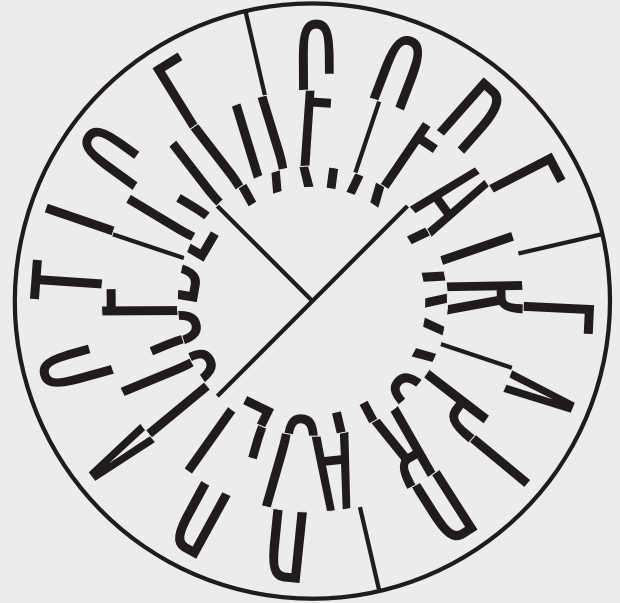
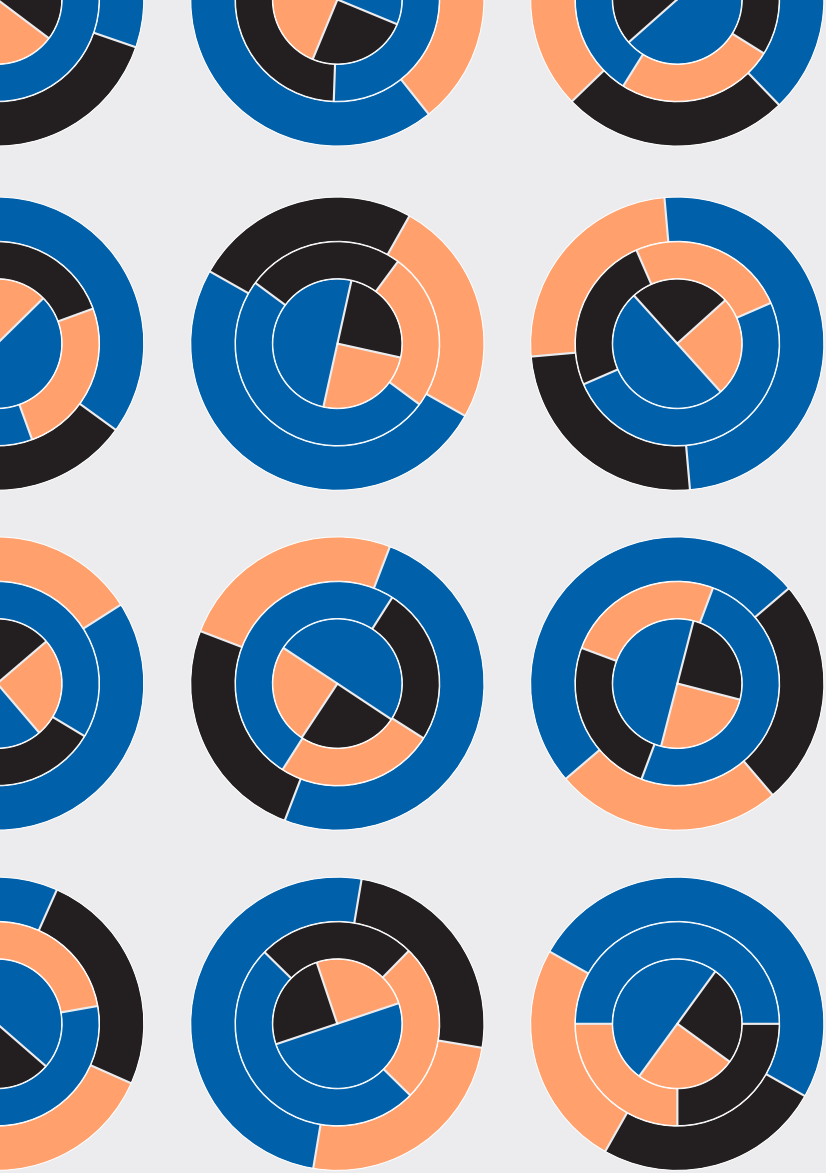
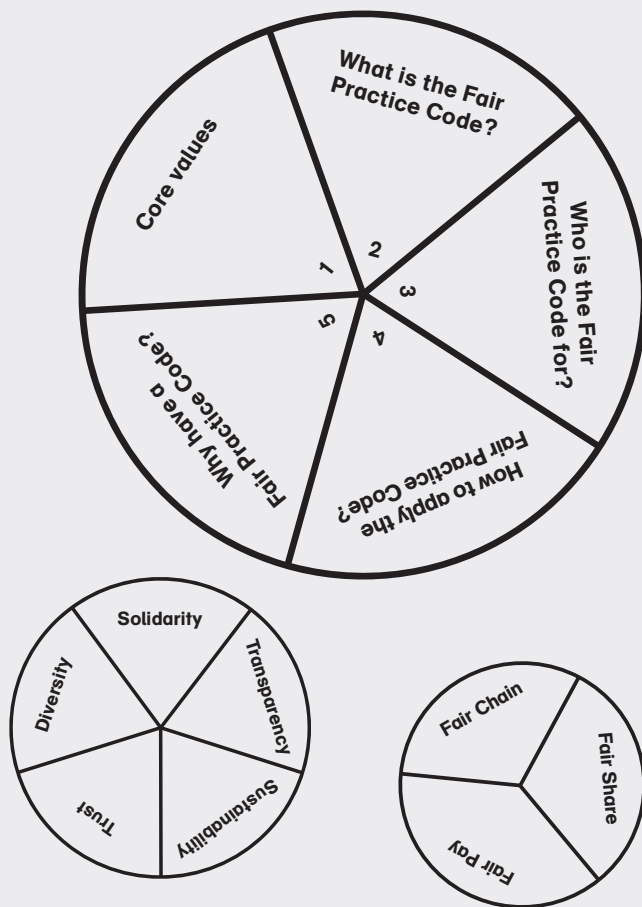


Full Practice Code



Fair Practice Code





Why have a Fair Practice Code?

Many of those working in the artistic, cultural and creative sectors face an unfavourable labour market position. This is confirmed by two important reports by the SER (Social and Economic Council) and the Council of Culture. The Fair Practice Code attempts to contribute to improving this position.

There is a widespread and urgent need to design and maintain a healthy labour market in the cultural and creative sector. This has been discussed extensively over the past years, especially in the performing and visual arts sector. The first steps towards designing the concept of Fair Practice and its underpinning principles were taken during meetings with stakeholders. The urgency and need for core values to enhance fair practice were examined, as inspired by comparable initiatives in neighbouring countries and other sectors. This preliminary study led to the five shared values that underpin the code of conduct and offer a reference for reflection and evaluation. The Fair Practice Code was launched on 3 October 2017 and was refined in 2018 after a number of work sessions with cultural and creative professionals.

The debate on Fair Practice has also contributed to raising awareness in the political arena, that both material and immaterial revaluation of the cultural and creative sector was needed. In the report 'Verkenning arbeidsmarkt culturele sector' (A study on the cultural labour market - January 2016) and the advisory report 'Passie gewaardeerd' ('Appreciated Passion' - April 2017), the Social Economic Council and the Council of Culture concluded that even though the art, culture and creative sector is a high-quality industry of international standing, it is also subject to erosion and a worrisome labour market.

The sector has assumed responsibility by joining forces and collectively drafting an 'Arbeidsmarktagenda Culturele en Creatieve Sector 2017 - 2023' ('Labour market agenda for the cultural and creative sector 2017 - 2023'). This document sets out agreements to collectively improve the labour market position of cultural professionals. One of these agreements concerns the organisation of a permanent public debate: all stakeholder parties will remain in dialogue with each other on this subject and results will be monitored. The Fair Practice Code acts as a practical tool create a dialogue between cultural professionals, in order to reveal any areas for improvement and to take concrete action in these areas.



What is the Fair Practice Code?

The Fair Practice Code is a code of conduct for entrepreneurship and work in art, culture and creative industries, based on five core values: solidarity, diversity, sustainability, trust and transparency. The code encourages critical reflection and serves as a guide on how the sector collectively creates a future-proof labour market and professional practice. The Fair Practice Code serves as an umbrella under which regulations and guidelines can be developed for the various sectors which truly contribute to improving the earnings capacity and development perspectives for professionals in the cultural and creative sector. The Code also encourages the development of these perspectives, where needed.

The code invites all stakeholders to accept a shared responsibility for a 'Fair Chain', giving artists and creative professionals a 'Fair Share' and 'Fair Pay' in view of the value of their professional skills, expressivity and unicity in society. This implies fair working

conditions and pay, and that everyone is aware of their place in the chain, takes responsibility and acts in solidarity with other workers in the field.

The Fair Practice Code was drawn up by a broad representation of cultural and creative professionals. It complements the Governance Code Culture and the Code of Cultural Diversity.



Who is the Fair Practice Code for?

The Code exists for all workers within the creative and cultural sector, as well as everyone that supports the sector and anyone who is a consumer of art and culture. The Code applies to both subsidised and non-subsidised individuals and organisations.

The cultural sector and creative industry encompass the following sub-sectors: performing arts, cultural heritage, visual arts, film and literature, architecture, design and new media, cultural education, amateur arts and libraries, media & entertainment, creative corporate services, archives, fashion and gaming.

The Fair Practice Code relates to all types of working relationships and is meant for clients, employers, employees, independent professionals, interns and volunteers. This means that dancers, artists, musicians, conservators, film makers, designers, architects and journalists, but also all supporting, technical and production personnel are part of the target group.

The code is also meant for institutions affiliated with the sector, such as sector organisations and funds as well as state, provincial and municipal governments, so that they can share

in the responsibility and help create the conditions to apply, support and promote the Fair Practice Code.

For consumers of culture – the public – the Code offers the opportunity to add a clear understanding to the debate on the value of art and culture. Therefore, the Code also contributes to a greater appreciation for the role of the cultural sector in our economy and society. In addition, it provides the public with insight into the professional practice and ethics of various parties and working professionals in the culture sector.



How to apply the Fair Practice Code?

The Fair Practice Code should act as a practical tool for all culture professionals to enter into dialogue. It is an invitation to reflect critically on what is considered normal, to identify areas for improvement, and to take concrete action accordingly.

Applying the code starts with reading the code. Ask yourself how the five values connect to your practice. Do you see any room for improvement? The code formulates a number of themes that you can test your own practice against and that you can raise for discussion with the people and organisations you work with. You can use the code when formulating agreements, to identify and describe problems, and to work on solutions with for instance sector organisations, funds and (local) authorities.

The sector is characterised by great diversity, which is why a tailored approach is necessary and unavoidable. Not everyone will be able to truly live up to all the clauses in the Code. This is why the principle of ‘apply and explain’ is upheld. In this way,

the Code offers the opportunity for clients, employees and subsidising bodies to provide and request insight. When institutions and organisations, as part of their accountability, explain why they were or were not able to fulfil certain agreements, both hidden flaws as well as best practices become clear.

Maintaining a collective spirit by developing and applying the Fair Practice Code is the shared responsibility of the entire sector: employers, clients, employees, artists, independent professionals, supporters, funds, unions, organisations and public authorities. Whoever applies the code is requested to propagate it publicly. This can be done in several ways, for example through annual reports, mentioning it on your website or in conversations with business partners or the public. In this way, knowledge of the Code can be disseminated, and its application is encouraged.

A self-scan enables organisations and independent professionals to check whether they work according to the core values that constitute the Code. Are the values translated into a concrete policy and is this also applied in practice? The scan (www.fairpracticecode.nl) offers practical information with the various included themes. This may include current arrangements in collective employment agreements, fee guidelines, covenants and other relevant underpinning issues that you may use as an example or framework.



Core values

— **Solidarity:** The need for a shared interest and dependency is acknowledged, both in the chain of creation, production, distribution and business operation within the sector itself and

in society as a whole. This means that it is a matter of course to defend or promote other parties' interests, to seek to establish collective (copyright) agreements, and to acknowledge the importance of collective responsibility for fair pay, and to act accordingly.

— **Diversity:** The cultural and creative sector aspires to be an inclusive environment. It should offer more opportunities and would benefit from better representation of society in all organisational fields and levels. This pertains not only to cultural/ ethnic background, but also to gender, sexual orientation, age, knowledge and skills, and socioeconomic background.

— **Sustainability:** In order to retain and stimulate the high quality and potential of the cultural and creative sector, it is vital to prevent any discouragement among creative professionals. This can be achieved through a forward-looking policy that focuses on growth and human capital development. In addition, investments in the quality of work through education, HR policy and agreements on insurance and pensions can safeguard potential and motivation among creative professionals for the long term.

— **Trust:** In the cultural and creative sector – as in the science domain and unlike as in many other societal sectors – it is difficult to directly relate effort, talent and labour to quality and to a quantitative output with measurable returns. Instead of taking 'output' as the yardstick, having trust in the 'outcome', dedication, quality and intention is an essential value and a condition for success.

— **Transparency:** Having trust in and an understanding of each other's interests and possibilities presupposes a certain measure of openness regarding one's policies and operational

management. A transparent market – financed in part by societal clients such as funds and public bodies – promotes trust and ownership and offers strategic and practical opportunities for collaboration.



Fair Practice Code

Considering that:

- The cultural and creative sector represents an indispensable value in Dutch society and serves a broad societal interest.
- The cultural and creative sector is the calling card of the Netherlands and contributes significantly to our international reputation as an innovative, entrepreneurial and creative country.
- The creativity and expressivity of artists and creatives are at the heart of the unique value this sector represents for society.
- The cultural and creative sector benefits from a wide variety of organisations, businesses and independent professionals in a wide range of fields.
- The economic value created by the cultural and creative sector often does not end up in the sector or with the maker.
- Everyone who carries out work has the right to fair and favourable remuneration, which assures him/her and his/her family of a dignified life, which remuneration will be supplemented, if necessary, by other means of social protection (Universal Human Rights, Article 23.3).
- Strengthening working relations and working conditions is in the interest of a forward-looking, innovative cultural and creative sector.

Users of the Fair Practice set themselves the following goal:

To, with due consideration of:

The Governance Code
Culture The Cultural Diversity Code

Jointly promote Fair Pay, Fair Share and Fair Chain:

—— A fair, sustainable and transparent operational management, and to take account of each other's interests with respect, solidarity and trust, in the service of a strong sector that fully utilises and makes profitable the potential and opportunities of creative professionals and artists.

And to promote and uphold the following core values:

Solidarity

—— Performed work is matched by fair remuneration.

- Collective employment agreements (CAOs) and honorarium guidelines are applied as much as possible. Reasonable and fair payment is made to (freelance) professionals if a collective employment agreement does not apply. Agreements on fees and remunerations can be developed for each discipline, in the event of their absence.
- Parties will also agree together on fair copyright remuneration for exploitation agreements, based on Article 25c of the Copyright Act ('Auteurswet').

Fair Practice Code

- Considering the importance of flexibility within the sector, close attention is paid to the ratio between paid and unpaid workers, to pseudo-independence, fringe benefits and equal treatment. Offering a volunteer or traineeship position therefore requires a clear description of the job, the employment conditions, and a suitable remuneration.
- Clients (cultural institutes or artists) only work with (sub-) contractors who observe the Fair Practice Code.
- For pitches and competition policies, the professional work performed by the participants is remunerated.
- **The cultural and creative sector must jointly build and maintain a strong professional field.**
- For instance, by uniting and by sharing, and by financing the collective.
- By contributing to the collective protection and promotion of interests, and by supporting education programmes and entrepreneurship.

Transparency

- **Organisations' operational management (from funds to independent professionals and everything in between) is as transparent as possible.**
- Information on operational management is shared and made publicly accessible as much as possible, giving insight into one another's situation.

— **The Fair Practice Code is propagated and accounted for**

—— Publicly and privately funded institutions accept the responsibility to apply the Code according to the ‘apply and explain’ principle.

—— Artists and institutions will discuss the Code in their project reports and annual reports.

— **The Governance Code Culture is propagated and observed.**

— **Knowledge and expertise are shared if and when possible.**

— **The Fair Practice Code is also observed by sub-contractors.**

Sustainability

— **Work is produced with a view to quality and to the long term.**

—— This implies investing in the potential and further development of workers in the field, and that:

- Opportunities for further education and development are offered where possible
- Evaluation is part of any collaboration
- Employers and employees jointly take responsibility to prevent mental and physical overburdening

—— It means that the sector makes a collective effort to develop shared policy with respect to responsible market behaviour.

—— It means that workers in the field accept the responsibility to not offer their services at a price below the cost price.

—— It implies a constructive approach to all the material and immaterial assets in the sector, with respect for personal investments in the cultural products.

Fair Practice Code

Diversity

- All parties work towards enhancing inclusivity within the sector. This not only pertains to cultural or ethnic background, but also gender, sexual orientation, age, knowledge and skills, and socioeconomic background.
- All parties accept responsibility for the implementation of the Cultural Diversity Code, by implementing it within their own organisation and in the field, and by addressing other parties' responsibility in this respect.
- All parties accept responsibility for diversity in terms of public, programme and personnel, and in representation forums and policy-making processes.
- The structure of the internal organisation and the employment conditions are adapted accordingly, where necessary.

Trust

- There needs to be scope for tailored approaches, for instance with regard to grant conditions and operational goals. There must be a balance between transparency/bureaucracy on the one hand and the interests of the individual organisation on the other.
- Quality is the basic premise.

- **Parties will treat representation and reference conscientiously by paying due attention to ownership, source acknowledgement and rights payment.**
- **Parties provide for a low-threshold manner to settle disputes, for instance by registering with the copyright contracts disputes committee.**
- Parties attempt to settle disputes through mutual consultation. The copyright contracts disputes committee can assist in case of disputes relating to the exploitation agreement through mediation and binding advice.

Colophon

Drawn up in December 2018 by the Fair Practice Code working group

- Anne Breure, directeur Veem House for Performance, bestuur Kunsten '92
- Yvonne Grootenboer, beeldend kunstenaar, programmamaker en producent in de beeldende kunstsector
- Michelle Schulkens, Platform BK
- Jan Zoet, directeur Academie voor Theater en Dans, AHK, voorzitter Kunsten '92
- Marianne Versteegh, algemeen secretaris Kunsten '92

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- Katie Schreiber, Ministerie van OCV
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- Titia Haaxma, Cultuur + Ondernemen

Fair Practice Scan

- Yvonne Grootenboer
- Michelle Schulkens
- Jan Zoet
- Marianne Versteegh
- Henriëtte Post
- Kees Lamers, VNPF
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- Peter van den Bunder, Kunstenbond
- Lene Grooten, Bureau & MAES
- Jorn Matena, Bureau & MAES
- Esther Gottschalk, Gottschalk Cultureel Advies

Fair Practice Code

Strategic Thinktank 2019

- Anne Breure
- Yvonne Grootenboer
- Michelle Schulkens
- Jan Zoet
- Jorn Matena
- Rutger Gernandt, zakelijk directeur De Warme Winkel
- Marianne Versteegh

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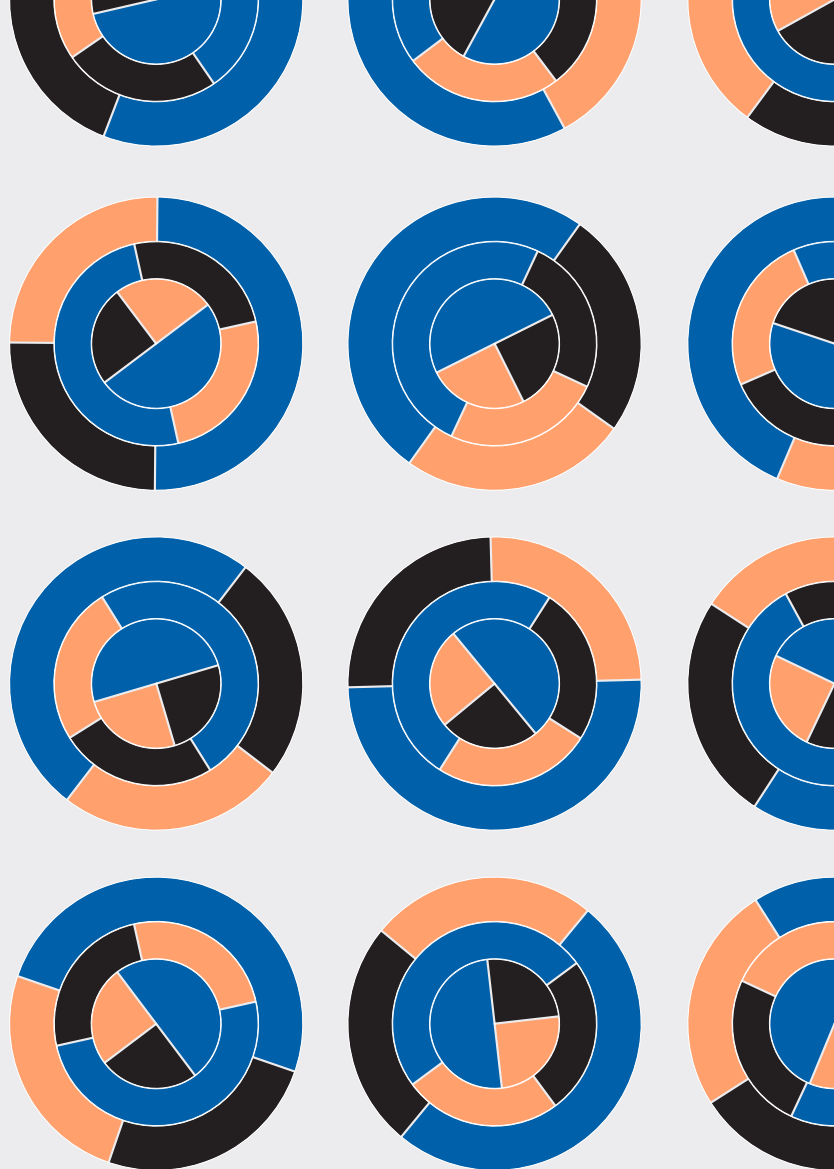
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P/a Kunsten '92

Herengracht 62
1016 BP Amsterdam

fairpracticecode@kunsten92.nl

www.fairpracticecode.nl



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