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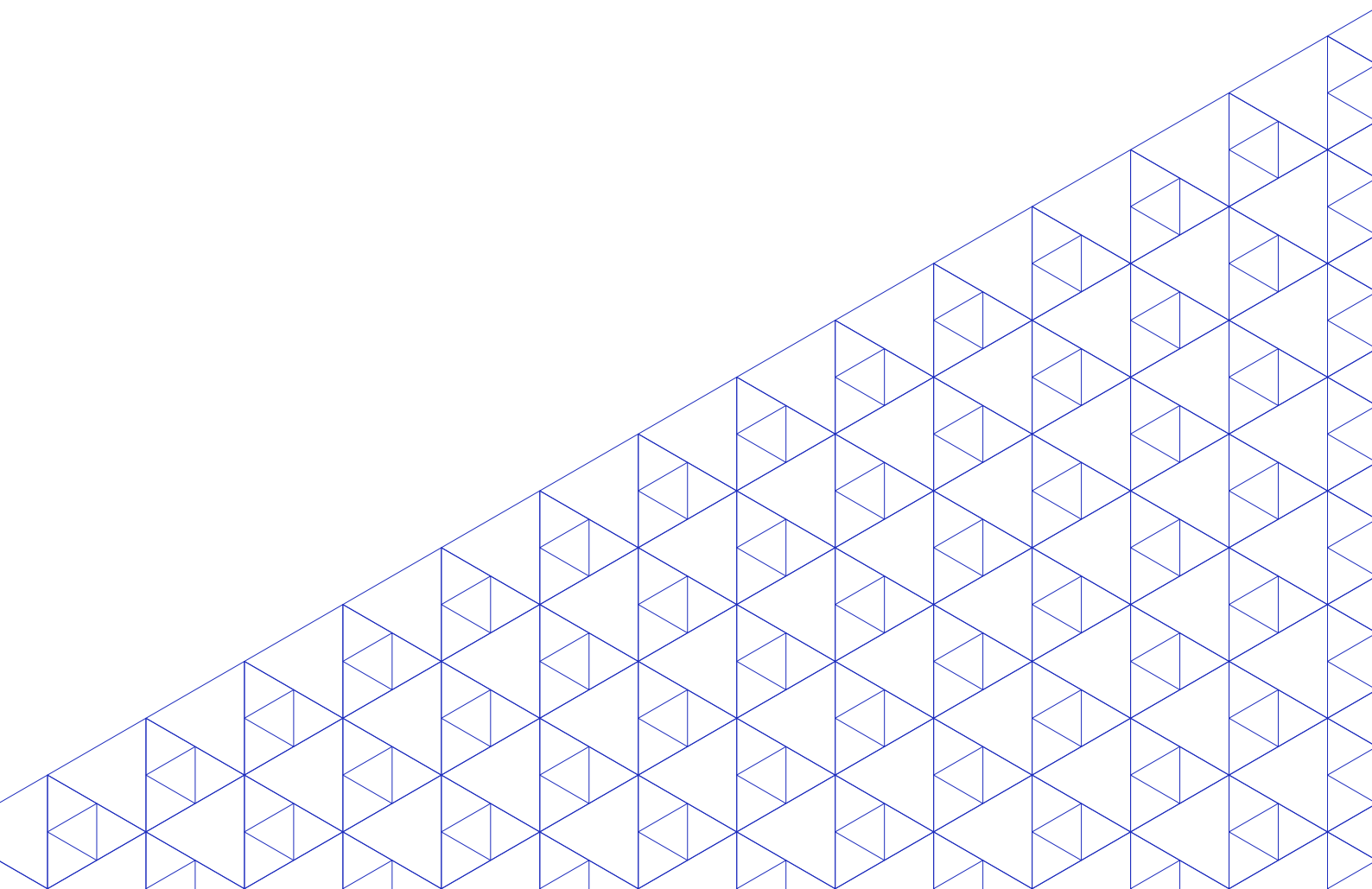
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► Social Protection in the Cultural and Creative Sector

Country Practices and Innovations

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Abstract

Social Protection in the culture and creative sector – this Working Paper is based on the ILO Centenary Declaration for the Future of Work, 2019, which calls on the ILO to direct its efforts to “developing and enhancing social protection systems, which are adequate, sustainable and adapted to developments in the world of work.” In particular, the paper reviews policy and legal frameworks in selected countries that have pursued specific solutions to extend social security to workers in the creative and culture sector, in order to identify entry points and mechanisms for expanding coverage. Policy options ensuring the adequacy and the sustainability of such systems are discussed, taking into account particular employment circumstances in the sector, such as fluctuating employment status, irregular incomes, intermittent nature of work, and geographic mobility. The paper also situates the discussion within the COVID-19 pandemic, offering an overview of social protection measures put in place by governments in the culture and creative sector.

About the authors

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Acronyms

Agessa	Association for the Management of Social Security for Writers (France)
APY	Atal Pension Yojana (India)
BLS	Bureau of Labor Statistics (United States of America)
CCS	Cultural and creative sector
CFA	Committee on Freedom of Association
ENOE	National Labour Force Survey (Mexico)
ILC	International Labour Conference
ILO	International Labour Organization
ILS	International Labour Standards
ISCO	International Standard Classification of Occupations
MDA	House of Artists (France)
NLRA	National Labor Relations Board (United States of America)
PCS	Professions et catégories socioprofessionnelles (French System of classification of occupational and professional categories)
UIS	UNESCO Institute for Statistics
UNESCO	United Nations Educational, Scientific and Cultural Organization

Foreword

Workers in the creative and cultural sector (CCS) – from actors, musicians, orchestra directors, to technicians working in the audio-visual and sound engineers – represent that part of the workforce that allows us to watch a movie or to listen to recorded or live music. They ensure our lives are entertained and our minds are educated. They contribute to the development of cultural heritage, promote diversity and cultural expression. They nurture creativity of countries and creative collaboration among countries, which is at the source of cultural and social development.

With an estimated 29.5 million people working in creative and cultural industries worldwide, and over US\$ 2.2 billion revenues (3 per cent of the global GDP),¹ these workers also constitute the driving force of the creative and cultural industry, contributing to the countries' economic development and job creation, including in developing countries.

COVID-19 has underlined the importance of the CCS, and the role it played in uplifting people during difficult times. During hours of confinement at home, the public resorted to different forms of cultural expression or entertainment, encompassing music and videos, leading to a surge in streaming and online services.² Yet the sector was hit hard by measures put in place by governments to safeguard people's health, resulting in closed productions, cancelled contracts, loss of earnings and unemployment.

These developments have exposed gaps in social protection coverage for workers in the sector, and have revealed wider decent work deficits that affect segments of the sector. Although important short-term measures have been put in place to alleviate the impact of the crisis, now is the time to reinforce social protection for the millions of workers in the sector, to ensure that they enjoy income security and effective access to health care.

The International Labour Organization has been at the forefront of social protection policies to ensure adequate levels of social protection to all members of the society within well-governed systems, which have been substantiated through a body of international social security standards.

Guided by these standards, today the objective is to achieve universal access to comprehensive and sustainable social protection, as endorsed by ILO Centenary Declaration and the 2030 Agenda. This goal implies finding viable solutions to successfully reach those not adequately protected so far. However, there cannot be a one-size fits all approach. Such viable policy solutions require adapting social protection systems in line with relevant international labour standards, to meet the specific needs of workers in the CCS, often in self-employment, or temporary employment. Some of these workers receive irregular incomes from several sources; with hours of unaccounted work.

Innovation and digital transformation in the sector, through the increased use of streaming and online platforms to produce content or to perform live music or theatre, raise also issues of fair remuneration, which may affect the extent to which these workers are covered under social security schemes.

This study reviews policy and legal frameworks in selected countries that have pursued specific solutions to extend social security to workers in the creative and culture sector, in order to identify entry points and mechanisms for expanding coverage, and to discuss policy options that ensure the adequacy and the sustainability of such systems.

¹ EY, *Cultural times - The first global map of cultural and creative industries*, 2015

² ILO, *COVID-19 and the media and culture sector*, Policy Brief, Geneva, 2020.

In particular, the analysis reflects on possible options to ensure not only that CCS workers are covered under social security systems, but that legal frameworks can be easily translated into policies that ensure effective coverage, taking into account particular employment circumstances such as fluctuating employment status, irregular incomes, intermittent nature of work, geographic mobility, etc. A comprehensive and co-ordinated approach will be required, which combines both contributory and non-contributory schemes.

On the one hand, contributory schemes are needed to cover CCS workers through holistic and tailor-made solutions (e.g. adjusting qualifying conditions and contribution rates and allowing for the portability of rights and entitlements); adapted administrative processes (e.g. simplifying registration and contribution payment); and innovative and diverse financing mechanisms (notably through the full engagement of “service users”). These measures would need to consider the principles set out in ILO social security standards and notably of risk-sharing, equity and solidarity.

On the other hand, the CCS is not homogenous, encompassing a diversity of employment arrangements. As such, non-contributory schemes will be equally necessary to ensure low-income and vulnerable segments of CCS workers have access to at least a basic level of social protection, especially those not covered through existing contributory schemes, in line with the Social Protection Floors Recommendation No. 202.

The success of this bi-dimensional approach will depend on the involvement of CCS trade unions and guilds, as well as employers’ organizations (producers, broadcasters, etc.), through social dialogue processes and participatory management, to ensure their voice in the policy design and its implementation.

The development of social security solutions cannot be done in a silo; the extension of social protection schemes to CCS workers will also need to be framed within the broader changes in the employment relationships and the need to address the misclassification of employment relationships.

We hope that this research, as well as good practices collected through the collaborative work between the Sectoral Policies Department and the Social Protection Department, will shine a light on effective solutions that can ensure that the human right to social security is also a reality for CCS workers who contribute so richly to our common cultural heritage.

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Introduction

The following study examines the social protection schemes covering workers in the cultural and creative sector (CCS). In particular, it will analyse the social protection schemes and innovations that protect the CCS in different countries, taking into account evolving labour relations in the sector.³

While in other sectors types of employment are diversifying due to technological transformations and other market forces, variety in contractual arrangements has long been common in the CCS. Recent reports, including the ILO publication “Work for a Brighter Future”, have highlighted transformations in labour relations associated with the introduction of robots, automation, use of networks and demographic change.⁴ In turn, this increasing uncertainty in employment relationships gives rise to critical challenges for social protection systems, many of which are not designed for workers who are often self-employed or employed on a temporary or part-time basis. In other cases, disguised/dependent self-employment (depending on one main client to make a living, but still classified as self-employed), can curtail the applicability of existing social protection mechanisms

The exclusion of CCS workers from social security programmes and schemes may be related to several factors. These include workers not being covered by legal frameworks, or administrative and financial challenges linked to their sporadic social security contributions as a result of the project-based or short-term nature of their contracts.⁵ Furthermore, the extension of social protection to these workers may require clarifying their employment relationships and the removal of barriers to their legal or de facto inclusion in the social protection system.

The COVID-19 pandemic has brought to light gaps in social protection in the CCS. While some States have responded in the immediate term, including through temporary measures, it will be interesting to follow longer-term responses, and possibly innovations, to adequately address issues of extension of social protection to CCS workers.⁶

Understanding the challenges and solutions put forward to protect and cover creative workers will therefore not only inform the industry and its stakeholders specifically, but will also contribute to the ongoing debate about the future of work.

³ In this paper, we will focus on the broader term “social protection”, as seen from a human rights perspective and defined as a set of policies and programmes to reduce and prevent poverty, vulnerability and social exclusion throughout the life cycle. Social protection includes nine main areas: child and family benefits; maternity protection; unemployment support; employment injury benefits; sickness benefits; health protection (medical care); old-age benefits; invalidity/disability benefits; and survivors’ benefits. Social protection systems address all of these policy areas through a mix of contributory schemes (social insurance) and non-contributory tax-financed benefits (including social assistance). In most contexts, however, the two terms, “social security” and “social protection”, are largely interchangeable, and the ILO and other United Nations entities tend to use both in discourse with and advice to their constituents. Source: ILO, *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*, 2017.

⁴ ILO, Global Commission on the Future of Work, *Work for a brighter future*, Geneva, 2019.

⁵ Short-term schemes traditionally include maternity, sickness, work injury and unemployment. For most of these, workers must have been contributing at the time of the event. If a CCS worker is not employed and contributing at the time of becoming pregnant or injured, she or he will therefore not benefit from social insurance schemes. Long-term schemes refer to old-age or disability pensions. Similarly, if the CCS worker has not met the qualifying conditions (normally a number of years of contributions), he or she will not be entitled to a pension.

⁶ ILO, “[Social Protection response to the COVID-19 Crisis](#)”.

Structure of the study

The study will analyse the features of cultural and creative occupations, their contractual relationship, and coverage under different social protection schemes. Given the lack of data and information for this particular group of occupations, the study provides a detailed picture from three countries: France, Mexico and the United States, to help understand the patterns around occupations in the sector, including workers' annual income, contractual status, and access to social protection schemes, when available. The analysis goes on to address key policy areas (adaptability, financing mechanisms, solidarity, and portability), broadening the analysis to social security frameworks developed by a wide range of countries to cover CCS workers.

The study will provide specific details and country case studies highlighting policy options and the challenges of ensuring effective social protection coverage for these occupations.

The research has focused on countries where social protection measures exist for the CCS, and extrapolates good practices from these. It also acknowledges, however, that in many cases the CCS workers may not be covered by or may not have access to existing national social protection systems, or may, to varying extents, be covered under non-contributory schemes.

Contributory social insurance schemes and non-contributory schemes are both essential components of national social protection systems. Non-contributory schemes are indeed necessary, as they play a key role in reducing poverty, vulnerability and exclusion. However, contributory social insurance schemes remain a fundamental element of income security in active and old age, providing benefits related to previous earnings, and higher levels of income security than benefits provided under non-contributory, means-tested or universal schemes.⁷ The study therefore seeks to gain a better understanding of how social protection measures, and in particular contributory mechanisms, can best be adapted to the circumstances of the CCS.

Overall, this study finds that to tackle the challenges posed by extending coverage to all CCS workers, it is crucial to adapt and combine social protection schemes (contributory and non-contributory). For non-contributory schemes, strong national social protection floors will be necessary to ensure that low-income and vulnerable groups of CCS workers have access to at least a basic level of social protection, in particular if they are not covered by existing contributory schemes. This will also require contributory schemes, and tailor-made approaches, including a broader organization of national solidarity (subsidies), as well as alternative financing mechanisms beyond traditional contributions on monthly wages, and also defining which benefits are delivered and how.

A summary of current economic and employment trends is introduced, including gender differences, followed by a description of the overall social protection systems for the CCS. Four case studies highlight the practices followed in different countries to extend social protection to workers in the CCS, and lastly there is a presentation of conclusions and considerations to inform policy makers.

⁷ ILO, [Report of the Committee of Experts on the Application of Conventions](#), ILC.108/III/B, 2019, Executive Summary, iii.

Methodology

Four main research methods have been used: data analysis, literature review, legal mapping and case studies. In order to provide an in-depth assessment of the current trends and challenges for workers in the CCS, the study uses data from the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) for global estimates. Additionally, more detailed information is provided using national labour force surveys from France, Mexico and the United States. Equipped with these sources, we can draw a picture of the most common forms of employment of CCS workers, including self-employment, temporary work, length of contract, and gender differences. A social security legislative mapping was also done to give an overview of social security policies and legislation implemented in different countries. Building on this mapping, several case studies have been developed, which look at the specific tools and mechanisms employed to address the specific challenges that CSS workers face with regard to social protection.

The study will focus on cultural and creative occupations, based on the assumption that labour conditions would be homogenous across these, rather than across the sector as a whole. To illustrate this point, we argue that actors, musicians or writers would face the same social protection challenges, regardless of whether they work for a cultural or a non-cultural organization. The 2009 UNESCO Framework for Cultural Studies defines total cultural employment as all persons that hold cultural occupations (A+B), as well as workers holding different occupations within the cultural sector (C). This study will focus on creative and cultural occupations (A+B) (Figure 1).

► **Figure 1. UNESCO Cultural employment matrix**

	Cultural Activity	Non-cultural Activity
Cultural Occupation	A	B
Non-cultural Occupation	C	D

A = Persons employed in a cultural occupation in the culture sector

B = Persons employed in a cultural occupation in the non-culture sector

C = Persons employed in a non-cultural occupation in the culture sector

D = Persons employed in a non-cultural occupation in the non-culture sector

Source: UNESCO-UIS, 2009

► 1 The cultural and creative sector: current trends and social security systems

Economic and employment trends in the CCS

Measuring the size and importance of the CCS by occupation is a challenge; the definition of “artist”, varies between countries, which causes difficulties in finding comparable data. The International Standard Classification of Occupations (ISCO) currently used, ISCO-08, was established by the Tripartite Meeting of Experts on Labour Statistics in 2007. It “classifies jobs, defined as a set of tasks and duties performed, or meant to be performed, by one person, including for an employer or in self-employment.” Accordingly, “an occupation is defined as a set of jobs whose main tasks and duties are characterised by a high degree of similarity.” For the purposes of this study, CCS occupations are those listed in Table 1.

► Table 1. ISCO-08 4-digit codes for cultural and creative occupations

264 Authors, journalists and linguists	265 Creative and performing artists	343 Artistic, cultural and culinary associate professionals	352 Telecommunications and Broadcasting Technicians
2641 Authors and related writers	2651 Visual artists	3431 Photographers	3521 Broadcasting and Audiovisual Technicians
2642 Journalists	2652 Musicians, singers and composers	3435 Other artistic and cultural associate professionals	3522 Telecommunications Engineering Technicians
	2653 Dancers and choreographers		
	2654 Film, stage and related directors and producers		
	2655 Actors		
	2656 Announcers on radio, television and other media		
	2659 Creative and performing artists not elsewhere classified		

Source: ILO. [ISCO-08 Structure, group definitions and correspondence tables](#), Volume I, 2012

Unfortunately, there are no global data disaggregated to this level. ILO provides global and nationally comparable occupation data at the two-digit code level. Code 26 includes “Legal, social and cultural professionals”, a broader category than the occupations listed above.

The UNESCO Institute for Statistics (UIS), through its Framework for Cultural Statistics, offers data on cultural employment, disaggregated according to the cultural employment matrix (see Figure 1 above). The UIS definition of CCS occupations is broader than the ILO definition, since it includes teaching, as well as crafts and design services that are likely to include certain occupations falling outside the scope of this study. Under this caveat, Table 2 shows estimates of people working in the CCS in 2015 in selected countries, which seem to have reliable data. Given the aforementioned considerations, these are upper estimates. Some critical features of CCS workers’ labour market relations can be inferred from these figures.

► **Table 2. Number of persons employed in cultural and creative occupations (2015)**

Country	Performance and celebration	Visual arts and crafts	Books and press	Audiovisual and interactive media	Design and creative services	Persons working in cultural employment (as percentage of total number of persons employed)
Austria	9,800	57,500	19,100	11,500	36,000	4.98
Belgium	10,364	27,361	31,087	10,142	67,493	5.01
Bulgaria	7,300	83,100	14,400	5,600	14,600	5.47
Canada	55,700	120,500	102,300	57,100	230,000	5.72
Cabo Verde	619	3,553	521	59	736	3.38
Costa Rica	819	54,403	455	5,360	11,632	4.89
Cyprus	537	2,689	1,967	620	3,085	n/a
Czechia	8,167	94,611	24,557	10,284	33,438	5.36
Ecuador	3,986	244,029	7,587	4,227	38,901	6.33
Estonia	1,986	7,809	5,824	1,994	7,069	7.27
Finland	5,911	20,146	29,781	9,774	54,509	8.6
France	41,406	189,575	102,201	109,866	260,108	4.25
Honduras	240	103,867	3,638	4,349	6,911	6.49
Lithuania	2,701	24,453	10,612	3,237	9,402	5.91
Luxembourg	307	1,101	5,092	450	1,793	5.97
Latvia	2,300	17,400	5,000	1,700	11,200	7.87
Mali	6,135	5,971	850	11,350	222,727	6.06
Netherlands	25,000	66,000	71,000	24,000	121,000	5.52
Serbia	9,319	58,214	13,871	5,663	14,203	5.68
Slovakia	2,100	45,000	9,000	3,400	18,700	4.43
Slovenia	1,618	14,047	5,992	1,418	10,259	n/a
Sweden	14,900	28,000	52,000	14,500	54,700	5.45
Togo	1,047	118,152	2,078	1,058	1,063	10.27

Source: UNESCO Institute for Statistics data on cultural employment,⁸ under CULTURE, Cultural Employment dataset.

In Europe, 30 to 50 per cent of CCS workers tend to be self-employed, except in the Baltic and some Eastern European countries, where self-employment rates are much lower. This is according to 2019 data on cultural employment collected by Eurostat, which reports “a relatively high proportion of self-employment, reflecting the independent and specialized nature of many occupations in the cultural sector – for example, authors, performing artists, musicians, painters and sculptors, or crafts people.” This proportion (33 per cent, in 2018) was higher than the average proportion of self-employment in the economy as a whole (14 per cent).

As expected, self-employment rates are even higher in developing countries, at around 40–60 per cent, with Costa Rica and Mali having the highest levels. When looking at gender differences, there is no consistent trend; while in many European countries self-employment is less prevalent among women in the CCS, in some Asian countries, such as Malaysia and the Philippines, more than 70 per cent of self-employed CCS workers are women.

⁸ UNESCO, “UNESCO Institute for Statistics (UIS) Database”, accessed 28 January 2021.

► **Table 3. Share of self-employment, part-time and temporary work in cultural and creative occupations (2015)**

Country	Self-employment as a share of creative and cultural occupations	Part-time employment as a share of creative and cultural occupations	Temporary employment as a share of creative and cultural occupations
Armenia	13.4%	22.7%	4.3%
Austria	30.7%	25.7%	14.5%
Belgium	33.1%	20.7%	14.6%
Bulgaria	12.5%	4.5%	3.1%
Bosnia and Herzegovina	13.1%	7.5%	21.3%
Bolivia (Plurinational State of)	57.9%	34.0%	
Canada	36.3%	23.1%	15.7%
Cabo Verde	48.7%	7.4%	
Costa Rica	71.4%	49.5%	3.4%
Cyprus	45.3%	31.4%	16.8%
Czechia	38.9%	11.5%	10.8%
Germany	34.0%	26.6%	15.3%
Ecuador	55.1%	30.5%	42.0%
Spain	35.2%	18.1%	25.9%
Estonia	14.1%	20.7%	3.6%
Finland	23.9%	18.4%	16.9%
France	31.7%	22.6%	4.9%
Greece	38.1%	20.9%	18.1%
Honduras	56.5%	15.9%	10.3%
Croatia	16.1%	6.5%	25.1%
Hungary	23.7%	10.1%	11.5%
Iceland	32.1%	17.9%	11.9%
Italy	45.8%	18.1%	15.7%
Republic of Korea	27.1%		
Sri Lanka	53.0%	19.1%	55.3%
Lithuania	16.2%	9.9%	
Luxembourg	18.8%	17.8%	9.3%
Latvia	18.1%	15.8%	
Republic of Moldova	11.2%		5.3%
Mexico	42.2%	64.9%	55.2%
North Macedonia	10.2%	41.6%	13.6%
Mali	87.6%	21.1%	27.6%
Malta	28.8%	20.7%	9.0%
Mongolia	46.5%		
Malaysia	46.4%		
Netherlands	47.7%	47.7%	10.4%
Pakistan	55.1%	4.2%	68.3%
Philippines	14.6%	27.9%	21.6%
Portugal	20.0%	10.5%	22.0%
Palestine	12.0%	4.0%	

Country	Self-employment as a share of creative and cultural occupations	Part-time employment as a share of creative and cultural occupations	Temporary employment as a share of creative and cultural occupations
Romania	8.0%	22.5%	0.3%
Serbia	26.1%	17.2%	23.3%
Slovakia	31.8%	6.0%	6.5%
Slovenia	25.4%		
Sweden	31.4%	29.9%	
Thailand	43.3%	11.5%	22.8%
Turkey	27.2%	14.4%	7.5%
Viet Nam	37.8%		
Average	33.2%	20.9%	17.9%

Source: UNESCO, Institute for Statistics data on cultural employment

On average, 43.3 per cent of workers in performance and celebration-related occupations and over 30 per cent in audiovisual occupations were on part-time working arrangements. Overall, more than 42 per cent of workers in performance and celebration-related occupations and 36 per cent in audiovisual occupations were self-employed, while 30 per cent and 26 per cent in performance and audiovisual occupations, respectively, were on temporary contracts. It should be noted, however, that the percentage of CCS workers who do not know their contractual status or do not have contract of employment is very high (see the case of Mexico below).

Three countries' data – France, Mexico and the United States of America – are analysed below, to better understand these CCS dynamics.

France

The 2018 French Labour Force Survey ("Enquête Emploi en Continue") provides a refined estimate of the number of CCS workers. In 2018, under the French system of defining occupations (PCS, table 4), there were 324,734 individuals working in cultural and creative occupations, equating to 1.1 per cent of the active population.

► **Table 4. PCS codes for cultural and creative occupations in France**

351a	Librarians, archivists, curators and other cultural heritage professions (public service)
352a	Journalists (including editors-in-chief) 352b Literary authors, play/film writers and script writers
353a	Newspaper executives, press administrators, editorial directors (literary, musical, audiovisual and multi-media)
353b	Audiovisual and performance directors, programming directors and production managers
353c	Artistic and technical professions related to audiovisual and theatre production
354a	Visual artists
354b	Musicians and singers
354c	Actors

354d	Dancers, circus artists and other performers
354e	Dancers
354f	Circus artists and other performers

Source: [Institut National de la Statistique et des Etudes Economiques \(INSEE\)](#)

There are no clear trends with regard to age, only a slight concentration of workers in their 30s, (29 per cent of the total). A gender analysis shows that 57 per cent of all CCS workers are male. The education breakdown shows that CCS workers are mostly highly educated (see Table 5).

► **Table 5. Cultural and creative workers disaggregated by level of education in France (2018)**

Education Level	Share
Undergraduate degree, one-year post-graduate degree, masters degree (research or professional), further post-graduate study, specialized post-graduate study, doctorate	40.9%
College degree and further qualification	11.08%
University diploma	2.42%
BTS, DUT ou equivalent	17.30%
Paramedical and social (Baccalaureat +2 years)	0.45%
General baccalaureat	9.43%
Technical or vocational baccalaureat, or equivalent	6%
Vocational certificate	4.15%
Secondary education certificate	5.10%
Primary education certificate	0.43%
No qualification	2.38%
Not Available	0.36%

Source: INSEE. [Emploi Enquête en Continu](#), 2018

Lastly, it is interesting to note that 32 per cent of CCS workers work less than 30 hours per week (see Table 6). Thus in France, part-time work is highly relevant for CCS workers, whether they are employees or self-employed. Since the French labour force survey asks workers what they would consider to be the ideal number of working hours, we can compare the two to determine whether part-time employees are satisfied or would prefer to work additional hours. The analysis shows that CCS workers do not wish to work more hours; part-time work tends to meet their needs.

► **Table 6. Share of cultural and creative workers by weekly hours of work in France (2018)**

Weekly Number of Hours	Share
<15 hours	16%
15–30 hours	16%
30–35 hours	7%
35–40 hours	21%
40+	37%
N/A	3%

Source: INSEE. [Emploi Enquête en Continu](#), 2018

United States of America

Using data from the United States Bureau of Labor Statistics (BLS) from May 2018, we estimate that there are 1.4 million workers in CCS employment, which accounted for one per cent of total non-agricultural employment (Table 7).⁹ The most important occupations in CCS employment terms are: designers; writers and editors; broadcast and radio technicians; and actors, producers and directors. These four broad occupations account for 69 per cent of total CCS employment in the United States.

► **Table 7. Total employment in cultural and creative occupations in the United States (2018)**

Code	Occupation	Total employed
27-1010	Artists and related workers ¹	90,990
27-1020	Designers	519,180
27-2010	Actors, producers, and directors	166,060
27-2030	Dancers and choreographers	14,810
27-2040	Musicians, singers, and related workers	53,840
27-2090	Miscellaneous entertainers and performers, sports and related workers	13,740
27-3010	Announcers	35,260
27-3020	News analysts, reporters and correspondents	43,030
27-3040	Writers and editors	191,320
27-3090	Miscellaneous media and communication workers	77,560
27-4010	Broadcast and sound engineering technicians and radio operators	121,890
27-4020	Photographers	49,560
27-4030	Television, video, and motion picture camera operators and editors	49,240
27-4090	Miscellaneous media and communication equipment workers	18,790
	TOTAL	1,445,270

¹ For BLS purposes, "artists" include the following occupations: art directors, craft artists, fine artists – including painters, sculptors, and illustrators –, multimedia artists and other related artists. Source: United States Bureau of Labor Statistics, « [Occupational Employment Statistics](#) », Bureau of Labor Statistics, accessed 28 January 2021.

Source: BLS data.

BLS data also provide interesting insights into wages and their distribution across occupations, as well as the average number of hours worked per occupation. On average, artists, actors, producers, directors, musicians, technicians and operators work close to or more than 40 hours per week, while photographers, dancers, entertainers and related workers work just over 20 hours per week. While average wages are in line with the number of hours worked, this may not account for "hidden working hours" spent by some categories, such as performers, in practising or rehearsing. Regarding salary range, artists receive the highest average wages while photographers receive the lowest. The annual average wage across all CCS occupations was US\$51,960. Thus, wages for several CCS occupations are significantly below the average, whereas others, such as artists and occupations related to the film industry, enjoy wages well above the mean. Film industry occupations show the largest spread in salaries, with the 90th percentile making US\$130,000 more per year than the 10th percentile.

⁹ According to BLS data, in May 2018 the total number of employed in the United States was 144,733,270. See: United States Bureau of Labor Statistics, « [May 2018 National Occupational Employment and Wage Estimates](#) », Bureau of Labor Statistics, accessed 28 January 2021.

► **Table 8. Working hours and salary details (in US\$) for CCS occupations in the United States (2018)**

Occupation	Average hours worked	Average annual salary	10th percentile annual salary	90th percentile annual salary
Artists and related workers	40.83	84,930	34,670	144,530
Designers	24.05	50,020	23,140	84,770
Actors, producers, and directors	39.24	81,610	23,930	160,730
Dancers and choreographers	22.44	46,670	19,810	90,290
Musicians, singers, and related workers	35.53	n/a	n/a	n/a
Miscellaneous entertainers and performers, sports and related workers	21.53	n/a	n/a	n/a
Announcers	23.54	48,960	18,900	87,720
News analysts, reporters and correspondents	29.1	60,530	23,840	112,750
Writers and editors	34.58	71,920	33,650	117,620
Miscellaneous media and communication workers	26.2	54,490	26,190	89,920
Broadcast and sound engineering technicians and radio operators	24.02	49,960	23,880	84,110
Photographers	20.56	42,770	19,850	76,360
Television, video, and motion picture camera operators and editors	36.58	76,090	28,930	140,970
Miscellaneous media and communication equipment workers	37.06	77,080	31,760	117,300

Source: BLS data.

Mexico

The Mexican Labour Force Survey (*Encuesta Nacional de Ocupación y Empleo*), ENOE, provides very detailed information for occupations at the 4-digit level, providing an in-depth analysis of the CCS. In 2018, the total employment in CCS occupations amounted to 436,532, accounting for 0.43 per cent of the working-age population, slightly below the United States share. In Mexico, the main CCS occupations are: musicians; designers, painters and illustrators; and photographers. Data on weekly working hours also show significant differences across occupations; while some occupations work above 40 hours per week, in some cases even reaching 50 hours (including designers, painters, illustrators, journalists, editors and broadcasting technicians), others barely amount to 20 hours a week, including singers, sculptors, and event organizers.

In 2018, the average monthly salary in Mexico was 6,153 Mexican pesos. In the CCS, however, the average monthly salary was significantly higher, at 8,303 pesos. Wage differentials across occupations in the CCS are very large. While writers and critics receive salaries higher than 40,000 pesos a month, clowns and circus artists make around 2,400 pesos, which is well below the average.

The ENOE shows the proportion of these workers that are self-employed and, again, we find a very diverse picture. Writers and critics and music composers are predominantly self-employed, while there are no self-employed set designers and radio and television presenters. Self-employment is prevalent among actors, at 47.6 per cent.

► **Table 9. Working hours and salary details (in Mexican pesos) for CCS occupations in Mexico (2018)**

Occupation	Number of workers	Percentage of self-employed workers	Number of hours worked	Average monthly salary
Writers and critics	3,759	96.2%	n/a	40,071.4
Journalists and editors	28,285	12.2%	45.1	9,557.9
Artists	12,559	77.9%	36.0	9,980.9
Cartoonists and artists, illustrators and engravers	84,805	35.9%	46.7	9,437.8
Sculptors	3,977	78.5%	16.0	5,220.7
Set designers	4,128	0.0%	30.0	6,232.9
Composers and musical arrangers	652	91.0%	n/a	4,223.7
Musicians	125,180	35.3%	20.8	6,896.8
Singers	18,265	37.9%	6.7	8,014.3
Dancers and choreographers	8,607	15.0%	35.0	6,395.1
Actors	3,926	47.6%	n/a	12,861.3
Radio, television and other media presenters	7,536	0.0%	30.7	9,318.7
Hosts and event organizers	23,148	30.4%	20.5	11,877.7
Clowns, mimes and other circus artists	2,765	70.4%	n/a	2,398.5
Video and recording production engineers and technicians	16,173	28.9%	50.0	7,677.2
Sound and lighting engineers and technicians	34,577	31.9%	40.0	8,903.5
Photographers	58,220	65.7%	40.8	8,694.9
Total and weighted average	436,562	38.5%		8,303.8

Source: ENOE data.

The structure of labour arrangements in the CCS shows that workers in CCS occupations can be divided into four categories: self-employed (these account for more than one-third of CCS workers); workers with open-ended contracts; workers with temporary contracts; and workers with no contract of employment or no knowledge about their contract (these account for quite a large proportion of CCS workers). Contrary to assumptions about self-employment, the self-employed in the CCS sector in Mexico receive average salaries that are roughly the same as those of employees under open-ended contracts and 17 per cent higher than those with temporary contracts. Those working without a contract tend to be paid much lower wages – roughly 40 per cent less than workers with known contractual arrangements.

► **Table 10. Contractual arrangements in CCS occupations in Mexico (2018)**

Type of contractual arrangement	Number of workers	Average monthly salary
Self-employed	177,347	9,701.9
Open-ended contract	89,224	9,789.1
Temporary contract	30,108	8,098.0
Unknown / no contract	139,883	5,997.9

Source: ENOE data.

The ENOE provides information on whether workers are given access to health insurance by their employer, via the Mexican Social Security Institute, the national social insurance agency, which is a good indicator of social security coverage. Close to 99 per cent of self-employed CCS workers state that they do not have access to health insurance through their job, as do 96 per cent of workers without a contract. Conversely, 69 per cent of employees with open-ended contracts have health insurance coverage through the Institute. Only 10 per cent of employees with open-ended contracts state that they are unprotected. Workers who

are employed on temporary contracts sit somewhere in between: 52 per cent have health insurance, while 48 per cent do not.

In a country with a high prevalence of informal labour, more than one-third of CCS workers are self-employed, but another third do not even know their contractual status, and social security coverage is almost non-existent. While workers with temporary contracts have slightly lower salaries than self-employed workers (17% less on average), they have greater social protection. CCS workers who either do not have a contract of employment or do not know whether they have one, earn the lowest wages and have very limited social security coverage.

► **Box 1: CCS employment trends highlights**

- The proportion of self-employment is relatively high, reflecting the independent and specialized nature of many occupations in the CCS; this proportion tends to be higher in developing countries.
- Part-time and temporary work tend to be prevalent, and a high proportion of CCS workers do not know their contractual status or have no contract; again, this proportion tends to be higher in developing countries.
- While average wages for CCS workers are in line with the number of hours of work, this may not account for “hidden working hours” spent by some categories – such as performers – who spend unpaid time practising or rehearsing.

Social protection and the CCS

Social protection, or social security, is a human right¹⁰ and can be defined as the set of policies and programmes designed to reduce and prevent poverty and vulnerability throughout the life course.¹¹ As the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) indicates, social security includes benefits for children and families, maternity, unemployment, employment injury, sickness, old age, disability, survivors, as well as health protection. Social protection systems address these policy areas through a mix of contributory schemes (social insurance) and non-contributory tax-financed benefits, including social assistance.

CCS workers face numerous challenges in accessing social protection, partly related to the types of contract they are employed under and the characteristics of their work. In most countries, entitlement to social protection benefits under social insurance schemes is determined by the type of activity, contractual relation and labour income. Characteristics of CCS occupations, which are described below, often lead to sporadic social security contributions, which can have a significant impact on access to social protection benefits for CCS workers when a particular contingency occurs (such as maternity or sickness). These sporadic contributions may mean, for example, that CCS workers are unable to contribute for the time periods required to be eligible for benefits, such as old-age pensions, due to low contribution density (resulting from interrupted employment histories). In addition, national social protection systems may not be sufficiently adapted to the realities of such workers, which will also impact their social protection coverage. In countries with fragmented pension schemes, for instance, workers with “atypical” employment histories, as is the case for many CCS workers, may end up contributing to several funds, but might not reach the minimum contribution thresholds (vesting periods) to secure their entitlements. The common characteristics of CCS occupations described below summarize the main reasons for lack of, or low, social protection coverage.

¹⁰ See: UN General Assembly Resolution 217 A(III), Universal Declaration of Human Rights, A/RES/217(III) (1948), Articles 22 and 25; UN General Assembly Resolution 2200A (XXI), International Covenant on Economic, Social and Cultural Rights, A/RES/2200A(XXI), 1988, Art 9; principles also enshrined in UN legal instruments setting out the rights of specific population groups (see: ILO, [Building social protection systems: International standards and human right instruments](#), 2019).

¹¹ ILO, *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*, 2017.

Exclusion from social protection programmes in law and practice. In most countries, contributory schemes cover formal employees with employment contracts; these schemes may be extended to the self-employed, but this is often on a voluntary basis and the worker is responsible for both the employer's and employee's share of contributions. In others, the self-employed might simply be excluded by law. Indeed, people working in the CCS are regularly considered to be independent contractors and are thus not covered by employment legislation; they are not employees, and as a result may not be covered by social insurance mechanisms. As we have seen, in some countries CCS workers may prefer being independent; in certain countries and occupations, however, there may be no real choice but to be self-employed. Contributing to social protection schemes when self-employed may be expensive given that workers are responsible for both the employer's and employee's share of contributions, as explained above. This means that, even where not excluded from social protection schemes by law, the self-employed may be, in practice, inclined not to participate when it is not mandatory. Many CCS workers may be misclassified as self-employed even though, in practice, their employment relationship can be assimilated to that of an employee. This will de facto reduce their eligibility for social protection benefits. In a survey of trade unions conducted in 23 countries in Europe, 80 per cent of union bodies reported self-employment misclassification, despite the fact that workers were, in many ways, treated like employees.¹² De facto exclusion might also occur for the reasons described below.

Project-based and short-term engagement. Most CCS occupations combine short-term projects (such as films, books, paintings, or plays, with different types of labour relations), salaried, self-employed and other working arrangements, interrupted by periods of study, rehearsing and practising, among others. The diversity of employment relationships and work arrangements combined with interrupted employment histories can result in sporadic social security contributions, which in turn result in low or insufficient contribution density. This can affect access to old-age pensions and result in periods where CCS workers are no longer legally covered by contributory schemes. Accordingly, they may not have access to short-term social security benefits, such as in the case of unemployment, sickness, maternity or work injury.

Irregular and varied types of remuneration. While some occupations within this sector are closer to salaried jobs, like technicians or journalists, and receive regular salaries, workers in CCS occupations have a tendency to have several sources of income. For instance, writers receive royalties and artists or media technicians receive irregular flows of income when their pieces of art are sold or a recording is made. In other cases, they may only have neighbouring rights, which may or may not generate revenue. Such revenues are generally not significant, due to an unbalanced contractual relationship. Even when they are paid, it may only be for few months, rather than the whole year, or their remuneration settled in a lump-sum after a certain period, rather than monthly, for example at the end of a performance, or based on a six-month artistic production. With regard to remuneration, while traditional jobs require some level of monitoring and evaluation, it may be difficult to measure performance in the CCS, meaning that income linked to effort or success is limited. Furthermore, in certain CCS occupations, income fluctuates highly according to demand for the artist's work. A painter or an actor's income can increase substantially after a success, but in the same vein can decrease dramatically after a failure. Irregularities in remuneration, combined with a tendency towards inadequate income, can affect the periodicity of contribution payments, depending on how these are regulated, which may affect both access to and levels of social protection.

Fluidity of employment relationships in CCS occupations. This is linked to the previous issue; the sector includes a wide variety of occupations, from those based on artistic talent to technical or IT work, such as sound engineers, technicians, and so on. Across this range of occupations, employment relationships encompass fixed-term, part-time, project-based and self-employed work, as well as emerging forms of employment that are not always identifiable under the traditional employment relationship divide (such as dependent or disguised self-employment). This creates challenges in coverage with and access to social security for these workers, in particular where national social protection systems are fragmented and

¹² Lionel Fulton, [Trade unions protecting self-employed workers](#) (ETUC, 2018).

various schemes coexist for different categories of workers and where portability mechanisms are not in place to ensure that all contributory periods can be accumulated to meet minimum contribution thresholds.

Idle time in creative occupations. Whereas a marketing director would still be paid a salary while working on different ideas for a campaign, artists invest significant time conducting research for their projects, carrying out daily instrument practice or working on their next shows or performances, which often are unaccounted for. This is commonly referred to as “hidden working time”. Despite working, during these periods they could be considered inactive from a traditional labour market perspective. In other words, employment contracts often do not include these periods as “work” and they are therefore not remunerated. Where this is the case, it is also more likely that these working hours are not accounted for under social insurance schemes.

High risk of employment injury. CCS workers not only face risks in terms of regularity and adequacy of income, but also with regard to work-related injuries. Certain occupations are very prone to injuries, such as professional dancers.¹³ An injury that would be considered light for a non CCS worker may completely prevent a musician or other workers from working for several weeks or months (injuries to finger, hand, shoulder, neck, lips, for example), which takes a significant toll on their income security.

Uneven union representation. Trade unions may face challenges in organizing CCS workers, especially given their employment status (often in emerging forms of employment or self-employed), and in ensuring the improvement of their working conditions through collective action. It is difficult for unions to attract self-employed workers if they cannot bargain collectively on their behalf (which competition rules generally prohibit), unless they can provide other services that are relevant to this category of members. This situation affects these workers’ opportunities to discuss collectively and extend their social protection.

► **Box 2: Barriers to social protection coverage, some findings from countries analysis**

CCS occupations combine a high level of risk (often higher than for other occupations) related to the particular employment circumstances, which characterize this group, with recurrent limited social insurance coverage, resulting in the aggravation of an already unstable situation. For example, CCS workers may often find themselves with neither health protection nor sickness benefits or old-age pensions.

This is the case in Mexico, where 38.5 per cent of CCS workers are self-employed (Table 9). 99 per cent of them do not have health insurance cover through their jobs, so they either receive subsidized health insurance or have to find another solution, such as purchasing private insurance, keeping in mind that uninsured persons can also access the public health system.

Similarly, in the United States, a 2013 survey of over 3,400 United States-based artists across disciplines (dancers, actors, musicians, visual artists, filmmakers),¹⁴ conducted by the Future of Music Coalition and the Actors Fund Artists’ Health Insurance Resource Center, found that 43 per cent of respondents did not have health insurance coverage. This was above the national estimate of 18 per cent uninsured; 88 per cent reported lack of affordability as the primary reason for lack of coverage.¹⁵

A lack of access to social health protection will not only impact these workers’ ability to protect their health, but can have a significant impact on their financial situation, especially where they have to cover the costs of necessary medical care and/or forego work. Private health insurance schemes also often involve co-payments, exclusion of risks by not covering pre-existing conditions, and are

¹³ Martine D’Amours et Marie-Hélène Deshaies, [La protection sociale des artistes et autres groupes des travailleurs indépendants: analyse de modèles internationaux](#) (Faculté des sciences sociales - Université Laval, 2012).

¹⁴ Kristin Thomson and Jean Cook, [Taking the Pulse in 2013: Artists and Health Insurance survey results](#) (Future of Music Coalition, 2013).

¹⁵ Ibid.

contingent on health examinations upon entry into the scheme. Furthermore, contribution amounts are not usually linked to income or capacity to contribute but rather to individual risks. During a pandemic, such as COVID-19, this can also have implications on public health measures, when persons have no choice but to continue to work despite being ill.¹⁶

A lack of income security in old-age, resulting from low contribution density or access to non-contributory benefits, can mean that CCS workers have to continue working for as long as possible, sometimes in poorly paid and precarious jobs, which can be particularly challenging for those with physically demanding work (such as performers). In Quebec, for example, 57 per cent of artists (a subgroup of CCS occupations) contributed to the *Régime des Rentes de Québec* in 2001, and more than a quarter of CCS workers did not contribute to any old-age pension scheme.¹⁷ It should be noted however that Canada has a universal tax-financed old-age pension programme provided to all legal residents.

The risks faced by workers in the CCS, as well as the challenges regarding access to adequate social protection, tend to be exacerbated during crisis situations, as demonstrated very clearly by the COVID-19 pandemic.

COVID-19 impact and social protection responses in the CCS

Some of the issues addressed in this study have been particularly magnified by the COVID-19 pandemic, which is not only a public health challenge, but has significant social and economic impacts in developed and developing countries alike.¹⁸

COVID-19 has particularly exposed vulnerabilities in sectors characterized by degrees of income insecurity, informality and lack of access to adequate social security benefits.¹⁹ The CCS has been hit particularly hard, especially by mandatory lockdowns, as well as other public health measures, including limitations on and/or prohibitions of public gatherings. According to data available for the United States, all consumer spending on arts, entertainment and recreation decreased by 48.3 per cent between January and mid-July 2020, the most significant contraction of spending in all of the sectors analysed (Figure 2).²⁰

¹⁶ ILO, *Sickness Benefits during Sick Leave and Quarantine: Country Responses and Policy Considerations in the Context of COVID-19*, Social Protection Spotlight, 2020.

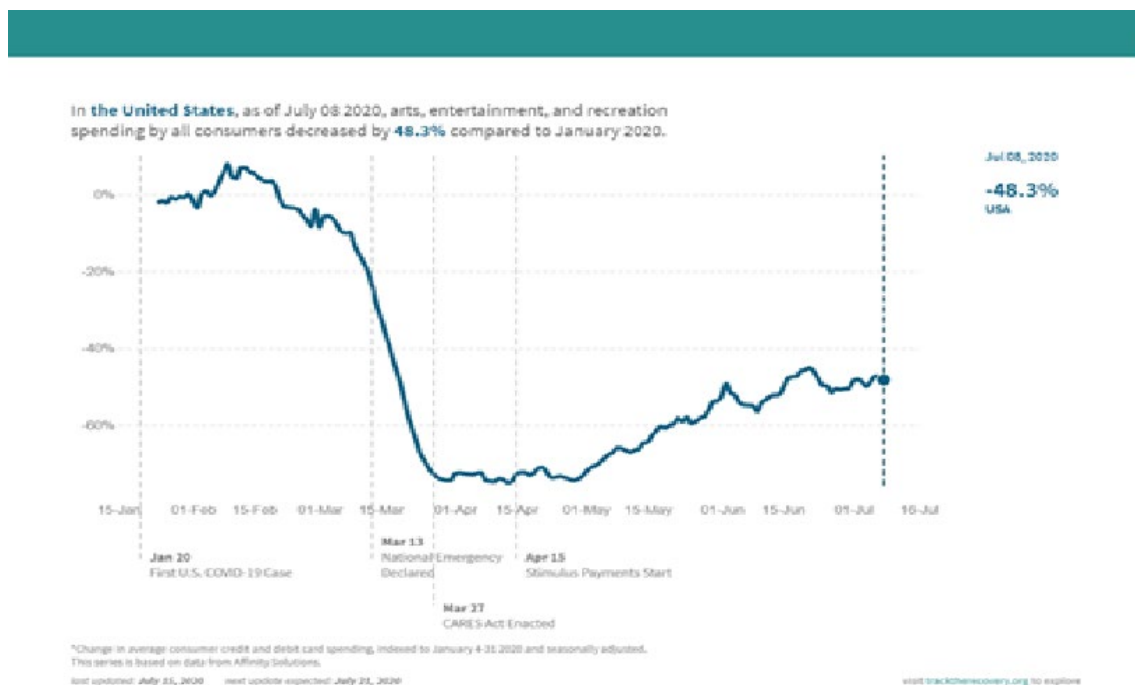
¹⁷ The Régie des Rentes de Québec was one of the two old-age pension systems of Québec. It disappeared in 2016 when it was merged with a separate system to create Retraite Québec.

¹⁸ See information and data in: ILO, “COVID-19 and the world of work”; see also website: ILO “Social protection response to the COVID-19 Crisis”.

¹⁹ ILO, *Social Protection Responses to the COVID-19 Crisis around the World*, 2020.

²⁰ Opportunity Insights, *Track the economic impacts of COVID-19 on people, businesses, and communities across the United States in real time*, Economic Tracker.

► Figure 2. Percentage Change in All Consumer Spending*



Source: Opportunity Insights, 2020

In the United States, the two States in which most cultural activity is concentrated – New York and California – saw a reduction in consumption of 56.9 per cent and 57.4 per cent respectively; in April 2020 the contraction was between 70 and 80 per cent in both States.

This contraction has had an unprecedented impact on CCS workers. An online survey carried out by the Berlin association of visual artists²¹ revealed that more than half of the city's artists anticipated losing at least 75 per cent of their monthly income due to lockdown. This is similar to the contraction in consumption seen in New York and California, where more than three-quarters expressed fears that they would not be able to afford to pay rent or meet other basic costs.

Governments' efforts to mitigate the financial impacts of COVID-19 on the CCS encompass three main areas: direct support to CCS workers (through social protection mechanisms or adjustments), financial support to CCS enterprises and institutions, and cultural promotion. Such measures could be: a) general, and inclusive of CCS workers; or b) ad hoc, specifically targeting this category of workers (see Enactment 2 and Box 3).

COVID-19 has shone a light on the adverse consequences of gaps in social protection coverage in many countries, forcing governments to take emergency measures to support persons not covered by existing schemes, including self-employed and other categories of CCS workers, who often find themselves in the informal economy or outside employment relationship frameworks.²²

The development of the Pandemic Unemployment Assistance programme in the United States and other specific programmes put in place in Brazil, Spain, Switzerland, Republic of Korea and the United Kingdom may force to rethink of how coverage by existing social protection systems can be extended in future to protect self-employed workers in general, and CCS workers in particular.

²¹ Catherine Hickley, [Majority of Berlin artists worried they can't pay rent due to coronavirus, survey finds](#), *The Art Newspaper*, 27 March 2020.

²² ILO, "Social Protection responses to COVID-19 Crisis around the World".

Finally, the pandemic has also unveiled the very different degrees of protection for CCS workers in developed and developing countries. While most developed countries have established specific programmes for CCS workers, many developing countries have generally weak social protection systems or systems covering a limited group of workers, among which CCS workers may not stand out.²³

The ad-hoc solutions implemented to respond to the immediate challenges posed by the COVID-19 crisis, should inform the development of sustainable measures aimed at elaborating comprehensive social protection systems, including social protection floors. In other words, the pandemic has highlighted the need for comprehensive and adequate social protection systems that cover everyone throughout the life course, and all workers in all types of employment, through a rights-based and sustainable approach that goes beyond one-off measures.²⁴

Social protection COVID-19 responses analysed by the ILO have underlined the need to address the vulnerabilities and decent work deficits in different sectors of the economy, including the CCS. Current analysis of these responses²⁵ calls for the need to:

- strengthen existing social protection systems, including social protection floors, to contribute to realizing universal health coverage and building universal social protection systems, in line with the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal targets 1.3 and 3.8, as well as the Social Protection Floors Recommendation, 2012 (No. 202);
- bridge the coverage and adequacy gaps in social protection for certain categories of workers, including part-time workers, temporary workers and self-employed workers, thereby ensuring adequate social protection for workers in all forms of employment, adapted to their specific needs and characteristics, in line with international social security standards and the ILO Centenary Declaration for the Future of Work;
- extend social security coverage to workers in the informal economy more generally, including by promoting the transition from the informal to the formal economy in line with ILO Recommendation No. 204 (2015);
- secure robust, sustainable and equitable financing mechanisms, based on the principles of broad risk pooling and social solidarity established by ILO social security standards; and
- expand fiscal space for social protection by considering a wide range of options and through national dialogue to generate political will and adopt the optimal mix of public policies for inclusive growth with jobs and social protection.

► **Box 3: COVID-19: social protection responses for CCS workers**

At the time of conducting this study, and acknowledging the specific situation of CCS workers, a number of countries – notably Brazil, Spain, Switzerland, Republic of Korea and the United Kingdom – have sought to guarantee temporary emergency benefits to CCS workers. These provide income security in light of lockdowns and prohibition of public gatherings.

In May 2020, a Cultural Emergency Law was passed in Brazil- named after Aldir Blanc, a Brazilian author who died from COVID-19. The Law set aside 3,600 million Brazilian reais (around €500 million), to support the arts and cultural sector. Under the Law, a special benefit was established to support self-employed CCS workers who have no other contributory benefits. The benefit is compatible with the Bolsa Familia cash transfer and amounts to 600 reais (around €100) for 3 months.

²³ ILO, [Towards solid social protection floors? The role of non-contributory provision during the COVID-19 crisis and beyond](#), Social Protection Spotlight, 2021.

²⁴ ILO, [Social protection responses to the COVID-19 crisis: Country responses and policy considerations](#), Social Protection Spotlight, 2020.

²⁵ ILO, [Social protection responses to the COVID-19 crisis: Country responses and policy considerations](#), Social Protection Spotlight, 2020.

In order to receive the benefits, CCS workers need to prove that they worked in CCS occupations for the previous two years.²⁶

In Spain, an emergency benefit programme has been introduced for CCS workers who are unable to continue working as a consequence of the COVID-19 pandemic, provided that they are not receiving or continuing to contribute voluntarily to the ordinary contributory unemployment benefit scheme under the social security system. The new programme is, however, incompatible with any type of employment, and any other benefit, including non-contributory cash transfers. To be eligible, CCS workers must have contributed for at least 20 days in 2019 under CCS activities. With 20–54 days of contributions recorded in 2019, CCS workers are eligible for benefits of €735 per month for up to 4 months (and up to 6 months if they contributed for more than 54 days).²⁷

Switzerland introduced a special emergency aid programme for cultural workers (self-employed Swiss residents whose main job is in the cultural sector) in order to support cultural workers in financial distress, irrespective of the loss of commitments and fees. Those with higher incomes and those receiving other benefits are not eligible for this aid. The benefit is calculated on the basis of basic needs (based on the recommendations of the Swiss Conference of Social Work Institutions), actual income and expenditure, and not on the basis of the loss of fees, which in most cases is significantly higher. The maximum daily benefit is CHF196 (CHF 5,880/month), for persons with an annual income of up to CHF60,000 (single person) or CHF80,000 (married couple). For each additional family member to be supported, an additional CHF15,000 can be added to the income limit.²⁸

In the Republic of Korea, the Ministry of Culture, Sport and Tourism has set up an emergency task force to analyse the trends in the cultural sector and develop sectoral measures to respond to the pandemic. In this context, a number of ad-hoc measures were taken: a) an emergency loan of USD 5.9 million reaching 1090 artists, at a low interest rate (1.2%), and with a funding limit of USD 8,000; b) a creative funds programme USD 2,500 per person to ensure business continuity among low-income artists (7,535 artists were selected and USD 18.8 million were funded in the first half of 2020); c) an artists' employment insurance scheme allowing all artists, including freelance artists, to claim unemployment benefits (120 - 270 days) and childbirth allowances (minimum period of insurance payments: 9 out of 24 months; and minimum employment period: 3 out of 24 months). The scheme is in force since December 2020.²⁹

In the United Kingdom, a one-time financial support programme has also been implemented for creative practitioners whose main work is focused on the following art forms and disciplines: music, theatre, dance, visual arts, literature, combined arts, museums practice and libraries (activity that helps deliver the United Kingdom's Universal Library Offers programme). This includes choreographers, writers, translators, producers, editors, self-employed educators in creative disciplines and art forms, composers, directors, designers, artists, crafters and curators. The benefit is a one-off payment up to £2,500 (around €2,760).³⁰

Finally, France introduced a temporary modification of the eligibility conditions to the unemployment insurance scheme for the "intermittents du spectacle" (artists and technicians on intermittent contracts in the performance sector) until August 2021. Essentially, the requirement to register new hours of artistic work in the following months was removed.³¹ As already stated, other supporting measures have been introduced, aimed at ensuring business continuity and recovery for cultural and

²⁶ Brazil, [Law No. 14.017](#) of 29 June 2020.

²⁷ Gobierno de España, Ministerio de Trabajo y Economía Social, « [Acceso Extraordinario a la prestación por desempleo de los artistas](#) ».

²⁸ Suisse Culture Sociale, « [Questions fréquentes sur les demandes d'aide d'urgence auprès de Suisseculture Sociale](#) », 19 Janvier 2021.

²⁹ Republic of Korea, Ministry of Culture, Sports and Tourism, "Korea's policy responses to COVID-19 – Building resilience for the cultural sector", 31 August 2020.

³⁰ England Art Council, "Financial support for artists, creative practitioners and freelancers".

³¹ France Pôle Emploi, « [Actualisation et changements de situation pour les intermittents du spectacle](#) ».

creative companies and institutions, as well as promoting their activities. In Germany, for instance, the Government budgeted €1 billion to support the CCS, most notably to adapt infrastructure to the new COVID-19 requirements.³² In Brazil, under the Aldir Blanc Law mentioned above, between 3,000 and 10,000 reais (€500–1,600) will be provided for the maintenance of artistic and cultural spaces, cultural micro- and small enterprises, cooperatives, institutions and community cultural organizations, the activities of which were interrupted by lockdown and social distancing measures.

General measures for all workers

In some countries, income security measures have reached CCS workers through existing social protection mechanisms that have been extended to self-employed workers, including CCS workers, rather than creating specific programmes for them. This is the case in Germany, where the Government has broadened the scope of the “short-term work allowance” programme (Konjunkturelle Kurzarbeit). The allowance is a partial compensation payment by the Federal Employment Agency for the loss of earnings caused by a temporary loss of work, paid from the unemployment insurance scheme. To broaden the coverage of the allowance, the Government has allowed access to it if: a) the loss of work is temporary and caused by force majeure; and b) at least one-third of the workers employed in the company are affected by a loss of earnings of more than 10 percent of their monthly gross salary each month. One-person enterprises are entitled to the benefit, making it accessible to all self-employed workers. The benefit is calculated as a percentage of net income loss. In the context of the COVID-19 pandemic, beneficiaries will receive 60 per cent of missing net remuneration. If at least one child lives in the household, this is increased to 67 per cent.³³

Similarly, the United States has not set up a specific programme for CCS workers, but a broader scheme for workers not eligible for traditional unemployment insurance. The Pandemic Unemployment Assistance programme (PUA) was introduced under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), allowing self-employed workers, otherwise ineligible for unemployment benefits under state and federal law, to qualify for such benefits. The self-employed, such as gig workers, consultants, or independent contractors qualify, as do part-time employees and those who lack sufficient work history.³⁴ The benefit amounts to US\$600 per week, for up to four months, for any weeks ending on or before July 31, 2020. The PUA is an acknowledgement of the gaps left by pure contributory social insurance schemes. It has had more than double the forecast coverage: the Congressional Budget Office estimated that 5 million people would make claims but by June 2020, the programme had almost 13 million beneficiaries. Under the traditional unemployment insurance scheme, there were 17.5 million registered workers; by mid-June 2020, 41 per cent of people receiving unemployment benefits were covered by the PUA.³⁵

³² Kate Brown, “Germany Continues to Lead the Way in Culture Aid, Doling Out Another €1 Billion to the Sector and Lowering the Tax Rate on Art”, *Artnet News*, 4 June 2020.

³³ Schlun & Elseven Rechtsanwälte, “Short-Time Working Allowance in Germany: COVID-19 Coronavirus”.

³⁴ James N. Boudreau et al., “The CARES Act and the Self-employed: A primer”, *National Law Review*, Volume X, No. 105, (2020).

³⁵ United States Department of Labor, “Unemployment Insurance Weekly Claims”, News Release, 2 July 2020.

► 2 Social protection for workers in the media and culture sector: case studies

While the COVID-19 pandemic has highlighted the pivotal role of social protection, it has also brought to light protection gaps, including for CCS workers. This section presents several case studies to highlight the practices followed to extend social protection coverage to CCS workers in various countries. In particular, it observes how responses and solutions have been sought to some of the obstacles that CCS workers face in accessing social protection. These encompass adapting social protection mechanisms to allow for greater flexibility, redistribution and adequacy, defining employment status and type of working arrangements, and improving the portability of social security benefits between employment statuses and countries. This section first describes key highlights before looking into specific details at the country level and concluding with some considerations.

Types of social security system coverage

This study analyses social protection coverage for CCS workers according to different social security system measures which, for the purposes of this study, are categorised into three types: general, adapted and special schemes.

- General social insurance systems are systems under which CCS workers are considered like any other worker, self-employed or employed, without any conditions being set specifically for CCS workers.
- Adapted systems are based on general systems, with either additional flexibility or special conditions for CCS workers, with regard to benefits, eligibility conditions and financing arrangements, among others. It should be noted that special conditions may apply to eligibility for specific benefits, rather than for the system as a whole. A flexible method may, for example, only be applied to determine the contributory period for eligibility for old-age pension in the case of CCS workers, but may not apply any exception to the qualifying conditions for unemployment insurance contingencies.
- Finally, special schemes are subsystems featuring various financing arrangements or benefits. Financially, these schemes are normally embedded in the general system, under the same social security fund and managed either by the same agency or separately. Special schemes usually bring in new resources from art users or broadcasters and government subsidies, making it easier for independent CCS workers to participate. Of course, additional efforts with regard to the design and financing are linked to a social contract in some countries where the solidarity principles vis-à-vis these occupations are deemed fundamental.

A country mapping looking at the three types of social security schemes described above is summarized in Annex 1.

The type of social security system covering the CCS depends largely on the social contract between CCS occupations and society. As mentioned above, general social insurance approaches may fall short of extending coverage to CCS workers and in particular to self-employed workers, unless specific adaptations are made. Hence, schemes that are adapted to these occupations tend to have more success in bringing social protection coverage to a significant share of CCS workers, in particular the self-employed.

Adapting social protection systems and relying on a variety of financing mechanisms based on the principle of solidarity

Highlights

Adapting social protection systems

- Employment in the CCS has several characteristics; the case studies have shown how important it is to take these into account if coverage is to be extended effectively. In some countries, this has been achieved by creating new schemes, or adapting existing ones, to address the particular labour circumstances of CCS workers and financing challenges. In most cases however, only certain CCS occupations benefit from these adaptations (most often artists and authors) while other subsectors in the same category may be excluded. France is an interesting example of how the special unemployment insurance scheme developed for artists and technicians on intermittent contracts in the performance sector, known as “intermittents du spectacle”, integrated into the general scheme, has duly considered the labour specificities of these workers, and notably their fluctuating and varied employment relationships. France is one of the few countries that provides a flexible mechanism for unemployment protection for artists and technicians under fixed-term contracts. Originally, the objective of this scheme was to level the playing field between long-term dependent workers and workers hired by the entertainment industry under fixed-term contracts. This specific unemployment insurance scheme can be combined with general unemployment benefits acquired through other jobs; starting after the general unemployment benefits have been exhausted.
- In other countries – particularly in Latin America – qualifying conditions are adapted to help artists and authors access social security benefits. In Argentina, any artist with 120 consecutive or non-consecutive days of work can accrue one year of service. In Uruguay, a year of service is accrued when an artist contributes for at least 150 days. In addition, all artists, regardless of their status (dependent or self-employed), are governed by the Labour Code and, are therefore covered by social security law.

Solidarity-based financing mechanisms

- To meet the challenge of extending social security coverage to CCS workers, the financial mechanisms of special schemes often include contributions from workers, user payments (such as broadcasters) and government subsidies. The objective is to increase the umbrella of possible financing tools, including innovative approaches that are more attuned with the compensation realities of this sector. The case studies show that this can be done by collecting contributions from artists (and their employers), but also through user payments – based on annual total payments received for use of artistic products and services. This is often supplemented by an additional government subsidy.
- Contributions from the users (broadcasters, producers etc.) are calculated as a share of the total amount paid in royalties in the preceding year. Despite being an important innovation for the future of social security financing, these contributions may be limited considering the number of those covered by the scheme (e.g., Germany). Solidarity will therefore be needed, including through additional funding from both users and governments, in particular to ensure that benefits are sustainable and sufficient.
- In countries where CCS workers are covered by special schemes, direct government subsidies regularly cover a proportion of social insurance contributions, in addition to user payments (this is the case in Germany and the Republic of Korea, for example), especially where user payments are insufficient. This helps to fill the gap, but often falls short of ensuring that the social security schemes for artists and authors are financially sustainable.

Mandatory coverage and linking with other services and benefits

- In some cases, social protection coverage is offered on a voluntary basis. This is the case of the Republic of Korea where employment injury protection is available for artists and authors on a voluntary basis, but coverage in practice remains limited. Interestingly, given that these employment injury protection schemes also give access to other benefits and services, such as childcare provisions and emergency loans, they have attracted increasing demand from artists.

France: adapting contribution collection

The French Social Security Code introduced an adapted scheme for artists and writers, covering all contingencies except for unemployment and employment injury (these are covered through a separate special scheme described below). With regard to social protection (insurance cover for health, maternity, old age, disability and death), writers, authors and composers of music, cinema, audiovisual and multimedia works and photographers come under the aegis of the Association for the Management of Social Security for Writers (Agressa). Graphic and plastic artists (painting, sculpture, illustration, engraving, tapestry, and ceramics, among others) come under the remit of the House of Artists (MDA). The latest reform transferred responsibility for the collection of contributions to the general social security collections agency, moving it away from accredited bodies. However, the principles remain the same: adapting contribution collection to the non-traditional sources of income of some creative occupations. The interesting feature of the French system is its emphasis on financing through collecting contributions from artists (and their employers), as well as through payments received from users (such as broadcasters), adapting contribution collection to actual sources of income: royalties, copyright fees or commissions. In 2018, through this system, close to €300 million was collected in contributions. A recent reform will extend social security benefits to artists with low artistic income who had previously been excluded.

For authors, a fundamental feature of the French system is the definition of insurable earnings to calculate social security contributions. Authors have three alternatives: declare monthly copyright payments (equivalent to monthly wages), declare non-commercial benefits, or declare total turnover. In the first scenario, monthly copyright payments are equivalent to monthly wages, 17.18 per cent of which will have to be paid in contributions to the social security system. In the second, to estimate insurable earnings, 15 per cent is added to the profits declared. Thus, if an author declared €10,000 in profits, the insurable earnings would amount to €11,500. The writer would then be required to contribute 17.45 per cent of €11,500. Finally, in the third scenario, the agency will deduct 34 per cent of the turnover and then add 15 per cent to calculate the insurable earnings – thus if the author declared €10,000 in turnover, the insurable earnings would amount to €7,590. The contribution would therefore be 17.45 per cent of €7,590.

In 2018, 62,365 artists were registered under the MDA. The top three occupations among them were graphic designers, painters, and plastic artists, which together accounted for more than 75 per cent of all registered artists. Forty-eight per cent of artists received less than €4,392 in annual artistic income and only 8.8 per cent made more than €39,228. Before the latest reform, artists making less than €4,392 would not have met the qualifying conditions for entitlement to social security programme coverage. However, the recent reform has removed that threshold so that any artist can benefit, regardless of income. Employers' contributions are replaced with payments by individuals, enterprises or the State any time they broadcast or benefit from commercial exploitation of the original pieces of art produced by artists. Art users are required to pay 1.1 per cent of the profit made or the commission paid to the artist. However, in 2018, art user contributions only reached €6.4 million, while artists contributed roughly €111.6 million. Users thus only covered 5.4 per cent of the total contributions for artists.

In 2018, 203,097 authors and artists were registered under Agressa, most of them photographers, audiovisual artists and writers. While only around 16,000 of them reached the income threshold to benefit from social security programmes, all of them are obliged to contribute. As already stated, a recent reform removed the income threshold, enabling the benefits to be extended all artists and authors contributing to

the social security system. This will mean that coverage is extended to close to 200,000 artists. In 2018, the French system collected more than €135 million from user tax on copyrights, a 10 per cent increase on the previous year. User contributions account for 76.2 per cent of the total, a higher share than in most systems, where the split is usually 50:50 or 1/3:2/3. Most of the income from users comes from the Copyrights Management Society (around 40 per cent), and the special 1.1 per cent tax paid by users (around 14 per cent).³⁶ It can be noted that artists under MDA contributed much more than their colleagues under Agessa.

Authors and creators of different artistic disciplines (music, literature, cinema, audiovisual, photography, plastic arts, etc.) depend on organizations and specific rules for their retirement. For the basic pension, they are attached to the general scheme for employees, but it is the Maison des Artistes or Agessa (depending on the profession) which manages their affiliation and their contributions.³⁷ For supplementary retirement, they are attached to Ircec, which manages 3 different occupational schemes. The regime was reformed in 2019.³⁸

For the complementary pension system, there are three different regimes:

- All artist authors contribute to the Scheme for Professional Artist Authors (RAAP).
- Dramatic authors and composers and performing arts (theater, opera, etc.), film authors also contribute to the Regime of Dramatic Authors and Composers (RACD).
- Authors and composers of musical works also contribute to the Scheme for Lyrical Authors and Composers (RACL).

The first scheme applies to all authors, who contribute if their artistic income is higher than €9,027 (in 2019). In that case, they are required to pay 8 per cent of their insurable earnings, calculated as set out above (authors can opt for a reduced payment of 4 per cent if their earnings are less than €27,081).³⁹ The second scheme is an additional pension scheme with contributions amounting to 8 per cent of the author's licensing revenues of the last three years.⁴⁰ Finally, the third scheme is a supplementary old-age pension scheme for music writers, composers and voiceover artists. It is funded through a 6.5 per cent contribution on any licensing revenue between €2,739 and €376,368.⁴¹

Germany: a special scheme for artists⁴²

In Germany, a special scheme for artists was set up in 1983. It has some features in common with the French approach: the scheme aims to collect contributions from "indirect employers" by requiring enterprises that "use" art to contribute. It also raises contributions from artists themselves, but the Artists' Fund also receives a government subsidy. Under the German system, participants in the Artists' Fund receive an old-age pension, health insurance and long-term care insurance, but no access to employment injury compensation and only limited access to unemployment insurance, unlike under the French system.

The Fund acknowledges the overrepresentation of artists among the self-employed.⁴³ To help them participate in the social insurance system, the Artists' Social Security Act sets out the obligation of "users" who benefit from art and creation, to contribute as employers (amounting to 30 per cent of the total contributions).

³⁶ According to the latest Agessa report, in 2018, authors contributed €42.3 million and broadcasters €135.6 million.

³⁷ La retraite en claire, « [La retraite de base des artistes auteurs](#) », March 2020.

³⁸ La retraite en claire, « [La retraite complémentaire des artistes](#) », March 2020.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² This section of the paper is based on OECD, *Germany: Social Insurance for Artists and Writers*, 2018.

⁴³ The list of occupations is very broad: acrobat, actor, art director, music arranger, author, audio designer, dancer, ballet dancer, journalist, painter, clown, musician, song writer, web designer, light technician, etc. The full list can be found in: *Künstler Sozialkasse, "Künstlerische/publizistische Tätigkeiten und Abgabesätze"*.

On the assumption that still not all the financial requirements would be met, and therefore acknowledging the need for further support, the Government agreed to provide a subsidy equivalent to a further 20 per cent of the total contributions. The remaining 50 per cent would be directly paid by CCS workers, just like any other dependent employee participating in the general social security system.

Coverage is on a mandatory basis subject to certain conditions. In particular, self-employed artists and writers must participate in the Artists' Fund if:

- they are practising their artistic profession commercially, not just on a temporary basis, and do not have more than one employee;
- applicants' artistic work fits into the Artists' Social Security Act's occupational definitions: artists are defined as those who create, practise or teach music, or applied or visual arts;⁴⁴ writers are defined as those who work as authors, journalists, publish in any other form, or teach journalism; and
- they earn at least €3,900 per year from their artistic or publishing work, except for recent market entrants who pay low, fixed monthly contributions for the first three years of participation.⁴⁵

As stated above, members of the Artists' Fund are entitled to old age, disability and survivors' pensions, health insurance and long-term care insurance. Additionally, self-employed artists may opt to contribute to the unemployment insurance scheme during the first three months of new self-employed work and will need to contribute for at least 12 months over the course of two years to be entitled to unemployment benefits. In the first three years of contribution, artists can opt out of the statutory health insurance scheme and enrol for private health insurance; artists with high income can opt out at any time.

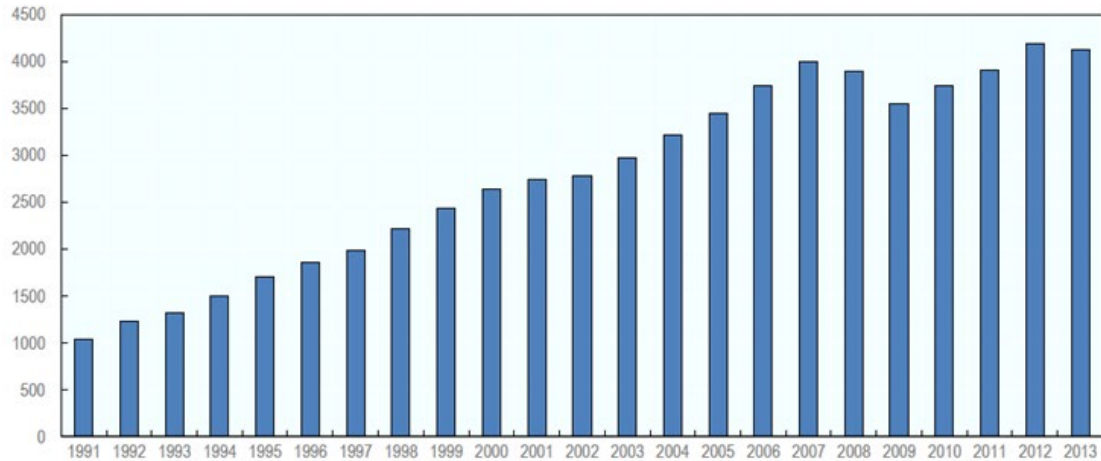
In 2018, there were around 180,000 "user" companies contributing to the Artists' Fund.⁴⁶ The current contribution rate is set at 4.2 per cent of the total payments made to artists and writers. Total fees paid to self-employed artists have quadrupled since 1991, reaching €4,000 million, meaning that over the past 10 years, users have contributed around €170 million, slightly more than the total user contributions to the MDA and Agessa in France, but in a similar order of magnitude. Government subsidies have also quadrupled, from €58 million in 1995 to €226.1 million in 2019.⁴⁷

⁴⁴ See list in footnote 43 above.

⁴⁵ OECD, *Germany: Social Insurance for Artists and Writers*, 2018.

⁴⁶ Id., p. 139.

⁴⁷ Id., p. 131.

► **Figure 3. Total fees paid to artists as declared by user companies in Germany (1991–2013, in € million)**

Note: Artists' fees include all payments to self-employed artists and writers as declared by user companies irrespective of whether the contracted artists and writers are insured via the Artists' Social Security Fund.

Source: OECD, Germany: Social Insurance for Artists and Writers, 2018

In June 2016, the Artists' Fund counted 183,796 members, around 8,000 of whom were not contributing to the pension insurance scheme (they were either dependent employees or had a high income from their self-employment activity).⁴⁸ Self-employed artists and writers are exempt from statutory pension insurance contributions if their earnings exceed half the maximum contribution base threshold (€56,250 in 2020).⁴⁹ Around 25,000 artists and writers either have a high income, are dependent employees or have private insurance. Artists and writers registered with the Artists' Fund tend to declare very low incomes; in 2017, average annual income amounted to €15,945, which is less than half the average income in Germany.⁵⁰ Self-employed artists can take on additional temporary work, given them an increased combined income.

According to German labour force data, there are 1.3 million people working in artistic and creative occupations. Around 40 per cent – 520,000 workers – stated that they were self-employed (Statistisches Bundesamt, 2015). Since the Artists' Fund has around 180,000 members, it can be estimated to cover around 35 per cent of self-employed workers in artistic and creative occupations.

There are several potential explanations for this relatively low coverage. Some self-employed artists may receive very low incomes from their artistic activity and would therefore be exempt from participation. Others may opt out owing to their high incomes (this is the case for around 8,000 artists, as already mentioned). Lastly, others may be enrolled in social insurance through other dependent or self-employed jobs. Another issue with this particular scheme is that performing artists tend to combine temporary contracts with self-employed work. This mix of self-employment and dependent artistic employment means that performing artists often lose their entitlement to the Artists' Fund.

⁴⁸ Id., p. 131.

⁴⁹ Krankenkassen Deutschland, "Contribution assessment ceilings and calculation variables in social insurance 2020".

⁵⁰ OECD, Germany: Social Insurance for Artists and Writers, 2018, Table 5.5, p. 133.

► **Table 11. Insured areas of activity and types of social insurance in Germany (2016)**

	Writing	Visual Arts	Music	Performing Arts	Overall
Total insured	42 923	63 834	51 768	25 271	183 796
Of which female	22 645	31 312	20 830	13 301	88 088
Of which male	20 278	32 522	30 983	11 970	95 708
Statutory pension insurance	40 597	60 513	49 783	24 621	175 514
Statutory health insurance	36 374	56 081	44 490	21 621	158 566
Statutory long-term care insurance	36 365	56 074	44 485	21 619	158 543

Source: Deutscher Bundestag (2016_[2]).

Source: OECD, Germany: Social Insurance for Artists and Writers, 2018

Republic of Korea: from work injury to broader social services

In November 2012, the Republic of Korea passed the Artist Welfare Act to protect artists' job security and rights, since they are often excluded from employment and industrial accident insurance.⁵¹ The Minister of Culture highlighted that a key priority of the Act was to extend employment injury insurance to 57,000 performing artists.⁵² In effect, the law provides that the Industrial Accident Compensation Insurance Act shall apply to accidents effecting artists in the course of engaging in the arts (Article 7).⁵³ In addition, where an artist purchases industrial accident compensation insurance, the Artists Welfare Foundation may partially subsidize industrial accident compensation insurance premiums to be paid by the artist (Article 7).⁵⁴ Similarly, to the German system, the Artist Welfare Foundation was set up under the Act. The Foundation is a public institution, which aims to promote the creative activities of artists and contribute to the development of art by providing systematic and comprehensive support for artists' welfare. The Foundation is responsible for managing all social benefits, including the contribution subsidies described below. In 2009, data from the Korean Employment Information Service showed that there were 175,000 registered artists, with an average monthly income of 820,000 Korean Republic Won (KRW).⁵⁵ Even prior to the act, the insurance coverage of Artist was not low compared with other countries. In 2009 for example, 98 per cent of Korean artists had health insurance, 60 per cent had a national pension, 28 per cent had employment insurance and 30 per cent had industrial accident insurance.⁵⁶

In 2019, the Foundation received KRW31,209 million (around €23 million) in government subsidies, a relatively smaller amount than that provided by the French or German governments to their equivalent schemes. Nevertheless, the amount has almost tripled since 2014. Table 12 lists the services provided by the Artist Welfare Foundation.⁵⁷

⁵¹ Democratic People's Republic of Korea, [Artist Welfare Act](#), Act No. 11089 of 17 November 2011. The term "artist" means a person who earns a living by engaging in artistic activities; contributes to enriching Korean culture, society, economy and politics; and is able to prove his/her activities in creation, performance, technical assistance, etc. in the field of culture and arts.

⁵² Kim Yoon-mi, "[57,000 artists to be insured against accidents](#)", *Korea Herald*, 2 November 2011.

⁵³ Democratic People's Republic of Korea, [Artist Welfare Act](#), Act No. 11089 of 17 November 2011, article 7.

⁵⁴ Ibid.

⁵⁵ Kim Yoon-mi, "[57,000 artists to be insured against accidents](#)", *Korea Herald*, 2 November 2011.

⁵⁶ Ibid.

⁵⁷ The foundation also certifies its member artists. By 2019, more than 68,000 Korean artists had been certified.

► **Table 12. Services of the Artist Welfare Foundation**

Benefit or Social Service	Beneficiaries	Details
Social insurance subsidies	10,000 artists	The subsidy amounts to 50 per cent of the national pension and employment insurance contributions for up to 6 months. The benefit is conditional on the artist enrolling in a training course on standard contracts. Self-employed workers would usually have to contribute 9 per cent of their income to social security. Under this scheme, they can benefit from a subsidy equivalent to 4.5 per cent of KRW970,000, (KRW43,650). In order to avoid disincentivizing employed artists, they and their employers also receive a subsidy.
Employment injury subsidy	3,235 artists had enrolled by 2019 (5 per cent of the target population)	The Government subsidizes 50–90 per cent of the work injury scheme
Medical expenses	In total, 225 artists have received this benefit	The Foundation provides support to artists facing catastrophic medical expenses
Loans for low-income artists in need (pilot)	1,440 artists to date	The Foundation's loan programme provides a safety net for artists who have irregular and low income
Legal advice	Almost 1,000 reports of unfair treatment have been filed and almost 1,500 legal consultations have been given	A grievance system was established in line with Article 6.2 of the Act, so that artists can denounce any unfair behaviour or treatment to which they are subjected during their artistic activities
Prevention of sexual violence and support for artists	71 artists have reached out and benefited from these services. Moreover, 1,750 artists have enrolled in 55 sexual violence prevention training activities	The Foundation offers advice and support to artists who have been victims of sexual violence
Artist training focused on entitlements, copyrights, and contracts	From 2015 to 2019, more than 10,000 artists participated in these training activities	The aim is to provide basic training to artists on their contractual rights, and how to protect and exploit their copyrights and royalties
Childcare	5,638 artists' children (18,000 since the Foundation was launched)	Children aged 0–5 years can attend kindergartens supported by the Foundation if their parents (artists) have limited resources

Source: Annual Report of the Artist Welfare Foundation 2019

Argentina and Uruguay: flexibility to account for discontinuous contributions

In some countries, instead of devising special schemes, existing programmes have been made more flexible to cover specific categories of CCS workers. This is often reflected in the manner in which contributions are accounted for, providing more flexibility when estimating the number of years of contributions to meet qualifying conditions, since many CCS workers tend to accumulate many time-bound contracts rather than a single indefinite contract.

In Argentina, Law No. 27.023, “The Actors’ Law” covers theatre and film actors, musical theatre singers, as well as directors, prompts and assistants.⁵⁸ Through the Law, a special method was introduced for estimating the number of years of service and contributions to the social security scheme. Article 13 of the Law establishes that actors who have completed a minimum of 4 months’ or 120 days’ work will be credited with one year of service. If the period of work completed is less than that, the total amount of monthly contributions made will be divided by the minimum monthly contributions (based on the minimum salary). This amount

⁵⁸ Art. 1: For the purposes of this Act, an actor-interpreter shall be considered to be any person who interpreting characters, fictitious situations or situations based on real events, or who substitutes, replaces or imitates characters, as well as who substitutes, replaces or imitates characters, as well as those who carry out interpretations of themselves, by means of a script, book, screenplay or ideas, in public performances or performances intended for the public, irrespective of the format and medium used to disseminate them, whatever the place and form in which they are performed. Persons in charge of directing, assistants, chorus singers and dance troupes shall also be subject to this law. (unofficial translation).

will then be converted into days or months worked, and will correspond to a period of service, which can be considered towards the qualifying requirements. In this case, remuneration will be based on the average of all revenues subject to contributions, which can be no less than the average monthly minimum. This system will only benefit actors who have been employed or who have contributed as self-employed.

Similarly, Uruguay passed Law 18.384 to adapt the labour and social insurance conditions to artistic jobs.⁵⁹ First, rehearsal time is recognized as service if a contract has been signed. The contract should stipulate the start and end dates for rehearsals, the salary to be paid and the date of the show. Maximum rehearsal time is capped at three months (Decree 452/011, article 2). When there is more than one performance foreseen under one contract, the time between performances shall also count as service, so long as it does not exceed 15 days. (Law 18.384, article 11(b)). Further to these provisions, the Law also provides for flexibility when calculating years of service for old-age pension eligibility. A year of service is recognized when the artist has completed at least 150 working days in a year, or when he or she has had a minimum of four contracts within the same year, so long as no more than three months have elapsed between the end of one contract and the beginning of the next, and the average monthly income is no less than the national minimum wage.⁶⁰

Takeaways

- In order to tackle the challenges posed by extending coverage to a large share of CCS workers, countries have adapted social protection schemes to increase the flexibility of the eligibility criteria for contributory mechanisms, making them better suitable to the realities of CCS workers (see the cases of France, Argentina or Uruguay). In some cases this has been done by adapting existing general systems, either by increasing flexibility of integrating special conditions, in others, special schemes have been developed, normally embedded in the general system, but with adapted financing arrangement or benefits.
- Tailor-made approaches have proved useful to cater for these workers, broadening national solidarity (subsidies), devising alternative financing mechanisms beyond traditional contributions deducted from monthly wages (see below), as well as defining which benefits are delivered and how, as in the case of Germany.
- Coordination across the social protection system is also important to avoid fragmentation. This can further affect access to social protection. Some countries have tried to follow a coherent approach, which takes into consideration CCS workers fluctuating employment relationships. In this regard, experience from France in extending unemployment protection to fixed term artists and technicians is particularly relevant. Similarly, schemes can take into account discontinuous contributions for example by allowing for crediting periods (such as in Argentina and Uruguay).
- Mandatory affiliation can avoid adverse selection in these special schemes; also, experience shows that voluntary schemes often do not translate into effective coverage. In Germany, high-earning artists are not obliged to contribute to the Artists' Fund, in France income thresholds have been removed enabling the benefits to be extended to all artists and authors contributing to the social security system. Consideration and more data is needed to ensure that artists are enrolled on a mandatory basis to ensure, on the one hand, extension of social protection, and on the other, the scheme's sustainability and solidarity.
- The case studies not only point to the importance of ensuring that these special schemes are adapted, they also highlight the advantage of connecting these to the general system

⁵⁹ According to the Law, an artist is anyone who plays a role, sings, recites, presents, interprets or executes an artistic work in any way, directs it or performs any activity similar to those mentioned, whether live or recorded in any way for its public or private showing.

⁶⁰ Uruguay, *Estatuto del Artista y Oficios Conexos*, Ley 18.384 of 17 October 2008.

to safeguard the solidarity principles on which social insurance mechanisms are built, such as in France.

- In countries where setting up special schemes may not be feasible, consideration could at least be given to the need to adapt qualifying conditions and benefit parameters (e.g. Uruguay), as well as adjusting financing arrangements, enrolment and contribution collection processes to the specific needs of CCS workers.
- Regarding financing, in many cases, special schemes have been developed to rely on a variety of financing mechanisms including innovative approaches specific to the CCS (this is the case in France and Germany), in particular user payments.
- Relying on an umbrella of financing mechanisms is essential, given that CCS workers' contributions tend to be low and irregular, which can have a significant effect on the financial sustainability of a scheme and thereby on guaranteeing CSS workers their entitlements. As such, while the principle of solidarity will be crucial to ensuring the sustainability of these schemes, it will be equally necessary to consider additional financing sources and innovative approaches. These may include taxes on art users, for example by collecting contributions from emerging online platforms for music or movies, based on the principle of equitable financing as a means to achieve an optimal balance between the responsibilities and interests of those who finance and those who benefit from social security schemes.
- A holistic approach would help in offering CCS workers a package of services from training to job offers and unemployment benefits, as well as childcare services and old age protection (as demonstrated in the Republic of Korea). Such integrated approaches support CCS workers in accessing social security when contingencies occur, and improve their livelihoods and development opportunities. This holistic approach can also have a positive impact on effective coverage.

Contractual relations

Highlights

- The case studies highlight that CCS workers are often excluded from social security legislation (fully or partially); this is especially true of the self-employed. If the self-employed are covered, it is often on a voluntary basis, and even when mandatory, they tend to have lower levels of protection (such as being covered for fewer risks or higher degrees of risk).⁶¹ Extending legal coverage will therefore be important. It should be noted that while legal coverage is essential, exclusions caused by not meeting specific eligibility criteria (such as the requisite amounts of income earned or time worked) have translated into coverage that tends to be lower in practice than legal coverage rates. Social protection schemes therefore need to be adapted to overcome these implementation challenges (see previous section).
- Exclusion from social security coverage may also be closely linked to obstacles caused by labour and employment legislation. For example, if social security is limited by law to employees, any misclassification of CSS workers as self-employed under labour and employment legislation, would prevent the application of social security law. As such, a clear legal framework, in particular preventing the risk of misclassification of types of work⁶² is therefore be crucial to guaranteeing that workers benefit from labour protection and social protection, regardless of their working arrangement.

⁶¹ ILO, *Extending social security to self-employed workers. Lessons from international experience*, 2019, p. 2.

⁶² ILO, *Non-Standard Employment around the World: Understanding Challenges, Shaping Prospects*, 2016.

- In the specific case of CCS occupations, the case studies have highlighted the fundamental challenge for labour and social security systems in setting the criteria for defining whether such occupations are carried out as dependent work, within an employment relationship, or in the form of self-employment. In some countries, this issue has been addressed by introducing exceptions for specific categories of CCS workers, and in particular by ensuring that they are protected under labour law including through the presumption of a contract of employment - or by creating intermediate categories (although the effectiveness of this approach is debatable).

Legal presumption of a contract of employment

- Some countries have established that artists and technicians working in the CCS should be legally “presumed” to be dependent workers and, therefore, that labour regulations apply to them, even if nominally self-employed. This is the case in Argentina and Uruguay, where this issue is regulated by laws and statutes, and in France, which provides for the presumption of dependent employment for artists and authors.

An intermediate category of worker, who is neither dependent nor independent

- Some countries, including Germany, have established an intermediate worker status,⁶³ known as a “quasi-employee” or dependent self-employed workers:⁶⁴ a self-employed person who has only one client, does not look for additional customers, works pre-established hours and carries out tasks similar to those performed by their client’s dependent employees.
- There is insufficient evidence of the success of this approach. In Germany, for instance, very few workers have actually been recognised as “quasi-employees”. Furthermore, a broader debate is ongoing regarding the benefits of creating such categories, which, while perhaps more appealing financially, tend only to provide access to a limited range of social protection benefits and risks, creating skewed incentives to hire workers under such arrangements.⁶⁵

Beyond the specific complexities of CCS occupations, many countries are trying to find solutions to an increasing erosion of the contract of employment within this sector and beyond. Over recent decades, in many countries, reforms have been passed to add flexibility to the labour market through arrangements such as temporary contracts, agency contracts or mini-jobs. In the context of social protection, it is essential to determine whether a worker is truly self-employed and independent, or in fact a dependent employee under a different working arrangement as this can impact whether, and the manner in which, they are protected under the national social protection system. Countouris (2019) argues that the erosion of the three main pillars of the contract of employment – subordination, continuity and bilateralism – requires a fundamental reform of the scope of employment protection:

“A first step in these proposals is to suggest a new framing concept for the application of labour rights that would cover a broader range of personal work relations, including of course those currently covered by a contract of employment, while excluding only genuine own account businesses. Such a framing concept could be formulated along the idea that labour rights ought to apply to every “worker”, understood as an “individual who (a) seeks to be engaged by another to provide labour; (b) is engaged by another to provide

⁶³ Seth D. Harris and Alan B. Krueger, “A Proposal for Modernizing Labor Laws for Twenty-First-Century Work: The “Independent Worker”, The Hamilton Project, Discussion Paper, 2015.

⁶⁴ ILO, *Statistical definition and measurement of dependent “self-employed” workers*, 20th International Conference of Labour Statisticians, 10–19 October 2018.

⁶⁵ European Union, *Social protection rights of economically dependent self-employed workers*, Directorate General for Internal Policies, 2013.

labour; or (c) where the employment has ceased is engaged by another to provide labour, and is not genuinely operating a business on her or his own account”.⁶⁶

Adaptations to the social protection legal framework are important to ensure that all CCS workers are covered, including the self-employed, in particular under existing contributory schemes. In this regard, in line with the guidance provided by the Social Protection Floors Recommendation, no. 202, it can be noted that contributory social insurance schemes are fundamental element of national social protection systems, alongside non-contributory schemes. They provide benefits that are related to previous earnings, and tend to provide higher levels of income security than benefits provided under non-contributory, means-tested or universal schemes. Non-contributory schemes are complementary, playing a key role in reducing poverty and vulnerability, in particular to persons excluded, in law or in practice, from contributory schemes.

Especially under contributory schemes, the extension of social protection necessitates therefore that the legal framework generally, and labour law specifically, clarify the nature of the employment relationship of CCS workers and serve to prevent the misclassification of employment. This is in line with international standards and based on the principles of equality of treatment and adequacy of protection.

Germany: quasi-employees

Traditionally in Germany, a contract of employment presupposed worker subordination. If working conditions were not set unilaterally by the employer, but rather by the worker, then the worker would be considered autonomous. In 1999, a law was passed in Germany to address issues relating to dependent employment and the emergence of “bogus” self-employment (*Scheinselbstständigkeit*), creating a new intermediate category of worker, known as “quasi-dependent” or a “quasi-employee”, which would be covered by social insurance.⁶⁷ This category applies when a self-employed worker has only one client, does not look for additional customers, works pre-established hours and carries out tasks similar to those performed by their client’s dependent employees. This reform, however, underwent revision during the 2003 German labour reform. By 2004, only around 20,000 self-employed workers were legally considered “quasi-employees” and had therefore seen an extension of social security and labour rights.⁶⁸

Argentina and Uruguay: actors as dependent workers

In 2015, Argentina passed the Actors’ Law, which covers theatre and film actors, musical theatre singers, as well as directors, prompters, and assistants (Article 1, Law 27.203).⁶⁹ Articles 5 and 6 of the Law provide that all occupations covered by the Law will be regulated by labour contracts under the Labour Code. This means that people in these professions are always considered dependent workers, rather than self-employed or independent contractors.⁷⁰

In 2008, Uruguay passed legislation on actors and related occupations, the scope of which includes any artist who plays a role, sings, presents, acts or produces any artwork of any form, as well as anyone who directs any of those activities, live or recorded, public or private (article 1, Law 18.384).⁷¹ Article 2 of the same Law establishes that the occupations under the Law, whether dependent or independent, will be subject to the Labour Code and social insurance regulations.

⁶⁶ Nicola Countouris, *Defining and regulating work relations for the future of work* (ILO, 2019).

⁶⁷ Bernhard Ebbinghaus and Werner Eichhorst, “Employment Regulation and Labor Market Policy in Germany, 1991-2005”, IZA Discussion Paper No. 2505, 2006.

⁶⁸ Ibid.

⁶⁹ Argentina, *Ley 27203 de Actividad Actoral* of 18 November 2015, article 1.

⁷⁰ Ibid.

⁷¹ Uruguay, *Estatuto del Artista y Oficios Conexos*, Ley 18.384 of 17 October 2008.

France: Presumption of salaried status for some CCS workers regarding unemployment insurance “regime des intermittents du spectacle”

In the 1930s, a special mechanism was introduced into the French social security system to incentivize technicians to join the film industry, even when only offered short-term contracts. With a limited number of skilled technicians, the industry could not provide open-ended contracts, and so convinced the Government to introduce unemployment benefits to be paid between short-term contracts, for temporary artists and technicians in the performance industry (otherwise known as the “regime des intermittents du spectacle”). This system covers artists or technicians working in the performing arts, film and audiovisual production, and who receive remuneration for this work. According to the Labour Code “performing artists” includes the following occupations: singer (not composer), actor, choreographer, cabaret artist, musician, conductor, music director, circus artist and any other artist whose activities are acknowledged as a performance art activity.⁷²

The presumption of an employment relationship was enshrined in the French Labour Code in 1969; it is presumed that the artist holds a dependent, salaried position. The Labour Code’s presumption of a salaried status for the abovementioned occupations means that they come under the remit of the general social security scheme (except in the case of unemployment) and thus enjoy comparable benefits to those offered to all employees.

These workers benefit from adapted eligibility conditions to access unemployment insurance benefits (Aide au Retour à l’Emploi); this is what is known as the “regime des intermittents du spectacle”.⁷³ The system has gone through several adjustments, especially in the past 20 years, due to concerns about its financial sustainability. This support is currently paid whenever a technician or an artist has had fewer than 507 hours of work in intermittent contracts (or one contract) in the past 365 days.⁷⁴ The daily unemployment subsidy are calculated based on the number of days worked in the previous 365 days and the average wage received⁷⁵. The minimum daily subsidy is €44 for artists and €38 for technicians.⁷⁶ The system also allows these support benefits to be combined with unemployment benefits from other jobs; they can continue once general unemployment benefits have been exhausted. In 2018, there were 274,000 performance artists and technicians on intermittent contracts.⁷⁷ The principal occupations among registered artists were musicians and actors, while video and image engineers were the predominant technical occupations registered. Around 27 per cent of performance technicians and artists on intermittent contracts work fewer than 24 hours per year. The average annual number of hours worked is around 400.⁷⁸ Again, it is important to highlight that CCS workers may work a significant number of additional hours that are not accounted for.

Takeaways

- Broader national efforts to promote and improve labour and social protection law may benefit from a reflection around misclassification of CCS workers’ employment, especially by outlining clear criteria that help addressing situations of disguised self-employment, such as in the case of Germany. This also means devising mechanisms to protect all workers against potential misclassifications of their employment relationship, in particular by prohibiting and sanctioning any actions aiming to classify workers incorrectly.⁷⁹ The use of technology could enable these contractual relationships to be monitored more effectively, allowing more oversight.

⁷² France, [Code du Travail, Chapitre II, Section 2](#) of 1 February 2008, Article L 762-1, para. 3

⁷³ Aide au Retour à l’Emploi (ARE), Annex 8 and 10 of the General Regulations annexed to the Convention of 14 April 2017.

⁷⁴ Centre National de Danse, « [Régime d’assurance chômage des intermittents du spectacle](#) », Fiche Droit, Juillet 2019.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ France, Pôle Emploi, « [L’Emploi intermittent dans le spectacle, au cours de l’année 2018](#) », November 2019.

⁷⁸ Ibid.

⁷⁹ ILO, [Non-standard employment around the world: Understanding challenges, shaping prospects](#), 2016.

- Tailored legal frameworks may help in bridging protection gaps, by ensuring coverage for CCS workers in general, as well as employed and self-employed CCS workers (see the cases of France or Uruguay).
- Social protection legislation could, for example, guarantee that CCS workers, including the self-employed, are covered, in particular under contributory schemes, ensuring that any necessary adaptations are made. Innovative approaches could be tested based on countries' experiences with regard to occupations in other sectors or to self-employed workers in general.⁸⁰
- Legal coverage needs to translate into effective coverage in practice and be based on the principles of equality of treatment and adequacy of protection. National legal frameworks for social protection need to encompass non-contributory mechanisms to ensure that CCS workers can, at the very least, be guaranteed essential healthcare and basic income security as a right and therefore not fall into poverty or social exclusion.

Registration and broadening social security affiliation (administrative arrangements and simplification)

Highlights

- In some cases, social security institutions have adopted innovative digital solutions such as using SMS, digital access to artistic creation applications, or digital applications to improve registration, information awareness, contribution collection and/or delivery of benefits, such as in Spain. In so doing, due consideration is needed to ensure the respect of the principles of data protection and privacy.⁸¹
- Similarly, in Ireland, a simplified procedure has been introduced for young artists under the JobSeekers' Allowance scheme. While normally, workers would need to enroll in training to be eligible for the Allowance, this requirement has been waived for new artists, so that they can invest more time in their work. Reducing or simplifying specific requirements for CCS workers' eligibility could also be a way adapting social protection to the specific needs of this category of workers.
- India has simplified their contribution mechanisms allowing workers to define their own contribution frequency, based on their income schedules. Adapting contribution payment mechanisms is thus another way to assist self-employed CCS workers in accessing social security benefits.

Spain: Capitalizing on new technology to raise awareness

In a very recent scheme aimed at supporting poor households in Spain, the social security agency sent an SMS to a large number of identified beneficiaries informing them about their entitlements and the procedure involved in registering and claiming their benefits.⁸² This shows the potential for social security agencies to capitalize on new technology to simplify administrative procedures for CCS workers.

It can be noted that the use of digital technologies necessitates due regard to the need to respect the right to privacy and the right to data protection and notably the ability for persons concerned to have control over

⁸⁰ Some examples in: ILO, *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*, 2017; and ILO, *Extending social security to workers in the informal economy: Lessons from international experience*, 2019.

⁸¹ Actualidad Empleo, "El INSS anuncia que mandará un SMS a los beneficiarios del Ingreso Mínimo Vital".

⁸² Ibid.

personal information and how personal data is used.⁸³ In this regard, the European Union has been on the forefront on regulating these rights at the regional level, notably prescribed by the Charter of Fundamental Rights of the European Union, at its Articles 7 and 8. At the national level, a vast majority of countries have regulated this to a certain degree.⁸⁴

This may also require consultations between social security agencies, trade unions and guilds, as well employers' organizations to promote the sharing of information and increase awareness on CCS workers entitlements, registration procedures, and the appropriate use of digital communication channels.

Ireland: Simplification of the JobSeekers' Allowance for artists⁸⁵

Ireland has a special type of a means-tested programme for the unemployed or partially unemployed (both employed and self-employed). To qualify, applicants must be means tested; permanently resident in Ireland; capable of work; available for full-time work; genuinely seeking work; and fully or partly unemployed (without work at least four days out of every seven).⁸⁶ While this programme may resemble a typical unemployment scheme, it can be considered to be both broader (covering people in part-time work) and also narrower (specifically targeting workers under a certain income threshold) than other such schemes. The weekly benefit for a person aged 25 or older will be €203.⁸⁷ Given the specific labour relations governing most CCS workers, this type of allowance may be especially useful, since it may complement their income.

Moreover, similarly to France, a specific scheme has been designed in Ireland, simplifying the JobSeekers' Allowance for artists. Visual artists and writers can thereby access the Allowance if they are registered as self-employed with at least 50 per cent of their income deriving from their work as professional artists. This includes sales of artworks, books or artistic editions, royalties, bursaries and grants, income from book readings, appearances or lecture fees, artists' fees on commissioned works, exhibitions, consultancy, fees for participation in selection or artistic advisory panels, education and outreach programmes, design consultations, art awards and prizes, artistic residencies, technical and installation support.⁸⁸ The programme normally requests beneficiaries to participate in the activation programme. That requirement can, however, be waived for one year to allow artists to focus on their artistic work.⁸⁹

India: flexible contributions

Over the past decade, the Government of India has made several adjustments to the non-contributory old-age pension scheme.⁹⁰ The latest reform set up the Atal Pension Yojana (APY) in 2015, a pension scheme targeting informal and self-employed workers who do not contribute to any other pension programmes and do not pay income tax (contributors to other programmes can join, but cannot benefit from government contributions). The old-age pension ranges from 1,000 to 5,000 Rupees per month from age 60, depending on the level of contributions. In order to join the APY, the worker should be aged between 18 and

⁸³ Magdalena Sepúlveda Carmona, "Is biometric technology in social protection programmes illegal or arbitrary? An analysis of privacy and data protection", Extension of Social Security Working Paper No. 59, 2018.

⁸⁴ Social Protection Inter-agency Cooperation Board (SPIAC-B), *Implementation Guide, Good Practices for Ensuring Data Protection and Privacy in Social Protection Systems, A guide for practitioners advising and working in low and middle-income countries*, forthcoming.

⁸⁵ The scheme includes writers and visual artists but excludes others, such as performing artists. It has been criticized by some associations, not only for its exclusionary approach but also for questionable compatibility with the reality of artist's work. See more on the debate at: Kildarestreet, "Social Welfare Scheme for Artists".

⁸⁶ Government of Ireland, "Jobseeker's Allowance – How to qualify".

⁸⁷ Government of Ireland, "Jobseeker's Allowance – Rates of payment".

⁸⁸ Citizens Information, "Professional artists on Jobseekers Allowance".

⁸⁹ Ibid.

⁹⁰ A new Social Security Code was adopted on 28 September 2020, which consolidates all legislation under a common legal framework. It has a section (Section 6) on a social security board for unorganized workers, which could potentially benefit independent CCS workers. See India, *The Code of Social Security*, No. 36 of 28 September 2020.

40 years and must contribute for 20 years. The Government will match worker contributions up to 1,000 Rupees a year for the first five years.⁹¹

A key feature of the APY is its flexibility. Contributions can be made monthly, quarterly or even every six months, making it easier for self-employed and informal workers, including those in CCS occupations, to make contributions.⁹² As at March 2020, assets under APY management amounted to 105.26 million Rupees with 21.1 million contributors.⁹³

It can be noted that, in parallel to APY, a non-contributory subsidized old-age pension scheme for artists exists that was introduced in 1961, and renamed by the 2015 reform the “Artistes Pension Scheme and Welfare Fund”. It continues to issue benefits to the beneficiaries of the 1961 scheme, as well as to new beneficiary artists each year,⁹⁴ on reaching 60 years of age. In order to be eligible, artists must make contributions deemed to be sufficient and must receive a monthly income of less than 4,000 Rupees.⁹⁵ The old-age pension they receive will range between 500 and 4,000 Rupees per month.⁹⁶ From 2014 to 2017, 12,507 artists were paid pensions under the “Artistes Pension Scheme”, amounting to 525.4 million Rupees in total.⁹⁷ Taking into account the number of artists in India, coverage of the “Artistes Pension Scheme” is in fact very limited.

Takeaways

Simplifying administrative arrangements, including by harnessing technology

- It is particularly important that social security affiliation for CCS workers is simplified and encouraged, and that the gains to be made by using technology and the tools of the globalized world are optimized. In that regard, IT platforms could be used to facilitate CCS workers’ enrolment and payment of social security contributions.⁹⁸ Social security agencies could thus consider innovative digital solutions, such as using SMS, digital access to artistic creation applications, or digital applications for registration, contribution collection and payment of benefits.
- Simplifying social protection system mechanisms and administrative procedures, like in the case of Ireland, can also contribute to provide comprehensive and adequate protection for all, which in turn can support and protect workers and employers during life and work transitions.⁹⁹ One example of an integrated delivery mechanisms is the “single window services” or “one-stop-shops”, which have been set up to facilitate access, especially for rural populations, and to provide a complete range of benefits and services at reduced cost.¹⁰⁰ Examples include the mechanisms set up in India, Mongolia, South Africa and Tajikistan. These could be adopted or replicated to close implementation gaps and to improve communication with highly mobile CCS workers.
- Renewed partnerships with workers’ and employers’ organizations are essential to establish systems that simplify registration and increase the flexibility of eligibility conditions and

⁹¹ National Portal of India, “[Atal Pension Yojana, A guaranteed pension scheme of Government of India](#)”.

⁹² Ibid.

⁹³ The Economic Times, “[AUM under National Pension Scheme, Atal Pension Yojana touch Rs 4.17 lakh crore: PFRDA data](#)”.

⁹⁴ The eligibility criteria focus on the *person’s contribution to art and letters, and other arts*. This includes traditional scholars. It is not clear if the scheme includes other types of artists, such as live performers. The criteria may exclude those artists whose work is not considered significant, but who struggle to make enough of a living to survive.

⁹⁵ Government of India, Ministry of Culture, “[Scheme for Pension and Medical Aid to Artistes](#)”.

⁹⁶ Ibid.

⁹⁷ Business Standard, “[A total of 12507 artistes have benefitted under the Artistes Welfare Fund and Pension Scheme from 2014-15 to 2017-18](#)”.

⁹⁸ Country examples for other categories of workers can be found at: ILO, *Extending social security to workers in the informal economy: Lessons from international experience*, 2019.

⁹⁹ ILO, *Centenary Declaration for the Future of Work*, ILC.108/ XV(A), 2019.

¹⁰⁰ ILO, *Extending social security to workers in the informal economy: Lessons from international experience*, 2019.

contributions (as in the case of India). Involvement of CCS workers in policy and administrative design may help in maximizing the potential benefit of social security affiliation. In this regard, pilot mechanisms could be used to engage and enroll CCS workers; these could subsequently be extended to other sectors where independent work is prevalent.

- Consultation between social security agencies and governments and CCS trade unions and guilds, as well employers' organizations (such as producers and broadcasters) would ensure that their voices are heard in policy design and implementation. CCS workers and employer representatives can also be invited to be involved in the management of social security schemes, in line with the principle of participatory management.

Promoting information and raising awareness

- Timely and transparent information is crucial for mobile artists and cultural professionals, since opportunities for touring, training or working in another country may arise at short notice. In this regard, it would be important to ensure the accessibility and sharing of information held by social security systems.
- Coordination among national and regional administrations would provide homogenous information on issues pertaining to mobile artists. At the national level, websites and portals can help providing information in different languages

Improving the portability of social security benefits between employment statuses and countries

Highlights

Two issues need to be considered in the context of portability: mobility of workers between States, which requires coordination between countries to ensure portability of benefits and rights; and maintenance of rights when workers move between jobs, thereby changing their employment status, which requires harmonization within the social security system. The principles regarding the maintenance of social security rights, equality of treatment and portability of benefits, in particular as concerns migrant workers, are upheld by numerous ILO standards. These include: The Social Security (Minimum Standards) Convention, 1952 (No. 102), Article 68; the Equality of Treatment (Social Security) Convention, 1962 (No. 118), The Maintenance of Social Security Rights Convention, 1982 (No. 157) and its accompanying Recommendation, 1983 (No. 167) and the Social Protection Floors Recommendation, 2012 (No. 202).

Geographic mobility

Certain CCS occupations are characterized by a high level of mobility across countries (see for example in the EU). This is especially true of singers, theatre and film actors, photographers, and other media and audiovisual workers. Obstacles to the mobility of artists and CCS workers may include challenges around accumulating sufficient contributory density or being able to enjoy acquired rights. It can also have an impact beyond social protection, such as for example as regards double taxation, affecting their income, and indirectly their contributory capacity.

- In some countries, artists, such as musicians, who work abroad on a short-term basis as temporary residents, must pay contributions to social security in the country of destination but may not actually be able to access their entitlements, especially where their residency permits are linked to their employment. Furthermore, an artist or cultural professional may pursue simultaneous activities in two or more States (part-time) or may permanently alternate between several activities – in one or more countries – with different employment statuses.

- The European Union has established some of the most advanced rules to ensure social security coordination for sickness, maternity cover, old-age, disability and survivor's pensions, unemployment benefits, family benefits, and employment injury for mobile workers and citizens within the European Union. Exemptions include social and medical assistance. The coordination of social security systems rests on four pillars: determination of the applicable legislation – a person must be subject to just one national jurisdiction; equality of treatment, regardless of nationality – a person working in a country should have the same rights and obligations as the nationals of that country; exportability of benefits¹⁰¹ – mobile workers should be able to carry their entitlements to their country of residence; and aggregation of contributions – periods of contribution in different countries should be taken into account when adding up years of service to calculate social security benefits due. These core pillars are also reflected in ILO standards, as described above.

Mobility between jobs and employment statuses

- CCS workers may encounter obstacles to the enjoyment of their rights owing
- to a lack of harmonization within social security systems.. Diverse forms of employment have historically been common in the creative and cultural sector. Workers in these occupations can be self-employed or in an employment relationship, with one or multiple employers, in open-ended or temporary employment, often for very short periods of time, both full-time or part-time,
- and in most cases a combination of such statutes. The increasing fluidity of the employment relationships within the sector also brings about critical challenges to existing social protection systems. Harmonization, including of entitlement and contribution mechanisms under all schemes part of the national social protection system, is therefore necessary. Unifying the different components of the social security system could also facilitate the recognition of social security rights. In parallel, effective mechanisms that facilitate labour market transitions should be developed.

European Union: Efforts to improve portability and persistent gaps

The European Union has established a system of free movement of people within its borders, which includes coordination between national social security systems. The European social security frameworks governed by Regulation (EC) No 883/2004 (replacing Regulation (EEC) No 1408/71) and Regulation (EC) No 987/2009 (replacing Regulation (EEC) No 574/72) set out the principles designed to guarantee the social security rights of mobile workers and citizens within the European Union, without interfering with national legislation. This legal framework ensures that persons moving within the European Union, Iceland, Liechtenstein, Norway or Switzerland will be subject to the legislation of one country.

The rules of social security coordination apply to sickness, medical and old-age pensions, disability benefits, survivor's pensions, unemployment benefits, family benefits, and employment injury. Exemptions include social and medical assistance. The coordination of social security systems rests on four pillars.

- a) Determination of the applicable legislation: a person must be subject to the jurisdiction of just one country.
- b) Equality of treatment: regardless of nationality, a person working in a country should have the same rights and responsibilities as the nationals of that country.

¹⁰¹ See: Equality of Treatment (Social Security) Convention, 1962 (No. 118) and Social Security (Minimum Standards) Convention, 1952 (No. 102), Article 68.

- c) Exportability of benefits: mobile workers should be able to carry their entitlements back to their country of residence.
- d) Aggregation of contributions: periods of contribution in different countries should be taken into account when adding up years of service to calculate social security benefits.

CCS occupations have specific needs and characteristics that limit the fulfilment of these principles. They are more likely to fall under the two exceptions to the general rules: posting in a second country and pluriactivity. Posting refers to situations in which a person is sent by an employer to another Member State to perform work there as an employee, or in which a self-employed person goes to another country to work on a temporary basis. Pluriactivity refers to situations in which a person (an artist or cultural professional) pursues simultaneous activities in two or more States (part-time) or permanently alternates between several activities in two or more States. The complexity of pluriactivity may involve an artist being self-employed in one country and being a salaried employee in another, or combining two self-employed jobs in two different countries, or two salaried jobs.

This complexity means that many CCS workers may not actually enjoy their rights given the frequency of their geographic mobility. In a European survey, 40 per cent of artists stated that they were very mobile, while 24 per cent had worked in a country other than their country of residence more than 10 times in the previous three years.¹⁰² Around 60 per cent of respondents relocated to other countries for short periods, and 34 per cent stated that they stayed between a week and a month in the host country. In this regard, it can be noted that in spite of the regulations in place, some artists who work as self-employed in one country and are employees in another are required to contribute in both. Some CCS workers are confused about what their different status (employee or self-employed) may mean in different countries. Thus, despite all the efforts to put mechanisms in place to coordinate social security rights and responsibilities, CCS workers continue to face significant obstacles. With such mobile occupations, further system integration is required.

Possible policy options include focusing on facilitating transitions between salaried employment and self-employment and combinations of both. As workers change their employment arrangements, combine salaried employment with self-employment, or have multiple employers and jobs, measures are needed to ensure continued coverage across different employment statuses, employers and social security systems. Some examples could be found in broader strategies to address social security coverage for workers in the informal economy. In Costa Rica, the general social insurance scheme, covering both employees and self-employed workers, facilitates labour market mobility between different statuses; and the Philippines have adopted a uniform system of social security numbers to facilitate the identification of workers and the tracking of their insurance records and entitlements throughout their working life.¹⁰³

The complexity of the debate around the portability of benefits between different social security schemes and employment statuses may benefit from a more meaningful involvement of workers and employers in the CCS. This will help reducing coverage gaps, ensuring continued protection for those moving between jobs.¹⁰⁴

In all cases, the European Union is an example of intra-State and regional coordination. Many other countries have established bilateral or multilateral social security agreements to try to address the same concerns.¹⁰⁵ In this regard, it can also be noted that Recommendation No. 167 proposes model provisions for the conclusion of bilateral or multilateral social security agreements regarding all contingencies, and provides rules on maintaining social security rights and exporting benefits, as well as a model agreement for the coordination of bilateral or multilateral social security instruments.

¹⁰² Maxime Demartin et al., *Artists' Mobility and Administrative Practices related to Social Security and Taxation in the European Union (EU). An analytical report mapping obstacles and good administrative practices*, (European Expert Network on Culture, 2014).

¹⁰³ ILO, *Extending social security to workers in the informal economy: Lessons from international experience*, 2019, p. 111.

¹⁰⁴ ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

¹⁰⁵ Kenichi Hirose, *Social security for migrant workers: a rights-based approach* (ILO, 2011); ILO, ISSA and ITC, *Extending Social Protection to Migrant Workers, Refugees and their Families: ILO Guide for Policy-makers and Practitioners*, Forthcoming.

Takeaways

- The issue of portability is part of the broader debate concerning the capacity of a social security system to harmonize different entitlements and contribution systems across different types of contracts and throughout the employment life of a worker. This includes moving between independent and dependent employment or from one country to another, so as to guarantee protection throughout their active lives and in old age.
- Social dialogue is crucial to ensure stronger coordination between the various social protection mechanisms and institutions and effective delivery, facilitate the portability and transferability of entitlements across schemes, and avoid duplication and coverage gaps.¹⁰⁶ Reforms are ongoing to simplify and registration and payments, but more efforts are needed to combine mechanisms linked to employment or residence, and bringing emerging forms of employment in the CCS within social security coverage.¹⁰⁷
- Through workers' unions and employers' organizations in the CCS, it may be possible to ensure specific needs of their sector are reflected in discussion and reforms. In that regard, existing studies in other sectors show joint efforts made in Bangladesh, Canada, Croatia and Ghana to reduce fragmentation, strengthen internal coordination between different institutions and between central and local levels of government, and ensure a more integrated and comprehensive approach to social security, which could serve as examples.¹⁰⁸
- Coordination among countries and between different social security schemes would help in ensuring CCS workers' mobility and portability of their rights and entitlements. These mechanisms may need to be adapted to workers with multiple employers, fluctuating employment status and geographic mobility.
- Coherence between social security legislation and residence requirements would be needed, as well as expanding the use of bilateral and multilateral agreements, which would help in coordinating the portability of social security benefits between States (e.g., in the European Union).

¹⁰⁶ ILO, *Report of the Committee of Experts on the Application of Conventions*, ILO/108/III/B, 2019, chapter 11.2.

¹⁰⁷ ILO, *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

¹⁰⁸ Ibid.

► 3 Policy approaches to increase coverage, adequacy, adaptability and portability of social protection systems

While the previous section identifies case studies and discusses findings around the different aspects of social protection coverage for workers in the CCS, this section summarizes policy options based on these findings, linking these to the current social protection debate.

Several approaches analyzed appear to have proved useful in increasing coverage of social security systems to workers in the CCS and guaranteeing that they can receive their entitlements in practice. To begin, CCS workers with an employment relationship need to have the same rights and benefits as employees.

In addition, other approaches, as follows, could be considered in supporting the extension of social protection coverage, taking into account the diverse employment characteristics of this sector, and notably the fact that CCS workers are often self-employed, may not be governed by an employment relationship or are in disguised self-employment:¹⁰⁹

- Social protection systems, and contributory mechanisms in particular, that have been adapted to the income and employment patterns of CCS workers – notably by increasing the flexibility to meet eligibility requirements – provide avenues for extending social protection (as in the case of India, Argentina or Uruguay). This is especially helpful when CCS workers are casual, on-demand and temporary. In such cases, access to social protection for self-employed workers in the CCS has been supported by establishing contribution rates adapted to their contributory capacities.
- A flexible contribution collection schedule helps in adjusting the system to the fluctuating income patterns of certain types of CCS workers (as in the case of Uruguay or Argentina). This could include annual, rather than monthly, income, lump sum or quarterly contributions, as well as the option of deferring contributions during interruptions in employment.
- Special schemes that are adapted to the specific needs and organization of work of CCS workers, while remaining linked to the general system, have been able to cover CCS workers (such as in France). In other cases, some Governments have taken steps in adapting qualifying conditions and benefit parameters, as well as adjusting financing arrangements, enrolment and contribution collection processes, to meet the specific needs of CCS workers without creating a separate specific scheme (as for example, in Germany). In all cases, adapting the social protection system to the characteristics of CCS workers has been key, for example making eligibility criteria of contributory mechanisms more flexible and/or tailored to the particular circumstances of this sector. Coordination within social protection systems, between schemes, and between contributory and non-contributory systems is also essential, as means to ensure full and adequate coverage of all CCS workers.
- Relying on a variety of financing mechanisms, based on the principle of solidarity, has been very helpful, including by prioritizing mandatory contributory schemes, complemented by measures to subsidize the contributions of CCS workers with limited contributory capacities. Additional and innovative financing sources, such as collecting contributions from art users and art-related enterprises (including broadcasters and art galleries), have proved key in this respect, such as in the case of Germany.

¹⁰⁹ For a broader discussion on possible policy innovations, see: Christina Behrendt and Quynh Ann Nguyen, "Innovative approaches for ensuring universal social protection for the future of work", Future of Work Research Paper No. 1, 2018.

- Current developments in Germany, Uruguay or France, show that social protection rights for all CCS workers need to be anchored in a strong legal framework that extends coverage to all types of employment relationships and that clarifies the nature of the employment relationship of CCS workers and prevents potential misclassifications of employment. Legal coverage needs to be accompanied by effective coverage in practice and schemes adapted to address implementation challenges. In this regard, Table 13 below identifies coverage challenges for CCS workers under existing social protection schemes, and some possible solutions.
- Simplifying administrative and financing arrangements is essential to extend coverage (as in the case of France, India, Ireland, Uruguay). The potential of digital technology, such as digital or mobile registration should be harnessed, and information channels should be made more accessible (such as in Spain).
- Some of the challenges identified call for schemes to be better adapted to workers with multiple employers, fluctuating employment status and geographic mobility, ensuring that effective mechanisms are developed to facilitate labour market transitions and ensure the portability of rights and entitlements (e.g., France). Taking into account that CCS workers are often required to travel between countries, co-ordination mechanisms between States are of particular importance, including notably, bilateral and multilateral agreements (see for example coordination rules established under the European Union).
- The involvement of CCS trade unions and guilds, as well employers' (such as producers and broadcasters) organizations, through social dialogue processes and participatory management, is essential to ensure their voice is heard in policy design and implementation.

In order to ensure adequacy, country case studies show the need to complement coverage efforts with measures to provide guaranteed minimum benefits, in line with international social security standards.

Furthermore, many observers agree that universal social protection can only be achieved through a combination of contributory and non-contributory (tax-financed) social protection mechanisms.

- Tax-financed schemes play an important role in ensuring that everyone enjoys a basic level of protection, in particular essential health care and basic income security. This is especially important for those who are not covered by any other social protection mechanisms.
- Contributory mechanisms are vital for providing adequate benefits; they tend to offer broader scope and higher levels of protection.

If existing forms of social protection are weakened in favour of private or individual savings mechanisms with limited potential for risk-pooling and redistribution, levels of coverage and benefit may be eroded. Vulnerable groups of workers will be unable to accrue sufficient entitlements under private arrangements, owing to their work and income patterns. Existing lessons from international experience around the extension of social security to specific categories of workers point out to the likely negative effect this may have on inequalities, especially gender inequality.¹¹⁰

¹¹⁰ ILO, *Extending social security to workers in the informal economy: Lessons from international experience*, 2019.

► Table 13. Gaps in coverage of categories of workers and actions to prevent their exclusion

Factors determining coverage or exclusion	Actions put in place to ensure effective coverage for this group
<i>Part-time workers.</i> Covered if thresholds for minimum working hours/days or earnings are met. In case of multiple employers, specific regulations may apply. Marginal part-time work is often excluded or may be covered through special regulations.	Set lower thresholds for working hours or earnings. Allow practical solutions for workers with multiple employers, and for those combining part-time dependent work and self-employment. Facilitate coverage for marginal part-time workers through adapted social insurance solutions or a combination of social insurance and tax-financed mechanisms. (See the case of France)
<i>Temporary workers.</i> Covered if thresholds for minimum duration of employment are met. Casual workers are often excluded.	Set lower thresholds for minimum duration of employment to expand legal coverage. Allow for more flexibility with regard to the number of contributions required to qualify for benefits. Allow for interrupted contribution periods (x number of contributions in y months). Enhance portability of entitlements between different social security schemes to facilitate mobility between jobs. Simplify administrative procedures for registration and contribution payments. (See the case of Uruguay or Argentina)
<i>Dependent self-employment.</i> Covered if self-employed workers are covered, or if specific measures are taken to prevent misclassification and ensure adequate protection.	Prevent the misclassification of workers and ensure adequate protection for those in dependent self-employment including through criteria to identify such categories of workers. Simplify administrative procedures for registration and contribution payments. Ensure non-discrimination and equal treatment. Adapt social security mechanisms to the needs and circumstances of self-employed own-account workers. (See the case of Germany, Argentina or France)

Based on ILO, Non-standard employment around the world: Understanding challenges, shaping prospects, 2016.

Concluding remarks

Workers in cultural and creative occupations face significant obstacles in accessing social protection, in large part related to their labour specificities and the fact that social protection mechanisms may be insufficiently adapted to meet the sector's needs. The paradox with regard to these occupations is that, while workers are likely to face higher risks, from a social protection perspective they are frequently less protected than other groups.

Challenges include the interrupted or intermittent nature of work; irregularity of earnings; unaccounted work periods, such as study or rehearsal; variety in employment relationships; fluctuating, unclear or misclassified employment status; geographic mobility; and the variety of work arrangements in the sector.

For various reasons, this can translate into social protection coverage being either insufficient or lacking altogether. In some cases, social protection systems may exclude certain categories of CCS workers from the purview of legal frameworks, or coverage may be voluntary, as is often the case for the self-employed. This is particularly relevant given that, in many countries, the proportion of CCS workers who are self-employed is higher than the proportion of workers who are self-employed in the economy as a whole. Ambiguity regarding employment relationships and fluctuating employment statuses can also affect the application of social security law. Legal frameworks therefore need to include workers in all forms of employment and be able to clarify the nature of the employment relationship of CCS workers.

Regarding portability, both in relation to geographic mobility and mobility between jobs and employment statuses, efforts to extend coverage for CCS workers, need to be made alongside broader social protection reforms that ensure transferability of rights and entitlements between jobs and employment statuses. International labour standards set out key principles and even provide model bilateral and multilateral agreements, which can be of use in this regard.¹¹¹ This would help all workers to contribute to, and benefit from, social protection by preserving their entitlements across jobs and contracts and between salaried work and self-employment, while facilitating labour market transitions and labour mobility.

Even where legally covered, these obstacles may translate into a lack of coverage in practice, for example in relation to a low contribution density due to interrupted employment histories and erratic flows of income, or the impossibility of combining different contributory periods accumulated into different schemes because of fluctuating employment statuses, geographic mobility and fragmented social protection systems. Limited contributory capacity, linked to the project-based or short-term nature of their contracts and low incomes, as well as complex or unclear employment relationships, limit these workers' access to short- and long-term social security programmes.¹¹²

The broader debate around the increasing fluidity of employment relationships and the emergence of new forms of employment adds to the challenges of extending coverage and ensuring access to adequate social protection benefits for these workers. As such, it will be important to adapt social protection systems to the specific needs and organization of CCS work.

¹¹¹ See notably: the Social Security (Minimum Standards) Convention, 1952 (No. 102), Article 68; the Equality of Treatment (Social Security) Convention, 1962 (No. 118), The Maintenance of Social Security Rights Convention, 1982 (No. 157) and its accompanying Recommendation, 1983 (No. 167) and the Social Protection Floors Recommendation, 2012 (No. 202).

¹¹² Short-term schemes traditionally include coverage for maternity, employment injury and unemployment. For most of these, workers must have been contributing at the time of the event. If CCS workers are not employed and contributing when pregnant or injured, they will therefore not benefit from the social insurance schemes. Long-term schemes refer to old-age or disability pensions. Similarly, a CCS worker who has not met the qualifying conditions (normally a particular number of years of contribution) will not be entitled to a pension.

A variety of financing mechanisms based on the principle of solidarity set out in international social security standards, as well as innovative financing approaches, will be necessary. Efforts in Germany and France to obtain contributions from culture and arts users (such as radio broadcasters and art galleries) are an interesting development, which other countries could explore, and which could potentially be extended to other sectors.

Employers' and workers' organizations in the CCS will also need to commit to addressing issues around legal exclusion, costs and inadequate financing arrangements, lack of compliance and lack of organization. In this context, effective social dialogue including collective bargaining can ensure negotiated solutions to eliminate social protection gaps for CCS workers as set out in Recommendation No. 202.

The majority of countries have two main types of social security schemes: a) contributory (typically social insurance) schemes, and b) non-contributory schemes, either in the form of social assistance targeted at persons of low income, or universal or categorical schemes offering basic levels of protection to large parts of the population. In some cases, CCS workers may find themselves in the "missing middle"¹¹³ between these two types of schemes: less likely to have full-time and long-term employment relationships and often on low or irregular income, they may not have built up sufficient entitlements for social insurance, but at the same time are "not poor enough" to qualify for social assistance.

Many CCS workers, especially those in more flexible forms of employment or the self-employed, have either insufficient or no cover, or receive benefits that are not adequate to meet their needs. It will therefore be necessary to develop and maintain comprehensive social protection systems that encompass both contributory and non-contributory mechanisms.

In particular, these systems should include national social protection floors in line with the guidance set out in Recommendation No. 202 to ensure that low-income and vulnerable groups of CCS workers have access to at least a basic level of social protection, especially if they are not covered by existing contributory schemes. This will also require adapting contributory schemes and tailoring solutions to extend coverage to CCS workers, including innovative financing mechanisms, such as taxes on art users, while ensuring respect for the principles of risk sharing, equity and solidarity, among others, as set out in ILO international social security standards, and notably Convention No. 102.

Considering the wide range of types of employment and the diversity of working arrangements in the CCS, solutions need to be adapted to the challenges faced by workers in this sector. Understanding the challenges and adapting the systems to the solutions proposed for protecting creative workers and ensuring their coverage will inform the industry and its stakeholders. Experiences identified in some countries with regard to extending social protection to particular occupations or employment statuses could be used to bridge social protection gaps in the CCS,¹¹⁴ and to inform the ongoing debate about the future of work and achieving universal social protection, in line with the 2030 Agenda for Sustainable Development and international social security standards.

¹¹³ ILO, *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*, 2017.

¹¹⁴ These examples are referenced from: Christina Behrendt and Quynh Ann Nguyen, "Innovative approaches for ensuring universal social protection for the future of work", Future of Work Research Paper No. 1, 2018.

Annex 1 – Social security systems in selected countries

Country	Social security system	Statutes and legislative framework	Scope	Observations
Argentina	Mandatory coverage Adapted: sets out specific years of service for artists It covers the following benefits: old-age pension disability allowance survivor's pension maternity cover family allowance unemployment benefit employment injury benefit (The executive branch determines the particular conditions for the application of the Employment Injury System to artists (art. 15 Law 27203)) *Healthcare is provided under Law on the National Health Insurance System (No. 23661)	Actors' Law, No. 27203 (2015)	An actor shall be any person who portrays characters in fictional situations or based on real events, or who substitutes, replaces or imitates characters, as well as someone who portrays him or herself, using a script, book or ideas, in public performances, regardless of the format and medium used to disseminate them and the location and means of conducting such performances. Likewise, any individual responsible for directing, prompting or assisting direction or prompting, members of a chorus or dance company, shall also be the subjects of this Law.	Article 13. For the purposes of accrediting years of service with contributions required by law 24241, its amendments and addenda, to access the Universal Basic Benefit, the Compensatory Benefit, the Additional Benefit for Permanence and the Old-Age Benefit, the services defined in article 12 will be calculated as one (1) year of service with contributions, provided that within a calendar year there have been four (4) months of work, or equivalent to one hundred and twenty (120) consecutive or nonconsecutive effective working days, during which remuneration has been accrued and the respective contributions have been integrated.

Country	Social security system	Statutes and legislative framework	Scope	Observations
Canada	Adapted: Special adaptations have been made to take into account certain types of artistic income that, depending on how they are distributed, may have an effect on the benefit amounts.	Status of the Artist Act, 1992: An Act setting out the status of the artist and professional relations between artists and producers in Canada The law recognises the rights of artists and producers to associate freely and gives artists' associations the right to negotiate collective agreements. Its impact is limited, however, by the fact that its jurisdiction is limited to areas under the remit of the Federal Government to the exclusion of private producers, who are increasingly numerous.	Independent contractors who: (i) are authors of artistic, dramatic, literary or musical works within the meaning of the Copyright Act, or directors responsible for the overall direction of audiovisual works; (ii) perform, sing, recite, direct or act, in any manner, in a musical, literary or dramatic work, or in a circus, variety, mime or puppet show; or (iii) contribute to the creation of any production in the performing arts, music, dance and variety entertainment, film, radio and television, video, sound-recording, dubbing or the recording of commercials, arts and crafts, or visual arts, and fall within a professional category prescribed by regulation.	Freedom of Association 8. An artist is free to join an artists' association and participate in its formation, activities and administration.

Country	Social security system	Statutes and legislative framework	Scope	Observations
France (mandatory)	Adapted scheme (a separate special scheme is provided on unemployment benefits) whereby the State contributes funding to social security provision for artists, authors and broadcasters. There are also exceptions for performance artists and technicians on intermittent contracts. This scheme includes the following benefits: old-age pension sickness benefit healthcare insurance disability allowance survivor's pension maternity cover Excluded from unemployment benefits, except for support for returning to work allowance Authors and artists do not benefit from general coverage for industrial accident and illness but they can subscribe to voluntary health insurance.	Social Security Code, article L.382-1 on authors and artists	1) Writers 2) Authors and music composers 3) Graphic and plastic arts 4) Cinema and television 5) Photography	Artists who write literary, dramatic, musical choreographic, audiovisual and cinematographic works, as well as producing graphic art, plastic arts and photography, subject to the following provisions, have an obligatory affiliation to the general social security system for social insurance and receive family benefits under the same conditions as other employees.

Country	Social security system	Statutes and legislative framework	Scope	Observations
Germany (mandatory)	Special scheme for artists and authors funded by the State, as well as broadcasters and users of art. It includes: - old-age pension - sickness benefit - healthcare insurance - disability allowance - survivor's pension - maternity cover Independent artists and authors who have artists' social insurance enjoy the same protection as salaried artists with regard to old-age pension, sickness, healthcare, disability allowance, survivor's pension and maternity cover.	German Artists' Social Security Act (Kunstlersozialversicherungsgesetz) (1981)	All self-employed artists and writers	Artists and writers have obligatory affiliation to the general old-age pension scheme, under the same conditions as all employees.
India	Voluntary coverage Special Scheme. While ultimately the system will be general, for the coming 15 years, some artists will benefit from the non-contributory Artistes Pension Scheme and Welfare Fund.	No.2-1212017-P. Arts Government of India Ministry of Culture (2017)	A person's contribution to art and letters must be of significance. Traditional scholars who have made significant contribution in their field would also be eligible, notwithstanding the absence of any published works. Personal income of the applicant (including income of the spouse) must not exceed Rs.4,000/- (Rupees four thousand only) per month or annual income of Rs.48,000/- (Rupees forty eight thousand only) [This excludes the Artistes Pension amount already received by a beneficiary from the Government (concerned State government, union territory administration and/or Ministry of Culture)].	In any circumstances, the contribution of Central Government and state government/union territory administration altogether will not exceed Rs.4000/month per beneficiary and will be no less than Rs.500/month per beneficiary.

Country	Social security system	Statutes and legislative framework	Scope	Observations
Ireland	Voluntary coverage Adapted. The main system is general, but a recent reform provides flexibility for artists to enjoy a specific benefit: JobSeekers' Allowance	Jobseeker's Allowance for self-employed artists		Artists are given a 12-month window to focus on building up their work before they are subject to labour market activation. Applicants must satisfy all of the other qualifying conditions of the pilot initiative including a means test. A declaration must be provided from the Visual Artists Ireland body or the Irish Writers Centre. The artist/writer must be registered as self-employed with the Revenue Commissioners. They must demonstrate that 50% of their income the preceding year derived from their Art. One year Job Seekers Allowance without "activation", means that they do not have to seek/accept other Job offers. They must prove that they are genuinely seeking work.

Country	Social security system	Statutes and legislative framework	Scope	Observations
Peru	General Mandatory	Artists' Law (Nº 28131) (2003)	Artist (article 2 of the law): any natural person who represents or performs an artistic work, with or without text, using their body or skills, with or without instruments, which is exhibited or shown to the public, resulting in an interpretation and / or execution that can be disseminated by any means of communication or fixed on suitable support, created or to be created. These may include: singer, musician, actor, dancer of any type; Conductor or musical ensemble of any type; Interpreter and performer of folklore works of any type; Director of scenic, theatrical, cinematographic, television and similar works. . Technician (article 1.2 of the law): Technicians in the arts industry are included in the scope of the Law These may include, among others: prompts, director's assistant, camera operator, director of photography, sound and image editor, scenographer, stage manager, makeup artist, special effects designers and lighting technicians in stage, theatre, film and television productions, cabarets, circuses or other performances; stagehands.	Artists are subject to the general pension and healthcare schemes, as well as those stipulated in Law 28131. Some exceptions apply for foreign artists (Law 28131, article 39) Article 34: The Artists' Rights Solidarity Fund (covers accumulated vacation pay, July & December bonuses and compensation for length of service. It will be funded by the employer, contributing 2/12 of the monthly pay

Country	Social security system	Statutes and legislative framework	Scope	Observations
Republic of Korea	Special scheme for artists and authors whereby the State provides, as well as the broadcasters or art users, provides funding Main benefits include (see others in the relevant section): National pension and employment insurance. Medical expenses. Employment injury (The Industrial Accident Compensation Insurance Act shall apply to accidents affecting artists in the course of engaging in the arts, where an artist purchases industrial accident compensation insurance, the Korean Artists Welfare Foundation (Article 8) may partially subsidize industrial accident compensation insurance premiums to be paid by the artist.	Artists' Welfare Act, 17 November 2011 (Amended by Act No. 12136, Dec. 30, 2013, Act No. 13970, Feb. 3, 2016, Act No. 15568, Apr. 17, 2018)	Person who earns a living by engaging in artistic activities, contributes to enriching Korean culture, society, economy and politics, and is able to prove his/her activities in creation, performance, technical assistance, etc. in the field of culture and arts, as prescribed by Presidential Decree.	Article 7 (Protecting artists from accidents occurring in course of their professional activities) (1) The Industrial Accident Compensation Insurance Act shall apply to accidents affecting artists in the course of engaging in the arts, to compensation for them, etc. (2) Where an artist purchases industrial accident compensation insurance pursuant to paragraph (1), the Korean Artists Welfare Foundation referred to in Article 8 may partially subsidize industrial accident compensation insurance premiums to be paid by the artist. Article 8 (Incorporating, etc. Korean Artists Welfare Foundation) (1) A Korean Artists Welfare Foundation (hereinafter referred to as the "Foundation") shall be incorporated to efficiently implement artist welfare projects.

Country	Social security system	Statutes and legislative framework	Scope	Observations
Uruguay	Voluntary coverage Adapted: specific determination of years of service for artists Actors and related trades will be governed by the Labour Code and the Social Security Code regardless of their employment status: dependent or self-employed It covers the following benefits: - old-age pension - sickness benefit - healthcare insurance - disability allowance - survivor's pension - maternity cover - family allowance - unemployment benefit - employment injury benefit	Statute of the actors and related occupations (Nº 18.384) in 2008	Anyone who plays a role, sings, recites, presents, interprets or executes in any way an artistic work, directs it or performs any activity similar to those mentioned, whether live or recorded in any way for public or private exhibition. Related trades are understood as those activities derived from those defined in the previous paragraph and that involve a creative process.	Article 11. (Calculation of services). For the purposes of calculating services and determining eligibility conditions of the pension, pension and transitional allowance for partial disability, consideration will be given to the time taken to prepare for the activity will be considered, applying the following rules: A) The time taken to rehearse for the staging, execution, interpretation or maintenance of the work will be calculated as service time. B) In the event of entering into a single contract that includes several actions, the period between one action and another will be considered part of the contract term, provided that it does not exceed fifteen days. C) In the event that the sum of the calculable periods in the calendar year is equal to or greater than 150 working days, a full year of service will be calculated. D) In the event that this is fewer than 150 days, a full year of services will also be calculated for those who have held a minimum of four contracts in the year, provided that between the end of one and the beginning of another there is no period greater than three months and that the monthly average remuneration provided for in the contracts is not less than the national minimum wage.

Annex 2 – Social protection responses to COVID-19 in selected countries

Country	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
Argentina	Informal workers Domestic workers Micro-entrepreneurs	1) Native or naturalized Argentinean and resident, with a legal residence in the country of not less than 2 years. 2) Between 18 and 65 years old. The owner or his/her family group should not have income from: a) Have no income from dependent employment in the public or private sector. b) Pay Monotax of category C or higher, or be self-employed. c) an unemployment benefit. d) Retirements, pensions or withdrawals that are contributory or non-contributory national, provincial, municipal or from the Autonomous City of Buenos Aires. e) social plans, complementary social salary, “We Make Future”, “Boost Work” or other national, provincial or municipal social programs. The Family Emergency Fund is compatible with the collection of the Universal Child Allowance, the Pregnancy Allowance and the “Progresar” programme.	10,000 Argentinean Pesos (€122.9)	Zero interest loan for people who pay Monotax and for self-employed workers under the conditions established by the Head of the Cabinet of Ministers and the Central Bank of the Argentine Republic with a 100% subsidy of the total financial cost.			

	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
Country	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
Brazil		1. Proof of performing artistic and cultural activities in the 24 months immediately prior to the date of publication of the Law; 2. Not having active formal employment; 3. Not having social security or assistance benefits or beneficiaries of unemployment insurance or a federal income transfer program, except for the “Bolsa Família” programme; 4. Per capita monthly family income of up to half the minimum wage or total monthly family income of up to three minimum wages, whichever is greater; 5. In 2018, have earned a maximum taxable income of R\$ 28,559.70; 6. Be enrolled, with the respective approval of the enrolment, in at least one of the registers provided for in article 7, paragraph 1 of this Law; and 7. Not be a beneficiary of the emergency aid provided for in Law No. 13,982, of April 2, 2020.	R\$600 (around €100) a month up to 3 months	Monthly subsidy for the maintenance of artistic and cultural spaces, micro- and small cultural enterprises, co-operatives, institutions and community cultural organizations that had their activities interrupted due to social isolation measures	R\$3,000 - R\$10,000 (€500–€1,600)	Public notices, public announcements, prizes, acquisition of goods and services linked to the cultural sector and other method of maintenance for agents, spaces, initiatives, courses, productions, development of creative economy and solidarity economy activities, audiovisual productions, cultural events, as well as artistic and cultural activities that can be broadcast over the Internet or made available through social networks and other digital platforms	100 (minimum)
France	Temporary artists and technicians in the performance sector, working on intermittent contracts: All workers, technicians and entertainers, registered as job seekers. For anyone benefitting from the rights provided for in appendices 8 and 10 to the unemployment insurance regulations, there is a particular update procedure.		Unemployment benefits for the entertainment sector to be extended until August 2021 will apply to performers and technicians with intermittent contracts, who need to accrue a certain number of hours to be eligible for financial aid.	• Target: up to 10 employees, turnover < €1 million, and profit under €60,000 • Requirements: loss of 50% of turnover in April 2020 compared to April 2019, or the average monthly turnover in 2019, or administrative closure.	Up to €1,500 Euro for micro-enterprises or the self-employed. An additional €5,000 can be added by regional governments.		

	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
Country	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
Germany	Short-time work: temporary reduction of regular working hours due to a significant loss of working hours. As a result, employees work fewer hours than agreed in their employment contract. This can also mean that employees in short-time work temporarily do not work at all. In this case, the term “zero short-time work” is used.	At least 10 per cent of employees have lost more than 10 per cent of their wages. Employees have reduced overtime and positive time credits (with certain exceptions).	60 per cent of the net wages as short-time benefits (employees with at least one child: 67 per cent). For employees whose pay is reduced by at least half in the respective calendar month, the following applies: From the fourth reference month, the short-time work benefit is 70 per cent of the net salary (employees with at least one child: 77 per cent). From the seventh reference month, the short-time work benefit is 80 per cent of the net salary (employees with at least one child: 87 per cent).	Pandemic-related investments in cultural institutions are planned to support cultural institutions and actors in reopening and resuming operations. The funds will primarily benefit institutions the regular operations of which are not financed primarily by the public sector, as well as socio-cultural centres. For example, the installation of protective devices, the optimization of visitor control and the modernization of ventilation systems are supported. Maintaining and strengthening the cultural infrastructure and emergency aid intended to support the many small and medium-sized, privately financed cultural institutions and projects in resuming their artistic work and awarding new contracts to freelancers and solo professionals. Additionally, support for federally funded cultural institutions and projects for regularly funded cultural institutions to compensate for COVID-19-related loss of income and additional expenditure. The Federal Government contributes its share of the financing to institutions and projects supported by states or municipalities.	€830 million	Promotion of alternative, also digital, offers. €150 million euros are available for alternative, especially digital offers. This benefits projects in the context of Museum 4.0 as well as many new formats of the federal digitization effort for promotion, networking and communication in the cultural sphere.	150

	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
Country	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
Republic of Korea	All artists, including freelance artists	Emergency Loan: Cancelled performances are considered a proof of artistic activities Creative fund: selection process Young artists support: identification of those most impacted and vulnerable to the impact of the pandemic Artists' employment insurance scheme (in force since December 2020): In order to receive unemployment benefits and childbirth allowances artists need to fulfil the minimum criteria for period of insurance payments (9 out of 24 months) and minimum employment period (3 out of 24 months)	Loan: USD 8,000, interest (1.2%), overall loan: USD 5.9 million (covering 1090 artists) Creative fund: USD 2,500 per person. (7,535 artists for a total of USD 18.8 million, first half of 2020) Young artists: USD 833,000 subsidy	Subsidies to Production and promotion budget for performances Consultation on grants, as well as legal and accounting advisories are offered to artists and small and medium sized enterprises in each sector through channels such as the Korea Arts Management Service (performing and visual arts); Korea Craft and Design Foundation (crafts); and the Korea Creative Content Agency (cultural industries).	Up to USD 16.7k per theater, total of USD 3.4 million for 200 theaters	Investment facilitation in the cultural industries through "Fund of Funds", to encourage venture investment. The MCST is also working to facilitate funding on content production by providing incentives for investments. Subsidies for venue rental fee Subsidies for production budget Grants for streaming online performances	Subsidies venue rental (USD 3.3 mil. for 800 shows) Production budget (USD 4.7 mil. for 110 shows), Grants for streaming online performances (USD 250k for 15 shows)

	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
Country	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
Spain	Workers who, as a consequence of the COVID-19 health crisis, cannot continue carrying out the work activity that led to their inclusion in the general scheme as artists in public shows, provided that they are not receiving or have chosen to the ordinary contributory unemployment benefit provided for in article 262 and following of the revised text of the General Law on Social Security. They cannot be affected by procedures for the suspension of contracts and reduction of working hours regulated by the Royal Decree-Law 8/2020, of March 17, of extraordinary urgent measures to face the economic and social impacts of COVID-19. The benefit will be incompatible with any income derived from activities on their own account or on behalf of others, or any other benefit, minimum income, inclusion income, social salary or similar aid granted by any public administration.	At least 20 days of social security contributions in 2019.	€735 a month for up to 4 months if the number of days of contributions in 2019 was from 20 to 54 days (up to 6 months if it was more than 54 days)	A set of guarantees has been approved, with an endowment of up to €100,000 million, although the first tranche activated amounted to €20,000 million, of which 50% will be reserved to guarantee loans to self-employed workers and SMEs. These guarantees will be managed through the Official Credit Institute and will support the financing granted by credit institutions, financial credit institutions, electronic money entities and companies and self-employed payment entities. The objective is to cover new loans and other forms of financing and renewals granted by financial institutions to companies and the self-employed to meet the financing needs derived, from, among others, payment of wages, invoices, need for money or other liquidity needs, including those derived from maturities of financial or tax obligations. With this set of guarantees, the Government is offering companies in the CCS and sports sector an opportunity to access economic liquidity. The CCS consists predominantly of a combination of small and micro-companies (only 0.7% of companies have more than 50 workers).			

	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
Country	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
Switzerland	Cultural workers, defined as self-employed Swiss residents, whose main job is in the cultural sector	Higher income values rule out emergency aid.	Maximum of CHF196 a day, up to an annual income of CHF60,000 (single person) or CHF80,000 (married couple). For each additional family member to be supported, an additional CHF15,000 can be added to the income limit	Financial support is available as compensation for losses. Financial assistance is available to cultural companies and professionals who have been forced to cancel or postpone events and projects or to close businesses. Compensation for cancellation covers a maximum of 80% of the financial loss incurred. Any loss of profit is not compensated.	CHF145 million		
United Kingdom	Creative practitioners whose main work is focused on the following art forms and disciplines: music theatre dance visual arts literature combined arts museums practice libraries (activity that helps deliver the Universal Library offers). This work includes: choreographers, writers, translators, producers, editors, freelance educators in the disciplines and art forms we support, composers, directors, designers, artists, craft makers and curators.		Up to £2,500 (€2,760)	The Arts Council's full package will provide financial support to more than 800 organizations that it supports in its national portfolio, which includes the Southbank Centre, Yorkshire Sculpture Park, and the Whitechapel Art Gallery. A further £50 million (US\$58.5 million) is being made available to organizations that do not receive regular funding from the Arts Council.	£90 million (€99 million)		

	Direct support to artists			Financial support to cultural enterprises		Cultural promotion (activities)	
Country	Beneficiaries	Eligibility conditions	Benefit level	Details	Amount	Details	Total budget (€million)
United States of America	Self-employed, part-time, independent contractors and gig workers	1) Is not otherwise eligible for, or has exhausted all rights to, unemployment benefits; and 2) is unemployed, partially unemployed, or unable to work because of any of the following COVID-19-related circumstances: a. the individual has been diagnosed with COVID-19 or is seeking diagnosis; b. a member of the individual's household has been diagnosed with COVID-19; c. the individual is providing care for a family or household member who has been diagnosed with COVID-19; d. the individual is the primary caregiver for a child or other household member who is unable to attend school or another facility that has been closed due to COVID-19; e. the individual cannot reach their place of employment as a result of a COVID-19-related quarantine; f. the individual was scheduled to begin employment and does not have a job or is unable to reach that job as a direct result of COVID-19; g. the individual has become the primary support source for a household because the head of the household has died as a direct result of COVID-19; h. the individual has been forced to quit a job as a direct result of COVID-19; or i. the individual's place of employment is closed as a direct result of COVID-19.	US\$600 per week up to 13 weeks under the new Pandemic Emergency Unemployment Compensation (PEUC) programme	This includes US\$75 million each for the National Endowment for the Arts and the National Endowment for the Humanities; US\$50 million for the Institute of Museum and Library Services; US\$25 million for the Kennedy Center; and US\$7.5 million for the Smithsonian Institution.			

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