

COMMISSION OF THE EUROPEAN COMMUNITIES

RIGHT TO WORK AND EMPLOYMENT PROBLEMS
OF WORKERS IN THE PERFORMING ARTS
AND MUSICIANS
IN THE EUROPEAN ECONOMIC COMMUNITY

Volume I

by Marie-Madeleine Krust

Study prepared at the request
of the Commission of the European Communities

1977

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Inasmuch as it wishes experts to express their views with complete freedom and independence in the studies that it requests them to prepare, the Commission of the European Communities does not regard itself as in any way committed by the statements made in these studies

"(....) If you prevent me from conveying the torment of my spirit, which finds no peace, beware! Every real man, Sir, who is a little above the level of the mineral, vegetable or animal does not live in order to live without knowing that he is alive... He lives in order to give meaning and value to his existence!"

from:

Six Characters in Search of an Author

PIRANDELLO

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INTRODUCTION

The role of culture in the countries of Western Europe, and its spread connected with the historical contribution of the generations of individuals who have participated throughout the ages in its blossoming, are discussed repeatedly in publications, talks, press articles, lectures, etc. But there is rarely any discussion of the specific problems of the workers without whom the work of art would remain unknown to most people and the stage play, the film or the musical composition would remain incomplete

The art of public entertainment and of music lives only through its exponents, whether it be the actor, the singer, the musician, the dancer or the acrobat; without workers like the producer and the cameraman the filmed or televised production would not exist.

It is the right to work and the employment problems of these workers in the performing arts and musicians that are the subject of this study, the scope of which has been deliberately confined to those artists for whom employment presents common features: opportunities for employment, the role of the public and private employment services in their interest, the intermittent nature of their periods of employment and the procedures for applying Community regulations on the free movement of workers.

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The choice of the term "workers in the performing arts" confines the study of the problems in question solely to the artistic activities of the entertainment industry, and does not include the category of workers such as artists performing teaching functions as their main activity, the administrative and technical staffs of theatrical enterprises, etc.

Among the workers in the entertainment industry whose employment problems have not been touched upon, mention should be made in particular of programme presenters, whose conditions of employment and work are very similar to those of performing artists. A fast-growing profession, programme presentation ought to be the subject of a thorough study at Community level. The same applies to the various specialities in the field of the plastic arts and to writers and composers, without whom the cultural heritage of each country would survive only through history textbooks.

It should also be noted that one essential aspect concerning workers in the performing arts and musicians has only been briefly touched upon: this is the question of vocational training, which gives rise, both in each country and at Community level, to important problems from the point of view of its content, its duration, its organization, its supervision and its adaptation to opportunities for employment.

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Since October 1968, workers in the European Economic Community have been entitled to be employed in any of the Member States in accordance with the conditions laid down by EEC Regulation 1612/68 on freedom of movement for workers within the Community.

1. Any national of a Member State shall, irrespective of his place of residence, have the right to take up an activity as an employed person, and to pursue such activity, within the territory of another Member State in accordance with the provisions laid down by law, regulation or administrative action governing the employment of nationals of that State.
2. He shall, in particular, have the right to take up available employment in the territory of another Member State with the same priority as nationals of that State.

(Title 1 - Art. 1)

As a worker among others, the performing artist or musician is therefore affected by the Community regulations and the rights resulting therefrom in so far as, in each of the Member States, cultural activities can offer him possibilities of exercising his art, that is, can guarantee him employment on the same terms as apply to national performing artists and musicians.

Now all cultural activities are subject to economic rules which are just as compelling as those in the other sectors of production, if not more so. Their administrative and social overheads (rent, maintenance of premises, wages of personnel, etc) are high, and their production has the special feature of never being guaranteed by the profitability of the enterprise, which depends on receipts, ie on attendance by the public. Vulnerable by definition, the entertainment industry, whether it be live stage performance or audio-visual presentation, is, save for special cases, in constant financial difficulty.

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It has become a commonplace to talk about the crisis of the cinema and the theatre, to deplore the decline of the music hall, the circus and so on, and these problems, with a few minor differences, concern each of the nine countries of the European Economic Community, where the unemployment rate of performing artists is always appreciably higher than that of the other socio-occupational groups.

Within this specific context it will thus be understood that workers in the performing arts and musicians view the freedom of movement for workers within the EEC as opposing the right to work in each country for national artists, and regard the fact that a foreign national can occupy a post in the artist's own country while he himself is condemned to unemployment as an infringement of that right.

The problem thus posed may appear over-simplified, but this attitude is nevertheless common and is a fairly true reflection of the reservations of workers in the performing arts with regard to the Community ruling on freedom of movement.

It is also essential to emphasize that the implementation of the Community regulations presupposes an exchange of information at the level of public employment services in order to ensure "the co-ordination and clearance of vacancies and applications for employment".

It is to this end that Title I of Part II of EEC Regulation 1612/68 lays down:

Art. 13

1. The Member States or the Commission shall instigate or together undertake any study of employment or unemployment which they consider necessary for securing freedom of movement for workers within the Community.

The central employment services of the Member States shall co-operate closely with each other and with the Commission with a view to acting jointly as regards the clearing of vacancies and applications for employment within the Community and the resultant placing of workers in employment.

2. To this end the Member States shall designate specialist services which shall be entrusted with organizing work in the fields referred to above and co-operating with each other and with the departments of the Commission.

The principle of freedom of movement is supplemented by that of priority of employment granted to nationals of the EEC under Articles 16 and 17 of Title II.

Art. 16

"Any vacancy communicated to the employment services of a Member State which cannot be filled from the national labour market and which, on the basis of the returns referred to in Article 15, can be cleared within the Community, shall be notified to the competent employment services of the Member State which has indicated that it has manpower available in the same occupation.

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Such services shall forward to the services of the first Member State the details of suitable applications. For a period of 18 days from receipt of the communication of the vacancy to the services of the second Member State, such applications shall be submitted to employers with the same priority as that granted to national workers over nationals of non-Member States.

During the above-mentioned period, vacancies shall be notified to non-Member States only if the Member State having such vacancies considers that for the occupations corresponding to such vacancies there are insufficient workers available who are nationals of the Member States".

Art. 17

"Official employment services which specialize in certain occupations or specific categories of persons shall co-operate directly with each other".

This Community co-ordination of the exchange of information naturally presupposes that, at the level of each country, the public employment service is both capable of knowing the requirements of the promoters and organizers of performances as being potential employers of artistic workers, and also in a position to have a good knowledge of the applications for work submitted by the artists.

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Now by virtue of legislative exemptions pertaining to all EEC countries, the placing of show artists is still carried out through fee-charging employment agencies, ie by artists' agents, in view of the fact that, owing to the special nature of the occupations engaged in by artists, the public employment services are not able, on their own, to co-ordinate vacancies and applications for employment.

The paradoxical nature of the situation is obvious, and would be sufficient to explain the reservations of those engaged in the entertainment industry and their trade union organizations with regard to regulations whose implementation is based on the existence at national level of administrative structures which, as things are at present, give them only a very limited degree of assistance with regard to placing in employment.

This quick review of complex situations calls for clarification. The purpose of this study is to attempt, as far as possible and in the light of the figures available, to present some basic information as a basis for thinking on the subject.

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The study has been undertaken on the basis of a dual approach.
The aim pursued has been:

In Volume I: Chapters 1 to 4

- to recall the principles of the right to work, the measures taken both at international and at national level to safeguard this right for all workers, and the specific regulations envisaged for the artistic professions;
- to provide information on the regulations in force in the Member States of the EEC concerning the placing of artistic personnel in employment:
 - public employment services
 - regulations governing fee-charging employment agencies
 - individual experiments in the placing of performing artists;
- to define, with the aid of examples, the legal structures of enterprises in the entertainment industry and their effect on the social safeguards of workers.

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In Volume II: Chapters 5 to 8

- to analyse the main features of the employment of workers in the performing arts and musicians;
- to present, as far as possible, the main features of the cultural activities of EEC countries in which performing artists are engaged and the employment problems they encounter according to their specialities. This is a systematic approach aimed not at producing a far-reaching synthesis of the data but rather at bringing out the main reasons for employment difficulties.

The purpose of the concluding chapter (Chapter 9) is to suggest the measures to be adopted both at the level of each country and at Community level in order to safeguard the right to work of performing artists and enable the regulations on freedom of movement for workers to be put into effect.

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CHAPTER 1INTERNATIONAL REGULATIONS GOVERNING EMPLOYMENT SERVICES

It was in the law of 17 March 1791 that the French Constituent Assembly stated, for the first time in Europe, the principle of the freedom of work, which in itself condemned the constraints inherent in the system of trade guilds of the Ancien Régime: "Every person shall be free to engage in such business or to exercise such trade, art or profession as he deems fit".

In 1919, Article 427 of the Treaty of Versailles proclaimed that "work must not be regarded as an item of merchandise or an article of trade" and, nearly thirty years later, in 1948, Article 23 of the Universal Declaration of Human Rights stipulates:

"Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity"

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Thus the right to work appears to be possessed by any individual whose age and abilities allow him to engage in an employment corresponding to his aspirations. But, notwithstanding the principles, it is nevertheless true that, within the context of a free economy, the law of supply and demand governs relations between employer and employee. Consequently, the putting into practice of a right which is recognized as being fundamental calls for the use of means designed to serve individuals.

At the end of the Second World War, measures for promoting employment policies were felt to be essential by most of the States of Western Europe for both economic and social reasons, and this aim was incorporated in government programmes: it was then a matter of reconstructing devastated countries and disrupted economies and of providing work for large numbers of unemployed.

The International Labour Organization, directly concerned with the extent and complexity of these problems, was in duty bound to propose solutions, and the study of these formed the subject of many discussions and investigations.

A/ THE INTERNATIONAL LABOUR ORGANIZATION AND FREE PUBLIC EMPLOYMENT SERVICES

It was at the thirty-first session of the General Conference of the ILO, held in San Francisco on 17 June 1948, that it was decided that the various proposals worked out at the working meetings concerning the organization of employment services should be combined in the form of an International Convention.

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This text defines the task of the free public employment service, which "shall be to ensure, in co-operation where necessary, with other public and private bodies concerned, the best possible organization of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources" (Article 1).

Article 6 states that "the employment service shall be so organized as to ensure effective recruitment and placement, and for this purpose shall assist workers to find suitable employment and assist employers to find suitable workers...."

Furthermore (Article 7), measures shall be taken to facilitate specialization by occupations and by industries within the various employment offices.

Article 11 states that the competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

This Convention No. 88, adopted on 9 July 1948, came into force on 10 July 1950. To date, the text has been ratified by 61 States.

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The Member States of the European Community ratified the document on the following dates¹:

. United Kingdom	: 10 August 1949
. Netherlands	: 7 March 1950
. France	: 15 October 1952
. Italy	: 22 October 1952
. Belgium	: 16 March 1953
. Federal Republic of Germany	: 22 June 1954
. Luxembourg	: 3 March 1958
. Ireland	: 29 October 1969
. Denmark	: 30 November 1972

It should be added that on 20 June 1966 the General Conference of the ILO passed a resolution calling upon the Governing Body of the International Labour Office to:

"draw the special attention of the governments of Member States to the fact that sound employment services make an important contribution to the preparation and application of national programmes with regard to economic and social development, utilization of human resources, the right to work and labour relations, safety at work and occupational hygiene, and, in some countries, with regard to social security".

1. - Other signatory countries include:

. Norway	: 4 July 1949
. Turkey	: 15 July 1950
. Greece	: 16 June 1950
. Spain	: 30 May 1960
. Portugal	: 23 June 1972

B/ THE INTERNATIONAL LABOUR ORGANIZATION AND FEE-CHARGING EMPLOYMENT AGENCIES

I - CONVENTION 34 OF 1933

In the preceding pages it has been seen that it was not until 1949 that the ILO promulgated Convention 88 calling upon the Member States to establish free public employment services, regulated and organized in such a way as to give workers the assistance which they are entitled to expect from a public service.

But fifteen years earlier the virtually general absence of a public service specializing in giving assistance to workers had resulted in a proliferation of private employment agencies charging fees of varying amounts to those who had to go through them in order to find employment.

The ILO, aware of the social injustice represented by this improper necessity for workers, which was all the more flagrant at the time owing to the fact that, because of the world economic crisis, the number of unemployed in all the industrialized countries was large, included in the agenda for its thirty-first session in 1933 the problem of fee-charging employment agencies.

The complexity of the principles involved and of the criteria to be defined emerges clearly from the minutes of the preliminary discussions. The main problem was to define:

- . the concepts of placing and of fee-charging employment agencies
- . the extent of or limits to the prohibition of levying fees for placing.

CONCEPT OF PLACING

In the preliminary draft¹ of this Convention, the ILO Conference defined the term "placing" as follows:

- a) "the expression 'placing' means all operations carried out with a view to procuring employment for a worker or supplying a worker for an employer. It excludes operations carried out either directly by one or the other of these persons or by way of advertisements, provided that these advertisements are not made by fee-charging employment agencies as defined in the following paragraph".

- b) "the expression 'fee-charging employment agencies' means any person, company or organization, of whatever nature, which regularly or occasionally carries out placing operations with a view to profit, levying a fee from the employer or the worker".

1. XVith Session Geneva 1962

Report on proceedings

Committee on the abolition of fee-charging employment agencies.

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In the text of the draft recommendation¹ to governments prepared by the ILO concerning fee-charging employment agencies, the following two guidelines are to be found:

- 1) Measures should be taken to adapt non-fee-charging employment agencies to the needs of the various categories of occupations which still frequently have recourse to the services of fee-charging employment agencies and, in particular, to adapt these employment agencies to the recruitment of agricultural workers, domestic servants, office workers, professional people, performing artists, musicians and nursing staff.
- 2) The principle of specialization of public employment agencies by categories should be applied particularly to the above categories and, as far as possible, persons familiar with the characteristics, usages and customs of these occupations should be attached to these agencies.

1. The sole aim of an international labour recommendation is to state standards which can be used as a guide to action on the national plane. On the other hand, an international convention is intended to be ratified and a Member State which ratifies it thereby undertakes to apply the standards which it contains.

CONCEPT OF FEE-CHARGING EMPLOYMENT AGENCIES

The actual text of Convention 34 does not include the definition of placing which appeared in the preliminary draft. On the other hand, Article 1 of the definitive text is particularly important because it states what is to be understood by "fee-charging employment agencies":

ARTICLE 1

- 1) For the purpose of this Convention the expression "fee-charging employment agency" means:
 - a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organization which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;
 - b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organization which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

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MEASURES TO BE PROMOTED

Article 2 calls for the abolition, within a period of three years from the coming into force of the Convention, of fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) above and, during this period, no new agency of this type may be created. Those which continue to operate are to be subject to the supervision of the competent authority.

The question of exceptions is dealt with in Article 3. But exceptions "may only be allowed for agencies catering for workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception".

These agencies, according to this Article, "shall be subject to the supervision of the competent authority, and shall be required to be in possession of a licence to operate".

Lastly, paragraph (d) of this Article states that this agency "shall only place or recruit workers abroad if authorized to do so by its licence and if its operations are conducted under an agreement between the countries concerned".

Fee-charging employment agencies not conducted with a view to profit as defined in Article 1, paragraph 1 (b) also must have authorization to operate and may not make any charge in excess of the expenses incurred for placing.

Convention 34 adopted on 29 June 1933 entered into force on 18 October 1936 and was ratified by only 10 countries, which do not include any Member State of the present European Economic Community.

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. Argentina	: 14 March 1950
. Bulgaria	: 29 December 1949
. Chile	: 18 October 1935
. Spain	: 27 April 1935
. Finland	: 13 January 1936
. Mexico	: 21 February 1938
. Norway	: 4 July 1949
. Sweden	: 1 January 1936
. Czechoslovakia	: 12 June 1950
. Turkey	: 27 December 1946

II - CONVENTION 96 of 1949

The main merit of Convention 34 of 1933, which was ratified by a very small number of States, was probably to draw attention to the need for governments and administrations responsible for labour matters to try to find ways of putting an end to the abuses of which job-seekers forced to resort to fee-charging employment agencies were the victims, and for them to establish, for this purpose, administrative bodies capable of effectively replacing enterprises which specialize in placing workers as a profit-making activity.

But it was not until 1949 that the International Labour Organization, at its thirty-second session, considered resuming its study of the problem of placing workers free of charge.

A reading of the discussions which preceded the preparation of the text of Convention 96 reveals distinctly more reserved attitudes to the abolition of fee-charging employment agencies than in the actual text of Convention No. 34 of 1933. The line taken by the discussions is shown very clearly by an extract from the reports on the preparatory work:

.... "Even in countries where it was highly developed, the public employment service could not, at the present time, meet all the requirements and effectively attain all the aims. In countries where the employment service was still in its initial stages, it was often impossible to replace fee-charging agencies immediately. Some government Members, especially those of New Zealand and the United Kingdom, opposed the principle of total abolition of employment agencies conducted with a view to profit, as some of them met a real need and were run with consideration of the public interest; they thought it a mistake to abolish fee-charging employment agencies merely because some of them were guilty of abuses.

In their opinion, the most sensible solution was to regulate all fee-charging employment agencies and, if necessary, to deprive them of all possibility of abuse".¹

This attitude will be ratified in practice by the text of the Convention, which, as will be seen below, gives the States two possibilities: either to plan the abolition of fee-charging employment agencies or to subject them to supervision.

1. International Labour Conference - Thirty-second Session, Geneva

Report on proceedings, Annex XII, published by ILO, Geneva 1951.

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The vote was preceded by many debates during which sharp oppositions were revealed.

During the discussion the Belgian delegate proposed an amendment to the effect that "the Convention could clearly assert the principle of the abolition of fee-charging employment agencies conducted with a view to profit and avoid the dangerous precedent of making provision in the text for the possibility of choosing between two obligations, one of which represented a regression in social policy. This amendment was supported by the government Member for France, who stated that the principle of the progressive abolition of forms of placing with a view to profit, which had already been stated in 1933, was even more strongly based today owing to the very development of our conception of social progress. For most of the international charters, which after all should inspire our work, and most national constitutions, assert the need for a policy of full employment and the principle of the right to work, which tend increasingly to make placing a social function".¹

But this amendment was rejected by 46 votes to 15.

It was on 8 June 1949 that the General Conference of the International Labour Organization adopted the definitive text of Convention No. 96 concerning fee-charging employment agencies.

This text recalls first of all that the proposals adopted should "take the form of an international Convention, complementary to the Employment Service Convention, 1948, which provides that each Member for which the Convention is in force shall maintain or ensure the maintenance of a free public employment service ... considering that such a service should be available to all categories of workers".

1. Cf. op. cit.

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Parts I, II and III constitute the essential elements of the Convention:

- 1) Part I, Article 1 defines the general provisions whereby the expression "fee-charging employment agency" is defined, and is an exact repetition of the text in Convention 34 of 1933. Article 2, on the other hand, completely changes the scope of the preceding Convention by stipulating that:

"Each Member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit".

- 2) Part II states the procedures which are to be envisaged by States in the event of progressive abolition of fee-charging employment agencies. Articles 3 and 4 of the Convention therefore lay down that these agencies shall be abolished within a limited period of time and that the final abolition cannot take place until a public employment service has been established. During the period preceding their abolition, these agencies are to be subject to the supervision of the competent authority with a view to the elimination of all abuses.

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In view of the importance of Article 5, it seems necessary to reproduce it here in full:

- 1) "Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed by the competent authority in exceptional cases in respect of categories of persons, exactly defined by national laws or regulations, for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service, but only after consultation, by appropriate methods, with the organizations of employers and workers concerned.
- 2) Every fee-charging employment agency for which an exception is allowed under this Article:
 - a) shall be subject to the supervision of the competent authority;
 - b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;
 - c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority;
 - d) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

Articles 6 and 7 concern fee-charging employment agencies not conducted with a view to profit and provide for measures of supervision, mainly with regard to the gratuitousness of their services.

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- 3) The subject of Part III is "the regulation of fee-charging employment agencies. Article 10 of the Convention stipulates:

"Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1:

- a) shall be subject to the supervision of the competent authority;
- b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;
- c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority;
- d) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force".

Articles 11 and 12 concern fee-charging employment agencies not conducted with a view to profit and define how they are to be supervised.

The revised text of Convention 96 was adopted by 45 votes to 0, but the government Members of Belgium and France, the employer Members of Canada and the United Kingdom and the worker Member of the Argentine Republic abstained from voting.

The revised Convention 96 came into force on 18 July 1951. To date, a total of 35 countries have ratified this Convention. Seven opted for Part III, while all the others expressed themselves in favour of ratification of Part II.

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Of the Member States of the European Economic Community, seven have ratified the Convention, but the United Kingdom and Denmark have not yet made their attitudes known.

In the case of Ireland, its government declared itself in favour of Part II of the document.

The dates of ratification are as follows:¹

. Netherlands	: 20 May 1952
. France	: 10 March 1953
. Italy	: 9 January 1953
. Federal Republic of Germany	: 8 September 1954
. Belgium	: 4 July 1958
. Luxembourg	: 15 December 1958
. Ireland	: 13 June 1972.

1. The other signatory countries include:

. Norway	: 29 June 1950	- Part II
. Turkey	: 23 January 1952	- Part III
. Spain	: 5 May 1971	- Part II

Greece and Portugal have not yet defined their attitudes.

CHAPTER 2TERMS AND CONDITIONS GOVERNING THE PLACING OF WORKERS IN
THE PERFORMING ARTS AND MUSICIANS

In order to obtain employment, performers and musicians, like all other workers, whatever the Member State concerned, have the possibility of registering with the public employment services as persons seeking employment. On the other hand, in view of the continued operation of fee-charging employment agencies in all the countries of the Community, they can also resort either to the services of the artists' agents who run employment offices conducted with a view to profit and whom they remunerate on the basis of a percentage of their earnings or, alternatively, to fee-charging employment agencies not conducted with a view to profit, such as the groups or associations which specialize in this type of activity.

The purpose of the information compiled in this chapter is therefore to specify:

- . the role of the public services with regard to the artistic professions
- . the principal guidelines of the regulations in force in the Member States of the European Economic Community with regard to fee-charging employment agencies.

This information cannot be regarded as exhaustive and is analytical to varying degrees depending on the data available. It is presented in an endeavour to demonstrate the complexity of the problems raised, the limits to the regulations in force and the limitations of the means employed for the placing of members of the artistic professions.

The information is supplemented by the description, in the last part of this chapter, of some experiments undertaken by artists themselves with a view to solving their own problems. These are obviously only examples because other attempts of this type very probably exist in the various countries in the Community. It would be particularly interesting to be able to make a survey of these various experiments, which have the merit of seeking to make innovations with regard to methods of placing and show, if it needs to be shown, that artists are capable of "fending for themselves" in the defence of their essential right to work.

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PART 1PUBLIC EMPLOYMENT SERVICES IN
THE EUROPEAN ECONOMIC COMMUNITY

The part played by the public employment services can be assessed from their administrative organization and their specialization but also via published statistical information on the "labour market". This term, which is particularly ambiguous but traditionally employed, embraces an assessment of the number of vacancies reported to the public services by employers and the number of applications for work submitted by workers, and comparison of these two factors should, in principle, give an indication of placings made by the public service.

The publication of this information, generally every month, by the government bodies responsible for employment makes it possible to assess the volume of unemployment in the various sectors of the economy, the offers of employment serving as an indicator of the number of vacancies existing in enterprises and thus of the potential openings available to be offered to job-seekers with a view to their appointment, provided, of course, that the employers have in fact notified the public employment services of the whole of their labour requirements.

Statistical analysis of the vacancies, applications and placings recorded by the public services in the field of the artistic professions shows the limitations of this information. Its real significance is as an account of placing activity, but it cannot reflect the real employment problems of artists.

The specific nature of the "labour market" in the performing arts can only be perceived, as will be seen further on, through the concept of actual employment, characterized by the "intermittence" of engagements (cf. Chapter 4).

I - MAIN FEATURES OF THE ADMINISTRATIVE ORGANIZATION OF PUBLIC EMPLOYMENT SERVICES IN SIX MEMBER STATES

BELGIUM

It was in 1959 that the Ministry of Labour and National Insurance was divided into two separate departments: the Ministry of National Insurance, responsible for matters connected with social security, and the Ministry of Employment and Labour.

The functions of this department relate to the devising of policy measures and the supervision of their application. It is responsible for the National Employment Office, the operational public body, which has legal personality, its own resources and operational independence.

The National Employment Office is responsible for setting up and administering the free, public employment services established throughout the national territory.

There are no agencies specializing in the placing of particular categories of workers and, in particular, of performers. On the other hand, the services of the National Employment Office have the duty of co-ordinating and supervising private employment agencies and the professional agents of performing artists who hold a licence to engage in their occupation (see Part 2).

Workers in the performing arts are covered by the regulations common to all workers - in other words, when they are unemployed, they have to register with the services of the National Employment Office in order to be entitled to free placement, social security benefits and unemployment benefits.

FRANCE1) Historical summary

The first attempts to lay down regulations governing State services for the placing of workers date back to the beginning of the 20th century. "In order to try to eliminate the abuses created by the activity of private employment agencies, a law of 14 March 1904 attempted to regulate fee-charging placing, to encourage free placing and to organize public placing, especially in districts with at least 10 000 inhabitants".

Actually, "the first serious attempts to establish a public employment service date from the period of the 1914-1918 war, with the creation on 20 August 1914 of a "National Unemployment Fund" and, on 26 October of the same year, of a "Central Employment Office". In 1918 a Labour Market Bulletin was published in Paris, and in the provinces the Government set up six regional offices. This first move towards decentralization took more definite form in 1925 with the creation of provincial employment offices and, finally, ten years later, with the establishment of a Corps of Divisional Employment and Manpower Inspectors".¹

But in fact the whole present trend with regard to the administrative structures and public services falling under the Ministry of Labour is based on Order No. 45.1030 of 24 May 1945 (Book III, Title 1, of the Labour Code) concerning the placing of workers and the supervision of employment. At the time of its publication - as the statement of its reasons recalls - the problem of labour constituted, "by its extent and its features, one of

1. Les ordonnances sur l'emploi - 1967 (Orders on employment - 1967)

Notes et études documentaires (Documentary notes and studies),
31 October 1967, No. 3432.

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the most serious and most important economic and social problems". In order to promote this policy, the Order decrees that "all placing of workers must compulsorily take place via the employment services" and that "this organization of placing axiomatically entails the abolition of all fee-charging offices or agencies".

Provision is, however, made for measures for temporary toleration of the operation of fee-charging employment agencies catering for special occupational categories (artists and domestic servants) for whom "public placing is not at present sufficiently organized". Consequently Article 2 of Title 1 of the Order lays down that:

"Fee-charging employment agencies are to be abolished within a period of one year. This period may be extended in the case of the occupations of performing artists and domestic occupations. A decree will lay down the conditions of implementation of the present provision".

Except for these two categories of workers (performing artists and domestic staff), the public service was therefore to be responsible for the placing of all employees. The reorganization of the administrative employment and manpower services formed the subject of the Decree of 27 April 1946, the provincial services being governed by the Decree of 20 April 1948.

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2) Present organization

This administrative structure was revised in 1967 by Order No. 67-578 of 13 July, which, while maintaining the regional and provincial employment and manpower services, henceforth specializing in administrative functions, created the Agence Nationale pour l'emploi (National Employment Agency), which, for the legislator, "was to constitute the new tool capable of reconciling its character as a public institution called upon to operate within a general framework of administrative rules with the requirements of efficiency and flexibility which must prevail in this connection".¹

Within the framework of this reorganization of the public employment services, a Parisian employment agency was made to specialize in the employment of workers in the performing arts.

This free public service has a dual role:

It has to record the registrations of performers resident in Paris who are unemployed in the lists of applicants for employment, this constituting for them the condition of their retention of their rights to social security benefits and to the provision of funds (unemployment benefits). At the same time - and this is the operational aspect of its role - it must endeavour to find jobs for workers in the performing arts by looking for vacancies, receiving the offers of employment from employers in the entertainment industry and doing its best to place the registered applicants for employment.

1. Op. cit. p.

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In order to facilitate placing, this service keeps up to date a "professional register" consisting of the dossiers of about 2600 artists, who have to give proof of their professional competence. This is assessed on the basis of an average period of practising the profession: 100 fees received during the 18 months preceding the date of registration for actors and musicians and variety artists, 80 fees for singers, and 150 days of actual work for film and television technicians.

Young artists seeking their first employment have to provide a certificate from a vocational training school. Foreign artists who are nationals of countries other than those of the European Economic Community are entered in the register provided that they have complied with French immigration legislation, and in addition their dossier must include a certificate from the authorities of their country of origin certifying that they do in fact pursue an artistic occupation. For foreign workers originating from a Member State of the EEC, this certification of their occupation must appear on the national identity card.

Is it possible to assess the effectiveness of this public service, whose means remain relatively limited despite the devotion and competence of those who run it? Administratively its competence is confined to Paris and, although the capital obviously plays a very important role from the point of view of artistic activities, the part played by the public service is on this account inevitably restricted, especially from the point of view of the search for employment. Efforts are being made, however, to extend its range, but only in a very ad hoc manner and without the support of any administrative regulations: in 1976, contacts were made by its director with the heads of France's municipal opera-houses. A series of auditions was organized at the Théâtre de l'Opéra. Out of 200 candidates presented, 55 obtained an employment contract as a result of this scheme.

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Nevertheless, as things stand at present, the majority of the placings made are for jobs as extras offered by French or foreign producers in connection with a film. On this point it is significant that out of the 2600 artists entered in the professional register of the performers' agency, 1800 agree, "in order to live", to act as extras when films are being made in France.

There is no doubt, however, that the activity of this service could be extended and its national competence recognized. Since its creation, the National Employment Agency has witnessed a considerable increase in its resources. It would therefore be possible for the performers' agency, with an improved structure and a larger staff, to play an important role in the immediate future, especially with local bodies and charity associations in connection with the organization of occasional performances. Its action in this field would at least make it possible to compensate to some extent for the absence of regulation and supervision characteristic of these events, which are more often than not marked by many abuses, especially with regard to labour legislation (see Chapter 3).

ITALY

The organization of the Italian employment services was regulated in 1949 by the Law of 29 April.

Article 8 of this text imposes on all unemployed workers the obligation to register with the public employment services in order to receive unemployment and social security benefits. Furthermore, when workers are placed in employment, the public service issues the "nulla osta", that is, certificates of eligibility for engagement which are equivalent to permits.

The specific problems of workers in the performing arts are the subject of Article 23 of the law, which provides for the creation, by a decree of the President of the Republic, of a specialized employment office. This decree was promulgated on 5 June 1950 but covered only part of the category of workers in the performing arts because it excluded from the scope of the specialized office musicians, singers and dancers, who were therefore dealt with by the ordinary employment offices. Only actors and stage technicians were within the competence of the specialized office. At the time of its creation this service, located in Rome, came under the jurisdiction of the Regional Employment Bureau.

In 1956 a Decree dated 16 January recognized the independence of operation of the specialized performing arts office, but it was not until 1963 that, by a decree dated 24 September, its powers were extended to all workers in the performing arts.

The specialized office in Rome covers the whole country, and has sub-offices in Milan, Palermo and Naples.

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In view of their special employment conditions, workers in the performing arts enjoy exemptions with regard to labour legislation: owing to their frequent changes of employer they are exempt from having to possess the employment book which is issued to all workers in other sectors of activity. They are also exempt from the monthly employment check provided for by Article 22 of the Law of 1949. Lastly, the offer of employment made by an employer to the specialized office may specify the person sought by name.

According to a document issued by the Italian Government, the difficulties connected with the problems of placing performers must not be underestimated, as the vacancies reported to the specialized office only enable it to make placings for short periods.

It also frequently happens that, when the personnel required for making a film are being engaged, the producer will try to obtain a team of workers (performers and technicians) with whom he has already made a film. These professional practices inevitably complicate the task of the specialized office's placement staff.

Another aspect of the problem warrants emphasis, namely the attractiveness of the film production sector in a country where there has been widespread unemployment for many years. When a film is being made, a large number of unemployed persons try to find work - for a short period but with relatively good pay - through the specialized office.

Unfortunately, owing to the absence of statistical data, it is not possible to give a precise idea of the scale of this phenomenon.

FEDERAL REPUBLIC OF GERMANY

The directives specifying the competence and structure of the public employment services and the rights of workers with regard to placing in employment, guidance and vocational training in the Federal Republic of Germany are defined by the Law of 25 June 1969 for the promotion of employment. (Bundesgesetzblatt, Part I, 28 June 1969, No. 51, p. 582).

According to this text, "the placing of workers and vocational guidance will be effected free of charge by the Federal Office" (Bundesanstalt für Arbeit - BA).

In 1961 the BA created a service specializing in the placing of workers in the performing arts, in agreement with the competent employers' and employees' associations (Deutscher Bühnenverein and Genossenschaft Deutscher Bühnenangehörigen). This central office (Zentrale Bühnen-, Fernsehen- und Filmvermittlung der Bundesanstalt für Arbeit - ZBF), located in Frankfurt, is competent for the whole Federal Republic, and there are three sub-agencies in Berlin, Hamburg and Munich, owing to the importance of these three cities from the point of view of the performing arts.

To start with, the ZBF's placement activities were confined to the field of the theatre, the opera, choirs and ballets. In 1965 its competence was extended to the cinema and television.

The structure of the ZBF corresponds to the various branches in which it exercises its placement functions: the theatre, opera, operetta, music hall, choirs and ballets, films and television (production and technical sides).

The primary object of the Frankfurt central office is to co-ordinate in the most effective way possible the vacancies and applications reported to its services. This function presupposes a detailed knowledge of the entertainment world, contacts with managers and a knowledge of the different specific professional features of the artistic occupations.

The ZBF has been given the task of doing everything possible to encourage the employment of young artists. That is why, several times each year, its agents attend the theatrical and singing auditions of the public or private training schools for the performing arts as well as discussions with the teachers and students in order to gain an idea of the experience acquired and the various training courses.

Once a year the ZBF organizes an audition of young singers completing their studies at the music schools. The successful candidates are then presented to theatre directors. In 1976 this audition was held within the framework of the conference of theatre directors at Kiel.

Every year the ZBF publishes professional dossiers concerning young theatrical performers, stating their professional status and the various parts which they have already played. This information is made available to directors when the applications for admission to the national drama schools are examined.

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The ZBF, through its placement staff, also scrutinizes applications for scholarships made to the BA, either for the pursuit of studies or for travelling expenses, costs of moving house, etc. As part of the vocational counselling function, discussions also take place between the placement staff and young artists, mainly in cases where there are difficulties in finding employment, with the object of drawing attention to the possible need for changing to another occupation.

These various functions are performed by members of the ZBF staff, who - a point which it is important to emphasize - are themselves recruited from among ex-artists who have pursued their professions as performers, stage-managers, dancers, singers or orchestra conductors. In the field of films or television it is likewise ex-employees of film-production or television companies that are recruited by ZBF.

The essential aims of the working methods developed by the ZBF are to ensure the efficiency and availability of its staff. Artists can contact the placement officers not only at the ZBF but also at their homes. Each member of the placement staff is responsible for a certain number of entertainment enterprises with which he maintains permanent contacts and where he has permanent arrangements for the engagement of applicants. During his travels the agent also attends performances in theatres which do not fall within his field of competence in order to keep as well-informed as possible on theatrical requirements from the point of view of performing artists.

In the field of films and television the ZBF staff employ the same methods.

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A Consultative Artist Placement Committee was established at the Bundesanstalt für Arbeit in 1971; this was made up of representatives of the employees' trade union organizations, theatre directors and heads of film production and television companies, and representatives of the department of employment. The purpose of this committee is to prepare proposals with a view to facilitating and improving conditions for the placement of artists and to provide the BA with all useful information.

Figures on the activities of the services, covering the number of applicants for employment, the total number of registered unemployed, the vacancies notified by employers and the placings effected, are compiled in detail and published monthly in the Information Bulletin of the Federal Employment Office in Nuremberg.

These data, the most important of which are presented in Part III of this chapter, show in particular that over 90% of the placings made by the German specialized services are accounted for by short-term engagements. In view, however, of the points made in Chapter 4 concerning the types of employment offered to artists and their very variable and often very short duration in the case of variety artists, it is impossible, with the information available at present, to assess the extent of the service rendered to workers in the entertainment industry by the Federal employment services.

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However, an additional information document resulting from an investigation carried out in 1971 at the request of the Bundestag by a research agency in Hamburg¹ states:

"The specialized Federal Office concerns itself with those who are not dealt with by the professional artists' agents, that is, young people and elderly artists".

1. Fohrbeck (K) - Wiesand (A.J.) - Report on artists, creative musicians, performers, producers graphic artists/designers, Munich/Vienna, Carl Hanser Verlag 1975, 678 pp., (statistics).

DENMARKThe Public Employment Service

Before 1970 the placing of Danish workers and the payment of unemployment benefits were mainly entrusted to 60 approved unemployment insurance funds run by the trade union organizations and possessing about 4000 offices grouped by industrial sectors, each office being responsible for placing workers in the activities with which it dealt. The public employment exchanges consisted of about thirty regional offices, the main duties of which were placing workers not registered with a fund and collecting statistical information about the labour market.

Law No. 114 of 24 March 1970 "on placement and unemployment insurance and other matters" ("Lovtidende A" 1970 No. IX) defined the duties of the public employment service, its structures, the regulations governing private employment agencies and the system of unemployment insurance, as well as the supervision exercised by the Government over recognized unemployment funds.

"The employment service constitutes an independent organization which, at national level, is responsible for carrying out placement activities free of charge and, in connection with these, assisting workers in the choice of an occupation and of vocational training ... The employment service will be at the disposal of persons seeking employment and also of employers in all trades and occupations" (Chap. 1 - Art. 1).

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A Labour Market Committee operates at the level of each district and also for the Copenhagen region, and co-ordination is ensured by a National Labour Committee responsible for submitting to the Minister recommendations on the composition, field of activity and means of action of the employment service. This National Committee is composed of representatives of the Government, the Danish Employers' Confederation and the Danish National Trade Union Confederation.

The employment service consists of an employment office for each district and a joint employment office for the district of Copenhagen and Frederiksberg (Copenhagen region).

The 1970 Law retained the unemployment funds:
For the purposes of the present law, the expression "unemployment fund" designates an association of employees organized for the sole purpose of providing its members with financial assistance in the event of unemployment". (Chap. 7 - Art. 30).

The funds are recognized by the Minister of Labour provided that they comply with certain criteria with regard to the affiliation of their members, who must number at least 1000, and with regard to their statutes, which must be drawn up in accordance with rules laid down by the Director of Employment.

Chapter 8 specifies the conditions for membership of the funds:

"The following may automatically be members: persons

- resident in Denmark (excluding the Faroe Islands and Greenland) who are aged between 18 and 65 years and who have held paid employment in the occupational field covered by the fund for at least 5 weeks.

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Members shall be entitled to unemployment benefits provided that they have been affiliated to the fund responsible for them for a period of twelve months".

Information on the activities of these services and hence on the labour market still remains very limited.

At the time of the study of labour policy carried out in 1972 by experts of the Organization for Economic Co-operation and Development (OECD), remarks were made on the inadequacy of information resources on the labour market. "It seemed to us that there was duplication in the information-collecting functions; there are, for instance, two registers, one at the unemployment insurance funds and another in the public employment service. Although it is obviously difficult to introduce new methods, and although modern techniques are expensive, the adoption of electronic data-processing would in the long run constitute a technical advantage which would help to reduce costs".¹

There is not at present any public service specializing in the placing of workers in the performing arts. It emerges from the above information, however, that the public service does not have the sole right of placing workers. But we shall see below that the operation of fee-charging employment agencies is subject to government authorization.

1. Labour policy in Denmark - OECD Paris 1974.

UNITED KINGDOM

"At the end of the 1960s it was recognized that the British public employment services were not suited to the current situation; although the country's manpower had at its disposal a network of nearly a thousand public employment exchanges, these were showing their age ... The methods of administration were those which were to be found in the public service just after the First World War and examples of technical innovation were few and far between¹

In order to mitigate these difficulties and make the placement and training of workers more operationally effective, on 1 January 1974 the British Government created the Manpower Commission, a body which combines representatives of the local authorities, employers and trade unions, but does not include among its members any national government representatives.

Practically the whole of its finance is provided by the State and the Commission is responsible both for the Department of Employment and for vocational training.

The Department of Employment has a staff of over 13 000 working in about 950 offices distributed throughout the country. As in France, the aim has been to make the placement functions more operationally effective by relieving the Department of the task of paying unemployment benefits.

1. The reorganization of the public employment services in Great Britain, by Sir D. Barnes
International Labour Review, Vol. 113, No. 1, 1976.

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The British employment service system differs from the French, Belgian and German systems in two specific respects: the service does not have the monopoly of placing and the fee-charging employment agencies are themselves distributed throughout the country without specializing in the placing of members of the performing arts. Furthermore, the placement function performed by the public service is not absolutely free of charge, at least in the case of certain categories of workers.

For a specialized section of the Department of Employment, the PER (Professional and Executive Recruitment), which is more particularly concerned with finding employment for senior personnel and those possessing higher qualifications, has a commercial orientation in that it charges employers, for its placement activities, a fee of 8-10% of the remuneration paid during the first year. At the time of its creation in 1973 it was given three years to balance its budget.

The PER has a centralized system for computerized matching of applications and vacancies. "Each vacancy is classified in a specific occupational category, as are the applicants (the latter being classified according to the occupations which they consider themselves capable of pursuing). The data are fed into the computer, which, operating permanently, compares each vacancy and each application. The lists of candidates who, on completion of this operation, are found to meet the requirements, is sent to the employer.

This service commenced its activities in 1973, when the expansion of the economy reached a record level, but today, with the recession, it might find it hard to achieve its immediate aims However, as its activities include a by no means negligible "social" element, a subsidy of £600 000 has been granted to it from public funds..."¹

1. Op. cit., preceding page.

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The Department of Employment does not have any section specializing in the placement of performing artists, but since 1976 the Department has been exercising supervision over the operation of private employment agencies, which have now been made subject to special regulations.

II - STATISTICAL INFORMATION ON THE LABOUR MARKET WITH REGARD TO THE
PERFORMING ARTS

The statistical data compiled here relate to five countries of the European Economic Community: Belgium, France, the Federal Republic of Germany, the United Kingdom and the Netherlands.

An important preliminary remark is necessary:

No valid comparison can be made between Member States on the basis of these sets of data, for two reasons:

1. the information collected does not all relate to the same date;
2. the occupational nomenclatures used for statistical processing differ from each other.

BELGIUM

The statistics published by the Office National de l'Emploi relating to workers in the performing arts are grouped under the heading "artistic occupations" and therefore do not make it possible to assess the number of unemployed persons seeking employment according to specialities. It is probable, furthermore, that most film and television production technicians are not included in the category of "artistic occupations".

Given these reservations, it will be seen from Table 1 that there was an increase of 18% in applications for work in the artistic occupations between December 1975 and December 1976 and that this growth was mainly accounted for by male artists.

The information grouped in Tables 2 and 3 is taken from a study carried out on behalf of the Commission of the European Communities on the economic and social position of actors in Belgium.

The information used, which was provided by the Office National de l'Emploi, shows that the number of theatrical actors from the Walloon region and Brussels included in the lists of unemployed persons seeking work is larger than the corresponding number for Flanders. As for the duration of unemployment, for which statistical assessment is meaningful only for French speakers, it will be noted that over half of the persons registered have been unemployed for less than three months, 12 have been unemployed for over six months and 12 for over a year.

BELGIUM

LABOUR MARKET
WITH REGARD TO THE PERFORMING ARTS

Table 1

	December 1975			December 1975		
	MEN	WOMEN	TOTAL	MEN	WOMEN	TOTAL
Unsuccessful applications for work, end of month	996	1.176	2.172	1.419	1.158	2.577
Vacancies registered during month	2	2	4	6	5	11
Vacancies not filled at end of month	3	1	4	3	2	5
Placings	5	3	8	6	9	15

Source: Office National de l'Emploi, Brussels

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BELGIUM

Regional distribution of theatre actors seeking work according to duration of unemployment in March 1976

Table 2

Period of unemployment	Walloon region			Flanders			Brussels			Grand total
	Men	Women	Total	Men	Women	Total	Men	Women	Total	
Less than 3 months	6	7	13	3	2	5	23	13	36	54
3 to less than 6 months	2	1	3	1	1	2	-	1	1	6
6 to less than 12 months	1	3	4	1	1	2	1	7	8	14
1 to less than 2 years	-	-	-	-	1	1	5	7	12	13
2 to less than 5 years	-	-	-	1	-	1	4	3	5	8
5 years and over	-	-	-	-	-	-	2	-	2	2
Total	9	11	20	6	5	11	35	31	66	97

Source: Office National de l'Emploi

Analysis of French-speaking and Dutch-speaking theatre actors seeking work by duration of unemployment in March 1976

Table 3

Period of unemployment	French-speaking			Dutch-speaking			Grand total
	Men	Women	Total	Men	Women	Total	
Less than 3 months	29	20	49	3	2	5	54
3 to less than 6 months	2	2	4	1	1	2	6
6 to less than 12 months	2	10	12	1	1	2	14
1 to less than 2 years	5	7	12	1	-	1	13
2 to less than 5 years	4	3	7	1	1	1	8
5 years and over	2	-	2	-	-	-	2
Total	44	42	86	6	5	11	97

Source: Office National de l'Emploi

FRANCE

The Ministère du Travail processes statistical data on the labour market every month so as to calculate, by groups of occupations, the volume of job-seekers registered at the local employment agencies, that of vacancies reported by employers and that of placings made by the services of the Agence Nationale de l'Emploi (National Employment Agency).

The group of entertainment artists and performers includes all performers and musicians, but also members of other professions such as sportsmen, resulting in an unfortunate statistical distortion in the information sought. Thanks, however, to the helpfulness of the employment agency for entertainment artists and performers (agence de l'emploi des professions artistiques et du spectacle), which keeps a record of job-seekers resident in Paris, it has been possible to analyse the job-seekers registered with it by the occupational group to which they belong (Table 7, Chart A).

Comparison of Tables 6 and 7 shows that, although the data are established at different dates, the performing artists who fall within the field of this study account for the greater part of the applications for work in the group of entertainment artists and performers.

Three-quarters of the artists registered as seeking employment are to be found in Paris, while the remaining quarter is distributed among the regions, especially Provence, Côte d'Azur and Rhône-Alpes (Table 6, Chart B).

FRANCE

Applications for employment registered during the quarter

Table 4

	1975				1976			
	1st qtr	2nd qtr	3rd qtr	4th qtr	1st qtr	2nd qtr	3rd qtr	4th qtr
Entertainment artists and performers	3 073	3 317	3 660	3 670	3 305	3 564	4 345	

Vacancies registered during the quarter

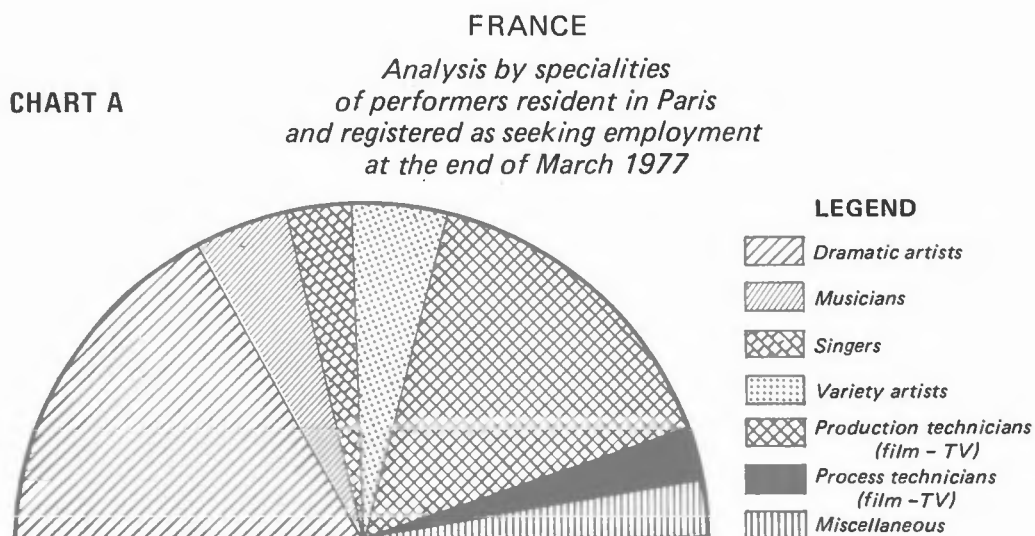
Table 5

	1975				1976			
	1st qtr	2nd qtr	3rd qtr	4th qtr	1st qtr	2nd qtr	3rd qtr	4th qtr
Entertainment artists and performers	174	196	208	134	148	134	176	

Source: Ministère du Travail

Table 7, which gives the breakdown by occupational groups of workers in the performing arts registered with the Parisian employment agency, shows that 34% of the job-seekers are actors and 31% film and television production technicians. It would seem, all other things being equal, that the number of musicians registering as job-seekers is smaller than that of the two above-mentioned groups.

A study of the new applications for employment made to the services of the National Employment Agency (Tables 4 and 5) shows, during the two years 1975 and 1976, an almost uniform rise in the number of new registrations: 3073 during the first quarter of 1975 and 4345 during the third quarter of 1976. As for new vacancies, the number of these is still less than 200. This figure easily explains, as for Belgium, the small number of placings made by the service of the National Employment Agency (Table 8).



FRANCE

Regional distribution of unsuccessful applications for employment at the end of the month

Table 6

Entertainment artists and performers

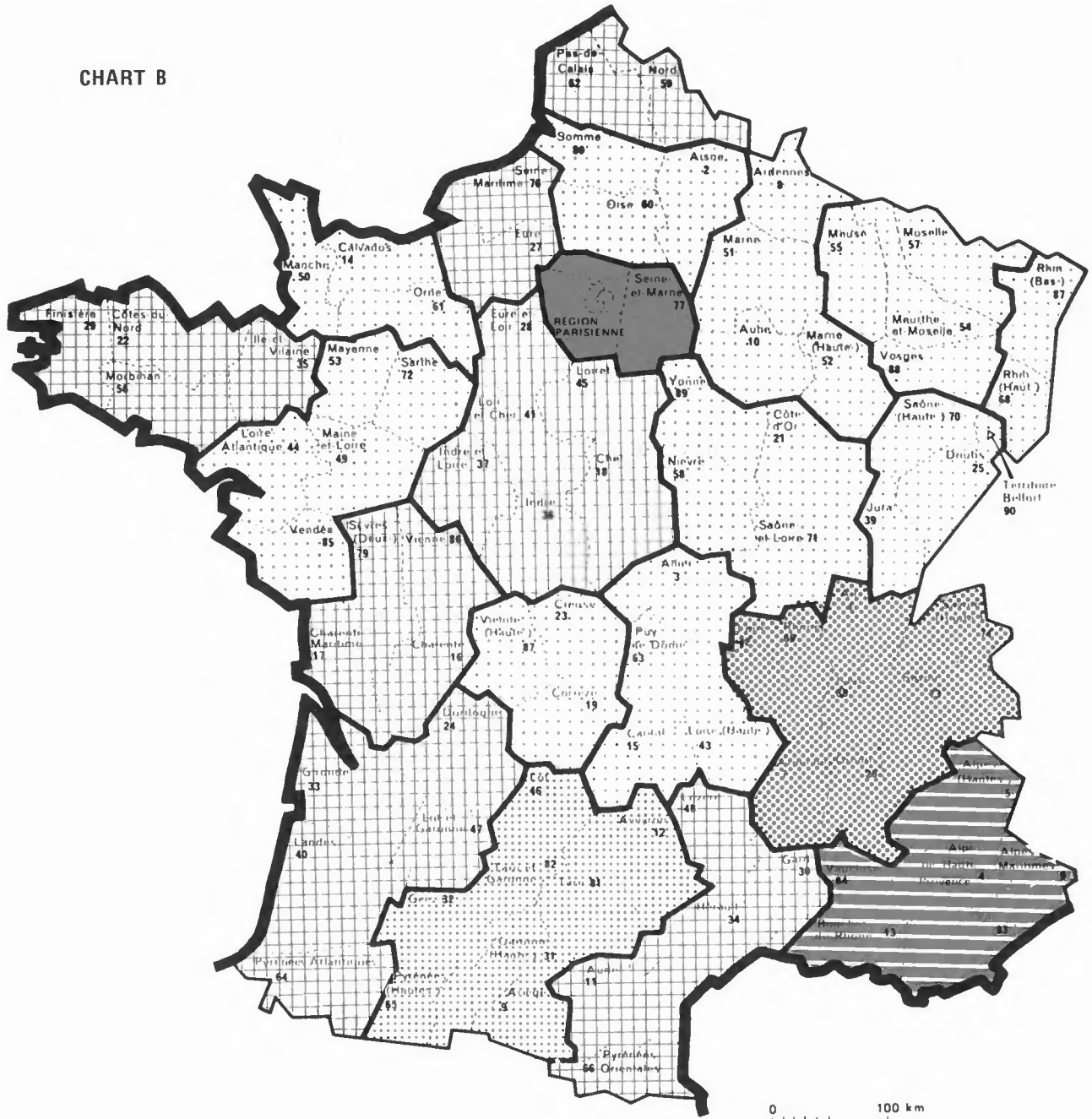
	End September 1975			Vacancies	End September 1976			Vacancies
	Applications		Total		Applications		Total	
	Men	Women			Men	Women		
Paris region	4 726	2 657	7 383	62	4 922	2 932	7 854	34
Champagne-Ardennes	14	7	21	1	18	8	26	-
Picardie	44	19	63	2	46	17	63	-
Haute-Normandie	52	18	70	2	72	34	106	1
Centre	60	38	98	1	83	48	131	-
Nord-Pas de Calais	44	31	75	2	49	51	100	15
Lorraine	19	13	32	10	36	28	64	10
Alsace	32	24	56	-	46	25	71	-
Franche-Comté	19	9	28	-	17	9	26	-
Basse-Normandie	31	15	46	3	42	19	61	-
Pays de la Loire	48	21	69	1	85	40	125	7
Bretagne	58	21	79	4	60	36	96	1
Limousin	24	7	31	-	18	19	37	2
Auvergne	30	14	44	-	27	20	47	1
Poitou-Charentes	29	14	43	39	45	33	78	1
Aquitaine	81	39	120	1	117	58	175	2
Midi-Pyrénées	91	45	136	2	134	83	217	1
Bourgogne	25	14	39	3	23	21	44	4
Rhône-Alpes	159	76	235	19	241	130	371	6
Languedoc	84	42	126	1	101	59	160	51
Provence-Côte d'Azur	403	196	599	9	457	236	693	30
Corsica	16	5	21	-	15	10	25	-
Whole of France	6 089	3 325	9 414	162	6654	3 916	10 570	168

Source: Ministère du Travail

FRANCE

*Regional distribution of numbers of persons seeking employment, end of September 1976
Entertainment artists and performers*

CHART B



0 100 km

LEGEND

- | | | | |
|---|---------------------|---|---------------------|
|  | Less than 100 |  | Between 300 and 400 |
|  | Between 100 and 200 |  | Over 400 |
|  | Between 200 and 300 |  | Paris area 7800 |

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FRANCE

Breakdown, by occupation, of performers and technicians resident in Paris and registered as applicants for employment at the end of March 1977

Table 7

Occupations	Number of persons	Percentage
Actors	2 044	34,24
Musicians	523	8,76
Operatic singers and dancers	368	6,16
Variety artists	526	8,81
Film and television production technicians	1 874	31,39
Film and television process technicians	308	5,15
Miscellaneous	326	5,46
Total	5 969	100,00

Source: Agence de l'Emploi des professions artistiques et du spectacle, Paris

Table 8 Placings made during quarter

	1975				1976			
	1st qtr	2nd qtr	3rd qtr	4th qtr	1st qtr	2nd qtr	3rd qtr	4th qtr
Entertainment artists and performers	14	10	10	66	50	59	57	

FEDERAL REPUBLIC OF GERMANY

The Federal Employment Office in Nuremberg processes statistics on the labour market, and the information obtained enables it to determine, in the various sectors of activity, the number of job-seekers by groups of individual occupations, the age structure of these applicants, the length of time for which they have been registered at the employment services and the placings effected, broken down by occupation and the duration of the employment obtained.

*
* *

Before going on to study this information, which is collected in Tables 9 to 17, it should be pointed out that the Federal Office counts under the heading "Applicants" not only unemployed workers looking for employment but also workers who are still employed but are registered with the public employment services with a view to finding another job. The term "unemployed applicants" ("Arbeitslose") thus corresponds to the French term "applicants for employment" ("demandeurs d'emploi") as it appears in the French statistics.

In Table 9 it will be seen that the total number of unemployed persons pursuing an occupation in the performing arts represents 53% of applicants for employment in the sense in which the term is understood by the Federal Office. With a view to consistency with the other Member States of the European Community, the information obtained within the framework of this study therefore applies essentially to the "Arbeitslose", translated by the French term "demandeurs d'emploi en chômage total" (completely unemployed applicants for employment).

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It is also important to emphasize that the occupational nomenclature used by the Federal Office makes it possible to obtain parallel information for the different categories of performers and musicians, thus facilitating the interpretation of quantitative data on the labour market.

FEDERAL REPUBLIC OF GERMANYAPPLICATIONS FOR EMPLOYMENT AND UNFILLED VACANCIESAT THE END OF DECEMBER 1976TABLE 9

	Applicants	Completely unemployed persons	Vacancies
Performing arts and similar occupations	18 663	9942	1036

Source: Official Bulletin of the Federal Employment Office, Nuremberg

1 - Analysis by occupation of completely unemployed workers in the performing arts

This study covers 3421 workers pursuing occupations in the performing arts. It will be seen from Table 10, illustrated by paragraph C, that it is stage performers who are by far the hardest hit by unemployment, as they represent over 50% of the unemployed persons recorded by the Federal Office at the end of September 1975¹; male stage performers were on that date somewhat worse affected by unemployment than female stage performers (26.6% and 23.4% respectively).

Musicians represent one quarter of the total number studied, film and television production technicians 14% and variety artists 7%.

In two years (Table 11) the number of unemployed stage performers increased by nearly 30% and that of film production technicians more than doubled (having been 261 at the end of September 1973 and 584 at the end of September 1975).

1. The estimates apply only to stage performers and musicians.

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FEDERAL REPUBLIC OF GERMANYBreakdown by occupation of completely unemployed applicants
for employment at the end of September 1973, 1974 and 1975

Table 10

	September 1973		September 1974		September 1975	
	Number	%	Number	%	Number	%
Musicians						
men	772	27,67	718	25,32	801	23,41
women	50	1,91	57	2,01	71	2,07
Stage performers						
men	614	23,53	726	25,60	912	26,65
women	710	27,21	721	25,43	801	23,41
Stage production technicians						
men	106	4,06	200	7,05	322	9,41
women	155	5,94	204	7,19	262	7,65
Variety artists						
men	47	1,80	66	2,32	109	3,18
women	205	7,85	143	5,04	143	4,18
Total	2 609	100,00	2 835	100,00	3 421	100,00

Change between 1973 and 1975

Table 11

	September 1973	September 1975	Change	
			Number	%
Musicians	772	872	100	+12,95
Stage performers	1 324	1 713	389	+29,38
Stage production technicians	261	584	323	+123,75
Variety artists	252	252	-	-
Total	2 609	3 421	812	+31,12





Source: Official Bulletin of the Federal Employment Office, Nuremberg

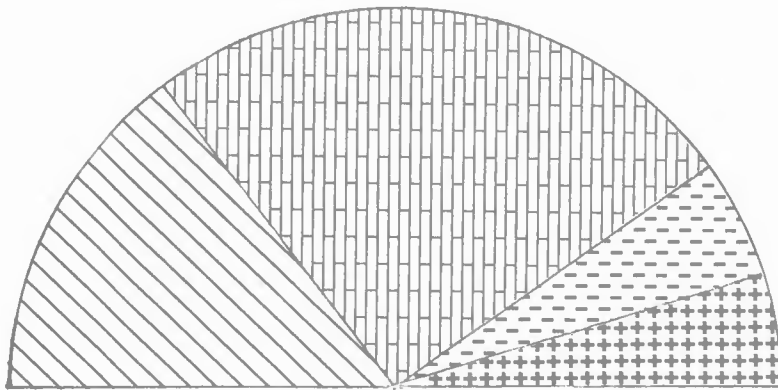
FEDERAL REPUBLIC OF GERMANY

*Comparison of the breakdown
by occupation of completely unemployed applicants
for employment at the end of September 1973 and September 1975*

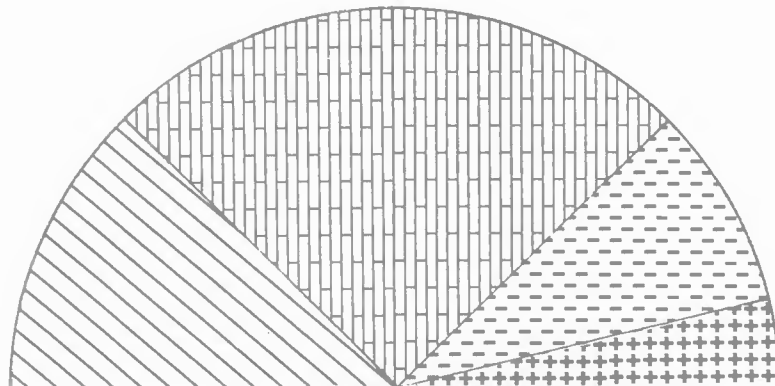
CHART C

LEGEND

- Musicians 
- Stage performers 
- Television and film technicians 
- Variety artists 



END OF SEPTEMBER 1975



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2 - Breakdown by duration of unemployment of completely unemployed applicants for employment at the end of September 1976

The total number of completely unemployed applicants for employment pursuing an artistic occupation (Group 83 of the German nomenclature of occupations) recorded by the Federal Office at the end of September 1976 was 9325.

Table 12, illustrated by Chart D, shows that on that date about 44% of the completely unemployed applicants for employment had been registered with the employment services for less than three months, 18% for more than three months and less than six months and 38% for more than six months.

If we compare this breakdown with that of the total number of completely unemployed applicants for employment recorded in all occupations we do not find any significant differences between the figures. It seems, however, that the percentage of workers recorded in all occupations combined and shown as having been registered as completely unemployed with the services of the Federal Office for more than six months is somewhat higher (40.7%) than that of workers pursuing an occupation in the performing arts (38%).

This assumption will probably be clarified when an analysis is made of the placings effected by the public employment services, the fact that the short-term jobs found for performing artists by the employment services are by far the most numerous explaining why the period of unemployment of performing artists as assessed by the official services is similar to that of all unemployed workers.

Breakdown by duration of unemployment of completely unemployed applicants for work at the end of September 1976

Table 12

	Less than 1 month		1 - 3 months		3 months and above but under 6 months		6 months - 1 year		1 - 2 years		Over 2 years		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Performing arts	1 364	14,62	2 704	28,99	1 696	18,18	1 927	20,66	1 256	13,46	378	4,05	9 325	100,00
All occupations	149 138	16,60	222 839	24,80	159 960	17,80	25 349	22,85	122 307	13,61	38 721	4,31	898 314	100,00







Source : Official Bulletin of the Federal Employment Office, Nuremberg

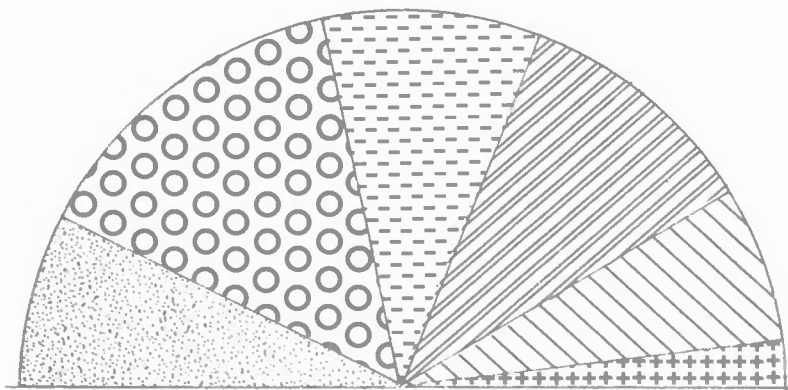
FEDERAL REPUBLIC OF GERMANY

*Breakdown by duration of unemployment
of completely unemployed applicants for work
at the end of September 1976*

CHART D

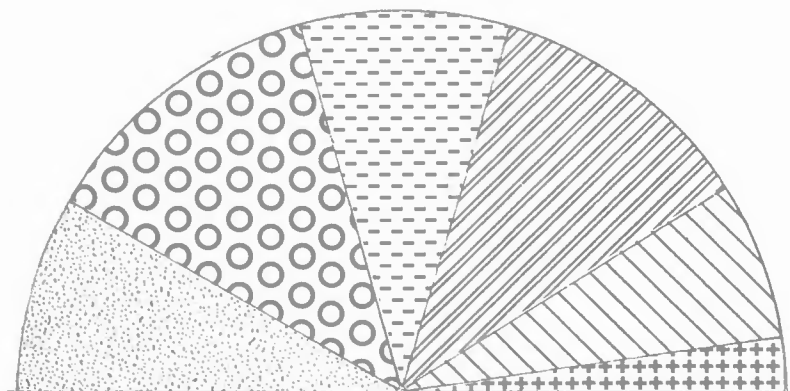
LEGEND

<i>Under 1 month</i>	
<i>1-3 months</i>	
<i>3-6 months</i>	
<i>6 months - 1 year</i>	
<i>1-2 years</i>	
<i>Over 2 years</i>	



PERFORMING ARTS

ALL OCCUPATIONS



3 - Age structure of completely unemployed applicants for work belonging to the group of the performing arts

The figures given in Table 13, illustrated by Chart E, show that 28% of completely unemployed workers in the performing arts were, at the end of September 1976, registered with the employment services, 40% of them being 25-35 years of age. It thus does appear that complete unemployment affects young artists more than those who, by virtue of their age, have greater experience or are better known and also have contacts which they have been able to establish within their professional milieu.

It should also be noted that among completely unemployed young performing artists under the age of 25, young women are slightly more numerous than men (1429 and 1187 respectively). On the other hand, the over 25s include more male artists.

FEDERAL REPUBLIC OF GERMANY

Analysis of the age structure of completely unemployed applicants for work at the end of September 1976

Table 13

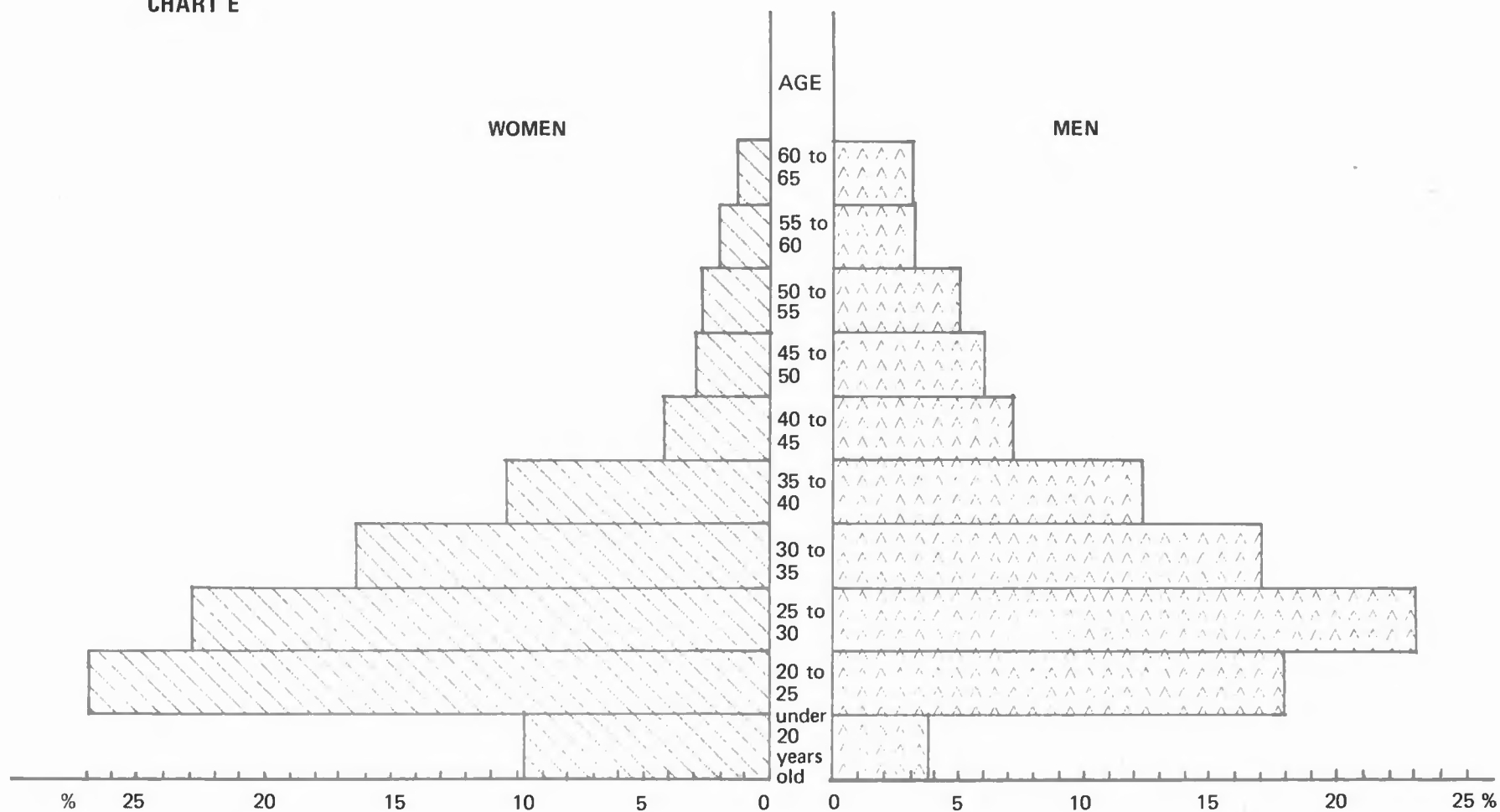
	Under 20		20 - 25		25 - 30		30 - 35		35 - 40		45 - 50		50 - 55		55 - 60		60 - 65		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Men	213	3,91	974	17,92	1.271	23,38	930	17,11	679	12,49	398	7,32	330	5,09	181	3,33	181	3,33	5.434	100,00
Women	380	9,76	1.049	26,95	893	22,95	639	16,39	406	10,43	164	4,21	114	2,77	84	2,15	55	1,41	3.891	100,00
Total	593	6,35	2.023	21,69	2.164	23,20	1.568	16,81	1.085	11,63	562	6,02	444	4,12	265	2,84	236	2,53	9.325	100,00

Source: Official Bulletin of the Federal Employment Office, Nuremberg

FEDERAL REPUBLIC OF GERMANY

*Analysis of the age structure of completely unemployed persons
at the end of September 1976
(performing arts)*

CHART E



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5 - Inflow into unemployment

With the aid of Table 14 a and Chart F it is possible to assess the volume of new registrations of applications for employment from all workers in the field of the performing arts during the period 1971-1975, these figures covering not only completely unemployed applicants for work but also those who, while engaged in one activity, are looking for other employment.

It will be seen from the table that there was a steady rise in the number of new applications for employment, which increased from 36 935 in 1971 to 44 131 in 1975, this movement being fairly similar for both sexes.

It will also be noted, from Table 14 b, that the change in the volume of new entries in the lists of applicants for employment during each of the months studied in the years 1974 and 1975 is small and does not indicate any specific seasonal phenomenon in new applications for employment by workers in the performing arts.

It is also interesting to note that the respective proportions of new applications submitted by men and by women remain at the same level throughout the period studied: 65 to 67% for the former and 33 to 35% for the latter.

FEDERAL REPUBLIC OF GERMANY

Number of new applications for employment registered
each year during the period 1971 - 1975
Performing arts

Table 14 a

	1971		1972		1973		1974		1975	
	Number	%	Number	%	Number	%	Number	%	Number	%
Men	24.959	67,5	26.567	67,5	25.995	66,7	28.539	65,8	28.537	64,6
Women	11.976	32,4	12.743	32,4	12.971	33,2	14.789	34,1	15.594	35,3
Total	36.935	100,0	39.310	100,0	38.966	100,0	43.328	100,0	44.131	100,0

FEDERAL REPUBLIC OF GERMANY

Comparison of the number of applications for employment
recorded during the month (performing arts and allied occupations)

Table 14 b

	March				June			
	1974		1975		1974		1975	
	Number	%	Number	%	Number	%	Number	%
Men	2.240	65,5	2.451	67,9	1.999	65,7	2.381	64,5
Women	1.175	34,4	1.157	32,0	1.043	34,2	1.272	35,4
Total	3.415	100,0	3.608	100,0	3.042	100,0	3.593	100,0

	September				December			
	1974		1975		1974		1975	
	Number	%	Number	%	Number	%	Number	%
Men	2.397	64,8	2.161	62,5	2.192	67,0	2.221	66,0
Women	1.302	35,1	1.296	37,4	1.078	32,9	1.142	33,9
Total	3.679	100,0	3.457	100,0	3.270	100,0	3.363	100,0

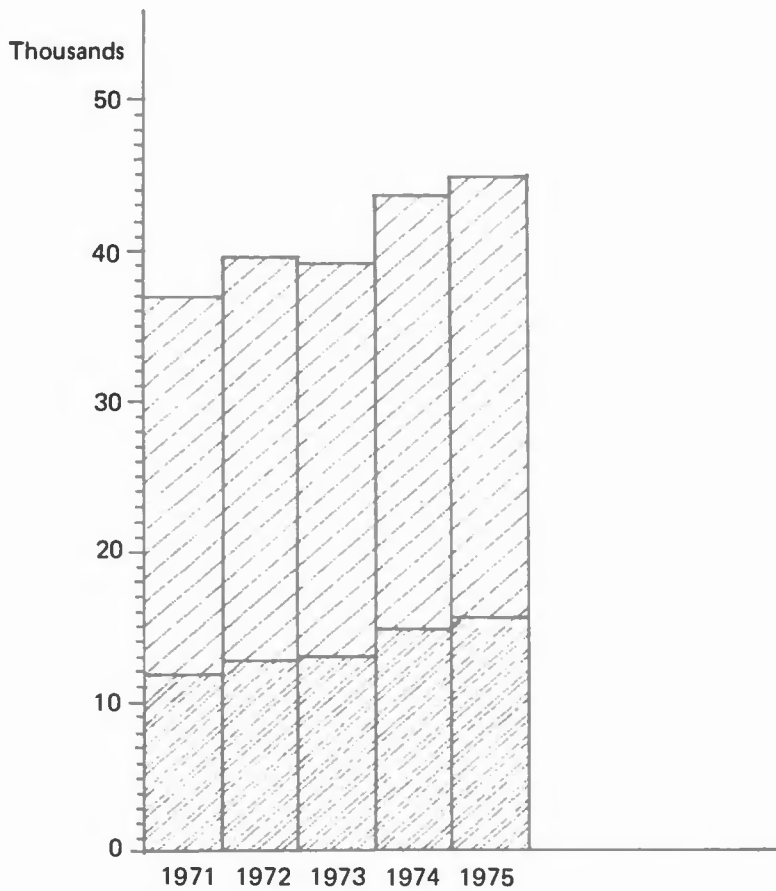
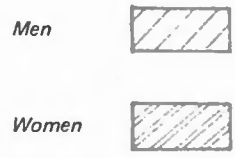
Source: Official Bulletin of the Federal Employment Office, Nuremberg

FEDERAL REPUBLIC OF GERMANY

*Total number of new applications registered during the year
between 1971 and 1975 (performing arts)*

CHART F

LEGEND



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5 - Vacancies in the performing arts (Table 9)

At the end of December 1976 the public employment services of the Federal Republic of Germany had on record 1036 unfilled vacancies in the performing arts. After comparing this figure with the total number of completely unemployed applicants for work registered on the same date, namely 9942, the only observation to be made is that the number of these vacancies is rather higher than the number of vacancies recorded by the French and Belgian services.

6 - Placing of workers in the performing arts registered with the public employment services

The data shown in Tables 15 and 16, illustrated by Charts G and H, are complementary.

These data show that the German public services are on the whole able to place artists in employment only for short periods. For it is found that 93.6% of the placings are for periods of employment of less than seven days, 4% for periods of employment of less than three months and only 2% for work offering the unemployed applicants a period of employment longer than three months.

FEDERAL REPUBLIC OF GERMANYAnalysis of placings made during the year
by regional employment services

Table 15

		Number of placings during the year	of which: short-term placings	
			Number	Percentage of total placings
Frankfurt (central office)	1971	1.959	550	28,07
	1972	2.373	837	35,27
	1973	6.030	3.465	57,46
	1974	6.088	3.632	59,65
Hamburg	1971	12.160	10.931	89,90
	1972	12.592	11.514	91,43
	1973	12.484	11.636	93,20
	1974	10.396	9.504	91,41
Hanover	1971	5.030	3.682	73,20
	1972	6.235	5.191	83,25
	1973	6.751	5.529	81,90
	1974	7.211	5.911	81,97
Düsseldorf	1971	15.723	14.328	91,12
	1972	16.038	14.750	91,96
	1973	17.003	15.714	92,41
	1974	17.042	15.447	90,64
Frankfurt	1971	6.284	5.504	87,58
	1972	7.419	6.631	89,37
	1973	8.412	7.397	87,93
	1974	7.687	6.792	88,35
Stuttgart	1971	9.926	8.804	88,69
	1972	12.172	10.658	87,56
	1973	12.602	10.865	86,21
	1974	13.622	12.153	89,21
Munich	1971	10.423	8.348	80,09
	1972	11.370	9.540	83,90
	1973	11.230	9.569	85,20
	1974	11.440	9.458	82,67
Berlin	1971	19.108	17.009	89,01
	1972	15.892	13.966	87,88
	1973	15.751	14.498	92,04
	1974	17.482	16.366	93,61
Total	1971	80.613	69.156	85,78
	1972	84.096	73.087	85,90
	1973	90.273	78.673	87,15
	1974	90.968	79.263	87,13

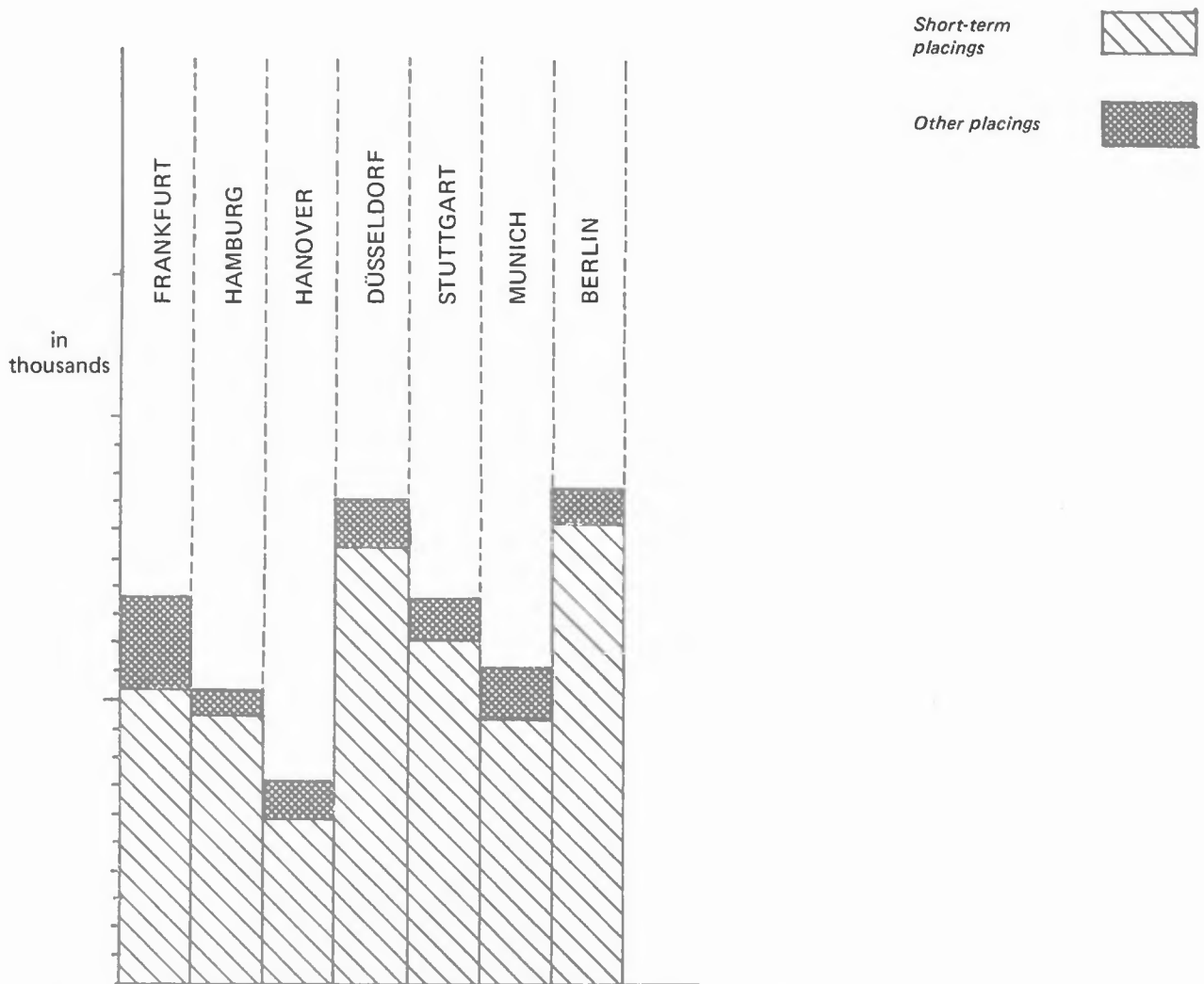
Source: Official Bulletin of the Federal Employment Office, Nuremberg

FEDERAL REPUBLIC OF GERMANY

*Analysis of the number of placings made during the year 1974
by specialized employment services⁽¹⁾*

CHART G

LEGEND



(1) The data on placings made by the Frankfurt employment services have been regrouped.

FEDERAL REPUBLIC OF GERMANY

Duration of placement of workers belonging to the group
of performing artists and similar occupations end December 1976

Table 16

	Up to 7 days	7 days to 3 months	Over 3 months	Total
Men	11.338 93,69%	498 4,11%	265 2,18%	12.101 100,00%
Women	3.324 94,32%	84 2,38%	116 3,29%	3.524 100,00%




Source: Official Bulletin of the Federal Employment Office, Nuremberg

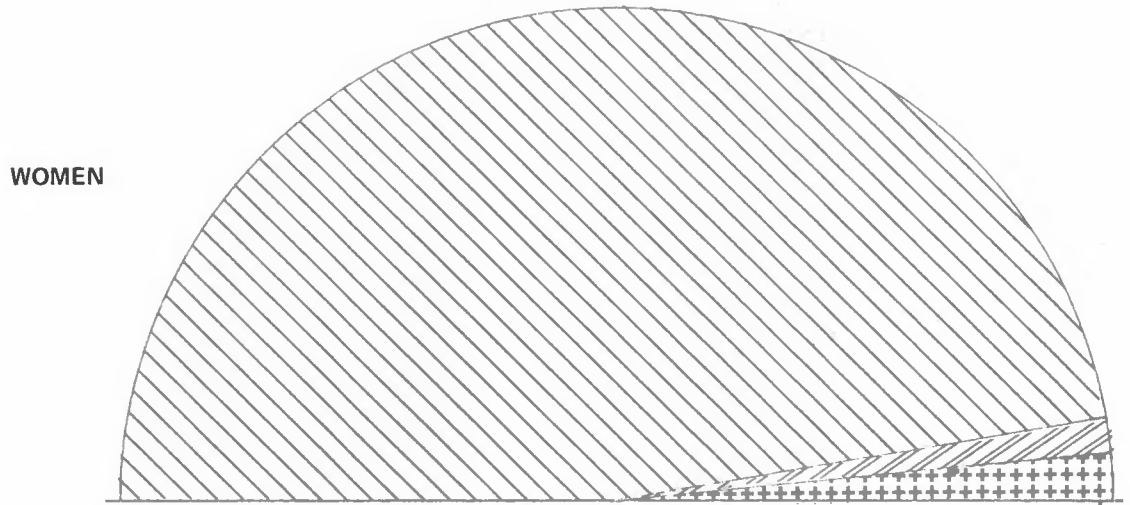
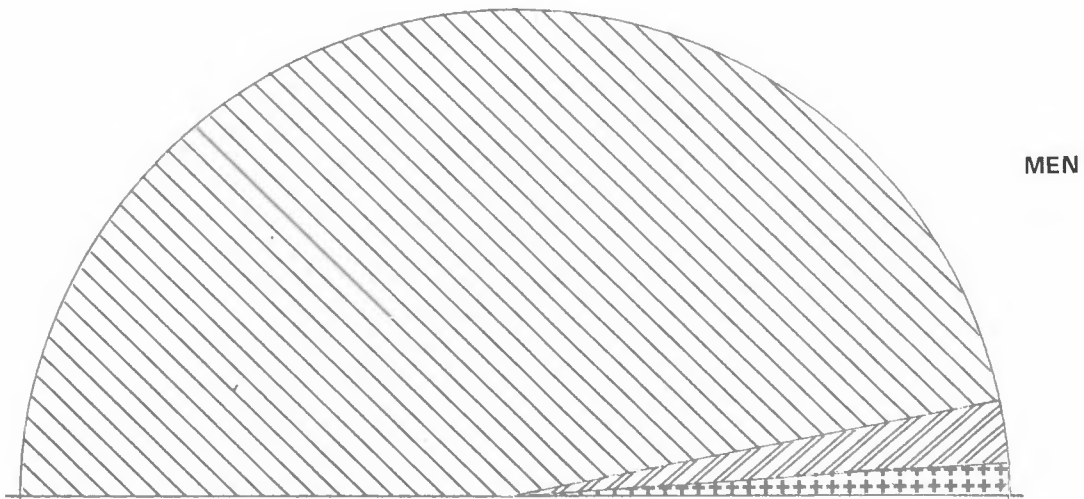
FEDERAL REPUBLIC OF GERMANY

*Duration of placements made in the performing arts
End December 1976*

CHART H

LEGEND

- Up to 7 days 
- 7 days to 3 months 
- Over 3 months 



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This applies to nearly all the employment services specializing in the placing of artists, and is evident from Table 16. It should be noted, however, that the percentage of short-term placings is lower for the Frankfurt central office, whose activities in finding employment for artists increased considerably in 1973, but mostly for short periods of employment. For the other specialized services the volume of placings made underwent relatively little change between 1971 and 1974, and the proportion of short-term placings remained very high.

UNITED KINGDOM

The figures published by the British Department of Employment enable the labour market for workers in the performing arts to be assessed, although without its being possible to distinguish theatrical actors from musicians, owing to the occupational nomenclature used.

Table 17, illustrated by Chart I, shows that unsuccessful applications for work at the end of September 1975 and 1976 were at a relatively high level and increased by over 1200 in one year. This rise was, incidentally, greater for film and television technicians than for stage actors and musicians.

Vacancies reported (Table 18) are, as for Belgium and France, at a very low level compared with the number of unemployed workers in the performing arts and even fell over the year, decreasing from 85 in September 1975 to 59 in September 1976.

With regard to placings (Table 19), the figures are of the same order as those for vacancies and are somewhat higher for male performers and film technicians than for women pursuing the same occupations.

Unsuccessful applications for work in the performing arts
end of September 1975 - end of September 1976

Table 17

Occupations	September 1975			September 1976		
	Men	Women	Total	Men	Women	Total
Actors Musicians Variety artists	3.084	1.188	4.272	3.383	1.312	4.695
Film and television production technicians	1.001	76	1.077	1.609	276	1.885
Total	4.085	1.264	5.349	4.992	1.588	6.580

Table 18

Unfilled vacancies at end of month

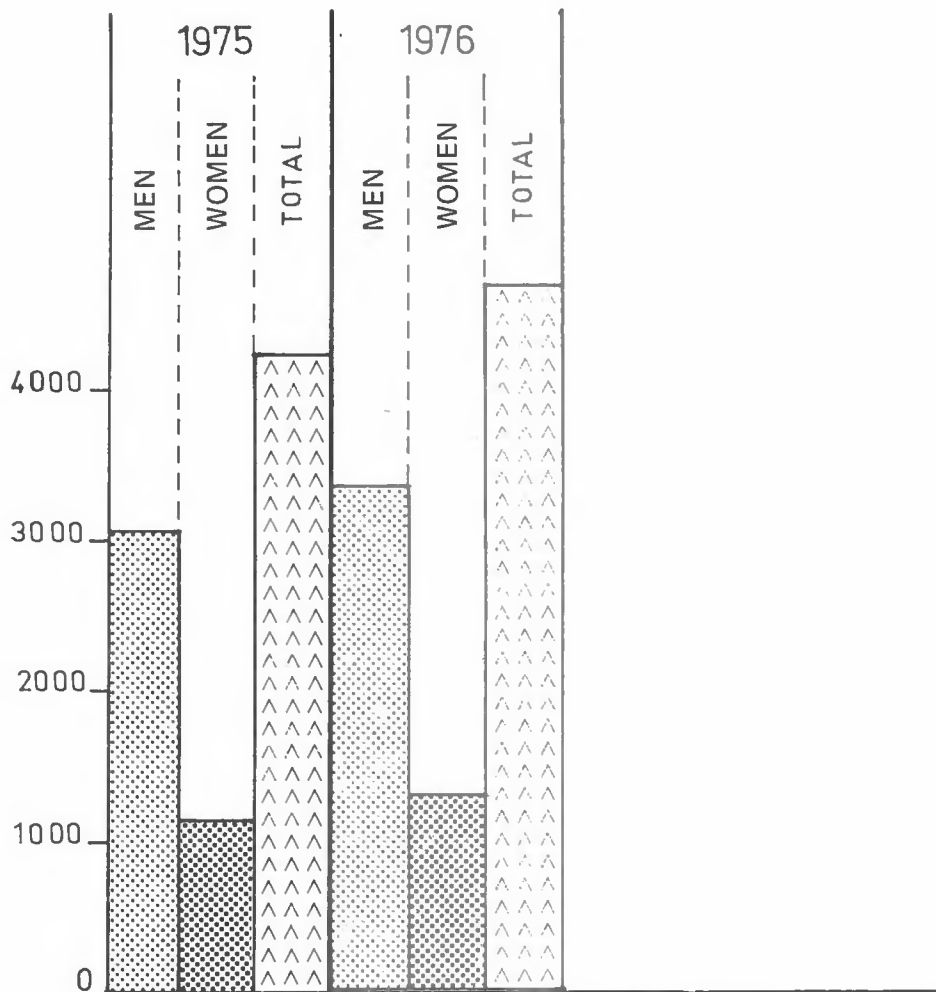
	September 1975	September 1976
Actors Musicians Variety artists	34	13
Film and television production technicians	51	46
Total	85	59

Source: Department of Employment, London

UNITED KINGDOM

*Number of unsuccessful applications for
employment at the end of September 1975 and 1976
(performing arts)*

CHART I



UNITED KINGDOM

Number of placings made during month
September 1975 - September 1976

Table 19

Occupations	September 1975			September 1976		
	Men	Women	Total	Men	Women	Total
Actors Musicians Variety artists	14	6	20	13	5	18
Film and television production technicians	42	10	52	64	5	69
Total	56	16	72	77	10	87

Source: Department of Employment, London

NETHERLANDS

The statistical information available at present, published by the Ministry of Labour, applies only to unsuccessful applications for employment at the end of October 1975 and 1976 made by workers pursuing an occupation in the performing arts and seeking employment.

Table 20, in which these figures are grouped, shows that the number of persons unemployed is much greater in the case of musicians than in that of stage performers. Furthermore, whereas for the former the number of applicants for employment rose in one year by 83, the number of stage performers seeking work fell by 58.

NETHERLANDS

Unsuccessful applications for employment at the end of October

Table 20

	1975			1976		
	Men	Women	Total	Men	Women	Total
Stage performers	124	102	226	82	86	168
Musicians	652	32	684	718	49	767
Other performing arts	524	217	741	598	254	852
Total	1.300	351	1.651	1.398	389	1.787

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PART 2FEE-CHARGING EMPLOYMENT AGENCIESA - INFORMATION ON SOME NATIONAL REGULATIONSPRELIMINARY REMARKS

This information concerns national regulations in Belgium, France, the Federal Republic of Germany, Italy, the United Kingdom and Denmark.

In view of the information available, however, it is not possible to gain any precise idea of the extent to which these regulations are observed in each of the countries concerned and of the actual role played by artists' agents in the placing of workers in the performing arts. There is no way of quantitatively assessing the number of placings made through fee-charging agencies. To our knowledge only the French administration - as we shall see below - demands, by an administrative circular, a statement of the placings made, according to the artists' speciality, from agents holding a licence to practise their profession. In actual fact, however, no systematic use is made of this information by the competent administration.

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This absence of information is all the more regrettable because "the state of the employment market and of openings has considerably increased the power of these agencies and the extent of their role by making them into increasingly indispensable intermediaries - which can lead to situations close to a quasi-monopoly in relation both to the employers and to the artists".¹

1. Report prepared by the International Labour Office on "the condition of the artist". General summary of employment problems and working and living conditions.

ILO - UNESCO - August 1977.

BELGIUM

The social problem posed by the continued operation of fee-charging employment agencies induced the Belgian legislator to take measures of regulation in order to control this type of activity and to provide, at least in part, certain guarantees to workers obliged to resort to these private services in order to obtain employment.

The first measures issued with the object of establishing supervision of fee-charging employment agencies date back to the end of 1944, with the Decree-law of 28 December. This text was amended by the Law of 14 July 1951, which stipulates: "the operation of fee-charging employment offices is forbidden. The King may, however, for certain professions, allow the temporary continuation of the activity of these offices, while ensuring their gradual disappearance. He may subject their operation to certain conditions and to supervisory measures. (Moniteur Belge, 16 December 1951).

But it was actually the Royal Decree of 10 April 1954, supplemented by the Ministerial Decree of 23 April 1955, which regulated fee-charging employment offices and, to a great extent, the activities of artists' agents until 1975. These texts made it obligatory for the latter, registered as from 16 December 1951 in the commercial registers, to apply for a licence to the departments of the Ministry of Labour and Social Security. This licence was valid for one year and was renewable with the permission of the competent departments.

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But the implementation of these texts had little result, as only six licences were issued in 1955 and two in 1973.

It does indeed appear, as stated in the Journal des Tribunaux du Travail (Journal of the Workers' Courts) dated 31 May 1976, that the small number of licences granted shows - if this is necessary - that all the artists' agents operating in Belgium before 1975 "and their existence is indisputable, were doing so illegally. It also appears that no proceedings have been taken against the "clandestine placement agents", who have become increasingly numerous in recent years".¹

It was therefore in 1975 that the operation and supervision of the fee-charging placement of artists was regulated by two legislative texts: the Royal Decree of 28 November and the Ministerial Decree of 1 December.

"The system of exemptions introduced by the Royal Decree of 28 November 1975 therefore applies to agencies which serve as intermediaries for the conclusion of contracts for the hiring of labour - and more specifically contracts of employment between performing artists and organizers or producers of stage shows".¹ On the other hand, "persons who exclusively look after the interests of a single artist or of a single group of artists" are excluded from the scope of the Royal Decree (Art. 5).

1. Journal des Tribunaux du Travail, 31 May 1976, Brussels

The Royal Decree makes the operation of employment agencies for artists conducted with a view to profit subject to the granting of a licence issued by the Ministry of Employment. This licence is personal and not transferable in any form whatsoever, and entails registration of the beneficiary in the trades register.

The legislator's intention is thus indeed to keep a watch on the ethical conduct of the operators of employment agencies for performing artists: "... The applicant must enclose with his application for a licence a certificate of good character issued by the competent authority not more than one month previously, and an administrative inquiry will be made".

The operating licence is yearly (Art. 10) and is renewed by tacit extension for a further period of one year unless a ministerial decision of non-renewal is made.

An important clause is designed to prohibit employment agencies for artists from concluding with the organizers of shows, but particularly with artists, sole rights agreements of varying duration. It has in fact been found that serious problems have arisen for "some young people who, after a few months or a few years, have wished to leave the impresario who "launched" them and have only been able to do so by making a heavy compensation payment".¹

1. Journal des Tribunaux du Travail, 31 May 1976, Brussels

As in the case of the French legislation (see page 95), Article 20 lays down that "unless there is a reciprocity agreement between Belgium and their country, foreign employment agencies for performing artists may not place artists in Belgium without going through a fee-charging employment agency holding a licence. Each of these employment agencies shall receive half of the commission laid down in the Ministerial Decree".

The amount of the fees paid to artists' agents is specified in Article 5 of the Ministerial Decree. This text makes a distinction between:

- . the registration of the artist with an artists' agency, where the amount of the fees may not exceed BF 250 and must be deducted from the commission allowed when the placing is made
- . the special expenses incurred in the event of cancellation of the placing
- . the commission calculated on the amount of the cash remuneration, which relates to one month at the most. The sum demanded may not exceed 15% of the amount of the remuneration. The commission is to be "borne half by the employer and half by the worker".

On the other hand, an analysis of this text shows that the legislator did not envisage any incompatibility with the exercise of the occupation of artists' agent, since Article 7 states that "the activity of artists' agent may be combined with other occupations", the only exclusion lying in the fact that the fee-charging employment agency for performing artists may not on any account be located in a public house or in the annexes of such an establishment (Art. 19 of the Royal Decree of 28 November 1975).

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FRANCE

Whereas in Belgium the desire to supervise or even abolish the employment-agency activities of enterprises conducted with a view to profit was evidenced as early as the end of the Second World War, in France, on the other hand, the maintenance of fee-charging employment agencies operating solely as such was sanctioned by the Order of 24 May 1945 for occupations in the performing arts and domestic services. This measure of exemption was to be prolonged each year by a decree adopted by the Council of State.

This procedure was effective until 6 August 1963, the date of the last decree promulgated. Since 1964, however, no further decree has been adopted to authorize the operation of fee-charging employment agencies, whether conducted with a view to profit or not, and the French administration has thus found itself faced with a "legal impasse".

In 1968 new legislative measures in favour of occupations in the performing arts were studied. The object then was to promote a specific form of regulation going beyond the problem of the continued existence of the occupation of artists' agent. In fact, with Law No. 69.1185 of 26 December 1969 concerning the placing of performing artists, the legislator upheld the authorization of the operation of fee-charging employment agencies for performing artists, but also defined the principles for regulating the occupation of artists' agent.

Article 1 of the law defines its object and its legal scope:

"Notwithstanding the provisions of Articles 1 and 2 of Order No. 45-1030 of 24 May 1945 concerning the placing of workers and the supervision of employment, the placing of the performing artists referred to in Article L.762-3 et seq of the Labour Code may be carried out for a

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valuable consideration. Placing effected under these conditions may only be carried out by natural or legal persons, excluding joint-stock companies or partnerships limited by shares, who or which hold a licence as artists' agents. This provision is applicable, in particular, to those who, under the name of impresario, manager or any other name, receive during the same calendar year instructions from more than two performing artists to obtain engagements for them".

The occupation of artists' agent as thus defined falls within the scope of the activities which are of a commercial nature in accordance with the provisions of the French Commercial Code.

In its Article 4 the law specifies the occupations which are incompatible with that of artists' agent:

"No one may obtain or retain a licence as artists' agent if he pursues, directly or through an intermediary, one of the following activities and in particular:

. performing artist, stage impresario, artistic director of a stage enterprise, film producer, radio broadcasting or television programme manager

The agents and servants of an artists' agent are also subject to these incompatibility criteria".

These points are important, because their purpose is to "moralize" the occupation as far as possible and they should, provided that the legal text is observed, eliminate abuses. Thus, for instance, by virtue of the last paragraph of the article which has just been quoted, the director or a member of the staff of an artists' agency cannot perform any function, whether artistic or administrative, in a stage production enterprise. Such practices, which do unfortunately exist, are the source of particularly unfair competition with regard to placement.

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Article 8 of the law stipulates:

"Unless there is a reciprocity agreement between France and their country, foreign agents for performing artists may not place any performing artists in France without going through a French artists' agent".

This principle adopted by the legislator calls for an important observation:

By stipulating that the placing of performing artists must take place through a French artists' agent, the legislator encroaches upon the rights of foreign artists' agents legally established within the territory of France by virtue of the right of establishment laid down by the Treaty of Rome.

There is, incidentally, an identical clause in the Belgian Royal Decree of 28 November 1975.

It is important to note, on this particular point, that the French legislator, like the Belgian legislator, has for the most part repeated the rules laid down in ILO Convention 96, which stipulates that fee-charging employment agencies conducted with a view to profit "shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws and regulations in force".

The problem raised by Article 8 of the French law is at present being studied by the departments of the French Administration, but thus equally affects the Belgian Government.

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On reading the text of the French law we find that no occupational qualification is required in order to obtain a licence to exercise the profession of artists' agent. In practice, however, the Approval Committee always takes the candidate's competence into account.

The procedures for supervision of the profession of artists' agent are regulated by Decree No. 71-971 of 3 December 1971, specifying the implementation of the Law of 26 December 1969.

With reference to this legislative text, supplemented by circulars compiled by the departments of the Ministry of Labour, a Tripartite Committee is created, made up of representatives of the administration and of employers and labour (the employers' organizations and the trade unions), its role being to express an opinion on the "granting, renewal or withdrawal of the yearly artists' agent's licence".

In addition, the Implementing Decree introduces:

- a) an administrative supervision of the placement activities engaged in by artists' agents, requiring the latter to submit a monthly statement to the provincial Labour and Manpower Directorates
- b) a ceiling to the remuneration of artists' agents:
"the total of the sums charged must not exceed 10% of the artist's remuneration".

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Furthermore, a circular issued by the Employment and Occupational Training Department of the Ministry of Labour, dated 23 November 1972, states:

"By virtue of the provisions of Article 12 of Decree No. 71971 of 3 December 1971, artists' agencies and also their branches and associated offices must, on the one hand, provide the Administration each month with information of a statistical nature on the placings made and, on the other hand, keep a register containing information about their placement activities".

A pro forma record was prepared after consultation with the Tripartite Approval Committee. This form calls for a breakdown of the placings made according to whether the persons concerned were actors, opera singers, ballet dancers, variety artists, musicians or extras.

These documents, submitted with varying degrees of regularity to the provincial Labour and Manpower Directorates are not statistically processed, so that it is impossible to assess the volume of placings made through artists' agents pursuing their activities within the national territory.

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FEDERAL REPUBLIC OF GERMANY

The Law of 25 June 1969 on the promotion of employment states in its Article 23 that "the Federal Office may on request, in exceptional cases after consultations with the associations of the employers and workers concerned, entrust bodies or persons with placement activities for specific occupations or categories of persons, when such a measure is of value for the placing of workers and when the applicant is capable of ensuring proper performance of the tasks which are to be entrusted to him" "The bodies and persons entrusted with the placing of workers shall be subject to supervision by the Federal Office and shall be bound to comply with its instructions. The mandate shall be given for a period of one year. It may be subject to restrictions".

The law also states that the mandate may be cancelled in the event of non-observance of the regulations or non-renewal of the application. Lastly, the legislative text allows the charging of fees in the case of placement activities conducted with a view to profit, "these fees being calculated so as to allow an appropriate profit". (Art. 24).

According to the study on performing artists carried out at the request of the Bundestag (see the work quoted on p. 43), the number of artists' agents who had received a permit to exercise their professions from the departments of the Federal Office was 85 in 1972. But during the inquiry carried out by the Hamburg research bureau entrusted with the investigation it became evident that there were a large number of artist-placement "intermediaries". These non-licensed agents engage in placement activities with a view to profit more particularly in the field of variety shows. "These illegal intermediaries jeopardize the social protection of artists. The latter are obliged to pay these fee-charging services 20, 30 or 50% of their earnings", the authors of the report estimate.

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ITALY

In Italy, fee-charging employment agencies are prohibited by law, inasmuch as the public service has the monopoly of such placement. The official exemptions apply to the placing of groups of artists, which is tolerated provided that the artists' agent has received permission from the competent Committee at the Ministry of Labour and Social Security.

It nevertheless appears that artists' employment agencies at present play an important role as intermediaries between artists and employers in the field of the performing arts.

UNITED KINGDOM

The British regulations concerning employment agencies have been the subject of two legislative texts. The first, dating from 1973, is the Employment Agencies Act introducing a licence for running an employment agency and the second is "The Conduct of Employment Agencies and Employment Business Regulations", published in Statutory Instrument No. 715 of 1976. This text, passed by Parliament in May 1976, came into force in July 1976 and falls within the competence of the Department of Employment.

The second text states the main obligations to be fulfilled by employment agencies:

- . The agent must have the fullest possible information about the worker who is seeking employment, in order to find the employment best suited to his abilities and to the employer's requirements.
- . The agent must not induce a worker to register with his agency by offering him financial benefit or benefit in kind. Nor must he offer employment to a worker who is in employment unless the employer has given his prior consent.
- . The agent's correspondence and his publicity documents must always mention clearly the agency's registered office and address and state that it is a private employment agency.

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- . On receiving an offer of employment from an employer, the agent must provide the employer with all necessary information about his scale of fees and, where appropriate, about any rebates that may be payable.

Similarly, when he receives a request for work from a worker, the agent is required to fulfil the same formalities for the worker.

- . An agent may not introduce to an employer a young person who is of school age and, if he has finished his schooling, the agent must ascertain that the young person has received vocational advice.
- . Employment may not be arranged for a young person in a foreign country without the written consent of a parent or guardian. In this case the agent must ensure that suitable accommodation will be provided for the young worker and that he is in a position to buy a return ticket from his place of employment to his place of residence or that at least the employer has undertaken to pay the amount of the return fare. If the latter does not comply with his undertaking, the return fare must be loaned by the agent.
- . Where an agent arranges employment in the United Kingdom for a worker resident outside the United Kingdom, the agent must obtain character references in respect of the worker, and these references must be made available to the employer. This requirement does not, however, apply to performers in the entertainment industry.
- . If an agent arranges employment for a British worker at a place outside the United Kingdom with an employer who has no premises in the United Kingdom, he must contact the British Consul at the place of employment in order to ensure that the proposed employment will not be detrimental to the interests of the worker.

DENMARK

The Danish Government has not yet ratified Convention No. 96 of 1949 promulgated by the International Labour Organization.

The employment service therefore does not have the monopoly of this activity, and the 1970 Law, which defined its role, retained the private employment agencies, whose operation was authorized by Law No. 249 of 13 June 1969:

"The Minister of Employment may, on the recommendation of the Director of Labour and after consultation with the employers' organizations and trade unions concerned, authorize a person or an association to engage in private placement activities in certain occupational fields or in specific regions where there are special labour requirements". (para. 24, Title II, Chapter 6).

Private employment agencies are supervised by the Director of Labour and have to obtain government authorization to engage in their activities.

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B - EXPERIMENTS WITH PRIVATE EMPLOYMENT SERVICES ORGANIZED BY PERFORMING ARTISTS

There are three different experiments which it has been thought interesting to present in this study.

While the origin and purpose are identical for the two French experiments, namely the realization by performing artists of the need to try to find a solution to the problems of employment and thus of placing of performing artists, the organization established in the United Kingdom by the creators of the APG is wider in its conception: firstly, it is not concerned only with performing artists and musicians but with all workers in these fields and, secondly, the activity pursued by the artist "placed" through the APG is not necessarily of a purely artistic nature.

FRANCEA - LA COOPERATIVE DU SPECTACLE

This is an experiment attempted by Parisian performing artists who decided to join forces in order to defend their rights to employment in order, as they put it, to "work more and work better".

The origin of this undertaking lies in the realization by these artists of the difficulties encountered by them in succeeding in their professional careers owing to their position of dependence on artists' agents: the role of the latter in fact more often than not consists of negotiating the financial terms of a work contract, while the artist, for his part, is merely informed of the results of the transactions. Everything takes place as if, for the artist, finding a job to suit his capabilities amounted to no more than the sale of a product: himself.

Fifty actors therefore decided to look after their own interests by taking it upon themselves to find jobs.

This was the genesis in 1975 of the "Coopérative du spectacle", which despite its name, is based not on the legal formula of the "coopérative de production" (production co-operative) but on that of the "groupement d'intérêt économique" (GIE).

This is a legal framework intermediate between the commercial company and the association governed by the Law of 1901 created by Order No. 67-821 of 23 September 1967.

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The GIE possesses legal personality and full legal capacity with effect from its registration in the trade register. Its object may be non-commercial, the sole purpose of its entry in the trade register being to give it legal personality.

In practice it is permissible for performing artists to create a GIE in order to provide its members with various services and, in particular, to represent them in dealing with the organizers and promoters of performances with the object of obtaining jobs.

From the legal point of view this type of application of the French Order of 23 September 1967 may apply to two forms of activity, depending on whether the object of the artists' GIE consists of placement for valuable consideration connected with the wish to earn a profit or of placement free of charge and thus without a view to profit.

In the former case the GIE falls under the Law of 26 December 1969 on the regulation of the profession of artists' agents, while in the latter case this body can operate with the approval of the Ministry of Labour in the capacity of national or local correspondent of the National Employment Agency, after having concluded an agreement with the National Employment Agency or its regional centres (AR.L 312-4 Labour Code).

The Co-operative's financial resources are provided, firstly, by an initial contribution of about FF 2000 by each of its members and, secondly, by payment of 10% of the wage earned by the artists when they are placed.

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Two delegates for the performing arts, paid employees of the group, are entrusted with the task of looking for jobs and discussing the terms of the contract in close association with the artists themselves. A system of permanent management is provided on a week-by-week rota basis by artists belonging to the group for the purpose of taking administrative decisions and of centralizing and checking the information concerning activities in the performing arts and jobs likely to be suitable for one of the members of the group, this being done in conjunction with the artists' delegates.

B - THE COMPUTERIZED PERFORMING ARTS REGISTER

The story of the creation of this enterprise has a symbolic value: an actor completed his professional studies, obtained his diplomas but there was no job. His personal difficulties made him realize "that it is necessary to find the means of giving every actor, if he suits a given character in a play, an equal opportunity of meeting the producer". He then decided to create a computerized performing arts register based on the guiding idea of "storing in a memory all the characteristics of an artist, all his physical, linguistic, sporting, musical and other potential skills in a word, everything that it is in his power to do, and that may be asked of him by a producer or other professional in the field of the performing arts".

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This desire to give every actor an equal opportunity with regard to employment led the creator of the register, with the co-operation of a friend, also an actor, to devise an occupational file system consisting of descriptive cards, each criterion of which is coded so as to enable the data thus grouped to be used for electronic data-processing. The characteristics recorded relate to the physical appearance of the actor, his general manner, special features such as the sound of his voice, his knowledge (foreign languages, music, dancing, singing), his special abilities (sporting activities, mimicry, impersonations, etc); the jobs to be filled are described in terms of the psychological and physical characteristics which they require.

All these criteria are supplemented by a curriculum vitae and a set of photographs.

Thus the largest possible amount of information concerning the professional qualities of the actor is collected. "The questionnaire thus designed is adapted to present automatic data-processing methods, each answer is precise and suitable for input into the computer, which makes it possible to find in a few seconds all actors meeting precise criteria". All coded information is stored in the memory of a central computer which is connected to the register locations by a terminal.

These data are if necessary supplemented by manual consultation of dossiers stored in files in the premises where the register system is kept.

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In addition to the usefulness of these technical characteristics of the system, there is also the fact that:

- . The register is operated by two professional performers (both ex-actors);
- . the two persons in charge themselves compile each dossier, always bearing in mind the actor's character as an established professional and requiring, for young people, evidence of proper dramatic studies;
- . the two prime movers attend all shows given both in Paris and in the provinces, either in the theatre, the cinema, the "café théâtre", etc. This systematic investigation enables them:
 - to discover and, if appropriate, to "card" actors who are unknown to persons responsible for production
 - to make useful additions, by notes, to the professional information on each actor.

At present the register comprises about 4000 dossiers of professional actors resident in France. It should be noted that walk-on actors or extras are not included.

As a supplement to the computerized register, its originators also publish an "Album du spectacle", the cost of which for actors is FF 360 per year.

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Financing of the computerized register is based solely on financial participation by the artists, who have to pay an annual subscription of FF 120. In practice, they are not all able to afford to pay this sum. Employers (producers, theatre managers, cinema directors and producers) are able to consult the register free of charge and do not have to make any payment when they recruit the artists who have been proposed to them. These financing methods obviously have the effect of making the profitability, indeed the survival, of the computerized register very uncertain. We saw earlier, in the brief analysis of the structures of the British public employment service, that there is a section which specializes in placing highly qualified and senior staff, namely the "Professional and Executive Recruitment" service. The PER is mainly financed by the payment made by employers of 8-10% of the salary paid during the first year to the professional or executive whom they have recruited through the PER. Nevertheless, a State subsidy is found to be necessary (in view of the present economic situation) in order to balance the budget of this service.

UNITED KINGDOMARTIST PLACEMENT GROUP (APG)

In 1966 a small group of British artists decided to set itself up as a charitable trust and founded the APG.

This group has a dual legal structure:

- . created as a charitable trust, this group is a charitable association which can be compared, all other things being equal, with the French association governed by the law of 1901 (cf. p. 104), but the official declaration is made not to the Home Office, as is the case with the French association, but to the Department of Education and Science. The charitable trust may receive tax-free donations but may not pursue any commercial activity. To enable it to be considered as an employment agency the APG has therefore had to be declared by its founders to be a limited company and has had to be entered in the trade registers.

The APG differs from an employment agency not by its legal and administrative structure but primarily by the aim pursued, the methods used in order to place an artist and the actual "philosophy" of this placing.

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The APG is an original experiment in that its object is, on the basis of a work contract:

- . to establish new relations between the artists and a socio-economic environment which, more often than not, is foreign to him;
- . to make it possible, through the execution of a work project suggested by the artist himself, for the latter to integrate himself as a worker among other workers owing to his talent, his imagination, his creative power, his understanding of the humanity, etc.

THE APG'S FINANCING SYSTEM

The first operating fund established when the APG was founded was created by means of a personal contribution (of from £60 to £1000) from the small group of artists who originated the organization and who constitute its Board of Directors.

In its first years of operation (1966 to 1973) the APG received Arts Council subsidies and donations from individuals. Since then, and especially since 1973, its financial resources have been limited: its operating expenses are met by the funds derived from the percentage charged on the salaries of artists when they are placed and by various gifts, and the fact that the APG is able to continue performing its function is largely due to the devotion of the artists who give their services free of charge to run it.

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METHODS OF WORKING AND FINDING EMPLOYMENT

The basic principle of the aim pursued lies in the fact that a contract of association can only be properly established after far-reaching prior studies, which may take several months, on the one hand, between the enterprise or administration concerned and the responsible members of staff of APG and on the other hand between the artist and his potential employer.

During this preparatory period the artist has to formulate the initial work project and adapt it as best he can not only to the enterprise's types of activity but also to its socio-economic structure.

The preliminary investigation is all the more extensive the harder the aim is to achieve: for the responsible members of staff of the APG emphasize the very specific nature of the employment sought, because what has to be done is to investigate, with the artist and the enterprise concerned, the possibilities of carrying out a work project in a context completely different from the artistic environment, since it may be an industrial enterprise, the operating services of a new town, the services of a regional or municipal community, a ministerial department, or even a fishing boat ...

In order fully to understand the meaning of this approach it is necessary to realize that the placing of the artist in one or another of the types of enterprise enumerated above does not correspond to a job in the traditional sense of the term but is the expression of a "contract of association" concluded on the basis of a study project suggested by the artist and accepted by the heads of the enterprise. This project may relate purely to the performing arts but may equally well be connected with activities other than work in the arts in the strict sense of the term.

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The term "contract of association" used above also means "meeting" between the artist and the host environment; he will have to understand the latter's problems, perceive the human message, understand the difficulties and limitations and contribute his own experience and creative power.

Over the years, benefiting by the experience gained, the discussions between the enterprise or administration involved in the contracts of association with an artist and the APG have developed: thus at present the preparatory talks take place not only with the managing body but also with the trade unions of the enterprise's workers. Consequently the initial reservations on the part of the trade unions with regard to this system of placement seem to be giving way at present to an attitude of openness and co-operation.

Despite the efforts made, difficulties remain: there is in particular that of the artist's trade union membership, which, owing to the British trade union structures and the principle of the closed shop, complicates the negotiations. This particular aspect has not yet been solved by the APG. This difficulty is all the harder to overcome because most of the time the trade unions of the enterprise are only associated at a late stage with the preparations for the implementation of the artist's work and the terms and conditions of the contract of association.

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It should also be pointed out that the APG emphasizes the fact that the artist thus recruited must be integrated in the managing team of the host organization so that the artist shall be able to obtain the means necessary for carrying out his project. In the event of disagreements during the making of the study, the artist may appeal to the APG, which, in this case, acts as a mediator.

The types of study carried out to date have related to film making, sociological studies, town planning, the improvement of communal facilities, etc. The contracts of association concluded by the APG have, in view of the means available, been few in number. The present projects extend beyond Great Britain alone and discussions are in progress in the Federal Republic of Germany and Belgium in accordance with the methods which we have briefly outlined.

The effort made by APG is ambitious, but this type of experiment appears particularly interesting in that its conception raises the problem of the real place of the artist in society. As the mediator of culture through his creative talent, he is also a "loner" or is at least too often considered to be one. His role is also to place his artistic talent at the service of other workers, and this in all possible ways, of which the contracts of association brought about by the APG are an example.

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CHAPTER 3INFORMATION ON SOME TYPES OF LEGAL STRUCTURE OF
ENTERPRISES IN THE PERFORMING ARTS
IN FRANCE AND ITALYPRELIMINARY REMARKS

It would be of particular interest for studies to be carried out at Community level on the many different kinds of enterprises in the field of the performing arts in which artists pursue their occupation, and on the legal bases which govern them in the nine Member States. This would make for better understanding of the situations which are produced by the legislation prepared by governments or which result from its inadequacies or obsolescence.

The information presented in this chapter relates mainly to French legislation, and to Italian legislation for the opera.

THE LEGAL STRUCTURES OF ENTERPRISES IN THE PERFORMING ARTS IN FRANCE

Enterprises in the performing arts in France are governed, at least in principle, by two separate legal systems and the persons (artists and technicians) employed by these bodies are covered by labour legislation and collective agreements.

1) ENTERPRISES IN THE PERFORMING ARTS COVERED BY THE ORDER OF 1945

The principles of the occupational regulations governing enterprises in the performing arts were codified by Order No. 45-2339 of 13 October 1945 concerning performances (Journal Officiel of 14 and 28 October 1945). This Order reproduces and supplements the main elements of Law No. 452 of 27 December 1943. The 1945 Order was supplemented by an Implementing Decree applying to Articles 4 and 5 of the Order.

The main purpose of the Order of 13 October 1945 is "to reform operating conditions in the performing arts and to co-ordinate and supplement all the provisions in force".

The text covers three sets of measures, each being the subject of a separate chapter:

• CHAPTER I

a) classifies enterprises in the performing arts in six categories:

- the national theatres (which are not affected by the provisions of the Order)
- other permanent theatres
- theatrical tours and demountable theatres devoted exclusively to dramatic, operatic and ballet performances
- symphony concerts or other miscellaneous orchestras and choral societies
- puppet theatres, cabarets, music hall and circuses
- travelling theatres and shows, exhibitions of singing and dancing in public places and all speciality or variety shows;

b) introduces the possibility, for these enterprises as thus defined, of their receiving subsidies from public bodies and organizations (the State, the "départements", communes, universities).

• CHAPTER II specifies the provisions concerning the protection of enterprises in the performing arts against abuses with regard to the leasing or sale of property:

- the rental documents in respect of premises for use for performances, and documents in respect of the sub-leasing or sale of such property, must be approved by the ministerial department responsible for culture: the building, transfer to use for another purpose or demolition of a theatre is also subject to this authorization.

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- CHAPTER III, supplemented by Decree 45-2357, governs the occupation of director of an enterprise in the performing arts:

- The director of the enterprise in the performing arts must have a certain number of artistic and professional qualifications such as:

having been, for the ten years preceding the application for a licence, either an author or a composer and having had at least three plays or two works performed, or having been a producer and having created at least three productions, or having been an actor and having played at least ten parts, including five main parts.

- The director of an enterprise in the performing arts must hold a licence as an entrepreneur in the performing arts issued by order of the Secretariat of State for Culture with the assent of a committee representing all the professions in the performing arts.

The position of head of an enterprise in the performing arts is incompatible with that of an artists' agent engaged in the placing of artists.

He must be responsible for the company which he directs.

All enterprises in the performing arts and all performances must be directed by an entrepreneur holding the licence.

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With regard to the last-mentioned rule, however, the Order provides for two exceptional cases where the licence as entrepreneur in the performing arts is not required:

- . occasional shows involving not more than two performances organized for a charitable purpose;
- . experimental theatres giving not more than ten performances and having received exemption from the Secretariat of State for Culture.

To these two cases specified by the Order there should be added the "cafés théâtres", which are discussed on the following pages.

Furthermore, no text was added to supplement the Order upon the creation of the Arts Centres and the Drama Centres which, in the form of associations, are for the most part governed by the Law of July 1901.

In practice, in addition to these last remarks, it should also be noted that the scope of the regulations remains limited owing to the issue of the temporary licence provided for by paragraph G of Article 5 and also that a period of six months to one year elapses between the time when the entrepreneur starts business and applies for the licence and the time when it is actually granted to him.

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What is more serious, however, is that whereas the "Order" forbids what may be regarded as clandestine directing activities and the interposition of other persons, since the licence is personal and non-transferable, in point of fact the increase in recent years in the number of what are referred to as "producers" (organizers of galas, sellers of shows, intermediaries of all kinds) is resulting in a permanent infringement of the regulations.¹ This comment applies not only to the café théâtre but equally to enterprises putting on occasional shows.

1. "L'Etat et le théâtre" [The State and the theatre] by Jack Lang.

2) ENTERPRISES IN THE PERFORMING ARTS CREATED IN THE FORM OF AN ASSOCIATION GOVERNED BY THE LAW OF 1 JULY 1901

This is the legal system that was adopted at the time of the creation of the Arts Centres. It is of interest to recall the principle of the system here:

According to Article 1 of the Law of 1 July 1901 "the association is the agreement whereby two or more persons permanently combine their knowledge or their activities for a purpose other than that of sharing the profit".

The permanence of the activity is essential, but the law did not fix any duration for the association and, more often than not, this duration is not specified. The activity must be disinterested in the financial sense of the term and must be pursued for a purpose of general interest. If profits are made, they must be devoted to the achievement of the aim laid down by the articles of association. The association can normally employ paid staff.

It is important to note that the Law of 1901 in fact sanctions the freedom of association of persons without prior authorization or declaration. However, in order to be capable of legal action, the associations must be declared to the prefecture or sub-prefecture within whose area they belong and must be the subject of public announcement in the Journal Officiel (Art. 5 of the law).

Declared associations governed by the Law of 1901 can, if their activity justifies it, obtain from the public authorities a "recognition of public usefulness", the result of which is important because it enables the association receiving it to accept gifts, legacies and subsidies from the State or from public bodies. This recognition of public interest, always requiring in principle an indisputable general interest, is granted by decree.

The case of the Arts Centres

The legal status of an Arts Centre is that of an association of 1901, but it can only be created with the full agreement of a municipality and of the Secretariat of State for Culture. "This principle of parity in important decisions is apparent at all times and has clearly been laid down in order to avoid both excessive State control and short-sighted parochialism".¹

"Following the agreement between the State and the municipality concerning the creation of the Arts Centre, an association is created even prior to the establishment of the premises", which is financed half and half by the State and the municipality concerned.

The association is not the subject of a decree of recognition of public usefulness. The Arts Centre is run in accordance with the rules laid down for all 1901 associations; in other words its essential organs are the general meeting, the board of directors, the managing committee and the manager.

1. "L'expérience des Maisons de la Culture [The Arts Centre experiment] - Notes et études documentaires No. 4052, 8 January 1974.

"The Board of Directors is the decision-making organ", keeps watch on the proper running of the Arts Centre and appoints the director after having obtained the approval of the supervising Ministry and the Mayor. The director is an employee of the association and is solely responsible for sustaining the activity of the Arts Centre.

The revenues of the Arts Centre come from its own receipts (contributions, receipts from shows) and - mainly - from the subsidies from the State and the "commune" and, possibly, from the "département" or public establishments.

Orchestral bodies such as the Société des concerts Lamoureux, the Société des concerts Colonne, etc are also established in the form of associations governed by the Law of 1901.

3) ENTERPRISES ORGANIZING OCCASIONAL PERFORMANCES

It is estimated that about 250 000 dances per year are organized in France. The orchestras which play at these events employ, on average, between three and six musicians. There are also about 50 000 galas involving variety shows featuring artists (singers, musicians, etc) whose number varies depending on the size and budget of the organization, but is difficult to assess owing to the lack of meaningful information.

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It has been seen above that the 1945 Order provided for an exemption from the licence requirement for this type of show and, in practice, entrepreneurs who put on occasional shows are not subject to any supervision either as regards the methods of their organization or as regards the social security safeguards of the artists recruited.

It should be noted, however, that two attempts at establishing a system of regulation have been made by the French government, mainly in order at least partly to safeguard the social security rights of artists recruited for an occasional show. In 1964 two decrees dated 14 July and 4 December issued by the Ministry of Labour laid down the conditions to be observed by entrepreneurs arranging occasional shows with regard to the social security rights of artists and musicians employed for these events.

It does in fact seem as if the competent authority actually was concerned with more than the purely social aim and sought to achieve, by these texts, a certain "supervision" of the employment of artistic personnel. Their primary object, however, is to establish a specific system for the payment of the social security contributions due in respect of the employment of artists and musicians participating in occasional shows, the contributions being paid with the aid of tax vouchers issued by the Caisse Nationale de Sécurité Sociale and sold to the entrepreneurs putting on the occasional shows.

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The risk cover applies only to social benefits, accidents at work and family allowances; the voucher does not give any entitlement to paid holidays or retirement pensions.

But this apparently ingenious system cannot prevent cases of fraud, and there are many of these, to the detriment of the rights of artists employed by entrepreneurs organizing occasional performances. Far too often these obtain the compulsory voucher for only some of the artists recruited, buying, say, only two vouchers when the orchestra hired consists of six musicians.

It should also be added that the entrepreneur putting on occasional shows is being replaced to an increasing extent by "clandestine organizers", kinds of mini service bureaux which, with a great amount of publicity, present themselves as qualified intermediaries specializing in the organization of balls, galas, village fairs, charity shows, etc. They offer their services to municipalities, organizing committees, welfare associations etc, assuring them that their services will save them all administrative bother and equipment, as they will look after the hiring of rooms, the engaging of artists and technicians and all the administrative formalities necessary for the organization of a show or local fair.

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The price estimate submitted is often 20% to 30% lower than that of a licensed organizer of shows, as the remuneration paid to the persons employed is usually below the trade union rates and as the social security contributions are paid only for some of them. There is an attractive profit for the clandestine organizer, because the taxes and copyright fees payable have to be borne by the association responsible for the show.

In order to put an end to these obvious abuses, the Secretariat of State for Culture prepared a bill amending the Order of 13 October 1945. According to this text, any organized performance entailing the simultaneous physical presence of artists and spectators in a public place would be deemed to be a show. Secondly, and this point is particularly important, no show presented either against payment or free of charge could be staged other than on the responsibility of a show organizer holding a permit to practise his profession. At the moment this bill is "pending", as the Council of State rejected the first text proposed.

As things stand at present, the difficulty seems to lie in the fact that it is hard for the administration to reconcile the interests of welfare associations, whatever their nature, and the interests of the artists, both from the point of view of their employment and from that of their most essential rights under social legislation. But it must be added that the responsibility of local authorities is also involved, as they tolerate the greatest laxity with regard to the organization of occasional shows.

THE "CAFE THEATRE"

This type of enterprise exists at present in most of the countries of the European Economic Community, but it does seem that this kind of theatrical activity originated in France. In that country - and this is probably true of the other Member States too - the "café théâtre" enjoys administrative exemptions whose effect on the employment of performers is particularly significant.

The successor of the 19th century "café-concert", the "café-théâtre" actually came into existence owing to a lack - the lack of means whereby a young author could have his work performed, and of means whereby actors could exercise their art and be able to work.

The search for such a means resulted in the United States in 1955 in the activity of a little café in Greenwich Village, the "Cino" café where young New York artists staged an adaptation of "l'Etranger" by Albert Camus. That was the first manifestation of the "off Broadway" sector.

Attempts of the same nature were probably made at the same time in Europe, but it was in France that the term "café théâtre" appeared in 1966 and was made official in a decree of the Ministry of Cultural Affairs dated 18 April exempting M. Da Costa from having to hold a show organizer's licence in order to put on dramatic performances on a trial basis.

Other experiments followed this example and, within a few years, primarily in Paris, the number of "cafés théâtres" grew rapidly. At present it is estimated that about fifteen have succeeded in keeping going, but this figure must be regarded as approximate.

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This is an original enterprise whose significance ought not to be underestimated and whose "spirit is characteristic at one and the same time of a place, a repertoire, a style, methods, means, aims, ambitions and above all of the faith which inspires the authors, producers and actors and - a condition of the whole undertaking - of the personality of the owner of the premises and his behaviour, which ranges between the two extremes of the most blatant commercialism to the most generous disinterestedness".

This enthusiastic opinion calls for a few remarks and more precise details about the problems created by the present organization of the "café théâtre" and about its contribution to artistic creativity, especially from the point of view of the regulations.

Created with the aid of an exemption, the "café théâtre" is maintained with the tolerance of the Cultural Affairs administration and the Ministry of Labour. The regulations on which a check is more particularly kept are those relating to the safety of public places.

The Order of 13 October 1945 laid down the obligations of organizers of shows with regard to the regulations and introduced a licence for the practice of the profession. The tolerance of the Secretariat of State for Culture therefore exempts the managers of "cafés théâtres" from this formality, and also from the professional and artistic guarantees required by the legislative text. On the other hand, the Decree of 1966 did not mention any special exemption with regard to the social legislation to which performing artists are subject, which lies within the competence of the Ministry of Labour. Actually, from the point of view of the employment of artists, no supervision is exercised. The following extract from an engagement "contract" drawn up by the director of a "café théâtre" throws a particularly significant light on the "fringe" nature of this type of enterprise:

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"The actors, the producer and the author declare that they are aware that Mr X (the manager of the premises) does not possess a licence as an organizer of shows and that by the tolerance of the Ministry of Cultural Affairs with regard to the "café théâtre" Mr X is not subject to the Order of 13 October 1945 on the status of show entrepreneurs, nor to the law of 26 December 1969 governing the status of artists, nor to Law No. 61-1410 of 22 December 1969 on the social protection of artists".

This extract from an engagement contract alone shows the seriousness of the problem raised. Is it necessary - and we shall return to this essential point - under the pretext of freedom of creation, of artistic expression, of the employment difficulties of artists - to tolerate such infringements of the fundamental rights of artists?

In the first years of the "café théâtre" it was accepted that the actors, after the show, should make a collection among the audience and should share the proceeds. At present this system is increasingly tending to disappear. In some cases the manager of the premises shares the profits with the artists engaged. But it should also be noted that more often than not the publicity expenses for the show are borne by the artists themselves.

The reasons put forward to justify this situation and these practices are obviously of a financial nature. In order to understand them properly it is worth while recalling the conditions under which theatrical activity takes place in this context:

The setting is usually modest (it may be an ex-café, or disused cellars or warehouses). The smallness of the premises limits the possibilities of staging, which has to be very bare, and the author, for his part, has had to ensure that only a very limited number of actors shall be needed to perform his works. Lastly, the smallness of the premises correspondingly limits the size of the audience and thus the possible takings.

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But this picture of the situation, pessimistic though it is in the present state of affairs, should not make us forget or underestimate the cultural contribution of this original formula of the "café théâtre" and its creative potential. For the "café théâtre" was born from a need for expression, like a defensive reflex in response to the unemployment of artists and the difficulties encountered by authors in getting their works performed. The crisis of the live theatre, particularly keenly felt in Europe, throws up solutions which, in order to survive, assume a fringe nature and reverse the course of history, returning to the time when the player was condemned to a nomadic existence and to passing the hat round in public places. In order to be able to pursue his calling as a performer, the actor finds himself forced to accept working conditions which were experienced, long before him, by Molière.

C - LEGAL STRUCTURE OF ENTERPRISES ORGANIZING MUSICAL PERFORMANCES IN ITALY

Special legislation concerning these enterprises was enacted by the Italian Government in 1967 and 1971, replacing that of 1936.

Two legislative texts henceforth govern musical organizations:

- Law No. 80 of 14 August 1967 and Decree of the President of the Republic No. 686 of 15 March 1971.

The purpose of the law of 14 August 1967 is defined in its Article 1, which states that "the State considers operatic and musical activities to be of great general value, and calculated to encourage the musical, cultural and social training of the national community", and this is why "it has been thought necessary to ensure the defence and development of such activities by official guidelines".

The enterprises in the field of the performing arts to which the law relates are: opera-houses, orchestras, choral associations and corps de ballets, for which three types of measures are introduced, of a financial, administrative and social nature, in that a definition is given of the rules for the recruitment of artistic and technical personnel falling within the scope of the legislative text.

Financial measures

Specific financing is introduced and is included in the budget of the Ministry of Tourism and Entertainment. The main sources of this budget's funds are:

- . a proportion of the fees paid to the Italian Broadcasting Corporation
- . a proportion of that body's own revenue
- . a proportion of the taxes levied by the Public Treasury on entertainments.

Administrative measures

A Central Committee for music, the functions of which are defined in Article 3, is created in order to examine the problems relating to musical activities and to decisions for granting subsidies.

This institution is placed under the auspices of the Ministry of Tourism and Entertainment.

The enterprises in the field of the performing arts defined by the law have the legal status of public enterprises and enjoy financial autonomy. The text of the law lists them by name:

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- . the Municipal Theatre, Bologna,
- . the Municipal Theatre, Florence,
- . the Municipal Opera-House, Genoa,
- . the La Scala Theatre, Milan,
- . the San Carlo Theatre, Naples,
- . the Massimo Theatre, Palermo,
- . the Rome Opera-House,
- . the Theatre Royal, Turin,
- . the Verdi Municipal Theatre, Trieste,
- . the La Fenice Theatre, Venice,
- . the Arena Theatre, Verona.

The following are also recognized as concert bodies on a similar footing:

- . the Santa Cecilia National Academy, Rome,
- . the Caphari Orchestra, which is referred to as the "Giovanni Palestrina concert and operatic institution".

Lastly, the text of the law specially mentions the Rome Opera-House and the La Scala Opera-House, Milan, referring to them as bodies "of national interest".

Social measures

The Italian legislator deemed fit to include in this text specific measures concerning recruitment procedures for the personnel employed by operatic and similar bodies:

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For instance, according to the law, appointments are to be made through the Specialized Agency for the placing of workers in the performing arts, which is also entrusted with the task of issuing the "nulla osta", that is, the administrative permits allowing workers to be engaged.

The law upholds the principle of authorization for the notification of vacancies by name which was stated in the Law of 29 April 1949 and the Decree of 24 September 1963 with regard to the placing and engaging of workers in the performing arts.

But this obligation to use the services of the Specialized Agency only applied, for the legislator, to the apparently "less skilled" artists and technicians. For Article 48 of the law states that "the recruitment of the principal and secondary singers, of soloist concert artists, of ballet dancers and soloist dancers can be effected directly by the organizers of artistic performances subject to the sole reservation that the latter must submit a list of the artists engaged to the Specialized Agency within ten days following the recruitments".

It is obvious that these limits considerably reduced the role of the Specialized Agency and also the significance of the sanctions laid down in Article 49 with respect to organizers of shows not complying with the principles established with regard to engagement: "the payment of the State contributions and subsidies is subject to observance of the rules concerning placing". In 1971, however, by Decree No. 686 of 15 March, the Italian legislator repeated and made more specific the measures relating to recruitment of the personnel of the enterprises covered by the Law of 1967 and decided that all the personnel required by the organizers of shows, including the principal artists, must be recruited through the Specialized Agency.

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In the case of engagements offered by name, the offer must likewise be filed with the Specialized Agency. The same applies where a group of artists is concerned.

For their part, artists, and also properly constituted companies, must be registered in the lists of the public service, and applicants for employment must enclose a photograph with their applications.

Under the decree, offers of engagement, both by number and by name, must specify the nature of the performance, the place where it is to be held, its starting and finishing dates and the date of cessation of the employment contract. Lastly, all changes in the programme of the performance are to be notified to the Specialized Agency.

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It should be added to the special information concerning opera-houses that the general rule for all organizers of performances is that they shall be entered in the trades register. They must also, when recruiting artistic personnel, obtain from the special employment services the "nulla di osta di agibilità" form, which constitutes the public service's permit allowing them to pursue their activity.

An organizer of shows cannot act as an artists' agent. Furthermore, in respect of occasional shows, no exception is made for their organizers, who must establish the social insurance rights of the artists whom they recruit.

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CO-OPERATIVE SOCIETIES

The characteristic feature of co-operative societies is that they are made up of varying numbers of members who make variable contributions. Their legal structure and their method of organization and management are generally fairly similar in the Member States of the EEC.

In France, this form of legal organization is used in the field of the performing arts but is much less often encountered than the association governed by the Law of 1901. Some Drama Centres and some theatre companies, corps de ballets and groups of singers are constituted in this form.

In Italy, on the other hand, this form of organization is very common in cultural activities, and it would be interesting to make a thorough study of their role. In some professional groups of artists, the co-operatives represent a quasi-monopoly as far as employment is concerned. As in the case of the other types of enterprises in the field of the performing arts, the artists' co-operatives have to be entered in the trades register and must also, with regard to placing, apply to the special employment services for the "nulla osta di agibilità" form.

CHAPTER 4MAIN FEATURES OF THE EMPLOYMENT OF WORKERSIN THE PERFORMING ARTS AND MUSICIANSPART 1A - CONCEPT OF ACTUAL EMPLOYMENT

For a worker in the performing arts the concept of actual employment is defined by reference:

- . to the type of enterprise which has engaged him,
- . to the number of employers during a given period,
- . to the duration of engagements.

The structure of enterprises in the performing arts has a direct effect on the employment of artists in that systems of recruitment and engagement contracts and their duration may vary considerably, depending on whether the enterprises concerned are:

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- . enterprises in the performing arts run by the State or by local authorities,
- . enterprises receiving subsidies from the public authorities,
- . private enterprises,
- . national or private film production companies or television production companies,
- . enterprises organizing occasional shows.

With regard to the duration of the employment offered, this varies according to whether the arrangement is:

- . a fee for a single performance,
- . an engagement for a series of performances,
- . a contract for some days or some weeks in the case of the production of a television film,
- . a contract for a period of two, four or eight weeks in the case of the production of a film, depending on whether the actors in question are principal or secondary ones,
- . a contract for three or four months in connection with a theatrical tour,
- . an engagement for the season or the year,
- . a permanent contract in the case of national theatres, national orchestral bodies, etc.

These examples show the diversity of types of employment with regard to duration and to some extent justify the term "casual workers" currently used in the world of the performing arts to refer to actors and musicians.

The intermittent nature of employment in the world of the stage and music is not negative in itself. Artistic expression requires a long period of preparation, and this is true whatever the artist's speciality: the recital for a singer or performing musician, knowledge of the repertoire for an actor, cannot be prepared solely during the rehearsal period extending over a few days or a few weeks before the performance.

For the actor who has lived the part of the main character in a play or film for several weeks or several months it may also be necessary to have a period of transition in his working time.

Although, for Diderot, the actor's performance requires "... much judgment penetration and no sensitivity ..."¹, this conception of the actor's role is questionable in so far as to "live" a part is, in the etymological sense of the word, to substitute one's own personality for that of the character, to take on his problems, his joys or his anguish. "In this repeated oscillation between the character and himself, this mutual exhortation, this emulation where each wants to surpass the other, this race and this competition as regards depth of feeling, the actor, dispossessed of himself, becomes a spiritual instrument, a clairvoyant, a sleepwalker seized by his externalizations. He has within him an acute sense, an intuition, a new sense ... which brings him into this impenetrable domain of the creator".²

1. Diderot, "Paradoxe sur le Comédien".

2. Louis Jouvet, "Le Comédien désincarné".

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The university lecturer argues that the vacations are necessary in order to give him the time required for research and the preparation of his teaching. At least he receives his normal pay during this period! This is not the case with the great majority of performing artists and musicians, the exception being those who enjoy the status of permanent employees.

"In the case of actresses, the word "rest" may have several meanings. You rest after a long tour. You rest after a difficult film. Rest is sacred. Rest stops being sacred when it goes on for ever. It is no longer called rest; it is called unemployment.

To be unemployed, for an actress, means no longer even having to refuse a part. It consists of no longer having any scripts or plays to read, since you are not offered anything. In short, it means having a telephone that never rings.

As we like figurative expressions, we euphemistically call these periods "the trough of the wave" ... There are sometimes waves that are ground swells"¹

1. Simone Signoret "La nostalgie n'est plus ce qu'elle était", Paris 1976.

B - CONCEPT OF UNDEREMPLOYMENT AND UNEMPLOYMENT

Artists - and there are many of them - who only obtain engagements for short or very short periods in the course of a year are in a state of marked underemployment which no longer has anything in common with the positive aspect of the intermittent nature of work which is regarded as necessary for its preparation "By a play on words in which irony gives way to a sad and heart-breaking reality for most of them, casual workers in the performing arts are 'unemployed persons who work when they are allowed to'"¹. This remark applies more particularly to French artists, but it is certainly not incorrect to regard it as being valid for all stage performers and musicians in the various countries of the European Economic Community.

This state of underemployment is all the more serious because it not only harms the artist as regards his means of subsistence but also jeopardizes his whole professional career: "The artist, more particularly, owes it to himself to appear in public, for this is how his name is kept on the bill; he knows this and his vocation therefore makes him one of the most zealous of workers".¹

1. Projet portant sur l'harmonisation des dispositions sociales régissant les Intermittents du spectacle et leurs employeurs (Draft on the harmonization of social provisions governing casual workers in the field of the performing arts and their employers) - Report prepared by the Commission sociale du Groupement des Institutions Sociales du Spectacle, Paris 1977.

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This special aspect of the working conditions of performing artists has a direct effect on the possible estimates of the extent of the unemployment to which this category of workers is almost permanently subject. The statistical data published by the public employment services provide only very fragmentary information, for several reasons:

- . In view of the virtually marginal role, in most of the EEC countries, of the public services in facilitating the placing of performing artists, these only register as applicants for employment in order to safeguard their social security rights and receive unemployment benefits when they are entitled to them.
- . If we look at the French regulations, we find that entitlement to unemployment benefit can only become effective if the artist is able to provide evidence of 1000 hours' work during the 12 months or 2000 hours during the 24 months, or 3000 hours during the 36 months before he became unemployed. Now the unemployment which affects most of them, whatever their speciality, and particularly variety artists, has the effect of making it very difficult to provide evidence of 1000 hours' work in twelve months. Consequently, evaluation of the situation on the basis of the number of applicants for work undoubtedly leads to considerable underestimation of the degree of unemployment.
- . It is also likely that the virtually permanent state of under-employment induces some artists to engage in a supplementary occupation different from their profession, with the result that they do not register at the employment offices.

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As casual workers, the great majority of performing artists in the Member States of the European Community are not only in constant difficulties as regards employment, but their right to work is also characterized by inequality of opportunity.

C - CONCEPT OF "UNDERPRIVILEGED PERSONS"

It would obviously be naive to think that only workers in the field of the performing arts are affected by the form of social injustice represented by inequality of employment opportunities.

Studies of populations which are regarded as being most often liable to encounter difficulties in starting on a career are generally directed towards the analysis of specific cases relating to: women, young people, elderly workers, immigrants and physically handicapped persons. Once they have been classified as a population faced with "employment difficulties", their position is studied on the basis of criteria such as lack of vocational training or experience, handicaps connected with their racial origin, their age, or physical deficiencies, etc. This is really a classification made with reference to the facts or deficiencies of their situation, regarded as the primary cause of the problems encountered by these various population categories.

But actually this type of reasoning leads to the proposal of ad hoc solutions which inevitably only have a piecemeal effect.

The concept of "underprivileged" needs to be studied with reference to the mechanisms of the labour market, which is seen to be the "central location of the exclusion processes". There is no lack of investigations in this field¹ and we may mention, as a reference, the works of the American economists Doeringer and Piore², who reveal, at enterprise level, the duality of the labour market, the mechanism of which can be very briefly summed up as being characterized by:

- 1) an internal market: the constraints of the production system (productivity requirements, constant effort to achieve technological progress) have a direct effect on employment structures and on the workers' qualifications, working potential, stability within the enterprise as a result of internal promotions, long-service bonuses, etc.

The worker who is integrated into the internal circuit has the benefit of guaranteed employment, promotion and indeed of a career.

1. Various studies are at present in progress on this subject by the OECD.

2. M.J. Piore: "On the technological foundations of economic dualism", 1973.

P.B. Doeringer and M.J. Piore: "Unemployment and the "dual labor market", 1975.

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- 2) an external or secondary market comprising all those who have no, or very little, possibility of becoming part of an enterprise: unskilled workers (labourers, semi-skilled workers), holding jobs characterized by their instability, in that the worker is "interchangeable" at the level of the job, the assembly line, the workshop, the enterprise or the sector of activity.

Although the economic activity pursued by the worker in the field of the performing arts is highly specific, an analysis of employment problems undertaken for each of the categories concerned (actors, singers, dancers, variety artists, etc) reveals that, whichever country of the Community is concerned, there are similarities in his position and in the difficulties of gaining a footing in the entertainment sector, which reveal the exclusion processes set in motion by the mechanisms which are peculiar to the labour market of the performing arts.

The fact that the public employment services are not well suited for the placing of artists, the concern with achieving profitability engendered by the show business process, the behaviour of potential employers of artists (directors of theatres or concert halls, stage, film or television producers, film directors, organizers of occasional shows) - all these mechanisms combine to favour a minority of stars and to put the majority of artists at a disadvantage.

A favoured position is enjoyed by the artist who has the benefit of personal or family financial resources, contacts, or the backing of an artists' agent or producer. The chances - if he has talent, of course (save for rare exceptions) - of becoming well known are then certain. Once the artist has become well known, employment opportunities take shape and indeed become abundant. Success breeds success, and this is particularly true in films.

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Someone who, with the same talent and without assistance or contacts of any kind, tries to enter the field of the performing arts, has to contend with daily difficulties in order to obtain engagements in his speciality. More often than not he exercises his profession only sporadically and is obliged, in order to live, to pursue a supplementary activity which jeopardizes the development of his abilities and his chances of engagement. All other things being equal, is it likely that a technician or engineer would be able to pursue a professional career in a factory or research laboratory, to improve his knowledge and properly perform the work for which he has been appointed, if he worked at the most for three months in the year, supplementing his income by secondary activities?

There is also a special aspect of the inequality of opportunity of employment in the performing arts with regard to actresses:

On reading plays by the great authors such as Molière, Corneille or Shakespeare and, closer to us, Brecht or Pirandello, we find that the number of female roles in plays is always much smaller than that of male roles.

Nor should it be forgotten that for a very long time female roles were played by men: we shall see below in connection with the theatre in the Netherlands, that it was a Dutch actor (Jan Baptist Fornenberg) who was the first, in the second half of the seventeenth century to have actresses performing in his company.

In France we may mention the example of the Comédie Française, where the number of male members is not limited, whereas, according to the decree of 1946, the number of women members may not exceed one-third of the total.

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In the case of Belgium, in his report on the position of Belgian actors Aagje Pabbuwe notes that unemployment affects actresses more than actors precisely because of the number of parts that can be offered to them.

In film or television production we find the same phenomenon, with but few exceptions: the majority of the parts created by the script-writers are for male actors.

It is primarily a problem of authors but it is also a question of choice of repertoire by organizers of performances, and this has serious consequences for actresses, who are faced with an employment situation which is even more difficult than that of their male colleagues in all the countries of Western Europe.

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It is an over-simplification to regard the inequality of opportunities in the performing arts as being inevitable because of the special customs of the entertainment world and, in particular, to attribute it to the individualism of the artists themselves. Assertions of this type are refuted by the examples quoted in this report. Limited though these are, they at least demonstrate that artists themselves have become aware of the incongruity and injustice of their present situation.

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It must nevertheless be stressed that the wish to arrive at a better understanding of the social condition of performing artists is now the order of the day. National governments are concerning themselves with the problems raised, undertaking studies, and preparing texts of laws or regulations. International organizations are also concerning themselves with the position of artists¹. Associations are being founded in the various countries in order to serve artists. But these efforts are still only fragmentary. As for the organizations entrusted with the task of defending the interests of the various activities in the field of entertainment (especially the cinema and the theatre), their primary aim is to defend production, and they are only concerned with performers in so far as specific regulations have to be maintained.

From the Community point of view, the inequalities, the lack of openings and the inevitable unemployment all have the effect of giving rise to defensive, indeed corporative lines of behaviour which actually run counter to the interests of the workers in this field and jeopardize the possibilities of international exchanges, and especially of those which can legitimately take place as a result of the freedom of movement within the EEC.

1. We may quote as an example the joint inquiry by the ILO and UNESCO into the circumstances of workers in the arts.

D - INFORMATION ON THE LEGAL POSITION AND PRINCIPAL SOCIAL RIGHTS OF WORKERS IN THE PERFORMING ARTS

Although this specific aspect of information on the legal position and social rights of artists is closely bound up with employment conditions, the magnitude of the problems raised and the diversity of situations in individual Member States and individual categories of artists make it impossible to analyse these matters in the present study. This is therefore only a brief summary of the data, prepared on the basis of the information available.

The artist's situation from the point of view of his professional activity is either that of an employee or that of a self-employed person. In most countries the proportions represented by these two groups are difficult to determine.

In the Federal Republic of Germany the proportion of employees was about 73% in 1970.

In Italy there are no statistical data, but the proportion of employees is probably very low. The same applies to the United Kingdom, where it appears, however, that the proportion of employees is now tending to increase compared with that of self-employed persons.

In France the legal position of stage performers and musicians has been defined since 1969 by a specific Law (No. 69-1186 of 26 December) according to which: "any contract whereby a natural or legal person obtains, for remuneration, the assistance of a performing artist with a view to the production of a performance, is deemed to be a contract of service provided that this artist does not pursue the activity which is the subject of the contract under conditions requiring him to be entered in the trades register "

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The work contract must be individual. It may, however, be common to several artists when it relates to artists who perform in the same act or musicians who belong to the same orchestra.

The text of the law also states that performing artists, whatever their nationality, must belong to the social insurance system.

On this last point, in all the countries of the European Economic Community the right to social insurance is guaranteed to artists, but the details and content of this right differ from country to country. As far as unemployment benefits are concerned, specific systems exist in most countries except for Italy, where there is no special measure in this field in favour of stage performers and musicians.

It would also be necessary, in order to appreciate and possibly compare the social rights of artists, to make an analysis of the collective agreements which, in each Member State, guarantee artists' rights. This is a fundamental aspect of the employment problem which has an important effect from the point of view of the implementation of the freedom of movement for workers.

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PART 2ANALYSIS OF THE STRUCTURE OF WORKERS IN THE PERFORMING
ARTS IN THE FEDERAL REPUBLIC OF GERMANY, FRANCE AND
THE UNITED KINGDOM

The figures given here should be interpreted with caution because they are heterogeneous, out of date and in some cases also incomplete. But these statistics do at least make it possible to gain an idea, albeit only relative, of the structure of the body of workers in the performing arts included in the scope of this study.

As far as possible, and especially with regard to France, methodological comments are made so as to give a clearer idea of the significance of the information provided.

This approach also shows how advisable it is that the Member States should perfect the statistical tools which would enable them to improve their knowledge of the number and structure of the labour force in the performing arts. These are essential data for the introduction and pursuit of consistent policies with regard to employment, vocational training, presentation and production of activities in the field of the performing arts.

FEDERAL REPUBLIC OF GERMANY

The main items of quantitative data presented in this chapter are taken from the report on performing artists¹ which was the outcome of the survey carried out at the request of the Bundestag by a Hamburg research agency.

This was a sample survey relating to a representative sample of 3000 artists, taken from the questionnaires of the 1950, 1961 and 1970 population censuses. The information processed was supplemented by inquiries directed to the representative bodies or institutions of the artistic professions studied.

Originally the investigation was to apply more particularly to performing artists, performing musicians, music teachers, journalists in this field and full-time radio and television staff. But its scope was extended to embrace musical composers, producers, ballet dancers, variety artists and professional exponents of the plastic arts.

The purpose of the survey is to provide information on the social position, social rights, training, age, major and secondary occupations and incomes of artists, and also on the views of other socio-professional categories concerning the performing arts².

1. Cf. op. cit. p. 43

2. The survey concerns professional performing artists, the criterion adopted being that of income: a professional performing artist is one who derives more than 50% of his income from activities in the performing arts.

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For this study we have extracted only information relating to employment problems and to the structure of the body of workers in the performing arts included within the scope of our report. Most of the figures date back to 1972, but it has not been possible to update them.

According to the results of the survey it would appear that, over a period of 20 years, the number of performing artists and their distribution between employees and self-employed persons changed as follows:

YEAR	Employed		Self-employed		Total	
	Number	%	Number	%	Number	%
1950	10.665	79 %	2.835	21 %	13.500	100 %
1961	8.378	71 %	3.422	29 %	11.800	100 %
1970	7.827	73 %	2.896	27 %	10.723	100 %

Again on the basis of the estimates in the report quoted, the changes recorded are substantial: over a period of 20 years the number fell by about 19 000 for musicians and about 3300 for other performing artists.

A generally large proportion of stage performers and musicians are employed by cultural and entertainment organizations run by the State or the local authorities (Länder and communes). The reclassified figures presented below give an indication of the proportion of artists in individual specialities employed by these public bodies.

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. Actors	: 63 %
. Producers	: 42 %
. Orchestra conductors	: 40 %
. Instrumental musicians	: 57 %
. Opera singers, soloists and chorus singers	: 67 %
. Ballet dancers	: 69 %

ANALYSIS OF THE NUMBERS OF ARTISTS BY SPECIALITY

Table 1 presents the information analytically, while in Table 2 it is rearranged to allow, with all appropriate reservations, a number of comparisons with the figures for France. This comparison can only be approximate, however, owing to the differences in nomenclature and the different times at which the information was gathered.

These tables, and especially Table 2, show that the proportions represented by musicians and operatic artists (including classical ballet) in the total number of workers in the performing arts are particularly large, reflecting the traditional dynamism of musical and operatic activities characteristic of the performing arts in the Federal Republic of Germany.

In the case of variety artists, it is difficult with the information available at present to assess the representativeness of the data provided by the Hamburg report.

ANALYSIS OF WORKERS IN THE PERFORMING ARTS BY SPECIALITYTABLE 1

OCCUPATION	NUMBER	PERCENTAGE
Orchestra conductors	1.800	5,57
Orchestral and church musicians	8.200	25,38
Soloist musicians (opera)	1.500	4,64
Chorus singers (opera)	2.200	6,81
Classical singers	1.000	3,09
Variety musicians	5.200	16,09
Dancers	1.900	5,88
Dramatic artists	5.400	16,71
Variety artists	2.000	6,19
Producers	1.100	3,40
Film and television technicians	2.000	6,19
TOTAL	32.300	100,00

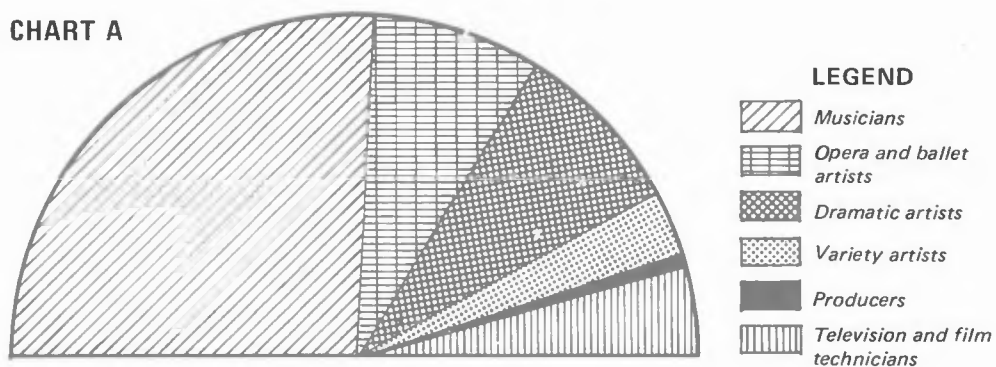
ANALYSIS OF WORKERS IN THE PERFORMING ARTS BY SPECIALITY (REGROUPED)

TABLE 2

OCCUPATION	NUMBER	
	ABSOLUTE	%
Musicians	16.700	51,7
Opera and ballet artists	5.100	15,7
Dramatic artists	5.400	16,7
Variety artists	2.000	6,1
Producers	1.100	3,4
Film and television technicians	2.000	6,1
TOTAL	32.300	100,00

FEDERAL REPUBLIC OF GERMANY
Breakdown of performing artists by speciality

CHART A



STRUCTURE BY AGE AND SEX

Tables 3 and 4 give an idea of the structure of performing artists by age and sex.

- 1) It will be seen from Table 3 that 62% of dancers are under 30 years of age, the corresponding percentage for variety musicians being 59%, that for actors 51% and that for classical musicians 41%.

One-third of the classical musicians, singers and variety artists are aged from 40 to 50. In this age group the number of actors is relatively smaller: 23%.

Between 50 and 65 there are still 36% of variety artists but only about 20% of classical musicians and actors.

- 2) Table 4 shows that, except in the case of dancers, women are still less represented than men in the various specialities. The differences are particularly marked in the case of musicians, variety artists and producers. It would be worth while making a thorough study of these data with a view to explaining these disparities.

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Only one-third of the actors are women, and this fact illustrates the remarks made earlier about the inequality of employment opportunities for actresses.

According to recent information provided by the Central Artists' Employment Office in Frankfurt (ZBF), relating to 12 000 performing artists, good engagements - that is, for a fair length of time - are found for only about 25% of artists, while 12% obtain short engagements and about 58% are obliged to pursue a supplementary activity in order to earn their living.

AGE STRUCTURETABLE 3

OCCUPATION	Under 30	30-40	40-50	50-65	Over 65	Total
Conductors	11	22	30	31	6	100 %
Classical musicians	15	26	31	21	6	100 %
Singers (opera)	11	42	30	16	1	100 %
Variety musicians	30	29	26	11	3	100 %
Dancers	18	44	19	9	10	100 %
Actors	21	30	23	19	6	100 %
Variety artists	13	16	31	36	5	100 %
Producers	9	39	28	19	5	100 %
Technicians (film and television)	35	35	18	12	-	100 %

Source: 1972 survey

DISTRIBUTION ACCORDING TO SEXTABLE 4

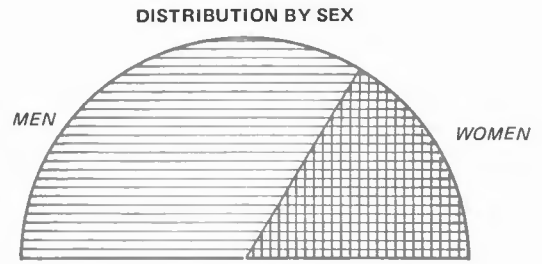
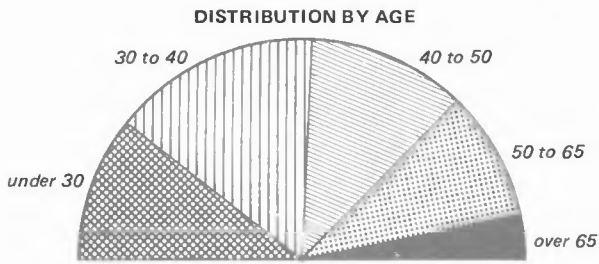
OCCUPATION	Men	Women	Total
Conductors	97	3	100 %
Classical musicians	98	2	100 %
Singers (opera)	87	13	100 %
Variety musicians	55	44	100 %
Dancers	41	59	100 %
Actors	67,5	33	100 %
Variety artists	83	17	100 %
Producers	95	5	100 %
Technicians (film and television)	60	40	100 %

Source: 1972 survey

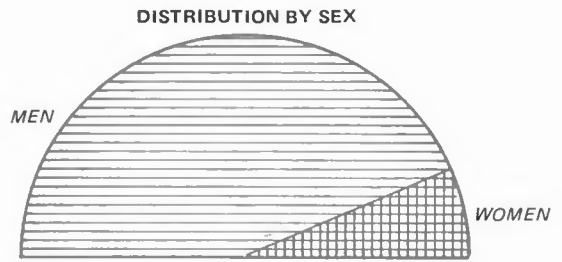
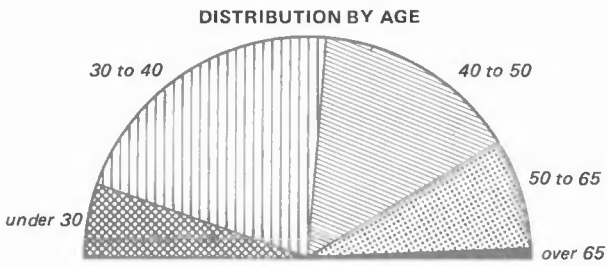
FEDERAL REPUBLIC OF GERMANY

CHART B

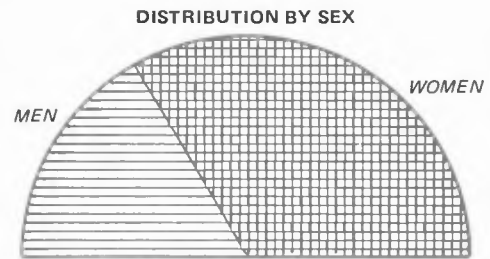
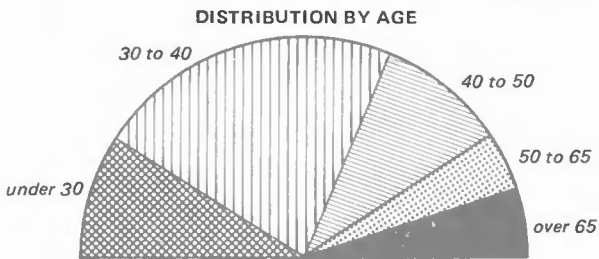
ACTORS



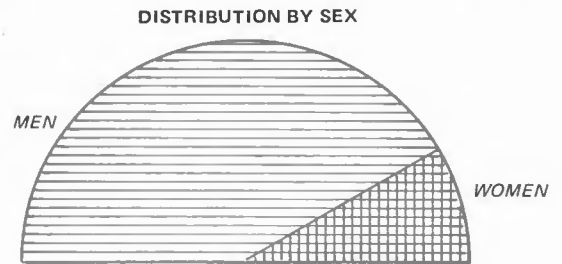
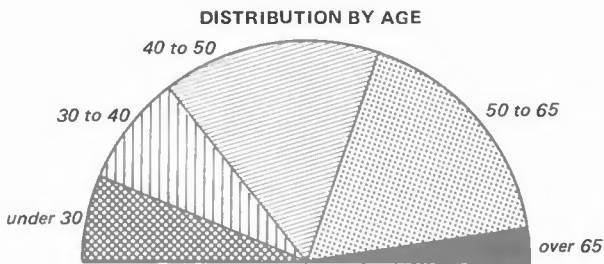
CLASSICAL SINGERS



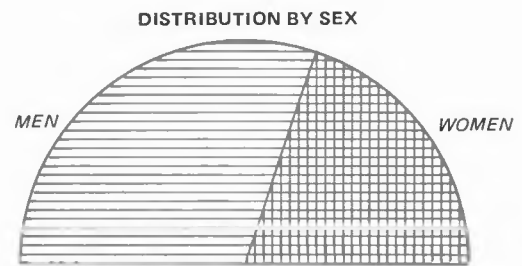
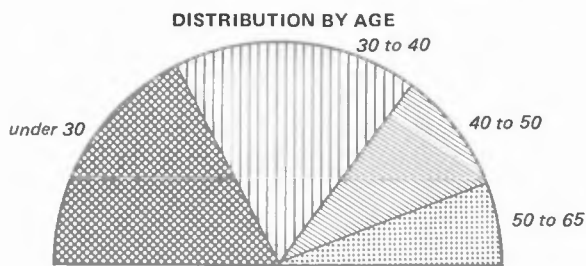
CLASSICAL DANCERS



VARIETY ARTISTS



TECHNICIANS (FILM AND TV)



FRANCE1 - METHODOLOGICAL COMMENTS ON INFORMATION SOURCESPOPULATION CENSUSES

The distribution of performing artists by individual activities provided by the population censuses is only reliable in so far as:

- . the nomenclature of occupations used for the breakdown of the figures is sufficiently detailed to make it possible to determine the number of performing artists in the various specialities;
- . the headings used in the different censuses are uniform.

For purposes of statistical processing, however, the classification codes for the artistic occupations were differently grouped in 1968 and in 1975.

It was nevertheless possible to use some of the figures from the 1962 census - mainly those for the number of classical singers and dancers.

STATISTICAL DATA PROVIDED BY THE "CAISSE DES CONGES SPECTACLE"

This body, national in scope, prepares an annual record of workers in the performing arts on the basis of the payment returns for holiday allowances paid.

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The representativeness of this information source is determined by the extent to which holiday allowances are actually paid to workers in the performing arts. The fact that organizers of occasional shows are not obliged by the regulations to pay holiday allowance contributions for the benefit of the artists whom they employ gives rise to a statistic distortion mainly with regard to variety artists and musicians, and their numbers are therefore underestimated.

The same applies to actors or variety artists working in "cafés-théâtres".

Furthermore, the "Caisse des congés spectacle" does not take into account artists employed by government bodies (Comédie Française, national and regional orchestras), who enjoy a special status.

Lastly, in order to receive holiday allowances, artists must have earned at least 24 fees during the reference year, that is between 1 April of the preceding year and 31 March of the current year. Some artists only ask for payment of their paid holiday allowances one year in arrears, but these are relatively few in number and on average represent only about 4% of the workers recorded by the "Caisse".

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MAIN STRUCTURAL CHARACTERISTICS OF THE WORK-FORCE

TREND BETWEEN 1968 AND 1975

Table 1 shows that dramatic artists represent more than one-quarter of the workers in the performing arts covered by the study; the proportion is much the same for musicians: 25.6%.

Operatic artists (including chorus singers) represent 6.3% and dancers 5.3%.

As for variety artists, the "Caisse des Congés" records 1064 in 1975 but, in view of the methodological comments made above, it is probable that this figure is underestimated by about 50% and that the actual number of professional variety artists is around 2000.

Film production technicians represent 18% of the total, but in the case of television technicians it should be borne in mind in the estimates that technicians with government-employee status belonging to the staff of the national television corporation are not included in the figure of 2207 given by the "Caisse des Congés".

*
* *

TABLE 1

OCCUPATIONS	Number	Percentage
Dramatic artists	4.673	26,0
Operatic artists ¹	690	3,8
Chorus singers	455	2,5
Dancers ¹	966	5,3
Variety artists	1.095	6,0
Musicians ²	4.624	25,7
Film production technicians	3.242	18,0
Television technicians ³	2.207	12,2
Total	17.952	100,0

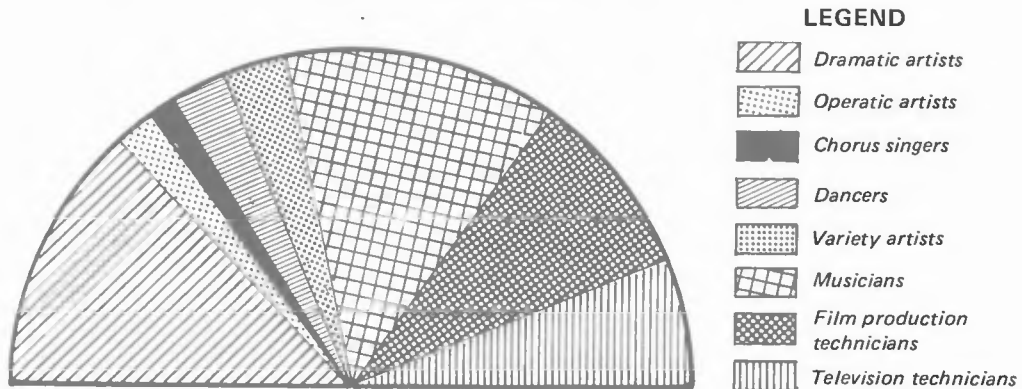
Source: "Caisse des Congés Spectacle"

1. Not including performing artists of the national theatres
2. " " " " of the national orchestras and the Paris Opéra
3. " " television technicians "with government-employee status".

FRANCE

CHART C

Breakdown of performing artists by category in 1975



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The statistical data summarized in Table 3 show the general decline in the number of workers in the performing arts between 1968 and 1975.

They demonstrate a decrease of 25% for dramatic artists, 32% for musicians and 45% for variety artists.

The number of artists mainly belonging to opera and ballet enterprises (principal singers, chorus singers, ballet dancers) also fell sharply (by 44%) between the two years. They numbered 4340 in the 1962 population census; the decrease over 13 years was thus more than 50%.

CHANGE IN NUMBERS OF WORKERS IN THE
PERFORMING ARTS, BY SPECIALITY
1968 - 1975

FRANCE

TABLE 2

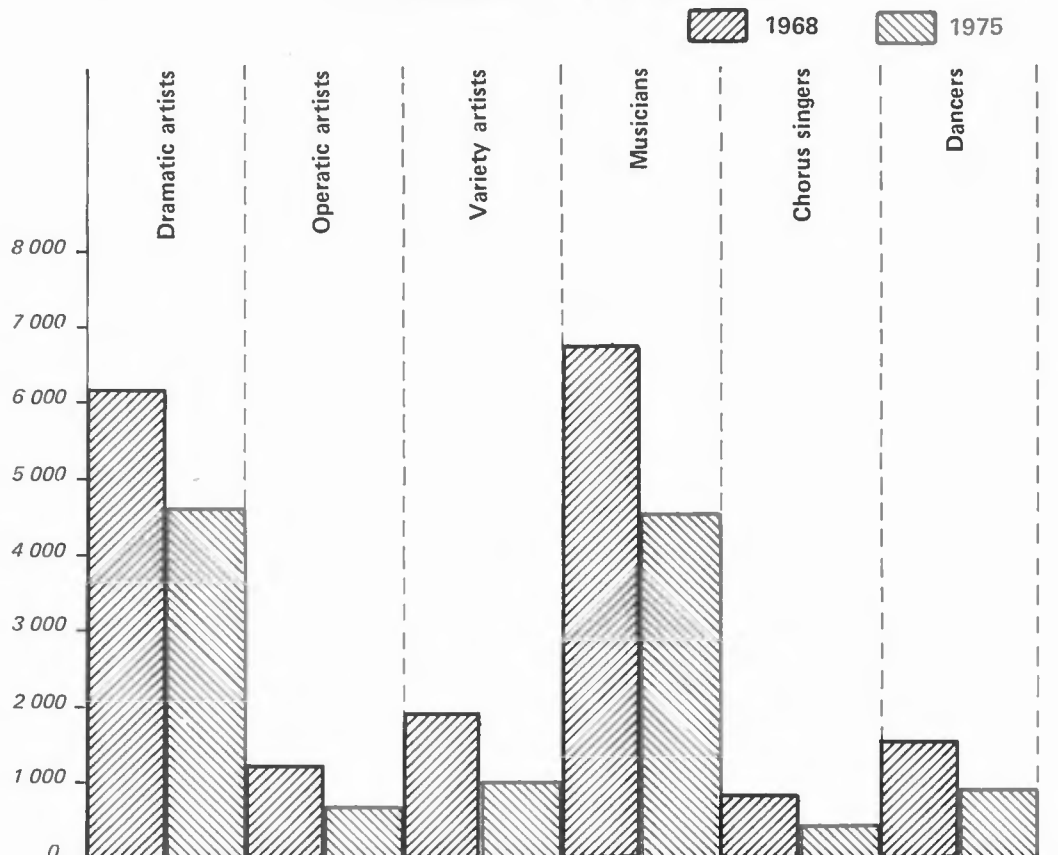
	1968	1975	CHANGE	
			Number	%
Dramatic artists	6.170	4.633	- 1537	- 24,9
Operatic artists	1.247	690	- 557	- 44,6
Variety artists	1.904	1.064	- 840	- 44,1
Musicians	6.773	4.596	- 2177	- 32,1
Chorus singers	813	455	- 358	- 44,0
Dancers	1.531	966	- 565	- 36,9

Source: "Caisse des Congés Spectacle".

FRANCE

CHART C'

*Number of workers in the performing arts
in 1968 and 1975 by speciality*



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In 1970, on the basis of the information provided by the artists' social security bodies (holiday allowance and retirement pension funds), the following estimates were made of the proportions of artists' incomes accounted for by the major categories of enterprise in the performing arts:

. O.R.T.F. (French Radio and Television Corporation)	: 18.8 %
. Films)	: 25 %
. Dubbing and private production companies)	
. Parisian theatres	: 8.7 %
. Theatrical tours	: 8.2 %
. Provincial theatres	: 10.0 %
. Variety	: 4.1 %
. Private radio stations	: 4.9 %
. Miscellaneous, of which: records, publicity	: 19.5 %

These estimates applied to 11 000 artists and did not include those employed by the national theatres.

UNITED KINGDOM

The information concerning the number of workers in the performing arts in Great Britain¹ is taken from a report prepared in 1972 by the British actors' union, Equity, and published in Report No. 40² submitted to the Industrial Relations Committee with a view to the approval of closed shop agreements, defining Equity's role in all fields relating to the employment of its members and their working conditions and pay.

The data presented by Equity in Report No. 40 come from several sources, mainly originating from Equity's annual reports for the years 1969-1971. This information was supplemented by a survey conducted by Equity among its members (about 20 000).

The results were worked out from 4254 questionnaires, representing about 20% of the workers in question.

The information extracted for the present study makes it possible to show the structure of Equity's members by artistic speciality, their distribution by sex and age and the average number of artists employed during a week according to category of enterprise.

1. Not including musicians or film and television technicians.

2. Report No. 40 "Approved closed shop in theatre, independent television and films", 1972.

A - ANALYSIS BY SPECIALITY OF BRITISH ARTISTS PRACTISING THEIR PROFESSION BEFORE 1971

Table 1, illustrated by Chart D, shows the large proportion of theatrical actors compared with other performing artists included in the scope of the survey.

TABLE 1

PROFESSION	PERCENTAGE
Actors	58.8
Variety artists	12.0
Dancers	6.4
Singers	5.9
Producers	6.1
Walk-on actors and extras	5.3
Others	5.5
Total	100.0

Source: British Equity

B - DISTRIBUTION BY AGE

The majority of actors are between 21 and 40 years of age and 50% of ballet dancers are under 20.

Among variety artists the largest number are aged between 31 and 40.

-
1. It is not possible to compare this percentage distribution with the German and French data because these figures do not include either musicians or film and television technicians.

ANALYSIS BY SEX AND PROFESSIONTABLE 2

PROFESSION	Men ¹	Women ²
Actors	61,0	55,8
Variety artists	12,4	11,5
Dancers	2,8	11,3
Singers	5,8	6,3
Producers	6,5	5,4
Walk-on actors and extras	4,1	6,9
Others	7,4	2,8
Total	100,0	100,0

Source: British Equity

1. Estimate made from a sample of 2362 artists.
2. Estimate made from a sample of 1684 artists.

With regard to male artists, a point to be noted is the large proportion of actors and the small proportion of classical dancers and singers: 2.8% and 5.8% respectively.

Among female artists, too, the proportion of actresses is high, and it should be noted that dancers represent 11% of all female artists covered by the Equity survey.

UNITED KINGDOM
*Analysis by speciality of artists practising
their professions before 1971*

CHART D

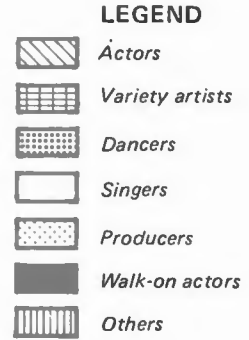
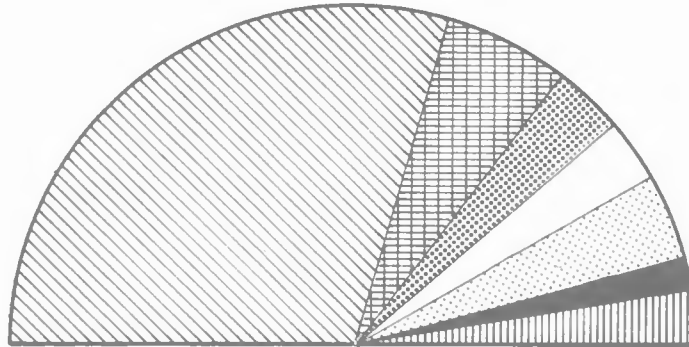
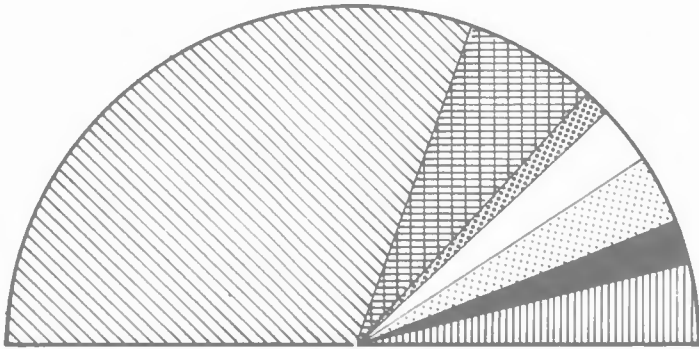


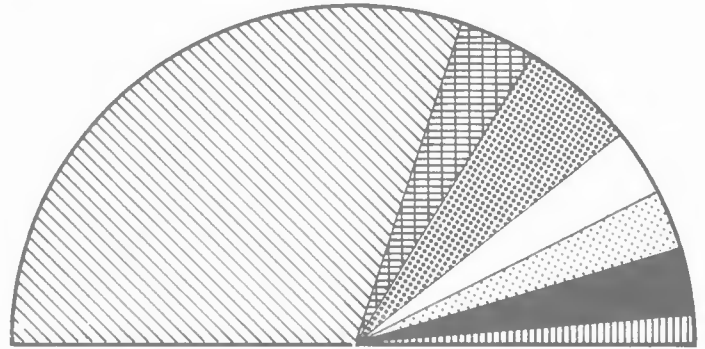
CHART E

UNITED KINGDOM
*Analysis by speciality and sex of artists practising
their professions before 1971*

MEN



WOMEN



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Table 3 below shows the proportion of performing artists employed during one week according to the type of artistic enterprise to which they belong: the figures highlight the extent of underemployment of British artists in the field of live entertainment.

TABLE 3

Category of entertainment	Percentage of artists employed during one week according to the type of entertainment enterprise to which they belong
London West End theatre	18.0
Tours	10.7
Repertory theatre	26.0
School theatrical performances	2.6
Children's theatrical performances	3.5
Summer variety shows	15.9
Other theatres	9.9
Opera	4.5
Ballet	1.3
Festivals	4.9
Circuses	0.3
Miscellaneous	2.4
Total	100.0

Source: British Equity

COMMISSION OF THE EUROPEAN COMMUNITIES

RIGHT TO WORK AND EMPLOYMENT PROBLEMS
OF WORKERS IN THE PERFORMING ARTS
AND MUSICIANS
IN THE EUROPEAN ECONOMIC COMMUNITY

Volume II

by Marie-Madeleine Krust

Study prepared at the request
of the Commission of the European Communities

1977

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CHAPTER 5EMPLOYMENT PROBLEMS OF PERFORMING ARTISTSIN THE THEATREPART 1THE ACTOR

The history of actors is marked by its paradoxical nature : frequently applauded by the common people and enjoying the patronage of the noblemen and kings for whom they provided amusement, they were at the same time rejected by the Church, which condemned them to excommunication, and were regarded with distrust by bourgeois society.

In France in the fifteenth century, Charles VI issued letters patent on 4 December 1402 granting the Confraternity of the Passion the privilege of giving public performances, and yet in 1422 the clercs de la basoche were imprisoned. There was still no conception of the performer's art as being a profession.

"Other countries, just as much as France, still knew nothing of the calling of professional actor or performer. The Corpus Christi processions with their floats, the plays presented on carts in the Fiesta de los Carros, and the autos sacramentales, featured only amateurs drawn from among the throng of the devout ... The same was true of the Trade Guilds in England, which engaged in rivalry and intrigue in organizing and performing the Mystery plays ... The dances of the Schembartläufer and the Fastnachtspiele in Germany were urban festivities which involved the participation of the townspeople in their performance ... In Italy, the Franciscan laudi were sung and probably mimed by the "monk jongleurs", but no more than this ..."¹(1)

(1) L'Acteur [The Actor], J. Duvignaud.

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It was not until the second half of the sixteenth century that the first companies of professional actors began to be formed in Italy, France, Germany and England.

But their calling consigned them to the fringes of society. In France in the seventeenth century, "despite the proclamation issued by Louis XIII in 1641 decreeing that 'the exercise of their profession by actors shall not call down any censure upon them nor prejudice their reputation in public dealings', they remained outside the protection of civil law as well as religious law." (1)

In 1789, the issue by the Constituent Assembly of the Declaration of Human and Civil Rights recognized their status as citizens, and in 1849 only the Council of Soissons rescued them from excommunication.

At the end of the nineteenth century, performers became aware of the need to form a united front in order to gain recognition of their rights. There was an initial attempt at union organization in France in 1890 which was to be followed in 1903 by the formation of the actors' unions.

The birth of the cinema in the first quarter of the twentieth century changed the actor's standing in society with the development of the star system, and opened up new opportunities for them which were to expand over the years and have now been increased by those offered by television.

* * *

(1) L'Acteur [The Actor], P. Chesnais.

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In creating a play whose characters they interpret, actors give form to the written work which they transpose in this way, enabling the audience to participate in its performance and to grasp its meaning, or indeed its message.

This interplay between the creative function of the actor and his audience can be traced throughout the history of the theatre. In Part 2 of this chapter, where the structures of the theatre as a public entertainment enterprise in a number of EEC countries are analysed, although only in outline, the historical review which is sketched allows us to glimpse the true dimension of the function performed by actors : it is thanks to them that the countries of Western Europe discovered theatrical expression in periods of history when popular familiarity with works written for public performance could only be gained through the wanderings of the troupes of actors who travelled the roads and crossed national frontiers, under living and working conditions that were always very difficult.

"The international importance of these roving players was considerable. The aesthetic communication of two centuries of absolute monarchy was dominated by them. All aspects of cultural or aesthetic life and all levels of fashion and manners were permeated by the cross-fertilization established by the theatre and, above all, the touring companies. In Paris, audiences were able to see an English company perform in 1604, a Spanish company in 1613, a Greek company in 1627 ... and, more frequently still, the Italian Gelosi company, which made a profound impression on the French theatre ... In Germany, the shift towards the spectacular and professional theatre began under the influence of frequent performances by visiting English companies at the end of the seventeenth century and the beginning of the eighteenth, and later those of French companies ..." (1)

(1) L'Acteur [The Actor], op. cit.

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If it is the function of actors to be the standard-bearers of culture abroad, it is their function even more so in their own country, and their capacity to give national theatrical culture its true dimension is governed by the extent of the opportunity afforded them to express their art and perfect it through successive performances.

The basic proviso for this, however, is that the structure of national theatrical enterprises, their economic potential, their organization and their distribution throughout the country must be such as to provide actors with employment and simultaneously stimulate the interest of the public and enrich their knowledge, because the actor's right to work, like that of any artist, is closely linked to the private individual's right to culture.

Yet the figures taken from the survey conducted by British Equity in 1972 show that the proportion of British actors employed during a given week is 18% in the London West End theatre, 10.7% for touring companies, and 26% for repertory theatres. In France, various statistical sources indicate that potential job opportunities are sufficient to provide engagements for 20% of actors in the course of a year, and in the Federal Republic of Germany the proportion for "long-term" engagements is apparently of the order of 25%.

The information given in Part 2 of this chapter on the present position of the theatre in the European Economic Community highlights the employment problems faced by actors. These difficulties account for much of the anxiety which characterizes the attitude of a great many of them.

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The stage actor, even if he is well known, is always anxious about his future because unless he belongs to a permanent company (and there are very few of these) his engagement contracts are always subject to uncertainty. Also, if an actor has already won a certain degree of fame he cannot accept minor engagements without the risk of damaging his reputation in the eyes of the public, critics, producers and playwrights : paradoxically, his very success limits his employment opportunities, whether it be in the live theatre, cinema or television.

Like other artists who give live performances, the actor is faced with competition from films and television, because the production of either main-feature films or television films provides the popular dissemination of works which in earlier times only the companies of actors wandering across Europe had brought to the countries bordering on their own. Nowadays, countries like Africa and America are familiar with the major works of, say, French, British and German writers, mainly because of filmed versions, and the number of extensive tours made by European companies in these countries has decreased considerably. They are now mostly only the prestige productions of national companies such as the Comédie Française or the Royal Shakespeare Company.

The lack of employment opportunities for actors also has a consequence whose importance must not be overlooked : the actor who has difficulty in obtaining work finds a means of ensuring his livelihood by opening a professional school.

This phenomenon should be emphasized because it illustrates a paradoxical situation : the lack of employment opportunities prompts a number of artists to guide young people towards a career which they themselves have been unable to pursue.

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Although some of the private courses offered provide first-class teaching, in many cases the professional training given is only too frequently inadequate : "the teachers are of variable quality and change every year. When an art trades on itself, it erodes itself away from inside", (1). In most countries there is no official supervision of the content, organization and length of such training courses. The pupils are rarely alerted to the difficulties that await them as regards employment opportunities, and the artist who teaches them is only too frequently a "dispenser of dreams".

It is difficult to estimate the number of these private drama courses in the various countries of the Community. In France, their number is estimated at around 500.

(1) L'enseignement privé de l'art dramatique [Private drama training], by Christian Casadsus. Paris, December 1972, Secrétariat d'Etat à la Culture.

PART 2OUTLINE ANALYSIS OF THE
STRUCTURE OF THEATRICAL ENTERPRISES
IN EEC MEMBER STATESFEDERAL REPUBLIC OF GERMANYHISTORICAL BACKGROUND

The art of the stage performance made its first real appearance in Germany in the sixteenth and seventeenth centuries and was expressed to begin with in the groups of amateurs and students (Schulbühnen). During this period theatrical activity was fixed, essentially confined to opera in the historical meaning of the word, that is, the public performance with music.

Dramatic performances were the province of touring companies : English companies came to perform Shakespeare and the Elizabethans in lavish productions with magnificent costumes that drew the crowds, and French companies brought their classical dramas in which the art of declamation was greatly esteemed.

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The first German drama company was that of the actor-manager Velten, who in 1685 entered the service of the Grand Elector of Saxony. It was in 1767 that the first attempt was made to establish a national theatre in Hamburg through the efforts of wealthy merchants (Hamburg venture), and Lessing was made its resident dramatist : "the experiment was short-lived, but had drawn attention not only to the special problems of the theatrical enterprise but also to the rights of actors" (1).

It is interesting to note that, as early as 1751, the writer Gellert "thought that the theatre should have its existence safeguarded by public funds. He also wanted dramatists to share in the profits and so be encouraged in their work, and believed that actors should be well paid" (1). In reality, however, the circumstances of the early companies were far from flourishing. They each consisted of 15-20 actors, and their incomes were modest : in his early career the celebrated actor Ekhof earned the slender sum of 1 thaler 13 groschen per week, whilst a pair of shoes cost 1 thaler 4 groschen (1). Working conditions were particularly hard; repeated performances and stagings took place in booths on the spot or on platforms in the open air.

(1) Le théâtre en République Fédérale d'Allemagne [The Theatre in the Federal Republic of Germany], Notes et études documentaires, Paris, 1964.

Throughout the eighteenth century, however, theatrical activities developed considerably, deriving benefit (and this is important) from a favourable geopolitical context in a country whose unification was not to come until 1870 with the birth of the German Confederation under Bismarck's leadership. It meant that every "provincial" unit sought to develop its own cultural resources and, in particular, the dramatic art. Towards the end of the eighteenth century every town built its own theatre : "the total lack of centralization in this blossoming of new theatre construction was a faithful reflection of the lack of political centralization" ... "the situation which this brought about was to remain characteristic of the German theatre until the present day.

The current decentralization caused by different political conditions is having similar results" (1). At Mannheim, for example, the national theatre founded in 1776 received a large subsidy from the Court and Von Dohlberg, a high-ranking Court official, saw to it that the actors received comfortable incomes. The best of them enjoyed lifelong contracts and the guarantee of a retirement pension, while at Weimar Goethe, who managed the theatre from 1791 to 1816, was to lay down specific regulations on the employment of actors.

In Berlin, where theatrical activities under Frederick II had been dominated by the Comédie Française company, the building in which the French company had frequently performed became the Royal National Theatre in 1796.

(1) *Le théâtre en République Fédérale d'Allemagne* [The Theatre in the Federal Republic of Germany], op.cit.

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It was also at this time that at Gotha "the first arrangements were made to set up a retirement fund for actors engaged directly by the Court"; at the end of the nineteenth century an actors' union was created (1871), and also associations of theatregoers who formed themselves into clubs called Volksbühnen. Lastly, in 1908 the playwrights joined forces to found the Verband der Deutschen Bühnenschriftsteller to protect their interests and bring plays to the notice of theatrical directors.

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PRESENT POSITION

It is important to remember that the Federal Republic of Germany comprises nine Länder which enjoy complete autonomy in the field of education and the arts. The sole federal institution concerned is the Permanent Conference of Ministers for Cultural Affairs of the Länder.

The information available on the structure of theatrical activities is somewhat out of date in that it relates to 1962, but it does at least give some idea of the employment context of German actors, since there has been little change in the theatrical establishments since then.

According to the official statistics for 1962, as at 15 October the Federal Republic of Germany possessed 178 theatres and opera houses situated in 102 towns and cities, with a total capacity of 137 709 seats; they provided employment for 3291 actors. These 178 units include eight state theatres, 68 municipal theatres and 24 touring companies.

The state theatres receive large subsidies to cover their deficit, despite their high audience figures (90% attendance in 1962). The sale of seats by season ticket and to theatregoer clubs represents a large proportion of the box-office receipts (as much as 50%).

The municipal theatres are under various forms of management, some of them being limited companies (as in the case of the Deutsches Schauspielhaus in Hamburg) and some being council-managed theatres under the direct control of local government (as in Munich, Ulm, etc.).

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The Landesbühnen are companies which are based in a permanent theatre and tour a certain region : "in this case more than any other, it is the director, the present-day successor to the principal of earlier times, who gives the company the stamp of an individual style. The work of these companies is similar to that of the provincial drama centres in France" (1). Their influence makes itself felt over the entire country. In 1962 these companies comprised between 350 and 400 actors. It should be noted that they do not specialize solely in spoken drama; some give performances of operas, operettas and the dance. Most of their work, however, is in drama.

"By virtue of the nature of their work and, in particular, the touring way of life, these companies achieve a smoothness and harmony of ensemble, and actors go there to learn their trade" (2).

In 1962 there were 70 private theatres located in 31 towns and cities (including West Berlin). Unlike those described above, these theatres have no permanent company. They are either what are called théâtres de boulevard [popular theatres], or experimental theatres of the café-théâtre type established in a rudimentary fashion in cramped premises, in many cases providing a proving ground for young producers or authors who are still unknown.

" ... It is impossible to describe the theatre in the Federal Republic of Germany without stressing the important part which has long been played in the cultural activity of the Länder by the Volksbühnen or theatregoer clubs".

(1) Le théâtre en République Fédérale d'Allemagne [The Theatre in the Federal Republic of Germany].

(2) Op.cit.

"These clubs represent hundreds of thousands of theatregoers and constitute a major element in the theatrical situation both because they provide the theatres with a regular clientele and by virtue of the influence they can exert on the choice of plays presented ... It is not so much a question of distributing tickets as of awakening the widest possible public to the arts" (1). These clubs are grouped together into the Verein der Volksbühnen, which is a registered non-profit-seeking association (similar to the type of French association governed by the Law of 1901).

(1) Op. cit. preceding page.

FRANCEHISTORICAL BACKGROUND

Theatrical expression in the Middle Ages in France, as in the other countries of Western Europe, had the special feature of really being a group entertainment with the performance of the Mystery plays : "the religious content was a common benefit, since it married spiritual edification happily with buffoonery ... the only payment the amateur actors received was their own joy and that of their fellow citizens" (1).

In the fourteenth century, the Confraternity of the Passion gave performances of the lives of the saints and the first mark of official recognition of the activity of theatrical performance dates from 4 December 1402 (letters patent granted by Charles VI).

But it was also the period when the clerics de la basoche were performing farces and morality plays on fairground stages. The basoche, a Paris association of the body of clerks attached to the courts of justice, had a branch in every town and city in France.

Starting from the first third of the sixteenth century, companies of itinerant actors were formed all over the country, after the example of Italy. This was the nomadism which, a century later, was to characterize Molière's way of life and working conditions : "The search for a patron, the search for a profit - nomadism was governed by economic necessity, that is, the combined search for an audience and a patron. The theatre had no established market until the second third of the seventeenth century and it was soon to be controlled by exclusive privileges" (2).

(1) Histoire des spectacles [History of Stage Performance], Encyclopédie de la Pléiade, Paris, 1965.

(2) L'Acteur [The Actor], by Jean Duvignaud. Nouvelle Revue Française, Paris, 1973.

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At the start of the seventeenth century, theatrical activity in Paris was in the hands of two French companies and an Italian troupe. "In 1599, Valleran-Lecomte's company, decorated with the title of "King's Players" and combined with Adrien Talmy's troupe, first leased the Hôtel de Bourgogne, but it was not in fact until 1629 that the "King's Players" became definitively established as the resident company there, as a result of royal patronage. The company at the Marais theatre was formed from the amalgamation of various provincial troupes and succeeded in withstanding the competition from the Hôtel de Bourgogne. Molière benefited from the destruction of the building by fire in 1644, but his transfer to the Marais theatre was short-lived and it was in the Palais-Royal theatre, which he took over in 1661, that he was to perform until his death.

The Italian actors, for their part, attracted audiences of all social classes to the théâtre de la foire [fairground theatres] : "the Italian actors, the fairground performers, constituted a creative medium offering playwrights a range of infinite possibilities" (1). The success and influence of the commedia dell' arte was important to the period and was to typify the comedies of Marivaux.

It was in 1680 that Louis XIV created the Comédie Française, which was given this name to distinguish it from the Italian company. The Comédie Française was an amalgamation of the company at the Marais theatre and that at the Hôtel de Bourgogne. This, then, was the great age of classical drama.

(1) L'Acteur [The Actor] , op. cit.

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The nineteenth century saw the establishment in the provincial towns of theatres "in the Italian style" to which companies from Paris came to perform in conditions that were always precarious. They somewhat resembled the type of strolling players described by Paul Scarron in his Le Roman Comique or by Théophile Gauthier in Le Capitaine Fracasse.

"The first half of the twentieth century encompassed the decline of cultural life in the provinces in favour of the capital, where vaudeville and the 'comedy of manners' flourished. The theatres became specialized, with the boulevard theatres concentrating on light comedy ... and the mass audience disappeared. The cinema drew them away from the theatre : the suburban and local theatres were turned into picture-palaces" (1).

* * *

(1) Le théâtre en France [The Theatre in France], Notes et études documentaires, Paris, 1972.

PRESENT POSITIONTHE NATIONAL THEATRES

There are seven of these theatres, six of them located in Paris and one in Strasbourg.

The Comédie Française enjoys a special status as regards both its system of management and the conditions of employment of its artists.

Created in 1680 under Louis XIV's private seal, the present-day function and organization of this national theatre have been defined by the decrees of 1946 and 1959. The originality of its system of management lies in its being an associated company of actors which draws the bulk of its financial resources from government subsidies (approximately 60%), whilst still enjoying legal status and financial and administrative independence.

"The structure of the Comédie Française is characterized primarily by the fact that the management of the theatre is officially entrusted to a permanent and organized company of actors, whereas all other theatres (whether national or not) are placed under the direction of an individual, either directly or indirectly" (1). The official administrator responsible for direction is nominated by government decree.

The decree of 1946 specifies that "the essential function of the Comédie Française shall be to stage the works in its repertoire. It shall be responsible for ensuring the continuity of a company of actors capable of performing these works".

(1) L'Etat et la théâtre [The State and the Theatre], Jack Lang, Paris, 1968.

The company actually includes two categories of actor :

- 1) Actors with the standing of statutory agents under constitutional law : sociétaires

These actors have civil servant status, guaranteeing them long-term permanent employment. They are forty in number. In addition to his salary, the societaire "receives an allowance each time that he performs. This allowance is called 'fire' and originates from the seventeenth century, when the actor received a small sum to pay for heating his dressing-room; it later began to be paid to him for heating his own home in winter, and the custom then came to be continued in summer" (1).

Admittance as a sociétaire at the Comédie Française is subject to a stringent selection procedure. "An artist shall be required to have proved his worth before he can be nominated a sociétaire".

The number of men sociétaires is not limited, but the decree of 1946 stipulates that the number of women shall not "exceed one third of the total number".

As a general rule, the actor remains a sociétaire for at least twenty years. After this period, the company has the annual option of retiring him from his appointment. After fifteen years of service, however, he may resign himself.

(1) L'Etat et le théâtre [The State and the Theatre], op.cit.

- 2) Actors with the standing of contractual agents under civil law : pensionnaires

These actors are engaged by the official administrator and are bound to the Comédie Française by a one-year contract which is renewed annually by tacit agreement unless it is terminated by either party with six months' notice. They may also, in their turn, be selected to become sociétaires.

There are fewer pensionnaires than sociétaires (of the order of thirty).

THE THEATRE NATIONAL POPULAIRE (TNP)

Founded in 1920, the TNP passed through a period of celebrated activity in the 1950s under the direction of Jean Vilar. Intended for a wide public, as its name indicates, it fulfilled its function admirably for many years : "No other theatre has succeeded in reaching as vast an audience as the TNP in twelve years ..." (1), with some 50% of the audiences subscribing to season tickets through arts or social clubs.

THE THEATRE DE FRANCE (ODEON)

Built in 1782, this theatre was initially entrusted to the Comédie Française company.

(1) L'Etat et le théâtre [The State and the Theatre], op.cit.

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In 1959 Jean-Louis Barrault's company was given the "task of establishing a national theatre in the modern idiom" (1) in this building. Since 1971, however, the Théâtre de France has once again been placed at the disposal of the Comédie Française, which uses it for producing contemporary works and acting as host every year to the National Youth Theatre, a company made up of drama school graduates.

THE THEATRE DE L'EST PARISIEN (TEP)

"Located in the twentieth arrondissement of Paris, in its aims and decisions the TEP is bound up with the decentralization movement out to the suburbs of which it was one of the forerunners" (1).

The TEP has modelled its approach on the methods of the TNP as regards stimulating and establishing contact with the public, by introducing discussion groups and annual season tickets and by diversifying its activities (theatre, cinema, lectures and exhibitions).

THE THEATRE NATIONAL DE STRASBOURG (TNS)

This theatre was one of the first provincial drama centres. It is the only regional institution which manages and runs a college of dramatic art directly attached to itself. Training is given to some thirty young actors, technicians and stage-designers. The TNS exerts an influence over the entire region, pursuing its theatrical activities not only in Strasbourg itself but also on tour. It also acts as host to other companies, which come to perform their repertoire for the audiences of Alsace.

(1) Le Théâtre en France [The Theatre in France], op.cit.

THE DECENTRALIZED AND SUBSIDIZED THEATRE

The wording used in this heading highlights one of the special aspects of theatrical activity in France : whereas in Germany and Italy the history of political, social and cultural life has been forged from separate regional units, whether they be provinces or towns, ever since the Middle Ages the history of France has been merged in one with that of its capital. The ancien régime crystallized this phenomenon in order to abolish feudal protection. The Revolution and the Empire accentuated the ascendancy of centralized power and brought about the decline of the provinces.

Since the end of the Second World War the political authorities have been faced with the task of decentralization in all sectors, ranging from economic units of production to sociocultural activities.

When a survey was conducted on the geographical distribution of theatrical enterprises (1), it was found that "more than 30 million members of the population had no opportunity of attending stage performances locally". Elsewhere, in towns where the local councils do manage theatres, these are mainly used for occasional operatic productions and for touring theatrical companies from Paris.

(1) Cited by D. Leroy in : *Economie des arts du spectacle vivant* [The Economics of the Live Performing Arts], Thesis, 1977.

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But "enabling companies from Paris to give performances in the provinces by placing a building at their disposal is not decentralization; decentralization means establishing independent foci of creativity throughout the country". (1).

Although a number of attempts were made before the Second World War to establish companies in the provinces, these ventures, which were initiated by actors, failed for lack of funds.

Between 1946 and 1952 the government approved and subsidized five regional drama centres.

"In 1946, by introducing provisions favouring this decentralization into its budget, the government had acknowledged that those French people who do not live in Paris have just as much right to enjoy the theatre. For this right cannot be translated into reality without the presence, in the provinces, of actors living amongst the local people for whom they perform. The companies which had disappeared from the provinces because they were not commercially viable were to be enabled to re-establish and maintain themselves with the help of government subsidies, which were intended to encourage aid from local authorities (at commune and department level)". (2).

(1) L'Etat et le théâtre [The State and the Theatre], op.cit.

(2) Présence de Jean Dasté [The presence of Jean Dasté] : preface written by Jeanne Laurent for the book Voyage d'un Comédien [An Actor's Journey], by Jean Dasté, Paris, 1972.

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This first experiment, which was particularly relevant to the true meaning of theatrical activity in society and the function of the actor in direct contact with "his" public, was halted by the government in 1952 and not resumed until 1960. Between then and 1967, ten permanent provincial companies were created and nine centres were either consolidated or established.

"As a result of all these efforts, the cultural imbalance between Paris and the provinces was considerably reduced : Paris audiences during the 1964 season totalled 1 854 000, while during the 1963/64 season the provincial drama centres and permanent companies gave more than 3000 performances before total audiences of 1 300 000 ..." In 1946, there had been only one provincial theatregoer for every fifty theatregoers in Paris (1).

One reservation has to be made regarding the concept of permanent companies, because they are essentially dependent upon the subsidies allocated to them and hence are in a position to offer guaranteed employment to the actors they engage only in so far as this financial aid is actually granted to them. What this means in practice is engagements for the whole year but without any guarantee of contract renewal.

This is because their official aid is not on a permanent basis but is subject to the annual budgets of both central and local government. This system of funding is questionable in that it does not safeguard the directors and management of these decentralized enterprises against the uncertainties of political fluctuations and the possibility of other schemes in the cultural sector being assigned higher priority.

(1) L'Etat et le Théâtre [The State and the Theatre], op.cit.

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The problem is the same in the case of the Maisons de la Culture [Arts Centres].

These Arts Centres, which were created on the basis of an original formula, are designed as "meeting places intended to bring to the widest possible public, without any conditions of eligibility, cultural works of all kinds and of the highest level, of both the past and the present" (1).

They are therefore multipurpose establishments by definition, encompassing the expression of activities such as drama, opera, concerts, the dance, variety shows, the cinema, lectures, art exhibitions, etc.

The first Arts Centre was opened in 1961 at Le Havre. At present, there are twelve established in the provinces and one in Paris. Their legal organization has been described above in Chapter 3.

As regards their funding, "the bulk of their income comes from subsidies towards which the State and the local authorities pay equal shares. Their own receipts from ticket sales represent only a fairly small percentage which rarely amounts to as much as 40% of their income ... The fact that these receipts are relatively small is not due to any lack of success on the part of the Arts Centres but is the result of a deliberate policy of keeping prices down to avoid excluding audiences from the low-income groups" (1).

(1) L'expérience des Maisons de la Culture [The Arts Centre Experiment], by J.L. Bécane. Notes et études documentaires, Paris, 1974.

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According to an analysis of the average estimated numbers from different socio-occupational groups who attended the Arts Centre at Amiens between 1965 and 1971, the proportional distribution is as follows :

agricultural workers	0.5 %
industrial workers	2 %
office workers	15 %
employers in industry and commerce	3 %
lower-salaried staff	5 %
teachers	12 %
managerial staff and professional classes	6 %
schoolchildren and students	42 %
without gainful employment	13 %
miscellaneous	1.5 %
TOTAL	<u>100 %</u>

These figures show that industrial workers, office workers and agricultural workers together make up less than 18% of the total.

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From the point of view of the types of cultural activity offered, the financial difficulties suffered by the Arts Centres restrict their opportunities for presenting creative stage performances.

Nowadays, the Arts Centres are no longer able to support a theatrical company throughout the year. Their official subsidies essentially cover only the expenses of administrative management and building maintenance.

This special problem is evident from the table given below as an example.

The first column defines the share represented by each type of activity in the total volume of activities of the Amiens Arts Centre between 1965 and 1971; the second column gives the corresponding percentage of the total audiences who attended these activities.

TYPE OF PERFORMANCE OR ACTIVITY	PROPORTION AS PERCENTAGE OF TOTAL ACTIVITIES	AUDIENCE PERCENTAGE
Drama	20 %	29 %
Music	12 %	12 %
The dance	8 %	9 %
Cinema		
Variety shows		
Entertainments	60 %	50 %
Children's entertainments		
Lectures		
TOTAL	100 %	100 %

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These figures demonstrate the relatively small proportion (20%) represented by drama in the activities of an Arts Centre.

When the centres were founded, it was not envisaged that there should be permanent companies directly attached to them, but rather contracts of association with a company. This system has now almost completely disappeared, and at the very most the Arts Centre merely performs the function of host to a theatrical company.

However, trite an observation it might seem, it is undeniable that audience attendance figures for theatrical performances are governed by the volume of theatrical activities offered. A report by the Cultural Committee of the National Assembly states that attendance rates are of the order of 70% when the number of performances given through the year has been at least 250, whereas the rate drops to 44% when theatrical performances have been only occasional.

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AN EXPERIMENT IN COORDINATION : THE ATAC

The ATAC (Association Technique pour l'action culturelle [Technical Association for Cultural Action]) was founded in 1966 in the form of an association governed by the Law of 1901 and placed under the aegis of the Ministry of Cultural Affairs, which subsidizes its activities.

The association unites the directors of cultural enterprises in France (the Arts Centres, Cultural Centres, etc.) and now has 120 members.

Initially, the association had seven members and its aims were to "promote the coordination of exchanges of activities between its members, strengthen their relations with artistic and cultural circles and with the public, and generally meet all their needs for technical assistance within the scope of their work".

In 1972 the ATAC expanded its activities with the aim of furthering its cultural function through the creation of a centre for research and collaboration on the problems of cultural programmes, arts counsellor training, etc.

The principal activities of the ATAC include, in particular :

- (1) The training programme for arts counsellors appointed to work in the provincial Arts Centres and Cultural Centres. Trainees attend a 15-months' course during which they are paid in accordance with the regulations laid down by the adult vocational training scheme.
A dozen or so trainees are recruited every year.

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The programme also includes in-service training sessions for arts counsellors serving in the various cultural centres.

- (2) The authors' bureau : "its task is to bring contemporary dramatists to the notice of stage professionals, to study the context in which dramatic creation is developing nowadays and to establish links between the various sectors involved in this creation (liaison amongst dramatists and between dramatists and producers, the theatre abroad, publishers, radio, television, etc.)" (1)

Since its foundation the authors' bureau has registered 850 manuscripts, 600 plays have been read, numerous contacts have been established and several creations have resulted directly from its various connections.

- (3) The employment exchange
This department accepts all applications for employment in theatrical production and administrative or technical services and circulates them among the enterprises which are members of the ATAC.
- (4) The actors' register
This register lists more than 1000 names. It is open to any actor who wishes to be entered on it.

(1) ATAC Informations : special issue, September 1975

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This brief account illustrates the essential function of the ATAC, which is to provide its members with information. But the association is also concerned to "encourage osmosis between the various creative activities of its members and enable them to derive mutual benefit from each other's successes by stimulating exchanges of performances".

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THEATRICAL TOUR ORGANIZATIONS

These are enterprises which organize theatrical performances with the help of a company recruited for "a tour" lasting on average about 14 weeks, during which 80-100 performances are given. The company travels either through the provinces or abroad (Belgium, Germany, United Kingdom, Switzerland, etc.).

At present, a hundred or so tour organizers are affiliated to the union representing this profession. France actually has two major enterprises of this type, and one of these, "les Galas Karsenty-Herbert", has been in existence for more than fifty years.

The essential function of these enterprises is to perform Paris "hits" in the provinces, as far as possible with the same actors and preferably with the star or stars of the play. The only permanent employees are the technical staff (some five members).

The number of actors engaged by the tour manager during a season (usually from October to May) is of the order of eighty, and the artists are paid an arranged fee. The performances are given in theatres leased from local councils.

It should be noted that the organization of a tour frequently poses recruitment problems for the tour manager. Although it is felt that, when a play which has been a hit in Paris is taken on tour, the inclusion of the star in the touring cast will guarantee its success with provincial audiences, the actor who played the part in Paris is not always free to go on tour or may not wish to do so for fear of missing opportunities of film or stage contracts during his absence.

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The same applies to actors who play the supporting roles, because for them the risk of finding themselves unemployed at the end of the tour is even greater.

To ensure full houses, tour managers have devised a season ticket system in each town or city visited, covering ten shows in large urban centres and four or five in smaller towns.

THE PRIVATE THEATRE

"When we talk of the private theatre we are really describing an exclusively Parisian form of theatre, since the number of permanent and relatively long-established private theatres to be found in the provinces is infinitesimal".

For as things stand at present, it is difficult for a theatre in a provincial town to survive. "The impossibility of recouping the capital invested in a play by giving a large number of performances (each production can be performed only about twenty times at most in a medium-sized town) means that it (the theatre) has no alternative but to resort to staging many different productions every year" (1). And it is a sad fact that in a fair number of cases this constraint has an adverse effect on the actual quality of the productions staged in these conditions.

Paris possesses some 40-50 theatres which are managed by a director but have no permanent company. The actors are engaged as and when required for a given production, and this is financed by a backer (who has no professional standing), together with a contribution from the director himself and, in most instances, several sleeping partners. It may also be the case that, as is standard procedure in the provinces, the director hires the theatre for intermittent performances. This system of hiring, which is known as "garaging", is common practice.

(1) Le théâtre en France [The Theatre in France], op.cit.

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The difficulties of management, high cost of productions and declining interest on the part of the public are placing the private theatre in serious difficulties. "The abandonment by many theatres of an individual style which once enabled them to keep a regular clientele, the preponderance of plays of pure entertainment value, the large-scale importation of hits from London and New York and the policy of playing safe (established writers and stars) are consequences of the fact that the financiers have taken charge of the fortunes of the private theatre " (1).

The private theatre is, however, being helped by a lessening of the tax burden, since the special taxes have progressively been abolished and replaced by VAT, at the reduced rate of 7.50% levied on box-office receipts. Also, in 1964 a Relief Fund was set up for private theatres, financed by a special levy. Nevertheless, as things stand at present these measures are not enough to alleviate the difficulties which, although they cannot be explained in detail within the scope of this report, carry consequences that are a cause for concern from the point of view of actors' employment opportunities, given the small number of engagements likely to be offered to them in the course of a year.

(1) L'Etat et le théâtre [The State and the Theatre], by Jack Lang.

UNITED KINGDOMHISTORICAL BACKGROUND

As in France, Germany and Italy, "the medieval theatre emerged from liturgical drama and its developments" (1). Four famous cycles of these Miracle Plays have survived : the York, Chester, Wakefield and Coventry cycles. "The performances took place on the occasion of the Feast of Corpus Christi, on fixed platform stages or on two-storey carts called 'pageants', which made it possible to use primitive settings which could easily be changed from one scene to another in the production. 'The presentation of these plays was more realistic than in France or Italy'. This freedom of expression arose from the fact that the productions enjoyed a certain spontaneity of organization: they were not directly controlled by religious communities or the ecclesiastical authorities". (1).

The period from 1300 to 1500 saw the development of the Morality Plays, in which the various characters always symbolized the vices and the virtues. One of these plays, The Summoning of Everyman, has been the subject of several revivals on the European stage.

The Elizabethan period marked the "explosion" of theatrical art in England and began around 1580.

(1) Le théâtre en Grande-Bretagne [The Theatre in Great Britain],
Notes et études documentaires, Paris, 1966.

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The medieval theatre had been the pride of the market towns and the sign of a flourishing and liberal municipal life, whereas Elizabethan drama enshrined the importance of London as a cosmopolitan capital. At the end of the sixteenth century, eight established theatres were presenting performances there. It was during this period that Shakespeare came upon the theatrical scene, with productions of his Merchant of Venice, Othello and Romeo and Juliet, and these creations took place in a context of intensive theatrical activities within the city boundary and in the outlying districts of London : "from farce to tragedy, taking one year with another, some fifty plays were offered to excite the crowded audiences in which the nobleman rubbed shoulders with the street urchin, and extremely keen competition reigned between these companies".

This rivalry between the many companies was unquestionably a decisive factor in the development of the special features of drama, such as its themes, genres and characters, as well as its style and poetry ... "It was perhaps the very conditions of its production which accounted for the extraordinary diversity of this theatre and its amazing progression towards extremes which were eventually to become untenable ..."

"It was not until during the sixteenth century that actors became professionals, and only then after having had to battle for years against the harassment of the city authorities to obtain their status (actors being officially classed as rogues and vagabonds) ... It was the powerful noblemen and the queen herself who, by taking them into their service, secured a legal existence for the players' companies ... But the actors' charter enacted in 1574 laid down strict regulations for the profession" (1).

(1) Histoire des spectacles [History of Stage Performance], Encyclopédie de la Pléiade.

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The seventeenth century was to witness the decline of the English theatre, both in the physical production of the plays and in the performance itself : "the Act of Parliament of 2 September 1642 which abruptly closed all theatres consummated the victory of the Puritan attacks on the stage". It was not until 1788 that a law was passed legalizing the profession of actor in the provinces and granting actors legal rights on condition that they performed outside London and Edinburgh, excluding the royal residence and the universities.

It was also during the eighteenth century that the major provincial towns and cities decided to build their own theatres, and this decentralization grew more pronounced throughout the nineteenth century. "During this period, the law of 1843 regularizing the theatres had liberated dramatic art from the restrictions imposed by the special privileges enjoyed by the London theatres, and the size of the audiences increased steadily".

Towards the end of the nineteenth century and the start of the twentieth, the theatre underwent a period of vigorous growth in London itself, with the creation of several permanent companies (the Royal Court Theatre dates from 1904), and it was in 1903 that the Irish National Theatre Society was founded at the Abbey Theatre in Dublin.

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PRESENT POSITION

"There is no form of organization of the theatre at national level as such, and the British Government takes no hand whatsoever in the running of the theatres beyond granting a number of subsidies through the Arts Council ..."

"... It was not until 1962 that the city of London pushed the government into establishing a National Theatre under the direction of Laurence Olivier" (1). The advantages of creating a national theatre had in fact long been evident, and the objectives in view were set out in a pamphlet published as long ago as 1909 which reflected the desire to "keep Shakespeare's plays alive in England ..., prevent good contemporary plays from falling into oblivion ..., stage plays by new playwrights in order to stimulate the development of the modern theatre ..., stimulate actors through the opportunities which it will be possible to afford them when they become members of the company."

An Order in Council dated 9 March 1949 was passed by Parliament, creating the national theatre and making provision for government aid to the tune of £1 million. But it was not until 1962 that this decision was implemented.

Even before work had started on the construction of the theatre, a company of actors was formed and the first performances were given on the stage of the Old Vic theatre.

(1) Histoire du Théâtre en Grande Bretagne [History of the Theatre in Great Britain], Notes et Etudes documentaires, Paris, 1966.

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In most cases, the theatre companies are subsidized either by the Arts Council or by the local authorities.

At present, approximately 70 theatres receive subsidies which cover something approaching 50% of their expenses, but it is difficult to make an accurate assessment, especially in the case of opera and ballet productions, which are always very costly.

The part played by local authorities in theatrical activities frequently extends beyond the payment of subsidies, and many local councils are members of theatrical management associations (cf page 215).

Some companies have secured the services of full-time theatrical agents.

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THE LONDON THEATRES

In 1966 there were 40 theatres in the West End, which is the part of London extending from Victoria to Kingsway and from the Thames to Euston Road. These theatres were mostly built between 1890 and 1914, but the oldest of them, the Haymarket, dates from 1820.

The majority of these theatres are private properties and belong either to an individual or to a company, "but whatever the form of ownership or lease, in the long run the most usual state of affairs for the West End theatres is that the owners or leaseholders of the theatres commonly form a separate group which is distinct from the group of people directly involved in the production of the shows. Agreements are reached between the two parties, usually providing for the profits to be shared between the owner or leaseholder of the theatre and the group which is staging a production in it" (1).

In these agreements it is arranged that the owner or leaseholder should pay the expenses attaching to the theatre building itself and also half the costs of lighting, heating and advertising. This situation gives the theatre owners or leaseholders an undeniable right of inspection over the production which inevitably influences managers in their choice of shows and prompts them to concentrate on the profit motive in the productions they stage, giving priority to commercial success to the detriment of creative innovation.

(1) Le théâtre en Grande-Bretagne [The Theatre in Great Britain], op.cit.

THE THEATRE COMPANIESTHE ROYAL SHAKESPEARE COMPANY AT STRATFORD-ON-AVON

"The origin of this theatre was the Shakespeare Memorial Theatre founded in 1879 for the performance of Shakespeare's plays on certain occasions, but in 1926 the theatre was destroyed by fire. It was rebuilt six years later ... and its construction, which had cost £306 000, had been paid for out of funds collected throughout England from contributors ranging from the wealthy to schoolchildren who donated a few shillings of their pocket money to pay for one brick" (1).

The theatre is protected by a royal charter, and since 1960 there has been a permanent company to give performances, with some of the actors engaged on long-term contracts, although these very seldom run for more than three years.

The company gives performances not only in the theatre at Stratford-on-Avon but also in a London theatre, where it performs works by various writers. The Arts Council grants annual subsidies to the company, which also takes part in dramatic activities abroad.

Three other companies which pursue their activities in London also receive Arts Council subsidies, supplemented by those granted by the Greater London Council.

(1) Histoire du théâtre en Grande Bretagne [History of the Theatre in Great Britain], op.cit.

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THE PROVINCIAL THEATRE COMPANIES

We saw earlier that it was in the eighteenth century that the major provincial towns and cities built their own theatres. As in London, these theatres are private properties.

The performances given in these theatres derive from two types of organization : the form known traditionally as "repertory theatre", and the touring companies.

"A repertory theatre is one which may perform various plays in the course of a week and alternate them ...

These theatres have a permanent group of actors who perform a number of plays for relatively short periods" (1). A play may be performed for one week, and for three at the very most. This formula dates back approximately fifty years and gained wide currency in the movement of the 1950s. Repertory programmes are presented either throughout the year or just during the summer season. In general, the formula is helpful to young actors, for whom it provides an opportunity of enriching their professional experience because of the rate at which different plays succeed each other. From the professional point of view, however, the fact that there are never really enough repeat performances may give rise to some reservations. Also, an actor who has specialized in this type of activity for a certain length of time finds it difficult to fit into another company, owing to the working habits peculiar to the repertory theatre.

(1) Le théâtre en Grande-Bretagne [The Theatre in Great Britain], op.cit.

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The touring companies do not specialize exclusively in drama, but also give operatic and variety performances.

They resemble the touring companies in, say, France in that their activities consist in performing in the provinces plays which have been successful in the capital, with the participation of the star or stars who provide a guarantee of success with provincial audiences.

British theatrical entrepreneurs are grouped into four associations which play a very important part both from the administrative and social point of view and from the artistic point of view. It is these associations which conduct collective contract negotiations with British Equity, the British actors' and artists' union which in 1972 had a membership of 19 490, watch over theatrical activity in the various sectors which concern them, and act as guarantors on the social level with respect to artists in so far as decisions are usually taken in conjunction with the union. The information shown below on these associations relates to 1972, and gives some indication of their spheres of competence :

- (1) SWETM (SOCIETY OF WEST END THEATRE MANAGERS). This society has 75 members, including 38 owners or managers of West End theatres.
- (2) TMA (THEATRICAL MANAGEMENT ASSOCIATION). This association has 80 members, most of them managers or owners of provincial theatres.

It will be recalled that in many cases these theatres belong to local authorities.

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- (3) CRT (COUNCIL OF REPERTORY THEATRES). This council has 61 members, most of them managers of repertory theatre companies and local authority theatres. Its chief concern is with maintaining a high level of artistic production.
- (4) ATPM (ASSOCIATION OF TOURING AND PRODUCING MANAGERS). This association comprises 208 theatrical managers who specialize in producing variety shows : single-artist shows, revues, pantomimes, etc.

All these associations are financed by the subscriptions of their members. One interesting aspect to be noted in the function devolving upon them lies in the fact that theatrical entrepreneurs who do not belong to any of them have to pay earnest money equal to at least two weeks' salaries for the artists engaged for the production in question. At the end of the run, when the artists have been paid their salaries, the association refunds this deposit. The effect of this requirement is to encourage theatrical organizers to join one or other of these associations.

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THE LONDON THEATRE COUNCIL

The function performed by this body is both artistic and administrative. It is responsible for the activity and protection of the London theatre. No theatrical organizer or artist may participate in a production in one of the West End theatres without the council's agreement.

After actors' engagement contracts have been signed for productions in the West End, British Equity verifies that each artist concerned is really a professional actor and a member of the union. If this is confirmed, the actor receives a registration certificate from the London Theatre Council.

BELGIUMHISTORICAL BACKGROUND

The structure of the Belgian theatre is characteristic of this country, whose history it reflects : the French-language theatre, long marked by the French influence, and the Dutch theatre, descendant of the old chambers of rhetoricians of the Low Countries.

Whichever of the two languages it is written in, the structures of the Belgian theatre are relatively recent and became established at the end of the eighteenth century but primarily in the nineteenth century, which saw the construction of most of the theatres still open today.

In 1921 Jules Delacre attempted an experiment in Brussels fairly similar to that tried by Jacques Copeau in Paris with the first Marais theatre : "an enemy of the commercial theatre, he staged rarely performed classics in an imaginative and spare fashion" (1). But the experiment came to an end in 1926 with the closure of the theatre, for lack of funds.

As regards the Flemish-language theatre, this first found expression in the old chambers of rhetoricians, the descendants of Dutch medieval drama; later, like the French-language theatre, its main period of development was in the nineteenth century. The first Flemish company was formed (and subsidized by the government) in Antwerp in 1853.

(1) Histoire des spectacles [History of stage performance], Encyclopédie de la Pléiade.

In 1920 the Flemish Popular Theatre company (Vlaamse Volkstoneel) was created and took its place at the head of the Flemish national theatre movement, and 1930 saw the formation of the KNS (Koninklyke Nederlandse Schouwburg : Royal Netherlands Theatre) in Antwerp, which was to assume the status of a national theatre (Nationaal Toneel) in 1945. This includes the Jeugdteater (Youth Theatre), "a very lively theatre for children" established in 1942, the Reizend Volksteater (Popular Touring Theatre), a touring company which visits the smaller towns and villages, and the Studio, an actors' training school.

This same period also witnessed the establishment of a dozen or so "pocket theatres" in various Flemish towns, and "these theatres frequently gave young writers their first chance".

PRESENT POSITION⁽¹⁾

a) The French-speaking theatre comprises :

- (i) one national theatre;
- (ii) five officially recognized theatres;
- (iii) a number of subsidized theatres, one pocket theatre, and several companies which are subsidized for staging experimental productions.

b) The Dutch-speaking theatre comprises 25 companies including the KNS in Antwerp, which has national status, the Royal Flemish Theatre (Koninklyke Vlaamse Schouwburg) in Brussels and the Royal Netherlands Theatre (Koninklyke Nederlandse Schouwburg) in Ghent.

(1) The information given in this section is taken from a study by Aagje Pabbruwe on the economic and social position of actors in Belgium.

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These companies comprise 10-20 permanent actors on average and receive subsidies from the State and from local councils; however, these subsidies are not granted systematically but are renewable annually.

1) THE DUTCH-SPEAKING THEATRE

Regulations governing the present organization and system of management of the Dutch-speaking theatre were laid down by the Decree of 13 June 1975, Article 3 of which specifies that :

"Establishments eligible for official recognition as establishments of dramatic art shall be those which run a repertory company, a company for circulation, a chamber company or an experimental theatre and training company".

Here, a repertory company should be interpreted as a company which has its own theatre, a company for circulation should be interpreted as a company which is not attached to any specific theatre, and a chamber company should be interpreted as a company which specializes in performing on a small theatre stage.

The decree stipulates, for each category of company, a minimum number of performances per season : 160 for repertory companies, 140 for circulating companies, 150 for chamber companies and 75 for experimental theatre companies.

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The decree also stipulates that 90% of the total expenditure attaching to salaries must be for artistic personnel who are engaged by the year. This limits the sums which may be paid to other companies to 10% of the total.

The subsidies granted are of two types :

- (a) salary subsidies for staff remuneration;
- (b) operating subsidies, which amount to a maximum of 20-35% of the salary subsidies granted during the preceding year (Article 6, Chapter II).

It is the Conseil National de l'art dramatique (CNAD) [National Drama Council] that advises the Minister for Cultural Affairs as to the distribution of the subsidies which may be granted to the recognized theatres and the subsidized theatres.

2) THE FRENCH-SPEAKING THEATRE

In the case of the French-speaking theatre, the legislation aimed at its reorganization is still in the course of preparation. The draft decree dates from July 1975 and provides for a new subsidy system which is intended to promote a greater volume of activity on the part of the theatres concerned, and hence more employment opportunities for artists.

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3) PROBLEMS ASSOCIATED WITH THE ACTOR'S PROFESSIONAL CARDDUTCH-SPEAKING ACTORS

On 5 June 1969 the royal decree specifying the conditions for granting and protecting the titles of professional actor and director was issued.

In pursuance of this decree, the title of professional actor may be conferred on :

- (a) persons who have obtained a diploma from a theatrical training institution recognized by the State, or who have profitably followed a professional training course in such an institution, or who can produce a diploma awarded by an equivalent foreign institution;
- (b) persons who have obtained a first-class diploma in one of the royal academies and who have, in addition, worked for one year as a trainee actor or have, in the course of one year, taken part in at least 50 performances in the capacity of a trainee actor;
- (c) persons who have not received a professional training in a recognized institution but have worked for five years as trainee actors.

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The title of professional director may be conferred
on :

- (a) persons who hold a diploma from a theatrical training institution recognized by the State, or who have profitably followed a professional course in such an institution, or who can produce a diploma awarded by an equivalent foreign institution;
- (b) persons who have not received a professional training in a recognized institution but have worked for five years as trainee directors.

Between 1971 and 1975 the Dutch-speaking Committee issued 325 professional cards, 101 of them for actresses.

In the case of French-speaking actors, the conditions for granting the title of professional actor were laid down by a royal decree dated 10 September 1968.

This decree states that the Allocation Committee "may grant a professional card to any person who has completed a probationary period lasting at least two years, at the end of which he must have satisfied the following conditions :

- (a) he must have given, in the course of two consecutive years, at least 200 performances, it being understood that, for the purposes of calculating this number, performances given in radio and television drama broadcasts shall be taken into account with a factor of 1 and 3 applied respectively for every 15 minutes of broadcasting;

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- (b) he must have earned, during this same period of two consecutive years and by virtue of the performances he has given in the capacity of professional actor, a gross remuneration of at least Bfrs 200 000;
- (c) he must have given the performances on which his claim to the title of professional actor is based under a formal employment contract governed by social security regulations".

The wording of this decree of 10 September 1968 provokes two comments :

- (1) the professional card can be obtained without necessarily having attended the courses of a drama school;
- (2) the decree makes no provision for a professional card for theatrical directors.

The introduction of the professional card for Belgian actors does not appear to have had any major consequences from the point of view of the employment situation. The theatre manager chooses an actor not on the basis of this type of testimonial but according to his talent, his experience, and in so far as his professional qualifications enable him to perform the intended part in the play in question. It would therefore seem that the royal decrees are not applied rigorously by Belgian theatrical entrepreneurs.

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From the Community point of view, as in the case of the professional identity card for film technicians in France, the Belgian regulations are at variance with the principle of freedom of movement for workers within the EEC in that the obligation to possess a professional card restricts the right to work of a national of a Member State.

It is, however, clear that any decision to abolish the professional card can be made only in so far as Belgian actors obtain guarantees of employment deriving not from mere regulations but from a cultural policy capable of ensuring for them the job opportunities appropriate to their speciality.

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ITALYHISTORICAL BACKGROUND

"More than a literary event, the theatre in Italy was largely a social event, a celebration festival ... Even now, debate is still lively in the attempt to establish the extent to which widely disparate elements such as the Christian liturgy, the Shrovetide carnival festivities, the entertainments provided by mimes and minstrels, and the passionate cult of the classical forms contributed to the formation of an Italian literature and, above all, theatrical art which in the sixteenth century was to emerge as the most advanced and the most highly developed in Europe" (1).

In the second half of the thirteenth century, theatrical expression appeared principally in the form of the Umbrian laudi, written in the vernacular and not in Latin. Written and sung in praise of the Blessed Virgin, they recounted the episodes of her life.

The fifteenth century saw a great many companies specializing in the Feast of Fools, and Machiavelli's La Mandragola and the works of Ariosto, who was "the true inaugurator of Western regular comedy" (that is, comedy in the vernacular following the rules of classical form and structure), date from 1520.

Around 1545 there appeared one of the first travelling companies who performed the commedia dell'arte. Without entering into a detailed analysis of the origins of this form of theatre, it is still of particular interest to note that "the birth of improvised comedy coincided with the birth of the companies of professional actors (that is, actors who practised their art regularly and continuously). And the professional actor has an absolute need to win the favour of his audience" ... and "the Italian audience had always been drawn towards the comic entertainment based on a realistic everyday situation ... the audience loved to watch and follow the fortunes of the stock characters they held dear over and over again, performed if possible by the same actors" (1).

(1) Histoire des spectacles [History of Stage Performance], Encyclopédie de la Pléiade.

The actors to whom we owe the creation of the improvised comedy, and we need have no hesitation in identifying them with the members of the Gelosi company, naturally studied previous interpretations and incorporated them into their own performances ... (1)

It may be recalled that the commedia dell'arte had a considerable influence on the art of the theatre not only in Italy but also in France. Its success in Paris persisted, with only brief interruptions, for more than a century.

In the eighteenth century, Goldoni was to make a profound impression on the revival of comedy in Venice but subsequently settled in Paris, where he spent the last thirty years of his life.

In the nineteenth century, the political context was not, by and large, really favourable to dramatic production : "the theatrical companies were not associated with a given town and hence a regular audience, but earned their living by touring. These companies, the compagni di giro, still exist in Italy. Also, political and religious censure, especially in the Papal States, prohibited a great many activities, in the field of comedy in particular" (1).

It must not, however, be forgotten that this was also the "age of the triumph of opera, which spread its influence over the whole of Europe". It was also this period that saw the development of the dialectal theatre which still occupies a position of some importance in the present context of Italian drama.

(1) Op.cit.

PRESENT POSITION

In present-day Italy a distinction is made in relation to theatrical structure between the prose theatre and the dialectal theatre (in which plays are performed in Milanese, Venetian, Neapolitan, etc.).

Another distinction is also drawn between the primary theatre (teatro primario), which denotes the productions performed by companies which include one or more actors of international renown, and the teatro non primario, which corresponds to professional productions of the second rank or to the amateur theatre.

From the geographical point of view, one observation stands out clearly despite the fact that the figures available relate to 1965 and are not really up to date : the northern region is greatly favoured from the point of view of theatrical activity, as is evident from the following table taken from Teyssier's study.

Region	Number of theatrical performances (1965)
Northern	20 689
Central	9 698
Southern	4 324
Islands	2 263

"Thus, the theatre is alive mainly in northern and central Italy. This illustrates one of the constant features of contemporary Italy : the juxtaposition of a highly developed north and an underdeveloped south. Any study of Italy from the cultural or social point of view yields the same observation. In this respect, therefore, theatrical activity is an image of the country as a whole" (1).

(1) Histoire du Théâtre italien [History of the Italian Theatre], Notes et études documentaires, 1965.

Prose theatre enterprises are found under two types of management : theatre under public management, which constitutes the permanent theatre, and theatre under private management.

"The transition from the touring company to the permanent company was imposed by a public which had become more demanding as to the style of performances ... these permanent companies were called compagni a mattatore, the name denoting a company directed and dominated by one central figure : that of an exceptional actor (or actress) inclined to adapt the text to his own requirements, to cut out scenes which from his (or her) point of view were not essential ..."

(1) The permanent theatre (teatro stabile)

"In Italy there is a small group of theatres which are subject to the authority of the local councils and receive financial assistance from the State through the Ministry of Tourism and Entertainment. They are called 'permanent theatres' because they are established in a given town or city and differ in this respect from the touring companies (compagni di giro)".

This structure dates from the beginning of the twentieth century. Before the unification of Italy, "the various Italian regional governments, in contrast to the German Länder, regarded drama as a dispensable luxury. This accounts for the subordinate position which was assigned to the prose theatre for many years; patrons were more disposed to finance the opera" (1).

The first half of the twentieth century was marked by a movement towards organizing the structures of the theatre, with the creation of the Entertainment Guild in 1930 and the Directorate-General for the Theatre in 1935.

(1) Op.cit.

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A form of theatre which is therefore essentially urban, the permanent theatre comes under the administration of the local council, which provides the theatre building and pays the running costs (rent, lighting, heating, etc.).

The State allocates a subsidy subject to certain conditions which include, in particular :

- (a) the theatre must be located in a town or city of at least 30 000 inhabitants;
- (b) the local council must assume responsibility for the theatre;
- (c) the nomination of its management staff must be approved by the supervisory ministry;
- (d) the theatre building must be suitably equipped;
- (e) the theatre must be open for a season of not less than six months per year;
- (f) the theatre must have an artistic company consisting of at least twelve professional actors engaged for the whole season;
- (g) the programme must include a quota of Italian plays representing at least 51% of the productions performed.

At present there are ten theatres under this form of management, located in Milan (the Piccolo Teatro della Città di Milano), Genoa, Turin, Florence, Bologna, Catania, Trieste, L'Aquila and Rome.

(2) Theatre under private management

This form of theatre consists essentially of groups called compagni di giro (touring companies); in 1965 there were 14 such groups in existence.

As in the case of the permanent theatre, these companies may receive State subsidies subject to certain conditions : they must comprise at least ten professional actors; half of these actors must have been fully qualified members of "primary" companies for two seasons; they must possess a valid repertoire in which Italian works are adequately featured; and they must pursue their theatrical activities for a season of at least six months per year.

The amount of the subsidy granted may be equal to 8% of the gross daily receipts (up to a maximum of 240 performances). Additional forms of financial assistance may also be allocated in the form of "prizes" and of advances against receipts at the start of the season. The government also grants additional subsidies for performances of Italian works (10% of gross receipts), and these plays also carry a tax remission.

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NETHERLANDSHISTORICAL BACKGROUND

"The Chambers of Rhetoric, which were founded in the fourteenth century and modelled on the chambres de rhétorique in northern France, or 'literary societies', formed themselves into corporate bodies and, in the fifteenth century, became the meeting points of literary life" (1). Their structure remained very much that of the medieval guilds and they were generally characterized by "a clear social commitment"... Their members, who were mainly middle-class citizens, wrote plays which were performed by their fellow members ...(2)

This already constituted the beginning of a professionalism for actors, because as certain members devoted more of their time to this type of activity, so they began to differ more noticeably from the rest of the groups organized in this way.

The seventeenth century, which was marked by strong economic expansion, was also a period of intense literary activity.

"With a dramatic literature of a level never reached before, we witness here the establishment of the first theatres and the trend of development towards the professional theatre. But this development was influenced by factors of an external nature - first and foremost, contact with the English Comedians dating back to 1585, the year when Queen Elizabeth the First sent the Earl of Leicester to Holland to fight Philip II. A number of actors accompanied his army ... They performed the Shakespearean repertoire, but they also introduced the clownish character of Pickelherring, tumblers, and musical interludes" (1).

(1) Histoire des Spectacles [History of Stage Performance], Encyclopédie de la Pléiade.

(2) Le théâtre aux Pays-Bas [The Theatre in the Netherlands], by M.B. Stroman, Notes et études documentaires, Paris 1970.

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The first permanent theatre building in the Netherlands was built in Amsterdam in 1617, attached to the Nederduitse Academie. "Its creation was in some measure a response to the wish to repress the abuses and licence which began to prevail in the Chambers of Rhetoric. After having performed in Amsterdam, the actor Jan Baptist van Fornenbergh joined the English companies and subsequently founded a theatre at The Hague in 1660. He undertook tours as far away as Scandinavia and Poland. He attached great importance to sumptuous costumes and was the first to have female parts played by women ..." (1) Several companies made Dutch drama known abroad, particularly in northern Germany, Denmark and Sweden. These actors performed in their native tongue, Dutch.

"In the Scandinavian countries, where there was still little cultural development, and above all in Germany, they exerted a stimulating influence on dramatic art, mainly, perhaps, through the lavish nature of their productions ..." (2)

At the start of the twentieth century, the professional theatre became centred in the west of the Netherlands. It was from this region that the companies spread their influence throughout the other provinces, organizing performances in towns and villages as far as the extreme south of the country.

(1) Le théâtre aux Pays-Bas [The Theatre in the Netherlands], op.cit.

(2) Histoire des spectacles [History of Stage Performance], Encyclopédie de la Pléiade.

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"In 1946 the Theatre Coordination Bureau was set up. This groups together six companies subsidized by the State and the principal municipalities. It serves as a link between the government and the theatres, studies the distribution of subsidies, fixes the conditions of engagement contracts, approves repertoires, etc. The actors' union is represented in the bureau and takes an active part in its work. This union represents some 170 actors engaged under contract for twelve months. Contributions to a pension fund are paid by both the actors and their employers. As regards international contacts, it should be noted that the companies in the Netherlands are making increasingly frequent use of the services of foreign directors ..." (1)

It is in fact its international flavour which is the essential characteristic of the Dutch theatre at the present time. French plays are performed there long before they are produced in London or New York, plays in English are performed there long before they are seen in Paris or Rome ..."

"One encouraging phenomenon is that the young fringe companies are growing in number, mostly dedicated to the avant-garde. The progression seems irreversible".

(1) Le Théâtre aux Pays-Bas [The Theatre in the Netherlands], op.cit.

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PART 3THE PUPPET THEATREHISTORY, PRESENT-DAY ACTIVITY IN FRANCEANDINTERNATIONAL ORGANIZATION

This is an ancient art which is practised in most countries, and although from the point of view of employment it concerns only a relatively small number of artists it cannot be dismissed as a minor form of artistic expression because it affords scope for varied forms of creation which are almost always closely characteristic of cultural heritage and national folklore.

Puppets have existed since antiquity, and their presence has been recorded by the historians in Ancient Egypt, among the Romans, and in the most remote civilizations of Asia. "India appears to have been their birthplace. They were the exponents of the sacred drama from earliest times. Even the primitive epics included them. Those of the Bala Ramayana concealed parakeets in their mouths which spoke in their stead ... As in Egypt, their birth was divine and to begin with they were the moving effigy of a spirit or a genie" (1). It was the same in Japan, where marionettes formed part of the very beginnings of the Nō in the seventeenth century. "It was for them that the most celebrated dramatists, particularly Chikamatsu, wrote their plays, it is to them that they owe their fame" (1).

(1) Histoire des Marionnettes [History of Puppets], G. Baty and R. Chavanoe, FUF, Paris 1971.

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In all the countries of Western Europe, puppets have attracted popular audiences for centuries.

In Italy, the puppet-show was profoundly influenced by the commedia dell'arte. "The burattini (from the name of the actor Burattino) prospered and erected their light booths in the streets and squares of every town ... In front of the booth stood the fiddler, often an old man, scraping away on his squeaky instrument ... The audience, pressing round the booth, watched in wonderment ..." (1)

The fantoccini (intricate marionettes operated by strings) had actual theatres for their performances and their techniques were highly elaborate.

In France, the Italian Briocci brought his burattini with him in the sixteenth century and installed himself at the foot of the Pont Neuf. And the burattino soon gave way to the hump-backed, multicoloured and braided Polichinelle. It was in the 1850s that the local puppet characters first appeared : Guignol in Lyons and Lafleur at Amiens.

Puppet-shows were also extremely popular in the Netherlands, and the principal character, Hans Pickelharing, had many rivals. "Their success was such that, in a book published in 1715, an English writer places Dutch puppets at the forefront of all the puppet-shows in the world" (1).

(1) Histoire des Marionnettes [History of Puppets], op.cit.

But in Great Britain also, the popularity of puppets was already firmly established. Their performances were much admired. "The puppet-shows were just as successful in the provinces as in London, attracting both audiences from the gentry and crowded mobs of the poor". After the drama had been banned by Parliament on 21 October 1647, puppets were to remain the sole medium of theatrical expression for the next 18 years. In 1711, Powell opened his Punch Theatre in Covent Garden, with a repertoire based on popular legends which was to make Punch famous.

Belgian puppets are more recent and made their appearance during the nineteenth century with the Walloon puppet character Tchanchès.

In Germany, "it was in 1802 that Christophe Winter opened the first puppet theatre in Cologne, with Hännische as its star" (1).

The main feature of puppets is that they express popular traditions and regional folklore. "Living for an ideal that brings him close to the people, belonging to the people himself, the puppeteer has an intimate knowledge of their customs, speaks to them in their own language and makes himself understood to them, far more so, assuredly, than the most carefully written speeches of our great orators" (Léopold Richard).

The beginning of the twentieth century marked the decline of the puppet-show. Like other live performances, the puppet theatre suffered competition from the cinema.

(1) Histoire des marionnettes [History of Puppets], op.cit. p. 100.

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Shortly before the Second World War, efforts were made to preserve the traditions of the puppet theatre. In Paris, for example, a catalogue of puppet collections was published, and a museum was founded in Cologne. Carl Niessen "achieved a successful revival of Hännische in the Rhineland which was in no way artificial, and organized a congress to which he persuaded the disheartened Puppenspieler to come and rekindled their enthusiasm" (1).

The puppet theatre is still alive today, particularly in Eastern Europe (the USSR and Czechoslovakia), where some companies have a repertoire including dozens of plays written by major dramatists.

(1) Histoire des marionnettes [History of Puppets], op.cit.

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PUPPETS IN PRESENT-DAY FRANCE

A survey conducted by the ATAC in 1973 makes it possible to assess the main features of the activity of French puppeteers and their problems.

France has about a hundred companies, some of them consisting of a single individual while the largest comprise eight or nine manipulators.

Of the 90 companies approached during the survey, 30 replied to the ATAC's questionnaire.

Of these 30 companies, 17 are professional puppeteers, that is, they live solely on the income they earn from this activity. In the case of the others, puppetry is a sideline for actors, children's writers, teachers or directors.

Their legal organization is usually that of an association governed by the Law of 1 July 1901 or that of production cooperatives.

A puppet company generally creates one new show per year and gives, on average, 150-200 performances in the course of a year. Some of these companies only give shows for children, mostly in schools or at Christmas parties. Others have a mixed audience of children and adults in Arts Centres, Cultural Centres, Works Councils, cabarets or hospitals. In this case the plays performed are adaptations of theatrical works such as Racine's Andromaque, Jarry's Ubu Roi, Molière's Les Fourberies de Scapin, etc., and the puppets used are either marionettes or glove puppets.

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The professional background of puppeteers is fairly varied, but the majority belong to the world of the arts (dancers, actors, directors, sculptors, etc.).

At present there are no formal training facilities for the profession of puppeteer; they serve their apprenticeship either within a company or simply by starting as an amateur. Such schools do, however, exist in the USSR, where "according to Bill Band, all young people with a theatrical vocation attend courses at an academy and, on completing their studies, can opt for the drama, the dance, the puppet theatre or the cinema" (1).

At the present time French puppeteers have almost no forms of security to protect their profession. Some companies receive subsidies (always very small) from the Secretariat of State for Cultural Affairs, local authorities, or various bodies. But these small-scale enterprises receive no tax relief.

With the aim of ^{protecting} ~~defending~~ the interests of the profession, a National Puppet Centre was created in 1971. The purpose is to encourage "quality and diversity of creation in the fields of animation and puppet-shows at national and international level ... cultural stimulation directed at the audiences reached ... a qualitative and quantitative extension of the popularization of these creations".

(1) Théâtre de marionnettes [Puppet Theatre], ATAC, 1973.

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This centre intends to obtain the resources and facilities necessary to the profession, such as :

rehearsal rooms, halls for performances, workshops, recording studios, poster printing and photographic reproduction services, warehouses ... creation of a documentation service ... register of employment opportunities for puppeteers ... list of stage professionals able to collaborate in creating puppet-shows : scene-painters, musicians, actors, dramatists, adapters, script-writers, etc... in short, create a puppet school.

There is also a Union Internationale des Marionnettes, which was founded in Prague in 1929. "UNIMA is an organization uniting individuals in the world of the arts who contribute to the development of the art of puppetry in order to promote, through this art, peace and mutual understanding between members, whatever their race or political and religious convictions ...

Its aim is to encourage contacts between the puppeteers of different nations in order to allow the exchange of experiences and to contribute to the development and detailed study of the theory and practice of puppetry ... to propagate the puppet theatre as an ethical and aesthetic educational tool" (extract from the statutes of UNIMA).

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PART 4THE OPERA AND THE EMPLOYMENT PROBLEMSOF OPERA AND BALLET ARTISTSINTRODUCTORY REMARKS

Owing to the nature of the figures available, it has only been possible to give somewhat sketchy treatment to the analysis of the present position of the opera in the various EEC countries and the employment problems of its artists (opera singers and ballet dancers).

The difficulty lies in the fact that, except in the case of France and Italy, the problems specific to the opera could not be singled out in any meaningful fashion from the information obtained : as a stage enterprise, this form of cultural expression is in most countries closely associated with the straight theatre. This is especially true in the United Kingdom and the Federal Republic of Germany.

HISTORICAL BACKGROUND

"The opera was born in an aristocratic environment, that is, in opulence, and no pains were spared in ensuring that the child was arrayed in finery befitting it. Opera first saw the light of day in Italy, and hence in the midst of a nation more exuberant than any other, more alive to ceremonial, to magnificence, to panache ..." (1)

Originating in a select literary circle in Florence, the first opera, Euridice, was composed and performed in 1600 on the occasion of the marriage of Henri IV and Marie de' Medici, and the first public opera-house was opened in Venice in 1637.

In France, it was in the course of the seventeenth century that Italian opera, with Lully, replaced the Court ballets : "a danced action based on a poem with the collaboration of one or more composers" (1). In England, opera acquired its credentials of nobility and its audience in the second half of the seventeenth century with Henry Purcell, who was organist at Westminster Abbey and later at the Chapel Royal. The new genre spread into Germany during the same period, first in Bavaria and then in Hamburg, and developed with a positive burgeoning of composers.

It is particularly important to stress that the professional singer was born along with the opera, a medium in which he was able to put his talent to profitable use and envisage making a career.

(1) Histoire des spectacles [History of Stage Performance], Encyclopédie de la Pléiade.

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From the very beginnings of this new form of theatrical expression, specialized castrati⁽¹⁾, who had originally been important to ecclesiastical chants, occupied a major position, principally in the eighteenth century when the bel canto and Neapolitan opera overshadowed all else. Opera-houses were opened in large numbers, chiefly in Italy but also in Germany, France and England.

With the coming of the nineteenth century, opera had lost its principal means of support, the patronage of princes, and encountered its first economic difficulties. A costly form of production by definition, it nevertheless found favour with the new propertied class, the bourgeoisie, but had to rely solely on its receipts and hence its audience for economic survival. Yet stamped by the nature of its origin and the lavishness of its productions, the opera was isolated from all contact with the common people, who did not possess the financial means to attend its performances and felt no interest in the subjects it treated.

Despite the heavy burden of costs imposed by its elaborate productions and scenery and the large numbers of performers it requires (soloist singers, chorus singers, dancers and musicians), the opera managed to support its own activity into the first few decades of the twentieth century, chiefly in the Federal Republic of Germany and in Italy.

In the Federal Republic of Germany, the integrated nature of theatrical activities already mentioned in our introductory remarks makes it practically impossible, at least from the information collected for this report, to assess the respective shares of the straight theatre and the opera in the overall volume of these activities. This means that it is difficult to evaluate the various cultural policies of the Länder and the municipalities with respect to either as an individual category of live entertainment, or analyse the special employment problems of the artists in each of them.

(1) Castrati are adult male singers who have been castrated in boyhood to develop the high register of their voices.

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In the case of Italy, the study made in Chapter 3 above analysed the special legislation issued by the Italian Government to aid operatic enterprises.

These enterprises do not have permanent companies, and the recruitment of artists must normally be carried out through specialized placement agencies.

The principal establishments include, in particular, La Scala in Milan, which has always occupied a leading position in the city's social life. "In 1816 Stendhal wrote : 'the La Scala Theatre is the city's salon ... , people who have a box there use it to entertain their friends'..." (1). Nowadays there is an experimental theatre associated with the main theatre : the Piccolo Teatro della Scala.

The Rome Opera-House, which dates from the end of the nineteenth century, gives an average of a hundred or so performances during a season and, in summer, performances associated with the Thermae Caracallae. Like La Scala in Milan, the Rome Opera-House has its own ballet school. The San Carlo Theatre in Naples was founded in the eighteenth century by King Charles of Bourbon and enjoyed great renown in the first half of the nineteenth century. Nowadays it is rivalled by the La Scala Theatre in the excellence of its productions.

In France, the difficulties being experienced by the opera are clearly evident from trends in the numbers of operatic artists, which have dropped by more than 50% in twelve years.

The seriousness of the problems posed has prompted the Ministry for Cultural Affairs to undertake the reorganization of operatic activities, both in Paris and in the provinces.

(1) Histoire du spectacle [History of Stage Performance], op.cit.,

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The main effect of this reorganization was to group the various operatic activities together for the purposes of management. Thus, the present structure is as follows.

The RTIN (Réunion des Théâtres lyriques nationaux) [Union of National Opera-Houses] comprises the Paris Opéra and the Théâtre de l'Opéra Comique, which is to be known in future as the Opéra Studio. The function of the latter is "to train young singers, artistic directors, stage designers, orchestral conductors, administrators and future managers in order that they may acquire knowledge and practical experience of the operatic art and its public during a transitional period between their music studies and their professional life" (1). In practice, the number of probationary artists trained since the foundation of the Opéra Studio is very small, amounting to about six per year. Admittedly, the reason for the small number of applicants is probably that there is no guarantee of employment at the end of the course.

In the provinces, this administrative reorganization was put into effect in 1964 with the creation of the RTLMF (Réunion des théâtres lyriques municipaux de France) [Union of Municipal Opera-Houses in France]. These opera-houses receive subsidies from the State, but their volume of activity is still small : during the 1972/73 season, 773 operatic performances were given by the RTLMF. It should be added that a number of private opera companies also receive State subsidies.

From the point of view of employment, the present situation, which as we have seen is characterized by a sharp decrease in the number of operatic artists, is partly a result of the discontinuance of performances at the Opéra Comique and the restructuring of the Paris Opéra.

(1) Secretariat of State for Cultural Affairs, Notes d'information No.23, 1st quarter, 1974.

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At present, the permanent company provides about a dozen jobs. In addition to this there are engagements "by fee", which between 1 April 1973 and 31 July 1974 involved 21 French singers and 47 foreign singers. The other artists employed at the Paris Opéra consist of 140 dancers in the corps de ballet, 120 chorus singers and 140 instrumental musicians.

For operatic singers, the lack of employment opportunities has caused a drop of more than 50% in their numbers over the last 15 years. In spite of this, a hundred or so young singers emerge every year from the Academy of Music to enter a profession which has every likelihood of being a short-lived one for them.

Apart from this disquieting situation, there is also the fact that it is common practice for the organizers of operatic productions to engage foreign artists :

- (a) at the Paris Opéra, most of the major roles are usually reserved for foreign artists;
- (b) in the provinces, for the purposes of 342 performances given during the 1976/77 season (opera and opéra comique), 1958 artists were engaged by fee; of these, 43% were French and 56.9% were foreign.

This state of affairs provokes two comments.

The first of these, (and within the scope of this report it can be no more than a subject for consideration which would merit detailed analysis,) concerns professional training itself - its content, techniques, organization of courses and appointment of teachers. For there are no grounds for questioning the talents of individuals and, in particular, the quality of their voices.

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It should also be noted, and we shall return to this later, that in the field of the arts "the absence of any official teaching structures at primary or secondary education level means that preparation for entry to the official academies is completely in the hands of private teachers ... In the national academies it is seldom the same teachers who give instruction in both singing and operatic art" (1).

The second comment concerns the problem of the ways in which artists are engaged by the organizers of operatic productions, which results in competition from foreign operatic artists on the national labour market.

The figures available do not specify the nationality of these artists, but in all probability the great majority of them are nationals of EEC Member States.

What we are faced with is therefore the fundamental question of the freedom of movement for workers. The Community regulations were designed to help workers, but this help can only be effective in so far as it facilitates exchanges between Member States. This means that the employment opportunities for the nationals of a given country must be equivalent in the other Member State or States whose nationals come to occupy jobs in this given country. But there is every indication that, at least as far as French operatic singers are concerned, the process is one-way only : essentially, it favours nationals of the other Member States, because the engagement of French operatic singers abroad is still very limited.

(1) *La vie d'artiste, du mythe à la réalité* [The Life of the Artist, from Myth to Reality], SFA, Paris 1974.

BALLET ARTISTSHISTORICAL BACKGROUND

"The predecessor of opera, ballet also originated in the princely courts, but in contrast to opera its gestation was slow and the dividing lines between primitive dancing and religious ceremony on the one hand, and the courtly mascarade and the dance as an art on the other, disappeared only gradually".

The fifteenth century saw the growing popularity in the princely and ducal courts of dances such as the pavane, which were characterized by their studied elegance. During this period, Italy "was the first to have allegorical processions, parades of floats, interludes with singing and dancing interspersed" (1). These interludes spread to France in the sixteenth century, while in England the use of disguise and masks was the origin of a genre of entertainment aptly called the masque, which used as elegant and lavish a form of staging as that in France and Italy.

The comédie-ballet was introduced by Molière in the seventeenth century in his plays, but it was mainly in association with opera that ballet was to find its real development and success. "The last two decades of the eighteenth century marked the established supremacy of the ballet d'action ... this sought to represent nature and everyday life." (1)

(1) Histoire des spectacles [History of Stage Performance], op.cit.

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In the first half of the twentieth century, although the opera which had given ballet its impetus was in decline, ballet itself became firmly established among the visual forms of entertainment. Choreography shook off its traditionalism and its stereotyped attitudes : "the arrival of Diaghilev's Russian ballets in 1909 (in Paris) was a landmark in the history of the ballet" (1).

(1) Histoire des spectacles [History of Stage Performance], op.cit.

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PRESENT POSITION

Despite the attraction it holds for young people, the wondrous art of the ballet can never be an amateur's occupation because of the technical standards and physical qualities which this profession demands.

In all the countries of the European Economic Community, the chief source of employment for dancers is the corps de ballet of the opera-houses. This means that their employment situation is closely tied to the uncertain fortunes or at least the varying degree of vitality of the opera.

Most of the opera-houses subsidized by the public authorities in the various EEC countries have a permanent company of dancers.

We have seen above that in Italy the major opera-houses have not only a corps de ballet but also a ballet school attached to them.

In the Federal Republic of Germany, there were 1900 dancers in 1970, and in the survey cited earlier (page 43) it was estimated that 69% of these were employees of enterprises run by the public authorities (Länder and municipalities).

In France, there were 1531 dancers in 1968, and 966 in 1975. The only permanent company is that of the Paris Opéra. There are also four government-subsidized companies in the provinces, and the dancers are usually engaged under contract for 10-12 months, but these contracts are not necessarily renewed. In the municipal opera-houses, engagements are made only by fee, that is, for the duration of the production or productions.

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In the private companies, "access to employment is governed in the majority of cases by personal contacts, hasty auditions or the attendance of a class which is, naturally, fee-charging. These are no ideal conditions for artistic excellence, nor for the permanent and regular practice of the profession" (1).

The problem of the dancer's professional training is that of all visual artists whose art demands a high degree of technical proficiency, and we shall encounter this special aspect once again in the case of circus artists : "in the ballet there is no provision for continuity between initial training and further training, which is an urgent daily necessity" (1).

But the extent to which the dancer is able to comply with this need for constant improvement of his technical skills is governed by the permanency or otherwise of his employment.

Every period of unemployment represents a handicap for him which is all the more serious if, to earn a living, he has to carry on a secondary activity which is different from his profession and does not allow him to continue his training.

Ballet is a difficult and demanding art and is consequently a profession which imposes time limits on those who practise it.

The length of a dancer's career is estimated at 20-25 years. This naturally poses the problem of retraining dancers, or at least adapting their abilities to a new form of employment. "The general opportunities for retraining in France are extremely limited ... if they are entitled to use the Paris Opéra's seal of approval they (dancers) have a slight advantage in starting a dancing class, but there is already a plethora of private classes..." (1)

(1) La vie d'artiste [The Life of the Artist], op.cit.

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This remark is probably applicable to most EEC countries.

As in the case of drama, the teaching of ballet in these private classes takes place for the most part without any official supervision whatsoever of the pedagogical competence of the teachers, the physical conditions in which this teaching is given, etc.

In view of the limited length of the dancer's career, it seems likely that the mushrooming of private classes is even greater than in the case of drama teaching.

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CHAPTER 6EMPLOYMENT PROBLEMS OF
CIRCUS ARTISTSHISTORICAL BACKGROUND

The circus first appeared in Western Europe at the end of the eighteenth century in the form of permanent establishments, and initially developed in an urban context. It was in England that Philip Astley became the first to seize on the idea of this form of public entertainment when he opened his Royal Amphitheatre of the Arts in London; he subsequently introduced his show to Paris, at the Boulevard du Temple, in an establishment which was later managed by a Frenchman named Franconi.

The first circus shows were essentially equestrian and particularly admired by the leisured classes. Their themes were modelled on historical reconstructions in which military exploits occupied an important position : parades, showy uniforms and settings of amazing splendour were the main characteristics of this type of entertainment in its early days.

It was not until the middle of the nineteenth century that the circus opened its doors to the common people of modest means. However, in Paris, for example, a tradition of the fashionable circus persisted throughout the nineteenth century, established first on the Champs Elysées and later at the Nouveau Cirque, whose audience on Friday evenings brought together the "whole of Paris".

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Later, the travelling Big Tops multiplied rapidly; these were pitched on the fairgrounds of the large towns and met with great success in all the countries of Western Europe.

They were small enterprises : in France, "the Guillaume Circus, around 1820, possessed four horses, and this was counted a large circus" (1).

The equestrian shows of the period saw the triumph of the haute école style of trick riding whose very name had been borrowed from the schools of advanced horsemanship and which embodied the great traditions of the royal households and jousting tournaments" (2).

The first large circus animals, which made their appearance at the beginning of the nineteenth century, were merely presented to the public as curiosities, and no animal training was done before 1860. From then on, this attraction proved very popular among circus managers as well as the public.

At that time, it consisted in training them to be "gentle" : for the animal trainer, the act essentially consisted of taking all kinds of liberties with them, such as placing his arm or his head inside the lion's jaws.

Coming to it from the fairground entertainments, the acrobats, illusionists, jugglers and gymnasts rapidly became part of the circus spectacle, where these artists found opportunities for employment. "Their exploits, dependent on strength in the case of the gymnast and dexterity in that of the rope-walker, provoked agonized suspense and admiration, two of the main sensations sought after at the circus" (1). The trapeze artist was soon to assume a prominent position among these visual acts.

(1) Histoire et légende du cirque [History and Legend of the Circus], R. Auguet, Flammarion 1974.

(2) Histoire du spectacle [History of Stage Performance], op.cit.

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According to the circus historians, it seems that the flying trapeze was featured in a circus show for the first time in France around 1860. The Frenchman Jules Léotard, who was the first to perform the act, immediately met with great success and had a great many imitators. Very quickly, "the solitary feats of the pioneers gave way to the rhythmic compositions and subtle ballets of the aerialist troupes, which included up to a dozen or so artists" (1), performing their evolutions either from one trapeze to another or via catchers.

The clown was born with the circus : "on the one hand he made his appearance barely a few years after the equestrian shows, yet on the other hand no ancestor can be found for him either on the theatre stages in the towns or in the entertainment booths of the fairgrounds ... To begin with, he incarnated the clodhopper, the witless oaf who in all kinds of costume has always been the butt and mainstay of popular entertainment ... At the start, the clown was a caricature of the horseman, whose feats he doltishly tried to imitate" (1).

They were actually acts for the interludes needed for the purposes of the show. As time passed, the performance given by the clowns developed : "as their art diversified, they rediscovered or recreated the old traditions of the popular entertainment, the clownish antics of the farce or the commedia dell' arte".

In the middle of the nineteenth century the speaking clown, also known as the jester, made his appearance in England. "The jester did not try for realistic comedy, but aimed straight for the absurd, in both his speech and his costume" (1).

(1) Histoire et légende du cirque [History and Legend of the Circus], op.cit.

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As the years passed, this character, who had become traditional in every circus show in Western Europe, was to be joined by Auguste, who probably first appeared around the 1880s in a duo with the original character whose costume was to hallow him for ever as the "white-faced clown".

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PRESENT POSITION

In almost all of the EEC Member States it is extremely difficult to estimate the numbers of circus artists. This is due to the fact that, in the statistical sources available, whatever their origin, these artists are included in the "variety artists" category. This categorization is used partly because there are so few of them.

In France, the only estimates which give some approximate idea of the number of circus artists come from the 1962 national census. When the results were processed, a separate heading was kept for circus and music hall artists. These figures are reproduced in the table below.

STATUS	MEN	WOMEN	TOTAL	
			Number	Percentage
Employees	280	380	660	63.4
Owners	200	120	320	39.7
Family helpers			60	5.7
TOTAL	480	500	1040	100.0

(Source : INSEE)

It can be seen that the total number at that time was of the order of 1040, comprising almost equal proportions of men and women. The owner category probably includes not only circus managers but also artists who recorded themselves as self-employed in the census.

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In the United Kingdom, the survey conducted by British Equity in 1972 showed that circus artists constituted only 0.3% of British artists and that the average period of time during the year for which they were working was approximately 15 weeks.

The information available on the number of circus enterprises in operation at present in the EEC countries is also fragmentary.

France has 12 circus enterprises, four or five of which are large ones; in Italy, there are about 180 Big Tops, 20 of which are large organizations while the remainder are run by small family enterprises. The United Kingdom has 50-55 circus enterprises, and Belgium has ten or so, all of them small. In the Federal Republic of Germany, there are ten or so large enterprises and a fairly large number of small travelling circuses.

From the information collected, it would appear that specific legislation according special protection to circus enterprises exists in only two Member States : the Federal Republic of Germany and Italy. In the latter country, the regulations provided in their favour grant them substantial financial concessions, mainly in the transport sector (of the order of 80% on railway tariffs). Also, special sites are reserved for them in the large towns.

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This special government aid in favour of the circus appears to be all the more necessary in that the economic difficulties encountered by circus enterprises have become so much more serious since the Second World War, causing the disappearance of a large number of small and medium-sized family enterprises and the amalgamation of the largest ones.

For a travelling circus, expenses are extremely heavy : transport costs are high mainly when the constant moving from one site to another is done by lorry. In France, for example, in addition to the price of petrol there are the taxes which are assessed on the same basis as for normal road haulage (axle tax). The proportion represented in the budget by the care and feeding of the animals is becoming increasingly large. This is one of the main reasons why animal training acts, which are very popular with the public, are still the prerogative of the large enterprises.

Advertising costs are also heavy and, in cases where no special regulations exist, the general running costs also have to include the cost of renting sites for the Big Top.

Over the last two decades, circus enterprises in France have experienced difficulties with local authorities who objected or still object to the establishment of the circus on a site in the centre of the town itself, forcing the Big Top to be pitched some distance away and thereby compromising large-scale attendance by the public. During the last few years, however, efforts have been made to restore to the circus the place to which it is entitled in the towns and villages, in order to preserve the traditional family character of this type of entertainment.

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Like all forms of live entertainment, such as the music hall, the circus too is a victim of competition from the cinema and television and people's way of life. Nevertheless, the circus retains its own very special attraction, and the small screen will never be able to take the place of the performance given under the Big Top : seated around the ring, the audience takes an active part in the show and its presence is indispensable.

Inevitably, the economic difficulties mentioned above are having a very marked effect on the employment of the artists who constitute the circus performance.

Because of the expenses which have to be borne by the enterprise and the competition from other forms of entertainment, the circus manager seeks to attract the public by offering the most original, and often the most daring, acts.

From the point of view of employment this causes extremely strong competition, because in order to be engaged in a touring company an artist (or troupe of artists) has to display a very high degree of skill in his art. What is more, European artists suffer keen competition from artists originating from Eastern Europe, for two reasons.

The first reason is a financial one, because the cost of engaging artists from Eastern Europe is generally lower than that demanded by West European artists of the same level of proficiency. The second reason lies in the fact that the number of artists who are nationals of East European countries and are capable of performing acts of a high degree of technical skill is far greater than that of equivalent artists in Western Europe, because of the very nature of their working conditions : as permanent employees of enterprises run by the State, they are protected from the lengthy periods of unemployment during which West European artists, with only a few exceptions, have neither the opportunity nor the means to continue the intensive training which their specialized art demands.

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With the situation as it is, the special difficulties which a young artist has in gaining recognition and, above all, obtaining engagements are easy to imagine. In the family enterprise context, this problem used to find its own solution in the opportunities for working as part of a team within the family unit. By its very existence, this structure used to provide quasi-permanent training for young artists and also enabled them to acquire the professional versatility that is often required in this art. The disappearance of a large number of small enterprises has deprived young artists of the employment opportunities which enable them to gain the experience they need if they are to become famous.

With a view to restoring to the circus its true position in the world of live entertainment and providing its artists with the facilities for obtaining a good professional training, a report was prepared several years ago in France which recommended the creation of a French Circus Centre.

The measures envisaged included :

- (a) the creation of a French circus school;
- (b) the foundation of a central clearing-house for exchanges, "enabling French circus artists to work abroad (especially in East European countries) and arranging the admittance of artists from these countries to France".

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In his introductory remarks, the author of the report recalled that "the Russians opened their circus school in 1927 ... The Hungarians did likewise in 1964 ... This year (1967), the Moscow School is training 500 pupils ... In two years' time, the school's capacity will be sufficient to accommodate 800 pupils, including 200 trainees from abroad. The pupils emerge from the school not only with a diploma in circus acrobatics but also with a fully developed act which enables them to be given immediate employment in the circus administration programmes, and, what is more, with their general certificates of education, because lessons in Russian, mathematics, science and French are alternated with instruction in acrobatics, juggling and the art of the clown ..." (1)

In view of the financial resources required to run a circus school capable of training pupils for the particularly lengthy period of time involved in perfecting acts and ensuring the necessary versatility of circus artists, it is obvious that the idea of a circus school is feasible only at national level with financing from the State, on the same basis as general State education.

As regards the coordination of adequate measures for providing enterprises with the assistance they need and guaranteeing employment for artists, our recommendations in this field will be given in the concluding chapter.

The proposal made in the report for exchanges with foreign countries seems especially judicious. At European level, these exchanges are wholly in keeping with the regulations on freedom of movement for workers in so far as the national public services will be geared to this type of placement, and here too the reader is referred to the proposals made in our concluding chapter.

(1) Report prepared by D. Mauclair, 1967.

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The vitality of circus enterprises in East European countries makes exchanges with these countries particularly desirable. It must, however, be stressed that these exchanges will have to comply with Community regulations on the priority to be given to nationals of Member States in matters of employment.

Of the proposals made by D. Mauclair, whose report is, of course, concerned with the situation in France, there is one in particular which should be stressed : "to get out of the rut, we would also need to call on the services of artistic directors, costume designers and stage designers, who would renovate certain acts in the real meaning of the word. We have the chance to take advantage from the very beginning of the collaboration of eminent artists who would find in this a dream of an opportunity for experimenting in the direction of "total theatre".

CHAPTER 7EMPLOYMENT PROBLEMS OF PERFORMERS AND PRODUCTION TECHNICIANSIN THE AUDIO-VISUAL ENTERTAINMENT INDUSTRY :CINEMA AND TELEVISIONINTRODUCTORY REMARKS

The purpose of this chapter is to seek to assess the employment problems of artists in the production of audio-visual forms of entertainment (cinema films and television films) prepared from a shooting-script which the director has the responsibility of translating into pictures with the participation of the actors and his immediate collaborators, viz the production technicians such as the director of photography, the cameraman, the continuity girl, etc.

Thus, the study does not consider the employment problems of general film workpeople, television management technicians, studio and laboratory staff or the staff of film marketing and distribution companies.

The analysis of employment problems has been undertaken solely with reference to the production of feature films, and excluding short films, commercial and advertising films, educational films, etc.

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PART 1THE CINEMAHISTORICAL BACKGROUND

The cinematographic show was born in Europe with the first attempts made in France in 1895 by Louis Lumière to use his invention to produce newsreels, topical films and documentaries. It was Georges Méliès who pushed forward the development of the contribution this new technique could make to the art of entertainment and used actors to interpret the earliest silent roles. But this was still at the level of craftsman production; industrial development did not begin until the advent of Charles Pathé, who, with the backing of financial institutions, founded the first film production enterprise near Paris.

During the same period the cinema developed in England, where "the travelling theatres converted their establishments into picture palaces" (1). The movement spread rapidly and reached the USA.

At the start of the twentieth century the cinema developed in Denmark, helped by the traditions of public entertainment, and spread from there to Scandinavia, Germany and Central Europe.

(1) Histoire des spectacles [History of Stage Performance], op.cit.

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In Italy, film production rapidly entered a phase of explosive growth and specialized in spectacular productions.

The First World War was to bring the decline of the European cinema at the same time as the American cinema was developing its industrial structures.

In Europe a process of amalgamation began, with the national film industries passing into the control of the largest. The major German companies, for instance, absorbed the French company of Pathe and the Danish enterprises. As the years passed, however, American predominance became so powerful that the majority of European companies passed into the control of financial interests on the other side of the Atlantic.

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PRESENT POSITION

We cannot examine and understand employment problems in the cinema without first reviewing, at least in outline, the present position of the European cinema, whose special economic difficulties have become a commonplace topic for discussion.

As an industrial sector, the cinema is faced with specific problems associated with production and hence financial resources which we need to mention, if only briefly, before moving on to the individual aspects of employment.

"The producer's position is basically that of a contractor ... The task of a production enterprise is more or less comparable to that of a promoter, whose function consists in collecting and welding together a whole range of financial, industrial, technical and artistic services which are necessary to the creation of a cinematographic work" (1).

The financial resources needed for creating this work are very considerable : in France, the National Cinema Centre estimates that the average cost of a wholly French-made film has increased from FF 1.01 million in 1960 to FF 2.05 million in 1975. And in the majority of cases producers do not possess adequate financial standing for this. The usual practice then is for the distributor to contribute, with his money becoming an "advance against takings". The technical sector (laboratory, studio) helps by underwriting credit for the manufacturing process, the artists themselves (directors, actors, technicians) invest part of their fee in the form of participation, and, lastly, the public authorities provide assistance towards the financing of the film.

(1) Le régime de l'organisation professionnelle de la cinématographie [The Structure of Professional Organization in the Cinema Industry], by Gérard Valter, Paris 1969.

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Policies for assisting the film industry have been in existence in the nine countries of the EEC for a long time. The salient features of these measures are their high degree of complexity and their disparity from one country to another. The usual procedure is for the budgetary resources to be generated (except in Belgium and Italy, where they are provided from the state budget in the financial allocations of certain ministerial departments) from parafiscal charges applied to every ticket sold, and to be administered by paragovernment bodies such as the National Cinema Centre in France, the Cinema Aid Institute in the Federal Republic of Germany, etc.

The method normally used to demonstrate the difficulties faced by the film industry is to quote the substantial decrease in cinema audiences.

In the case of France, for example, audiences have decreased, in less than 20 years, from 410 to 180 million. Table 1 gives a comparison of the drop in cinema attendance figures in different countries, calculated in relation to the year of peak attendance.

The drop in attendance figures is greatest in Great Britain, Germany and Japan, where television developed more rapidly. Compared to the other countries studied, the percentage decrease in 1973 was lowest in Italy. This is unquestionably due to the restrictions imposed by the Italian Government on the television broadcasting of cinema films.

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It is undeniable that the decline in public interest in the entertainment shown on the large screen is related to the two-edged competition presented by television : direct competition in the form of the programmes it offers in the home, and indirect competition in that broadcasting films cannot help but encourage the potential member of the cinema audience to sit waiting in his armchair until feature films are shown on television instead. But it is important not to overlook other factors in this decline in interest which involve socioeconomic considerations.

TABLE 1

TRENDS IN CINEMA ATTENDANCE FIGURES IN SEVERAL COUNTRIES
IN RELATION TO THE YEAR OF PEAK ATTENDANCE

COUNTRY	Attendance in peak year(1)	Attendance in 1973 (1)	% decrease	Mean annual rate of change
FRANCE	1957 : 411	174	- 57 %	- 3.6 %
GERMANY	1956 : 818	145	- 83 %	- 4.8 %
ITALY	1955 : 819	550	- 33 %	- 1.8 %
NETHERLANDS	1955 : 70	26	- 63 %	- 3.5 %
BELGIUM	1955 : 110	27	- 75 %	- 4.2 %
GREAT BRITAIN	1948 : 1514	150	- 90 %	- 3.6 %
UNITED STATES	1946 : 4400	921	- 79 %	- 2.9 %
JAPAN	1958 : 1127	247	- 78 %	- 3.1 %
SWEDEN	1955 : 78	26	- 67 %	- 4.8 %

(1) in millions

Source : CNC/INSEE

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"In the cinema, international financing, international distribution, international stars and international production teams have led to the making of films likely to prove popular in the largest possible number of countries; unfortunately, this results in a lack of depth and a stereotyped content which has to be camouflaged by the heavy-handed use of bright colours, wide screens and production gimmicks" (1).

This comment illustrates perfectly the phenomenon inherent in the mass media : once it becomes a top consumer product, since its market is on a worldwide scale artistic expression has a tendency to become standardized in order to please everybody and so receive a seal of profitability which will secure the maximum financial return.

The socioeconomic factors which play a part here concern the working and living conditions and hence the general way of life of the great majority of the people of Europe. The tempo of work and the distance between factory or office and home, which condemn many workers to long daily journeys, are just as much deterrents to cultural enrichment and leisure activities : physical weariness, the concentration of cinemas in urban centres which therefore necessitates more travelling, and the cost of transport which has to be added to the price of the admission tickets, are all negative factors which explain to some quite considerable extent the decline in public interest in the large screen.

(1) Le cinéma, cette industrie [This Industry Called the Cinema], C. Degand, Paris 1972.

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It would thus appear, at least from an initial analysis of the reasons commonly quoted, that in the case of the cinema just as in that of live entertainment the decline in public interest is closely linked to both economic and sociological factors whose interaction almost inevitably changes people's way of life and their opportunity of participating in the cultural life expressed through live or audio-visual entertainment.

These various factors are also aggravated by the structure of cinema management, which has undergone a radical change over the last few years in Western Europe with the appearance and widespread establishment of multiple-cinema complexes.

France is a particularly revealing example in this connection : "between July 1957 and July 1975, 3281 cinemas were closed down and 1926 were opened, giving a deficit of 1355 cinemas out of an existing total of 4328. And the number opened corresponds to cinema complexes, in all probability representing scarcely more than 500 seats in each case" (1).

As in the case of the theatre, there is no doubt that small localities are greatly underprivileged when it comes to film distribution, and nowadays their inhabitants are merely potential members of the cinema audience who have to travel in order to see a film. This can be seen clearly from the table below, which expresses the availability of cinemas, size of locality and corresponding number of spectators in percentage form.

(1) Rapport sur le financement du cinéma [Report on the Financing of the Cinema], Paris, January 1977.

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Size of locality	Cinemas	Spectators
more than 60 000 inhabitants	30.49%	59.80%
from 15 001 to 60 000 inhabitants	21.42%	22.40%
from 8001 to 15 000 inhabitants	10.01%	6.26%
from 5001 to 8000 inhabitants	8.83%	3.88%
from 2001 to 5000 inhabitants	18.98%	5.70%
2000 inhabitants or less	10.27%	1.96%
TOTAL	100.00%	100.00%

(Source : National Cinema Centre, 1974)

A glance at this table shows clearly that cinema attendance figures are directly related to the number of cinemas situated in the localities. It is therefore hardly surprising that the television viewer shows his preference for broadcasts of films on the small screen and for televised versions of plays, operas and musical comedies !

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THE CINEMA AND THE EMPLOYMENT PROBLEMS
OF PERFORMERS AND PRODUCTION TECHNICIANS

1. PERFORMERS

"Relations between actors and the cinema are very strange. They are made up of passion, of a mixture of hate, envy and adoration verging on fetishism"... "With the advent of talking pictures, the inability of a number of 'silent stars' to adapt to speaking parts and the sudden call made upon the most traditional values of the theatre tended at one time to make this occupation an integral part of the various individual forms of entertainment. And for fifteen years or so there was every reason to think that the occupation of cinema actor had become a completely separate occupation, that is, one in which an actor could pursue his complete career from the very beginning up to retirement" ... "but the employment opportunities for actors in the cinema have now become fewer. They are shared between the 'stars', who negotiate their terms of employment by mutual agreement in a balance of strength which is often still very favourable, and the isolated piece of casting which in some cases can obtain effective promotion for a 'rank and file' actor" (1).

These remarks sum up the main characteristics of the employment problems of actors in the film industry in a particularly pertinent fashion.

(1) La vie d'artiste - du mythe a la réalité [The Life of the Artist - From Myth to Reality], SFA, Paris 1974.

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Fabricated at the time of the silent cinema, the myth of the star is the commercial corollary of the film industry, whose publicity campaigns amongst the public were centred on the actors and, principally, actresses.

"The star was born in 1910 from the outthroat competition between the first film production companies in the United States. The star developed at the same time as the concentration of capital within the film industry, with the two developments hastening each other on ... the star has ^{his} her price, which is natural, and this price steadily follows the fluctuations in supply and demand ... The 'public private' life of the stars is always endowed with a commercial or publicity value.

"Also, the star is not only the subject but also the object of publicity; ^{he} she sponsors perfumes, soaps, cigarettes, etc. and thereby multiplies her commercial usefulness" (1).

It might well be thought that these considerations are of a historical nature and concern the glories of Hollywood rather than the European actors of 1977 with whose employment problems we are concerned. In actual fact, although the star system has somewhat more limited implications in Western Europe than in the United States, it nevertheless has very direct relevance to our present problems : for a producer, the commercial value of a film is assessed first and foremost in relation to the star or stars who are to play the leading roles, to their national and, above all, international fame and to the impact their name makes on the cinema posters. The financial resources needed for making the film will be all the more easily raised if the star's name is respected on the market as a guarantee of the success and hence the profitability of the film. It is obvious that these purely economic constraints have a direct bearing on the employment of performers.

(1) Les stars [The Stars], Edgar Morin, Paris 1972.

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The more well-known an actor is, the more opportunities he has of making one or more films in the course of a year. These remarks are all the more significant because the potential volume of employment likely to be offered to actors in the EEC countries is particularly limited.

Difficult as it is to try to quantify the potential job volume in the film industry, it is still useful to attempt to make some kind of approximation. Given the nature of the information available, however, this approximation will be theoretical rather than real, and its interest will be only of a methodological nature.

To assess employment in the film industry, we have to take account of :

- (a) the annual volume of feature film productions;
- (b) the number of actors involved in each production, whether for leading parts, supporting parts or bit parts;
- (c) the period of employment which these work contracts represent.

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1. Output

In 1975, the number of feature films made in each of the EEC countries was as follows :

Federal Republic of Germany	:	73
United Kingdom	:	70
Netherlands	:	14
Italy	:	230
Ireland	:	2
France	:	222
Denamrk	:	16
Belgium	:	4

(Source : CNC, France)

These figures include films made on a coproduction basis, that is, under international reciprocity agreements.

It may be recalled that the principle of ooproduction "has its origin in the Rome Convention of 19 October 1949, which was aimed at establishing a technical and financial collaboration between France and Italy in order to promote the production of good-quality films, these being classed as highly valued products.

This convention, which had both cultural objectives (to spread French films and Italian films throughout the world) and economic objectives (to unify the French and Italian markets), was in line with the aims of the Franco-Italian customs union, a project set up at a later date within the European Economic Community " (1).

(1) L'initiative culturelle en économie de marché : Le cinéma français depuis 1945 [Cultural programmes in a market economy : the French cinema since 1945], René Bonnell, Thesis, Paris 1977.

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Some indication of the proportion of total film output represented by coproduced films can be obtained by taking French film production as an example, given that, to date, France has signed 20 coproduction agreements, notably with Belgium, the United Kingdom, the Federal Republic of Germany, Italy and Denmark.

YEAR	Wholly French-produced films	Coproduced films		TOTAL OUTPUT
		Predominantly French	Predominantly foreign	
1966	45	50	35	130
1967	47	40	33	120
1968	49	43	25	117
1969	70	49	35	154
1970	66	44	28	138
1971	67	35	25	127
1972	71	49	49	169
1973	97	56	47	200
1974	137	45	52	234
1975	160	37	25	222

(Source : CNC)

From the point of view of employment, the effect of these agreements is to limit the employment opportunities of the artists of a Member State in national film production, but also to provide them with the possibility of work in foreign film production in so far as their fame makes this at all likely.

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"The idea of coproduction is promising in itself. It is a source of exchanges at all levels, exchanges of ideas, aesthetic concepts and working methods and also exchanges of people, all of which can be extremely enriching for the partners concerned" (1).

But surely it is still essential that, in the production of films made on this basis, the wish to "please as many people as possible" and so ensure the profitability of the product should not impair their quality? Surely it is still essential that, just because a film is made in a country where labour is "cheaper" and more people are therefore recruited there, this should not harm the employment prospects of artists and technicians who come from the country which is providing the bulk of the financing?

Coproduction agreements usually make provision for a division of the jobs involved between the nationals of the cosignatory countries. For instance, the 1975 Franco-German coproduction agreement specifies that "technical and artistic participation must include at least one script writer or adapter, one technician, and either (preferably) one actor in a leading role and one actor in a supporting role or (failing this) two actors in important roles, of the nationality of the country which has the minority financial participation ..." (2).

(1) *La vie d'artiste* [The Life of the Artist], op.cit.

(2) *Textes du cinéma français* [Legal texts of the French cinema], CNC.

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2. Tentative assessment of the number of jobs occupied by performers in film production

No statistical information is provided by the national authorities on the numbers of artists employed in film production. The only quantitative data available relate to the United Kingdom and were compiled by British Equity, the actors' and artists' union.

Number of films produced and actors engaged per year between 1963 and 1971

YEAR	Number of feature films	Number of artists engaged
1963	74	3035
1964	71	2512
1965	69	2380
1966	70	2336
1967	70	2674
1968	73	2424
1969	71	2761
1970	96	2741
1971	91	2327

(Source : British Equity)

Although these figures have the value of providing an overall assessment of the number of jobs offered to actors by the British cinema, they still give no indication of the categories of artists concerned or the actual periods of employment for which, on average, the artists were in work.

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3. Periods of employment

The average time taken to make a film is about eight weeks. The number of actors obviously depends on the budget available. For an average production the number of leading actors is four at the most, including at least one major star. Five or six actors play the supporting roles, and the number recruited for the "bit parts" and as extras varies from one production to another.

The principal stars are engaged for the whole of the time taken to make the film, and the supporting actors for about half of this period, that is, four weeks. Bit part actors and extras are hired and paid by the day. When setting these average estimates against the number of films produced in France in 1975, viz 222, it has to be borne in mind that 62 films were made on a coproduction basis, which reduces the employment opportunities, and also that a certain volume is represented by pornographic films, which are usually made on a very small budget and for which the shooting time rarely exceeds one week.

About 20 films of this type were made in 1972, about 40 in 1973, and 50-60 in 1975/76. In an attempt to discourage this type of production, in 1976 the government adopted various measures including a 20% levy on profits, VAT at the increased rate and the withdrawal of financial support. The CNC⁽¹⁾, for its part, confirmed, by statutory decision, a professional liability aimed at controlling the exhibition of these films and suppressing their publicity. In the face of these measures, "the producers appear to have reacted by reducing their budget still farther, adapting it

(1) Centre National du Cinéma [National Cinema Centre].

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to the more restricted profit-making possibilities of the market : of the 60 or so films made, half had a budget of between FF 0.3 and 0.5 million and the other half had a budget of less than FF 0.3 million ... Filming units were reduced to half a dozen members, and the fees paid to the stars were reduced to FF 600 per day ... every aspect of production was fair game for squeezing down on costs ..." (1).

All this demonstrates the relatively limited number of jobs likely to be offered to actors in feature film production.

The uncertain nature of this type of employment opportunity is also illustrated by the recruitment procedures which are standard practice when a film is to be made.

Actors are engaged either by the producer or by the director, usually through artists' agents. It can also happen that the principal star chooses the other leading actors ^{himself/} herself. The public employment services are involved only, if at all, for the placement of the extras and, if absolutely necessary, the supporting actors.

Thus, these practices a priori give only highly problematical chances of employment to young actors.

The same is true of those actors who, although not so young, have never had the opportunity of making a film.

In short, the number of individuals who, at national level, have the opportunity of participating as actors in the making of a film is extremely small.

(1) Magazine : Le film français, 15 July 1977.

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These restrictive criteria affecting the volume of employment offered by the film industry are usually countered by the argument that the small number of jobs is compensated by the high incomes they carry. It is perfectly true that the leading actors are generally paid large fees. But it must not be forgotten that this applies to only a handful of actors in each individual country, and that in any case the "profit-sharing" system mentioned earlier limits the income earned and makes it dependent upon the success or otherwise of the film. Also, there is nothing surprising in the fact that the star whose name is a guarantee of profit for all the people involved in the production, distribution and exhibition of the film should demand to be paid a sum which from ^{his/} her point of view needs to be all the greater because she has no guarantee that this film will be followed by other opportunities for earning money. What we are dealing with here is, in fact, the whole system of show business, which in its striving after maximum profitability involves inexorable inflationary processes.

It should be stressed that, even as regards sharing in the profits, both actors and technicians have few safeguards : "because production personnel do not have ready access to the production accounts, particularly to details of the receipts from sales abroad, and cannot always exercise their rights ... Also, some creditors (distributors, etc.) may be entitled to take precedence over profit-sharing personnel when it comes to the distribution of the takings. Thus, payment in the form of profit-sharing sometimes proves to be a disadvantage for the individuals concerned in so far as they have no control over the production's financing plan" (1).

(1) René Bonnell, op.cit.

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It is easy to understand why, in the face of all these uncertainties, some actors decide to set up their own film production company. But this raises the question of how far the artist/producer can preserve the complete independence he needs in his capacity as actor.

The cinema and television offer a supplementary source of employment for actors because of the dubbing techniques used for imported films and television films for which the dialogue is translated into the language of the country concerned.

Dubbing requires a considerable amount of preparatory work : "Before making a start on recording the sound track, the film is screened several times for the voice actors, to enable them to soak up the style of the original ... these actors (and they really must be actors) need to undergo a rigorous training, because the moment the microphone is switched on almost everybody loses all the spontaneity they had achieved during the run-through... A dubbing school would be a great help : it would contribute to the success of this genre, which will inevitably penetrate the market ... As a general rule, the amount of time currently spent on dubbing should really be twice as long" (1).

Most dubbing studios are small enterprises. There are about forty in France, ten or so of which are medium-sized. Approximately 600 French actors work for these laboratories, and it is estimated that about one third of them earn the bulk of their income from this type of work.

(1) Technique du cinéma [Cinema techniques], by Lo Duca, PUF, Paris 1974.

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French regulations on feature films provide employment protection for French actors. In 1961, an order dated 18 January "made it compulsory, in the case of foreign films to be shown in France in a version dubbed in French, to carry out the dubbing in studios located on French territory. However, in pursuance of EEC Council Directive No. 2 (13 May 1965), an order dated 23 March 1967 stated that this obligation had ceased to apply to films having the nationality of one of the Member States" (1).

It should, however, be stressed that the order concerns only the production of cinema films, and not the production of televised programmes such as serials and television films. Yet at the present time it quite often happens that American television productions are dubbed in French in Canadian laboratories before they are imported into France. It would therefore be only logical for the order of 23 March 1967 to be extended to televised productions.

(1) La régime de l'organisation professionnelle de la cinématographie
[The Structure of Professional Organization in the Cinema Industry],
G. Valter, op.cit.

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2. FILM PRODUCTION TECHNICIANS

Making a film involves the application of a number of special skills requiring the participation of professional workers in each of the various branches of production : administration and management, photography, set design, sound, editing, make-up, etc.

When the production of a film has been decided on, that is, when the financial resources have been raised, the usual practice is for the team of technicians who are to participate in making the film to be chosen by the director. Because of personal affinities and working methods, in most cases a director works with the same director of photography, the same sound engineer and the same editor. These are unstructured teams who work together on the studio floor throughout the period of shooting, including the preparatory operations. As we saw earlier, the average shooting time is about eight weeks, depending on the size of the production, the amount of shooting on location and any contingencies associated with weather conditions or incidents during filming.

As in the case of actors, no use is generally made of the public employment services for recruiting technicians, except perhaps in the Federal Republic of Germany, where the Frankfurt Specialist Agency (ZBF) has a film department.

In the United Kingdom, the Film and Television Technicians' Union has its own employment agency, and almost all technicians find work through this agency. The few exceptions concern a number of directors, directors of photography and cameramen who use the services of artists' agents to find work.

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Some 95% of British film and television technicians are freelance. However, they receive National Health Service allowances on the same basis as employees. They are entitled to unemployment benefit provided that they have paid their contributions.

The level of unemployment is exceptionally high among those technicians who are freelance. This explains the attitude of the union, which always gives employment priority to one of its members.

It is easy to see how these placement criteria will affect the implementation of the regulations on freedom of movement for workers within the Community. And this restrictive attitude is not confined to the United Kingdom; it exists in all EEC countries. France, however, is the only country to have introduced special regulations on the practice of the profession of film production technician.

THE PROBLEM OF THE FRENCH REGULATIONS

With its Statutory Ruling No. 51 of 10 July 1964, the Centre National de la Cinématographie [National Cinema Centre] made the practice of the main professions of film production technicians subject to the possession of a professional identity card issued by this body.

The ruling covers 15 occupations in the production of feature films, as follows.

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A) Direction :

- (1) first assistant director
- (2) director
- (3) continuity or script girl.

b) Administration and management :

- (4) executive producer
- (5) production manager.

C) Shooting and photography :

- (6) first assistant operator
- (7) focus puller or cameraman
- (8) director of photographer.

D) Art direction :

- (9) first assistant art director
- (10) chief art director.

E) Sound :

- (11) sound assistant (recordist or boom operator)
- (12) sound mixer (sound engineer).

F) Editing :

- (13) assistant editor
- (14) chief editor.

G) Make-up :

- (15) chief make-up artist.

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For the production of short films, the professional identity card is required in the case of

- (a) the director
- (b) the camera operator.

The criteria of eligibility for obtaining this professional card are of two kinds :

- 1) qualifications in the form of professional diplomas obtained at the Institut des Hautes Etudes Cinématographiques (IDHEC) [Institute of Advanced Cinematographic Studies], in each of the branches of production listed above, supplemented by a period of professional experience;
- 2) qualifications in the form of professional experience acquired in the branch of production concerned.

For instance, "the directors' card is granted :

- 1) to first assistant directors who have worked in this capacity in three French feature films" ... only one film is required if the first assistant director holds a graduate certificate from the IDHEC;
- 2) to production technicians, directors of photography, chief editors, production managers, sound mixers and chief art directors who have worked in these capacities in the production of five French feature films.

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It is important to emphasize that, in its Article 6, the CNC ruling makes provision for exemptions to be granted for the practice of the professions of film technicians : they exempt the beneficiaries, subject to certain conditions, from possession of the professional identity card. These exemptions are granted by the Director-General of the CNC after consultation of the Advisory Committee, which is made up, in addition to the CNC representatives, of two representatives of the technicians and two representatives of the producers. Article 6 of the ruling, which institutes these exemptions, restricts the cases in which they may be granted and stipulates, in particular, that applicants must possess French nationality.

When exemptions are granted to a director of feature films and short films and to a director of photography, these technicians must be assisted by a technical adviser who holds the professional identity card; exemptions are granted on behalf of directors :

- (a) to French scriptwriters or screenwriters who have practised their profession for three years and who have had at least three of their works shown on the screen in the form of feature films;
- (b) to French novelists and dramatists who are to adapt one of their own works for the screen;
- (c) to producers who hold a professional licence issued by the CNC and have produced, in the capacity of deputy producers, at least five French feature films;
- (d) to actors of French nationality who have performed at least five major roles;

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- (e) to theatrical designers of French nationality who have been responsible for at least five productions;
- (f) on behalf of directors of photography, exceptional authorizations may be granted to camera operators of short films who can furnish evidence of professional experience, and to actors who are translating one of their works onto the screen.

At national level, this ruling was designed to guarantee the artistic and technical competence of the staff recruited, both in the interests of producers who wish to engage properly qualified personnel for making a film and in the interests of the workers themselves, in order to preserve the high technical standards of their profession and to limit competition on the labour market.

In the first analysis, this attitude appears to be a valid one if we refer to a study carried out by the European Union of Film and Television Technicians, which states that "generally speaking, the majority of technicians working in the film industry have learned their craft empirically, gradually climbing the various rungs of the ladder in a given specialization. With the exception of the Lycée Technique d'Etat de la Photographie et Cinématographie [State College of Technology for Photography and Cinematography] (founded in Paris in 1923), the IDHEC (Paris 1944) and the Centro Sperimentale [Experimental Centre] (Rome 1936), cinema and television training schools are of relatively recent creation, and their graduates are certainly not as yet in the majority in the profession".

But it is important to understand the present attitude of the workers in the film industry who are in favour of the retention of the professional identity card. To them, the card is a means of protecting not only the level of technical proficiency in their occupation but also their employment itself. In the face of

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an employment situation which has been steadily deteriorating for several years now, attitudes which in many cases have to be recognized as being "corporatist" are beginning to crystallize, and the unions involved are beginning to take a harder line in their anxiety to defend their members' right to work.

And this attitude is not confined to France alone; it exists in all nine countries of the European Economic Community, and the British example is a particularly striking one.

In the case of France, there is also the fact that the employment difficulties of television technicians, whose position will be examined in the next section, are making the competition that much fiercer in the search for jobs. The practice of their occupation is not subject to possession of a professional card and their skills make it easy for them to obtain CNC exemptions.

It is also worth noting that at present some films are produced by French or even foreign technicians who have not in fact been granted official exemptions. Although there are probably only a few such cases, they nevertheless demonstrate that, as in the position of Belgian actors, the professional card is by no means a cast-iron guarantee for the workers concerned.

The employment of film technicians is naturally subject to the same factors as those which affect actors, although with a number of special aspects.

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The available statistics show that :

in France, 3242 cinema film production technicians were registered, in 1975 for a total output of 222 feature films, of which 160 were wholly French-produced and 62 were coproduced.

It has to be borne in mind that the 160 wholly French-produced films include 50-60 pornographic films for which, as we mentioned earlier, only small teams of production technicians are used.

This information can be supplemented, in the case of French directors, by detailed figures provided by the National Cinema Centre :

"The number of directors officially authorized in France at the present time is 1757, broken down into 830 holders of a professional identity card and 927 beneficiaries of exemption. These figures need to be set against :

- (a) firstly, the number of French-produced films made in 1976 : 190;
- (b) secondly, the number of directors actively employed during the same year of 1976 : 135.

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Thus, there are two comments which need to be made :

- (a) a large number of holders of the professional identity card have left the cinema industry without it being possible to remove their names from the records;
- (b) very many applicants seeking an advance against receipts have requested and obtained exemptions which then become useless when the advance is not granted."

And there is another factor to be added to these comments, even though it merely confirms the considerations set out above : under the pressure of budgetary constraints, the tendency is "more and more to reduce the size of production teams, helped by the sophistication and greater ease of operation of the equipment used nowadays. This practice is particularly prevalent among young directors who are financing the film out of their own pockets and therefore pay their colleagues out of the film's future takings in order to reduce outgoings" (1). This remark is all the more significant in that, as far as France is concerned, "the recent increase in the output of films owes much to the first works of director/producers who, with great difficulty, are financing their own ventures" (1).

In the Federal Republic of Germany, the 1972 estimates of the numbers employed are of the order of 2000 technicians for an output of approximately 70 feature films.

(1) René Bonnell, L'initiative culturelle en économie de marché : le cinéma français depuis 1945 [Cultural ventures in a market economy : the French cinema since 1945], op.cit.

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In the United Kingdom, the information provided by the Film and Television Technicians' Union indicates that there are approximately 5000 cinema film production technicians. When this figure is set against the output of some 60-65 films, it can be seen that the level of unemployment is particularly high and that these workers are in a position of almost permanent underemployment.

At Community level, it is clear that retention of the professional identity card is a restriction on the free movement of film technicians who are nationals of other Member States and cannot obtain access to employment in France when a film is being made unless they have an exemption granted by the CNC. This problem has already been the object of studies made in the Commission's own departments, and possible solutions have been investigated by the Directorate-General for Internal Market and for Approximation of Legislations. This investigation was directed towards an analysis of the professional qualifications and experience likely to be needed for practising the various specialities of film production technicians and was very closely modelled on the criteria used in issuing the French professional identity card.

Although this problem is still much in the limelight at present, no decision has yet been taken.

In any event, abolition of the professional identity card can be acceptable to the French members of the profession only in so far as the guarantees of technical competence represented by the present professional card can be provided by those applying for a production technician job in France.

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It is important to remember that analysing and defining qualification criteria for any occupation at all is a very tricky business, and the difficulties should not be underestimated. Any attempt at matching the concepts of "post occupied" and "appropriate professional training", whether recognized by a diploma or not, is complicated even at the level of an individual country. The difficulty is inevitably greater when it comes to undertaking a study of this type at Community level.

It involves, for each country, analysing production techniques, the content of the courses given in the various training establishments and the length of these courses in the various specialities, comparing (as far as possible) the systems of collective grading, and evaluating the criteria which can be used to define professional experience.

Whatever the guarantees obtained, however, abolition of a professional card does not solve their employment problems for workers in the film industry. As things stand at present, the small volume of film production in the other Member States, with the exception of Italy, holds out no prospect of any improvement in the employment situation when freedom of movement is put into practice. For technicians just as for actors, employment opportunities are closely tied to policy on film production, distribution and financing in the nine Member States.

During the preparatory work on the European communicating system for jobs available and jobs wanted (SEDOC), which will be discussed below in Chapter 9, even though the attempt at job coding did not extend beyond the concept of occupation pursued in the various sectors of the economy in Member States numerous difficulties were encountered in harmonizing terminologies and necessitated detailed

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consultation between the experts of the different countries. It was within this working party that a first attempt was made to define the content of the jobs constituting the various specialities of film and television technicians. At the time, 35 jobs were selected as material for a study of occupations pursued in the Federal Republic of Germany, France, Italy, Belgium, the Netherlands and Luxembourg.

There is one aspect of the situation which is striking. In every Member State, bodies have been set up with the aim of coordinating and managing assistance for the cinema industry along fairly similar lines. In the case of France, this management function is supplemented by that of "organizing professional and technical training for professions of an artistic nature or technical professions which are specific to the cinema industry" (1).

As we saw earlier, the National Cinema Centre in France issues professional identity cards and, where applicable, exemptions from this official control of the film technician profession.

To the best of our knowledge, however (and this is what is striking), none of these bodies responsible for protecting the interests of the cinema industry professions pay any attention, other than the professional training and official control aspect in the case of France, to the employment problems of artistic personnel working in the cinema film industry.

(1) Le régime de l'organisation professionnelle de la cinématographie [The Structure of Professional Organization in the Cinema Industry], G. Valter, op.cit.

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To take the example of France, the CNC holds a great deal of information in its possession in connection with its official control functions : "because it possesses all kinds of information by virtue of the official regulations imposed on film production enterprises regarding both operating permits and film production licences ... with the aid of suitable data-processing techniques it is able to extract comprehensive and varied statistics which provide a detailed and up-to-date picture of all aspects of activity in the cinema industry" (1). Nevertheless, there is nothing in this wide range of data that relates to employment. Yet the authorization applications that are lodged with this body provide detailed information on the jobs provided by the shooting-script of the film in question, covering both the technical team and the leading or supporting actors and extras.

This omission is certainly regrettable, since it makes it impossible to assess the volume of jobs offered during a given period by this industrial sector, at least as far as its artistic personnel are concerned.

(1) Le régime de l'organisation professionnelle de la cinématographie
[The Structure of Professional Organization in the Cinema Industry],
G. Valter, op.cit.

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PART 2TELEVISION

A few years before the start of the Second World War, the first televised broadcasts began in Europe (France and Britain) and in Japan and the USA. But the real launching of television, as regards both broadcasts and the manufacture of receivers, did not actually come until 1948 : "thus, television had been awaited for a good ten years or so by the time it really got into its stride almost everywhere in the world. This explains the general public's rush towards permanent entertainment in the home" (1).

In 1958 the number of television receivers in the world was estimated at 76 million (half of them in North America); the figure for 1973 was 300 million.

In 1974, the number of receivers in each of the EEC countries was as follows (2) :

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- (1) Histoire des spectacles [History of Entertainment], op.cit.
 - (2) Sociologie de la radio-télévision [Sociology of Radio and Television], Jean Cazeneuve, FUF, 1972.

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COUNTRY	Number of television receivers (in millions)
BELGIUM	3.150
DENMARK	1.556
FEDERAL REPUBLIC OF GERMANY	18.9
FRANCE	13.6
IRELAND	0.600
ITALY	11.7
LUXEMBOURG	0.089
NETHERLANDS	3.5
UNITED KINGDOM	17.950

These figures explain the important role assumed in each country by the companies which make television programmes, whether they are bodies placed under the responsibility and management of the state or financed and run by private enterprises. Every day, millions of people of all ages watch the programmes, and this home entertainment cannot help but have profound repercussions on the behaviour, opinions, way of life and culture of every one of them.

A recent study of Italian television takes note of this influence : "the appearance and development of radio and television in Italy have engendered major changes at the level of the individual and strongly influenced sociocultural relations. From the sociological aspect this phenomenon is expressed in a keen interest in topics of a political and cultural nature" (1). It is all the more important to stress this because in 1951 "it was estimated that 14% of the entire population in Italy were illiterate. Their geographical distribution

(1) La radio et la télévision en Italie [Radio and Television in Italy], by A. Popovici. Notes et études documentaires, Paris 1976.

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was uneven, and in some regions the rate of illiteracy reached appalling levels" (1). This situation was aggravated by the problem of the linguistic structure of the country, because at that time "Italy had a high proportion of ethnic and linguistic minorities who needed to 'translate' (if they could) in order to speak Italian. According to the most optimistic estimates, these ethnic minorities represented 70% of the entire population, 35% of whom used dialect solely and exclusively" (1). In this highly specific context, it is easy to see that first radio and then television have played an extremely important part as regards both the linguistic unification of the country and the spread of knowledge and hence culture.

However, it is not our purpose here to discourse on the significant role of the small screen, or on the knowledge, behaviour and opinions of the individual; there is no shortage of studies in this field.

Our task is to attempt to analyse the employment opportunities for performers and technicians in the television productions in which they are likely to be involved. These are essentially creative works adapted for the small screen, made into television films and corresponding to broadcasts in the form of plays and serials.

The recording of a stage play which is being performed in a theatre in the presence of the audience cannot really be classed as a television creation, which requires the use of special direction and shooting techniques and an artistic interpretation suited to the small screen.

(1) La radio et la télévision en Italie [Radio and Television in Italy], by A. Popovici, op.cit.

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Thus, for actors and production technicians employment is closely tied to the volume of production of these created works of fiction.

On average, the period of employment represented by the shooting of a fiction programme for television can be calculated on the basis of six minutes of useful programme time per day's shooting. The transmission time (that is, the length of the programme) is usually one and a half hours. The production therefore corresponds to an actual period of employment for the artists of some 15-16 days.

This means that any decrease in the proportion of fiction programmes reduces the volume of employment for both actors and technicians.

In order to assess the proportion represented by these programmes in the total volume of television programmes, by way of example the types of programme broadcast in Italy and in Denmark are shown below in Tables 1 and 2 respectively. These figures are somewhat out of date, and should not be compared because the content of each category of programme is not necessarily the same in both cases. Given this reservation, it is still possible to estimate that drama programmes occupied 287 hours of transmission time in Italy in 1970, corresponding to 12% of the total volume of programmes. In Denmark, these programmes represented 314 hours of transmission time in 1973, corresponding to 13.5% of the total volume. These figures too are subject to reservation in that the titles of the categories do not specify whether these drama programmes are original productions commissioned by the Italian and Danish television channels, or whether the figures include recordings of live performances in the theatre.

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Table 1. Breakdown of television programmes on Italian national channels 1 and 2 in 1970

PROGRAMMES	Channel 1	Channel 2	Total number of hours	%
Symphonic music, chamber music and opera	20	50	70	2.9
Plays	155	132	287	12.2
Films	122	78	200	8.5
Television films and cartoons	42	15	57	2.4
Revue and variety shows	158	203	361	15.4
Specialist and religious programmes	230	12	242	10.3
Cultural and educational programmes	293	275	568	24.2
Programmes for children and the family	486	26	512	21.8
Miscellaneous	40	3	43	1.8
TOTAL	1546	794	2340	100.0

(Source : RAI [Radio Televisione Italiana])

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Table 2. Breakdown of Danish television programmes
for the year 1973/74

Current affairs	390	16.8
Arts	268	11.5
Music	73	3.1
Drama	314	13.5
Variety shows	252	10.9
Sport	222	9.6
Education	203	8.7
Children and young people	327	14.1
Regional	91	3.9
Miscellaneous	182	7.9
<hr/>		
TOTAL	2322	100.0 %

(Source : Radio Danmark)

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We shall use figures relating to the independent networks of British television and the French national channels in our attempt to define the employment problems of actors and technicians in television production.

THE BRITISH INDEPENDENT TELEVISION NETWORKS

The networks are run by fifteen programme companies which divide their coverage between them by geographical region.

These companies are subject to the authority of the Independent Broadcasting Authority (IBA), the central body of independent television which issues licences that run for six years and are renewable.

The IBA, which owns the transmitting stations, selects the programmes, monitors them, and keeps a watchful eye on advertising.

The companies obtain their funds from advertising and, to some extent, from the sale of productions.

The largest companies have their own recruitment agencies; in accordance with the closed shop principle, personnel recruited must belong to the representative unions.

(1) This information is taken from Report No. 40, already cited, compiled in 1972 by British Equity.

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As regards the jobs provided for artists, the figures from British Equity's survey make it possible to assess the number of artists who obtained engagements in the independent television companies in 1972, both for the five major network groups (majors) and the ten regional companies (regionals) :

Table a

Companies	Actors	Numbers
Majors	Leading actors	12 360
	Supporting actors and extras	12 180
	Leading actors	3 803
Regionals		905

Shooting time is assessed in relation to length of programme as follows :

Table b

Companies	Length of programme	Shooting time
Majors	30-minute programme	7 days
	60-minute "	12 days
	90-minute "	16 days
Regionals	30-minute "	5 days
	60-minute "	2-3 weeks

The number of series produced by the independent companies (corresponding to 30- to 55-minute series) increased from 46 to 69 between 1963 and 1971. Table (c) shows the number of television films produced and the corresponding numbers of artists employed during this period.

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Table c. Number of television films produced by the independent television companies and numbers of artists employed in these productions from 1963 to 1971

YEAR	Number of television films	Number of artists employed
1963	46	1307
1964	76	1801
1965	77	2012
1966	26	1409
1967	101	1478
1968	68	2158
1969	42	1568
1970	50	831
1971	69	1528

(Source : British Equity)

British artists estimate that they earn 60% of their income from their participation in television "fiction" programme productions.

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According to the figures supplied by the Film and Television Technicians' Union, the number of technicians employed in the independent television companies is 4500. The majority of these technicians are freelance and they are generally recruited, with only a few exceptions, through the union's own employment agency. Most of the jobs offered are long-term, with only a small minority involving short-term contracts.

However, the level of unemployment is exceptionally high. This is why the union's employment agency always gives priority to union members. (The position is the same in the cinema film industry.)

FRENCH TELEVISION

Since 1974, French radio and television has comprised seven autonomous bodies which succeeded the old Office de la Radiodiffusion et Télévision Françaises (ORTF) : three television programme companies (TF1, Antenne 2 and FR3), a sound broadcasting organization (Radio-France), a public broadcasting body (l'Institut National de l'Audiovisuel), and a national production company called the Société Française de Production et de Création Audiovisuelle (SFP).

As regards television production, therefore, the SFP receives orders from the two channels TF1 and Antenne 2; FR3 has a regional coverage and is responsible for its own production. The SFP does not hold a production monopoly, but the agreement signed in 1974 with the two transmission channels (TF1 and Antenne 2) guaranteed a volume of orders which was exclusive for the first year and then decreased from one year to the next over a period of five years. Thus, given this liability, the transmission networks can place orders with private production companies.

Table 1 gives estimates of the volume of original fiction productions, calculated in hours and broken down into production by the public sector and production by private companies. The figures for 1972 and 1973 represent ex-ORTF production, and those for 1975 represent SFP production.

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	1972	1973	1975
Original fiction production by the public sector	260 h	220 h	173 h
Original fiction production by the private sector	224 h	190 h	162 h
Total fiction programme hours produced	484 h	410 h	335 h
Fiction production as a percentage of total programme hours	8.9 %	7.8 %	5.5 %

Although these figures are only estimates, it can still be seen that the proportion of total television broadcasts represented by original productions has decreased.

At the same time, the number of feature films shown on the three channels shows an upward trend. "Television was the cause of the drop in cinema attendance figures observed in all Western countries. In France, this competition has persisted all the longer because original television creation is largely eclipsed by the transmission of films ... Relations between the cinema and television fall into a paradox where television reduces the profitability of cinema films and yet needs them more than ever before as programme material ..." (1)

(1) Rapport sur le financement du cinéma [Report on the financing of the cinema], January 1977.

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This comment is made all the more significant by the fact that the SFP is also a film production company in its own right and the problem for this company is one of profitability, since feature films may naturally predominate over television production in its total output schedule. And this is an enterprise with particularly large-scale resources : "With its skilled staff of 2800 serving its vast infrastructures such as studios, auditoriums, editing rooms, laboratories, fixed and mobile video equipment, set-building shops and costume workrooms, the SFP is one of the largest picture-making units in the world ..." (1)

This economic potential should make it possible to limit the purchase by the French networks of foreign serials, which at present make up a large proportion of the total volume of broadcasts of this television genre.

For the transmitting networks, the choice between showing films and showing original drama productions resolves itself in terms of costs; for artistic and technical personnel, the choice lies between employment opportunities, underemployment, and unemployment.

This rising trend in film transmissions can also be observed in most of the other EEC countries. In the Federal Republic of Germany, the number of films transmitted was 327 in 1974, and 646 in 1975; in the United Kingdom the figure was of the order of 1000 during both years.

(1) Rapport sur le financement du cinéma [Report on the financing of the cinema], January 1977.

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In Italy, although the number of film transmissions was only 120 in 1974, it reached about 700 in 1975. "The agreements reached a few years ago between RAI-TV and ANICAGIS (the professional cinema industry association in Italy) had authorized the annual transmission of 120 films. However, owing to the proliferation of private networks and reception from foreign transmitters, the number of films broadcast amounts to more than 700 per year" (1).

In the case of television technicians, employment problems differ to some extent from those of performers in that some of them are protected by staff regulations for permanent employees. These are therefore not included in the numbers recorded by the Unemployment Insurance Scheme for the entertainment industry.

Thus, the 2207 television technicians registered by this body in 1975 are not protected by government staff regulations and their potential employers are therefore mainly the private production companies and, possibly, the SFP.

In contrast to cinema film production technicians, no official form of control has been laid down for these workers, who are therefore not affected by the professional identity card. As we mentioned earlier, this places them in direct competition with film technicians on the labour market.

As with cinema film production, it often happens that television directors prefer always to work with the same technical team because of the working relationships they have established.

(1) L'activité cinématographique française [Activity in the French cinema industry], CNC, 1976.

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It must also, however, be noted that because of their concern with profitability the private production companies tend to reduce both the shooting time and the number of technicians. Although this policy makes it possible to produce television films at competitive prices, it has a significant effect on the volume of jobs. Economic considerations also lead them to reduce the period of rehearsal, and this tendency, which applies equally well to the SFP, has repercussions not only on the period of employment that a production represents for technicians and actors, but also on the quality of the productions themselves.

The decrease in the number of fiction productions has certainly affected employment, but these practices make things even worse.

The level of unemployment among television technicians who are not protected by staff regulations is therefore very high, and affects about 80% of them. This situation of more or less permanent underemployment is aggravated for many of them by recruitment procedures which are, to say the least, questionable: when they wish to engage technical staff, the production companies often make use of temporary employment agencies. These agencies offer the technicians "open contracts" which are valid for one year and correspond to an actual period of employment that must not exceed 170 days. The main feature of these "contracts" is that they do not actually offer any firm engagement but a "possible opportunity of employment". This practice seems particularly shocking, if not antisocial, in that the worker concerned may be kept waiting in expectation, and hence unemployed, for months on end without having any guarantee that the production company will follow up its "offer".

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This method of recruitment through temporary employment agencies is also used, in certain variety show productions, within the transmitting networks themselves; this encroaches upon the professional rights of their technicians who are protected by staff regulations, and these practices have repercussions not only on the social climate but also on production costs.

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CHAPTER 8EMPLOYMENT PROBLEMS OF MUSICIANSAND OF VARIETY SINGERSINTRODUCTORY REMARKS

"The criterion of interpretation, viz rendering or performing music, applies to a great many people who practise the same kind of profession, but when each type of performing activity is taken separately the differences prove to be so vast that certain problems do not in fact present themselves in the same terms to the different groups. For instance, the jazz or pop musician will sometimes encounter difficulties which are quite unlike those met by the musician who plays in a symphony orchestra or plays chamber music, especially as regards access to employment or working conditions" (1).

These specific aspects of the employment conditions of the various categories of musician are therefore taken into account in the attempt made in this chapter to describe the principal characteristics of the profession of musician, by distinguishing between the performance of what is called classical music and the performance of what is called variety or light-entertainment music. This distinction may seem simplistic, but it at least enables us to assess more clearly the individual aspects of the profession of musician.

(1) La mobilité des travailleurs culturels dans la Communauté [Mobility of workers in the performing arts within the Community], by M.J.M. Haase.

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Given the similarities between the position of variety singers and that of musicians, and since a fair number of singers actually accompany themselves on a musical instrument, it seemed logical to include the study of these artists' special problems in Part 4 of this chapter.

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HISTORICAL BACKGROUND

In the very first centuries of our era, music mainly found expression in religious ceremonies and remained "closely bound up with the liturgy" for a long time : popular song "first took shape in the drama, while Mystery plays were being performed and simplified versions of sequences were sung. These sequences were hymns whose Latin words were 'interspersed with passages in the vernacular...' The melody was transformed because the text was no longer in prose but in verse. A rigid framework had to be matched by a rigid music : time division in music was born from this requirement " (1).

In France, "it was from the secular art as well as the Gregorian chant that the nobles of southern France (troubadours) and northern France (trouvères) borrowed themes for songs marking departure for the crusades ... the troubadour [whose name was derived from the Provençal word meaning to invent or to find] was the poet-musician who 'found' or improvised a kind of 'trope' whose musical rhythm, in obeying the prosody of the words, appeared to be governed by a regular alternation of long and short notes. He sighed with love for his lady, he paid homage to his sovereign, he sang of his native land ... he frequently entrusted his music and his verses to a jongleur or minstrel ..." (1) These minstrels accompanied themselves on the harp, the vielle and the portable organ and travelled round the towns and the countryside.

In Germany, the minnesingers excelled in carefully fashioned songs of love which were more structured than those of the French artists but conceived on the same lines and with the same rhythm.

(1) Petite histoire de la Musique [Brief History of Music], by Norbert Dufourq, Larousse, 1960.

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In 1665, Ronsard felt that "poetry without instruments or without the embellishment of one or more voices is not at all pleasing, any more than instruments when they are not quickened by the melody of a pleasant voice".

In the Middle Ages, at the same time as Gothic art blossomed with the creation of the great cathedrals, music was enriched by the "birth of a new form, a genre which was certainly not known in antiquity : polyphony or polymelody" (1). The end of the fifteenth century saw the birth of the frottola choral form in Italy, developed from songs which accompanied dancing and written for four voices. In the sixteenth century, the art of music became structured in Western Europe, and this was the reign of Palestrina, Roland de Lassus, Louis Nicolas Gombert ... In Germany, the lieder were marked by the influence and the severity of the Reformation : the canticle and the chorale constituted the centrepiece of the Lutheran service from then on, and inspired as much as guided the composition of a whole new form of vocal expression".

Instrumental music mainly took the form of the organ, the guitar and the lute, which accompanied dancing. In England, the virginal (a kind of harpsichord) inspired an original form of composition known as variations. In Italy, as in France, wind instruments (trumpet, trombone, oboe, bassoon and cornet) and and bow instruments (viola, violin and violoncello) played frottole, pavaues and canzoni. The two Gabriellis "combined woodwind and strings in these canzoni", and opened up the way for orchestral music.

In the seventeenth century, the lute, harpsichord and organ were at the forefront of both composition and performance in France, while in Italy and Germany the violin assumed importance with the great development of chamber music.

(1) Petite histoire de la Musique [Brief History of Music], Norbert Dufourq, op.cit.

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The eighteenth and nineteenth centuries were marked by the great composers and hence great orchestral interpretations, with Beethoven, Mozart and Wagner. This was also the age of the grandeur of opera, which promoted the development of professional singing as a career (soloists and chorus singers) and of orchestral groups.

Musical expression became structured, and symphonic orchestras and concerts assumed an important position in the society and musical life of the various countries of Western Europe.

With the development of the music hall, the cabaret and the café-concert in the nineteenth century and early twentieth century, variety musicians had abundant opportunities for practising their art. Europe discovered jazz, which had come from New Orleans, New York and Chicago and was to gain widespread popularity after the Second World War with Sydney Bechet, Louis Armstrong and Duke Ellington.

Finally, in the 1960s, pop music made its appearance with the Beatles and Bob Dylan, first in Britain and then on the Continent.

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PART 1EMPLOYMENT PROBLEMS OF
CLASSICAL MUSICIANS.

The musician who performs classical music has two possible ways of practising his profession :

- (a) as a member of an orchestral group, or
- (b) as a concert soloist.

Both forms of activity can also be pursued at the same time.

1. ORCHESTRAL GROUPS

A survey conducted in Belgium in 1970 (1) provides information on the structure of a body of professional classical musicians, their socio-occupational backgrounds, employment conditions, incomes, etc. The survey was based on a register of 2328 names, and the results which were extracted from the replies represent 21.5% of the questionnaires sent to the musicians concerned.

Soloists represented 5.4% of the sample, orchestral musicians 12%, radio and television musicians 3.6%, and orchestra and choir conductors 2%.

The orchestral musicians belong to one of the four Belgian symphony orchestras and to the military services. Of these musicians, 263 are French-speaking and 237 are Dutch-speaking.

(1) La profession de musicien - Etude de sociologie de la musique [The profession of musician : Sociological study of music], by Jacqueline de Clercq.

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The musicians of these orchestral groups are engaged under full-time employment contracts of a paragovernment type. Only about 30 musicians from the entire sample are of freelance status (these are soloists, church musicians and conductors); thus, all the rest are employees.

More than 70% of the orchestral instrumentalists and radio and television musicians devote between 36 and 45 hours per week to their professional activity.

Each of the orchestral bodies comprises 60-70 musicians, although the Antwerp Philharmonic group is somewhat larger, with about 80 musicians. These three bodies also include groups of 50-60 choral singers.

According to this survey, "although their material position has improved, it still does not take them very high in the social hierarchy : at the peak of their career, orchestral musicians match no more than the lowest grade of the first civil service category" (1).

In France, according to information provided by the Ministry of Cultural Affairs there are four types of orchestral body :

- (1) national bodies;
- (2) regional bodies;
- (3) approved private bodies;
- (4) subsidized private bodies.

(1) Study cited on preceding page.

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(1) National bodies

These are principally :

- (a) the radio and television orchestras, which are three in number and employ approximately 258 instrumentalists;
- (b) the National Orchestra of Paris, founded in 1967, which is made up of 111 instrumentalists, including a percussion ensemble and a string quartet;
- (c) the orchestra of the Paris Opéra, which has approximately 100 musicians.

All these artists are full-time employees and are protected by government staff regulations.

(2) Regional bodies

At the present time there are 11 of these, with their headquarters in the provincial cities. They constitute a total of approximately 1000 instrumentalists, who are full-time employees protected by local government service staff regulations.

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(3) Approved private bodies

There are 20 of these. "Official approval is based on the principle that the amount of the government subsidy is fixed as a function of a specified number of concerts ... These concerts are given within a circuit of agreed users, such as the Arts Centres, educational establishments, hospitals, etc., who receive the services of the musicians free of charge". They are mostly small groups of 10-15 instrumentalists.

(4) Subsidized private bodies

There are three of these. They are symphonic associations in Paris which receive subsidies from the state in return for an undertaking to give at least 14 concerts in Paris. A few details about one of them may help to give a clearer picture of their position.

Like the other two bodies in Paris (Pasdeloup and Colonne), the Lamoureux concert company has the legal status of an association governed by the Law of 1901; its shareholders are those of its musicians whose appointment has been confirmed (usually after one year 's membership).

The association, which was founded in 1881, therefore receives a state subsidy supplemented by a contribution from the City of Paris.

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The orchestra consists of 80 musicians, 80% of whom are shareholders on a voluntary basis who pursue their paid professional activity in other orchestras. Participation in the Lamoureux concerts entitles them to an allowance of FF 60 per attendance (or, counting rehearsals, FF 240 for a concert).

The association experiences recruitment difficulties mainly in the case of string instrumentalists.

It is in the throes of serious economic problems at the moment. Forced to increase the price of its concert tickets, the association has found that attendance figures are dropping, despite its efforts to engage celebrated conductors and well-known soloists.

The implications of these economic problems are made all the more serious by the fact that they are causing the organizers to restrict the number of contemporary works included in their programmes, in an effort to please a substantial proportion of their clientele.

The few facts outlined here give only a rough idea of the forms of employment of musicians in orchestral groups.

As things stand at present, however, the information available makes it extremely difficult to provide any further details, because the main feature of the occupation of musician is its very high level of mobility, with frequent moves from one group to another.

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This applies to violinists in particular. There is less mobility in the case of wind instrumentalists because of the need for very closely harmonized playing within the wind section of any orchestra.

In Belgium and the Federal Republic of Germany, for instance, the orchestral groups are frequently seeking violinists, whereas openings for wind instrumentalists are generally far more limited in all countries.

It must also be added that teaching music provides musicians with extensive opportunities for supplementing their incomes whilst keeping within the specific framework of their profession.

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2. SOLOISTS

For the musician whose professional activities consist predominantly in giving concerts as a soloist, either alone or accompanied by an orchestral group, having enough work, which means obtaining engagements for a concert or series of concerts and giving recitals, is a constant problem. He generally carries most of the burden of this himself, even if some of the arrangements are made by an artists' agent who runs a concert agency.

For the agent's function is solely that of an administrative intermediary who discusses the financial terms of an engagement with an organizer or entertainment enterprise : he assumes no responsibility. In most cases, in fact, engagement contracts drawn up in an artist's name stipulate the agent's rights more strictly than those of the musician himself.

These agencies usually receive, as their commission, 12% of the fee arranged for the artist. Their activities are mostly conducted at international level, because of the financial and management contacts that have been built up between different countries. But when it comes to seeking possible engagements, organizing a recital, hiring a hall in most cases, and arranging publicity, it is the artist himself who has to bear the burden.

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We can take the example of an artist who organizes a recital or series of recitals in Paris and pays all the costs himself. These costs are high : the expenses for the hall amount to FF 15 000, and in addition to this there are the concert agency's commission, advertising costs, etc. In most cases the performance makes a loss, and this is naturally borne by the artist.

As in the other artistic specialities, musicians nowadays are tending to secure the services of a personal agent to whom they pay a salary and whose sole responsibility is to look after the interests of the artist who employs him. He has to take on all the arrangements and various formalities involved in the professional life of the musician.

When a performer is touring abroad, the concert agency which organizes the series of concerts disclaims all responsibility just as it does when he is performing in his own country, and the artist has to pay the travelling costs.

It can be seen from this brief description that, for a musician, the career of concert performer is particularly difficult to pursue. Yet it is easy to imagine that these difficulties must be even more hazardous when an artist is embarking on this professional career. If he is to establish a reputation, the young musician needs to possess substantial financial resources in order to be in a position to organize concerts, participate in major international competitions, etc.

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This is made even more essential for him by the fact that, as in the case of other categories of artist, the artists' agents will not accept musicians as clients until they have already "proved their worth" and are a good financial proposition. The same attitude is adopted by entertainment organizers and entrepreneurs.

The musician, like other artists, is caught in the vicious circle of his employment problems. Because he is not well-known, he needs to supplement his income by subsidiary activities (teaching, cabaret work, etc.); this in turn makes it increasingly difficult to establish his reputation, because he lacks the time to continue improving his art. He either goes on "vegetating" in the practice of his profession, or gives it up.

THE ROLE OF THE GRAMOPHONE RECORD IN THE PROFESSIONAL LIFE
OF THE CLASSICAL MUSICIAN

The gramophone record represents a source of income for the musician, but the part it plays in the artist's professional career has both positive and negative aspects whose importance should not be overlooked.

The consequences of making a record differ according to whether the musician concerned is a member of an orchestra or a soloist. For the former, making a record is primarily a source of income; for the latter, in addition to the financial aspect of making the record and the royalties earned from its sales, there is also the value of becoming better known and thereby obtaining engagements more easily both in his own country and abroad.

A survey carried out at the request of the French Secretariat of State for Cultural Affairs on the economics of the record industry in France (1) shows that classical recordings represent only a small proportion of total record production : approximately 4-7% in the USA and the United Kingdom, 12-13% in France and Italy, and 14% in the Federal Republic of Germany.

For both soloists and orchestras, one specific aspect of the part played by the gramophone record is that a great many of the records available on the market have been made by highly talented artists of international reputation. This makes both professionals and public far more demanding as regards the quality of musical performances.

(1) L'Economie du disque en France [Economics of the record industry in France], Secretariat of State for Cultural Affairs, Paris 1976.

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The survey states that, from the record company's point of view, the recording of a classical work can be carried out under advantageous conditions in that the work to be recorded by an orchestra or a soloist has usually been performed at public concerts, which means that its performance has already been perfected. This practically eliminates the need for rehearsal periods prior to the recording session, which represents a certain amount of "lost earnings" for the artists.

The accompaniment of one or more artists by an orchestral group represents an opportunity of employment for instrumentalists.

However, according to the survey cited it would appear that in France these musicians are in fact recruited from among 300 or 400 top-level professional instrumentalists. "These include the musicians of the Paris Opéra orchestra or the Republican Guard for the standard instruments and four or five famous groups for the rhythm section (variety)".

To sum up, it can be judged that, from the point of view of potential openings of a permanent nature, classical musicians are in a relatively favourable position in that they have the opportunity of joining one of the orchestras which are associated either directly with public bodies or with parapublic bodies that receive state or local-government subsidies, while at the same time supplementing their income by teaching.

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PART 2MUSICIANS IN VARIETY

The employment problems of these artists naturally have features in common with those of classical musicians; the difficulties of making a start in the profession and then, if they do not have the good fortune to achieve stardom, managing to obtain engagements throughout their career, are the same for all of them.

From the point of view of employment opportunities, however, they are far worse off. In almost all countries both the government and the local authorities ignore these artists, whether they perform alone in variety shows or whether they are members of jazz or pop groups. (Pop groups will be discussed separately below.)

For the variety musician, one aspect of the competition represented by gramophone records, and it is by no means the least important, lies in the fact that, in every type of entertainment enterprise in every country of the EEC, in an effort to reduce costs the organizers use recorded music (discs or cassettes) as part of the entertainment offered, rather than recruit an artist or a group of instrumentalists. For instance, very few of the 140 or so casinos in France engage variety musicians for the season.

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Circus enterprises, whose entertainment show is usually enlivened by an orchestra of 5-6 musicians, are also showing a tendency to use recordings nowadays, for the same reasons of economy. This is also happening with occasional forms of entertainment, such as dances, village fairs and municipal fêtes. The loss of earnings for instrumentalists is therefore considerable, and their employment opportunities are becoming less and less secure.

Within a given country, in addition to the competition from gramophone records the national variety musicians also have to contend with competition from foreign groups. In Paris, for example (although it is the same everywhere), when a foreign corps de ballet gives a series of performances it is accompanied by a group of musicians from the same country. French musicians are justifiably amazed by this, which, if we are thinking in terms of free movement of workers, poses the problem of the principle of Community priority as the sole guarantee for ensuring exchanges of employment within the EEC.

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POP GROUPSHISTORICAL BACKGROUND

"An artistic movement never emerges merely by virtue of chance or fashion; it always forms part of a tradition, at the meeting point of other genres, and its development is subject to the influence of the various trends that surround it ... Pop music is something which is separate but diffuse. This phenomenon appears principally at the meeting point of two complementary styles : folk music and rock ..." (1)

The meeting point between the creativity and musical expression of Bob Dylan and of the Beatles "can be regarded as the true beginning of pop music" (1).

The first pop groups date back to the 1960s. The enormous success of the British group called the Beatles, and that of the Rolling Stones, marks the starting point of a great eruption of groups which to begin with was essentially confined to the English-speaking countries but has spread to the mainland of Europe over the last ten years.

Its impact on an entire generation of young people is too significant for us to disregard this form of musical expression, which entertainment organizers and the cultural establishment are too quick to dismiss as a "fringe" activity, if not a nuisance.

(1) La Pop Musique [Pop Music], by Henry Skoff Torque, PUF, Paris.

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It is true that this is a musical phenomenon, but it is one which finds its power of expression in the fact that it is trying to express a breaking away, a questioning of the values of a society based entirely on the search for profit. "At a time when industrial civilization, by applying systematic rationalization and standardization, has arrived at an advanced stage of mechanization and technology, the pop movement is directing its questions not at the creator of technical might but at a man who was born on earth to live" (1). And in formulating these questions the pop singer, in his lyrics and his musical composition, tends to go back to the sources of regional folklores as if he were trying to rediscover his origins and the message of those who laid the foundations of the present civilizations whose structures he is challenging.

(1) La Pop Musique [Pop Music], op.cit.

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PRESENT POSITION

Although the young variety singer can, if absolutely necessary, try to launch himself into professionalism with relatively few financial resources (given the reservations explained below), the situation is a different one for those who wish to "mount" a musical group, because this necessitates, at the outset, expensive and increasingly sophisticated technical equipment representing a substantial initial investment of some Fr 150-200 000 (amplifier, mixing console, electric guitars and organs, lorry for transportation, etc.).

Since there are at present no prospects of any financial assistance from any kind of organization, young musicians and singers who decide to combine their efforts and play as a group, to perform their lyrics and their musical compositions, are tempted to make use of the ways of borrowing money that are offered to them on all sides. Thus, in order to express themselves and establish a reputation, they have to get into debt just to break the vicious circle of their position as artists :their employment opportunities are dependent on their fame, and this can be gained only through engagements which they cannot obtain because they are unknown to the media, the artists' agents and the entertainment organizers.

Because they are very seldom able to count on the effective help of artists' agents, the artists in a pop group take on the responsibility of obtaining their own engagements, and include in their group an artistic secretary whose job it is to make the necessary contacts and look after the administrative management aspects and who is paid 10% of the fees earned, the normal agents' commission.

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More often than not, and this applies particularly to France, pop entertainment is organized through the efforts of voluntary bodies, as is frequently the case for variety singers. These bodies rent school halls, warehouses and rooms where the acoustics are far from satisfactory but which at least make it possible to accommodate the predominantly youthful audience which seeks out and enjoys this type of musical expression.

On the European record market, the English-speaking groups present strong competition for the German, French or Italian pop group. With the advantage of having been in show business longer, the British or American groups generally enjoy what is in many cases the almost exclusive favour of the majority of the national and private radio and television producers. When their new records are being launched, these groups appear on the stages of Europe with the aid of considerable financial and technical resources, backed by extensive publicity from the various media.

There is a fairly common tendency to relate the difficulties of European pop groups (other than those from the United Kingdom) to a language problem. "The countries in which pop music originated established a rapport between the English language and its musical forms which the countries to which the pop movement gradually spread have great difficulty in matching" (1). But the present success of a number of Continental groups shows that by trying to express their national identity in their national language through the lyrics of their songs they are able to make their mark in the entertainment and record world.

(1) La Pop Musique [Pop Music], op.cit.

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The language problem, especially in sung expression, be it variety singing or opera, is a false problem which is generally no more than a mask for commercial pressures or considerations of prestige. It must not be forgotten that, at least in the field of variety entertainment, in order to guarantee the profitability of their profits the multinational record companies have an interest in standardizing the market by imposing the language vehicle which is most widely used in the commercial sector, that is, English.

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PART 3EMPLOYMENT PROBLEMS OFVARIETY SINGERS

Although it was mentioned in the brief historical account given at the beginning of this chapter, it is worth repeating here that it was by sung expression that not only were the exploits of history passed on from one generation to another through the epic chants, but also the happenings of everyday life with the ballads of the jongleurs, minstrels and troubadours in the ducal palaces of the Middle Ages, in family banqueting halls, in village squares and on the fairground stages.

More than any other mode of expression, the song ensures the permanence of the folklore heritage of a country, passing on to coming generations the recital of traditions, ways of life, feelings, legends, etc.

It was not until the nineteenth century that the art of the song was recognized as a profession. The first acknowledgement of the singer's status as a professional artist came in 1851 in France with the creation of the Société des Auteurs Compositeurs et Éditeurs de la musique (SACEM)[Society of Authors, Composers and Music Publishers], which was founded on the initiative of a number of song writers. "They found it unacceptable that the

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intermediary, that is, the commercial owner of the establishment in which the songs were performed, should be the only one to profit from other people's talent. From then on, the Société des Auteurs was to levy royalties on his takings which were to be paid to the authors, the composers and also the publishers " (1).

In all the countries of Western Europe, during the nineteenth century the singer performed in the cafés-chantants and cafés-concerts which were frequented by a wide public and where the audience could eat and drink at the same time, while the artistic cabarets (a word of Dutch origin meaning a small room) were the meeting place of artists and intellectuals.

It was in London in the middle of the nineteenth century, mainly on the initiative of Charles Morton and C.B. Cochran, that the great music-hall theatres appeared in which varied entertainments were presented : musical elements with singing acts and orchestras, theatrical elements with comic or dramatic sketches, and mime, elements borrowed from the circus such as balancing acts and acrobatics, etc.

In Italy, the theatre of varieties first appeared at the end of the nineteenth century, born from the merging of the cafés-chantants with popular entertainments of an authentically Italian nature in which Naples has always excelled. This was because the cafés-chantants, which were frequented by the intellectuals and the middle class, reached only a limited public. Hence the organizers, anxious to increase their audience, created the teatro d'attrazione (2).

(1) Histoire de la chanson [History of Song], G. Erismann and P. Waleffe, Paris 1967.

(2) Histoire des spectacles [History of Entertainment], op.cit.

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During the same period, in Germany the Kabarett played a part comparable to that of the cafés-chantants in France.

As it developed, the music hall was to borrow a great many acts from the circus, which was particularly popular in all countries at the time.

To give an example, it was in 1884 that the famous Wintergarten, later destroyed during the Second World War, was opened in Berlin.

Cabarets and music halls provided employment opportunities for both variety singers and visual artists up to around 1940.

But competition from the cinema rapidly brought about the decline of the music hall, and even by 1930 several large theatres had disappeared in France, Germany and Britain.

At the same time, the development of television and the record industry were rapidly transforming the employment conditions of variety artistes and in particular those of singers.

In a study published in 1925 on "Fifty years of music : 1874-1924", the following comments are already to be found :

"The launching of a song is a major commercial affair nowadays. The publisher has powerful means at his disposal : the gramophone, cafe orchestras, dance halls, the wireless, travelling singers - nothing is scorned. On the evening when some new song is to be performed either by Mistinguett or Raquel Meller or by Chevalier or Saint Granier, the publisher mobilizes all these resources to ensure that the new refrain which ^{he} has decreed is to be the latest hit tune is not only heard in Paris and the provinces but also reaches out to all points on the globe" (1).

* * * *

(1) Histoire de la Chanson [History of Song], op.cit.

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In every EEC country it is extremely difficult to assess the number of professional variety singers. This information could only be reliably obtained by analysing the information held by administrative bodies such as the holiday insurance scheme, pension scheme or social security system. But one of the features of the employment of variety artists is precisely the fact that the working conditions in which they pursue their activities, the brevity of their actual period of employment and the attitude of the entertainment organizers do not entitle them to the social benefit schemes from which their numbers could be assessed.

Also, when the figures obtained from national censuses are being processed, the processing codes are defined in such a way that all variety artists (and this comment has already been made in relation to circus artists) are lumped together, and variety singers cannot be isolated in any meaningful fashion. As an indication, however, we can give a figure of 2000 for variety singers in France. The number must also be 2000 in the Federal Republic of Germany.

The main problems encountered by these artists will be discussed on the basis of the situation in France. It is, however, a reasonable assumption that the position of these workers within the EEC differs little from one country to another, because the decline of the music hall, the development of the predominantly multinational record industry and the ascendancy of the audiovisual media (television, radio and cinema) are phenomena whose special aspects are not confined to any one country and in fact extend far beyond the European context.

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For the established singer who can count on his agent to obtain valuable contracts for him and on the record company with which he often has an exclusive contract, the problems are mainly at the level of his reputation : from a singer who is known in his own country, he can then become an "international star".

In the case of the singer who is starting out in for a wide range of reasons (lack of personal financial resources, lack of contacts, what is referred to as a "committed" repertoire, etc.) the difficulties are at the far more mundane level of making a name for himself and earning a living from his art, and he has to rely on his own energies and organizing ability rather than on outside help. It does sometimes happen that an agent whose "stable" includes established stars providing him with a guaranteed income will decide to launch a young variety singer, providing him with the things he needs (accommodation in Paris, contacts, recording sessions, recitals, etc.) in order to become sufficiently well known to pursue a career and become a star.

But such cases are rare. For all the others, the important thing is to take charge of their own affairs and try through their own efforts alone, or at least with the help of a few friends, to obtain engagements - that is, work to secure their livelihood.

In such a case, to take the example of a French singer, his employment opportunities are of three kinds :

- (1) recitals in the capital;
- (2) entertainment shows in the provinces;
- (3) making records.

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RECITALS

In order to organize a recital of varying length, the singer has to rent a hall at his own expense, recruit his musicians and organize his own publicity. The usual practice is for him to agree on a half share of the takings with the owner of the hall. In the most favourable cases he can persuade the owner to be the organizer of the show.

For the majority of artists, unless they find a backer or obtain an engagement in one of the two music hall theatres still running in Paris, there is no other way of making themselves known to the Parisian public, something which is difficult to achieve in any case when the singer cannot rely on being helped by publicity on the national or private radio stations and television channels.

ENTERTAINMENT SHOWS IN THE PROVINCES

A full variety show, that is, one including a large number of artists in varied specialities (singers, dancers, pop groups, acrobats, etc.) represents a substantial financial investment. Nowadays, this type of show is organized only by the large radio and television companies, who use them as a form of publicity and engage only established stars for them.

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For other artists, the prospects in the provinces are limited.

An artist may be engaged for the purposes of occasional forms of entertainment, with all the consequences from the social point of view that this type of show represents nowadays. It may also be a show organized through the voluntary efforts of people who are members of an association that allows them to present a recital or recitals with one or more artists.

The hall is rented from local authorities, private owners or cultural bodies. The Arts Centres are currently undergoing financial difficulties which do not encourage them to organize expensive variety shows.

Since most of these halls have no equipment (except for those associated with Cultural Centres and municipal theatres), the variety singer is finding it increasingly necessary to provide his own (piano, sound equipment, lighting, etc.), and the price and maintenance costs of this equipment are a further drain on his income.

RECORDS (1)

The gramophone record plays a fundamental part in the field of variety singing and has a decisive effect on the progress of a singer's career and his income. To appreciate its true significance, it is worth looking at the size of the record industry and its special characteristics.

(1) Most of this information is taken from the study entitled "Economics of the record industry in France" which has already been cited.

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The world market for the record industry is currently estimated at 2000 million records, with the United States representing approximately 40% of consumption and the Federal Republic of Germany, the United Kingdom and France each representing 5-7%.

In this output, the share of the international markets represented by the field of variety is 93-96% in the USA and the United Kingdom, while that of classical output is 4-7%. In France, the respective shares are 87-88% for variety and 12-13% for classical, and in the Federal Republic of Germany they are 86% and 14%. Italian production is probably similar to that of France.

The idea of national production is in any case completely relative. It must be remembered that production does not mean national expression, with the respective contribution from each entity of its traditions, its folklore and its poetry - in a word, its own culture. The internationalization of genres, which should not be dismissed a priori as totally negative, is nevertheless so powerful that it largely overrides typically national creations; the motive in this field is to employ musical arrangements which please the greatest number of people and hence standardize all genres in order to ensure maximum sales and make a profit on investments.

Consequently, the figures on the structure of the French market which were provided by the French journal "Stratégie" No. 86 (1975) and are shown in the table below, interesting though they might be, must be viewed in the light of the above comment.

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Structure of French record production

French song	50 %
Anglo-American song (incl. pop music, etc.)	15 %
Classical music	13 %
Records for children	3 %
Jazz music	2 %
Miscellaneous, including	17 %
accordion, folk songs, Latin American	
and international	
background music, dance music	

TOTAL

The basic criterion in the production of a record is essentially one of economics and is in no way different from that applied to the market of a manufactured product, because "each artistic investment associated with a given record must on principle be amortized from the volume of trade achieved with this record" (1), the risks incurred in producing a novelty being largely compensated by the phenomenal profits made by the company from a temporary or long-lasting hit . And "the minimum number of copies that has to be sold in order to produce a profit on the initial investment is of the order of 3-4000 copies in the case of a record made by a variety singer accompanied by a guitarist or small group" (1).

(1) Study already cited.

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On the basis of observations of this type, it might reasonably be thought that an unknown singer's chances of success are helped by the very fact of the low production cost of the record which he makes (average estimate about FF 7-10 000) and which thus opens the doors of the record market for him, and that because of the close correlation in this field between live and audiovisual entertainment this would in turn make him known both to the public and to entertainment organizers.

But it must not be forgotten that "the gigantic resources that the commercial producers have at their disposal enable them to exercise a very real dictatorship over taste, genres and styles. They are helped in this by the passive acceptance of their customers, who have lost, through ceasing to practise it, the true meaning and need of song ... The ordinary people have lost their creative power in a field which was once their own" (1).

This judgement is easily explained if we remember the resources which are mobilized nowadays for the purposes of record promotion, that is, all the commercial resources available to the firm for launching its product on the market.

"Promotion feeds the media with novelties and assigns them the role of filter and sounding-board." The lavishness of these promotion services varies with the size of the company, and it is worth noting that their influence with the media is not necessarily proportional to the scale of the enterprise itself.

The function of the promotion service is therefore to canvass novelties among the various different media : radio stations, television, specialist press, national press, clubs, night clubs, etc." (2).

(1) Histoire de la chanson [History of Song], op.cit.

(2) Study on the economics of the record industry already cited.

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The lifetime of a hit record, usually the result of "plugging" by the media, is estimated at 3-6 months.

The effect of these promotion techniques on employment is made all the greater in the case of variety singers by the fact that, to take France as an example (and everything suggests that the situation is the same in the other EEC countries), only 160 variety singers make records regularly. "Thus, the great majority of artists are unknown to the public" (1).

In this field also, the variety singer is now trying to overcome the difficulties by producing his own records with the help of a few friends and, usually, limited material resources. Once the recording is completed, the artist then turns himself into a canvasser and tries to place his record with a publishing company. This is becoming a fairly widespread phenomenon nowadays and is therefore tending to transform the record production company into a distribution company.

As regards television, the artist encounters the same difficulties, in France at least. The more famous a singer is and the more backing he gets from a record company and from the radio stations, the more opportunities he has of appearing in television programmes. A survey conducted by the French actors' and artists' union on the number of appearances made by variety singers on the French television networks illustrates this clearly.

The study covers four months of broadcasting on the three television networks between 4 January and 30 April 1975 and concerns 356 variety artists who took part in one or more television programmes during this period. The results demonstrate a particularly significant phenomenon : "when an artist has appeared once on television, it is very difficult for him to appear a second time. But when he has appeared seven times, he is certain to appear between eleven and fifteen times on television within four months ..." (2).

(1) Study on the economics of the record industry already cited.

(2) Variétés [Variety], SFA, Collection Plateaux 1977.

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CHAPTER 9CONCLUSIONS

Our analysis of the main features of the employment of workers in the performing arts and musicians has demonstrated a number of limitations or inadequacies in the national laws and regulations and administrative structures, principally in the field directly relevant to the scope of this study, namely, the placing of workers in the artistic professions.

Our study of the official statistics on the labour market for these professions and the attempt made in Chapter 4 to define the structure of these workers and define the concept of actual employment have illustrated the difficulties of making an assessment and the limitations of the statistics because of the lack of available information, the inadequacies of the nomenclatures used, and the fact that the figures are out of date.

In Part II of the report, (Chapters 5-8), the description of the main features of the cultural activities in which artists are employed in the EEC countries and the employment problems they have to face in each speciality has shown the difficulties, the inequality of opportunities and the continual uncertainties which artists find they have to cope with in order to practise their art and make a living from it.

Against this background, therefore, it is essential to suggest recommended measures that will guarantee the artists' right to work more securely in each country and make it easier to put into effect the free movement of workers within the European Economic Community.

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1. Review of the main problems at Member State level

These problems are ones which arise from the formulation of official regulations but are also administrative in so far as they concern the organization and role of the public employment services with respect to the artistic professions.

Problems associated with official regulations

The practice of the profession of entertainment entrepreneur and artists' agent is governed by special regulations in most EEC countries. However, because the texts in question are out of date or inadequate, and official supervision of their observance is difficult, there is evidence of limitations in the regulations currently in force and, as a result, of abusive practices which run counter to the employment rights and social benefits of workers in the performing arts.

It seems all the more advisable to up-date the current regulations, extend their range of application and revise the content of some of their articles, because the results already obtained from applying them have been positive from the point of view of the guarantees offered by entertainment entrepreneurs and artists' agents.

This has been the case in France with the legislation of December 1969 regulating the profession of artists' agent.

The fact remains, however, that the various situations described throughout this report demonstrate the limitations of the present laws and regulations. This is particularly true, it may be recalled, in the field of variety and the café-théâtre where, because the regulations are inadequate, the artists concerned do not receive essential social benefits.

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Belgian and French regulations on the practice of the profession of actor in the one case and film production technician in the other, for which possession of a professional card is compulsory, are contradictory to Community regulations on the free movement of workers.

These problems were examined in Chapters 5 and 7, and their analysis shows that the solutions which have to be found necessitate consultation at both national and Community level between the competent authorities and the professionals who are affected by these regulations.

Role of the public employment services

The essential duty of the public employment services as defined by the International Labour Organization in its Convention 88, which has been adopted by all Member States of the European Economic Community, is as follows :

"... to ensure effective recruitment and placement of workers ..."; for this purpose "measures shall be taken to facilitate, within the various employment offices, specialization by occupations and by industries ..."

Our study of the public employment services in the EEC countries has shown that offices specializing in the placement of the artistic professions do not exist everywhere. What is more, in most cases, for lack of adequate resources, even when they do exist specialized services are usually not in a position to carry out properly their role as a public service which is available to artists in order to obtain jobs for them and to employers in order to offer them workers who meet their production requirements in the various entertainment activities.

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To fulfil this role, the specialized employment office responsible for the artistic professions would need to :

- (a) have national administrative powers;
- (b) have the services of technical staff selected, as far as possible, from among the artistic professions, as is the case with the ZBF in Frankfurt;
- (c) be in a position to maintain a systematic survey of the vacancies likely to be offered by the enterprises associated with the various artistic activities;
- (d) have at its disposal a computerized register of artists which would allow constant up-dating and high-speed retrieval of the professional profiles of artists seeking employment for circulation at any time to potential employers.

2. Problems concerning Community regulations on freedom of movement for workers

If they are thus provided with more operational resources, the specialized employment offices will be in a position to provide, at national level, the information needed by the central employment services in order to apply the principle of priority of employment granted to nationals of the EEC and ensure the clearing of vacancies and applications for employment within the Community in the context of freedom of movement for workers.

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- (1) Principle of the priority of employment granted to nationals of the EEC : Article 16 of Regulation (EEC) No 1612/68
(the text of which is given in the Introduction on page 5 above)

When, within a Member State, vacancies communicated to the public employment services have not been filled from the national labour market, they are notified to the central employment services of other Member States. These can then forward applications from its nationals whose professional profile is likely to be suitable for the vacancies offered.

The Community regulations state that, for a period of 18 days, such applications "shall be submitted to employers with the same priority as that granted to national workers over nationals of non-Member States".

This principle of priority, which is subject to a time limit, cannot be interpreted as a protectionist measure against the workers of non-Member States; it is merely a means of facilitating exchanges at Community level and enabling artists who are less well known, and hence have fewer advantages, to obtain engagements in an entertainment enterprise in a country adjacent to their own.

- (2) Clearing of vacancies and applications for employment within the Community

Application of the clearing of vacancies and applications for employment within the Community in the case of the artistic professions will necessitate the expansion of the European system devised for this purpose, viz SEDOC (European communicating system for jobs available and jobs wanted under international clearing).

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This system comprises an analytical catalogue of professions, supplemented by annexes defining :

- (a) generic terms;
- (b) the economic activities codified in the NACE (General Nomenclature of Economic Activities in the European Communities);
- (c) the specific activities practised by engineers and technicians;
- (d) technical information relating to the chemical industries;
- (e) an alphabetical index for each of the countries of the EEC.

All these documents are issued in the various languages used within the Community.

"These documents should enable the specialist employment services of the Member States to formulate, as precisely as possible and in a common language, the descriptive criteria for vacancies and applications for employment which are necessary in order to bring together these two components of the labour market" (explanatory notes to SEDOC).

The analytical catalogue, into which the artistic professions have not yet been inserted, consists at present of a list of approximately 800 individual occupations. "The document has therefore been prepared in such a way as to make it possible, for each individual activity ... to refer simultaneously

- (a) to headings which are as consistent as possible from one country to another in designating one and the same activity;

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(b) to the European code number and to the code number in each national nomenclature".

It is important to stress that the purpose of SEDOC is to establish an initial match between application for employment and vacancy, and that the provision of further information which will be necessary regarding, in particular, conditions of employment and pay, does not take place until a later stage, between the two parties concerned, namely, the worker on the one hand and the employer on the other. What it really amounts to, therefore, is establishing contact between initial information.

(3) Technical problems presented by the insertion of the occupations practised by workers in the performing arts and musicians in SEDOC

The codification system used in SEDOC is modelled directly on the Standard International Classification of Professions devised by the International Labour Office (1968 revised edition), although with certain modifications to the methods of grouping. This means that inserting the artistic occupations into the present catalogue should not present any special difficulty.

For the occupations practised by workers in the arts, the ILO's standard international classification of professions has three subgroups :

- 1-5 : Authors, journalists and similar writers
- 1-6 : Sculptors, painters, photographers and similar creative artists
- 1-7 : Musicians, actors, dancers and similar artists.

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The procedure followed in preparing the analytical catalogue was as follows.

"The method consisted in examining individual activities and professions on the basis of brief descriptions presented to the meeting by experts, either orally or in writing. The discussions and exchanges of opinion which followed these descriptions made it possible to specify, for each profession or activity studied, equivalent terms in the various countries and reference numbers to the national classifications, or else to indicate, for a given country, that no equivalent occupation existed at the time when the catalogue was being prepared".

"The terms selected for use by the working party are as consistent as possible from one country to another for a given individual activity or profession : terms for which no common denominator could be found were rejected" (extract from Explanatory Notes to SEDOC, page 5).

The insertion of the occupations associated with artistic activities will therefore have to be done on the same technical basis. However, owing to the individual nature and special characteristics of artistic occupations, it seems necessary that the working party should consist of :

(a) representatives of the authorities concerned (Cultural Affairs, bodies responsible for activity in the cinema industry, Employment, etc.)

but also

(b) professionals (entertainment entrepreneurs and artists).

It is also essential that, where necessary, the working party should call on the services of representatives of artistic specialities whose features of employment necessitate special information.

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Writing the job descriptions should not present any particular problems. As an example we can quote the description of a job associated with film production which is performed by the continuity girl :

The CONTINUITY GIRL

1. She is the assistant of the Director and the Production Manager. Her work consists in checking the satisfactory continuity of the scenes and of each shot, in order to avoid errors.

2. She notes down in writing all the details of each scene, including both the behaviour of the actors and the accessories used for the scene.

3. She has to time the length of film used for each shot and note the positioning of the camera, the type of lens used and the distance between the object and the camera.

4. She has to remember and note down alterations to the dialogue and any events that may occur during shooting.

Her daily artistic and administrative records constitute the shooting record.

(4) The problem of statistics on the occupations practised
by workers in the arts

The actual employment of artists in entertainment is very difficult to specify because, with the statistics in their present form, only overall estimates of numbers by specialities of varying detailed definition are available in some Member States. The reliability of the figures obtained varies according to the sources used and the categories of artists concerned, and the figures are not always up-dated regularly.

Our study of the statistics on the labour market published by the public employment services showed that the nomenclatures used for occupations do not allow any analytical breakdown of the figures available.

This makes it extremely difficult to draw comparisons between countries, and this also applies, for the same reason, to the statistics on the structure of the numbers of workers in the performing arts and musicians.

The work done as part of the SEDOC project should make it possible to coordinate research in this field in all the Member States.

The seriousness of the employment problems faced by a large proportion of artists in entertainment is clearly evident from the analyses of their situation given in the preceding chapters.

Whatever the economic sector concerned, no consistent and relevant employment policy can logically be undertaken unless basic information is available on the actual jobs performed and their volume and structure.

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In the case of cultural activities, the special nature of the jobs involved and the difficulties of pinning down the concept of actual employment, underemployment and unemployment can only be overcome by means of detailed statistical studies and techniques which take account of the complexity of the enterprises, their form of management, and the working conditions of artists.

Detailed figures of this kind are, however, a fundamental requirement if we are to enlighten both the responsible bodies and the various economic agents of the entertainment world and encourage them to coordinate their action in the field of employment on the behalf of workers without whom the cultural heritage of a country cannot be enriched and whose role is essential if we wish to give culture "a European dimension".

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