

# WORKING CONDITIONS IN FILM, TV AND LIVE ENTERTAINMENT PRODUCTIONS IN EUROPE

**dignity@work**



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## Foreword

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The audiovisual and live performance sectors are facing profound changes across Europe. Globalisation and digitalisation are transforming not only the business models of the entertainment industry but are changing the way entertainment is produced, distributed and consumed.

Austerity policies have led to severe and structural reductions in public funding for arts and culture including in film, TV and live performance. This concerns equally public broadcasters that commission film productions, as well as publicly funded live entertainment institutions. The financial and economic crisis has exacerbated this tendency and affects privately and public funded productions.

The reduction of public funding has increased competition for funds and pressure on crew and staff costs. The industry's fragmentation is further accentuated, as an increasingly bigger part of productions is being outsourced. Outsourcing to small and medium sized companies contributes to rise of a-typical form of employment: an ever-increasing number of work is contracted with self-employed workers or short-term employed workers. A relatively large proportion of workers work in micro-workplaces, and the percentage of workers who work for SMEs is above the average of the European Union.

Despite all economic, technological and structural changes taking place, entertainment remains very labour intensive and depends on a highly qualified and mobile freelance workforce.

Since the financial crisis of 2008, trade unions from various countries of the EU affiliated to UNI Global Union have reported that working conditions have deteriorated and the barriers to negotiate agreement to secure minimum standards have been multiplied. Long working hours, recurrent use of overtime enable production companies to meet deadlines and budget objectives and to ensure performances of scheduled shows in theatres and on tour. The pressure on producers to lower costs has increased over the past years, which in turn puts pressure on working conditions. In an environment of increasing competition for funding of productions, employers pursue a race to the bottom pushing down remuneration and working conditions. As part of such strategies, we see more productions or part of productions being moved to countries with lower labour standards and weak or no collective agreements than in the past. This creates pressure on economic and social sustainable production centres and establishes a double standard in co-productions and international productions.

Further, entertainment unions have experienced that the implementation of the EU's internal market and competition policies prevent the enforcement of the right to freedom of association and collective bargaining of many freelancers.

These ad-hoc assessments lacked a more systematic overview of rights and working conditions in film & TV production and live entertainment in the European Union.

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Therefore, we have set out in October 2014 to undertake a project “dignity@work” aiming at taking stock of the situation of key working conditions by mapping the changes that are taking place in the sector, assessing how they are affecting the workers, and how unions can respond by engaging employers and authorities in a dialogue over dignity in the workplace.

This project “*dignity@work*”, which is co-funded by the Directorate General Employment, Social Affairs and Inclusion of the European Commission has started in October 2014 and will conclude in June 2016. This report is a one of the results of the project. In the framework of this project, we have organised two workshops on working conditions in film & TV production and in live performance production, as well as a European seminar bringing together workers and trade union representatives from both sectors. We now look forward to present the findings and to discuss with employers, funding bodies and authorities how to improve conditions and make working in the entertainment industry more sustainable.

This report takes stock of the situation of key factors that determine working conditions in film & TV and live performance productions in 14 European countries<sup>1</sup>. It is based on in-depth research through analysis of previously published studies and data on the subject, written questionnaires, face-to-face interviews with trade union representatives and members. The events organised in the framework of the project “dignity@work” have contributed to the survey and the finalisations of this report. The survey report is complemented by an online survey among more than 2000 workers - trade union members and non-members alike - from the countries surveyed and beyond.

The report is divided into several parts. The Executive Summary presents the key findings of the report and the results of the online survey. The following sections present the results of the online survey in more detail and describe the key working conditions in film & TV production and in live performance production by country. Each country report contains information on the main types of employment status<sup>2</sup> and work relationships, working time, remuneration, occupational health and safety, and freedom of association and collective bargaining.

I would like to thank Mr. Ramón Vivanco Mugarra, who carried out the research and contributed to this report. Our thanks go also to all workers, members and representatives of trade unions that took part in the online survey, questionnaires and interviews, including those coming from European countries not covered by the survey. This work would not have been possible without the support of the European Commission and I would like to take this opportunity to express, on behalf of all affiliates, our appreciation and sincere thanks.

William Maunier  
President EURO-MEI

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<sup>1</sup> Belgium, Denmark, Finland, France, Germany, Italy, The Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom.

## Executive Summary

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### Introduction

This report takes stock of the key trends in working conditions in film & TV production and live entertainment. The report is based on a survey covering 14 EU member states. Desk research, questionnaires and interviews targeting trade unions as well as an anonymous survey among 2500 workers provided the data and information for the report.

The report highlights the shortcomings in the industry with respect to decent work and core labour standards. The findings of the report underline that across the EU Internal Market entertainment workers are facing increasing casualization, deterioration of working conditions and remuneration in an environment where many workers are excluded from collective representation and bargaining. Despite the many similarities and closeness between film & TV and the live entertainment sectors, they have different work patterns, employment structures, trade union and collective bargaining coverage. However, the survey clearly shows that the predominance of freelance work, long hours and the recurrent use of overtime characterise the working environment of the entertainment industry. Salaries and wages have either stagnated or decreased and the majority of respondents (eighty-one percent) of the online survey state that working conditions either have deteriorated or have not improved in recent years.

In this unsecure and deteriorating environment, abusive practices such as unpaid work and internships, non-compensation of overtime and repetitive long working hours pose a serious and structural threat to the sustainability of jobs in a highly mobile and flexible labour market.

The input of workers and trade union representatives who participated in the survey and contributed to this report emphasises that the issue of stagnating/decreasing remuneration as well as management of working time needs to be addressed as first priorities for improving conditions and decent work.

The following sections highlight the key trends across the 14 countries surveyed with respect to the main types of employment status and work relations, working time, remuneration, occupational health and safety, and freedom of association and collective bargaining.

### Status of Employment and Work Relations

The number of freelance workers, including those working as self-employed workers among the workforce is growing in both, live performance and film & TV productions. In **film & TV production** in all countries surveyed, permanent work relationships are rare and the majority of workers work as freelancers. Among freelancers, self-employment

is increasing. In some of the major production countries like France and the United Kingdom as well as in Nordic countries fixed-term contracts form the majority of working relationships whereas in Southern and Eastern European countries the majority of production workers are self-employed.

The average duration of contracts vary across the different types and budget allocations of production and the patterns among the various countries are very similar. In live events, daily contracts are the general rule. In film and TV drama production contracts are concluded for the project duration whereas as TV series may offer longer contracts for the production of an entire season. Thus, contracts may vary from one week to several months. However, contracts that run longer than three months are the exception.

In **live performance** permanent contracts are still very much used in live performance institutions, but less in touring where freelance employment relationships are dominant. However, in many countries including in those with high coverage of collective agreements and high union density, freelance employment has significantly increased in recent years.

All countries ban discrimination in access to employment based on gender, age, gender, ethnic origin or nationality. However, the survey points to cases of discrimination based on age and gender and ethnic origin in both sectors.

In most of the countries, workers under employment contracts are entitled to unemployment benefits and are covered under public social security and pension schemes. However, the eligibility and qualifying criteria for the schemes are not always well adapted to the work patterns of the sector. Self-employed workers are often excluded from unemployment benefits, social security and pension schemes and have to contract private insurances.

Among the 14 countries covered by the survey, specific collective agreements for film & TV production are in force Denmark, Finland, France, Germany, Sweden and the United Kingdom. The coverage and level of enforcement of the agreements vary considerably. In live performance, the coverage of collective agreements in live entertainment institutions in Belgium, Finland, France, Germany, Italy, Slovenia, Sweden and the United Kingdom is high. National agreements, like in Italy, as well as more fragmented collective bargaining patterns, like in Finland with eight different agreements, are in force in the sector. In both, film and TV production and live performance, these agreements do not cover self-employed workers.

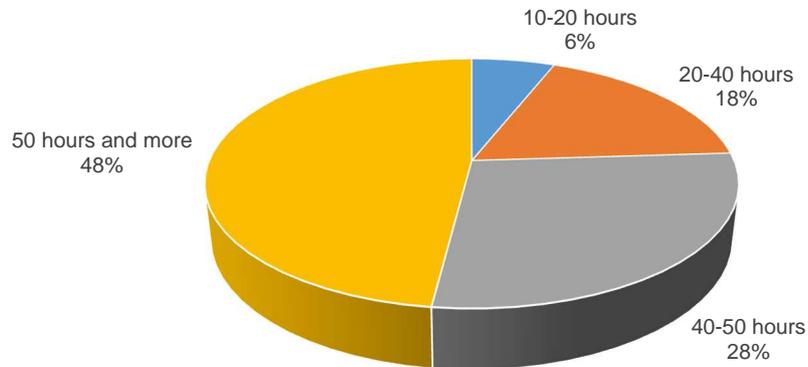
### Working time

With respect to working time, the picture in **film and TV production** is preoccupying. More than ninety percent of respondents who participated in the online survey affirm working overtime during productions with work schedules going beyond 50 hours weekly for the forty-eight percent of them. The recurrent use of overtime is not compensated in a systematic way. Even in the big three production countries, France,

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United Kingdom and Germany, less than one third of respondents affirm that their overtime is usually paid.

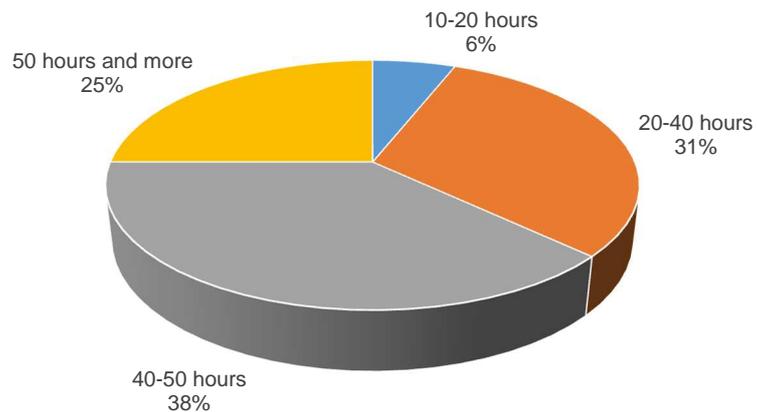
Average Weekly Working Hours in Film &TV Production



The differences between countries with collective agreements and countries without agreements are not significant. However, several agreements provide for compensation for overtime and work during weekends and set minimum rest periods adapted to the work pattern of the industry.

With more than sixty percent of respondents, who participated in the online survey, working regularly between 40 and 50 hours per week or more, the online survey confirms that long working hours and overtime are a widespread feature of in the **live performance** sector as well. For forty percent of respondents overtime work is recurrent during a normal working week. It is important to stress that the majority of respondents (fifty-six percent) affirm that overtime work is usually not compensated.

Average Weekly Working Hours in Live Entertainment



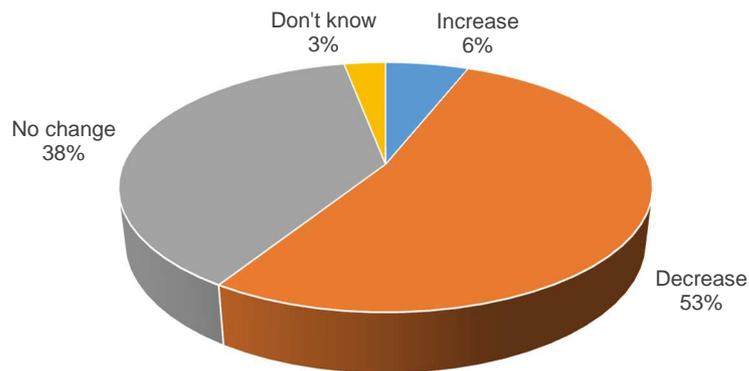
### Remuneration

In general, average remuneration levels in film & TV production and live entertainment are lower than the average salaries of other business sectors and have decreased in recent years. The situation is even less sustainable for self-employed workers, who need to finance their own unemployment, social security and pension insurances.

Where collective agreements exist, overtime, night work, and work during weekends and public holidays is compensated with additional time off or sometimes with premium payments, for example in Finland and Sweden. Travel costs and per diems are often provided for both, workers with employment contracts and self-employed workers.

Annual leave is generally paid to workers under permanent or fixed-term employment contracts whereas self-employment workers do not enjoy paid annual leave. Looking more closely to remuneration, salaries have stagnated or dropped for sixty-eight percent of respondents who participated in the online survey.

Evolution of Salaries and Wages in Film & TV Production



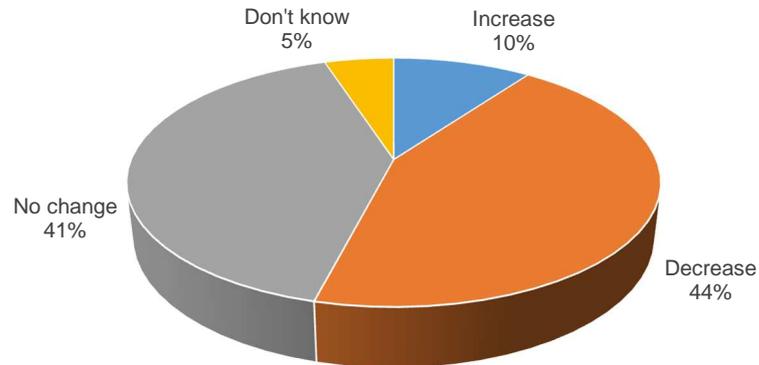
Only about six percent of respondents indicate that their salary/wages have increased in recent years. Regarding the situation of new entrants, forty-six percent of respondents acknowledge that they had to accept unpaid work several times before obtaining paid work assignments.

In **live performance**, wages and salaries – like in the case of film and TV production – is the most burning issue for most workers who have participated in the online survey. Salaries and wages have stagnated or dropped for eighty-five percent of respondents.

Only about ten percent of respondents who participated in the online survey indicate that their salary/wages have increased in recent years. Regarding the situation of new entrants, fifty-one percent of respondents acknowledge that they had to accept unpaid work several times before obtaining paid work assignments.

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Evolution of Salaries and Wages in Live Performance



### Occupational health and safety

The state of health and safety in **film & TV production** is a major concern to workers and unions from across Europe. Whereas general health and safety policies and tools applicable to the workplace, apply also to film and TV production, unions in many countries across Europe (including Belgium, Denmark, France, the Netherlands, Poland, Portugal, and Slovenia) deplore that their implementation remains limited in practice and often varies considerably from one workplace to the other. A major problem are smaller companies with limited number of staff, where health and safety rules are often implemented very poorly. Usually, across Europe, TV and film production companies are obliged by law to prepare risk assessment plans before they start a shooting. However, in many cases in practice, no risk assessment is done and unions from across Europe report a lack of comprehensive health and safety policies, including amongst bigger production companies.

Health and safety representatives play a key role. In many countries they are set up either by unions or by workers' representatives, and workers therefore have the chance to channel their health and safety concerns. This includes Finland, France, Italy, Romania, Sweden, and the UK. In some countries the rights of these representatives are very well developed, such as in Italy, the UK and Sweden which sometimes foresee extensive rights and obligations for these representatives. In some countries health and safety committees have to be set up, including in countries like Finland and the UK. In other countries, there is no health and safety representative at workplace (e.g. the Netherlands, Slovenia). Unions from certain countries report that the work of health and safety representatives is very limited in practice, often because of a low level of implementation of health and safety policies (e.g. Denmark, Portugal). In some countries health and safety representatives are appointed only in companies with work councils, like in Spain.

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There is no doubt that health and safety policies work where there is a good agreement on cooperation between employers and workers. Again, a very diverse picture emerges across Europe. In still too many countries (including the Netherlands, Poland, Portugal, and Spain), unions report poor levels of cooperation with employers, including in some cases no cooperation at all.

In some countries however, cooperation between employers and unions is carried out closely. This is the case in Belgium, Denmark, Finland, France, Germany, Sweden and the UK. This is partly due to extensive legal obligations imposed on workers and employers to cooperate. A particularly good practice of cooperation is reported from Sweden, where employers and trade unions are both fully involved in ensuring health and safety policies at workplaces and cooperate usually very well together.

In Belgium, a new platform of the Social Fund of the Audiovisual and Film Production Sector is drawing the attention on health and safety at workplaces, in close collaboration with unions and major audiovisual employers.

Across Europe, freelancers usually face a more delicate situation regarding their health and safety in TV and film production. They are usually excluded from having the possibility to nominate a health and safety representative and they often cannot voice their health and safety concerns during film and TV productions. Depending on their employment status, they usually have to subscribe to specific insurances to make sure they are adequately protected during their work.

Regarding health and safety in **live performance**, general national rules on health and safety at work apply also to venues and theatres. However, similarly to film & TV productions, the situation differs across countries.

Health and safety policies in live performance venues and theatres are in place in most countries. However, there are some exceptions (e.g. Spain, Portugal) and unions from across Europe widely agree that the main problem is that health and safety rules are less likely to be respected in smaller venues and theatres and the independent sector, as well as during productions, which go on touring.

Risk assessments are not being carried out systematically in all live performance productions, and failures have been reported in particular in Germany, Spain, and Portugal.

As in film and TV production, workers in live performance productions can raise their concerns personally or through their health and safety representative. However, the presence of health and safety representatives varies hugely. In touring and smaller venues, there are generally fewer or sometimes no health and safety representatives at all. Health and safety committees are also not present in smaller venues and productions, which is mainly because they do not reach the legally required minimum number of workers that have to work in a company, which obliges employers to set up such committees. The threshold in some countries is still very high. In Belgium, France and Romania, companies need to have at least 50 workers to allow for setting up a health and safety committee, a requirement that is not met by the vast majority of live

performance productions. There are also usually no such committees regarding productions on touring. In general, it is much easier for workers with permanent contracts to raise concerns on health and safety, whereas freelance workers usually face more difficulties, depending on their employment status.

Close cooperation between employers and trade unions are generally well established in Belgium, Finland, Germany, Italy, Slovenia, Sweden and the UK. In Spain and Portugal however, cooperation is non-existing or very weak.

One of the main challenges in live performance production is the increase in stress due less and less workers being contracted to do the same amount of work. This is partly due to the reduction of public funding. The amount stress related illnesses is constantly increasing. In the UK, for example, around thirty-eight percent of all the absences are due of stress. In Sweden, forty percent of all work related illnesses are reported to be psychological.

### Freedom of association and collective bargaining

Trade union affiliation of workers active in **film and TV production** vary considerably across Europe.

In Finland, the level of trade union affiliation is high and reaches between sixty-five and seventy percent, whereas in Denmark it comprises around fifty percent of the workforce. In Sweden and the United Kingdom, affiliation reaches between forty and seventy percent of the workforce, depending on different professions (Sweden) or on areas of production, which are covered by collective agreements (United Kingdom). Rates of trade union affiliation in the sector are much lower (sometimes under fifteen percent) in France, Germany, Italy, the Netherlands, Poland, Portugal and Spain.

In general, affiliation is higher among those workers employed under permanent or fixed-term contracts. For unions, freelancers and self-employed workers remain a challenge in terms of organising. In some countries, self-employed workers who are own-account workers without employees, are still considered by law as “employers” and therefore are not allowed to join a trade union.

Regarding discrimination against trade union leaders and unionised workers and blacklisting of unionised workers, there are important differences across Europe. In practice, unionised workers experience blacklisting and discrimination in several countries, including Denmark, Germany, Slovenia, Spain, and the United Kingdom. Active trade union members report that they have difficulties in getting job assignment, because they went public with their union membership. Workers are reportedly to be reluctant to join a union because they fear that they may not get further employment or work assignments. In many countries, employers are reported to not appreciate openly and discourage trade union membership and union presence at workplaces.

Unions from Belgium, Finland, the Netherlands and Sweden report that there are no stated problems of blacklisting or discrimination, although isolated cases may exist. In

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general unions from across Europe underline the difficulty for workers to prove that they have been victims of discrimination because of their union membership.

Trade unions in most countries are recognised bargaining agents. Most of them are also involved in collective bargaining processes, although with some exceptions. In some countries, national legislation on representativeness of unions imposing minimum thresholds can be an obstacle for trade unions to negotiate collective agreements (e.g. Spain). Negotiating collective agreements on behalf of freelance workers remains a difficult issue for unions.

In the field of **live performance production**, trade union affiliation also varies considerably across Europe, with high affiliation rates in Finland (between seventy-five and eighty percent) and Sweden (between seventy-five and ninety percent depending on professions) and the UK, and low rates in France, Italy, Poland, Portugal, Romania, and Spain.

Similarly as to film and TV production, there are no legal obstacles to freedom of association in most countries. As already mentioned, in some countries self-employed workers without employees are considered “employers” by law and cannot join a union (e.g. Slovenia). In general, the increasing number of short-term employment contracts and growing self-employment in live performance productions influence negatively the ability or willingness of workers to join a trade union. This is particularly true if they cannot benefit from certain collective agreements due to the nature of their employment status.

Regarding blacklisting and discrimination against trade union leaders and unionised workers, no problems are reported for Belgium, Finland, Germany, Italy, Poland, and Portugal. However, cases of blacklisting and discrimination are regularly reported in France, Romania, Slovenia, Spain and the UK. Again, unions underline the difficulty for workers to prove they have been victims of discrimination.

Unions also report that employers in live performance productions in many countries do not openly welcome trade union leaders and unionised workers and often consider them as troublemakers. Workers remain cautious either not to affiliate to a union or to remain silent about their union membership. In some countries (e.g. the UK), press and media often depict a negative picture of unions, which evidently has a discouraging effect on young workers to join a union.

Trade unions in live performance production are recognised bargaining agents in nearly all countries. They are also fully involved in collective bargaining at all levels (enterprise/ national level). In some countries there are no collective agreements signed in the field of live performance productions, like for example in Portugal.