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„Vienna Documents II – Improving the social situation of the film artists by demanding new economic parameters for filmmaking“

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# Working Conditions

January 28  
and 29,  
2018

moderated by  
Lisa Basten

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**professions:**  
directing, DOP, production and  
costume design, editing, 3 people from  
organisations covering multiple  
professions

**experts from:**  
Norway, Netherlands, Austria,  
Denmark, France, Germany

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**Part  
#1**

## Who are we talking for?

In this part of the workshop we discussed the basis for talking about working conditions: WHOSE working conditions? Can there be solidarity among the separate groups? Awareness was raised that part of the challenge is bridging between the groups. Nevertheless, workshop participants were united in their goal to aim for a solidarity among european filmmakers. We specified:

### SOLIDARITY OF EUROPEAN FILMMAKERS ...

- among all professions and departments
- with special regards to gender and diversity
- among all statusgroups (freelancers, self-employed, employees with fixed and unfixed contracts)
- across EU nations
- beyond EU nations where possible

**The goal of our workshop needs to be to find the least common denominator of this vast group.**

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**Part  
#2**

## Shared issues among professions and nations

In this part of the workshop we worked hard on a list of issues that professions in all nations share as problematic and in need of improvement. They are ranked in order of importance:

1. Working Hours
2. Income (from wages and rights)
3. Social Security
  - a. Health Insurance
  - b. Pension Schemes
  - c. Unemployment Schemes
4. Right of Representation
5. Training and Education
6. Contract Issues
7. Safety Regulations
8. Productivity Pressures
9. "Outsourcing" and "Format Shopping"
10. Discrimination and Harrassment
11. Shrinking Budgets

Part  
 #3

## Framework of drafting the propositions

In this part of the workshop the group reflected on the analytical framework within which our arguments should be put forward to the EU reps. The experience of FERA and IMAGO on a European level as well as other participants' knowledge of political work fed into it.

At all times:

- point to gender aspect explicitly wherever relevant, since there is a general awareness of gender issues within the film industries and it will be expected
- point to the responsibility of checking and sanctioning regularly, since there is no awareness of the absence of a system of checks and sanctions in the film industries.

What needs to be conveyed:

1. What is the status quo?
  - explain and show how the industry works/ the daily realitys
  - present evidence (numbers and research) from the different countries (homework!)
2. What are our suggestions to the EU to improve the status quo?
  - on EU level:
    - via labor market regulation
    - relating to culture and art
  - working towards the member states

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Part  
 #4

## Work on “Shared Issues” from Part 2

In this part of the workshop we discussed the “shared issues” identified in the beginning. This was the main focus of the workshop and by far the most intensive and time consuming. We worked extensively on issues 1 and 2: the following text was phrased and approved by all workshop attendants. Issues 3-5 were discussed, but not finalized in wording so I document only via flipcharts and my own notes.

### Issue 1: Working hours

**Status Quo = Excess is a problem!**

Violation of existing regulations with regards to:

- Overtime: payment of overtime, unpaid overtime (voluntary), illegal overtime with regards to national
- Standby time: Is when the day is split up in two shooting persiods and you have an off time in between which is used only to be within the regulation. but it leads to excess working days. This regulation is misused. It is often misused that the “standby time” is actually preparation time for some professions (lightning people, wardrobe people, makeup, actor)
- Shuttle/ transportation time: Travel time between workers leaving accommodation and getting to a film-set/workplace and back. It applies whenever film-crews shoot in a location outside the ring-road of their residence. This should be part of the working hours.
- Turnaround time / Resting time: If your day ends at 8 in the evening, the turnaround time is the time until you start in the next morning. The problem is that the resting time regulations are violated.

Implications for:

- Social Security
- Health
- Gender /discrimination of people with family responsibilities
- Diversity (agegroups, handicapped)
- Safety and accidents in relation to overtime
- Bullying, Stress level

Why this can't be regulated within the established structures /within the industry:

- Lack of knowledge in labor market issues (e.g. rights of workers)
- Fear, blacklisting
- Enthusiasm, self-exploitation (hierarchical exploitation of the enthusiasm)

Suggestions for the EU to help out:

- workshop series on exchange of best practice examples for regulation, checking and sanctioning
- violation /infringement of the rules and for motivating people to call on violation.
- Workshop should be financed and organised on an EU level
- relation to training/education in filmschools and further education (this includes producers)
- implementation in educating structures if the EU is involved in financing them
- conditional funding

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## Issue 2: Income

**Status quo =**

- National social security systems are fixed on the SER (standard employment relationship; unfixed and fulltime) and do not allow for the projectbased work relations (hybrid, freelancers, fixed employment ...) that are dominant in filmmaking industries
- Freelancers get less for the same work
- Freelancers' income does often not allow for social security coverage (health, unemployment and pension) to the same extent that employers are covered within the national systems
- "outsourcing" or "format shopping" within the EU (notably: Romania, Bulgaria) because of lower pay and lower social security standards. This practice includes production export and work-force import
- Different sources for income: income from authors' rights and wages
- Industry practice in balancing both sources of income (wages and rights) for revenue tax optimisation purposes challenges access to social security coverage
- *Claiming authors' rights (remuneration) is an important source of income. But only for an exclusive group of filmmakers.*

Implications:

- wavering and instable and too low incomes lead to instable social security

Suggestions for the EU:

- Include "fair remuneration" for copyright holders / holders of authors' rights AND wage regulation when discussing / regulating / sanctioning on behalf of filmmakers income
- Producers should be prevented from detracting income from one source against the other to the detriment of the people being paid.
- Fixed minimum rates for freelancers
- EU should advocate the need to focus on the social security issues in the member states
- relation to training / education in filmschools and further education (this includes producers)

implementation in educating structures if the EU is involved in financing them =

- *remuneration of all authors' rights*
- *enlarge the group of professions who have copyright / hold authors' rights. Their share can not be detracted from the budgets for a production. "The cake has to be bigger".*

THERE WAS NO AGREEMENT ON WHETHER COPYRIGHT ISSUES SHOULD BE INCLUDED IN DISCUSSION OF WORKING CONDITIONS.

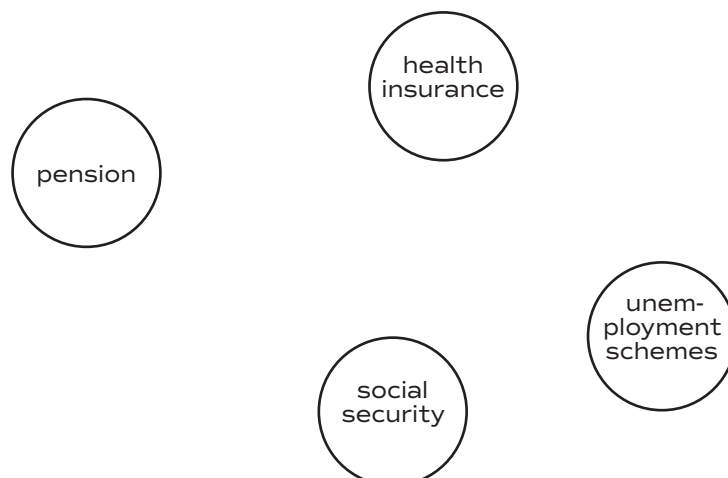
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## DOCUMENTATION OF DISCUSSING THE OTHER ISSUES

### Issue 3: Social Security

The issue of social security taps almost all other issues. However, it seems to be one for the national member states, not much that can be done - as of yet - on EU level. We have, however, identified two main avenues to proceed on:

- implementation of minimum standards with regards to pay and social security as obligatory in every EU funding scheme
- creatives need to be heard with regards to the "social pillars" development on EU level



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## Issue 4: Right of Representation

enthusiasm  
identity

weak  
bargaining  
power

the right  
of  
representa-  
tion

Do we need a financing system for new forms of representation in areas where there are no strong unions and no big companies?

organising  
freelancers

→ problematic with regards to competition law / cartell right!

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## Issue 5: Training and Education

certification

schools

training/  
education

information flow  
platform?

status  
groups

career  
changer

continuous  
training over  
lifetime  
(digitalisation)

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## Issue 6: Contract Issues

- contract outsourcing to eastern Europe
  - “format shopping”
  - breaking up of contracts problematic for self-employed
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## Issue 8: “Productivity Pressure”

- shortening preparation time leads to pressure on all workers
- producers make money with production, not with audience. They are not interested in quality, which links to income via authors’ rights, no interest in preparation time

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