

JOINT COMMITTEE FOR THE ENTERTAINMENT INDUSTRY (304)

The Collective labour agreement (CLA) of 28 March 2019 clarifying the concept of task-related remuneration in the sector.

Preamble

This CLA is a first step to addressing the problem of applying the “cachet rule” (scheme for converting task-related work into equivalent number of workdays for the purposes of unemployment compensation).

Members of joint committee 304 are aware that this provision does not take into account the overall situation of workers in the sector.

Consequently, as provided for in the document by the representatives of the 4 Joint Committees, as submitted to the office of the Minister of Work on 28/2/2018, the joint committee undertakes to set up a working group with as main objective developing proposals to clarify the overall situation of workers in the sector.

Article 1

This collective labour agreement was concluded to define task-related remuneration in the unemployment regulations (the specific calculation rule of Article 10 of the Ministerial Decree of 26 November 1991 concerning the implementing rules of the unemployment regulations) for the sector.

Article 2

This collective labour agreement applies to all employers and employees who fall under Joint Committee no. 304.

Employees are understood to mean: blue and white-collar personnel.

Article 3

This CLA is rooted in the concern for uniform and equal treatment of task-related remuneration for artists anywhere in Belgium.

Article 4: Clarification of the concept “task-related remuneration”

1. Task-related remuneration is remuneration in function of the total work delivered (individual preparatory work, for example, is taken into account ...) rather than depending on the number of working hours performed.
2. If the gross wage is equal to or less than the number of scheduled hours multiplied by the hourly wages as laid down in the sectoral CLA, task-related remuneration is not present.
3. The fact that the contract may contain a work schedule does not exclude application of task-related remuneration. The work schedule can only reflect part of the work, such as rehearsals, performances, reading moments, recording days and so on ...

Article 5

The criteria below must be met in order to pay an employee task-related remuneration. If one of the criteria below is not met, the agreed wages from the sectoral or company CLAs apply.

1. An agreement has been concluded between the artist and the employer/client: this is either an employment contract or an agreement under Article 1bis.
2. The above agreement explicitly states that compensation takes place via task-related remuneration.
3. It must be an artistic activity, as defined in Article 1bis of the Act of 27 June 1969: *“Artistic activities and/or the production of artistic activities” should be understood to mean “the creation and/or performance or interpretation of artistic oeuvres in the audiovisual and visual arts, in music, literature, shows, theatre and choreography”.*
4. The assignment or task must be clearly described in the agreement.

Article 6

On Form C4, the employer will tick whether the time unit is stated “per task” or “pursuant to Article 1bis”.

Article 7

The additional criteria specified in Article 5 do not apply to contracts concluded before the effective date of this CLA.

Article 8

This collective labour agreement takes effect on 01/09/2019 and is concluded for an indefinite period. It may be terminated by any party with six months’ notice, notified by registered letter addressed to the chair of the joint committee.