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Resolutions

General Assembly - Lisbon

25 – 28 October 2015

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Resolutions

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Organising for our Future World of Work

The world of work in the media, the entertainment industries and the arts has changed considerably over the past years and will further undergo significant changes.

The live performance sector and public broadcasting organisations have seen severe reductions to their budgets. In both, the commercial and public sector, the pressure to lower costs in entertainment and media productions is a predominant feature, which in turn leads to savings on talent, crew and staff costs and increased pressure on working conditions. It also leads to an increasingly bigger part of productions being outsourced and subcontracted, especially in the audiovisual sector. More project-based working and the occurrence of new forms of work arrangements are the result.

These work arrangements are often falling in a grey zone between labour law and civil or commercial law and are considered to be outside traditional industrial relations systems. UNI MEI points to the risk of generating a labour market fragmentation and a new class of working poor, who are not covered by basic social security and labour rights. The threat is also a skills divide by limiting atypical workers' access to training and development activities, thus endangering professional standards, health and safety at work and employability.

Last but not least, digitalisation, technological progress and convergence between traditional media and the Internet have significantly changed the work place and working patterns and have led to the emergence of new types of jobs. The convergence of digital media and technology will accelerate. Distinctions between old and new media will fade. Nevertheless, the revolution, which is taking place in the media and entertainment industries, will be marked by diversity of production and distribution models and uncertainty.

Organising and representing workers while facing this future world of work, is a key challenge for UNI MEI and its affiliates. The percentage of short term, precarious and freelance including self-employment is very likely to further increase. Consolidation and fragmentation within the sector will coexist and have an impact on the prospects of collective bargaining and the entire industrial relations. In the global digital economy, one key area of focus of our work will be global and regional companies in private broadcasting, film and TV production.

UNI MEI's strategic objective is to work with affiliates to gain union recognition rights and to grow the strength of unions at global, regional and national level. Building on the points of consensus agreed during the 2014 ILO Global Dialogue Forum *on Employment Relationships in the Media and Culture Sector*, UNI MEI will develop strategies at global and regional level to meet the challenges of the future world of work and new forms of work arrangements in the media and entertainment sector,

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guaranteeing the rights of right of all media and culture workers to freedom of association, social dialogue as well as dignity at work.

UNI MEI will

- Continue to assist affiliates in reinforcing their capacities to develop organising skills and campaigns and in reaching out to “atypical” workers. Support the setting up and reinforcing of union structures where they do not yet exist and encourage the strengthening of collective bargaining and social dialogue;
- Facilitate bi-lateral and multilateral cooperation between unions concerned with one common employer to ensure greater coherence and justice for all workers, regardless of their work place;
- Promote social dialogue and union rights in all sub-sectors and regions;
- Develop activities and projects that enhance unions’ ability to face the challenges of the digital changes in the entertainment and media sector to sustain career paths for all media and entertainment workers with access to training and skill development schemes – regardless of their employment status.

Better Rules for a Fair Digital Market

Media and entertainment workers are part of a growing global digital economy where traditional and new employers are conducting business through markets based on digital technologies, the internet and the World Wide Web.

The digital market is growing rapidly: In 1995, less than 1% of the world's population had an Internet access. Today more than 40% of the world's population have access. The consumption of culture, media and entertainment on the Internet is ever increasing. By 2019, more than 80% of Internet traffic will be video. VoD and Internet video to TV will have become more and more important.

This digital market is radically different from traditional markets. Its structure is characterised by a "winner takes all" competition, network effects and rapid change. Digital has created new opportunities for the creation of content. Nevertheless, it will also continue to have a disruptive effect on more traditional media formats and business models. Quality creative content is what everyone is after in order to monetize traffic and the interdependence between "old" and "new" media is intensifying. Like other new media before, new digital media businesses are not expected to replace existing TV and broadcasters. Rather, they will complement the media landscape and fragment it further. In this new emerging converged world, the financing of the production and distribution of content will be a key challenge for all: digital and non-digital revenues are also becoming interdependent.

The digital economy brings new employment opportunities for media and entertainment workers. Technological change and new formats of production create new jobs requiring new skills. At the same time the disruptive effects of the digital revolution are transforming the nature of production and distribution and with it many jobs. They also lead to job losses among traditional occupations. Change and the need to adapt has been a constant demand on workers. Digitalisation however is changing the speed of change.

Digital also affects the nature of employment relationship and industrial relations. It accentuates the casualization of work. It is fair to say that the rise of digital goes hand in hand with the rise of a culture of casualization. Deregulation (e.g. zero-hour contracts) and non-respect of labour laws are cementing this culture. The most vulnerable workers (women, young workers, older workers, migrants) are the most affected. They are also the most unorganised. In many companies, a two-tier system has emerged leaving many workers unprotected with no rights and no access to representation and collective bargaining. Further, the casual workforce has very limited access to training whereas it is so important to keep-up with change.

Remuneration of creators and other creative workers is highly affected by the emerging digital market as new distribution models change revenue streams. Participation in the exploitation of works whether on basis of intellectual property laws or collective agreements are called into question. Moreover, the promotion of “free” on the Internet leads to a devaluation of culture and creative works. However, citizens are willing to pay for high quality content and new forms of consumption of these. The challenge for creators and their organisations is twofold: establish fair rules with employers to guarantee equitable remuneration for each use of their work and obtain a regulatory framework that strengthens the position of creators in the digital environment and ensures fair remuneration and sustainable business models.

Whereas traditional markets are highly regulated, the digital market is not. The low level of regulation, it is argued, is a prerequisite for innovation and growth. However, keeping the differences in regulation while the two worlds converge does undermine basic values and threatens pluralism and diversity of content, privacy, universal access to culture and information as well as the independence of the media. It further poses a challenge to the financial sustainability of the creative industries, including public service broadcasting. It weakens the protection of creators and workers with respect to remuneration, contractual and employment arrangements, and trade union rights. Further, regulation is dominated by short-term interests, economic and political interests alike, instead of a long-term vision for a sustainable development of the industries. This results in a fragmentation of policies tailored to the needs of gatekeepers and dominant players. It results in a very good bargain for a few, who control the converging markets and seek to establish rules that cement their power and aim at preventing any form of regulation, which would weaken their position.

The present regulatory approaches in the areas of employment, media and intellectual property do not protect creators and workers sufficiently and they do not cater to the long-term sustainability of the creative industries. They do not adequately protect general interest of the societies in particular with respect to the principles of pluralism, transparency, cultural diversity, universality of access and the protection of privacy. New regulation in all these areas are currently planned and discussed at national, regional and global level. They may challenge the rights of creators and workers even further, further accentuate the imbalances in the digital economy and weaken media democracy.

As in the global economy, regulation and de-regulation approaches become more interdependent, the need for coordination among affiliates at national, regional and global level will increase. Our capacity to act together will determine even more in the future the ability of unions and guilds to represent, protect and negotiate for media and entertainment workers and to advocate successfully the democratisation of our industries and societies.

UNI MEI's role is to support affiliates in national campaigns, organise solidarity, and coordinate regional and global campaigns to obtain better rules for a fair digital bargain. UNI MEI has run coordinated campaigns in support of public service broadcasting and intellectual property rights earning successes and bruises alike. The coordination through working groups and the input, expertise and advice by affiliates have been critical for our ability to punch collectively above our weight. It is of strategic importance to keep developing our ability of influencing regulation while matters get ever complex.

UNI MEI needs and will give priority to its regulatory work and focus on areas where the rights and livelihood of workers are affected and the sustainability and freedoms of the media, entertainment and arts are impacted.

UNI MEI will focus its regulatory work to

- Campaign for a holistic industrial policy approach for the digital economy that puts those who create at the centre of such policy targeting quality, cultural diversity and sustainable growth;
- Strengthen the independence and sustainable development of the media in particular private and public broadcasting to prevent any political stranglehold;
- Advocate at regional and global level for increased media transparency in cooperation with sister trade union federations and international human rights organisations;
- Support affiliates in defence of the right to freedom of association and to better protect workers against the casualization in the digital economy;
- Advocate strong and modern regimes of intellectual property rights, which enable innovation, creation and participation. The key principles of such legislation must be fair remuneration for each use of works and fair contractual arrangements.

More Equality for an Inclusive Industry

Today, women do not enjoy equal rights and treatment in the media, entertainment and arts sector. Of particular concern is unequal pay, the availability of equal career opportunities and the possibility of reconciling work and family life.

Unequal pay is a structural and universal problem. Ever since they entered the labour force, women have, in general, been paid less than men. In 2013, the average pay gap was estimated at 23 percent.

Media is a powerful tool for creating public opinion. The way women are portrayed in media affects the attitudes towards women in our societies. Therefore, it is crucial to ensure that the portrayal of women in the media condemns disrespectful or violent treatment of women. It needs to address the involvement of women in all aspects of life and society in a balanced manner. Awareness raising and training, mainstreaming of a gender-sensitive approach to gender portrayal, positive actions as well as monitoring are necessary tools to make progress and to improve gender portrayal in a meaningful way.

UNI MEI has steadily increased its work on gender equality. Gender equality is now an integral part of all capacity building projects. In 2011, the European social partners of the audiovisual sector adopted a Framework of Actions, which has since then had impact on national collective bargaining processes and its implementation is regularly monitored. The Global Framework Agreements of 2012 with the ABU and Eurosport contain commitments to promote gender equality. The cooperation with ABU being of sectoral nature is very important to promote active gender policies in the media sector in the region.

UNI MEI Global Union is seeking to deepen its work on gender equality and to strengthen our involvement in the work of UNI Women. We have launched a Global Women's Group that will steer our work within the sector and will be the link with UNI Women as well as with our sister organisations, FIA, FIM and IFJ. Going forward UNI MEI will develop actions to promote:

- Equal and fair treatment in recruitment, selection, promotion and in carrying out men and women's daily work;
- Equal pay for equal work;
- Equal opportunities in terms of access to work, training, life-long learning and career development;
- Improvement of the participation of women in trade unions;
- Equality in participation in policy and decision making;

- The right to maternity protection and work guarantees for pregnant women, as well as the right to parental leave for women and men;
- A working environment that respects the rights of each individual, where colleagues treat each other with respect and which is free from bullying, harassment and gender-based violence;
- Workplaces, which facilitate the reconciliation of work and family life.

The Assembly endorses the priorities for action adopted by the Global Women's Working Group.

In addition to work on gender equality, UNI MEI Global Union aims at broadening its work on diversity. Together with gender equality, diversity is an important asset to democracy and important to creativity in media, entertainment and arts. However, many mainstream media and entertainment companies still portray women and men, people of different faith, of different ethnic or racial origin, people with disabilities, older people, and LGBT people in a way, which fails to reflect the diversity of our societies. It is also a concern that diversity is not adequately supported in the employment practices and at the workplaces in the sector.

Following the EURO-MEI General Assembly of 2013, the European region has taken action to include anti-discrimination and the promotion of diversity in its activity. As a result, diversity is now part the working programme of the EU Audiovisual Social Dialogue Committee. It is our objective to build on this process.

Going forward UNI MEI Global Union will:

- Highlight the importance of a real and meaningful commitment of media, entertainment industries and arts organisations in their countries towards equality and diversity;
- Facilitate the exchange of experience and good practice with respect to diversity policies in trade unions;
- Build a diversity and equality network to promote equal and fair treatment in access to work, recruitment, working conditions, training, life-long learning, career development, and pay of workers in the media, entertainment and arts regardless of their gender, religious belief, ethnic or racial origin, sexual orientation, gender identity, disability or age.
Support affiliates to develop their capacities to have fully inclusive union structures, respectful of equality and diversity of media and entertainment workers.

Strong Public Values in the Global Economy

Over the past years, across the world, many governments have progressively removed public support for cultural institutions, including live performance institutions, venues and companies, libraries, heritage sites, film production and public broadcasters. This trend was reinforced with the financial crisis, which saw in many countries a significant reduction of public budgets impacting heavily on public institutions but affecting also the independent sector. This has left many cultural institutions and independent cultural organisation confronted with a devastated budget, resulting in severe cuts of staff and cultural productions.

In a globalised economy, UNI MEI reaffirms the essential role paid by public policies and support mechanisms for the arts, media and entertainment industries. Public policies and public support mechanisms, including funding, play a crucial role in enabling full and equal access for all citizens to arts, culture and media, to safeguard freedom of expression, freedom of information and protection and promotion of cultural diversity. Guaranteeing these freedoms is key for well-functioning democracies and instrumental in ensuring the universal human rights to cultural identity and to education. Public policies and public support are also fundamental in ensuring that public service broadcasting and public arts and cultural institutions are independent and not influenced by the government, by political parties or economic stakeholders.

UNI MEI calls for sustainable public culture policies and sufficient public funding to enable public service broadcasting and cultural institutions to fulfil their tasks essential for the functioning of democratic societies. Any public support to public broadcasting must guarantee the full independence of broadcasting councils and management of the broadcasting corporations, and all media professionals. It also must ensure fair working conditions, fair remuneration and full access to training for all professionals of arts and culture organisations and public service broadcasters to enable them professionally and economically to provide services of high quality, diversity and independence, including adequate standards agreed upon in collective agreements.

State aid for live entertainment and film productions should aim at promoting national and regional film production that allows support for local talent, crew and the entire workforce of the film sector in order to maintain and develop the sustainability of the industry. It should promote distribution to these works throughout across borders. State aid objectives need to encompass the workforce in terms of employment, fair remuneration, gender equality, and skills training.

UNI MEI also calls upon parties to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions to work towards its full

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implementation recognising the role and legitimacy of public policies in protecting and promoting cultural diversity.

UNI MEI will

- continue its campaign for independent and high quality public service broadcasting;
- support affiliates in their campaigns for sustainable public funding for arts and cultural organisations and decent working conditions and remuneration for culture workers;
- advocate for public funding mechanism for film production to sustain film production across the whole world to maintain the cultural and linguistic diversity.

Freedom of Expression Regardless of Frontiers

“The wide and growing range of threats to media freedom around the globe presents a stark challenge to democratic values. Responding to this challenge requires a collective acknowledgement that all infringements on media freedom - both the brutally violent and the seemingly mundane or rational - limit the marketplace of ideas that lies at the core of a free and democratic society.”

Freedom House, Report on Freedom of the Press 2015

In the last decade, freedom of expression worldwide has declined. Freedom of the Press 2015, the latest edition of an annual report published by Freedom House since 1980, found that global press freedom declined in 2014 to its lowest point in more than 10 years.

In many countries, strong political, regulatory and structural control over local media and local live entertainment productions are restricting and discouraging the development of an environment where diverging views can be expressed freely. Governments, including democratic governments, are putting pressure on journalists, other media workers and media organisations as they try to control content and opinions also by passing new restrictive laws against the media.

Concentration of media ownership is generally high in the majority of countries and in the global market. It affects media pluralism negatively online and offline. The risks associated with concentration of ownership have grown more acute in the digital era. Access to and distribution of a plurality of information, content and opinions is threatened by the emergence of new powerful Internet companies and gatekeepers, which hold dominant position at national, regional and global level. We are concerned with this trend and fear that there will be fewer voices, less content and more control over distribution and more threats to the democratic purpose of media organisations.

Violence further drives the global decline of freedom of expression. Media and entertainment workers all over the world are increasingly facing attacks on their rights to freedom of expression. The violations range from killings and abductions to attacks, threats, prosecutions, detentions, imprisonments, intimidation and censorship.

Religiously motivated censorship and violations are increasingly widespread, involving different religions. Both, state and non-state actors are agents of this repression and it is often interwoven with clashes within societies and an alleged concern for public morals.

Censorship and persecution of media or live performance content defending LGBT rights is carried out by non-state actors, in countries where homosexuality is considered a crime prosecuted by public authorities. Women’s rights, films, theatre and music performances continue to be banned in public space in several countries across the world.

Galleries, museums and live performance organizers across the world are increasingly reported listening to “concerns” from market forces and sponsors when it comes to presenting art that potentially might offend minorities, religious groups or other interest groups.

Freedom of expression is also threatened through attacks on creator’s intellectual property rights. These rights, which protect the integrity of the cultural expression and provide economic rights to preserve and sustain the value of their creations, are attacked in the name of “freedom”. Individual creators who stand up in the public sphere for their rights are being harassed and threatened. Without protection of their intellectual property rights, the freedom of artists to create works of art is compromised, together with their freedom of expression.

Finally, citizens face the growing capacity of governments, companies and criminals to interfere with their rights to freedom of expression. The massive use of digital technology has led to mass and very targeted surveillance, data collection, repression and attacks on citizens and civil society groups. The non-respect of online privacy has become part of the key challenges to freedom of expression.

Freedom of expression in all its aspects, offline and online, needs more and better protection.

We call on governments and inter-governmental organisations to

- Take measures to put an end to restrictions and violations to the right of freedom of expression and to ensure compliance of legislation and its implementation with international human rights obligations;
- To promote the right of freedom of expression and the protection of creators’ rights;
- Review concentration of ownership in the media and its impact on media pluralism and freedom of expression, and
- To effectively protect journalists, other media workers and media organisations against threats and acts of violence.

UNI MEI Global Union will:

- Step up its efforts to promote media pluralism and freedom of expression in its advocacy work at regional and global level;
- Advocate for a holistic policy, which acknowledge the importance of strong intellectual property rights for creators to sustain freedom of expression;
- Support affiliates in their campaigns and give them visibility in their communications, and
- Through the International Arts and Entertainment Alliance, engage with the Global Union Federations to support freedom of expression campaigns.

Our fight for Freedom of Association

The media and entertainment sectors always have had a substantive percentage of “atypical” workers including various forms of freelance workers. However, in recent years, a further push away from traditional employment relationships has occurred, driven in part by the fragmentation of the sector. “Freelance worker” is not synonym with self-employment in all countries and refers to different legal statuses in different countries.

In several countries, attempts by freelance workers to organise and to bargain collectively has been challenged or has been judged illegal by competition authorities. In some countries, law prevents unions to organise freelance workers.

The International Arts and Entertainment Alliance (IAEA) of FIA, FIM and UNI MEI has multiplied its efforts in the past years to strengthen the position of freelance workers and provide a framework of cooperation among affiliates to tackle together the challenges that are linked to the rise of so called “atypical” employment. Several joint projects in the Americas, Asia and Europe, aim at building capacity of unions and guilds with respect to organising and representation of freelance workers. We have campaigned with authorities at regional and global level, in particular the European Union and the International Labour Organisation (ILO), to obtain support for the need of better protecting atypical workers’ right to freedom of association. Affiliates in various countries are taking action including legal action to fight for the right of freedom of association for all workers. Recent case law (e.g. Netherlands, Poland) have brought some advances for freelance workers.

In 2014, the IAEA together with the IFJ participated in the ILO Global Dialogue Forum on the Employment Relationships in the Media and Culture Industries. The points of consensus agreed by governments, employers and us underlines that “*fundamental principles and rights at work apply to all workers in the media and culture sector, regardless of the nature of their employment relationship*”. The documents further states that “*governments need to apply intellectual property laws and ensure that competition legislation does not obstruct the right of media and culture workers to freedom of association or to engaging in social dialogue with their social partners*”. The points of consensus also stress the need for governments and social partners to develop strategies on training, which respond to current and future skill needs. Finally, the consensus paper proposes actions in which the ILO could engage to support the sector, such as carrying out research on the employment-creation potential of the sector and drafting good practice guidelines on interns and unpaid labour in the sector.

At regional level in Europe, the employers' associations of the audiovisual sector have agreed to undertake a joint project, which assesses changing forms of employment and work arrangements.

All these actions, campaigns and projects are long-term orientated and seek to contribute to the realisation of the right of freedom of association for all workers regardless of their legal status. Despite the progress made, the situation remains dramatic for many colleagues who are unprotected, prevented from organizing and do not enjoy even a minimum floor of workers' rights. The barriers to freedom of association is one of the biggest challenges to overcome and remains an uphill struggle for all crafts in the sector. This is our joint fight and requires solidarity beyond constituencies and across countries.

UNI MEI will continue to work through the IAEA and seek closer cooperation among its sister organisation, FIA, FIM and the IFJ to enforce the right of freedom of association. Our call for action is

- For governments to respect, in compliance with international human rights standards and the UNESCO recommendation concerning the status of the artist, the right to freedom of association for all workers in the creative industries without any restrictions, and in particular regardless of the workers' employment statuses, including all forms of freelance work;
- That future regulation of freelance work needs to benefit the individual worker as much as possible, including having the right to be represented by a union and the possibility of collective bargaining.

As part of the Alliance, we want the IAEA to

- give highest priority to the work in support of freedom of association;
- intensify joint capacity building work for affiliates to better reach out to atypical workers and fight for their freedom of association;
- further engage with governmental organisations, in particular the ILO and the EU, in a dialogue over measures to ensure the respect for freedom of association for all workers;
- address with employers and their associations issues arising from the current barriers to freedom of association and initiate joint projects aiming to promote a more inclusive labour market.

UNI MEI Action Plan 2020

Going forward with the UNI Global Union *Breaking Through Strategy*, UNI MEI will give focus in its actions on implementing the strategic priorities identified by the General Assembly.

1. Organising and Capacity Building

- To assist affiliates in reinforcing their capacities to develop organising skills and campaigns;
- To facilitate their cooperation targeting multinationals, promote sector social dialogue regionally and globally, and
- To develop projects for the benefit of affiliates addressing challenges resulting from digitalisation.

2. Political and Regulatory Influence

- To campaign for a holistic industrial policy approach for the digital economy that puts those who create at the centre of such policy targeting quality, cultural diversity and sustainable growth;
- To advocate the strengthening of media transparency, the independence and sustainable development of the media and public broadcasting, and
- To campaign for strong and modern regimes of intellectual property rights, which enable innovation, creation, fair remuneration and participation.

3. Global and Regional Companies & Industry Federations

- To build strategic union power through campaigns in support of trade union rights and decent work in global and regional companies;
- To develop union alliances targeting global and regional industry associations and to reach agreements on trade union rights and decent work, and
- To assist affiliates in organising targeted global and regional companies.

4. Equality and Diversity

- To campaign for the implementation of meaningful equality and diversity policies targeting media, entertainment industries and arts organisations;
- To facilitate the exchange of experience and good practice with respect to equality and diversity policies, and
- To build a diversity and equality network and to support affiliates to develop their capacities to have fully inclusive union structures.

5. Promoting Strong Public Values

- To campaign for independent and high quality public service broadcasting;
- To support affiliates in their campaigns for sustainable public funding for arts and cultural organisations respecting decent work, and
- To advocate for public funding mechanism for film production to sustain film production across the whole world promoting cultural and linguistic diversity.

6. Fair Remuneration & Fair Contracts

- To campaign for an industrial policy approach in support of fair remuneration & contracts, sustainable growth and quality jobs;
- To strengthen the cooperation among creators' organisations, and
- To defend intellectual property rights of creators in international treaties and free trade agreements.

7. Freedom of Expression

- To promote media pluralism and freedom of expression in our advocacy work at regional and global level;
- To support affiliates in their campaigns and give them visibility in their communications, and
- To engage, through the International Arts and Entertainment Alliance, with the Global Union Federations to support freedom of expression campaigns.

8. Freedom of Association

- To intensify capacity building work for affiliates in cooperation with our sister organisations reaching out to atypical workers and to fight for their freedom of association;
- To engage with governmental & intergovernmental organisations, in particular the ILO and the EU, in a dialogue over measures to ensure freedom of association for all workers, and
- To address with employers barriers to freedom of association and initiate joint projects aiming to promote a more inclusive labour market.

9. Health & Safety

- To promote the exchange of experience and good practices among affiliates;
- To raise standards regionally and globally by further developing the cooperation with social partner organisations and health & safety agencies, and
- To integrate health & safety in capacity building and organising projects.

10. Dignity@Work

- To implement projects for the benefit of affiliates to exchange on and assess the key trends in working conditions in live entertainment and film & TV production;
- To develop and campaign for fair standards and facilitate the cooperation among affiliates, and
- To engage employers, governments and public funding agencies to establish codes of conduct for publically funded productions and co-productions.

UNI MEI General Assembly 2020

It is proposed to the next UNI MEI Executive Committee to consider calling the next UNI MEI General Assembly in the first quarter of 2020 in the Asia-Pacific region.

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