

“Artist status”

Manual

The artist’s job profile is a ‘multi-job holding’ profile (due to the multitude and diversity of clients, uncertain and irregular income of various kinds, diverse contracts). This makes it difficult to build up adequate social protection. Neither the general system for employees nor that for the self-employed provides what is needed.

In addition to the above, there is also the “artist status” system (*kunstenaarsstatuut*). But that “status” does not really exist. Or not in the same way as the status of employee, self-employed person or civil servant. Because when we talk about the status of artist, we are actually taking about the rules governing benefits in the case of unemployment. What does the artist status mean and what do you have to take into account if you work under it yourself or with people with artist status? This manual will show you the way.

What is “artist status”?

For those who provide services of an artistic nature, there are a number of exceptions to the general rules regarding unemployment. These exceptional provisions allow artists who carry out activities of an artistic nature and who work as employee to receive unemployment benefits on days of inactivity. They also allow them to accrue social security rights on these days.

In the sector, this combination of artistic work as an employee with unemployment benefits on days of inactivity is often referred to as ‘artist status’. We distinguish between rules on access to unemployment benefits, and rules on combining unemployment benefits with the pursuit of an artistic activity.

Rules for access to unemployment benefits

To be eligible for unemployment benefits, you must meet the admissibility conditions *and* one of the general access conditions. The general access conditions are as follows:

- ✓ The artist’s professional integration period after the completion of studies has expired;
- ✓ Or the artist has accrued entitlement to unemployment benefits in the past;
- ✓ Or he/she has worked as an employee for a certain period of time (equivalence, see the cachet rule below) for a certain period. The length of that period depends on his/her age:

Age	Number of days worked	Reference period
< 36 years of age	312	21 months
36 – 49	468	33 months
> 50 years of age	624	42 months

The number of days does is not always the same as the actual number of days worked. Equivalent days are also included. This is done by applying the **cachet rule**. After all, some activities are compensated on the basis of task-related remuneration and not on the number of working hours or days you have worked. Task-related remuneration is defined in unemployment regulations as follows: “the wages paid by an employer to the employee who has performed an artistic activity when there is no direct link between this wage and the number of working hours that this activity consists of”.

The cachet rule is used to calculate the number of working days that the artist can contribute to his/her unemployment benefits. This method of reimbursement does not take into account the number of days actually worked, but the gross wages received. This gross salary is divided by 61.30. The quotient is the number of days taken into account for calculating the number of days worked in the reference period.

Calculation of artistic days:

- for the period from 1/06/17 to 31/08/18: 60.10
- for the period from 1/09/2018 to 29/02/2020: 61.30
- for the period from 1/03/2020 to 31/08/2021: 62.53
- for the period from 01/09/2021 to the present: 63.78

Example

A musician receives task-related remuneration of 405 euros for a performance.

$$405 / 63.78 = 6.3 \text{ working days.}$$

So even if the artist is hired as an employee only on the day of the performance, this work will count for 6.3 working days.

Specific rules: Combination of unemployment benefits and pursuit of an artistic activity

Unpaid artistic activity

If the artist is entitled to unemployment benefits, he/she may following artistic training or pursue an artistic hobby, without being compensated. He/she may, for example, write a book, make a sculpture or perform in an amateur group without reporting this to the National Employment Office. The activities have no effect on unemployment benefits.

Paid artistic activity

- ✓ With the standard expense deduction scheme for artists: If the artist receives compensation under the standard expense deduction scheme, he/she loses one day of unemployment benefits.
- ✓ As a self-employed person in a secondary occupation or as employee: If the artist is unemployed, he/she can start or continue his/her artistic work as a self-employed person in a secondary occupation or work as an employee, while retaining his/her benefits.

In both capacities, the artist must report the artistic activity to the National Employment Office using the [C1 artist](#) form.

You must indicate the following days on the [inspection card](#):

- ✓ The entire period covered by an employment contract;
- ✓ Paid work performed;
- ✓ Presence at an exhibition of your artworks, if you yourself are involved in the sales, or if your presence is required on the basis of an agreement with the person who sells your creations;
- ✓ Recordings of audiovisual works.

What is “neutralisation”?

In addition to the combination option, two specific rules apply:

1. Neutralisation

The artist's unemployment benefit percentage does not decrease if he/she performs sufficient artistic work as an employee. The number of days required for the initial application of this rule is fixed at 156 working days in a previous 18-month period. At least 104 working days must be of an artistic nature.

The artist must provide proof of this work at the end of the first benefit period. The benefit is granted on an annual basis. After initial application, proof of three artistic services is required that correspond (at least in duration or in application of the cachet rule) to 3 working days.

2. Job search behaviour

To be entitled to unemployment benefits, an unemployed person must be available to the labour market and must not refuse an appropriate job offer from the relevant instances (VDAB/ACTIRIS/FOREM/ADG). But for those who perform an artistic activity, there is a specific rule about availability on the labour market. This rule means that the artist may refuse any non-artistic job that the VDAB/ACTIRIS/FOREM/ADG offers him/her, if he/she can prove at the time of the non-artistic job offer that he/she worked 156 days in the previous 18 months, of which at least 104 artistically.

If the artist cannot prove 156 working days, he/she must also respond to non-artistic job offers. The VDAB/ACTIRIS/FOREM/ADG must always take into account his/her intellectual growth, physical capacities and the risk that the artist's artistic capacities would decrease.

Cumulation rule

If the artistic activities are remunerated immediately with task-related remuneration or if an agreement has been concluded on the basis of Article 1bis of the Social Security Act, the cumulation rule applies. The conversion or cumulation rule is not without its detractors. Artists who combine task-related remuneration contracts with unemployment benefits must, in addition to their welfare inspection card, also submit a [C3 artist](#) form monthly (or sometimes quarterly) to their union or the Welfare Fund. All contracts with task-related remuneration and the associated gross wages must be noted on this. The National Employment Office applies a formula to this and calculates whether a 'non-compensation period' exists in addition to the days that you marked as working on your welfare inspection card. This is the number of days for which the artist cannot receive a benefit, limited to max. 156 days.

The formula is the following:

$$[YA - (C * Y)]/Y$$

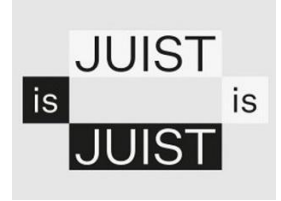
YA = the sum of your gross task-related remuneration

C = the number of days that you ticked on your welfare stamp card

Y = the reference amount (currently 95.66 euros, is indexed regularly)

A concrete example for clarification:

A stage director enters into an employment contract from 14/02 to 28/02. He receives gross task-related remuneration of 7,500 euros for these days. For these, he ticked 15 days on his welfare inspection card. He will not receive any benefits for these 15 days. Furthermore, he is not entitled to benefits for 66 days. $(7,500 - (15 * 93.75)) / 95.66 = 63$ days = non-compensation period



This rule was created by the National Employment Office to prevent people from earning a very high amount as task-related remuneration in one day and receiving unemployment benefits all other days.