Improving the access to social protection for artists. Thematic Discussion Paper for Mutual learning workshop on ‘Access to social protection for artists’

Muszyński, Karol

Mutual learning workshop on ‘Access to social protection for artists’

Thematic Discussion Paper

Improving the access to social protection for artists

Brussels, Belgium, 6-7 May 2025

Written by Karol Muszyński
March – 2025

ICF

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate D — Social Rights and Inclusion
Unit D2 — Social Protection

Contact: Laurent Aujean and Alberto Funes Betancor

E-mail: laurent.aujean@ec.europa.eu; alberto.funes-betancor@ec.europa.eu

European Commission
B-1049 Brussels

Mutual learning workshop on ‘Access to social protection for artists’

Thematic Discussion Paper

Improving the access to social protection for artists

Directorate-General for Employment, Social Affairs and Inclusion

2025

Manuscript completed in April 2025

Luxembourg: Publications Office of the European Union, 2025

Table of Contents

1. Introduction

The cultural and creative sectors (CCS) employ approximately 7.8 million professionals in the EU (2023), accounting for 3.8% of total employment[1]. Despite the severe impact of the pandemic on the sector, employment in CCS has continued to grow steadily each year. However, many CCS professionals face significant barriers to accessing social protection systems across Member States. These challenges stem from widespread non-standard employment practices, including self-employment, project-based, part time, and fixed-term employment, intermittent income streams, cross-border mobility, and health and safety risks.

In terms of policy context at the EU level, the status and working conditions of artists and cultural and creative professionals is included in the current EU Work Plan for Culture. The European Commission issued an EU study[2] at the end of 2020 and launched a "Voices of Culture" civil society group, which presented the result[3] of its discussions in June 2021. It also facilitated an Open Method of Coordination working group composed of experts from EU Member States' ministries of culture and employment/social affairs, which issued its report[4] in July 2023.

On 21 November 2023, the European Parliament adopted an own-initiative legislative resolution[5] with recommendations for an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors. One of its follow-up actions included in the European Commission's reply to the EP is the mutual learning workshop on 'Access to Social Protection for artists', planned for 6-7 May 2025 in Brussels.

At national level, many governments are actively pursuing reforms to improve access to social protection for professionals in the CCS. These efforts have often been driven by the vulnerabilities exposed during the COVID-19 pandemic, when the sudden closure of cultural and creative institutions left many CCS professionals without job and reliant in some case on fragmented social protection systems. In response, several Member States have incorporated measures to enhance social protection for CCS professionals into their national Recovery and Resilience Plans (Betzler, Loots, and Prokůpek 2024).

This paper has been prepared at the European Commission's request as a preparatory document for the above-mentioned workshop which will bring together participants of both employment/social affairs and cultural affairs ministries of Member States, social partners and other representative stakeholders. It examines the issues surrounding CCS professionals' access to social protection and the policy responses adopted at Member State level. It first outlines the key challenges affecting access to social protection. It then reviews the types of social protection coverage available across Member States and explores various national approaches to improving access for CCS professionals. Additionally, the paper discusses the financial framework governing social protection in the sector and concludes with cautious policy options.

[1] Source: Eurostat. For more details, see: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Culture_statistics_-_cultural_employment#:~:text=update%3A%20July%202025.-,Highlights,compared%20to%20the%20previous%20year.

[2] The status and working conditions of artists and cultural and creative professionals, Final report

[3] https://voicesofculture.eu/2021/07/06/brainstorming-report-status-working-conditions-for-artists-cultural-and-creative-professionals/

[4] https://culture.ec.europa.eu/news/eu-experts-publish-recommendations-to-improve-working-conditions-of-artists-and-cultural-and-creative-professionals

[5] Texts adopted - EU framework for the social and professional situation of artists and workers in the cultural and creative sectors - Tuesday, 21 November 2023 (europa.eu)

As the EU-funded study Measuring the CCS in EU[6] demonstrated, there is no universally accepted definition of the cultural and creative sectors (CCS) across EU Member States[7]. Furthermore, recent EU policy papers and initiatives have categorised CCS subsectors in varying ways. This paper adopts the classification used in the European Labour Authority's (ELA) recent study (ELA, 2024) which identifies six main CCS subsectors: literature and written press; music; visual arts and crafts; performing arts; audiovisual; and cultural heritage (museums, archives, heritage, and architecture). However, general quantitative data on CCS is based on Eurostat's NACE Rev. 2.1 category of arts, entertainment, and recreation, which is slightly broader[8]. For the purpose of this paper, CCS professionals are defined as belonging to one of three groups: artists and authors (creators of the art works); performing artists (persons performing art but not necessarily creating it, e.g., persons who play music but do not compose it); and supporting staff (technical professions and persons providing support functions within CCS sectors).

The paper focuses on the branches of social protection as defined by the Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01). These include: unemployment benefits; sickness and healthcare benefits; maternity and equivalent paternity benefits; invalidity benefits; old-age benefits and survivors' benefits; benefits in respect of accidents at work and occupational diseases. As such, this paper does not cover issues related to access to social assistance, education, training, or reskilling programs. This paper addresses the general issues concerning the working conditions of CCS professionals only insofar as they affect their access to social protection.

The research is based on secondary data analysis of relevant literature and policy papers on CCS at both national and EU levels. Additionally, participants of the Thematic Workshop in Brussels in May 2025 were invited to check the Creatives Unite platform[9] regarding the social protection of CCS professionals and provide updates (if any).

This information has been incorporated into the background paper, which reflects information available as of March 2025.

2. Challenges associated with access to social protection of CCS professionals

A recent survey revealed significant challenges in accessing social protection among CCS professionals. Only 27% agreed with the statement that they have sufficient access to social protection, while 35% slightly disagreed and 36% completely disagreed (Panteia 2024). While this reflects subjective perceptions and cannot be compared similar measurements across other occupations, the fact that only slightly more than a quarter of CCS professionals respond positively should be considered seriously. In most Member States, effective entitlement to social protection depends on several factors, including contractual status (whether an individual has an employee status, is self-employed or engaged in other forms of non-standard work); time and coverage thresholds (such as minimum coverage or contribution periods required to qualify for benefits); income levels (as benefit amounts are often linked to past earnings, posing challenges for those with intermittent incomes). Access

[6] https://www.measuring-ccs.eu.

[7] For a detailed discussion on Member State level definitions of CCS, please also consult: ELA 2024: 1-3.

[8] For more details on Eurostat's definition, see: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Statistical_classification_of_economic_activities_in_the_European_Community_(NACE)

[9] https://creativesunite.eu/theme/working-conditions/.

to social protection becomes even more complex for individuals transitioning between different labour market statuses, such as moving between employment and self-employment or combining the two statuses (De Becker 2025), experiencing low contribution density, or working across multiple Member States. Additionally, regulatory complexity and a lack of transparency can create further barriers, leaving individuals unaware of their entitlements or rights. The unstable and ambiguous social protection status of CCS professionals also hampers policy makers' ability to design and implement effective support measures for the sector – particularly during crisis situations such as the COVID-19 pandemic.

2.1. Contractual status limiting access to social protection – self-employment and bogus self-employment

Non-standard forms of employment are widespread in the CCS sector, posing significant challenges to CCS professionals' access to social protection. Most European social protection systems distinguish between standard employees and non-standard workers – particularly the self-employed – who generally face higher barriers to social protection. Self-employed individuals may be excluded from accessing certain benefits, such as unemployment benefits, or may have to cover social contributions voluntarily, leaving many without adequate protection (Weber and Schoukens 2024). Additionally, irregular income patterns among the self-employed can further exacerbate gaps in social protection coverage. Surveys indicate that self-employed CCS professionals report greater difficulties accessing social protection compared to their employed counterparts (Panteia 2024).

In 2023, 31.7% of CCS professionals in the EU were self-employed, compared to an average of 13.8% across the total economy. However, the shares of self-employment vary significantly across Member States. In Italy (46.3%) and the Netherlands (45.7%), nearly half of all CCS professionals were self-employed, whereas in Romania (11.4%) and Luxembourg (15.4%), their shares were considerably lower. Despite a slight decline in self-employment across the general economy (from 15.2% in 2014 to 13.8% in 2023), the proportion of self-employed CCS professionals has remained relatively stable at 31-32% over the past decade (Eurostat 2024).

A significant subset of self-employed CCS professionals can be identified as bogus self-employed – individuals misclassified as self-employed despite meeting the criteria for employee status. Estimates suggest that between 1.6% and 10.8% of CCS professionals in the EU fall into this category, making the sector one of the most affected by bogus self-employment (EPRS 2023; EC 2020). These workers face a particularly precarious social protection situation: while they should be covered by employee protections, weak enforcement of labour regulations often leaves them subject to the lower levels of protection available to the self-employed. The vulnerabilities of self-employed individuals in accessing social protection were exposed during the COVID-19 pandemic, forcing Member States to introduce emergency measures to support them (Pulignano et al. 2021).

2.2. Project-based, part-time, and fixed-term employment

CCS sector is largely organised through specific, time sensitive projects (Bettiol and Sedita 2011). This project-based model is common in both the private and public sectors, though the underlying motivations differ. In the private sector, it is designed to foster creativity, reduce costs, and align with the natural cycles of cultural production - whether it be a film, music album, theatrical production, or design project (Styhre and Borjesson 2011; Sydow, Lindkvist, and DeFillippi 2004). In the public sector, project-based management has also been driven by a desire to increase competition and accountability (Lindqvist 2012;

Pulignano et al. 2023). As a result, both public and private cultural organisations frequently tie employment contracts to specific projects and thus periods - rather than offering permanent positions. Further, project-based employment is exacerbated by the ongoing platformisation of the sector, as labour platforms tend to contract CCS professionals for specific tasks or projects (Gardiner 2024).

This employment model contributes to a higher prevalence of temporary contracts in CCS compared to the general economy. In 2023, 18.2% of CCS professionals were employed under temporary contracts', compared to 13.5% in total employment. Additionally, full-time employment in CCS (75.8%) is significantly lower than the total economy average (81.2%). The precarious nature of project-based employment creates uncertainty: 27% of CCS professionals fear losing their job within the next six months, compared to 15% across all sectors, while 30% expect undesirable changes in their work situation, against the EU average of 22% (EPRS 2023). Self-employed and part-time workers in CCS report even greater difficulties accessing social protection than their full-time counterparts (Panteia 2024). In particular, such difficulties have been manifested during the COVID-19 pandemic (Pulignano et al. 2021).

The fragmented nature of employment in CCS can lead to low contribution density, affecting eligibility for social benefits. Workers on fixed-term contracts may experience gaps in social protection coverage during employment breaks, while part-time workers contribute less, potentially reducing their entitlements during periods of need.

2.3. Undeclared, under-declared, and uncovered work

CCS professionals often engage in provision of work that is either undeclared, under-declared, or not properly covered.

Some of the activities that CCS professionals engage in might be undeclared e.g. provided without written contracts, remunerated “under the table”, or declared only to some extent (FIA 2024; ELA 2024). Organization of events or performances, often occasional or unregistered, might involve fully undeclared work, but also situations such as unlawful use of volunteers (Warren 2014).

Second major challenge in particular for performing art professionals is "idle time" - periods between projects that are not formally recognised as work and are excluded from social protection coverage. Yet, these periods often involve essential activities such as creating, rehearsing (FIA 2015; Bischoping and King 2019), applying for projects and residencies (Juniu, Tedrick, and Boyd 1996), or developing new non-commercial projects (Alacovska 2022).

Undeclared work and "idle time" are not accounted for social protection systems, further exposing CCS professionals to the risk of limited or no access to essential benefits through e.g. not meeting eligibility criteria of coverage duration, or lowered contributions leading to lower benefits. Likewise, under-declaration of work may lead to lower benefits and coverage.

2.4. Intermittency and variety of sources of income

CCS professionals often experience highly intermittent and diverse sources of income.

The intermittency of earnings largely stems from the project-based nature of CCS employment. Many professionals receive high payments over short periods (e.g., artists selling a piece of artwork, actors being paid for a film role) but then face prolonged income

gaps while waiting for new opportunities, commissions, or castings. This volatility makes financial planning difficult - only 32% of CCS professionals can accurately predict their earnings for the next three months, compared to 57% of all EU employees (EPRS 2023). Such fluctuations complicate access to social protection, as eligibility for benefits and the calculation of entitlements often depend on stable, predictable earnings within a defined period.

Beyond intermittency, CCS professionals frequently rely on multiple sources of income. Many engage in multiple job-holding, either out of necessity – to cushion financial instability and bridge employment gaps – or as part of portfolio careers, where working on multiple projects is standard practice. In the CCS sector, the share of workers with only one job (93.3%) is lower than in the total economy (96.1%). Moreover, quantitative studies (Been and Keune 2024; ELA 2024), as well as numerous qualitative studies (Alacovska and Bille 2021; Lindström 2016; Schediwy, Bhansing, and Loots 2018; Werthes, Mauer, and Brettel 2017) suggest that multiple job-holding may be even more widespread than reported, as some workers do not classify side projects as formal jobs. According to a recent survey, 68% of CCS professionals hold more than one job, with 66% combining multiple roles within the CCS sector and 34% working both inside and outside of the CCS (Panteia 2024). This trend is further exacerbated by the rise of digital platforms that enable individuals to engage in side jobs to supplement their income (Poell, Nieborg, and Duffy 2021).

Having multiple jobs can result in fragmented and inadequate social protection coverage (De Becker 2025). Many social protection systems calculate benefits based solely on a worker's "main job", potentially underestimating total earnings and reducing benefits, with a risk that they are not able to replace income losses and prevent poverty. Additionally, alternative income sources such as grants, residencies income, royalties and copyright payments are often excluded from social protection calculations. In many Member States, these earnings are not subject to social contributions and therefore do not lead to additional entitlements, which can further exacerbate financial insecurity among CCS professionals, particularly in case of old-age.

2.5. Within country and cross-border mobility

Due to the project-based nature of work, many CCS professionals experience higher mobility than workers in other sectors. This mobility can be internal, involving transitions between different employment types – for example, shifting between standard and non-standard employment. It can also be cross-border, particularly for touring artists and cultural workers who frequently work in multiple EU countries. A recent survey found that 33% of CCS professionals work ‘regularly’ in a cross-border context, while an additional 50% do so ‘occasionally’ (Panteia 2024).

Stakeholders active in the area of culture often report that frequent mobility—whether within a country or across borders—can create challenges in accessing social protection (De Wispelaere et al. 2021).

At the same time, it is important to highlight that, in case of intra-EU mobility, Regulations (EC) 883/2004 and 987/2009 on social security coordination already prevent workers and self-employed people (including artists) from being left without protection or having to pay contributions in several Member States in a cross-border situation. Usually, the Member State in which a person works is responsible for their social security coverage. Moreover, to avoid frequent changes of applicable social security legislation, specific rules have been put in place such as for posting to another country: these rules ensure that when persons maintain a link to the Member State in which they normally work, the applicable legislation does not change while they temporarily work in a different Member State (and thus, they do not need to familiarise themselves with a different social security system). If the relevant

conditions are not fulfilled, these persons are not left without social security coverage either, but it is the State they are posted to that becomes competent. Special rules also exist for persons that work in two or more Member States on a regular basis, including self-employed, in order to identify the country which is competent for their social security. These rules ensure that in such cases, the applicable legislation usually remains stable for a period of 12 months.

Nevertheless, it may happen that, in practice, artists still face gaps in social protection coverage and lack of portability of rights, both contractual (within national systems) and cross-border (between Member States), making it difficult for CCS professionals to accumulate or transfer entitlements. This may be related to lack of knowledge about the rules or procedures that (should) apply or other administrative obstacles (EC 2023).

2.6. Health, safety, and occupational hazards

Data on occupational safety and health (OSH) risks indicate that CCS professionals face disproportionately high exposure to certain hazards compared to the general workforce. In particular, they are more exposed to loud noise (44% vs 34% of EU average), carrying or moving heavy loads (42% vs 35% of EU average), tiring or painful positions (54% vs 50% of EU average), and repetitive hand or arm movements (73% vs 71% EU average) (EPRS 2023). These risks are particularly pronounced in the performing arts subsector where physical strain and repetitive motion are inherent to the profession (Hinkamp et al. 2017).

For self-employed CCS professionals, OSH-related issues are even more challenging. Unlike employees, they are generally responsible for their own workplace safety and often lack access to compulsory accident and occupational injury insurance (Spasova et al. 2017). Moreover, gaps in healthcare coverage - especially where insurance is voluntary - can exacerbate the risks, leaving many self-employed CCS professionals without adequate protection in case of illness or injury.

3. Types of social protection coverage systems for CCS professionals

This paper follows the ILO's framework for classifying social protection systems based on their coverage of CCS professionals (Galián et al. 2021). The classification distinguishes between three main types:

- **General insurance systems – are systems that do not make specific provisions for CCS professionals**; instead, they cover all persons in employment based on general criteria, such as employment status (e.g., employees vs. self-employed). CCS professionals in these systems are subject to the same eligibility conditions and contributions as workers in other sectors. Such systems are present in e.g. in:
    - Cyprus
    - Czechia
    - Denmark
    - Finland
    - Greece

- Malta
- Sweden

- **General systems with adaptations for CCS professionals – operate within a general social protection framework but include specific adaptations for CCS professionals**. These adaptations may involve adaptations or eligibility exemptions for specific benefits or types of insurances, like different mode of calculation of coverage period for meeting unemployment insurance criteria, different mode of calculation of contributory period in the pension system, or changes to contribution calculation. Such systems are present e.g. in:
  - Belgium – special rules for access to the unemployment benefits for arts workers;
  - Bulgaria - relaxed criteria of applying for accessing unemployment benefits and pensions for certain CCS professionals;
  - Croatia – independent artists may have their contributions covered by the State;
  - Estonia – special unemployment scheme;
  - France – presumption of employment and adaptations in claiming unemployment benefits;
  - Hungary – simplified contributions for artists;
  - Ireland – exemptions to claiming Jobseeker's Allowance;
  - Italy – adaptations to claiming unemployment benefit for self-employed entertainment workers;
  - Latvia – special benefits for employed and self-employed creative workers;
  - Lithuania – creative downtime allowance for artists;
  - Luxembourg – social protection and pension adaptations for independent professional artists;
  - Netherlands – minor adaptations allowing independent performing artists to accumulate social protection benefits for short-term contracts;
  - Poland – subsistence allowances and adaptations in pension eligibility;
  - Portugal – various adaptations to many benefits, as well as separate benefits for CCS professionals;
  - Romania – special rules of access to social protection for cultural workers and adaptations to contributions;
  - Slovakia – separate rules for some performing artists;
  - Slovenia – possibility to have social contributions paid by the state; special rules for claiming sickness benefits;

  - Spain – special rules for claiming some benefits, and dedicated benefits for CCS professionals, as well as reduced contributions.

- **Special social protection schemes for CCS professionals – are systems that provide more extensive, tailored benefits for CCS professionals, recognising the unique nature of their work and their artists' status per se**. They often include additional financial arrangements, such as government subsidies or contributions from broadcasters to cover such schemes. Such systems are present in:

  - Austria – Social Security Insurance Fund for Artists;

  - Germany – Artists Social Security Fund.

4. Policy approaches to improving access to social protection for CCS professionals

There are many different options that Member States can implement to ensure and/or improve access to social protection for CCS professionals: regularising CCS professionals' contractual status, adapting targeting/tailoring social protection schemes, and implementing policies to improve transparency regarding social protection rights and obligations.

It is important to highlight that such policy measures are usually tied to the broader issue of defining CCS professionals within the Member States' legislative frameworks. Many Member States introduce such definitions, particularly for the artist profession. Although the definition of an "artist" often influences access to social protection, its relevance extends beyond that domain and is not always directly connected to it. For example, in Sweden, the classification of a "professional artist" is primarily used for funding (i.e. working grants) purposes and is not directly tied to the social protection system.

Box 1. Defining artist status in the Member States

Defining who qualifies as an artist may serve different purposes depending on a Member State's policy objectives but generally regulates one or a combination of the following domains:

- social protection coverage;
- working conditions;
- tax situation, including preferential tax treatment for artists;
- copyrights and rights to artistic output;
- funding schemes and grant opportunities;
- artistic freedom.

Member States vary in the criteria they establish for recognising individuals as "artists", reflecting their unique institutional histories and policy objectives. Common approaches include (according to Slovak Coalition for Cultural Diversity 2013):

- recognition through membership in a professional artist association;
- evaluation by a special committee (comprising experts or artistic peers);
- designation by a relevant authority;
- definition based on artistic output definition
- based on the nature of the activity.

4.1. Regulation of contractual status

Member States may seek to address challenges linked to the non-standard nature of work in the cultural and creative sectors (CCS) by regulating the contractual status of CCS professionals. Typically, such policies aim to enhance both social protection coverage and working conditions, as the regulation of contractual status involves shaping the legal relationship between contracting parties (e.g., client and CCS professional).

This can be pursued through various approaches. One strategy involves aligning the employment status of CCS professionals with existing employment categories - for instance, ensuring that CCS professionals are presumed, when delivering services, to operate within an employment relationship (presumption of employment). Member States may also prioritise strengthening enforcement mechanisms and addressing undeclared or under-declared work and bogus self-employment within the sector. In some cases, Member States may introduce a distinct status for CCS professionals - different from both standard employees and the self-employed - with tailored provisions regarding working conditions and/or social protection (so-called "intermediate" or "third category" solutions).

Importantly, regulating contractual status does not preclude linking such a distinct status to targeted adjustments in social protection provisions (e.g., relaxed eligibility criteria or dedicated social protection schemes). Nonetheless, it is worth noting that some social protection access issues may be resolved by ensuring that CCS professionals are contractually classified as employees rather than self-employed.

4.1.1. Presumption of employment

In many Member States, legal frameworks establish a presumption of an employment relationship for dependent workers, based on specific criteria used to assess the nature of the contractual relationship between the parties. These criteria may include indicators such as subordination or economic dependence, control over the work process and instructions, personal provision of services, and the determination of workplace and working hours by the employer (ILO 2013). When CCS professionals meet such conditions, they should be classified as employees under the relevant national legislation.

However, the nature of work in the CCS often facilitates or incentivizes using self-employment. Consequently, to prevent self-employment from being over-used in the sector, Member States may introduce a legal presumption that CCS professionals are employees when performing certain CCS-related activities, regardless of their contractual terms or the criteria typically applied to determine employment status.

The purpose of such presumptions is to ensure that CCS professionals benefit from the protections associated with the employee status - most notably, in terms of labour standards and access to social protection.

Box 2. The presumption of employment for CCS professionals in selected Member States

France

In France, Article L7121-3 of French Labour Code provides that "*any contract by which a person secures, in return for remuneration, a participation of a performing artist, is presumed to be an employment contract, when this artist does not carry out the activity which is the subject of this contract under conditions implying its registration with a business or association framework*". Further, Article L7121-4 stipulates that "*the presumption of the existence of an employment contract is applicable regardless of the method and amount of remuneration, as well as the qualification given by the parties to the contract. The presumption remains even when the artist retains his/her freedom of expression in art, that s/he is the owner of all or part of the material used or employs one or more persons to assist him/her, as long as s/he is personally involved in the show*". This framework effectively grants performing artists employee status even when traditional indicators of salaried employment - such as subordination - are not present. The legal presumption is directly linked to France's dedicated social protection scheme for CCS professionals, the "intermittent du spectacle" system.

Greece

In Greece, Article 6(5) of Act 1597/1986 provides that the relationship between cinema and broadcasting technicians and production companies is presumed to be an employment relationship. Similar to France, this means that these professionals are recognised as employees regardless of their formal contractual classification, including cases of self-employment. As Greece does not operate a dedicated social protection system for CCS professionals, these workers are integrated into the general employee social protection framework.

Portugal

The Article 7 of the Decree Law No. 105/2021 establishing the Statute for Professionals in the Area of Culture extends the presumption of employment beyond the general rule found in Article 12 of the Portuguese Labour Code. Specifically, it relaxes the criteria related to working hours and workplace conditions when determining employment status for cultural professionals. The system is also connected to mechanisms for monitoring and regularising cases of "false service provision" contracts, aimed at combating bogus self-employment (see next point) (Neto 2024). The presumption of employment is tied to a special social protection system.

Importantly, legal presumptions regarding the employment status of CCS professionals can serve as a mechanism to enhance their access to social protection – either by integrating them into a dedicated system for CCS professionals (as seen in France and Portugal) or by including them within the general social protection framework (as in Greece).

4.1.2. Improving enforcement and preventing bogus self-employment

Member States may seek to regularise the contractual status of CCS professionals by ensuring the correct classification of their employment status. Where national legal frameworks include a presumption of employment, procedures are typically in place to prevent the use of service contracts or other non-standard arrangements in situations where

an employment relationship should apply. Mechanisms to ensure proper classification vary, but may include labour, social security, or tax inspections; enforcement by or in cooperation with trade unions and other forms of worker representation; workers' rights to initiate reclassification claims; notification obligations when non-employment contracts are concluded; and necessity to rebut the presumption of employment when concluding the contract (Heyes and Hastings 2017; ILO 2013).

Given the unique characteristics of the CCS sectors, Member States may consider adopting targeted measures to combat bogus self-employment in this field. For example, France's National Plan Against Illegal Labour (Plan national de lutte contre le travail illégal, PNLTI) for 2019–2021 explicitly included a focus on the cultural sector (ELA 2023). In Portugal, the Authority for Working Conditions launched a dedicated campaign in 2017 to detect bogus self-employment in the media sector (European Platform for Undeclared Work 2021). Similarly, in 2024, Ireland's Department for Social Protection announced an investigation into, among others, the media sector, with the aim of addressing the misuse of self-employment status (Brennan 2024).

Importantly, implementation of such enforcement measures may be associated with an introduction of relaxed legal criteria for determining employment status (described in Section 4.1.1). It allows to make sure that such modified presumptions of employment are effective.

Box 3. The link between presumption of employment and the prevention of bogus self-employment in Portugal

Portugal

The Decree Law No. 105/2021 establishing the Statute for Professionals in the Area of Culture not only introduced relaxed criteria for determining employment status (see previous point), but also embedded regulatory mechanisms to combat bogus self-employment in the CCS sector. Under the original 2021 version, employers with organised accounting were required to rebut the presumption of employment when concluding non-employment service contracts. This had to be done via electronic communication to both the General Inspection of Cultural Activities and the Tax and Customs Authority (Article 30(2)). Failure to comply constituted a serious administrative offence. However, this obligation was later deemed overly burdensome and was repealed by Decree-Law No. 64/2022. Subsequently, Government Order No. 142/2023 introduced a new requirement: entities receiving cultural services must report any non-employment service contracts within 10 working days following each quarter, via the ePortugal portal. Building on this, Decree-Law No. 25/2024 mandated that the Authority for Working Conditions must also be informed about such contracts. These evolving regulations aim to enhance the oversight of contractual arrangements involving CCS professionals and strengthen the prevention of bogus self-employment (for a detailed description, see: Neto 2024).

4.1.3. Intermediate contractual status for CCS professionals

Member States may also choose to establish a distinct, intermediate contractual status for CCS professionals[10]. In such cases, the aim is to recognise these professionals as neither traditional employees nor fully self-employed, but rather to create tailored frameworks that reflect the unique nature of their work. These intermediate statuses can vary significantly in

[10] Please note that intermediate status for CCS professionals refers to contractual status, and not to the general organisation of social protection systems explained in Section 3.

terms of the protections they offer. They may include specific labour rights, such as the right to unionise or access to collective bargaining, and/or facilitated access to social protection, through adjusted eligibility criteria or dedicated schemes.

Box 4. Special contractual status for CCS professionals

Romania

The recently adopted law regulates the status of professional cultural workers (Emergency ordinance no. 21/2023 regarding the Status of the professional cultural worker, published in the Monitorul Official Gazette of Romania, Part I, no. 297 of April 7, 2023) with the view of meeting milestones from the Romania's National Recovery and Resilience Plan. The regulation created a "third category", intermediate status of professional cultural worker, granting non-standard cultural workers some rights associated with employment (e.g. unionisation rights), and regulating their tax and social protection status (Top and Hrestic 2024:59). The law excludes salaried employees from being treated as professional cultural workers and assumes that the latter group should provide labour based upon two special contracts available: the copyright assignment contract and contract for carrying out cultural activity. In terms of social protection coverage, professional cultural workers have access to various forms of sick leaves and maternity leaves, unemployment benefits with relaxed eligibility criteria, as well as access to measures to support training and qualifications. The acquisition of professional cultural worker status is subject to registration and depends upon having at least 50% of income from specific cultural activities and/or copyright (Top and Hrestic 2024).

4.2. Special forms of social protection and welfare schemes for CCS professionals

In general, adaptations to social protection and welfare schemes may involve either modifying eligibility criteria and creating exemptions for accessing existing, "regular" benefits (such as unemployment benefits, pensions, sickness benefits, etc.) or creating dedicated support mechanisms specifically targeting for CCS professionals. The latter approach may aim to establish equivalents of existing benefits (e.g. unemployment benefits) tailored to the needs of CCS professionals or to introduce entirely new forms of support for this group.

4.2.1. Adaptation of criteria and eligibility exemptions

Member States may choose to adapt existing eligibility criteria or introduce specific exemptions to facilitate access to existing social protection benefits for CCS professionals. These adaptations may involve:

- Adjusting contribution or coverage rules – for instance, reducing the required contribution or coverage period needed to qualify for benefits;
- Revising contribution amounts – such as allowing CCS professionals to make lower contributions, contribute from a specified minimum income level, pay a flat-rate contribution, or be exempted from paying contributions;
- Altering procedural obligations – for instance, exempting beneficiaries from workfare-style obligations, like the requirement to actively seek employment while receiving benefits.

Such measures aim to reflect the non-standard characteristics of work in the CCS sector, including intermittent and often low income, intermittent engagement in projects, and the necessity for professionals to dedicate time to unpaid yet essential activities that support their careers.

Box 5. Overview of adaptations and eligibility criteria exemptions in the Member States

France

France operates a dedicated social protection system for performing artists - the well-known *intermittent du spectacle* scheme - designed to provide coverage by unemployment support during periods of intermittent employment. Under this system, artists may receive benefits for up to eight months if they have worked a minimum number of hours in the previous 10.5 months (e.g., 507 hours for actors). In contrast, the general eligibility requirement for unemployment benefits is 130 days or 910 hours of work over the past 24 months (for individuals under 53), or 36 months (for those aged 53 or over). The intermittent du spectacle system is supported by the presumption of employment (see point 4.1.1) and complemented by the GUSO system, which simplifies the formalisation of live performance contracts (see point 4.3).

Ireland

Ireland's Jobseeker's Allowance is a means-tested benefit available to both employed and self-employed individuals who are unemployed or underemployed *(not to be confused with the Pilot Basic Income for Artists (BIA) described in next section)*. Typically, claimants are required to participate in labour market activation programmes. However, professional artists are exempt from this obligation during their first year of unemployment, allowing them time to focus on developing their portfolios. This exemption acknowledges the professional "idle" periods inherent to CCS careers and provides a procedural advantage in accessing unemployment benefits.

Spain

Recent reforms in Spain aimed to implement Recovery and Resilience Plan (decrees adopted in 2022 and 2023) have introduced relaxed eligibility criteria for CCS professionals seeking unemployment benefits. Specifically, the standard requirement of 360 days of contributions was reduced to 180 days for certain eligible cultural workers (Bardají 2023). In addition, the reforms established a reduced and flat-rate contribution scheme for self-employed artists earning under EUR 3,000, thereby broadening their access to social protection coverage (Cañedo and Rodriguez Castro 2023).

4.2.2. Dedicated social protection schemes and benefits

Member States may choose to establish dedicated social protection schemes or benefits tailored specifically to the needs of CCS professionals. These special provisions enable the design of eligibility criteria that significantly diverge from the standard requirements typically found in general social protection systems. Such schemes may be intended to mirror existing benefits – with eligibility adapted to reflect the irregular and project-based nature of CCS work – or they may operate based on entirely distinct principles, offering innovative forms of coverage that better align with the sector's unique employment patterns.

Box 6. Overview of dedicated social protection schemes or benefits in the selected Member States

Portugal

The Decree-Law no. 105/2021 establishing the Statute for Professionals in the Area of Culture introduced a new allowance for the suspension of artistic activity, targeting both employees on short-term contracts and self-employed CCS professionals. Eligibility is limited to individuals registered in the Registry of Professionals in the Area of Culture (RPAC). This benefit functions similarly to unemployment insurance but is adapted to the intermittent and unstable nature of work in the CCS. It covers various circumstances - including suspension of activity, parenthood, illness, and occupational disease—without requiring a formal cessation of professional activity. The scheme is financed through contributions from workers, employers, and beneficiaries, with simplified contribution delivery through withholding at source in certain cases.

Ireland

The Irish government has launched a pilot programme for a basic income targeting CCS professionals who meet specific eligibility criteria, known as the Basic Income for Artists (BIA). The scheme is non-means-tested, allowing recipients to earn additional income, and aims to address the chronic financial precarity faced by CCS professionals (Citizens Information 2023). Implemented as a pilot alternative to traditional unemployment benefits, the programme provides €325 per week to 2,000 selected participants over a three-year period (2022–2025). A control group of eligible applicants who did not receive the benefit was also established to evaluate the programme's impact (Johnston 2022).

4.3. Policies to ensure transparency and simplification with impact on the social protection

Member States may implement measures aimed at enhancing information dissemination and administrative transparency regarding social protection for CCS professionals. Such approach is very much in line with the 2019 Council Recommendation on access to social protection as its four pillar (in addition to formal coverage, effective coverage and adequacy) relates "transparency and simplification". These measures may take the form of soft interventions, such as awareness campaigns and user-friendly digital platforms that support compliance with administrative and social protection obligations. This might also involve procedural innovations, including one-stop shop systems that streamline complex legal, tax, or social protection processes - particularly in relation to employment formalisation or verification of professional status. Although these tools may not always be embedded within social protection systems directly, they often serve a facilitating function, easing access to protection mechanisms and ensuring proper classification and benefit entitlements.

Box 7. Examples of policies to improve information and transparency with an impact on the social protection

Belgium

The Working in the Arts platform[11], managed by the National Social Security Office (ONSS/RSZ) and the Federal Public Service for Social Security, serves both as an

[11] https://www.workinginthearts.be/

information hub and registration portal. It supports compliance with Belgium's recently introduced social status for artists which came into force in 2024. The reform differentiates between arts workers, including those involved in artistic, artistic-technical, or support roles and amateur artists, who provide small-scale artistic services and benefit from special social and tax treatment. The Working in the Arts platform guides users through eligibility and compliance requirements. It allows amateur artists to declare services and enables arts workers to request an official attestation of professional status, which in turn provides automatic access to the artist-specific social protection regime, including reduced contributions and special unemployment benefits.

France

France operates the Guichet Unique du Spectacle Occasionnel (GUSO), a one-stop shop designed to simplify the hiring of performing artists for occasional events (e.g., in restaurants or cafés). GUSO was developed to reduce the administrative burden associated with employment contracts required under France's presumption of employment rules. GUSO centralises multiple administrative procedures through a single point of contact, offering: issuance of employment contracts; processing of tax and social protection declarations; generation of certificates of employment and monthly salary slips; access to budgeting tools for employers to plan performance-related expenses This integrated service supports both compliance and planning, making it significantly easier for small-scale employers to fulfil their obligations (Charhon and Murphy 2016; GUSO 2025).

5. Financial frameworks and social protection of CCS professionals

5.1. Public funding and social protection of CCS professionals

Within the EU, a significant portion of financing for the cultural and creative sectors (CCS) is provided through public funding, sourced from central or local governments (EPRS 2023). Moreover, many of the private institutions also rely upon a mixture of private and public funding (Klamer, Mignosa, Petrova 2013). Despite this public investment, there is evidence that hiring practices within the organisations financed from the public funds can at times undermine CCS professionals' access to social protection and regulated working conditions.

Box 8. The use of unstable working arrangements in the public sector hindering CCS professionals' access to social protection

Germany

German trade unions have raised concerns about the growing reliance on temporary contracts in public theatre productions. Theatre management increasingly employs short-term contracts and self-employed arrangements, rather than offering permanent employment. This flexible approach to contractual status compromises employment stability and limits access to social protections for theatre professionals (ELA 2024).

Italy

Research indicates that Italian theatres often adopt hybrid contractual models to structure their engagement with actors. Troupes may include professionals employed on permanent contracts, as self-employed individuals, or even as autonomous consultants. These diverse arrangements appear motivated more by a desire for cost reduction and flexibility than by the nature of the work being performed. As a result, such practices reduce employment stability and restrict access to social protection (Naclerio 2023; Serino 2020).

Poland

Studies have documented the use of civil law contracts in Polish theatres, many of which are administered by local self-governments. These contracts are frequently used in place of employment contracts, leading to lower social contributions - affecting pensions, unemployment benefits, and sick leave entitlements. This practice has raised concerns about the precarious nature of public sector employment in the cultural field (Iwanowski and Szewczyk 2020; Jaskuła 2019).

Member States hold significant leverage in shaping the employment status of CCS professionals by promoting stable forms of employment through their hiring practices and financial frameworks. Crucially, encouraging such employment - already integrated into existing social protection systems - can serve as an effective alternative to expanding social protection coverage for self-employed CCS professionals. This approach may also help mitigate risks associated with the lack of such expansion, including issues like old-age poverty. Member States can promote stable employment in two primary ways: by strengthening oversight of employment practices within the public sector; and by embedding stricter social clauses and employment standards into public procurement rules.

5.1.1. Policies and practices addressing non-standard forms of employment and social protection gaps

Member States have a range of tools at their disposal to address non-standard forms of employment and social protection gaps within the CCS. These tools are particularly relevant given the significant role of central and local governments as both employers and funders in the sector.

One key area for intervention is the structuring of public funding mechanisms, such as grants and residencies. These can be designed to reduce social protection gaps by ensuring that financial support is subject to contributions and is recognised as a period of social protection coverage.

Additionally, Member States can influence employment practices through collective bargaining frameworks. While the capacity to shape such agreements varies depending on national systems, the strong presence of public sector institutions in the CCS provides considerable leverage. Public sector employers can be encouraged to engage in collective bargaining with the aim of limiting the use of non-standard forms of employment, thereby strengthening the social protection of CCS professionals.

Box 9. Selected policies and practices addressing non-standard forms of employment and social protection gaps in the CCS

Netherlands

Several collective agreements in the CCS sector, negotiated between public sector-dominated employer organisations and trade unions, specifically aim to reduce reliance on non-standard employment. For instance, the orchestra workers' collective agreement limits the use of temporary contracts and explicitly promotes stable employment. The libraries' collective agreement includes provisions aimed at minimising the replacement of regular staff with volunteers. These agreements contribute to regularising employment relationships, thereby improving the social protection coverage of CCS professionals (Been and Keune 2024).

Sweden

In Sweden, grants distributed by the Swedish Arts Grants Committee - a central government agency supporting artistic development - are subject to social contributions. This policy ensures that grant recipients do not experience gaps in social protection during funded periods (Andersson Cederholm et al. 2024).

5.1.2. Public procurement rules and social clauses

The regularisation of employment and social protection coverage for CCS professionals can also be pursued through public procurement policies. These policies not only promote access to social protection via stable employment, but might also aim to improve conditions for self-employed workers engaged through public contracts - particularly in terms of contract continuity and fair remuneration. This is especially important for the cases of public-private partnership as many private CCS organisations rely upon public funding.

Such interventions are generally grounded in national transpositions and implementations of Directive 2014/24/EU on public procurement, which requires Member States to ensure that the execution of public contracts respects obligations in the fields of labour, social, and environmental law.

Box 10. Overview of selected public procurement and social clauses policies in the Member States

Spain

The Municipality of Barcelona has adopted comprehensive sustainable public procurement policies, guided by various City Council laws, declarations, and guides. The latest Social Public Procurement Guide explicitly encourages the hiring of workers under open-ended contracts as a condition of public procurement (Ajuntament de Barcelona 2024). These principles influence the procurement practices of local cultural institutions. For example, the Museum of Contemporary Art of Barcelona (MACBA) includes the promotion of labour rights as a formal objective in its Responsible Public Procurement Policy (MACBA 2021).

Italy

Law 106/2022 delegated the authority to draft an Entertainment Code (Codice dello Spettacolo) to the government. The Code was initially to be issued by 18 August 2024,

but the term was prolonged until 18 August 2025. Among its provisions, the law mandates that self-employed workers engaged in public performing arts projects must receive fair remuneration. It further requires public authorities to ensure that service contracts resulting from public tenders are properly compensated.

5.2. Financial arrangements and expanded social protection

Extending social protection coverage to CCS professionals presents a financial challenge, given the irregular, project-based, and often low-income nature of work in the sector. Relying solely on individual or employer contributions is often insufficient – particularly where social protection schemes are voluntary and fully self-financed, leading to significant coverage gaps.

The ongoing digitalisation and platformisation of the CCS pose significant challenges to the financial sustainability of social protection systems, as many digital platforms enable side jobs that often operate outside existing tax and social protection frameworks. At the same time, this shift also presents an opportunity for public policy intervention. Digital infrastructures – such as labour platforms, content creation, distribution and crowdfunding platforms, or online marketplaces for crafts and arts – typically rely on large-scale network effects, which centralise the intermediation of goods and services. This centralisation can, in turn, facilitate regulation and enforcement, offering a pathway to formalise work in the CCS and strengthen professionals' access to social protection.

To address these challenges, policymakers may consider a solidarity-based approach and explore alternative funding arrangements that broaden the contribution base and enhance system sustainability:

- Broadening the definition of earnings for contribution purposes. Social contributions can be extended beyond traditional remuneration (e.g., wages or fees) to include additional income streams, such as royalties from licensing copyrights, intellectual property, revenue streams from platforms. This approach helps CCS professionals contribute more equitably based on the full spectrum of their income, improving the system's balance and responsiveness.

- Broadening the personal scope of contribution payments/payers. Traditionally, CCS professionals and their employers are responsible for social contributions. However, contributions can also be sourced from beneficiaries or end-users of cultural content – such as broadcasters (including platforms), art galleries, museums, or other cultural institutions. These contributions could be based on criteria such as the revenues generated or payments made to CCS professionals, recognising the economic and cultural value extracted from cultural and creative labour. This model reinforces the principle of shared responsibility within the cultural and creative value chain.

- Public contributions to social protection schemes. Governments can supplement existing schemes by allocating public funds – whether through general social protection budgets or dedicated cultural funds – to reinforce the system's sustainability. This reflects a broader societal commitment to supporting CCS professionals based upon the principles of general solidarity, acknowledging the public good generated by cultural and creative work.

Box 11. Financing social protection systems for CCS professionals through solidarity-based schemes

France

The French model offers a comprehensive approach to financing social protection for CCS professionals, built on two key principles: broadening the personal scope of contributors and expanding the definition of insurable earnings.

With regard to contributors, the French system operates on the premise that social protection should not be financed solely through contributions from CCS professionals and their employers but also from beneficiaries of CCS services, i.e. users (e.g. broadcasters). Under certain conditions individuals, enterprises and/or the State must contribute to the social protection scheme when they broadcast or benefit commercially from using art.

In terms of expanding the definition of insurable earnings, the French approach aims to capture non-traditional income streams, particularly those related to copyright and intellectual property, to prevent financial “leakages”. This ensures a more comprehensive base for calculating contributions.

Prior to 2024, France operated two separate schemes: Agessa (covering writers, musicians, audiovisual creators, and photographers) and Maison des Artistes (MDA) (for graphic and visual artists). These systems were financially imbalanced—Agessa was primarily funded by users’ contributions, while MDA relied more heavily on artists' own contributions (Galián et al. 2021). In 2024, both schemes were merged into a unified system under the *Sécurité sociale des artistes auteurs*, aiming for improved efficiency and equity.

Germany

Germany’s Artists' Social Insurance Fund (Künstlersozialkasse) introduced in 1983 is an example of a multi-source, solidarity-based funding model that balances financial responsibility across contributors. The system is sustained by three main sources:

- Contributions from CCS professionals (artists and writers), who pay approximately half the total contributions.
- Contributions from entities benefiting from art - publishers and press agencies, theatres, radio and TV providers, galleries, advertising agencies, show and circus companies, museums. Such entities have registration duty and have to record all remuneration paid to artists and publicists in the course of the year. Contributions are calculated based upon this remuneration. It is assumed that contributions from users should amount to 30% of the budget of the Fund. The contribution rates from users has thus been varying, fluctuating around 4-5% of the percentage of all payments made to artists and writers (Künstlersozialkasse 2025; Tobsch and Eichhorst 2018).
- Public funding from the federal government, which provides the remaining 20% of the budget. The amount is based upon the estimates of the private consumption of artistic services, seen as a justification for this tax-based state contribution (Tobsch and Eichhorst 2018).

This tripartite funding model ensures financial sustainability and reflects a shared responsibility among professionals, users, and the federal government.

6. Conclusions and policy options

As this paper has illustrated, CCS professionals face persistent and multifaceted barriers in accessing adequate social protection. These challenges, deeply rooted in the sector's non-standard employment patterns, intermittent income structures, and high mobility, suggest the need for thoughtful and well-calibrated policy responses. These problems were further amplified by the COVID-19 pandemic, during which many Member States introduced emergency support measures targeting the CCS. The crisis exposed deep structural vulnerabilities within existing social protection systems, prompting several Member States to reassess and reform their frameworks to enhance sustainability and inclusiveness. In some cases, these reforms were embedded in national Recovery and Resilience Plans. This policy momentum unfolds against a broader backdrop of accelerating digitalisation and platformisation – developments that, while creating new opportunities, also facilitate the circumvention of tax and social protection frameworks.

While there is no one-size-fits-all solution, several policy avenues have emerged across Member States that may offer useful insights. Depending on national priorities, already existing frameworks, legal traditions, fiscal capacities, policymakers might consider the following options:

- **clarifying and regulating the contractual status of CCS professionals**: policymakers may wish to explore regulatory tools that help align the employment status of CCS professionals with their actual working conditions. This could include presumptions of employment, enforcement of existing labour laws to address un(der)declared work and bogus self-employment, or creation of intermediate employment status tailored to the sector. Such measures may improve CCS professionals access to social protection without fundamental changes in the social protection systems but they might also be aligned with deeper adaptations of these frameworks.

- **adapting social protection systems to reflect CCS-specific needs**: Member States might reflect on whether existing systems can be made more inclusive by adapting eligibility criteria, creating exemptions, changing contribution amounts, or introducing procedural flexibilities to the already existing forms of social protection, or by creating dedicated schemes and benefits that recognise the non-standard nature of CCS work.

- **simplification, enhancing transparency and administrative adaptations**: simplifying procedures and providing CCS professionals with clear, accessible information about their rights and obligations - through one-stop shops, or dedicated portals - could significantly reduce administrative burdens and improve formalisation. These efforts may also serve to enhance compliance, especially among smaller employers or occasional clients.

- **leveraging public funding to promote stable employment**: given the significant public investment in CCS across many Member States, governments may consider whether social protection could be further supported through their funding and procurement frameworks supportive to stable employment. This might involve reviewing policies conducted at the level of cultural institutions, encouraging collective agreements that limit non-standard employment, introducing social

clauses to public procurement procedures that regulate public-private financing arrangements, or recognising time spent in publicly funded contracts as contributory periods for social protection purposes.

- **exploring solidarity-based financing frameworks**: to ensure the sustainability of extended social protection coverage, policymakers may also explore alternative funding mechanisms. These could include broadening the base of contributors or the definition of earnings for contribution purposes.

While not a prerequisite for reform, the careful **definition of "artist" or CCS professional** may facilitate targeted policy implementation. Member States may reflect on whether and how such definitions intersect with access to social protection, taxation, or funding, ensuring that any criteria used are transparent and inclusive.

7. References

Ajuntament de Barcelona. 2024. *Social Public Procurement Guide*. Barcelona.

Alacovska, Ana. 2022. "The Wageless Life of Creative Workers: Alternative Economic Practices, Commoning and Consumption Work in Cultural Labour." *Sociology* 56(4):673–92. doi: 10.1177/00380385211056011.

Alacovska, Ana, and Trine Bille. 2021. "A Heterodox Re-Reading of Creative Work: The Diverse Economies of Danish Visual Artists." *Work, Employment and Society* 35(6):1053–72. doi: 10.1177/0950017020958328.

Andersson Cederholm, Erika, Katja Lindqvist, Ida de Wit Sandström, and Philip Warkander. 2024. *Creative Work: Conditions, Contexts and Practices*. Taylor & Francis.

Bardají, Silvia. 2023. "Royal Decree-Law 1/ 2023, 2023, on Urgent Measures Regarding Recruitment Incentives and the Improvement of the Social Protection of Artists."

Been, Wike, and Maarten Keune. 2024. "Bringing Labour Market Flexibilization under Control? Marginal Work and Collective Regulation in the Creative Industries in the Netherlands." *European Journal of Industrial Relations* 30(4):403–20. doi: 10.1177/09596801221127109.

Betzler, Diana, Ellen Loots, and Marek Prokůpek. 2024. Arts and culture in transformation: A critical analysis of the national plans for the European Recovery and Resilience Facility. *European Policy Analysis* 10(1): 101-127.

Bettiol, Marco, and Silvia Rita Sedita. 2011. "The Role of Community of Practice in Developing Creative Industry Projects." *International Journal of Project Management* 29(4):468–79.

Bischoping, Katherine, and Adam DK King. 2019. "The Forgotten Work of Cultural Workers." *Labour* 84:259–78.

Brennan, Cianan. 2024. "Department Examines Bogus Self-Employment in Media, Journalism, and Airline Sector." *Irish Examiner*. Retrieved March 15, 2025 (https://www.irishexaminer.com/news/arid-41312059.html).

Cañedo, Azahara, and Marta Rodriguez Castro. 2023. "Spanish Government Moves Forward in Approving Measures to Improve the Labour Conditions of Artists." Retrieved March 25, 2025 (https://merlin.obs.coe.int/article/9673).

Charhon, Pascale, and Dearbhal Murphy. 2016. *The Future of Work in the Media, Arts & Entertainment Sector: Meeting the Challenge of Atypical Working*.

Citizens Information. 2023. "Basic Income for the Arts (BIA)." Retrieved March 25, 2025 (https://www.citizensinformation.ie/en/employment/unemployment-and-redundancy/employment-support-schemes/basic-income-arts/).

De Becker, Eleni. 2025. *Thematic Discussion Paper 2. Towards labour status neutral social security protection? The need for equal protection and inclusive social security systems across employment types. Mutual learning workshop on 'Access to Social Protection for vulnerable groups workers'. Brussels, Belgium, 20-21 February 2025*. European Commission. Retrieved March 25, 2025 (https://employment-social-affairs.ec.europa.eu/document/download/9d2fe30b-9816-46e1-adef-

ddacc29188e1_en?filename=Thematic%20paper%202%20-%20Labour%20status%20neutral%20social%20protection.pdf)

De Wispelaere, Frederic, Wouter Schepers, Yves Jorens, Evert Nerinckx, Marco Rocca, and Leila Duchateau. 2021. *Cross-border employment in the live performance sector. Exploring the social security and employment status of highly mobile workers*. KU Leuven

EC (European Commission). 2023. *The status and working conditions of artists and cultural and creative professionals Report of the OMC (Open Method of Coordination) group of EU Member States' experts*.

ELA (European Labour Authority). 2023. *Factsheet on Undeclared Work – FRANCE. March 2023*.

ELA (European Labour Authority). 2024. *Employment Characteristics and Undeclared Work in the Cultural and Creative Sectors*. European Labour Authority.

European Platform for Undeclared Work. 2021. *Tackling UDW in the Media Sector, Portugal. Practice Fiche*.

Eurostat. 2024. "Cultural Employment by Sex and Selected Labour Market Characteristics."

EPRS (European Parliamentary Research Service). 2023. *EU Framework for the Social and Professional Situation of Artists and Workers in the Cultural and Creative Sectors: European Added Value Assessment*. European Parliament.

FIA (International Federation of Actors). 2015. The Live Performance Sector from a Global Perspective: A Status Report. Retrieved March 25, 2025 (https://fia-actors.com/2015/06/18/the-live-performance-sector-from-a-global-perspective-a-status-report/)

FIA (International Federation of Actors). 2024. Working Conditions of Circus Artists. Retrieved March 25, 2025 (https://fia-actors.com/wp-content/uploads/2024/02/FIA_circus_EN_2024_FINAL.pdf)

Galián, Carlos, Margherita Licata, Maya Stern-Plaza, and International Labour Organization. Sectoral Policies Department. 2021. *Social Protection in the Cultural and Creative Sector: Country Practices and Innovations*. Geneva: ILO.

Gardiner, Drew. 2024. *Balancing act: The role of digital platforms in shaping the conditions of creative work. ILO Working Paper (No. 123)*. ILO

GUSO. 2025. "Guichet unique du spectacle occasionnel (Guso)." Retrieved March 25, 2025 (https://www.service-public.fr/particuliers/vosdroits/F1928).

Heyes, Jason, and Thomas Hastings. 2017. "The Practices of Enforcement Bodies in Detecting and Preventing Bogus Self-Employment." *Report, The University of Sheffield, Sheffield*.

ILO, ed. 2013. *Regulating the Employment Relationship in Europe: A Guide to Recommendation No. 198: European Labour Law Network (ELLN)*. Geneva, Switzerland: International Labour Organization.

Iwanowski, Damian, and Nikodem Szewczyk. 2020. "Inna Kultura Jest Możliwa." *Koronawirus i Przyszłość Kultury w Polsce. Instrat Policy Paper* 5.

Jaskuła, Łukasz. 2019. *Pełna Kultura, Puste Konta*. Ogólnopolski Związek Zawodowy Inicjatywa Pracownicza.

Johnston, Helen. 2022. “Basic Income in Ireland: The Development of Two Pilots.” *European Journal of Social Security* 24(3):243–56. doi: 10.1177/13882627221109287.

Juniu, Susana, Ted Tedrick, and Rosangela Boyd. 1996. “Leisure or Work?: Amateur and Professional Musicians’ Perception of Rehearsal and Performance.” *Journal of Leisure Research* 28(1):44–56. doi: 10.1080/00222216.1996.11949760.

Klamer, Arjo, Anna Mignosa, and Lyudmila Petrova. 2013. *Cultural heritage policies: a comparative* [in:] Ilde Rizzo, Anna Mignosa [eds.] *Handbook on the Economics of Cultural Heritage*. Edward Elgar, pp. 37-86.

Künstlersozialkasse. 2025. “The Artists’ Social Security Insurance Levy – A Brief Summary.”

Lindqvist, Katja. 2012. “Effects of Public Sector Reforms on the Management of Cultural Organizations in Europe.” *International Studies of Management & Organization* 42(2):9–28. doi: 10.2753/IMO0020-8825420201.

Lindström, Sofia. 2016. “Artists and Multiple Job Holding: Breadwinning Work as Mediating between Bohemian and Entrepreneurial Identities and Behavior.” *Nordic Journal of Working Life Studies* 6(3):43–58.

MACBA. 2021. “Política de Compra i Contractació Responsable.”

Naclerio, Emanuela. 2023. “Playing among passion and insecurity. A qualitative study of work in the Italian performing arts.” *Rassegna Italiana di Sociologia* (3):469–90. doi: 10.1423/107147.

Neto, Joana. 2024. “Detecting Bogus Self-Employment in Portugal’s Cultural Sector: One Step Forward and Two Steps Back?” *E-Journal of International and Comparative Labour Studies* 13(1).

Panteia. 2024. *Creative Pulse: A Survey on the Status and Working Conditions of Artists and CCS Professionals in Europe. Survey Report*.

Poell, Thomas, David B. Nieborg, and Brooke Erin Duffy. 2021. *Platforms and cultural production*. John Wiley & Sons.

Pulignano, Valeria, Deborah Dean, Markieta Domecka, and Lander Vermeerbergen. 2023. “How State Influence on Project Work Organization Both Drives and Mitigates Gendered Precarity in Cultural and Creative Industries.” *British Journal of Industrial Relations*.

Pulignano, Valeria, Markieta Domecka, Karol Muszyński, Lander Vermeerbergen, Me-Linh Riemann. 2021. *Creative labour in the era of Covid-19: The case of freelancers*. ETUI.

Schediwy, L., P. V. Bhansing, and E. Loots. 2018. “Young Musicians’ Career Identities: Do Bohemian and Entrepreneurial Career Identities Compete or Cohere?” *Creative Industries Journal* 11(2):174–96. doi: 10.1080/17510694.2018.1489197.

Serino, Marco. 2020. “Continuity, Change and Transitions of Artistic Professions in the Italian Theatre Industry.” *Sociologia Del Lavoro: 157, 2, 2020* 186–205.

Slovak Coalition for Cultural Diversity. 2013. *Status Of The Artist: Working Document For A General International Debate*.

Spasova, Slavina, Denis Bouget, Dalila Ghailani, and Bart Vanhercke. 2017. *Access to Social Protection for People Working on Non-Standard Contracts and as Self-Employed in Europe: A Study of National Policies 2017.* Brussels: European Social Policy Network.

Styhre, Alexander, and Sofia Borjesson. 2011. “Project Management in the Culture Industry: Balancing Structure and Creativity.” *International Journal of Project Organisation and Management* 3(1):22. doi: 10.1504/IJPOM.2011.038862.

Sydow, Jörg, Lars Lindkvist, and Robert DeFillippi. 2004. “Project-Based Organizations, Embeddedness and Repositories of Knowledge: Editorial.” *Organization Studies* 25(9):1475–89. doi: 10.1177/0170840604048162.

Tobsch, Verena, and Werner Eichhorst. 2018. *Germany: Social Insurance for Artists and Writers*. Paris: OECD. doi: 10.1787/9789264306943-8-en.

Top, Dan, and Maria-Luiza Hrestic. 2024. “Reflections on the Evolution of the Cultural Labour Market in Light of Socioeconomic Transformations in Romania.” *E-Journal of International and Comparative Labour Studies* 13(1).

Warren, S. 2014. ‘I want this place to thrive’: volunteering, co-production and creative labour. *Area* 46(3):278-284.

Weber, Enzo, and Paul Schoukens. 2024. “Unemployment Insurance for the Self-Employed: A Conceptual Way Forward.” *European Journal of Social Security* 26(2):214–50. doi: 10.1177/13882627241267728.

Werthes, Daniela, René Mauer, and Malte Brettel. 2017. “Cultural and Creative Entrepreneurs: Understanding the Role of Entrepreneurial Identity.” *International Journal of Entrepreneurial Behavior & Research* 24(1):290–314.

Williams, Colin, Mireia Llobera Vila, and Adrian Horodnic. 2020. *Tackling Undeclared Work in the Collaborative Economy and Bogus Self-Employment*. European Commission.

Annex: Reforms influencing CCS professionals' access to social protection implemented in the Member States after 2021

Disclaimer: This list does not feature temporary support measures introduced during COVID-19 pandemic. Please consider that this list might not be exhaustive. Any updates, corrections and modifications are welcome at kmuszynski@uw.edu.pl .

Bulgaria

A public register of artists was established in 2024. The impact on social security is unclear.

Source: Creatives Unite website https://bgma.bg/en/projects/status-and-registry-of-independent-artists/

Belgium

New reforms from 2022 and 2023 establishing social status of artists came into force on 1 January 2024. The reforms distinguish between arts workers and amateur artists. They are accompanied by creation of Working in the Arts Platform that facilitates meeting obligations and compliance.

Arts workers are defined as persons who carry out an activity in the field of the arts, whether artistic, artistic-technical or support artist. Such workers need to apply for arts work certificate to Arts Work Commission through the Working in the Arts Platform. Artists holding arts certificate are presumed to be in employment relationship under certain conditions. Different art work certificates provide with different social security benefits and privileges (e.g. "ordinary" art work certificate enables to work without formal employment contract while benefitting from social security similarly to the employed workers, and to benefit from reduced contributions; "plus" art work certificate additionally enables to benefit from special art work allowance; etc)

Amateur artists are persons who provide artistic services and/or produces artistic works for a customer in return for a lump-sum fee, without entering into an employment contract. Amateur artists need to comply with some formalities and register at Working in the Arts Platform. They benefit from preferential treatment in terms of taxation and they are exempted from paying social security contributions if they do not exceed certain (small) level of activity.

Source: https://www.partena-professional.be/en/our-insights/infoflashes/artists-changes-1-january-2024-i

https://www.partena-professional.be/en/our-insights/infoflashes/artists-changes-1-january-2024-ii

https://www.workinginthearts.be/

Croatia

In 2022-2023, there have been discussions regarding changes of the coefficient for the payment of mandatory contributions of self-employed artists. We were unable to determine whether the changes have been introduced.

Source: https://www.culturalpolicies.net/wp-content/uploads/pdf_full/croatia/Full-Country-Profile_Croatia_022023.pdf

Cyprus

In January 2025, a new law was accepted by the government and submitted to the Parliament aiming to create registry of artists and art sponsors and associations. The law applies to self-employed artists who will be subject to registration. These artists will be entitled to receive grant for self-employed artists covering 30% of their previous year's social insurance and health insurance contributions, effectively serving as a substitute for unemployment benefit.

Source: https://cyprus-mail.com/2025/01/03/cabinet-approves-bill-for-artist-registry-and-sponsorships

https://in-cyprus.philenews.com/insider/government-approves-law-to-give-artists-official-status-and-state-support/

Czechia

There are ongoing legislative works on the status of an artist within the framework of Czechia's NRRP. The draft aims to create a register of artists and contains provision on the allowances for creative or study purposes. Impact on the social protection is unclear.

Source: https://brnodaily.com/2024/06/14/culture/people-working-in-culture-may-be-able-to-apply-for-artist-status/

https://www.culturalpolicies.net/wp-content/uploads/pdf_full/czech_republic/Full-Country-Profile_Czech-Republic.pdf

Estonia

In 2024, the Cultural Endowment of Estonia (KULKA), an Estonian foundation supporting Estonian culture, began granting creative work fees which are now covered by social and healthcare insurance. The aim of the change is to expand social protection for self-employed artists.

Source: https://www.culturalpolicies.net/2024/07/30/news-from-austria-estonia-cultural-policy-guidelines-creative-work-fees/

Finland

The current government had reforms to the social protection of self-employed artists on the agenda. We were unable to determine the progress on the reforms.

Source: https://www.cupore.fi/en/newsroom/a-review-of-the-government-programmes-cultural-policy-in-finland/

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/166082/VN_2025_5.pdf?sequence=1&isAllowed=y

France

In 2024, separate schemes for different CCS professionals - Agessa (covering writers, musicians, audiovisual creators, and photographers) and Maison des Artistes (MDA) (for graphic and visual artists) – were merged into Sécurité sociale des artistes auteurs. There have been numerous changes to contribution rates and rules for revalorisation of benefits after 2021.

Source: https://www.secu-artistes-auteurs.fr/actu-ce-qui-change-au-1er-janvier-2025

Germany

Since 1st July 2024, the Federal Government Commissioner for Culture and the Media has linked its cultural funding to the adherence to minimum fees for artists and creatives. This requirement applies to all institutions and projects that are at least 50 percent funded by the Federal Government Commissioner for Culture and the Media and addresses professional, freelance artists and creatives in activities that are particularly relevant to funding. No specific amounts are specified for the minimum standards to be met, but recipients of such funding are required to grant fees that at least correspond to the relevant recommendations for lower limits of the professional, trade and interest associations of artists and creative professionals.

Source: Information obtained from German Federal Government Commissioner for Culture and the Media

Greece

In 2023, a Register of Professionals in the Cultural and Creative Sector was created. We understand that it did impact on the social protection as workers remain covered as either employees or self-employed.

Source: Creatives Unite website

Ireland

In 2022, a pilot programme introducing Basic Income for the Arts has been started. The programme provides 2000 artists with a weekly basic income of 325 EUR for 3 years. The income is not means tested.

Source: https://www.citizensinformation.ie/en/employment/unemployment-and-redundancy/employment-support-schemes/basic-income-arts/

Italy

Law No. 106/2021 introduced ALAS – unemployment benefit for self-employed entertainment workers with 15 days of contributions in the previous year and income less than 35.000 EUR, for a period of up to 6 months.

Moreover, Law 106/2022 delegated the authority to draft an Entertainment Code (Codice dello Spettacolo) to the government. The Code was initially to be issued by 18 August 2024, but the term was prolonged until 18 August 2025. Among its provisions, the law mandates that self-employed workers engaged in public performing arts projects must receive fair remuneration. It further requires public authorities to ensure that service contracts resulting from public tenders are properly compensated. Little impact on social protection is expected.

Source: https://www.explegal.it/it/exp-news-it/item/376-codice-spettacolo-riforma

https://www.culturalpolicies.net/database/search-by-country/country-profile/category/?id=20&g1=4

Latvia

Amendments from 2022 to the Law on the Status of Creative Persons and Professional Creative Organisations adopted in 2017. Registered creative persons can obtain status and apply to specific support, including 1) assistance to creative persons experiencing downtime or temporary incapacity due to unemployment or illness; 2) support for household needs of creative persons receiving a pension or those of pensionable age; 3) aid for self-employed

creative persons whose mandatory state social insurance contributions for the year are less than 12 minimum monthly wages.

Source: Creatives Unite website

Lithuania

There have been changes to the Government Resolution No. 316 of 16 March 2011 On the Social Security Programme for Artists implemented in 2022 and to the Law on Professional Performing Arts from 2004 implemented in 2021. We were not able to determine how they have impacted the social protection of CCS professionals.

Source: https://www.culturalpolicies.net/country_profile/lithuania-4-1-3/

Luxembourg

Amendments in 2023 to the Law of 19 December 2014 which introduced more flexible conditions to apply for social protection for persons under 50/55.

Source: Creatives Unite

European Commission (2023) *The status and working conditions of artists and cultural and creative professionals. Report of the OMC (Open Method of Coordination) group of EU Member States' experts*

Poland

The government currently works on the draft Act on social protection for persons performing artistic profession. The draft provides support measures for intermittent low-paid artists who are unable to pay social and healthcare contributions though subsidies for contributions for such workers. The reform is intended to be tied with an introduction of a definition of professional artist.

Source: https://www.gov.pl/web/kultura/zabezpieczenie-socjalne-artystek-i-artystow--kolejny-etap-prac-nad-ustawa

Portugal

Reforms from 2021, 2022, and 2023 introduced a new allowance for the suspension of artistic activity, targeting both employees on short-term contracts and self-employed CCS professionals. Eligibility is limited to individuals registered in the Registry of Professionals in the Area of Culture (RPAC). This benefit functions similarly to unemployment insurance. It covers various circumstances - including suspension of activity, parenthood, illness, and occupational disease - without requiring a formal cessation of professional activity. The subsidy value varies between €443.2 and €1,108. For professionals with seven or more years of social security contributions and 55 or more years of age, the subsidy can be granted for up to one year. In order to access this subsidy, workers must be registered with RPAC; have the activity open with social security and tax authorities; and pay social security contributions for at least 180 days. The scheme is financed through contributions from workers, employers, and beneficiaries, with simplified contribution delivery through withholding at source in certain cases. Moreover, the status is associated with relaxed criteria for determining employment status for cultural professionals, as well as a system for monitoring and regularising cases of “false service provision” contracts, aimed at combating bogus self-employment.

Source: Neto, Joana. 2024. "Detecting Bogus Self-Employment in Portugal's Cultural Sector: One Step Forward and Two Steps Back?" E-Journal of International and Comparative Labour Studies 13(1).

Creatives Unite website

Romania

The recently adopted law regulates the status of professional cultural workers with the view of meeting milestones from the Romania's National Recovery and Resilience Plan. The regulation created a "third category", intermediate status of professional cultural worker, granting non-standard cultural workers some rights associated with employment (e.g. unionisation rights), and regulating their tax and social protection status. The acquisition of professional cultural worker status is subject to registration by the Ministry of Culture and depends upon having at least 50% of income from specific cultural activities and/or copyright. The law excludes salaried employees from being treated as professional cultural workers and assumes that the latter group should provide labour based upon two special contracts available: the copyright assignment contract and contract for carrying out cultural activity. In terms of social protection coverage, professional cultural workers have access to various forms of sick leaves and maternity leaves, as well as access to measures to support training and qualifications. Moreover, professional cultural workers can access unemployment benefits if they have contributed for at least 12 months within the last 24 months before applying for unemployment benefits; they cannot have income higher than the current reference social indicator; they cannot be eligible for pension; they have to be registered with the employment agency; and they must not have signed any contracts for the transfer of patrimonial rights or for performing cultural activities as a professional cultural worker in the 60 days prior to applying for unemployment benefits.

Source: Top, Dan, and Maria-Luiza Hrestic. 2024. "Reflections on the Evolution of the Cultural Labour Market in Light of Socioeconomic Transformations in Romania." E-Journal of International and Comparative Labour Studies 13(1).

Creatives Unite Website

Slovakia

Register of professional artists and other cultural professionals was created after outbreak of COVID-19 pandemic to provide sector-specific support measures. No recent reforms impacting social protection of CCS professionals found.

Spain

Reforms from 2022 and 2023 created Spanish Status of the Artist, a comprehensive framework regulating tax, labour and social protection issues. The reforms have created a separate fixed-term contract for the sector. They have also introduced relaxed eligibility criteria for CCS professionals seeking unemployment benefits. Furthermore, reforms provided that retirees receiving a pension can continue to work and still receive the pension. In addition, the reforms established a reduced and flat-rate contribution scheme for self-employed artists earning under EUR 3,000, thereby broadening their access to social protection coverage.

Source: Bardají, Silvia. 2023. "Royal Decree-Law 1/ 2023, 2023, on Urgent Measures Regarding Recruitment Incentives and the Improvement of the Social Protection of Artists."

Cañedo, Azahara, and Marta Rodriguez Castro. 2023. "Spanish Government Moves Forward in Approving Measures to Improve the Labour Conditions of Artists." Retrieved March 25, 2025, available at: https://merlin.obs.coe.int/article/9673

Creatives Unite Website

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

– by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
– at the following standard number: +32 22999696 or
– by email via: https://europa.eu/european-union/contact_en

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en

EU publications

You can download or order free and priced EU publications at: https://op.europa.eu/en/publications. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

EU law and related documents

For access to legal information from the EU, including all EU law since 1952 in all the official language versions, go to EUR-Lex at: http://eur-lex.europa.eu

Open data from the EU

The EU Open Data Portal (http://data.europa.eu/euodp/en) provides access to datasets from the EU. Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

Publications Office
of the European Union