

EUROPEAN SURVEY EURO-

ANALYSIS

**WORKING CONDITIONS OF FREELANCE WORKERS
IN
FEATURE FILM PRODUCTION**

With the financial support of the European Commission



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Introduction

Film and TV production is the cornerstone of the European audiovisual sector. This disjointed sector is a hybrid system of independent industries such as cinema, television and multimedia interlinked by means of distribution and ownership. Cinematography, which was born in Europe, developed during its first century of existence as an expression of national cultural identity through the diversity of creators' personalities, just as painting and literature have done for centuries.

This is why cinema is a means of cultural expression, a depiction of human relationships and the universe. This is what makes it an art form. This art form, like all the other art forms, is reflected and finds its identity in the location, the country, the moment, the men and women, and the language that it portrays. European civilization is based on and validated by this diversity and its reflection of the continent's history.

Today, the European film and TV production sector is suffering from structural weakness, and is dominated by non-European works. In a recent report, the European Audiovisual Observatory points out that admission to film theatres grew by 4.4% in 2000, making that the best year since 1983. However, the Observatory states that the market share for European films was down to 22.5% from 29.2% in 1999 and US films increased their market share by more than 4% to 73.7%. Furthermore, the Observatory reveals that market shares for national films declined on most national markets and that European films were less successful outside their national markets than in preceding years. This picture underlines the weakness of the European film industry and the lack of cross-border distribution of European production within the EU. Today, the European film and audiovisual sector is suffering from structural weakness, and is dominated by non-European works.

It is in this context that we look at the development of working conditions of film and TV production workers. This report is a first update of the first EURO-MEI report of 1996 on working conditions of freelance workers in European film and video production, which will be complemented by a more detailed report in beginning of 2002. Appropriate, predictable, efficient labour standards are still lacking in this sector. Further, a higher priority should be given to the promotion of equal opportunity. It is necessary that on a European level we can develop standards of production together with the producers. This report can help to compare the situations in most of the EU countries and gives us a better understanding of the nature of film and TV production in Europe.

Through our network of affiliates, EURO-MEI has collected much information on working conditions in various European countries aiming at establish a coherent system of information on, working condition of film and TV production workers in Europe.

All these data were the input in a process of selection, comparison and analysis. This report is the first result: a report on the working conditions in the production of feature films. It contains a clear listing of working conditions in 14 European countries.

- 11 countries of the European Union: **Belgium** **Ireland**
Denmark **Italy**
Finland **Spain**
France **Sweden**
Germany **United Kingdom**
Greece

In all the countries but Spain, unions have signed collective agreements with employers' associations. In some countries this is already a long tradition, in others it is of more recent date.

- 3 countries in Central Europe: **Hungary, Latvia and the Czech Republic.**

In these countries collective agreements do not (yet) exist, but union officials have presented what may be called standards in practice.

The EURO-MEI secretariat is working on getting the information on the Austria, Luxemburg, Netherlands and Portugal and the remaining applicant countries together, which will be added to a final publication in beginning of 2002.

The information presented concentrates on 5 key conditions:

- I working hours**
- II - rates**
- III- payment of expense**
- IV - overtime payment**
- V - crewing levels**

Every paragraph shows some tables which contain the information on a specific aspect of work. At the bottom of each table you will find a few lines of text reflecting on the information presented. When possible patterns are pointed out and conclusions are drawn and compared with the results from the survey in 1996.

This report gives a comprehensive image of the working conditions in the feature film production in many European countries. This serves many goals:

- It can be very useful for freelance professionals who go to work in another European country.
- It can stimulate film workers unions to improve certain terms in their own national

agreements.

- It can provide useful information to producers when they consider a (co)production in another European country.
- It can serve policy makers, both on the national and the European level, with relevant information when debating about issues like stimulating European film production and improving systems of grants.

I. Working hours

a) Regular working hours and maximum working hours

Country	regular working hours		maximum working hours	
	day	week	day	week
Denmark	8	38	10	-
Finland	8	40	8	40+
Estonia	8	40	12***	48***** (72*****)
Latvia				
Lithuania				
Russia	12		12 – sometimes up to end of scene, DP are not paid for overtime.	
Ukraine				
Sweden				
Norway				

* This maximum is a legal provision.

** When the working week consists of 6 days (including Saturday) a regular working day has 6 hours and 40 minutes.

*** By law – 12 h day is maximum including over hours (4 over hours maximum). On features production 12 h day is mostly accepted as a regular day (6 days in a week). Still 16 h days are not rare.

In a sum regular working days can be longer than 8 h, but monthly sum can't be greater than calendar working days multiplied by 8.

**** By law – 48 h is maximum average week including over hours (4 months average).

***** 72 h week is widely accepted as regular week.

A regular working day in European feature film production is generally 8 hours. And a 10-hour day seems to be more or less accepted by the unions. However, the situation of 1996 is unchanged that in some countries maximum working hours of 12 and more hours. The regular working week contains 40 hours or just around.

In some countries the workers are (also) protected by legal provisions. According to the German law for instance a regular working day is 8 hours, a regular working week is 48 hours. The maximum allowed is 10 hours a day and 60 hours a week. The French law limits the maximum working time to 10 hours a day and 48 hours a week. In Spain, where there is no collective agreement, working hours are limited by law: 8 to 12 hour a day and 40 to 50 hours a week. In Belgium the government is going to pass a law on working

time which will content a specific part on the film and TV production sector in order to allow derogation from the general provisions.

In spite of the limits set by collective agreements or legal provisions, working longer hours is very common in practice. Many countries, e.g. Germany, Ireland, Belgium and the UK, report an average working day of 10 to 12 hours in practice. An average working week is between 50 and 60 hours. And even more is not a rare exception.

In most of the surveyed countries however workers themselves or the union hold some possibilities of controlling long working days/weeks. But the strength with which they can use these possibilities varies. In the United Kingdom working longer than the regular working time is supposed to be voluntary. So a worker can refuse and ask the union to support him in his action.

In Greece workers or the union can negotiate with the producer to define the limits of working time. And in Denmark and France the workers hold quite some bargaining power, because the producer has to request longer working hours from the crew.

Central Europe

In the three surveyed countries working hours are not regulated by collective agreements. But some legal provisions do exist. In Hungary and Latvia regular working time is 8 hours per day and 40 hours per week. In the Czech Republic it is 8,5 hours per day and 43 hours per week. However in practice working time is much longer, up to 50 hours in Hungary and 72 hours in the Czech Republic.

b) Is travel time considered as working time ?

country	to the studio	to a location	abroad
Denmark	No	yes	yes
Finland	No	yes	yes
Estonia	No	Yes	Yes
Latvia			
Lithuania			
Russia	no	If DP use usual contract, the time is calculated, sometimes DP is paid by weeks, in this case no.	If DP use usual contract, the time is calculated, sometimes DP is paid by weeks, in this case no.
Ukraine			
Sweden	No	yes	yes
Norway			

In the countries surveyed we see a lot of uniformity:

- The every day drive to 'the office' is not regarded as working time.
- Travels abroad are always considered as working time.
- Travel time to a location is mostly regarded as working time, but with a few exceptions.

c) Day and night calls ?

country	normal time of call	night call
Denmark	6 am - 6 pm	6 pm - 6 am
Finland	-	9 pm - 7 am
Finland		
Estonia	6am – 6pm	6pm - 10pm* 10pm - 6am**
Latvia		
Lithuania		
Russia	Depends upon seasons and scenes. Not any official rules,	The same
Ukraine		
Sweden	7 am - 9 pm	9 pm - 7 am
Norway		

* *Evening call (law)*

** *Night call (law)*

The day shift in European film production starts at different hours, somewhere between 6 and 9 am. So it ends at different hours. The same goes for the start of a night shift. The only similarity is the hour where a night shift generally ends: either at 6 am or 7 am.

Central Europe

In the Czech Republic, Hungary and Latvia a night call usually starts at 10 pm and ends at 6 am.

d) Is there a fixed minimum working time for a call ?

Country	Minimum working time for a call
Denmark	8 hrs
Finland	
Estonia	No****
Latvia	
Lithuania	
Russia	no
Ukraine	
Sweden	4 hrs ***
Norway	

* : every started day of work must be entirely paid

** : If film workers in Greece are hired on a weekly basis the minimum period of a contract has to be 2 weeks.

*** : No collective agreement but standard in practice.

**** Law is not regulating that. 10 h call as a minimum is practiced only by some professions (lighting),

In order to balance (none paid) travel time and (paid) working time unions in many of the surveyed countries have negotiated a minimum number of hours for a call. This guarantees an income which is worth the trouble.

Central Europe

In the Czech Republic and Hungary similar practices exist: a minimum of respectively 5 and 4 hours.

e) Breaks and time off

Country	minimum time for breaks during the day	minimal turn around	minimal break for a 'week end'
Denmark	45 + 15 min.	11 hrs	2 days
Finland	60 min.	-	30 hrs
Estonia***	30-60 min.	11h	36 h
Latvia			
Lithuania			
Russia	40 min	12 hrs	1 day
Ukraine			
Sweden	60 min.	11 hrs	2 days
Norway			

* : working outside the Paris region : 1 day

** : In Germany, they count 59 hours : 48 hours + 11 hours for minimum turn around.

In United Kingdom they count 34 hours (24 hours + 10 hours for minimum turn around) or 58 hours (48 hours + 10 hours for minimum turn around)

*** By law. Turn arounds mostly not respected.

In general meal breaks are 30 or 60 minutes. In many countries, like in Ireland, additional terms exist on when the breaks should take place. For instance: a 60 min. break no later than 5 hours from the beginning of the working day.

Minimal turn around seems to be quite informally agreed upon in the surveyed countries: either 10 or 11 hours. In Finland a 10 hour turn around is a standard in practice. Film production in France has to comply to a turn around of 12 hours. The same goes for Spain where 12 hours for a turn around is a legal provision.

The minimum break for a 'week end' (a period of rest between two working weeks) is around two days. Spain has a legal provision of 48 hours rest between two working weeks.

Central Europe

Similar regulation exists in the three surveyed countries. A one hour break during the working day is both a legal provision and a standard in practice in Hungary and Latvia. Film workers in the Czech Republic are entitled to a 30 minutes break after 5 hours of work.

Minimal turn around in the Czech Republic is fixed at 12 hours (legal provision), but this rule is often violated in practice. In Hungary the legal provision of a 9 hour turn around is respected in practice.

The minimum break for a 'week end' varies in these countries. Both Hungary and Latvia report a legal provision of a two days break. In the Czech Republic the minimum 'week end' break is only 32 hours.

f) Is Saturday and/or Sunday a regular working day?

country	Saturday	Sunday
Denmark	no	No
Finland	yes	Yes
Estonia	Yes*	Yes**
Latvia		
Lithuania		
Russia	Recent time yes especially in Moscow because of traffic	Recent time yes especially in Moscow because of traffic
Ukraine		
Sweden	no	No
Norway		

* *Saturday is widely used as 6th working day. No protection by law.*

** *Sunday is not protected with any law, agreement or rate.*

Only in Finland and the United Kingdom working on a Sunday is not formally blocked by the collective agreement. In all other surveyed countries (including Spain) the collective agreement protects Sunday as a day off.

In practice Sunday really is a day off. Because the overtime rate in Finland is very high (200%) working on a Sunday is very rare. Also in the British film industry Sunday is not a working day in practice.

Saturday is more often used as a working day. The collective agreements in Finland, France (partly), Greece and the UK allow working on a Saturday. And it is even more common when we regard the standards in practice. In the German film industry for instance Saturday is used as a regular working day in spite of the collective agreement and even the law which considers it a day off. So leisure time on a Saturday is regularly sacrificed in many of the surveyed countries.

Central Europe

In the Central European countries both Saturday and Sunday are not regarded as regular working days. But in practice Czech film workers work on many Saturdays.

g) Do film workers benefit from provisions for paid holidays?

country	provisions for paid holidays
	-
Denmark	yes, + 12,5% salary
Finland	yes, + 13,5% salary
Estonia	no (law: yes + 8% salary) *
Latvia	
Lithuania	
Russia	no
Ukraine	
Sweden	Yes
Norway	

** one day for a 4 weeks work (for the same producer), 2 days for a 8 weeks work, etc.*

For all the shorter works, no provision for paid holidays.

** there are different types of contracts and filmworkers mostly work by contract that does not include this payment.*

Freelance film workers benefit from provisions for paid holidays in all the surveyed countries but the United Kingdom. In Spain legal provisions concerning paid holidays exist. But production companies often do not comply with these provisions in practice.

Central Europe

In the Czech Republic and Latvia legal provisions concerning paid holidays also exist..

II - Rates

a) Minimum weekly rates

On the next two pages we present in tables the minimum weekly rates for a specific craft or grade in feature film production¹. These rates are part of the collective agreements between unions and employers ('associations').

There are a few exceptions to this rule (indicated by footnotes). The rates in Spain and in the Czech Republic are standards in practice, but at the minimum level. The rates in Hungary are also standards in practice, but at the level of the recommended going rate rather than the minimum rate.

It is very tricky to compare rates and draw conclusions about the levels of income of film workers in different countries. The figures hide a lot of differences in e.g. tax legislation, social security payments and national price levels. Because of these differences it is very inaccurate to draw conclusions like ".in country A a freelance focus puller earns twice as much as in country B.". Neither is it possible to compare the level of costs for a producer to hire a freelance focus puller in different countries. So the figures in these tables can only be compared with extreme caution.

Still there are some relevant remarks to make on rates in the European film industry.

In many countries a director is not included in the rate schemes of collective agreements. Here the individual has to negotiate his/her rate with the producer. The outcome is sometimes, like in Greece, linked to the budget of the production.

Apart from the director it's the director of photography who is a high earner in feature film production. In France, Germany and Ireland the weekly rate centres around 1.900 EUR.

Production manager, art director, sound designer and editor form the middle group in terms of rates and income. The differences in rates for these grades between most EU-countries are relatively small.

Feature film production in France clearly stands out when we look at the rates. French "intermittents" or freelance workers generally have a (much) higher minimum rate than their colleagues in the other surveyed countries. At the other end Greece seems to be the EU-country where film workers generally have the lowest minimum rates, compared to the other surveyed countries.

A characteristic of the Scandinavian countries and also of Spain is the relatively small differences between the minimum rates of the different grades. The difference between the high earners and the low earners in a crew, apart from the director, is much less than in countries like France, Germany and Ireland.

** In Estonia all rates are subject to negotiations, except lighting team and IAC, who have made some agreements. Estonian Film Foundation accepts all deals, that producers have made with crew. They even state that if people start to follow law, converment will fisnish this expensive*

¹) The unions from Italian and Latvia didn't provide data on rates.

art.

A very important thing to note is that these minimum rates do not really reflect the rates that are actually paid in practice. Most collective agreements clearly establish a bottom level of payment. Actual payments go well above this level. In France, however, there is a fall in rates in a not insignificant part of the film industry.

In the majority of the surveyed countries the rates include the deductions for social security benefits. This means that freelancers pay (the major part of) their social benefits from their rates. In France, film workers are “intermittents”, they are wage earners, and so the producer must pay social security payments. In Finland and Sweden the major part of social security payments is financed by the producer. Here social security payments have to be added to the rates.

In most of the surveyed countries payment is guaranteed when a call or contract is cancelled shortly before. Ireland is here the exception to the rule. But some unions (from France and Spain for instance) report that in practice this guarantee is not always secure.

Central Europe

The Czech minimum rates are in general lower than the rates in the EU-countries. Only the director of photography earns a rate which is comparable with e.g. the rates in Finland and Spain.

When we compare the rates of Hungarian film workers with those of their colleagues in Western Europe it varies significantly: sometimes much lower, sometime at the same level. Probably these differences are caused by the fact that the Hungarian rates are not minimum rates but more going rates.

b) Additional payments for the use of copy right and for secondary uses

Country	Copy right and neighbouring rights Who hold these rights?	Secondary uses
Denmark	yes director	yes director director of photo art director editor
Finland	no	
Estonia	Yes Director Director of photography Production designer Scriptwiter Dialog author Composer	No
Latvia		
Lithuania		
Russia	Author, composer, director	
Ukraine		
Sweden	yes director director of photo. art director wardrobe design	yes director director of photo. art director wardrobe design
Norway		

Countries vary substantially in the regulation of copyright and the right of secondary uses. It follows that the agreements on additional payment for the use of these rights is different. It seems that if regulation is absent, it is absent for both types of rights. And if it exists, it covers both copyright and secondary uses.

Whether producers always comply with the rules is a question. Some countries report difficulties when freelance workers ask the producer for the additional payments to which they are entitled.

The director is the professional who holds these rights most often. So he receives additional payments in all countries surveyed where agreements do exist.

But in many cases it is also the director of photography, the sound designer, the editor and the art

director/set designer who are compensated when their work is used.

In some countries, like Finland and the UK, where collective agreements do not include the issue of rights, there is some practice of extra payment for secondary use when the film is assigned by a public broadcasting company. Again directors and producers are the professionals who benefit mostly from this practice.

Central Europe

There is also some practice of additional payments for the use of copyright and for secondary uses in Hungary and in the Czech Republic. The director and the director of photography hold these rights.

III - Overtime payment

a) Overtime payment

Country	>reg. hours	> max. hours	Night Hours	Saturday	Sunday	holiday	Breaks turn-around
Denmark	50%	100%	50%	75%*	75%*	75%	-
Finland	50%	100%	**	50% or 100%	200%	-	-
Estonia*** ***	50%	50%	65% evening 80% night	50 % or 125%	50% or 125%	300%	-
Latvia							
Lithuania							
Russia	no	no	no	no	no	no	no
Ukraine							
Sweden	60%	60%	100%	**	**	**	160%
Norway							

* : If both Saturday and Sunday are worked the overtime rate is 100%.

** : In these cases, in addition to the overtime rate, a fixed sum of money is paid for these " unsocial " hours.

*** : The overtime rate is 100% when a night call is more than 8 hours

**** : Curtailing a turnaround for more than two hours means a penalty of 200% overtime rate.

***** : For turn around only.

***** This is the law. It is not respected at all by producers. And even by Estonian Film Foundation. Evening and night hours are considered as normal hours in filmproduction. Same with weekends and holidays. Over hour payments are based on regular day rates and percentages or calculation systems vary from profession to profession.

The system of overtime payment is widely spread in the surveyed countries. More or less the same hours are defined as overtime. But the rates for extra payment of these hours are different. The rates are either calculated as a percentage of the hourly rate (in most of the countries) or as a fixed amount of money per hour.

There are some clear patterns though:

High overtime rates on hours in excess of the maximum working day, on Sundays and holidays. Extra payment for hours that curtail breaks and turnaround doesn't exist in many countries, because it is (legally) not allowed to curtail these periods of rest.

The practice of announcing overtime is different in the countries. Sometimes it's obligatory, more often it's just a matter of decency.

Central Europe

Overtime payment is a legal provision in all three countries. In Latvia most overtime rates are 100%, except for night work: 50%. In the Czech Rep. most overtime rates are 25% or 50%. In general producers effectively pay these rates. In Hungary the rates vary from 15% (night work) to 200% (holiday). But here producers are not very willing to pay the rates.

b) All-in deals

All-in deals, where a freelance film worker gets a rate which includes all kind of extra payments is a common feature, either in the collective agreement or in practice, in all the surveyed countries. Especially freelancers in the higher grades (production manager, director and director of photography) sign all-in deals. There is some variation though in what is covered by an all-in deal. In Finland it's only overtime payment on weekdays and Saturday. In Denmark it's all overtime payment, but in Ireland it contains also the additional payments for copyright.

** In Estonia it is common to sign all-in-deal contracts, that include all subjects above.*

IV - Payment of expenses

Country	travel to base	travel to location	travel abroad	meals, when no catering	hotel	per diems
Denmark	no	yes	Yes	Yes	yes	-
Finland	no	yes	Yes	Yes	-	-
Estonia	No	Yes	Yes	Yes/No	Yes	Yes
Latvia						
Lithuania						
Russia	no	yes	yes	Yes (shooting period)	yes	
Ukraine						
Sweden	no	yes	Yes	No	yes	-
Norway						

* : for workers that earn less than 1050 EUR (weekly).

** : When the distance to the location is more than 30 kilometres from the residency.

*** : When the distance to the location is more than 10 miles from the residency.

The practice of reimbursement of expenses is very similar all over Western Europe: no payments of expenses when it's the every day home-to-office travel or the travel to a nearby studio. But expenses are reimbursed as soon as it really costs something to travel or to stay.

The system of per diems instead of fixed amounts for specific spending is a common system in many of the surveyed countries.

Central Europe

The practice in the three Central European countries concerning payment of expenses is similar. Expenses for travels to location, meals and hotel are usually reimbursed.

V – Crewing

The rules on crew level and crew composition

Country	minimum crew level	consultative procedures	Equal opportunities
Denmark	yes 5 prod./dir. 7 camera/sound/light 4 art dir./set/make up/wardrobe	No	No
Finland	No	-	-
Estonia	No	No	No
Latvia			
Lithuania			
Russia	no	yes	
Ukraine			
Sweden	No	-	-
Norway			

* : consultative procedures are not often respected in practice.

Denmark, France, Greece, Ireland, Italy and the United Kingdom have rules on crewing. A film crew needs to have a minimum number of people. The minimum number varies. In Greece a crew consists of minimal 13 professionals and in Ireland it takes minimal 41 people to build a film crew. In Denmark, France, Ireland and Italy the minimum numbers are specified for different departments in production.

In only Greece and Ireland a producer is obliged to follow some consultative procedures when he wants to change the crew level and/or composition.

Policies to promote equal opportunities in employment are a rare feature in the European film production. Only in Italy and the UK the unions and the employers association(s) have committed themselves to bring more women and people from ethnic minorities to the film set.

Central Europe

In none of the three surveyed countries rules exist concerning the crew level and/or composition.