

EQUITY

Culture, Communications, Welsh Language, Sport, and International Relations Committee Equity Submission – Inquiry into the challenges facing the creative industry workforce in Wales

Equity welcomes the opportunity afforded by the committee to respond to further questions to provide additional information to the inquiry.

▪ **Equality, diversity, and inclusion:**

- Are there any specific problems regarding equality, diversity and inclusion and how do these differ by sub-sectors of the creative industries?

One of the specific problems is the availability of thorough and accurate data in the creative sector. It is always patchy and due in part to the focus on employees rather than freelancers. This is a remarkable, although sadly common, omission given the critical role of freelance workers across the sector. Additionally, if we are to talk about complete inclusion, we would like to see a greater focus on socioeconomic status despite it not being a protected characteristic. The sector is prone to significant exclusion of those from working class backgrounds, and particularly in managerial roles, due to the informal, network-based nature of the way in which work is allocated. More broadly, the sector is known to have difficulties to gain data on protected characteristics data, given the stigma that can be faced by, for example, those with a disability.

More detail can be found here in the Creative Access report from November 2022

<https://creativeaccess.org.uk/latest/full-report-disability-survey-2022>

- Only a quarter feel they have access to the contacts and networks needed to progress their creative career (vs. 62% of general respondents)
- 88% cite the two biggest barriers as: lack of employer understanding of ‘reasonable adjustments’, and awareness of disability issues among colleagues
- Many candidates choose not to disclose disability to potential or current employers

There are, however, various industry led initiatives which need amplifying. Equity is lending its support alongside our own project around Contract Fundamentals which will launch shortly.

Access Co-ordinators (ScreenSkills and BFI)

<https://www.screenskills.com/news/new-accessibility-coordinators-to-support-disabled-crew/>

Channel 4 Disability Code of Portrayal

https://assets-corporate.channel4.com/_flysystem/s3/documents/2022-07/Channel4_Disability%20Code%20of%20Portrayal_July2022.pdf

ITV Diversity Acceleration Plan

<https://www.itvplc.com/socialpurpose/diversity-and-inclusion>

TV Access Project (BBC and Channel 4)

<https://www.channel4.com/commissioning/4producers/tv-access-project>

Workplaces across the industry can be inimical to the interests of women, and notably older women. Of specific concern to Equity is the discrimination faced by older, women members who experience the perimenopause and/or menopause. Government has a key role to play in reviewing and revising extant statute and accompanying good practice guidance.

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Many women working in the creative industry suffer sex-based discrimination when experiencing the menopause based on their reproductive and biological status. It is not uncommon for Equity members to have their contracts terminated because managers feel incapable or unwilling to confidently manage potential sickness absences, or consider flexible working arrangements.

Whilst there have been significant attempts made in Wales to overcome historical barriers to inclusion, for example by the Arts Council of Wales, it remains the case there remain obstacles to gain work particularly by artists who are Deaf and disabled. Additionally, it is a concern of the union that artists who are Black or minority ethnic are often omitted from opportunities to be seen for work. Equity would welcome any opportunity to tackle these structural issues, as a means to gaining more authentic and accurate data.

Private and Public Organisations can all have a role in improving equality, diversity and inclusion through a standardised approach to capturing and analysing data. The Welsh Government can play an instrumental role here in devising a complete monitoring measure and advocating for its use. There are multiple, authoritative models available which include frameworks to both analyse data captured and create appropriate strategy to overcome any EDI weaknesses identified as a result. A major barrier to EDI is the lack of commitment and enthusiasm to EDI per se, and thus an unwillingness to accurately monitor the industry workforce. There can, and should, be a sea change in the approach. Without this, and a firm commitment across the private and public sectors to adopt strategic monitoring, the industry will remain one that is exclusive and elitist in a number of ways.

The creative industries either wants to change, or needs to be forced to do so. It is highly likely to happen organically, as it would have occurred by now if that were possible. A key barrier to change is that there is no statutory mechanism to enforce quotas, and thus we are left to the goodwill of employers – and it is the lack of goodwill which leads to tokenistic representation. Classically, the answer is greater diversity across leaders and managers in the sector, however, as with the rest of the UK this is occurring at too slow a pace to make significant change. All and any levers should be used including specific contractual standards for EDI within public funding frameworks. Additionally, the Welsh Government should create and promote an achievable standard linked to funding and investment to enable sizeable, authentic representation and this should be embedded from the commissioning phase, and in the case of performing arts, at the stages of development, writing and casting. Left to its own devices the sector is far too slow to change, and so it would be welcome if there was governmental intervention.

- **Skills and training opportunities:**
 - Is there a role for private companies in improving skills and training opportunities? If so, how could they be encouraged to do so?

Equity would like to see the government pursue a policy agenda where public procurement in the creative industries is tied to a relevant skills agenda which will benefit the sector. Whether this is made through a private or public company, organisations in receipt of financial support from Arts Council of Wales, Creative Wales, Ffilm Cymru etc should be obligated to create workplace training and learning opportunities for creatives, including performers. This would then open up alternative routes to higher education and drama schools into the industry. What is vital is that this obligation should be for employees and freelancers, and the benefit should be industry wide and not just beneficial to the private company.

We firmly believe that there needs to be balanced private and public investment in skills and training. The industry led Creative Skills Action Plan funds projects which would probably not be considered by private investors, and the importance of the Wales Union Learning Fund cannot be underestimated.

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- **Support:**

- Does the workforce need further support from public bodies, both in relation to the increased cost of living and more broadly?

In addition to evidence provided in our original submission, flaws in the current social security system are a major barrier for access for many creative professionals. This is undermining the UK Government's stated objective for Universal Credit, which is to encourage more people into work and tackle poverty, alongside the pledge to level up opportunities in the arts.

There is however a profound need for pragmatic changes to the Universal Credit (UC) framework to better support the self-employed in gaining good and fair work. Equity remain concerned that without these changes a significant number of our members will have to give up their self-employment in order to access welfare support.

Equity has long campaigned for the abolition of the minimum income floor and welcomed the UK Government's decision to suspend it during the pandemic period. The effects of applying the MIF are unduly harsh to the self-employed with variable and unpredictable income as is common in the creative industries. The MIF creates artificial cliff edges forcing our members into rent arrears and hardship in periods when they have reduced or nil income. If a basic income scheme cannot be delivered then we would like to see the government establish a fairer system of in-work conditionality for the self-employed, particularly those with variable and unpredictable earnings such as workers in the creative sector.

- Equity raises the idea of a basic income scheme for creatives in its evidence. Would this be an effective use of public money?

Equity is calling on the UK Government to introduce a basic income guarantee for creative workers in every region and nation of the UK. This would offer a simple universal payment to all artists each month akin to the scheme that is being piloted in the Republic of Ireland. <https://www.gov.ie/en/campaigns/09cf6-basic-income-for-the-arts-pilot-scheme/>

The Irish BIA was predicated on the Professional Artists' Jobseeker's Allowance Scheme – a form of jobseekers allowance specifically for creative workers which accepts the status of self-employed artists as professionals, giving them a twelve-month window to focus on building up their work before becoming to subject to labour market activation (which is mandatory for most recipients). A 2019 review of the scheme found that 87% closed their JA claim, signed off within the twelve-month period of the pilot compared to 73% of the overall jobseeker cohort.

A basic income guarantee for creative workers would help deliver employment and job creation across the UK for a broad range of professionals, with a particular focus on increasing opportunities for marginalised demographics.

It would be particularly helpful for our members starting out in their career who have not yet had the opportunity to build a portfolio and establish networks within the industry. This would need to be complimented by a robust collective bargaining framework built on the foundation of social partnership. It is vital that the existence of a basic income guarantee does not encourage employers to lower wages and enable rogue employers to get artists to work for free.

A first practical step towards a basic income scheme in the UK for artists would require a commitment to accept and respect the professional status of self-employed artists.

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- **General:**

- What are viable solutions, both short and long term, to the issues raised during the session regarding the health of the workforce? What can be done by the industry and what should be done by the Welsh Government?

Since we presented our original evidence, and provided oral evidence, the details around the Retained EU Law Bill have been published which would come into effect on the 1st January 2024 if it passes. This is a fundamental attack on workers rights, many of which have been secured by the trade union movement. We stand to lose

- Holiday pay
- Agency worker rights
- Data protection rights
- Protections of terms and conditions for workers whose employment is transferred to another employer (known as TUPE)
- Collective consultation with worker representatives when redundancies are proposed
- Protection of pregnant workers, and rights to maternity and parental leave
- Protection of part-time and fixed-term workers
- Rights relating to working time, including rights to daily and weekly rest, maximum weekly working time, paid annual leave and measures to protect night workers
- Protection of workers' rights on the insolvency of their employer
- Rights to a written statement of terms and conditions.

In addition to this, significant health and safety rights, notably the so-called "six pack" set of regulations including the main set of regulations in this area, the Management of Health and Safety at Work Regulations 1999 and others covering the likes of manual handling and the use of protective equipment, would be at risk.

The industry in Wales, supported by Welsh Government and the Trade Union movement through social partnership, should be opposing this move to sweep aside thousands of pieces of legislation and upending decades-worth of case law in deregulating the creative industries at a time when we should be taking steps forward and not retrograde steps backwards.

Simon Curtis

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30th December 2022