



Initiatives and measures influencing artists' remuneration and working conditions

A Digest

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Commissioned by the Arts Council

This research was commissioned in 2016 as one of the early actions arising from Making Great Art Work.

It was commissioned to assist the Arts Council to develop its thinking around how it might influence the financial and contractual relationship between visual artists and those publicly funded organisations that present and mediate their work to audiences. Its purpose was to provide context for progressing policy and actions regarding artists remuneration and it subsequently fed into the development of the Paying the Artist policy.

The brief for this research was to:

- *Identify a range of policies, initiatives, measures or proposals (generated by funding bodies or representative organisations, nationally/internationally) which seek to influence artists' remuneration and working conditions when their work is presented or disseminated through publicly funded organisations.*
- *Review such initiatives to ascertain, their nature, their origin, their operation, influencing factors and the extent of their effect.*
- *Contextualise each case (policy /legislation) to understand any factors influencing the potential replicability of the scheme or initiative under review.*
- *Report in the form of a digest which describes and contextualises these measures under a number of consistent headings*

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1. Introduction

The Arts Council contracted Dr Tara Byrne to undertake research into initiatives and measures operating in other countries which seek to influence the remuneration and working conditions of visual artists.

The research was commissioned in order to assist the Arts Council in developing its thinking around how it might influence the financial and contractual relationship between artists and those publicly funded organisations that present and mediate their work to audiences.

The outcome of this research is a digest. The digest presents a broad outline of a range of initiatives and measures that seek to influence the remuneration and working conditions of visual artists when they exhibit or work in publically-funded institutions in their respective countries. The digest also attempts to outline the general impact and implications of these measures in those countries.

The context for this research is the Council's new 10 year strategy – Making Great Art work - and the central place of the artist within that strategy. More specifically, the Arts Council has the potential to influence the relationship between its funded organisations and artists, and thus is in a position to consider applying various measures and initiatives that can impact positively on the working lives of artists.

As a result, the digest chiefly concerns the various measures taken by international state funding agencies and artists' representative organisations at national level to protect and enhance artists' payment. The range of initiatives includes contractual and funding obligations, the imposition of fee and payment guidelines, the creation of industry standards, codes of practice, budgetary requirements including disclosure and transparency, and state contract models – many of which have been generated out of artists' payment campaigns. In addition, there are moves in some countries for funding agencies to introduce a mandatory requirement for funded organisations to develop explicit policies on paying artists.¹ Some of the measures outlined have a mandatory or legal basis (Canada and Sweden) but the vast majority constitute voluntary agreements.

¹ ACW is considering inserting a condition into its new Revenue Funded Agreement for its Revenue Funded Portfolio to have a policy on supporting artists to include (but not exclusively) the payment of artists.

Methodology

The research involved in compiling this digest involved internet and desk research, telephone conversations and email exchange with international arts representatives between December 2015 and March 2016. There was no geographical limit on the scope of the research and thus the resulting sixteen countries represent various European, US and Australasian territories. Language limitations curtailed the generation of meaningful data from non-english speaking European countries. The resulting digest/report is therefore not conclusive or exhaustive and is intended to provide a brief overview only.

1. Case Studies

2.1 MU Exhibition Framework Agreement/Contract- Sweden

The screenshot shows a web browser displaying the 'MU Standard Agreement' form. The browser's address bar shows the URL 'www.kro.se/sites/default/files/mu_standard_agreement.pdf'. The form is titled 'MU Standard Agreement on originators' right to compensation when works are shown and for participation in exhibitions etc. between the Swedish Government, represented by the Swedish Arts Council, and the Swedish Artists' National Organisation, the Association of Swedish Craftsmen & Industrial Designers, the Association of Swedish Illustrators and Graphic Designers and the Association of Swedish Professional Photographers, dated 1 July 2014.

MU. MUSEERNA OCH USTÄLLNINGSSÄLLSKAPEN

1. PARTIES

Organiser: _____
Org.reg.no: _____
 Public institution Other organiser

In the category:

- Larger museums and art galleries (category 1)
- Medium-sized museums, art galleries and art centres (category 2)
- Smaller museums/art galleries (category 3)
- Small art galleries and exhibition rooms, as well as artist-run spaces (category 4)

Responsible custodian/curator: _____
Originator: _____
Address: _____
Civic registration number: _____

For multiple originators, see attachment _____
have reached the following agreement which has been drawn up in two identical copies, one for each respective party:

2.2 Payment

Payment of the agreed remuneration is to be made as follows:

Date for payment 1: _____ Amount: _____ SEK
Date for payment 2: _____ Amount: _____ SEK
Date for payment 3: _____ Amount: _____ SEK

To Bankgiro/Plusgiro: _____
Or to bank account: _____
Clear. no. _____ Account no. _____

3. EXHIBITION DESCRIPTION

3.1 Exhibition title: _____

3.2 Works

The exhibition contains works owned by the originator which the originator:

- places at the organiser's disposition and/or

2.1.1 Description of initiative and who is involved

Artists' exhibition payment models and structures have been recognised as a priority for those working on improving artists' pay and working conditions due to the particular difficulties encountered by artists in being paid for exhibiting their work. This culture is based on the erroneous view that exhibiting artists' work is a promotional opportunity for the artist (and thus offers the artist a service) and does not induce costs (if the work already exists); artists, therefore, do not require payment. As a result, exhibition payment can be viewed as distinct from other artist work-related areas.

Exhibition payment contracts or agreements for visual artists have increasingly arisen in a number of Northern European countries over the last decade (albeit based on previous proto-types). Some of these agreements are promoted through artists' representative associations who sometimes work alongside the state. A minority of these agreements is significant in effectively operating as legal contracts (often connected to copyright laws) rather than voluntary guidelines, aiming to ensure that artists are legally bound to receive compensation for exhibiting. In effect, most of the agreements aim

to maximise the influence that the state can have on the pay and working conditions of exhibiting artists and typically apply to state-funded exhibition institutions. As a result, these agreements do not apply to commercial/private or even regional institutions that are not centrally funded by the state.

Sweden – The Swedish Ministry for Culture

The Swedish MU² is one such agreement. The MU is a legal framework that sets out the principles and values of the Swedish state in relation to exhibition remuneration for artists. The framework/agreement is administered through the state via the Swedish Arts Council, and is only applicable to state-funded institutions.³ The agreement outlines the mandatory nature of the exhibition fee and is accompanied by a specific contract that must be signed between the artist and the commissioning organisation stating whether expenses other than exhibition fees (e.g. transport, installation and publication incurred either before or after the exhibition), will be remunerated or not (the MU vouchsafes exhibition fees only).

As such, the agreement works on the basis that all work the artist undertakes at exhibitions before, during and after the show, is governed by a written contract and must be remunerated outside the framework of the exhibition fee. The agreement also outlines the organiser's commitment to the artist "in the event of the exhibition being interrupted, or the originator's work being stolen or damaged." In addition, the agreement provides a model for calculating exhibition payments to artists and sample contracts for organisations to use.

The MU effectively exists between the Swedish government" and the "government authority or government institution/s" and intends to compensate artists for the display of their work in the form of a 'rent' or lease. In 2015, the amounts in the agreement tariff were increased in line with the consumer price index (CPI) in Sweden, and it is planned that they will be reviewed every 3 years. Recent changes to the MU include provision for international artists and the removal of the clause stating that the institutions must send their individual contracts to the artists' organisation KRO. The MU is considered *the* model for protecting and ensuring artists' remuneration in Europe and has provided the template for a number of similar agreements in other countries (ie Norway, Denmark and Finland).

How does it work

² MU is an abbreviation for the Swedish words medverkansersättning (participation fee) and utställningsersättning (exhibition fee).

³ http://www.kro.se/sites/default/files/mu_standard_agreement.pdf

The efficacy of the MU is overseen by a 'reference group' made up of representatives from the Swedish Arts Council and members of state funded organisations who meet twice a year to look over various agreements. The group must, on request, also be given access to individual agreements drawn up between particular artists and organisers/commissioners. The group may also convene at the request of either party to any one agreement and may also issue a guidance statement in the event of a dispute between the artist and the organiser over the application of this agreement. The reference group consists of seven members, three of which have been appointed by the state funded institutions and three by the Swedish Arts Council. The parties jointly appoint the seventh member. The group is chaired by a representative of the Swedish Arts Council and may invite organisers, originators and other parties affected to meetings for discussions. Meetings must be minuted and checked by all parties to the agreement.

The MU was devised in 2009 by the Swedish government and artists' organisations KRO, the Swedish Artists' National Organization and KIF, the Association of Swedish Craftsmen and Industrial Designers.⁴ It was signed by the Swedish Arts Council, as the representative of the Swedish state, the Swedish Artists Association (KRO/KIF), the Association of Swedish Illustrators and the Swedish Photographers Association. The agreement is basically an update of a proto or earlier agreement from the 1970s and arose out of the perceived need for special protection for exhibition payment over other artists' payments. It was updated in 2014. As above, the MU is overseen by a 'reference group' made up of Swedish Arts Council and members of the participating organisations.

2.1.2 Monitoring and impact

There has been no in-depth research on the efficacy of the MU in relation to its overall impact on artists' payments. However, as the agreement is only mandatory or binding in relation to centrally-funded state institutions, there are many organisations funded through the state (i.e. by the Arts Council) to which the agreement does not apply. Similarly, only the exhibition fee is mandatory, and not the other expenses involved in devising an exhibition (although as above, this has to be spelled out in the agreement).

Notwithstanding this, although the view of Arts Council is that the agreement has made an impact on the culture of paying artists (and that it has had a positive knock-on impact on the regional museums), a recent review by the Swedish Policy Analysis Agency (kulturanalys) showed that 60% of artists who

⁴ The task of the KRO and KIF is to represent Swedish artists in political issues concerning art and artists' financial and social situation. The organizations publish the magazine *Konstnären* (The Artist). The KRO and KIF is active both locally and regionally, as well as nationally and internationally..

had exhibited their work in the smaller state museums either failed to get paid or received less than the agreement dictates. Specifically, “according to the survey, which covered 95 Swedish museums, only the largest state-run institutions, including Stockholm’s Moderna Museet, paid all artists according to the rule.” When the regulation was introduced, artists hoped that non-state museums would voluntarily follow the payment scheme. While some did, the survey shows that only 25% of artists that exhibited at city-run or private museums received payment. KRO is now working to extend the rule to cover these institutions as well.⁵

Despite this view of the Arts Council, some artists feel that six years after its introduction, there are few Swedish art institutions which follow the agreement, and that little has changed. Equally, there is a view that as a result of the MU’s limited reach, “neither the authorities, nor the artists’ organisations, make controlled and detailed studies of how art institutions follow the agreement” and that “failure to follow the MU Agreement bears no consequences”.⁶ There is also some indication that if an artist does not get paid and makes a complaint, the Arts Council is powerless to force the institution to reverse its position.

2.1.3 Legislative context

The MU operates under Swedish Intellectual Property and Copyright law. The Bildupphovsrätt i Sverige is the Visual Copyright Society which “strives to extend and improve copyright protection for visual artists’ works. The society co-operates with corresponding organisations and other rights-holders and their representatives, both in Sweden and internationally to facilitate the use of visual artworks by ensuring that relevant agreements and permits are in place while also ensuring that artists receive compensation for the use of their works.

The Visual Copyright Society in Sweden is an economic association comprised of the seven organisations that represent visual artists and approximately 8500 individual artist members. Bildupphovsrätt represents all visual artists regardless of their chosen medium, including painters, photographers, illustrators, designers, and craftspeople etc.⁷

BUS: <http://bus.se/>

2.1.4 Similar initiatives

⁵ <http://old.theartnewspaper.com/articles/Swedish-artists-say-Pay-up/36030>

⁶ This is the view of Erik Krikortz, the founder of the Reko mark.

⁷ Membership of Bildupphovsrätt is free of charge. The operation is funded by deducting a cost from the royalties which Bildupphovsrätt collects currently 15-20%. This means that artists enjoy all the benefits of membership without directly paying a penny. Bildupphovsrätt works for the artist and when this work generates payment a commission of 15-20% is charged.

As suggested, there are a number of initiatives that model themselves on the Swedish MU, most particularly **Norway** (Statens Utstillingsvederlagsavtale) and **Denmark**. In Norway, the exhibition payment initiative was driven by the NBK – the Norwegian visual arts association - and it is relatively new. As such, there are 12 state institutions currently involved in an exhibition payment pilot initiative. Part of the Statens Utstillingsvederlagsavtale involves the state setting aside of funding to its public art institutions so that they are equipped to pay artists.

In **Denmark**, a similar scheme exists whereby the artist receives 1% of the original work's value (insurance value) per month that the original work is on display. The minimum period is 1 month, the maximum period is 6 months. The maximum fee is 1% of 750,000 dkr (€100,684). The maximum monthly remuneration is thus 7,500 dkr (€1,006) per artist per month for a maximum of 6 months. Regardless of the value of the works, the minimum fee is 2,500 dkr (€335) per artist. "The Danish Arts Agency pays compensation to the involved institutions for their costs, based on an application from those institutions. However the compensation is never 100%. The budget for compensation to the institutions is 450.000 Euros yearly. If the total applied amount is higher, each institution will only get compensation for a certain percentage of their costs. In 2014 the compensation is 90%".⁸

In **Finland** there is a model similar to the Swedish MU, but it is not mandatory at present.

Iceland is currently developing an initiative like the Swedish MU in promoting fair payment for artists' work as part of their *We Pay Visual Artists Campaign* (see below). It has been drawn up by a workgroup including the National Gallery of Iceland, Reykjavík Art Museum, Hafnarborg, The Hafnarfjörður Centre of Culture and Fine Art, The Living Art Museum, LÁ Art Museum and Akureyri Art Museum.

Other voluntary agreements in development are being drafted in **Germany** where the Federal Association of Visual Artists has published a guideline and exhibition contract template for artists' remuneration. This will act as an interim measure on artists' pay until a statutory rule is enforced. Other schemes promoting payment for artists more generally comprise the **Polish** Minimum Payment for Artists Agreement devised by the Citizen Forum for Contemporary Arts. This payment agreement is tied to the Polish average monthly wage. In **Canada** an amendment to the Copyright Act in 1988 provides artists with the legal right to be paid fees (compensation) when their work is exhibited in public".⁹

⁸ In conversation with a representative from the Danish Arts Agency.

⁹ <http://www.padwickjonesarts.co.uk/enforcement-equanimity/> (also reported on the NAVA website) <https://visualarts.net.au/campaigns/artists-fees>

In the **UK**, AIR (Artist in Residence) has recently (January 2016) drafted an Exhibition Fee Framework and Guidelines for paying artists when they exhibit in publicly-funded galleries. This initiative is viewed as a starting point for further discussion with artists, galleries and funders. A new accompanying report from a-n/AIR and DHA Communications, titled *Building a clearer relationship between artists and galleries*, was published (January 2016) with recommendations for artists' fees and is therefore voluntary. The draft draws on research and ongoing consultation with the sector since the launch of the Paying Artists campaign in May 2014. "Exhibition payment rates were considered separate to daily rates as offered through the artists' payment toolkit (below) and so needed separate work. The framework and rates are supported by Arts Council England, within policies for diversity and equality and implementation [and] will be phased in, allowing galleries time to build up suitable budgets, with the first assessment of impact due in 2017." ¹⁰

Interestingly, the **UK** used to host a now defunct proposal for a designated collecting agency to enforce payment to artists by state funded organisations. The agency aimed to collect artists' fee budgets from publicly-funded venues and to subsequently distribute the fees to the contracted exhibiting artists. This initiative was a variation on a proposal made to funders in 1996 by the (then) National Artists Association who proposed the setting up of a "centrally held EPR-fund, into which all galleries paid their annual allocation".¹¹

¹⁰ An excerpt from Susan Jones' (ex Director of the Artists Newsletter) work available at: <http://www.padwickjonesarts.co.uk/enforcement-equanimity/>

¹¹ In conversation from Susan Jones.

2.2 WAGE Exhibition certification/classification/endorsement– US



2.2.1 Description of initiative and who is involved

In the context of all of the initiatives identified that exist to support paying artists, it would seem that the public certification of galleries or institutions that operate best practice in relation to paying artists, is a relatively uncommon paradigm. Certification concerns surveying artists on their remuneration experiences in relation to galleries and awarding ‘badges of merit’, ‘marks’ or ‘prizes’ to those galleries which have upheld their responsibilities. These initiatives also survey the institutions themselves (or ask institutions to apply for certification as demonstrated by WAGE below) as to how and what they pay artists, dependent on their size, budget and capacity.

W.A.G.E. Certification is a voluntary US program initiated and operated by the artists’ organisation Working Artists and the Greater economy. WAGE states that its certification programme “publicly recognizes non-profit arts organizations demonstrating a history of, and commitment to, voluntarily paying artists’ fees that meet a minimum payment standard through a badge of merit system.” Organisations must apply for certification at one of four annual deadlines and must meet certain requirements to be certified. The level of documentation required for submission for certification depends on how well the organisation is resourced (list of fees, budgets, contracts, tax info). As WAGE certification is a voluntary programme, organizations choosing to be certified make a commitment to operate ethically in relation to artists and wish to have this commitment acknowledged by their

communities. "A W.A.G.E. Certified organization signals that it stands in solidarity with artists as part of an equitable community no matter what their material practice or reputation might be."¹²

Functioning

The WAGE website offers a number of different features for artists and organisations negotiating fees and certification:

- Definitions and requirements: a list of basic definitions and requirements for those participating in certification (typical costs, fee categories, fee calculation)
- The fees calculator (based on 14 fee categories - the level of compensation an organization must provide in order to be certified is determined by its Total Annual Operating Expenses (TAOE))
- How to get certified: outlining the 8 minimum actions required
- Certified organisations: a list of the certified organisations
- Certification Background

W.A.G.E. Certification has a fee calculator based on a 3-tiered system that determines fair compensation using two mechanisms: it establishes an industry-wide minimum or FLOOR W.A.G.E. for fees in 14 fee categories, and it scales these fees up from the floor using a fixed percentage of an organization's total annual operating expenses (TAOE). If an organization can demonstrate that it has met W.A.G.E. standards in the past fiscal year, it will be listed by W.A.G.E. and may list itself as "W.A.G.E. Certified." If an organization did not meet W.A.G.E. standards in the past fiscal year but commits to meeting them in the current fiscal year, it will be listed as "W.A.G.E. Certified Pending" for up to one year until it can provide documentation that it has met W.A.G.E. standards. If an organization does not meet W.A.G.E. standards within one year its "Pending" status will be revoked. Documentation must be submitted annually for re-certification.

WAGE is a New York-based activist organization focused on regulating the payment of artist fees by nonprofit art institutions and establishing a sustainable labor relation between artists and the institutions that contract them. WAGE began in 2008 with a series of informal discussions between a small group of artists, performers and independent curators in New York City who shared their experiences working with art institutions, and specifically the common practice of non-payment. The goal of WAGE is to "establish and guarantee standards of minimum compensation and organizational support for artists in the non-profit arts economy. Its broader goal is to work toward the fairer and

¹² Available: www.wageforwork.com.

more equitable distribution of resources in the contemporary art field and in society at large". W.A.G.E. Certification was initiated in 2010 in response to these conditions and was developed by artists in dialog with local and international organizations after a major survey of conditions. It was established as a policy in January 2014 at the 2014 W.A.G.E. Summit, and launched in October.¹³

2.2.2 Monitoring and Impact

WAGE indicate that although they have not yet had enough data to survey the results of their certification programme outside of the organisations that are already certified, they believe that the certification is successful. They have stated that "progress is slow but that's to be expected because shifting the entire field is a very long and painful process, and W.A.G.E. is in it for the long haul."

2.2.3 Legislative context

Information was unavailable on this issue.

2.2.4 Similar initiatives

In **Sweden**, Reko was an independent art project that created a quality mark for visual arts institutions in Sweden. The project was inspired by practices such as Fair Trade, university and hotel rankings, where the act of making information about certain organizations and companies public, propels change within these institutions. Although Reko was not a state initiative and did not intend to impact only on state funded arts institutions, it had a national ambition and is thus included in this digest. Reko's specific aims were to "to bring more transparency to the visual art sector in Sweden by collecting, analyzing and publishing facts about the working conditions for visual artists".¹⁴

It did this through a comprehensive survey of artists and their experiences.¹⁵ The initiative generated the Reko Index which rated 60 out of the 86 art institutions included in the survey according to certain criteria, awarding a Reko Mark to seven art institutions that provided good working conditions during

¹³ This initiative was developed as a result of WAGE surveys: "By looking at artist compensation in direct proportion to what the organization had chosen to spend on its operations, the actual value it had placed on artistic labor became apparent. At that point the question was no longer whether artists were getting paid or how much, but how the value of artistic labor should be determined and how its compensation could be enforced.

¹⁴ http://projektreko.org/downloads/Reko_Report_100803.pdf

¹⁵ The REKO survey was e-mailed to Swedish artist that have exhibited in the 86 premier art institutions during 2009, and has also been circulated on other mailing lists. The survey has been answered online at www.projektreko.org (the questions are: Was there a written contract? Did the artist get paid for expenses? Did the artist get a fee for exhibiting the artwork (i.e. a "rent" for an already finished artwork)? A composite criteria: How many hours did the artist work directly with the exhibition? And did the artist get any pay for these extra work hours (producing a new artwork, installing, catalogue, opening, artist talk etc)? Is there a policy on artist fees? Are comments from artists generally positive or negative? Does the institution co-operate willingly?

2009. The institution that provided the best working conditions was awarded the Reko Prize. The term “reko” is Swedish colloquial speech meaning something equivalent to just, fair or decent.

KRO, who administer the Swedish MU in tandem with the Swedish Arts Council, has also developed the "MU-barometern" (the MU barometer) which has similar ambitions to Reko. In contrast to Reko, however, this barometer does not look at specific exhibitions and contracts, but asks general questions of the institutions and relies on their answers. This self assessment by the institutions is problematic “not the least since a majority of the institutions claim that they do not have a very good understanding of the MU agreement” (co-founder of Reko artist Erik Krikortz).

Reko was initiated by artists Erik Krikortz and Jan Rydén, and literary scholar Tanja von Dahlen in collaboration with KRO (who helped them survey the artists). The project was officially launched in February 2009. Krikortz indicates that some galleries have tried hard to win the mark by approaching Reko to see how they could improve and in that sense that the mark has had some success in changing how institutions think about artists being paid. Similarly, the Swedish Arts Council stated that they felt this initiative had been successful in raising awareness of the issue of paying artists, but could not comment more.

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| 2.3 CARFAC/ CARCC Minimum Fee Schedule – Canada |
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2.3.1 Description of initiative and who is involved

Minimum fee guidelines and artists' online payment calculators/ toolkits are various ways in which artists' payments for all kinds of work are calculated or deduced. This calculation is generally based on set criteria which establish the context in which artists' payment is taking place. These initiatives are generally voluntary and run through artist representative organisations or unions working in collaboration with copyright agencies and are intended to be used by both artists and organisations.

CARFAC is the Canadian Artists Representation organisation (Le Front des Artistes), who, with CARCC, the Canadian Artist Representation Copyright Collective, have devised the CARFAC Minimum Fee for artists. The CARFAC fee is regarded as the national standard for artists. The initiative sets out a minimum rate of pay for visual artists in Canada vis a vis reproduction fees, advertising, copyright, exhibitions (from solo exhibitions, travelling exhibition, group exhibitions), performance, presentation and professional fees more generally. The online minimum fee table outlines a minimum wage for artists by setting basic recommended rates for the use of artwork and certain services that visual artists provide.¹⁶

Although the CARFAC *Minimum Fee* is voluntary, as a principle, payment for artists' exhibiting is protected under copyright law in Canada. In addition, the CARFAC Minimum Fee is a condition of funding required by the Canadian Arts Councils. CARFAC does not negotiate or prepare contracts but they "assist members by providing information sheets and resources on how to set up contracts and

¹⁶ <http://carcc.ca/feeschedules.html>

prepare for negotiations” – providing their members “with the tools to prepare themselves for these discussions”.

The document and fee schedule itself is fairly complex due to the many scenarios it needs to describe (artists don't fit into one or two boxes) and is updated each year to reflect any changes to rates and fees. Each section of the fee schedule has a preamble that outlines its use so that artists can determine which part of the schedule suits the context in which they are working. Contracts are discussed and set up between the artist(s) and the exhibitor(s). Like the W.A.G.E initiative above, the basis on which CARFAC fees are determined is calculated across a wide range of criteria including the size of the gallery/art institution, international exhibitions, the funding structure of the institution, whether the exhibition is solo, group or touring, and the duration of the exhibition etc.

The Canadian Artists Representation /Le Front des Artistes is the national association for professional visual artists which promotes their economic rights. Since 1968 CARFAC has issued schedules of royalties or fees for the use of the copyrights of visual/media artists. The schedules have been updated by CARCC over the years based on discussions with artists and users in relation factors like the cost of living. RAAV, which was founded in 1989 to serve the artists of Québec, upholds the same principles – that artists must be fairly compensated for uses of their works.

2.3.2 Monitoring and Impact

Canadian Arts Councils require that organisations pay professional fees established by CARFAC (www.carfac.ca) or RAAV (www.raav.org) as a condition of their funding. There is no research on the efficacy of CARFAC as yet, but the Canada Council suggest that “paying artists fees is a principle that is respected by most professional visual arts organizations across the country”, although this may be a result of the legislative context of this initiative.¹⁷

2.3.3 Legislative context

The obligation to pay artists' fees has been enshrined in the Canadian Copyright Act since 1968. Exhibition Right payments for the public exhibition of artistic production became part of federal copyright law in Canada in 1988. This exhibition fee is payment for the use of work created after June 7, 1988 in an exhibition in a public space where the gallery receives public funds. The exhibition fee only applies when the artwork shown is not being actively presented for sale or hire. When art works created after this date in a gallery's permanent collection are exhibited, a copyright exhibition fee is required. Copyright fees and royalties are subject to Goods and Services Tax.

¹⁷ In conversation with a representative of the Canadian Arts Council.

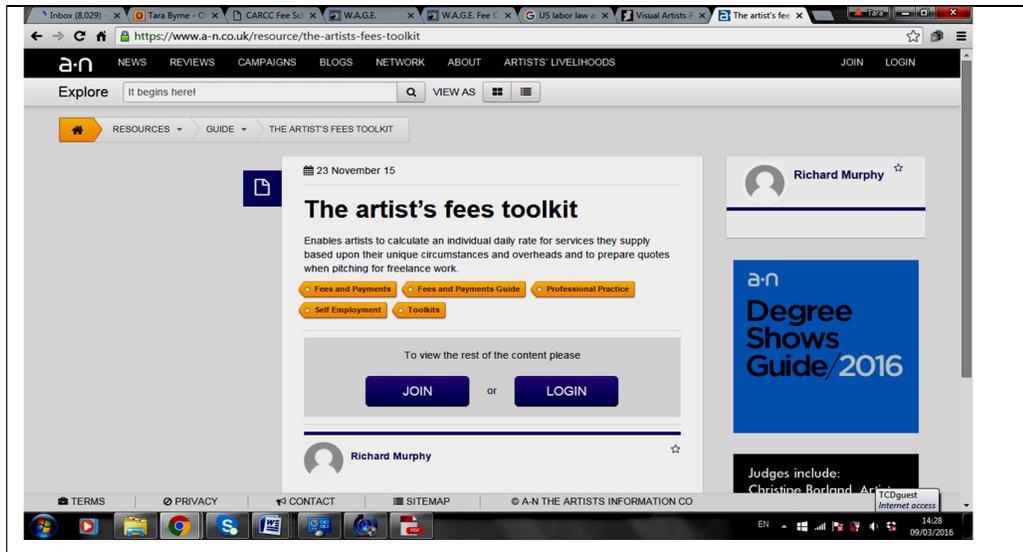
The 1995 Status of the Artist Act in Canada is also provides a framework to regulate professional relations between self-employed or freelance artists and cultural institutions/producers under federal jurisdiction (e.g. national broadcasting company). As labour law operates under provincial jurisdiction in Canada, the Status of the Artist Act applies only to freelance artists engaged by the federal government. It does not apply to artists working for provincial institutions. Two provinces have separate legislation: Québec and Saskatchewan. The Status of the Artist Act was reviewed in 2002-2003 and found that the legislation by itself was insufficient to significantly improve the socio economic status of artists. Other complementary measures were urgently needed.¹⁸ Further calls from the artistic community have been and continue to be made to better define who is a professional artist across all government departments.

2.3.4 Similar initiatives

Measures described below such as the codes of practice, payment calculators and artists' payment toolkits offer similar functions to CARFAC (see below).

2.4 AN Artist's Fees Interactive Toolkit – UK

¹⁸ These were: allowing self-employed artists to claim dual status in order to benefit from new income tax deductions; an income averaging mechanism to help stabilize artists' economic situation; access to unemployment insurance; a new classification for artists as preferred or secured creditors in the event of a bankruptcy; improved access to pension plans, occupational health and safety measures and other social benefit programs. The Federal Department of Finance refused to give artists the right to income averaging -despite the numerous calls from artists associations and parliamentary commissions stating that artists can defer their taxes on income through investments/contributions to the Canadian Registered Retirement Savings Plan (RRSP). The main problem is the fact that artists do not earn enough income to make contributions to the RRSP. In 2004, the province of Québec introduced an income averaging provision for artists within its jurisdiction which gives self-employed artists the possibility to purchase income averaging annuities and to spread, over a maximum period of 7 years, the tax applicable on artistic income up to a certain amount.



2.4.1 Description of initiative and who is involved

Fees toolkits belong to the same family as minimum fee schedules and payment calculators. They aim to provide an interactive way of calculating recommended fees for artists based on a number of scenarios or contexts.

The Artists' Fees Interactive Toolkit is a UK initiative run by a-n, the Artists' Information Company. The Toolkit is a web-based, interactive and step by step information portal that offers ways to calculate artists' pay. Very simply, the Toolkit offers sample day rates to guide both those budgeting for arts projects and to help visual artists negotiate a fair rate of pay for short-term contracts (i.e. commissions, residencies and community projects). The rates are regularly updated. The toolkit is voluntary and acts as a guide only – artists can refer to it in negotiations with commissioners. The toolkit is considered separate from exhibition payment – which is more related to intellectual property (see below). You must be a paid up member of a-n to access this toolkit and other payment supports.

2.4.2 Monitoring and Impact

The Toolkit's impact has not yet been measured or evaluated; much of the 'hard' information is held by the various Arts Councils who are not yet able to effectively survey organisations' compliance with payments.

2.4.3 Legislative context

The National Minimum Wage Act (1998) and the National Minimum Wage Regulations

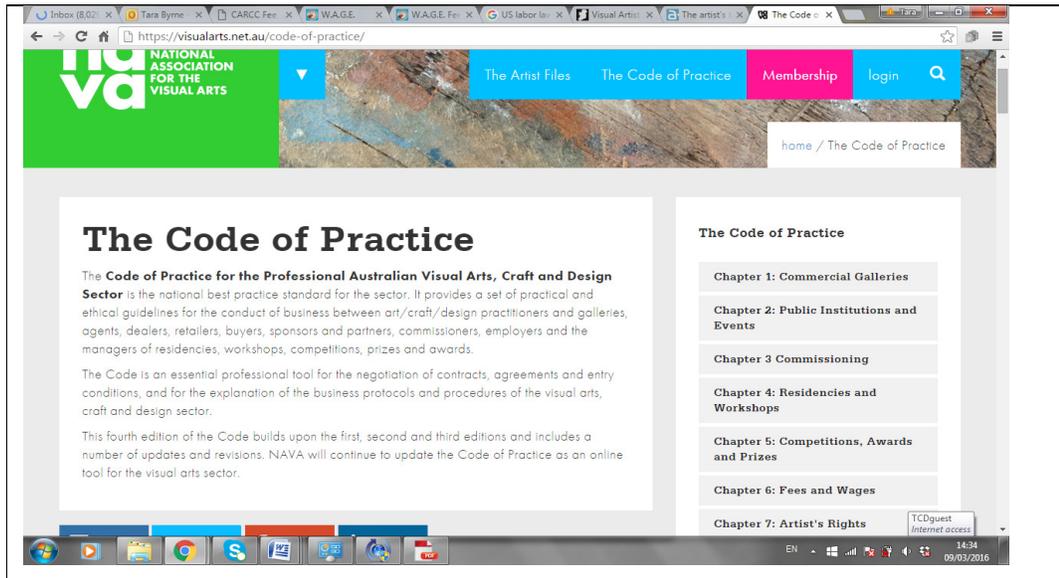
2.4.4 Similar initiatives

Various international organisations have devices for calculating artists' fees and to assist those looking for payment guidelines. In addition to the Artist's Fees Interactive Toolkit's, **Canada's** CARFAC Minimum Fee Schedule and the **US's** WAGE initiative as described above, Visual Artists **Ireland** has Payment Guidelines for Professional Artists (developed with the visual arts sector). This initiative suggests criteria to use in deciding on artists' payments. VAI also has an Online Interactive Calculator. This calculator works on the same basis as the artist' fees toolkit whereby the user inputs answers to a series of questions posed which results in suggested fee scales. **In Austria**, a culture network, IG Kultur Osterreich, has a *Fair Pay fur Kultur Arbeit* campaign comprising of a document that lists various payments in the arts for many different arts activities (see <http://igkultur.at/bibliothek/dateien-wolfie/service/gehaltsschema-kulturarbeit-2016>).

In **Scotland** the Scottish Artists Union¹⁹ has created the SAU Rates Of Pay and Code Of Practice, a short document outlining minimum rates of pay for artists and the rationale and maths behind them. This rate is endorsed by Creative Scotland and they require organisations to detail the rate of pay in their reports. In recent SAU surveys, however, many artists report that they do not receive the SAU recommended rates of pay, and that in general artists' rates of pay have been in decline.

¹⁹ The Scottish Artists Union is the main representative voice for visual and applied artists in Scotland, and is based on a paid up membership, unlike other representative associations. The SAU campaigns for better working conditions for all visual and applied artists throughout Scotland

2.5 NAVA Code of Practice - Australia



2.5.1 Description of initiative and who is involved

Codes of practice generally outline the professional expectations, ethics and responsibilities set out for artists and arts organisers to take into account various working situations. These codes generally include information on payment rates.

The Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector (or the NAVA code) is the national standard of best practice for the professional engagement of visual artists in Australia. It aims to provide a set of practical and ethical guidelines for the conduct of business between art/craft/design practitioners and galleries, agents, dealers, retailers, buyers, sponsors, partners, commissioners, employers and the managers of residencies, workshops, competitions, prizes and awards. The Code is an essential professional tool for the negotiation of contracts, agreements and entry conditions, and for the explanation of the business protocols and procedures of the visual arts, craft and design sector. The NAVA document outlines a range of scenarios (residencies/exhibitions) and issues (copyright) that impact on artists, and suggested payment rates for each of those scenarios. The current edition of the code is the fourth and includes a number of updates and revisions.

The code is voluntary (except in respect of copyright, taxation, equal opportunity etc.). As such, the schedule of fees and wages is not legally binding. NAVA is currently negotiating with the national and state arts funding authorities to make it a requirement for all grant recipients showing

artists' work, to pay at least the minimum rate recommended in NAVA's Code. They have also have asked that these grant recipients be required to report on their compliance in acquittal documentation and that the government funds this. In order to vouchsafe artists payments, NAVA proposes that the funds should be allocated through an Artists' Fees Fund to be managed by the Australia Council on an application basis (a recommendation made in 1996 the UK by the (then) National Artists' Association).

The NAVA Code was first published in 2001 and aimed to redress the previous lack of regulation, legislation and agreed best practice standards operating in many parts of the visual arts sector in Australia. The code is not necessarily exhaustive but is flexible enough to be useful and adaptable to different circumstances and thus is a dynamic rather than a static document. NAVA "intends to make changes as appropriate to reflect the needs and changes occurring within the sector." W:www.visualarts.net.au/code-of-practice/

2.5.2 Monitoring and Impact

NAVA reports that there has been no research to date on how the code has impacted on artists exhibiting in publicly funded galleries and events, or whether there have been significant changes since the last code updating. However, in David Throsby and Anita Zednik's 2010 report for the Australia Council, it was reported that since 1987 "artists' incomes have increased sufficiently to keep pace more or less with inflation, but no more".²⁰ Although this statement does not ascribe causality, it might indicate that NAVA's code has not had a great impact on artists' payment.²¹

2.5.3 Legislative context

The NAVA code exists in the context of the Fair Work Act 2009. Like many countries, artists in Australia are rarely covered by formal wage-setting instruments because they are generally not classified as employees. In the absence of legally-binding minimum pay rates set by the Australian Industrial Relations Commission, community standards as to what constitutes fair and reasonable pay have not evolved for practitioners in the same way as for many other sectors.

²⁰ Throsby and Zednik (2010), 'Do you really expect to get paid?', The Australia Council, p.91.

²¹ This research was unable to obtain a response from the Australia Council on the efficacy of NAVA.

2.5.4 Similar initiatives

There are a number of other international guides and codes of practice that set out best practice for artists and arts organisations working together. **New Zealand** has a *Code of practice for artists and dealers* covered by the Artists' Alliance (governed by legislation such as the Minimum Wage Act, the Health and Safety in Employment Act and the Copyright Act). This guide has chapters on copyright, contracts, artist's obligations, exhibitions, artwork sales and management, exhibitions and funding and sample contracts. It was commissioned by the Artists' Alliance.

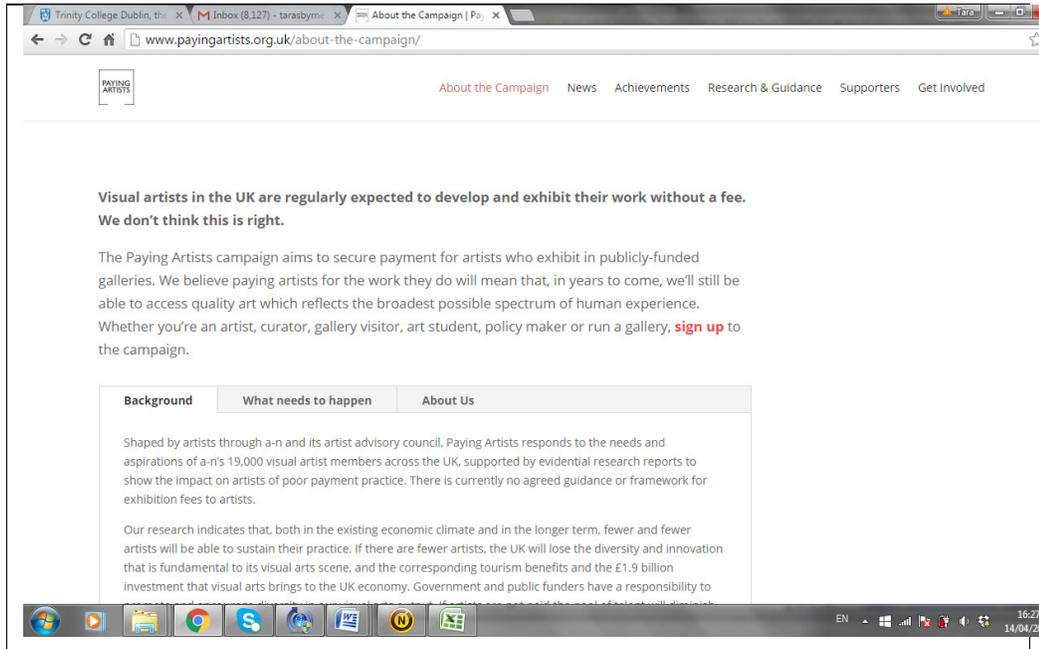
Ireland has the *Artists' Charter* which "takes the form of a code of practice, commonly agreed upon", adopting principles of good practice and "demonstrating why and how they should be applied."²² The core aim of the charter is to provide a set of practical and ethical guidelines for the conduct of business between visual artists and organisations."The charter sets out the principles by which organisations pay artists (section 1.1) and states that a "goal of the project is that the Charter becomes something that artists seek when working with publicly funded organisations and something that these organisations are keen to have" (section 1.2). It should be noted that despite this Charter and indeed other initiatives devised by VAI, its regular surveys indicate that more generally, there are still problems with artists getting properly remunerated in Ireland. The 2016 survey, however, states that "2016 is the first year that we can truly look at the impact of the *Guidelines* and also look at how equitable payments for artists have been implemented by organisations."

The **UK** has a Code of Practice for the Visual Arts developed by the Artists' Information Company. This initiative was developed in 2004 and takes generally-agreed principles of good practice in the visual arts, demonstrating why and how they should be applied. The code can only be accessed if a membership fee is paid. The code rests on following four key principles: Contribute confidently; Prepare thoroughly; Collaborate creatively; Aim high. The code works in tandem with the artists' fee toolkit above.

The **UK** also has a code of practice for participatory arts developed by the Artworks Alliance (with a n) which supports a two-way partnership between artist and employer to which artists can sign up. "By adopting the code, artists demonstrate their commitment to quality work" and employers and hirers of such artists "demonstrate their commitment to requiring high-quality practice of those who work for them". This initiative is still relatively new and yet to form part of the payment culture in the UK.

²² <http://visualartists.ie/advocacy-advice-membership-services/advocacy/advocacy-datasheet-5-topic-the-artists-charter/>

2.6 AN Paying Artists Campaign - UK



2.6.1 Description of initiative and who is involved

Campaigns that centre on paying artists are increasingly commonplace initiatives amongst artists' representative agencies who are trying to change the culture of thinking in relation to artists' remuneration. These campaigns do not necessarily directly impact on artists exhibiting in publically funded arts organisations, but they do form the backdrop to the development of more discrete payment initiatives (codes of practice, toolkits etc.).

In the **UK**, the Artists' Information Company *Rates of Pay/Paying Artists* initiative is a web campaign aimed at raising awareness in relation to artists' payments. It has commissioned research and developed policy, launching in May 2014.

Context

In 1979 the (then) Arts Council of Great Britain implemented a Payment to Artists for Exhibition of Work initiative and established a standard fee, stating: "All revenue and project-funded organisations will be obliged to include costs of their estimate of exhibiting fees in their applications. Grants may be conditional on exhibiting fees being paid." ACGB then devolved the scheme to English regional arts associations in 1983 as a three-year trial. As the subsequent review

couldn't arrive at a common agreement, each association (and each arts council) created a version that reflected their own perspective and expectations.”²³

Two factors have been suggested as leading to the demise of this artists' fees scheme (which was effectively defunct by 1999). Firstly, while galleries initially publically agreed to the level of fees paid to artists for solo and group exhibitions, there was resistance when the budget needed to cover this was devolved from funding bodies to the gallery's own. Secondly, as funding agencies developed new policies, their commitment to maintaining the principle of paying artists' fees for public exhibitions was de-prioritised.

Payment initiatives in the UK can also be linked to an ACE and Regional Arts Boards initiative from 2000 which aimed to raise artists' pay as part of the UK Year of the Artist (YOTA). Taking advantage of the promotional and discrete opportunity YOTA afforded, ACE actively set out a new minimum rate of pay of £150 per day for the artists' residencies, applicable to hosting or enabling agencies. This rate was dropped despite the intention that the rate would be maintained after the event as part of ACE's commitment to good practice strategies.

This did not happen and funders did not maintain the minimum daily rates for the Year. In 2003/2004, following a new Code of Practice for the Visual Arts, ACE commissioned research into proposals for sustainable payment mechanisms and frameworks which ultimately formed the basis for subsequent payment initiatives. Since this, a-n has issued and kept up-to-date a set of sample day rates for employers and grant givers, to inform officers' and employers' budgetary and good practice policies” and in 2004, ACE National Office welcomed the outcomes of a-n's fees and payments research and the calculations framework.²⁴

The new framework included reference to artists' overhead costs and career stage (superseding the YOTA-developed 'minimum day rate').The situation of explicit recommendation from a government agency (ACE) on fees ended in 2005 when there was a complaint made by the British Academy of Composers and Songwriters (BACS) that specific figures for payment for its members contravened the Competitions Act. As a result, ACE withdrew reference to 'minimum rates' from its website and from the guidance given by its officers and encouraged Regularly-funded

²³ This information was sourced through ex Director of A-N Susan Jones.

²⁴ This information was sourced through ex Director of A-N Susan Jones.

Organisations (RFOs) who may be issuing guidance (including a-n), “to follow suit” (see also below).²⁵

2.6.2 Monitoring and Impact

Research has shown that whilst Arts Council of Great Britain strongly advocated and 'led' the research to implement payment initiatives such as the former EPR , the recognition of the need to budget for this fee as a matter of course in publicly-funded galleries disappeared once the responsibility was fully transferred to the gallery.

2.6.3 Legislative context

As above

2.6.4 Similar initiatives

As stated earlier, **Iceland** is currently developing a *We Pay Visual Artists Campaign* which promotes fair payment for artists work. The We Pay Visual Artists Campaign has been set up by the Association of Icelandic Artists (Samband íslenskra myndlistarmanna/ SÍM). Visual Artists **Ireland** has also ran a paying artists' campaign through an endorsement system called 'We Pay Artists', although this initiative become defunct after the visual arts sector simply did not use the endorsement. VAI also run the Visual Artists Charter as described above (2.5.4)

²⁵ This information was sourced through ex Director of A-N Susan Jones.

2.7 Funding Conditions and reporting systems – UK (England and Wales)



2.7.1 Description of initiative and who is involved

Funding agencies often request information on artists' fees as part of their application process and reporting systems, and insist that they meet the industry standard (often listing those agencies that set the standards), and minimum wage threshold. Certain agencies go further and include a specific budget line for artists' fees that must be filled in. These requests generally form part of the successful applicants' contractual obligations. Funding agencies stress that the budget outcomes of grantees' reports are scrutinised or at least noted in relation to whether they meet their payment obligations.

Some funders indicate that where fee inadequacies are discernible in advance of assessment, this can impact the level of grant proposed (if any). If fees are inconsistent or inadequate subsequent to the grant being received, i.e. in the reporting of the budget, agencies assert that they follow this issue up with the individual organisation. The key thing to note here is that 'taking action' where fees are not applied is not something agencies are keen (or even equipped) to do. Apropos of this situation, some organisations are looking to develop incentives additional to financial rewards for organisations who demonstrate good practice in this area (Arts Council of Wales).

England – Arts Council England (ACE)

ACE places specific responsibility on its National Portfolio Organisations through its formal funding agreement which specifies that salaries, fees and subsistence arrangements are “as good as or better than those agreed by any relevant trade unions and employers' associations” (the contacts of which they list) and “at least Minimum Wage Regulations”. ACE ask that organisations "should make sure they can provide proper and fair payments to artists they will be working with when considering their budget".²⁶

²⁶ Quote from ACE's Applicants to Grants for the arts.

Wales – Arts Council Wales (ACW)

ACW asks organisations to detail all payments, fees and wages at application stage, ensuring they meet minimum rates of pay and industry standards (which they list for reference). Applicants are also asked to compare the actual figures of monies spent with the original budget in order to ensure that it is in line with parameters set (or with agreed revised). They also insist that at a minimum, applicants “need to ensure that industry standard rates of pay are used” and list the agencies who set these rates.

General context of these initiatives

As above

2.7.2 Monitoring and Impact

ACE

The reporting of artists’ fees as a funding requirement of the NPOs is monitored and assessed through ACE’s Relationship Managers. These managers review the budgets and business plans for evidence of artists’ pay and other compensation. “In the absence of a clear code of best practice in a sector, further time may be given in order for relevant lead bodies to undertake a process to resolve this”. Relationship managers can flag non-compliance as a risk on the Arts Council’s ‘risk register’. However, although this guidance on artists’ pay is part of the funding agreements for the NPOs, ACE reports that it has not yet taken action against an organisation for noncompliance.

27

ACW

The appropriateness of artists’ fees is considered at the assessment stage of a funding application where a query / concern can be raised by the assessor. The current status of their relationship with revenue funded organisations is less contractual and more on the basis of an agreement. The overall accounts are assessed subsequent to grants being awarded rather than more detailed areas of spend.

However, and as suggested earlier, ACW is in the process of considering ways to reward good practice from organisations paying artists, beyond a simple "financial reward" to those organisations. Apropos of this, ACW is revising its Revenue Funded Agreements and has stated,

²⁷ <http://www.artlyst.com/articles/arts-council-england-agree-to-monitor-fair-pay-for-artists>

“we are hoping that within these [there] will be the opportunity for us to reiterate our expectation of the portfolio to support the creative professional in Wales”. ACW has further stated that it “want[s] to look at support to artists in the round and that it “will be clear in our funding guidelines that we expect artists to be paid properly for work undertaken. This, we hope, will support creative professionals to be able to earn a living in Wales. Alongside this initiative, we will be working with our colleagues in a-n to develop a framework for transparency and benchmarking artists’ fees and terms for the visual and applied arts so that there are clear guidelines for organisations, who wish to work with artists in Wales.”

2.7.3 Legislative context

UK context as above

2.7.4 Similar initiatives

Most of the funding agencies surveyed (ACE / ACW, the Canada Council, Australia Council, New Zealand Arts Council, Creative Scotland) request information on artists’ fees as part of their application and reporting process, however these agencies typically use passive words like ‘expect’ and ‘recommend’ indicating the difficulty of effectively applying these ‘requests’.

Canada- The Canada Council

The Canada Council requires that organizations pay professional fees to artists meeting or exceeding the current industry standards and has a budget line specifically requesting information on artists’ payment (see below). Fees include payment for exhibition rights, public presentation rights and reproduction rights for the use of works. The Canada Council uses CARFAC as the minimum national standard. As outlined above, these protections take place in the context of the Copyright Act insisting that artists are paid to exhibit their work.

Artists’ Payments are evaluated at assessment stage and *pay is a criterion for support*. For all operating grants the Canada Council requires organizations to use an online budget platform called CADAC (www.lecadac.ca/welcome.htm) which caters for all funders (but is hosted by the Council). This online form allows peer assessors to look at the proposed fees in detail. The Council state that they expect that assessing peers “will understand what would be appropriate industry standards for their discipline and in the particular contexts” and equally that their program officers

know the standards or will “acquire this knowledge if they don’t already have it, and can [then] help advise the peers if necessary”. If the applicant is “below standard” or if there is a “major concern with the application”, then this is reflected in the scores and / or the respective peers have an option to recommend that the grant is conditional upon a commitment to pay better and/or to request that the staff speak to the applicant and actively monitor the situation.

The Council also report that if the Council hears directly from an artist that they have not been paid as indicated, a program officer will look into it. The Council have stated that it is a “difficult situation because our grants are usually not the sole funder, so there is no DIRECT causality. If the officer confronts the organization after hearing from the artist, the organization could always (and usually do) say that they didn’t get all the funding they sought or they didn’t get the amount that they requested – which is OFTEN the case.” The Canada Council are currently developing a new funding model which will simplify all grant systems – and working on artists’ payments will form part of this.²⁸

Australia - The Australia Council

The Australia Council state that it “expects that artists professionally employed or engaged on Australia Council-funded activities will be remunerated for their work” and “considers the remuneration of artists to be integral to effective budgeting and planning”....requiring “information on artists’ remuneration to be available within funding applications”. The Council requires funded organisations to sign contracts with a clause requiring them to (only) comply with relevant legislation and regulation such as the Media, Entertainment and Arts Alliance (MEAA) (or employment relationship (Fair Work Act 2009 and any Awards or Certified agreements that apply in the relevant workplace) and less stringently - to comply with other group recommendations for payment (like the Australian Society of Authors and the National Association for the Visual Arts/NAVA). For these industry benchmarks, the Council 'expects ' that applicants will pay the recommended standards. As such, it is only where legally binding that the council includes payment requirements in the contract.

Peer panels assessing grant applications consider artists’ fees (as appropriate) when assessing funding applications. Peers are referred to the Council’s position on the payment of artists within grants set down in its statement:<http://www.australiacouncil.gov.au/funding/payment-of-artists/>. "Officers in our Grants and Advocacy team routinely answer inquiries from applicants about appropriate levels of payment for artists and make referrals to relevant industry bodies and

²⁸ From a conversation with a representative from the Canada Council

benchmarks." All of the Council's regularly-funded organisations submit annual reports but it does not identify rates of payment to individual artists".²⁹

In the absence of *legally-binding* minimum pay rates set by the Australian Industrial Relations Commission, community standards as to what constitutes fair and reasonable pay have not evolved for practitioners in the same way as for many other sectors. In addition, practitioners, employers and buyers of artists' work are often poorly informed about what practitioners do and should earn.

New Zealand - Creative New Zealand

Creative New Zealand does not have specific requirements from funding applicants regarding the remuneration, contracts and/or employment conditions of artists. However, CNZ does "expect applicants to conform to requirements set out in New Zealand legislation such as the Minimum Wage Act, the Health and Safety in Employment Act and the Copyright Act" and it does seek detailed information on budgets for particular types of arts activity such as Public Art works. Applicants are asked to "state whether wages are for full-time or part-time work - if part-time, show how many hours they are based on. Check that your pay rates do not fall below the minimum wage for employees aged 16 years and over". The budget lines must clearly relate to the information you have provided in your application; for example, wages for the separate stages of the project (such as rehearsal and subsequent production or recording) may need to be identified if different rates are to be applied".³⁰

Netherlands- the Mondriaan Foundation

The Mondriaan Foundation state that paying a 'decent' artist fee is an important condition they stipulate to institutions and to commissioners in general. It is specifically mentioned in the standard budget forms.³¹

Scotland - Creative Scotland

Creative Scotland asks that applicants pay "particularly close attention" to payment and fees and is committed "to ensure that artists and creative practitioners are paid appropriately for their time and effort", referencing industry standards on rates of remuneration. For Open Grants over 15K, Creative Scotland ask for a full budget breakdown. At the assessment stage, if industry standard

²⁹ From the Australia Council's payment guide to artists: <http://www.australiacouncil.gov.au/funding/payment-of-artists/>.

³⁰ <http://portalhelp.creativenz.govt.nz/help/article/link/budget-templates-guidelines> and http://www.creativenz.govt.nz/assets/paperclip/funding_opportunities/file3s/20/original/2014_guide_to_preparing_a_toi_ake_or_tohunga_tukunga_application.pdf?1393186275

³¹ From the (international) Visual Artists Platform meeting from 2014.

fees are not met in application –this is questioned as part of the assessment process and may impact on the grant.

3 Summary conclusion

This digest set out case studies of key international paradigms working to assist artists in getting paid for their work. The key examples of artists' support most replicated across the world were grouped into seven cases comprising a range of activities that together aim to either coax or force artists' commissioners to pay artists properly (or sometimes at all) for their work. Each case was different but undoubtedly interlinked with the other artists' initiatives.

The digest, therefore, detailed *artists' exhibition fee models* and contracts seeking to protect an artist's exhibition fee amongst the range of other work necessitated by an exhibition (chief of which was the Swedish MU agreement). Other cases concerned *certification processes* intending to reward organisations who pay artists properly and visibly represent a badge of merit intending to incentivise others (W.A.G.E and Reko). Alongside this was an outline of *minimum fee guidelines* and online payment calculators to help artists and organisations ascertain fair payment (CARFAC). Similar to these fee guidelines and calculators are the *fees toolkits* identified (IG Kultur Osterreich/Austria, the SAU Rates Of Pay and Code Of Practice and Ireland's Payment Guidelines for Professional Artists) and complementing these fees toolkits are the *codes of practice* outlining the various balance of responsibilities for artists and those they work with (NAVA/ Australia, Ireland's Artists' Charter, **UK's** Code of Practice for the Visual Arts).

The various *artists' payment campaigns* were also included in this digest, and broadly represented the backdrop to many of the other initiatives. Finally, the establishing of particular *application processes, funding conditions and reporting systems* imposed by state funding agencies was listed and formed the thread that linked many of the other initiatives in underlining the necessity of commissioners and those who give work to artists to make their payments at least industry standard and to outline explicitly what they are paying.

One of the key difficulties cited amongst the texts and people consulted during this research was the general lack of *culture* in relation to either paying artists properly – or paying artists at all (especially in relation to exhibition). The contemporary (as opposed to historical) reasons for this culture were variously cited as relating to the odds being stacked against artists negotiating for themselves (with galleries necessarily having more experience at doing this), the lack of ability (or political will) of state funding institutions to enforce payment measures amongst its funded organisations, and the somewhat circular argument based around the lack of resources available to organisations (this latter reason generally given by the organisations themselves).

As such, despite the introduction of various payment measures to date as detailed in this digest, anecdotal evidence suggests that once organisations are not legally bound to pay artists particular rates (or pay artists at all), they *choose* not to. Notwithstanding this, many activists believe that a change in the payment culture for artists can only be achieved through a long term lack of tolerance of non payment by those state funding institutions in a position to influence change over those it funds.

4 Appendix 1 – Table of Artists’ Remuneration Measures and Initiatives

| AUSTRALIA | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
|-----------|--|--|--|---|----------------------------------|--------------------------------------|--|
| | The (National Visual Arts) Code of Practice | National Association for Visual Artists (NAVA)(2001) | The Code is a practical guide which sets out best practice and underlines the ethical principles in working with and paying artists. The document lists a whole range of scenarios (residencies/exhibitions) and issues (copyright) and outlines payment rates. The guidelines are flexible enough to be useful and adaptable to different circumstances. https://visualarts.net.au/code-of-practice/ | Operates within general legal context of country in respect of labour law i.e. the Fair Work Act 2009 | Code of Practice | Unable to obtain information on this | Unable to obtain information on this |
| | Condition of grantmaking /Funding /Reporting conditions re Payment rates agreements | Australia Arts Council | Funding contracts with a clause requiring organisations to comply with all relevant legislation and regulation, which confers obligations in relation to laws applying to the employment relationship (Fair Work Act 2009 and any Awards or Certified agreements that apply in the relevant workplace). Panel guidelines include a recommendation rather than compelling organisations to use relevant payment standards such as the National Association for the Visual Arts code of practice).The Australia Council requires information on artists’ remuneration to be available within funding applications. | As above | Contractual Clause | Unable to obtain information on this | Peer panels assessing grant applications consider artists’ fees (as appropriate) . |
| AUSTRIA | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Fair Pay fur Kultur Arbeit campaign | IG Kultur Osterreich | A campaign comprising of a document that lists various payments in the arts for many different arts activities (see http://igkultur.at/bibliothek/dateien-wolfie/service/gehaltsschema-kulturarbeit-2016). | | Campaign | Unable to obtain information on this | Unable to obtain information on this |
| CANADA | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Minimum Fee Schedule | CARFAC – CARCCI(Canadian artists representation Copyright Collective) Minimum Fee Schedule (http://www.c | A recommended minimum rate of pay for visual artists in Canada vis a vis reproduction fees, advertising, copyright, exhibitions (from solo exhibitions, travelling exhibition, group exhibitions), widely recognized as the national standard. http://www.carfac.ca/tools/fees/ | 1988 Canadian Copyright Act Since 1968 CARFAC has issued schedules of royalties or fees for the use of the copyrights of visual/media artists. | Recommended minimum rates of pay | Unable to obtain information on this | Unable to obtain information on this |

| | | | | | | | |
|----------------|---|-----------------------------|--|--|-----------------------------------|--------------------------------------|--|
| | | arfac.ca/tools/fees/) | | There is also a 1995 Status of the Artist Act which created a framework to regulate professional relations between self-employed artists and cultural institutions/producers under federal jurisdiction (e.g. national broadcasting company). As labour law is under provincial jurisdiction in Canada, the Status of the Artist Act applies only to freelance artists engaged by the federal government. It does not apply to artists working for provincial institutions. | | | |
| | Conditions of grantmaking /Funding /Reporting conditions re Payment rates agreements | Canada Council | The Canada Council assessment criteria requires organisations to “pay professional fees to artists, such as those established by CARFAC which meet or exceed the current national standard” and all grants have a line identifying fees. The Council also requires organizations to file their budgets into a ‘pan-funder platform’ (central web-based budget template) hosted by the Council, called CADAC. https://www.lecadac.ca/welcome.html ./ | 1988 Canadian Copyright Act | Condition of grantmaking | Difficult to enforce | Program Officers monitor payments and provide advice to peer panels – if standards of pay are not suggested peers have an option to recommend that the grant is conditional. |
| DENMARK | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Exhibition Payment Document and Curators Agreement (2014) | Danish arts foundation | A MU-like scheme that is based around providing a royalty for the exhibition of artists’ work where the artist “lends out” or leases works and thus it is based on ownership not on copyright. The scheme ensures the artist receives 1% of the original work’s value (insurance value) per month the original work is on exhibition and sets out other financial frameworks. The scheme is paid for by the Danish Arts Agency following successful application from the institutions concerned. | In 1998, the report of an ad hoc committee on visual arts (Betænkning om Billedkunst, 1998) proposed the establishment of public display remuneration (visningsafgift) for visual artists and agreed that the payment would be considered a cultural policy rather than copyright measure. http://www.taike.fi/documents/10921/0/Heikkinen+26+03.pdf | Exhibition payment recommendation | Unable to obtain information on this | Unable to obtain information on this |

| | | | | | | | |
|----------------|---|--|---|--------------------------------------|-----------------------|--|--------------------------------------|
| | Exhibition Payment structure (2014) | Danish Association for Visual Arts and Young Art Workers | A contract / agreement that establishes minimum payment for an artist to cover their fee, transport and production costs, details of artist sales arrangements, marketing and additional activity arrangements, project responsibilities, insurance and management of disputes. http://earights.org/other-existing-epr-structures/.. | Unable to obtain information on this | Voluntary Agreement | Unable to obtain information on this | Unable to obtain information on this |
| | Collective Agreement | The Danish Artists' Union | The Danish Artists' Union (DAF) operate collective agreements on behalf of its members concerning minimum fees. Specialists in royalties look into payments and DAF-members can apply for royalty statements reviewed by the union's external consultant.. DAF helps if payments are incorrect (http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/denmark/denmark-self-employed-workers) https://www.artisten.dk/ | Intellectual Property Law | Collective agreements | Unable to obtain information on this | Unable to obtain information on this |
| FINLAND | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Exhibition Agreement (uses Swedish MU) | | A Swedish MU-like agreement which is voluntary | Unable to obtain information on this | Voluntary agreement | it is not widely known and used. We have not been able to sign a deal with the museum association yet." Info/ quote from the international Visual Arts Platform. | Unable to obtain information on this |
| GERMANY | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Exhibitions – National Policy | German Federal Association of Artists | A Swedish Mu-like agreement (guidelines and exhibition contract template) for the remuneration of services of visual artists at exhibitions. This is an interim measure on artists' pay until a statutory rule is enforced. The guideline distinguishes between exhibition fees and professional fees. The exhibition remuneration is calculated on a starting basic amount €125 per week, an economic factor between 0.2% and 3.5% for economic power of the exhibitor and the duration of the exhibition. For professional fees, the guideline lists individual hourly rates for conception, public relations work, installation, intermediary work, transport and travel. http://earights.org/wp-content/uploads/2015/02/Germany.pdf | Unable to obtain information on this | Voluntary Agreement | Unable to obtain information on this | Unable to obtain information on this |

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| | Artists' Payment Guidelines | Professional association of visual artists in Rhineland-Palatinate | The professional association of visual artists in Rhineland-Palatinate is currently developing joint remuneration regulations with the support of the state ministry and in collaboration with representatives of museums, art associations, municipal galleries and private exhibition initiatives. http://earights.org/wp-content/uploads/2015/02/Germany.pdf | Unable to obtain information on this | Payment Guidelines | Unable to obtain information on this | Unable to obtain information on this |
| ICELAND | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| Payment Campaign | We Pay Visual Artists Campaign and Exhibition payment development | Association of Icelandic Artists and various | Swedish MU-like initiative in development. It is part of Iceland's <i>We Pay Visual Artists Campaign</i> drawn up by a workgroup including the National Gallery of Iceland, Reykjavik Art Museum, Hafnarborg, The Hafnarfjörður Centre of Culture and Fine Art, The Living Art Museum, LÁ Art Museum and Akureyri Art Museum. | Derived from the Swedish MU http://earights.org/iceland-new-working-group/ | Voluntary Agreement | Unable to obtain information on this | Unable to obtain information on this |
| IRELAND | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Payment Guidelines for Professional Artists | Visual Artists Ireland | Detailed description of criteria to use in deciding on levels of payments to artists. http://visualartists.ie/the-manual-a-survival-guide-for-visual-artists/the-guidelines/payment-guidelines-for-professional-visual-artists/ | National Minimum Wage Act 2000 | Guidelines | The 2015 VAI survey suggests that artists remain inconsistently and underpaid. | VAI does a survey of the conditions impacting on artists pay and working conditions every couple of years. |
| | Online fees calculator | Visual Artists Ireland | Online interactive form that determines fees | As above | Online fees calculator recommendation | As above | As above |
| | The Artists Charter | Visual Artists Ireland | The Charter is a code of practice which sets out principles of good practice and demonstrates why and how they should be applied. it is intended to become a form of quality certification that organisations can display and one which will give artists encouragement to work with the organisation. | As above | Code of Practice | As above | As above |
| | We pay artists' endorsement mark. | Visual Artists Ireland | Now defunct campaign based on organisations using a 'We pay artists' Logo. | As above | Quality mark/Badge of merit | The initiative was abandoned due to its lack of take-up. | n/a |
| NEW ZEALAND | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |

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| | <p>1) Code of Practice for Artists and Dealers</p> <p>2) Commission on Agreements</p> <p>3) Artist and Gallery Agreements</p> <p>4) The Artist/Gallery Contract</p> <p>(2005)</p> | Artists' Alliance New Zealand | <p>An online and hard-copy guide for artists and dealers to establish best practice or an 'Agreement of Representation'. The guide takes the form of a booklet and has chapters on copyright, contracts, artist's obligations, exhibitions, artwork sales and management, and exterior exhibitions and funding. It was commissioned by the Artists' Alliance. You have to join the Artists' Alliance New Zealand and pay 35 NZ dollars to access this agreement.</p> <p>http://artistsalliance.org.nz/shop/code-of-practice/</p> | <p>New Zealand Copyright Act 1994</p> <p>New Zealand Minimum Wage Act 1983</p> | Code of Practice | Unable to obtain information on this | Unable to obtain information on this |
| | Condition of grantmaking /Funding /Reporting conditions re Payment rates agreements | Creative New Zealand | <p>Creative New Zealand expects applicants to conform to requirements set out in New Zealand legislation such as the Minimum Wage Act, the Health and Safety in Employment Act and the Copyright Act. Their guidelines ask for detailed information on artists' pay. "The budget lines must clearly relate to the information you have provided in your application; for example, wages for the separate stages of the project (such as rehearsal and subsequent production or recording) may need to be identified if different rates are to be applied".</p> | | Condition of grantmaking | Unable to obtain information on this | Unable to obtain information on this |
| NORWAY | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Exhibition remuneration agreement/ Staters Utstillingsvederlagsavtale (2015) | Norwegian Government | <p>A Mu-like agreement that is currently being piloted with 12 state institutions. Part of the agreement involves the state setting aside of funding to Norway's state art institutions so that they are equipped to pay artists. This is a lease based on the artists' ownership not copyright. The remuneration is paid by the individual institutions to the artists.</p> <p>Institutions must pay fee + compensation for works on loan for exhibition. They are paid according to the number of works and duration of the exhibition.</p> <p>http://www.payingartists.org.uk/wp-content/uploads/2014/05/Paying-Artists_Securing-a-future-for-visual-arts-in-the-UK_f.pdf</p> <p>http://earights.org/wp-content/uploads/2015/01/Norway1.pdf</p> <p>http://earights.org/wp-content/uploads/2015/01/Norway1.pdf</p> | <p>The movement which resulted in this agreement originated in the mid to late 1970s art community in Norway. The Norwegian visual arts association has worked since 2009 to include remuneration for exhibition work.</p> <p>The fee is based around a lease, based also on the value of the works rather than copyright.</p> | Agreement | <p>Anecdotal evidence suggests that "the law is not always followed [in respect of paying artists], and artists themselves often don't complain or push their right since it at times makes it too expensive to show a work/s in an exhibition – the artist then often tries to reach a compromise with the institution."</p> <p>Info/ quote from the international Visual Arts Platform.</p> | Unable to obtain information on this |

| | Fee calculation | Norway Ministry of Culture | Norway Ministry of Culture has its own recommendations on how to calculate artists' fees | | | | |
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| POLAND | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING? |
| | Minimum Exhibition Payment Agreement for Artists (2014) | Citizen Forum for Contemporary Arts (Obywatelskie Forum Sztuki Współczesnej – OFSW) | A voluntary minimum payment for artists' agreement where publicly funded institutions are encouraged to sign a document setting out minimum fees which are related to the Polish average monthly wage. Fees cannot be waived or lowered, but can be increased through negotiation. http://forumsztukiwspolczesnej.blogspot.co.uk/ (In Polish.) http://www.payingartists.org.uk/wp-content/uploads/2014/05/Paying-Artists_Securing-a-future-for-visual-arts-in-the-UK_f.pdf | First stage in the development of a 'Pact for Artists', which would become a new social contract between artists and the state. The new regulations would concern the social and economic situation of artists – including regulations concerning health care provision, income tax, pensions, disability, unemployment and parental benefits, altering the Trade Union Law to allow independent artists to associate and the regulation of copyright issues, etc. | Voluntary agreement | Unable to obtain information on this | Unable to obtain information on this |
| SCOTLAND | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Scottish Artists Union rates of pay and code of practice | Scottish Artists Union (2012-) | Short document setting out ways of calculating rates of pay to artists. http://www.sau.org.uk/rights/pay/ | TBC National Minimum Wage Act (1998) and the National Minimum Wage Regulations | Recommendation | SAU regularly surveys its members through an independent researcher and asks about whether artists' receive recommended rates then – the latest survey (2015) indicated a decrease in those receiving recommended rates since 2012. | Yes through survey |
| | Creative Scotland Funding guidelines | Creative Scotland | Guidelines endorsing SAU rates of pay initiative and citing payment to industry standard values. - applies to their Open Project Fund. For applications over 15K a full budget breakdown (with artists' fees information) is sought. http://www.creativescotland.com/_data/assets/pdf_file/0005/28697/Help-With-Your-Application-UP-TO-15k-2015-16-FINAL-MASTER.pdf | As above | Funding agreement | Creative Scotland report that it does an annual rates of pay survey but no information is available. | Creative Scotland staff monitors artists' pay in application and reporting stages- if insufficient in reporting stage – CS can decide not to fund the organisation – there is no formal process. Info/ quote from CS staff. |
| SWEDEN | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |

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| | MU Framework agreement-Exhibition payment (2009) | KRO (the Swedish Artists' National Organization) and KIF (the Association of Swedish Craftsmen and Industrial Designers) | A binding agreement applicable to all state-funded institutions, which provides for payments to artists for the display of their work in the form of a kind of 'rent'. It forms the basis of contracts between artists and galleries and is administrated through the Swedish Arts Council. The agreement operates on the basis that all work the artist undertakes at exhibitions before, during and after the show is governed by a written contract and if remunerated, is remunerated outside the framework of the exhibition fee. http://www.kro.se/sites/default/files/MU_eng_0.pdf | Operates under Intellectual Property Law. Originated from an agreement in the 1970s which KRO had been working on updating | Contract | There are conflicting views as to whether the MU has resulted in better rates of pay despite its contractual context (partly due to its limiting to state funded institutions and partly due to the protection of the exhibition fee only). Info from Erik Krikortz who founded the Reko initiative and the Swedish Arts Council was used in ascertaining this. No in-depth research has been done to date to ascertain the impact of the MU | There is an MU Barometer which examines how museums and art galleries have applied the MU Agreement. The MU barometer consists of a digital searchable list http://kro.se/mu-barometer... Where organisations do not use the MU – the Swedish Arts Council intervene to notify that organisation – but no restrictive measures are applied. Info/ quote from Arts Council staff. |
| | Reko Mark and PRIZE 0-a "Fair Trade label" (2010) | Reko/Erik Krikortz/KRO | An independent project developed by an artist (with KRO) that developed a quality mark in Sweden indicating the provision of good working conditions for artists (ie it was not operated through the state). The initiative was developed out of a survey of arts organisations and artists. http://projektreko.org/index.php?lang=en | The Reko mark wanted to emulate university rankings. | Quality Mark/Badge of merit | There is slow cultural change in terms of attitudes to this – but founder Erik Krikortz says that one indicator of success is that some galleries have tried to win the mark by approaching REKO to see how they could improve. | n/a |
| UK | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | Artist's Fees Interactive Toolkit' | Artists' Information Company Artist's Fees Interactive Toolkit (2015) | A web-based step by step information portal offering ways to calculate pay. The initiative offers sample day rates to guide arts budgeting and to help visual artists negotiate a fair rate of pay for short-term contracts such as commissions, residencies and community projects. https://www.a-n.co.uk/resource/the-artists-fees-toolkit | National Minimum Wage Act (1998) and the National Minimum Wage Regulations | Online fees calculator recommendation | Acts as a guide only and has not been measured yet. The toolkit was never designed to be 'enforceable' and nor were sample fee rates, although ACE, a-n and others recommend their use as 'industry standards'. Quote from Susan Jones (ex Director of A-N). Considered distinct from exhibition payment – which is more intellectual property-related. | No formal monitoring system |
| | Rates of Pay initiative | Artists' Union England (2015) | A document that sets out various rates of artists' pay to take account of "a wide range of freelance and short contract employment for artists, working within the field of visual art... [concerning] compensation for an artist's time and labour only". http://www.artistsunionengland.org.uk/wp-content/uploads/2015/06/HERE.pdf | As above | Guide/ Recommendation | No significant research as yet | No formal monitoring system |

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| | Paying Artists Initiative | A-N and its advisory council, AIR (2014) | A web campaign based around raising awareness – and commissioning research and policy in relation to payment issues for artists - launched in May 2014. Aims to research and propose sustainable mechanisms and frameworks and secure payment for artists who exhibit in publicly-funded galleries. http://www.payingartists.org.uk/ | As above | Campaign | Conflicting views.... A-N state that “Feedback ...confirms that providing good practice evidence and sample rates is welcomed – by artists, employers and funders” ...“the key aim was also to increase artists professionalism and sense of self worth and value (ie determining their own pay....good practice is less likely to prevail if artists wait for others to tell them how to behave “.Quote from Susan Jones. | No formal monitoring system |
| | Exhibition Fee Framework and Guidelines | a-n/AIR (2016) | Recommendations for artists’ fees for exhibition specifically- see above – this is considered different to the daily rates suggested by the artists’ toolkit A-N/AIR’s draft Exhibition Fee Framework and Guidelines is a starting point for further discussion with artists, galleries and funders. The draft draws on research and ongoing consultation with the sector since the launch of the Paying Artists campaign in May 2014. The consultation was designed to better understand the challenges of paying artists and to develop a solution that can work for everyone. The process has included online surveys, interviews, discussions and case studies with artists, curators, gallery representatives and funders. https://www.a-n.co.uk/resource | Supported by Arts Council England, within context of policies for diversity and equality. Implementation will be phased in, allowing galleries time to build up suitable budgets, with the first assessment of impact due in 2017. | Guidelines/Framework | No significant research as yet | No formal monitoring system |
| | Artists’ Fee Guide – State (or state funded) Funding Agreements and application processes | Arts Council England Guide on how to pay artists (ongoing) | ACE funding NPO (National Portfolio Organisation) agreement setting out its principles in relation to artists’ pay- chiefly specifying certain expectations about industry standards, as well as context of Minimum Wage Regulations – and setting out the monitoring processes in relation to payment. This guide supports the Artists Code of Practice but does not offer guidelines on rates of pay for artists due to legal reasons. “ http://www.artscouncil.org.uk/research-and-data/all-our-documents-and-downloads | As above | Funding Guidelines | No significant research as yet | ACE state that they keep in close contact with NPOs in relation to policies on pay and in reviewing budget. Those organisations who do not comply with standards can result in organisations being listed under the Arts Council’s ‘risk register’. No action has yet been taken against any organisation. Info/ quote from ACE staff. |
| | The Code of practice for participatory arts / workforce development scheme | Artworks Alliance (2014) | The Artworks Code of Practice is a common code of practice for artists working in participatory settings, also of benefit to employers, learners, trainers and supporting organisations. Initiative developed with AN but is relatively new and yet to form part of the culture. Artworks Alliance teamed up with the Paul Hamlyn Foundation initiative to develop this initiative which runs from 2011 and continuing to end 2015. | As above | Code of practice | Works like A-N code of practice | No information available |

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| | | | http://artworksalliance.org.uk/wp-content/uploads/2014/11/ArtWorks-code-of-practice.pdf | | | | |
| | The Code of Practice for the Visual Arts | Artists' Information Company (2004) | This initiative was also developed by a-n and takes generally-agreed principles of good practice in the visual arts, demonstrating why and how they should be applied. The code can only be accessed if a membership fee is paid. The code rests on four key principles: Contribute confidently; Prepare thoroughly; Collaborate creatively; Aim high. Works in tandem with artists fee toolkit above . https://www.a-n.co.uk/resource/pdf-version-the-code-of-practice-for-the-visual-arts-1 ; Artworks | As above | Code of practice | Unable to obtain information on this | Unable to obtain information on this |
| US | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | WAGE Certification | WAGE (Working Artists and the Greater economy) | W.A.G.E. Certification is a voluntary badge of merit awarded for good practice in relation to artists' conditions. It was initiated and operated by W.A.G.E. The certification publicly recognizes good practice in non-profit arts organizations who demonstrate a history of, and commitment to, voluntarily paying artist fees that meet a minimum payment standard. The system involves the use of an online fee calculator to determine fee scales for artists. Organisations must meet certain requirements to be certified and submit documents (list of fees, budgets, contracts, tax info). http://www.wageforwork.com/ | W.A.G.E. Certification was initiated in 2010 by artists in dialogue with local and international organizations. It was established as a policy in January 2014 at the 2014 W.A.G.E. Summit, and launched in October 2014. | Quality Mark/Badge of merit | No research as yet but 24 organisations listed on website as certified. | Unable to obtain information on this |
| WALES | NAME OF INITIATIVE | NAME OF ORGANISATION | DESCRIPTION | CONTEXT/ LEGAL CONTEXT | FUNCTION | REACH/ IMPACT | MONITORING ? |
| | In development | | Arts Council Wales uses A-N and AIR paying artists initiative (and Code of Practice) as there is no separate Welsh initiative –they are currently developing an industry standard template in consultation with a-n. | As above | n/a | n/a | n/a |
| | Funding conditions and reporting | Arts Council Wales | ACW seeks information on fees and wages as part of the application process and asks for organisations to ensure minimum rates of pay (directing them to where they can get those rates). http://www.arts.wales/arts-in-wales/paying-artists | As above | Recommendation | ACW are in the process of researching this. | “Information on artists’ pay is monitored throughout [ACW] assessment process and its appropriateness is discussed. Completion reports ask for a budget that outlines the actual figures of monies spent and this is compared with the original budget to ensure that it is in line with parameters set (or with revised spend agreed).” |

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| | | | | | | | Info/ quote from ACW staff. |
| MISCELLANEOUS INITIATIVES THAT MIGHT BE OF INTEREST | | | | | | | |
| AUSTRIA | Conditions and status of artists | The National Platform of Artists in Austria is campaigning the government for the improved conditions in relation to the status of artists .Those organisations which frequently hire artists can apply to the “Social Bureau for Artists” to take care of the employer’s share of administrative procedures. http://www.culturalpolicies.net/web/files/29/en/MON_artistlegislation-100107.pdf | | | | | |
| BELGIUM | Collective Labour Agreements | Belgium has Collective Labour Agreements which regulate the payment of artists as part of work conducted by state Joint Committees (employer and employee organisation representatives which operate in all areas of work). Recently, the Collective Labour Agreement for visual art in Belgium has been changed and the payment of artists has become part of a new regulation. However, it has been stated that “most of the art organisations have not enough subsidy to be able to follow this agreement (quote/info from the international Visual Artists’ Platform). | | | | | |
| CROATIA | Law on the Rights of self-employed Artists and Promotion of Cultural and Artistic Work | Law on the Rights of self-employed Artists and Promotion of Cultural and Artistic Work The status of artists is regulated by the Law on the Rights of self-employed Artists and Promotion of Cultural and Artistic Work (“Narodne novine” [Official Gazette], nos. 43/96, 44/96, corr. 127/00). This Law from 2003 provides for social security of artists and regulates issues of pension, disability and health insurance of self-employed artists... does not seem to regulate payments... http://portal.unesco.org/culture/en/files/33090/11725674303Croatia.pdf/Croatia.pdf | | | | | |
| CROATIA | Creative Artists and Creative Artists’ Unions Act (2004) | This concerns an Act on Creative Artists and Creative Artists’ Unions. The Act provides freelance artists the same tax benefits as for registered entrepreneurs, and a guaranteed minimum income and social and health insurance for freelance artists for a limited period. The income support scheme is administered by the creative artists’ unions, for which they receive subsidies based on their number of registered members. The Act on Creative Artists and Creative Artists’ Unions entered into force on January 1, 2005. It was amended in 2006 to introduce additional sources of government funding and new means to calculate the yearly subsidies for artists unions. A full evaluation of the new Act has not yet been made nor has there been any public debates on the issue. Council of Europe/ERICarts, “Compendium of Cultural Policies and Trends in Europe, 8h edition”, 2007 | | | | | |
| ESTONIA | Competition for Artists and Writers Salaries | Competition for Artists and Writers Salaries A state artists’ salary scheme devised by the Estonia Ministry of Culture. 10 artists’ salaries have been offered by competition in Estonia in 2015 to allow artists’ to work and to “send a message that the activities of a creative person are important and welcome in the society.” http://www.kul.ee/en/news/artistic-unions-announced-competitions-artists-and-writers-salaries | | | | | |
| GERMANY | Exhibition remuneration | Statutory provision for the payment of exhibition remuneration “For decades, the members of the IGBK / International Association of Art in Germany have been calling for a statutory provision for the payment of exhibition remuneration. Significantly, the Kulturforum der Sozialdemokratie (Cultural Forum of Social Democracy) drafted a discussion paper on the introduction of exhibition remuneration in 1995. Discussions and proposals have continued up to 2013-14 with the first meeting of the BBK state associations to develop a proposed national guideline, published in June 2014”” A bill was introduced by the SPD Parliamentary Group in 2005 to create a mandatory right of remuneration into the German Copyright Act, but this failed.” http://earights.org/wp-content/uploads/2015/02/Germany.pdf | | | | | |
| NORWAY | Ring-fencing Funding (2013) | Norwegian government pilot project ring-fencing production costs as part of grants to art institutions (2013) (http://transformativeartproduction.net/notes-on-artists-workers-and-cooperation-in-norway/). The costs ring-fenced are for production costs and working hours artists spent on works commissioned by institutions. | | | | | |
| SWEDEN | Artists’ Copyright | Bildupphovsrätt i Sverige (BUS)the Visual Copyright Society is an economic association which co-operates with corresponding organisations and with other rightsholders and their representatives in Sweden and internationally. The association operates under Intellectual Property Law and fosters the common copyright issues of its members by establishing agreements and distributing royalties to those whose works are used. Bildupphovsrätt can assist individual members with infringement issues. BUS: http://bus.se/ | | | | | |

