

## Points of consensus <sup>1</sup>

### **Challenges faced by governments and social partners with respect to employment relationships in the media and culture sector**

1. Media and culture is a growth sector and has the potential to provide significant business and employment opportunities, especially for skilled workers. It is also important for fostering communication, civic participation, cultural diversity, innovation and creativity in societies, and has a positive effect on other sectors such as tourism and commerce.
2. The media and culture sector has always been unique in that it depends on the individual talent and creativity of workers and, due to the nature of the work, it has been characterized by a wide spectrum of employment relationships and of civil and commercial contracts relating to work. This spectrum includes: traditional open-ended employment contracts, fixed-term contracts, project and contract work, self-employment and freelancing. Some relationships in this sector are commercial and fall outside the scope of the employment relationship and its concomitant rights and responsibilities. Where intellectual property rights of performers, writers, directors and others exist, these include economic and moral rights, which should involve prompt remuneration for the work and/or subsequent royalty or residual payments.
3. Fundamental principles and rights at work apply to all workers in the media and culture sector, regardless of the nature of their employment relationship.
4. Addressing challenges regarding the sector's employment relationships requires a holistic approach that takes into account other aspects of the sector, such as better coordination between supply and demand in its labour market, and a focus on training that is better adapted to industry needs and to the rapidly evolving technological environment. Global labour statistics on the media and culture sector are inadequate, and better labour market information using more up-to-date definitions and occupational categories is required. Gender equality should be promoted, including through addressing issues related to access to work, pay inequalities and barriers to promotion. Freedom of expression and independence must underpin the sector.

<sup>1</sup> These points of consensus were adopted by the Global Dialogue Forum on 15 May 2014. In accordance with established procedures, they will be submitted to the Governing Body of the ILO at its 322nd Session in November 2014 for its consideration.

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## **The contribution of social dialogue to addressing challenges in respect to employment relationships and to improving social protection coverage in the media and culture sector**

5. Social dialogue includes sharing of information, consultation and collective bargaining. Social dialogue is shaped in this sector by the variety of relationships and occupational categories in media and culture. Workers are increasingly versatile and multiskilled to meet the opportunities of the future.
6. A better understanding of the different types of employment relationships and other working arrangements in the media and culture sector is needed to assess which types constitute an employment relationship, and which ones constitute a civil or commercial relationship. It should be borne in mind that this exercise should not interfere with true civil and commercial relationships, while at the same time ensuring that individuals in an employment relationship have the protection they are due.

## **Measures to help improve business and employment prospects in the media and culture sector**

7. Governments have an important role in promoting a sound and enabling business environment for the media and culture sector. States can set out a clear and sustainable legal framework regarding public broadcasting. In addition, they will need to address issues with regard to subsidies to independent producers, and to the granting of airwave licences that imply unfair competition and legal uncertainty. Governments need to apply intellectual property protection laws and to ensure that competition legislation does not obstruct the right of media and culture workers to freedom of association or to engaging in social dialogue with their social partners.
8. Government and social partners need to develop strategies on training which will respond in a timely manner to current and future skills needs in the sector. Training should help address diversity in the sector and focus not only on people who want to find work in the sector, but also on existing media and culture workers.
9. Another key strategy is fostering media and culture in education curricula, wherever possible, with the aim of developing future media and culture workers, as well as educating people about media and cultural goods and services.
10. Social security schemes should take into account the particular needs of media and culture workers.

## **Recommendations for future action by the International Labour Organization and its Members**

11. In view of the discussion at the Global Dialogue Forum on Employment Relationships in the Media and Culture Sector, and subject to the availability of resources, the following future action is recommended.

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The Office could:

- (a) strengthen efforts to promote fundamental principles and rights at work (FPRW) in the media and culture sector and build capacity of constituents to do likewise;
- (b) assist efforts to strengthen the social partners in the media and culture sector, and to promote the extension of social dialogue;
- (c) carry out research on the employment-creation potential of the media and culture sector and related good practices;
- (d) together with the International Conference of Labour Statisticians and UNESCO, examine the possibility of attaining better disaggregated employment data on the sector;
- (e) consider publishing a new (revised, updated) edition of the Sectoral Working Paper *Child performers working in the entertainment industry around the world* (2003) in English, French and Spanish and consider drafting a code of practice on the protection of children working in audiovisual and live performance;
- (f) consider elaborating good practice guidelines covering internships, apprenticeships, volunteering, work experience programmes and other forms of unpaid labour in the media and culture sector.