



BLOCK 1: NATIONAL UNEMPLOYMENT SCHEMES WITH EXEMPTIONS FOR ARTISTS: BELGIUM, FRANCE AND SWITZERLAND

Action
intermittence



Information provided by:

t. Theaterschaffen Schweiz
t. Professions du spectacle Suisse
t. Professioni dello spettacolo Svizzera
t. Professiuns da teater Svizra

 cultuurloket

Smout

Names:



Le régime de l'intermittent du spectacle

The regime for intermittent workers in the entertainment industry



Kunstenaarsstatuut (*before 1/10/2022*)
engl: artist status

Kunstwerkuitkering (*after 1/10/2022*)
Artwork benefit



Arbeitslosenversicherung // Assurance-chômage // Assicurazione contro la disoccupazione

Unemployment insurance

Institutions:

Pôle Emploi

RVA - Rijksdienst voor Arbeidsvoorziening
ONEM - Office Nationale de l'emploi

Federal: "SECO": Staatssekretariat für Wirtschaft // Le Secrétariat d'Etat à l'économie // La Segreteria di Stato dell'economia // *engl. The State Secretariat for Economic Affairs*

Regional: RAV - Regionale Arbeitsvermittlungszentrum // ORP - Les Offices Régionaux de Placement

Comparison



(before 1/10/2022)



(after 1/10/2022)



Beneficiaries:

Intermittent entertainment workers are artists, workers or technicians in the entertainment industry who are hired under a fixed-term employment contract (CDD) or (CDDU).

artists/ technicians/ supporting functions in the artistic sector

"art workers", i.e., "a person who performs artistic, artistic-technical or artistic-supporting work in the arts"

"intermittent workers" as specified in article 8 OACI: "Professions in which **frequently changing** or fixed-term positions are **common** include in particular: musicians, actors, artists, artistic employees in radio, television or film, film technicians, journalists."

Year of establishment:

1936 - intermittent salaried scheme cinema technicians and executives
1964 Annex 8, for show workers and technicians;
1967 Annex 10, for performing artists.

2002 first artist status
2013 - 2022 amended artist status

October **2022**, coming into full effect in **2024**

2003

Comparison



(before 1/10/2022)



(after 1/10/2022)



Exemptions for artists:

1. Smaller threshold to enter unemployment benefit system
2. Employment is counted in "hours" instead of "days"
— **Technicians** defined in **annex 8** are hired by the **hour**: an intermittent technician must be declared at the actual number of hours worked (with a minimum of 3.5 hours). The hours retained cannot exceed 10 hours per day or 48 hours per week (50 hours per week in the case of multiple employers)
— **The artists** defined in **annex 10** can be hired on a "cachet" basis which is interpreted as a duration equivalent to 12 hours by Pôle Emploi (and is not necessarily an exact reflection of the number of hours actually worked). The "cachets" are taken into account within the limit of 2 per day at most (3 "cachets" per day if they come from multiple employers), within the limit of 28 stamps retained per month.

1. **"Kunstenaarsstatuut"** (engl: *artist status*): "normal" unemployment benefits decrease over time in Belgium. Having an "artist status" exempts beneficiaries from this regulation, called "neutralisatievoordeel" (engl.: neutralization advantage)
2. **"Article 1bis Social Security Act"**: special rule for artists; not to technical-artistic or supporting artistic work! this allows artists to build up social security as an employee in a situation where artists are hired for a specific work/task/performance, known as "taakloon" (engl. Task wage) and are therefore paid in a lump sum.
3. **"Cachet rule"**: When artists are paid in "task wages", the RVA applies the cachet rule to calculate the number of working days, which is: gross salary divided by **75.19** to calculate the number of working days (value 1/12/2022).

1. **"Kunstwerkuitkering"** engl: Artwork benefit
2. **"kunstwerkattest"** (engl.: artwork certificate) from the "Kunstwerkcommissie" (engl. Art Work Commitee)
2.1 Artwork certificate: benefits: working under "article 1bis", fiscal advantages for royalties, lower insurance contributions for self-employed artists starting out
2.2 Artwork certificate plus: benefits: access to artwork benefit rules in the unemployment regulations
2.3 Art work certificate starter: access to the benefit rules in the unemployment regulations for art workers. To obtain this certificate, relaxed conditions apply to starters.

Article 12a: Ordonnance sur l'assurance-chômage (OACI) // Arbeitslosenversicherungsve rordnung (AVIV: (*Unemployment Insurance Ordinance*): "In professions where frequent changes of employer or limited-term contracts are common (art. 8), the **contribution period** determined according to art. 13, al. 1, LACI is **multiplied by two for the first 60 days** of the fixed-term contract."

Comparison



(before 1/10/2022)



(after 1/10/2022)



Criteria for eligibility:

507 hours of work in the performing arts during the **12** months preceding end of the last contract

1. eligibility for unemployment benefits:

- up to 35 years:
- 312 days in a period of 21 months or
- 468 days in a period of 33 months or
- 624 days in a period of 42 months
- 36 to 49 years:
- 468 days in a period of 33 months or
- 624 days in a period of 42 months
- from the age of 50:
- 624 days in a period of 42 months

2. eligibility for “neutralisation advantage” after one year of unemployment:

- during the 18 months before the end of the first compensation period (after 12 months of unemployment) you must have worked **156** days (as an employee or in application of Article 1bis National Social Security Act), of which **at least 104** days are artistic or technical-artistic work or supporting work in the artistic sector.

1. for artwork benefits:

currently:

- 156 full-time days worked (or the equivalent through the cachet rule);
- of which at least 104 artistic or technical-artistic days.
- within 24 months

from Jan. 2024:

- possession of an artwork certificate plus or starter
- proof of 156 days of employment in a reference period of 24 months --> no more distinction between artistic and non-artistic work!

2. for artwork certificate:

2.1. art work certificate: at least 1,000 euros gross in a reference period of 2 years

2.2 For a work of art certificate plus:

- For a first request:
- 13,546 euros in a period of 5 years
- OR
- 5,418 euros in a period of 2 years

2.3 For artwork certificate starter:

- A diploma of higher full-time art education or relevant training or equivalent experience in the sector
- Proof of participation in “business training courses”
- Income from at least 5 activities or at least 300 euros gross through artistic activities in the 3 previous years,

1. General rule:

12 Months of employment within **2** years (general)

2. regulation for intermittent workers:

The **first 60 days** of each contract in the artistic field **count double** when calculating the 12 working months required for unemployment benefits.

Comparison



(before 1/10/2022)



(after 1/10/2022)



Duration until renewal:	1 year	1 year	- 3 years for artwork benefit - 5 years for artwork certificate	2 years
Criteria for Renewal:	same as first application: 507 hours of work in the performing arts during the 12 months preceding end of the last contract	proof of at least 3 work performances in the past year that financially correspond to at least 3 working days for artistic or technical-artistic services or supporting activities in the artistic sector.	1. Renewal for artwork benefits: - 78 days worked in a reference period of 36 months. OR - 39 days worked in a period of 36 months if you have already been invoking the benefit rules for artists/art workers for 18 years or if you have received maternity or adoption leave benefits during that period 2. Renewal for artwork certificate plus or starter 4,515 € in a 5-year period 2,709 € euros in a 3-year period	same as first application: 12 Months of employment within 2 years (general) regulation for

Comparison



(before 1/10/2022)



(after 1/10/2022)



Benefits:

1. daily allowance - "allocation journalière (AJ):
Minimum:
- **€ 38** for appendix 8 (workers and show technicians)
- **€ 44** for appendix 10 (performing artists)
2. Paid for each day of unemployment (deducted from periods of activity)
3. Max. monthly income of €4,045.04 (value 2021)

65% of the previous gross income.

60% of gross reference wage minimum:
- 65.41€ / day with family
- 57.63€ / day without family
maximum:
- 68.81€ / day

- 80% of previous salary for people with children or a previous salary below 3,797 CHF/month (approx. 3,774.40 €)
- 70% of previous salary for everyone else

Calculation references:

the *daily allowance* - "allocation journalière (AJ)" is calculated based on three reference numbers:
- the total gross income during the reference period
- the hours worked in the reference period
- fixed minimum daily allowance of €31.36.. (simplified explanation)

two options:
1. the last 4 consecutive weeks with one contract and one employer before application (with a maximum wage limit of EUR 3,075.04 and a minimum of EUR 1,879.13 from 1/08/2022)
2. the average of the previous quarter before applying for the benefits

currently: 60% of previous salary; calculation references are the same as in the old status
calculation reference starting 2024:
- sum of all gross wages (income through employment contract) during the reference period (= past 24 months) divided by **156**.
- Benefits = 60% of your reference wage (instead of the 65%)

(general rule)
the average wage of the last 6 months – or the last 12 months, if this is more advantageous

Numbers



(before 1/10/2022)



(after 1/10/2022)



Beneficiaries:

1984: 9,060 recipients
1991: 41,038
2013: 106,000
2016: 117,000
2020: 120,000 beneficiaries were compensated under Annexes 8 and 10: around half (58,000) were covered by Annex 8 (workers and technicians in the entertainment industry) and the other half (62,000) by Annex 10 (performing artists).

No separate statistics for artists available with RVA.
With the “artwork certificate”, Belgium will receive concrete data on how many people are working as “art workers” in their country.

n/a

Thank you:

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Links:

🔍 <https://www.cultuurloket.be/kennisbank/je-sociaal-vangnet>

🔍 <https://www.rva.be/burgers/volledige-werkloosheid/hebt-u-recht-op-een-werkloosheidsuitkering/wilt-u-de-toepassing-genieten-van-de-nieuwe-specifieke-regels-voor-kunstwerkers>

🔍 <https://www.suisseculturesociale.ch/sozialversicherungen/arbeitslosenversicherung/>

🔍 <https://action-intermittence.ch/>

🔍 <http://www.music-hdf.org/fiche-20-structurer/viser-l-intermittence>

🔍 <https://www.pole-emploi.fr/spectacle/spectacle--intermittents.html>



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