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## Freelance and employed theater work in the independent sector in Austria

### The situation in Austria

The general situation of independent theater makers in Austria is characterized by a paradox or double bind:

According to the Actors Law everyone on stage has to be a regular employee, actors as well as musicians and most other professionals in the field of performing arts for example directors.

On the other hand nearly everybody in the independent performing arts sector works as a freelancer – as for example even in Vienna and Styria, two Austrian provinces that grant independent theatres funding for longer periods, public funding does not allow regular employment. In other regions of Austria, public funding in the independent sector is much too low for regular employment in any case.

Lots of smaller theaters in Austria have the same problem of not being able to regularly employ their actors, although being under obligation of the Actors Law.

This meanwhile long lasting situation caused a secret consensus of ‚working in a legal gray zone‘ between funding institutions, organizers and theater groups. Public funding in the performing arts sector does not however, officially require legal proof of regular employment.

To work as a freelancer is not only common, but mostly unavoidable. Investigations by the social insurance system are on the rise.

To sum it up: The federal state subsidizes four major theatres (Wiener Staatsoper, Volksoper Wien, Burgtheater Vienna) with a total funding sum of about 150 Million Euros per year made a big loss, made public in 2014 but - against the quite strict austerity – got an extra funding of 4,5 million Euros in 2013 - now prolonged. The federal state and the provinces (except Burgenland) and some Austrian cities are funding larger theatres, that in many cases show theatre, opera and dance/ballet productions. The city of Vienna funds next to the above mentioned institutions the Volkstheater, a theatre for a young audience Theater der Jugend and the organization umbrella Vereinigte Bühnen Wien (VBW – meaning united theatres of Vienna) another opera house (Theater an der Wien) and two Theaters that show Musicals

(Ronacher and Raimund Theater) in big theaters. And as the federal state for Burgtheater, the city of Vienna had to give even an extraordinary surplus of 5 million Euro for the Vereinigte Bühnen in 2014 and 2015.

Austria has a segment of larger theaters with regularly employed ensembles, a huge number of smaller houses ( around 40 in Vienna!) with almost exclusively freelance actors - formally more less illegal - and a high number of independent groups who work as freelancers and argue, that since they work as a group without a hierarchical structure, they should be allowed to work as freelancers.

As a next step the association of independent theater work is just finishing the edition of a brochure about the legal certainty of contracts.

### Insurance system

In 2000 the insurance system in Austria was renewed with the aim to include all freelancers, who had so far not been required to have any insurance under various conditions.

(The Austrian insurance system is categorized by the type of work you do - you can't chose a single type of insurance to cover every work situation, but the work you do – regularly employed or freelance, funded by a private institution or as part of a governmental institution – defines the type of obligatory insurance.)

Since then, everyone earning over a certain amount (currently around 7.000 Euro if you work only freelance, or over 4.000 Euro freelance income, if you have a mixed income) must be insured, including health insurance as well as retirement insurance.

At the same time a special fund for freelance artists was created:

### The Künstlersozialversicherungsfonds KSVF – the Artists Social Insurance Fund

This fund was basically modeled on the German system of artists insurance (Künstlersozialkasse) but is very different from the German system:

While professionalism enables to be part in the German system and applicants get a 50% total refund of their insurance costs, the Austrian system requires that a commission determines whether an individual applicant meets certain professional criteria - the offered sum, for insurances, is fixed. Because of the rather difficult to fulfill conditions, there are currently only about 4.500 artists in. For independent theater makers there are particular difficulties obtaining support from the fund. On one side, because they should be regularly employed and all their contracts may be checked retroactively and on the other hand because the definition of artistic work is very narrow – not including teaching, giving workshops, holding lectures about artistic topics, curating. The definition simply defines the creation of an artistic work, which sometimes brings difficulties for interpreters of art too (such as musicians, actors etc.). Quite a number of artists acquired the status to be accepted as artist

by KSVF but doesn't earn enough money out of their artistic work and in this combination don't get financial aid to their social insurance payments from KSVF. But nevertheless the fund exists, small and rudimentary as it is. This year we hope that the government will enlarge the KSVF.

### A Study about the 'social and working conditions for artists Austria' and a follow up – Interministry working groups (IMAGS)

In 2005 the Austrian Association of Independent Theater Work started an informal process to invite several ministry workers, the cultural speakers of the political parties and other decision- and policy makers to discuss, how we could solve the growing problems in the arts such as multiple (or overlapping) insurance, precarious incomes, illegal contracts, a rising number of freelancers in the performing sector in spite of the Actors Law requiring regular employment and much more. And – totally unexpectedly - a round table process started.

At that time NGOs speaking for the independent art of various art fields had already joined within the 'Cultural Council Austria' to claim stronger acceptance as experts and 'social partners' in political discussions with the aim to get a better position for independent art in Austria. In 2008 we were able to force the social democratic minister of arts and education to initiate a study about the conditions of artistic work in Austria. About 4.000 artists answered the questionnaire.

Already foreseen, the results of that study were dramatic: the income of an artist in Austria (1.000 Euro per month total) is much lower than of the average population (1.400 Euro per month total), a third of them live below the poverty line, most of them earn not even half of their income with artistic work – only around 50% have children and finally, mostly pretty late in life, 42 % of female artists live as singles (without a relationship) because they can't combine social relationships with the needs of artistic work.

The study caused some productive practical consequences: The minister of education and arts agreed to initiate a now formalized process of eight inter ministry working groups to the following themes: Work and unemployment conditions, taxes, mobility, funding, social insurance, women in arts, copyrights and the amendment of the Actors Law were put on the agenda. After around fifty meetings, reading thousands of pages, having brought in best practice examples from other European countries (like the French Intermittents, the Netherlands system of artists receiving social aid, but being required to raise their income within a four years period, the Swedish support of unemployed theater makers or the German system, which now allows entry to the unemployment system with only half of the normal time of work as an artist), most of the larger working groups have unfortunately barely any practical results, which casts doubts upon the whole process (is this the mode of real politics?).

But two of them were designed as practical working groups with concrete goals: One group was assigned to create a better opportunity to combine freelance and regular employed work

and the two systems of social insurance, and the other one had the goal to amend the Actors Law. Both of these groups succeeded with concrete results: a new actors law (Theaterarbeitsgesetz TAG 2011) and another new law with the not very charming name: Künstlersozialversicherungsstrukturgesetz, which now allows freelance artists under certain conditions to lay their freelance work and insurance 'dormant' for several months during the year and enter the system of unemployment compensation, if the conditions are fulfilled.

Both very small tools within a long process, one a small glimmer of hope, the other not even establishing the legal framework of working conditions the independent sector needs.

### A guide for recommended wages in the performing sector

As there was no hope in initiating a general rethinking of funding policy during this process and defining a higher percentage of total funding for new projects, small structures, innovative arts, in the independent sector, we - the Association of Independent Theater Work - finally decided to create guidelines, not for minimum, but for recommended wages for artists in the independent performing arts sector.

We toured the country with the printed guide in 2010 and hoped at least to awaken a political awareness of the gap between reality and the needed conditions for artistic work in Austria. In 2014, when we made a second round of such a tour all around the country with panels, political talks and information sessions, we recognized: Awareness grows, but reality stocks – Everywhere there are still small budgets for independent performing art projects and ensembles. Meanwhile just a few independent groups reached the proposed wages in reality.

Vienna June 2014

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## Further information, sorry only in German language:

Sabine Kock: Prekäre Freiheiten. Arbeit im freien Theaterbereich in Österreich.

Hg. IG Freie Theaterarbeit, Wien 2009

[www.culturebase.org/home/igft-ftp/Prekaere\\_Freiheiten\\_IGFT.pdf](http://www.culturebase.org/home/igft-ftp/Prekaere_Freiheiten_IGFT.pdf)

Susanne Schelepa, Petra Wetzel, Gerhard Wohlfahrt unter Mitarbeit von Anna Mostetschnig:

Zur sozialen Lage der Künstlerinnen und Künstler in Österreich. Studie im Auftrag des bm:ukk,

Endbericht. Wien Oktober 2008.

[www.bmukk.gv.at/kunst/bm/studie\\_soz\\_lage\\_kuenstler.xml](http://www.bmukk.gv.at/kunst/bm/studie_soz_lage_kuenstler.xml)

Kulturrat Österreich: Selbstständig | Unselbstständig | Erwerbslos. Wien 2010.

[www.kulturrat.at/agenda/ams/infoAMS](http://www.kulturrat.at/agenda/ams/infoAMS)

Künstlersozialversicherungsfonds

[www.ksvf.at](http://www.ksvf.at)

Sozialversicherung der Gewerblichen Wirtschaft (SVA)

[www.sva.or.at](http://www.sva.or.at)

Sabine Kock Tristan Jorde, Hg. IG Freie Theaterarbeit

Richtgagen für den freien Theaterbereich in Österreich, Wien 2010

<http://culturebase.org/home/igft-ftp/Richtgagen.pdf>

Richtgagen- und Richtlöhne für Berufe im Freien Theater.

Hg. Berufsverband der Freien Theaterschaffenden (ACT), Schweiz

[www.a-c-t.ch/dienstleistungen/richtgagen-loehne](http://www.a-c-t.ch/dienstleistungen/richtgagen-loehne)