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INTERNATIONAL LABOUR ORGANISATION

JOINT ILO/UNESCO MEETING OF EXPERTS
ON THE STATUS OF THE ARTIST

International Labour Organisation Headquarters
Geneva

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NOTE PREPARED BY THE INTERNATIONAL LABOUR OFFICE

THE STATUS OF THE ARTIST

(Summary of the replies to a Joint ILO/UNESCO
questionnaire on the economic, social professional and moral
circumstances of the artist)

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INTRODUCTION

The Unesco General Conference at its eighteenth session (August 1974) asked the Director-General of Unesco to carry out a preliminary study on the status of the artist, in consultation with the ILO, so that a decision could be taken on whether an international instrument should be adopted on the subject. In 1975 a questionnaire was prepared jointly by the International Labour Office and Unesco in order to compile information on the social status of the artist throughout the world. The questionnaire was distributed through the regional offices of the ILO to Member States of both organizations. The States were asked to consult national organizations of artists in preparing their replies. Copies of the questionnaire were also sent by Unesco to international and national non-governmental organizations.

At its nineteenth session in Nairobi (1976) the Unesco General Conference noted the work in progress and invited the Director-General to convene a meeting of experts from different geocultural regions and specialists in relevant disciplines with a view to preparing a further study for submission to the Unesco General Conference at its twentieth session. The ILO Governing body, at its 202nd session in February-March 1977, also took note of the work in progress and agreed with a Unesco proposal that the meeting of experts should be convened jointly by the two organizations.

This report is a summary of the replies to the questionnaire, and is one of the documents that will be examined by the meeting of experts. (A separate report, prepared by the ILO, on the employment and working conditions of artists will also be submitted to the meeting of experts.) Thirty-one countries answered the questionnaire, some in great detail. Several countries supplemented their replies with copies of recent studies and reports pertinent to the subject. A copy of the questionnaire and a list of the countries that replied are reproduced in Annex I to this report.

Although 31 countries provided some information, the answers were often uneven, depending on the specific subject under discussion. Information on general cultural policies and training facilities, for example, was abundant, whereas that on moral and professional rights and on social security was minimal. It must also be recognized that some of the information requested has not yet been compiled by many countries, such as that on unemployment or on average annual incomes. The lack of information can also, in some circumstances, be an indicator of the absence of either an awareness of the special employment conditions of artists or of appropriate action to ameliorate their conditions. In general, each chapter of this report is based on the replies of between 10 and 17 countries, although some questions were not answered at all and others by only a handful of countries.

The definition of "the artist" given in the questionnaire was much broader than that used in the replies. The questionnaire stated that the artist "embraces all artists in the broadest sense of the term whether their functions are those of creation, interpretation, execution, teaching, management or artistic direction, etc. (painters, sculptors, engravers, composers, writers, musicians, actors, dancers, choreographers, critics, editors, translators, variety artists, architects, decorators, etc.). The replies provided almost no information on artistic direction, art critics, editors, architects or decorators. The conditions of art teachers were also barely mentioned. Some countries, like Australia and New Zealand, considered handicraft workers as artists. While this limitation was somewhat uniform, distinctions between the various art disciplines and occupational status (salaried or self-employed) were often absent in the replies. It was therefore difficult at times to determine whether the conditions described were true for all artists or for certain categories only.

This report summarizes the replies received from Member States. It does not include information from the international non-governmental organizations, (1) and includes only a minimal amount of information from national non-governmental organizations. Consequently this summary presents, for the most part, a governmental perspective on the status of the artist. Moreover, given the unevenness of the replies and the substantial lack of information for certain chapters, this report does not attempt to present a definitive picture of the social and working conditions of artists, nor does it draw firm conclusions. Rather it is intended to serve as a basis for discussions and further study. With this objective in mind, most of the information in the replies has been included, even though much of it is incomplete and does not lend itself to international comparisons.

(1) Information received from the international non-governmental organizations has been included in a document prepared by Unesco entitled Preliminary Study on the Technical, Legal and Administrative Aspects of an International Instrument Concerning the Status and Social Position of the Artist (Unesco, 99 EX/12, Paris, 25 March 1976).

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I. GENERAL POLICY

In general all of the countries replying to the questionnaire described active national policies that recognize a need to promote, preserve, disseminate and improve their arts and culture. Several common themes recurred throughout the answers: democratization of culture and increased access and participation of all citizens in cultural activities; freedom of expression in artistic endeavours; safeguarding of cultural heritage and promoting indigenous culture; encouragement of creative activity, including new and various forms of expression; and the improvement of cultural facilities for local and municipal communities. In short, there is a widespread belief that culture is part of a national identity and a measure of a country's quality and life.

National or central bodies

Most of the countries support the arts and implement their cultural policies through various State or public organs financed by public funds. Many countries have ministries or State Secretaries for cultural affairs, such as Bangladesh, the German Democratic Republic, France, Denmark, New Zealand and Tunisia. In other countries there are joint ministries, such as education or social welfare and culture, or the ministries of education have overall responsibility (Austria, Guatemala, Japan, Sierra Leone, Zambia, Norway). In the Netherlands three ministries have various responsibilities in this area: the Ministry of Education and Sciences, the Ministry of Culture, Recreation and Social Care and the Ministry of Social Affairs. Three States (Australia, Canada and the United States of America) reported a slightly different organizational structure, consisting of national statutory bodies that are publicly financed and responsible for arts and culture at the national level. New Zealand also has a national statutory body in addition to the Minister for the Arts, which was only recently established in December 1975. These bodies are the Australia Council, the Canada Council, the Queen Elizabeth II Arts Council in New Zealand and the National Endowment for the Arts in the United States of America. The Federal Republic of Germany reported that at the national level there were no public bodies with specific competence for artists. Cultural matters are mainly dealt with by the Länder and the communes, and social, professional and labour questions are handled by the various ministries. There is, however, a permanent committee to co-ordinate the work of the various ministries and culture in the Länder. Furthermore, there are current plans to establish a German National Federation for the Arts.

The various central organs cited above are almost invariably assisted by special councils and advisory boards, also financed by public funds. Members of these councils and boards are usually appointed by the government in power, or there are joint selection procedures whereby the national assembly or parliament share this responsibility with the government. In Norway, for example, the Norwegian Cultural Council consists of 11 members, seven of whom are appointed by the government and four by the Storting. In Australia, appointments are divided between the Prime Minister and the Governor-General. In the United States all members of the National Council in the Arts, a body that advises the national endowments of the Arts, are appointed by the President. Similarly in Bangladesh (the National Academy of Fine and Performing Arts), in Canada and Pakistan (the Pakistan National Council of the Arts) members are picked by the government.

Concerning the membership of artists in these councils and boards, most governments noted that while their membership was not necessarily required by laws or statutes, a concerted effort was made in practice to ensure that they were adequately represented. In fact, many of the members were artists, appointed

for the most part in their personal capacity, or other persons who were initially recognized for their expertise in, knowledge of and interest in the arts. The German Democratic Republic specifically mentioned the membership of trade union and artists' association representatives as such on the various advisory boards.

The activities of the central bodies are extensive. Because many countries have a broad definition of culture, activities often include the administration of many forms of leisure, including sports, the maintenance and support of museums, libraries and national archives, and the preservation of historical sites. In the area of the arts, these bodies help set policies, establish guidelines and administer various funds, which are used to sponsor inter alia training, exhibitions, research, conferences and publications. The size and use of these funds differ from country to country depending on specific policies, as will be illustrated later below. In some countries, like Guatemala and Zambia, the central bodies oversee the administration of national performing art groups, or organize festivals and national prizes, as in Bulgaria. In general, they act as coordinating and policy-setting bodies.

One of the most complete replies concerning these activities was supplied by Australia. The activities of the Australian Council are cited here as an example of widespread involvement in the arts. The council organizes exhibitions, and in some cases acquires works of art for them, which may be circulated to libraries, department stores, office buildings, schools and universities. It is involved in the development of an arts library and film archives, and issues publications under the "Arts Information Programme", which includes a regular press service providing information to the media on policy, grants and overseas visits, the publication and dissemination of booklets on the various activities in specific fields of art, such as categories of exhibitions, calendar of festivals and seminars. The council also sponsors research programmes and training schemes, workshops, seminars, conferences and lecture tours, which are designed to supplement the existing educational facilities and to teach specific skills for which no formal educational programmes exist. These various activities are in addition to the support of work in the States and to the work of seven specialist boards, which are attached to the council and which in fact carry out most of the cultural work on the national level in Australia. The boards cover seven main areas: aboriginal arts, crafts; film, radio and television; literature; music; theatre and visual arts.

State and local bodies

In addition, to the work of the central bodies, cultural activities in many countries are prompted or sponsored by State and municipal bodies, which also have advisory councils and boards. Some replies mentioned the existence of these bodies and of extensive activities in regional and local areas, but did not highlight them. This was the case for Austria, Canada, Japan, Pakistan and the United States. On the other hand, special emphasis was placed on these activities in the replies from Australia, Denmark, the Federal Republic of Germany, Norway and Sweden. This emphasis reflects a major policy of these governments to decentralize cultural activities and to make art accessible to as many people as possible, in particular in outlying and remote areas, in the case of Australia, Norway and Sweden.

In Australia each State has either a department, ministry or special council for the arts and culture. They perform many of the same kind of activities as the Australian Council, but at a local level, such as sponsoring exhibitions, supporting galleries and museums, establishing cultural centres, sponsoring professional performing groups, administering grants, encouraging amateur and individual initiatives, etc. In an effort to make art accessible and to promote local and community activities, the Australia Council has established both the Community

Arts Programme, which supports a wide variety of activities and festivals, and the Community arts fund, which primarily provides permanent assistance to non-arts community groups and organizations. During 1973-1974, most of these funds were spent on activities for children and young people, organized by specialized State groups for this purpose (e.g. Children's Activity Time Society in Western Australia or the Creative School Holiday Club, Victoria).

Another activity to promote art in Australia has been the start of a new programme, with the support of trade unions, to take art to the place of work. Grants have been given to the Amalgamated Metal Workers Union in New South Wales for activities, in factories, in major metropolitan areas, to the Trade Hall Council Arts Sub-committee in Victoria for factory performances and workshop for workers and their families and to other unions throughout Australia, in Newcastle, Western Australia and Melbourne.

In Denmark there are regional arts councils in the counties whose roles in promoting art, recommending grants, etc. are written into national legislation. The county and local districts also contribute independently to the arts and to artists. As was mentioned above, public support for the arts in the Federal Republic of Germany occur mainly at the Länder and local level. Each länder has a ministry of culture, which has a commission for the arts, and its role extends beyond promotion and even financial support of the arts to consideration of an recommendations on the social security, employment, artistic rights and conditions of work of artists.

The sharing of financing of cultural activities between the central and local public bodies in the Federal Republic of Germany is an indication of its policy on decentralization. In 1972 the Federal Government contributed 3%, the Länder 45% and the communes 52%. In Sweden, the municipalities play a larger role, paying 55% compared to 3% by the provincial councils and 42% by the Federal Government. (The replies did not specify, however, which level of government actually provided the funds.) Figures on the sharing of costs were not provided in the other replies.

In Norway, a recent report (1976) submitted to the Storting emphasized that priority in the field of the arts should be given to activities not normally supported by the regular economic market and that more money should be allocated to small communities, which should identify their own priorities. In addition, ever since the national government became active in the cultural field after World War II, it has implemented policies to bring certain cultural amenities (theatre, cinema, art exhibitions, concerts) to outlying districts and has helped to build community halls to house these activities. The sponsorship of various mobile groups, such as the State Travelling Theatre, the State Travelling Art Gallery and the State Travelling Film Company, is an example of this policy.

Other countries reporting the existence of regional, State or municipal bodies actively involved in the arts as well as a policy to decentralize or promote the access of culture include New Zealand, the Netherlands and the United States of America. In the Netherlands, most municipalities and provinces maintain a list of the artists who reside in their domain and help to sponsor activities for them. In addition, the municipalities provide subsidized rents or rent-free studios to artists. In the United States of America, the National Endowment for the Arts finances seven regional co-ordinators who provide a link between the Endowment and the State arts agencies, which are part of each State government and receive State funds.

Private organizations

Undoubtedly, many countries have private organizations sponsoring the arts and culture, in particular where special tax exemptions exist, yet very few are mentioned in the replies. Japan cites the International Exchange Fund, which is a special corporation to promote international cultural exchanges, and the judicial

persons for the public interest which are legally authorized (by the agency for cultural affairs) individuals, groups or corporations acting to promote various artistic activities. In Sierra Leone, the Arts Educational Association (AEASL) is a specialized professional organization that works closely with the Arts Education Division in the Ministry of Education. It has broad terms of reference to promote interest in the arts, to promote and organize opportunities for art education at all levels, to co-ordinate with other organizations, to protect the cultural heritage and to encourage creativity in the arts. The association has four regional branches and specialized curricula sub-committees to help it carry out its work.

The Arts Council of Australia is an independent body that has received both State and federal funds to help bring the performing arts to the people. It has eight divisions and over 200 branches throughout Australia.

Public financing

The extent of public financing for culture and the arts is difficult to analyse on a cross-country basis for several reasons. First, the countries replying to the questionnaire have different beliefs as to what constitutes cultural activities. Some include crafts and exclude architecture; others include sports and community recreation activities; and still others provide composite figures for both education and culture. Second, several answers cited a flat figure, without providing an indication of its proportion in the national budget or a comparison over time. Third, some answers did not specify whether the figures cited were federal funds only or a total of federal, State and municipal funds. In a few cases it is unclear whether the figures are quoted in current or constant prices. The figures given below are not intended as an international comparison but as examples of financial support in a few countries.

TABLE 1

Countries citing proportion of national budget devoted to culture and the arts

Country	Percentage of national budget	Year	Sum in local currency
Australia ⁽¹⁾	0.1	1975-1976	Australian \$24 million
Federal Rep. of Germany ⁽²⁾	1.0	1972	DM2,603 million
France	0.5	1975-1976	
New Zealand ⁽³⁾	0.5	1975-1976	NZ\$50.7 million
Norway ⁽⁴⁾	7.7	1974	
United States of America	0.022	1976	US\$82.4 million

- (1) Appropriation of Commonwealth Government to Australia Council.
- (2) Public expenditure for cultural and ecclesiastical affairs does not include funds for social security or training.
- (3) Proportion of GNP Figures do not include education or local expenditures on libraries, museums and galleries. Include expenditure on culture from lottery sources.
- (4) Composite figure for education and culture.

Figures reported from other countries are somewhat more difficult to assess. Japan noted that in 1975 it spent \$57 million on the promotion of arts and culture and \$48 million for various educational and cultural exchanges. In the Netherlands in 1972, the Ministry of Education and Sciences spent or allocated 74.4 million Guilders on culture and artistic education and the Ministry of Social Affairs allocated 105 million Guilders in grants and other social aid to artists, cultural workers and organizations (1). Australia, Canada and Sweden point out that their national government expenditures on the arts have increased from A\$7 million in 1972-1973 to A\$23.75 million in 1975-1976. In Canada, the Canada Council allocated \$10 million to the arts in 1970-1971 and almost \$22 million in 1974-1975, whereas the allocations to the humanities and social sciences activities of the council only increased from \$18 million to \$22.3 million for the same years. In Sweden, the State's cultural expenditure increased from 61.4 million Kronas in 1960-1961 to 146.5 million in 1965-1966 and to 329 million in 1971-1972 (2). This last figure is misleading, however, since it includes the cost of social payments and rents of State institutions which were formerly reported under different headings. Nonetheless, the increase still represents a real expansion of the cultural section in the State budget. Tables 1, 2 and 3 in Annex II provide more details on the Canadian and Swedish expenditures.

Bangladesh, Guatemala and Zambia reported that their national allocations to this area of activity were very low.

Role of public bodies

Despite the general similarity of active policies toward culture and the arts described by the various countries above, there is a divergence of views among several of them as to the exact role the State or the Government should play. There is considerable discussion underway in various government reports and debates as to whether support to artists, for example, should be direct (through subsidies) or indirect (creating a favourable environment for remunerable employment) and as to how various cultural funds should be used. The Government of the Federal Republic of Germany has noted that the role of the State should be to provide the necessary overall conditions so that the artist can work freely and independently. This includes an active promotion of the arts and ensuring that the provisions for social insurance, employment placement, taxation and intellectual property rights do not discriminate against the artist in comparison to other workers. But the State should not provide direct support to artists, nor favour him over other workers.

A similar view was proposed in a report commissioned by the Government of Sweden and in a report prepared by the Council of Cultural Affairs. The major role of the State should be to ensure the economic security of all workers, including artists. Regular provisions and rules and regulations in all fields should cover artists as they do other workers; in the event that they do not, then special measures would have to be envisioned. The allocation of stipends or fellowships was recommended for review, with a suggestion that either they be stopped or that they be treated as a regular source of income, subject to tax.

Norway has a somewhat different view. Support for the arts and literature should include a wide range of measures including direct assistance to artists. In a government report to the Storting in 1976 various means were proposed such as a guaranteed income, expanding the scholarship system, increased purchasing of books and works of arts etc. The Government believes that in the long run the public sector should take over most of the responsibility for financing cultural activities. The justification for this stand comes from a strong conviction that cultural activities are an important part of a country's identity

(1) 100 Dutch Guilders/Florin = US \$ 41.30, approximate rate in 1977

(2) 100 Swedish Krona = US \$ 23.60, approximate rate in 1977

and that Norway, like other small European countries, is too small to ensure a large enough market to support these activities without State financing. At the same time the Government has mentioned that such close and active involvement could lead to government direction or censorship, which it wants to avoid.

A difference among government policies can also be noted in the use of cultural funds and in the sponsorship of special schemes. Some of these schemes will be discussed below in more detail under the headings of Employment and Unemployment and Remuneration. Briefly, certain countries have a number of special schemes or grants and engage in the direct purchase of works of art (the German Democratic Republic and the Netherlands); some countries have established library fees so that authors do not suffer a loss of royalties (Norway and New Zealand); and others have provisions for commissioning art work to be included in public buildings, schools or urban development projects (France, the Federal Republic of Germany and the Netherlands).

Concerning the question of public or private financing, several countries actively seek private support. They include Australia, Canada and the United States of America, all of which provide tax incentives for patrons of the arts. In Canada a work of art purchased by a firm and exhibited on its premises can mean a 20% deduction from the sum liable to taxation. Private donations to museums can also be deducted from sums subject to tax. Similarly in the United States a donation to a cultural institution can be exempted from tax. A further measure in the United States of America to stimulate increased private funding of the arts is the activity of the Treasury Fund, a part of the National Endowment for the Arts especially set up for this purpose.

Before concluding this section of the report, a number of questions are raised that emerge from the above discussion. How and to what extent should artists and artists' organizations be involved in the setting of cultural policy? Do measures designed to promote the arts run the risk of commercializing art to the extent that art loses its special quality? If governments are actively involved in sponsoring and supporting the arts, are safeguards needed to curb excessive intervention or censorship, and if so, how should they be determined? Should developing countries adopt specific measures to protect their culture and concomitantly reduce the influence of the culture of industrialized countries, which is so readily exportable thanks to mass media and new technology? The fact that special schemes exist in various countries indicates, to a certain extent, that artists belong to a special category of worker. What, in fact, distinguishes them from other self-employed or salaried creative workers? All of these questions, and in particular the last one, should be borne in mind while examining the rest of the report.

II. TRAINING

Most of the answers to this section of the questionnaire focused primarily on a description of artistic training facilities at the specialized school and tertiary education levels. The questions dealing with policy, financing, social origin of students and an assessment of the adequacy of the facilities were answered unevenly.

National policies on artistic training

On the subject of national policies on artistic training, very few trends or differences emerged among the various countries. Only a limited number of replies identified such a policy. Australia, for example, noted that its policy was to facilitate an early identification of talent and to provide the appropriate incentives and training to ensure the full development of talent. Commonwealth

funds to assist the development of training facilities are mostly allocated to colleges of advanced education or universities, both at the tertiary level of education. In the German Democratic Republic, Article 18 of the Constitution stipulates that the State will promote and develop culture as well as the artistic interests and talents of all citizens, especially children and young people. In Bangladesh, a national policy on artistic training has been absent until very recently. Now the Government has allocated national funds for this purpose and has sanctioned the establishment of two new institutions: the Tribal Culture Institute at Rangamati for the training and preservation of tribal culture and the children's Academy at Dacca for artistic and literary training of children.

In most of the responding countries, all education and training matters from the primary up to the specialized school level are either the responsibility of the Ministry of Education, or of the State and Municipal authorities. Unfortunately very little information exists on the extent of artistic training at this level of education either in the private or the public sector. In some fields of art, such as ballet, elementary training for children is mostly private. Artistic training in specialized schools is in some cases (Denmark, German Democratic Republic and partly in Norway) the responsibility of the Ministry of Culture. Most university level institutions receive support from the central government.

As with the data in the previous section, no comparisons can be made on the extent of public financing of artistic training. In fact only a few countries provided figures. Denmark reported that the total expenditure for artistic training in 1973-1974 was 100 million Danish Krona, which represented about 2% of overall expenditures for all educational activities (4,543 million) by both national and local authorities. In 1972 the Federal Republic of Germany allocated a total of DM99 million for higher education in plastic arts (44 million) and in music (55 million), a figure which represented about 1% of all expenditures on higher education. In Guatemala the current annual budget for training in the arts is Q251,008. (1) In Sierra Leone, apart from a limited number of local and overseas fellowships awarded by the Government, there is no specific budget for artistic training.

The most common measure employed to promote artistic training is the granting of scholarships or various grants for travel or special projects. Although cross-country comparisons are again not feasible, the list below provides some sample data on the average amount of funds awarded to art students per year.

<u>Country</u>	<u>Purpose/Institution</u>	<u>Local currency</u>	<u>US\$</u>
1. Australia (means tested)	University level	A\$1,000-1,600	1.114 - 1824
	Post graduate	A\$3,150	3.591
	Teaching fellowships	A\$2,500	2.850
2. Denmark	Travel grants	DK2,000-20,000	344 - 3.440
3. Japan	Music college	¥100,000-¥1,000,000	370 - 3.700
4. Netherlands (not means tested)	Travel grants	Florin: 2,000	826
	Advanced training or individual projects	" 4,000-6,000	1652 - 2478
5. Norway (not means tested)	Advanced school (e.g. Academy of Art)	NK7,000	1.295
	Further advanced training	NK9,000	1.685

(1) One Guatemala Quetzal = US \$ 1.08

<u>Country</u>	<u>Purpose/Institution</u>	<u>Local currency</u>	<u>US \$</u>
6. Sweden	Higher art training Student loans	Kr. 2,000 Kr. 9,000	472 2.336
7. United States of America	Specific projects or advanced training	\$1,000 to \$20,000	-

The majority of these funds are public although the Japanese scholarships are funded primarily by private or semi-public organizations that support the music colleges. The US figures are from the National Endowment for the Arts, which allocates about 15% of its annual budget for various grants to about 700 persons each year. By and large the money is intended to be used as a subsistence allowance, but in some instances (United States) special projects such as films or music festivals are funded. Information on private funds was not made available.

The only countries that reported the proportion of students receiving aid in comparison to total enrolment were Bangladesh (2%), Japan (3%) and Denmark (72% of architecture students and 65% of music students). Other countries reported a limited number of fellowships in the arts: Pakistan (3-5 fellowships in each of the arts academies per year); Guatemala (10 fellowships per year). Total expenditures on fellowships were not reported.

Other measures designed to promote artistic training include matching grants to training or cultural institutions and special projects such as the setting up of workshops and communal centres. In the United States the National Endowment for the Arts has provided direct grants to community theatre projects and community institutions that offer training as well as exhibits and performances. Matching grants have been allocated to universities, independent colleges of music and programmes for training museum curators and to the American Film Institute. State-supported workshops and experimental centres are found in the German Democratic Republic, the Netherlands and in Sweden. In the Netherlands it was the artists who took the initiative to establish the Ceramics Working Centre in Heusden and the Plastics Workshop in Delft, and later secured government financing. In Sweden, old schools, homes for the elderly that are no longer needed and old buildings to be safeguarded because of a cultural value have been converted into workshops. Eight such workshops now exist in Stockholm and are administered by the local communities and the national union of artists. In the Federal Republic of Germany the joint federal Länder education boards have recently begun supporting experiments of music and artistic training in kindergartens and of special programmes for young people in regular art and music schools.

Level and characteristics of art education and training institutes

Training facilities in the arts are most prevalent in the performing and fine arts. In the performing arts, facilities for music are far more numerous than facilities for drama, ballet or dance or for opera. Of the countries replying to the questions on training only five to seven specifically mentioned facilities for drama, opera, dance and applied arts. Only a few mentioned schools for film making; two cited specific schools for literary activity; and only one mentioned a specialized school for circus artists. Six countries mentioned facilities for crafts. Several countries, like Australia, Denmark, the Federal Republic of Germany and the German Democratic Republic reported facilities or schools, supported by public funds, for most branches of artistic activity.

Japan, on the other hand, noted that private institutions carry out most of these activities, whereas public institutions only provide education and training for music, fine arts and architecture. It must be recalled that some answers were incomplete and that only a few countries provided detailed information. Many countries with extensive training facilities, either public or private, did not provide detailed information, including Canada, France, the United Kingdom, the Union of Soviet Socialist Republics and the United States of America. The only general conclusions that can be drawn are that facilities for education and training in music and fine arts are far more prevalent than for other branches of art, and that literary training is probably not provided in specialized schools but is part of general and university education. Most of the education and training reported in the replies takes place in specialized schools, academies or universities. Only a few countries cited courses or special streams within the general secondary education system. An example of the latter is Norway where optional courses in music, drama, form and colour, literature and filmatic theory are offered in both the academic and vocational streams in secondary schools. Special syllabuses for some artistic professions (e.g. fine and applied arts) have also been established in the vocational streams. The Federal Republic of Germany and the German Democratic Republic mentioned art courses in the general education system.

The question of introducing or expanding artistic education in secondary schools has raised some interest in two countries. In France, following a proposal by the Confédération des Travailleurs Intellectuels (CTI) to include art subjects in secondary schools especially as preparation for the specialized schools, the Minister of Education formed an inter-ministerial Committee on education and cultural affairs to study measures to implement the proposal. In Norway, given that some artists, especially dancers choose their careers at an early age, recommendations have been put forward to establish dance and ballet lines, in addition to the art lines, within the vocational stream in secondary schools.

Apart from the above examples, artistic training appears to be given primarily in specialized schools, at various levels but mostly at the higher secondary and university levels. Given the diversity of educational structures throughout the world, not to mention the limited data supplied in response to the questionnaire, it is difficult to compare specialized educational facilities at the so-called "higher secondary" or "lower-tertiary" level. The differences or similarities between the Bulgarian specialized secondary schools of music, the specialized schools in the German Democratic Republic and the various state schools of drama in New Zealand, Denmark or Australia are not easily identified. Suffice it to say that, in general, two major forms of artistic training institutions were described: (1) specialized or professional schools, academies, conservatories etc. not necessarily attached to a university; and (2) university level courses or specialized colleges attached to a university.

In the industrialized countries most of these facilities are public institutions and tuition is either free or low with financial assistance available to needy students. Japan differs from these countries since most of its professional training in music particularly is carried out by private colleges that charge up to Yens 1,000,000 (US \$3,720) for a four-year course. The number of existing institutions in all of the countries covered, as well as enrolment figures, are not available due in part to incomplete answers and in part to the fact that much of artistic training takes place in universities for which detailed data have not been provided. Sample data on the number of institutions in industrialized countries are as follows: Austria: 6 art colleges, not including universities; Denmark: 6 professional academies of various art forms excluding music and 4 academies of music; Japan: 49 music colleges (45 of which are

private) and 47 universities that provide music courses within the faculties of music; New Zealand: 3 professional schools outside the university system and 6 universities with faculties or courses in arts (performing arts only) and a Maori Arts and Crafts Institute; Norway: 6 State colleges or academies specializing in an artistic field. No specific figures were provided for Australia, however, it should be noted that many facilities exist at the tertiary level in almost all of the States.

In the Eastern European countries, Bulgaria (in the field of music only) reported 8 secondary schools, a national conservatory and a national school for composers: The German Democratic Republic maintains 12 higher educational establishments that provide some artistic training, 9 specialized educational establishments and 88 music schools that provide extra-curricula music training to students in general education schools.

Enrolment figures are almost non-existent. Only two countries provided relative figures: the Federal Republic of Germany reported that the total number of art students in higher education, professional schools and special art schools numbers 28,664, which represents 3.6% of the total student population. In the Netherlands artistic training comes under the heading of Higher Vocational Training, in 1973 there were a total of 87,710 students in this category, of which 6% (5,248) were studying visual arts. Other countries cited absolute figures, such as Austria, which had about 6,000 enrolled in its six arts colleges in 1975, while the Japanese Musicians Unions estimates that Japan has about 35,000 music students. The German Democratic Republic reports almost 4,000 students enrolled in higher and special schools, and Norway estimates about 460 students in art, music, opera and theatre schools, of which 300 are in the Academy of Music. Annex III provides a breakdown of some of these figures in selected countries.

As far as developing countries are concerned, few conclusions can be drawn given the small number of replies. In general, fewer possibilities for artistic education and training exist than in industrialized countries, although Bangladesh reported 150 arts training establishments in a wide variety of fields including literature, drama, music, arts and crafts and film making. These establishments are both public and private, have an enrolment capacity of about 100 students per institution, even though they are only 30% full (4,500) and they charge tuition. Pakistan also provides a number of artistic training courses, either through various universities that offer diploma courses, mostly in fine arts or through the National College of Arts in Lahore, the Academy of Music, which is sponsored by the Lahore Arts Council, or the Institute of Arts and Crafts in Karachi. These institutions are primarily financed by the federal or provincial governments, and tuition fees are charged. Actual enrolment in the arts currently numbers about 1,000 students, 600 of whom are registered at the National College of Arts in Lahore. In addition to diploma courses, art councils in six cities run classes on basic art training for the general public.

Other countries have fewer institutions. Malaysia and Sierra Leone both note that aside from courses in teacher-training institutions, almost no institutions exist for specific artistic training, except in Malaysia a few music and ballet schools are privately run and financed. Turkey has several music institutions including the Izmir State Conservatory, which has about 130 students and which charges only nominal fees. Zambia has a few public institutions offering courses in fine arts and music (Evelyn Home College of Applied Arts and Commerce and the Nkrumah College of Arts) and in literature (the University of Zambia), all of which are free. No private art schools exist in Zambia.

Social origin of students

Little information was provided on this question. In the developing countries (Bangladesh, Guatemala and Pakistan), most students attending art institutions come from the high or middle class, especially students in architecture who have the necessary academic and economic background to enable them to qualify and pay for this level of education.

Of the industrialized countries surveyed, only three provided data, which are not necessarily suited for comparison since the socio-economic categories differ and since two of the sets of figures are sample data based on a restricted number of either art students or practising artists. Nevertheless they are presented in Annex IV as examples in Western Europe. Basically the figures reveal that few art students or artists come from the working class or from an agricultural base and that the bulk came from families where the father is a salaried employee, either in the public or private sector.

Admission requirements, syllabuses, qualifications of teachers, certificates etc.

Admission requirements for most of the professional schools and university programmes are similar throughout the countries surveyed. In general the professional schools place more emphasis on a demonstration of talent (portfolio of art work, music or dramatic audition) than an academic achievement in secondary schools or on written exams. Still, they normally require a secondary school leaving certificate or at least ten years of general education. Entrance requirements at the university level usually include above average scores in secondary school exams, such as the baccalaureate, auditions for the performing arts and occasionally portfolios for the plastic arts. Written exams are not infrequent, whereas the administration of aptitude tests vary. In Japan, for example, there are written exams and auditions for music, but no aptitude tests. Aptitude tests however, are given in addition to auditions in Bangladesh and Pakistan. Schools of architecture have special requirements, including advanced preparatory examinations, which measure ability or aptitude in mathematics, design or engineering.

Information on syllabuses is very incomplete. Only seven countries replied to this question and focused their attention primarily on music, fine arts and architecture. No data were supplied in drama schools, literature programmes, film making or crafts and very little was said about ballet. In general both practical and theoretical courses are given, the latter including art history, music history and music theory. With the exception of architecture schools in general and art schools in Japan and the German Democratic Republic, little mention has been made of providing advanced general education in the liberal arts. The length of programmes vary from three years (diploma of arts in music in Tasmania, Australia or a specialized course in the German Democratic Republic) to four years for most Bachelors of Art, to five years (string instrument courses in the Federal Republic of Germany and most schools of architecture) to six or seven years for ballet dancers, conductors and music soloists.

Teaching qualifications are also fairly uniform among the countries. For the most part they have received advanced education and training and possess considerable skill in practising a given art form. Most institutions employ gifted practising artists to teach either on a full-time, part-time or temporary basis. Certain academic qualifications are often waived for them.

Teacher/student ratios vary according to country and to art discipline. A short list of the available information is presented below.

Teacher/Student Ratio

Art discipline

Country	Art	Music	Drama	Architecture	Overall
<u>Australia</u>					
New South Wales	1:11	1:6 (advanced school) 1:14 (University)	1:8		
Tasmania	1:12	1:9			
<u>Bangladesh</u>					
					1:30
<u>Denmark</u>					
				1:14	
<u>German Democratic Republic</u>					
					1:5 or 1:10
<u>Japan</u>					
					1:20 (1:1 for specialized skill training, e.g. soloist)
<u>Pakistan</u>					
					1:10

Certificates awarded include diplomas for specialized or professional schools and usually degrees at the university level. Most of the certificates mentioned in the replies have official recognition, and the university degrees are on a par with degrees conferred in other subjects. An exception to this is the certificate awarded by the Izmir State Conservatory in Turkey, which has no equivalence with degrees or diplomas from other schools. The number of artists completing training each year is not available for most countries. Only a few figures were submitted: The Japan Musicians' Unions estimates that 10,000 musicians graduate each year; Bangladesh reports 750 graduates per year; and the German Democratic Republic notes that about 850 artists, half of whom are in the performing arts, complete training annually.

Relationship between training and cultural institutions

Only a few countries mention ties between schools, academies or conservatories and orchestras, theatres or museums. The degree of co-operation ranges from more or less formal agreements, consisting of regular programmes, to implicit understandings and rather weak ties. In Denmark, for example, the music academies have agreements with professional orchestras whereby students are able to practise playing or conducting with the orchestras. Co-operation of a more informal nature exists between these academies and Radio Denmark, which transmits the academies' debut concerts. In the Federal Republic of Germany close co-operation exists between university schools and the Länder cultural institutions. Students in stage design, for example, are able to work with theatres; students in art restoration undertake assignments with the services for historical monuments and museums; and the television and film schools work with television network, as in Bavaria where students are allowed to practise at the television stations.

In the German Democratic Republic contractual agreements are established between the schools and practising artists or institutions. Students are able to assist in stage productions, art exhibits and concerts, and members of professional groups sponsor workshops in the various schools. Workshop-type of co-operation also takes place in New Zealand between artists and professional schools, as well as general education schools. Pakistan also stimulates such co-operation which is centrally administered by the Ministry of Education. Art students can use museums and art galleries free of charge for study purposes. Both Guatemala and Malaysia state that no such ties exist.

In Australia there are few formal relationships, but some of the professional schools are already institutionally attached to cultural institutions. In Victoria, for example, the National Theatre offers a three-year full time programme in drama, ballet and opera. Similarly the Australian Ballet School is associated with the Australian Ballet Company. Students majoring in artistic design at the National Institute of Dramatic Art have short-term assignments with professional companies.

Prospects and training requirements for employment

Employment prospects for art students depend in part on such obvious factors as talent and level and kind of education. In both industrialized and developing countries, university degrees qualify students to teach their art discipline at secondary schools, colleges or even at universities, if they have advanced degrees. Art administration and critics jobs are also open to university graduates. Students in the performing arts, trained at professional schools, attempt to join a professional group either public or private, but can also give private lessons. Television and radio provide limited employment opportunities for performers, but far more for artistic designers and technicians. The New Zealand Broadcasting Company, for example, only employs 25 "regular" actors for radio and 10 for television. Again in the performing arts, of the 10,000 music graduates per year in Japan, according to the musicians Union, most are women and do not seek employment. Twenty per cent become private tutors, 10% become school teachers, and only 0.1% are employed as actual performers.

Students in plastic and applied arts often seek employment as free lance artists, art restorers, museum curators, school teachers, industrial, interior or graphic designers, either with an enterprise or as self-employed persons.

Diploma or degree requirements for the practice of the above jobs vary considerably among the countries surveyed. Bangladesh, Guatemala and Pakistan all replied that certificates of study are required. In the German Democratic Republic, a diploma is needed but no special licence is required. Free-lance artists in pictorial and applied arts must possess a certificate from a higher educational establishment. In Malaysia diplomas are required for entry into Government teaching service, but not for private schools.

In other countries (Australia, Austria, Denmark and Japan) no formal requirements exist for the exercise of an artistic profession, except for architects and teaching art. Another exception in Denmark is the requirement of the Danish State church for diplomas from the music academies, other certificates not being recognized by the church. Only one specific example (Federal Republic of Germany) was cited in the replies concerning qualifications for performers. On the basis of a collective agreement between the German Trade Union for Performers and the German Association of Stage Productions, actors and singers must possess a certificate certifying that they have passed an exam given by a joint committee of the two organizations. No mention was made, however, to academic or training requirements.

In most countries training requirements for teachers and architects are defined by government authorities, who consult with advisory boards or the schools themselves. In other artistic professions, central bodies, such as the National Council of Arts (Pakistan), Council of Advanced Education (Tasmania, Australia), or government departments and national art councils (German Democratic Republic and Guatemala) establish guidelines in consultation with advisory bodies or committees of professional artists. In Denmark, the Academies of Music establish graduation requirements based on guidelines from the Ministry of Cultural Affairs and administer leaving exams that are set up by special committees composed of prominent musicians appointed by the Ministry. However, as mentioned before, except for the Danish State Church diplomas are not required for the exercise of a music profession.

Assessment of training facilities

Several industrialized countries have commented that their training facilities are not entirely adequate. One of the problems for Australia is making training available in remote areas. In some fields of art, ballet for example, there are few facilities and students must travel great distances to attend schools. This is a particular problem for young people, and yet training in ballet as well as in music should start at an early age. Training is also limited in the field of film and television for which there is only one school with an enrolment capacity of 25 students. In Japan there are no publicity supported schools for opera, dancing or theatre. The possibility of creating such schools is now under study. Denmark notes that there are not enough facilities to meet the demand, especially in the teaching of art. In addition, the architecture schools and the Royal Danish Academy of Art are under-financed. Norway has stated that establishing both a national ballet school and a school for training theatrical personnel other than authors (stage directors, technicians, costume designers) should be considered. And the Federal Republic of Germany believes there is a need to create communal recreation centres not only to provide artistic training to the general public, but also to provide additional employment to artists and to promote their contact with the public. Further, University Music schools in the Federal Republic are overcrowded and cannot meet the demand.

Among the developing countries, Bangladesh, Guatemala, Pakistan, Sierra Leone and Zambia all cite general shortcomings of their training facilities due primarily to a lack of funds to establish the necessary schools. Pakistan is currently exploring ways to overcome these shortcomings. One measure is the issuing of duty free import licences for art materials. The Pakistan National Council of the Arts has sent exhibitions abroad, not only to promote Pakistani art, but also to use the foreign exchange thus earned for training facilities in Pakistan.

Continued training and life-long education policies

No country has specifically described a national policy for life-long education. Most of the continued training that exists is either for teachers, in which case public institutions are often involved, or it is carried out by the various schools and/or professional organizations according to their own procedures, which means that facilities and opportunities for further training are very diverse. Concerning professional schools, three Australian schools offer refresher courses for practising artists who are graduates of their institutions: the National Theatre School (Victoria), the Australian Ballet School and the National Institute of Dramatic Art. In Denmark only the music academies have so-called "master" courses for fully qualified musicians that are supervised by outstanding foreign artists and lecturers. In the German Democratic Republic there are several facilities for further training: the Literature Institute

offer a one year further training course for writers; the Palucca School for Dancers runs summer courses; and there are various seminars for musicians, singers and choir leaders.

Other kinds of further training are provided by professional groups or professional organizations. Some examples include the refresher courses offered by the Danish Music Teachers' Associations; the film workshops organized by PARFIT (film association in Indonesia); courses and seminars provided by the Union of Norwegian Graphic Artists and the Norwegian writers' Unions, sometimes aided by public funds; and specialized short courses, given by highly qualified foreign artists, provided by the Turkish Directorate General of State Opera and Ballet for its performers.

Policies of equivalent or reciprocal recognition of diplomas between countries

Very few countries accord reciprocal recognition of diplomas. Bangladesh, Japan, Malaysia and Pakistan have specifically stated that they have no policy or provisions for this recognition. Other countries have such policies for some levels of education and for some professions. Austria and Guatemala recognize foreign degrees for higher level studies, the former noting that such recognition is dependent on the approval of authorities in the colleges of art. In Australia foreign architecture degrees are recognized if they seem comparable to Australian ones based on guidelines of the Architects Accreditation Council of Australia. Denmark has noted that reciprocal agreements exist among Nordic music academies, and that the European Economic Community countries are now studying similar agreements for architecture. In the Federal Republic of Germany no specific policy exists, yet the access of foreigners to artistic professions is not restricted except for teaching positions in public schools.

The major problem of equivalent or reciprocal recognition of diplomas is a lack of information about foreign programmes and degrees, coupled with the difficulty of establishing criteria for comparison purposes. These factors are probably not unique to the artistic professions.

III. PROFESSIONAL ORGANIZATION

Official recognition of the profession

The various artistic professions mentioned in the questionnaire are by and large recognized by most of the industrialized countries surveyed. The nature of this recognition varies from one of implicit acceptance and in some cases financial support to explicit recognition fixed in national legislation. Some countries, like Denmark, Japan and Norway, have not established an official definition of an artistic profession, yet provide diverse aid schemes to artists. In other countries, like Austria, special legislation has been introduced, such as the Theatrical Workers and Journalist Law. Special legislation also exists in the Federal Republic of Germany, not for performers but for so called "craftsmen", i.e. engravers, gold and silver smiths and bronze workers. To exercise these professions or crafts, the worker must have passed a "mastery test" as defined in the ordinance on Artistry. However, control over entry into the profession is not generally exercised by the States, except in Bulgaria and the German Democratic Republic where specific guidelines have been established, and except for the profession of architect, which often has State qualifications attached to it. Recognition in the form of a legal statute with special measures for social security,

tax schemes or employment contracts, for all artistic professions, was not mentioned in any of the replies.

In developing countries, the situation is varied. Two countries have specifically mentioned official recognition: Pakistan and Tunisia. In the latter a professional work permit "carte professionnelle artistique" is legally required (Law No. 69-32, 1969) for all professions concerning singing, dancing and music playing. The card is delivered by the Secretary of State for Cultural Affairs and Information on the advice of a professional committee whose composition and rules of procedure are fixed by decree. The artist is also normally required to pass an exam. Otherwise recognition of artistic professions is only recently coming to the fore in such countries as Bangladesh, Guatemala and Zambia. In Indonesia there is little official recognition yet the government subsidizes the association of film artists (PARFI).

The artist's role in decision-making in cultural affairs

The local and central bodies responsible for defining and implementing a country's cultural policy have, in many countries, called on individual artists to serve on various advisory panels or in some other consultative capacity. As was mentioned in Part I of this report, these countries included Australia, Bangladesh, Denmark, the German Democratic Republic, the Netherlands, Norway, Pakistan, Sweden, Turkey and the United States of America.

At the actual work level, the artist is active in decision-making mostly through the representatives of organized labour, as will be discussed below. However, in addition to this means of action, Austria mentioned provisions for workers' participation in works' councils. According to the Austrian Theatrical Workers Act, any theatrical undertaking employing more than 50 workers is obliged to set up separate councils for performing and non-performing personnel. These councils are informed of and consulted on non-renewal of contracts, working conditions and the hiring of new employees. The last function can be waived in emergency situations to replace an artist in order to avoid cancelling a performance.

The nature of professional organizations⁽¹⁾

The professional organizations vary according to country, as well as to art discipline and occupational status. Certain countries have highly organized and numerous organizations covering the artistic professions, including Australia,

This section is largely based on information received by governments and not by the organizations themselves.

Denmark, the German Democratic Republic, the Federal Republic of Germany, France, and the United States of America. A distinction must be drawn here between those that consider themselves as trade unions and are affiliated to national trade union associations and those that are professional associations. The trade unions, financed by membership dues, engage primarily in activities to protect the artists' rights as workers, including hours of work, remuneration, general conditions of employment (contracts, notification), social security, paid leave, sick leave etc. Collective bargaining is the prime means of action, based in some cases on special agreements or specific national law. From the limited replies on these questions, it would appear that the trade unions are most active in the performing arts (both salaried and free lance) and certain writing professions (script and scenario writers). None the less, unions in all branches of art are active in Denmark and Sweden.

The professional associations are much more diverse in nature than the trade unions. Their major aims range from promoting the arts in general, serving as a source of support or as a club for their members, engaging directly in selling of art work to protecting copyrights and exploitation rights. As a rule their members tend to be more self-employed than salaried, and more in the fields of plastic (or fine) arts and individual writing than the members of trade unions. The associations themselves do not normally engage in trade-union type activities, but do sometimes negotiate collective agreements.

Several industrial countries or associations in them have remarked that certain professions are inadequately represented by professional organizations or that the organizations in general are weak. Examples of the former include Japan, where only musicians and broadcasting actors and scenario writers are organized; Australia, which notes that painters, sculptors, writers other than journalists, and craft workers are loosely organized; France, where one of the national unions has stated that painters, sculptors, and mural artists are usually reluctant to form strong associations; and the United States of America where the American Guild of Musical Artists (an affiliate of the AFL-CIO) has noted that the field of classical modern dance is inadequately organized.

Norway has reported that most of its artistic organizations are concerned with promoting the arts and not with negotiating incomes and working conditions. At present, the performing arts organizations have less negotiating and bargaining rights over the exploitation of their works than do other categories such as authors. In 1974, 21 organizations got together to form the "Artists Action", a committee set up to study ways to encourage co-operation among the artistic professions and to devote more attention to occupational policies than had been done by the Norway Artists Council.

A few of the developing countries have cited professional organizations. Costa Rica and Guatemala have music, stage performers and radio and television workers' unions. Pakistan has two organizations, the Artists' Equity of Pakistan and the National Committee of Artists. In Indonesia the only organization mentioned is the PARFI, an association of film artists. Similarly Sierra Leone has cited only one organization, the Arts Education Association of Sierra Leone (AEASL).

No country has reported any special industrial relations provisions for artists. The only restrictions cited are those concerning artists who are government employees and consequently governed by public service acts.

A partial list of these various organizations, based on the replies, is presented in Annex V. Examples of trade union activity are discussed below in the section entitled Regulation of Employment and Conditions of Work, and some sample contracts are summarized in Annexes VIII to XI.

The extent and nature of organization among the artists seem to be as varied as the artistic professions themselves. Rather than answering questions about these phenomena, the replies raised additional ones. What accounts for these differences in outlook and collective behaviour? Are they desirable? What factors mitigate against strong organizations in certain professions? What are the effects of unemployment and low income on a desire to organize? How does the diversity of associations affect initiatives in national legislation to protect artists?

IV. EMPLOYMENT AND UNEMPLOYMENT

This part is divided into seven sections covering the number of practising artists, the main characteristics of the various professions, the extent of employment in non-artistic or secondary occupations, the role of public and private employment agencies, provisions for foreign artists, as well as for foreign travel by nationals, the extent of unemployment and special measures to cope with it and measures of employment promotion.

Number of artists

As might well be expected the information supplied in answer to this question was so incomplete as to make any comparison or compilation of total figures impossible. One of the problems was defining "artist" or cultural worker. Taking the broadest possible definition including artists, entertainers, writers and related workers, plus architects, as well as librarians, art gallery and museum staff, a few countries arrived at very general figures:

Australia:	33,000
New Zealand:	7,650
Norway:	11,000
Sweden:	20,460

Canada reported 20,000 employees in television and radio alone.

Austria and the Federal Republic of Germany have reported more precise total figures and have broken them down by occupational status, and for the Federal Republic, by art discipline as well. The figures for the Federal Republic of Germany do not, however, include literary workers.

	<u>Occupational status</u>		
	<u>Total</u>		
		<u>Salaried</u>	
		<u>Self-Employed</u>	
<u>Austria (1974)</u> ⁽¹⁾	19,000	47.5%	52.5%
<u>Federal Republic of Germany (1970)</u>			
Total: (excluding journalists)	<u>66,106</u>	<u>66 %</u>	<u>34 %</u>
Musicians and singers	29,521	74 %	25 %
Actors, dancers, other performers	10,723	73 %	25 %
Plastic arts	25,862	54 %	44 %

(1) Includes authors.

Annex VI shows the evolution of the number of artists in the Federal Republic from 1950 to 1970, by art discipline and occupational status. The total number, excluding journalists and photographers has dropped about 15,000 from 76,400 in 1950 to 61,600 in 1970. The biggest decline has been in musicians, singers and other music workers, who numbered 48,500 in 1950 and 29,500 in 1970, a drop of 40%. On the other hand, painters, sculptors and other artists in the plastic arts have increased from about 14,000 in 1950 to 21,300 (excluding photographers) or to 25,862 (including photographers) in 1970. During this time span there has also been a gradual shift from self-employed to salaried workers. For the musicians and singers in 1950 about 1/3 were self-employed. This has dropped to 1/4 in 1970. About 2/3 of the painters, sculptors etc. were self-employed in 1950 and less than half were in this category in 1970. For actors and dancers, on the other hand, the proportion of self-employed has increased slightly.

In New Zealand, based on a survey of its members (248) the Actors Equity reports that 44% are salaried, 35% are self-employed and 21% vary between these two categories depending on the job. For these same members, 25% of them work for the New Zealand Broadcasting Company, 25% as variety artists, 30% work in theatre companies and the rest are spread out in a variety of fields.

Also in the area of performing arts, the Confédération des Travailleurs Intellectuels in France has carried out a survey and reports a sharp decline in the total number of performing artists in recent years, including a 25% reduction in the number of actors and a 60% reduction of lyricists. In 1971 France had only one performing artist per 7,000 inhabitants whereas Great Britain had one per 5,000 and the Federal Republic of Germany had one per 4,000.

Other general figures reported on the number of artists include Guatemala (about 1,500 plus over 3,000 members of marimba groups throughout the country); Japan (about 11,700 musicians); and Turkey (between 1,500 and 2,000 performing artists).

Besides the problem of defining "artist" or cultural worker, there are other problems in calculating the number who exercise a profession. The number of self-employed are difficult to assess, especially those who rely on non-artistic occupations for a source of revenue; and there are part-time and occasional workers. More precise studies will have to be carried out before even an indicative figure can be identified.

Characteristics of the various art professions

Based on the few replies received (Australia, Austria, France, German Democratic Republic, Guatemala, Japan, Norway, Philippines, Sweden and Turkey), to a question concerning the particular conditions of the different art professions, a general classification and brief description are provided below. It should be mentioned first that as far as the German Democratic Republic is concerned, all artists, as all other workers, are State employees and consequently subject to the same legal provisions especially those pertaining to labour and social insurance. However, some professional groups such as musicians and ballet dancers have fewer working hours than other workers. Night work is an accepted fact of life for most performing artists, even though the German Democratic Republic has tried to limit it by prohibiting rehearsals at night (or on Sundays) and to compensate it by special allowances for regular night performances.

A very tentative classification of the art professions, based on the other replies, follows:

1. Artists in the plastic arts (painters, sculptors, graphic artists). Most painters and sculptors have working conditions similar to the self-employed as they seldom engage in regular contract relationships. They often earn their living from exhibits held in private galleries at the artist's risk and expense. The contract work that does exist is in the form of commissions, which are sporadic. As will be shown below, some publicly financed commissions exist in a few countries. Graphic artists, draughtsmen, cartoonists, book illustrators etc. are more likely to be employed, even if on a free-lance or short-term basis.

For those artists who are self-employed, conditions such as work setting, changes of residence and special hardships (such as night work) will vary almost on an individual basis. Concerning the continuity of employment, however, as is true for other categories of artists, several intangible - and perhaps uncontrollable - factors play an important role; the presence or absence of creative inspiration and public taste.

2. Performing artists (actors, musicians, dancers, entertainers, singers). This is a broad category with many diverse characteristics according to specific discipline. but also with similar conditions that are worth mentioning. Except for those performers engaged for long periods by national theatres or companies, most work is on a fixed or short-term basis agreed upon by contract. Actors are frequently engaged for the length of a particular production, which may be less than one year. Sweden, for example, reports that only 40% of its actors have one-year contracts. Variety artistes and some individual musicians or musical groups are sometimes engaged for a single performance. Musical groups playing for restaurants or clubs may have a daily, weekly or monthly engagement.

This common condition of relatively short-term contracts results in a multiplicity of contracts and employers, which means frequent changes in work locale, that may not always be adequate in terms of physical amenities and "healthy working environment". Because the supply of performers is greater than the demand in most industrialized countries, and given a low wage scale also reported in many of these countries, this category of artist is often obliged to accept such inadequate working conditions, sometimes coupled with heavy travelling schedules. The Japan Musicians' Union mentioned these hardships in particular, as well as the fact that many entertainers at clubs and cabarets and popular music groups have a steady diet of late night hours, long playing periods and poor touring conditions.

Other problems resulting from this short and multiple contract-type of employment - in terms of remuneration, social security, dealings with agents and impressarios and special working conditions - will be discussed below under various headings. (Regulation of Employment and Conditions of Work, Remuneration etc.). In general it can be concluded here that the performer's employment has a precarious nature.

Concerning other conditions specific to the professions, there are differences among the performers with regard to the length of a career. For physical reasons, dancers have a rather short career, sometimes being forced to stop performing by their mid-thirties. Singers have a much longer career than dancers, but a shorter one than actors. In general, however, most performers need a certain stamina and physical condition to exercise their profession - requirements that are hampered by ageing; perhaps more so than requirements needed for writing or plastic arts.

As to the right of performers to control the secondary uses of their performances, only 19 countries in the world have acceded to the Rome Convention, signed in 1961. This Convention defines a limited control for performers over fixations (recordings, films, etc.) and broadcasts of their works, and provides for remuneration in some instances. This convention will be discussed further under the heading of Remuneration.

3. Authors and other writers. Like painters and sculptors, the conditions of authors are similar to the self-employed. They rarely have an employment relationship, but rather produce a "product" which is sold at an agreed price. Normally they work on a commission basis, with a contract specifying royalties and copyrights, which often bind them to a publishing firm. Conditions such as work settings, changes in residence and night work vary from individual to individual. The special hardships authors encounter include the securing of adequate contracts with publishers, especially for young or unknown authors, and ensuring that they receive the proper amount of royalties once their works are on sale. The Confédération des Travailleurs Intellectuels in France has noted that authors frequently have to struggle for their royalties as well as to combat certain commercial practices unfavourable to books that are not immediately successful. Sweden states that their remuneration is too low to ensure a living and consequently over one half of them have another occupation.

Other writers, such as script and scenario writers and journalists, generally are faced with a different set of circumstances than authors. Journalists may either work on a free-lance or short-term contract basis or as permanent or long term employees. Script and scenario writers, who are increasing rapidly in number due to radio and television programmes, work mostly on a short-term contract basis. They, as some performers, will have numerous contracts, employers and work settings during the course of a year. Similarly, they often have little control over the secondary uses of their work, being obliged under most contracts to renounce all rights concerning the work itself.

4. Designers and craftsmen may be employed by industrial enterprises on a long-term or short-term (by product) basis. Otherwise these artists normally work as self-employed persons selling their "products" to retailers or directly to buyers. It is not unusual for them to combine their artistic work with a small scale business activity.

5. Artists in professional areas (architects) Only Australia provided information on the special conditions of this profession. Architects seem to have a wide range of employment possibilities, like other professionals, including long-term employment for a firm and self-employment on a commission, contract or consulting basis.

An essential feature of the work situation surrounding all artistic work, according to an official Swedish Committee Report, (1) is that while different legal provisions govern the way the work is carried out (self-employment, contract and commissions), the borderline distinguishing these provisions are often vague, and artists continually move from one regime to the next in a short period of time.

Official information about these various professions as well as career prospects in them is not generally available in most countries. Only Austria and the German Democratic Republic have noted the existence of a directory of artistic careers, either in the form of an official register or a more detailed directory providing details about training requirements and possibilities. In Sierra Leone the AEASL is planning to publish such a directory for use in secondary schools, colleges, technical institutes and adult education and cultural centres.

Secondary employment, including non-artistic occupations

Almost all countries responding to this question have stated that artists, in general, are obliged to engage in supplementary work to earn a living. Precise information on the proportion who do have secondary occupations, according to art discipline and to the nature of the supplementary work was, however, not provided.

(1) Placement in the Cultural Area - DS.IN 1972:5

Some of the problems in assessing this information, besides the obvious handicap of not having a comprehensive figure on the number of artists, are reporting difficulties and problems of definition. What is artistic work? It is often a subjective judgement that decides whether an actor doing television commercials is engaged in artistic work. To overcome this last problem, Canada and Norway presented their data in terms of occupations related to the arts, or "secondary arts" and of occupations of a totally non-artistic nature.

The table below provides information for three countries:

% of Artists working in other occupations

Field of Art	FRG		Canada		Norway	
	Total	Total	Second. arts	Non-artistic	Secondary	Non-artistic
Music	16	17	12	5	-	-
Dance)		6	4	2	-	-
Other)	8					
perform-)		17	11	6	-	-
ing arts)						
Plastic arts	6	-	-	-	34	28

Annex VII provides more detailed information on Canadian artists including the proportion of unemployed. Considering other occupations and unemployment, only 51% of theatre artists and 58% of music artists in Canada are engaged in their primary occupation.

While other countries have not provided a breakdown of supplementary occupations by field of art, several of them mention high rates of non-artistic or secondary artistic employment. An organization for painters and sculptors in France notes that about 50% of their members have non-artistic employment that occupies them on a half-time basis. The Japan Musicians' Union also cites a 50% figure engaged in secondary work. In addition to the conditions of Swedish authors cited above, many cultural workers in Sweden are also obliged to perform another job. Austria, Bangladesh, Denmark and Zambia have also noted a high proportion of artists in other occupations. Bangladesh quotes a 30% figure and Zambia quotes a 90% figure.

The nature of the other occupations vary. Those related to artistic work include advertising and publicity, commercial art, teaching or editing. Non-artistic work includes general teaching, clerical and office work and other jobs in the tertiary sector. Denmark reports that many artists prefer to work as unskilled labourers so as to be available for artistic work on short notice. It also reports that because of an agreement between the teachers' union and the public authorities, artists are not engaged in primary schools, although they can teach in secondary schools. In New Zealand the survey of the members of Actors Equity has revealed that only 33% of them work full time and 64% work part time. Those engaged in other occupations worked in the following areas: manual work - 7%; education/science/professional - 46%; managerial/executive - 17%; clerical/sales/service - 20%; and 10% in other areas.

Private and public employment services or agencies

The practices of public employment services and private agencies in placing artists in employment vary considerably from country to country. In general public services are rather inactive or limited to helping those artists seeking a salary rather than a commission or a contract. Private agencies range from being very active (e.g. Australia, United States) to being prohibited by law (e.g. Norway). In those countries where private and/or temporary agencies do operate, they are usually regulated by laws that stipulate the amount of fees that can be charged.

The public employment services or labour exchanges in the Federal Republic of Germany, the German Democratic Republic, Norway and Sweden provide some help to artists. The services in the Federal Republic of Germany are, in fact, quite extensive. In addition to the central or national exchanges, there are specialized agencies, mostly catering for performers, such as the "artists services" and the Central Employment Exchange for Stage, Television and Film Employees. In Norway and Sweden services for performers are also provided by specialized bureaux or departments, although the unions and associations are more active in this area. For example, eight Union Exchanges work for musicians and artists in Sweden. The Musicians' Union in Japan is similarly engaged in employment exchange services on a non-fee charging basis.

In other countries the public services provide more limited help or none at all. In Japan they engage in no placement work for musicians, and in Austria the services are limited. The Commonwealth Employment Service in Australia will only place artists seeking salaried positions and will not provide services for those seeking contract or commission work.

With the exception of Bangladesh, public employment services in the developing countries provide almost no help to artists in practice, although theoretically the labour exchanges are available to all workers.

Private employment agencies are prohibited in some countries like the German Democratic Republic and Norway. In other countries, like Sweden, they are permitted to operate, provided they do not make a profit. Maximum fees to cover costs are set down in guidelines established by the Swedish Labour Market Board. Profit making agencies, which are active in placing artists, are permitted in Australia, Austria, Denmark, the Federal Republic of Germany, Japan and the United States of America. In most of these countries the agencies are regulated by national laws and are required to obtain licences. Rates of fees are normally fixed in laws or regulations. In Austria, Denmark and Japan, for example, the fees paid by the artist, range from 6% to 10% of the wage paid. In Australia fees may be charged to the artist, the employer or both. On the question of regulating these private agencies, little mention was made of ILO Convention No. 96, Convention concerning fee-charging employment agencies.

Several general questions or problems were mentioned with regard to these various placement activities. First, in a few countries priority in employment opportunities in the public and semi-public sector is sometimes given to graduates of national art schools. This priority is primarily in the field of teaching. On the whole, however, the granting of special priority is not a widespread practice.

Second, the placement of artists is a particularly difficult task since most jobs are either short-term or on a contract basis. A vivid example of this was provided by the Federal Republic of Germany. During 1973-1975 the number of artists placed in employment by the public services numbered almost 300,000. Of these 90% were short-term jobs, most of them for under seven days. Only 4% were

for jobs lasting for more than three months. The consequences of short-term jobs on placement offices can be readily appreciated: a high demand for service by artists, entailing substantially higher placement costs as compared to other kinds of jobs. If profit-making agencies are used, the financial consequences on the artist can be considerable; in an extreme case an artist could conceivably pay 10% of his weekly or even daily wage to an agency.

A third problem mentioned was one of controls. In some countries where private agencies are regulated it is often difficult to enforce the laws. Even in Norway, where they are prohibited, private agencies have been found to be operating. The Japanese Musicians' Union has also complained that private agencies often charge more than the allowed fee, but that few sanctions are applied.

Provisions for foreign artists and for foreign exchanges and contacts

Artists wishing to reside temporarily or even permanently in a foreign country are generally subject to the same rules and regulations affecting other categories of immigrants or aliens.

Almost all countries cited the requirement of a work permit, except in a few instances where reciprocal agreements exist as in the European Economic Community or Nordic countries. A few countries make exceptions to these general restrictions. Australia, Bangladesh and Japan consider applications of internationally known artists favourably, and may grant them residence permits outside of regular eligibility rules. Norway allows foreign artists who are paid by foreign employers that do not have permanent offices in the country, to reside and work in the country.

Temporary permits for short-term engagements are usually granted without difficulty, although national groups and unions of performers are beginning to object to the intrusion of foreign artists who reduce employment opportunities for the nationals. This objection is primarily centred on hiring policies of national theatres and orchestras, and not on individual performances.

Facilities available to artists for contracts and exchanges with foreign countries are usually provided through international cultural agreements. These agreements mostly benefit members of performing groups; facilities for individuals are generally limited to scholarships or special programmes financed by private organizations.

Unemployment and measures to assist or redeploy unemployed artists

Information on unemployment rates was only provided by a few countries. None the less most countries, while not able to provide statistics, reported that these rates among artists were higher than average. Only the German Democratic Republic stated that they had no unemployed artists.

One of the problems in determining unemployment levels, in addition to the general lack of statistics and problems of definition, is assessing the extent to which those artists with a self-employed status (authors, painters, sculptors etc.) are under-employed or unemployed. Given the almost total lack of information on these artists, their level of income and employment in secondary occupations would have to be examined more closely in order to determine their conditions of employment. The few figures that are available, therefore, mainly concern performing and entertainment artists.

The figures on performing and entertainment artists were not always broken down into uniform groupings, which means that some countries reported actors and dancers together, while others combined figures for musicians and dancers. Nevertheless, the available information is as follows:

% of artists unemployed

Actors

Canada	21%	
France	80%	(during some part of the year)
Norway	33%	

Music artists

Canada	12%	
FRG	5%	
Norway	15%	
U.S.A.	50%	(musical artists who are members of AGMA = singers musicians, dancers - and who are unemployed during some part of the year)

Ballet and dance

Canada	10%	
FRG	11%	(include actors, dancers and other performers)
	9%	(variety artists)
Norway	50%	

Bangladesh reported a 50% unemployment level for all artists. Except for the Federal Republic of Germany, the year on which these figures were based was not provided. For the Federal Republic the figures were collected in 1974 when the overall unemployment rate was 1.2%. This demonstrates how serious the unemployment problem is for artists. The Federal Republic of Germany also provided additional details on these figures. First, the increase in unemployment of all categories of artists from 1965 to 1974 has been 52%. Second, the duration of unemployment varied: 60% of them were unemployed for less than three months; 30% were unemployed for less than 12 months; and the remaining 10% were unemployed for over a year. Third, the age groups were affected differently: 2/5 of the unemployed were under 30; 2/5 were between 30 and 45; and 1/5 was over 45. The different art disciplines have experienced diverse patterns of unemployment according to age. Musicians, singers and dancers tend to have higher unemployment rates after the age of 45 (Norway also reported a similar trend); and actors are most vulnerable between the ages of 30 and 45. And fourth, women have been over-represented in all unemployed groups.

It is clear that most of the above figures are only very general indications, and that more data would be needed, as was provided by the Federal Republic of Germany, on the duration and differences according to sex, age and art discipline and on overall unemployment trends in order to present a coherent and valid view of unemployment of artists. Despite this lack of information, however, most countries have noted that artists have substantially higher rates of unemployment than other categories of workers. Paradoxically unemployment rates are increasing while the actual number of artists is stagnating or even decreasing, as is the case in the Federal Republic of Germany.

The causes of unemployment are many. (1) Apart from the current economic recession, several factors can be cited. First, for performers, demand is often related to seasons with unemployment increasing during the off-seasons. Second, there are a number of uncontrollable factors, such as age (for dancers), public taste and fashion trends that change periodically. Third, there have been some structural changes with the increasing disappearance of variety shows and the upsurge of television and radio shows which tend to provide fewer jobs than live performances. Moreover, recorded sound and films have been a major cause of technological unemployment. Whatever the cause, the consequence on the artist is considerable: job insecurity and unstable income, which not only affect the working life but also the eligibility for certain benefits such as unemployment insurance and social security provisions. These benefits, or lack of them, are discussed in a separate report, prepared by the ILO, to be submitted to the Joint ILO/UNESCO meeting of Experts on the Status of the Artist.

Special schemes to assist unemployed artists, in addition to unemployment insurance and placement programmes (noted above), appear to be few in number. Some countries reported public grants directly to artists (Bangladesh and Pakistan) or to programmes and companies to enable them to engage more artists (Australia); one country reported trade union assistance to members (Austria).

The Netherlands, however, provided a detailed description of its "artists scheme". Administered by the Ministry of Social Affairs, the scheme is aimed at practitioners of the fine arts (painters, sculptors and graphic artists, but not film makers or photographers), who are self-employed or who work on a part-time basis. The objective is to help artists who are temporarily unable to subsist on their own work to continue practising a profession. The scheme provides these artists with an income by acquiring their works, and by paying commissions for designs or for other work or services. It is financed both by the central Government, which pays three-fourths of the cost, and by municipalities, which cover the remaining fourth. Besides a financial need, eligibility is based on creative ability or skills and level of professional activity which are determined by the municipal authorities in consultation with local or regional advisory committees. Candidates must also be at least 25 years old. * In 1975, a total of 40 million guilders (US \$16.4 million) was spent on this scheme.

The Netherlands also finances an emergency fund which is a form of non-recurring aid for special purposes - for example, to aid relatives of artists who are in financial difficulties. Furthermore, the Government promotes secondary employment opportunity for artists by creating jobs in teacher training at art schools and by hiring artists as tourist guides.

The future employment prospects for all categories of artists are unknown. Except for a few general comments by one or two developing countries on a possible future need for accomplished artists, the replies provide no information on forecasts of the balance of manpower supply and demand or of the types of openings in the artistic professions over the next few years. The Japan musicians' union did mention, however, that recorded music would continue to have a negative impact on the employment opportunities for musicians.

There was a similar lack of information provided on special research concerning the redeployment of artists who are unable to work in their profession. Most countries did not address themselves to this question and of those that did, only two furnished information on redeployment schemes in general, but not on any research. Australia cited its national employment and training system (NEAT), which is a labour market retraining scheme to help any category of worker to obtain the necessary skills to enter a new field of employment.

(1) K. Lia Fohrbeck and Andreas J. Weisand, Der Künstler-Report, Carl Haasen Verlag, München - Wein 1975.

Trainees are paid an allowance and may study either at an educational institution or on the job. The German Democratic Republic also provides retraining facilities, particularly for those artists who are unable to continue in their profession because of ill health or age (for example, ballet dancers). Moreover, all workers in the German Democratic Republic are entitled to learn new skills and to exercise a new profession after having worked from 12 to 25 years in their original profession.

Employment promotion measures

A number of countries have sponsored special schemes or measures designed to promote artistic and cultural activities which help to increase the possibilities of remunerative work for artists. These measures include State purchases of art or promotion of exhibits; payment of library fees to authors; loans and other funds to subsidize rents and the purchase of materials; fiscal relief to art patrons; and provision for a certain percentage of construction costs of new public buildings to be spent on artistic work that will be part of the building.

This last measure is often called the one per cent scheme, since that percentage figure is the one most frequently applied. Six countries reported the existence of such schemes: Austria, France, the Federal Republic of Germany, the Netherlands, Norway and Sweden. The artistic works are normally sculptures, paintings, murals, special designs (e.g. leaded windows) and tapestries. Artists in these countries are increasingly demanding not only an increase in the percentage figure but a role, which would be remunerated, in the planning and designing of the buildings in order to have a say as to what art form will be used as well as how it will be displayed.

A measure related to the one per cent scheme is the association of artists in city planning and urban development. The Netherlands and Sweden employ artists to assist in the design and development of public squares, pedestrian zones, and the conservation of historic sites. The Government of the Federal Republic of Germany is also interested in such measures and has commissioned a research project on co-operative town planning with the assistance of artists. The Federal Republic is also examining ways for artists to be more closely associated with programmes in communal recreation centres and in museums.

State subsidies for the purchase of art works or for the promotion of exhibits exist in several countries. Of the developing countries, Bangladesh, Guatemala and Pakistan reported that the State periodically sponsors exhibits and national festivals and supports art galleries so that artists can sell their works. France, the German Democratic Republic and the Netherlands purchase art works for museums and State exhibits. The Netherlands has also instituted two special schemes in this regard. One consists of paying artists a fee for the loan of their works to State exhibits. The other scheme is a subsidy to art patrons to encourage them to purchase art works. In all State-approved exhibits, the buyer only pays 75% of the cost of the art work, and the State pays the remaining 25%. This scheme applies to foreign artists as well.

The Netherlands also provides financial support directly to artists in the form of interest-free loans for the setting up of studios, the purchase of art materials and to cover the cost of experiments in the use of new materials or of new forms of communication in the visual arts.

Fiscal and tax relief to art patrons was cited in the replies of Austria, Canada and the United States of America.

Schemes for the promotion of literary works were reported by Australia, New Zealand and Norway. These countries have set up special funds to pay artists a fee when their books are available in public lending libraries. The Government of Norway also supports national authors by purchasing 1,000 copies of all new works of fiction, poetry and drama.

The only special employment promotion measure mentioned for performers was cited by Japan, where the State periodically plans public concerts and other performances and ensures a minimum remuneration for these events. The film and television board in Australia has recently supported film festivals in order to encourage this medium on a national level. Otherwise, no special mention was made of schemes to aid actors, dancers or other performers.

V. REGULATION OF EMPLOYMENT AND GENERAL CONDITIONS OF WORK OF SALARIED ARTISTS

Form of Employment Regulation

The existence of special statutes or other legal provisions especially designed to govern the employment of artists appear to be rare. Only Austria cited specific laws for theatre workers, journalists and variety artistes. Most of the countries reported that salaried artists, like other workers, are covered by general labour legislation or labour codes, which serve as a basis for collective agreements or individual contracts. This is the general situation for Australia, the Federal Republic of Germany, the German Democratic Republic, Japan, New Zealand, Switzerland and the United States of America.

In Austria, salaried artists are subject to the same labour legislation that applies to other wage earners except where special provisions are stipulated in national acts for certain artistic professions. These acts include the Theatrical Workers Act, the Journalists Act, the Wage Regulations for Artistes and some clauses of the Employees Act. The Theatrical Workers Act requires work contracts to specify the exact dates of engagement for all performers as well as the exact role of minors in performances, specifications which are not, for example, mentioned in the General Civil Code. Similarly, the Acts provide for different measures as regards probationary periods and advance notice of dismissal or resignation. Probationary periods under the Theatrical Workers Act are not allowed, whereas under the Journalists Act they are permitted for up to one month, whereupon either party may terminate the engagement.

The amount of advance notice also varies considerably. The provisions in the Theatrical Workers Act are dependent on the "performing season": engagements of an indefinite period normally conclude at the end of the season, and written notice must be given by 15 February for the winter season. The Journalists Act stipulates that at least three months notice must be given, with the period increasing by one month for every year after five years' employment, up to a maximum of 12 months' notice. An exception to this regulation exists for an editor who is entitled to resign immediately in the event that the newspaper changes political orientation. Other artists are covered by the Employees Act which states that the employee must give one month's notice and the employer a minimum of six weeks during the first two years of service, with increasingly more notice as the length of service increases. As for artistes, the Wage Regulations stipulate a minimum notice period of 15 days, to be given at the end or in the middle of the month.

As mentioned above, the employment of artists in other countries is generally governed by collective agreements or individual contracts based on general labour legislation. A few differences exist among these countries concerning the prevalence of collective agreements over other measures and the applicability of

collective agreements to artists working on an occasional basis. In Australia, for example, industrial awards from arbitration procedures provide the basis for most contracts, whereas in the United States of America very detailed collective agreements have been worked out without formal arbitration. Except for Argentina, where collective agreements are prevalent, many of the developing countries reported that employment is normally governed by individual or ad hoc contracts, subject to general labour legislation. (In Turkey many of the performing artists are civil servants and consequently subject to a uniform set of regulations.) Japan and New Zealand also reported the predominance of various contracts over collective agreements.

Almost all responding countries noted that either the collective agreements or the special laws mainly covered salaried artists alone. Individual performers or free-lance artists normally concluded their own contracts. An exception to this was reported by the Federal Republic of Germany. An article in the Law on Collective Agreements, introduced in November 1974, allows some self-employed artists to benefit from the provisions of collective agreements or conventions as long as their work situation is analogous to that of a salaried worker.

Provisions of arbitration awards, collective agreements and contracts

Examples of arbitration awards were supplied by Australia and examples of collective agreements by Argentina and the United States of America. These agreements set forth minimum conditions of employment in a number of areas; terms of engagement (by week, by show or casual); basic minimum wage; travel accommodation and transport; absence from duty; notice of call time; cancellations or postponements; hours of work; meal breaks; overtime and penalty rates; public holidays; annual leave; length and payment of rehearsals; and arbitration procedures. The collective agreements in Argentina and the United States of America usually include a model contract which stipulates that the signatories will apply the provisions of the agreement. Further the collective agreements in the United States of America also include provisions for the rights and use of recordings (if applicable), limitations of discrimination and strikes, cost-of-living clause and pension and welfare funds.

Summaries of some of these agreements are presented in the annexes to this report. The agreement reached by the American Federation of Television and Radio Artists (AFTRA) and its employing organizations on the minimum terms and conditions for radio artists is summarized in Annex VIII. This agreement, concluded for a period of three years, lays down very specific terms of payment, according to whether the programme is an original broadcast, a rebroadcast, a rehearsal, audition or dramatized commercial. The fees are also calculated for each profession (actor, singer, announcer, sports-caster) and by the length, in minutes, of the broadcast. The agreement also covers notice of termination of contract, postponements, name credits, location of work, as well as the other general provisions mentioned above. The major provisions of a standard dancer's contract established by the American Guild of Musical Artists (AGMA) are listed in Annex IX.

Summaries or examples of two other types of contracts, concluded in New Zealand, are presented in Annexes X and XI. The first concerns the rules of pay and conditions of employment of members of the New Zealand Broadcasting Corporation Symphony Orchestra, and the second is a contract for scriptwriters of television programmes. The latter is significant because of the provisions concerning the rights over the written material by the writer and the employer. Once the New Zealand Broadcasting Corporation pays for a script, it has the right to broadcast it on television. However, if it wants to rebroadcast the material

(or to repeat the right originally purchased), it must pay 50% of the original fee for the first repeat and 25% for each subsequent repeat. Recordings of the script can be used for the private purposes of the Corporation and for extracts of programmes of a historic nature. The contract also includes a schedule of fees and provisions for name credits.

The existence of model or standard contracts is also reported in Austria, the German Democratic Republic, Japan (very limited application), and Norway. In Norway if the public employment services are placing an artist, they arrange for these contracts to be completed before employment starts. Model contracts do not exist in Australia, Bangladesh, the Federal Republic of Germany and Switzerland.

Special legislation, collective agreements or model contracts for artists who work on a temporary, occasional or part-time basis, are sometimes included in the provisions for full-time employees. For example, the collective agreements concluded in the United States of America by AFTRA, AGMA and the Screen Actors Guild (SAG) make no general distinction between full-time and other artists. The schedule of fees and other provisions are laid down in such a manner that they apply practically to all artists engaged in these fields. In Austria the Theatrical Workers Act and the Journalists Act stipulate certain minimum employment periods in order for the artist to be covered by them. In the former, for example, any artist working less than six months is not entitled to any paid leave. The latter requires that journalism must be the main means of gainful employment and must occupy the worker at least half time in order for the Act to apply. The Wage Regulations for Artistes makes no distinction between full-time, occasional or part-time workers.

In general, however, except for the provisions of collective agreements, no special arrangements appear to exist for artists who do not work on a full-time basis. Given that most artists are either self-employed or work largely within the framework of short-term contracts (as discussed in a previous chapter), the absence of special arrangements may be particularly serious as regards social security and tax provisions. Some information on these problems is presented below, but in general the information provided in the replies was not adequate enough to assess the true employment status of the artist.

Independent service contracts

Virtually no information was furnished concerning independent service contracts such as those dealing with royalties, fees between impresarios and performers or free-lance agreements, nor was information provided on mixed contracts.

Hours of work and overtime

Most artists, even if salaried, have irregular work schedules depending on particular contracts and employers. This fundamental characteristic of the artistic profession necessarily means that the hours of work are difficult to define and are frequently subject to change. In general, aside from specific provisions in collective agreements, the limits to the artists' hours of work are set by general labour legislation (e.g. The Hours of Work Act in Austria and the Workers' Protection Act in Norway). Forty hours a week is the norm for regularly employed artists, with some countries somewhat above this (Switzerland 46 to 50 hours; Bangladesh and Zambia 48 hours) and some a little below (U.S.A. 30 to 40 hours; Turkey and New Zealand 30 hours). In practice the length of actual working time varies according to profession, to whether there are rehearsals combined with performances and according to provisions in collective agreements. Austria, the Federal Republic of Germany, Norway and the United States of America all noted that the standards set down in labour legislation could be

applied flexibly, if collectively agreed to, for certain performing and journalistic professions. However, some of these countries - Austria and Norway - cited maximum limits of working hours for a given day: 12 hours in Austria and 9 hours in Norway.

Hours of work specified in collective bargaining agreements are often based on the length and number of performances and rehearsals rather than on a daily or weekly schedule. In Argentina, for example, the collective agreements worked out between variety artistes and circus performers state that in "high" season (1 April - 30 November) no more than 12 performances will be given weekly, with a maximum of 3 per day on Saturdays, Sundays and holidays. The actors in Argentina have agreed that if a performance lasts 2 hours and 10 minutes, 2 performances can be given per day, with 3 on Saturday, Sunday and holidays. If the performance lasts longer, then only one will be given per day.

The industrial awards in Australia carefully define working time, including what amount of time for make-up, tea-breaks, wardrobe fittings and travel is considered as time worked.

The flexibility and irregularity of working hours common to most salaried artists, especially performers, imply night work and work on week-ends and public holidays. Some of this time is considered regular work time and some of it as overtime. Night work for members of the American Guild of Musical Artists (AGMA) and the American Federation of Television and Radio Artists (AFTRA) in the United States of America is regular work and not treated on a premium basis. This is also true in Japan where no distinction is made between day work and night work for musical performers. In fact most performers are expected to work some time at night, although the amount obviously varies.

Several countries have restrictions on the amount of night work allowed for all workers as well as for certain workers (e.g. pregnant women and minors). In Switzerland night work is only allowed if a special permit has been granted, and in principle should not last longer than 9 hours in a 24 hour period. Except for restrictions on minors and some women, Austria has no special laws regulating night work. The Hours of Work Act does, however, stipulate that all workers shall be granted an uninterrupted period of rest of at least 11 hours after the end of a day's work. Minors in Austria may not be employed between 8 p.m. and 6 a.m., although some exceptions are made in certain circumstances for minors to work until 10 p.m. in musical, theatrical or other performances or in the making of films.

Restrictions on night work for women do not usually apply to employment in radio and television, and in performing and entertainment. In Austria, pregnant and nursing women are usually not allowed to work at night, although exceptions can be made to enable them to work until 10 p.m., provided they are granted 11 hours unbroken rest after the night work. In the Federal Republic of Germany, pregnant women are normally not allowed to work from 8 p.m. to 6 a.m. and after 5 p.m. on Sundays and holidays. However, exceptions are again granted in the performing arts provided the woman is allowed 24 hours of uninterrupted rest after the period of work.

Week-end work and work on public holidays are also frequent for artists. Sundays are occasionally compensated by extra pay or by extra time off; public holidays are almost always compensated. Weekly rest for artists varies, with one day's rest the minimum in most countries. Guatemala and Bulgaria grant two full days of rest; Argentina and Austria stipulate a minimum of 36 consecutive hours. Given the varying demands and schedules of artistic work, little comparison can be made between artists and other categories of workers. From

the information supplied, it appears that artists, who do not have regular employment, have peak periods of activity and heavy schedules when they are employed; breaks in between engagements are rest periods, but they are also periods of unemployment.

Overtime compensation is normally paid for extra hours and for public holidays. Both Norway and Switzerland have restrictions on the amount of overtime allowed. In Norway, no more than 20 hours are permitted during two consecutive weeks; in Switzerland it is limited to two hours per day. The rate of compensation varies, with 1 1/4 or 1 1/2 times regular pay paid for extra hours during the week. In Australia and New Zealand 1 1/2 times regular pay is paid for the first three hours of overtime and then double time is paid thereafter. Sundays (if not part of the regular work week) and public holidays are usually paid double time, and in some cases 2 1/2 times regular pay. Bangladesh, Japan, Pakistan and Turkey reported that no fixed system of overtime compensation existed in their countries.

Paid leave (annual, sick and maternity)

Paid annual leave for regularly employed artists is normally subject to minimum standards laid down in labour legislation or regulations. Belgium, the German Democratic Republic, Norway, Turkey and Zambia provided no specific details, but noted that salaried artists were subject to the same regulations and rights as other workers. The minimum leave quoted was 3 weeks for Australia (TV actors); 18 working days for the Federal Republic of Germany and Austria; 15 days for Pakistan; two weeks for Switzerland; and 12 working days for Zambia. In the United States of America members of ACGMA are not entitled to paid vacation. In Bulgaria, actors, opera singers, radio, television and film artists are entitled to 42 working days per year. As with the question of hours of work, the granting of paid annual leave to most artists - that is to those not in a regular employment situation - is complicated by the prevalence of short-term employment and the multiplicity of work contracts.

Paid sick leave also varies according to national laws and regulations and to provisions in collective agreements. Between 20 and 30 paid sick days per year are minimum provisions in Austria, the Federal Republic of Germany and the United States of America. Japan reported very generous provisions of 4 to 12 months for members of the Symphonic Orchestra. The amount of sick leave granted normally increases as the length of service increases. For example, under the Employees Act in Austria, 6 weeks are granted for the first 5 years of service, increasing gradually to 12 weeks after 25 years of service. A similar type of increase exists for artists: for contracts up to half a month, 5 days sick leave are granted; for contracts for the whole season, 6 weeks are granted.

Unless specified in the laws or in work contracts to the contrary, these sick leave provisions normally apply to regularly employed persons. Sick-leave for part time and temporary workers is usually specified in collective agreements, where they exist. In Argentina, for example, actors have concluded an agreement whereby they are entitled to 15 days sick leave with full pay during the course of a production, and part pay for another 30 days. The employer can terminate the contract after that by paying half salary for another 15 days or until the end of the contract, whichever is shorter. Variety artists, on the other hand, have concluded agreements with no sick leave provisions.

Maternity leave for regularly salaried artists is the same as that for other workers, and is usually set down in labour codes or in special legislation. Between 6 and 8 weeks are granted in Japan, Switzerland and Norway, with provisions for extension either before or after confinement. Fourteen weeks are granted in the Federal Republic of Germany, 16 in Austria and 26 in the German

Democratic Republic. No provisions for maternity leave for artists exist in Australia, nor for members of AGMA in the United States of America.

Artists employed on a part-time or temporary basis

By and large part-time and temporary workers are not entitled to fringe benefits or to the provisions of paid leave as cited above. However, in some countries (Belgium, Switzerland, Guatemala, Turkey and Zambia) part-time workers can sometimes benefit from these provisions on a pro-rated basis. Austria, through its Continued Payment of Remuneration Act, has taken special measures concerning the sick leave of part-time and temporary employees. These employees are entitled to a minimum of 4 weeks (increasing with years of service) paid sick leave in any calendar year. Eight weeks are granted for an occupational injury or other incapacity.

According to the information provided by most countries, these special measures are exceptions to the general lack of benefits to part-time and temporary workers. Unless covered by collective agreements this category of worker has serious disadvantages compared to others. And since many artists fall into this category, the problem is particularly acute throughout the artistic professions.

VI. REMUNERATION

The diverse nature of the artistic professions presents methodological problems in the assessment of the artists' earnings. The produce of a sculptor's work and that of an oboe player are very different, not only in substance and form, but also in the way the product is sold and, some would say, in the way it is conceived. These same differences in artistic output are apparent for authors, actors, painters, conductors, scriptwriters, etc. Consequently an overall summary of artists' remuneration is not feasible - and a comparison between the disciplines even less so. Even within one profession, say literature, there are tremendous differences: one author may devote five years to a novel which is transformed into a television serial for a handsome price, while another writes a novel a year, but has difficulty publishing and selling them, and still another is an employed scriptwriter working for a fixed salary. Thus, even if the products are similar, there are other differences, such as the amount of time worked and whether the work entails some form of employment relationship.

Other yardsticks, besides product and hours worked, are also difficult to apply to artists' remuneration. Task analysis, level of education and years of experience hardly seem appropriate to artistic work. Comparisons with other sectors are almost impossible given the above difficulties. While methodological analyses of the artists' remuneration have not been supplied by the replies to the questionnaires, many countries have noted that the overall income of artists is substantially lower than that of other workers. Although not specified in the replies, the source of this low income could, in theory, stem from inadequate remuneration and protection of intellectual property rights, from unstable employment patterns, from unfair tax assessment or from any combination of these in addition to the general economic situation.

This chapter provides a framework for an examination of remuneration, mainly by source. It is divided into four sections: copyright - pecuniary rights for authors, both employed and self-employed; salaried earnings for all categories of artists; other earnings - for performers and self-employed professionals; and tax arrangements. Much of the information presented here is incomplete; however as with other parts of the report it is included as an illustration of practices in various countries.

Copyright: pecuniary rights

While most countries in the world have copyright laws and many have acceded to or ratified either the Berne Convention on the Protection of Literary and Artistic Works of the Universal Copyright Convention or both,⁽¹⁾ only a few countries (13) responded to the questions on copyright in the questionnaire. In these countries the pecuniary rights of authors usually include the right to authorize the reproduction, publication, adaptation, diffusion, broadcast and the public performance of the work, which implies the right to obtain fees if these various activities are carried out. In practice, authors often cede or transfer all or part of their rights, through contracts or licences, to publishers or associations in return for a royalty or other form of remuneration. The amount of royalties or fees varies from country to country and according to contract. Unfortunately only a few examples were cited. In Malaysia the authors receive 10% of the retail price of their work; in France, between 5 and 10%; in Turkey, composers often receive as much as 25%, libretto writers 7.5% and translators 15%. In Australia, the Australian Society of Authors has drawn up a model contract that stipulates various fees and residual rights. According to this contract royalties (for hardbacks) are based on a sliding scale, with the author receiving 10% of the retail price for the first 5,000 copies, 12 1/2% for the next 5,000 and 17 1/2% for copies above that. Authors are, of course, free to negotiate for higher royalties.

Authors in Australia, Denmark, New Zealand and Norway also receive fees for placing their books in public libraries. In Australia, at least 50 copies must be on the shelves of appropriate libraries, and authors receive 50 cents per book - that is a minimum of 25 dollars per work per annum. Publishers are also paid 12 1/2 cents per book under this scheme.

The pecuniary rights of salaried authors compared to self-employed authors are not clear. Two countries (Austria and Denmark) noted that in principle salaried artists are entitled to the same rights but employment contracts often transfer these rights to the employer. The Federal Republic of Germany and Malaysia also reported that the rights of salaried authors are determined by contracts. In New Zealand, salaried authors have no entitlement to copyright if they work for a newspaper, another person, a government department or one of Her Majesty's services.

Residual rights (droit de suite) - the artists' surviving rights after transfer of certain rights - exist for authors and artists in the plastic arts in the legislation of some countries. Artists in the latter category, for example, receive 5% of any resale price in the Federal Republic of Germany and 3% in France and Norway, although in France the residual right is only applied to public sales and not to private galleries or merchants. In the United Kingdom plans to introduce a 10% fee for artists is under consideration. Some residual rights also exist for authors in Australia and the Federal Republic of Germany. The rights are spelled out in the model contract in Australia. In the event the work is included in an anthology, the author receives 80% of the negotiated fee and the publisher 20%; for digests, book clubs and mechanical reproductions the author and the publisher share the fee equally; and for paperbacks the author receives 60% and the publisher 40% of the fee. Script-writers in Australia usually include a residual rights clause in their contract. The Australian Broadcasting Company, for example, pays a fee for the single use of a script; replay rights entitle the writer to 50% of his initial fee for the first repeat and 25% for subsequent ones. In the Federal Republic of Germany the author has the right to recall the exploitation right within five years in case the licensee does not make sufficient use of his acquired rights. The author can also claim a higher commission or fee when it is apparent that the original agreement is grossly disproportionate to the actual returns.

(1) As of 1 January 1977, 68 States had acceded to or ratified the Berne Convention, 72 the UCC, and 47 had acceded to or ratified both, making a total of 95 States that have ratified or acceded to a copyright convention.

In most of the countries replying to this set of questions, the pecuniary and residual rights are protected by criminal law. If any of these rights are infringed upon, the authors or holders of the rights have recourse to legal proceedings including injunctions, damage claims and compensation. In the event of the death of a copyright holder with no heirs, these rights, in some countries revert to the State, and in others become part of the public domain.

Few of the replies noted any gaps in existing legislation that prejudice the financial gain of artist-author. Some plans for new legislation were mentioned, however, as well as certain practices that were the object of complaints by authors or performers. Extensive photocopying in educational and business institutions was one such practice. The Federal Republic of Germany stated that artists' societies are trying to extend the protection of photographs, which is currently for 25 years. Legislation is also under review in the Federal Republic of Germany to set compulsory limits on the assignment of authors' rights against lump-sum settlements. This legislation is designed to establish a contractual framework for authors where no collective agreements exist. New Zealand pointed out that performers have no control over the reproduction of their work except as stipulated in individual contracts. France noted that while the law was satisfactory it was often difficult to apply because control over illicit practices was difficult to exercise. And finally Turkey mentioned that the establishment of an organization to protect copyright was definitely needed.

Royalties or other fees due to authors are often collected by associations or societies. In some countries national laws regulate the practices of the organizations; in other countries where private law regulates these organizations, the author is free to join or not, thus accepting or rejecting the conditions of the distribution of fees. Separate organizations usually exist for authors and composers on the one hand, and performers and producers of phonograms on the other, in those countries where the rights of the latter are protected. As very few countries replied to this question it is not known whether the existence of these organizations is widespread.

Total royalty figures were not cited, nor were authors' average annual earnings.

Salaried earnings

The irregular work schedules of most salaried artists make any assessment of earnings difficult. A study undertaken in Canada lamented the absence of reliable figures on the average earnings of individual performers, noting that this dearth of information is largely due to the fact that no satisfactory method had yet been found for reporting the amount of employment provided by the various organizations.⁽¹⁾ The number of artists on a given payroll vary throughout the season, depending on the repertoire. The irregular employment of part-time workers was also cited by the study as a complicating factor. Other countries mentioned further difficulties in assessing salaried income. One problem was distinguishing between income earned from cultural activities and that earned from secondary occupations. Another was determining whether various fees earned from one per cent schemes, loaning of works to exhibits and from commissions are to be considered as salaries. Even where minimum wages are firmly fixed in collective agreements, the artist's income can still not be accurately measured since the length of employment is unknown. Indeed, many collective agreements specify fees by the hour, day, week or month - and only rarely for longer periods of time.

(1) McKinsey and Co., Inc., Directions for the Dance in Canada, Canada Council Information Services, 1973.

Except for State-run orchestras, theatres, etc., salaries for artists, like for other workers, are based on individual contracts or collective agreements or both. These agreements (some samples have already been mentioned in Annexes VIII-XI) also include cost-of-living clauses or provide for periodic renegotiations of the terms of employment. In Austria, for example, negotiations are held at least once a year; in Japan twice a year; and in Australia adjustments are undertaken each quarter based on the consumer price index, unless restricted by government policy. The AFTRA Agreement (Annex VIII) for radio artists includes both a cost of living clause and a provision for renegotiation after three years.

Other adjustments or allowances are sometimes included in the agreements. Travel allowances are almost always paid; year-end bonuses, holiday allowances and housing allowances are rare, but do exist in a few countries (Japan, Netherlands and Pakistan).

Examples of some minimum wage rates defined in collective agreements or industrial awards for a few countries are listed below. The figures cited are in the national currency:

Australia

	<u>basic wage per week</u>
musician	\$47.80 (1974 award)
mannequin and model	51.20 (1975 award)
actor (t.v.)	95.00 (1973 award)
double	80.00 "
extra	15.00 (per day)

Argentina

	<u>basic wage per month</u>
actors: Category A	\$2,927
B	2,482
C	2,263
D	1,767

Guatemala

musician	Q224,481
dancer	84,763
actor	10,119

The reader's attention is also drawn to the schedule of fees for AFTRA artists, listed in Annex VIII.

The actual amount of artists' income, in cash terms, is not reported in a systematic manner by most countries. The figures and examples that follow are merely illustrative of the below average earnings of artists in selected countries. The source of these earnings is not always specified - and in theory - could include royalties, government subsidies as well as salaries. Norway stated that most artists earn less than N.Kr. 10,000 per year, which is considered very low. In fact, the proposed guaranteed income scheme would provide a minimum of N.Kr. 39,000, which corresponds to the beginning salary in the public service. In France, a sculptors' organization reported that 60% of its members earned an income below the minimum wage (SMIG), and an actor's trade union made a similar statement. Denmark, Guatemala, Turkey and Sweden also stated that artists in general earned low salaries.

Two countries provided more detailed information. In Canada a study of the performing arts, based on 1971 data, reported that the mean income of all artists in this category was \$6,400, compared to the national mean income of \$6,900. (1) Details on the various professions are presented in Annex XII. Composers and playwrights are the highest paid, earning a mean income of \$8,500 per year whereas dancers and singers are the lowest paid with a mean income of \$4,500. Another Canadian study cited earlier⁽²⁾ confirmed these figures and noted that among the dancers, ballet artists have an average wage of \$5,400, which is 15% below the national average wage, and that modern dancers earn \$2,500, a figure just above the poverty line for a single person. These figures compare with the average wages of other professions and groups as follows: teachers and professors (\$8,200); recreation services (\$7,800); self-employed entertainers and artists (\$6,400); and pensioners (\$3,500).

The Federal Republic of Germany also reported detailed figures on the income of salaried and self-employed artists. Some of this information is summarized in Annex XIII. Related somewhat to the situation in Canada, it appears that the performers in theatre and dance (with the exception of those in the 40-49 age bracket) have the lowest income among performers, music artists, and artists in the plastic arts, but excluding authors about whom figures were not provided. The lowest income groups in all categories are the young (20-29 years) and the old (over 65). But the differences among these most disadvantaged age groups, according to whether they are salaried or self-employed, are significant. The salaried young artist earns considerably less than his self-employed counterpart; at middle age they have more similar income levels; and at an older age the self-employed earns considerably less than the salaried artist.

As these figures are aggregated, however, they do not present an exact picture. While it is true that there is a greater proportion of salaried young artists, compared to self-employed, under the DM.24,000 (US \$ 10,320) level, a breakdown of these figures for the very low income group (below DM.6,000 - US. \$ 2,580 - per year) provides some refinement. About 25% of both the young (20-29) salaried and self-employed music artists earn under DM.6,000 per year. This is also true for the self-employed actor and dancer, but is not true for the salaried actor/dancer, of whom only 5% are in this income bracket. Except for the salaried older (over 65) musician, between 15 and 30% of the other older artists also find themselves with this low income.

Although the information in this section is incomplete, with one or two exceptions, all of the countries replying to the questionnaire pointed to the lower than average income of artists.

Other earnings

Performers in some countries enjoy pecuniary rights stemming from their performances. Although not the same as authors' rights the rights granted to performers are often included in national copyright acts. Of the countries replying to the questionnaires, Austria, Denmark, the Federal Republic of Germany, Japan and Norway mentioned the existence of these rights in their national legislation. While there are differences in the various legislative provisions, basically these rights include the right to prevent the broadcasting, the fixation and the reproduction of their performances without their consent. Moreover if a recording or other fixation of their performance is used for commercial purposes (i.e. broadcasting or public showing for a fee) then performers are entitled to be remunerated. Many of the countries that provide such rights have brought

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- (1) Christine Panasuk, An Analysis of Selected Performing Arts Occupations, Canada Council Information Services, 1974.
(2) McKinsey, op.cit.

their legislation into line with the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

This Convention, which was signed in 1961 and which has been ratified or acceded to by 19 States,⁽¹⁾ provides that the remuneration referred to above should be paid by the user to the performer, the producers of phonograms or both, with the manner of implementation left to the discretion of contracting States. In practice, if the manner of distribution is not regulated by national legislation organizations of performers and producers of phonograms have negotiated agreements on the collection and distribution of the fees, usually through an association or exploitation society.

Tax arrangements

Special tax laws for artists were not reported in the replies to the questionnaire. In general, tax laws take into account the employment status of workers - self-employed, salaried or unemployed - and other factors, such as civil status and number of dependents in determining the rates. But the nature of various professions does not seem to be a criteria for tax assessment, except for a provision in the Federal Republic of Germany. In practice, some categories of artists are able to benefit from special provisions applicable to the self-employed; other categories of artists are simply treated as salaried workers with virtually no account taken of their irregular work patterns.

The tax arrangements that artists benefit from in a few countries include reductions in income tax; exemptions from sales tax or value added tax; spreading of income over several years; and deduction concerning professional expenses.

The Federal Republic of Germany and Turkey reported direct reductions in income tax for artists. In the Federal Republic of Germany self-employed artists are allowed to deduct 5% of the income they earn from free-lance work, with a maximum of DM.24.000 (US.\$ 10,320) per annum, from their annual income liable to taxation. The selection of those artists who qualify for this tax benefit is based on criteria certifying that the artist is self-employed and creative, the latter factor judged on talent rather than on craftsmanship that can be acquired through training and practice. Thus, this tax provision is not extended to those engaged in light music, commercial art, radio announcing, press and publicity photography or in handicrafts, including the making of musical instruments. An expert committee, composed of government officials and artists, decides which artists qualify in case of doubt. In Turkey copyright income is tax free up to the amount of TL.10,000, and is then taxed at 15%.

Two countries reported that artistic work is not subject to the same rates of the value added tax as other kinds of work. In Austria, the VAT is normally 15%, but is only 8% for profits derived from the activities of creative and performing artists. In the Netherlands, this tax is often eliminated completely for artistic work, especially where the sums are too small to justify the administrative costs of collecting them.

Several countries have provisions enabling artists to spread their earnings over a number of years so that they are not unfairly taxed in any one year when they are paid for a work that in fact took several years to complete. The Federal Republic of Germany allows for a maximum period of three years, and Sweden for a period of 10 years, provided that the work(s) took that long to complete. The Netherlands also provides for spreading over three years as does Norway, but

(1) Austria, Brazil, Chile, Colombia, Congo, Costa Rica, Czechoslovakia, Denmark, Ecuador, Fiji, Federal Republic of Germany, Guatemala, Italy, Luxembourg, Mexico, Niger, Paraguay, Sweden, United Kingdom. Another 15 countries provide some form of protection to performers, even though they have not ratified the Rome Convention.

neither of these countries stipulated that the period of spreading had to coincide with the period of execution as in the above countries. Australia and New Zealand have similar provisions but only for authors. The Federal Republic of Germany also mentioned a form of spreading for part-time salaried artists who work on a daily or weekly basis. These artists are allowed to work a full month before any tax is deducted, thus helping to offset unfair taxes based on irregular incomes.

Self-employed artists, like other self-employed workers, are entitled to deduct professional expenses from the amount they owe as taxes. This provision exists in Australia, Austria, the Federal Republic of Germany, Luxembourg, New Zealand and the Netherlands. The rate and scale of these deductions were not specified.

Only a few countries noted that the tax laws were not entirely satisfactory as far as artists were concerned. Austria thought that certain conditions and accounting regulations could be modified for free-lance artists, and Norway stated that the system of taxing artists based on previous income levels was unfavourable to artists whose income was irregular. To overcome this disadvantage, artists in Norway have requested a scheme similar to that established for fishermen, whereby all income is placed in a bank and is only taxed as it is withdrawn. Other countries stated that preferential tax treatment should not be given to artists; other policy measures should be used instead to aid artists, such as grants.

Earnings of foreign artists residing in a given country or earnings of national artists residing abroad are normally not subject to double taxation if the countries concerned have signed bilateral agreements. Austria and the Federal Republic of Germany for example have signed such agreements with 33 and 35 countries respectively. Australia and Luxembourg have agreements with 9 countries, and New Zealand with 7. Denmark also mentioned that it had double taxation treaties with a number of countries. Some countries, such as Japan, have no such agreements.

In the absence of these treaties, some countries tax foreign artists, but at a reduced rate (the Federal Republic of Germany and Luxembourg) or at the full rate (Austria and New Zealand). In theory, national artists working abroad are also subject to tax in their home country in the absence of treaties, but in a few countries the tax paid to a foreign country is deducted from the amount owed to the country of nationality. An assessment of the impact of tax schemes on the net earnings of artists is not feasible here, given the lack of specific information provided in the replies.

VII. MORAL AND PROFESSIONAL RIGHTS

Several questions were devoted to this subject in the questionnaire. However, so few replies were received that a summary is not possible. Only Austria, Denmark and the Federal Republic of Germany provided adequate information, noting that copyright laws normally protected the moral rights of authors, and in some instances, of performers. Austria also stated that performers were insufficiently protected, since the only recourse they had to the distortion of their work was the right to withhold their names, and that other means of protecting their rights should be considered.

VIII. SOCIAL SECURITY

The questionnaire included several questions on the social security of artists. As with the previous section, however, the information provided in the replies was not substantial enough to enable the subject to be discussed adequately. The subject is of great importance to artists, and is therefore discussed in a separate report prepared by the ILO. This second report will also be submitted to the Joint ILO/UNESCO Meeting of Experts on the Status of the Artist.

CONCLUDING REMARKS

Given the low rate of response to the questionnaire and the amount of incomplete information provided by a number of countries, a definitive picture of the status of the artist cannot be established at this time. Nevertheless a few common practices, conditions and questions surrounding the artist and his work emerge from the present survey.

The general cultural policy of most countries is to promote culture and the arts and to make them as accessible as possible to all citizens. A number of countries sponsor mobile groups, such as theatre companies and orchestras, and pursue an active policy of decentralizing the arts to the regions. The particular policies concerning artists, however, are less clear. Some countries follow a policy of supporting and assisting artists through indirect means, such as creating a favourable environment for work. Other countries prefer to provide more direct support through grants and subsidies. The artist's role in formulating cultural policies is also unclear; while individual artists are often called upon to serve on advisory boards and councils, the "average" artist does not seem to enjoy this privilege either individually or through an association or trade union.

Some common themes about training programmes can also be cited. Most artistic training takes place in post-secondary level institutions, either in specialised schools (which may include the last several years of secondary education) or in universities. Facilities or programmes for children as well as for practising artists (continued training or life-long education) appear to be very rare. Training programmes in music and the fine arts or applied arts are far more prevalent than programmes for the other performing arts or for literature and writing. The working relationships between training and cultural institutions (theatres, operas etc.) are not strong in most countries, and career guidance does not seem to be a major preoccupation of the training institutions. An assessment of the adequacy of the training programmes is not possible given the available information.

The replies to the questionnaire tend, on the whole, to confirm several assumptions about the social and working conditions of the artist. First, those who are salaried (such as many performers) and those who have certain exploitation rights to protect (such as many authors) tend to participate in professional organisations - be they trade unions or associations. Other categories of artists, such as those in the fine arts, have a much weaker propensity to join such organisations. Second, most artists are faced with a number of unfavourable working conditions, to a greater extent than other workers. Many have short-term engagements or irregular commissions or contracts, and are frequently obliged to seek employment or to work in secondary occupations. Public employment agencies, with a few exceptions, have not helped artists to overcome these difficulties. Further, unemployment rates tend to be high and are coupled with a general absence of special unemployment assistance. While several employment promotion schemes were mentioned in the

replies (state purchases of art, 1 per cent schemes etc.) they were cited by only a handful of countries.

For the salaried artist, irregular work schedules, night work and week-end work are part of the normal routine. The real problem for this category of worker, however, is the length of the contract. Unless covered by collective agreements or special legislation, the part-time or occasional artist is often not entitled to overtime or certain forms of paid leave, or to other benefits.

Finally, the remuneration of artists and their mean incomes are reportedly lower than the average wage and income in a given country. Dancers and stage actors appear to have the lowest incomes along with most young and old (over 65) artists. Incomes for authors were unfortunately not provided. Only a few countries cited special tax provisions for artists that take into account their special working conditions and patterns.

These tentative findings give cause for concern. If confirmed they would justify an examination of special measures to protect the social and labour rights of artists.

ANNEX I

List of countries that replied to the
Questionnaire

Total: 31

Argentina
Australia
Austria
Bangladesh
Belgium
Bulgaria
Canada
Costa Rica
Denmark
Egypt
Federal Republic of Germany
France
German Democratic Republic
Guatemala
Indonesia
Japan
Luxembourg
Malaysia
New Zealand
Netherlands
Norway
Pakistan
Philippines
Sierra Leone
Spain
Sweden
Switzerland
Tunisia
Turkey
United States of America
Zambia

QUESTIONNAIRE ON THE STATUS OF THE ARTIST

Introduction

The General Conference at its eighteenth session asked the Director-General, in consultation with the International Labour Organisation, to carry out a preliminary study on the status and social position of the artist.

This study which will deal with the technical, legal and administrative aspects of the problem, will be submitted to the General Conference at its nineteenth session so that it may decide whether an international instrument should be adopted on the subject.

The General Conference specified that this study should "take account of the recommendations of the intergovernmental conferences on cultural policies and of the international symposium of creative artists organized in 1974".

The first Intergovernmental Conference of Ministers of Culture, held in Venice in August-September 1970, had indeed emphasized the importance of the freedom of the artist as an integral part of the right to culture. The report of the Venice Conference states: "Particular care should be given to ensuring the freedom of the artist and over this, refused its assent and the adage that 'he who pays the piper calls the tune'. Artists should have their say in the bodies where cultural policy is decided".

The report goes on: "The freedom of the artist is a fundamental human right but it also serves the common good as an antidote to sterile bureaucratization and in fostering creative criticism, initiative and innovation in the society".

The participants in the Venice Conference also emphasized that "the freedom of the artist and of artistic expression is not only a legal conception but to be effective presupposes material conditions which allow the artist to work".

Accordingly, the Conference recommended Member States to associate creative artists with the formulation and implementation of their cultural policies. The passage reads: "Artists and workers in cultural activities should be closely associated with the administration of culture. This could be done either by inviting them to serve on administrative committees or by arranging for close co-operation between the administrators and the unions of artists, where these exist". Lastly, the Conference recommended Member States to "explore means by which creative artists can be helped to develop their talents".

Freedom of the artist, freedom of artistic creation, participation by artists in the shaping and implementation of cultural policies, encouragement for artistic creation through legal, economic and social measures, the endeavour to find ways of improving relations between the artist and the public - such were the key themes of the Venice Conference.

In June 1972, the European Ministers of Culture, meeting in Helsinki, recommended firstly that European Member States ensure "the integration and active participation of all groups of society, and of the artist in particular" and secondly "that artists, with their creative vision of the future of the human environment, should be genuinely associated" with the improvement of the environment etc.

Lastly, the European Ministers of Culture recommended to the European Member States that they: "(1) promote conditions which allow artists to develop their talents to the full and, through their creative activity, enrich the national and universal cultural heritages; (2) in particular, give encouragement to artists engaged, through their work, in promoting the ideas of peace, and study the possibility of founding national and European literary and art prizes to be awarded periodically to writers and artists who in their works best express the ideas of peaceful coexistence and co-operation between the countries and peoples of Europe; (3) give artists, through their associations or as individuals, a substantial role in formulating and implementing the cultural policies of their countries; (4) seek means of improving contacts between artists and society as a whole; (5) provide the necessary material conditions to enable young people with artistic ability to receive suitable artistic training, without discrimination; (6) provide artists with material conditions which will enable them to do creative work in freedom from constraint and take appropriate measures to ensure the effective protection of their moral and material rights; (7) earmark a certain percentage of the cost of public buildings for the inclusion of works of art, (8) recognize the copyright of the artists concerned on all public sales of their works; (9) organize social security for artists; (10) take appropriate fiscal measures to encourage public corporations and individuals to buy and hand on works of contemporary art, by donations or legacies; (11) arouse public interest in works of art by providing the most comprehensive information and education possible, in particular by educational policies which will awaken children's artistic appreciation at a very early age, and give everyone, by means of life-long education, an equal chance of access to art".

The Helsinki Conference further recommended that Unesco "continue to make a comprehensive study of the problems of artistic creation and distribute information on useful experience acquired by individual countries in solving these problems; make provision in its programme for holding an international symposium on 'The contemporary role of artists in formulating and implementing cultural policy, and their responsibility towards society'; seek a common definition of the criteria on which the profession of the artist is based; provide a larger number of travel fellowships for European artists".

Lastly, the Conference appealed to all men of culture: "to intensify their activities in spreading knowledge and appreciation of the treasures of national cultures and of the world's cultural heritage; to contribute, by their artistic activities, to reinforcing and developing European cultural co-operation in the interests of peace and international understanding".

In its turn, the Conference of Ministers of Culture, which met in Yogyakarta in December 1973, recommended to Asian Member States that they: "(1) study, and if appropriate, launch new policies and institutional safeguards for ensuring greater social security for the artist; (2) study the possibility of establishing more schools, museums and children's centres in the arts which could serve as effective means of cultural education for children of all ages; (3) initiate measures, where this has not already been done, to identify and list individuals, groups, or classes of notable masters and practitioners of all traditional and folk arts and skills and by providing suitable incentives ensure ways and means for their continuance in these arts and skills; (4) initiate suitable projects and institute suitable facilities, where this has not already been done, for the collection, documentation, preservation and circulation of typical products of traditional or folk cultural and artistic endeavour, and give them prominence in inter-State or international cultural exchange programmes".

The Conference further recommended to Unesco that it: "(1) provide through speedy and simplified procedures all facilities within its competence to Member States in Asia and Oceania by way of equipment and technical and methodological skills, to establishing, equipping or expanding national projects and institutions for research, preservation, documentation and the presentation of their traditional cultural heritages; (2) undertake a study by experts to prepare specifications of architectural plans and equipment for various types of premises suitable for the public presentation of the arts, keeping in view local social and climatic conditions, and make this documentation available to Member States on request".

These recommendations were endorsed by the artists who were convened by Unesco to a symposium held in Paris in July 1974; it is likely that the Ministers of Culture of Africa, who are to meet in Accra in October-November 1975, and the Ministers of Culture of the countries of Latin America and the Caribbean, who are to meet in 1977, will put forward similar recommendations and will ask the international community to provide assistance in this respect.

These recommendations and decisions are a very considerable advance over the International Conference of Artists which was held in Venice in 1952 under the auspices of Unesco. Indeed, although the participants in that Conference recognized the need to protect the artist, to assist him and guarantee the independence of his art and to preserve the originality and sovereignty of his talent, and although they recognized that it was incumbent on the State to encourage the arts but without taking control of them, and although they were evidently well aware of the situation of the artist in the society of that time, they did not clearly define the role of the artist in modern society. They clearly identified the main obstacles encountered by artists in the exercise of their art, but they barely glimpsed the remedies and practical solutions which might be applied.

For this reason, at a time when we are witnessing a new approach to culture and when a number of countries are addressing themselves to the task of drawing up cultural policies of wide scope, it is both normal and significant that the General Conference of Unesco should wish to study this question and try to answer it in a realistic and positive manner.

Purpose of the Questionnaire

1. The present questionnaire has been prepared jointly by the International Labour Office and Unesco with a view to compiling information for the preparation of a study on the social situation and status of the artist. This study is to be submitted to the nineteenth session of the General Conference of Unesco in 1976 for a decision by the Conference as to whether this matter should be the subject of an international regulation.
 2. The proposed study will cover all the problems of the economic, social, professional and moral circumstance of the artist in the broadest sense of the term.
 3. The term "artist", as used here, embraces all artists in the broadest sense of the term whether their functions are those of creation, interpretation, execution, (1) teaching, management or artistic direction, etc. (painters,
- (1) Artists whose functions are those of interpretation or execution include, in particular, artists described as "performers" by the Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations concluded under the joint auspices of ILO, Unesco and IBRD (known as the "Rome Convention"). Any measures which may be adopted as a sequel to the proposed study, would, of course be without prejudice to the protection already granted to the workers concerned under this Convention.

sculptors, engravers, composers, writers, musicians, actors, dancers, choreographers, critics, editors, translators, (2) variety artists, architects, decorators, engravers, etc.).

4. All the categories covered by the preceding paragraph are included for the purposes of the present questionnaire whatever their employment situation - salaried, self-employed, under contract - and in whatever sector they are employed (public, private, semi-public).

Provision of documentation

5. You are requested to provide all the documentation on which your replies to the questions below are based.
6. Please will you also provide any documentation of a general nature concerning the legal, economic, social, professional and ethical position of artists which you consider relevant to the proposed study: laws and statutes, reports and other official documents, collective conventions, employment contracts and other contracts or agreements, special studies or inquiries, press cuttings, magazine articles on general or specific topics, etc. Professional and non-governmental organizations need not provide official texts such as laws and regulations which are to be communicated by the ministries concerned. If certain official texts have already appeared in Unesco or ILO publications, it will be sufficient to provide a reference to such publications.

Preliminary explanations

7. Please reply in as much detail as possible to the questions, in each case making such distinctions as you deem necessary:
- (a) according to the profession and the conditions for exercising it;
 - (b) according to the field of art and culture;
 - (c) according to the type of functions within the profession, or the nature of the work;
 - (d) according to the employment status (salaried, self-employed, etc.);
 - (e) according to the basis of employment (permanent, temporary, full-time, part-time, outside collaboration, etc.);
 - (f) according to types of problem;
 - (g) according to the employment sector (public, private, semi-public).
8. You are also asked to reply to questions as fully as possible by describing not only de facto and de jure situations but also the problems which arise in practice, and any ideas which have been put forward in this connection, or demands made by the professional organizations concerned.

- (2) With regard to translators, and in view of the fact that the General Conference of Unesco at its eighteenth session (October-November 1974) adopted a resolution (6.13) deciding to lay the foundations at international level for the protection of the profession of translator by means of a recommendation to be adopted by the nineteenth session of the General Conference in 1976, it goes without saying that any decision that may subsequently be taken with regard to translators within the framework of the general protection accorded to artists will need to be without prejudice to any measures which may be adopted by States as a sequel to the said recommendation of the General Conference of Unesco.

9. In addition, you are requested to deal with any questions other than those below which you feel ought to have been covered in the questionnaire.

QUESTIONS

General policy

10. Please provide any information and comments which you consider relevant for the proposed study concerning general policy with regard to the arts and culture, the proportion of the national budget which is set aside for this policy, its place in economic plans and programmes, its major lines of emphasis, etc.
11. What are the public or private bodies concerned with the professions under consideration at various levels and particularly at ministerial level or the equivalent and what ministries are involved? How are such bodies composed, what are their terms of reference, what are their means of action?
12. Please specify the role played by the central services and the local communities in defining, promoting and applying the policy for the arts and culture.

Training

13. What is the national policy with regard to artistic training; responsible authorities, percentage of capital and operating expenditure in national and local budgets and in expenditure on general education; objectives and methods of the forms of instruction provided; official definition of programme content; official recognition of studies; public assistance, etc.?
14. What measures designed to promote artistic and literary training are taken at national, regional or municipal level or by the private sector (foundations, etc.) such as fellowships for study abroad, study tours, residential facilities in universities for artists or writers, etc.? Special mention should be made of any experimental laboratories.
15. In what branches of artistic and literary activity are there schools, academies, conservatoires or training courses, whether public or private?
16. Please provide all available information, by discipline, on:
- (a) the number of arts training establishments and courses;
 - (b) the system of institution;
 - (c) whether they are public or private;
 - (d) their sources of finance and the relative importance of the various sources if there is more than one;
 - (e) their enrolment capacity;
 - (f) actual number of students;
 - (g) whether studies are free of charge or not.
17. What is the social origin of the students, in general and by discipline? What material assistance is available to them (scholarships, travel expenses, etc.)? What are the sources and total amounts of such grants-in-aid, and how many students receive them, in absolute terms and in relation to the total enrolment?

18. Please provide all available information, by discipline and by type of institution (private, public) on:
- (a) criteria and conditions for admission to courses of study;⁽¹⁾
 - (b) syllabuses recommended or in use,⁽²⁾ their content and duration;
 - (c) teachers (including practising artists), their number and training and the teacher/student ratio,
 - (d) certificates awarded in respect of studies or equivalent experience, whether they are officially recognized or otherwise;
 - (e) their equivalence with officially recognized diplomas;
 - (f) the number of artists completing training each year; including breakdown by type of work content (for example, theatre, cinema, television, etc.).
19. To what functions and types of employment or work may the studies mentioned in paragraph 18 lead?
20. For purposes of training students and/or practising artists, what are the relationships established between such schools, academies or conservatoires and the corresponding cultural institutions: universities, museums, theatres, operatic centres, radio and television organizations (probationership, half-time employment, participation in rehearsals, retraining, etc.).
21. Is the diploma obtained in such institutions required: (a) for entry to the profession; (b) for entry to a specific branch of the profession?
22. Which are the authorities empowered to lay down the training requirements for the exercise of the profession? Are the members of the profession concerned represented on this authority and, if so, how?
23. Are the existing training facilities considered satisfactory, quantitatively and qualitatively? If not, please say how the needs are met and indicate what are the shortcomings conceded and what measures are being taken or are contemplated to remedy them.
24. Is there a life-long education policy (refresher courses and further training) for the artistic professions? If so, please describe this policy and give examples of its application in practice.
25. Is there a policy with regard to the equivalence or reciprocal recognition of diplomas between countries for the artistic professions? If so, please describe the policy and an outline of the problems which arise in this respect and the measures contemplated or advocated in order to solve them.
-
- (1) For example, are there oral or written examinations or performance tests? Is an assessment made of previous experience or professional achievement? Is there a general education requirement? Is there an assessment of aptitudes?
 - (2) For example, is the training of actors restricted to acting techniques or does it include a general grounding in the arts of the theatre? The study of traditional styles, (national, regional, or of other regions of the world)? Contemporary forms and styles including those for the media of mass education? Does the training include a practice attachment?

Professional organization

26. Are the professions covered by the present questionnaire recognized officially as such? If so, please provide all information concerning such official recognition, its terms and condition, the problems which arise in connection with its effective application and its consequences. If not, please indicate the problems arising in practice from the non-recognition of the artistic professions as such and any measures which may be contemplated or advocated in order to overcome them. Please provide also any useful information on the organizational trends in the artistic professions (progression, stagnation, regression) and on trends in the professional structuration of the various disciplines.
27. How and to what extent are artists associated with the decisions which determine their situation:
- (a) at the level of the policies and dispositions reserved by the State authorities, and, in particular, within the bodies mentioned in paragraph 11?
 - (b) at the level of the sectors of professional activity?
 - (c) at the level of the establishment providing employment?
28. What professional organizations and bodies represent and defend the economic, social, professional and moral interests of artists (orders, professional associations, trade union organizations, etc.)? Please give information as to their nature, how they are financed, the number and professional composition of their membership, their claims, the means which they employ in order to defend the interests of their members and on any other points which you think worth mentioning.
29. What are the particular categories with little or no organization for the protection of their interests, or which are badly or inadequately organized? Please provide details of the attention given to this problem, of any efforts which have been made by those concerned to organize themselves and of any obstacles there may be to the successful outcome of such efforts.
30. Are there any legal barriers to freedom of association, trade union freedom, the right to collective bargaining and the right to strike as far as artists are concerned? If so, please specify.

Employment and unemployment

31. How many artists are there practising as such:
- (a) according to artistic or literary field or discipline;
 - (b) according to type of employer or employing establishment;
 - (c) according to employment sector, public (national level, local communities) or private;

(d) employment status (salaried, self-employed, etc.).⁽¹⁾

32. In view of the wide range of professions covered by the present questionnaire, please provide for each such profession the fullest possible details on the particular conditions of that profession's pursuit, and in particular, with regard to:

- (a) the type of employer, the type of working relationships which may exist (staff employer, contractor, collaborator, etc.), and the resulting types of contract (contract of employment, commission, publishing contract, agency contract, industrial hire contract, etc.);
- (b) the localization of the work and the frequency of changes of residence;
- (c) the type of work setting;
- (d) the functions which may be performed and the manner in which they may be affected by the contractual status of the artist and by the context in which he works;
- (e) hardships (constraints, length of working hours, night work, working environment, etc.);
- (f) the continuity or otherwise of employment;
- (g) the length and nature of the career.

33. Is there a directory of artistic careers? If not, are there plans for preparing one?

34. To the extent that artists also have other occupations than that of artist, what are the occupations concerned and what proportion of the professional working time of artists is taken up with them?

35. Do graduates from national art colleges have priority with regard to employment in the public or semi-public sector?

36. To what extent does the national employment service concern itself with placing artists in search of contracts or salaried posts?

37. Are there private agencies, which either charge a fee or are non-profit making concerned with the placement of artists in searching contracts or salaried posts? If so, please indicate the regulations applicable to the activities of such agencies and the terms they offer, including scales of charges.

(1) For example: for actors, information on whether there exist national theatres, troupes, companies, etc. (for theatre, cinema, television or radio). The number of performers they employ on a full-time basis. The approximate number of students from national schools whom they recruit annually on a permanent basis. The number of students recruited in the private sector (radio, television, cinema, commercial theatre, etc.). Other private or public sectors such as education, administration, promotional activities. For architects, what is the number of architects (officially recognized by an order of architects, a professional association, etc.) in relation to the population of your country? What percentage of such architects are self-employed and what percentage are salaried? Who are the main employers of architects in your country? (Architectural agencies, firms government, etc.?) What proportion of overall construction activities entails work by architects? Indicate, as far as possible, what percentage of buildings are architect-designed.

38. What percentage of temporary employment agencies are concerned with the placement of artists? What regulations govern their activities?
39. What are the dispositions applicable to foreign artists taking up temporary posts in the country or desirous of taking up permanent residence?
40. Please provide all available information on facilities currently available to artists with regard to contacts and exchanges with foreign countries.
41. Please provide all available data on inactivity or unemployment among artists (unemployment rates, ages of unemployed, average duration, etc.), and on their causes.
42. What are the existing dispositions or initiatives designed to assist unemployed artists, apart from placement arrangements or for the payment of unemployment benefits?
43. What are the forecasts with regard to the balance of manpower supply and demand and the types of openings in the artistic professions over the next few years?
44. Is any research being done on the channels for the redeployment of artists who are unable to work in their artistic profession? If so, what are the findings of such research and in what ways are they taken into account in practice?
45. What measures have been taken or are contemplated to promote the development of artistic and cultural activities which can help to increase the possibilities of remunerative work for the categories concerned: the creation of bodies to stimulate or intensify the activities of existing bodies; special allocations of funds or earnings;⁽¹⁾ fiscal and other appropriate relief for patrons, encouraging the dissemination of works of art by means of appropriate regulations, including customs regulations, the allocation of resources derived from works which have fallen into the public domain or which have reverted to the State by escheat to assist contemporary art? Are such measures to be credited to the public authorities (national, regional or local), to the private sector (industry⁽²⁾ or non-profit making bodies, foundations, etc.) or those actually concerned? What impact do they make in practice (number of artists who have been beneficiaries of such schemes, the sums of money disbursed, etc.)?
46. What measures have been taken or are contemplated to promote the exercise of artistic professions under suitable group arrangements, in co-operative lines (theatre, film making, promotion of cultural activities, publishing, etc.) or otherwise? Please provide information on existing groupings and on their problems.

Employment regime

47. What is the regime applying to salaried artistic activity? General labour legislation, special statutes, collective agreements, employment contract? Please describe the situation and indicate, if possible, the proportion of artists working under these different arrangements.

(1) For example, the law under which one per cent of construction funds in France is set aside for works of art in school and university buildings, for the provision of professional premises, etc.

(2) For example, encouraging the placing of sculptures or the provision of coloured decorations in factories, the purchase of works of art, the funding of fellowships, commission work, etc.

48. What, in particular, are the dispositions applicable to salaried artists over employment contracts - the form of the contract, required content, conditions of engagement, probationary period, advance notice of dismissal or resignation, safeguards providing security of tenure, etc.
49. Are there model contracts for the various artistic professions which are exercised on a salaried basis? In the affirmative, please summarize the main provisions of such contracts and indicate to what extent they are applied in practice.
50. Are there special arrangements applying to salaried artists employed on a temporary or occasional basis - either as supernumeraries or otherwise - or on a seasonal basis; if not, are such employees covered by special provisions in the texts applicable to salaried artists?
51. Please reply to the questions raised in the previous paragraph, but in respect of salaried artists employed on a part-time basis.
52. What are the various types of independent service contract (under which neither part is subordinate to the other) which are applicable to artists; for example, contracts concerning royalties, contracts between impresario and performers or fee contracts; free lance agreements, etc.?
- 52bis. Describe also mixed contracts such as those which apply, in particular, to publishing and the contracts known as performance contracts relating to architecture, sculpture, etc.
53. Please give information if possible on how widespread such independent types of service contract are in the various fields of artistic activity, attaching any model contracts which you consider appropriate.

The general situation with regard to artistic activity

54. What is the position of salaried artists as regard the following:
- (a) (i) the length of the normal working week;
 - (ii) the length of actual working time;
 - (iii) the system of overtime;
 - (b) (i) night work;
 - (ii) weekly holiday;
 - (iii) week-end work;
 - (iv) time off for public holidays;
 - (v) work on public holidays;
 - (c) paid annual leave;
 - (d) sick leave;
 - (e) maternity leave.
55. What rights are enjoyed by salaried artists employed on a part-time basis in the fields listed in paragraph 54?

56. What rights are enjoyed by artists employed on a temporary basis, part-time or intermittently in the fields listed in paragraph 54?

Remuneration

Copyright: pecuniary rights

57. What are the pecuniary rights of artists as authors? Please answer this question, (a) with regard to self-employed artists; and (b) with regard to artists who are employees.

58. Are there gaps in the existing legislation with regard to the protection of artist-authors against unauthorized use of the product of their work which may be financially detrimental to them? Please specify problems which occur in this respect, including those relating to the use of creative art work abroad.

58bis. What, in particular, is the system with regard to residual rights?

59. What measures have been taken or are envisaged to counter such risks of infringement in applying the dispositions regarding the pecuniary rights of authors? Please supply details, in particular, concerning arrangements, contractual or otherwise, either existing or desirable, calculated to avoid such abuses including the measures which should enable artist-authors to satisfy themselves that their pecuniary rights have been calculated accurately and equitably and to check that these sums have in fact been paid to them.

60. What is the machinery for distribution to individuals in cases of group collection of moneys due in respect of the publication, reproduction, sale or resale, hire, loan, performance or distribution of a work by an artist-author?

61. If such machinery does not already exist, are there plans for its introduction? If so, what kinds of machinery are contemplated and what problems are posed by their introduction?

62. If possible, please indicate the totals of royalties received by artists by giving appropriate examples and, in so far as this is possible, indicate average earnings calculated per year.

62bis. What system is applied with regard to rights which have reverted by escheat?

Salaried earnings

63. Please provide all available information on the remuneration of artists working on salary: (a) nature; (b) composition; (c) total; (d) conditions of payment; (e) modes of determination.

64. Are salaries adjusted to match the cost of living? If so, please describe the adjustment machinery and indicate the problems which arise in this domain.

65. What allowances are payable in addition to basic salaries (travel allowances, other allowances)? Are such allowances adjusted to match changes in the cost of living? If so, please say how.

Other earnings

66. What are the pecuniary rights of performers and executants who are not authors (apart from their right to remuneration under the terms of a salaried employment contract)? To what extent are these rights formally laid down, in particular as regards the utilization of such rendering including use abroad?
67. What is the situation with regard to performers and executants who are also authors?
68. What problems arise in practice in securing and enforcing the rights covered by the two preceding paragraphs?
69. What is the machinery for individual distribution when the pecuniary royalties covered by this section are recovered under group arrangements?
70. If such machinery does not yet exist, are there plans to introduce it? If so, what machinery is contemplated and what problems does it raise?
71. Please provide examples of the earnings of artists bound by an independent job contract other than a contract concerned with copyright.
72. Please provide also full information on the ways and means of remunerating artists working as self-employed professionals and not covered by the preceding questions. For example, what are the laws or rules for the remuneration of self-employed professional architects? Are there scales laying down fees chargeable? Please quote such scales if they exist and provide information on the actual earnings of those concerned.

Tax arrangements

73. What tax arrangement obtains in respect of earnings from artistic activities according to their nature or source (type and rate of tax, procedure for establishing and defining the sums taxable, the possibility of spreading taxable earnings over more than one year, deductible professional expenses, etc.)?
74. Is this tax system regarded as satisfactory from the point of view of fair assessment? What problems does it raise? What reforms, if any, are envisaged or advocated?
75. What are the dispositions regarding earnings abroad and foreign artists' earnings in your country? Are there international conventions relating to double taxation and tax relief in respect of such earnings? In replying to this latter question, please leave out sums earned as royalties.⁽¹⁾
76. Please provide examples of the impact of taxation on the net earnings of artists according to the type or origin of such earnings.

(1) It will be recalled that Unesco has begun the preparation of a draft international agreement designed to avoid the double taxation of copyright royalties remitted from one country to another. It would therefore be superfluous to answer here the questions included in the questionnaire on "taxes levied on copyright royalties and on the double taxation of such royalties when they are transferred from one country to another", which has been sent out by the Unesco Office of International Standards and Legal Affairs.

Moral and professional rights⁽¹⁾

77. What are the moral and professional obligations to which the artist is subject in respect of: (a) salaried contracts; and (b) commissions of fee contracts?
78. To what extent do these dispositions pose problems in practice and what measures are envisaged to remedy the latter?
- 78bis. How is the moral right of the originator over his work defined, protected and applied in legislation on royalties, jurisprudence or by other such measures, in particular in compliance with existing international conventions?
79. Apart from the dispositions considered in the preceding paragraph, what are the dispositions for protecting the moral and professional rights of artists, in contracts: (a) for work against a fee; and (b) for salaried employment?
- 79bis. In particular, what are the means whereby the performer or executant can control the use made of his interpretation or performance (including secondary utilizations) and ensure that not only his pecuniary rights but also his moral rights are respected in the case of such use?
80. To what extent does the protection (and a contrario the non-protection) of moral and professional rights affect the earnings of artists?

Social security

81. Which categories of artists are protected by social security?
82. What risks are covered (sickness, maternity, injury at work and occupational illnesses, disablement, old age, death of the breadwinner, unemployment, family expenses)?
83. For each of the risks covered, are the various categories of artists subject to:
- (a) a general or a special system;
 - (b) a compulsory system or an optional system;
 - (c) supplementary systems?
84. If the social insurance of artists is different from that of other salaried or self-employed workers, why and how does it differ and, in each case, what is the degree of the protection afforded (scope of assistance in kind and in cash, conditions for its award, level and duration of assistance)?
85. What are the methods of financing (sources, rates of contributions)?
86. What special problems arise with regard to artists' social security? How, in particular, is artists' social security affected by the fact that two systems, that of salaried and that of free lance employment exist side by side? What are the consequences of applying the criterion of the principal employment calculated on the basis of a given period of service?

(1) Recognition of the name, patrimonial rights, rights concerning the utilization of the results of the work, restrictions on exclusion clauses, reservation of certain rights, rights of option in case of engagement for multiple services, reservation of particular rights, definition of professional prerogatives, elimination of conditions likely to be an obstacle to creativity or the expression of talent, rights to terminate a contract, limitation of the duration of the contract, etc.

ANNEX IIState expenditure on culture in
Canada and SwedenTable 1. Allocations of the Canada Council in \$'000

Year	Humanities and social sciences	The arts
1970-1971	18,238	10,269
1971-1972	18,442	12,069
1972-1973	19,197	15,239
1973-1974	20,819	18,486
1974-1975	22,338	21,898

Table 2. Breakdown of the allocations of the Canada Council for the arts, \$'000⁽¹⁾

Year	Arts			Performing arts			
	Performing	Non-performing	Total	Theatre	Music	Dance	Opera
1964-1965	1,080	420	1,500	345	420	210	105
1970-1971	7,576	2,802	10,378	3,217	2,491	1,245	623
			per cent				
1964-1965	72	28		32	39	19	10
1970-1971	73	27		43	33	16	8

(1) Source: McKinsey report.

Table 3. Sweden State cultural expenditure out of the working budget for the budget years 1960-1961, 1965-1966 and 1971-1972 (millions of Krona in current prices)

	1960-1961 ⁽¹⁾	1965-1966 ⁽¹⁾	1971-1972 ⁽²⁾
1. Payments to cultural workers	1.1	5.1	16.5
2. Art acquisition for State buildings	0.2	1.7	2.5
3. Theatre aid	19.9	51.6	98.6
4. Music aid	2.2	8.2	41.7
5. Museum and exhibition activities	6.6	17.2	40.5
6. Cultural monuments	2.5	4.5	12.6
7. Libraries	10.6	16.8	19.7
8. Archives	3.2	5.2	13.9
9. Lecture activity, handicapped persons' cultural activities, etc.	4.1	6.4	10.5
10. Youth activities	5.7	14.5	30.6
11. Training in the cultural area	4.5	12.9	36.0
12. Other	0.8	2.4	5.9
Total	61.4	146.5	329.0

Source: "Ideas on Cultural Policy". Studies published by the Cultural Council, Delmännna Publishing Company, 1970 for figures 1960-1961 and 1965-1966. Quoted in Placement in the Cultural Area, Report of the Committee on Placement in Certain Occupational Areas, DS in 1972:5.

- (1) Excluding social payments and rents of State institutions.
 (2) Including social payments and rents of State institutions.

ANNEX IIIA list of artistic education and training
institutions and enrolment figures in
selected countries

<u>Country</u>	<u>Institutions</u>	<u>Enrolment figures where available</u>
<u>Australia</u>	(In New South Wales only)	(1975)
	University and Advanced Education in Art	843
	University and Advanced Education in Communication	225
	University and Advanced Education in Music	445
	University and Advanced Education in Drama	110
	<u>Other Schools</u>	
	National Institute of Dramatic Art	
	Australian Ballet School	
	Canberra School of Music	
	National Theatre School	
	Film and Television School	
<u>Austria</u>	Academy of Visual Arts	
	College of Applied Art	(1975)
	College of Music and Interpretive Arts (Vienna)	4,482 - Austrians
	ditto (Salzburg)	1,536 - For. students
	ditto (Graz)	6,018 - 76% of which in 3 music colleges.
	College of Artistic and Industrial Design (Linz)	
<u>Denmark</u>	Academy of Fine Arts	
	Royal Danish Academy of Art (schools of visual art and architecture)	(1976) 1,790
	School of Architecture, Aarhus	
	4 Academies of Music	870
	The Royal Theatre (School of Ballet, Opera Academy)	
	State Theatre School of Drama	
	Danish Film School	

<u>Country</u>	<u>Institution</u>	<u>Enrolment</u>
<u>German Democratic Republic</u>	12 higher educational establishments	(1976) 2,465
	9 specialized schools	1,336
	88 music schools	39,000
<u>New Zealand</u>	Drama School	13
	Ballet School	25
	New Zealand Broadcasting Company Orchestral Training School	11
	Universities	about 70
<u>Norway</u>		(1976)
	State Theatre School	30
	State Opera School	10
	Academy of Music	300
	State Academy of Art	120
	Oslo School of Architecture	-
<u>Japan</u>	(Music only)	
	49 Colleges of Music (private)	14,308
	(public)	1,508
	Music courses in universities	3,500
	Total enrolment of above in addition to private courses estimated at	35,000
<u>India</u>	National College of Arts, Lahore	600
	Department of Fine Arts, University of Punjab	400
	Department of Fine Arts, University of Peshawar	
	Academy of Music, Lahore	
	Arts Councils courses	

ANNEX III bisFacilities for the Study of the Arts in CanadaDistribution of Disciplines by Type of Institution
(some institutions may offer several disciplines)

<u>Subject</u>	<u>Total</u>	<u>University</u> ⁽¹⁾	<u>Colleges</u> ⁽²⁾	<u>Independent</u> ⁽³⁾
Music	49	32	14	3
Architecture ⁽⁴⁾	46	9	37	-
Art ⁽⁵⁾	45	20	22	3
Theatre	21	12	7	2
Design ⁽⁶⁾	20	4	15	1
Graphic Art ⁽⁸⁾	14	-	13	1
Cinema	13	2	10	1
Crafts ⁽⁷⁾	11	-	7	4
Dance	10	1	1	8
Photography	8	1	7	-
Advertising Arts	8	-	8	-
Commercial Art	6	-	6	-
Urban Planning	5	3	2	-
Creative Writing	3	2	1	-
Folklore	1	1	-	-

(1) Includes degree granting colleges.

(2) CAATS, CEGEP, technical institutes, community colleges, 2 State supported conservatories.

(3) Includes non-State supported schools of ballet, music, art, both diploma and non diploma.

(4) Includes landscape architecture, architectural technology.

(5) Painting, drawing, sculpture, art history and non-specific degrees or diploma in visual arts, plastic arts and art.

(6) Includes interior design, industrial design, fashion design.

(7) Includes ceramics, jewellery arts, material arts, engraving, enamelling, pottery.

(8) Includes printmaking.

Source: Facilities for the study of arts in Canada, Statistics Canada, 1972.

ANNEX IVTable 1.Austria

<u>Socio-economic category;</u> <u>father's occupation</u>	<u>First-term students in 6 arts colleges</u> <u>1974</u> (Total: 78 students)
<u>Self-employed</u>	<u>19.0%</u>
Professionals	7 1/2
Farmers	2 1/2
Tradesmen	4
no details	5
<u>Salaried employees</u>	<u>61.0%</u>
Public service	27%
Private sector	19%
no details	12%
<u>Manual workers</u>	<u>5%</u>
<u>Pensioners/Private means</u>	<u>13%</u>
<u>No information</u>	<u>1%</u>

Table 2.France (1)Profession of the father

<u>Socio-economic category</u>	<u>Sculptors</u>	<u>Painters</u>
	<u>%</u>	<u>%</u>
Managers, owners in industry and commerce	10	20
High-level professionals	10	17 1/2
Liberal profession	17 1/2	15
Tradesmen	24	10
Salaried employees	8 3/4	10
Workers	7 1/2	2 1/2
Agriculture	5	7 1/2
Artists	16 1/4	15
	<u>99%</u>	<u>97 1/2</u> (figures do not add up to 100% due to rounding)

(1) Confédération des travailleurs intellectuels, Etude statistique, sociale et prospective des professions des arts graphiques et plastiques face à la situation de l'emploi. Enquête effectuée pour le compte du Ministère du travail, 1975.

Table 3.

Federal Republic of Germany
(Bavarian students only)

<u>Socio-economic category</u>	<u>Arts in general</u>
Self-employed	28.2%
Salaried employees	36.8%
Public employees	26.3%
Workers	6.2%
Unknown	2.6%
	<hr/>
	100.1%

ANNEX VPartial List of Professional Organizations
in Various CountriesAustralia

	<u>Founded</u>	<u>Membership</u>
<u>Affiliation with Australian Council of Trade Unions</u>		
Actors and Announcers Equity Association of Australia	1916	4,511 (1975)
Australian Theatrical and Amusement Employees' Association	1908	5,300 "
Mannequins and Models Guild of Australia		300
Professional Musicians Union of Australia	1911	13,000 (1971)
<u>Others</u>		
Association of Architects, Engineers, Surveyors and Draughtsmen	1917	19,675 (1971)
Association of Professional Engineers	1947	12,939 "
Australian Broadcasting Commission Staff Association	1938	3,966 "
Australian Commercial and Industrial Artists Association		200 "
Australian Journalists Association	1910	7,464 "

AustriaArtistic, Media and Professional Workers Union
(affiliated to Austrian Federation of Trade Unions)Copyright Exploitation Societies

1. AKM - State approved society of authors, composers and music publishers
2. Austro-Mechana-company for the utilization and exploitation of mechanical musical copyright
3. LITERAR-Merchana-association for protecting copyright in reproduction and broadcasting
4. LVG-Literary exploitation society for public readings

Membership

5. Austrian Interpreters' Society performance protection rights over live performances and broadcasting
6. LSG-Performance Protection Rights Company for performers and sound recording producers

Costa Rica

Union-Musical Costaricanese	503
Organización de Profesionales en radio, television y afines	44
Sindicato costaricanese de Trabajadores del Espectaculo y Afines (musicians, comedians, dancers, clowns, speakers, magicians, actors, etc.)	110

Denmark

Union of Artists of Plastic Arts (painters, sculptors, graphic artists, artistic design)	634
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Federal Republic of Germany

Union of German Theatre Members
German Orchestra Association

FranceTheatre

Fédération Nationale du Spectacle (CGT)
Syndicat Français des Artistes-Interprètes (CGT)
Syndicat des Techniciens de la Production Cinématographique

Music

SACEM (Société des Auteurs, Compositeurs et Editeurs de Musique)
Syndicat National d'Auteurs et Compositeurs

Various groups

Association Internationale des Arts Plastiques
Confédération des Travailleurs Intellectuels
Société des Artistes Décorateurs
SPADEM (Société Professionnelle Artistique des dessins et modèles)

Membership

Syndicat Autonome des Artistes -Peintres Professionnels

Syndicat National des Professeurs de l'Enseignement Supérieur
des Beaux-Arts

Syndicat National des Plasticiens créateurs en Art mural et
modèles

Syndicat des Sculpteurs Statuaires Professionels Créateurs

German Democratic Republic

Confederation of Free German Trade Unions - Arts Trade Union

Association of Composers and Musicologists

Writers' Association

Association of Pictorial Artists

Association of Cinema and Television Workers

Association of Theatre Workers

Academy of the Arts of the German Democratic Republic

Guatemala

Musicians Union

Stage Performers and Assimilated Workers

Indonesia

PARFI - Association of Film Artists

525

Japan

Japan Musicians Union

New Zealand

Actors Equity

248

New Zealand Musicians Industrial Union of Workers

Pakistan

Artists Equity of Pakistan

National Committee of Artists

MembershipSierra Leone

Arts Education Association of Sierra Leone

Sweden (1970)

Sweden's Writers Unions	680
Swedish Translators Union	160
Swedish Union of Authors of Children's Books	180
Minerva	450
Swedish Dramatists' Union	230
Swedish Theatrical Union	2,200
Swedish Director's Union (included in above figure)	(85)
Swedish Musicians Union	12,000
Swedish Dancing Teachers' Union	100
Union of Swedish Composers	70
Union of Swedish Popular Writers and Composers	275
Craftsmen and Industrial Designer's Union	2,485
National Organization of Artists	420
Union of Swedish Draughtsmen	110
Swedish Photographers' Union	<u>1,100</u>
Total (Sweden)	20,460

United States of America

American Guild of Musical Artists	4,000
American Federation of Television and Radio Artists	
Screen Actors Guild	
Actors Equity	
American Federation of Musicians	250,000

ANNEX VINumber of Artists and Journalists by
Occupational Status

in the
Federal Republic of Germany (1)

Category of Artist	<u>Number</u>			Occupational Status %					
	1970	1961	1950	Salaried			Self-employed		
				1970	1961	1950	1970	1961	1950
Musicians and singers	29,521	35,900	48,500	74	69	68	25	31	32
Actors and other performers	10,723	11,800	13,100	73	71	79	25	27	21
Plastic Artists (painters, sculptors, photographers)	25,862	18,800	13,900 ⁺	54	35		44	65	
(Photographers alone)	(4,518)	(2,200)							
Journalists	29,059	22,200	16,000	76	61	42	23	39	58
TOTAL	95,145	88,700	92,400 ⁺	69	60	57	30	40	43
Total (excluding Journalists)	66,106	66,500	76,400 ⁺	66	59	60	34	41	40

+ excluding photographers

(1) Source: Karla Fohrbeck and Andreas Johannes Wiesand, Der Künstler-Report, Carl Haasen Verlag, Wien, 1975.

Canada

Performing Arts

Percentage of time spent in activities
by aggregated specialties and total, 1971

AGGREGATED SPECIALTIES and TOTAL	ACTIVITIES								TOTAL
	EMPLOYED						UNEMPLOYED	OTHER	
	In Primary Arts		In Second. Arts		All other occup.				
	In Canada	Outside Canada	In Canada	Outside Canada	In Canada	Outside Canada			
Music	58	4	12	0	5	0	12	9	100%
Dance	68	5	3	1	2	0	10	10	100%
Theatre	51	5	10	1	6	0	21	6	100%
<u>TOTAL</u>	55	5	10	1	5	0	16	8	100%

Source: Christine PANASUK, An Analysis of Selected Performing Arts Occupations.
Canada Council Information Services, Ontario, July 1974.

ANNEX VIIIUnited States of AmericaAmerican Federation of Television and Radio Artists (AFTRA)
National Code of Fair Practice for Commercial Radio Broadcasting
(1973-1976) - (Minimum Terms and Conditions for Radio Artists)**SUMMARY**

This code of fair practice has been drawn up by AFTRA and is the basis of agreements between AFTRA and the various producers who engage AFTRA artists.

The code itself stipulates that both signatory parties will adhere to the various schedules (fees, contracts, general rules) attached to the code and legally considered as part of it. Further, the code provides for AFTRA to remain an open union and not to impose unreasonable entrance requirements on artists. In return the producer agrees to hire exclusively performers (actors, singers, announcers and news reporters) who are AFTRA members in accordance with provisions in the code. All questions relating to wages and working conditions affecting live commercial broadcasts not covered by the code, as well as any dispute on or interpretation of the code, will be submitted to arbitration according to provisions in the code.

This particular code was in effect for three years from November 1973 to November 1976.

Schedules and/or specific provisionsI. Schedule of fees

Standard fees for original broadcasts, rebroadcasts, rehearsals, programme auditions and dramatized commercials are set forward for actors, singers, announcers and news reporters.

Brief examples are cited below:

1. Actors

<u>Length of programme</u>	<u>Broadcast fee</u>	<u>Rebroadcast fee</u>
5 minutes or less	\$23.50	\$11.50
5 to 15 minutes	25.50	17.00
over 15 to 30 minutes	42.00	21.00
over 30 to 60 minutes	59.00	29.50

rehearsals: \$10.00 per hour, first hour required

2. Singers(a) 5 minutes or less

<u>No. of voices</u>	<u>Rate per person</u> (Includes 1st hour of rehearsal)	<u>Rebroadcast rate</u> <u>per person</u>	<u>Rehearsal rate per person -</u> <u>additional per 1/4 hour or</u> <u>part thereof</u>
Soloist	\$47.00	\$15.50	\$2.50
Groups of 2	36.00	10.00	2.00
5	31.00	9.50	2.00
10	21.00	8.00	1.50
14 or more	18.50	7.00	1.50

(b) Over 5 to 15 minutes, 15 to 30 minutes, over 45 to 60 minutes

<u>No. of voices</u>	<u>Rate per person</u>			<u>Rebroadcast</u>			<u>Rehearsal</u>	
				<u>Rate per person</u>			<u>1st hour</u>	<u>add. per</u>
	5-15	15-30	45-60	5-15	15-30	45-60	<u>required</u>	<u>1/4 hour</u>
	<u>minutes</u>			<u>minutes</u>				
	\$	\$	\$	\$	\$	\$	\$	\$
Soloist	61.50	76.50	107.00	23.00	27.00	34.50	10.00	2.50
2	46.00	53.50	69.00	15.50	18.50	24.50	8.00	2.00
5	39.50	47.00	62.00	14.00	16.50	21.50	8.00	2.00
10	25.50	29.50	38.00	11.50	13.50	17.00	6.00	1.50
14 or more	21.50	24.50	30.50	11.00	12.00	15.50	6.00	1.50

(c) Special minimum working conditions exist for singers stipulating the required time lapse between an original broadcast and a rebroadcast; stand-by provisions; and minimum rest of 5 minutes in each hour of rehearsals for more than one hour in duration.

3. Announcers(a) Programme fees

<u>Length of programme</u>	<u>Broadcast fee</u>	<u>Rebroadcast fee</u>
	\$	\$
15 minutes or less	25.50	17.00
15-30 minutes	42.00	21.00
30 to 60 minutes	59.00	29.50

Rehearsal: \$10 per hour, 1st hour required

(b) Special provisions: news broadcasts

<u>Length of programme</u>	<u>Broadcast fee</u>	<u>Rebroadcast fee</u>
	(16/11/1975)	(16/11/1975)
5 minutes or less	40.00	18.50
5-10 minutes	43.00	23.00
10-15 minutes	44.50	32.50

Special provisions also exist concerning news broadcasts according to location of broadcast and to city where broadcast originated. In addition there are special rates for sports-casters, and even these are broken down according to type of event (e.g. championship) and specific sport.

II. General schedule of rules

This section covers the type of programme that is included in the agreement (major network programmes and city of origin); use of recordings and fees for recordings; taped and pre-recorded broadcasts and call-backs; reuse and replay of recorded programmes; engagements and doubling; schedule of payment of fees; penalties for late payment; notice of termination of contract; disability insurance; postponed programmes; travel fees, name credits; and extras and supernumeraries.

A standard AFTRA engagement contract also figures in this section. The contract includes provisions for specifying the type of programme, the place of performance, remuneration, rehearsal schedules, the furnishing and use of materials, the rights to and use of recordings and a binding reference to the code of practice which is assumed to the part of the contract.

Other parts of the General Schedule of Rules describes bargaining procedures, categories of artists covered, and arbitration procedures. There are also provisions prohibiting discrimination and regulating strikes and for waivering, in exceptional cases, certain clauses of the code concerning working conditions such as rehearsals. Minimum fees are not considered as working conditions.

A cost-of-living provision and a description of AFTRA pension and welfare funds and their regulations comprise the final paragraphs of the code.

ANNEX IXSummary of a Standard Dancer's Contract - U.S.A.

American Guild of Musical Artists
(Branch of Associated Actors and Artists of America)

Affiliated with AFL-CIO

Standard Artists' Agreement
(Dancers')

For performances given from 1 September 1974 to 31 August 1977

I. Duration of contract, compensation, options

Separate provisions exist according to whether the engagement is for a single performance, or on a weekly basis for less than one year, or on a guarantee employment basis for one year.

- (a) the single performance basis clause stipulates the rate of pay for the performance, pay for the rehearsals, duration of rehearsals;
- (b) weekly basis clause includes provisions for performance and rehearsal pay and duration both for inside and outside of the employers' city of origination as well as an option to extend the contract beyond the original dates, provided that two weeks' notice is given. During the period of contract the dancer agrees to work exclusively for the employer;
- (c) guarantee employment basis. Similar pay provisions as above, with a minimum of 36 weeks of employment and an option to extend the contract, provided two months' notice is given. Exclusive employment with the employer and exceptions to this (agreed lay-off) are also part of this clause;

all three types of engagement above, there is a "Pay or Play" clause which states that the employment of the dancer is non-cancellable and that compensation is on "Pay or Play" concerning both performance and rehearsal weeks.

II. General provisions

- (a) Sick leave - dancer receives sick leave pay in accordance with the provisions of the Basic Agreement
- (b) deductions - only tax withholdings as required by law and AGMA dues are authorized to be deducted from the dancer's salary
- (c) membership in AGMA required and rules of AGMA
- (d) prohibition of changes or waivers in the contract without written consent of AGMA
- (e) restrictions on the type of benefit performances
- (f) prohibition of discrimination and segregation and performances in such places where they are practised.

- (g) arbitration procedures
- (h) citizenship and freedom to travel outside of the U.S.A.
- (i) expiration of basic agreement
- (j) laws of New York State govern validity, construction, performance and application of agreement.

At the end of the standard agreement there is a notice stating that AGMA rules in force at the time of the signing of the contract and considered part of the contract; that the Basic Agreement between AGMA and the given employer may contain modifications of the standard agreement; and that all signatories to a contract should check with AGMA before signing.

ANNEX XSummary of the Main Provisions of Rules of Pay
and Conditions of EmploymentNew Zealand Broadcasting Corporation Symphony Orchestra1. Application of agreement

members of NZBC Symphony Orchestra, but not leader of orchestra

2. Hours of work

25 per week; maximum 5 per day, on any 5 days of the week

all calls to the studio must be for a minimum of 2 hours

rest period: 5 minutes per hour

after an evening concert, rehearsals shall not start before 10.00 a.m.

3. Overtime

all time in excess of 5 hours per day or 25 hours per week

paid at 1 1/2 regular time for the first 3 hours and 2 regular time thereafter

reasonable prior notice

4. Holidays

paid leave for public holidays falling within period of contract, provided musician has worked for at least 2 weeks prior to holiday

holidays falling on Sunday take place on a Monday

time worked on Sundays and Holidays are compensated with double time regular rate, except limited scheduled Sunday concerts

regular annual holidays (Annual Holidays Act 1944) plus 5 working days

5. Salaries and allowances

provisions for per annum salaries for sub-leaders, principals, sub-principals and players

dress allowance provisions

allowances for playing an extra instrument

members supply their own instruments

corporation may pay higher rates than those stipulated in agreement

6. Travelling time and allowances

travelling time is time worked, with a maximum of 5 hours in a journey taking 24 hours. Travelling on Sunday or holiday is not paid at overtime or penal rates

provisions for cash allowances

1st class train or steamer accommodation

if possible no call to chartered transport before 9.00 a.m. on morning following a concert

if possible, single tours should not last more than 12 days; 80 days per annum

7. Payment of wages and term of employment

paid fortnightly

employment is monthly

8. Sick leave and special leave

medical certificate for absence over 2 days

compassionate leave up to a maximum of 3 days

provisions for special leave for length of service over 9 years

9. Retirement

compulsory at the age of 65

10. General provisions

any other employment requires consent of NZBC

required membership in New Zealand's Musicians' Industrial Union of Workers

provisions for corporation's liability

member's obligations

provisions for legal rights: "The Corporation shall have full broadcasting and television rights in New Zealand to all performances of the orchestra: provided that excessive use shall not be made of the orchestra 'on screen' in television and that future negotiations on the amount of such 'on screen' television usage shall not be precluded"

notices for rehearsals and performances

obligation to use "talent" to the best of skill and ability

provisions to join superannuation scheme

concert dress

use of recordings: NZBC has right to supply recordings for non-commercial purposes to other broadcasting organizations throughout the world

disputes shall be determined by the Director-General of NZBC and New Zealand Musicians' Union

adequate heating and restroom facilities.

TERMS AND CONDITIONS

1. The Writer shall submit to the Corporation the required number of signed scripts on the date specified by the Corporation.
2. The Writer warrants:
 - (a) That each script shall be the original work of the Writer or that all necessary licences have been obtained by the Writer.
 - (b) That if a script contains any copyright material this will be disclosed to the Corporation. No script shall contain anything defamatory or anything calculated to bring the Corporation into disrepute.
3. The Corporation shall have the right on payment of a fee determined by the Corporation to publish or arrange for publication of the script(s) or any extract or condensation thereof at any time or times and the Writer during this period shall not use or permit any other person to use the script or any part of it without the Corporation's prior consent in writing.
4. All scripts accepted by the Corporation shall become the property of the Corporation.
5. The Writer undertakes at all times to keep the Corporation fully indemnified in respect of all actions proceedings, claims, demands and expenses whatsoever which may be made or brought against or suffered or incurred by the Corporation in consequence of any breach of any warranties or undertakings as aforesaid or on the ground that there is an infringement of any rights of any other person.
6. The Corporation shall be entitled to broadcast the script written pursuant to the Contract once over its television network in New Zealand. In addition without further negotiation the Corporation may exercise the following options at any time:
 - (a) The option to purchase the right to repeat the right originally purchased at an additional fee of 50% for the first repeat and 25% for each subsequent repeat.
 - (b) The option on payment of an additional fee of 25% to authorize the broadcast of the script anywhere outside New Zealand any number of times.
7. The Corporation without further fee shall be entitled to make recordings of the script and
 - (a) Use such recordings for the private purposes of the Corporation.
 - (b) Broadcast extracts from records any programmes of a historic or reminiscent nature.
8. The fee specified in the schedule for commissioned scripts shall be paid as follows:
 - (a) Where a synopsis is required 33 1/3% of original fee on delivery of a commissioned synopsis; 33 1/3% of original fee on delivery of first draft; and 33 1/3% of original fee on delivery of final draft, payment being subject to reasonable rewrites at mutually agreed delivery dates, and subject to the Corporation's right to terminate a commission:

- (i) within twenty-one days of delivery of a commissioned synopsis with liability only in respect of such synopsis; or
 - (ii) within twenty-one days of delivery of a commissioned first draft with liability only in respect of the synopsis and first draft.
- (b) Where a synopsis is not required (i.e., where an idea or outline has been approved) 50% of the original fee on delivery of the commissioned first draft and 50% of the original fee on delivery of the final draft, payment being subject to reasonable rewrites at mutually agreed delivery dates, and subject to the Corporation's right to terminate a commission within twenty-one days of delivery of a commissioned first draft with liability in respect of such first draft only.
- (c) Within twenty-one days of delivery of a commissioned synopsis; or within twenty-one days of delivery of the first draft, the Corporation may notify a writer that it is not proposed to commission a first draft or to commission a final draft, as the case may be, but that it is terminating the arrangement with payment to the stage completed AND the Corporation may engage a second writer to complete the work.
- (d) To the extent that the Corporation judges the final work, if and when accepted by it, to be indebted to the first Writer it will include a credit to the first in the credits of the final work.
- (e) In respect of any commission issued to any Writer to contribute a developed episode or further developed episodes to a format not devised by that Writer and dealing with principal characters and introducing subsidiary characters whose functions in relation to the story line are indicated to a Writer, there shall be no rights retained by such Writer in either format or characters.
9. In the case of unsolicited submitted material the fee shall be paid following notification of acceptance of such material as adjusted in accordance with the Corporation's requirements subject to the Corporation's rights to make such further adjustments as it may require. The fee shall be paid in accordance with clause 8 (b) above.
10. In case of the breach, non observance or non performance by the Writer of any of the provisions contained herein and on the part of the writer to be observed or performed or should the Writer, in the opinion of the Corporation be guilty of any gross default or misconduct, the Contract and the Writer shall not be entitled to any compensation or damages other than payment for work actually done.

ANNEX XIICanadaMean income and mean age by performing specialties,
aggregated specialties and total, 1971

Performing specialties, aggregated specialties and total	Mean Income	Mean age
	\$	
<u>Performing specialties</u>		
Composer	8,500	40
Musician, instrumental, orchestral player	7,500	35
Musician, instrumental, solo player	7,500	37
Opera singer	7,500	34
Choir singer	4,500	30
Dancer	4,500	25
Director	7,500	38
Stage Manager	6,500	30
Designer	7,500	36
Playwright	8,500	40
Actor	5,500	34
Other	8,500	43
<u>Aggregated specialties</u>		
Music	7,500	36
Dance	4,500	26
Theatre	6,500	25
<u>TOTAL</u>	<u>6,500</u>	<u>34</u>

Source: An Analysis of Selected Performing Arts Occupations.
Christine Panasuk, Canada Council Information Services, 1974.

ANNEX XIIIFederal Republic of GermanyIncome level of self-employed and salaried
artists by art discipline and age

% of artists

	OVER DM.24,000		UNDER DM.24,000	
	Self- Employed	Salaried	Self- Employed	Salaried
<u>Music</u>				
20 - 29	25%	17%	75%	82%
30 - 39	56%	56%	45%	46%
40 - 49	67%	66%	34%	35%
50 - 64	42%	69%	60%	33%
over 65	15%	38%	84%	64%
<u>Theatre and other performances</u>				
20 - 29	25%	8%	74%	91%
30 -	55%	36%	47%	65%
40 - 49	66%	75%	34%	25%
50 - 64	71%	50%	29%	50%
over 65	13%	50%	87%	50%
<u>Painting, sculpting etc.</u>				
20 - 29	33%	24%	67%	76%
30 - 39	43%	36%	56%	65%
40 - 49	56%	71%	46%	30%
50 - 64	47%	52%	55%	47%
over 65	22%	32%	77%	69%

Source: Forbeck and Wiesand op. cit.