

Item 5 Report From the Meeting of Euro FIA held in Budapest in November 2013

REPORT FROM EXECUTIVE MEETING

New membership applications from Germany, Israel and China have been received. China have been refused as they are not a Trade Union or a professional association but FIA will agree to partner with them to carry out work in relation to child performers.

EuroFIA membership rules require that non-paying and out of contact members are suspended after 2 years of non-payment of dues and expelled after 3 years. Unfortunately the HOS union from Slovakia has now been expelled. This union has crumbled after very significant pressure within its own country and it now ceases to exist. Luxembourg, Lithuania and Slovakia now without links to FIA and this is a matter of concern.

Priorities of work for EuroFIA:

Matters outstanding from last congress held in 2013

Reviving the performers charter from 1979

Gathering of resources on health and safety for live performance. USA has a lot of research on this and we may be able to make this available centrally. Euro affiliates are encouraged now to send their relevant information to EuroFIA

Mobility challenges.

European funded projects such as **Reaching out to Atypical Workers: Organising and representing workers with atypical contracts in the Live Performance and Audiovisual Sectors**. The collective bargaining workshop associated with this project will be held in Dublin in late 2015 /early 2016.

Working Groups

LGBT Working Group

The survey completed by this group available is now using survey monkey can be used. Closed questions makes this easier for several languages as it uses statistical data. It is now voluntary for members to conduct it and unions can make a request for inclusion.

FIA History working group meeting has been. Work is commencing on recording the history of FIA and EuroFIA. Irish equity will be included in this project as the first ever EuroFIA meeting was held in the Gresham Hotel in Dublin. EuroFIA are aiming to have this matter progressed for the next congress in 2016

Recent EU Development

There is now a new EU Landscape following the setup of the new parliament and of Jean Claude Juncker as President of the European Commission following parliamentary election the establishment of the new commission. A lot of policies pursued by FIA are in suspension now and we are unclear of the direction they will take with the new institutions. There is a lot of euro scepticism around which will not assist with progressing our agenda.

The Juncker appointment has been very controversial and his system of vice presidents is new. Each of these Vice Presidents holds a significant brief and this gives a clear indication of the priorities of the Commission and the Vice President roles have veto power over projects suggested by other

Commissioners. Juncker's vision is for the Commission to be big on big issues and small on small issues and to detach Commissioners from their national interests. Team work is preferred to single responsibility portfolios but there are fears that this may lead to leadership issues.

Copyright reform is very high priority of the Commission but the context has changed. Response to consultation was important but the white paper resulting from this consultation will probably not materialise now so the information gathered may feed in to new process but the destination here is still unknown

Working Time Directive

This is being examined at European level for updating and fitness for purpose. Consultation will be held on this and the European Trade Union Congress (ETUC) task force we will stay vigilant on this. Irish Equity explained that in Ireland employers have derogations from certain sections of the Act but by collective agreement only. There are exemptions for TV and film production on certain sections also but reasonable equivalence is required. These are not problematic as they create collective bargaining opportunities for artists and should stay as they are.

Some interesting decisions in the Irish Labour court on the on call/ at the disposal of your employer were discussed. It is not clear whether active or inactive "on call" differentiation would make much of a difference as the Labour Court focus is on the "being at the disposal of the employer" interpretation.

Trade Negotiations

The Transatlantic Trade and Investment Programme (TTIP) and Trade in Services Agreement (TiSA) which are current trade deals currently under negotiations hold significant threats to culture and public services.

Instruments like import quotas foreign ceilings in investment, intent quota, restrictions on cross ownership, must carry for domestic products, subsidies for national content, licences, copyright etc., all are areas that need to be protected but some of them are at risk. Classification issues for Audio Visual (AV) services in a trade in the text are broken down in to sectors and sub sectors but there is no real place for new services like Video on Demand (Vod). The question being asked is whether this is this part of the AV sector or the computer and related sector as is favoured by USA for games. Ownership models and technology however is clouding the issues.

Convergence of bundling systems for TV and telecoms etc. which is increasing the norm also complicates things. This is where companies are bundling services like TV, Internet and telephone as this has implication for classification and remaining within the AV sector. In the digital arena this is even more complicated in terms of classification. Consequently the current exclusion of AV services from the trade negotiations may not protect our concerns as reclassifications will remove some protected areas from the AV sector.

The secrecy around these negotiations is incredible and will integrate the new liberal agendas in a transatlantic way. Alternative dispute resolutions systems will also be problematic as secret cases can be taken in a binding way by corporations against governments with no appeal. For example power company took case against Germany for its decision to phase out nuclear power successfully arguing that this was in violation of the trade agreements. This is an outrageous mechanism of replacing government power with corporation power.

The Trade in Services (TiSA) negotiations are also being held in secret. If they fail it will be classified for 5 years. There are two elements to this.

1. The Standstill element which means that whatever liberalisation by private providers for public services your country have on entry cannot be undone or reversed, ever.
2. The Ratchet element means that any policy decisions must go towards the agreement at all time, i.e. further liberalisation and privatisation of public services.

This multilateralism is being challenged by the European ombudsman. FIA are staying on top of this in so far as it effects its brief and will partner with the social dialogue partners in pursuing this.

In terms of wider lobby FIA is joining with ETUC who are getting access to the high level group albeit on a confidential basis. There are some citizen lobby's also growing in opposition, for example the German citizens lobby is seeking a million signatures to stop the negotiations but the European Commission said this didn't fit the EU citizens criteria that forces action for the EU.

Dubbing

This is a very big industry in Hungary. Within EU dubbing often goes to the cheapest location and a whole range of casual/informal companies are taking on this work in tiny places and even in their own front rooms. Making available rights are not being applied to the dubbing artist. In one instance the best seller clause was triggered to ask for additional payment but this was unsuccessful in this case.

Intellectual Property Matters

A future broadcasting treaty under discussion but no real progress has been made on this. It is mostly focused on signal based issues rather than content based issues.

Beijing Treaty

There are now 6 countries who have ratified this treaty out of 36. Progress. The hand book on the treaty is now available on the FIA website in 5 languages. FIA are examining a way to have a more joined up campaign on this through a mini website over the next few months.

On line exploitation and performers contracts

FIA priorities

There is a concern about the production TV programmes specifically and only for internet based broadcasting as most of the contracts across EuroFIA are not currently up to date with these matters and not broadcasters are engaging to make agreements for this. This appears to be a particularly difficult problem in France.

Dance Passport

Take up wasn't strong on this when it was launch a few years ago so FIA are deciding if perhaps it needs to be extended to other performers in the long term. A re-launch of the existing scheme needs to be done first. FIA will be consulting with members in this.

An overview of reports from some other EuroFIA members.

Greece

Since June 2014 there are 3 areas for collective agreement, the national theatre and 2 private theatres. Last week Northern Greece national theatre collective agreement was signed. /the pay is close to the minimum wage from 5 years ago which the members are happy with as it give the union purpose. The unemployment rate among actors however remains above 90%. At the last EuroFIA meeting in Athens had FIA resolution on getting collective agreements was helpful as the union published and circulated it. In the national theatre they are currently in negotiation but the law prevents the theatre from writing down the minimum rate. In Athens it very difficult. The union is preparing the actors for dynamic mobilisations but hope to have the agreement by end of this theatre year. In the private sector they are still trying to enter negotiations. The biggest producer is against collective agreements but the arbitration system has been re-established so the union will use this if necessary. They don't think they will get back to the last minimum wage but the current system is so bad that any structure will be better. TV production is picking up from 1 per year to about 12 per year so actors are getting work. The pay is not great but they are working. Negotiation is a problem, some producers are not licenced so dont pay the 1.5% for culture. The union is trying to figure out a legal way to engage on this. In the cinema there is not much public production, it is mostly crowd funding or home produced. In the dubbing area many actors make some money this way but it is unregulated and the union has started monitoring this. The studios have been dismantled over the last few years and the old collective agreements are useless. The union is currently collecting the information again that will help them to try to sign a new collective agreement for dubbing next year.

In Finland the Finish dancing and circus artist union informed EuroFIA that the Government plans to raise the retirement age. A private foundation has given 15 million euros to create a dance theatre with government support so this is good news.

In Brussels a big demonstration in Brussels saw 120,000 on the street against the new government. The Federal Government is a central right Government. In Flanders there is the separate Government led by the socialists but the Federal Government is cutting cultural funding and a lot of institutions cannot cope with the scale of the cuts so some of them will close. There will be a big one day strike in December as this is a social disaster as the Federal Government will cut unemployment benefits and pensions also.

In Spain the private copy issue is becoming a problem. A new Intellectual Property right is amending the law to cut down the money from private copying from manufacturers. In future this will now come from taxation not a levy on the production. The Sector was mobilising and making presentations on this but this did not work and the Government had passed the law anyway. 190 million income gained from producers is now cut to 5 million from taxation. The union believes this is illegal and will challenge it in the European court.

In Croatia the citizens are still dealing with a very depressed economy. The State budget allocation is less than half a percent for cultural activities. The people seem depressed and resigned to this. There is no social dialogue or negotiation between actors and employers. The only collective agreement was in the public theatre in Zagreb which is now expired and the Trade Union of culture workers are trying to renegotiate but are being ignored. The union is also trying to make an agreement with national TV as none exists and all contracts are full buyout contracts. This is very difficult as the broadcaster is not obliged to engage. The theatre act has been changed and the union was ignored

on this also. A FIA resolution might help for the social dialogue. The secretariat agreed to prepare a statement on this.

In Sweden the recent elections in September saw a change from the right wing Government to a coalition of democrats and greens but the budget is disappointing as they carried on with the previous government policies. The lower pension age for Dancers is being removed and negotiation are ongoing on this as the union are unhappy with this development.

In Hungary the parliament, European and local authority elections re shaped the Government. The Culture Minister changed and provided a small increase for the culture budget. The Union has a new president who is encouraging new membership from young actors. The New award for the artist of the nation is given to 69 artists every year and is very prestigious. 6 of them were actors this year. The academy of Hungarians artists had a 2 day conference to examine issues of interest around the artists life so this will need to be further developed. A new initiative is being developed by the union to reinstate the artist pension that was taken away. Steps are also being taken to amend the theatre wage as it is the same since 2007. In the last 3 years the theatre membership has dropped very significantly due to the change in the copyright act that reduced the support for the theatre from the collecting societies.

In Turkey the union agrees that working with the collecting societies and being part of EuroFIA accessing the collecting societies has been good but Turkish contracts are still full buyouts. Through the collecting societies the union has been able to collect statutory monies from Spain for the first time. This situation in Turkey no however is every depressing and artists who are active are targeted negatively by the government. Economically Turkey is no better or worse than any other EU country but some of the protest that started about 1.5 years ago for some financial support AV production has stopped. The Government said there was allegations of corruption but this was not proven and was an excuse to punish artist protesters. New laws will financially pressure the theatre sector so much it may close a lot of them. The Government are not listening to artists or the industry. Censorship is becoming a bigger problem. Some of it is self-inflicted as people get more afraid of the Government. It is now becoming absurd as it is getting more strict.