



# Technical meeting on the future of work in the arts and entertainment sector

Geneva, 13–17 February 2023

## ► Conclusions

The Technical meeting on the future of work in the arts and entertainment sector, Having met in Geneva from 13 to 17 February 2023, Adopts the following conclusions.<sup>1</sup>

### Opportunities and challenges to decent work in the arts and entertainment sector in the context of key drivers of change and a human-centred COVID-19 recovery

1. The arts and entertainment sector plays a vital role in the economies and societies of many countries. The sector is diverse and there are significant differences between regions. The sector has the capacity to promote social cohesion and resilience and to connect communities to different forms of cultural expression. More broadly, culture as a human right requires an enabling environment to ensure the protection and promotion of freedom of artistic expression, which is essential for the realization of democracy and decent work.
2. The sector has undergone a fast-paced transformation in the last two decades, driven in part by the digital revolution, contributing to the expansion of its creative and economic dimensions and strengthening the nexus between this industry and advances in other economic sectors. The economic and social importance of the sector became further evident during the COVID-19 pandemic, which also highlighted its fragility and fragmentation, as well as high levels of informality, especially in developing countries.
3. Artificial intelligence (AI) and digitalization have contributed to the dynamism of the sector and to employment creation and transformation. However, they may have also resulted in the displacement of workers and job losses, as well as threats to the success and sustainability of the sector. Social dialogue is needed to design and implement robust measures that ensure a human-centred approach to the use of new technologies.
4. While the arts and entertainment sector creates a great deal of decent jobs, some decent work deficits exist, especially where informality prevails. Inadequate remuneration systems, limited

<sup>1</sup> In accordance with established procedures, these conclusions will be submitted to the 349th Session of the Governing Body of the ILO (November 2023) for its consideration.

or, in some cases, non-existent access to social protection, all forms of discrimination, and inappropriate use of varying forms of contracts also represent a challenge to the advancement of decent work. Challenges may also exist in ensuring a safe and healthy working environment and adequate hours of work, as well as in providing adequate regulation and enforcement, and organization of labour.

5. The sector faces skills and labour shortages, hampering its recovery after COVID-19 and its longer-term sustainability. In this context, close collaboration between governments, educational institutions and social partners in tailoring education and vocational programmes is important.
6. The sector has many forms of work, such as part-time and project-based work, fixed-term, intermittent, temporary, freelance and highly mobile work. This can offer opportunities for creative entrepreneurship and jobs, as well as negotiated and/or freely chosen flexible working arrangements, which can benefit work-life balance, businesses and productivity. However, these types of work give rise to decent work deficits when, among other reasons, workers have limited or non-existing access to labour and/or social protection or when these are not used for the purpose for which they are intended.
7. Large enterprises in the broader sector coexist with a growing and vibrant ecosystem of micro, small and medium enterprises (MSMEs). However, the latter face considerable challenges, including unequal access to technology, finance, training and skills development, as well as to infrastructure and equipment.
8. While some progress has been made in ensuring more inclusive, respectful and diverse work environments, there are still gaps in addressing inequalities with respect to people vulnerable to discrimination. The sector must approach all aspects of its work through a lens of diversity, equality and inclusion.

## **Harnessing the fullest employment potential of the arts and entertainment sector to ensure a future of work that is inclusive, sustainable and resilient**

9. For the employment creation potential of the arts and entertainment sector to be fully realized, social dialogue is essential to promote an integrated approach combining job-rich policies, decent work opportunities, social protection, and strategies for just transition tailored to the specific needs of the sector, including those addressing major transformations in the world of work.
10. A strong governance is essential for recognizing the professional status of workers in the arts and entertainment sector. Social dialogue, including collective bargaining, plays a fundamental role in building a sustainable and professional industry, facilitating equal access to technologies, fostering entrepreneurship, promoting transition to formality and prevention of informalization, and promoting effective and inclusive labour market institutions and a safe and healthy work environment.
11. An enabling environment for business development and sustainability as well as targeted measures are needed particularly for MSMEs and Social and Solidarity Economy (SSE) entities. This requires renewed efforts and investments to strengthen access to innovation, to address challenges to cross-border mobility and promote it, and to promote financial support, skills development and adequate education systems, reducing disparities in digital access.
12. Skills development and lifelong learning need to be adapted to the needs of the different sub-sectors of arts and entertainment. Stronger partnerships and knowledge transfer between and

within regions, a stronger integration of cultural policies and education, investments in technical and vocational skills, and apprenticeships, as well as recognition of prior learning, including formal and non-formal learning, are crucial.

13. Long-term strategies are needed to create a resilient arts and entertainment sector; to establish systems ensuring the economic viability of productions, the development of the sector, decent work and productive employment, and to support the livelihoods of those working in the sector and their (re)integration into the labour market; and to equip the sector to respond to labour market transformations and future crises.
14. Policies are needed to promote the social, cultural, religious and spiritual values and practices of indigenous and tribal peoples in arts and entertainment and to protect their fundamental labour rights.
15. Measures should be developed to bridge the digital divide between regions and harness the fullest potential of technological progress (including AI and digitalization), and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensures dignity, self-fulfilment and a just sharing of the benefits for all.
16. The unprecedented cooperation and negotiations between governments, employers' and workers' organizations during the COVID-19 pandemic has demonstrated how social dialogue is key for a human-centred, resilient and sustainable recovery.
17. In this perspective, social dialogue, based on the respect of freedom of association and the effective recognition of the right to collective bargaining, has a central role in ensuring a decent future of work in the sector.

## Recommendations for future action by the International Labour Organization and its Members

18. Governments have the duty to:
  - (a) adopt, implement and effectively enforce national laws and regulations and to ensure that fundamental principles and rights at work and ratified international labour Conventions protect and are applied to all workers in the arts and entertainment sector, taking into account their obligations under other international labour standards.
19. Governments, in cooperation with employers' and workers' organizations, should:
  - (a) create an enabling environment for effective social dialogue in all its forms, and take action to ensure effective recognition of the right to collective bargaining in the arts and entertainment sector;
  - (b) ensure strong labour inspection systems to advance a safe and healthy working environment, including effectively addressing violence and harassment at work; and create or keep up-to-date lists of relevant occupational diseases;
  - (c) review or design, adopt, and enforce policies on adequate minimum wages, statutory or negotiated; employment relationships; and working conditions, such as hours of work and work-life balance;
  - (d) promote the strengthening and implementation of comprehensive and coherent policy and regulatory frameworks on the limits of working time, recognizing that the sector has unique working time practices and the need to further advance a safe and healthy working environment in the sector;

- (e) promote an enabling environment for business, with special attention to MSMEs and SSE entities, and facilitate the transition to formality and the prevention of informalization;
- (f) protect and promote freedom of artistic expression;
- (g) promote public and private investments in policies and programmes for the sector, and in national strategies on employment and just transitions, including the green and digital transition, which integrate the needs of the sector;
- (h) leverage the use of AI and technologies for the benefit of all, ensuring a human-centred approach, including the right to consent to use;
- (i) address challenges in cross-border mobility of workers, including but not limited to barriers to visas and work permits, the cross-border portability of social security entitlements and dual taxation;
- (j) recognize the importance of copyright and related rights in the art and entertainment sector, and therefore ensure that these rights are implemented in a way that effectively remunerates producers, performers, and authors through statutory remuneration, collective bargaining, other forms of negotiation, or a combination thereof;
- (k) address skills shortages through retraining and upskilling, certification, technical and vocational education and training (TVET) systems, lifelong learning, and partnerships across education and training institutions, and support this goal through public funding mechanisms in close collaboration with social partners;
- (l) provide universal access to comprehensive, adequate, and sustainable social protection systems to all workers in the sector, including self-employed workers, through a combination of affordable contributory and non-contributory financing systems, including but not limited to healthcare and pension schemes, and engage in bilateral agreements to enhance the portability of social benefits across borders and employment statuses; and
- (m) ensure that international labour standards and other international Conventions are applied to tackle not only gender inequality, but all inequalities and discrimination faced by workers in the sector. Discrimination on any ground has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation and has to be adequately addressed and combated.

**20.** The Office should:

- (a) promote the ratification and effective implementation of international labour standards, ILO declarations, instruments and tools relevant to the arts and entertainment sector, and strengthen the capacity of constituents to respect, promote and realize the fundamental principles and rights at work (see Appendix);
- (b) build the capacity of constituents to engage in effective social dialogue to ensure full and productive employment, decent work for all, and just transitions in the sector; implement inclusive, gender-responsive social protection policies; and effectively participate in the design and implementation of skills development programmes, TVET systems, and lifelong learning schemes, including in cooperation with the International Training Centre of the ILO, Turin;
- (c) share good practices, conduct evidence-based research, collect data, and provide guidance on social protection, the impact of technologies, including AI, the employment-

- creation potential and required skills in the arts and entertainment sector, and the impact of social solidarity economy entities, in collaboration with constituents;
- (d) design and implement development cooperation projects, taking into account the diverse circumstances, needs, priorities, and levels of development of its Member States, including through expanded South–South and triangular cooperation;
  - (e) strengthen coordination, synergies, and cooperation with multilateral organizations active on the issues, including but not limited to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organisation for Economic Co-operation and Development (OECD), the United Nations Conference on Trade and Development (UNCTAD), the World Trade Organization (WTO) and others, in order to advance the Decent Work Agenda and establish a cooperation between the ILO and the World Intellectual Property Organization (WIPO) on intellectual property rights and working conditions;
  - (f) collect and analyse data and good practices regarding remuneration and working hours in the sector, with a view to publishing a study or a policy brief on this matter;
  - (g) provide policy guidance on the implementation of the right of collective bargaining in the sector;
  - (h) map policies and strategies that promote respect for working time agreements, the workers' rights not to engage in work-related activities and communication outside working time, and work–life balance;
  - (i) conduct regional meetings and workshops to ensure that the transformation of the arts and entertainment sector, including technological change, provides decent work in the sector and to discuss other relevant topics as deemed pertinent; and
  - (j) provide support to (a) workers' organizations, helping them raise awareness, enhance and protect the professional status of the workers they represent, and build their capacity to engage in social dialogue on their behalf; (b) employers' organizations regarding skills development and to advance lifelong learning in the sector; and (c) governments on strengthening labour inspection systems in the sector.



## Appendix

### Non-exhaustive reference list of ILO declarations, instruments and guidance and other international instruments and guidance to advance decent work in the arts and entertainment sector

#### International Labour Standards

##### Fundamental Instruments

- Forced Labour Convention, 1930 (No. 29), its 2014 Protocol, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Equal Remuneration Convention, 1951 (No. 100), and the Equal Remuneration Recommendation, 1951 (No. 90)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138), and the Minimum Age Recommendation, 1973 (No. 146)
- Occupational Safety and Health Convention, 1981 (No. 155), and Occupational Safety and Health Recommendation, 1981 (No. 164)
- Worst Forms of Child Labour Convention, 1999 (No. 182), and the Worst Forms of Child Labour Recommendation, 1999 (No. 190)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

##### Governance (priority) Instruments

- Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection Recommendation, 1947 (No. 81)
- Employment Policy Convention, 1964 (No. 122), and the Employment Policy Recommendation, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)

### Technical Conventions

- Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- Human Resources Development Convention, 1975 (No. 142)
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Violence and Harassment Convention, 2019 (No. 190)

### Technical Recommendations

- Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
- Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)
- Promotion of Cooperatives Recommendation, 2002 (No. 193)
- Human Resources Development Recommendation, 2004 (No. 195)
- Employment Relationship Recommendation, 2006 (No. 198)
- Social Protection Floors Recommendation, 2012 (No. 202)
- Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)
- Violence and Harassment Recommendation, 2019 (No. 206)

### Declarations

- ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted at the 86th Session of the International Labour Conference (1998) and amended at the 110th Session (2022)
- ILO Declaration on Social Justice for a Fair Globalization (2008)
- ILO Centenary Declaration for the Future of Work (2019)
- ILO, Global Call to Action for a human-centred recovery from the COVID-19 Crisis that is inclusive, sustainable and resilient, 2021

### International instruments and guidance

- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention, 1961)
- International Covenant on Economic, Social and Cultural Rights, 1976
- UNESCO Recommendation concerning the Status of the Artist, 1980
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005
- United Nations Convention on the Rights of the Child, 1989
- Universal Declaration of Human Rights, 1948



- [WIPO Copyright Treaty \(WCT\), 1996](#)
- [WIPO Performances and Phonograms Treaty \(WPPT\), 1996](#)
- [WIPO Beijing Treaty on Audio-visual Performances \(BTAP\), 2012](#)