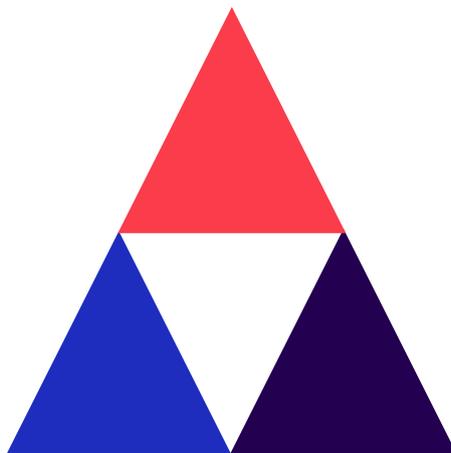




▶ The Future of Work in the Arts and Entertainment Sector

Report for the Technical Meeting on the Future of Work in the Arts and Entertainment sector

(Geneva, 13–17 February 2023)



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▶ Abbreviations

BTAP	Beijing Treaty on Audiovisual Performances
GDP	gross domestic product
MSMEs	micro, small and medium-sized enterprises
SSE	social and solidarity economy
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
VFX	visual effects
WCT	WIPO Copyright Treaty
WIPO	World Intellectual Property Organization
WPPT	WIPO Performances and Phonograms Treaty

▶ Background

1. At its 341st Session, in March 2021, the Governing Body of the International Labour Office endorsed the convening of a technical meeting on the future of work in the arts and entertainment sector.¹
2. The meeting will discuss opportunities and challenges for decent work in the sector in the context of digital technologies, globalization, environmental sustainability, demographic changes and a human-centred recovery from the coronavirus disease (COVID-19) pandemic.
3. This paper aims to inform the meeting's discussion, highlighting the trends steering major sectoral changes and analysing how these transformations may impact the future of work in the sector.

▶ 1. The arts and entertainment landscape

4. The arts and entertainment sector has both cultural and economic dimensions. It creates experiences, rather than just goods.² Moreover, the COVID-19 pandemic has encouraged discussion of the broader culture as representing, in some instances,³ a “global public good”, through its capacity to promote social cohesion, increase people's resilience and connect communities to different forms of cultural expression, in addition to its commercial value.⁴
5. Arts and entertainment share specific characteristics that are important for the economic development of countries: they involve the creation, production and distribution of products and services that use creativity and human capital as primary inputs; their activities are based on knowledge and use skills to generate revenues through commercial exploitation, underpinned by intellectual property protection; and they consist of tangible products and intellectual or artistic intangible services that combine creative content and economic value.⁵
6. For the purposes of this report, “the arts and entertainment sector” includes creative, arts and entertainment activities; publishing; motion pictures, video and television programme production; sound recording and music publishing; programming and broadcasting; and the activities of libraries, archives, museums and other cultural institutions.⁶ Workers in the sector include both the “creatives” (actors, musicians, orchestra directors) and the technicians who support their work, such as audiovisual and sound engineers, as well as other professionals employed in support of the entertainment or artistic activity.

¹ GB.341/POL/3(Rev.1).

² Luciana Lima Guilherme, “Creative Economy : Thematic Perspectives Addressed and Research Methodologies Adopted”, *Brazilian Journal of Science and Technology* 4, No. 2 (2017): 1–17.

³ *The Conversation*, “Are the Arts & Culture A Public Good?”, 2014.

⁴ The United Nations Educational, Scientific and Cultural Organization (UNESCO), *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, 2015.

⁵ The United Nations Conference on Trade and Development (UNCTAD), *Creative Economy Report*, 2010, 8.

⁶ This is a working definition based on United Nations Department of Economic and Social Affairs, *International Standard Industrial Classification of All Economic Activities (ISIC), Revision 4*, 2008, codes R90, R91, J58, J59 and J60.

Scope and definitions

7. The terms associated with “the arts and entertainment sector” vary and need to be understood in the framework of the broader evolution of the “cultural industries”, “creative industries” or “creative economies”. In the last few decades, terminology has shifted from the “cultural economy or industry” (limited to sectors such as music, dance, theatres and so on) to the “creative economy” (including sectors related to the creation of content and the application of technology, such as the gaming or animation sectors) and the “culturally related” sectors, which are linked to, and developed together with, the cultural economy. These include fashion, design and advertising, among other sectors.⁷
8. The application of digital media and internet to the sector emerged in the last two decades, expanding the sector’s creative and economic dimension. This also contributed to a reconsideration of the role of public and private actors and the place of cultural workers, enterprises and those operating through digital technologies in the sector.⁸
9. These evolutions show that the sector is largely built around structures of different types and sizes, such as non-profit associations; own-account workers; start-ups; and micro, small and medium-sized enterprises (MSMEs) coexisting with large enterprises. In this sense, the expression “creative economy” has become generalized to include the different cultural sectors, arts branches and different modes and sizes of production.
10. This report will focus on full and productive employment and decent work for workers and enterprises that produce specific goods and deliver services, in particular on the arts and entertainment side of the cultural and creative ecosystem, including the performing arts; music; dance; both live and recorded performance (sound or audiovisual); the visual arts; books; and gaming and animation.

1.1. Evolution of the organization, production and service delivery models in the arts and entertainment sector

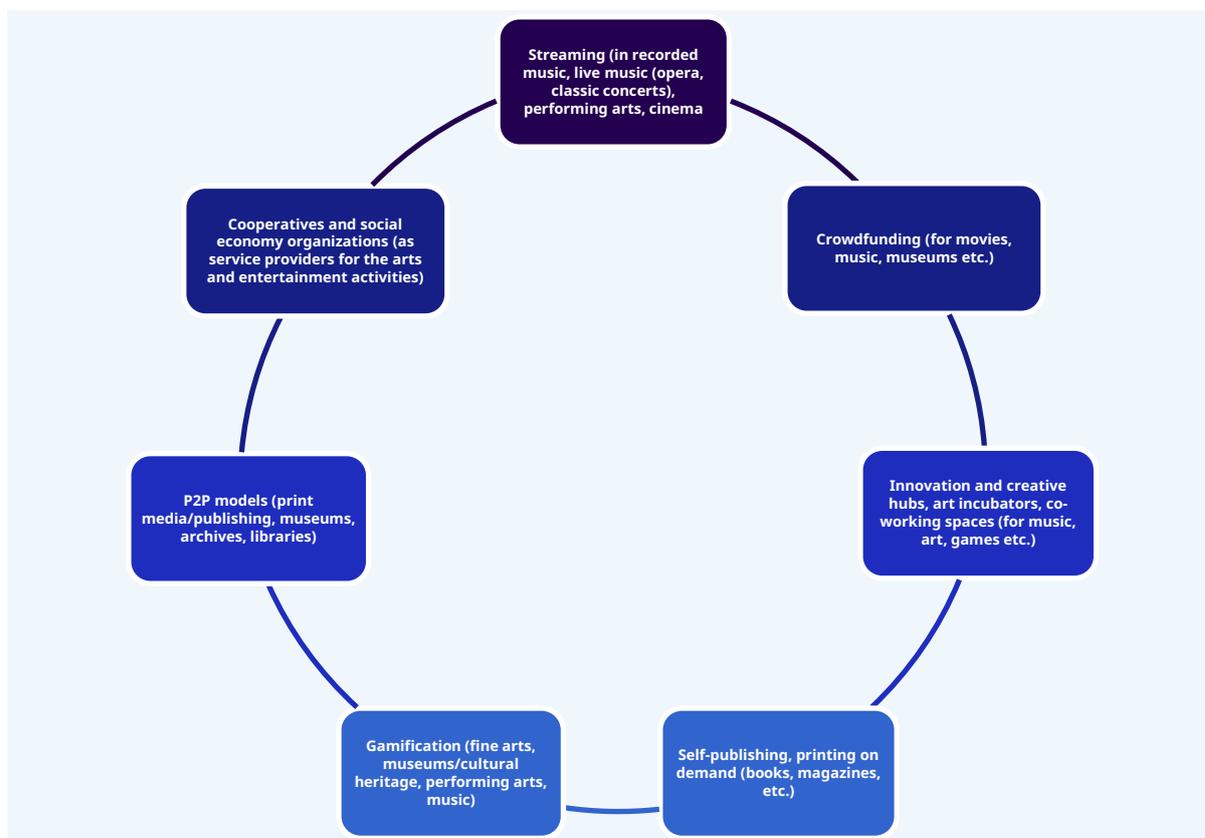
11. In recent years, there has been a consumer shift towards spending on “experiences” and “leisure services”, as opposed to acquiring tangible products. That shift has facilitated a surge of new business models (figure 1), new forms of production and a diversity of work arrangements and types of enterprises, which often work in connection with new digital platforms, and it has created new markets and skills requirements.⁹ The new business models rely on tools such as mobile phones, e-book readers, tablets, social media networks and so on, which have transformed the methods of production and dissemination in the arts and entertainment sector, with a greater role being assumed by music, gaming, e-publishing and movies. The main characteristic of these new models is the shift from ownership of a good (CD, DVD and so on) to access to a service (the streaming of songs, TV series or movies).

⁷ Guilherme.

⁸ Frédéric Martel, “State of the arts, Cultural policies : Mapping a Field in Reinvention”, Zurich University of Arts, 2020.

⁹ Rasa Levickaitė, “Four Approaches to the Creative Economy: General Overview”, *Business, Management and Economics Engineering* 9, No. 1 (2011): 81–92.

▶ Figure 1. Emerging business models



Source: Adapted from the European Expert Network on Culture (EENC), “New Business Models in the Cultural and Creative Sectors”, 2015, 9–10.

12. The new business models are also reshaping relationships within and beyond the arts and entertainment sector.¹⁰ The emerging digital actors such as “content aggregators” (streaming or content-sharing platforms) are redesigning the sector’s landscape, increasing the interaction between the authors of content and its consumers, mediated by technology and algorithmic decision-making, and increasing the importance of entrepreneurship.¹¹ These actors have often benefited from “safe harbour” provisions that were not intended for such operators, raising important questions related to accountability and respect of copyright.¹²
13. This transformation has been accelerated during the COVID-19 pandemic, forcing audiences to adapt and triggering the demand for alternative production and consumption models, adding to the traditional models of consuming art through cinemas, concerts or museums. The changes in consumer demand have further accelerated the preference for “access” models versus “ownership” of art products; the delivery and consumption of music (live or recorded), movies and performances has shifted more from the shelf to the cloud. Not all sectors have been able to adapt: live performance, for example, could not be fully replaced with any equivalent online service during the pandemic, because of its specific relationship with the audience and its unique nature of multidimensional “experience” that could not always be matched by digital technology.

¹⁰ The World Intellectual Property Organization (WIPO), *An Introduction to the Global Digital Music Market*, SCCR/39/3, 2019.

¹¹ Levickaitė, 82.

¹² Friend MTS, “Building Trust: Safe Harbour”, 2021.

14. Demographic trends have also supported changes in the demand for new methods of consumption. Young people have boosted the demand for technology-driven entertainment services that ensure instant access to content and enhance the experience, through artificial intelligence and virtual reality effects. At the same time, the growing ageing population in developed and some developing countries is also driving the increased demand for arts and entertainment services that are tailored for their older generation. Boosted by the COVID-19 pandemic lockdowns, older people are embracing new modes of entertainment consumption. Some digital platforms specifically target middle-aged adults;¹³ beyond the more engaged gamers, there has been an increasing trend of older generations playing video games and e-sports.¹⁴ Urbanization is also driving the increased consumption of entertainment products designed for commuters (podcasts, audiobooks and so on) and busy lifestyles.¹⁵ The combination of technologies and demographic trends has led to the rise of amateur content creators, especially among young people. The easily produced and accessible content is raising issues related to consumers' privacy and data that is analysed, used and monetized by third parties.¹⁶ Some efforts have been made to increase transparency and better data privacy, especially at the level of the European Union (EU).¹⁷

1.2. Evolution and changes in intellectual property rights

15. The protection of the original work and performances of actors, musicians, producers of phonograms, distributors and broadcasting organizations is paramount for the protection of creativity and the support of workers and enterprises operating in the arts and entertainment sector. The changes occurring have added new elements to the ongoing debate on the digital property rights of cultural workers, creators and other actors in the sector.¹⁸
16. The global movie industry loses US\$40.0 billion to US\$97.1 billion in revenue to digital piracy.¹⁹ Such piracy and the lack of a strong and enabling intellectual property legal framework prevent workers and enterprises from claiming an equitable share of the profits and are responsible for loss of jobs and income in the sector.²⁰
17. It has become challenging to adapt intellectual property rights to the evolving digital environment, in which electronic copies of works can be reproduced without limits; the traditional activities of publishing or printing are made redundant; and issues related to the adequacy of remuneration may arise. In addition, the new digital market is not confined within country borders, raising issues related to creators' control over their intellectual property rights in all countries.
18. In responding to these challenges and concerns, the international copyright framework has evolved (figure 2). In particular, the 1996 WIPO internet treaties ([WIPO Copyright Treaty \(WCT\)](#); [WIPO Performances and Phonograms Treaty \(WPPT\)](#)) represent an effort to modernize and harmonize intellectual property rights in the new digital market, especially with regard to the

¹³ Adrian Pennington, "Netflix Goes 'Direct' to Older Viewers", Streaming Media, 9 November 2020.

¹⁴ GWI, *The Gaming Playbook*, 2021.

¹⁵ The World Economic Forum (WEF), "Digital Transformation of Industries: Media Industry", 2016.

¹⁶ WEF, "Digital Transformation of Industries: Media Industry".

¹⁷ EU, *Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC*.

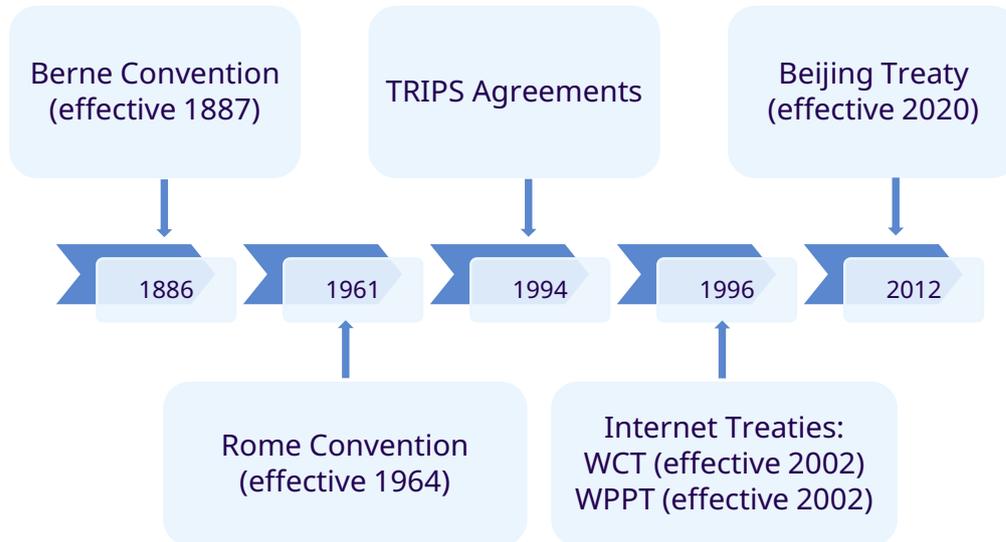
¹⁸ ILO, *Employment Relationships in the Media and Culture Industries*, GDFMCS/2014.

¹⁹ David Blackburn, Jeffrey A. Eisenach and David Harrison Jr., "Impacts of Digital Video Piracy on the U.S. Economy" (NERA, 2019), 6.

²⁰ UNCTAD, "Unlocking Potential of Intellectual Property Rights to Support the Creative Economy", 2021.

exclusive rights of performers and producers of phonograms, including the right of communication to the public and the right of making available (box 1).²¹

► **Figure 2. International copyright framework**



Source: Adapted from Paolo Lanteri, “Treaties and International Agreements on Copyright and Related Rights” (WIPO, 2020).

► **Box 1. Exclusive rights**

Right of communication to the public (WCT, Art. 8). This includes any communication to the public, by wire or wireless means, including “the making available to the public of their works in such a way that members of the public may access these works from a place and at a time individually chosen by them”. The quoted expression covers, in particular, on-demand, interactive communication through the internet.

Right of making available (WCT, Art. 8; WPPT, Arts 10 and 14). This includes situations whereby protected works (copies of recorded music, movies, books and so on) are made available online through a website, so that users can download the files, view or listen to the contents from any location (thanks to internet access) and at any time.

19. These treaties also represent an evolution from both the Convention for the Protection of Literary and Artistic Works, 1886 (Berne Convention), which covers copyrights, and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, 1961 (Rome Convention), which covers related rights (or neighbouring rights) (table 1).

²¹ WIPO, *Understanding Copyright and Related Rights*, 2016.

► **Table 1. WPPT versus Rome Convention and WCT versus Berne Convention: main changes**

	Rome vs WPPT		WCT vs Berne		
	Rome	WPPT	Berne	WCT	
Definition of phonogram	Sounds only	Digital representations of sounds also included			
Computer programmes and databases as works			No	Yes	
Rights of performers and rights of producers of phonograms	Digital storage as a right of reproduction	No	Yes	No	Yes
	Right of distribution	No	Yes	No	Yes
	Right of rental	No	Yes	No	Yes*
	Right of making available	No	Yes	No	Yes
Moral rights for performers	No	Yes			
Duration	20 years	50 years	20 years	50 years	
Three-step test	No	Yes	For reproduction right	For all economic right	
Anti-circumvention; rights management information	No	Yes	No	Yes	

* Only for computer programs, cinematographic works and works embodied in phonograms.

Source: Miyuki Monroig, [“Overview of WIPO-Administered Treaties on Copyright and Related Rights”](#) (WIPO, 2015).

20. In 2020, a new Treaty, the Beijing Treaty on Audiovisual Performances (BTAP), entered into force, covering the intellectual property rights of performers in audiovisual performances. It also recognizes the protection of all performances of literary and artistic works or expressions of folklore, regardless of their nature. The new Treaty represents an update from the Rome Convention by awarding performers with a comprehensive list of exclusive rights, including the right of making available on demand, which is an essential right in the context of technological developments and the digital distribution of creative works. It ensures audiovisual performers’ moral rights (allowing authors and creators to help preserving their reputation and identity, such as the right of paternity and the right of integrity),²² beyond economic rights, which are intended to improve their livelihood. Most importantly, it protects both unfixed (live) performances and audiovisual fixations, whereas the Rome Convention did not recognize audiovisual post-fixation rights to audiovisual performers. The BTAP complements the provisions in the WPPT, which focuses on audio recordings.²³ One key difference is the inclusion in the BTAP of a presumption

²² WIPO, *Understanding Copyright and Related Rights*.

²³ Beijing Treaty WIPO [“What is the Beijing Treaty?”](#).

of transfer of the exclusive economic rights to the producer, from the moment the artist agrees to the fixation of their performance in an audiovisual recording.²⁴

21. This Treaty represents the first international legal framework providing a minimum level of protection, regardless of how performances are delivered to the audience and the nature of their fixation (audio or audiovisual). The importance of this new Treaty should also be seen in the context of the increased globalization of audiovisual products, by ensuring the protection of foreign artists in relation to the exploitation of their work within the contracting state's territory.²⁵
22. However, technological applications in the arts and entertainment sector have changed the flow of property and other rights for both enterprises and individual workers,²⁶ with implications for the revenues system and payment models.²⁷

▶ 2. Mega-trends and their impact on the arts and entertainment sector

23. The arts and entertainment sector has been growing in recent years: exports of cultural goods and services doubled in value between 2015 and 2019, with audiovisual products increasing their value by 70 per cent in the same period.²⁸ This is due to the intersection of a number of factors, including rising affluence, which shifted spending towards entertainment activities; the increased use of information technology, which created value added in cultural and entertainment activities; and globalization, which provided increased access to markets for both products and services.

2.1. Globalization

24. The arts and entertainment sector includes many different economic realities. In some respects and in certain subsectors or countries, it is still characterized by MSMEs, self-employed and own-account workers. Globalization operating in the broader services sector economy has furthered cross-border trade and increased trade in cultural goods and services.²⁹ New technological applications (streaming, video on demand and so on) are facilitating the trade of arts and entertainment services across borders and providing new ways of delivering them. This has resulted in the “dematerialization” of some cultural goods (music, movies, written media and so on), which are now accessible online, with a drastic reduction in traded physical commodities.
25. Overall, between 2010 and 2019, the value of imports and exports of cultural and recreational services registered an increase in different countries (figure 3). According to the global trade data on personal, cultural and recreational services, the imports and exports of audiovisual originals and licenses to reproduce and/or distribute audiovisual products grew by 22 per cent and 9 per cent, respectively, between 2010 and 2020.³⁰ Between 2010 and 2020, exports of creative services

²⁴ Sara Tortosa, “The Beijing Treaty: A Step Forward in the Protection of Related Rights in Audiovisual Performances”, *Kluwer Copyright Blog* (blog), 18 June 2021.

²⁵ Tortosa.

²⁶ WIPO, *Inside the Global Digital Music Market*, SCCR/41/2, 2021.

²⁷ WIPO, *Study on the Artists in the Digital Music Marketplace: Economic and Legal Considerations*, SCCR/41/3, 2021.

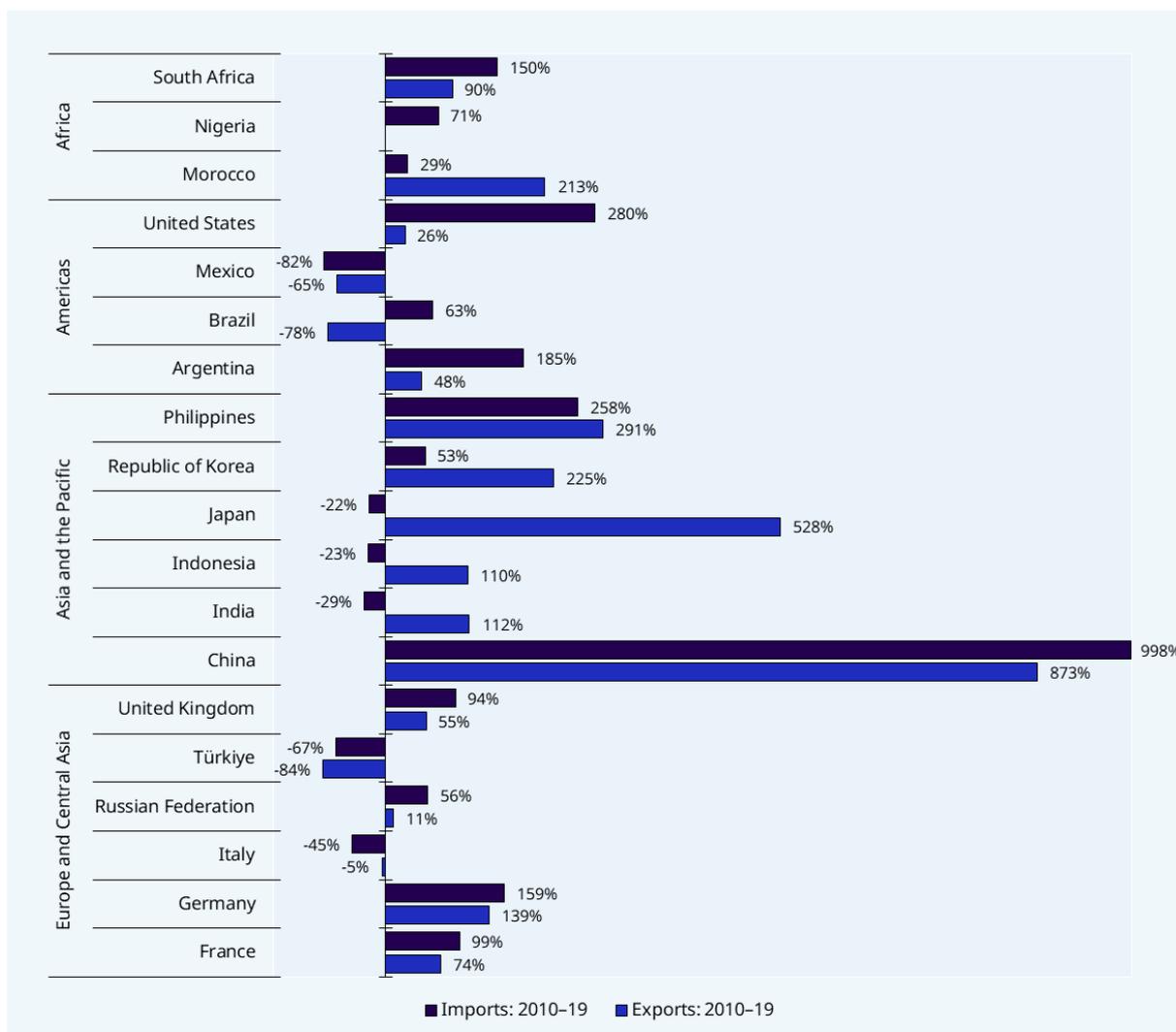
²⁸ UNESCO, *Re|Shaping Policies for Creativity: Addressing Culture as a Global Public Good*, 2022.

²⁹ The World Trade Organization (WTO), *World Trade Report 2019*.

³⁰ The International Trade Centre (ITC), “Trade Map”.

grew more than exports of creative goods. This “decoupling” is driven by the “dematerialization” of some creative goods, which are becoming services.³¹

► **Figure 3. Change in imports and exports of cultural and recreational services, selected countries with available data, by region (2010–19)**



Source: ITC, “Trade Map”.

26. The demand for cultural goods and the related distribution of revenues are still driven by North America, Europe and East Asia, while low-income economies in sub-Saharan Africa (with some exceptions, in particular Nollywood in Nigeria), the Caribbean and the Arab States still have a marginal role in international flows of cultural goods and services.³²

Business consolidation within the arts and entertainment sector

27. At different levels, depending on the various subsectors, some of the enterprises operating in the arts and entertainment sector have converged; this is the case for television and radio,

³¹ UNCTAD, *Creative Economy Outlook 2022*.

³² UNESCO, *The Globalisation of Cultural Trade: A Shift In Consumption – International Flows of Cultural Goods and Services 2004–2013*, 2016, 77; WTO, “Services Trade in Numbers”, in *World Trade Report 2019*.

cinemas/movie theatres, recorded music and publishing. Globalization in these sectors has resulted in the creation of new enterprises, which have often grown into vertically integrated cross-media enterprises. Technology has furthered this process, also pushed by the benefits of economies of scale.³³ This is particularly the case for the movie and animation industries, with the internationalization of their entire value chain (from creation to consumption).³⁴

28. In 2019, the consolidation of the audiovisual sector expanded not only in the United States of America but also in Europe. This resulted from acquisitions by North American chains of movie theatres and, within Europe, from production enterprises taking over satellite pay TV services. An interesting result of this consolidation process was telecommunication enterprises taking over broadcasting and cable operations.³⁵ At the same time, globalization and market liberalization in the broadcasting and audiovisual sectors have resulted in an increase of market influence by non-domestic channels in some regions. This is the case of the EU, where in 2017 more than 20 per cent of the audience share in 26 European markets was represented by foreign TV groups³⁶ and in 2020 the average audience market share of the four leading EU TV groups decreased by 1 per cent compared to 2019.³⁷ The television services market in 2019 was dominated by the United States and Canada, facilitated by the increase in connected TV and media services offered directly via the internet, which saw a surge in the subscription base during the lockdown.³⁸
29. Through the expansion of the “direct-to-consumer” business model, technology enterprises have entered the audiovisual market. Their capacity to respond to new consumption behaviours, including through the collection of audience-related data, has created a competitive advantage over traditional studios and media enterprises.³⁹
30. Consolidation has been also common in the music sector for both recorded and live performances. The increase of streaming platforms has further encouraged this process, especially among technological enterprises, which tend to dominate radio, as well as for live events promotion and ticketing. The COVID-19 pandemic led to a further consolidation in the music industry, in particular the live events industry, in which consolidation was seen as a relief for enterprises and start-ups affected by the pandemic.⁴⁰

Contribution to the economy

31. Within the limitations linked to countries’ definitions, according to UNESCO the broader cultural and creative sector represents 3.1 per cent of global gross domestic product (GDP).⁴¹ In the United States in 2019, arts and cultural economic activities accounted for 4.3 per cent of GDP (an

³³ Joško Lozić, “Modern Trends in the Development of the Media Industry: Post-Industrial Media Society in a Different Cultural Environment”, University of Split, September 2019.

³⁴ UNESCO, *The Globalisation of Cultural Trade*, 77.

³⁵ European Audiovisual Observatory, *Yearbook 2019/2020, Key Trends: Television, Cinema, Video and On-Demand Audiovisual Services – The Pan-European Picture*, 2020, 7.

³⁶ European Audiovisual Observatory, “The Internationalisation of TV Audience Markets in Europe”, 35.

³⁷ European Audiovisual Observatory, *Yearbook 2021/2022, Key Trends – Television, Cinema, Video and On-Demand Audiovisual Services – The Pan-European Picture*, 2022, 30.

³⁸ Allied Market Research, “Television Services Market by Delivery Platform[(Digital Terrestrial Broadcast, Satellite Broadcast, Cable Television Broadcasting, Internet Protocol Television (IPTV), and Over-the-top Television (OTT)], Revenue Model (Subscription and Advertisement), and Broadcaster Type (Public and Commercial): Global Opportunity Analysis and Industry Forecast 2021-2027”.

³⁹ European Audiovisual Observatory, *Yearbook 2019/2020*, 54.

⁴⁰ Brian Penick, “Post-Pandemic Music Industry Predictions: The Consolidation of Power”, *Forbes*, 29 May 2020.

⁴¹ UNESCO, *Re|Shaping Policies for Creativity*, 44.

increase of 3.7 per cent from the previous year).⁴² In Australia, the broader cultural and creative sector contributed US\$111.7 billion to Australia's economy (6 per cent of GDP, end 2016–17).⁴³ The Republic of Korea has a fast-growing cultural and creative sector, with 2.6 per cent global market share and US\$114 billion in revenues; it is expected to grow 4.4 per cent through 2022.⁴⁴

32. Some information is available for developing and emerging countries: a recent South African analysis shows that in 2020 the broader cultural and creative economy represented 2.7 per cent of South Africa's GDP and employed about 6 per cent of all employment in South Africa; however, this trend was slowed down by the pandemic, with a reduction in cultural goods exports.⁴⁵
33. In the African movie industry, Nigeria's motion picture and music recording exceeded revenue projections and contributed US\$1.8 billion to GDP in 2020, with a market growing by 7.49 per cent.⁴⁶ In 2019, the box office revenues originating from Liberia, Ghana and Nigeria amounted to approximately US\$16 million.⁴⁷
34. In Latin America, the arts and entertainment sector is one of the fastest-growing sectors. In Colombia, cultural activities accounted for 3.3 per cent of GDP in 2019,⁴⁸ surpassing key industries such as land transportation and construction. Live performance and other artistic activities grew 68.75 per cent during the period 2005–08.⁴⁹ In Mexico, the cultural sector contribution to GDP was at 2.9 per cent in 2020, with audiovisual media representing more than 37 per cent of the total creative sector output.⁵⁰ In other countries such as Brazil, the video sector is projected to grow more than 15 per cent between 2019 and 2023.⁵¹

2.2. Technological developments

35. All segments of the arts and entertainment sector have been transformed by technological advancements, to varying degrees. This fundamental transformation concerns both the modes of production and the modes of dissemination, as well as the competition for available leisure time. In some instances, such as broadcasting or recording enterprises, technologies have made it easier to create and distribute content and this has to a certain extent facilitated enterprise development, reduced the time and cost of production, and allowed for more people to be able to publish their work or content. However, the performing arts tend to earn limited or no revenues from digital performances, which also require substantial investments by enterprises.
36. The fourth industrial revolution has gone beyond the simple "technological reproducibility" of art to trigger new avenues for entrepreneurship and business models. This has meant that aside from national or solely "public" approaches to cultural development, other measures are needed, such as employment and social policies as well as technology and innovation strategies.

⁴² United States Bureau of Economic Analysis, "Arts and Cultural Production Satellite Account, U.S. and States, 2020".

⁴³ Australia, Australia Industry and Skills Committee, "Arts, Culture, Entertainment and Design".

⁴⁴ The Organisation for Economic Co-operation and Development (OECD), "12 Ways Korea is Changing The World: Cultural and Creative Sectors", 25 October 2021.

⁴⁵ UNCTAD, *Creative Economy Outlook 2022*, 63.

⁴⁶ United States International Trade Administration, "Nigeria: Country Commercial Guide", 2021.

⁴⁷ Statista, "Film Industry in English-speaking West Africa", 2020.

⁴⁸ Biz Latin Hub, "Colombia Boosts Development of its Orange Economy", 21 June 2019, updated on 21 August 2022.

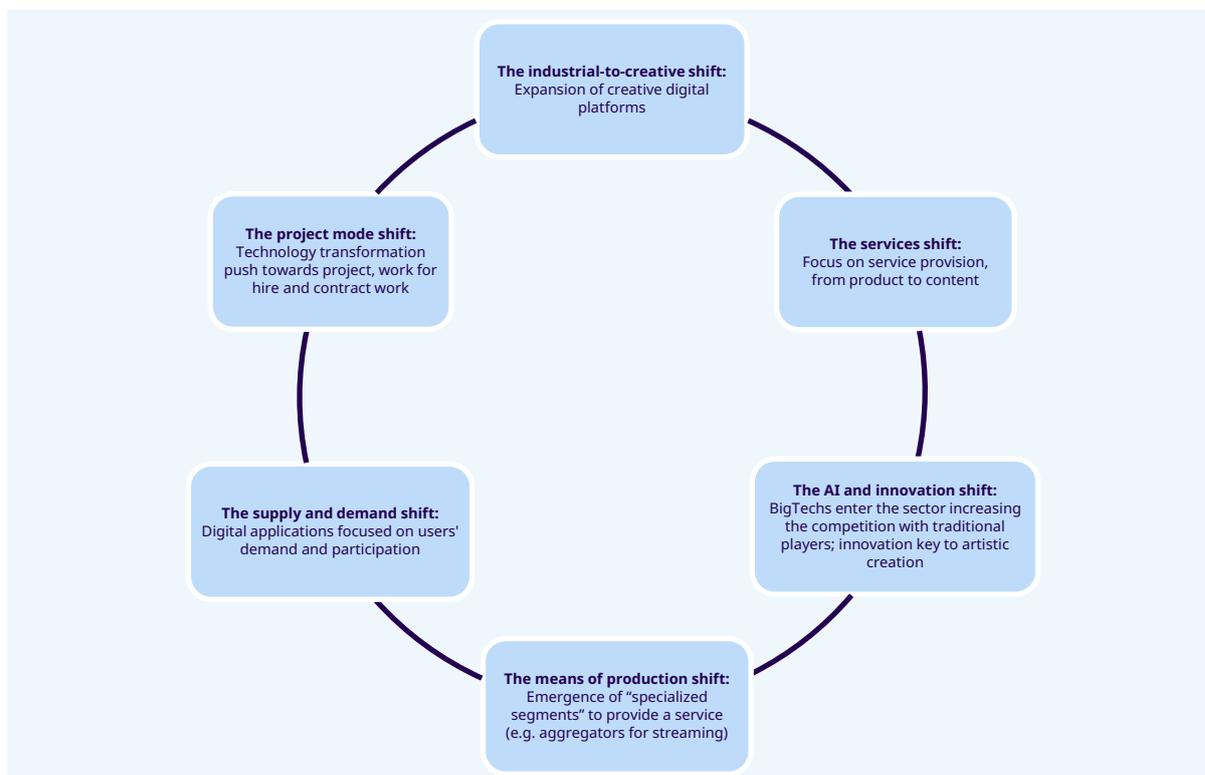
⁴⁹ UNESCO, "Culture for Development Indicators: Colombia's Analytical Brief", 2014, 5–6.

⁵⁰ UNCTAD, *Creative Economy Outlook 2022*, 28.

⁵¹ Statista, "Growth of the Brazilian Media and Entertainment Spending 2019–2023, by Sector", 2021.

Technological transformation can be represented through major “shifts” in the arts and entertainment sector (figure 4).

► **Figure 4. Impact of the fourth industrial revolution on the arts and entertainment sector**



37. While technological transformation has been particularly pronounced in subsectors such as music, gaming and television, museums have also been characterized by a drive towards the digital through the digitalization of arts collections and the development of digital services.⁵² Technological applications used in operas and theatres to record performances and stream them have evolved as well.⁵³
38. In some respects, technology applications have empowered users to participate in cultural content creation. This is the case for self-publishing and user-generated content-providers. However, the increasing role of users as creators has raised issues related to ownership with regard to copyright protection and compliance, as well as issues related to the quality of content creation (that is, with respect to the added value of being a skilled professional). Digital platforms such as crowdfunding platforms have been created to fill the gaps left by declining public funding and support for the financial viability of arts enterprises.⁵⁴
39. The increasing market penetration of the internet and smartphones is facilitating the production and distribution of digital music. Between 2019 and 2021, the number of internet users surged by 800 million to reach 4.9 billion people or 63 per cent of the global population.⁵⁵ In 2020, the year

⁵² Steve Lohr, “Museums Morph Digitally”, *The New York Times*, 23 October 2014 and Anand Giridharadas, “Museums See Different Virtues in Virtual Worlds”, *The New York Times*, 7 August 2014.

⁵³ EENC, “New Business Models in the Cultural and Creative Sectors”, 2015.

⁵⁴ EENC.

⁵⁵ The International Telecommunication Union (ITU), *Measuring Digital Development: Facts and Figures 2021*.

of the outbreak of the COVID-19 pandemic, the number of internet users increased by 10.2 per cent globally, the largest increase in a decade.⁵⁶

40. However, the adequacy of internet infrastructures still represents a missed opportunity to further the sector's growth in developing countries. The Africa region, for example, is still characterized by low internet coverage and access, although the advent of 4G mobile internet and access to low-cost smartphones has improved the situation. Of Africa's population of more than 1 billion people, only 33 per cent had access to the internet at the end of 2021.⁵⁷ In the music sector, there is still a lack of adequate knowledge on how digitally driven business models work.⁵⁸

Technology and issues related to the copyright environment

41. The change from analogue to digital technology has created new emerging intermediaries, often from the large information and technology enterprises that have the required technological infrastructure and capacity. Countries' approaches to the application of regulations to the new business models vary. In some regions, digital video subscription platforms⁵⁹ and user-generated content providers⁶⁰ tend to be regulated differently from broadcasting enterprises. This has made it easier for these platforms to penetrate markets, as governments tend to apply less strict regulations to internet providers.⁶¹
42. The producer's role, especially in music, has also been transformed with the emergence of aggregators and it has shifted from distribution towards more responsibility for funding (for example, artist's content creation), production, marketing and promotion, as well as towards the ownership of the streaming business. However, in many regions such as sub-Saharan Africa, the increasing consumption of digital products via internet and/or telecommunications networks does not necessarily bring viable economic opportunities, partly due to the lack of cultural policies that ensure adequate supervision and regulation. Accordingly, cultural content is often monetized on digital platforms and television stations without the artist's consent or payment of remuneration to the collective management organization.⁶² Furthermore, the lack of a harmonized framework that regulates the digital creative economy encourages piracy and exploitation of protected works, often at the expense of investments and sustainable job creation in the cultural ecosystem. An analysis of the Latin America music market also suggests the lack of an effective revenue or royalty collection system and the absence of a well-established business structure.⁶³
43. One key issue is also the lack of adequate remuneration for the rights transferred to producers. This may impact on other decent work dimensions beyond wages (capacity to pay into social security; viability of the enterprise and so on). At the EU level, the Directive on Copyright and Related Rights in the Digital Single Market 2019/790 is an attempt to improve the protection of intellectual property rights, in particular transparency provisions for authors (including songwriters) and performers.

⁵⁶ ITU.

⁵⁷ ITU.

⁵⁸ WIPO, *Study on the Digital Music Market in West Africa*, SCCR/41/6, 2021.

⁵⁹ Examples of such platforms are Netflix and Amazon Prime Video.

⁶⁰ One example of such content providers is YouTube.

⁶¹ WIPO, *Report on the Online Music Market and Main Business Models in Asia: Overview and General Trends*, SCCR/41/7, 2021, 7.

⁶² WIPO, *Study on the Digital Music Market in West Africa*, 5.

⁶³ WIPO, *The Latin American Music Market*, SCCR/41/4, 2021, 7.

44. The pace of technological applications in the entertainment sector is increasing the demand for animation, visual effects (VFX) and gaming, which is directly related to the broader technological progress in the sector in terms of the availability of low-cost internet access and the market penetration of mobile phones. Most importantly, the spread of technology has turned video games from a niche product to a mainstream product.⁶⁴ Improved digital techniques applied in the animation, VFX and gaming sectors have also reduced production time and costs,⁶⁵ while social media expansion has increased the consumption of mobile video games.⁶⁶
45. Technological advancements and the impact of the internet on book production and distribution have resulted in two main changes: the rise of digital platforms to serve online sales and the emergence of self-publishing technologies. Digital platforms have enabled the consumption of podcasts and audiobooks. The increased competition of digital distribution has pushed independent publishers to collaborate with retail bookshops and booksellers to take a hybrid approach and reach consumers through physical and digital media. Print-on-demand technology now competes with the quality provided by traditional publishers. The co-creation of books, resulting from the collaboration of multiple authors, is also part of the digital revolution.

2.3. Environmental sustainability

46. The arts and entertainment sector is experiencing an increased interest in and debate on environmental sustainability. This may concern consumption issues (electricity consumption, recycling of stage sets, costumes and props, paper or media devices, use of plastic bottles or products for the making and the vision of live performance); production issues (environmental aspects of printing and distribution of newspapers, production of broadcasting materials or theatre shows, carbon footprint of touring for events, energy-efficient management of event infrastructures); and the cultural and entertainment content itself (coverage of sustainability issues during entertainment events).⁶⁷
47. Technological advances and changes in consumer preferences – that is, for online versus traditional media – are changing the way in which cultural goods and services are produced and consumed, with impacts on the overall carbon footprint. However, the issue of the environmental sustainability of digital content is not a straightforward one. While traditional entertainment processes (printing a newspaper or producing a CD) have a fixed carbon footprint, when analysing the carbon footprint of digital products, this tends to constantly change because it is influenced by the number of people using these products, and those working in the sector who contribute to produce the content: data managers, cloud and internet service providers, digital developers and so on.⁶⁸
48. The methods of production of the sector and its use of materials can negatively impact the environment.⁶⁹ The shift to digital modes of consumption means increased demand for electronic devices such as phones, laptops, headsets or TV sets, which contribute to e-waste. The energy

⁶⁴ PR Newswire, "Global Animation, VFX & Games Markets, 2018–2020: Total Value of Global Animation Industry Is Projected to Reach US\$ 270 Billion", 7 January 2019.

⁶⁵ GlobeNewswire, "Outlook on the Animation & VFX Global Industry to 2025: Market Size was \$156 Billion in 2020", 22 January 2021.

⁶⁶ ArcGIS, "Video Games and Globalization".

⁶⁷ Malin Picha Edwardsson, "Towards a Sustainable Media System: Explorative Studies of Emerging Media Consumption Trends and Media Processes for Content Production", PowerPoint presentation on PhD thesis (KTH Royal Institute of Technology, 2015).

⁶⁸ Christopher Hodgson, "Can the Digital Revolution Be Environmentally Sustainable?", *The Guardian*, 13 November 2015.

⁶⁹ European Parliament, *Research for CULT Committee: Culture and Creative Sectors in the European Union – Key Future Developments, Challenges and Opportunities*, 2019.

required for cloud computing is growing and it is estimated that it will account for 8 per cent of global energy demand by the end of the 2020s.⁷⁰

49. The arts and entertainment sector may need to put in place comprehensive strategies to reduce its environmental footprint beyond the digital sphere and include the energy-efficient production of content in theatres and studios and on sets.
50. This is especially relevant for the audiovisual sector, which has started to develop carbon calculators to assess and address the environmental impact. The digital arts also raise concerns with regard to their environmental costs, due to their use of energy-intensive networks and rare metals. However, video-on-demand and digital music platforms tend to have the biggest data footprint.⁷¹ The complexity of the new digital supply chain also makes it difficult for operators to monitor carbon emissions: these may be out of their control as they occur through online platforms and intermediaries. More comprehensive regulations, cross-sectoral policies (cultural, environment and social) and evidence-based research and measurement of the impact may help to address carbon emissions in the sector.⁷² In some regions, social partners are advancing the discussion on key measures in order to balance the need to minimize the environmental impact with policies to ensure just transition – that is, with respect to the unintended effects this may have on jobs.⁷³
51. The arts and entertainment sector can play a key role in raising awareness of environmental issues. Workers, including artists, writers and performers, as well as enterprises and their organizations, can trigger audience engagement with sustainability movements and concrete actions. With the emergence of “artistic activism” and its engagement in environmental issues, the sector can steer consumption choices beyond art, calling for a stronger interaction between cultural work, the economic contribution of the sector and the environment.⁷⁴

2.4. COVID-19 pandemic: disruption of the sector’s economy and the labour market

52. The COVID-19 pandemic has disrupted the arts and entertainment sector in different ways, depending on the dynamics and characteristics of its subsectors. It has simultaneously accelerated the technological transformation of the sector and fuelled new business models, with increased creation of content in the digital environment across different regions. Such disruption involved both the immediate effects of the pandemic on subsectors – due to lockdowns and the closure of productions – and its long-term effects during the recovery period and beyond. Indeed, the management of those long-term challenges remain in terms of putting in place resilient systems to ensure the economic viability of productions; supporting the livelihoods of those working in the sector; and designing public policies to support the sector in responding to similar crises.
53. UNESCO estimated that in 2020 the broader cultural and creative sector lost 10 million jobs globally due to the COVID-19 pandemic. In the same year, the income drawn by creators fell by more than 10 per cent or more than €1 billion.⁷⁵ In Asia and the Pacific, the arts and entertainment sector had a more than 55 per cent share of workers working 0 hours per week (second quarter

⁷⁰ Dina Bass, “Microsoft Teams Up With Accenture, Goldman on Greener Software”, Bloomberg, 2021.

⁷¹ European Parliament.

⁷² European Parliament, 53 and 75.

⁷³ CEPI, “Capacity Building Seminar on Sustainability in the Audiovisual Industry”, 2022.

⁷⁴ Tim Jackson, *Prosperity without Growth: Foundations for the Economy of Tomorrow* (Routledge, 2017).

⁷⁵ UNESCO, *Re|Shaping Policies for Creativity*.

of 2020); almost all the jobs lost were in the informal economy.⁷⁶ Workers in some of these subsectors were more able to adapt to remote work than others; for some of them, the need to maintain physical distance and avoid in-person audience activities affected their capacity to survive. Visual arts and crafts, live performance and celebration, and cultural heritage activities were the most affected.⁷⁷

54. This has particularly been the case for venue-based sectors (museums, theatres, live music venues, movie theatres and so on), while increasing the demand for IT-based sectors, such as gaming and animation. The combination of lockdowns and travel restrictions reduced the scale of live cultural events, ranging from full closure to openings with a limited audience capacity, and also limited the face-to-face relationships that are essential for workers and enterprises in arts and entertainment to network and secure employment or professional collaborations.⁷⁸

Subsectoral patterns

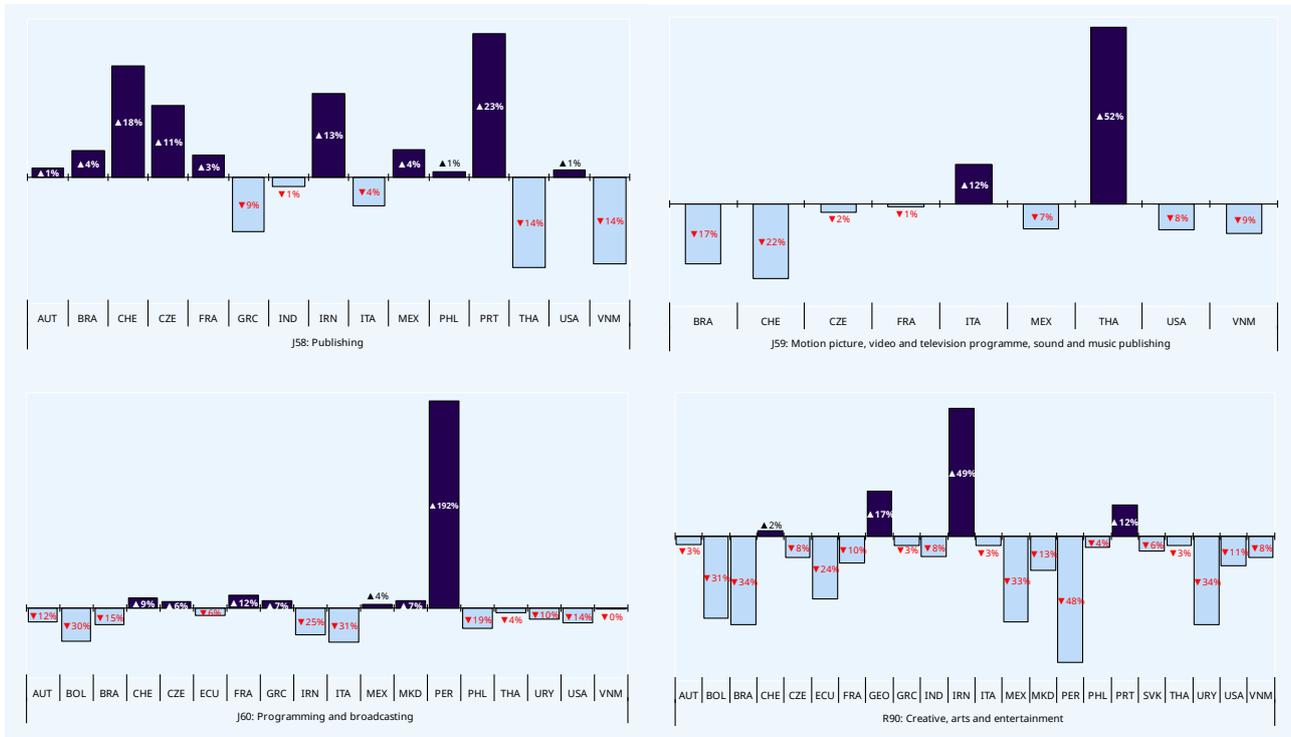
55. Data suggest that the creative, arts and entertainment subsector was the most affected in terms of job losses relative to the fourth (pre-pandemic) quarter of 2019, followed by the motion picture, video and television programme subsector (figure 5). For example, only in the Islamic Republic of Iran (49 per cent), Georgia (17 per cent), Portugal (12 per cent) and Switzerland (2 per cent) did employment exceed fourth quarter 2019 employment levels in the creative, arts and entertainment subsector. Employment declined on average over that quarter in Brazil (-39 per cent), Mexico (-37 per cent), the United States (-13 per cent) and Viet Nam (-9 per cent).

⁷⁶ ILO, *Asia-Pacific Employment and Social Outlook 2020: Navigating the Crisis towards a Human-Centred Future of Work*, box 4.

⁷⁷ UNESCO, *Re|Shaping Policies for Creativity*.

⁷⁸ WEF, "COVID-19 Shows It's Time to Rewrite the Script on Jobs in the Creative Economy", 2020.

► **Figure 5. Average growth rate, selected countries with available data, first quarter of 2020 relative to fourth quarter of 2019**



Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

56. The live performance subsector, including opera, dance, concerts and festivals, experienced a drastic decline due to cuts in production and was less adaptable to the streaming model. In Europe, music and the performing arts registered a decline of 76 per cent and 90 per cent, respectively, during the COVID-19 pandemic, with consequences for jobs and access to social protection.⁷⁹ As for theatres, beyond the immediate closure of all public and private performance spaces there were concerns about physical distancing measures and the need to design safety protocols made it more difficult to reopen such spaces. This uniqueness of theatres and live performance – with reductions in seating capacity and daily performances – made their viability much more difficult in the short term. Some countries have adopted job retention schemes, support for self-employed workers and theatre tax-relief schemes to encourage new productions and revive the sector’s growth.⁸⁰
57. During the COVID-19 pandemic, the recorded music market revenues grew 7.4 per cent in 2020, mainly driven by a 19.9 per cent increase in streaming. The disruption involved reduced demand for physical sales and downloads and reduced revenues from performance rights, which fell by 10.1 per cent between 2019 and 2020.⁸¹ Declines were also registered in synchronization revenues (use of music in advertising, gaming and TV), which decreased by 9.4 per cent, and downloads (-15.7 per cent) over the same period.⁸² However, a 2022 analysis of the music market

⁷⁹ EY, *Rebuilding Europe: The Cultural and Creative Economy before and after the COVID-19 Crisis*, 2021.

⁸⁰ *Financial Times*, “Sam Mendes: How We Can Save Our Theatres” 5 June 2020.

⁸¹ The International Federation of the Phonographic Industry (IFPI), *Global Music Report*, 2021, 13.

⁸² IFPI, *Global Music Report*, 2021, 13.

showed a slight recovery in 2021 of both physical formats (+16.1 per cent) and performance rights (+4 per cent).⁸³

58. In 2020, the revenues of the theatrical and home/mobile movie sector registered a decline of 18 per cent relative to 2019. This reduction was mainly driven by theatrical entertainment (15 per cent of total global entertainment revenue versus 43 per cent in 2019). However, digital entertainment registered an increase in revenue of 31 per cent in the same period.⁸⁴ The pandemic disrupted the production of movies, boosting their release via live streaming and subscription video on demand.⁸⁵
59. On the other hand, most segments of the animation and VFX sector grew at an annual rate of 2 to 3 per cent in 2020. One of the key features of this sector is the increasing globalization of production, tax incentives, subsidies and low labour costs offered in some regions, which has facilitated cross-border operations.⁸⁶ However, employment was partly affected by the link with other subsectors (that is, movies). For example, in the film animation services in the United States, employment experienced a decline of 0.9 per cent between 2019 and 2020.⁸⁷
60. The COVID-19 pandemic accelerated the transition to digital platforms in the gaming sector. Recent 2021 data show a steady trend of internet users playing video games (86 per cent), which has been unchanged since 2015.⁸⁸ Lockdowns increased the demand for and consumption of video games and e-sports, increasing the revenues for gaming enterprises and platforms.⁸⁹ Gaming on demand and cloud gaming, as well as “games as a service” through subscription services, are on the increase;⁹⁰ while the production and demand for console and PC games were particularly disrupted by the pandemic (console games declined 8.9 per cent between 2020 and 2021 and PC games 2.8 per cent). This shift in the demand towards mobile games and related revenues is led by Asia and the Pacific.⁹¹
61. The demand for books remained steady during the pandemic. However, the pandemic was a catalyst for the increased adoption of online books and book fairs shifted to online sales only. New formats tend to coexist with traditional ones, as in the case of the podcasts and audiobooks which coexist with digital books. This transformation may have long-term effects and require enterprises and publishing enterprises to adopt hybrid business models.⁹²

Policy and recovery issues

62. Job losses in the overall sector have brought to light a very fragmented landscape, ranging from workers and enterprises engaged in publicly funded institutions (such as national broadcasting or theatrical enterprises) to those in the private sector, including MSMEs and independent contractors.⁹³ This variety not only has an unequal impact on the sustainability of the sector but

⁸³ IFPI, *Global Music Report*, 2022.

⁸⁴ Motion Picture Association, *Theme Report*, 2020.

⁸⁵ Arkenberg, “Digital Media Trends”, 2020.

⁸⁶ *GlobeNewswire*.

⁸⁷ *IBISWorld*, “Film Animation Services in the US – Employment Statistics 2002–2027”, 30 July 2021.

⁸⁸ GWI, *The Gaming Playbook*, 2021.

⁸⁹ Stefan Hall, “How COVID-19 Is Taking Gaming and E-Sports to the Next Level” (WEF, 2020).

⁹⁰ Newzoo, *Global Games Market Report: The VR & Metaverse Edition*, 2021.

⁹¹ Newzoo.

⁹² PwC, “Global Entertainment & Media Outlook 2021–2025”, 2021.

⁹³ ILO, “COVID-19 and the Media and Culture Sector”, ILO Sectoral Brief, July 2020.

also requires different responses for recovery, including the needs of different subsectors from live performance to video games. This is particularly true for MSMEs, which require renewed efforts and investments to develop an enabling environment, and strengthen access to digital infrastructure. In the long term, small enterprises may need a combination of economic measures (including credit and short-term loans), tailored business services, occupational health guidance and the extension of health and social protection plans.⁹⁴

- 63.** New streaming models have become an important source of revenue for some performers. However, challenges still exist in some subsectors, such as music, in relation to non-featured performers who are not remunerated once a recording is distributed on streaming platforms, raising issues on the effectiveness of the current regulatory framework in ensuring adequate remuneration for creators. The COVID-19 pandemic further highlighted unequal access to technologies, mainly favouring established artists. It also exposed the need for different occupational profiles that provide appropriate skills, as well as the need to scale up appropriate public and private investments for a more inclusive and resilient recovery.⁹⁵ The shift of the place and space of production to “home settings” also raises questions related to the adaptation of terms and conditions to a home or informal work environment.⁹⁶

▶ 3. Decent work challenges and opportunities in the arts and entertainment sector

- 64.** In order to provide a complete picture of the employment landscape beyond the COVID-19 pandemic, the analysis below focuses on 2019 data to showcase the changes and the employment potential over the years.

3.1. The employment creation potential

- 65.** The increased demand for entertainment activities has created opportunities for creative entrepreneurs and job creation. This has contributed to social inclusion and overall development: users and creators of innovation, enterprises and workers in arts and entertainment around the world are developing new goods and services, new business models and creating new jobs, with a ripple effect in the wider economy.⁹⁷
- 66.** Gaps persist at the policy level, preventing the creation of a more effective governance framework that could ensure better synergies between culture and employment policies, as well as education and skills development. For the employment creation potential of the arts and entertainment sector to be fully met, public policies will require a stronger governance system that addresses local economic development, provides technological enablers, fosters entrepreneurship, promotes effective labour market institutions and labour protection, and invests in skills and inclusion.⁹⁸

⁹⁴ ILO, “COVID-19 and the Media and Culture Sector”.

⁹⁵ ILO, *Global Call to Action for a Human-Centred Recovery from the COVID-19 Crisis that is Inclusive, Sustainable and Resilient*, 2021.

⁹⁶ ILO, “COVID-19 and the Media and Culture Sector”.

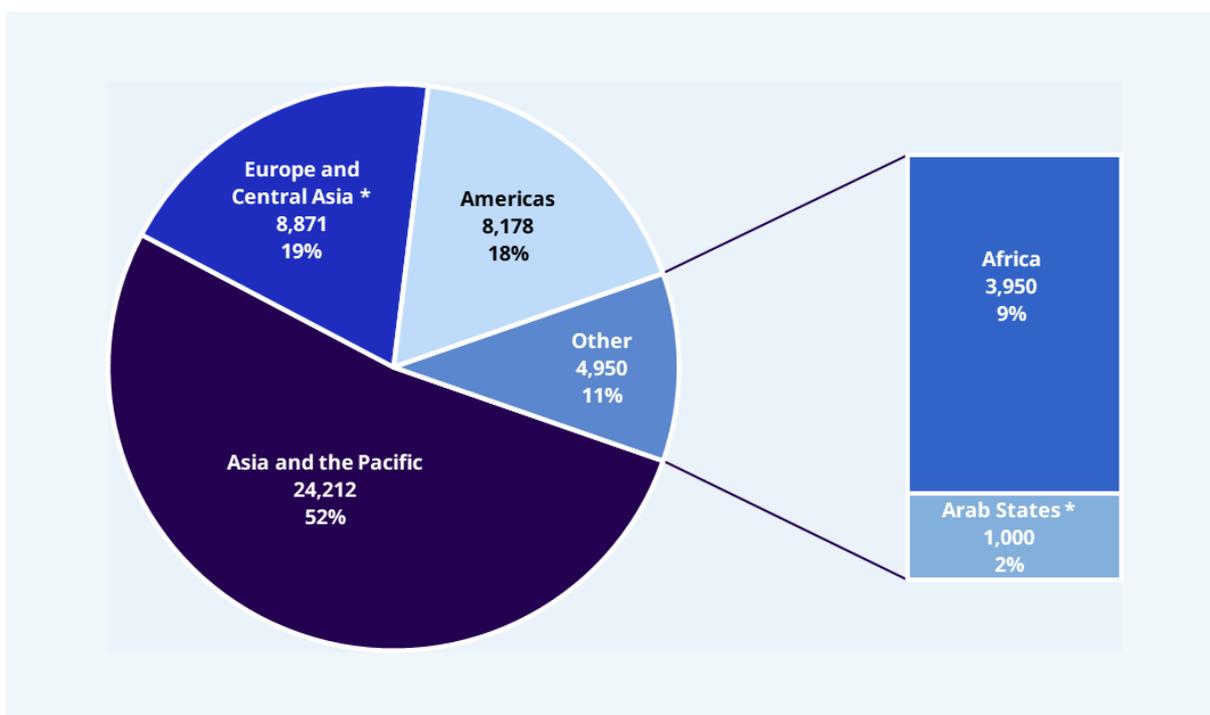
⁹⁷ ILO, “Technological Changes and Work in the Future: Making Technology Work for All”, 2016, 6.

⁹⁸ EU, “Culture for the Future: Creativity, Innovation and Dialogue for Inclusive Development”, working paper for an international colloquium, June 2019.

Overview of employment trends in the different subsectors

- 67. In general, there is an underestimation of employment levels in the arts and entertainment sector: secondary jobs, which characterize the careers of workers in the sector, are not always captured in national accounting systems.⁹⁹ When assessing the employment trends in the different subsectors, the analysis will broadly look at the relevant economic activities, including both cultural and non-cultural occupations in the arts and entertainment sectors. This will provide a broad perspective of the employment creation potential for all types of cultural workers.
- 68. The ILO’s modelled estimates show that overall the sector accounted for 1.4 per cent of global employment or 46.2 million jobs in 2019. At the regional level, Asia and the Pacific accounted for the largest share of global media and culture employment (52 per cent) (figure 6).

► **Figure 6. Regional contribution to global media and culture employment, 2019, in thousands of employees and shares**



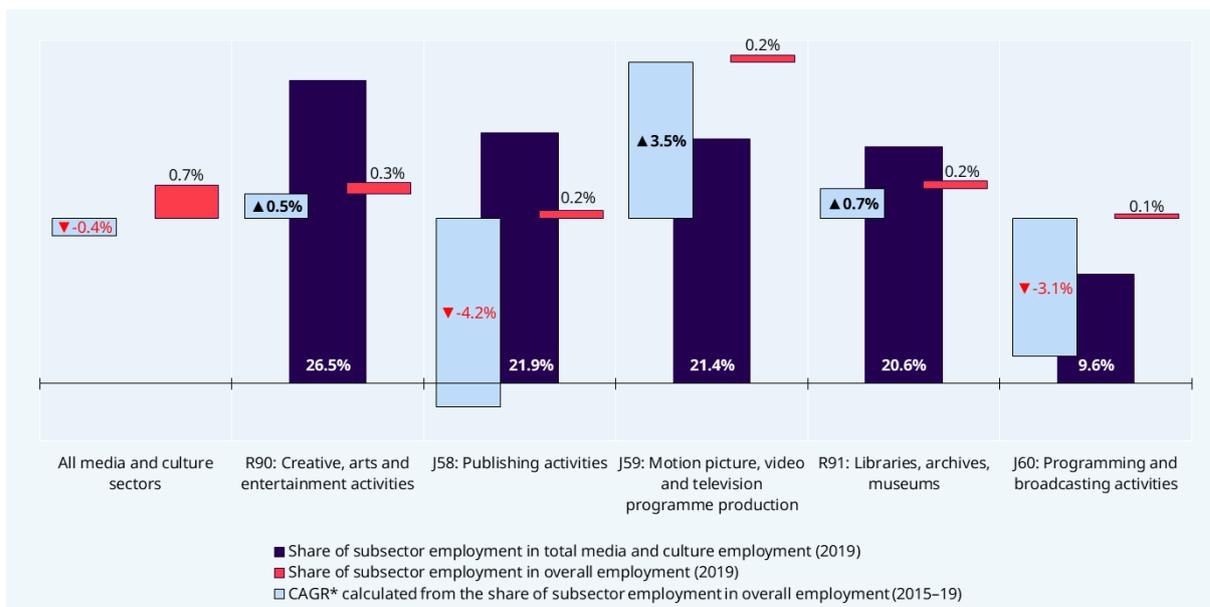
Note: Regions with an asterisk (*) had less than 50 per cent of countries included in the modelling of estimates.

Source: ILO modelled estimates, <http://ilostat.ilo.org>.

⁹⁹ OECD, “Cultural & Creative Industries (CCIs): Fulfilling the Potential”, discussion note, 2018 OECD Conference on Culture and local Development.

69. The creative, arts and entertainment subsector accounted for the largest share of employment in the overall sector (26.5 per cent) and total employment (0.25 per cent) among the five subsectors analysed. While the overall share of the sector’s employment in the total economy declined by 0.4 per cent annually between 2015 and 2019, the subsectoral employment for both motion picture, video and television programme production, and creative, arts and entertainment activities grew by 3.5 per cent and 0.5 per cent respectively (figure 7).

► **Figure 7. Subsectoral employment share in the total economy, 2015–19**



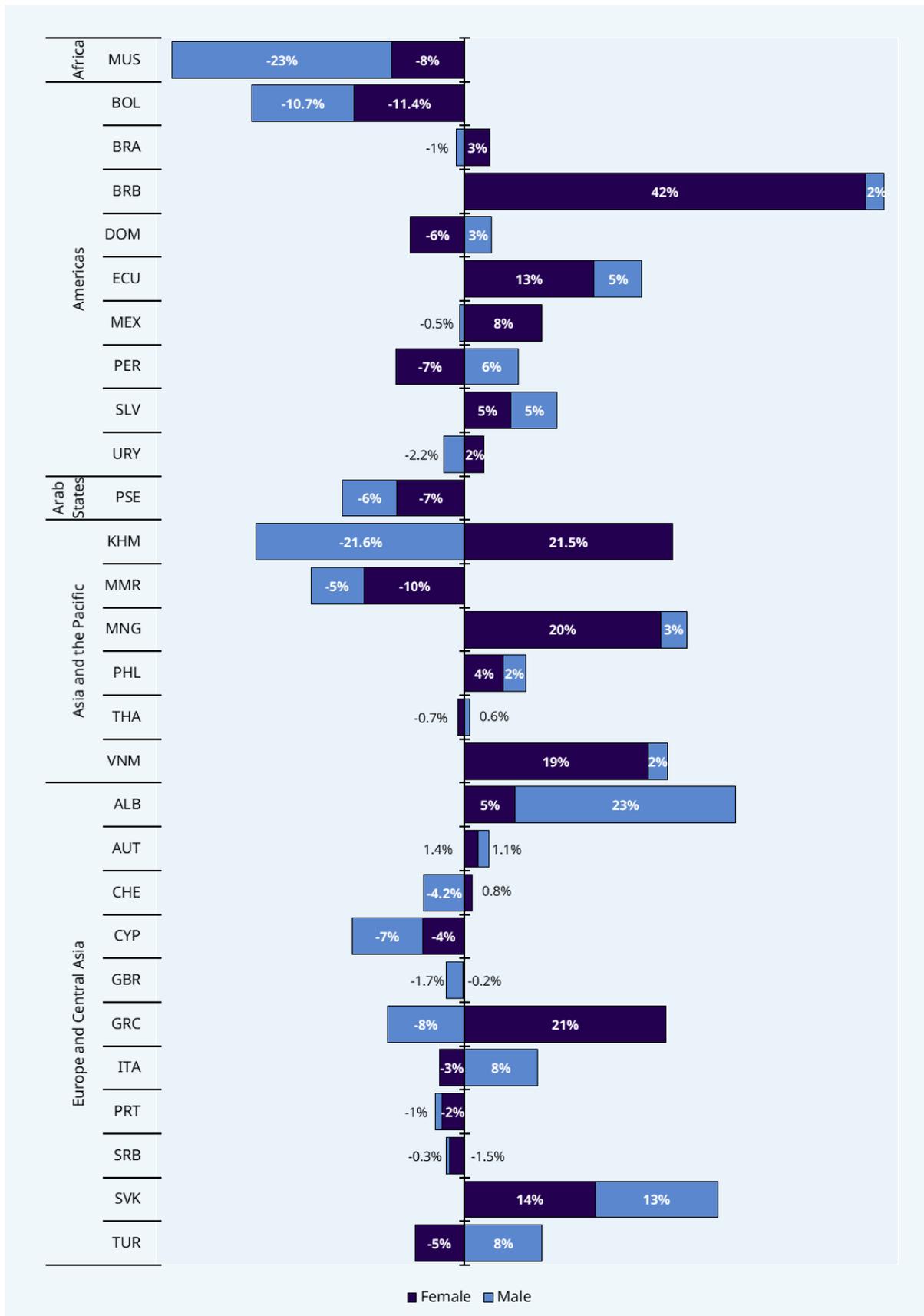
* CAGR = compound annual growth rate.

Note: Based on data for 35 countries or territories: Albania, Austria, Barbados, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Cambodia, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Guatemala, Honduras, Italy, Kiribati, Mauritius, Mexico, Mongolia, Myanmar, Occupied Palestinian Territory, Peru, Philippines, Portugal, Serbia, Seychelles, Slovakia, Switzerland, Thailand, Türkiye, United Kingdom of Great Britain and Northern Ireland, United States, Uruguay, Viet Nam.

Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

70. Regional data show that female employment grew at a higher CAGR than among the male workforce across regions, with some exceptions (figure 8).

► Figure 8. CAGR of total media and culture employment by gender and region, 2015-19



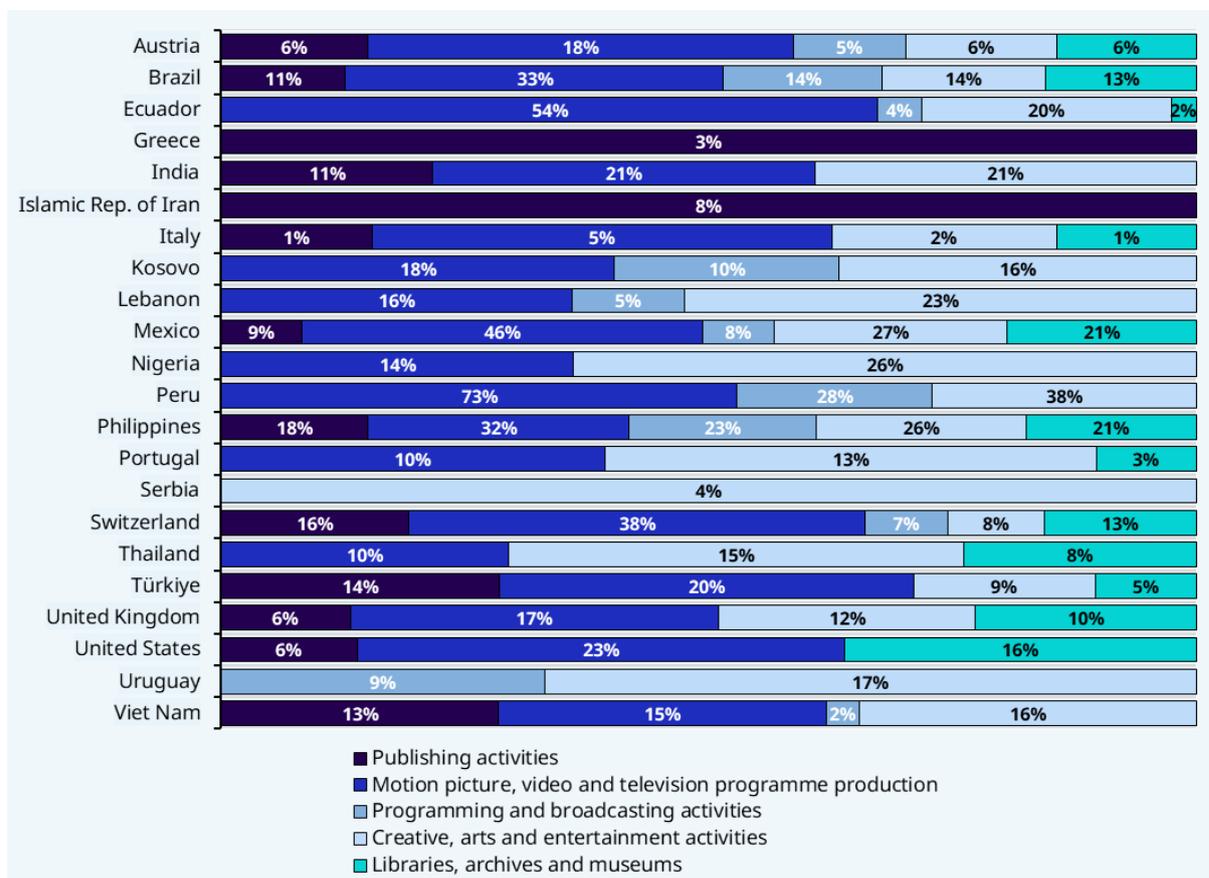
Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

Youth employment

71. New and emerging business models in the arts and entertainment sector are characterized by relatively young workers, usually self-employed/own-account workers, who are responsible for their own enterprise and for access to financing, crowdsourcing, grants and subsidies. The digital shift is also pushing towards a greater demand for digital skills, which is usually the domain of the younger cohort.
72. In developing countries, young people tend to characterize employment both at subsectoral levels and in the overall sector (figure 9). For example, in Peru, young people aged 15–24 accounted for as much as 73 per cent of employment in the motion picture, video and television programme production, sound recording and music publishing subsector; 38 per cent in the creative, arts and entertainment subsector; and 28 per cent in the programming and broadcasting subsector. The picture was similar in most developing countries, such as Brazil, Ecuador, India, Lebanon, Nigeria, the Philippines, and Mexico, where the 15–24 age group accounted for a considerable share of employment in respective subsectors.
73. On the other hand, cultural employment in developed regions, such as in Europe, still retains a significant proportion of workers aged over 65 (4 per cent of cultural workers), which is higher than in other economic activities (with some exceptions at the subsectoral level). Europe also witnessed a reduction in the share of young people in cultural employment (aged 15–29) between 2008 and 2014.¹⁰⁰ Generally, the motion picture, video and television programme production, sound recording and music publishing subsector accounts for a considerable share of youth employment in selected countries or territories relative to other subsectors (based on availability of reliable data) (figure 9).

¹⁰⁰ The European Parliamentary Research Service (EPRS), “[Employment in the Cultural and Creative Sectors](#)”, 2019.

► **Figure 9. Share of people aged 15–24 employed by subsector, selected countries or territories with available data, 2019**



Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

74. A recent ILO report on youth employment trends highlights the highly digital nature of young employment in creative activities in both high-income countries (47.5 per cent of young people employed in digitally intensive sectors in 2020) and low- and middle-income countries (51 per cent).¹⁰¹
75. While the share of young women in creative activities is higher than that of young men in low- and middle-income countries (2 per cent and 1 per cent, respectively),¹⁰² their situation remains unstable in the sector. In South Africa, a study also reports issues related to the high levels of informality among young cultural workers (aged 15–34), who are much more likely to be employed in the informal economy (47.2 per cent) than young people who work in non-cultural jobs (33.6 per cent).¹⁰³

¹⁰¹ ILO, *Global Employment Trends for Youth 2022: Investing in Transforming Futures for Young People*, 2022, 150.

¹⁰² ILO, *Global Employment Trends for Youth 2022*, 151.

¹⁰³ South African Cultural Observatory (SACO), *The Employment of Youth and Women in Cultural Occupations in South Africa*, 2019.

- 76.** New young entrants in the arts and entertainment sector tend to accept unpaid work considered part of the “process” in a very competitive environment, in which young people tend to be overrepresented compared to other sectors.¹⁰⁴ Internships are used as entry points, opportunities for networking and hands-on experience in the film, television and music sectors. Notwithstanding this potential, some practices may result in short contracts or piece-meal jobs.¹⁰⁵ Young workers also tend to spend time and money on their own creations in order to have visibility and start their artistic careers.¹⁰⁶
- 77.** Studies on the European market show that young artists are more likely to be jobless and job opportunities tend to be for short periods of time. Highly educated young people may struggle to transition to work as their skills may not always reflect the demands of the labour market, which is compounded with a lack of experience, making them less employable, and a lack of available information on career and skills development.¹⁰⁷

Trends in labour composition, types of contracts and in employment status

- 78.** For people operating in the arts and entertainment sector, there is often a continuum between working time, “hidden working time” (time spent working on a project or practising) and non-working time. The ILO has in the past highlighted the unique nature of the employment patterns of this profession, with a broad spectrum of employment relationships and types of work contracts.¹⁰⁸ In addition, the irregular incomes from primary jobs in the sector often push workers to have a secondary job to help make ends meet and diversify their experience. This secondary (art-related or non-art-related) job may be their main source of income.¹⁰⁹
- 79.** Workers in the sector tend to have a high level of advanced education. On average, workers with advanced education made up approximately 47 per cent of workers in the sector in 2019, followed by those with intermediate education (32 per cent). Some country examples, based on data availability and reliability and by regions, are provided in figure 10.

¹⁰⁴ ILO, *Global Employment Trends for Youth 2022*, 159.

¹⁰⁵ EPRS, 9.

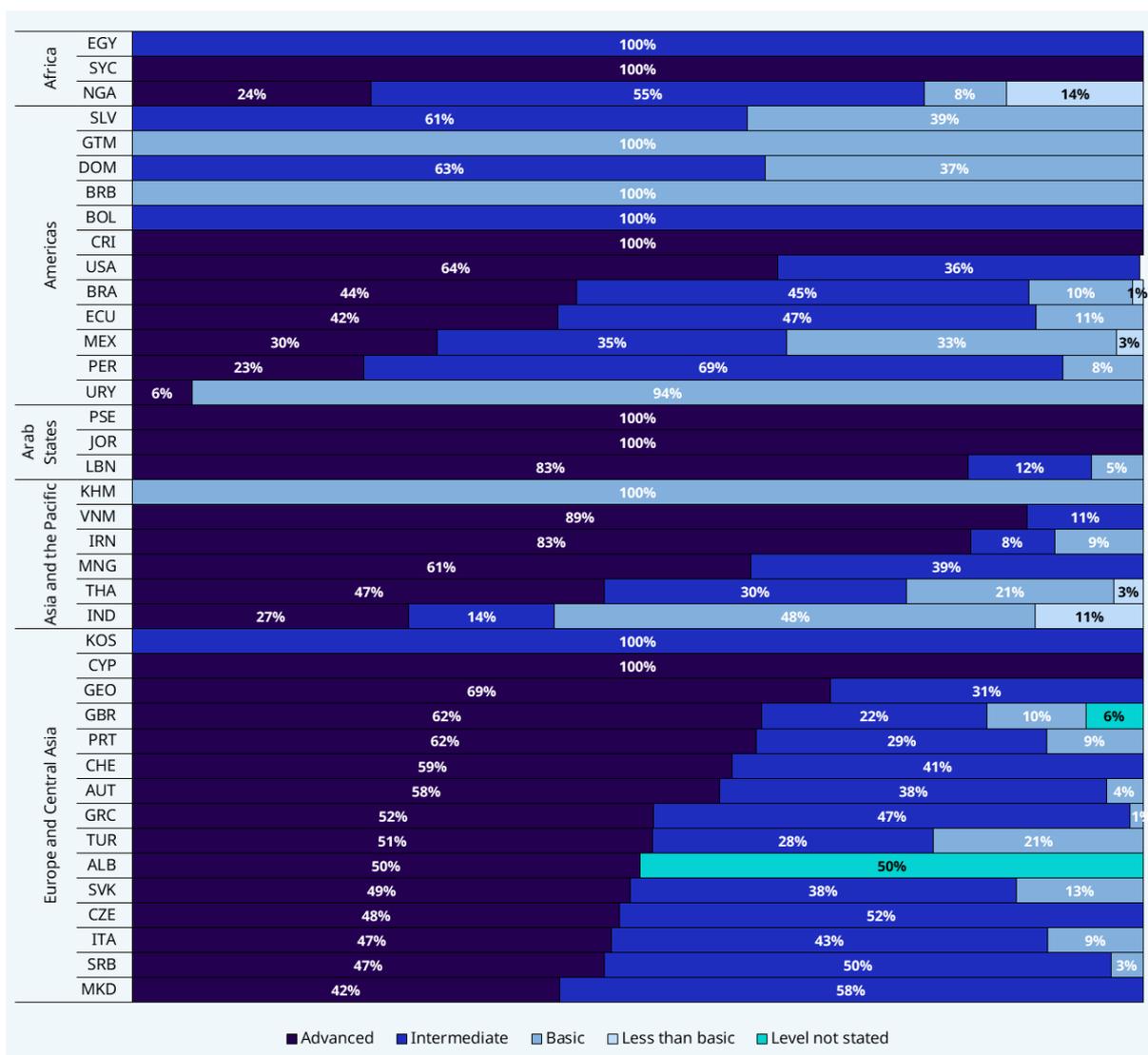
¹⁰⁶ European Expert Network on Culture and Audiovisual (EENCA), “[The Status and Working Conditions of Artists and Cultural and Creative Professionals](#)”, 2020.

¹⁰⁷ EENCA.

¹⁰⁸ ILO, *Points of Consensus: Challenges Faced by Governments and Social Partners with respect to Employment Relationships in the Media and Culture Sector*, GDFMCS/2014/7, 2014.

¹⁰⁹ Gijbert van Liemt, “[Employment Relationships in Arts and Culture](#)”, Working Paper No. 301 (ILO, 2014).

► Figure 10. Share in total media and culture employment by education level and region, 2019



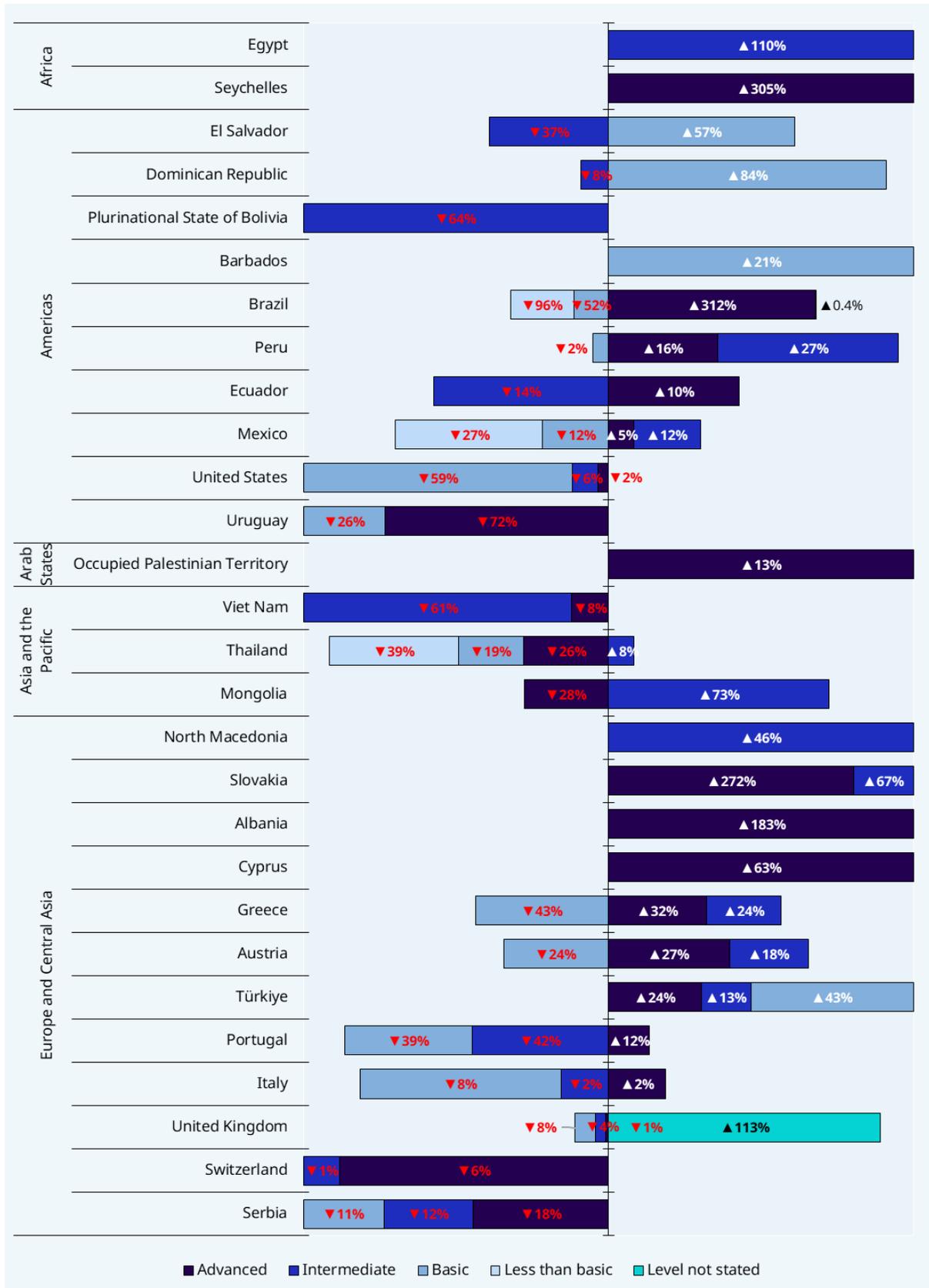
Note: 100 per cent does not necessarily mean absence of workers with other education levels but the availability of data.

Source: ILO harmonized microdata, <http://ilostat.ilo.org>; classification based on the International Standard Classification of Education.

80. Microdata analysis also shows an increase in workers with advanced education in the creative, arts and entertainment activities sector (74 per cent) and the programming and broadcasting sector (36 per cent). The motion picture subsector reported a 30 per cent increase.¹¹⁰
81. As for the overall change in employment in the arts and entertainment sector as a whole, Africa saw an increase in workers with advanced and intermediate levels of education. In the Americas, Brazil recorded the highest increase in the number of workers with advanced education (312 per cent), while in the United States the sector lost 2 per cent of this category of workers. Generally, workers with advanced education increased in Europe and Central Asia (figure 11).

¹¹⁰ ILO, “Statistical Profile of the Media and Culture Sector”, forthcoming.

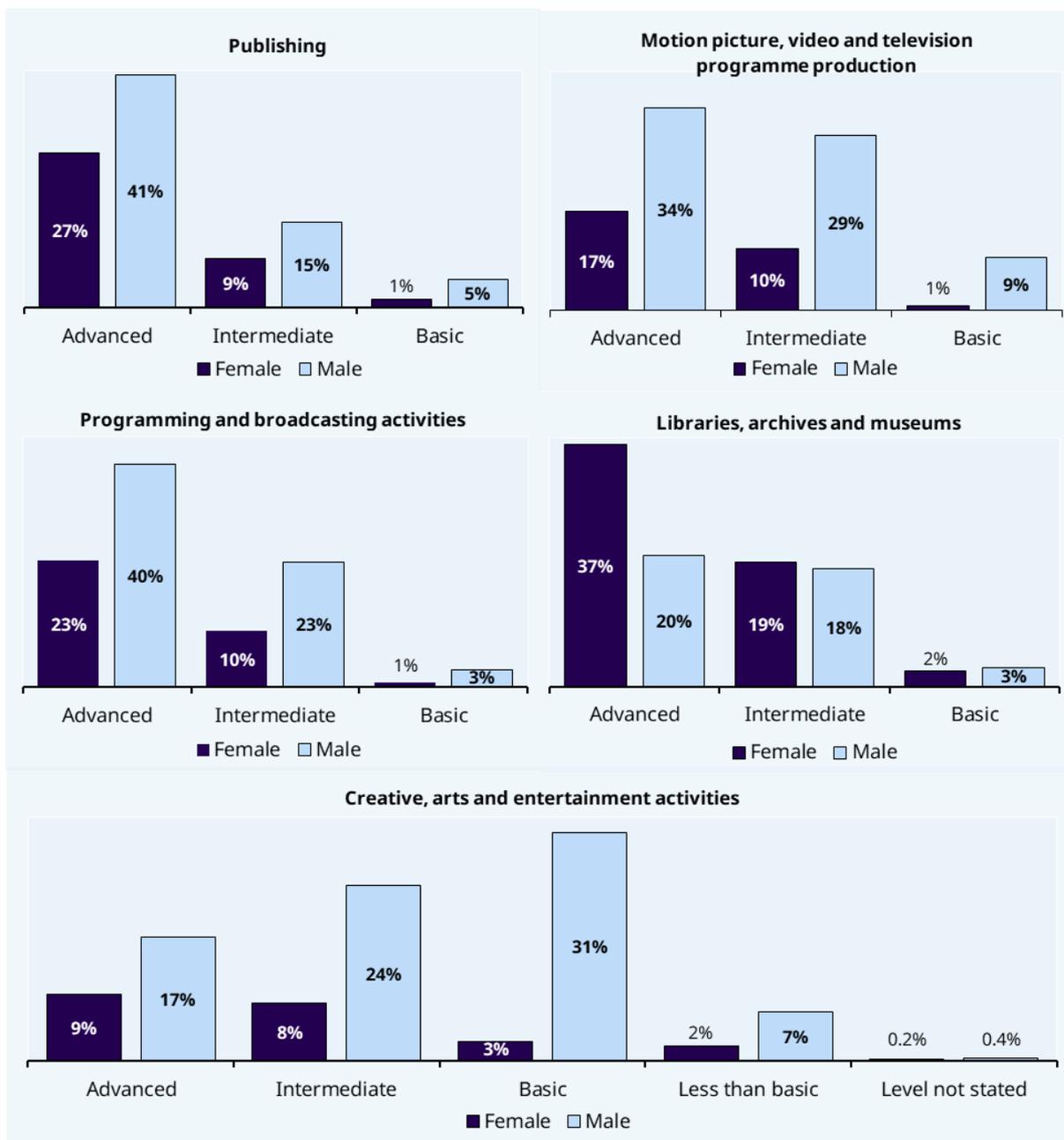
► **Figure 11. Employment growth by education level, selected countries or territories with available data, 2015–19**



Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

82. The distribution of the employment share in the respective subsectors by gender and education level in 2019 still shows a greater proportion of men across the different subsectors and the different education levels. The creative, arts and entertainment subsector was the only subsector which had more workers with a basic level of education, accounting for a combined share of 34 per cent of the subsector’s total workforce of both male and female workers (figure 12).

► **Figure 12. Employment share by gender, subsector and education level, 2019**

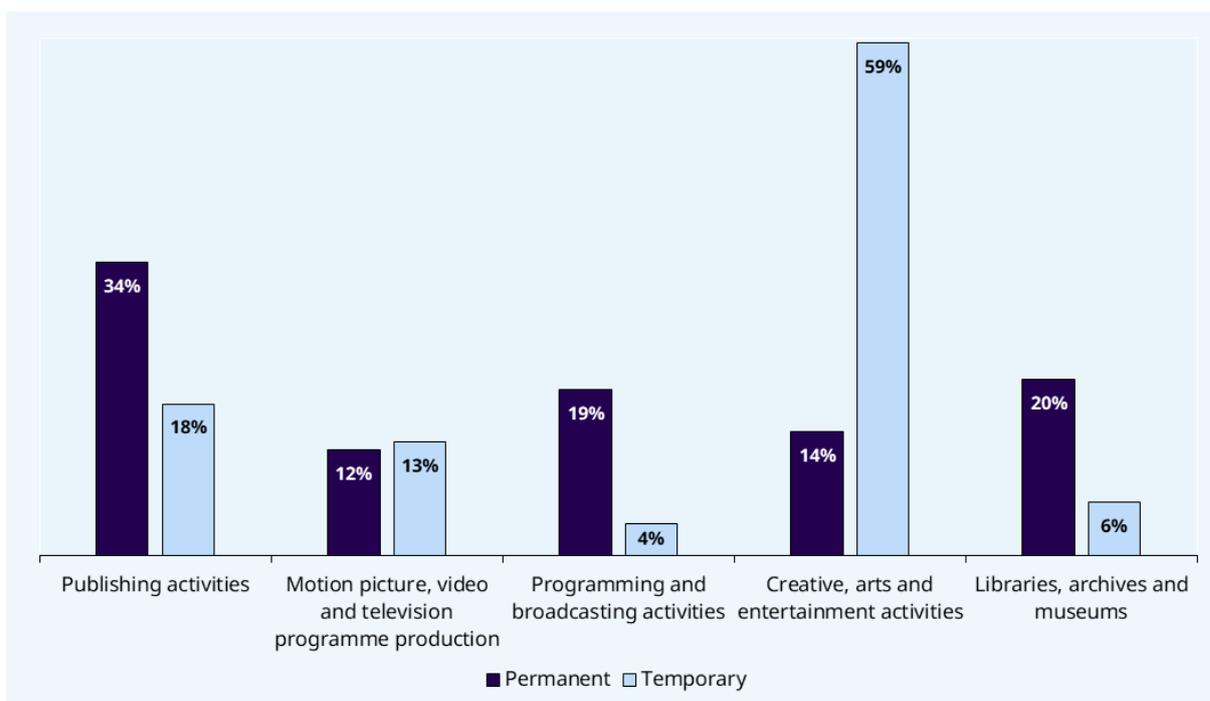


Note: Based on data for 32 countries or territories for publishing activities (ISIC Rev.4 code J58); 25 countries or territories for motion picture, video and television programme production activities (ISIC Rev.4 code J59); 41 countries or territories for programming and broadcasting activities (ISIC Rev.4 code J60); 48 countries or territories for creative, arts and entertainment activities (ISIC Rev.4 code R90); and 29 countries or territories for the libraries, archives, museums and other cultural activities (ISIC Rev.4 code R91).

Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

83. In terms of changes in the type of contracts, 2019 data report that while more than half (59 per cent) of all temporary workers work in the creative, arts and entertainments activities subsector, most permanent workers work in the publishing activities sector (34 per cent) as well as the libraries, archives and museums sector (20 per cent) (figure 13).

► **Figure 13. Distribution of employment by type of contract and subsector, 2019**



Note: Based on data for 27 countries or territories: Albania, Austria, Costa Rica, Cyprus, Czechia, Dominican Republic, Egypt, Georgia, Greece, India, Italy, Jordan, Kosovo, Maldives, Mexico, Mongolia, North Macedonia, Occupied Palestinian Territory, Philippines, Portugal, Serbia, Seychelles, Slovakia, Switzerland, Türkiye, United Kingdom, Viet Nam.

Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

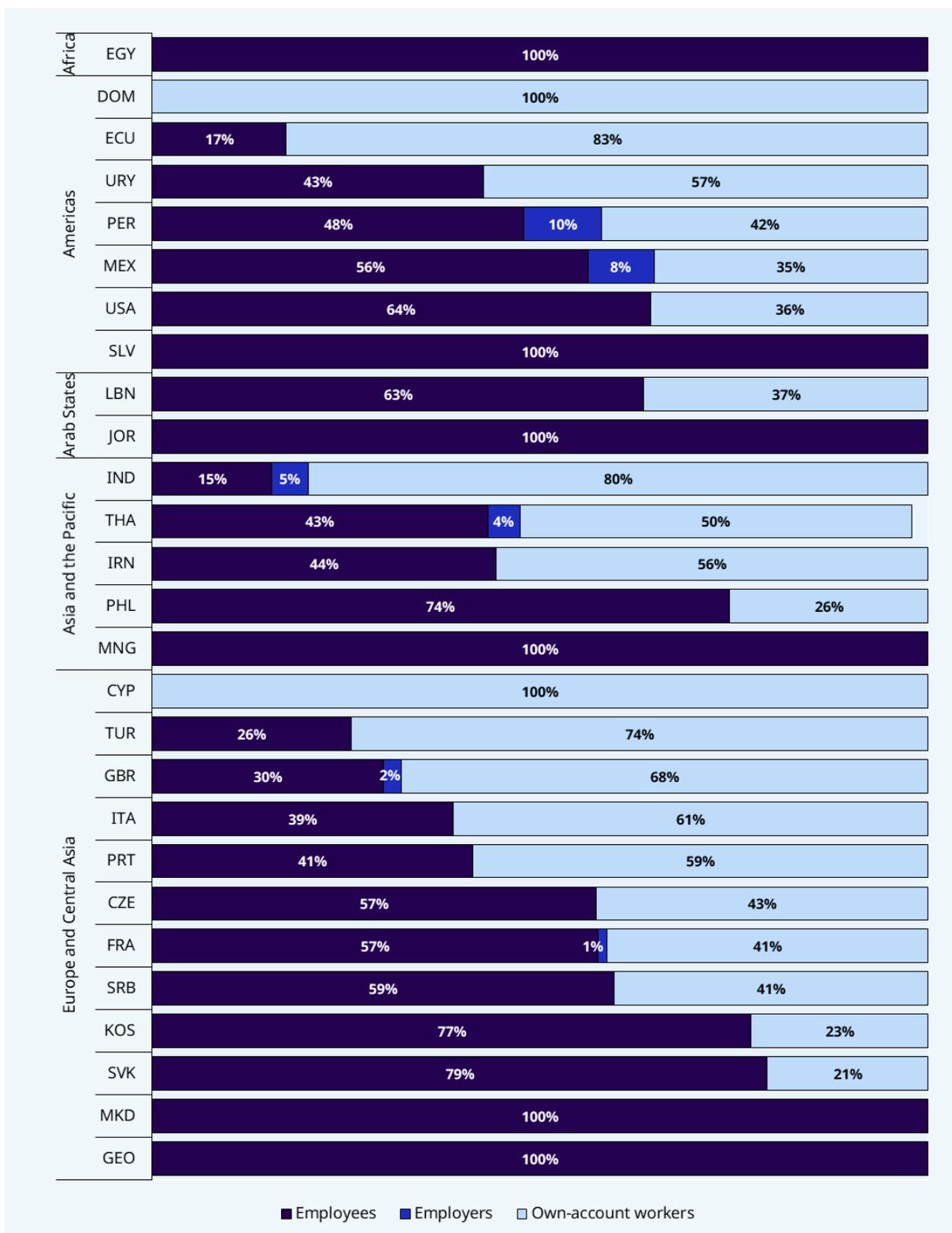
84. Country/territory examples include India, where the creative, arts and entertainment subsector accounted for 62 per cent of the workforce on temporary contracts; Austria, 79 per cent; Italy, 54 per cent, Kosovo,¹¹¹ 63 per cent; and Mexico 65 per cent. Most of the workers on open-ended contracts were either in the publishing subsector or the libraries, archives and museums subsector.¹¹²
85. The platform economy models are changing the way in which work is organized,¹¹³ with an impact on the number of own-account workers. A high prevalence of own-account workers was reported in the creative, arts and entertainment activities subsector in 2019 (figure 14).

¹¹¹ As defined in UN Security Council resolution 1244 of 1999.

¹¹² ILO, "Statistical Profile of the Media and Culture Sector".

¹¹³ EENCA.

► **Figure 14. Share of employment by employment status in the creative, arts and entertainment activities subsector, selected countries or territories with available data, 2019 ***



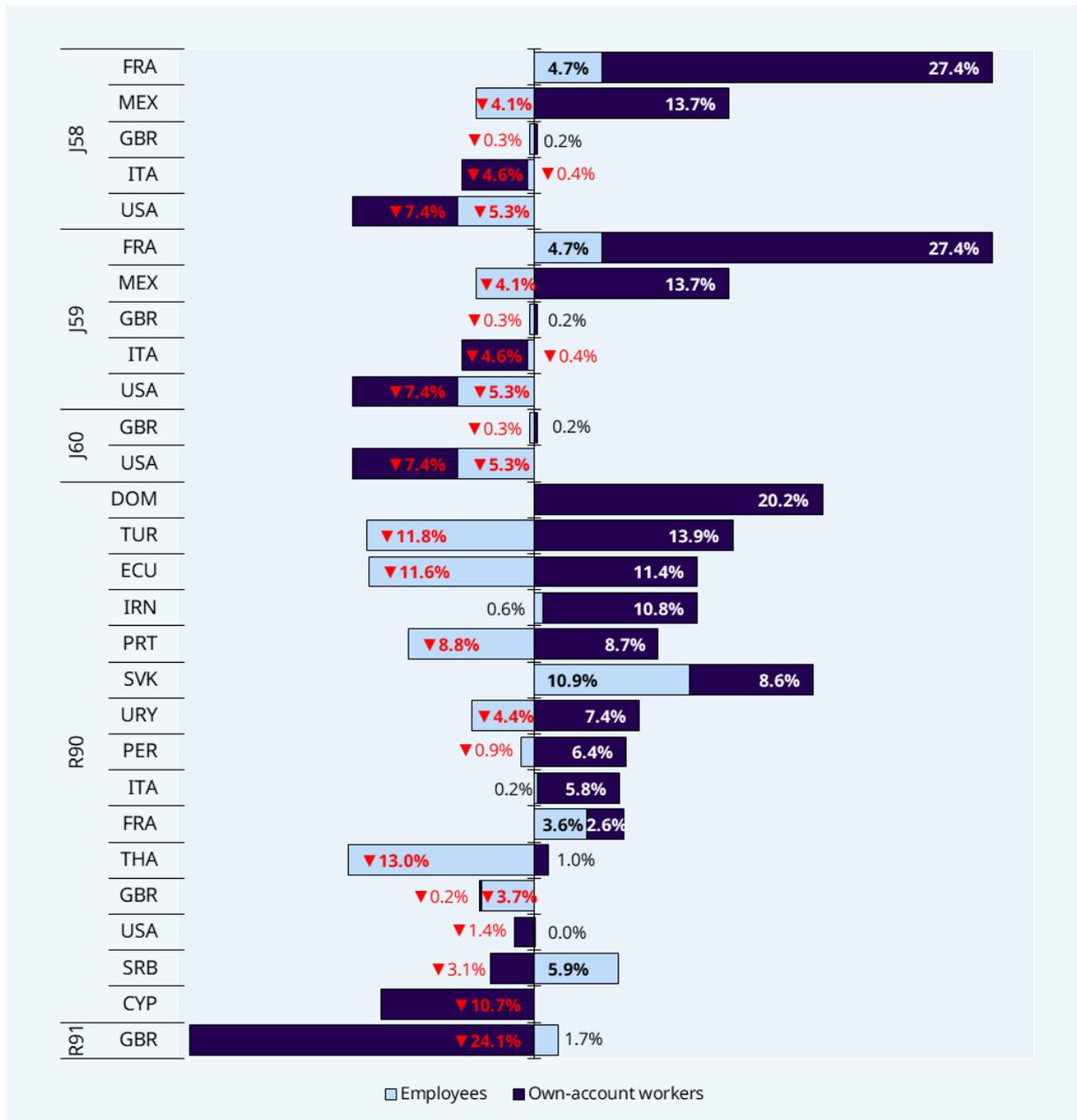
* Countries with available reliable data.

Note: 100 per cent does not necessarily mean absence of workers with other job status but the availability of data.

Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

86. Accounting for differences among countries, trends analysed for the period 2015–19 showed an increase in own-account workers across all arts and entertainment subsectors (figure 15).

► **Figure 15. Employment growth (CAGR) by status, selected countries or territories with available data, 2015–19**



Note: ISIC Rev.4 code J58: Publishing activities; ISIC Rev.4 code J59: Motion picture, video and television programme production activities; ISIC Rev.4 code J60: Programming and broadcasting activities; ISIC Rev.4 code R90: Creative, arts and entertainment activities; ISIC Rev.4 code R91: Libraries, archives, museums and other cultural activities.

Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

87. In some regions, the share of cultural workers working full-time tends to be lower than for the whole economy. This is the case in Europe, where 82 per cent of cultural male workers worked full-time in 2019 compared to an average of 91 per cent for the whole EU-27 economy. The share

of women working full-time in cultural employment was even lower (68 per cent versus 69 per cent for the whole EU-27 economy).¹¹⁴

The impact of emerging practices and business models on jobs and the organization of work

88. As mentioned above, new business models have permeated the different subsectors of the arts and entertainment sector and their impact on employment, enterprise development and working conditions varied throughout the different subsectors. The music subsector and the movies subsector are among those that underwent major transformations.
89. The music supply chain, for example, has expanded its network of partnerships between enterprises and people operating both on the creation of content (singers, songwriters, and producers) and on interfacing with customers and audiences (streaming platforms, venues, radio and so on). Streaming has changed the organization of work in the music supply chain and the way the artist is “handled” in the music value chain. In general, music is still licensed to streaming platforms by recording labels. In some cases, internet platforms have shifted to a more direct model that allows content creators to bypass intermediaries.¹¹⁵ This business model relies on the shift from reproduction (mechanical) royalties to revenues generated through the exclusive right of making available to the public, which is transferred to the digital provider.¹¹⁶
90. The building blocks of the movie supply chain have also transformed (figure 16). All these components operate within specific networks of providers and distribution and liaise with other sectors and enterprises (from music to legal entities),¹¹⁷ employing a very diverse but interconnected workforce. Digital applications have transformed the organization of production and the consumption of movies.¹¹⁸ Technological transformation has also revolutionized the distribution and exploitation stages, with aggregators having an increasing influence and control over the structure of the subsector and its organization of work.

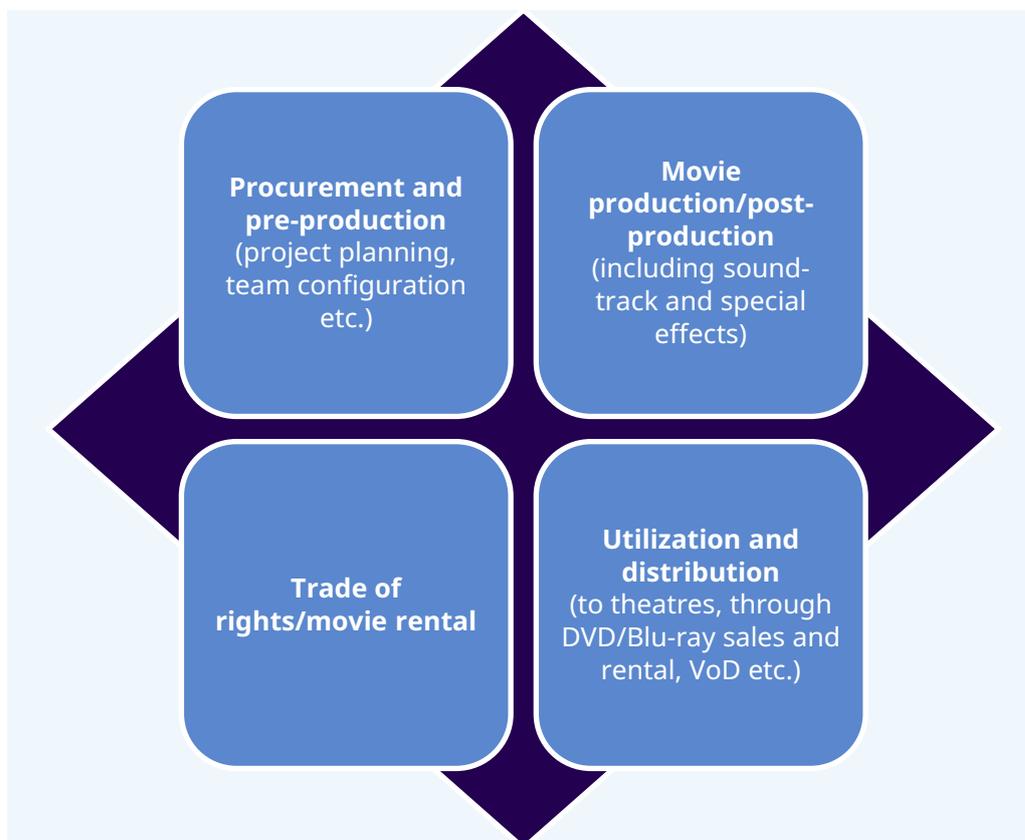
¹¹⁴ Eurostat, “Culture Statistics: Cultural Employment”, 2021.

¹¹⁵ Ignacio De Leon and Ravi Gupta, “The Impact of Digital Innovation and Blockchain on the Music Industry”, Discussion Paper No. IDB-DP-549 (IDB, 2017).

¹¹⁶ WIPO, *Report on the Online Music Market and Main Business Models in Asia*, 11–12.

¹¹⁷ Bernd W. Wirtz, *Business Models and Value Creation in the Movie Market* (Springer, 2020).

¹¹⁸ Ieva Vitkauskaitė, “Types of Film Production Business Models and Their Interrelationship” *Informacijos mokslai* 89 (2020), 43–54.

▶ **Figure 16. Value chain of the movie industry**

Source: Adapted from Bernd W. Wirtz, *Business Models and Value Creation in the Movie Market* (Springer, 2020).

91. At the same time, movie providers go beyond content distribution to the production of new content, while filmmakers have more opportunities to develop micro-budget projects beyond the traditional distribution. Digital applications are increasingly being used to mobilize funding (through crowdfunding) and bypass traditional theatrical distribution, while giving independent filmmakers new distribution platforms.¹¹⁹

The variety of enterprises: MSMEs and the social and solidarity economy entities

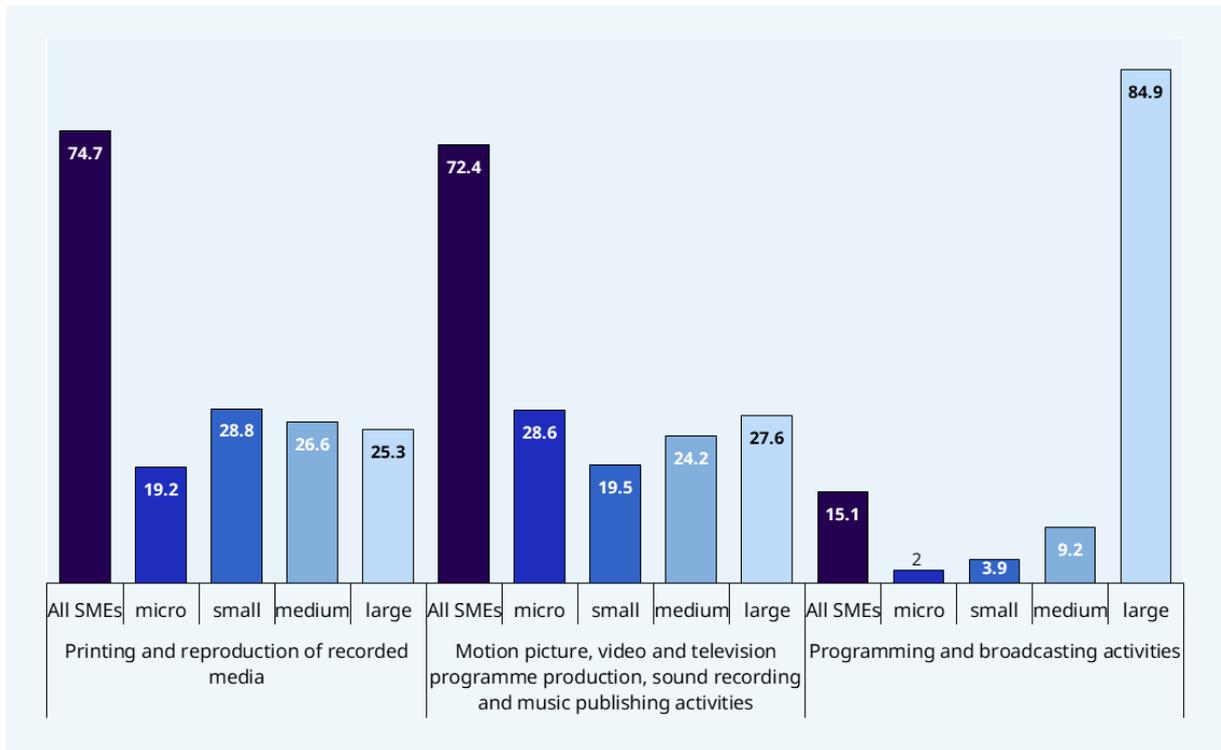
92. As mentioned above, consolidation has been a trend in the arts and entertainment sector. Large enterprises dominate programming and broadcasting activities; for example, at EU level, large enterprises account for almost three quarters (74 per cent) of the workforce. However, there is an ecosystem of MSMEs operating in subsectors such as the performing arts, live music, printing and reproduction of recorded media, publishing activities, design, photography, sound recording and so on. One ILO publication reported the share of own-account workers and of microenterprises in the overall arts, entertainment and recreation, and other services sector of 61 per cent (global estimates for 2020 prior to the COVID-19 pandemic).¹²⁰

¹¹⁹ Vitkauskaitė.

¹²⁰ ILO, "ILO Monitor: COVID-19 and the World of Work – Updated Estimates and Analysis", third edition, 2020.

93. In 2018, MSMEs dominated most cultural economic activities in Europe, representing a higher value added than in the large enterprises, except for programming and broadcasting (figure 17).¹²¹

► Figure 17. Value added at factor cost (millions of euros) by enterprise size, 2018

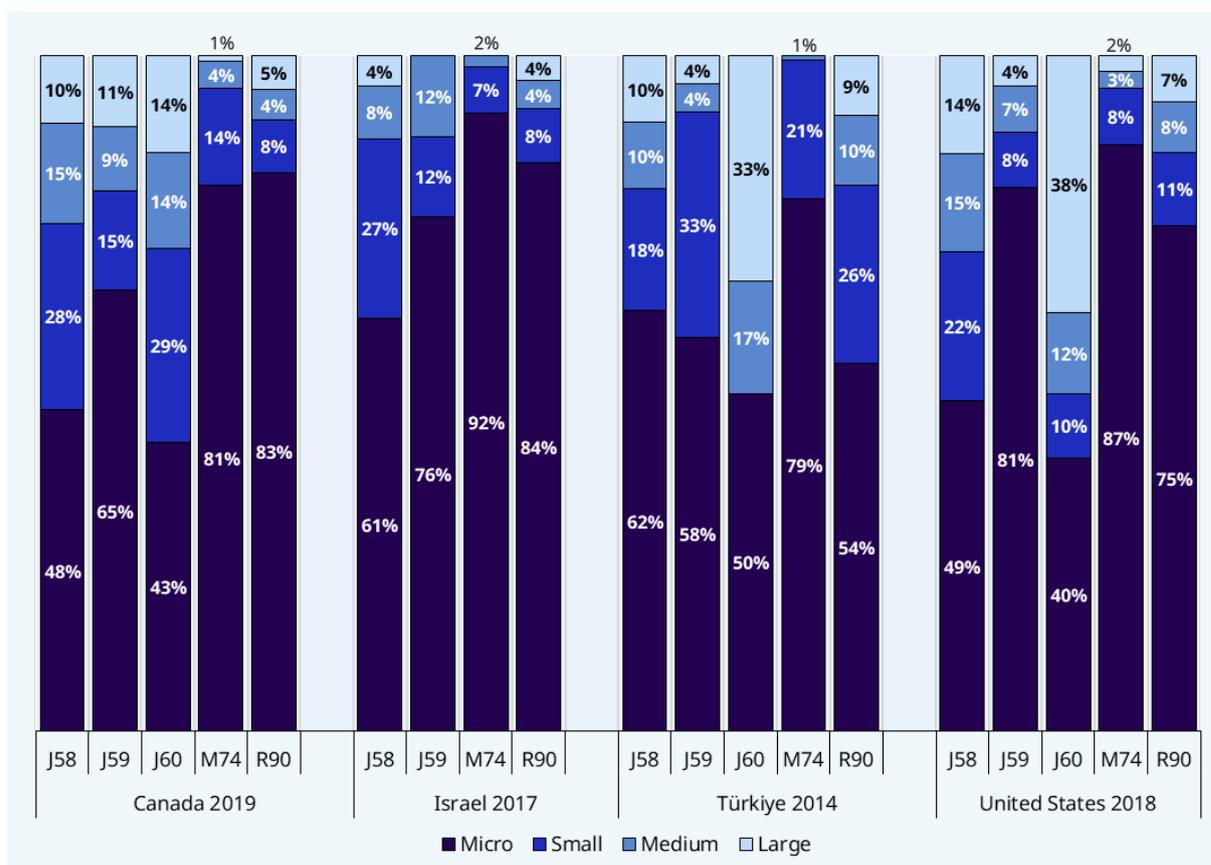


Source: Eurostat, “File:Table 4 - Main Indicators for Selected Cultural Activities, by Enterprise Size Class, EU, 2018.png”.

94. Country-level examples show the share of MSME exporting enterprises to be higher than the number of large enterprises across subsectors (figure 18). For example, in the United States, microenterprises engaged in the export of motion pictures, video and television programme production, sound recording and music publishing activities accounted for 81 per cent of the total number of exporting enterprises in the subsector; 76 per cent in Israel; 65 per cent in Canada; and 58 per cent in Türkiye. In the creative, arts and entertainment subsector, microenterprises involved in exports accounted for 84 per cent of total exporting enterprises in Israel; 83 per cent in Canada; 75 per cent in the United States; and 54 per cent in Türkiye.

¹²¹ Eurostat, “File:Table 4 - Main Indicators for Selected Cultural Activities, by Enterprise Size Class, EU, 2018.png”.

► Figure 18. Share of exporting enterprises by subsector and enterprise size



Note: J58: Publishing activities; J59: Motion picture, video and television programme production, sound recording and music publishing activities; J60: Programming and broadcasting activities; M74: Other professional, scientific and technical activities; R90: Creative, arts and entertainment activities.

Source: OECD, *OECD.stat*.

95. However, MSMEs face considerable challenges, especially in developing countries,¹²² including unequal access to technology transfer.¹²³ Gaps in adequate investment in capital-intensive technologies (digital platforms, internet-based services and so on) further undermine MSME development in the sector.¹²⁴
96. In Europe, enterprises in the creative, arts and entertainment subsector have the lowest survival rate.¹²⁵ MSMEs in the subsector often struggle to access funding, especially for products considered to be “intangible assets”. There is also a high reliance on public funding, which has continued to decline over the years, and a lack of appropriate skills for ensuring the viability of the enterprise, which was exacerbated during the pandemic.¹²⁶

¹²² ILO, “Small Matters: Global Evidence on the Contribution to Employment by the Self-Employed, Micro-Enterprises and SMEs”, 2019.

¹²³ UNCTAD, *Creative Industry 4.0 – Towards a new globalized creative economy*, 2022, 24.

¹²⁴ EY, *Creating Growth: Measuring Cultural and Creative Markets in the EU*, 2014, 26.

¹²⁵ EU, “Culture Statistics: Cultural Enterprises”.

¹²⁶ EU, “Culture for the Future”.

- 97.** An emerging organizing model for the provision of services to workers and enterprises in the arts and entertainment sector is that of the social and solidarity economy (SSE) entities, including cooperatives, which have historically contributed to withstand crises and economic downturns.¹²⁷
- 98.** The SSE entities have proved particularly effective in supporting more resilient and inclusive work models in the sector, in particular during the pandemic. They tend to operate in labour-intensive sectors and in sectors less prone to automation, with the ability to aggregate workers (including self-employed workers) to increase their voice and market power; they have offered an “employment infrastructure” that provides adequate benefits in terms of labour and social protection; and they have offered workers in the informal economy different ways to associate and cooperate, strengthening their market power and facilitating access to finance and business support services.¹²⁸ At the same time, a recent ILO discussion on SSE units identified the need for “combatting pseudo-SSE entities and their circumvention of labour and other legislation in violation of workers’ rights, and the risk of unfair competition with compliant enterprises and responsible business, in particular micro, small and medium sized enterprises, in line with Recommendation No. 193”.¹²⁹
- 99.** The intersection of the arts and entertainment sector with these models has helped foster community engagement and local development by increasing social cohesion and facilitating access to social protection (such as DocServizi in Italy),¹³⁰ increasing the collective voice and representation of workers and in the sector and in the push towards the formalization of and growth of MSMEs.¹³¹

Addressing informality in the arts and entertainment sector

- 100.** Depending on the regions and countries, informal employment has negative effects on the arts and entertainment sector, affecting distribution channels, encouraging unpaid work, unfair competition and lack of regulation and/or implementation. In some regions, the sector tends to be more unregulated and difficult to measure; many artists and content creators are not registered, making it difficult for governments to understand the scope and economic contribution of the sector.¹³² Research conducted in South Africa shows that cultural occupations are more likely to be in the informal economy (50.5 per cent) than non-cultural jobs (32.4 per cent),¹³³ with a workplace consisting of open venues, informal settlements and “backyard” spaces.
- 101.** While the COVID-19 pandemic highlighted the key role that cultural activities play in sustaining livelihoods even outside formal economy structures, the proportion of informality in cultural industries is very high and undermines the capacity of workers and enterprises in the sector to fully benefit from decent working conditions, viable financial support and an enabling environment for enterprise development.¹³⁴

¹²⁷ ILO, *Decent Work and the Social and Solidarity Economy*, ILC.110/VI, 2022.

¹²⁸ ILO, “Cooperatives and the Wider Social and Solidarity Economy as Vehicles to Decent Work in the Culture and Creative Sector”, ILO Brief, 2021.

¹²⁹ ILO, *Resolution concerning Decent Work and the Social and Solidarity Economy*, International Labour Conference, 110th Session, 2022, Conclusions, para. 7(g).

¹³⁰ DocServize, “Professionisti dello Spettacolo”.

¹³¹ ILO, *Decent Work and the Social and Solidarity Economy*.

¹³² ILO, *Promoting Decent Work in the African Cultural and Creative Economy*, forthcoming.

¹³³ SACO.

¹³⁴ Avril Joffe and John Newbigin, “The Relationship between the Informal Economy and the Cultural Economy in the Global South” (British Council Creative Economy, 2021).

- 102.** Notwithstanding the high level of formal employment in the audiovisual subsector, recent studies point towards significant pockets of informality in the subsector, particularly in emerging economies. Research conducted in Argentina, Colombia and Mexico has identified challenges among scriptwriters operating in the informal economy, including moonlighting, underemployment and employment uncertainty, even with a second job. This uncertainty was found to have a negative impact on access to social protection, particularly healthcare and pensions schemes, as well as the effective implementation of intellectual property and remuneration rights.¹³⁵
- 103.** Addressing informality in the arts and entertainment sector may require looking at a broad spectrum of barriers to formalization, including poor access to finance or markets; lack of access to technology or digital literacy; and lack of voice and representation. There is also a need to address the inadequate regulatory framework and the poor social protection coverage of informal cultural workers; poor compliance with labour standards; and the lack of a conducive business and investment environment to ensure income security. In this context, the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), could be a reference point for the sector, highlighting the need for an integrated approach that brings different areas together within an appropriate regulatory and legal framework and provides adequate employment policies, access to and enjoyment of labour rights and adequate social protection, as well as incentives and strengthened compliance and enforcement.

Skills needs and future demand for skills in the arts and entertainment sector

- 104.** In addition to the changes in production and distribution, the different mega-trends contribute to change the set of skills required. Job profiles linked to the old technologies are being replaced by new ones, such as those related to digital archiving or post-production.¹³⁶ Beyond technological applications, increased concern for environmental issues will require the arts and entertainment sector to adapt the way it produce and distributes its products, requiring different skills sets to satisfy the increased demand for such content.¹³⁷ The ageing workforce in the sector will also require lifelong learning, reskilling and upskilling to make better use of the new technologies in the sector.
- 105.** Taking into account the diversity of the different fields making up the broad arts and entertainment sector, some recent skills needs assessments identify skills gaps in areas that include both technical and core skills (figure 19).¹³⁸

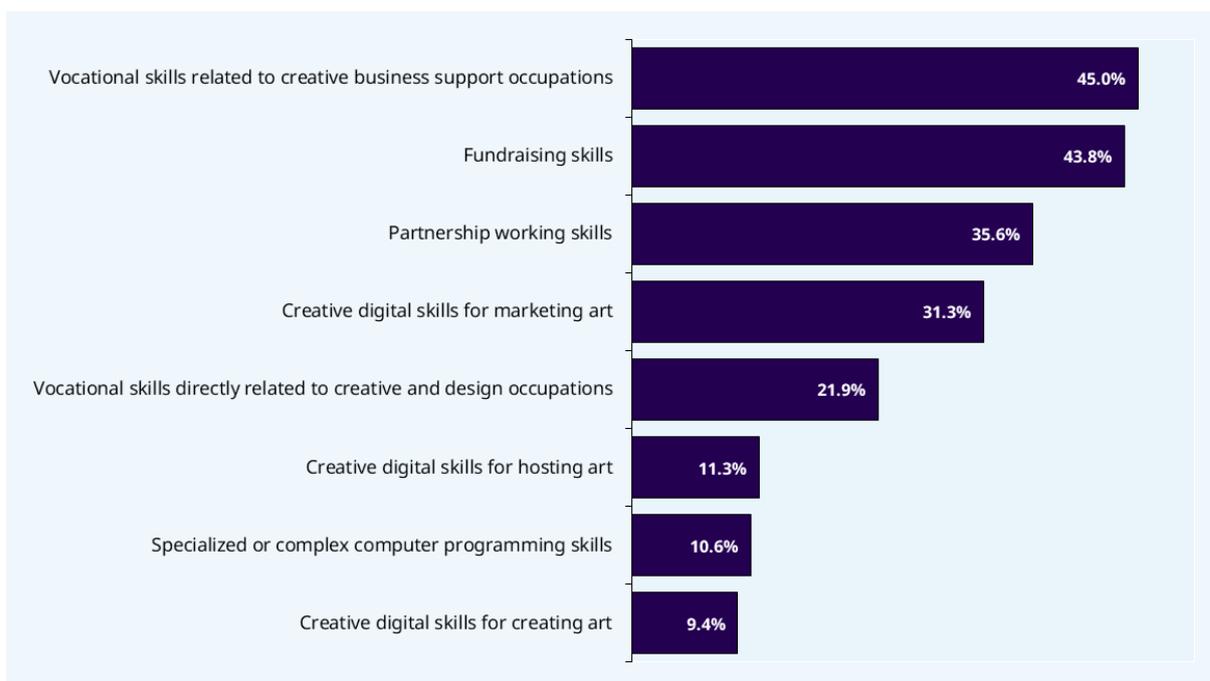
¹³⁵ Diana Rey, "Informality in the Audiovisual Sector" (British Council Creative Economy, 2021).

¹³⁶ European Skills Council for Employment and Training in the Audiovisual and Live Performance Sectors, *Trends and Skills in the European Audiovisual and Live Performance Sectors*, June 2016.

¹³⁷ Advisory Board for the Arts, "The Arts and Environmental Sustainability: A Guide to Key Areas".

¹³⁸ Lindsey Bowes et al., "Skills Needs Assessment for the Creative and Cultural Sector - A Current and Future Outlook" (CFE Research, 2018), 19.

► **Figure 19. Sector-specific skills gaps among employer survey respondents, 2018**



- 106.** In the music subsector, the new business models may require expertise and relevant job profiles related to video production, as well as data management and information technology infrastructure, in order to support more accurate storage/matching of the information about the artists and the music being played and prevent problems related to the revenues accrued to copyright holders.¹³⁹
- 107.** At the same time, relevant creative skills are increasingly sought after in other areas (interactive design, animation, artificial intelligence, networking, data, advertising and so on), which has increased the use of artistic work and competences outside the arts and entertainment sector. Issues related to the “transferability” of these artistic skills to other sectors come into play; the “creative class” is expanding beyond the traditional boundaries of art into “non-artistic” fields, with “non-artists” increasingly working in artistic fields.¹⁴⁰ At the sectoral, regional and national levels, some experiences have shown the need to ensure formal and informal training schemes for adapting to new learning models and tools and more proactively involving both employers’ and workers’ organizations in the support of skills development and employment in the sector.¹⁴¹
- 108.** Given the increased level of self-employment in the sector, there is a lack of skills to enable workers to understand the market and access business or funding support.¹⁴² The digital shift has put pressure on the skills needs of a sector that includes many independent workers, increasing their demand for core or “soft” skills, including teamwork and communication and

¹³⁹ WIPO, *Report on the Online Music Market and Main Business Models in Asia*, 12–13.

¹⁴⁰ Ann Markusen, “Artists Embedded: Sector, Employment Status, Occupation, Industry, Employer Type, Place”, in *Embedded Artists: Artists Outside the Art World – The World in Quest of Artists*, ed. Hartmut Wickert and Frédéric Martel (Zurich University of the Arts, 2020).

¹⁴¹ European Skills Council for Employment and Training in the Audiovisual and Live Performance Sectors.

¹⁴² OECD, “Cultural and Creative Industries (CCIs)”.

entrepreneurial skills, which will improve their employability and also help to build their resilience and adaptability in such a highly competitive sector.¹⁴³

109. Considering these subsectoral differences, the sector is characterized by its high skills level. Between 2015 and 2019, there was a general increase in the number of high-skilled people working in the broader sector, as well as a decline in some subsectors (figure 20). The availability of sophisticated IT tools and new generation software for some occupations (for example photographers, designers and film-makers) has lowered the threshold for future professionals.¹⁴⁴
110. The impact of the COVID-19 pandemic on the labour market has exacerbated the challenges for retaining creative talent. The already existing gap between the high proportion of graduates and the available occupations in the sector may result in the loss of talent and growing inequalities of opportunities within the sector.¹⁴⁵ A different but complementary problem is faced by the VFX, animation and post-production subsector, which is already characterized by a shortage of technical skills in the workforce and barriers to acquiring and retaining employees in the post-production process.¹⁴⁶

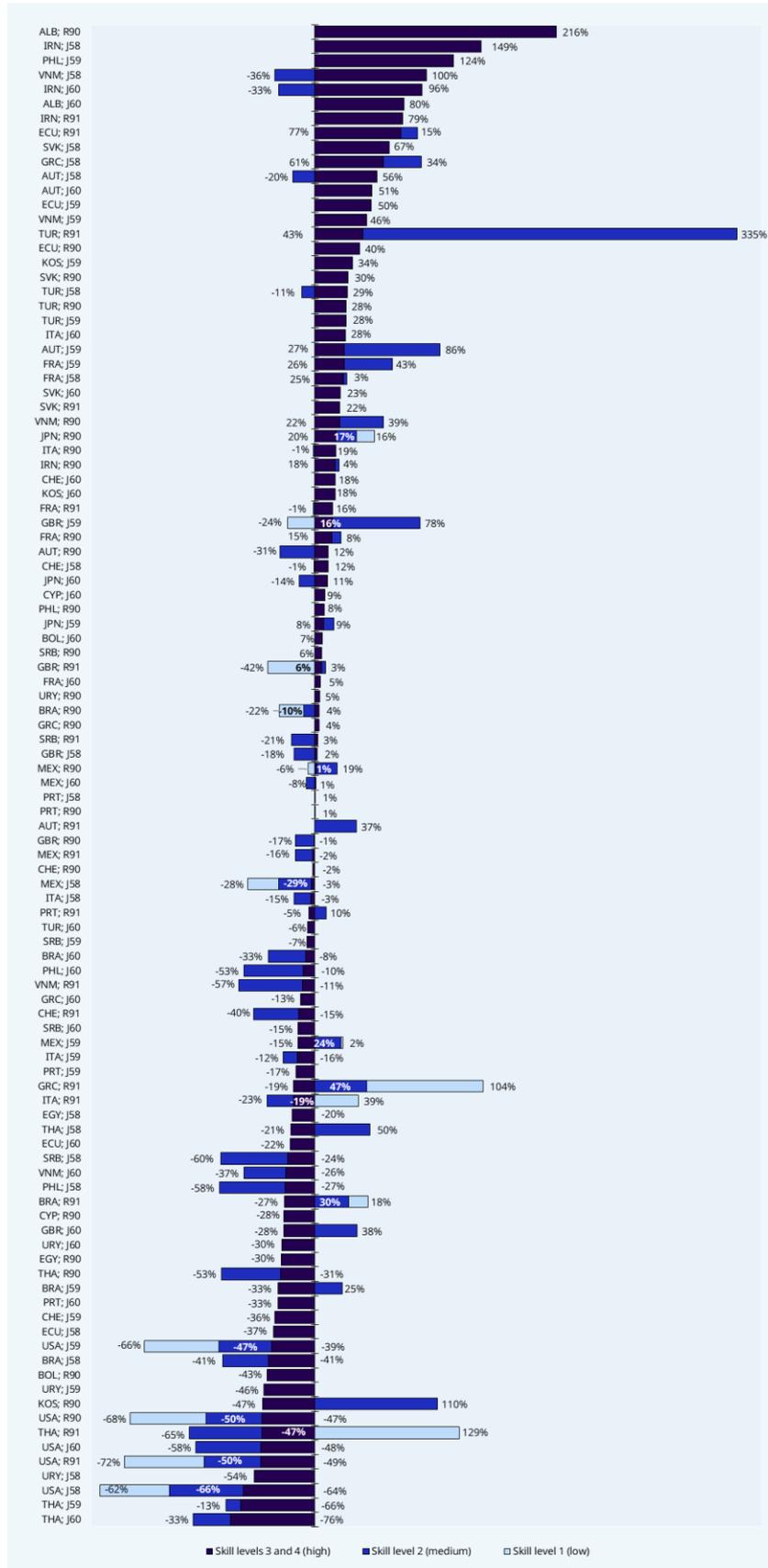
¹⁴³ ILO, *Changing Demand for Skills in Digital Economies and Societies: Literature Review and case Studies from Low- and Middle-Income Countries*, 2021.

¹⁴⁴ van Liemt.

¹⁴⁵ UNESCO, *Re|Shaping Policies for Creativity*.

¹⁴⁶ Computer Animation Studios of Ontario, "Brief for the Standing Committee on Industry, Science and Technology Study of the Canadian Response to the COVID-19 Pandemic", 2020.

► Figure 20. Change in persons employed by subsector and skills level, ¹⁴⁷ selected countries or territories with available data, 2015-19



Note: ISIC Rev.4 code J58: Publishing activities; ISIC Rev.4 code J59: Motion picture, video and television programme production activities; ISIC Rev.4 code J60: Programming and broadcasting activities; ISIC Rev.4 code R90: Creative, arts and entertainment activities; ISIC Rev.4 code R91: Libraries, archives, museums and other cultural activities.

Source: ILO harmonized microdata, <http://ilostat.ilo.org>.

- 111.** Skills development in the sector is linked to the broader discussion of unequal access to connectivity and digital skills and the related risks of widening the digital divide. Efforts are needed on several fronts, including to establish stronger partnerships and knowledge transfer between and within regions; the integration of these skills into educational approaches aimed at developing talent; investments in career development and career transition through technical and vocational skills; and entrepreneurship tailored to the different subsectors (from audiovisual to live performance).¹⁴⁸ Efforts may also include investing in apprenticeships; reskilling and upskilling; recognition of prior learning, including formal and non-formal learning; and a stronger link between technical and vocational education and training and higher education with labour market needs for all types of workers.¹⁴⁹
- 112.** While career transition is common in the sector, skills development tends to focus on retraining cultural workers for other professions and not in those sectors they are active in, partly because of the shift in demand from one subsector to another. While art schools and institutions provide courses on entrepreneurship, once artists enter the labour market government policies do not support the creation of business or support structures as a reference for continuous learning or offer opportunities for skills upgrading or entrepreneurship.¹⁵⁰
- 113.** At the regional level in the EU, initiatives have called for a better integration of education, vocational training and entrepreneurship into cultural policies in order to ensure the professionalization of the arts and entertainment sectors.¹⁵¹ At the national level, past sector skills assessments (for example, in the United Kingdom) have identified gaps in a highly qualified workforce that lacks skills due to a higher education system that is not fit for purpose, resulting in the need for those entering the sector to reskill; apprenticeship systems not adapted to the small-enterprise reality of the sector; an oversupply of skilled labour, resulting in a high level of unpaid or voluntary work; and a lack of adaptability to and investment in technological demands.¹⁵²
- 114.** At the European level, the 2020 Pact for Skills and the Large-scale Skills Partnership for the Cultural and Creative Industries, which kicked off in 2021, has promoted skills partnerships, where workers, employers, business and education providers are collaborating and piloting partnerships in the areas of digital skills, entrepreneurial skills, skills geared towards green transition, innovation, as well as crafts and specific technical skills beyond technology adoption; pooling resources and partnerships for innovation, as well as skills and training for the diversity of the sector.

3.2. Working conditions

- 115.** The arts and entertainment sector is characterized by a strong reliance on informal cultural networks and institutions. The regulation of the conditions of cultural professionals may vary

¹⁴⁸ UNESCO, *Re|Shaping Policies for Creativity*.

¹⁴⁹ European Skills Council for Employment and Training in the Audiovisual and Live Performance sectors.

¹⁵⁰ EENCA.

¹⁵¹ Mercedes Giovino and Guy Williams, "Culture and Cultural Industries: New Opportunities for Job Creation and Inclusiveness", working paper, 2019.

¹⁵² Alliance Sector Skills Councils, "Sector Skills Assessment for the Creative Industries of the UK", 2011.

across subsectors and regions. This restricts not only their access to investment opportunities but also the recognition of their professional status, with consequences for their rights and protections. This is especially true for women in cultural occupations.¹⁵³ In the years to come, both enterprises and workers in the sector will increasingly need to find alternative ways to secure long-term or consistent revenue or income in a regulatory environment that may not yet be adapted to these new realities.

116. Production and project-based working, as well as the wide range and diversity of workers involved in specific projects, mean that multiple, short-term contracts and a variety of employment statuses are a common aspect of working in the sector. While traditional employment contracts are still an important part of the sector's employment landscape, particularly in larger structures such as broadcasters and major cultural institutions, there are also an increasing number of MSMEs and start-ups resorting to new and more flexible contractual arrangements, including employee sharing, job-sharing, ICT-based mobile work, portfolio work and collaborative employment.
117. Workers may often be hired under short-term and part-time contractual arrangements, whether an employment or a service-provision contract, and are often designated as "freelancers". Depending on the national context, this includes different types of workers, such as self-employed workers, own-account workers (without employees), workers hired under author's contracts and so on. These workers remain a vital part of the workforce in the sector and are highly flexible and skilled. Yet, too often they remain in insecure forms of work and are vulnerable and inadequately covered by the protections offered to workers by labour law. Incomes may fluctuate and create uncertainty. Equally, social protection and pension systems are often not geared towards the coverage of such workers.
118. Careers in the sector, in particular in the movie and TV subsector or the live performance subsector, tend to have a short life span, with older people becoming more vulnerable to job insecurity, finding themselves under increasing pressure to find new parts and new gigs and compete with the young cohort, and trying to stay visible in a highly competitive labour market.¹⁵⁴ Furthermore, in some countries professional cultural workers may be denied any legal status or may not be recognized as workers due to the intermittent nature of their work. The common confusion between amateurs and professionals can further undermine efforts to ensure decent income and working conditions for those operating in the sector.
119. The new digital environment is poised to give people more opportunities to enter some subsectors, as well as to provide more visibility to artists. At the same time, it has added a layer of complexity for both workers and enterprises, including through the emergence and concentration of large platforms. This may require adapting laws and governance systems to protect them, including by ensuring adequate remuneration and their professionalization, representation and employment status,¹⁵⁵ as well as by promoting an enabling environment, particularly for MSMEs.
120. Countries have tried to address the sector's diversity, unique working conditions and economic potential through specific laws that provide a normative framework on the status of the artists (for example in Argentina and Uruguay), which define an artist as worker, in some cases

¹⁵³ UNESCO Institute for Statistics, "Precarious Situation for Women Working in the Field of Culture", Fact Sheet No. 47, November 2017.

¹⁵⁴ Pierre-Michel Menger, "Artistic Labor Markets: Contingent Work, Excess Supply and Occupational Risk Management", in *Handbook of the Economics of Art and Culture*, ed. Victor A. Ginsburgh and David Throsby (North-Holland, 2006), 765–811.

¹⁵⁵ UNESCO, *Culture & Working Conditions for Artists: Implementing 1980 Recommendation concerning the Status of the Artist*, 2019.

establishing a guaranteed minimum income (for example in Luxembourg)¹⁵⁶ and establishing a registration system (for example the recently adopted Law on the Status of the Artist in Senegal). In some countries, such legislation has been used to create an enabling environment for the professionalization of cultural workers and enterprises as they move from the informal to the formal economy.¹⁵⁷ Other countries have advanced legislation that establishes specific provisions for cultural workers that is integrated in fiscal and social security legislation or have developed policy guidelines to support the improvement of their working conditions.¹⁵⁸

Remuneration in the arts and entertainment sector

- 121.** Because of the diversity of the status of cultural workers – from employees to self-employed – remuneration also tends to be diverse. This includes work based on artistic activities (salary, grants, revenue from sales), on-the-side jobs related to art (such as teaching) and other economic activities not related to artistic work (needed for financing the artistic work). In addition, they receive copyright royalties for the use of their artwork, even if this may not be the case for some artists. Revenue systems also differ from other sectors. While copyright provides a source of revenue for cultural workers, the revenue structure tends to be complex, considering the international mobility of cultural workers, which often results in double or excessive taxation or taxation that is well above the minimum threshold, with consequences for the loss of income.¹⁵⁹
- 122.** The setting of a minimum wage in the arts and entertainment sector for all categories of workers, regardless of their employment status, can be challenging in countries in which there is insufficient involvement of social partners or a lack of a clear legal framework for a minimum wage. However, in several countries, agreements that include provisions on minimum fees for self-employed workers in the sector have been negotiated by social partners. Usually, countries with a higher collective bargaining coverage tend to have a lower proportion of low-paid workers thanks to provisions on the minimum wage.¹⁶⁰ Initiatives to develop “fair practice codes or guides”¹⁶¹ in the cultural sector also help to address a broad range of issues, including adequate pay, “good governance”, diversity and inclusion.¹⁶²
- 123.** In general, data on earnings for the sector tend to be incomplete due to the different sources of income, including earnings from regular jobs, income from self-employment (not always accounted for) and lump-sum payments for gigs. Arts and entertainment workers who earn little in their primary job tend to have a secondary job that provides them with additional income. Some forms of remuneration may be in kind, tips and other forms of payment, with differences in the way in which incomes are distributed. Private and public sponsoring are other sources of income.¹⁶³
- 124.** In a sector characterized by flexible working practices, self-employed cultural workers tend to have greater opportunities for autonomy, creativity and learning experiences. However, the

¹⁵⁶ Luxembourg, “Loi du 8 juin 2004 portant modification de la loi modifiée du 29 avril 1999 portant création d'un droit à un revenu minimum garanti”, 2004.

¹⁵⁷ UNESCO, *Culture & Working Conditions for Artists*.

¹⁵⁸ Finland, Ministry of Education and Culture, “Indicative Guidelines for Arts”, 2019.

¹⁵⁹ EPRS.

¹⁶⁰ EENCA.

¹⁶¹ European Commission, “Voices of Culture Report: Status and Working Conditions for Artists, Cultural and Creative Professionals”, 2021.

¹⁶² EENCA.

¹⁶³ van Liemt.

nature of the work may result in gaps between jobs and reduced working hours, which has a negative effect on their contributory capacity and access to benefits. In addition, because of the way in which some of the new business models are designed and the current practices in sectors such as the audiovisual sector, revenues are not always adequately transferred to performers.

Remuneration in the streaming environment

- 125.** The use of streaming services has grown rapidly in recent years, generating substantial revenues for the industry. However, stakeholders do not benefit equally from these new income streams. The debate around the “value gap” (the gap between the value that platforms receive from musical content and the revenue they pay to those who create and invest in the creation of the content) requires adequate policy improvements.¹⁶⁴ In addition, the streaming model is based on intellectual property rights that were designed in 1996 in a very different digital environment. Accordingly, there may be issues related to the adequacy of such rights to protect those working in this new context that may need to be addressed.
- 126.** It has become easier to share creative content and the increasing global demand for cultural content has triggered more economic opportunities in the sector. At the same time, there are still obstacles to adequate remuneration for all the creative workers involved. The shift from ownership of tangible content to access to digital services has not resolved this problem, as there is still an imbalance in revenue distribution. The streaming business model relies on diverse revenue channels, such as paid-for subscription, ad-supported official artists channels and user-generated streams, with very different rates per stream. These may vary by country; for example, a stream from a developing country usually generates less revenue compared to a stream from a developed country. Issues of transparency and the complexity of the remuneration mechanisms by the streaming services have been raised and were magnified during the COVID-19 pandemic, during which the consumption of music and the audiovisual subsector relied essentially on streaming.¹⁶⁵ The challenges involve several issues, including the relationship between labels, platforms and creative workers, as well as the absence of a single price per stream. Many factors affect featured artists’ remuneration, including the service’s location, the difference between free or paid subscriptions, or the type of system used (box 2).¹⁶⁶ The remuneration of non-featured artists depends mostly on applicable copyright law and contractual practices.

► Box 2. Market-centric versus user-centric models

In the “market-centric” model, there is no one-to-one link between the content that users listen to and the allocation of the royalty to the specific artist. The revenues go into one big pool and royalties are allocated according to the overall market share of artists on the platform, giving an advantage to major established artists, regardless of whether a fan in practice listened to those artists. This also means that the users tend to pay for music they do not listen to.

The “user-centric” payment model is being proposed by some platforms and tries to increase the fairness in the distribution of streaming remuneration. In this system, the portion of royalties redistributed from a subscription is shared directly between the artists listened to by the subscriber and would better support smaller and independent artists. However, there are still challenges ahead, including for this type of model, and at the moment no current user-centric model compensates non-featured performers.

¹⁶⁴ WIPO, *Inside the Global Digital Music Market*.

¹⁶⁵ UNESCO, *Re|Shaping Policies for Creativity*, 99.

¹⁶⁶ WIPO, *Study on the Artists in the Digital Music Marketplace*.

127. In the music sector, the introduction of “aggregators” in the value chain, while playing a role in disseminating and delivering artists’ content, has created gaps in the revenue model, which assigns a significant share of revenues to these intermediaries, which has a negative impact on the remuneration received by authors and performers.¹⁶⁷ These emerging remuneration models present both challenges and opportunities (table 2).

► **Table 2. Challenges and opportunities in the new digital music environment**

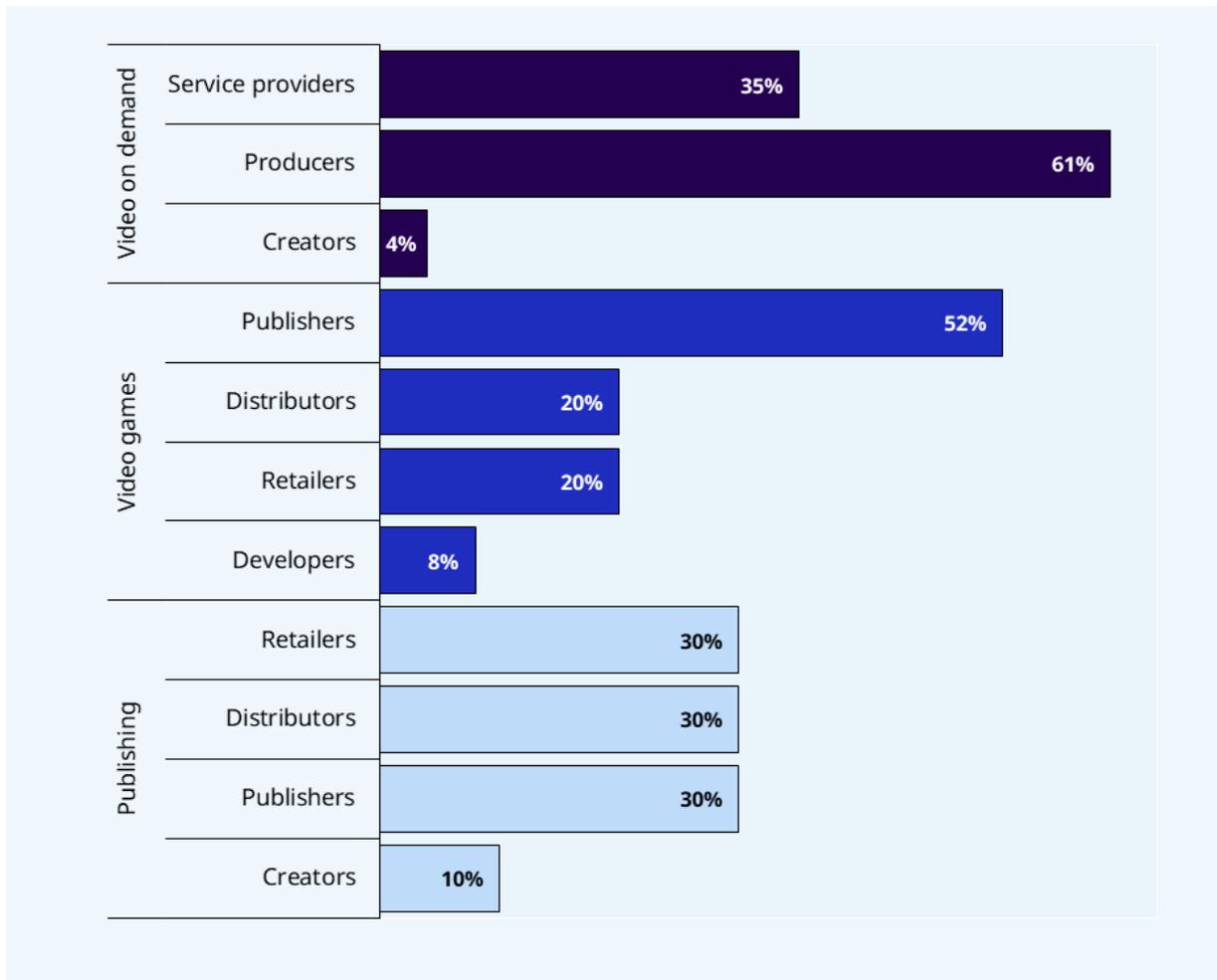
Opportunities	Challenges opportunities
It gives artists the possibility to have their music library heard by a broader audience.	Streaming payment calculations are based on complicated formula and lack of uniform payments.
Music discovery of an artist via the digital music streaming could increase attendance at concerts and the overall larger fan base.	Newer models added a new layer of players/intermediaries (that is, aggregators), who will need to have a share in the revenues.
Through streaming, artists can collect royalties that would have been lost to piracy.	There is a potential conflict of interest between the digital service providers and the labels.
The music streaming model can be an opportunity for artists to get their music discovered regardless of royalties.	The new streaming models did not improve the negotiating power of the artist or give authors greater control over revenue management.

128. Differences in the transfer and sharing of revenues from cultural creation affect creators in all the subsectors. Often this is linked to the many intermediaries present in the subsectors, including art galleries, platforms, retailers, publishing enterprises and studios, as well as the different actors involved in the production, reproduction and distribution of the work in the value chain (figure 21).¹⁶⁸

¹⁶⁷ De Leon and Gupta.

¹⁶⁸ EPRS.

► Figure 21. Revenue-sharing in publishing, video games, video on demand



Source: European Commission, *Mapping the Creative Value Chains*, 2017; European Games Developer Federation (EGDF), “Game development and digital growth”, 2011.

129. At the regional level, normative and policy frameworks have sought to improve the negotiating power of authors and performers. This is the case of the above-mentioned EU Directive 2019/790, which addresses cases in which remuneration is disproportionately low by including the principle of adequate and proportionate remuneration for authors and artists in the digital music marketplace. National legislation has started to give effect to this directive, including through provisions on compliance mechanisms and transparency with regard to the exploitation of works and artistic performances and the remuneration due, as in the case of Italy¹⁶⁹ and France. In the latter case, an agreement was signed in May 2022 as part of the negotiations between musicians’ unions, phonogram publishers and their collective management organizations on minimum remuneration.¹⁷⁰

¹⁶⁹ Italy, “DECRETO LEGISLATIVO 8 novembre 2021, n. 177”, *Normattiva*, 2021.

¹⁷⁰ Nicole Vulser, “Musique en ligne: l’accord sur la rémunération des artistes est enfin signé”, *Le Monde*, 16 May 2022.

Working arrangements and employment relationships

- 130.** The nature of the arts and entertainment sector – based on talent, personal achievements and artistic vocation, the lack of boundaries between work and “play” – creates a ground for employment relationships that depart from traditional working arrangements.¹⁷¹
- 131.** While cultural workers may value flexible work patterns as a way of diversifying their careers, encouraging self-motivation and building new skills, some forms of employment in the sector may result in “volatile and unpredictable work patterns”. Policy reforms that were accelerated during the COVID-19 pandemic may be an opportunity to highlight the potential of these flexible work patterns to create employment and at the same time develop a new framework for the promotion and protection of the rights of workers in the sector, in the context of this changing environment.¹⁷²
- 132.** “New” sectors such as video games are characterized by a high level of flexibility in the types of contracts and organization of work. However, recent studies of the different work arrangements in the sector, focusing on the European market, have highlighted different and in some cases insecure forms of work, ranging from regular, open-ended work contracts to short-term contracts. The subsector tends to be characterized by a pool of permanent staff, complemented by temporary staff during the different project phases.¹⁷³
- 133.** Also, the overall arts and entertainment sector tends to have a significant proportion of people who have career patterns that alternate employment with self-employment and other forms of employment. The absence of clear criteria or a well-established classification system in national regulatory frameworks makes it difficult to distinguish between those workers “mis-classified” as self-employed (with consequences for their capacity to claim labour or social protection) and those who are more genuinely self-employed. In the future, there is a need to adapt existing frameworks to these new contractual arrangements and business realities and ensure that workers and enterprises can benefit from the full employment potential that the sector brings.

3.3. Social protection

- 134.** The level of social protection coverage in the arts and entertainment sector varies across regions and employment arrangements. Often, coverage will depend on the type of contractual arrangements (part time, contractual work, informal and so on) and the organization of work prevalent in the sector, as well as the national regulatory frameworks in place that may or may not address such situations by adapting systems to the needs of workers in the sector. Even where they do exist, their implementation may experience challenges in practice. In some instances, certain categories of workers in the sector, including independent contractors, may be excluded by law and a similar situation may apply to workers who work part-time or on a short-term or temporary basis. Also, particularly in developing countries, many cultural workers operate in insecure forms of work without a contract or are in the informal economy, which generally translates into a lack of effective social protection coverage.¹⁷⁴
- 135.** De facto exclusion is another barrier to effective coverage. Even when covered by law, the nature of the work in the sector, combining short-term contracts, salaried work, freelancing and other

¹⁷¹ Andrew Bibby, “Employment Relationships in the Media Industry”, Working Paper No. 294 (ILO, 2014).

¹⁷² Tamsyn Dent et al., *Creative and Cultural Workforce in Europe Statistics Report* (DISCE Publications, 2020).

¹⁷³ Christina Teipen, “Work and Employment in Creative Industries: The Video Games Industry in Germany, Sweden and Poland”, *Economic and Industrial Democracy* 29, No. 3 (2008): 309–335.

¹⁷⁴ ILO, “Extending Social Protection to the Cultural and Creative Sector”, *Social Protection Spotlight*, May 2021.

working arrangements, such as “hidden working time”, may result in discontinuous contribution periods and irregular payments, with impacts on their contributory capacity and ultimately their access to social security benefits.¹⁷⁵ The combination of irregular incomes, gaps between jobs and unrecognized working time can lead to a negative impact on workers’ access to social protection, including with regard to access to old-age pensions and benefit levels during retirement.¹⁷⁶ Recent reports have also highlighted the greater vulnerability of female cultural workers to pension poverty.¹⁷⁷

- 136.** The struggle of cultural workers to have their work recognized, especially for contributory purposes, was highlighted in the COVID-19 pandemic, during which access to social security benefits in case of sickness, employment injury and unemployment was at the forefront of government responses. In many instances, their eligibility for social security benefits has been challenged by the difficulty of proving that they have actually worked.¹⁷⁸
- 137.** Several countries have put in place systems that could address the challenges met by workers in the cultural sector and in some instances social dialogue has proved important for ensuring an inclusive system of social protection and facilitating the portability of entitlements. In the case of Argentina and Uruguay, contributory requirements have been adapted to the specific employment situation of workers in the sector, adapting the contribution schedule, the way in which contributions are calculated or thresholds on income, duration and working time for contribution purposes.¹⁷⁹ In countries such as France (and recently Senegal), there is a presumption of a dependent employment relationship for performing artists and technicians, which allows them to be covered by specific social security schemes. In other countries, financing mechanisms have been diversified through contributions from cultural and art users and subsidies by governments, based on the principle of ensuring broad risk-pooling and solidarity in order to extend the scope of coverage through sustainable financial solutions, as in the case of Germany.¹⁸⁰
- 138.** One of the key issues still under debate is how to ensure the transferability of benefits across different types of contracts and from one country to another (portability). This may particularly be the case where rules and arrangements governing different schemes in host and origin countries are unclear or are not defined – or in the case of cultural activities undertaken simultaneously in two or more States, where workers have different employment statuses. Some regions have advanced the debate and established key principles to ensure the application of social security rights to workers who may be highly mobile, including through non-discrimination and equal treatment of cross-border workers; combining different insurance periods; the transferability of benefits; and a single applicable legislation.¹⁸¹

¹⁷⁵ Carlos Galian, Margherita Licata and Maya Stern-Plaza, *Social Protection in the Cultural and Creative Sector: Country Practices and Innovations*, ILO Working Paper 28, 2021.

¹⁷⁶ van Liemt.

¹⁷⁷ UNESCO, *Culture & Working Conditions for Artists*, 7.

¹⁷⁸ EENCA.

¹⁷⁹ See Argentina, *Ley 27203 de Actividad Actoral* of 18 November 2015; and Uruguay, *Estatuto del Artista y Oficios Conexos*, Ley No. 18.384, 17 October 2008.

¹⁸⁰ ILO, “Extending Social Protection to the Cultural and Creative Sector”.

¹⁸¹ Frederic De Wispelaere et al, “Cross-Border Employment in the Live Performance Sector: Exploring the Social Security and Employment Status of Highly Mobile Workers” (Performing Arts Employers Associations League Europe (PEARLE), 2021).

- 139.** Lessons from the COVID-19 pandemic, as well as from countries' practices in the extension of social security to the arts and entertainment sector,¹⁸² suggest opting for mandatory affiliation policies to ensure effective coverage vis-à-vis voluntary affiliation. The pandemic also highlighted the importance of combining contributory systems with non-contributory systems in order to reach vulnerable segments of workers in the sector, in line with international social security standards;¹⁸³ at the same time, the pandemic highlighted the need to ensure the long-term sustainability and viability of the social protection system.

Labour mobility issues

- 140.** Workers in the arts and entertainment sector are highly mobile, making frequent trips to other countries, often of very short duration. In some subsectors such as the live performance subsector, that high mobility is often linked to the status of workers and the specific short-term or independent nature of working arrangements.¹⁸⁴
- 141.** In this context, there are specific international instruments that set the basis for cultural workers to travel and access study grants, promoting their free international movement.¹⁸⁵ However, there are still challenges in the transnational mobility of cultural workers, especially those from developing countries, who face more visa restrictions than those from developed countries. Such restrictions also have an impact on access to social security and the transferability of entitlements between countries. Many challenges relate to the lack of knowledge or awareness of regulations on the implementation of both labour and social security legislation and administrative procedures, which may be further complicated by workers' self-employed status or the small or medium size of their enterprises.¹⁸⁶
- 142.** Different countries in different regions of the world have a diversity of rules regulating the mobility of workers in the arts and entertainment sector. However, some regions have improved the policy and legal framework, which enables workers in the sector to move more freely. This is the case of the agreement on residence between two nationals of States parties to the South American Common Market (MERCOSUR), Plurinational State of Bolivia and Chile, which provides cultural workers with the right to live and work in either of these countries for two years, as well as the ongoing discussion on regional strategies to promote the mobility of cultural workers in MERCOSUR.¹⁸⁷

¹⁸² Galian, Licata and Stern-Plaza.

¹⁸³ ILO, "Extending Social Protection to the Cultural and Creative Sector".

¹⁸⁴ De Wispelaere et al.

¹⁸⁵ UNESCO, *1980 Recommendation concerning the Status of the Artist*, 2022.

¹⁸⁶ De Wispelaere et al.

¹⁸⁷ UNESCO, *Culture & Working Conditions for Artists*.

▶ 4. Social dialogue

- 143.** The variety of emerging cultural and entertainment business models, as well as the technological transformations, as well as the changing organization of work in the arts and entertainment sector, make social dialogue particularly important to prepare the sector for a future of work that is inclusive, sustainable and resilient.
- 144.** As the new technological environment provides workers and enterprises in the sector with tools to publish and produce content and disseminate it directly, often bypassing the role of traditional intermediaries, it also transforms the traditional terms of negotiation between a content creator and the “digital” employer or producer. This may affect the negotiating or representation power of cultural workers and enterprises entering the digitalized creative market and may also impact the effectiveness of social dialogue. In addition, technology advancements and the integration of IT or telecommunication occupations into traditional culture and entertainment sectors (that is, broadcasting) have made the industrial relations landscape more complex and often more challenging, as IT or telecommunication enterprises may have a different “readiness” level when it comes to social dialogue.¹⁸⁸
- 145.** The diversity of the subsectors in the arts and entertainment industry is such that social dialogue tends to be fragmented and involves both public and private employers and professions with very different issues and characteristics.¹⁸⁹ Social dialogue processes usually tend to cover a variety of areas, depending on the subsectors, as well as different categories of workers in the same subsector (for example, in the audiovisual subsector social dialogue may cover technicians, figuration (extras), actors or publicity enterprises).¹⁹⁰ In the music sector, social dialogue has been used to agree on live performances rates, including in some instances for self-employed workers and to establish rates and conditions for orchestras, theatres and recording, as well as for music teaching rates, as in the case of the United Kingdom.¹⁹¹
- 146.** The COVID-19 pandemic also showed the capacity of social partners to come together (box 3) to negotiate relief funds with governments; jointly design new safety procedures for the safe resumption of business operations; or lobby for grants and loans, advances on copyright or neighbouring rights, the extension of social security benefits and tax waivers.¹⁹² The pandemic also encouraged the emergence of new organizations and platforms for exchanging information and boosting various forms of social dialogue (that is, in the case of the commercial live performance sector). This phenomenon is also encouraging traditional social partners to find innovative ways to represent complex employment realities and new and emerging employment relationships.¹⁹³

¹⁸⁸ ILO, *Employment Relationships in the Media and Culture Industries*.

¹⁸⁹ ILO, *Employment Relationships in the Media and Culture Industries*.

¹⁹⁰ *Shooting in Spain*, “Labor Agreements of Audiovisual Industry”, 2017.

¹⁹¹ Musicians’ Union, “Rates of Pay and Agreements”, 11 October 2021.

¹⁹² ILO, “COVID-19 and the Media and Culture Sector”.

¹⁹³ Agnieszka Paczyńska, “Mapping Social Dialogue in the Commercial Live Performance Sector in Bulgaria, Czechia, Poland, Romania and Serbia” (European Arts and Entertainment Alliance and PEARLE, 2021).

▶ **Box 3. Social dialogue as a tool to guide the recovery of the audiovisual sector during and after the COVID-19 pandemic**

In April 2020, the European social partners in the film and TV production sector signed a [joint statement on fighting the global COVID-19 crisis in the film and TV production sector](#), which called on governments to put in place measures in support of the sector, its enterprises and workers. This call represents a road map that could guide the recovery, not only in the immediate aftermath of the COVID-19 pandemic but also as a long-term plan for providing more structured support to the sector.

The key priorities included:

- the protection of business viability in the sector (public funding, tax relief and social protection measures);
- the provision of funding mechanisms for the sector's recovery after the crisis; and
- the provision of various welfare benefits (unemployment, sick pay and so on) to all workers, including self-employed workers.

Source: Christophe Degryse, *"Holy Union?" The Sectoral Social Partners and the COVID-19 Crisis in Europe* (The European Trade Union Institute, 2021).

▶ 5. Fundamental principles and rights at work and International labour standards

147. Fundamental principles and rights at work apply to all workers in the arts and entertainment sector. Governments have the duty to ensure that fundamental principles and rights at work and ratified international labour conventions protect and are applied to all workers in the sector, considering their obligations under other international labour standards. Several international labour standards explicitly mention specific subsectors. This is the case of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), which refers to newspaper undertakings and theatres and places of public entertainment; and the Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120), which adds publishing undertakings and recreational services to the list. The newly adopted Violence and Harassment Recommendation, 2019 (No. 206) includes the arts and entertainment sector as one of those in which exposure to violence and harassment may be more likely to occur.

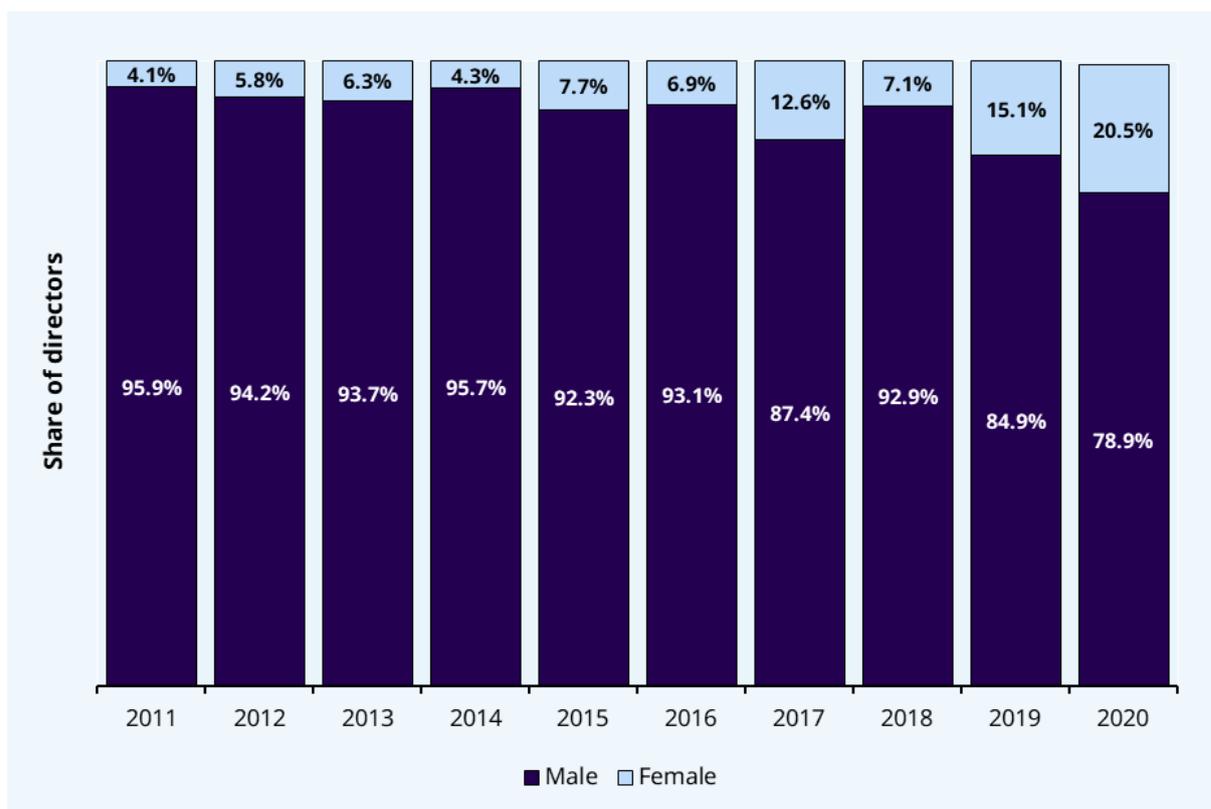
5.1. Gender equality and non-discrimination

148. While the ILO data previously discussed show increasing trends in female employment throughout the different sectors, gender inequalities are still persistent when it comes to representation in specific occupations, income differences and types of contracts. For example, there is still under-representation of women in directing/producers' roles or leading roles in some countries such as the United States (figure 22) or in Europe, where women represented 23 per cent of directors who worked on one or more theatrical feature movies between 2015 and 2019.¹⁹⁴ There are persistent gender stereotypes that still pervade the business and the portrayal of women in performances and there is a greater vulnerability of women to violence and harassment, often intersecting with other grounds for discrimination such as race.¹⁹⁵

¹⁹⁴ European Audiovisual Observatory, *Yearbook 2021–2022*.

¹⁹⁵ ILO, "Policy Brief on Sexual Harassment in the Entertainment Industry", 2020.

► Figure 22. Distribution of movie directors in the United States by gender, 2011–20



Source: Darnell Hunt and Ana-Christina Ramón, *Hollywood Diversity Report 2021* (UCLA, 2021).

149. A similar picture is painted in the live performance subsector. For example, a recent study in Switzerland found that only 15 per cent of stage productions performed were written by women playwrights, while 2 per cent of classical music was composed by women composers.¹⁹⁶
150. Gender inequality in the sector has been well documented, especially in some subsectors – broadcasting and the press – since the 1970s and throughout the 1980s.¹⁹⁷ Much has been said and analysed with regard to gender inequality, including “glass walls” (occupational segregation); “glass ceilings” (low women’s participation in decision-making positions) and “glass escalators” (men entering high-level positions in women-dominated sectors). The 2022 UNESCO report highlighted the progress that has been made, particularly in the film industry (with 65 per cent of gender equality initiatives implemented by governments and civil society) and to a lesser extent in the music and publishing subsector (each at 13 per cent of the initiatives implemented) and the performing arts (9 per cent).¹⁹⁸ The same report highlighted women’s under-representation in various subsectors, such as the gaming sector, which are linked to fast-growing technologies, along with women’s overrepresentation in those sectors characterized by insecure forms of work (such as arts and entertainment).¹⁹⁹ A 2019 analysis conducted among enterprises in various regions also shows some progress in the arts and entertainment sector, with 75 per cent of

¹⁹⁶ Swiss Arts Council, “Gender Equality between Women and Men Is Still Far from Being Achieved in the Swiss Cultural Sector”, 2021.

¹⁹⁷ Association of Cinematograph, Television and Allied Technicians, *Patterns of Discrimination against Women in the Film & Television Industries: A Special Report*, 1975; and Monica Sims, *Women in BBC Management*, 1985.

¹⁹⁸ UNESCO, *Re|Shaping Policies for Creativity*, 242.

¹⁹⁹ UNESCO, *Re|Shaping Policies for Creativity*.

enterprises reporting an equal opportunity policy or a diversity and inclusion policy and 30 per cent of enterprises reporting a female chairperson on the board of directors.²⁰⁰

- 151.** As in many sectors, gender inequality finds a strong expression in women's larger share of unpaid care duties and greater challenges in combining paid work and private life.²⁰¹ Female workers in the sector are often penalized when it comes to social security benefits and sharing family responsibilities, (that is, maternity leave), which may undermine their career prospects. Women feature in less well-remunerated fields, such as production managers, coordinators, assistants, and costume and stage personnel.²⁰² In some countries, broader policy reforms have resulted in the normative positioning of women as caregivers, also impacting the arts and entertainment sector.²⁰³ However, according to the analysis mentioned above, on average women in the sector accounted for about 26 per cent of junior management positions, 34 per cent of middle management positions, 29 per cent of senior management positions, and 31 per cent of executive management positions.²⁰⁴
- 152.** In terms of the gender pay gap, current research has highlighted significant wage inequalities in the movie industry (Hollywood women actors earn 25 per cent less than men), considering similar roles and accounting for actors' experience and box office earnings.²⁰⁵ In Europe, wage disparity also includes emerging sectors; for example, in the United Kingdom the gaming industry reported a 17.1 per cent gender pay gap in 2021.²⁰⁶
- 153.** Looking at the broader diversity agenda, studies of unequal representation across specific groups in terms of gender, ethnicity, race, sexuality and disability have brought to light how the benefits of the "creative class" have not been equally shared within the sector.²⁰⁷ In the context of ethnicity and race, initiatives in support of ethnic minorities that merely focus on recruitment policies have often reinforced ethnic divisions through the production of reductive representations of "race" or "ethnicity". Such ethnic and race inequalities go beyond income disparities or selection for a part and relate to the use of minorities as merely a "key competitive advantage in an overcrowded market".²⁰⁸
- 154.** In the 2022 report, UNESCO has reported that women, ethnic minorities and persons with disabilities remain under- or wrongly represented, with the COVID-19 pandemic having a disproportionate negative impact on female workers in the sector.²⁰⁹ This under-representation may be exacerbated by inequalities in digital access or digital literacy, as well as by unequal pay across categories. An analysis of the distribution of movie directors by ethnicity in United States is one example of a highly skewed labour market (figure 23). At the same time, new streaming models have demonstrated a propensity to invest in local productions, giving voice to more ethnically (and age-) diverse cultural workers.

²⁰⁰ ILO, *Women in Business and Management: The Business Case for Change – Sectorial Snapshots*, 2019, 6–7.

²⁰¹ EU, *Towards Gender Equality in the Cultural and Creative Sectors*, 2021.

²⁰² EPRS.

²⁰³ Dent et al.

²⁰⁴ ILO, *Women in Business and Management*.

²⁰⁵ Sofia Izquierdo Sanchez and Maria Navarro Paniagua, "Hollywood's Wage Structure and Discrimination", Economics Working Paper Series 2017/5 (Lancaster University).

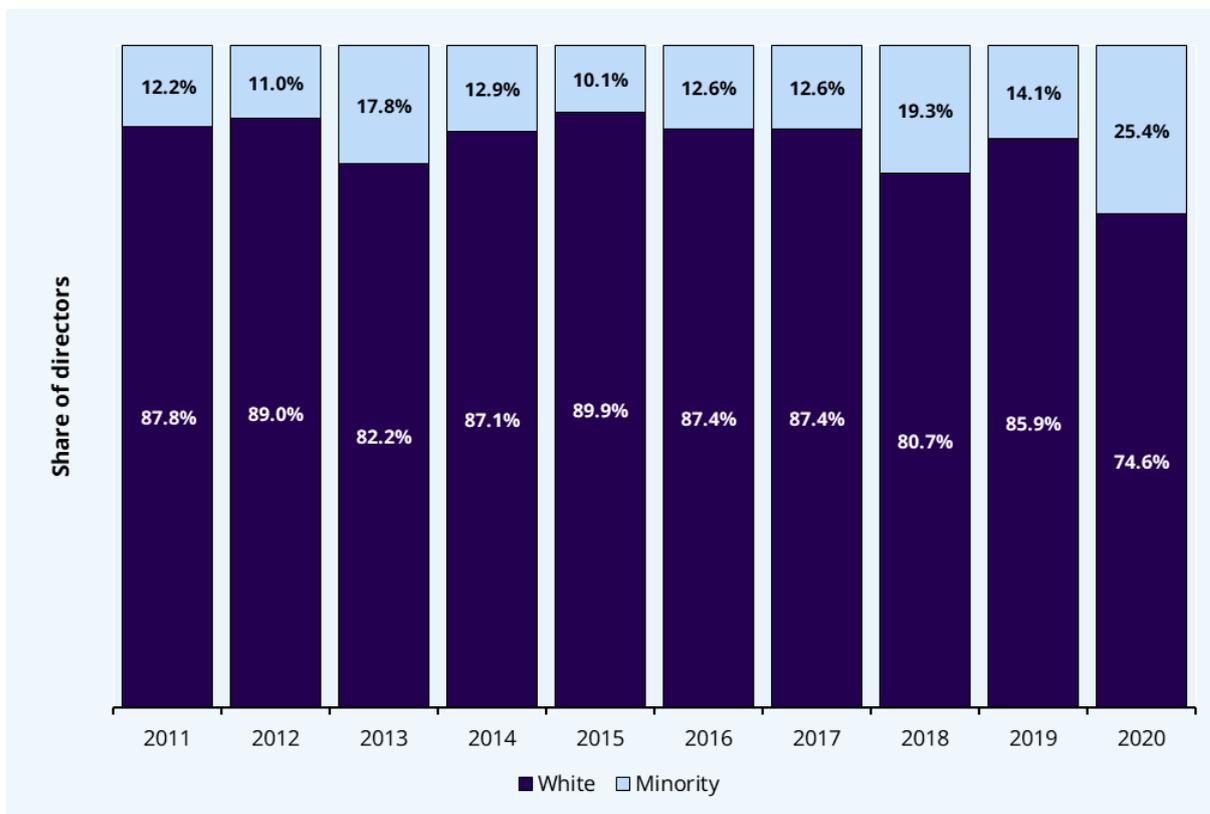
²⁰⁶ Marie Dealessandri, "Gender Pay Gap in UK Games Still Wide at 17.1% for 2021", 2022.

²⁰⁷ Dent et al., 14–15.

²⁰⁸ Anamik Saha, "Beards, Scarves, Halal Meat, Terrorists, Forced Marriage": Television Industries and the Production of 'RACE', *Media Culture and Society*, 34, No. 4 (2012): 424–438.

²⁰⁹ UNESCO, *Re|Shaping Policies for Creativity*, 241–261.

► Figure 23. Distribution of movie directors in the United States, by ethnicity, 2011–20



Source: Darnell Hunt and Ana-Christina Ramón, *Hollywood Diversity Report 2021* (UCLA, 2021).

- 155. Ensuring the meaningful inclusion of persons with disabilities in the sector in terms of job opportunities, access to facilities, skills development and funding becomes paramount in this changing environment. The lack of socio-economic integration of persons with disabilities undermines their participation in not only the consumption but also the production of culture and entertainment products. Policies may need to be directed to remove the many barriers to job opportunities and funding constraints experienced by persons with disabilities, as well as their exclusion from content creation and their lack of representation. Furthermore, some types of disabilities, such as visual and hearing impairment, are rarely considered in shaping the cultural experiences or employment policies of the sector.²¹⁰ The sectoral transformations of business models and new job profiles may require targeted actions to ensure that people with disabilities have the adequate skills to enter the labour market or adapt to those changes and that lifelong learning is inclusive of persons with disabilities.²¹¹
- 156. Gender inequalities and persistent gender stereotypes not only create obstacles to women’s full participation in the future labour market but also increase women’s vulnerability to violence and harassment, with new forms of such violence and harassment emerging in the digital environment. This is exacerbated by the interplay between persistent systemic gender barriers, women’s portrayal in some subsectors (such as the motion picture and gaming subsectors) and

²¹⁰ SACO, *Youth, Women and People Living With Disabilities: A Landscape Assessment of the CCI’s Readiness to Address the Needs of Persons with Disabilities*, 2020.

²¹¹ Global Business Disability Network and Fundación ONCE, *Making the Future of Work Inclusive of People with Disabilities*, 2019.

unequal employment opportunities and treatment.²¹² A more gender-balanced labour market in the arts and entertainment sector may benefit from policies that promote women in leadership positions (from choreographers to directors and composers); the provision of funding earmarked to increase the share of women's productions; and actions to address gender pay gaps and segregation in some of the subsectors.

5.2. Child labour issues in the new cultural and artistic work environment

- 157.** The commercial use of children in performances is common and is linked to their likability and their ability to generate income and is also a necessity for some subsectors (movies). Child actors' careers have been monetized by parents and managers across the whole history of cinema. Countries such as Canada, the United States and the United Kingdom have specific labour legislation protecting the rights of the children in the entertainment sector. This stems from the principle that child performers as child labourers require "particular care and protection as many aspects of the workplace or their work activities represent a potential level of risk which are higher for children than adults' performers".²¹³ Some of the problems child performers face involve intermittent or irregular employment, their rights, their social and labour protection and so on. There are also issues that may have a specific impact on children, including working hours and rest periods linked to educational provisions, physical and psychological well-being and financial exploitation. Child performers' careers are also characterized by a very high turnover, the lack of minors' representation among trade unions or employers' organizations and problematic guardianship by parents. All this results in children being employed in an "adult" business, but without the same "adult" safeguards and rights.²¹⁴
- 158.** The Convention on the Rights of the Child and the Minimum Age Convention, 1973 (No. 138), provide a normative framework to protect children at the workplace. According to the latter, the competent authority may allow exceptions to the prohibition of employment and "limit the number of hours during which and prescribe the conditions in which employment or work is allowed" (Article 8(1) and (2)). In some instances, such exceptions resulted in a variety of legal provisions and systems and often in less protection for the child performers.²¹⁵
- 159.** Some legislators or authors have also raised the issue of the increased use of technological applications that require tailored regulations at the national or international level to ensure the adequate protection of children in the entertainment sector from digital exploitation. In the context of digital platforms, the sector has witnessed the emergence of "kidfluencers" (children with large social media followings), who may be particularly vulnerable to exploitation in terms of safe working conditions and protections, often due to the normative vacuum and inadequacy of labour laws to cover specific situations linked to digital platforms' commercialization. Some countries have made progress in regulating the commercial exploitation of children on online platforms. This is the case in France, where a new law defines obligations that apply to both producers and distribution platforms, as well as to child representatives. The new law puts in place a "control procedure" to deal with any violations; it covers semi-professional child influencers and also regulates the remuneration paid to child influencers; while a portion may be left at the

²¹² ILO, "Policy Brief on Sexual Harassment in the Entertainment Industry".

²¹³ Musa Murshamshul, Nurzihan Mohammad Udin and Zuhairah Ariff Abd Ghadas, "Child Performers in the Entertainment Industry: An Analysis from the Employment Regulations Perspective", *International Journal of Academic Research in Business and Social Sciences* 8, No. 12 (2018): 2222–6990.

²¹⁴ Katherine Sand, *Child Performers Working in the Entertainment Industry around the World: An Analysis of the Problems Faced*, ILO Working Paper 186, 2003.

²¹⁵ Murshamshul, Udin and Ghadas, 2018.

disposal of their legal representatives, the surplus, which constitutes the savings, is paid into a child fund that can be accessed when the child reaches the age of maturity. What is very important in the context of semi-professional or professional child influencers is the obligation to declare their work to the administrative authority, which provides recommendations on time, duration, hygiene and safety issues, psychological risks, school attendance and financial obligations.²¹⁶

5.3. Freedom of association and the effective recognition of the right to collective bargaining in a changing landscape

- 160.** Freedom of association and the effective recognition of the right to collective bargaining in the arts and entertainment sector contribute to ensuring not only that the applicable rules guarantee decent working conditions but also that they are adapted to the sector's unique characteristics. Collective bargaining, combined with national law reforms, has helped to address working conditions, especially for some occupations in the sector. Some laws recognize freedom of association and collective agreements as a way to regulate compensation and working conditions; however, they may be out of reach for performers and cultural workers in many countries, even where they are unionized. A recent study on behind-the-scenes works in film and television production reports that while in most of the countries surveyed collective bargaining agreements addressed working hours, overtime, night work, work-life balance and rest periods, there were challenges in the implementation of such agreements. Some exceptions include countries such as Germany and Sweden, where recent agreements have helped improving daily and weekly hours and rest time. In other countries, there are no collective bargaining agreements in the film and television subsector, which may have made it more difficult to address workers' protection with regard to working hours, rest and work-life balance.²¹⁷
- 161.** Unionization in the new and more digitalized subsectors in the arts and entertainment landscape, such as the video games subsector, is not a reality yet. However, new workers' organizations are emerging, especially as a reaction to address long working hours and mandatory overtime in the subsector during the so called "crunch time", the period ahead of a release of a video game.²¹⁸
- 162.** In terms of the representativeness of trade unions and employers' organizations across the arts and entertainment sector, studies in the audiovisual and live performance subsectors in Europe provide some context of their coverage and density; however, the absence of data from other regions needs to be noted. Of the 160 trade unions active in the European audiovisual subsector, for example, only 39 per cent organize workers in the different economic activities of the subsector, while 19 per cent organize workers in the different occupational categories (musicians, performers and technicians). A significant number of the organizations among those analysed – mainly those representing self-employed and freelance workers or other workers in diverse forms of employment – consider themselves professional organizations (not trade unions) and they usually do not participate in collective bargaining. The landscape of employers' organizations appears somewhat fragmented. Among countries in Europe, 12 per cent of the assessed organizations in the audiovisual subsector organize enterprises across the different economic activities and only 18 per cent organize enterprises across the different sectoral occupational categories. In many countries, there are also economic activities or occupational groups that are

²¹⁶ France, "LOI n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne".

²¹⁷ UNI Global Union, *Demanding Dignity behind the Scenes: Ending Long Hours Culture in the Global Film and TV Industry*, 2021.

²¹⁸ Sam Forsdick, "Dark Side of Working in the Video Game Industry: 100-Hour Weeks and On-The-Spot Sackings", *NS Business*, 16 November 2018.

not represented at all. Overall, it is the larger enterprises that tend to be affiliated to employers' organizations.²¹⁹

- 163.** In the live performance subsector, the small and medium size of enterprises and the nature of employment (self-employed versus employee status) have an impact on the representativeness and coverage of both trade unions and employers' organizations, with a certain level of fragmentation, as well as in the collective bargaining patterns. Data are not available for all regions, but in the case of the live performance subsector in Europe, only 34 per cent of trade unions organize workers across all the economic activities in the sector and 44 per cent of employers' organizations organize enterprises across all economic activities.²²⁰
- 164.** Linked to the issue of self-employed work in the different subsectors is the issue of how competition law may prevent self-employed workers from participating in collective bargaining. In certain countries, legislation does not recognize self-employed workers' right to create or join unions, while in other countries, self-employed workers cannot collectively negotiate their working conditions through their representative organizations, based on the assumption that self-employed workers are undertakings and their grouping would facilitate a concentration of power in the hands of one group and would affect free competition.²²¹ With regard to the importance of competition law in preventing unfair competition, in some countries such as Ireland, this law has been amended to reflect the specific reality of certain categories of workers in the arts and entertainment sector, allowing voice-over actors, freelance journalists and session musicians to engage in collective bargaining.²²²
- 165.** At the European level, efforts to remove barriers to the effective recognition of the right to collective bargaining for self-employed workers have resulted in EU draft guidelines on the application of EU competition law to collective agreements, which may have implications for workers in the arts and entertainment sector. They are currently under discussion and provide a framework that aims to improve the working conditions of a specific category of self-employed workers known as "solo self-employed people", allowing them to bargain collectively by associating them with the status of workers.²²³
- 166.** In some countries in the Asia and the Pacific region, country-level legal reforms have been pursued to clarify the issue of self-employed workers in the sector and their right to collective bargaining. This is the case of New Zealand. In 2010, the Employment Relations Act was amended to consider workers engaged in film production work as independent contractors rather than employees. Based on the recommendation of the Film Industry Working Group, consisting of employers' organizations and trade unions, the Screen Industry Workers Bill was adopted following its introduction in 2020 and its second reading in August 2022. It clarifies the employment status of screen production workers, introduces "a duty of good faith and mandatory terms for contracting relationships in the industry" and allows collective bargaining at the different levels.²²⁴
- 167.** In some respects, the pandemic has been a great boost for renewing collective agreements or strengthening the provisions of existing collective agreements in some of the subsectors of the

²¹⁹ Eurofound, *Representativeness of the European Social Partner Organisations: Audiovisual Sector*, 2021.

²²⁰ Eurofound.

²²¹ EENCA.

²²² ILO, *Individual Case (CAS) – Discussion: 2016, Publication: 105th ILC Session (2016)*.

²²³ European Commission, "Antitrust: Commission Invites Comments on Draft Guidelines about Collective Agreements regarding the Working Conditions of Solo Self-Employed People", press release, 9 December 2021.

²²⁴ ILO, *Individual Case (CAS) - Discussion: 2022, Publication: 110th ILC Session (2022)*.

arts and entertainment sector. This is the case for example of the collective agreement for employees in the film and television industry in Germany, which developed a short-time work compensation collective agreement (compensation for loss of working hours), which provides for compensation in case of the shut-down of production, the postponement of production or the temporary suspension of production activities.²²⁵

- 168.** This trend is also visible in the new digital platforms landscape, with collective agreements being negotiated between streaming services (that is, film production) and trade unions at country level, as in the case of the agreement signed between Equity and a streaming platform in the United Kingdom²²⁶ or the agreement signed in the United States between The Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA) and the same streaming platform, which also includes provisions for protection from harassment.²²⁷

5.4. Ensuring a safe and healthy working environment

- 169.** The discussion of occupational safety and health (OSH) in the arts and entertainment sector acquires a particular relevance in the context of the recent inclusion of relevant OSH Conventions as fundamental principles and rights at work.²²⁸ That development is likely to have implications for the efforts by governments, as well as employers' and workers' organizations in the sector, to put in place policies and regulations to strengthen the framework for the promotion of a safe and healthy work environment, including the promotion of physical and mental health.
- 170.** Safety and health issues in the arts and entertainment sector cover different dimensions, depending on the subsectors concerned. Occupational risks in the dance subsector, such as a fall or injury, can result in the permanent or partial impairment of dancers, with consequences for their careers. In live performance, hazards may include the layout of premises, the stage, scenic environments, sound levels and rehearsal spaces that may not always be up to the required standards.²²⁹ In the film sector, many workers are often required to work in remote locations. Safety hazards experienced by workers during work in isolation and measures to mitigate their risks are often parts of protocols established by the production enterprise or industry standards aimed at reducing health and safety risks on set or on stage. Such protocols may also include training workers – from crew members and performers to stunt actors – on control and mitigation measures of risk and exposure and procedures for monitoring and check on isolated workers.
- 171.** Studies have also identified emerging OSH concerns associated with work in the gaming sector, including broader issues related to the protection of both young consumers and workers from online violence and harassment. Other issues relevant to the new digital environment include addressing the OSH risks facing computer programmers, by limiting the number of hours they work and providing them with an ergonomic workspace, and limiting the level of sound for sound programmers.
- 172.** The COVID-19 pandemic has pushed the OSH debate to another level, expanding its scope to measures that prevent infections and ensure business continuity in the event of biological hazards. General OSH standards have been adapted to film studios, broadcasting sets and other

²²⁵ ECOVIS, "Short-Time Working Collective Agreement for the Film Industry in the Corona Crisis", 14 April 2020.

²²⁶ Equity, "Netflix – First Ever Union Agreement with Streaming Giant", 13 June 2019.

²²⁷ *Deadline*, "Netflix Signs SAG-AFTRA's Film and TV Contract", 20 July 2019.

²²⁸ ILO, "ILO Governing Body Agrees on Key Occupational Safety and Health Discussion at International Labour Conference 2022", press release, 18 March 2022.

²²⁹ Eugenija Zuskin et al., "Occupational Health Hazards of Artists", *Acta dermatovenerologica Croatica* 15, No. 3 (2007): 167–177.

production environments in response to the specific exposure risks of workers and managers. Sector-specific protocols and guidelines have been jointly developed by trade unions and employers' organizations or at the initiative of audiovisual institutions in order to ensure the safe resumption of film and TV production.²³⁰

- 173.** The introduction of new technologies has minimized and helped to reduce some risks but has also added new risks, including with regard to musculoskeletal disorders and other technology-related OSH risks.²³¹ Also, as digitalization allows workers to work outside their traditional workplace, commuting or at home, there is an increased focus on the stress and the negative impact on the mental well-being of workers in some sectors such as the film and audiovisual sector, which will have to be addressed. This may require the stronger engagement of social partners in addressing issues related to work-life balance and well-being, including the development of risk-assessment tools that can adequately address new pressures linked to new ways of producing content. In some regions, joint initiatives between the social partners have already led the way in the development of risk-assessment tools in the live performance (venues and productions) and in the audiovisual subsectors, which may provide examples of future actions for strengthening the promotion of OSH in the sector. This is the case of the OiRA tools developed by the EU social partners for the live performance and audiovisual subsectors, which target small and medium-sized enterprises – the majority of the enterprises in those two subsectors.²³²
- 174.** Some of these experiences show how social dialogue, based on respect for freedom of association and the effective recognition of the right to collective bargaining, can be a vehicle for creators' meaningful involvement in decision-making for the design of policies, including policies on OSH and adequate working conditions in the new digital entertainment subsector.
- 175.** The central role of the arts and entertainment sector in sustainable development and promoting resilience and social cohesion may require investments, not only to create employment and increase income but also to ensure inclusive policies that are human-centred and context-specific, involving different actors such as government institutions, employers' and workers' organizations.²³³

²³⁰ ILO, "COVID-19 and the Media and Culture Sector".

²³¹ Bibby.

²³² OiRA Project: "OiRA Tools for the Live Performance Sector", 30 March 2016; and the International Federation of Actors (FIA), "Launch of the NEW Risk Assessment Tool for Audiovisual Productions", 3 June 2021.

²³³ UNESCO, *Final Declaration*, World Conference on Cultural Policies and Sustainable Development, MONDIACULT-2022/CPD/6.