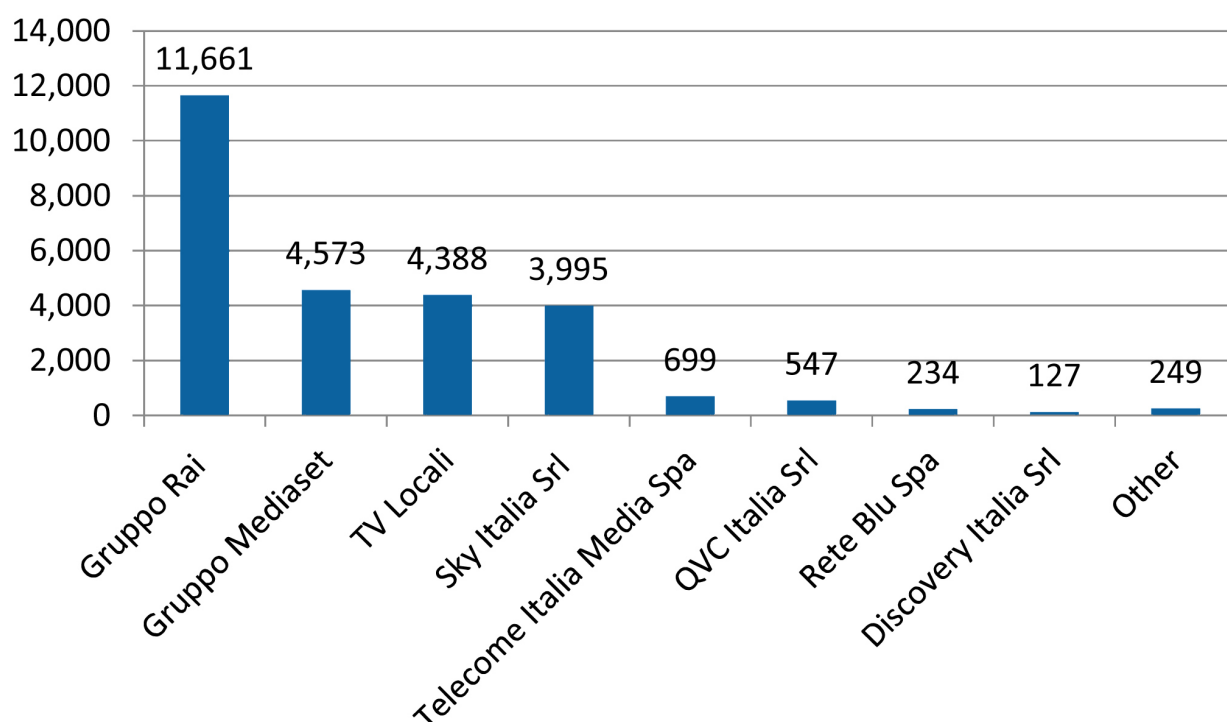
The table on next page provides and overview of the number of employees by company.

¹⁴ https://www.comune.roma.it/PCR/resources/cms/documents/Cap_4.pdf

¹⁵ Employer association representing televisions and radio which was set up in 2013 by Confindustria (the main employers' association in Italy)

¹⁶ Confindustria Radio Televisioni (CRTV) (2014) Studio economico del settore televisivo privato italiano <http://www.confindustriaradiotv.it/2014/07/studio-economico-testo/>

Figure 5.1 Number of employees in the AV sector (2012)



Source: Confindustria Radio Televisioni (CRTV) (2014) *Studio economico del settore televisivo privato italiano*

Official statistics from Istat on cultural sectors (Table 1.1) gives an overview of the scale of different subsectors of the audiovisual sector regarding the number of workers.

In 2010, about 33,000 persons worked in the sector of production and distribution of films, video and television programmes, while 28,000 worked in broadcasting (24,000 in TV broadcasting and 4,000 in radio broadcasting). This represents about 60,500 individuals in total.

Employment was heavily concentrated in a few regions, especially in the sectors of production and distribution of films, video and television programmes and TV broadcasting while employment in radio broadcasting was relatively more spread across regions. The region of Lazio (Rome) concentrated nearly 50% of total employment in the three subsector and the region of Lombardia another 25%.

Data on total employment in the sector are broadly confirmed by APT which estimated approximately 63,000 employees and 8,600 companies operating in this sector. Cinema and TV production represent the subsector with the highest number of employees (approximately 30,000 employees) followed by radio and television broadcasting (approximately 27,000 employees).

Table 5.1 Number of workers employed by economic activity and region
(data for 2010)

	Production and distribution of films, video and television programmes		Radio broadcasting		TV broadcasting		Total three subsectors	
	Nr of workers	% of national	Nr of workers	% of national	Nr of workers	% of national	Nr of workers	% of national
Lazio	15,898	48.3%	891	21.4%	13,260	56.4%	30,049	49.6%
Lombardia	6,956	21.1%	661	15.9%	7,279	31.0%	14,896	24.6%
Emilia-Romagna	1,571	4.8%	282	6.8%	167	0.7%	2,020	3.3%
Piemonte	1,342	4.1%	202	4.9%	353	1.5%	1,897	3.1%
Sicilia	1,003	3.0%	300	7.2%	448	1.9%	1,751	2.9%
Veneto	1,172	3.6%	217	5.2%	356	1.5%	1,745	2.9%
Campania	1,015	3.1%	244	5.9%	323	1.4%	1,582	2.6%
Puglia	731	2.2%	304	7.3%	436	1.9%	1,471	2.4%
Toscana	851	2.6%	173	4.2%	301	1.3%	1,325	2.2%
Other regions	2,386	7.2%	887	21.3%	570	2.4%	3,843	6.3%
Total Italy	32,925	100.0%	4,161	100.0%	23,493	100.0%	60,579	100.0%

Source: Istat, Cultural Statistics 2013 <http://www.istat.it/it/archivio/79529>

Another source of data on the size of the sector is ENPALS, the national pension fund for workers (including the self-employed) in the entertainment sector. Interviewees from trade unions agreed that this are the most updated data available, however, it was highlighted that there is not a clear categorisation in terms of occupational groups. The scheme include self-employed and workers with atypical working contractual arrangements, but data is not broken down by type of work arrangements. In addition, 'the data need to be interpreted', for example registration to the fund is not necessarily followed by regular payments and/or work activities i.e. many people register for administrative reasons but do not work. Another issue relates to the fact that payments towards the fund are linked to a minimum number of days worked during the year; therefore data do not include these workers who work less than the minimum number of days.

Table 5.2 provides an overview of the number of workers registered with ENPALS in 2013 by professional group and industry sector. In 2013 a total of 265,277 workers contributed to the scheme across all areas of activities covered (Cinema, Music, Theatre, Radio television, Various entertainment and multi-purpose shows, Sport facilities and clubs and Other). Considering only the two sectors or cinema and radio-television, a total of 97,604 workers are registered to the fund. These data are remarkably different from those provided by Istat, and once again show the complexity of the Italian panorama.

Interviews with trade unions also pointed to the a significant part of voluntary employment (i.e. unpaid work) in the sector, approximately more than 7,000 each year which is not accounted for in any data or statistics.

5.1.3 Main employers

The largest employers in the AV sectors are TV broadcasters:

- The public broadcaster, RAI (approximately 10,000 staff)
- Private broadcasters (2011 figures): Mediaset (about 4,000 staff), Sky (3,900 staff) and LA7 (approximately 700 staff)¹⁷

APT confirmed that the publish service broadcast RAI is one of the major players in Italy and one of the biggest communication companies in Europe operating in TV, radio and publishing as well as cinema production through subsidiaries companies.

APT also confirmed that the RAI, Mediaset and SKY are the largest broadcasting companies and the three groups together control about 90% of the resources in TV. The remaining 10% comprises a high number of national and local broadcasters, including Telecom Italia media S.p.a., QVC Italia S.r.l., Rete Blu S.p.a., Discovery Italia S.r.l. etc. RAI is also the mean operator in terms of revenue.

According to interviewees, Italy has a very high density of local TV channels, which does not allow for a clear mapping of the number of local players at regional level. The local TV broadcasters employed in 2012 a total of 4,388 workers. In this sector, 96.3% of enterprises had less than 19 employees.

5.2 Major trends affecting the AV sector

5.2.1 Major trends and drivers of change since 2008

All interviewees agreed that the digitalisation of the news programmes has been one of the main developments in the last years, this has brought about major changes in the organisation and production of the news programmes with a significant impact on the job of journalists and technicians in the news broadcasting sub-sector.

CISL Interviewees deemed that in RAI there is a degree of reluctance among journalists to update their skills and work with new technologies. One of the main changes that will occur in RAI in the near future is the reform of the news which will lead to heavy restructuring in this area with a significant impact mainly on journalists (a total of 1,800 in RAI). While in the private sector (Sky and Mediaset) journalists have been open to retrain with courses in digital technologies. This was deemed as one of the main differences streaming from a diverse business approach between the private and public sector i.e. in the private sector the process of retraining and adapting to new technologies is faster. However, one issue highlighted by the interviewees related to the employment conditions of technicians in the private sector who are likely to be laid off and substitute with new workforce rather than retrained.

¹⁷ Source: ENPALS (insurance national fund for the audiovisual sector), 2011. Document provided during face-to-face interviews.

Table 5.2 Contributors to pension fund for workers in entertainment by professional group and industry sector (2013)

	Cinema	Music	Theatre	Radio television	Various entertainment and multi-purpose shows	Sport facilities and clubs	Other	Total
Group singers	350	6,756	438	13	727	13	656	8,953
Group actors	37,926	1,315	9,618	584	1,251	18	5,154	55,866
Group animators	411	2,097	141	1,245	5,901	95	8,134	18,024
Group directors and screenwriters	2,967	269	620	1,671	37	4	137	5,705
Group film production , audio-visual and entertainment	4,081	199	405	965	117	4	422	6,193
Group stage managers and dubbing	222	85	113	3	16	0	21	460
Group orchestra directors	44	767	53	4	20	0	20	908
Group orchestral	368	21,126	2,025	220	2,853	12	3,086	29,690
Group dance and fashion	671	4,762	1,227	33	11,610	115	867	19,285
Group administrators	93	140	860	4	28	1	53	1,179
Group technicians	3,202	1,247	2,323	1,358	315	14	3,171	11,630
Group operators and workers (Grouping A)	7,637	1,940	568	1,847	76	20	669	12,757
Group set designers , costume designers and decorators	1,659	386	400	285	55	0	225	3,010
Group makeup artists and hairdressers	741	180	60	186	11	0	316	1,494
Group self-employed operating in music retail	2	35	8	0	9	1	1,441	1,496
Group operators and workers (Grouping B)	2,670	978	1,258	34	334	781	1,124	7,179
Group white collars	10,680	1,991	1,745	14,968	878	114	800	31,176
Group employees traveling shows , racecourses , casinos etc	42	17	22	32	20,481	2,055	191	22,840
Group workers sport facilities and clubs	11	32	1	14	1,042	25,492	462	27,054
Group employees movie retail and renting shops	361	0	2	0	9	1	5	378
Total	74,138	44,322	21,887	23,466	45,770	28,740	26,954	

Source: INPS-ENPAL (2014) Lavoratori e imprese dello spettacolo e dello sport professionistico: principali dati occupazionali e retributivi, Anno 2013

From interviews with CISL other major changes that have affected the private sector in the last five years relate to the remarkable decline in the advertising market and the digital switch over (from analog to digital). The drop in commercial adverts has negatively impacted revenues of Mediaset and Sky. However, so far this has led mainly to a reduction or freeze of salaries rather than a decline in the level of employment in the companies. While the switch to the digital television broadcasting has dramatically impacted on the local private channels, the switch has slashed the revenues from commercial advertising of more than 50% and in this case there has been a significant reduction of personnel. The risk of closing for much small broadcasting station following the switch to the digital system was also emphasised by CGIL with significant consequences on the level of local employment.

Interviews with RAI personnel have confirmed that the main external changes in the last years are linked to the technological shift which has affected mainly the news broadcasting sector. The digitalisation of the news started in RAI in the 90', in the last years this process has further developed to a digitalised and integrated system (file based system). This means that all sites across the territory can share files and work in an integrated system with the central offices. Another driver relates to the development of the sub-sector of the news in the web. This has impacted largely on the job content and skills required by journalists and programme directors. Policies of recruitment freeze were identified as the main internal driver which has affected career developments as well as the ability to provide a rapid response to external changes. Only recently the reopening of management positions have allowed for new promotions and the selection of qualified internal personnel; a competence mapping exercise has led to the selection of 70 new managers out of 300 candidates.

According to CGIL the crises in the sector is structural rather than related to the global crises, in the last years there has been an increasing reduction of investments in this sector which has impacted all areas. The main investments now are in broadcasting and media rights, this does not generate employment. In light of this, in recent years all mainly broadcasting companies have undergone restructuring policies and reduced their personnel mainly through early-retirement strategies and non-renewal of temporary contracts. While small contracting companies convert their temporary contracts in false self-employed avoid social security payments. In addition changes to the nature of work of journalists, technicians and administrative workers (due to the digital shift) are leading to a lower quality of the product due to a lack of specialisation and content knowledge.

APT reported that in 2014 the Italian cinema production experienced a severe decline and the film's share of the market dropped to approximately by 27%, and continued to show worrying signs of decline in the first quarter of 2015 too, falling to 25% (-8% of the same period in 2014; Anica's statistics for 2014). It is likely that this decline will also have a negative impact in the labour market of the film industry.

5.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

It is not straightforward to clearly pinpoint the dynamics likely to affect future employment levels and work arrangements in the complex Italian panorama. The digital shift was identified by interviewees as one of the main factors likely to impact on employment and work arrangements. However the impact was deemed as twofold, bringing about new job opportunities but also the risk of skills obsolescence thus hampering existing professions.

The decline in the advertising market and the digital switch seem likely to continue affecting the private sector in the near future with a negative impact on revenues, recruitment strategies, salaries and ultimately employment levels.

5.3 Analysis of the labour market and changing forms of employment and work arrangements

As mentioned above, trade unions interviewed highlighted the lack of data in the sector as a key issue, both in relation to employment level as well as forms of employment relations.

Partial data is only available for the largest employers in the sector. Statistics on atypical employment contracts and/or self-employment are missing and where they exist, inadequate to provide a picture of the labour market in the sector.

The lack of data on forms of employment and work arrangements is due to a number of factors:

- The complexity of the sector and its rapid evolution: for example, the existence of many local TV channels and the outsourcing of the production makes it difficult to monitor the employment in the sector, especially at the local level.
- The complexity of the Italian labour law legislation, and the failure of the legislator to keep up with the changes occurring in the sector.
- The structure of official statistics, which do not follow the professional profiles as defined in national collective agreements (perceived as outdated compared with the changes in the market).
- The absence of a national system of professional profiles in the sector; therefore there is no clear definition and common knowledge of which professions operate in this sector and how to regulate them in the labour market.

According to CISL interviewees, precarious employment is a more of an issue in the television sector than in the cinema sector.

For the purpose of this study and to understand the complexity of collecting information on atypical forms of contracts, it is important to contextualise the issue of atypical contractual arrangements with reference to the Italian labour market and the national legislative framework.

A general overview of possible categorisations of employment relations in the Italian labour market is provided below, however this is far from being comprehensive and/or commonly agreed:

- A recent study published by Inca-CGIL in 2014 highlights that 26 typologies of subordinate work (and respective contractual arrangements) exist in the Italian context. These include 'dependent fixed-term work; fixed-term work; fixed-task work; seasonal; special contract terms in agriculture; indeterminate, part-time horizontal; indeterminate part-time mixed; indeterminate part-time vertical; fixed-term part-time horizontal; fixed-term, part-time mixed; fixed-term, part-time vertical; training contracts; retraining contracts; work and training contracts; apprenticeships: 1st, 2nd and 3rd type; fixed-term management contracts; indeterminate length management contract; on call work; zero hours contracts without the obligation to take up work; job sharing; private household work; and homeworking'. The report groups these categories into two sub-categories: 'fixed-term contract' (weather based on time or on project completion) and 'part-time contracts' (where hours contracted are less than standard full-time work). These work arrangements are regulated to guarantee a certain degree of employment protection to workers¹⁸.
- A paper presented at the 2012 conference of ESPAnet (the network for European Social Policy Analysis) explains that Istat distinguishes between standard employment (full-time permanent employment and full-time autonomous workers), quasi-standard (part time permanent employment and part time autonomous workers) and atypical workers (temporary dependent employment and freelance workers)¹⁹.
- A study published by European Parliament in 2013 explains that some countries including Italy have introduced hybrids legal categories between dependent employment and self-employment. These groups of work arrangements (the workers are defined as dependent self-employed) include contracts of continuous and coordinated collaboration (Co.co.co) and project contract (co.co.pro). These two are also identified as short-term contracts. In Italy the 'genuine' self-employment category include traditional small artisans and traders but also free-professionals (Liberi professionisti) belonging to liberal professions (e.g. lawyers, notaries etc) and freelance workers (VAT-registered workers). However, almost one in four free-professionals and freelances work almost exclusively for one client. Another category includes the 'occasional collaborators' which covers occasional independent activities performed for a period of time²⁰.

APT confirms that although the majority of workers in the audiovisual sector have employee status with a full-time open ended working contract, other types of atypical working arrangements exists and are increasingly used in the labour market. The main types of employment contracts used in the audiovisual sector include fix-term employment contracts; apprenticeship agreements; labour on-call agreements (where the employees makes himself/herself available to the employer who can utilise the worker on occasional basis (within

¹⁸ Inca Cgil, Accessor Project 2014, The 'place' of atypical work in the European social security coordination: a transnational comparative analysis, Final report http://www.osservatorioinca.org/section/image/attach/Accessor_EN.pdf

¹⁹ Burrioni, L. (2012) Contractual welfare and atypical work in the Italian case, Paper presentato all Quinta conferenza annual ESPAnet Italia 2012, Università di Teramo <http://www.mefop.it/cms/doc/17843/contractual-welfare-and-atypical-work-in-the-italian-case.pdf>

²⁰ European Parliament (2013) Social protection rights of economically dependent self-employed workers <http://www.europarl.europa.eu/studies>

the limits set by law and by the applicable national collective agreement); project- based collaboration contracts (co.co.pro).

The co.co.pro agreements have been largely used in the audiovisual sector to ensure delivery of specific projects (e.g. film production, broadcast production etc...). However, the Legislative Decree no. 81/2015, in force from 7 March 2015, has now banned the signing of new co.co.pro contracts. In this context it is therefore likely that the audiovisual labour market will experience an increase of co.co.co contracts, where workers have an autonomous status but ensure a continuous support of services for a given period of time with the responsibility of coordinating the support provided with the employer's needs.

5.3.1 Overview of current forms of employment and work arrangements

Table 5.3 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence:	Trend since 2008:	Specific groups and/or subsectors and/or occupations concerns	Summary of main differences compared to standard contracts
Standard employment contracts	No information available	Down - From qualitative interviews there is an overall decreasing trend in the sector. RAI up due to regularisation process of temporary workers	RAI: managers, administrative personnel, journalists and technicians	
Fixed-term contracts	No information available for the whole sector.	No information available	No information available	
Part-time employment	No information available	No information available	No information available	
Other forms of atypical contract	No information available	Up - Information gathered from qualitative interviews		
Traineeships/ internships and apprenticeships	Almost inexistent - Information gathered from qualitative interviews	Stable		

	Occurrence:	Trend since 2008:	Specific groups and/or subsectors and/or occupations concerns	Summary of main differences compared to standard contracts
Self-employment and freelance work	No information available	Up – Information gathered from qualitative interviews	All actors From qualitative interviews emerged that there is an upward trend among other professional profiles such as technicians	

5.3.2 Standard work contracts (full-time, permanent contracts)

RAI, according to interviewees, mainly employs workers with open-ended contracts for the following categories of personnel: managers, administrative personnel, journalists and technicians. Approximately of 10,000 people are employed in RAI with 300 managers, 1,600 journalists and the remaining are administrative or technicians (quadri impiegati, operai). In recent years restructuring policies have led to a reduction of employees from 13,000 to the current level.

The table below shows the distribution of employees with an open-ended contract in RAI and Mediaset by job position as presented in the 2014 Annual financial reports. Mediaset also reports that the Mediaset Group (which includes also Spain) employees a total of 5,559 employees and 5,491 hold an open-ended contract.

Table 5.4 Number of employees in RAI and Mediaset (2014)

	RAI	Mediaset (Italy)
Executive Managers (Dirigenti)	264	297
Journalists	1,618	323
Middle Managers (Funzionari/Quadri)	1,093	853
White Collars (Impiegati)	6,741	2,825
Blu-collars (Operai)	908	1
RAI Orchestra Musicians (Orchestra)	120	
Doctors (Medici ambulatoriali)	10	
Total	10,754	4,299

Source: Bilancio RAI, Relazione e bilanci al 31 Dicembre 2014. Gruppo Mediaset, Bilancio 2014

5.3.3 Fixed-term contracts

There is no reliable data available on the use of fixed-term contracts in the sector, partly due to the fact that there are many forms of work contracts on the Italian market.

In RAI, as mentioned above, temporary contracts are used to support temporary peaks of activity.

5.3.4 Part-time work contracts

There is no reliable data available on the use of part-time contracts in the sector.

5.3.5 Other forms of atypical contracts

Due to the complexity of the labour market and the lack of data in the Italian AV sector, it is not possible to provide a general picture of atypical work and/or understand the nature of the atypical work in the sector using statistical sources as well as qualitative interviews. From interviews with CISL and RAI, it emerged that in the 90s in RAI around 3,000 people (mainly programme directors - programmisti registi) were employed with some form of atypical contracts (mainly with fixed-term contracts). However, with a process of regularisation which has been implemented throughout the years and will be completed in 2019, all these workers will be employed by RAI with regular open-ended contract.

5.3.6 Traineeships, internships and apprenticeships

APT, reports the use of apprenticeships contracts in the sector²¹. Although no statistics are available on the use of traineeships, internships and apprenticeships, all interviewees agreed that these forms of employment are not widespread in the sector.

5.3.7 Self-employment and freelance work

In the AV sector, self-employment status was traditionally associated with actors. However, the current situation is very complex; due to development of outsourcing (false) self-employment is also developing among other groups such as crew technicians.

In RAI, presenters, actors and directors are self-employed²².

²¹ It is important to note in this context that apprenticeships contracts are under the Italian legislation considered work contracts (while in other European countries these are considered training contracts).

²² Within RAI there is an internal HR department (risorse artistiche) which deals with self-employed workers (conductors, actors and directors)

■ Self-employed actors (TV and cinema)

All actors in Italy are self-employed. This is due to the fact that historically in Italy actors would also dub, and it was no possible to have more than one employment contract at a time (even with different employers).

In Italy, a pension funds for actors is in place and a minimum of 120 days of annual work is required to qualify for the pension. Although, in the past this was not a problem because actors had a steady stream of work (combining dubbing and acting in the cinema), now actors work in TV shows and spots and rarely reach the minimum working threshold to qualify for pension.

The development of other forms of self-employment linked to outsourcing in TV sector According to interviews with CGIL thousands of workers are in autonomous positions (self-employed with VAT) or atypical contractual arrangements (i.e. all short term contracts envisaged by national legislation) and work in activities linked to RAI; although no official statistics exist on this.

According to interviews with CISL in the public television, TV programmes are produced by external producers who use personnel internal to RAI. However, in RAI there is a systematic use of external personnel by TV show conductors who prefer to bring their own staff from outside the company. It is difficult to estimate the numbers of workers involved since the allocation of budget is not usually broken down in detail.

In recent years in the news sub-sector there has been a heavy process of outsourcing which has affected mainly the regional sites of RAI, Mediaset and Sky. These regional sites are understaffed and the internal personnel and the majority of work is outsourced to small local companies which uses largely self-employed or atypical contractual arrangements.

According to interviewees the outsourcing in the local markets poses a major problem, budgets for the provision of services are particularly low therefore local companies rely on significant part of undeclared labour to reduce the prices and secure the work.

Interviewees deemed that it is impossible to map the level and forms of employment in these local markets and currently no data exist. Concerning sport TV programmes, it is considered that self-employment and freelancing are genuine i.e. workers choose this type of employment status. Interviewees estimated that self-employed and freelancers who work above 40,000€ gross per year are likely to be genuine, while gross earnings around 20,000€ are likely to cover a situation of unwanted autonomous position.

The issue of outsourcing to external companies was also emphasised by CGIL in relation to the fact that lack of real competition in the television broadcasting drives the prices down as well as reducing the protection of workers.

CGIL explained that another factor contributing to increasingly low earnings in outsourcing is the so called 'issue of those over the top' the high salaries of famous people or well-known professionals drive the other salaries down to balance the overall budget.

5.3.8 Other trends in employment and work arrangements affecting working conditions

5.3.8.1 New and emerging occupations

According to CISL the digital shift has heavily impacted on some job profiles such as archivists, this profile has now disappeared. In Sky trade unions have negotiated internal training to retain employees with multitasking skills and in Mediaset new cycles of training courses have already started. The broadening of tasks and merge of different professional profiles is the main impact of the digital shift in relation to content job, the editing and assemble of pieces is the most affected area. For example journalists are increasingly required high technical knowledge to operate the broadcasting equipment, therefore several jobs merged into the journalists' professional profile (e.g. editor, broadcasting technicians).

Similarly the assembly of pieces in digital files format is now carried out by administrative personnel thus substituting the entire chain of tasks and jobs (e.g. technicians, operators, editors etc...). This has also an impact on recruitment strategies. Companies (both in the private and public sector) prefer to recruit workers with a set of generic skills and complete the training internally according to company's needs. What is in high demand is the ability to work with new technologies rather than more specialised skills and the flexibility needed to swiftly adapt to technological changes. Interviewees believed that these changes and the lack of specialisation have a negative impact on the quality of the products mainly in the area of the news programme where it is no longer possible to separate the role of the journalist from the role of technicians.

Interviews with RAI personnel have confirmed the nature of changes which is affecting the professional profiles in the sector. Workers are expected to be more multitasking than in the past and rapidly adapt to new technologies. The area of editing is where job profiles are merging, for example administrative workers is increasingly doing editing therefore programme assistance are merging with administrative profiles. Journalists and technicians in the news broadcasting are the job profiles most affected by changes and increasingly merging. For example journalists are required to assemble and edit, personnel in regional sites has been reduced and now only technicians are employed in regional offices; in regional offices journalists are now in charge of tasks and responsibilities which were previously covered by different professional profiles.

It is interesting to note however that these changes are affecting the area of news broadcasting but not documentaries, which still require a high degree of specialisation of crew members and journalists.

5.3.8.2 Trends in professional mobility

No significant trends could be identified through interviews.

5.4 Impact on changes on continuous training

5.4.1 Overview of the state of play in relation to continuous training

Continuous training in the audiovisual sector is provided entirely by companies. Private companies such as Mediaset and Sky funds their training through Fondoimpresa (a joint inter-professional fund for continuous professional training constituted by Confindustria, CGIL, CISL and UIL).

Interviews with RAI personnel confirmed cultural resistances to adapt to new technologies and training, mainly among journalists. While technicians had systematically received continuous training the pressing need for training for journalists is a new development within the company, therefore there is a certain degree of reluctance towards training within this professional group; however, this is slowly changing with an increasing demand of internal training from journalists in new digital technologies. The training company strategy in the last years has focused on retraining and upskilling of employees in the area of new technologies for all employees. While in the past training targeted primarily workers in the area of technical support, now it has become a priority to upskill all professional profiles. The commitment of workers to training and upskilling is a key factor for the company, therefore one of the main issues has been to find the right approach to ensure the involvement of a larger number of employees. The best approach is believed to be a 'cascade training approach' where the training is first provided to a limited number of employees called focal points or super users who then train their colleagues; the focal points are also involved in the design phases of the training modules. The training is then provided in classes of homogenous groups of workers (e.g. journalists, technicians, directors etc...) rather than mixed classes. This approach ensures that the training is tailored to each job area, employees feel motivated by the fact that their own colleagues are providing the training, the training is relevant to each area and trainees feel comfortable in discussing issues related to their daily job; finally a certain degree of peer pressure is also triggered by this system. It is envisaged that the new training strategy will focus also on managerial skills, therefore the HR personnel is now working on developing new training with a wider focus on technologies and management. This will also support the new strategy of upskilling RAI employees and guarantee more coherent career paths in line with the variety of professional profiles.

As highlighted by CGIL, the absence of a national system of professional profiles in the sector has also an impact on certification of professional profiles and training provision i.e. which training to provide to whom. The definition of professional profiles and its certification is responsibility of regional government; however no region to date has acted on this. The trade union is currently working with the Lazio regional government on a project to map the professional profiles in the sector and create a regional certification system. However, the certification system will need to be adopted by legislation and issues are already arising, therefore it is likely that the professional profiles will need to be included in the collective agreement in the next negotiation.

Feedback from APT reports that the audiovisual sector is characterised by highly skilled workers (more than 40% of the workforce) who receive training to meet future requirements of the sector. The relevant national collective agreements provide specific cases, types, and level of training that companies should guarantee to their employee.

5.4.2 Impact of employment and working arrangements on access to continuous training

According to trade unions, the main implication of the fact that the training is provided only by companies and there is not a market for continuous training in this sector is that only workers with a regular open-ended contract receive training. Workers without a regular employment contract including any temporary workers and self-employed are excluded from any form of continuous training.

5.5 Impact on industrial relations

5.5.1 Industrial relations in the sector

The main actors involved in Italy include²³:

- The trade unions organisations: FISTEL-CISL (Trade Union Federation CISL, Press, Telecommunication and Show Businesses); SLC-CGIL (Communication Workers Union), FNSI (National Federation of the Italian Media²⁴). These confederations are involved in the collective bargaining process. SAI (Trade Union of Italian Actors) is involved in multi-employer bargaining.

- In Italy there is a pluralist structure in relation to employer organisations these include (among others) the main public employer RAI (involved in single employer bargaining), the APT (Association of Television Producers) (involved in multi-employer bargaining), ANICA (National Association of the Cinema, Audiovisual and Multimedia Industry), ANEC (National Association of Cinema Companies), Aeranti-Corallo (Aeranti - Corallo Local Internet, Satellite Radio and TV Enterprises), Assolombarda (Association of the Tertiary Sector Enterprises in the Area of Milan), EA (National Association of Dubbing Enterprises), FIMI (Federation of the Italian Music Industry), PMI (Independent Music Producers), FRT (Federation of Radio and Television²⁵), RNA (Associated National Radio), Unindustria Roma (Union of Industrialists of Rome, Frosinone, Rieti and Viterbo), Univideo (Union of Audiovisual Publishers), APR (Association of Executive Producers).

²³ Eurofound (2013) Representativeness of the European social partners organisations: audiovisual sector http://www.eurofound.europa.eu/sites/default/files/ef_files/docs/eiro/tn1202044s/tn1202044s.pdf

²⁴ The FNSI is the trade union organisation which represents only journalists. In Italy journalists are not allowed to be affiliated to other trade unions. Therefore employees representatives of FNSI are involved in separate negotiations at company level and it never occurs that representatives from FNSI are at the same negotiation tables together with other trade unions.

²⁵ Since 2013 part of Confindustria CRTV

Due to the various activities within the audiovisual sector, some of the organisations above can be grouped in the following macro-sectors:

- In cinema and audiovisual industry ANICA is the most important organization. It is a long established Italian cinema association which includes cinema, audiovisual and multimedia industries. The ANICA signs all the national collective agreements regarding cinema and TV production and also participates in the bargaining of private national radio and television broadcasters. In the production division, the APT represent specifically the interests of television producers. The principal audiovisual publishing companies (home-entertainment) are represented by the UNIVIDEO.
- In cinema ANEC and ANEM are both members of the AGIS, the long-established association of Italian show business.
- In music recording and publishing, AFI (Associazione Fonografici Italiani) mainly represents small and medium music producers; the FIMI (Italian Music industry Federation) represents big producers and music distribution, and PMI (Produttori Musicali Indipendenti) represents independent music producers.
- In broadcasting and programming activities, RNA, includes the main national private radios, FRT represents private radio and television enterprises and the Aeranti-Corallo, represents local radio and TV stations.

Additionally, two regional employer organisations (Unindustria Roma and Assolombarda) participate in sectorial national collective bargaining due to the importance and concentration of the sectorial companies in these areas (Rome for the cinema industry and Milan for the video/phonographic division).

Almost these organisations are affiliated to Confindustria (the main employers' association in Italy). In 2013 Confindustria established Confindustria Radio Televisioni (CRTV) an employer association representing televisions and radio.

Trade unions typically represent workers with open-ended contracts and do not represent workers with atypical contractual arrangements and/or self-employed. However, it has been highlighted that CISL and CGIL have within their organisation an association for atypical workers ((Felsa-Cisl, Nidil-Cgil) and self-employed can directly join the two trade unions. The two main trade unions has often carried out negotiations to regularise the atypical workers in Rai and Sky²⁶.

Existing collective agreements are in place in the sector covering broadcasting and cinema.

²⁶ The Jobs Act (the Labour Market reform approved in February 2015) has abolished the co.co.pro contractual arrangements and included some forms of controls on false self-employed with VAT. This has led to negotiations at company level with CISL and CGIL on workers with co.co.pro contractual arrangements and the problem of the false self-employment has been put officially on the negotiation table at national level.

■ Broadcasting sector

- CCNL RAI and a CCNL for the orchestra RAI
- CCNL for private TV (which includes Mediaset and Sky)
- CCNL CISAL Communications. CISAL²⁷ is a national trade union affiliated to CESI (European Confederation of Independent Trade Unions²⁸).
- Aeranti-Corallo²⁹ has recently signed a new collective agreement with CISAL. However, according to the trade union interviewed has a very low level of representativeness in the sector due to the low representativeness of CISAL.

■ Cinema

- One collective agreement which, applies to all technical industries including Cinecittà', signed by ANICA³⁰ and APT³¹.
- The national collective agreement for crew technicians in the cinema (CCNL per troupes cinematografiche³²) signed by ANICA and APT.
- The national collective agreement in the dubbing industry, which covers all professional profiles in the dubbing industry (actors, directors, assistants, translators) and actors³³ (CCNL *attori e doppiatori*)

Another collective agreement, which has never been applied, should cover actors who work on television spots.

Interviews with CGIL also highlighted that in the next negotiation of collective agreements the trade union will intent to address a number of areas where the legislation is at the moment lacking. In addition to the professional profiles, these include the requalification of workers following the digital shift, the mobility of workers, continuous training and the transition from school-to-work with the apprenticeship system with the aim of tackling the widespread practice of informal recruitment of family and friends (unrelated to skills and qualifications) which affect mainly unregulated professions such as background actors .

CGIL also emphasised that in a complex context such as the Italian scenario trade unions struggle in regulating and monitoring the sector and the role of European trade unions is crucial to provide minimum standards consistent across all Member States. Also the standardisation of industrial relations across Member States should be a priority at European level, for example this is leading to an increasing phenomenon of social dumping across the broadcasting sector.

²⁷ <http://www.cisal.org/index.php/contratti-ccnl> According to CISL interviewees the national collective agreement signed by CISAL negotiated a salary 30% lower than the other national contracts.

²⁸ <http://www.cesi.org/>

²⁹ The organisation represents local radio and television companies, analog and digital, satellite, Internet, marketing agencies and television broadcasting. <http://www.aeranticorallo.it/>

³⁰ The Italian Association of Film Industry associated to Confindustria http://www.anica.it/online/tax_cred-it/Filming%20in%20Italy_tax%20incentives%20supporting%20film%20productions.pdf

³¹ Association of producers (Associazione Produttori Televisivi)

³² <http://www.uil.it/Documents/20140702ccnl-accordo-anicauilcom.pdf>

³³ http://www.saislc.cgil.it/index.php?option=com_content&view=category&layout=blog&id=41&Itemid=97

5.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

From interviews with stakeholders it emerged that no major changes have occurred in the industrial relations panorama in the last years.

However, it is worth mentioning that collective bargaining covers only workers with standard contracts, therefore the increase of atypical work arrangements and self-employment will reduce in practice the coverage of workers in the labour market.

5.6 Sources

5.6.1 Consulted sources

www.cesi.org

www.cgil.it

www.cisal.org

www.comune.roma.it

www.confindustria.it

www.europarl.europa.eu

www.eurofound.europa.eu

www.istat.it

www.isfol.it

www.lavoro.gov.it

<http://www.mefop.it>

www.osservatorioinca.org

www.uil.it

5.6.2 Consulted organisations

- Sindacato Lavoratori Comunicazione (SLC-CIGL)
- Federazione sindacale CISL - Stampa, Telecomunicazioni e Spettacolo (FISTel CILS)
- Italian Association of TV Producers (APT)
- Radiotelevisione Italiana (RAI)

6 Netherlands¹

6.1 Introduction

6.1.1 Definition of AV sector

It has become quite common in the Netherlands to refer to the 'creative sector' when talking about a very diverse cluster of artistic economic activity. The term is related to a new economic policy orientation introduced by the cabinet Rutte I in 2011.

In trying to provide economic incentives after the downturn the start of which had been seen in the previous years, the government selected nine sectors of the economy that from then on were to be denoted with the term 'top-sectors' and that would be the focus of special attention and intensified efforts to boost activity in these entrepreneurial clusters.

The 'creative sector' includes areas such as design, architecture, fashion, gaming, advertising, media and entertainment, music and film, and has since its appointment as a 'top-sector' been the subject of annual reports and subsidised research. A special committee has been given the task of drawing up an agenda for the sector, which states as its goal to boost the creative economy of the Netherlands for it to become the largest in the European Union.

Through this policy route funds became available for researchers to carry out studies on the 'creative sector'. Several projects were launched focusing on this part of the economy. As can be seen from the afore mentioned rough delineation of the sector, the audiovisual sector as defined by the NACE classification is comprised within this broader category of the 'creative sector' currently receiving much attention. More specifically, it forms part of the sub-category 'media and entertainment industry', which comprises activities related to radio and television, publishing, film, music and live entertainment.

On the other hand the term 'audiovisual sector' also seems to be broadly used. This seems to be attributable to the fact that on a European level the audiovisual sector has been defined as comprising sectors J59 and J60 according to the NACE Rev 2 classification, to which national statistics have been aligned. Several reports studying the sector make use of this categorisation. For example the 2013 report 'Economic contribution of the Dutch film and audiovisual industry' by Oxford Economics uses these categories of the NACE classification, although it leaves out sound recording and publishing and radio broadcasting. Instead it adds some sub-sections of other categories, such as 'activities of individual writers, for all subjects including fictional writing, technical writing etc.' and the 'activities of individual artists such as authors, actors, directors, musicians, lecturers or speakers, stage-set designers and builders etc.' It also includes the activities of DVD, video and Blu-ray retail and rental outlets. GOC, the expert-centre on creative industries in the Netherlands, defines the audiovisual sector in its reports along similar lines as comprising the film, radio and television industries and technical services providers.

¹ The national report reflects the situation as of 15th of February 2016.

When it comes to national legislation the term 'audiovisual sector' does not seem to be used broadly. This might be attributable to the fact that the Dutch broadcasting system is complex and treated as an important focus of legislation and policy in itself.

In contrast social partners do seem to employ the term audiovisual sector. The journalist union defined it as: broadcasting parties and production companies providing to them. It was noted that more and more digital platforms are becoming part of the activities within the sector. The union FNV-kiem described the sector as: production of radio, television and film, which includes production, technical services provision and broadcasting activities.

6.1.2 Overview of the AV sector

According to Eurostat data², the number of companies within the sector in the Netherlands in 2000 was 2,241, whilst in 2010 the number had gone down to 2,040. This refers to J59 and J60 categories of the NACE rev 2 classification, which means that it also includes companies carrying out sound recording and music publishing activities.

The previously mentioned report by Oxford Economics³ estimates that in 2011 in total around 32,300 people were directly employed in the Dutch film and audiovisual-industry (excluding sound recording, publishing and radio broadcasting). This amounts to 0.44% of total employment in the Netherlands at the time. It goes on to subdivide this number into the various sub-sectors, estimating that over 9,000 of these jobs (28% of the total) could be found in film production, and 16% in the retail and rental of DVDs, videos and Blu-rays, and also 16 per cent in the field of post-production of film and TV. Other subsectors identified as significant were TV broadcasting with 4,200 jobs and film exhibition providing for 3,300 jobs.

In terms of contribution to the economy, the same report estimates that in 2011 the combined Dutch film and audiovisual-industry contributed €1,7 billion, equivalent to 0,29% of the economy. When again looking at a subdivision into different categories of the sector, TV broadcasting is identified as contributing the most to the total economic impact of the sector; while only accounting for 13 per cent of jobs in this year, it contributed €520 million (almost one third). In contrast, while 16 per cent of employment could be found in activities of DVD, video and Blu-ray retail and rental outlets, its economic contribution accounted for 5 per cent of the sector total.

Research platforms iMMovator and Cross Media Network in their 'Monitor creatieve industrie 2014' took a closer look at the period between 2005 and 2013. When considering the different sub-sectors of the broadly defined category 'creative industry', and when confining the discussion to 'radio and television' and 'film' activities, it can be seen that within the former category in 2013 14,373 jobs could be found, having seen a decline in jobs of -211 since 2005 (equalling 0,2% per year). Between 2011 and 2013 however, the decline amounted to 2,4% per year (equalling 716 jobs).

² Quoted in European Foundation for the Improvement of Living and Working Conditions (2013), Representativeness of the European social partner organisations: Audiovisual sector.

³ 'Economic contribution of the Dutch film and audiovisual industry' by Oxford Economics.

Around 13,570 jobs could be found in the film sector in the same year. In contrast to the radio and television sector here a growth of 3,778 jobs was seen between 2005 and 2013 (equalling 4,2%). Between 2011 and 2013, the number of jobs rose by 514 (equalling 1,9% per year). According to (as yet unpublished) research conducted by the European Skills Council for employment and training in the Audiovisual and Live Performance sectors in collaboration with the GOC, in 2013 26,000 people were employed in the audiovisual sector (not including sound recording and music publishing). A total of 13,210 companies was registered at the time.

According to the Dutch statistics bureau CBS in 2014 28,000 people were working in the film, tv and radio. Approximately one third was indicated to be an independent worker. The afore mentioned report 'Monitor creatieve industrie 2014' discusses the geographical spread of activities within the sector. Media and therefore audiovisual activity in the Netherlands are highly concentrated in the northern part of the very urbanised region of the county known as the Randstad. This area includes cities such as: Amsterdam, Amersfoort, Haarlem, Almere, Hilversum and Utrecht. Of the total amount of jobs in the broadly defined category of 'media and entertainment', 45% can be found in this northern part of the Randstad. In Amsterdam the concentration of creative jobs is highest. But it is the city of Hilversum, as the 'media city' of the Netherlands, which is leading as it comes to the highest proportion of media jobs in the total economy. The report notes that the effect of the negative developments therefore weighs heavily on the economies of these cities.

6.1.3 Main employers

In the Netherlands, the organisation of the public broadcasting system is complex. First of all, there is a subdivision into public and private broadcasters. The several public broadcasting organisations (going down in number from 21 to 8) share air time on the three publicly run TV channels and five radio channels, the management of which is the responsibility of the Nederlandse Publieke Omroepbestel (NPO). This body has a certain number of tasks stipulated in national legislation; coordination of programs, distribution of airtime and budget. It has a certain public authority, but is not entitled to act as a representative of the Minister.

This constellation means that the public broadcasting companies taken together are a very important employer within the sector. In 2013, a total of 5,415 people (including the 1,304 working for the regional broadcasters) were employed by these organisations. It is however very difficult to discern how many employees are privately employed. Also, both public and private sector employers do not seem to have an idea of the size of their pool of freelancers, pay-rollers etc.

In the private sector a range of employers can be found: RTL Nederland, Viacom (mainly running music channels), RTL and SBS Broadcasting (running SBS6, Net5 and Veronica channels). Then a number of smaller TV channels can be found, such as Eurosport, National Geographic, commercial radio channels etc. There are also a range of film and TV production companies.

Statistics and information on the private broadcasters seem even harder to find than those on the public organisations. Nevertheless, a number of employers was identified as important players by the interviewees: NPO, RTL Nederland, SBS Broadcasting, Infostrada-Dutchview (broadcasting), United broadcast Facilities and Ericsson Broadcast Hilversum.

6.2 Major trends affecting the AV sector

6.2.1 Major trends and drivers of change since 2008

Important developments for the audiovisual sector that have taken place in recent years and to a large extent are still taking place are digitalisation of techniques and content (including related viewing behaviour), budget cuts in the wake of the economic downturn that started in 2008, reorganisation of large sections of the audiovisual sector and related (mass) lay-offs, flexibilisation of labour, and new legislation (either already implemented or foreseen for the near future). Perhaps needless to say, these different developments interrelate and interact.

All parties interviewed for this country report mention the importance of technological developments currently underway. Processes of recording, storing and broadcasting content change and have changed to a large extent. Analogue technologies are being and have been replaced by ICT-based processes, a costly development which has its impact on different organisational dimensions. Employees have had to adapt to an organisation furnished around digital processes. Also, new technologies have meant that more work can be done by less people.

These changes of course have to be seen against the backdrop of budget cuts and reorganisations in the wake of the financial crisis. Especially the public broadcasting companies and subsidised sectors such as film production have therefore seen a decrease in available funding.

Public broadcasting companies have been subject to two rounds of budget cuts during the so called coalition governments Rutte I and Rutte II, the first of which amounted to 200 million euros for the media, 128 of which was directed at the public broadcasters. The second round saw a cut of another 50 million for media, and will take effect from 2017. The regional broadcasters will see 17 million euro's cut from their budgets. All in all this has meant and will mean that public broadcasters have to merge and that approximately 600 former employees of national public broadcasters (including the NPO itself) have lost their jobs. In the near future approximately 200 jobs will additionally be lost in regional public broadcasting. Simultaneously, the current government has announced a restructuring of the broadcasting system, meaning that funds will be divided across the different public broadcasting companies in a more centrally controlled way than before (the NPO will be more directive in this respect).

In its 2013 report on the Dutch film and audiovisual sector, Oxford Economics discusses the diminishing public funds available for film production. According to the study public funding of films has fallen from 85 per cent in 2009 to 68 per cent in 2012. It has to be added here however, that stimulating measures have been taken since. A so-called cash rebate was installed in the film production sector, in order to attract increasing film activity to the Netherlands and to prevent jobs within the sector from disappearing abroad. As one of the employee representatives interviewed commented, it's not just the production companies or broadcasters themselves that are affected by the loss of funding or budget cuts, but the whole chain of enterprises and workers involved in producing film, TV and radio.

Private sector broadcasting companies have not been subject to budget cuts, but have had to cope with fluctuations in demand and with technological developments as public sector organisations did. According to one of the employee representatives participating in this study, private broadcasters are starting to see diminishing income from advertising reflected in their figures. Until now, companies such as RTL and SBS Broadcasting have not been forced to reorganise. Nevertheless these companies face financial challenges and insecure market developments.

In the latter respect, as addressed by all those interviewed for this study, an important trend in the audiovisual sector is the increasing presence of providers of on demand content, either online as in the case of Netflix or in contract form through cable as in the case of HBO. Hence several factors impacting turnover make for an insecure audiovisual environment in which it is difficult to anticipate future developments.

This provides for a context in which flexibility seems to be the buzzword. Hence the 'flexible shell' many companies employ. According to the 2014 report 'Vind je draai' by GOC in 2013 this was the case for 85 per cent of companies in the audiovisual sector. On average 37 per cent of employees were part of this flexible layer according to the report. That said, a difficulty encountered while carrying out this study is that it often is not clear to what extent companies also make use of freelancers, who could be considered as constituting an even more flexible shell around the core of permanent contracts and the more flexible layer of fixed-term contracts. In labour statistics this most flexible group of workers seems to disappear somewhat.

6.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

Changes which all parties interviewed mentioned as important for the short-term development of the labour market are of a legislative nature. Employers will be held to stricter regulations when it comes to the use of fixed-term contracts. As of 1st July 2015, it is not possible to employ a worker for a period longer than 2 years on fixed-term contracts, although exceptions can be made in some particular situations. After this period either an employer has to provide a permanent contract, or the employee in question cannot be hired for a period of at least six months. Previously the maximum period for fixed-term contracts was three years. The idea behind these changes is that more employees will obtain a permanent contract. Nevertheless, whether in practice the policy will have this effect is a topic of discussion.

Some parties contend that it is an incentive for employers to work with the same employee for an even shorter period. Employee organisations moreover stress that after all, employers will find ways to work with a flexible shell if needed.

Another change of a legislative nature directly concerns the hiring of freelancers, a resource the audiovisual sector heavily relies on. The relationship between employer and employee is no longer allowed to be of a hierarchical nature. The reason for this is that in case there is indeed a hierarchical relationship between the hiring party and the worker one cannot speak of a real freelancer, but in fact the so called freelancer would be an employee who might simply be employed through a less costly route for the employer. In order to prevent this from happening as from the 1st of April 2016, agreements between the hiring party and the freelancer will have to be checked for the exact nature of the relationship between the two. In particular interviewees representing the employer side have expressed concerns about this; both in film production and broadcasting freelancers are a common phenomenon. According to interviewees, organisational changes that will be discussed below will only increase the need for flexibility for broadcasters. Film production companies have also increasingly come to rely on different forms of flexibility in contracts. It was mentioned that other flexible forms of contract, such as pay-rolling and temping, will have to be employed if some jobs are not allowed to be done by freelancers anymore. The various forms of employment will be discussed and explained in section 3 of this report.

As already mentioned, the national public broadcasting system will be subject to changes as from 2016. In short the changes entail the augmentation of the budget of the NPO, which will consequently have more control over the funds divided across the different broadcasting organisations that fall under the supervision of the NPO. This means that the funds the broadcasters previously held individually will not be guaranteed anymore, as every year broadcasters will have to compete for air time and subscribe for time slots that were scheduled by the NPO. On obtaining a certain time slot for a programme the broadcaster also obtains a budget linked to the time slot. Hence broadcasters can earn more, but also less than before. A certain proportion of funds that were previously held by broadcasters will be guaranteed by the NPO, and it is only to this extent that the companies will be able to guarantee a certain amount of work to employees. The rest of the budget might be of a much more flexible nature. The tendency to work with flexible staff might therefore be greater than before.

Lastly, and importantly, regional broadcasting in the Netherlands has not yet been discussed in detail in this report. This is a large topic as due to budget cuts and diminishing funds many organisational changes will be taking place in the near future, among which will be mergers of local broadcasters and also lay-offs which will see around 200 people leave the regional broadcasting organisations. It was considered too broad a focus for this report to also take into account changes taking place in this sub-sector, although many of the developments previously discussed are equally of importance for regional broadcasting activity. Some of the trends are even more pronounced there, as stressed by the journalist union. The regional companies have seen drastic reductions in financial resources and have therefore been pioneering development towards multiskilling models in which different tasks are carried by a single person. As will be discussed later on in this report, someone who used to only deliver journalism in written format, might have to do radio and television as well nowadays.

Another development that can be observed is journalists who are responsible for camera, sound recording and reporting themselves, instead of working in a team with a cameraman, a person in charge of sound recording and a reporter. Sometimes televised reports are even produced by the journalist by simply using a mobile phone.

6.3 Analysis of the labour market and changing forms of employment and work arrangements

6.3.1 Overview of current forms of employment and work arrangements

The figures collected by the European Skills Council for employment and training in the Audiovisual and Live Performance sectors on the audiovisual labour market in the Netherlands have already been discussed above. According to the study in 2013 13,210 companies and 26,000 workers were active in the audiovisual sector in the Netherlands.

Of the total number of registered companies 88,4% are identified as self-employed entrepreneurs. This amounts 11,675 companies. Of the 26,000 workers, in the sector 73% are classified as employees in this report. The other share has some other status. It is not entirely clear what this other status exactly entails however, and the same holds true for the companies registered as self-employed entrepreneurs; the number of workers not denoted as employees and this number of self-employed entrepreneurs after all do not correspond. 58% of employees in the sector are men.

Data of the Dutch statistics bureau as mentioned before indicate that in 2014, 28,000 people were working in TV, film and radio, one third of as freelancers. Hence this number sheds some more light on the amount of independent workers in the sector.

By the same token, in the previously discussed study by Oxford Economics it was mentioned that there is a high prevalence of self-employment in the film and audio-visual industry in the Netherlands. The study features Eurostat data, indicating that nearly 1 in 3 people were engaged in the industry on a self-employed basis (keeping in mind the definition of the audiovisual sector as used in the report). Hence this number seems to correspond with the 2014 data mentioned above.

GOC in its 2014 report included the number of freelancers as a proportion of the total number of companies registered as such in each sub-sector of the creative industry in 2013. In the radio and TV broadcasting organisations, 320 companies were active, among which, 245 were independent workers (equalling 77%). 11,520 companies were registered in film and TV production, 10,075 of which were independent workers, amounting to 87% of companies registered. When this number of freelancers is compared to the number of companies registered as self-employed entrepreneurs mentioned in the report of the European Skills Council for employment and training in the Audiovisual and Live Performance sectors, these seem to be quite close. It is also mentioned in the GOC report that the number of independents is likely to rise further in the future, whereas the number of employees in the more traditional sense will decline.

Interviewees similarly stress the increasing size of the flexible shell that organisations employ and will employ. It also has to be highlighted here that in the collective agreement binding for the public broadcasting organisations, finalised in early summer 2015, an article has been included that commits broadcasters and the NPO to a maximum share of 25% of fixed-term contracts for the amount of guaranteed funds. With the funds collected that exceed the amount guaranteed by the NPO a maximum of 40% of staff can be employed on fixed-term basis. The remaining share of contracts will have to be of a permanent nature. These kinds of regulations are not necessarily in place in commercial broadcasting organisations, or other companies where no agreements are in place. This regulation does not concern the self-employed, as these are normally not covered in collective agreements.

Table 6.1 Overview of current forms of employment and work arrangements

	Occurrence:	Trend since 2008:	List specific groups and/or subsectors and/or occupations concerned	Summary of main differences compared to standard contracts:
Standard employment contracts	relatively widespread	down		
Fixed-term contracts	relatively widespread (although the approximate proportion relative to standard employment contracts is not known; in labour statistics different contract are treated equally)	up		In situations where there's a collective agreement in place, standard contracts and fixed-term contracts in principle are treated as equal in terms of working conditions, although the fee at termination of the contract is somewhat lower for fixed-term contracts. In situations where there's no such agreement in place, as for example in the case of production companies, this might well be different. For the employer fixed-term contracts mean more flexibility.
Part-time employment	no reliable information available (moreover treated as equal to standard contract in statistics)	no reliable information available		

Other forms of atypical contract (please specify)	temping and pay-rolling	up		Temporary workers according to the collective agreements in place should be treated similarly as employees, although pension schemes might be less favourable for the employee concerned. For pay-rollers there is no collective agreement in place, which means that work conditions and benefits can differ as compared to those directly employed by an organisation. Again, for an employer these kinds of contracts mean more flexibility.
Traineeships/ internships and apprenticeships	relatively widespread	no reliable information available		Different legal arrangements seem to be in place as to the pay received by interns and trainees. Otherwise these kinds of work arrangement do not seem to provide for many guaranteed conditions nor benefits. For employers these kinds of contracts might be another way to work more flexibly, but also to prepare young people for certain professions.
Self-employment and freelance work	widespread	up		These workers are treated as entrepreneurs and therefore do not enjoy benefits as employees do. It is expected that they invest in their business themselves and provide for insurances and other arrangements independently. Moreover, hourly fees for freelancers show a descending trend as competition increases. In cases flexibility is needed, working with freelancers might be preferable for an employer. In addition it means less costs in terms of premiums and other expenses related to the employer-employee relationship.

6.3.2 Standard work contracts (full-time, permanent contracts)

The exact number of standard work contracts in the sector is difficult to discern. It is only the proportion of contracts as compared to other work arrangements that is known. As remarked in the table above, standard contracts, part-time and fixed-term contracts are treated equally in labour statistics. Within the audiovisual sector, when departing from the number of workers of 26,000 in 2013 as mentioned above, 18,980 of those (73 per cent) were said to be working on a contract that is either permanent (and possibly part-time), or fixed-term (and possibly part-time).

Interviewees unanimously referred to an older generation more often working on standard contracts. Standard contracts certainly seem not to be guaranteed anymore; a younger generation increasingly seems to work on non-standard contracts. Also it might be the case that in public sector broadcasting standard contracts are more widespread than in less regulated sectors, such as smaller production companies in the film industry.

Normally arrangements associated with standard contracts include insurance arrangements provided by the employer (and consequently withheld from the salary), pension premiums, holiday-pay, an educational budget on termination of the contract etc. In the public broadcasting organisations conditions such as these are subject to the collective agreement in place. In commercial companies these might either be agreed upon in a single company collective agreement, or if there is no such agreement in place these might be agreed on an individual basis.

6.3.3 Fixed term contracts

As discussed above, new legislation prescribes that fixed-term contracts cannot be renewed more than three times within a period of two years. After these two years either a standard contract has to be offered, or the employee cannot be hired by the same company for a period of at least six months. However, exceptions have been made within certain collective agreements, taking into account the nature of the work. As in the case of standard contracts, the number of fixed-term contracts within the sector is not known as these different contracts forms are treated equally in labour market statistics. As already mentioned, it is likely workers with less experience are more often on fixed-term contracts than those having worked in the sector for a long time.

Interviewees from the employer as well as employee side stress that the collective agreements in place in the sector in principle treat workers employed on a permanent and those on a fixed-term basis equally in terms of level of benefits and working conditions, although the sums received at termination of the contract are different. As mentioned by interviewees, in practice employees on a fixed-term contract might have less bargaining power than those on a permanent contract however. Also it is not known how conditions related to fixed-term contracts compare to those related to standard contracts in situations where there is no collective agreement in place, such as production companies. Another important comment made by an interviewee from the employer side relates to the implications a fixed-term contract has for the employee; it might mean that it is difficult to obtain a mortgage for a

house and impact on more such private life related matters. Also, it might be the case that contracts are of such a short duration that real experience cannot be gained and professional development is hampered.

The use of fixed-term contracts seems to be strongly related to the wish of organisations to respond flexibly to changes in the sector and the market. In the case of public broadcasters this could take the form of difficult to predict future budgets. In more commercial or otherwise less regulated settings diminishing sales of advertisement space and a changing market might be incentives to employ a flexible shell.

6.3.4 Part-time work contracts

Part-time workers in Dutch labour statistics are treated as equal to standard contracts and fixed-term contracts. In other words the occurrence of part-time work within the sector is not known.

6.3.5 Other forms of atypical contracts

Some atypical contracts used in the sector are temporary work and pay-roll contracts. Moreover, some variations on these kinds of arrangements exist, that will briefly be discussed below. As noted before, 27% of the 26,000 workers in the audiovisual sector work on another contractual basis than as an employee. However, a subdivision of this proportion into different work arrangements is not made. The degree to which temp workers or pay-rolling contracts are part of this group of 27 % therefore is not known.

Temporary workers are employed by the temporary work agency instead of the employer. It is also this agency taking care of contributions for insurance, pensions etc. Roughly, working conditions are similar to those of directly employed employees, as this is required by the collective agreement for temporary agency workers. Some arrangements might however be somewhat different for this group, such as the less beneficial pension arrangements.

Pay-rolling can take two forms; it is either the employer that has already selected an employee, but does not want to employ her or him directly, or a worker has found an employer as a freelancer would and puts a pay-rolling company in charge of its administrative affairs. Interviewees compared someone working on pay-roll to a freelancer, in the sense that terms and conditions to these kinds of work arrangements might be somewhat similar.

Various financial arrangements exist in which use is made of intermediary organisations, often employed by higher (independent) management staff. These are specialised fiscal constructions to which differing terms and conditions might be associated.

As addressed by various of the interviewees, these various atypical forms of contracting might become more widespread if hiring freelancers and providing fixed-term contracts becomes more difficult for organisations. In other words, it's another way to employ flexibly while not having to take into account certain legislation. That said, as it was mentioned above, it might nevertheless be a choice from the side of the employee to work under such a contract.

6.3.6 Traineeships, internships and apprenticeships

Internships in the audiovisual sector can serve several functions: to secure a certain number of young workers in the respective organisations, to prepare them for work in the sector, but also to carry out work that would otherwise be - or was previously done - by paid employees. Employee representatives interviewed for this report mentioned that the latter might be the case mainly in commercial organisations, but that it is a trend in media more broadly speaking.

The same interviewees talked about current experiments with minimum wage internships within national broadcasting organisations. From the employer side traineeships were mentioned; certain broadcasting organisations are currently developing a traineeship scheme, employing government funds available to that end.

6.3.7 Self-employment and freelance work

As mentioned earlier self-employment and freelance work in the audiovisual sector are more and more widespread. Of the total number of companies in the audiovisual sector 88,4% were said to be registered as self-employed entrepreneurs. This amounts to 11,675 enterprises. In the radio and television broadcasting sector and the film and TV production sector respectively 77% and 87% of registered companies were identified as those working as independents (in 2013).

Moreover the previously discussed Oxford Economics report estimated that as many as 1 in 3 people in the film and audiovisual sector in 2013 were working as a freelancer (taking into account the definition of the audiovisual sector used in the report, which did not constitute of NACE categories J59 and J60 in their entirety and included some other sub-sectors). This seems to be verified by 2014 statistics.

It is clear that self-employment is becoming a more and more widespread work arrangement. Statistics on the exact composition of this group of freelancers do not seem to exist. Several reasons for workers to become self-employed have been mentioned by interviewees however: entirely voluntary, in some cases motivated by arrangements relating to authorship for example (which in its own right is an important topic of discussion within the sector at the moment, and which has an impact on the way an organisation might want to employ a creative worker); in other instances somewhat forced by circumstances, as in the case of self-employment after mass lay-offs or after losing a job under other circumstances. Freelancers might constitute a very diverse group of people.

Working conditions differ strongly from those under standard contracts; self-employment workers have to put in place the necessary arrangements themselves, ranging from insurance to investment in training etc.

From the side of employers an obvious reason to work with self-employed workers is that it provides for the flexible outer shell of their organisation. In other situations, such as creative cooperations in the production field for example, the work in itself (project based) might be

of a more temporary nature, as when for example different kinds of expertise are employed in the various stages of the production process of a film.

6.3.8 Other trends in employment and work arrangements affecting working conditions

A development noted mainly by the employee representatives is the increasing workload in the sector, implying that more needs to be done with fewer people. Budget cuts and diminishing sales of advertising space have meant that programmes and other products within the audiovisual sector have to be made for lower budgets. For journalists this could for example mean that they have to be able to provide to different media and master the different technologies needed, whereas beforehand they would focus on radio, or television or written formats.

In this respect the increasing age of the workforce has been mentioned by employee representatives. Being a professional in the audiovisual sector can mean unpredictable work situations, including for example working irregular hours or night-shifts. Arrangements are in place for older employees who do not have to carry out work under certain conditions after a certain age (such as night-shifts). Nevertheless, the increasing workload in a general sense and also the stronger importance attached to being flexible and multi-deployable might mean a greater strain for older as compared to younger workers. These are possible reasons for employers to prefer younger workers over older ones, who might nevertheless be more experienced.

Another development observed by interviewees is the decline of hourly fees within the sector, notably among freelancers. One of the employee representatives illustrates the trend with an example of an independent worker providing technical services, who should in his view normally earn 60 to 80 euros in order to compensate for costs, but who now might be paid only 30 euros per hour.

A discussion is currently taking place among social partners regarding rates of pay for freelancers. Employee representatives would like to include minimum fees for freelancers in collective agreements. This was previously ruled as being against the legal status of a freelancer as an entrepreneur. However, recently the court of 's-Gravenhage has ruled that in the case of orchestra musicians temporarily replacing colleagues (who can be seen as being only seemingly independent as there is a hierarchical relationship in an instance such as this), hourly fees can be fixed. Employee organisations see this as a possible opportunity to apply the same approach in other situations involving freelancers. The example of the collective agreement for architects negotiated this year has been given by interviewees; this sector has pioneered the idea of working with minimum agreed hourly fees for freelancers. Another development observed by an interviewee involved in academia, regarding approaches of coping with the insecurity of the freelance status, is the increasing tendency for self-employed workers (in this case journalists) to organise themselves in collectives (called 'broodfondsen'), in order to, for example, provide for a certain degree of social security for those involved. This might happen by requiring that individual members all invest a certain sum, so that in case one of them encounters difficulties, this collective fund can be used

to help. Hence new ways to provide for a certain level of social security might come into existence while discussions are also taking place on a more political level.

6.3.9 New and emerging occupations

As already discussed, digitalisation is a development that calls for investment from the employer side and requires adaptability and training from the employees. In this respect many professions in the sector (at least those involved in content production and technical services) seem to be subject to change.

It is in this context of technological development that workers are expected to be more flexibly deployable. In media spheres one hears talk of 'cross media development', meaning that companies do not focus on one single platform anymore, but increasingly have to contend with the digital, employing different formats. Also, in terms of flexibility demanded from the employer side, workers have to show mastery of various skills, making them more deployable across an organisation. This situation is often referred to as 'sustainable deployability'.

Already mentioned was the example of journalists at the same time producing content for radio, television and written media. Different terms are used for people embodying this change, such as 'mojo' (mobile journalist, who uses a mobile phone to produce content) and 'camjo' (camera journalist). Especially regional broadcasters seem to employ these methods for reasons of its cost-effectiveness.

These changes seem to be part of a labour market showing an increased tendency for flexibility in the double sense of flexibly employing people, but also asking the people employed to easily switch between tasks.

6.3.10 Trends in professional mobility

As in this sector fixed-term contracts and freelance work seem to be increasingly widespread forms of work arrangements, the question as to the possibilities of professional mobility appears to become more and more important.

As addressed by one of the employer representatives interviewed, workers on successive fixed-term contracts might become interesting in terms of the various experiences they gain, but will not be in a position to gain a lot of in-depth experience and to really get to know an organisation. It was contended that it would have been better to agree on a maximum period of five years during which employees can be given fixed-term contracts; this way, it was argued, employees would at least gain relevant experience and at the end of this period it might be more logical for an employer to offer the worker concerned a permanent contract.

The term 'sustainable deployability' has already been discussed. This concept was from the employer side denoted as 'multiple deployability'. This horizontal mobility seems to be the current focus in a sector where vertical mobility is increasingly difficult. Both representatives from the employee and employer side seem to invest energy and funds in finding ways to

motivate workers to develop themselves in a broad way. This topic will be further discussed in the subsequent section.

6.4 Impact on changes on continuous training

6.4.1 Overview of the state of play in relation to continuous training

As regards training and education the AWO fund is a major player for the public national and regional broadcasters. It provides, besides other activities supporting the employability of public broadcasting employees, training programmes to employees, which are meant to be complementary to trajectories already existent within the individual broadcasting organisations.

The educational organisation is funded partly through the budget of the AWO Fund, a budget that is agreed upon during collective bargaining agreement within the public broadcasting sector. Remaining funds are subsidies requested for the different programmes initiated by the AWO Fund.

Through its website www.Werkstation.tv, currently two programmes are offered, one of which focuses on career development, whereas the second focuses on continuous education. Employees can subscribe for the various courses offered within these programmes and their requests need to be agreed upon by their employer.

Programmes offered through the Werkstation website have seen a marked increase in subscriptions since the launching of the continuous education programme, through which employees participate in courses mainly related to ongoing technological and digital development in the sector. The AWO fund does not cater specifically to a group of older employees, as it does not want to emphasise age, but skills.

In addition private parties offer training programmes within the sector, such as the Media-academie and the NVJ-academy. The latter organisation is the education branch of the journalist union VNJ, which tries to provide accessible programmes, in order for freelancers and others to have the opportunity to invest in continuous development. Also, various other training agencies provide programmes, by for instance participating in tenders initiated by the previously mentioned Werkstation. As discussed, these latter kinds of programmes are exclusively accessible for personnel of the public broadcasters.

Again, it is more difficult to get a clear view on the training opportunities for workers in commercial organisations. However, one of the interviewees representing employers in the film production sector stressed that in this market education funds are made available by, for example, the Filmfonds, being awarded after selection processes in which criteria such as talent and future promise for the sector play an important role. Also, filmfestivals usually feature training opportunities, again available for those who have been selected after an application process. Apart from opportunities such as these, it is mainly up to those working

in the sector themselves to pursue continuous professional development. It has to be added, however, that the field of film production seems to be a market operating according to different principles than for example broadcasting and therefore care should be taken when comparing these situations.

Something which employee as well as employer representatives currently seem to emphasise is the idea of multi-deployability as regards workers of a certain age. It is being stressed that older professionals should keep developing their skills in order to remain attractive as employees. It was also contended that instead of regarding these employees as not being capable of fulfilling their tasks to the same degree as younger workers, their experience should be differently deployed within organisations, by for example assigning them the role of mentor to younger employees. Hence, the discussion surrounding an ageing workforce seems to have an educational as well as organisational component.

6.4.2 Impact of employment and working arrangements on access to continuous training

As discussed above, educational programmes within public broadcasting companies seem to be fairly accessible for those working on a contract expected to invest in permanent education themselves. In practice however, workload and the cost of training programmes seem to render investment in the long-term (such as educational expenses) less attractive, compared to investment in the short term (daily expenses, the take up of another job). Secondly, it was often mentioned that employers do not cater for freelancers in this respect. Programmes such as those offered by the public broadcasting organisations are not accessible to self-employed entrepreneurs.

This situation appears to be a topic of discussion in the sector, with employee representatives arguing that training programmes should be accessible to freelancers. One of the representatives mentioned that programmes that are partly government funded should be opened up to freelancers, which is also supported by the current government. At the moment of the interview, in practice this had however not yet been realised.

6.5 Impact on industrial relations

6.5.1 Industrial relations in the sector

The Dutch audiovisual sector consists of differently organised branches, such as public broadcasting companies, commercial broadcasting companies, film and TV production companies, technical services providers etc. The scope of collective agreements differs by sector, and not every sector has a collective agreement in place.

In public broadcasting the collective agreement binds all national public and regional broadcasting organisations. Parties involved in negotiations are: FNV-kiem, NVJ, CNV, the NPO (the body representing the national broadcasting organisations) and ROOS (organisation representing regional broadcasters).

For the commercial broadcasters and production companies the situation is different. Major players such as RTL and SBS work with single company agreements negotiated with the different employee representatives. Not all broadcasters seem to have such an agreement in place. Other single company agreements in the sector were drawn up for Ericsson Broadcast Hilversum, Dutchview Infostrada, Heuvelman Sound & Vision and the Stichting Omroep Muziek (the latter being a non-commercial organisation).

In the production sector it is less common to draw up company agreements. One of the employee representatives mentioned that there seems to be some resistance among employers to employees organising themselves within these kinds of organisations. They were identified as a 'blind spot' in the activities of the employee organisations. When speaking to a representative from the film production industry it became clear that within this sector it does not seem to be common to negotiate company agreements. Instead, different employee and employer representatives such as the FPN (representing 38 production companies) seem to be willing to negotiate standards for contracts. There have been indications in the past that it would be good to negotiate standard contract formats in which both the ideas of employers and employees (mostly independent workers in this sector) were included.

Lack of organisational continuity on the part of the employee organisations in this sector could be a factor slowing down the dialogue and negotiations between employers and employees on this matter. Due to the lack of collective funds, employee organisations (or those that defend interests of independent workers) cannot guarantee the continuity of staffing.

A report by the European Foundation for the Improvement of Living and Working Conditions provides some information on the different employee and employer organisations dating from the year 2011. Employee organisations active within the sector are FNV-kiem (7,000 members, 3,000 within the sector according to Eurofound data published in 2013), NVJ (8,000 members, 1,000 of which in the sector), CNV (520 members in the sector) and De Unie (representing only white-collar professionals). The main employers have already been discussed previously.

Within the sector especially the NPO (45 member companies according to Eurofound data published in 2013) has a central role to play, but also the individual broadcasting and production companies are players when concerning work conditions in this field. The Dutch association for commercial radio (NVCR) on the employer side, representing 12 companies (employing 600 people in 2011), has not been contacted for this report.

6.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

In general two types of collective agreements are in place in the sector: the one binding the public broadcasters in the Netherlands and single company agreements. Those working on fixed-term contracts are covered by the collective agreements in place. Hence the increasing use of these types of contracts does not influence the reach of collective bargaining agreements as such. This is an entirely different story for freelancers. As mentioned previously these are as yet not included in these collective agreements, as this has until now not been possible on the

basis of trade law. The same holds true for those on pay-roll contracts. Hence the increasing number of the latter two kinds of workers means that collective bargaining agreements have a lesser scope.

Employee organisations see an increasing number of individuals on fixed-term contracts and self-employment among their members. Nevertheless, and this was stressed by the journalist organisation NVJ, among those on fixed-term contracts and freelancers there seems to be a declining tendency to be a trade union member. This might be due in part to the idea that trade unions can only really represent those on permanent contracts. It was also suggested that freelancers might to some extent adhere to more of an individualist mindset, finding their own way outside of the confines of collective bargaining.

The different employee representatives seemed to think differently about the ability of trade unions to represent the interests of those on fixed-term contracts, freelancers and those on other atypical contracts. While on the one hand it was said that it is difficult to really make meaningful change for these people as their bargaining power is not so great (the willingness to go on strike for example, for the fear of contract termination), another employee representative argued that collective freelancers have similar interests and employee organisations therefore can work for change in the field of for example pension arrangements, the implementation of changing legislation concerning freelancers, and have already been able to put some useful arrangements in place, such as tax benefits. They are also able to offer services to self-employed people.

When it comes to the employer side, it is not clear how the increasingly flexible nature of companies influences the membership of employer organisations.

To summarise, on the one hand digitalisation and on the other hand increasing flexibility of organisations in the wake of budget cuts and diminishing returns on business activities makes for a situation in which workers are expected to behave differently than before. Increasing cost of processes and shrinking funds available ask for the same or more work to be done by a smaller number of workers. At the same time this means that workers have to be multi-deployable in order to fulfil different tasks within an organisation. Organisations seem to employ a large flexible shell, in order to adapt to temporary increases or decreases in workload and/or increasing or decreasing demand.

In this context it is mainly the conditions for those working on fixed-term contracts, freelancers and those working on otherwise atypical contracts that seem to occupy employee organisations. Also, however, older employees and the tendency of employers not to be keen on hiring them, as a related problem, receive much attention. These different topics all relate to a labour market featuring increasing flexibility, demanding multi-deployability and at the same time leading to insecurity for those who are expected to be flexible.

Changing regulations either already implemented or due to be implemented are designed to reduce insecurity for certain groups of workers. At the same time there seem to be worries as to the workings of these new regulations in practice.

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<http://topsectoren.nl>

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<http://www.filmproducenten.nl/leden/>

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<http://www.stvda.nl/~media/Files/Stvda/Thema/actieteam-crisisbestrijding/Factsheets/factsheet-sectorplan-publieke-omroep.ashx>

6.6.3 List of consulted organizations

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- FNV KIEM. Date of interview: 04-09-2015
- Nederlands Publiek Omroepbestel (NPO). Date of interview: 29-09-2015.
- Filmproducenten Nederland (FPN). Date of interview: 30-09-2015.
- UvA, department of Media studies. Date of interview: 02-10-2015.

7 Poland¹

7.1 Introduction

7.1.1 Definition of AV sector

The boundaries of the audiovisual sector are not clearly defined in Poland and the term itself is not often used in public discourse. It is also not well defined in existing legislation and is not reflected in the organisation of the social partners. The Polish Constitution establishes an independent institution, The National Council of Radio Broadcasting and Television to “safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding radio broadcasting and television”².

While the clear boundaries of the broader sectors comprising audiovisual such as ‘creative industries’, culture or media are also not well defined in Poland, they are more commonly referred to in the public debate.

The National Audiovisual Institute, NInA, a public institution defining its mission as “creating new audiovisual culture” archives analogue and digital media holding of broadly defined culture including recordings of radio and TV broadcasts, festivals, concerts, movies, and theatre plays.

Interviewees noted that certain legal acts relevant for the audiovisual sector, such as the Law on cinematography of 30 June 2005 would need to be updated to better reflect the changing reality in which the AV sector operates, in particular the role of Internet as a medium where AV content is broadcast³.

The definition adopted for this report is considered as broadly appropriate by most interviewees with a caveat that production of computer / video games would normally also be considered as part of the AV sector. This may owe to the relative strength of this subsector with some companies and games competing very successfully internationally and may also be driven by strong links between games and film and involvement of film and theatre actors in the production of games.

¹ The national report reflects the situation as of 23th of February 2016.

² Constitution of the Republic of Poland, Art. 213, <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

³ Act on cinematography of 5/06/2005 <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051321111>

7.1.2 Overview of the AV sector

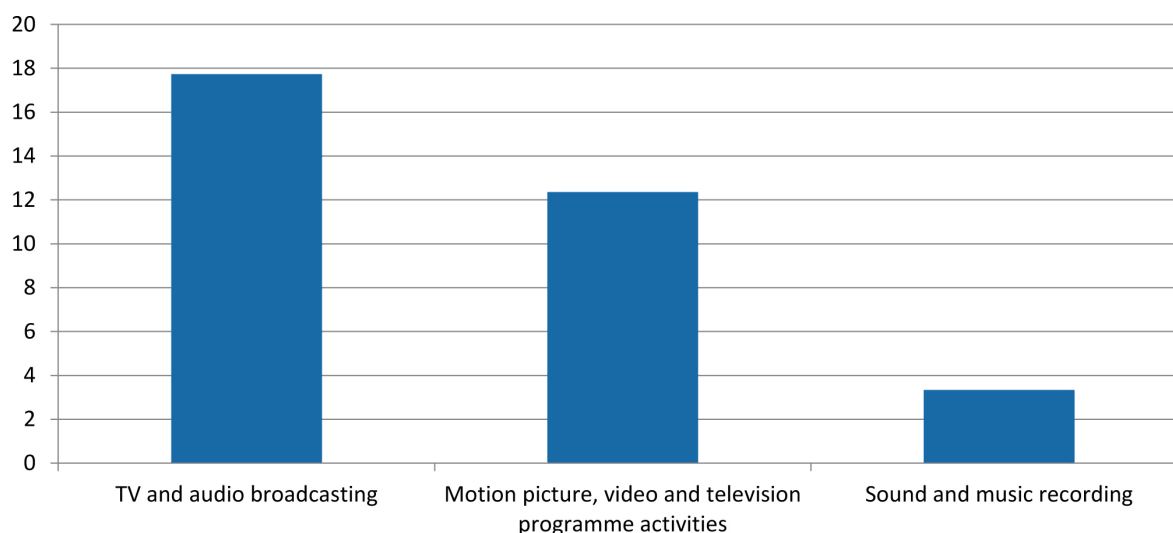
No official data have been identified concerning the size and structure of the AV sector in Poland. The following discussion presents assessments and estimates derived mainly from the 2010 report on the cultural sector, the database of enterprises compiled by the Polish Audiovisual Producers Chamber of Commerce (KIPA) and interviews with stakeholders.

Review of the literature and interviews confirm the lack of reliable information on the sector as a whole.

A lack of reliable macro-level overview data appears to be a problem also for broader sectors encompassing the audiovisual sector. This was probably a driving force for the National Centre for Culture in commissioning the report on the economic role of the cultural sector⁴. The estimates in this report take 2008 as the base year and rely on a combination of sources and make specific assumptions on the coverage of the cultural sector. Specifically, certain subsectors defined by NACE 1.1 and NACE2.0 were either assumed to be part of the culture sector in full or only a certain fraction was considered as belonging to the culture sector. The useful feature of the IBS (2010) report is that it provides indicative estimates of employment in the audiovisual sector as defined in this study (Figure 7.1). In total the sector was estimated to employ around 33,500 individuals, around 0.3% of total employment⁵. TV and audio broadcasting was the largest subsector in terms of employment.

Figure 7.1 Estimates of employment levels in the audiovisual sector in Poland in 2008 (thousand people)

Source: IBS (2010), *Znaczenie gospodarcze sektora kultury. Wstęp do analizy problemu* (Economic role of



the cultural sector. Introduction to the analysis)

⁴ IBS (2010), *Znaczenie gospodarcze sektora kultury. Wstęp do analizy problemu* (Economic role of the cultural sector. Introduction to the analysis)

⁵ No estimate is provided in terms of full time equivalent.

The above estimates cannot easily be updated, but it could be argued that overall employment levels are broadly similar to those estimated in 2008.

Data on the number of companies in the sector are not easily available owing inter alia to non-active companies not being removed from existing registers (which in any case are not publicly available) and the scale of self-employment in several subsectors with unclear boundaries of the AV sector for the registration of one-person companies (self-employed). In 2010, such methodological challenges led the Polish Audiovisual Producers Chamber of Commerce (KIPA) to abandon its plans to update its dataset on companies and employment in the sector⁶.

This database, originally built in early 2000s by KIPA and the Polish Audiovisual Centre Foundation (FPCA) remains the most comprehensive list of audiovisual sector enterprises⁷.

The database is maintained based on information sent directly by interested enterprises that are encouraged to do so on a voluntary basis. This implies that while the database most likely covers most main market players, it may not be comprehensive and may also include enterprises that have ceased to exist.

The sectoral coverage of the list is defined as production of film, television programmes, commercials, internet productions, computer games or enterprises co-operating in such activities. The list is available on-line and as of early October 2015 included 544 entries⁸. In terms of areas of activities the database distinguishes between film production (479 companies), production of commercials (138 companies), film co-production (68 entries), and 'other' category (66 entries). In terms of type of production, television and documentary films appear to be most represented (above 240 entries for both) followed by companies that involve in AV productions only occasionally (above 200 entries) and commercials (176 entries). Internet production is the least common category (49 entries).

The database was originally created in 2000 after the establishment of KIPA. Back then it was assessed that around 400 independent audiovisual production firms were active with combined employment of around 7,000 and an annual turnover of USD 340 million⁹. These numbers do not include public companies (public television, radio). Interviews suggest that the number of companies has been growing slowly for the last few years. This, however, does not necessarily reflect a growing market but rather a shift in preferred contractual arrangements as some people previously working on the basis of civil law contracts (*pl umowa o dzieło i umowa zlecenie*) have opted for self-employment instead and registered their single-person companies in particular after changes in applicable tax rules in 2013¹⁰.

⁶ Interview with representative of KIPA on 7/10/2015.

⁷ The lists, typically with contact details of enterprises are available on the Polish version of KIPA website - <http://www.international.kipa.pl>

⁸ The database is available at <http://www.audiowizualni.pl/index.php/rynek-filmu/produkcja-audiowizualna>. In addition information was available for 23 enterprises that stopped operations. There is, however, no easy way to establish which of the 544 other enterprises remain active in the AV sector.

⁹ KIPA, <http://www.audiowizualni.pl/index.php/kipa>

¹⁰ Interview with KIPA representative on 7/10/2015. More details on the change in relevant tax legislation can be found in section 1.3.

Geographically, the largest cities are preferred locations, mainly Warsaw that hosts headquarters of major TV stations. Other large cities with a more significant presence of the sector are Łódź, Poznań and Wrocław.

In terms of employment, television broadcasting appears to be the largest market segment, although the distinction between production of motion picture, video and television programmes and their broadcasting and distribution is not clear cut as companies, especially the larger ones, are involved in various AV subsectors. For instance the public television company TVP SA, has the leading role in the television broadcasting but at the same time was the largest film producer in 2014 having spent more than PLN 9 million on co-production.

7.1.3 Main employers

Table 7.1 Television broadcasting¹¹

Company	Ownership	Location	Workforce	Comments
TVP SA	Public	Warsaw, with regional offices	~3,400 (March 2014), down from ~4,300 at end-2009	Large outsourcing of certain activities in 2013 (including around 500 former TVP SA employees).
Grupa TVN	Private	Warsaw	1,074 (2014) in TVN SA & 1,444 (2014) in TVN Group	Employment in TVN SA peaked in 2011 (1,532)
Grupa Polsat	Private	Warsaw	915 (2014) in Cyfrowy Polsat SA & 3,830 (2014) in Polsat Group	Strong employment growth in recent years
Canal+ Cyfrowy	Private	(to be finalised)	(to be finalised)	(to be finalised)

Sources: NIK, *Informacja o wynikach kontroli. Produkcja Zewnętrzna dla Telewizji Polskiej SA* (Information on control results. External production for TVP SA), Warsaw 2015.¹²

¹¹ All above broadcasters are also active in other AV subsectors, notably production of motion picture, video and television programmes.

¹² https://www.nik.gov.pl/plik/id.8808,v.artykul_11672.pdf; <http://finanse.wnp.pl/akcje/TVN/zatrudnienie/>; <http://finanse.wnp.pl/akcje/CPS/zatrudnienie>

Table 7.2 Radio broadcasting

Company name	Ownership	Location	Workforce	Comments
Polskie Radio SA	Public	Warsaw, with regional offices	1,250 (2009)	More recent data have not been identified; in 2010 the firm's strategy projected reduction of employment
Eurozet	Private	Warszawa (HQ & main radio stations), Kraków, Szczecin, Poznań	n.a.	A group comprises of network of radio stations, producer of AV commercials, broker of radio advertisement time
RMF	Private	Kraków and Warsaw	~300	Radio stations, internet platform, on-line news service

Sources: NIK (2011), *Gospodarowanie mieniem oraz wykonanie zadań nadawcy publicznego przez Polskie Radio SA* (Managing company resources and fulfillment of the public mission by Polskie Radio SA), <https://www.nik.gov.pl/plik/id,2506,vp,3174.pdf>.

Table 7.3 Production of motion picture, video and television programmes¹³

Company name	Ownership	Location	Workforce	Comments
TVP SA	Public	Warsaw, with regional offices	~3,400 (March 2014), down from ~4,300 at end-2009	Mainly TV broadcasting. Large outsourcing of certain activities in 2013 (including around 500 former TVP SA employees).
Grupa TVN	Private	Warsaw	1,074 (2014) in TVN SA & 1,444 (2014) in TVN Group	Mainly TV broadcasting. Employment in TVN SA peaked in 2011 (1,532)
Wytwórnia Filmów Dokumentalnych i Fabularnych	Public	Warsaw	n/a (150?)	Established in 1949; active in all stages of film production – from screenplay to production of cinema copies
ATM Grupa SA	Private	Wrocław and several other locations	n/a	Established in 1992; Largest private producer and the only one listed on Warsaw Stock Exchange; annual revenues of EUR 40 million in 2014;
Akson Studio	Private	Warsaw	~	Established in 1992; produced >40 TV series and 35 feature films
Opus Film	Private	Łódź (HQ) with an office in Warsaw	n/a	Established in 1991

Source: NIK, *Informacja o wynikach kontroli. Produkcja Zewnętrzna dla Telewizji Polskiej SA* (Information on control results. External production for TVP SA), Warsaw 2015.¹⁴

¹³ Some of the producers are also active in other AV subsectors, notably television broadcasting.

Sources: Websites of individual companies

¹⁴ https://www.nik.gov.pl/plik/id,8808,v,artykul_11672.pdf; <http://finanse.wnp.pl/akcje/TVN/zatrudnienie/>

7.2 Major trends affecting the AV sector

7.2.1 Major trends and drivers of change since 2008

A very fast rate of technological change is a feature of the AV sectors with profound implications for practically all subsectors. Of particular importance has been a major shift from analogue to digital technology. Broadcasting of analogue television stopped in Poland in 2013 and the last years have seen booming digital television with significantly widened access to new content changing the competition landscape of the sector.

Despite the rising competition from various media available over internet, the average time spent watching TV has actually increased over the last few years – from 4 hours per day in 2009 to 4:20 in 2014¹⁵. Given that particularly strong rises were observed in 2013 and 2014 this can be likely explained by significantly widened offer of free-to-air television programmes (24 as of 2014)¹⁶. As of 2014 among all households using TV roughly one third relied on free-to-air television (this share has been growing) and the remaining two-thirds used paid television services – broadly equally split between satellite (stable share) and cable (gradually declining share).

Traditional television faces growing competition from VoD. Its popularity has been rising fast in recent years following wider penetration of broadband connections and rising offer of both free and paid services. The leading Polish broadcasters launched VoD platforms. VoD appears to be particularly popular among younger people¹⁷. In contrast over-the-top (OTT) content has been little developed so far, although it is projected to rise fast in the coming years¹⁸.

In radio broadcasting analogue signal still dominates and so far only public radio started to broadcast also digitally using the DAB+ standard. The popularity of radio appears to have stabilized recently, following a period of decline. Internet becomes gradually more important source of radio signal. On-line music streaming (both free and paid services) are also becoming increasingly popular.

The above technological changes imply changing economic context, e.g. with shifting streams of advertisement budgets. Over the last few years internet advertisement market has been rising fast with broadly stable (in nominal terms) size of TV, radio and cinema advertisement markets. On-line video advertising is one segment that has seen substantial rise in the last period and this trend is expected to continue.

¹⁵ Sztuka, Media Film (2015a), Strategia rozwoju rynku medialnego w Polsce 2015-2020 (The strategy for the media market in Poland 2015-2020).

¹⁶ The discussion follows KRRiT (2015), Informacja o podstawowych problemach radiofonii i telewizji w 2014 r. (Information on major issues in radio and TV: 2014), National Council of Radio Broadcasting and Television.

¹⁷ Based on a CAWI survey (MEC Video Track) carried in early 2015:

<http://www.mecglobal.pl/news/co-czwarty-m-ody-e-widz-codziennie-ogl-da-vod-za-dwa-lata-e-wideo-prze-goni-dzienniki-na-rynku-reklamy/>

¹⁸ PWC (2014), Cyfryzacja i urządzenia mobilne motorem napędowym rynku mediów i rozrywki w latach 2014-2018 (Digitalisation and mobile devices as drivers of media and entertainment markets 2014-2018), <http://www.pwc.pl/pl/media/2014/2014-06-04-cyfryzacja-i-urzadzania-mobilne-motorem-napedowym-rynku-mediow-i-rozrywki-w-latach-2014-2018.html>

Public television and other public media have continued to face challenges due to inherited relatively high employment, issues with public funding, difficulty in finding the balance between public mission and competition with commercial TV stations, role of politics in nominating media management, etc. Several stakeholders see the need of reforms in this area. Issues related to public funding for public media are related to still significant degree of evasion of the broadcast receiving license, the tax theoretically applicable to everyone possessing TV and / or radio set. On the other hand, the last few years witnessed significant improvement in compliance with license fee revenues more than doubling between 2011 and 2014¹⁹. Still, in contrast to several other public broadcasters in Europe, commercial funding (advertisement and sponsoring) dominates in TVP SA revenues. It is worth noting that a combination of improved collection of license fee and restructuring processes in TVP SA have resulted in gradual improvement in financial result of the company. In 2014 it recorded a positive financial result, following a period of negative results²⁰. The restructuring involved in particular substantial changes to the employment policies with outsourcing of several key functions (next section contain a more detailed discussion).

Public funding remains important in the AV sector, although its role varies between subsectors. It is key for theatres giving employment (on various contractual forms) to many actors many of whom are also active in the film production. As discussed above revenues from the license fee are significant for the public television (TVP SA) but well below commercial revenues (mainly advertisement). The situation of the public radio is quite different. License fee accounts for the majority of revenues (60% in 2014), followed by revenues from advertising activities (22.5% in 2014)²¹. In recent years both license fee and advertising revenues of the Polish Radio varied reflecting trends in the advertising markets and changes in collection of the fee.

Public funding remains very important for the film production where the major change was brought about by the establishment of the Polish Film Institute (PISF) in 2005. The institute provides substantial co-funding (up to 50%, but typically lower) for production of a few dozen films per year. The large majority of major Polish productions and most successful films in recent years was co-financed from this source. PISF is widely credited for playing a pivotal role in the substantial increase in film production observed in the last few years²². PISF also plays a very important role supporting digitalization of cinemas and digitalization of the existing stock of films. This has helped to stop the process of decline in the number of cinema screens and cinema audience. After falling to record low in 2005 annual cinema ticket sales increased substantially over the last decade, although year on year changes varied substantially.

¹⁹ TVP SA (2015), Sprawozdanie abonamentowe 2014 (License fee report 2014), <http://www.tvp.pl/centrum-informacji/informacje-dla-mediow/komunikaty-centrum-informacji/sprawozdanie-abonamentowe-tvp-za-2014-r/19241910>

²⁰ <http://www.tvp.pl/centrum-informacji/informacje-dla-mediow/komunikaty-centrum-informacji/komunikat-o-sytuacji-ekonomicznofinansowej-telewizji-polskiej-sa-w-2014-roku/19462843>

²¹ Polskie Radio SA (2015), Roczne sprawozdanie zarządu Polskiego Radia SA z wykorzystania wpływów z opłat abonamentowych na realizację misji publicznej w 2014 r. (Annual report of the Polish Radio SA board on the use of license fee for funding public mission in 2014), http://prsa.com.pl/bip/artykul201377_sprawozdanie_za_2014.aspx

²² Miczka et al (2015), Analiza i diagnoza oraz określenie perspektywy rozwoju polskiej kinematografii jako elementu rynku audiowizualnego (Analysis of the Polish film industry and its development prospects in the context of the audiovisual market).

The volatility of ticket sales for film produced or co-produced in Poland was yet wider, although in the long run an upward trend emerges²³.

Following the parliamentary elections in autumn 2015, the public media law was amended giving the government the power to directly appoint and dismiss the heads of public broadcasters. The law went through the legislative process very quickly at the turn of December 2015/ January 2016 and entered into force in early January 2016. It was followed by immediate changes in managing positions in public broadcasters: TVP and Polish Radio. Since then many journalists have been dismissed or resigned in protest. The changes to the law have sparked international concern and protests in some Polish cities. The critics see the amendment as weakening the checks and balances necessary to guarantee the broadcaster's independence. The government currently works on another amendment to the media law.

7.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

The fast technological changes and in particular the rising role of Internet as the medium for the AV sector is expected to continue. Its precise impact on the AV labour market is difficult to project.

The duality of labour market and the scope of atypical employment contracts is broadly perceived as excessive by experts and policy makers in Poland. This was evident e.g. by the fact that the large majority of political parties were promising solutions to limit the use of atypical contracts in the run up to the October 2015 elections. It is possible that certain regulatory changes will be implemented that will make it more difficult to replace regular employment contracts with other forms of employment. It is not clear whether this will be accompanied by changes in the labour code (e.g. limiting certain rigidities as perceived by employers). Such regulatory changes, if implemented, would have implications for the AV sector. However, at present it is impossible to hypothesise of the likely future changes. Negative demographic trends and broadly positive economic outlook for the Polish economy imply that the labour market situation will be gradually changing in the coming years with strengthening the position of workers, especially those with certain skills and competences. This may be reflected in rising wages but also in employment relations better reflecting preferences of workers in the future.

²³ Sztuka, Media Film (2015a), Strategia rozwoju rynku medialnego w Polsce 2015-2020 (The strategy for the media market in Poland 2015-2020).

7.3 Analysis of the labour market and changing forms of employment and work arrangements

The audiovisual sector and its different subsectors are characterised by the co-existence of several different forms of employment and work arrangements. It is the character of typical tasks that very often determine prevailing contractual work arrangements.

A case in point is film and motion picture production where, with some exceptions, permanent contracts can hardly be found at all. Instead, a type of civil law contract, specific-task contracts (*pl umowa o dzieło*) appears to be the dominant form. This is explained by the specific requirements of film-making projects. A typical project in the sector may imply some 30-40 working days. During this period, working time is rarely limited to eight hours a day. People involved in the production are expected to be fully available in this period. Besides, different specific skills are needed during various phases of film production.

A slightly different situation can be observed in the film series production. In this case contracts tend to be longer as the production is usually planned for a longer period (several months to 1-2 years) and continuity is important. Hence, longer contracts (not necessarily permanent) are in the interest of both the production company and the workers.

Permanent employment contracts are more often offered by postproduction companies and production houses. These enterprises usually rely on a core group of permanent staff (often with regular employment contracts) and then contract additional workforce using specific-task contracts when the need arises²⁴.

Two broad trends in work arrangements were noted by interviewees. One recent trend is a move for some higher-earning professionals to shift from civil contracts to self-employment. This is motivated by tax considerations following changes in personal income tax legislation taking effect from 2013. The change increased the effective tax rates for persons earning above PLN 85,000 annually (~EUR 21,000). Following this change, self-employment became a more attractive option. It is important to note that such a change, i.e. from a civil law contract to self-employment often does not involve much change in social security coverage (contributions may be at a similar level). Also, none of this form of employment provides rights to paid holidays²⁵.

Another general trend that can be observed is an increasingly negative attitude towards permanent contracts particularly among a younger generation of actors and some other groups of the audiovisual sector. Sometimes young actors refuse to accept a permanent contract with one of the theatres fearing that it would limit their availability and flexibility with regard to more commercial production and may have a negative impact on their income. Another reason (to be observed more among people working in production) is that permanent contracts involve a lot of bureaucracy connected to certain practices for which labour regulations are not following the real work conditions in the sector – e.g. regulations concerning working time, vacations, traveling for professional reasons²⁶.

²⁴ Interview with KIPA representative on 7/10/2015.

²⁵ Interview with KIPA representative on 7/10/2015.

²⁶ Interviews with representatives of the Trade Union of Polish Actors, 20/08/2015 and KIPA 7/10/2015.

Overall, it is difficult to estimate what share of total atypical employment reflects the preferences of workers who are willing to give up regular working hours, right to paid holidays, etc. for more flexibility and / or potentially higher pay.

Several companies in the audiovisual sector actively seek to limit growth of employment based on regular contracts and explore other – more flexible - options. The primary motivations for such strategies are the maximisation of flexibility and minimisation of fixed costs. An illustrative example of this trend is provided by the ATM Grupa SA, the largest independent producer of motion pictures, video and television programmes. Being listed on the Warsaw Stock Exchange, the company publishes its reports, inter alia outlining company strategy. In its 2014 report it indicates that it co-operates with around 3,000 contractors, both companies and individuals²⁷. As for the latter, ATM Grupa SA generally engages them on the basis of specific-task contracts (*pl umowa o dzieło*) for the production of individual TV programmes. This applies to directors, screenwriters, actors and other members of the team working on a specific programme. Such an approach is part of a broader strategy aiming at:

- Minimisation of delivery costs of services
- Limiting employment based on regular contracts
- Flexibility in the choice of providers
- High quality of services
- Minimisation of fixed costs.

An interesting example illustrating the changes in the employment situation in the television broadcasting sector and associated challenges is provided by recent changes in the employment policy of TVP SA, the major publicly owned television broadcaster²⁸. Already several years back the company was signing civil law contracts with several individuals whose tasks, responsibilities and the character of co-operation with TVP SA closely resembled a regular employment relation that should be regulated by the employment contract. Already in 2008 and 2009 the National Labour Inspectorate officially asked for such practices to be stopped, i.e. that regular employment contracts are used whenever the nature of relation between the company and an individual resembles employment. In response TVP SA declared that it would not continue such practices. However, a subsequent inspection in 2011 again led the Labour Inspectorate to demand the strict application of articles art. 22 § 1 and 22 § 11 of the labour code, i.e. refraining from using non-standard labour contacts with former employees whose duties are effectively unchanged compared to the period of having a regular employment contract. Faced by the need to improve its financial situation, the TVP SA board approved a restructuring strategy in May 2013²⁹. An important part of this was the plan to outsource a range of functions previously carried out by TVP SA employees.

²⁷ ATM Grupa (2015), Skonsolidowany raport roczny RS 2014 (Consolidated annual report 2014), <http://ir.atmgrupa.pl/pr/295244/skonsolidowany-raport-roczny-rs-2014>

²⁸ The presentation of this case follows NIK (2015), Informacja o wynikach kontroli. Produkcja Zewnętrzna dla Telewizji Polskiej SA (Information on control results. External production for TVP SA), Warsaw 2015; https://www.nik.gov.pl/plik/id,8808,v,artykul_11672.pdf access: 14.09.2015

²⁹ TVP SA (2013,) Kierunki optymalizacji funkcji oraz wprowadzenia nowego modelu procesów realizacji zadań TVP S.A wraz z dostosowaniem procesów zarządzania kapitałem ludzkim (Main directions for functional optimisation and new model of delivering TVP SA objectives including adjustment of human capital management processes).

It was anticipated that this would affect 550 employees. It was assumed that 30% of the affected workforce would register as self-employed and continue cooperation with TVP SA in that capacity. The process was based on Article 23 of the Labour Code. In May 2014, following a public tender procedure, TVP SA signed a 2-year contract with another company for the provision of certain services, including taking over the former TVP employees. The employees covered by this scheme, including journalists, film editors and make-up artists were guaranteed employment (with the new subcontractor) on unchanged conditions for the period of one year. This contract was formally communicated to the trade unions registered in TVP SA. The main difference between this new outsourcing arrangement and the practice of replacing regular employment contract with individual workers by different arrangements (e.g. civil law contracts) is that the former entail that workers keep the status of employees, though with a different company.

In the assessment of the Supreme Audit Office, the above outsourcing process involves certain legal risks for TVP SA. In particular it is possible that former employees covered by the scheme may request being reinstalled on regular employment contract once the 2-year contract with the outsourcing company comes to end. Another risk highlighted by the auditors stems from the fact that the outsourced activities included in particular journalists preparing key information programmes, hence their potential departure on a very short notice could pose problems for program continuity and quality. This example can be taken as illustrating the difficult choices facing public television when it comes to managing its workforce structure in an increasingly competitive environment.

7.3.1 Overview of current forms of employment and work arrangement

The table on next page summarises the emerging picture of the main forms of employment and work arrangements in Poland. Subsequent sections provide more details on specific work arrangements.

Table 7.4 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence: Almost non-existent Uncommon Relatively widespread Widespread Dominant form No reliable information available	Trend since 2008: Up Stable Down No reliable information available	List specific groups and/or subsectors and/or occupations for which this type of arrangements is the most widespread (if relevant)	Summary of main differences compared to standard contracts: e.g. lower pay, different benefits, higher/lower cost for the employer, higher flexibility for the employer
Standard employment contracts	Relatively widespread	Down	Present in TV and radio broadcasting, film / video post-production	-
Fixed-term contracts	Relatively widespread (no reliable information)	Stable (?)	As above	Somewhat higher flexibility for the employer
Part-time employment	No reliable information available (probably uncommon)	No reliable information available		Potentially higher flexibility for both the employer and the employee
Other forms of atypical contract (please specify)	Civil law contracts (PL: umowa zlecenie / umowa o dzieło) relatively widespread	Stable or up	Very common in AV production. Various jobs, including both at the top and bottom of pay scale (e.g. top journalists and various support roles)	Lower costs (lower social contributions) and much higher flexibility for the employer and potentially also the person working
Traineeships/ internships and apprenticeships	No reliable information available (probably uncommon)	No reliable information available		Unpaid or much lower pay
Self-employment and freelance work	Relatively widespread – partial overlap with civil law contracts mentioned above	Up	Very common in AV production. Various jobs, including both at the top and bottom of pay scale (e.g. top journalists and various support roles)	Lower costs (lower social contributions and personal income tax advantages for higher earners) and much higher flexibility for the employer and potentially also the person working

7.3.2 Standard work contracts (full-time, permanent contracts)

Permanent contracts are most often found in TV and radio broadcasting, especially in public television and radio as well as in public theatres. It is relatively common for administrative and support staff. No data is available on exact numbers of people employed on such contracts. With some exceptions, permanent contracts are rare in the AV production subsector.

Permanent contracts are regulated by the Labour Code that inter alia guarantees the minimum salary, and weekly and daily working time limits. Termination of the contract has to follow a relevant procedure and the notice period depends on the length of employment. An employee has a right to annual leave, sick leave, parental leave (including paternity leave), child care leave and unpaid leave. The employee is covered by social and health insurance.

7.3.3 Fixed-term contracts

There are no major differences between permanent and fixed term contracts except the termination procedure. The Labour Code define that fixed term contract may only be signed twice with one employer and the third contract should be permanent. No reliable data is available on the share of this type of contract in the audiovisual sector.

7.3.4 Part-time work contracts

Part time contracts do not differ in any way from the permanent and fix term contracts and do not imply less advantageous conditions of work and pay. This type of work organization is rarely found in Poland in general and its popularity has been decreasing in recent years. In 2014, just 7,8% of all employees worked part-time, compared to the EU28 average of 20,4%³⁰. No data concerning this form of employment in the audio-visual sector was identified.

7.3.5 Other forms of atypical contracts

Two major types of atypical contracts that are widely used in the audiovisual sector (and in the Polish labour market generally) are specific-task contracts and commission contracts. Both are regulated by civil law and not the labour code hence carry a very limited set of benefit and pension rights and obligations.

Specific-task contracts are widely used in the audiovisual sector, especially among creative workers. The subject of a contract is the creation of a specific product. There are no entitlements to sick leave, annual leave and any other payed or unpaid leaves. Working time and pay level is not bound by any labour law related obligations. Persons working exclusively under a specific task contracts are not subject to social insurance, unless they voluntarily choose so. Such contracts may in some circumstances be used as complementary to permanent contracts. Specific-task contracts are often used in television, film production, and theatres. Commission contracts (umowa zlecenie) are another widely used form of employment.

³⁰ Eurostat, Labour force survey data –series lfsi_emp_a.

It is comparable with the contract of employment but because it is not subject to the Labour Code, it gives both sides more freedom in determining working arrangements. For example, no daily or weekly time limits are applicable, the contract is free from restrictions concerning a place for performing the work, does not imply the necessity to pay for overtime hours. Social security contributions due are generally much lower.

Table 7.5 provides a summary comparison between benefits and rights of workers in the two types civil la contracts. In practice the possibility to use one or the other type depends on the nature of the assignment – potentially repetitive tasks not necessarily leading to a specific “product” in the case of commission contracts and focus on creation of specific product (often with intellectual property rights) in the case of specific-task contract.

Table 7.5 Main features of specific-task and commission contracts

Benefits and rights of workers	Commission contract	Specific-task contract
Social security benefits	Yes, but can be relatively low	No
Health insurance	Yes	No
Holidays	No	No
Minimum wage requirement	No	No
Period of notice	Upon agreement	Upon agreement

Source: based on Table 1 in Gatti, Roberta V.; Goraus, Karolina Marta; Morgandi, Matteo; Korczyk, Ewa Joanna; Rutkowski, Jan J. (2014), *Balancing flexibility and worker protection : understanding labor market duality in Poland*. Washington, D.C. : World Bank Group.

This form of contract is often used to facilitate labour market entry of young people but has become extensively use in situations where de facto work relations would justify a regular employment contract³¹. Such a situation is not unique to the AV sector, but characteristic of the large part of the Polish labour market.

7.3.6 Traineeships, internships and apprenticeships

Internships and apprenticeships are not widespread in the audiovisual sector. The only entities where it may be observed on a bigger scale is public television and to some extent large private TV companies. Internships and apprenticeships are usually unpaid or paid below the minimum wage limit. Participants in internships and apprenticeships are very rarely subsequently offered a more regular job³².

7.3.7 Self-employment and freelance work

Self-employment is often seen as an alternative to regular employment or to civil contracts. Labour code rules are not applicable. This form may be attractive from a tax perspective, especially for those with high earnings.

³¹ Interview with trade union representative, 08/10/2015.

³² Interview with trade union representative, 08/10/2015.

7.3.8 Other trends in employment and work arrangements affecting working conditions

The nature of audiovisual production often implies irregular working hours so it is hard to impose regulations on the market. The growing number of atypical contracts could be seen as an indication that the Labour Code is not perceived as fitting to the AV job market realities. Hence, a rising popularity of civil law contracts in the Polish labour market as a whole over the last decade or so also led to their increased use in the AV sector.

Trade unions (ZZPA) and professional associations (SDJ) recognise this issue and consider that it needs to be addressed. In their view atypical contracts not only do not give any stable employment but in some cases may have a negative impact on the company. People working on a basis of specific-task contract and commission contracts are not allowed to join trade unions, often cannot be promoted within the internal structure of the company and in some cases (e.g. in public television) are not allowed to hold managerial positions or other positions with higher levels of responsibility³³. Hence, such workers feel less attached to their workplace and in cases may not fully engage in the job. Another negative aspect raised by trade union representatives is that in the long run companies that do not invest in the human capital may have problems with finding well educated and experienced professionals. Some note that professional standards in the audiovisual market are gradually lowered, especially in television and film production. Criteria for hiring people are not always clear, no professional standards are used, and salary dumping is not uncommon³⁴.

7.3.9 New and emerging occupations

While technological progress certainly leads to changes in the way in which certain AV jobs are performed no new and emerging occupations have been identified as part of this research.

7.3.10 Trends in professional mobility

The exact typical routes of mobility between types of employment are difficult to pinpoint. One example of a recent trend discussed above is the move from civil contracts to self-employment that is driven by tax incentives.

In general more flexible work arrangements contribute to professional mobility which is now much higher than it used to be. Termination of one contract makes people look for new opportunities, often in other cities or abroad. However finding a job that is in line with the level of education and experience might be difficult abroad especially for people aged 40+³⁵.

³³ Interview with SDJ representative on 19/08/2015.

³⁴ Interview with ZZPAMO representative on 21/08/2015.

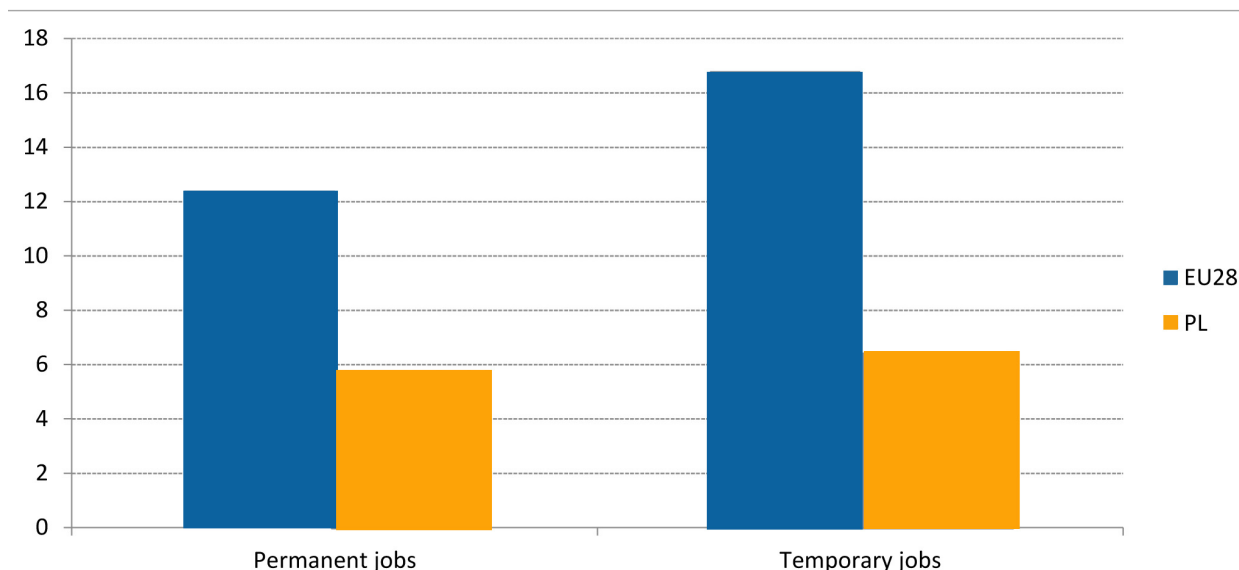
³⁵ Interview with a producer, owner of a production company on 8/10/2015.

7.4 Impact on changes on continuous training

7.4.1 Overview of the state of play in relation to continuous training

Formal obligations to provide training to employees are quite limited in Poland with the exception of health and safety training. An obligation for employers to offer educational leave is limited to a few specific sectors and is not applicable to the audiovisual sector. Also, the incidence of training activity is relatively low compared to other EU countries. Labour force survey data indicate that in 2014 only 7% of all employed aged 18-64 participated in any form of training in the month preceding the survey. This compares to an average of 14,6% in the EU28. The same data also enable a comparison of the incidence of training between people with permanent and temporary contracts. Counterintuitively those with temporary contracts appear to access training more often than their peers with regular permanent contracts. However, the gap between the two groups is much lower in Poland than in the EU28 as a whole (Figure 7.2)³⁶. Clearly, it is difficult to draw conclusions from this observation as the comparison does not control other characteristics of the workers.

Figure 7.2 Differences in training participation rates between employed aged 25-54 years on permanent and temporary contracts in 2014 (% indicating participation in training in the 4 weeks preceding the survey)³⁷



Source: Calculations based on Eurostat's labour force survey data (Participation rate in education and training (last 4 weeks) by sex, age and employment contract [trng_lfs_05]).

³⁶ The comparison is restricted to this age group to limit the impact of age on both incidence of temporary contracts and participation in training (younger people tend to exhibit higher rates of both).

³⁷ The comparison is restricted to the indicated age group to partly control for the significantly higher training participation rate among younger workers who are also more likely to have temporary contracts. The difference in training participation rates between those on permanent and temporary contracts is significantly wider when the whole sample (18-64 years of age) is taken into account, i.e. those on temporary contract participate in training relatively much more often than those on permanent contracts.

A somewhat different picture emerges when one considers only employer-sponsored training. Data gathered in the OECD Survey of Adult Skills in 2012 suggest that in the majority of OECD countries for which such analysis is possible, being on a temporary contract reduced the probability of receiving the employer-sponsored training by 14% on average³⁸. However, for Poland the estimate was not statistically significant.

No data has been identified that would allow a quantification of the participation in training in the Polish audiovisual sector. Labour force survey data published by Eurostat only enables an analysis of training incidence in a significantly broader group of people employed in enterprises classified under NACE code J (information and communication) that apart from the AV sector as understood in this report also covers in particular sectors such as J61 telecommunications, J62 Computer programming, consultancy and related activities, and J63 Information service activities. Those employed in Poland in these sectors are almost 3 times more likely to participate in training than the average for the whole economy – respectively 18,6% and 7% in 2014 (for the group 18-64 years of age).

The data could thus support opinions expressed by interviewed representatives of the audiovisual sector who generally claimed that there is substantial demand for high quality specialised training in the sector.

7.4.2 Impact of employment and working arrangements on access to continuous training

Interviews suggest that the cost of specialised trainings in the audiovisual sector is typically paid by individuals participating in such training. There are financial mechanisms enabling significant co-financing from public resources, notably from the EU's Creative Europe programme. Employers generally do not cover the costs of such training. This applies in particular to AV production, where regular employment contracts are in any case very rare. However, public television also does not often provide employees with free training. The Television Academy (the training centre of the public television company) offer is rich but employees have to cover the cost of the training themselves and only some limited discounts are offered to employees and people cooperating with the TVP on a regular basis³⁹.

Given the lack of the role of employers in financing the courses, the interviewees were of the opinion that the character of employment and working arrangements has no impact on access to continuous training in the audiovisual sector.

In addition the following observations can be made:

- In some circumstances, but most likely not typically, self-employed and other people working on the basis of civil law contracts may be offered training on legal aspects of their work relations. The requirement for the former / current employers to provide such training could stem from agreements reached as part of the restructuring process. For example, the

³⁸ OECD (2014), OECD Employment Outlook 2014, Paris, http://www.keepeek.com/Digital-Asset-Management/oecd/employment/oecd-employment-outlook-2014_empl_outlook-2014-en#page185

³⁹ The offer and conditions are presented at www.tvp.pl/akademia-telewizyjna/nasza-oferta/

outsourcing of employment in TVP SA in 2013-14 involved the requirement for the outsourcing company to provide advice and training to all former TVP SA employees willing to become self-employed.

- Access to certain specific training, notably concerning safety and health aspects of work is in practice largely restricted to people employed on open ended and fixed time employment contracts and such training are generally not available to those whose employment relation is defined differently. This stems from existing regulations requiring employers to offer (and indeed carry out) such training.

7.5 Impact on industrial relations

7.5.1 Industrial relations in the sector

There are several trade unions and associations in the audiovisual sector in Poland that cover a significant number of workers. The trade unions include⁴⁰:

- Federation of Trade Unions of Culture and Art Employees (FZZPKiS)
- Domestic Section of Radio and Television Employees of the Self-Governing Trade Union 'Solidarity' (KSPRiT NSZZ 'Solidarność')
- Trade Union of Polish Actors (ZZAP)
- Union of Associated Artists FORUM (ZZST FORUM) Trade Union of Creative and Technical Workers of Polish Media WIZJA (ZZPT TVP S.A. WIZJA)

Several smaller trade unions organisations exist in public television (TVP SA). However, co-operation between some 30 such organisations appears to be very limited.

An important role is also played by sectoral workers associations such as:

- Association of Polish Stage Artists (ZASP)
- The Polish Journalists Association (SDP)

There are several other sectoral associations:

- Polish Society of Cinematographers (PSC)
- Polish Association of Film Editors (PSM)
- Polish Animation Producers Association (SPPA)
- Polish Directors Association

Important employer organisations include:

- Audiovisual Producers Chamber of Commerce (KIPA)
- ZAPA – The Union of Audiovisual Authors and Producers.

⁴⁰ Pańków M (2013), Poland: The representativeness of trade unions and employer associations in the audiovisual sector, Report for the Eurofound, <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/poland/poland-the-representativeness-of-trade-unions-and-employer-associations-in-the-audiovisual-sector>

Collective bargaining hardly exists in the Polish audiovisual sector. It is also generally weak in most other sectors. In particular there is no evidence of sectoral collective bargaining. Company collective bargaining also appears to be quite limited. In TVP the last collective agreement covering journalists was suspended around 15 years ago. For the last couple of years a new collective agreement (for all employees) has been negotiated but the process stopped some two years ago and currently the chances of finalisation of the negotiations are assessed as minimal⁴¹. In 2011, one collective agreement was identified in Documentary and Feature Film Production Company (WFDiF) covering some 150 employees⁴². It is unclear whether it is still in force. Some theatres used to have collective agreements but it appears that this is no longer the case and the last such agreement at the Jan Kochanowski Theatre in Opole has been suspended since early 2015⁴³. Hence, working conditions are regulated by the Labour Code and these regulations are in many areas quite detailed, while collective bargaining agreements do not play a regulatory role in the AV sector.

Trade unions are practically non-existent in the private AV companies, partly because the majority of them are very small and issues that might be of interest for trade unions are solved in an informal manner.

It is therefore not surprising that the role of social partners influencing the types of employment and work arrangements remains very limited. Some evidence of the social partners' attempts to exert such an impact have been identified in public television (TVP SA) and to a more limited extent also in some theatres. While some of the many trade unions active in TVP SA have been quite vocal their fragmentation and lack of co-operation implies that their lobbying often focused on the employment situation of specific groups of employees such as camera operators or makeup artists rather than all employees⁴⁴.

No evidence has been found pointing to a role of social partners in defining terms and conditions in relation to different types of employment and work arrangements. One source of scepticism about prospects of strengthening the presence of trade unions and subsequently their potential impact on work-related matters is the heterogeneity of the sector implying often contradictory interests of various groups⁴⁵.

⁴¹ Interview with trade union representative on 08/10/2015

⁴² Pańków M (2013), Poland: The representativeness of trade unions and employer associations in the audiovisual sector, Report for the Eurofound, <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/poland/poland-the-representativeness-of-trade-unions-and-employer-associations-in-the-audiovisual-sector>

⁴³ Interview with representative of the Trade Union of Polish Actors, 20/08/2015.

⁴⁴ Interview with SDP representative on 19/08/2015.

⁴⁵ Phone interview with ZAPA representative on 8/09/2015.

7.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

As discussed above, hardly any collective agreements apply to companies in the audiovisual sector and social partners do not appear to be actively discussing challenges and opportunities related to the evolution of employment relations.

On the one hand ongoing changes in the structure of employment contract types and dynamic changes in the whole audiovisual sector may make it more difficult for social partners to start a meaningful dialogue. This in particular owes to the high and rising role of non-standard employment contracts. On the other hand the same changes may motivate some groups and institutions to action and in particular in ways that fully involve those with atypical work contracts. One example can be provided by the Trade Union of Polish Actors who see rising interest in membership from young actors who were previously sceptical. The Union increasingly sees the need for collective bargaining because of changing labour relations. In fact they initiated the process of preparing a proposal of a collective agreement that could be used in the future and that would cover also self-employed and other workers with atypical contracts⁴⁶.

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8 Romania¹

8.1 Introduction

8.1.1 Definition of AV sector

There is no distinct definition of the audiovisual sector in Romania. According to the National Council of the Audiovisual (NCA) in Romania the AV domain is regulated by two normative acts: Audiovisual Law 504/2002 (including changes to the date) and The Regulation Code of the Audiovisual Content of the NCA (2006).

The AV Law does not define the AV sector or domain, but it defines the audiovisual media service as 'a service under the editorial responsibility of a media service provider, whose main objective is the provision of programs in order to inform, entertain or educate the general public by electronic communications networks. Such an audiovisual media service is either a program service radio/television broadcasting, as defined in Section 2 or an audiovisual media service on request, as defined in Section 3 and/or service media is an audiovisual commercial communication, as defined in Section 15'.

According to the National Classification of the Economic Activities the AV is covered by two sub-activities ('1/ cinema production, video and television programs; audio recordings and music publishing activities; 2/ arts and creative activities') under the main activity called 'culture and mass media'.

The main federation of trade unions in the domain ('The FAIR MediaSind Culture and Mass Media Federation') chose to call themselves according to this labeling because their legitimacy is recognized in the Court of Law based on the number of employees counted by the National Institute of Statistics in line with the above mentioned classification².

8.1.2 Overview of the AV sector

The most accurate sources of data concerning the number of companies in AV (i.e. radio and TV broadcasting) and their geographical coverage are the annual reports of the NCA. Concerning the number of employees (excluding self-employed and freelancers), the main sources of data are the National Statistic Institute and the Labour Inspection. The data on the size of companies (i.e. annual turnover) is available at the National Fiscal Authorities.

¹ The national report reflects the situation as of 21st of January 2016.

² As explained further in the text, the social dialogue regulations in the Law 62/2011 establish a threshold for trade unions' representativeness (i.e. the condition under which a trade union can negotiate on behalf of the employees) at 50% + 1.

8.1.3 Main employers

As of January 2015, the main television stations employers in the country in a descending order per their market share are the followings: ProTV, Antena 1, Kanal D, Antena 3, Romanian TV, Prima TV, Acasa TV, National, TVR1, Antena Stars³. It should be noted that all these first ten TV stations are national and only one is public (TVR1).

As for the radio stations, also presented in a descending order per market share (January – April 2015), the main employers are the followings: Radio Romania Actualitati, Kiss FM, Radio ZU, Europa FM, Pro FM, Antena Satelor, Magic FM, Radio Romania Iasi, Radio 21, Radio Romania Craiova⁴. Among these first ten radio broadcastings, two are regional (Radio Romania Iasi – in the North-Eastern part of the country, and Radio Romania Craiova – in the South) and three are public (Radio Romania Actualitati, Radio Romania Iasi and Radio Romania Craiova). No data is available to the general public concerning the workforce size. According to the National Institute of Statistics, the average number of workers in the ‘culture and massmedia’ sector amounted to 65,870⁵ in 2010.

According to FAIR-MediaSind representatives the main employers in the sector are the Romanian TV (TVR) with about 3000 employees, Romanian Radio Stations, Agerpres (Romanian News National Agency) and the Official Gazette. There are often situations in which artists engaged in performances or concerts institutions participate in the audiovisual (i.e. TV and Radio) area. There are actors, singers, musicians, dancers who have a job in a cultural institution (e.g. opera, theatre etc.), but they are also collaborators or employees with a second job in private televisions and/or radio stations.

8.2 Major trends affecting the AV sector

8.2.1 Major trends and drivers of change since 2008

There is a scarcity of studies and documented evidence on the economic situation of the audiovisual sector in Romania. Apart from the monitoring information on the content of the broadcast undertaken by the National Council of Audiovisual, the Romanian Trade Registry is reporting 363 television and 222 radio stations registered in Romania in 2013. An economic study carried out by a market research company⁶ indicates a decrease in their number from 2009 when there were 411 television and 241 radio stations, which was mainly the effect of the decrease in the advertising market. Television segment turnover decreased in the last 5 years from 1,44 billion lei in 2009 to 1,28 billion lei in 2013. It should be noted that TV companies have adapted their activities to the challenges of the crisis; their total losses decreased by 125 million lei from 377,5 million lei in the 2009 to 252,4 million lei in 2013.

³ <http://www.radardemedia.ro/audiente-generale-ianuarie-2015/>

⁴ <http://www.audienta-radio.ro/userfiles/items/Audienta%20radio%20-%20Valul%20de%20vara%202015.pdf>

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⁶ <http://www.keysfin.com/RO/#!/Pages/News/NewsDetails&title=analiza-keysfin-audiovizualul-romanesc-dup-5-ani-de-criz-cum-s-au-reinventat-televiziunile-i-radiourile-romaneti>

Also, the profit increased from 33.7 million to 35,5 million lei.

The radio market has experienced a similar trend, but more moderate. Radio stations' turnover decreased in the past five years from 96,9 million lei to 94,7 million, losses were reduced by 26,1 million lei to only 11,6 million, while the profit rose to 5,98 million, from 5,9 million in 2009. Overall, the evidence indicates that the height of the crisis in the sector was achieved in 2012, and since then companies have taken measures which have allowed them to maintain a survival level. Behind the above mentioned financial statistics there are layoffs, budget cuts, broadcasts optimized at the lowest costs which were operated by both TV and radio stations.

Most of the television business sites are concentrated largely in the Bucharest region. Out of the total number of TV companies 91% are registered in Bucharest and surroundings. As for the radio stations, the percentage is somewhat lower: 68% are located in Bucharest-Ilfov, while for the rest they are mainly in the Southern (7,3%) and South-Eastern (6,9%) regions of the country. According to the KeysFin experts 'Bucharest is undoubtedly the place where the business of broadcasting is the most developed, taking over 80% of total turnover. Outside the capital region, there are television and radio stations mainly in the countryside and the most developed businesses in this domain are in Constanta, Ploiesti, Timisoara, Brasov and Cluj-Napoca'. According to the same experts, the business development in this area is mainly influenced by the advertising market, whose interests are mainly at national level and much less at the regional one.

The smaller television and radio stations were less affected by crisis, managing to better withstand the challenges. According to KeysFin experts, the financial situation of the media market has improved over the last five years. This rebound though marginal may contribute to the recovery of the sector in the long run: 'We expect that the audiovisual sector will thrive again after undergoing nearly five years of crisis. If the authorities will take the necessary measures to boost consumption, the engine of the economy, we estimate that the economy will develop in a positive direction'.

According to the most recent report of the National Council of the Audiovisual⁷, the situation for television broadcasting licenses at the end of 2014 was as follows:

- 66 companies holding audiovisual licenses for terrestrial television broadcasting;
- 187 audiovisual licenses for terrestrial television broadcasting out of which 180 are local private (with 171 local broadcast and 9 regional broadcast) and 7 are public (of which 5 are regional broadcast circulated, while the remaining 2 are national broadcast circulated);
- 187 television services with terrestrial broadcasting (stations in operation) out of which 180 are local private (with 171 local broadcast and 9 regional broadcast) and 7 are public (5 circulated regionally and national broadcasting 2);
- 109 audiovisual licenses for TV satellite broadcasting out of which 98 local private (3 with regional broadcasting, 56 are circulated at the national level, 37 are circulated both national and international, while 2 broadcast only internationally) and 11 public (5 with national broadcasting, 5 circulated regionally and 1 internationally).
- 97 service broadcasting television programs via satellite (operated stations) out of which 86 are public and 11 are private local.

⁷ Annual Report of the National Council of the Audiovisual (2014)

According to the same report, the situation regarding radio broadcasting licenses at the end of 2014 was the following:

- 182 companies holding licenses for terrestrial broadcasting;
- 22 companies holding licenses for satellite broadcasting;
- 556 audiovisual licenses for terrestrial broadcasting transmission, out of which 529 private local, 6 national private, 1 regional private, 20 public;
- 520 services programs for terrestrial broadcasting (i.e. stations operated) of which 495 local private, 6 national private, 1 regional private, 20 public stations;
- 30 licenses for broadcasting audiovisual satellite of which 26 private and 4 public;
- 30 program service satellite broadcasting (stations in operation) in which 26 public and 4 private.

VAT for culture and media in most European countries is levied at the standard rate of 0-5%, compared to 20% in Romania (as of 2016). VAT increase from 19% (until 2010) to 24% between 2010 and 2015 has significantly affected the culture and media sector. As a result, many media and art institutions went bankrupt. The Romanian media institutions have always suffered from a lack of credibility, especially at local level. At the local level most of the media companies depend on local budgets, local parties and the mayors. Media companies have lost hundreds of millions of euro because the advertising market has declined dramatically during the crisis. For the media companies it has been very hard to remain independent and to survive in a hostile economic environment.

In 2011 the labour laws (Labour Code, the Social Dialogue Law) have been changed to the detriment of employees, trade unions and employers. In 2008 the collective agreement for the culture sector and in 2014 the collective agreement for the media sector expired. Since 2011 no collective agreements have been negotiated for the culture and media sector. Before 2011 sector had a separate collective agreement. After the Government re-organized the economic activity sectors, a new collective agreement should have been agreed for the culture and media sector. Due to problems brought on by the new legislative framework, the negotiations failed. The legislative framework is called Social Dialogue Law, so in theory, it was meant to ensure the set the normative framework for the social dialogue but in practice it cancels it. The Social Dialogue Committees (SDCs) are not functional either and anyway their role was a minor one (i.e. advisory). The conclusions of SDCs do not lead to anything concrete. In theory, there are SDCs in all ministries, including the Ministry of Culture, but in practice none of them are active. The legislation, regardless of SDCs recommendations, does not lead to collective agreements. There are major dysfunctional elements in Law 62/2011 of social dialogue. For example, the Law speaks only of employees. According to this law, the trade unions cannot protect the self-employed workers, they cannot represent in court or and sign the collective agreement for self-employed workers. The National Statistic Institute states that in Romania there are almost 100,000 employees in the culture and media sector, but does not mention how many are self-employed. These are not covered by the labour legislation. Furthermore, according to this law collective agreements are not binding. The law stipulates the employer's obligation to negotiate collective agreements, but signing is not compulsory. The Law 62/2011 to major layoffs and tensions with employers. During the economic crisis (2009-2012) FAIR-MediaSind lost about 6,000 union members, who have been laid-off mostly from media institutions. Compared with most EU Member States, where in times of crisis there are economic measures to support the culture and media sector (for example, direct subsidies

in France), in Romania there were no protection or support measures adopted. In Romania, compared to France, self-employed workers are not mentioned in the labour laws, cannot be represented by trade unions and cannot negotiate collective agreements. Also, in France there is a special law dedicated to so-called intermittent workers ('les intermittents') who have allocated by the Government a special budget. It is not the case in Romania. Also, if in France those who work in the artistic and audiovisual sector based on short term contracts receive compensation from the state in order to be able to prepare their next project. In Romania these workers do not even exist, according to the statistics.

In addition, the development of the online media has significantly affected audiovisual companies, in particular print media. The Romanian Television is nearly bankrupt although it has not been made official yet. Radio Romania is also facing financial problems. The Romanian government has responded by nationalizing property of the Romanian Television, which is located in a residential area of Bucharest (the area where a square meter of land is the most expensive). For that reason, trade unions in the culture and media sector have requested international support from the international trade union organisations they are affiliated with. They asked these organisations to organize in Romania a mission or a reunion meant to bring this issue upfront into the international community's attention and, in Romania, to raise general public's awareness on the importance of saving the entire AV sector and thus saving and freedom of expression in Romania.

The trade union movement is also facing problems in Romania. The leaders of the major trade union confederations are passive and are perceived as being compromised. Unfortunately, these leaders were involved in negotiating changes in labour law. The leaders of major trade union confederations turned themselves into owners tend to be more concerned with the administration of trade unions' hotels and other assets, and less preoccupied by union specific activities. These confederations manage large EU funded projects, but without real benefits for their members. They use the members only to report them as beneficiaries of training or various workshops without a clear outcome. In addition, some of the leaders of trade union confederations are being investigated by the National Anticorruption Directorate and the National Integrity Agency. For this reason FAIR-MediaSind is not affiliated to any union confederation trying to solve all the problems by themselves, only with the support of external partners. Sector federations are now bearing the full burden of the trade union movement difficulties. They are in direct contact with the union members and are in charge of the negotiation process, the representation of their members in courts and the organization of protests. In addition, the representativeness (i.e. the condition under which a trade union can negotiate on behalf of the employees) of trade unions is a problem because of the social dialogue regulations in the Law 62/2011, which established the threshold for representation at 50% + 1. It is very difficult with a hostile employer for a trade union to achieve this threshold, to convince 50% + 1 of the employees to become union members. Only the federations at the sector level succeed in reaching this threshold and therefore are in the position of taking over the responsibilities of bargaining not only at the sector level, but also for individual cases that normally would have been taken by its member unions. This generates a great pressure on the operational capacity of sector federations (including audiovisual), who are aware that failing to meet the needs of individual members is discouraging individuals to continue to be members of the union. This may create a vicious circle which may lead to decreasing the trade union representativeness and capacity further.

8.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

In addition to all the factors which were described above, according to a recent public position of a member of NCA⁸, in terms of legislative or fiscal policies, the development of broadcasting in Romania has never received the necessary support from the Government or the Parliament. This lack of vision and reaction resulted in TV broadcasting companies' inability to work in the spirit of an independent media. The advertising market suffered major changes, a substantial share being transferred to the internet advertising market. TV broadcasters' revenues have decreased and the focus has shifted towards the creation of revenue-generating TV programs. The delivery of information to the public depends on the availability of the financing source of the TV station. Insolvency and bankruptcy has affected the major TV companies differently than smaller companies. Time is running out to the detriment of broadcasters and there is a risk to get in a situation of collapse of the Romanian audiovisual, "crowned" by the failure of the public television. In these circumstances, the major projects in Romania and the public debate need to be focused more on raising public awareness about the difficult situation of the entire AV sector and, ultimately, on the freedom of expression in Romania. Therefore, a law to support televisions should be initiated. According to such a law the NCA would track and collect the financial resources for an Audiovisual Fund and would ensure distributing it to the TV companies. Also, the Audiovisual Fund would collect an annual contribution of 5% of revenues from distributors retransmitting TV program services and from electronic communications networks, as well as from the fees charged by NCA for the extension of the audiovisual visual licenses and for issuing retransmission notices.

8.3 Analysis of the labour market and changing forms of employment and work arrangements⁹

8.3.1 Overview of current forms of employment and work arrangements

The general rule would be standard open-ended employment contracts. It is difficult to estimate how many employers use this type of contract and what is the precise number. Other forms of employment are fixed-term contracts, cession contracts of copyrights (Law 196), contracts for provisions of services and contracts with Authorized Physical Persons (freelance).

Human resource companies that hire staff for the AV sector are a few. There are agencies and production companies that hire staff for the provision of a certain cultural product, but the general rule is a direct contractual relation with the employer.

⁸ <http://www.agerpres.ro/cultura/2015/04/14/jucan-atrage-attentia-asupra-situatiei-financiare-a-televiziunilor-si-propune-instituirea-unui-fond-audiovizual-13-35-19>

⁹ The findings presented in this section are based on the interviews with the representatives of FAIR-Mediasind and Labour Inspection.

Most of the independent workers in AV in Romania work as Authorized Physical Persons (freelancer), or based on a cession contract of copyrights or contracts for provisions of services. Since the sector is poorly regulated, there is no general regulation for employment in this domain.

A request for data to the Labour Inspection for this study on the dynamic of employment in this sector produced an overview of the overall employment situation in the country, nothing sector specific. The Labour Inspection has started to collect data on standard open-ended employment, fixed-term, full time and part-time contracts in 2011. They cannot provide data about Authorized Physical Persons, service provision contracts or cession contracts of copyright, because they do not have the authority. Data on any other form of employment arrangement is collected by the National Statistics Institute. This information is however not publicly available. Data can only be accessed upon request and against payment. . The trade unions have contested the validity of the data collected by the National Institute of Statistics. According to FAIR-MediaSind, the entire mass-media sector has about 3,000 employees. The biggest employers are TVR1, Radio Romania, Agerpress and the Official Gazette. In total, there are around 5,300-5,600, maximum 6,000 employees in this sector. According to an estimation of the companies providing accounting services to the artists there are around 15,000-17,000 employees in the sector. Even if technical staff is added the total number does not exceed 100,000 employees, at most 40,000-50,000.

The trend towards using atypical employment arrangements has increased, providing employers with the opportunity to transform stand work contracts into more flexible contractual arrangements, e.g. fixed-term contracts. Both in the mass-media and, to a lesser extent, in the culture sector, the tendency is to avoid standard employment contracts because the costs are higher for this type of contracts. These type of contracts tends to be less used, while cession of copyrights and of provision of services contracts tend to be preferred more and more (especially by the private employers) because they involve less costs for the employer and can be terminated anytime at the employer's unilateral decision.

Table 8.1 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence: Almost inexistent Uncommon Relatively widespread Widespread Dominant form No reliable information available	Trend since 2008: Up Stable Down No reliable information available	List specific groups and/or subsectors and/or occupations for which this type of arrangements is the most widespread (if relevant)	Summary of main differences compared to standard contracts: e.g. lower pay, different benefits, higher/lower cost for the employer, higher flexibility for the employer
Standard open-ended employment contracts	Relatively widespread	Down		Higher costs for the employer
Fixed-term contracts	Relatively widespread	Up		Higher flexibility for the employer
Part-time employment	No reliable information available			No reliable information available
Other forms of atypical contract (cession contracts of copyright)	Relatively widespread	Up		Lower costs for the employer
Traineeships/ internships and apprenticeships	Uncommon	No reliable information available		No reliable information available
Self-employment and freelance work	Relatively widespread	Up		Lower costs and higher flexibility for the employer

8.3.2 Standard work contracts (full-time, permanent contracts)

N/A

8.3.3 Fixed-term contracts

N/A

8.3.4 Part-time work contracts

N/A

8.3.5 Other forms of atypical contracts

N/A

8.3.6 Traineeships, internships and apprenticeships

In Romania there is a law for occupational training, each employer has to train its employees for two years, but the law does not stipulate any sanctions in case of no enforcement. This regulation is applied to standard open-ended employment contracts. In the private sector, almost no employer abides by it, because the employers do not have enough financial resources to pay for occupational trainings. Only big private companies can afford to do this by training their staff in their own training centres. These companies realized they need to train their employees simply because it is difficult to find qualified staff.

Public institutions train their employees to avoid a fine from the Labour Inspection, because at the end of each year, they must negotiate the occupational training programme with the union, as it is stipulated in the collective agreement. So they add this in their yearly budgets and also assess the occupational level of their employees with help from the union.

The legal framework for occupational training (Government Ordinance 129/2000), applies to both private and public institutions and was revised according to the Law 110-13/2014. The main bottleneck in the enforcement of this law remains the financial one.

The main occupational training providers in the AV sector are the public and private journalism colleges and a few private centres for occupational training in mass media.

8.3.7 Self-employment and freelance work

N/A

8.3.8 Other trends in employment and work arrangements affecting working conditions

There are not many recent developments affecting working conditions in culture, maybe in mass media, especially in the online sector. There is a proposed regulation for the Romanian Labour Code about 'telemunca' (distance work). This has not been approved so far.

Working conditions are regulated by the general legislation with only very few stipulations with reference to AV and culture workers and there are no specific regulations for occupational diseases for this domain. The work on Saturdays and Sundays for mandatory shows has to be performed without extra pay. Night working hours in the AV and culture are also under general payment in the Labour Code.

A special law requires public performance institutions to perform on Saturdays and Sundays without any extra pay. In any other sector of activity extra pay is provided.

8.3.9 New and emerging occupations

According to FAIR-MediaSind there is no major difference concerning occupational level between Romania and other countries. The lack of collective agreements to regulate the activities of workers who have to change their job and specialisations creates chaos. For example, a musician practicing stage direction in the absence of a stipulation that allows changing his occupation prefers to declare himself as an instrumentalist and get paid as one. Workers re-qualification has some general regulations and these regulations should be mandatory in the collective agreements.

New occupations in the mass media sector have emerged in relation to digital journalism. The institution that manages occupational qualifications is called the National Authority for Qualification and there is also the National Register of Qualifications. The Romanian Code of Occupations needs to upgrade its system of qualifications to meet the shared European standards. But this requires specific expertise which is not readily available. The professional associations are expected to cooperate with the trade unions on this matter. The trade unions created a set of 17 occupational standards and managed to validate them within a pre-accession EU funded project in 2009. After Romania joined the European Union the system of qualifications should have been adjusted in order to allow for the recognition of professional qualifications (including those in the AV sector) in other European countries. However, not much has been done in that sense.

8.3.10 Trends in professional mobility

There are many employees in mass media who changed jobs. Many journalists with a degree decide to work in the PR sector, online media, and advertisement. There are a few professionals left in mass media and culture because the wages are smaller compared to other sectors.

8.4 Impact on changes on continuous training

8.4.1 Overview of the state of play in relation to continuous training

N/A

8.4.2 Impact of employment and working arrangements on access to continuous training

N/A

8.5 Impact on industrial relations

The main responsibility of trade unions is negotiating collective agreements. Similar to other countries in the EU, trade unions negotiate every stipulation regarding terms and conditions, security, health, employee's protection, working hours, working conditions, wage, bonuses, procedures, joint committee, ethic committee etc. and other different elements that the unions must stipulate in a collective agreement, if they have someone to negotiate with, to improve and detail these elements as much as the document allows them to.

The trade union (i.e. FAIR-MediaSind) should be involved in negotiating the collective agreement in culture and mass media because they are the only representative federation in Romania, according to the Romanian judicial court. However, because the law does not impose private or public authorities to conclude collective agreements, trade unions do not have a partner to negotiate with. However, they assist collective bargaining for institutions, when members of the union are asking for this kind of support. Another problem is that law forces the employer to start negotiations, but not to sign the collective agreement. That means the trade unions may negotiate contracts without coming to a definite conclusion because employers refuse to sign.

The Ministry offers logistics support and attends the negotiations until a contract has been signed. The Ministry of Labour or the Ministry of Culture does not get involved in the negotiation process; they can only facilitate the process.

There are trade union members working based on atypical contracts, but the trade union cannot do much for them because they are not considered workers according to the Romanian labour legislation. TU is offering them judicial advice, but cannot do more than that for them.

The labour laws from 2011 (Labour Code and the Social Dialogue Law) had a negative influence on the negotiations and employees' rights because collective agreements almost disappeared. Changing the threshold to 50% plus 1 also negatively influences the trade unions' activity. Because of this high threshold, it became easy for employers not to recognize TU's legitimacy to negotiate. Without negotiations and with restrictions in relation to the right to protest, unions have to go through mediation procedures and so on, which lasts for months and makes them lose numerous members which further decreases their legitimacy and negotiation power. If a trade union organizes a strike, the employer is contesting the trade union's legitimacy and can go to court and ask the judge to determine if the union is representative or not. The lawsuit may last for months.

FAIR-MediaSind became a federal sectorial organization in 2013, when two trade union organizations merged, and the Bucharest Municipal Court granted them sectorial representation for four years. It took almost one year and a half to apply this decision due to some interested parties in the private sector who contested this merge.

The first positive impact of this merge was that members of trade unions can ask for support in collective bargaining no matter where they are located in Romania, which was not possible before the merge. Currently, members from all over the country ask for the support of trade

unions in collective bargaining in the mass-media and culture sector. Trade unions have the necessary professional expertise, but very limited resources.

At the central level FAIR-MediaSind has employees (e.g. accountant, legal advisor etc.) because the law requires them to issue annual reports. If union fees are not being paid, unions cannot afford concluding employment contracts for their members. Sometimes they need to supplement the necessary expertise with voluntary work. In the past union's law imposed the employer to pay 1% of gross salary of every employee as union fee, but this does not apply any more. Now it is very difficult for a union to gather union contributions. In Romania only external partners may have the potential to counterbalance these negative factors. There are no associations that can support employer's rights. Trade unions would be interested to cooperate with professional associations, but all of them have their own goals, which are not represented by creating more jobs or by defending professionals' or workers' rights. They do not support or participate in collective bargaining; they have their own mandate and projects. However, the trade union has in the mass media sector some partnerships, for example a convention for mass media organizations focused only on occupational area. The trade union attempted to develop partnerships with Ministries, but not much progress will be made until a clear procedure for negotiating and signing a collective agreement has been established. Before 2008 it was stated clearly that each Romanian employer must negotiate and sign a collective agreement at a sectorial level. Now these contracts are optional, only starting negotiations is mandatory.

For example, few years ago, the trade union negotiated a collective agreement with the Opera House in Bucharest, without reaching a conclusion. The Labour Inspection fined the institution first because they did not start negotiations, then because they started the negotiations without reaching an agreement. This happened in 2006-2007 when the previous law was still effective. The institution preferred paying the fine from public money instead of closing the collective agreement.

The lack of clear legal regulations on the job market in the AV sector allows for a lot of unfair work treatment. In practice any type of employer behaviour, against the law or any form of unusual hiring such as having a driver hired under a copyright contract is taking place. For example the Intact Media Group Company concluded highly unfavourable contracts to the workers. Employees were not allowed for years to share any information about their work in the company because of some non-disclosure clauses, or they could have been fined with tens of thousands of euros.

The lack of solid legal regulations and the lack of collective agreements with minimal mandatory stipulations generated many cases of unfair work treatment. The employer can introduce in the contract any stipulation, and if the worker refuses to sign, he or she is not hired.

In the public institutions, where there are unions, these situations do not exist or they are rare because the employee is represented by the union, which prevents him or her to sign unfair contracts. There is a joint commission discussing these matters. The union can go to court if necessary.

8.6 Sources

8.6.1 Publications

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<http://www.audienta-radio.ro/userfiles/items/Audienta%20radio%20%20Valul%20de%20vara%202015.pdf>

<http://www.mmuncii.ro/pub/imagemanager/images/file/Domenii/Dialog%20social/Sindicate/8%20Adresa%20INS.pdf>

Romanian broadcasters, after 5 years of crisis! Romanian TV and radio stations reinvented themselves (2014)

<http://www.keysfin.com/RO/#!/Pages/News/NewsDetails&title=analiza-keysfin-audiovizualul-romanesc-dup-5-ani-de-criz-cum-s-au-reinventat-televiziunile-i-radiourile-romaneti>

Annual Report of the National Council of the Audiovisual (2014)

<http://www.cna.ro/Raport-anual-2014.html>

The Regulation Code of the Audiovisual Content of the NCA (2006)

<http://www.cna.ro/DECIZIE-Nr-220-din-24-februarie,6076.html>

Ministry of Culture – Sectorial Strategy in the Domain of Culture and National Patrimony for 2014-2020

■ http://www.cultura.ro/uploads/files/STRATEGIA_%20SECTORIALA_IN_DOMENIUL_CULTURII_2014-2020.pdf

■ <http://www.agerpres.ro/cultura/2015/04/14/jucan-atrage-atentia-asupra-situatiei-financiare-a-televiziunilor-si-propune-instituirea-unui-fond-audiovizual-13-35-19>

Government Ordinance 129/2000 and Law 110-13/2014 on continuous training

- Law 62/2011 of the Social Dialogue
- Law 504/2002 of the Audiovisual (updated)

8.6.2 List of interviews

- Leonard - Octavian Paduret – President of Federatia Cultura si Mass-Media FAIR-MediaSind (The Federation for Culture and Mass Media “FAIR-MediaSind”) (23.10.2015)
- Cristi Godinac – President of the Romanian Federation of Journalists “MediaSind” (23.10.2015)
- Mihaela Tica – Head of PR Department, National Audiovisual Council of Romania (15.10.2015)
- Miruna Dicu – Expert, Department of International Relations and European Affairs Ministry of Culture, Ministry of Culture (14.10.2015)
- Dantes Nicolae Bratu – Chief Inspector, Romanian Labour Inspection (21.10.2015).

9 Spain¹

9.1 Introduction

9.1.1 Definition of AV sector

Several different definitions of the AV sector are used in the Spanish context.

The article 2 of the 2010 Law on Audiovisual Communication² defines the sector as the 'services delivered to promote programmes and content aiming at informing, entertaining or educating the general public as well as broadcasting commercial content'.

These services include:

- Audiovisual communication services for television and on-demand television.
- Audiovisual content for mobile platforms.
- Audiovisual communication services for radio including on-demand content.

The 2010 Law indirectly regulates some aspects of cinema productions linked to its audiovisual nature. However, the recently approved Royal Decree of May 2015 (which modifies the former 2007 Law on Cinema) is the specific regulation for cinema.

The main institutions gathering and providing data on the sector are the National Institute of Statistics (INE); the Ministry of Education, Culture and Sport (MECD) annual reports; and the National Securities Market Commission (CNMV) reports.

- The INE data does not provide information for the AV sector as such, but it is possible to group categories of activities under the CNAE-2009 classification at the three digit level. In this report the three digits subsector categories will be used: 591, 601 and 602.

Table 9.1 CNAE-2009 activity categories included on the 'Global surveys on Services Sector' INE

59. Motion picture, video and television programme activities, sound recording and music editing activities	591. Motion picture, video and television programme activities.
	592. Sound recording and music editing activities*
60. Radio and television programming and broadcasting activities	601. Broadcasting activities
	602. Radio and television programming and broadcasting activities

Source: INE, CNAE-2009.

* 592 category is not included as most of it does not fall under the scope of the study.

¹ The national report reflects the situation as of 8th of January 2016.

² <https://www.boe.es/buscar/act.php?id=BOE-A-2010-5292>

- The Ministry of Education, Culture and Sports (MECD) use a more general concept of 'cultural industries'. For instance, the Ministry publishes an Annual Report on Cultural Statistics³ where the audiovisual sector is sometimes included as part of 'Books and audiovisual' category or in other cases as a specific sector (excluding cinema production).
- Finally, the National Securities Market Commission (CNMV) which regulates and supervising the activities of the AV sector (and other sectors) groups together AV sector with telecommunication activities.

One of the consequences of the lack of a single definition is that the data available is not always comparable and does not provide a complete understanding of the sector.

9.1.2 Overview of the AV sector

According to the data provided by the MECD, audiovisual and multimedia (cinema, video, music recordings and television) account for 24,2% of all cultural industries⁴ in Spain and could be estimated to account for around 0,8%-1% of the national GDP⁵.

Data from the National Institute of Statistics (INE)⁶ is available concerning the number of companies, their turnover, added value, and the number of workers including employees for different AV sub-sectors. In 2013, close to 60,000 people were working in the sector, compared to almost 75,000 in 2008. This significant drop (-21,5%) has been more dramatic among employed personnel (-22,2%). Employment in AV sector is relatively small compared to employment in cultural sectors as defined by the MECD, totalling around 485,000 workers⁷.

Table 9.2 Main figures of the AV sector in 2013 (CNAE-2009 categories)

	Number of companies	Turnover	Production value	Workers	Employed personnel
591 Motion picture, video and television programme activities	6,578	4,435,153	2,647,308	29,477	25,202
601 Broadcasting activities	971	528,210	483,312	6,850	6,233
602 Radio and television programming and broadcasting activities	633	3,331,081	2,449,568	22,321	21,909
Total (591+601+602)	8,182	8,294,444	5,580,188	58,648	53,344

Source: INE

³ Ministry of Education, Culture and Sports. Anuario de Estadísticas Culturales 2014. MECD, Subdirección General de Documentación y Publicaciones 2014.

⁴ Source: MECD. Anuario de Estadísticas Culturales 2014. MECD, Subdirección General de Documentación y Publicaciones, 2014.

⁵ Own estimation taking into account that the cultural industry accounts for 3.4% of the national GDP according to the MECD. <http://www.mecd.gob.es/cultura-mecd/areas-cultura/libro/mc/observatoriolect/redir-ige/destacados/mundo-libro/Anuario-Estadisticas-Culturales-2014.html>

⁶ Using the subsector categories (591, 601, 602) explained above.

⁷ Ministry of Education, Culture and Sports. Anuario de Estadísticas Culturales 2014. MECD, Subdirección General de Documentación y Publicaciones 2014.

The AV sector is characterized by a large number of micro and small companies. Indeed, 99,3% of all AV companies have 0 to 10 employees and more than half of these have no employees. As it is shown in Table 9.3, there has been a slight increase in the number of SMEs and a higher increase in companies with no employees. The size of AV companies is similar to the average size of the companies in Spain.

Table 9.3 AV companies in Spain by number of employees

Number of employees	2008	2015	2008-2015	Average across sectors 2015
SMEs (0-199)*	99,1%	99,3%	+0,2 p.p.	99,8%
No employees	46,9%	54,5%	+7,5 p.p.	55,0%
Micro (1-9)	41,6%	37,1%	-4,6 p.p.	40,8%
Small (10-49)	9,0%	6,7%	-2,3 p.p.	3,5%
Medium (50-199)	1,5%	1,1%	-0,4 p.p.	0,5%
From 200 to 999	0,8%	0,6%	-0,2 p.p.	0,1%
More than 1,000	0,1%	0,1%	-0,05 p.p.	0,0%

Source: INE. Sectors covered: 591, 601 and 602

* SMEs are generally defined as companies with 0-250 employees. However, in this case we have adapted the information according to the available information in the Spanish Enterprises Register (DIRCE).

The data available at the National Central Business Register⁸ (based on sectors 591, 601 and 602) provides useful insights into the importance of the sector by region and recent trends. In 2015, one-third of all AV employers are established in the region of Madrid. Together, the regions of Madrid and Cataluña concentrate more than half of the total number of companies. This concentration in both regions is even more significant in the case of the AV producers.

The development of the AV industry at the regional level was encouraged by the launch of regional public televisions, which occurred in two different periods in the 1980s and the 2000s. The new channels increased the demand of TV programmes and other audiovisual products at the regional level and stimulated the creation of new companies to meet this demand. In particular in bilingual regions (Cataluña, Valencia, Galicia and the Basque Country), the demand of audiovisual products in specific languages has consolidated the positions of AV companies in a more protected market.

Since 2008 most regions have experienced a reduction in the number of AV companies. In average across Spain, 11,1% of companies active in 2008 had closed by 2015. Significant losses were experienced in Andalucía, Valencia and to a less extent in Madrid, Cataluña while the Basque Country succeeded in attracting or generating new companies (+16,8%). In the last years, this region has implemented several measures to encourage investment in their AV sector such as fiscal incentives to film production.

⁸ National Institute of Statistics (INE). Central Business Register. INE, 2015.

Table 9.4 Spanish regions with highest numbers of AV companies in 2015

Autonomous Community	Number of AV companies	% of all companies	Variation 2008-2015
Madrid	2,988	33.7%	-10.7%
Cataluña	1,737	19.6%	-8.6%
Andalucía	981	11.1%	-19.1%
Valencian Community	656	7.4%	-18.3%
Basque Country	515	5.8%	+16.8%
Canarias	451	5.1%	-2.6%
Total National	8,876	100.0%	-11.1%

Source: INE.

9.2.2 Main employers

In the Spanish case, AV main companies are generally part of larger international communication groups. In the table below, the main communication/AV groups are listed by importance in 2014.

Table 9.5 Communication and AV main groups (2014 data)

Communication and AV group	Number of workers	Turnover (millions EUR)	Annual revenues by group's main company (millions EUR)	Participation of the group's companies in different AV areas			
				Press	Radio	TV	AV production
PRISA	10,198	1,402.2	-2,236.8	x	x	x	x
PLANETA	12,500	1,648.0	+33,8	x	x	x	x
IMAGINA	3,450	1,387.0	+122,0		x	x	x
ATRESMEDIA	1,749	849,9	+46,7		x	x	x
MEDIASET ESPANA	1,260	919,4	+59,5	x		x	x
VOCENTO	2,735	494,0	-22,3	x	x	x	x
UNIDAD EDITORIAL	1,000	358,1	-20,1	x	x	x	
ZETA	NA	239,0	+1,9	x		x	
PRENSA IBÉRICA	NA	201,6	+2,6	x	x	x	x
GODÓ	1,227	201,2	+0,3	x	x	x	x
RTVE	6,500	NA	-113,0		x	x	x

Source: ICF elaboration based CNMV September 2014 and UGT internal documents.

The main employers by subsectors are described below:

- Production of motion picture (cinema). In 2014, the main producers in terms of revenues, were Kowalski Films, Lazona Films and Snow Films. All three due to the massive success of a few number of films⁹.
- Video and television programmes. The Spanish production industry combines large number of very small producers with two dominant companies which account for most of the turnover of the sector. These two large corporations are:
 - The Grupo Imagina is composed by more than 60 companies such as Globomedia (around 600 employees) or Mediapro (3,400 employees).
 - Endemol Shine Iberia (former Endemol Espana) is part of the international Group Endemol. It includes relevant producers in the Spanish context such as Zeppelin Tv, Gestmusic and Diagonal TV.
- Radio broadcasting. The long-time leader of the radio broadcasting in Spain is the SER group while several private radios are also very important players. The public radio occupies the fourth or fifth place in terms of audience rating.

Table 9.6 Main radio broadcasting groups

	Number of employees	Audience ratings average 2013 (IV) – 2014 (I-IV)
SER group	1,200 (approximated)	48,0%
COPE group	600 (approximated)	19,6%
Onda Cero group	1,000 (approximated)	18,8%
RNE group	6,500 (including all services)	9,3%

Source: Audiencia General de Medios (<http://www.prisabs.com/pbs/egm/completo.pdf>).

TV broadcasting. The television sector has experienced important changes in these last years.

- Due to the economic crisis and the emergence of new communication platforms, companies have suffered a deep fall in advertising revenues. The sector was restructured with a number of mergers. As a result, two private audiovisual groups (Mediaset and Atresmedia) have managed to obtain a dominant position in the market: both companies account for around 60% of the audience and around 80% of the advertising revenues.
- The public broadcaster (TVE) occupies the third position in audience ratings. TVE has implemented several deep reforms affecting its financing model during this period. One of the main changes is that since January 2010, public channels no longer contract any space for publicity.
- Other private and public regional televisions attract the 25-30% remaining audience and the 15-20% of the advertising contracts.

⁹ MECD. ICAA Cinema database.

<http://www.mecd.gob.es/cultura-mecd/areas-cultura/cine/mc/cdc/evolucion/mercadocine.html>

Table 9.7 Main television broadcasting groups

	Number of employees	Audience ratings average 2013 (IV) – 2014 (I-IV)
Mediaset	1,000 (estimation)	30,8%
Atresmedia	1,000 (estimation) All activities of the group: 1,806 (2014)*	27,6%
TVE	RTVE 6,500 employees considering all fields of activity (television, radio...).	16,6%
G. Unidad Editorial (VEOTV)	NA	3,8%
Grupo Vocento	NA	3,5%
Other TVs groups	NA	17,7%

Source: Audiencia General de Medios (<http://www.prisabs.com/pbs/egm/completo.pdf>).

* Atresmedia. Informe Anual y de Responsabilidad Corporativa 2014.

9.2 Major trends affecting the AV sector

The 2008-2015 period has been a period of dramatic changes in the Spanish audiovisual sector, affecting the size of the sector. One out of five jobs have been lost, the number of companies has been reduced in 12,9% and their 2013 turnover is 28,7% lower than in 2008.

9.2.1 Major trends and drivers of change since 2008

During this period, the most important drivers of change in the sector were the extension of the digital technologies and the effects of the economic crisis.

- The AV sector is very sensible to technological development and innovation. The shift to digital technology is affecting audiovisual production. In some fields of the sector, new technologies have resulted in jobs losses. For example, occupations such as operators, sound specialists and auxiliary personnel are being replaced by a reporter with a single recording camera.

- The drop in advertising revenues has especially affected radio and TV broadcasters.

- As mentioned above, the economic crisis had a dramatic impact on the sector, leading to job losses, internal restructuration and mergers to create stronger groups that could face the difficult economic times. Most areas of activity within the audiovisual sector have suffered restructuring processes and mass lay-offs. The TV and radio sector were most affected.

Due to austerity measures in place^{10 11}, the budget of public companies has been reduced contributing to the reduction of activity in the sector; three public channels were closed (in the Valencian Region, Madrid Municipality and Balearic Region). In this context, some AV professionals were forced to move to self-employment¹² (mostly experienced staff) while

¹⁰ One of the main examples of the austerity measures was the adoption of the Law 2/2012 on Budget Stability and Financial Sustainability. This law limited public sector's capacity to incur deficits.

¹¹ The 2010 Law on Audiovisual Communication was reformed in 2012 establishing a more strict control of public spending among audiovisual public organisations.

¹² According to information from the employer's association.

some also left to look for a job abroad¹³ (young, highly trained professionals and relevant professional experience).

A (non-exhaustive) list of examples of redundancies processes or closures in the AV sector are shown in the table on next page.

Table 9.8 Examples of redundancies processes or closure of companies in the broadcasting sector in the period 2008-2015

Organisation	Group or owner	Nature	Redundancies or closure	Employees affected		Date
				N	%	
RTVE	RTVE	Public TV and radio	Redundancies	57	0,9%	2008-2015
Telemadrid	Madrid Region	Public TV	Redundancies	861*	74,2%	2013-2015
RTVV	Valencian Region	Public TV	Closure	1,700	100,0%	2013
ESMADRIDTV	Madrid Municipality	Public TV	Closure	23	100,0%	2010
RTV de Mallorca	Balearic Region	Public TV	Closure	117	100,0%	2012
CCMA**	Catalonia Region	Public TV and radio	Redundancies	600	24,5%	2013-2016
Intereconomia TV	Intereconomia	Private TV	Redundancies	95	NA	2013
Localia TV	Prisa Group	Private TV	Closure	256	85,3%	2009
Prisa Radio	Prisa Group	Private radio	Redundancies	213	NA	2012
COPE	Cope Group	Private radio	Redundancies	220	27,5%	2008-2015
ABC Punto Radio	Vocento group	Private radio	Closure	160	100,0%	2013

Source: Adapted from UGT and CCOO internal documents.

* The Spanish Supreme Tribunal has declared the redundancies as unjustified. Around 60 employees will be readmitted.

** Corporació Catalana de Mitjans Audiovisuals is the regional public TV of Catalonia.

In addition, there have been many important legal and policy changes since 2008 affecting developments in the sector:

■ The 2010 and 2012 Labour Market reforms were the main legal change affecting the working conditions in Spanish labour market. The main aim of the reform was to restore competitiveness by aligning labour costs with productivity and allowing employers to exploit better internal flexibility measures as an alternative to dismissals¹⁴. In addition, layoff processes requirements were lowered. These new mechanisms may have contributed to a general reduction in jobs and salary levels of the workers of the sector.

■ A controversial measure adopted in September 2012 was the increase in the VAT taxation for cultural activities from 8% to 21%. Currently, Spain has one of the highest VAT (21%) within

¹³ According to information from trade unions.

¹⁴ OECD. The 2012 Labour Market reform in Spain: A Preliminary Analysis. OECD, 2013.

the European Union. This increase produced dramatic effects in the AV industry, adding to its fragile position and the sector is currently asking for a reduction of this rate.

■ Another relevant change has been the adoption of new regulations: Law on Cinema of 2007 and, more recently, the Royal Decree of May 2015. Since the 2007, television broadcasting companies are required to invest 6% of their benefits in the production of motion picture and subsidies for cinema production are mainly provided before the production. Sectoral associations assessed positively this reform. Major players of the TV broadcasting sector have played a significant role in financing cinema production: Mediaset (Telecinco Cinema) and Atresmedia (Atresmedia Cine). The public broadcaster RTVE also traditionally has a key role in supporting film production. For example, in 2013 RTVE contributed to the production of 92 AV projects of which 41 were feature films¹⁵. Moreover, the new Royal Decree on Cinema of 2015 introduce relevant modifications to the system of public support and subsidies towards the industry¹⁶. The new system has been welcomed by the sectoral associations.

■ Due to barriers to access funding, AV stakeholders have asked the government to promote new ways to access funding such as patronage. Although it was among the plans of the government, the adoption of a specific law on patronage was finally dropped. However, some fiscal incentives have been recently approved under the 2016 General State Budget.

In addition, alterations in the consumption behaviour in these years have redefined the AV business model:

■ Globalisation of the industry: Demand is rapidly changing and consumers can access practically all audiovisual contents produced in the world. The development of new communication technologies has encouraged a vast offer of audiovisual content that can be consumed at a different pace and in a personalised manner. In these years, Spanish public and private audiovisual producers are stressing the importance of competing in the international market. As a consequence, companies are investing more in designing AV products that are attractive for consumers from different countries and cultural backgrounds.

■ Spain is among the countries where copyright infringement is more common and where this practice is socially accepted. Around 88% of digital contents were illegally reproduced. This issue is part of the public debate agenda and several measures have been implemented in the last years. It is estimated that the content infringed represent a loss of 23,265 million EUR for the sector¹⁷.

9.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

The main factors that will potentially affect employment and work arrangements are:

■ Technological change - workers will be required to receive continuously training and constantly update their knowledge and skills. Employers will need to guarantee their staff

¹⁵ Radiotelevisión Española (RTVE). Memoria 2013. RTVE, 2014.

¹⁶ The Cinema Law of May 2015 was followed by other regulations such as the Royal Decree 988/2015 of 30 October which establishes the legal regime of the obligation to pre-financing of European audiovisual works. In addition, the Order which will regulate the public funding supporting film and audiovisual creation is being developed. Recently, the Ministry open to public debate by publishing the draft Order.

¹⁷ GfK, Observatorio de Piratería y Hábitos de Consumo de Contenidos Digitales 2014. Consumo de Contenidos Digitales en España, 2015.

has access to training. Moreover, the government will need to consolidate an effective new continuous training system.

- A recovery of the economy, although there no certitude regarding how this would affect working arrangements and conditions in the sector.
- Further restructuring and change of strategy of organisations due to competition. For example, public broadcasters will be required to increase their capacity in the area of conception, design and programming as well as marketing, sales of audiovisual products to remain competitive. This will also require investing in training so their staff can develop new roles and skills.
- Changes of government and policy reforms (e.g. VAT rate on cultural products) may could have large-scale impacts on the AV sector.
- The development of copyright legislation and measures to address copyright infringement would be another important driver of change, as according to interviewees, the current situation is not sustainable for the industry.

9.3 Analysis of the labour market and changing forms of employment and work arrangements

As mentioned above, the economic crisis has strongly affected the audiovisual labour market. Many companies have implemented severe measures to reduce their structural costs in order to face the reduction of economic activity, including layoffs (particularly among older workers as age or seniority in the company being one of the main criteria for redundancies), reduction in working hours and salary reductions. Between 2008 and 2013, the number of people working on the sector has reduced by 21,5%.

Table 9.9 Main figures of the AV sector 2008-2013

	Number of people working		Comparison 2008-2013	
	2008	2013	N	%
N people working	74,718	58,648	-16,070	-21,5%
N paid workers*	68,604	53,344	-15,260	-22,2%
N unpaid workers**	6,114	5,304	810	-13,4%
N companies	9,394	8,182	-1,212	-12,9%
Turnover in EUR	11,664,119	8,294,444	-3,369,675	-28,7%

Source: INE.

* Paid: those people employed by the company who have a contract and are paid with fixed or periodical amounts, even if they receive commission as well, are considered to be paid.

** Unpaid: those people who work regularly in the company, but do not receive any wage or salary in return. This section covers owners and partners, freelance managers and family members who work in the establishment without any regulated pay. (Exclusively capitalist partners and members of the owner's family who do not take part in the company's business are not included in this category either).

In 2013, men were clearly overrepresented (57,8%) in the AV workforce, more than in the general economy (54,4%)¹⁸ but less than in all cultural industries (60,4%)¹⁹.

9.3.1 Overview of current forms of employment and work arrangements

The general trend observed in the Spanish AV labour market is an increase in the flexibility of work arrangements linked to the extension of fixed-term contracts and the development of freelance work, self-employment, and employment in micro companies (0 or very few employees).

Table 9.10 summarises the occurrence of different forms of work arrangements within the AV sector.

Table 9.10 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence:	Trend since 2008:	Specific groups and/or subsectors and/or occupations concerned	Summary of main differences compared to standard contracts
Standard employment contracts	Dominant form	Down	All groups	-
Fixed-term contracts	Widespread	Up	All groups	Higher flexibility for the employer
Part-time employment	NA	NA	Companies with economic difficulties	Lower pay More presence of women
Other forms of atypical contract: labour relations for artists in public spectacles	Uncommon	Down (due to job losses)	Artists	Special Social Security framework Higher flexibility for the employer
Traineeships/ internships and apprenticeships	Depending on subsector	Slightly up	Journalists	Lower pay Lower cost for employer Different conditions (tutor, limited working hours...)
Self-employment and freelance work	Relatively widespread	Up	All groups	Higher flexibility for the employer Lower benefits Lower cost for employer

¹⁸ Source: Global surveys on Services Sector of the National Institute of Statistics. Activity subsector selected: 591, 601 and 602.

¹⁹ Based on the data provided by: Ministry of Education, Culture and Sport. *Anuario de Estadísticas Culturales* 2014. MECD, Subdirección General de Documentación y Publicaciones 2014.

9.3.2 Standard work contracts (full-time, permanent contracts)

While full-time and open-ended contracts are still the most frequent working arrangements in the sector, according to social partners, are becoming less common for new hires. In addition, due to recent labour market reforms, the level of security has been lowered for new permanent contracts. National statistics do not reveal any significant differences between women and men concerning access to permanent contracts, although women are more affected by part-time contracts.

Due to the reduction in activity of the sector, workers with permanent jobs have been affected by reduction in salaries. In order to avoid redundancies, many companies and employees representatives agreed salary reductions. Employers such as RTVE, Canal+ or Cadena SER implemented salary reductions of 5% in average.

Moreover, in companies that have experienced layoff processes, permanent employees had coped with larger workload and working hours due to the reduction in workforce. Although their contracts may have not changed, in practice their conditions were worsened due to higher exposure to psychosocial risks.

9.3.3 Fixed-term contracts

During the period 2008-2015, several reforms were implemented to promote flexibility in the labour market and facilitate the use of fixed-term contracts across all economic sector. Available data shows that the AV sector has a slightly higher occurrence of fixed-term contracts (25,99%) than cultural industries (22,9%) and the overall economy (23,1%), due to the temporary character of some activities.

Table 9.11 Percentage by type of contracts (permanent and fixed-term) in 2013

Characteristics	Audiovisual sector*	Culture sector**	General employment
Permanent contract	74,1%	77,1%	76,9%
Fixed-term contract	25,9%	22,9%	23,1%

Source: INE, MECD.

* According to the Global surveys on Services Sector of the National Institute of Statistics. Activity subsector selected: 591, 601 and 602.

** Based on the data provided by: Ministry of Education, Culture and Sport. Anuario de Estadísticas Culturales 2014. MECD, Subdirección General de Documentación y Publicaciones 2014.

Fixed-term contracts are more common among young audiovisual professionals. In many cases, these contracts are meant to help young people to enter the AV labour market. However, in the last years the economic situation has encouraged companies to use it more widely as an adjustment variable. Furthermore, employees with temporary contracts hired in recent years work generally with less favourable working conditions (lower salary, longer working hours...).

Additionally, very short-time contracts have been identified in the sector. For example, a private employment agency identified that around 90% of the contracts done by TV channels using their services have a length of less than 7 days²⁰. This is very common among the actors working in the AV sector.

9.3.4 Part-time work contracts

No data available on the occurrence of part-time arrangements in the AV sector is available. Across the general economy, in 2014, 16,1% of all workers in Spain had part-time contracts and 57.3% of part-time employees would prefer to work full-time; 26,9% of women work part-time; while only 8,4% of men²¹. According to the information gathered through interviews, in the AV sector part-time contracts are also considered to be mostly linked to the employers' needs rather than employees' preferences, and mostly concern women. In companies which agreed with trade unions a reduction in working hours to avoid lay-offs, women were more likely than men to move to part-time employment.

9.3.5 Other forms of atypical contracts

Most working contracts are included in the previous sections. There are no other forms of atypical contracts to mention, but special conditions are in place concerning working arrangements for artists (actors).

The Statute of Workers Rights establishes in its Article 2.1.e) the special nature of the labour relations concerning artists in public spectacles. This profession is regulated in the basis of the general social security regime, but with specific particularities. Due to this special regime, actors can be hired in a more flexible way. For example, it is possible to hire actors for a specific number of days, even if these are not consecutive, for artistic representations.

The law also specifies that actors must be paid for the time dedicated to rehearsing, which represent a substantial part of their work. Although good provisions in place, however it was underlined by trade unions that these are not always fulfilled in reality.

Due to nature of their jobs and the lack of stable contracts, actors are entitled to a specific social security scheme for which they receive a larger benefit from their fiscal contribution. Approximately, it is estimated that one day contributed through this scheme equals to two days in the general social security scheme.

²⁰ http://economia.elpais.com/economia/2014/10/28/actualidad/1414514997_405351.html

²¹ INE. EPA, 2014. <http://www.ine.es/daco/daco42/daco4211/epa0414.pdf>

9.3.6 Traineeships, internships and apprenticeships

There is no data available on how widespread are traineeships/internships and apprenticeships in the AV sector.

Several stakeholders underlined that an increase in the last years in the use of these arrangements as universities offer their communication/audiovisual students the possibility to carry out traineeships in companies, which is popular among students. Generally, their duration is around 3 to 6 months.

Trade unions share concerns about how to ensure the quality of traineeships/internships and apprenticeships and the risk that companies could use them as a way to reduce personnel costs (e.g. using interns/trainees to cover annual leaves). Interviewees perceive that conditions of trainees and interns in the private sector have worsened during the economic crisis period. Traineeships/internships can be unpaid, trainees/interns exceed their working hours or not receive proper training. In occasions these conditions are even below the legal requirements. In contrast, interviewees underlined a better situation in public audiovisual agencies or companies as working conditions of trainees and interns are adequate and they are supported by tutors.

9.3.7 Self-employment and freelance work

Self-employment and freelance work is increasingly common in the AV sector. Although no data is available on the total number of self-employed active in the sector, the proportion of AV companies with no employees grew from 46,9% (4,686 companies) in 2008 to 54,5% (4,833 companies) in 2015²².

The increase in self-employment in the sector can be explain by a range of factors:

- The 2007 reform of the Statute of Workers Rights created an 'economically-dependent self-employed'²³ status, which has been very used in the audiovisual sector in the last years.
- In order to face the crisis, AV companies reduced their fixed structures and increased the outsourcing of services as a way to reduce costs. The decrease in prices of audiovisual products in the sector²⁴ was another factor that pushed businesses to reduce their structural costs, maintaining only those internal services that were strictly necessary. These processes pushed many workers to create their own micro companies or sign up as freelancers to offer their services to large AV companies.
- Many professionals who were laid off who were skilled and experienced chose to create their own business.
- Finally, technologies used in the AV sector are more accessible than in the past and their cost has declined. The equipment needed to produce audiovisual content is less expensive and is easier to master (with good availability of learning material), making it possible for AV professionals to run their own business.

²² INE. Spanish Enterprises Register (DIRCE).

²³ An 'economically-dependent self-employed' dedicates at least 80% of its work to the same service or company.

²⁴ According to interviewees, in the worst moment of the crisis the prices had declined to the level of 1997.

In the opinion of the employees representatives interviewed, freelancers and self-employed in the AV sector generally profit from less advantageous working conditions than employees. In general, their earnings are lower and holidays or working hours are not clearly limited. Their contributions to the social security system (linked to the pension scheme) are also lower.

9.3.8 Other trends in employment and work arrangements affecting working conditions

According to interviewees, for some occupational groups in the AV sector, working hours are becoming less and less defined as companies have embraced the use of social media to communicate with their consumers and to promote their AV products. This new channels require dedicating time beyond the traditional working hours.

Telework is also expanding, especially among certain technician profiles. Working equipment is now portable or can be installed easily at home. Additionally, the increasing numbers of freelancers and self-employed (or unipersonal companies) has increased the number of people working 'from home'.

9.3.9 New and emerging occupations

Employers and employees representatives acknowledge the continuous change the sector is experiencing. Emerging occupations are linked to the development of a new technologies and the rapid evolution of social media.

- Higher IT/ technical profiles (mathematicians, computer engineers and other engineers with a complementary training adapted to the AV sector) will be more in demand in the future, as well as profiles linked to the use of the digital technologies such as web-TV, multimedia edition, digitalisation and multimedia archives management and use of social media.
- The demand for videos and corporative material used by companies (across all sectors of the economy) is increasing, and many professionals, especially freelancers or micro companies, offer this type of services to businesses.

9.3.10 Trends in professional mobility

Concerning geographical mobility, limited information is available, including from interviews. Geographical mobility is not common among employees of public broadcasters. In a difficult economic context, interviewees from trade unions report that some workers left the country to look for a job abroad, with France and the United Kingdom among the most common destinations. No data is available on the scale of this phenomenon but it is believed that it mostly concerned young, highly trained professionals and with relevant professional experience.

Similarly, little evidence is available on professional mobility. The main trend identified by interviewees is that due technological changes in the audiovisual sector, boundaries between professional categories are becoming obsolete, as AV workers have been encouraged to develop additional skills and polyvalent. However, employees from public organisations have been less impacted by this factor due to the impact of their collective agreements.

9.4 Impact on changes on continuous training

9.4.1 Overview of the state of play in relation to continuous training

There are different training providers both from the public and private sector:

- Public and private large audiovisual organizations have their own training centres and prepare specific training plans. RTVE for instance since 1975 established the RTVE Institute which in charge of providing in-house and also, since the last 20 years, external training.
- A range private providers emerged in parallel to the development of the Spanish audiovisual sector.

Continuous training in Spain has been traditionally the responsibility of the Tripartite Foundation, dependant of the Ministry of Labour and the Social Security. Until now, the Foundation managed and organised continuous training in close collaboration with social partners. Joint sectoral committees composed by representatives of employers and employees were responsible for designing the training offer. The Audiovisual Production Committee was composed by FAPAE (employers) and FES-UGT and FSC-CCOO (employees' representatives).

Two types of audiovisual training actions were carried out: actions that were part of an official professional path and other actions. The average length of the former was 115.4 hours, while actions not linked to specific professional categories had an average duration of 50,6 hours²⁵.

A 2010 survey on AV employers based in Madrid²⁶ revealed important needs in terms of training while the 'lack of experience or training' was the main reason when having difficulties to find new employees. This was often identified among workers dedicated to 'production and implementation' tasks. A total of 57,0% of employers surveyed declared that they needed more training: 60,9% of micro-companies and 45,0% of large companies.

²⁵ The Tripartite Foundation gathers data on the training developed. This data is for internal use and it is not publicly accessible.

²⁶ Municipality of Madrid. Employment Barometer of Madrid municipality. Chapter 2. Sectoral Committee for Training in the AV sector, 2010.

Table 9.12 Training needs among AV companies in Madrid in 2010 (in percentage)

	Micro companies (1-9)	Small (10-49)	Medium and large (+50)	Total AV
In need of extra training	60,9	58,8	45,0	57,0
Type of training required:				
Legal-regulation	5,6	21,4	0,0	9,5
Economic-finances	22,2	7,1	0,0	11,9
IT	11,1	7,1	9,1	9,6
Languages	5,6	21,4	36,4	19,0
Digital photography	5,6	0,0	0,0	2,4
Sound technician	0,0	14,3	9,1	7,1
Presenter, broadcaster	5,6	0,0	0,0	2,4
Digital creative sound	0,0	0,0	9,1	2,4
Multimedia animation	0,0	7,1	9,1	4,8
Other type of training	72,2	50,0	72,7	66,7

Source: *Employment Barometer of Madrid municipality, 2010.*

National statistics on percentage of workers receiving non-formal education is only available for broad economic sectors, and not for AV workers specifically. The data shows that workers in the information and communication sector and those involved in artistic, recreational and entertainment activities receive more non-formal training than the average, and that the reduction in the use of training is very noticeable.

Table 9.13 Percentage of workers (employed and self-employed) receiving non-formal education

Economic activity	2008	2014	2008-2014
Information and communication	12,2%	11,2%	-8,2%
Artistic, recreational and entertainment activities	10,5%	7,8%	-25,7%
General average	9,1%	7,1%	-22,0%

Source: *INE.*

According to evidence collected by the UGT, among journalists, learning languages was the most common training carried out. Around 58% of people receiving training chose to improve their language skills (essentially English). Secondly, 54% participated in training actions on Web tools such as programming, computer graphics, designing blogs, and social networks management²⁷.

²⁷ UGT internal reports.

In this years, social partners in the AV sector have asked for more specific training. In this regard, FAPAE and the trade unions have been more involved in the designing and preparation of training actions.

Interviewees have also underlined that the economic crisis has reduced the companies' investment in training. As a consequence, employees may have lost opportunities to improve their skills. SMEs are the ones with more difficulties to dedicate resources (money and time) to training. During the 2008-2015 period, SMEs have accessed training mainly through joining other SMEs with similar needs and benefiting from shared training (supported by the Tripartite Foundation).

One consequence of limited investment in training is that audiovisual workers are increasingly expected to dedicate free time and their own financial resource to self-learning. Workers in the sector are often carry out courses in their free time and at their own initiative and cost, as improvement in technologies make self-learning possible. For example, according to UGT, around 75% of journalists are paying for their training²⁸.

Performing artists working in the AD sector encounter three barriers to access continuous training which are specific to their area of activity:

- Their professional profile has not been developed officially in the National Catalogue of Professional Qualifications²⁹. As a consequence, official vocational education and training plans do not reflect their needs. Therefore, training is mostly offered by artist's workers organisations.
- The transferability of the performing-arts professional degrees with the rest of professional/technical and higher education degrees levels is not always assured³⁰. As a result, artists' qualifications are not always recognised limiting their career transition potential. This is a major concern for the artists' representatives.
- The nature of most working arrangements of performing artists (characterised by being non-permanent and very short-time contracts) limits their capacity to follow training.

9.4.2 Impact of employment and working arrangements on access to continuous training

The existence of company-level collective agreements and training plans has encouraged the access to training also for employees with fixed-term contracts. Larger employers generally implement yearly training plans which have been designed in collaboration with the employees' representatives. The main objective of these plans has been to promote the adaption of the staff to the continuously changing audiovisual environment and technology. As an example, the collective agreement of the public audiovisual group RTVE oriented its training plan to prepare employees to react and incorporate the latest innovations. In the last years RTVE also has promoted training actions that focused in transversal subjects, to

²⁸ Ibid.

²⁹ The National Catalogue of Professional Qualifications is the official register which lists the professional qualifications according to the appropriate competences for each professional exercise. It is a crucial instrument for planning the national continuous training offer.

³⁰ This is the case for example among professional dancers: http://www.fia-actors.com/uploads/Dancers_Handbook_EN.pdf

provide skills that can be applied in more professional positions. In a few number of cases, some employees may have rejected these types of trainings as they are attached to existing professional categories and reject a possible convergence.

Employees' representatives worry that the current increase of temporary and freelance working arrangements will threaten access to continuous training. Generally, employees of larger companies have more access to training while smaller companies or self-employed encounter many more difficulties³¹. SMEs and freelancers often lack the sufficient resources (mainly funding and time) to dedicate to training actions.

The announced modification of the Spanish continuous training system is creating uncertainty among social partners. It is still too early to know if the national government will launch the new system before the next general elections (December 2015). However, it is not expected that the system will be fully operational soon. This situation could limit the access training by workers in the upcoming months.

9.5 Impact on industrial relations

Collective bargaining in Spain is based in the principle of statutory extension by which any agreement higher than the company level needs to be applied to all companies and workers forming part of the geographical and industry level in question³². Collective agreements can be linked to a certain sector or geographical area (national, regional or provincial).

The 2008-2015 period has been a challenging time for social dialogue in Spain, across all economic sectors. The two labour market reforms of 2010 and 2012 introduced significant changes in the way industrial relations were conducted, which also affected the AV sector. Both reforms were initiatives of the national government and were not agreed by the social partners³³.

The 2012 labour market reform put an end to the automatic renewal of collective bargaining agreements. Before 2012 collective agreements remained in effect after their expiry date until a new agreement was negotiated. However, since 2012 if the agreement is not renewed by social partners, it is cancelled and employees are then covered by the upper-level agreement. This change creates key challenges for the trade unions' role and for industrial relations in general. However, the new principle is still disputed as trade unions are confronting its legality in court.

³¹ Tripartite Foundation. Training for Employment. 2014 Key Findings. Fundación Tripartita para la Formación en el Empleo, 2014.

³² Carlos J. Fernández Rodríguez, Rafael Ibáñez Rojo and Miguel Martínez Lucio. The Reform of Collective Bargaining in the Spanish Manufacturing Sector. Autonomia University. Manchester University, 2014.

³³ In fact, the general trade unions carried out two general strikes.

9.5.1 Industrial relations in the sector

In Spain, there is not a unique collective agreement for the entire AV sector, but five collective agreements for different subsectors and professions (audiovisual production, actors, commercial radios, daily press and non-daily press³⁴) which cover most of AV workers and are of universal applicability.

Sectoral agreements regulated most of the working conditions and rules. For instance, they provide the minimum salary level according to the employee's professional category. These agreements also regulate working hours; access to training; trial period; annual leave; additional allowances; and health and safety issues among others.

In addition, working relations and conditions are also regulated by company-level agreements, offering more specific and generally higher standards for workers than sectoral level provisions³⁵. These are in place in largest organisations, while staff employed by smaller AV companies are covered by the sectoral provisions mentioned above.

The company-level agreements with the highest coverage are:

- II Collective Agreement of the RTVE³⁶ (January 2014)
- VIII Collective Agreement of the Atresmedia group³⁷ (December 2013)
- XI Collective Agreement of the Mediaset group³⁸ (March 2014)
- VI Collective Agreement of the PRISA radio³⁹ (June 2014)

The public regional audiovisual are generally linked to company-level agreements. The regional public TV and radio of Catalonia and Andalucía are among the most relevant ones in terms of number of workers⁴⁰:

- XIII Collective Agreement of the CCMA⁴¹ (October 2015)
- X Collective Agreement of RTVA⁴² (December 2014)

The next table provides some examples comparing the sectorial collective agreement on audiovisual production and the agreements at company level.

³⁴ Covering also journalist that may work with AV platforms (websites, multimedia products, social networks...).

³⁵ Company agreements cannot include lower working standards than the sectorial agreement.

³⁶ RTVE Collective Agreement, 2014

http://www.rtve.es/contenidos/corporacion/II_Convenio_colectivo_de_la_Corporacion_RTVE_BOE-A-2014-945.pdf

³⁷ Atresmedia collective agreement, 2013

<http://a3csif.org/wp-content/uploads/2014/02/VIII-CC-Atresmedia.pdf>

³⁸ Mediaset collective agreement, 2014

http://w3.bocm.es/boletin/CM_Orden_BOCM/2014/08/23/BOCM-20140823-7.PDF

³⁹ Prisa Group collective agreement, 2014

http://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-7308

⁴⁰ CCMA includes around 2,200 workers and TVA around 1,400.

⁴¹ Corporació Catalana de Mitjans Audiovisuals is the regional public TV of Catalonia.

⁴² Radio Television de Andalucía is the regional public TV and radio of Andalusia.

Table 9.14 Working conditions examples within sectorial and company collective agreements

Working conditions examples	II Collective Agreement of the AD Production Industry (2013)	VIII Collective Agreement of the Atresmedia group (2013)	II Collective Agreement of the RTVE (2014)
Minimum weekly rest period	36 hours	48 hours	48 hours
Weekly working hours base	35 hours	40 hours	37.5 hours
Annual working hours	NA	1,744 hours	1,672.5 hours
Paid annual leave (holidays)	30 natural days	22 working days	25 working days
Paid annual permits	No	7 working days	No
Meal national allowance	11.30 €	18.39 €	25.80 €
Hotel national allowance	41.41 €	66.12 €	34.40 €
Kilometre allowance	0.20 €	0.25 €	0.20 €
Salary estimated comparison (annual gross salary only including annual extra pay):*			
Carpenter/scenography assistant	12,303 € - 15,475 €	17,475 € - 27,056 €	19,992 € - 35,140 €
Camera operator	12,303 € - 26,748 €	20,001 € - 31,117 €	19,992 € - 35,140 €

Source: Own elaboration based on the mentioned collective agreements.

* Collective agreement minimum salary levels are calculated on the basis of their weekly hours

In recent years, the economic crisis put on the industrial relations model of the AV sector to the test, although collective bargaining played an important role in mitigating the impacts of restructuring. As a consequence of the collective dismissal processes employers and employees representatives have been required to meet at all levels (site and sectoral level) and whenever possible to reach agreements. In many cases, negotiations between employers and employee representatives succeeded in limiting job losses. Both sides have prioritized avoiding staff redundancies over working conditions. For instance, in most parts of the AV sector, employers and employees agreed on freezing salaries or reducing working hours as a way to reduce job losses.

Table 9.14 shows, for the main collective agreements affecting the AV sector, the agreed annual salary raise and the date signed.

Table 9.15 Relevant collective agreements

Collective agreement	Signatories	Annual salary raises and working hours	Date signed
II Collective Agreement of the Audiovisual Production Industry	<ul style="list-style-type: none"> FAPAE (employers) FeS-UGT and CCOO (employees) 	<ul style="list-style-type: none"> 2009: Cinema. IPC+2=3.4% TV. IPC+0.60=2% 2010: Cinema. IPC+1=1.8% TV. IPC+0.5=1.3% 2011: IPC+1=4% 2012: 0.5% 2013: 0.6% 2014: 0.6% 	June 2009
II National Regulative Collective Agreement of the Labour Relations between Audiovisual Producers and Actors	Signed by: <ul style="list-style-type: none"> FAPAE (employers) FeS-UGT, FCT-CCOO, CONARTE (employees) 	<ul style="list-style-type: none"> 2005: IPC= 3.2% 2006: IPC= 3.7% 2007: IPC= 2.7% 2008: IPC= 4.2% 2009: IPC= 1.4% 2010: IPC= 0.8% 2011: IPC= 3.0% 2012: 0.5% 2013: 0.6% 2014: 0.6% 	December 2004
I Collective Agreement of the Commercial Radios 2012-2015	Signed by: <ul style="list-style-type: none"> AERC (employer) FeS-UGT, FCT-CCOO (employees) 	Annual: 4%-5% (depending on professional group)	December 2011
IV Collective Agreement of the Daily Press 2013-2015	Signed by: <ul style="list-style-type: none"> AEDE (employer) FeS-UGT, FCT-CCOO (employees) 	<ul style="list-style-type: none"> 2010: IPC+0.5= 1.3% 2011: Wage freeze 2012: Wage freeze 2013: Wage freeze 2014: Wage freeze Increase of working hours. From 1,620 to 1687.5 hours per year.	July 2013
Collective Agreement of Non-daily Press 2013-2015	Signed by: <ul style="list-style-type: none"> ARI and AEPP (employer) FeS-UGT, FCT-CCOO (employees) 	<ul style="list-style-type: none"> 2012: Wage freeze 2013: Wage freeze 2014: 0.6% Increase of one working hour per week. From 36 to 37 hours.	November 2013

Source: Adapted from UGT internal documents.

9.5.2 Impact of changes on collective agreements coverage, trade union organisations and employers organisation density

According to the information collected from interviewees, recent trends in the AV sector had a negative impact on the representativeness of social partners and could ultimately affect the capacity of employers and employee representatives to reach agreements and weaken social dialogue.

- Due to the closure of companies in the sector and the increase in the number of very small companies, employers organisations have lost part of their members. For example, the members of the producer association FAPAE reduced from about 500 in 2008 to slightly more than 300 in 2015.
- Concerning trade unions, the increase in the use of atypical work arrangements has a negative impact on membership as freelancers and temporary employees have less opportunities to be involved in trade unions. In Spain self-employed have the right to register to trade unions⁴³, however the interviewees confirmed that only a few number do register.

As mentioned above, collective bargaining in the AV sector has been strongly affected by general developments regarding social dialogue in Spain. This end of the autonomic renewal of collective agreements coupled with the restructuring on the sector could lead to a reduction in the coverage of company-level agreements in case of failure of negotiations at this level. Trade unions are concerned about a degradation of working conditions in the sector and polarisation of the AV labour market between workers covered by company-level agreements and those working for small companies and covered by sectoral provisions.

A probable recovery of the economy in the upcoming years will rise up the challenge of recovering the pre-crisis levels of employment and working conditions in the AV sector. Many important issues that have been put aside in past years in collective bargaining such as equality plans, health and safety or training will need to be again prioritized.

However, the sustainability of many AV businesses is far from being secured. The economic crisis is not the only influencing issue to take into account. Many activities in the sector are facing structural difficulties regarding their revenues and the access to larger audiences. Further restructuring of the sector may translate into labour disputes.

⁴³ Regulated under Title III of the Self-employed Workers Statute (Law 20/2007 of 11 July).

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9.6.2 List of consulted organizations

Table 9.16 Interviews carried out

Organisation	Type of organisation	Interview date
UGT – FES	Trade union (general)	26 June
CCOO	Trade union (general)	25 June
FeSP	Trade union (journalism)	22 June
FAPAE	Employer organisation (audiovisual producers)	26 June
ICAA – Ministry of Education, Culture and Sports	Public Administration	29 June
RTVE	Public corporation	24 June
ConArte	Trade union (actors)	02 October

10 United Kingdom¹

10.1 Introduction

10.1.1 Definition of AV sector

There is no precise definition of the audiovisual (AV) sector per se in the UK.

The 2003 Communications Act is the main piece of legislation that gives a framework to the UK audiovisual sector. It contains definitions encompassing activities of relevance to the audiovisual sector. The main definitions are provided in Chapter 1, Article 32 of the Communications Act².

The industry skills body Creative Skillset cover all creative media industries, i.e. film, television, radio, animation, facilities³, interactive media, computer games, VFX, commercials production and corporate production.

A number of key technical professions in film and TV are covered by special grading schemes that require evidence of experience and qualifications before people can be employed in the grade. The schemes are jointly administered by social partners in the AV sector as well as major AV companies.

10.1.2 Overview of the AV sector

There are no exact figures on the number of workers in the entire UK audio-visual industry, due to the fact there is no such standard industrial classification (SIC) officially. However, employment data collected by the UK government under the SIC 'creative industries' allows for a fairly robust approximation of the number of workers in the UK AV industry.

¹ The national report reflects the situation as of 4th of April 2016.

² Meaning of "electronic communications networks and services": References to the provision of an electronic communications network include references to its establishment, maintenance or operation. A content service means so much of any service as consists in one or both of the following: -the provision of material with a view to its being comprised in signals conveyed by means of an electronic communications network;

-the exercise of editorial control over the contents of signals conveyed by means of such a network.

References to the conveyance of signals include references to the transmission or routing of signals or of parts of signals and to the broadcasting of signals for general reception

Signal includes: anything comprising speech, music, sounds, visual images or communications or data of any description; and signals serving for the impartation of anything between persons, between a person and a thing or between things, or for the actuation or control of apparatus.

³ This includes the following activities: Post production, Studios & Equipment Hire, Outside Broadcast, System Integration, Special Physical Effects, Manufacture of Audio Visual Equipment, Processing Laboratories, Transmission, Other Services for Film & Television.

The “creative industries” sub-categories of relevance to the AV industry include “Film, TV, video, radio and photography” and ‘Music, performing and visual arts’, although the latter sub-category may not directly or entirely relate to employment in the AV industry.

Full-Time Equivalent (FTE) adjusted figures show that there were approximately 146,000 workers in ‘Film, TV, video, radio and photography’ in the UK in 2012, excluding musicians and performers’ (158,000 FTE workers in ‘Music, performing and visual arts’)⁴.

Survey data is also collected by the industry skills body Creative Skillset covering all creative media industries, again allowing for the approximation of the number of workers in the entire UK AV sector.

The latest survey⁵ is based on the responses from 832 major employers and small companies. Final estimates were calculated by applying a weighting methodology based on using data on the population of employers in each sector to gross up the responses per sector.

When considering the industries of television, radio, facilities, film, animation and VFX, the size of the combined workforce can be estimated at 138,850 in 2012 (excluding freelancers in film production and performers, which are not covered by the survey), while the total size of creative industries is of 192,200⁶.

Additionally, the British Film Institute (BFI) provides data on employment in the UK film industry on an annual basis. According to the BFI, there were 66,000 workers in the UK film industry in 2014⁷.

When looking at different industries, there has been considerable variation in the evolution between 2009 and 2012. Radio, VFX and film production have experienced job losses while the sectors of post-production and special physical effects have increased since 2009.

Representation of women has increased in the creative media industries, from 53,750 in 2009 to 69,590 in 2012. Women represented 36 per cent of the total workforce in 2012 compared to 27 per cent in 2009. This reverses the previous decline seen between 2006 and 2009⁸.

The UK AV sector has a high proportion of small firms: around 90% of firms in motion picture, video and television programme production, sound recording and music publishing activities and 80% in programming and broadcasting activities have four or fewer employees. The largest employers, by number of employees in the sector, are the major terrestrial and satellite broadcasting firms who operate national television and radio channels (see section below).

In the independent production sector, two-thirds of the companies are small-sized (with an annual turnover of up to £10m) and 19% are mid-sized (with an annual turnover between £10m and £25m).

⁴ Creative Industries Economic Estimates, January 2014, UK Government Department for Culture Media & Sport

⁵ Creative Skillset survey, 2012 (<http://www.thecreativeindustries.co.uk/uk-creative-overview/facts-and-figures/employment-figures>) – See data table in Annex

⁶ Creative Skillset survey, 2012 (<http://www.thecreativeindustries.co.uk/uk-creative-overview/facts-and-figures/employment-figures>) – See data table in Annex

⁷ BFI Statistical Yearbook 2015

⁸ Ibid

Large independent production companies (with an annual turnover between £25m and £70m) make up 8% of the sector, so do larger companies (i.e. “super indies” – with an annual turnover of £70+ million). Although the UK independent production sector has experienced consolidation over the years, the industry still remains diverse. Small and mid-sized companies have recently taken a greater share of spending on external commissions (from 24% in 2013 to 34% in 2014) while the share of external commissions to larger companies has gone down since 2008⁹.

The UK film industry is complex, and has three main components:

- Big budget studio films: Major commercial productions often backed by one of the Hollywood studios, made in the UK for global cinema, TV and other audiences – e.g. the Harry Potter franchise, the Bourne franchise, etc.
- Low/medium budget films: These are still commercial but more modest in scale, and may be produced by studios or financed from a variety of sources – e.g. Fish Tank, Made in Dagenham, Nowhere Boy.
- No-budget/micro-budget films: These are speculative or voluntary projects, often from budding film directors or student filmmakers.

The British Film Institute (BFI) reports that, in 2010, the UK film industry held 14,2% of the global market share, worth around USD 4.5 billion (€3,5 billion as at 17 January, 2012) and puts the 2009 trade surplus for UK films at GBP 929 million (€1,12 billion). Domestic demand for filmed entertainment in the UK is third highest in the world (behind the US and Japan) and stood at USD 5.8 billion (€4,56 billion).

The UK AV industry is mostly concentrated in London and the South East of England, with more than half of the workforce based in these regions alone¹⁰. There are however important bases in Glasgow, Belfast, Cardiff, Manchester and Bristol all with their own strengths and future growth potential¹¹. In Scotland in particular, investment in original production has grown in recent years; Scotland now has a base of scale producers able to compete nationally and internationally across multiple genres¹².

ITV is composed of franchised regional companies providing regional news and producing various other programmes aired either regionally or nationally. The BBC also offers regional broadcasting variations across its television channels (news content and programmes). Television channels broadcasting non-English language content regionally include S4C (Wales) and MG Alba (Scotland).

⁹ Pact Independent Production Sector Financial Census and Survey 2015

¹⁰ Creative Skillset survey, 2012

¹¹ Source: Pact

¹² A new model: building a sustainable independent production sector in Scotland, Pact (2015)

10.1.3 Main employers

The main employers in the UK AV include TV broadcasters and large independent production companies (also known as super indies)¹³:

- the British Broadcasting Corporation (BBC): approx. 20,000 workers
- Sky UK Limited: 10,000 workers
- Independent Television (ITV): 4,000 workers
- Freemantle media: 2,000+ workers
- Warner Bros UK: 1,000+ workers
- Endemol Shine UK: approx. 1,000 workers

Apart from these major employers, it is worth mentioning that the independent production sector as a whole employs around half of the workforce in the UK AV industry¹⁴.

It should also be noted that major UK broadcasting firms also contract freelance workers on a regular basis (e.g. the BBC issues around 40,000 contracts for freelance work annually).

As regards radio broadcasting, the BBC is the largest employer in the UK (5 orchestras, the Proms events and Glastonbury relays); BBC Radio 3 employs and commissions music composers.

Regarding motion pictures, a sizeable number of workers in the UK AV industry are employed by major US production companies (e.g. Warner Bros studios) on individual projects. This tendency has been increasing since 2008 (see next section).

10.2 Major trends affecting the AV sector

10.2.1 Major trends and drivers of change since 2008

While linear television viewing trends have remained relatively stable since 2008, non-linear viewing of audio-visual content has remained a small but growing component of all viewing. This can be explained by the fact that on-demand and online TV services have developed substantially since 2008.

Leaders on the global on-demand TV market, such as Netflix and Amazon Prime, have been competing increasingly with TV broadcasters to produce original content for the UK (e.g. Top Gear).

The UK has been attracting US production companies for filming locations in recent years thanks to a more favourable tax regime than in the US, its modern studio facilities and skilled workforce. This has had a positive effect on AV employment in the UK. This has increased the interconnectedness between the UK and US audio-visual sectors.

Concerning international competition, in the music subsector, distance recording has opened up competition within and outside of the UK (e.g. Eastern Europe).

¹³ Estimates based on information available from company websites and LinkedIn

¹⁴ Creative Skillset survey, 2012

The global crisis of 2008 has had an impact on the UK's major players in the AV sector. It resulted in a delayed loss in revenue from advertising (2010-2011) forcing ITV to make job cuts. Revenue from advertising has picked up again. More recently, ITV decided to reorganise and reduce its number of regional franchises. On the other hand, the independent production sector has experienced growth in the last ten years thanks to the Communication Act of 2003 which introduced Terms of Trade allowing independent TV producers to retain control of a share of intellectual property rights when they create programmes for broadcasters and to exploit them in the UK and overseas¹⁵.

Job losses also affected the BBC in the wake of the global crisis of 2008. Earlier this year, the UK government adopted a new licence fee settlement making the BBC responsible for the financing of TV licences for over 75 year-olds, as well as for the financing of the World Service and the Welsh language TV channel S4C Wales. The BBC World Service and S4C Wales were previously funded by the UK government. Further job cuts are expected at the BBC as this new licence fee settlement will result a reduced budget for the corporation.

In 2010 the UK Film Council was merged into the British Film Institute by the UK Government as part of the Quango reforms¹⁶ in an effort to control public spending.

Technological development and deregulation has opened up the UK market over the last 20 years. Sky UK Limited, has grown into a dominant multi-channel non-terrestrial operator, and is today the UK's largest satellite TV broadcaster. Virgin Media also has a substantial business distributing its services via cable. With the expansion of digital terrestrial television throughout the 2000s, UKTV has become the largest free-to-air multi-channel broadcaster in the UK. UKTV is currently jointly owned by BBC Worldwide (BBC's commercial subsidiary) and Scripps Network Interactive, a US media company.

Deregulation fostered an explosion in the number of independent production companies. Taken together, small and mid-sized independent companies (with an annual turnover of up to £25m) make up almost 85% of the UK's independent AV sector and have taken a growing share of external commissions in recent years¹⁷. On the other hand, a number of companies have consolidated – several of which are now multi-million pound and global businesses (so-called “super indies”: e.g. Freemantle media, Endemol). They provide content to most UK broadcasters, including PSBs¹⁸ and both commercial free-to-air and pay TV channels. Elsewhere, Viacom, initially a US independent production company, has grown into a mass media company by making acquisitions of various TV channels, including the UK's Channel 5.

¹⁵ Terms of Trade – a decade of success, Pact (2012)

¹⁶ Public Bodies Reform – Proposals for Change, UK Government (2010)

¹⁷ Pact Independent Production Sector Financial Census and Survey 2015

¹⁸ Public Service Broadcasters

10.2.2 Main factors likely to affect employment and work arrangements in the sector in the future

The development of new technology and changing patterns of consumption of AV products will continue to change the nature of payments to performers.

Technological change and the arrival of new media platforms are also leading to changes and adaptations to collective agreements.

Tax arrangements for high-end drama and films remain advantageous in the UK compared to the US, and thus the UK AV sector continues to attract US film studios. Tax breaks in the UK have also been extended to computer games production. Tax breaks combined with a high-performing UK AV sector have actually raised production costs with production crews charging higher rate as quality increases. At the same time, the UK AV sector faces competition from other regions in terms of pay and working arrangements. For instance, music recording studios in Eastern Europe have upskilled and improved the quality of their output in recent years while offering very competitive rates.

Copyright infringement activity continues to have an impact across the AV sector in the UK. As mentioned in the previous section, the BBC will be paying all licence fees for people aged over 75 from 2017. This will cost £650 million a year¹⁹, i.e. 20% of the BBC's current income. This is expected to lead to redundancies and to have a major impact on programming as money will be taken out of production.

More generally, it remains difficult to pin down long-term employment trends in the AV industry as this depends on content creativity or exchange rates. The US may be inclined to change collective agreements and copyright laws to retain some business in the years to come.

10.3 Analysis of the labour market and changing forms of employment and work arrangements

The first subsection gives a general overview, followed by a more detailed analysis of different forms of employment and work arrangements.

10.3.1 Overview of current forms of employment and work arrangements

As a general rule, fixed term and freelance employment (which can be assimilated to self-employment) is common and widespread in the UK AV industry. This is because work is mostly carried out on a project basis (e.g. film or programme production), with each project bringing together many different specific professions and skills. Similarly, freelancers can also work for the same employer on a long-term basis (on separate projects).

¹⁹ Source: BBC (<http://www.bbc.co.uk/news/entertainment-arts-33400935>)

In the UK AV sector, a large number of professions are classified as freelance according to the Modus Operandi²⁰, a document drawn up by the UK Tax Authority and applied across the sector, (e.g. background artist, sound mixer etc.). However, the Modus Operandi is not an absolute test for determining or identifying freelancers.

Although the term freelance is commonly used in the AV industry, it is not defined in UK law and has thus no legal meaning.

In the UK, according to BECTU there are three legal forms of employment in the AV sector: employee; worker; business undertaking.

- Employees have an employment contract with an employer. They qualify for the full range of employment rights, some from the first day of employment and others, such as unfair dismissal or redundancy rights, depend on length of service. When employees are paid, the employer deducts tax and national insurance (NI) at source (i.e. through Pay As You Earn, better known as PAYE). In some cases employees on very short contracts lasting one day or a few days may have approval to receive their pay without these statutory deductions that is gross instead of net. These people are required to make their own arrangements to pay their tax and national insurance. Most employees are hired on fixed-term contracts in the UK AV industry.

- Worker status is defined in law, but it is more ambiguous than employee status. Most people in the AV industry who think of themselves as freelancers are in most cases workers. This means they have certain statutory employment rights (e.g. under health and safety and working time regulations) but fewer statutory rights than employees (e.g. no entitlement to statutory sick pay or to redundancy pay). In essence, all employees are workers, but not all workers are employees.

- Business undertaking is the term used for individual workers offering their services on a personal basis through their own limited company or partnership. Where people hire themselves out through their own company, they cease to have an employment relationship with the hirer; the nature of the relationship becomes a purely commercial one without recourse to the law should any employment claims arise.

It is generally understood that freelancers act either as workers (sole traders) or through a company (i.e. business undertaking). Distinguishing between employees, workers, business undertakings or indeed freelancers is complex in the UK AV industry. There are legal cases which have established tests, and with the Modus Operandi, provide guidance to the sector. Other forms of employment and work arrangements vary according to the employer or the AV subsector but the overall situation regarding forms of employment and work arrangements is similar among the BBC and other major UK AV employers, such as ITV.

There are no key differences along gender or age regarding employment contracts or work arrangements²¹. One issue is the representation of older persons, in particular women, in films and broadcast television.

²⁰ HMRC: <http://webarchive.nationalarchives.gov.uk/20140109143644/http://www.hmrc.gov.uk/specialist/fi-notes-2012.pdf>

²¹ Source: BBC <http://www.bbc.co.uk/diversity/strategy/equalityreport2015>

Table 10.1 Overview of forms of employment and work arrangements in the audiovisual sector

	Occurrence:	Trend since 2008:	List specific groups and/or subsectors and/or occupations concerned	Summary of main differences compared to standard contracts:
Standard employment contracts (permanent contracts only)	Relatively widespread	Relatively stable	Usual form in public broadcasting	Not applicable
Fixed-term employment contracts	Dominant form	Relatively stable	Persons engaged on specific productions or a specific purpose e.g. maternity leave cover.	Same conditions of service as standard employment contracts, but for defined (fixed) period
Part-time employment (e.g. casual or flexi contracts)	Uncommon	Up	Used at the BBC to provide short term cover	Higher flexibility for the employer
Other forms of atypical contract (please specify)	Not applicable	Not applicable	Not applicable	Not applicable
Traineeships/ internships and	Relatively widespread	Relatively stable	Young people. Provided by Sector Skills Councils and by both employers and trade unions	Not applicable
Self-employment and freelance work	Dominant form	Relatively stable	Performers, creative workers, musicians, other specific skills or occupations (see modus operandi)	Different benefits (according to individual and collective agreement); higher flexibility for the employer and many workers

10.3.2 Standard work contracts (full-time, permanent contracts)

These are predominantly with major employers in the UK AV sector, such as the BBC and ITV. Employees are typically involved in day-to-day broadcasting activities (e.g. news broadcasts). The proportion of employees in the UK AV industry has diminished over the years. While there are no precise estimates of their number, they represent a minority of workers in the AV industry. In the BBC, 80% of employees are on continuing (permanent) contracts²².

10.3.3 Fixed-term contracts

Most employment contracts in the production side of the AV industry are fixed-term as they are project or production-based. The same person can be employed by the same employer on separate employment contracts for each individual production²³. More common are successive fixed term contracts as persons move from one production to another²⁴.

10.3.4 Part-time work contracts

This is a rare form of employment in the UK AV sector. The closest form would be “casual” contracts, but these are not considered as part-time contracts by the industry.

The BBC is increasingly employing individuals on “casual contracts” or “flexi-contracts”²⁵: contracts of typically several hours per week or per month comprising the same hourly rates and benefits entitlements as standard employment contracts for full-time or fixed-term staff, with holidays paid on the basis of the number of hours contracted per month. Casual contracts are considered as extremely short part-time contracts. They are offered when odd days of work are available intermittently or when continuous work is expected to last for not more than four weeks.

10.3.5 Other forms of atypical contracts

There are no other forms of employment considered as being ‘atypical contracts’ within the UK AV industry. The so-called zero-hours contracts, controversial in the UK as they do not guarantee any work but apply obligations, usually do not concern the AV industry directly (e.g. cinema workers)²⁶.

10.3.6 Traineeships, internships and apprenticeships

Large broadcasters such as the BBC and ITV tend to provide their own training schemes, especially for young people.

²² Ibid

²³ Sources: Pact, MU

²⁴ Source: BECTU

²⁵ Ibid

²⁶ Source: BECTU, Equity

Creative Skillset has worked with the Creative Industries to develop a suite of apprenticeship frameworks that equip apprentices with the skills they need to start their creative careers and make a valuable contribution to the companies for which they work.

Partnerships also exist between broadcasting companies and trade bodies to provide training to young people and new entrants to the AV industry. For instance, the 'Open Channels' partnership between the BBC, Channel 4 and Creative Skillset, which provides an 'end-to-end' programme of training, work placements, internships and apprenticeships targeting young people to support recruitment into production and technology roles in the broadcast TV sector.

In addition, Pact runs a diversity training scheme targeting independent producers as well as young people and new entrants with an ethnic minority background²⁷.

10.3.7 Self-employment and freelance work

Freelancers are independent workers i.e. workers who are not attached to a single company or who are guaranteed continuous work by the same employer, and who declare their earnings and do their own tax returns etc.

As mentioned previously, most employment contracts in the AV industry are fixed-term as they are project or production-based. Freelancers can be contracted by the same enterprise on separate contracts for each individual production, and can also work for more than one enterprise at any one time.

On film productions, most people are usually employed as freelancers. There is a hierarchy in terms of pay and advantages based on experience and also role (e.g. the director of photography will get a higher pay and generally better treatment than a background artist). In the 2012 Creative skillset census, freelancers are defined as 'those on contracts of 364 days or less, including those on Schedule D status'. The Skillset census does not provide estimates concerning the number of freelancers involved in film making (which account for most staff), and does not include performers. Based on the census data, the sectors that employ the larger proportion of freelancers are the TV sector, facilities and animation.

- 39% of those working in the TV sector are freelancers, compared to 28% in 2009. Freelancers are (largely) dominant for some occupational groups: costume/wardrobe (74%), lighting (73%), make-up and hairdressing (72%), camera/photography (71%), audio/sound/music (66%), creative development (66%), transport (62%), editing (56%) and production (56%).
- In facilities, 30% of the workforce are freelancers. Freelance dominated groups include lighting (94%), editorial, journalism and sport (82%), creative development (78%), editing (51%), production (43%) and art and design (43%).
- The proportion of freelancers in animation is 30%, at its lowest since 2004. This concerns in particular some profiles: audio/sound/music (100%), costume/wardrobe (60%), camera/photography (60%), content development (50%), editing (47%) and animators (41%).
- Overall, the radio sector employs about 17% of freelancers this proportion is higher for

²⁷ <http://diversity.pact.co.uk/about-us/>

some occupational groups such as legal (37%), editing (46%), libraries and archives (37%) and creative development (30%).

■ Freelancers represent 10% of the workforce in film distribution (mostly employed in legal, servicing, business management and distribution, sales and marketing) and 9% in the VFX sector workforce, with higher proportion among those working in art and design (33%) and editing (16%) within the VFX sector.

10.3.8 Other trends in employment and work arrangements affecting working conditions

Fixed-time and freelance work is particularly well suited to the flexibility demands of the AV sector, particularly given the importance of respecting a schedule for completing a production. Such flexibility demands are usually not an issue as people involved in a project are fully committed to it and passionate about what they do. Moreover, average wages remain attractive across AV professions. In any case, AV union members will enforce overtime payment agreements on the ground within reason.

UK AV unions have however been trying to negotiate better conditions for workers involved in various preparatory tasks for individual productions, especially as regards working hours (e.g. costume managers can spend up to two hours before and after filming to re-organise the wardrobe etc. this time is not included in the contractual working hours).

10.3.9 New and emerging occupations

The video games and visual effects subsectors have boomed over the past decade.

Motion capture has become a regular feature of video game development. Visual effects work is an outgrowth of post-production. With the growth of visual effects, the post-production sub-sector has grown and become more prominent within the AV industry as a whole. With the increasing use of online technologies, new occupations have emerged such as data wranglers: person on set responsible for making sure that what gets recorded on camera makes it back to the editor without any data loss or corruption.

The emergence of these new occupations has posed a number of challenges for social partners in the AV sector. Very few collective agreements exist with the video gaming industry. After some controversy, BECTU conducted a survey and organised a special session on working conditions and rates for visual effects workers.

10.3.10 Trends in professional mobility

There is very little professional mobility in the sector. On the other hand, the AV industry is characterised by high geographical mobility inasmuch as filming on location implies that production teams frequently film in various locations across the UK. This is particularly the case for the (independent) film industry. There is also growing geographical mobility from US workers to the UK as production costs in the UK are lower than in the US thanks to

advantageous tax breaks.

In terms of employment, freelancing is proving increasingly popular. There is some evidence of a growing use of temporary jobs for high discretion freelancers where regulatory and technological change has produced changes in the structure of the AV industry, working practices and contractual arrangements²⁸.

This may also be an indirect effect of the crisis of the late 2000s, which has made flexible work arrangements more common.

10.3.11 Impact on changes on continuous training

10.3.11.1 Overview of the state of play in relation to continuous training

Large broadcasters such as the BBC and ITV tend to provide their own training schemes, especially for young people. Training provided by employers is less prevalent in the independent production sector. The subsector invests £40 million a year, in formal training and on-the-job training and mentoring.

The Sector Skills Councils (i.e. Creative & Cultural Skills and Creative Skillset) provides or publicise subsidies for specific courses relevant to the AV sector. Creative Skillset does much of the training for independent producers. Many training providers offer a discount to BECTU members, City & Guilds offers very good value courses (especially in film and TV).

Creative Skillset is the main provider of training for freelancers. Creative Skillset can offer a bursary for freelancers working in film and TV, However, the difficulty this organisation is currently facing is that the BBC and Sky UK Limited have had to cut their funding by half to Creative Skillset. On the other hand, funding from the government has slightly increased. Some training is also provided by social partner organisations to their members:

- BECTU provides vocational training for its members, focusing mainly on freelance people (e.g. on how to be a union representative, on health and safety etc.). BECTU also keeps BBC and ITV in check making sure they provide training to their staff and to freelance workers.
- Pact runs a diversity training scheme: leads to good employment outcomes. Producers realise the value of diversifying their workforce. Pact research has shown that Indies collectively invest around £40m a year into skills and training in the workplace, both formal and on the job training and mentoring.
- Equity provides careers advice and training days for its members. Training courses focus on campaigning and activism, on how to become a union representative. Performers are itinerant workers and as such their access to lifelong learning is limited. Equity and the other UK entertainment unions have accessed funding to run our own training initiatives however through FEU training – <http://www.feutraining.org>

²⁸ Kitching J., Smallbone D. (2012): Exploring the UK Freelance Workforce, 2011, Kingston University, London

■ In the music subsector, the main providers of training are MU, TUC, GFTU, the Federation of Entertainment Unions (FEU), as well as the General Federation of Trade Unions (GTFU) and the Trade Union Congress (TUC). Training is primarily provided to members wishing to become stewards or union representatives. The MU also holds events and seminars on various aspects of the music industry (e.g. on the synchronisation of music tracks and video for TV clips), provides general advice to people interested in working in the sector as well as professional advice for session musicians (e.g. about copyright and publishing, filling tax returns, insurance for freelancers etc.).

Demand for training and development at the current time is high and more companies report an increase in requests for training (22%) than a decrease since the recession began.

The most common areas of training were reported as relating to multi-platform content and new and digital technology (also one in four employers identifying this need). One in two people declared a current need for training. Six in ten had undertaken training in the previous year, receiving an average of 11 days each (an increase from 7 days in 2005).

The older the worker the higher demand for training, especially in digital areas.

The highest percentages of the people being trained are in broadcast radio (74%), cinema exhibition (73%), web and internet (66%), and terrestrial TV (64%). The industries with the lowest proportions are other content creation (33%), archives and libraries (37%), other facilities (43%), and animation (47%).

For actors in particular, continuous training is required given that they tend to be employed on fixed-term projects. Thus, this requires constant development through actor studios etc. and training leading to qualifications (e.g. LAMDA and City Lit courses). Some actors undertake their own training, shadowing people for specific roles etc. Continuous training in this respect is thus mostly done on an informal and voluntary basis.

Experience can be more relevant than qualifications in acting and music making. Drama schools are likely to face difficulties in the future as they now charge expensive tuition fees and there is also the argument that they tend to prepare better for theatre acting than for screen acting (i.e. the AV sector). In the music subsectors, musicians who have qualifications from conservatoires may not be best prepared for more creative musical work.

10.3.11.2 Impact of employment and working arrangements on access to continuous training

The main barrier to continuous training is the risk for AV workers to pass up on job opportunities. As a result, freelancers in particular are cautious about taking training leave. Employers usually have a wide pool of freelancers to choose from and immediate availability is key to getting a job or a role in a production or project. Union members (BECTU, Equity, and MU) have a right to training leave for union duties.

There are generally concerns expressed by the trade unions within the AV industry as to whether employers are prepared to give time off for training²⁹. There are no particular legal requirements for employers to give training to their employees. As with other sectors, decisions to undertake continuous training in the AV sector relate to incentives for improved career prospects.

10.4 Impact on industrial relations

10.4.1 Industrial relations in the sector

Company level bargaining appears to be the dominant form of collective bargaining in the AV sector. However, collective bargaining on specific terms and conditions also takes place for specific roles.

In the UK, collective agreements not legally binding, but are incorporated in work contracts³⁰. As such, only signatory parties are bound by collective agreements from the moment that their terms and conditions are enshrined in employment contracts.

Unions such as BECTU, Equity and the MU negotiate collective agreements with major UK AV companies (e.g. BBC, ITV etc.) as well as the trade association representing independent producers (Pact) and advertisers (IPA) but also other various individual companies (film production, broadcasting, video gaming etc.).

BECTU has five industrial divisions covering: the BBC, commercial broadcasting, theatres, London productions, and regional productions. In other words, branches outside London are geographically based. BECTU has collective agreements with major AV companies (e.g. the BBC and ITV) which define contractual the terms and conditions for employees on working hours, pay, shift patterns, location of work, job descriptions etc.

BECTU has also been successful in negotiating collective agreements with the BBC for freelancers in particular areas of work (e.g. cameras, sparks, lights, grips, costumes, and make-up for drama productions, East Enders etc.).

Negotiations between BECTU and ITV to establish similar collective agreements to those of the BBC for freelancers (e.g. for Coronation Street and Emmerdale are still ongoing.

Equity is also very strong in the AV sector as it negotiates and sets contractual terms and conditions with employers through collective bargaining.

In the film and TV subsectors, negotiating agreements is a constant occurrence – Equity has so-called “repeat agreements” with the BBC (i.e. updated on a regular basis). Equity also takes initiatives in establishing individual agreements with independent producers and major film studios (e.g. Disney).

²⁹ Source: BECTU, MU

³⁰ UK employment law does not have a universality on contracts – except the minimum wage law which has universal application along with statutory holiday entitlements.

It has successfully secured pay rates with individual producers through collective agreements. It recently concluded a new agreement for feature films with Pact and the TV agreement is subject to on-going review by mutual agreement. A lot of the bargaining comes down to production-specific contractual stipulations and also on the national markets on which the productions are to be sold (prices). Equity is the first union in Europe to come to an agreement with Netflix about self-financed productions.

As regards the independent production subsector, Pact takes part in negotiations on collective agreements on behalf of its 500 members. Pact represents independent UK producers but also major US film studios. It has 6 collective agreements: for actors, directors, writers, musicians, and with walk-on or background artists (extras). The collective agreements cover both film and television production. Pact consults its members in order to get a mandate to negotiate these agreements which address not only employment terms but also terms for the exploitation for television programmes and films by Pact members. Outside of the USA, UK independent producers are unique in having so many collectively bargained agreements for their programmes and films.

In the music subsector, the MU has three collective agreements for television (i.e. with the BBC, ITV and with Pact on independent content). The MU also has promulgated rates for areas in which it has no collective agreements (i.e. template contracts with guidelines, session rates and minimum terms and conditions for live concerts, composition, score preparation etc.).

10.4.2 Impact of changes on collective agreements coverage, trade union organisations and employers' organisation density

Technological changes mean that collective agreements change and adapt overtime. For instance, with on-demand film and TV services, actors get compensation for productions available on BBC I-player and other on-demand services. DVD revenue has declined in recent years, but it has been substituted with revenue from online viewing.

BECTU has around 20,000 members with approximately half of them working as freelancers. Equity membership went down between 2008 and 2013, but picked up again 2013-2015 (13,000 members currently). Many young people and students are currently being recruited thanks to the union's improved visibility and campaigning work. Recruitment among freelancers, in visual effects, and particularly in hairdressing, make-up and costumes (areas where women workers are prominent) has also gone up. Membership of the MU has remained stable since 2008 at around 30,000. Many of the members use the MU as an insurance service.

Both the BBC and ITV were two sources of relatively dense union membership, but this is now less so the case due to the "casualization" of contracts. With freelance work becoming ever more prevalent in the UK AV sector, there is now a higher density of membership among freelancers (particularly in film and TV).

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- The Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU): Luke Crawley, 3 September 2015
- Equity (Trade union representing artists from across the entire spectrum of arts and entertainment): Louise McMullan and Stephen Spence, 4 September 2015

Annex 10.1 - Data from the 2012 Creative Skillset Employment Census of the creative media industries

Table 10.1 Number of workers per industry

		2009	2012
TV	Terrestrial broadcast	15,750	16,650
	Cable and satellite	12,700	12,300
	Independent production	21,700	21,650
RADIO	Broadcast	19,900	13,500
	Independent	1,000	600
	Community/Voluntary	n/a	3,100
FACILITIES	Post production	7,450	8,900
	Studios and equipment hire	5,900	5,300
	Outside broadcast	600	n/a
	Special physical effects	700	800
	Manufacture of AV equipment	2,900	3,000
	Processing labs	300	n/a
	Other services for Film and TV	18,600	18,950
FILM	Production (excluding freelancers)	1,300	1,150
	Distribution	1,200	1,200
	Cinema Exhibition	17,650	17,700
ANIMATION		4,300	4,600
VFX		6,900	5,300
TOTAL		138,850	134,700

*Note: excludes performers.