

# Remuneration Policy for Artists and Arts Practitioners

## Ko te Mahere Utu mā Ngā Kaitoi, Kaiwaihanga Toi

March 2022

This policy states Creative New Zealand's commitment to promoting and supporting the rights of artists and arts practitioners to fair remuneration for the work they undertake, recognising the value of the arts, creative and cultural practice to the social, cultural, economic, and environmental wellbeing of Aotearoa New Zealand.

This policy outlines a set of principles and practice guidelines to support fair remuneration for artists and arts practitioners.

Creativity and creative work are characterised by seemingly intractable issues associated with low pay, an expectation that creative professionals will work for free or for 'exposure', and a lack of recognition and valuing of creative input. In addition, there are only a small number of full-time jobs available within the sector, leaving most practitioners vulnerable as contract or 'gig economy' workers.

This policy is a step towards ensuring that creative work is valued, that artists and arts practitioners are treated fairly when forming working relationships and are better supported to develop a sustainable career in their chosen field. Fair remuneration for creative work also contributes to artists' and arts practitioners' life satisfaction and wellbeing. Diversity within the sector is also supported when artists and arts practitioners are less reliant on working outside the sector to make a living.

This policy aims to support fair remuneration for artists and arts practitioners and, over time, make arts sector careers more sustainable by:

- modelling good practice for the engagement of artists and arts practitioners
- setting expectations of the individuals, groups, collectives, and organisations Creative New Zealand funds in relation to remuneration practices

- supporting advocacy for fair payment for all aspects of employment in the sector by central and local government and the private sector
- supporting collaboration with other agencies on initiatives that contribute to the building of sustainable careers.

We recognise change will take time. All those associated with the arts will have to play their part.

This will require:

- Arts organisations, as the major employers, to take a leadership role in terms of their own policies and practices.
- Funders to ensure their policies support fair remuneration for artists and arts practitioners.
- Others engaging artists, including central and local government, to ensure their practices reflect this policy.
- Artists, arts practitioners and holders of cultural knowledge to advocate for their own rights.

The principles and practice guidelines are intended to be flexible to a range of situations. They provide the starting point for thinking about the terms and conditions under which artists and arts practitioners are employed or contracted to provide services.

For individual artists and arts practitioners, the principles and practice guidelines provide the starting point for considering their rights when agreeing to employment opportunities and negotiating contracts for themselves or working through agreements for collaborative work.

This policy is underpinned by research undertaken into the working lives of creative professionals and the development of a set of six sustainable careers principles:

1. Principle: Artists' and arts practitioners' creative practice is valued and regarded as 'real work'.

2. Principle: Artists and arts practitioners are remunerated fairly for their work.
3. Principle: Artists and arts practitioners are well positioned to adopt a portfolio approach to achieving a sustainable career. A portfolio career in the arts sector is one in which artists and arts practitioners are unlikely to have a single permanent job, and may be balancing their creative practice with related creative work such as teaching and/or non-creative work.
4. Principle: Artists and arts practitioners are prepared for a career in the arts and cultural sector.
5. Artists and arts practitioners can access support to grow and develop a sustainable career.
6. Artists and arts practitioners' careers contribute positively to their wellbeing.

### **Scope of the policy**

Creative New Zealand will adopt and advocate the adoption of this policy in relation to:

1. Artists, arts practitioners and holders of cultural knowledge that Creative New Zealand engages directly:
  - a) Creative New Zealand engages directly with artists, arts practitioners and holders of cultural knowledge from time to time, for example: to perform at functions, participate in focus groups or discussions, provide guidance on engagement with diverse communities, or to use their images in publications, as well as external peer assessors engaged in decision-making processes.
2. Those Creative New Zealand invests in:
  - a) Creative New Zealand expects those it funds to give effect to this policy and to pay artists and arts practitioners fairly and engage them appropriately.
  - b) Creative New Zealand may issue guidance on fair remuneration, on a programme-by-programme basis.
  - c) The approach to artists' and arts practitioners' remuneration may form part of Creative New Zealand's

- assessment criteria and/or ongoing monitoring and reporting, on a programme-by-programme basis.
3. Government, local government, private sector, sector bodies and unions:
    - a) Creative New Zealand will advocate for fair and equitable remuneration of artists and arts practitioners across the central and local government sectors, the private sector and other organisations distributing public funding to the arts.
    - b) Creative New Zealand will engage with key public policy and legislative issues that impact on the earning potential of artists and arts practitioners.
    - c) Creative New Zealand encourages other government departments and agencies, local government, and the private sector to have regard to this policy when engaging artists and arts practitioners.
    - d) Creative New Zealand encourages sector bodies and unions to have regard to this policy when developing sector guidance or policies that will impact on artists and arts practitioners.
  4. Artists and individual practitioners:
    - a) Creative New Zealand encourages artists and arts practitioners to use this policy as a check list to ensure their terms of engagement are fair and transparent and to ensure they make provision for their own remuneration in project budgets and in applications to Creative New Zealand and other funders.

## **Key terms**

**Cultural practices** are customary activities that are recognised as fundamental to upholding the values and recognising specific people and culture.

For Māori as tangata whenua these activities include the appropriate application of te reo, tikanga and mātauranga Māori; knowledge of whakapapa, forms of artistic expression,

knowledge of the taiao, natural materials and resource management and knowledge of people and place to support identity and belonging.

For Pasifika people as tagata o te Moana Nui a Kiwa, these activities include the appropriate application of language, customary practice, ways of knowing and being in culturally specific ways; knowledge of place, people, and environment which support and nurture identity.

**Remuneration** in this policy means all potential forms of financial and non-financial benefits including but not limited to fees, allowances, wages, salary, including any income derived from rights or royalties. Underpinning fair remuneration, this policy also includes principles relating to fair and transparent treatment when engaging artists and arts practitioners in employment relationships.

A sustainable career is a pathway of creative work over the course of an individual's working life that lets them earn a viable living to support themselves and their family.

### **Creative New Zealand**

Creative New Zealand is the national arts development agency of Aotearoa. Our purpose is to encourage, promote and support the arts in New Zealand for the benefit of all New Zealanders. We do this by investing in, developing, advocating for and providing leadership in the arts.

# **Remuneration Policy for Artists and Arts Practitioners 2022: PRINCIPLES AND PRACTICE GUIDELINES**

## **Ko te Mahere Utu MĀ Ngā Kaitoi, Kaiwaihanga Toi: MĀTĀPONO ME NGĀ ARATOHU TIKANGA**

These principles and practice guidelines align with key elements of Te Waka Toi Pātaka (Creative New Zealand’s Mātauranga Māori Framework), including: Kawenga (responsibility), Whakarite (balance), Hapori (community) and Āwhina me te Ākina (support and advocacy).

### **Policy Principles**

1. The value of arts, creative and cultural practice to the social, cultural, economic, and environmental wellbeing of Aotearoa New Zealand is recognised:
  - a) The value of arts and creative work is recognised and remunerated accordingly.
  - b) Like all forms of creative work, the value of cultural practice is recognised and, where appropriate, remunerated accordingly.<sup>1</sup>
2. All creative work is, by default, paid work:
  - a) No artists and arts practitioners should be expected to work for little or no pay.
  - b) Where artists and arts practitioners agree to work unpaid, for low pay or ‘in kind’ compensation, agreement must be reached about the benefits and/or value for each party.<sup>2</sup>
  - c) Remuneration may take a range of forms, including exchange of goods or services or reciprocity acknowledging and respecting the artist, arts practitioner and their work.

### **Remuneration practice guidelines:**

- 1 Remuneration practices must comply with relevant legislation and sector organisations’ standards:

- a. All employment must conform to relevant New Zealand employment legislation and other legal requirements.
    - b. Where sector organisations have established remuneration guidelines, these should be taken account of.
  - 2 Remuneration practices must recognise artists' and arts practitioners' rights and interest in the work they create:
    - a. Artists' and arts practitioners' copyright and intellectual property should be protected as both a moral and an economic right.
    - b. Contractual arrangements should allow artists and arts practitioners to benefit from the future economic life of the work they create consistent with legislative requirements, including those under the Copyright Act.
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For Māori as tangata whenua these activities include the appropriate application of te reo, tikanga and mātauranga Māori in pōwhiri and mihi whakatau; knowledge of whakapapa, forms of artistic expression, knowledge of natural materials and resource management, and connection with communities and place to support identity and belonging.

For Pasifika people as tagata o te Moana Nui a Kiwa, these activities include the appropriate application of language, customary practice, ways of knowing and being in culturally specific ways; knowledge of place, people, and environment which support and nurture identity.

- 2 This may include situations where artists or arts practitioners are at the early stages of their career and the work provides an element of training or development.

## **Remuneration practice guidelines continued:**

3. Remuneration practices should reflect good practice rather than minimum standards:
  - a) 'Better than minimum' rates of remuneration are the goal for the arts sector, recognising the traditional low base at which they sit.
4. Remuneration practices should be equitable:
  - a) All artists and arts practitioners should receive equitable remuneration. Where appropriate, experience and expertise should be recognised in remuneration levels.
  - b) Equitable access to employment opportunities should be available for diverse communities irrespective of age, gender, ethnic affiliation, physical or other disability, sexual orientation, or religion.
5. Remuneration practices should be transparent:
  - a) Organisations engaging staff (including employees and contractors) have a remuneration policy agreed by its governing body and made publicly available.
  - b) All communications between an artist or arts practitioner and the party engaging their services should be open and transparent to both parties.
  - c) All work and roles in a project should be covered by a contract. The form of the contract should be proportionate to its value.
  - d) All contracts should be negotiated in good faith, setting out the nature and scope of a project, the status of an engagement, associated taxes and benefits, and obligations of the employer as well as the artist or arts practitioner, and any dispute resolution clause.
  - e) Artists and arts practitioners must be able to seek advice on any contract agreements they are party to.
  - f) Payments or fees for all roles involved in a project must be visible in funding application budgets and post-project reports.

- g) All aspects of a project including research, development, cultural advice or promotional work such as media calls, must be visible and, where applicable, included in budgets.
- h) Artists' and arts practitioners' fees should be ring-fenced to ensure they are protected against budget over-runs. Good faith negotiations should occur where cancellations result from events outside the control of the employer, with the principle that, where possible, contracts with artists and arts practitioners should be honoured.
- i) Conditions of payment must be clear (eg, per word, per event, per season, or timing of payments).