

Written evidence from Dr Heidi Ashton

Evidence based on extensive research and experience as a freelance worker in the cultural sector.

The Employment Rights Bill addresses many concerns for precarious workers in the labour market however, there are significant weaknesses in relation to freelance workers in the cultural and creative sector who are vulnerable to exploitation and precarity.

This group of workers are largely not covered by the bill and face many difficulties as they work on a series of short-term contracts in a sector that is based upon project-based modes of production in an unregulated labour market.

Some of the issues they face include:

- Lack of enforcement of penalties for late payments.
- Being ‘pencilled’ for work and subjected to last minute cancellations without payment. As one-off jobs these would not be covered under shift work.
- Inability to demand minimum wage due to agent fees and the assumption that preparation and training should be funded by the individual and not acknowledged through payments for work.
- Lack of access to Universal Credit due to the Minimum Income Floor (see the Equity report ‘Not Here to Help’).
- No sick pay due to short contracts.
- No rights to holiday pay unless expressly negotiated through union contracts.
- Vulnerability to harassment due to the complex nature of hiring which goes through multiple parties and agents.
- Vulnerability to disclosures of harassment due to the power relations embedded in the hiring relationships and the lack of any clear line of reporting or responsibility due to the nature of multiple freelancers at every stage of the hiring process.
- Loss of rights to IP in terms of repeat fees or Royalty payments for the monetisation of productions that they have engaged with.

Unlike other countries such as Germany, Sweden, Lithuania, Croatia, France, South Korea (to name a few) freelancers in the cultural sector in the UK do not have any clear status that recognises their unique position in a non-standard labour market (as noted by UNESCO). This leaves them vulnerable as they occupy a grey space between employed and self-employed being reliant upon employers who set the times, rates, terms and conditions of employment but at the same time being self-employed for tax purposes due to their reliance upon numerous short-term contracts with little to no stability.

The situation is complicated by the fact that there are different ‘norms’ in different sub-sectors so the conditions vary greatly. There are some organisations with excellent and fair practices but pay and conditions have on the whole deteriorated over the last 20+ years. These workers are in danger of falling through the gaps again.