



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Governance
Social dialogue

SECTORAL SOCIAL DIALOGUE
COMMITTEE
LIVE PERFORMANCE

MINUTES
PLENARY MEETING
10 OCTOBER 2019

Chair: Pearle (Morten Gjelten)

1. Opening of the meeting

The draft agenda was approved. The minutes of the Working group meeting of 07/06/2019 were approved.

2. Health and safety

Presentation on stress affecting musicians on stage – Dr. Esther van Fenema

Esther van Fenema (FIM) presented (see Annex) on performance anxiety of musicians from both medical and psychological point of view. She explained in her presentation the biology of performing, elevated stress levels during the performance and strong demands on mental and physical condition of performers. The presentation was followed by a brief discussion.

Updates of the OiRA tools – presentation of the scope for revision

Dearbhal Murphy (FIA) provided an update on the developed OiRA tools. Another joint project on this subject is envisaged in the next project cycle. Any omissions and corrections needed to the tool will be conducted to improve knowledge about OiRA and its use.

3. Update on employment and social affairs

Sigried Caspar (DG EMPL A.2) gave a brief update on the development in the field of employment and social affairs. The designated Commissioner N. Schmit conducted well during the EP hearing; he has a good knowledge of substance and long political history. The designated vice-president Dombrovskis had a good hearing too. They have both stressed the importance of social affairs and social dialogue and showed openness and willingness to engage with social partners. New initiatives have been announced on the political level – minimum wage initiative, protection of platform workers, unemployment re-insurance scheme, pay transparency – esp. in relation to gender pay gap, skills agenda. The revision of social security coordination rules is still ongoing. European Labour Authority should become operational early 2020.

Thomas Dayan (FIM) commented on the minimum wage initiative and stressed in this context that the concept of a worker goes far beyond of who has a working contract, there is an interference with competition law. Unions will take this issue up.

4. ILO Convention and recommendation on Violence and Harassment in the world of work

Margherita Licata (ILO) presented (see annex) on ILO Violence and Harassment Convention (No. 190 – binding international law instrument) and Recommendation (No. 206 – non-binding). Both result from a successful social dialogue. They are based on inclusive integrated gender responsible approach; define violence, harassment, and means of action – prevention and protection, enforcement and remedies, guidance and training. They will be followed up by a 6 years strategy. ILO is working with its Members States to help them to ratify and implement the instrument (no MS ratified yet, as the instrument was adopted recently).

In the following discussion, need for a solid research and facts was voiced and representative of IE Unions informed, that recently a code of conduct was accepted in IE according to which procedures and policies on bullying and harassment are a prerequisite for a successful funding application.

5. Twenty year of European sectoral social dialogue

Keynote by Joost Korte, Director General, DG Employment, Social Affairs and Inclusion

Joost Korte, Director General of DG Employment, Social Affairs and Inclusion, praised in his keynote speech the work and achievements of the key players of Sectoral Social Dialogue Committee Life Performance, especially PEARLE and EAEA. Free movement of persons and labour mobility are the most praised and also challenged policies. The Commission is aware of the interplay between competition and labour law. The Commission has to reach out to Member States to perform social dimension. Posting Directive has been reviewed to guarantee equal pay for equal work. Also social security coordination should safeguard the rights of mobile workers, the Commission understands the administrative burden concerns (especially concerning the portable A1 document). Flexible and non-standard work reaches up to 40 % in the EU, the Commission submitted Recommendation on access to social protection. Furthermore, Joost Korte mentioned topics of European Labour Agency inauguration, digitalisation, lifelong learning and skills.

Keynote by Tamas Szucs, Director for Culture and Creativity, DG Culture, Youth, Culture and Sport

Tamas Szucs, Director for Culture and Creativity at the DG Education, Youth, Culture and Sport, praised in his speech the achievements of the Sectoral Social Dialogue Committee Life Performance, its work needs to be continued and that with the Commission's support. The new 7-year EU budget reflects higher ambitions for culture; also, the designated Commissioner Gabriel expressed strong commitment for cultural policy. Cultural and artistic mobility in Europe is important. Commission's role is to complement the actions of Member States and removing administrative obstacles. The Commission is preparing a study on the working conditions of artists in 2020, the test phase of mobility scheme will continue with two projects, actions on gender equality are planned. Culture is at heart of the Strategic Agenda 2019-2024.

A brief discussion followed both keynote speeches. Dearbhal Murphy (FIA) mentioned the interplay between competition and labour law, the ruling of ECJ on this subject is reiterating existing principles and remains on a case-by-case basis, which constitutes a particular problem and has a negative impact on collective bargaining. Thomas Dayan (FIM) asked for more protection for the more vulnerable workers in non-stable employment. A representative of UK workers raised strongly the issue of double taxation against the Commission.

Joost Korte explained that definition of a “worker” is very difficult and falls within the competence of Member States, the Commission did not succeed to harmonise it due to the opposition of Member States. The ECJ provided a guidance. There is no ban on collective bargaining for false, bogus self-employed. The real self-employed are, in the logic of the Treaty on the Functioning of the EU, undertakings. The number of self-employed is growing and the Commission will focus on this issue.

Signing of the declaration on the role, importance and added value of social dialogue in the live performance sector

The European social partners signed a joint declaration on the occasion of the 20th anniversary of European social dialogue. The social partners underlined the importance of European social dialogue and its contribution to European employment and social policies. Furthermore, social partners called upon national governments to create the necessary conditions for building up a stronger social dialogue. Referring to the specific characteristics of the live performance sector, social partners stressed the role of culture and arts in society, the freedom of artistic expression and the promotion of cultural diversity. In their joint declaration social partners present a list of proposals addressed to the European Union, Member States and to themselves in areas such as professional career development, health and safety and labour mobility in the sector with often short-term working patterns or double or excessive taxation of performers and touring companies.

6. Mobility

Travelling with musical instruments and CITES

Dagmar Zíková (DG ENV F.3) provided an update on the COP in Geneva 2019 and CITES, she appreciated very good cooperation with the live performance sector. Several annotations have changed, f.e. for rosewood, where musical instruments and its parts are specifically excluded. Work is ongoing on basic regulation 338/97/EC to include lists which reflect CITES. Social partners stressed the need for an exemption of musical instruments from the EU ivory ban and welcomed the reasonable approach taken by the EU Commission on this critical matter.

7. Skills Development

Update on the ongoing work on the ESCO taxonomy

Nuria Moyes (EMPL ESCO Secretariat) updated social partners on the ongoing work on ESCO, a common reference language. The current version was published in 2017 and new version is envisaged for 2021. The team is working on revisions for consistency, elimination of duplicated concepts and obsolete occupations and addressing some existing mistakes. Input from Member States is required, technical visits are underway. An expert group works on hierarchy for the skills, introducing of levels and sublevels.

Nuria Moyes invited to participate in online forum, f.e. forum for domain experts could be relevant for life performance sector.

8. Update on the European projects

Skills: Update on Project Submission

Richard Poláček (UNI MEI) informed about the submission of a project aimed at skills, consisting of national awareness raising events, thematic workshops on digital environment and European social dialogue on skills development.

Gender equality: Update on Project Submission

Dearbhal Murphy (FIA) summed up future joint gender equality project aimed at mapping of practices and policies across Europe in the sector with a focus on sexual harassment and combining workshops and research activities.

Mapping of social dialogue in the commercial live performance sector

Agnieszka Pacynska (FIA, lead researcher) updated participants on the project, whose objective is mapping the social dialogue in five countries (Bulgaria, Czech Republic, Poland, Romania, Serbia) and identify existing barriers and opportunities. There are no strong signs of social dialogue in commercial live performance sector in the countries under research.

9. Work programme SSDC LP 2020-2021 - presentation and discussion, with a view to adoption

Anita Debaere (PEARLE) presented the new Work Programme of the Sectoral Social Dialogue Committee in the Life Performance sector for 2020 – 2021. The work programme contains 6 main headings: social dialogue and the role of the sectoral social partners, health and safety, training and skills, mobility of workers in the performing arts sector, gender equality, issues related to the economic situation of the sector and EU initiatives. Issues such as climate change, OiRA tool, ESCO, double taxation, travelling with musical instruments feature on the agenda. The Work programme was adopted.

10. AOB - Brexit

UK members expressed their concerns about the impact of Brexit on the live performance sector, for example imposition of CITES controls, requirement of Carnets, social security coordination impacts, possible work permits. They asked for social partner support across EU.

Annexes

- Point 2 – Stress affecting musicians on stage
- Point 4 – ILO Convention and Recommendation on Violence and Harassment

- Point 5 – Joint Declaration on the Occasion of the 20th Anniversary of the SSDC Life Performance
- Point 9 – SSDC Life Performance Two Year Work programme 2020 - 2021

Annex: List of participants 10/10/2019

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| <p><u>Employers</u></p> <p>Pearle* Mr Marc ALBERMAN (FR) Ms Anita DEBAERE (EU) Ms Liesbeth DEJONGHE (BE) Mr Momchil GEORGIEV (BG) Mr Morten GJELTEN (NO) Ms Maria GRUNTMAN (SE) Ms Martina HAJKOVA (CZ) Ms Françoise HAVELANGE (BE) Ms Kim HULSCHER (NL) Mr Italo INGLESE (IT) Mr Sébastien JUSTINE (FR) Mr Julius KLEIN (SK) Mr Géza KOVÁCS (HU) Ms Silke LALVANI (EU) Ms Emanuela MORARU (FR) Ms Nathaly OSSA ALZATE (ES) Mr Mark PEMBERTON (UK) Ms Tania SWAYNE (ES) Ms Ana VICENTE (PT) Ms Cristina WARD (ES)</p> <p>20 employers representatives (12 women, 8 men) (2 EU, 4 EU-13, 13 EU-15, 1 NON-EU)</p> | <p><u>Workers</u></p> <p>EURO-MEI Mr Carlos BLAZQUEZ (ES) Ms María-Jesus DE JUAN GONZALES (ES) Mr Manuel GONCALVES (PT) Ms Ine HERMANS (BE) Ms Jordi LÓPEZ SANTÍN (ES) Mr Richard POLACEK (EU) Ms Nathalie SERANE (FR) Mr Markus STAUT (DE) Mr Johannes STUDINGER (EU) Ms Naomi TAYLOR (UK) Mr Laurent VAN KOTE (FR) Mr Pierre VANTORRE (FR)</p> <p>FIA Mr César CASARES PARRA (ES) Mr Paul William FLEMING (UK) Mr Denys FOUQUERAY (FR) Ms Dearbhal MURPHY (EU) Ms Karan O LOUGHLIN (IE)</p> <p>FIM Mr Thomas DAYAN (FR) Mr Philippe GAUTIER (FR) Mr Loris GROSSI (IT) Mr Graham MACKEN (IE) Mr Maciej PACUŁA (PL) Mr David WEBSTER (UK)</p> <p>23 workers representatives (7 women, 16 men) (3 EU, 1 EU-13, 19 EU-15)</p> |
| <p><u>External experts</u></p> <p>Ms Agnieszka PACZYNSKA (PL) Ms E. VAN FENEMA (NL)</p> | |
| <p><u>European Commission</u></p> <p>Mr Joost KORTE (EMPL – DG) Mr Tamas SZUCS (EAC – Director – Culture and Creativity) Ms Sigried CASPAR (EMPL.A.2 – Social Dialogue) Ms Jitka HRUDOVÁ (EMPL.A.2 - Social Dialogue) Ms Nuria MOYES (EMPL ESCO Secretariat) Ms Dagmar ZÍKOVÁ (ENV.F.3 – Multilateral Environmental Cooperation)</p> | |