The Federation of Entertainment Unions
response to the European Commission
Green Paper

MODERNING LABOUR LAW

to meet the challenges of the 21st century

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1. The Federation of Entertainment Unions is the collective body of the seven TUC affiliated unions in the field of broadcasting and entertainment, who together represent more than 170,000 people currently working across these sectors. The seven unions are Equity, the Musicians’ Union, BECTU, the National Union of Journalists, the Professional Footballers Association, the Writers Guild of Great Britain and the electricians’ section of Amicus.

2. In turn, a TUC representative attends most FEU meetings, there are regular meetings with Brendan Barber and other TUC officials, and all FEU General Secretaries now attend General Council.

3. As part of its regular pattern of meetings, the FEU also consults with all the major regulatory bodies in the electronic media, the BBC, Ofcom and the Film Council.

4. Each affiliated union will make its own individual submission on those issues most closely affecting its members and their interests.

5. This paper represents a synthesis of these views and highlights those areas of broader and general concern.

6. Current legislation, both national and European directly impacts every FEU affiliate, but often in very particular and individual ways.

7. Yet, there are many common factors, the most important of which is surely the fact that each of our unions has a high proportion of freelance workers, particularly among the performer’s unions, Equity, the Musicians Union and the Writers Guild, but even among those back stage and behind the camera who are predominantly members of BECTU, the proportion of freelances is around the 50% mark.

8. In this respect the FEU and all its member unions are unique in the trade union movement, having operated for and on behalf some of the most significant freelance sectors in the UK for many years, many of them skilled to the highest international standards. Thus the FEU brings to this consultation a particular insight into the problems and issues of self employment and flexible employment, which are now starting to impact on so many other sectors of the economy.

9. The main themes which are common to every FEU affiliate are as follows, and these are comfortably encompassed by Questions 1 to 3.
Q1. What would you consider to be the priorities for meaningful law reform agenda?

Q2. Can the adoption of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market.

Q3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail (themselves) of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition.

10. The FEU believes, and indeed knows from the everyday experience of each affiliated union in dealing with a range of employment issues, that the current UK labour market is already at the extreme end of the balance between security and flexibility.

11. The most obvious symptom of this is the lack of a common basket of rights applicable to all workers.

12. The current thinking tends to concentrate on the predominant models of “flexisecurity”, whereas the FEU is concerned about the more fundamental issue of employment status, that is for those who are treated as ordinary workers.

13. The FEU believes that new legislation should provide the widest possible scope of interpretation – as soon as any legislation creates separate tiers, it will be create second class workers, which is a fundamental

14. There should be a single definition of a worker, with a single and comprehensive basket rights

15. There should also be a clear distinction between the worker and the service provider – and to achieve that there needs to be a clean break in the link between the status of the worker and the individual tax and social security regimes of member states.

16. Underpinning those basic conditions and definitions, it is also essential that collective agreements should not be covered by Competition legislation.
17. Furthermore, a healthy labour and industrial relations policy should also be underpinned by a consistent investment in training and the development of the industry’s skillbase.

18. Finally, the FEU has been committed to supporting the Status of the Artist initiative, and would wish to see this attached to any legislation affecting the specific status of members of our affiliated unions.