



# Mapping social dialogue in the commercial live performance sector

## Country report: Romania

**Carried out by Insula 42, Bucharest**

Research coordinator: Oana Radu. Senior expert: Corina Şuteu

Bucharest, October 2020

## Contents

Introduction	3
Commercial live performance sector	4
Key characteristics of the sector	5
Main challenges	8
The situation of workers	10
The situation of organisations	13
The state of social dialogue	16
Topics of potential interest	19
Key barriers and challenges to social dialogue	20
What could stimulate the dialogue?	21
Conclusion	22
ANNEXES	24
Annex 1: Glossary of key terms	
Annex 2: List of interviews	
Annex 3: Bibliography/Sources	
Annex 4: Legal Regulations	

## Team

The research was carried out by Insula 42 – a programme of Film ETC. Association, Bucharest

Research coordinator: Oana Radu

Senior expert: Corina Şuteu

Additional research support: Raluca Iacob

Assistants: Elena Coman, Elvira Lupşa

## Introduction

This report presents the results of a mapping and analysis of social dialogue in the commercial live performance sector in Romania. It is a part of a larger study also covering Bulgaria, the Czech Republic, Poland, and Serbia run by the social partners of the EU social dialogue committee in the live performance sector, namely PEARLE\* - Live Performance Europe and the EAEA (composed of EURO-MEI, FIA and FIM), and which is co-funded by the EU.

This report **aims** to:

- Describe the commercial live performance sector in Romania
- Identify the sector's key characteristics and related challenges
- Present the situation of workers/performers and organisations active in the sector
- Assess the state of social dialogue in the sector, understand the possible obstacles to sectoral dialogue
- Provide suggestions for promoting and fostering social dialogue in the sector

The report is based on the following **research methods**:

- Desk research: review of existing publications, documents and legal framework at the national level
- Individual interviews with relevant stakeholders
- Two online surveys for individual performers and organisations active in the commercial live performance sector<sup>1</sup>. **Limitation:** By design the online survey is not representative of the entire populations of interest. This is reflected in the way in which survey results are utilised to inform the analysis in the report.

---

<sup>1</sup> The survey was carried out online from 10 July – 4 August 2020 using the Google Forms platform and targeted organisations and professionals active in the private performance sector. It included a combination of open-ended and closed-ended questions. The respondents included 91 professionals and 43 organisations.

## Commercial live performance sector

The notion of 'social dialogue', as defined by Romanian society in the post-communist decades, inherited a number of legacies which are still to be addressed today, especially for the private creative sectors (performing arts included).

Thus, arts in general are still seen as a "service" to be provided and artists in the public sector are remunerated according to the number of years of employment, and the labour legal system never redefined the creative worker as a special category in terms of income, health insurance, etc. This state of affairs created, especially for the freelance creative sector, a situation of great vulnerability, lack of clear specific legal status and the general attitude that the 'illegitimate child' represented by the independent creative sector applied to the artistic domain in general – one that is still strongly dominated by plethora public cultural institutions.

Democratic western societies had social dialogue instruments that the former communist countries regarded as 'results' rather than processes. The alliances, coalition models, long-term strategies and advocacy processes, and the culture of dialogue needed for such effective instruments to be put in place were ignored and never really explained to the members of creative communities who wanted to go independent after the fall of communism. The result was a weak capacity to identify and implement effective ways in which social dialogue could take a useful, pragmatic form. The private performing arts sectors, like other independent creative areas, knew what they wanted as a result for the employer–employee relationship, but did not know how to engage the complex and strategic process to get this result. Also, in a heavily state-run country like Romania, administration and public authorities were perceived as the 'obstacle' to gaining rights, not the patron or the direct employer. This situation is now slowly evolving for the better, with a new generation, a much better circulation of information and a superior civil culture developing, as well as with the emergence of strong independent cultural events and their resourceful and vocal communities.

Last, but not least, politics and the arts remain strongly interlinked, and using artists as ideal propaganda instruments, in a society that only gradually achieved freedom of expression in relation to democratic values, is an important lingering trend. Many successful freelance artists will access resources not in order to improve the level of democratic understanding, tolerance, European values for the citizen, but in exchange for responding to political and ideological interests. Failure to combine the political control of public resources with development of a strong public policy in favour of creative diversity of expression led to a weak development of the independent creative sector and an even weaker encouragement of these sectors to advocate for their labour rights.

It is within this general context that we looked into social dialogue within the private performing arts sector.

For the purpose of this study the **commercial live performance sector** is understood to cover a wide range of performances presented in the physical presence of a public, both for-profit and not-for-profit, **fully or partially independent from public funding**. This in particular involves activities such as theatre, music, dance, circus and other stage productions performed in specialised venues, in public spaces, in venues frequented by tourists, etc.

This implies that public sector entities are excluded from the analysis. However, initiatives partly subsidised by public funds remain within the scope of research provided that they do not fully rely on public funding and that they remain independent from the public sector in terms of managerial decisions and in applying for funding.

### Key characteristics of the sector

The first remark to be made is that the exact dimension of the overall live performance sector, and of the private one in particular, is difficult to ascertain, given the lack of consistent data gathering for its various sub-sectors. Secondly, its structure and functioning vary greatly from one discipline to the other, given its specificity, history and the weight of the public organisations.

The performing arts sector can in principle be divided into three categories of stakeholders:

- 1) **The public sector**, with institutions (theatres, operas, philharmonics, orchestras and choirs, ballet and dance centres and companies, circuses, folk ensembles, local cultural centres, etc.) established by national, county or local authorities and whose activities are subsidised overwhelmingly from public funds. They are established and function according to a specific legislation<sup>2</sup>.
- 2) **The non-governmental and non-profit sector**, often referred to as the “NGO sector” or “independent sector”, encompasses mainly associations and foundations<sup>3</sup> active particularly in the fields of theatre, dance, classical music or jazz. As private initiatives in fields and types of activities for which the market alone cannot provide sustainability, they usually complement what the public sector offers, and the tension between public and “independent” has remained a consistent reality of the past 30 years, related particularly to the latter’s legitimacy (or perceived lack thereof) and access to public funds.
- 3) **The for-profit sector**, which includes mainly companies (usually limited liability companies)<sup>4</sup>, active particularly in the field of music, but also in theatre, or circus. Often referred to as “commercial”, “business” or “private” sector, it has been growing for the past ten years, along with the increase in the purchase power of Romanians.

---

<sup>2</sup> Governmental Emergency Ordinance (GEO) no. 21/2007 on institutions providing performances and concerts, as well as the exercise of artistic business management activity, GEO no. 189/2008 on the management of cultural public institutions, and Law no. 153/2017 on wages of personnel paid from public funds (Unique Pay Law in the public sector). See Annex 4 for details on all regulations referenced throughout the report.

<sup>3</sup> Established in accordance to Government Ordinance no. 26/2000 on associations and foundations.

<sup>4</sup> Established on the basis of Law no. 31/1990 on companies (in Romanian “societăți comerciale”).

The **distinction** between the last two sectors, which form the focus of this report, is sometimes unclear, as many performing arts initiatives operate with both legal entities in order to adapt to existing administrative and fundraising constraints.

**Terminology** is also blurry: what one understands by “commercial”, “private”, or “independent” varies, as they are often used in regard to arts practices too, regardless of legal status – commercial can be perceived as a derogatory term, even anti-artistic, just as independent can imply more experimental artistic practices or lack of public support. We have therefore opted in our inquiries for the more neutral term “private” to describe the scope of our research, and will hereinafter refer to the *non-profit/NGO sector* and *for-profit/business sector* to address its two components.

The public sector is the one for which most **data** is available nationally in terms of dimension, structure and employment (but not compounded budget or subsidies), while the NGO sector is the least known, as the National Institute of Statistics (NIS) does not pool and make data available about NGOs (unless subject to regulation, such as health or social services). The most recent data available for **NGOs** dates back to 2015<sup>5</sup>, when a total of 5,310 NGOs were active in the cultural field, representing 12% of the total number of active NGOs, and marking one of the largest sectorial increases among NGOs since 2010: 94%. Within this pool of cultural organisations, there is no specific data about the percentage of those active in the performing arts. Revenues of cultural NGOs almost doubled from 2012 to 2015, to over 175 million euro in 2015, yet the assets of NGOs in the cultural field remain lower compared to other fields, testament to the precariousness in which the sector finds itself.

For the **for-profit sector**, statistical data show a significant increase through 2018, for which the latest data is available: the number of enterprises and their turnover almost tripled compared to seven years before, to 2,772 entities and a turnover of almost 175 million euros<sup>6</sup>, and their profit increased by 600%<sup>7</sup>. It has to be noted that official statistical data also includes among “enterprises” authorised self-employed persons (PFAs), so the number of companies probably accounts for less than half – see more details in the following two chapters.

More than half of the entities are active in performing arts activities (events); those active in support activities (logistics, equipment, sets and costumes etc.), however, have a larger turnover (see Charts 1&2). The market is concentrated among a few large players, within both the events and the support segments: the first three companies bring in almost 16% of the turnover, with the next four gathering some 8%<sup>7</sup>. This considerable growth of the sector in the past decade was brought about by the increased

---

<sup>5</sup> Foundation for Civil Society Development (FDSC) (2017), *The Nongovernmental Sector in Romania 2017*, Bucharest

<sup>6</sup> All data referenced hereinafter is based on the National Institute of Statistics Tempo database (<http://statistici.insse.ro>) [INS], unless otherwise noted, and includes companies registered under the following NACE (Rev.2) class codes which form the core of the scope of our report: R.9001 - Performing arts (events), 9002 - Support activities for performing arts, and 9004 - Operation of performing arts facilities. The real number of companies is larger as there are other classes relevant to our survey, such as 9003 - Artistic creation or 7490 - Other professional activities, which include the activities of agents, bookers and other intermediaries, but it is difficult to extract data specific to performing arts only.

<sup>7</sup> KeysFin (2019), *The Romanian business of going out: Gambling halls, sports events, concerts and lastly museums and tourist objectives (based on the financial data of the companies active in the area)*

purchasing power of Romanians and investments in logistics and promotion, leading to a meaningful change in consumption behaviour. This professionalisation of the sector also shows in increased international recognition, with 5 festivals in Romania nominated in the European Festival Awards 2019 in all categories.

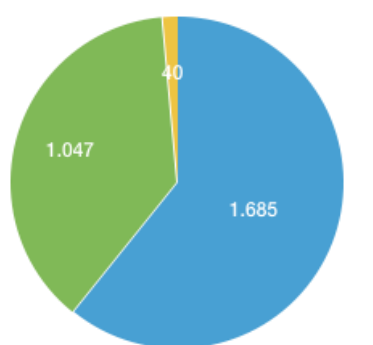
The largest number of companies operate in Bucharest (959)<sup>7</sup>, where the most events are being organised, though large non-classical music festivals (such as Untold, Electric Castle or Neversea) all take place outside the capital. Cluj, Constanța, Sibiu, Timișoara and Iași are also important centres, due primarily to the concentration of population, the higher purchasing power and the logistics solutions available. As KeysFin (2019) reports, in these cities, perhaps even more than in the capital, the local authorities have understood the touristic and business potentials of organising concerts and festivals, and supported it.

**Table 1: Number of entities, employees<sup>8</sup>, turnover/revenues for the three main sectors**

Year	<i>For-profit enterprises active in performing arts</i>			<i>NGOs active in all cultural fields (not limited to performing arts)<sup>9</sup></i>			<i>Public institutions active in performing arts</i>	
	<i>No of enterprises</i>	<i>Turnover (lei thousand)</i>	<i>No of employees</i>	<i>No of active organisations</i>	<i>Revenues (lei thousand)</i>	<i>No of employees</i>	<i>No of institutions</i>	<i>No of employees</i>
<b>2012</b>				3,713	428,532	4,325	168	11,165
<b>2015</b>	1,337	421,768	1,898	<b>5,310</b>	784,500	<b>6,984</b>	254	11,701
<b>2018</b>	<b>2,772</b>	813,996	<b>2,491</b>				<b>223</b> [153 legal entities] <sup>10</sup>	<b>12,695</b>

Source: Compiled by the author based on NIS<sup>6</sup>, KeysFin 2019<sup>7</sup>, FDSC 2017<sup>5</sup>, Social Economy Atlas 2014<sup>9</sup>

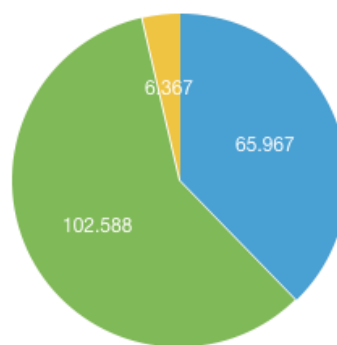
**Chart 1: Number of commercial entities in key NACE classes in 2018**



● Performing Arts (events, concerts, festivals)  
● Support activities to performing arts (event logistics)  
● Operation of performing arts facilities

Source: NIS

**Chart 2: Turnover of commercial entities in 2018 (EUR thousand)**



● Performing Arts (events, concerts, festivals)  
● Support activities to performing arts (event logistics)  
● Operation of performing arts facilities

Source: Author, based on NIS

<sup>8</sup> INS data for employees list exclusively those working with a labour contract.

<sup>9</sup> It lists the associations and foundations active in the entire cultural field and all disciplines, not just performing arts, as these are the only compounded figures available at the national level. 2015 figures from FDSC 2017 and 2012 figures from Cristina Barna (2014), *The Social Economy Atlas*, Institute of Social Economy - FDSC, Bucharest.

<sup>10</sup> One legal entity can be an umbrella for more companies, ensembles, etc.

Besides the legal status, there are **specificities among the different fields**. Within operas, operetta, ballet, philharmonics, orchestras, ensembles, the public sector reigns supreme, with a few notable private classical music festivals, choirs or ensembles. The private non-classical music sector, on the other hand, is the largest and most diverse, displaying the largest development and impact in recent years. A real industry has been developing with the rising success of the indie rock and electronic music festivals, sparked by a generational shift in terms of professionals and audiences alike, supported by coalitions and self-organisation, and a more balanced relationship between success and the market.

Theatre organisations are, by comparison, smaller in number and in scale, as they operate in a system very much dominated by the public performing arts institutions. One important remark is that the audience is increasingly misled, especially in Bucharest, by the total lack of a real programming policy of public theatres, mixed with a superficial tendency to open independent spaces for performing arts, who programme anything; all types of theatre performances are possible both in public theatre and independent theatre. It creates a dangerous context for theatre as such; the border between entertainment, amateur theatre and serious performance becomes totally blurred.

Contemporary dance has a small community and a particular situation given its history; the National Dance Center, born out of and with pressure from the independent sector, is the only public institution in the performing arts whose projects are produced exclusively with independent artists.

Beyond the specificities, one of the traits the various fields have in common is their “festivalisation”. Almost 80% of organisations surveyed carry out their activities on an event basis and without regular programming/activities, and this seems to be the case in general. This trend is influenced by consumption practices, but also by funding opportunities; and it translates into the shape and structure of working relations.

## Main challenges

This year’s closure of events due to the pandemic looms large as the critical challenge to the sector, and the interviews and survey showed that despite the government’s good intentions and openness, so far support measures for many actors in the field, be they individuals or organisations, are not sufficient. What the pandemic also brought to the fore was the lack of reliable information about existing creative resources, and how little public authorities know about the scale, structure and specificities of each of the sub-sectors, in order to tailor mechanisms for support<sup>11</sup>. The pandemic also highlighted how

---

<sup>11</sup> The National Institute for Cultural Research and Training (INCFC, [www.culturadata.ro](http://www.culturadata.ro)), the public institution with a mandate in cultural research, has produced in the past few years a series of reports on the cultural and creative sectors and their economic contribution, but there are still many gaps that have not been covered, as the available information detailed above shows, particularly in relation to the non-profit sector and the number of people working in the cultural sector, as well as specificities for various sub-sectors. INCFC also administers the Performing Arts Register (<https://www.registrulartelor.ro>), established as per GEO no. 21/2007 on institutions providing performances and concerts, as well as the exercise of artistic business management activity, but while it is a reliable source of information on the public institutions in the field and on the companies and individuals registered as artistic impresarios, its



difficult it is for the various domains to defend and advance their interests when coalitions and representation are lacking.

Beyond the pandemic, for the non-profit sector, the biggest challenge is considered to be the **extremely low level and the inadequate forms of public support**<sup>12</sup>, which keep the sector in a chronic state of precariousness. Regular open calls at the local level are still not the norm, though many cities have become more transparent and supportive in the past few years. Direct public funding is awarded exclusively on a project basis and is administratively taxing, and there is no structural support, be it financial or, with rare exceptions, infrastructural. While there have been many improvements, the legitimacy of the sector continues to be a challenge; and the aforementioned lack of data about the sector, its scale and impact hinder its recognition.

The **lack of adequate cultural infrastructure** (and infrastructure in general) at all levels and **limited access to public infrastructure** has come up constantly as another key challenge for the entire private sector. For the companies active in the music and events business, this ranks as probably the biggest problem: Bucharest is the only E.U. capital lacking a 10,000+ multifunctional venue, and in general small and medium-size performing arts venues or cultural hubs are lacking in the capital and throughout the country, thus considerably limiting opportunities beyond the outdoor summer festivals season.

The **pervasive practice of local festivals or “city days” organised by local authorities free of charge** has been largely considered by those interviewed as another key challenge for the live performance industry. Usually bringing together pop, folkloric and rock musicians, they continue to be a staple of the field, both as a source of income for a part of the sector, and a target of criticism for their populist drive, frequently low level of artistic quality, and the negative impact on the development of the industry and of audiences. Moreover, as some interviewees and survey respondents noted, connections to politics or other informal power networks favour access to funds, opportunities and media channels for some, especially in theatre, rock and pop music, adding another challenge.

**Inadequate legislation for the live performance sector, and lack of social protection** are also mentioned among the biggest challenges for the sector, along with lack of qualified personnel, scarcity of professional development opportunities, lack of practical information and advice on legal and tax issues, and the general unpreparedness of recent graduates for the realities of the field. Excessive red tape, corruption, and the political dependency of managers of public institutions on the public authority also impact the private sector.

---

listing of private companies is extremely limited, given the lack of an incentive to register and penalty for non-compliance.

<sup>12</sup> Data is chronically missing, but for example in 2015, when the public support for NGOs in Bucharest was expanded due to the city's bid for European Cultural Capital, public funds awarded to projects of cultural NGOs in the city by the two local and national funds amounted to only 1.63% from the subsidies awarded to the public cultural institutions in Bucharest. See *The Cultural Strategy for the City of Bucharest 2016-2026*, p. 33, available at <http://strategiaculturalabucuresti.ro>

## The situation of workers

In terms of the **number of people working in the private performing arts sector**, there is **no data to estimate it**. The figures in Table 1 above list only the number of those working based on an employment contract, and they show that within private organisations, whether for-profit or not-for-profit, **employment contracts are rare**, be they permanent or fixed-term (see more in next chapter too). Moreover, many of those employed within the public sector also work in the private one, making assessments all the more difficult.

Freelance work is the norm in the private sector, with many **accumulating various collaborations**, usually on a project basis. 40% of survey respondents coming from the creative, technical and administrative fields alike worked in 2019 with more than 7 organisations and about the same number worked with 1-3 organisations.

There are a **variety of non-standard arrangements for carrying out activities in the performing arts**, from different types of individual contracts to organising as legal entities. The only one that is specific for the creative professions is 1) the licensing of author's rights and neighbouring rights<sup>13</sup>. Because overall taxation for such revenues is lower<sup>14</sup> than regular employment and other arrangements, it has become the usual form for carrying out an activity as an individual artist, and has been extensively used (and sometimes abused) for any form which involves a creative component.

Other frequently used arrangements, depending on type of work and sub-sector include: 2) Individual Civil Law contracts for service provision for the administrative or technical professions, which has become less used in the past two years, following changes in the Fiscal Code which limit its application; 3) Registering as an authorised self-employed person (PFA)<sup>15</sup> for various professions and trades; 4) Establishing a company, often a single member limited liability company without any employees and with dividends as a form of revenue, more frequently used in the music sector for both creative and technical professions; 5) There is also a high incidence of voluntary work, which often is not formalised in a contract. And of course, 6) the practice of no contracts (which 13% of survey respondents declare having been subject to in 2019), or 7) an ad-hoc system, especially for theatre and dance, where one performer acts de facto as an intermediary and concludes a contract on their behalf, then splits the fee with the rest of the people involved.

The choice of legal arrangements (which is usually not made by workers but employers) is influenced by taxation, and the numerous and frequent changes of the Fiscal Code have translated into migration from one form to another. Recent increases in a PFA's fiscal burden have led to the establishment of a company as a more favourable and frequent option at the moment. Given that the licensing of author's and neighbouring rights carries no other taxes/compulsory contributions (for health insurance or social

---

<sup>13</sup> Regulated by Law no. 8/1996 on author's rights and neighbouring rights and the Fiscal Code.

<sup>14</sup> With a fiscal status of royalties, such revenues also enjoy a 40% deduction.

<sup>15</sup> Carrying out an activity as an authorised self-employed person ("Persoana fizică autorizată" or PFA in Romanian) is regulated by GEO no. 44/2008.

security) when it is combined with an employment contract, the practice of using an employment contract at minimum wage to offset charges for the former is frequent.

The employment arrangements also depend on the degree of celebrity and welfare one has as a creative. Those creatives who also work in film production, a TV series or advertising, some of whom are juggling individual contracts, self-employment, companies or NGOs, are not submitted to the same kind of volatile situation than the rest, who are obliged to accept whatever formula is proposed to them.

Almost half of the respondents have used at least two type of contracts; indeed, as interviews have also shown, **many workers combine not just collaborations with numerous organisations, but also various types of work arrangements.** The survey responders list service provision contracts as the most often used, followed by copyright and neighbouring rights contracts and permanent employment contracts; the results can be explained by the fact that more than 50% are active in the technical professions. The survey also shows that those active in the technical professions are far more likely to manage a company; those with an artistic profile are far more likely to be members of an NGO; and the self-employed status is used by all three categories of respondents (artistic, technical or administrative). While the survey was not designed to be representative for the target group, it captures well what also emerged from the interviews.

Both the survey and interviews show that for the technical and logistical professions, the number of collaborations is larger, it ranges across sub-sectors or in other related sectors (audiovisual, tourism), and is based less on collaborations with public institutions; the nature of the work and the scale of the sector forces them to multiply collaborations. Excessive diversification and the work asymmetries in the various fields can also have a negative impact on creative processes.

Artists, on the other hand, receive on average a higher percentage of revenue from collaborations with public institutions, which can be project-based, short-term or permanent contracts. It is particularly within the theatre field that actors, directors or designers work with both public institutions and private organisations. To be employed in a public theatre is much sought after by young actors, as it provides security and the opportunity of larger productions, while also allowing for independent project-based work. The large number of collaborations for actors (and the corresponding large number of non-employed actors in theatres, both private and increasingly, also public), particularly in Bucharest where most opportunities within and outside the field are available, has also become in the past few years a real hurdle in scheduling repertory shows (which is the way most public and private theatre organise their programming).

There is no **regulation concerning minimum fees** in the performing arts, and working for fees that are too low has been mentioned by some as a challenge to the profession. The only legal provisions relate to the level of salaries within the public institutions<sup>2</sup>, and it is within the public sector that the freedom to set licence fees for authors' and neighbouring rights was used to pay fees larger than what might otherwise have been permissible for public institutions.

What the existing legal instruments fail to offer is **security and social protection** adapted to the sector, even when contributions are being paid. PFAs are required to pay social security contributions, and so are licensors of author's and neighbouring rights when they do not also hold an employment contract, but they do not cover unemployment insurance. While there is a general mechanism of opt-in contribution-based public unemployment insurance for PFAs and other non-employment arrangements, it is not adapted to the specificities of what unemployment can mean in terms of independent, atypical work in the performing arts and the artistic sector in general.

It must be said that the Romanian public pensions system offers two types of **special retirement indemnities** for artists and interpreters in the performing arts, which are antiquated and need revision. Thus, an additional retirement indemnity from the public pension fund, amounting to 50% of the contribution-based pension (with a cap), was set up in 2006<sup>16</sup>, but eligibility is conditioned by membership in the traditional creators' and performers' unions (see more on page 18) and limited to those enrolled in the public pension system. A retirement indemnity was set up in 2005<sup>17</sup> for interpreters and performers active as freelancers until 1999 or for those affected by occupational illness, but the application process is daunting and the monetary level available is very low.

The current non-employment arrangements also provide limited or no **rights and protection in areas such as working hours, working conditions, or occupational safety**, which are in general taken very lightly by many in the sector. Born in the aftermath of the tragic Colectiv club fire in 2015, The Romanian Association of Concerts and Cultural Events Organisers (AROC) has established as one of its missions to set a bar for professionalism in the sector including in terms of contractual relations and occupational safety.

These various arrangements have thus tried to optimise atypical and unstable work within an inadequate legal framework and a sector characterised by a scarcity of resources. What many people are asking for is a **specific legal status** which would both accommodate the specificity of artistic, technical and administrative work in the performing arts, while also offering a greater level of social security and protection. The "intermittence du spectacle" system in France is often referenced, and discussions about establishing a "status of the artist" have been ongoing for decades, yet concrete proposals on how such a mechanism could work within the specificity of the Romanian legal system are still to take shape. A recent grassroots initiative developed an "Alternative public policy proposal on the Consolidation of a societal status for the artist, author and creator in Romania"<sup>18</sup>, but it has not engendered concrete follow-up proposals.

Most performers in theatre and dance find their jobs by networking within the sector. In music there are several successful booking agencies and management companies; the musical sector is, from this point of view, more efficient and active.

---

<sup>16</sup> As per Law no. 8/2006 for the establishment of the indemnity for the beneficiaries of the public pension system, members of legally established creators' unions recognised as public utility legal entities.

<sup>17</sup> As per Law no. 109/2005 for the establishment of the indemnity for the freelance activity for interpreters and performers in Romania

<sup>18</sup> <https://statutulartistului.ro>

## The situation of organisations

As noted in the first chapter, the size of organisations in theatre and dance is usually small, whereas within the music field they range from small to large, with a few large companies bringing in a large proportion of the turnover. Statistical data (see also Table 1) show an extreme disparity between the public and private sectors in terms of employment scale and structure. Whereas a small number of public institutions operate with a large number of employed personnel (on average more than 50), both for-profit companies and NGOs have on average around one employee.

Thus, for the **non-profit sector**, in 2012, 78% of cultural NGOs didn't have any employee, with 20% having between 1-5, 4% between 6-20 and only 1% over 25 employees<sup>19</sup>.

For **private companies**, there is no company with 50 employees or more, and those with more than 10 amount to less than 1% of the total. The majority of entities have no employee, and it is particularly in the sub-sector of performing events that the largest number of entities have no employee (see Table 2 below). One of the reasons for this is statistical: under the enterprises listed in INS data, all legal entities carrying out a commercial activity, including all registered self-employed persons (which we can estimate at more than 50% of all enterprises<sup>20</sup>), are compounded. Small single member limited liability companies, as noted in the previous chapter, have also gained traction in the past years.

**Table 2: Employment in for-profit enterprises in the main performing arts sub-sectors in 2018**

	<i>Number of enterprises</i>	<i>Average number of employees in an enterprise (overall/sub-sectors)</i>		
Enterprises with 0-9 employees	2753	<b>0.75</b>	Performing arts	<b>0.65</b>
			Support to performing arts	<b>0.90</b>
			Operation of arts facilities	<b>1.92</b>
Enterprises with 10-49 employees	19	<b>22.84</b>		
Enterprises with 50+ employees	0			

Source: The author based on INS Tempo database (<http://statistici.insse.ro>)

Beyond these data adjustments, the level of employment based on labour contracts within the private sector remains low. Among organisations which responded to our survey (which are probably more active and established than the average, and come to a greater degree from the music sector), 40% had between 1-5 employees, and almost the same percentage had none.

At the same time, 95% of survey respondents had **other types of work arrangements**, with almost 40% of them working on a non-employment basis with 6-24 people, and over 30% with more than 25. The main and most frequently used non-employment arrangements are those for service provision (based on Civil Law or with PFAs) and

<sup>19</sup> Cristina Barna (2014)

<sup>20</sup> Based on the total number of registered self-employed persons versus companies in the overall Events, Culture and Entertainment sector, which also includes museums, libraries, sports, gambling (54% vs. 46% in 2018), as per INS database.

author's and neighbouring rights licensing. 25% of survey respondents admit to the “no contract” practice, while many interviews indicate that the practice of receiving payments ‘under the table’ circulating for all the sectors covered by the study, to avoid taxation and bureaucracy, might be even more widely spread. Work via intermediaries is limited usually to large events, such as the big music festivals, for artists’ booking and the provision of stagehands, usually by a few established companies.

In recent years, **public institutions in the performing arts have also multiplied their non-standard employment arrangements**; to bypass restrictive legislation which limits the number of people they can employ, many theatres have also opted to work with intermediaries (temporary work agencies) for technical or admin staff, as well as short-term contracts, particularly for younger actors. When budgets were cut, some of these were among the first let go, bringing a sense of instability to work in the public sector itself.

The low level of regular employment in both NGOs and for-profit enterprises is based to a great degree in the atypical nature of the work in the performing arts sector, the heavy fiscal burden for employment, and the precariousness and chronic lack and inadequacy of resources, particularly for the non-profit sector. As Ștefan Guga noted<sup>21</sup>, talking about the non-profit sector in general, both the atypical type of work and the precariousness of work are structurally embedded in the way the sector functions in Romania. With public funding being allocated exclusively on a project basis, for instance, salaries of employed personnel are usually not eligible for support, prompting other types of arrangements.

The great majority of organisations in the sector are project-based and are also exclusively financially dependent on the frequency and regularity of live performances. It is an exhausting and risky environment for all, as the sources of revenue are constantly dependent on events and, as such, they are sometimes volatile and insecure; 40% of survey respondents experienced large fluctuations in the number of workers in the past 3 years.

The **business models and revenue sources** depend on the sub-sector and the corresponding legal status, and many performing arts initiatives operate with both for-profit and not-for-profit legal entities in order to adapt to existing administrative and fundraising constraints. NGOs funding comes from a mix of national, county or municipal public funds (awarded exclusively on a project basis and seldom based on regular open calls, with the notable exception of the National Cultural Fund, which has however a limited budget), sponsorship, donations, grants from private foundations, voluntary work, as well as revenues from their activities (ticketing, etc.), including economic activity within their field, which is subject to a business-like fiscal environment.

Companies are based mainly on business revenue, though for some public funds also play an important role. If the latter can take the form of grants or loans for SME start-ups, development or investment, it is particularly the aforementioned practice of local music or folkloric events organised or supported by local authorities, usually free of charge for audiences, that makes the public sector an important actor – as a source of

---

<sup>21</sup> Ștefan Guga (2016), *Atypical Work in Romania from the Outbreak of the Crisis. An Overall Perspective*, Bucharest, p. 40

business income for many companies, as well as what is considered to be unfair competition for the “purely private” sector.

The amount of revenue coming from public sources is difficult to estimate, but it is probably a minority. The survey indicated that 65% of organisations received in 2019 less than 20% of revenue from public funding.

Cluj Cultural Center (CCC)<sup>22</sup> has launched in the past few years a programme of research into the cultural and creative sectors and their impact, including work relations in the field, which confirms the above-mentioned trends at the level of the cultural sector as a whole and provides additional useful information<sup>23</sup>.

---

<sup>22</sup> CCC has also initiated the Cluj Future of Work Project aiming at rethinking and innovating work practices in the cultural sector. Details at <https://cccluj.ro>

<sup>23</sup> Pop Cristian et al. (2019), *Work in culture and the culture of work. The changing trends in how work is organised. Case studies with regard to the work in culture and informal work.*

## The state of social dialogue

In Romania, the landscape of social dialogue was reshuffled in 2011 with the adoption of a new law<sup>24</sup>, in conjunction with new labour legislation, which aimed to make the labour market more attractive to investors. **The new legislation negatively impacted social dialogue**, particularly in the private sector<sup>25</sup>: tripartite social dialogue became a mere formality, collective bargaining at national level was banned, and bipartite level collective bargaining agreements at branch/sector level dropped suddenly and significantly, disappearing completely from the private sector and being severely diminishing in the public sector (from 47 contracts signed between 2005-2010 to only 5 within 2011-2017). The number of collective bargaining agreements at group level has dropped too, even if not as dramatically.

These are due to the **more limiting requirements to associate and reach representative status**, and the structural shift from branches to sectors<sup>26</sup> brought about by the 2011 law: at unit level, a trade union can only be set up by a minimum of 15 people within the same company/entity, which in an economy relying on small and medium-sized enterprises effectively limits the freedom of association<sup>27</sup> (previously 15 employees working in the same economic branch or profession could set up a union). At least 50%+1 of the total number of employees from the same company are needed to reach social partner representative status and negotiate a collective agreement (up from 30% previously). At sector level, trade unions should include at least 7% of the total number of employees in the sector, and employers' organisations at least 10%, in order to become representative (given the high number of enterprises with fewer than 15 employees, the thresholds of representation in some sectors are in practice significantly higher). For a sector-level agreement, company members of the signatory employers' associations should include more than half of the total number of employees in that sector.

These limitations are compounded by the **narrow definition of what an employee is**: a person working based on an individual labour contract, as defined by the Labour Code. The result was that the new legislation "placed certain categories of short-term and freelance worker squarely outside [the scope] of social dialogue and the protections that it might afford, rather than facilitating their inclusion. Thus, the challenge trade unions face is to establish representativeness and to challenge the race to the bottom that freelance workers now face, without the benefit of union protection"<sup>28</sup>.

---

<sup>24</sup> Law no. 62/2011 on Social Dialogue

<sup>25</sup> Ștefan Guga, Camelia Constantin (2017), *Analysis of the Impact of the Social Dialogue Law Adopted in 2011 – Sociological and Legal Research*, 2nd Edition", Bucharest, which we reference in this introduction.

<sup>26</sup> The 2011 law provides that collective bargaining between unions/federations and employers or their representative associations' can be carried out at three levels: unit (legal entity), group of units, and sector, with specific representativeness requirements. The shift from branches to sectors (defined as per NACE class codes), did not take into account the existing organisational realities, with extreme variations within sectors. For our purposes, the shift was from the Culture branch to the Culture & Mass Media sector.

<sup>27</sup> This is all the more true for the private performing arts sector, in which the average number of employees is far lower than the national average (see Table 2).

<sup>28</sup> Pascale Charhon, Dearbhail Murphy (2016), *The Future of Work in the Media, Arts & Entertainment Sector. Meeting the Challenge of Atypical Working*, p. 61



## The state of dialogue in the commercial live performance sector

Indeed, **in the performing arts private sector, there are no dedicated trade unions or employers' organisations.**

While legally registered employers' associations are missing **in the public sector as well**<sup>29</sup>, **the unions are in a different situation**: Most public institutions have their own union at unit level and unions do matter. There are several national unions and federations within the Culture and Mass Media sector, which are in turn affiliated to one of the five large confederations at national level. **FAIR-MediaSind Culture and Mass Media Federation**<sup>30</sup> is the leading federation in the sector and, with 30 organisations affiliated and approximately 8,000 members, it is the only federation legally recognised as representing the "Culture and Mass Media" sector (passing the threshold of 7% of all employees in the sector). It is affiliated with the CNSLR Frăția national confederation, as well as with the International Federation of Musicians (FIM), International Federation of Actors (FIA), the International and European Federations of Journalists (IFJ/EFJ), UNI Global Union and its Media, Entertainment and Arts Alliance UNI MEI. The **Associated Unions of Performing Establishments (USIS)**<sup>31</sup>, a FIA affiliate, is recognised as representing the public institutions in the performing arts sector in the country, while the more recent **Federation of Unions in Cultural Institutions**<sup>32</sup> addresses public institutions in all cultural fields.

While there are legal restrictions for setting up a union, which clearly hamper unionising in the small-scale-entity and fragmented private sector, employees and freelance workers in the private sector can join existing national trade unions, which can provide assistance on legal, tax, insurance matters, support in case of a labour conflict, and training, and could help bring up issues relevant for the private sector on the agenda. The FAIR culture national union does have members working in the private performing arts sector, though exact figures are not available. The research however showed that most professionals are not aware of its existence and the support it can offer, or seeing it as mainly dedicated to those working in the public field.

Where entity-level unions do not exist or do not have representative status, national unions and federations can negotiate collective agreements at unit level<sup>33</sup>. Moreover, what FAIR-MediaSind Federation has been advocating for is the conclusion of a sector-level collective agreement, which would impact workers in the private sector as well, which is hampered by the lack of a representative organisation of employers in the cultural field (and consequently in the culture-mass media sector as a whole). Since the 2011 move from branch to sector, no collective agreements have been concluded for the culture and mass media sector, or at group level. Previously, the last collective agreement for the culture branch was signed for in 2006-2008.

---

<sup>29</sup> Within the Culture & Mass Media sector, there are employers' associations within the media field.

<sup>30</sup> Bringing together the two national unions in the fields of culture – FAIR (established in 1990), and mass media – MediaSind. Details at <http://www.mediasind.ro>

<sup>31</sup> <https://www.facebook.com/usis.ro/>

<sup>32</sup> <http://fsic.ro>

<sup>33</sup> FAIR-MediaSind has done so for several public institutions, but none so far for a private entity, also given that very few employing more than 21 people (the limit beyond which starting collective negotiation is demanded by law) exist.

Although the private sector has no registered unions or employers' associations, **various professional associations and coalitions** have been established or at least attempted, with various degrees of success and representation.

The oldest ones are the **artists' or "creators" unions** or guilds, which inherited the entities administering the (mostly) freelance artistic professions during the communist regime<sup>34</sup>. After 1989, the six guilds evolved to varying degrees, having a varied and sometimes unclear mandate, representativeness and recognition within sectors that have considerably changed. Two of them are active in the performing arts: **UNITER (The Theatre Union of Romania)**<sup>35</sup>, with over 2,100 members, out of which 350 do not have a permanent contract with a public institution and 665 are retired, and the **Union of Composers and Musicologists in Romania (UCMR)**<sup>36</sup>, with over 400 members. They enjoy a special legal treatment which grants them earmarked public funding in the form of a percentage surcharge on field-specific cultural goods and services ("cultural stamps"). They offer services and support for members (which have traditionally included exclusively artists, i.e. "creators", and not performers) and initiate and fund projects in their field. Membership gives artists the right to the additional 50% retirement indemnity from the public pension fund (detailed on page 12). Their advocacy efforts have been carried out mainly through **The National Alliance of the Creators' Unions (ANUC)**<sup>37</sup>, which was the first to propose, in 1998, a manifesto for a Status of Artists and Performers in Romania, but has become less active lately. A similar approach (and benefits) is/are enjoyed by the **Romanian Creative Performance Union of Musicians (UCIMR)**<sup>38</sup> established in 1995, which claims to have over 10,000 performers in the musical field as members.

The **non-profit sector** or various communities within it have made various attempts at coalition within the past three decades, many times around specific objectives, from public funding to recognition and legitimacy. Though many did provoke visible advancements (from the establishment of the National Cultural Fund or the National Dance Center), they did not coalesce into long-term platforms representing the field. There were also several attempts at creating unions (such as a guild of freelance actors and directors) or associations of employers, such as the **Association of Independent Theatres in Romania** established in 2016 by a number of leading private theatres in the country, but they either could not be established or at not active. The pandemic provoked a reactivation of the Association of Independent Theatres in Romania, part of a larger informal coalition within the non-profit sector which aims to advocate for concrete measures of support for a sector at risk of collapse.

Initiatives involving information, assistance, capacity building and advocacy support have also taken shape – from the regional and very impactful Policies for Culture

---

<sup>34</sup> See the recent Caterina Preda (2020), *The Role of the Romanian Artists' Union in the Production of State Socialist Art*, ARTMargins

<sup>35</sup> <https://www.uniter.ro>

<sup>36</sup> <http://www.ucmr.org.ro>

<sup>37</sup> <https://www.anuc.ro>

<sup>38</sup> The Author's translation of Uniunea de Creație Interpretativă a Muzicienilor din România. Details at <https://www.ucimr.ro>.

programme in the early 2000s<sup>39</sup> to the more recent ZonaD Platform<sup>40</sup> or the **Trans-sectorial Association of Cultural Independents (ATIC)**<sup>41</sup> – but platforms of representation are still lacking.

A series of efficient recent initiatives within **the live performance industry** show that the music industry in particular seems to be more aware of the administrative and legal system and more cohesive in terms of a common platform to protect and advance its interests. The **Romanian Association of Organisers of Concerts and Cultural Events (AROC)**<sup>42</sup> is the largest such organisation founded in 2016 by 12 of the leading actors in the concerts and festival market in Romania, currently numbering 21 members. It aims to defend and advance the common interests of its members, to become the main institution of legitimate and authorised representation in the field nationally and internationally, as well as to increase the professionalism and recognition of its members. In the context of the dramatic impact of restrictions on cultural and entertainment activities due to the COVID-19 pandemic, the association has so far been a key representative of the sector in voicing the problems and needs of its members in dialogue with the government.

The pandemic has prompted other initiatives, among them the establishment this summer of the **Association of Workers in the Live Entertainment Industry (A.L.I.S.)**<sup>43</sup> and the initiative of creating a national federative **Association of Independent Musicians (UNMIR)**, with 100 founding members inviting musicians to join (currently in the process of gaining legal status)<sup>44</sup>. These helped advocate early in the pandemic for extending the initial subsidised monthly indemnity to PFAs and individuals with revenues exclusively based on author's rights and neighbouring rights. Aiming to provide representation, as well as various services for its members, A.L.I.S. has also managed to advocate for the inclusion of companies in certain NACE classes relevant to the sector among those eligible for pandemic-related government support.

## Topics of potential interest

In responding to our survey, workers pointed to **pay for workers and social security and pension contributions** as the main topics which social dialogue should address, followed by **funding sources for the live performance sector** (particularly for theatre and dance professionals and for those working based on licensing of rights), and **working conditions** (which list highly, particularly for those in the music industry and among technical professions). Survey findings match what the interviews highlighted: social security and pay list the highest among those working in all fields, though feedback is mixed on the need and feasibility of establishing minimum fee levels for various professions. While the sector's sole representative union FAIR-MediaSind set a

---

<sup>39</sup> A collaboration between ECUMEST Association and the European Cultural Foundation. Details at [www.policiesforculture.org](http://www.policiesforculture.org)

<sup>40</sup> A programme provided by the Gabriela Tudor Foundation, which recently carried out research on the contemporary dance scene in Romania. Details at <https://dans.ro/resurse/>

<sup>41</sup> ATIC aims to provide independent workers in the cultural field with assistance and information on legal and tax matters. Details at <http://atic.org>

<sup>42</sup> <https://www.aroc.ro/en/>

<sup>43</sup> <https://alis.org.ro/>

<sup>44</sup> <https://www.facebook.com/UniuneaMuzicienilorIndependenti/>

collective agreement as a key priority, the opportunity and relevance of it for workers in the private sector seems to be little addressed, or neglected (see more below).

Understanding one's rights and **information about legislation** are also considered very important, and all the recent initiatives at coalitions (ALIS, UNMIR) list these as key areas of support for their members. Gaining an understanding of the scale of each sub-sector and its impact has also emerged as a crucial factor in being able to find the right mechanisms for support.

Employers, on the other hand, consider **social security** and **funding sources** as the top issues, followed by **finding workers with adequate skills** (particularly for those in the music fields and those working in event-based roles).

Equal opportunities and working abroad (including double taxation problems) were also mentioned, but as a lesser priority. In a context that is already atypical and precarious, the flexibility of work arrangements was rated lowest as a key topic.

### Key barriers and challenges to social dialogue

Interviewees and survey respondents overwhelmingly agree that instances of social dialogue are highly needed, but **it is mainly in relation to public authorities, and less with employers/workers, that a need for social dialogue is stated**. Those interviewed see themselves, workers and organisations alike, as struggling in the same way; as Romania is still heavily influenced by public administration, those aiming for flexibility are still bound by the limits of burdensome bureaucracy.

Thus, in describing existing barriers to social dialogue, the majority of survey respondents indicate that there are barriers to dialogue with public authorities. When it comes to appraisal of whether obstacles exist in the dialogue between employers and workers, the percentage is considerably lower – almost 50% of workers and some 37% of employers do consider that there are barriers. What is particularly telling is the high number of those who don't know how to answer the latter question, which in the case of employers is even larger than those answering in the affirmative. This seems to indicate that the nature and mechanisms for social dialogue among organisations and workers are both lesser known, and also less relevant for the respondents. Moreover, in a sector where many professionals create legal entities (be they for-profit or non-profit) in order to carry out their activities, the tandem worker/employer is often less relevant.

As noted above, **existing legislation on social dialogue** is a crucial barrier in formal associating and achieving representation; yet the overwhelming majority of survey and interview respondents did not mention it specifically. They pointed however to the **lack of or inadequacy of legislation specific to the performing arts**, and a **poor knowledge of existing legislation in general of those in the field** (given the complex, sometimes vague or contradictory legal provisions, the constantly changing legislation, and a lack of legal assistance and education).

There seem to exist both ignorance and/or **lack of trust** between the different actors within the system, and a disregard for longer term improvement in favour of more immediate benefits. **Cohesion is in general low** within the various subsectors, which

have difficulty, as noted above, to coagulate platforms of representation and assistance. Cohesion seems to be the weakest in the theatre field, due in part also to co-existence with the strong public sector. A constant striving for individual survival leaves little room for collective action when resources and capacity are scarce.

As far as public authorities are concerned, with their disproportionate focus on public institutions, the greatest obstacle is considered **their lack of understanding of how the private sector and its various sub-sectors work, and of the economic and societal impact of the private sector**. Lack of transparency and professionalism, excessive bureaucracy, corruption and political influence are also considered to hinder the dialogue with many authorities at a central and local level.

The pandemic crystallised within the sector a realisation that perhaps the largest short-term obstacle is lack of representation and that **building representation** is crucial in making one's needs known and defending one's interests.

### What could stimulate the dialogue?

Changing the restrictive legislation on social dialogue and labour could remove barriers and provide better instruments. Since 2011, there have been numerous initiatives to modify the law on social dialogue, and there are currently five such proposals on the table. The chances of adoption are however slim, due to political instability and the lack of a common position on the part of social partners, in a context constrained by the pandemic.

There are however means to stimulate social dialogue within the existing legal framework: one could be offering **impetus and support to existing trade unions to invite membership from the private sector**, to offer advice and assistance, and to represent their interests by putting on the public agenda (including the formalised tripartite dialogue) issues of relevance to this category of workers.

**Legal and policy information, assistance, training** for professionals in the private performing arts sector could equip professionals to better understand their rights and opportunities, could better identify issues of common concern and raise awareness on the need for collaboration.

**Provide support to existing coalitions and for the creation of new ones** (capacity building, financial and human resources, etc.) **and encourage collaboration between the various professional organisations. Offering legitimacy to these professional/sectoral coalitions** is also crucial. While such coalitions cannot take the legal form of trade unions or employers' associations, it is important that they are recognised as legitimate partners of dialogue with the various stakeholders. In attempting to design support mechanisms for the current pandemic, the Romanian Government has created numerous ad-hoc opportunities for dialogue with the representatives of all sectors involved, regardless of their legal status; these could take a more regular and rigorous format in the future, thus encouraging coalitions to take shape and allowing for true impact and continuity when political changes occur, as they too often do. And most importantly, as many in the sector noted, it is also crucial for this dialogue to produce results, so that these interactions do not just remain a form of performing dialogue.

## Conclusion

The exact scale of the overall live performance sector, and of the private one in particular, is difficult to ascertain, given the lack of data or the inconsistency of its collection with regard to its various sub-sectors. Engaging in a multi-layered mapping of the sector, realised with transdisciplinary teams, and adapting data collection mechanisms are critically needed; INCFC, the public institution with a mandate in cultural research, could spearhead this process.

The structure and functioning of the sector vary greatly from one discipline and sub-sector to the other, given its specificity, history and the importance of the public organisations. What is common is that employment contracts are rare overall, and freelance work is the norm, in a variety of non-standard arrangements, none of which are specific to the field. Many workers combine not just collaborations with numerous organisations, but also various types of work arrangements. These various arrangements have tried to optimise for atypical and unstable work within an inadequate legal framework and a sector characterised by a scarcity of resources.

What many people seek is a specific legal status which would both accommodate the specificity of artistic, technical and administrative work in performing arts, while also offering greater social security and protection. The “intermittence du spectacle” system in France is often referenced, and discussions about establishing a “status of the artist” have been ongoing for decades, yet concrete proposals on how such a mechanism could work within the specificity of the Romanian legal system are still to take shape.

The low level and the inadequate forms of public support keep the non-profit sector in particular in a chronic state of precariousness, which has a ripple effect when it comes to working relationships.

Given the main challenges perceived by both workers and organisations, it is particularly in relation to public authorities that social dialogue is understood. The nature and mechanisms for social dialogue among organisations and workers seem to be both lesser known, and also less relevant. While solidarity and collaboration have not been the strong suit of the sector, there is a growing understanding that representation is needed in order to defend the interests of different professions or fields.

Social dialogue in the traditional sense is non-existent for the private sector, and there are no dedicated trade unions or employers’ organisations, which the current restrictive legislation on social dialogue make almost impossible to be established. Various professional associations and coalitions have been established or at least attempted, with some hurried in by the pandemic itself. The most successful platforms are in the live performance industry, which seems to be more aware of the administrative and legal system and more cohesive in terms of a common platform to protect and advance its interests.

Changing the restrictive legislation on social dialogue and labour is crucial in removing barriers to association and representations. There are however means to stimulate social dialogue within the existing legal framework: One could be offering impetus and

support for existing trade unions to invite membership from the private sector, to offer advice and assistance, and to represent their interests by putting on the public agenda (including the formalized tripartite dialogue) issues of relevance to this category of workers. Another one would be to offer legitimacy to the professional/sectorial coalitions, even if not established as social partners, by recognising them as legitimate partners of dialogue with the various stakeholders and formalising regular interactions with them.

Providing legal and policy information, assistance, and training for professionals in the private performing arts sector is also key, as is support to existing coalitions and for the creation of new ones.

## ANNEXES

### Annex 1: Glossary of key terms<sup>45</sup>

**Live performance** - All types of musical performances, theatre, ballet and dance performances, circus, puppet and mime shows and any other similar events, whether in the public or in the private sector, performed in the physical presence of a public.

**Live performance organisation** - Both the buildings and venues where live performances take place as well as the production companies of live performances in the fields of music, dance, theatre, or other live performance. They can be either for-profit or non-profit organisations or companies. They can vary from very small enterprises, often independent arts organisations, to large cultural institutions such as a national theatre or opera house.

**Social dialogue** - any form of regular and structured discussion (official or informal) which takes place between the management of social partners (see definition below) at any level (enterprise or company level (undertakings), branches, cross-industry), and aimed at facilitating dialogue between them, defining joint lobbying goals at a given level or sharing views about professional or employment-related issues. Social dialogue can involve direct relations between the social partners themselves ("bipartite") or relations between governmental authorities and the social partners ("tripartite").

**Social partners** - representatives of management and labour (workers), or employers' organisations and trade unions.

**Employer** - a party to an employment relationship characterised as a contract of employment (or contract of service) between the employer and employee or worker. An employer is often a corporate legal personality.

**Worker** - person engaged in economic activity

**Collective bargaining** - negotiations at different levels (enterprise or company level (undertakings), branches, cross-industry), which take place between workers' unions and employers, as regulated by traditional labour legislation.

**Collective agreements** - agreements concluded between, on the one hand, single employers or their organisations and, on the other, organisations of workers such as trade unions.

### Annex 2: List of interviews

- Carmen Lidia Vidu, freelance theatre director
- Vladimir Proca, freelance indie rock musician (Robin and the Backstabbers)
- Iuliana Vâlsan, freelance theatre set and costume designer

---

<sup>45</sup> To ensure consistency, the glossary follows the terminology adopted by PEARLE and EAEA (2010), Survey on the Situation of Social Dialogue in the Live Performance Sector in Twelve Southern European EU Member States and Candidate Countries



- Cosmin Manolescu, freelance choreographer, performer and curator/executive director of Gabriela Tudor Foundation
- Anghel Damian, actor and scriptwriter
- George Remeș, actor and owner, Godot Cafe Theatre in Bucharest (currently on hiatus), co-initiator of the Association of Independent Theatres
- Andrei Grosu, theatre director and co-owner of UnTeatru Bucharest
- Arcadie Rusu, choreographer, co-initiator and manager of Linotip Dance Center, Bucharest
- Oana Giurgiu, producer/executive director, Transilvania International Film Festival/director
- Voicu Rădescu and Rozana Mihalache, initiator and owner/manager, Green Hours/Monday Theatre at Green Hours, Bucharest
- Răzvan Popovici, musician/executive director of SoNoRo Festival
- Laura Coroianu, managing partner, Emagic
- Anca Lupeș, president, RAW Music/executive director, INDIERO/Owner, Start Management
- Daniel Klinger, lighting designer/member in the Board of ALIS – Association of Workers in the Entertainment Industry
- Aura Corbeanu, executive vicepresident, UNITER – Theatre Union of Romania
- Leonard Pădureț, president, “FAIR – Media Sind” Federation in the Culture-Mass media sector
- Claudia Butuza, councillor and acting-director, Social Dialogue Department, Ministry of Labour and Social Protection
- Simona Stănescu, head of the Communication and Social Dialogue Department, Ministry of Culture
- Florentin Milcof, musician/initiator of the Association of Independent Musicians in Romania (UNMIR) (currently in the process of gaining legal status)
- Mihaela Michailov, playwright and performing arts critic/Replika Educational Theatre Center

### Annex 3: Bibliography/Sources

Cristina Barna (2014), *The Social Economy Atlas*, Institute of Social Economy - FDSC, Bucharest. Available at [http://www.ies.org.ro/library/files/atlasul\\_economiei\\_sociale\\_2014.pdf](http://www.ies.org.ro/library/files/atlasul_economiei_sociale_2014.pdf) (in Romanian only)

Pascale Charhon, Dearbhal Murphy (2016), *The Future of Work in the Media, Arts & Entertainment Sector. Meeting the Challenge of Atypical Working*. Available at <https://www.fim-musicians.org/wp-content/uploads/atypical-work-handbook-en.pdf>

Foundation for Civil Society Development (2017), *The Nongovernmental Sector in Romania 2017*, Bucharest. Available at <https://fondong.fdsc.ro/romania-2017-sectorul-negovernmental-profil-tendinte-provocari> (in Romanian only)

Ștefan Guga (2016), *Atypical Work in Romania from the Outbreak of the Crisis. An Overall Perspective*, Bucharest. Available at <http://asociatiaconect.ro/munca-atipica-in-romania4&file=985>

Ștefan Guga, Camelia Constantin (2017), *Analysis of the Impact of the Social Dialogue Law Adopted in 2011 – Sociological and Legal Research*, 2nd Edition”, Bucharest. Available at [https://www.asociatiaconect.ro/analiza\\_impact\\_legi\\_62\\_2011](https://www.asociatiaconect.ro/analiza_impact_legi_62_2011)

KeysFin (2019), *The Romanian business of going out: Gambling halls, sports events, concerts and lastly museums and tourist objectives (based on the financial data of the companies active in the area)*. Available (in English) at [https://www.keysfin.com/EN/?\\_escaped\\_fragment\\_=/Pages/News/NewsDetails&title=unde-ies-romanii-din-casa-in-functie-de-cifra-de-afaceri-a-principalelor-companii-din-domeniu-sali-de-joc-evenimente-sportive-concerte-si-abia-apoi-muzee-si-obiective-turistice-6605](https://www.keysfin.com/EN/?_escaped_fragment_=/Pages/News/NewsDetails&title=unde-ies-romanii-din-casa-in-functie-de-cifra-de-afaceri-a-principalelor-companii-din-domeniu-sali-de-joc-evenimente-sportive-concerte-si-abia-apoi-muzee-si-obiective-turistice-6605)

PEARLE, EAEA (2010), *Survey on the Situation of Social Dialogue in the Live Performance Sector in Twelve Southern European EU Member States and Candidate Countries* <https://fia-actors.com/media/press-releases/press-releases-details/article/european-social-partners-in-the-live-performance-sector-jointly-address-governments-to-promote-natio/>

Pop Cristian, Chiș Anca, Mihály Zoli, Pop Oana (2019), *Work in culture and the culture of work. The changing trends in how work is organised. Case studies with regard to work in culture and informal work*. Available at <https://diviziadeinovare.ro/the-labor-landscape-in-cluj-napoca/> (in Romanian only)

Caterina Preda (2020), *The Role of the Romanian Artists' Union in the Production of State Socialist Art*, ARTMargins. Available in English at <https://artmargins.com/the-role-of-the-romanian-artists-union-in-the-production-of-state-socialist-art/>

#### Annex 4: Legal Regulations

Regulations are listed in order of reference in the report and link to the full text of current legislation in Romanian, unless otherwise noted.

- Government Ordinance no. 21/2007 on institutions providing performances and concerts, as well as the exercise of artistic business management activity, with subsequent modifications.  
<http://legislatie.just.ro/Public/DetaliiDocument/79172>
- Government Emergency Ordinance no. 189/2008 on the management of cultural public institutions, with subsequent modifications  
<http://legislatie.just.ro/Public/DetaliiDocument/99863>

- Law no. 153/2017 on wages of personnel paid from public funds (Unique Pay Law in the public sector), with subsequent modifications  
<http://legislatie.just.ro/Public/DetaliuDocument/190446>
- Government Ordinance no. 26/2000 on associations and foundations, with subsequent modifications  
<http://legislatie.just.ro/Public/DetaliuDocument/20740>  
English version (as updated by 2010, does not include subsequent modifications):  
<http://www.legislationline.org/documents/action/popup/id/15967>
- Law no. 31/1990 on companies, with subsequent modifications  
<http://legislatie.just.ro/Public/DetaliuDocument/56732>  
English version (as updated by 1997, does not include subsequent modifications):  
<http://www.cdep.ro/legislatie/eng/vol32eng.pdf>
- Law no. 8/1996 on author's rights and neighbouring rights, with subsequent modifications  
<http://legislatie.just.ro/Public/DetaliuDocument/7816>  
English version (without subsequent modifications):  
<http://www.cdep.ro/legislatie/eng/vol25eng.pdf>
- Fiscal Code (Law no. 227/2015, with subsequent modifications)  
<http://legislatie.just.ro/Public/DetaliuDocument/174527>
- Government Emergency Ordinance no. 44/2008 on carrying out economic activities by authorised self-employed persons, individual enterprises and family enterprises  
<http://legislatie.just.ro/Public/DetaliuDocument/91808>
- Law no. 8/2006 for the establishment of the indemnity for the beneficiaries of the public pension system, members of legally established creators' unions recognised as public utility legal entities  
<http://legislatie.just.ro/Public/DetaliuDocument/67903>
- Law no. 109/2005 for the establishment of the indemnity for the freelance activity for interpreters and performers in Romania  
<http://legislatie.just.ro/Public/DetaliuDocument/61550>
- Law no. 62/2011 on Social Dialogue  
<http://legislatie.just.ro/Public/DetaliuDocument/128345>