

# Working Conditions of Circus Artists



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THE INTERNATIONAL FEDERATION OF ACTORS (FIA) brings together performers' trade unions, guilds and professional associations in some 70 countries. In a connected world of content, entertainment and arts, it stands for fair social, economic and moral rights for performers (actors, dancers, broadcast professionals, circus artists and others) working in all recorded media and live performance.

Internationally, FIA works on any subject matter that may impact on the working lives of the professionals it represents. It advocates primarily to improve the working conditions of performers, but also to promote the value of the cultural and creative sector in which they work.

# Outline of the report

<b>Overview</b>	<b>4</b>
<b>I. The Circus Sector Worldwide</b>	<b>9</b>
A. Circus Disciplines	9
B. The Different Types of Circus	10
C. Circus Venues	11
D. Circus Funding	12
<b>II. Employment Law, Contracts and Collective Bargaining for Circus Artists</b>	<b>13</b>
A. Employment Status and Related Rights	13
B. Employment Contracts and Informality	17
C. Collective Agreements in the Circus	18
<b>III. Health and Safety in the Circus Sector</b>	<b>20</b>
A. Circus Artists' Most Frequent Health and Safety Concerns	20
B. Legal Obligations Regarding Health and Safety in the Circus	22
C. Other Tools to Ensure the Health and Safety of Circus Artists	23
D. Non-artistic Tasks	25
E. Bullying and Sexual Harassment	26
<b>IV. Education and Training of Circus Artists</b>	<b>28</b>
A. Initial Training	28
B. Lifelong Learning and Retraining	31
<b>V. The Circus Artist, an Ultra-Mobile Worker</b>	<b>34</b>
A. A Global Sector	34
B. Problems Related to Mobility	35
C. The Need for International Trade Union Solidarity	42
<b>VI. Other Topics of Interest Relating to Circus Artists</b>	<b>45</b>
A. Child Circus Artists	45
B. Diversity, Inclusion, and Equal Opportunity in the Circus	47
C. Other Topics of Interest Relating to Circus Artists	51
<b>Conclusion</b>	<b>53</b>
<b>Recommendations</b>	<b>54</b>

# Overview

## Background to the Report

At its 21st Congress held in 2016, in Sao Paulo, Brazil, the International Federation of Actors adopted Motion 11 on Circus Artists. Through this motion, the Federation committed to conducting an international survey among its affiliates to collect data on working conditions in the circus sector with the aim of subsequently formulating recommendations to help its members ensure decent and fair working conditions for circus artists.

The International Federation of Actors is a global federation of performers' unions, guilds and professional associations. Founded in 1952, it represents hundreds of thousands of performers through its 90 member organisations in over 60 countries. FIA's purpose is to represent the professional interests of actors, broadcasting professionals, dancers, singers, variety, and circus artists. FIA works at international level on all issues that may have an impact on the professional lives of the artists it represents. Its main objectives are to improve working conditions and strengthen the economic, moral and social rights of performers, and to campaign for recognition of the value of culture, and the creative industry in which its members operate. The organisation's aim here is to provide an overview of working conditions in the circus sector, to help its members make the right choices to best defend the interests of circus performers.

## Defining the Circus

Defining the circus is no easy task. There is no simple answer to the question of what makes a circus. Is it the ring or the big top? Is it the clown's red nose or the scarlet curtains and costumes? Is it the sequence of acts in the show or its travelling nature? All these elements are part of the circus - or at least of a circus - but they are not enough to define this art form. Today, many circuses perform in theatres. Some circus companies have no clowns, but feature acrobats with real comic talent. And many of today's circus shows tell a story, with a beginning and an end. Everything that once identified the circus with certainty has been called into question over the years<sup>1</sup>. Today's circus is a highly diverse sector in constant evolution. Since its beginnings in the 18th century, it has continuously reinvented itself. In this report, we have taken the view that the circus is defined by the disciplines that make it up. This perspective means that any performance that includes disciplines from the circus arts, regardless of the form or the venue, belongs to the circus.

In addition to this general definition, we have decided to retain the classic distinction between traditional and contemporary circus. Indeed, while these two types of circus share many common traits, they also have their own specific features. The first - the traditional or classical circus - is generally a travelling show built around a family whose members pass on the mastery of their discipline from one generation to the next. The shows, which are often a succession of acts, usually take place under a big top. Contemporary circus, or *nouveau cirque*, is less standardised and more narrative in its presentation.

<sup>1</sup> Jacob Pascal; *L'artiste de cirque aujourd'hui, analyse des compétences clés* [The circus artist today, analysis of key competencies], Published by the European Federation of Circus Schools, 2008

It is generally made up of circus artists who share no family ties and who are often more concerned with creating rather than replicating<sup>2</sup>. Contemporary circus companies frequently perform in theatres and are inclined to include other artistic disciplines in their shows, such as dance or comedy.

This report focuses on professional circus artists working in these two types of circus, as well as those active in what we have chosen to call “intermediate structures”, such as festivals or cabarets. However, it excludes amateur circus performers and street artists.

## A Brief History of the Circus

The circus as we know it today was born in the 18th century on the initiative of a British cavalry officer, Philip Astley. It was in 1768 that Astley decided to open his “riding school”, where he presented horseback acrobatics in a ring-shaped track every afternoon. Though it began as a horse show, the circus soon added new acts and new artists: tightrope walkers, acrobats, jugglers, clowns, etc. The circus grew and dynasties were formed. These were the families that would keep the art form alive and evolving over the decades. Since its beginnings in 1768, this art form has undergone a great many changes.

Around the turn of the 20th century, several major innovations transformed the circus and helped it evolve into a new form of entertainment<sup>3</sup>. It was at this time, in particular, that wild animals made their appearance in the ring. The trainers and their big cats, elephants and bears aroused the public’s curiosity and filled the big tops - themselves another innovation of the period and a symbol of the travelling circus. The end of the 19th and beginning of the 20th century also saw the arrival of the ringmaster. Both a stage manager and a storyteller, he soon became an iconic figure recognised by all. The circus then established itself as the ultimate form of popular entertainment. The American circus, and in particular Barnum & Bailey, was the symbol of this era. Travelling by rail with its incredible menagerie, the American circus displayed a particular taste for all sorts of curious oddities. It was extremely mobile and erected huge tents, often with several rings, at each stage of its journey. Although highly profitable, these gigantic circuses did not survive the Great Depression of 1929.

The second half of the 20th century was a difficult period for the circus, not only because of the two world wars, but also because of the new competition from cinema, television, amusement parks and other new forms of entertainment. The interest of potential audiences declined sharply at this time.

But in the 1970s, on the brink of collapse, the circus reinvented itself once again. It moved towards a more artistic approach that would come to be known as the “new circus” and later the “contemporary circus.” The circus opened up to artists who were not part of a circus family, and whose priority was to be creative rather than simply providing entertainment. These new companies sprang up all over the world, exploring, innovating, questioning the codes of the traditional circus and offering strong artistic ideas to an ever-growing audience. It was during this period that the first circus schools opened in Western Europe. These enabled the uninitiated to enter a sector that had hitherto been very closed, thus participating in the revolution that was taking place. It was at this time that the circus was finally recognised as an art form in its own right<sup>4</sup>. The traditional circus also managed to survive by adapting to a new era.

2 Jacob Pascal; *L'artiste de cirque aujourd'hui, analyse des compétences clés* [The circus artist today, analysis of key competencies], Published by the European Federation of Circus Schools, 2008

3 Jacob Pascal, *Une histoire du cirque* [A history of the circus], Seuil, BNF Editions, 2016

4 Jacob Pascal, *Une histoire du cirque* [A history of the circus], Seuil, BNF Editions, 2016

The circus is thus an ancient art form that has evolved considerably since its inception. This is why today different types of circus coexist within the same sector.

## Purpose of the Report and Methodology

The purpose of this report is twofold. Firstly, to provide the reader with an overview of working conditions in the circus sector around the world. It also seeks to identify the best practices of FIA members in the sector and formulate recommendations that will enable them to better defend the interests of circus artists.

To this end, in the summer of 2019, FIA sent its members a questionnaire drafted with the help of its Circus Artists Working Group. Composed of 51 questions, the questionnaire covered all aspects of working conditions in the circus sector. In the second half of 2019, 27 unions, guilds and professional associations responded to the survey. Of these, 26 are FIA members and 22 represent circus artists. The 27th responding union is Russian - the Russian Union of Circus Professionals - representing only circus professionals with whom FIA has collaborated in the past. It was decided to approach this partner in order to benefit from its in-depth knowledge of the sector in Russia.

### Table of respondents by world region

World region	No. of responses	Responding countries and organisations
Africa	1	Morocco – SMPAD
North America	1	Canada (Québec) – UDA
Latin America	7	Argentina – AAA Brazil – SATED/ES Brazil – SATED/MG Brazil – SATED/SP Chile – SIDARTE Colombia – CICA Mexico – ANDA
Asia	1	Japan – JAU
Europa	10	Austria – Younion Denmark – DAF Estonia – ENL Finland – TEME France – SFA Latvia – LKDAF Norway – NSF United Kingdom – Equity UK Sweden – Scen & Film Switzerland – SSRS
Oceania	2	Australia – MEAA New Zealand – Equity NZ
Countries of the former Soviet Union	5	Kazakhstan – CSTMW Kyrgyzstan – CWUK Russia – RCWU Russia – RUCP Ukraine – CWUU

The responses to this questionnaire are the main source of information for this report. This document is primarily a reflection of the results of FIA's survey of its members, who have valuable and real experience of the circus world through their regular contact with their circus affiliates, as well as the dialogue established by some of them with employers in the circus sector.

However, while the questionnaire responses are the main source for this report, they are not the only source. FIA has also drawn on a number of relevant articles and books dealing with the circus. These sources were selected to underpin the survey results, to qualify them or, in some cases, to provide additional information. FIA was also able to count on the help of the members of the Circus Artists Working Group, which acted as a valuable sounding board and guided the secretariat in its work.

## Limitations of the Report

This report has a number of limitations that we would like to highlight for the reader's consideration. The first is the relatively limited number of responses to the questionnaire. Only 27 organisations responded to the survey, 22 of which represent circus artists. While this figure represents only one third of FIA members, it nevertheless includes the vast majority of the Federation's unions representing circus performers. It was these unions that FIA approached with this survey, and many of them responded.

Another limitation of this report is the often low percentage of circus performers out of the total membership of the participating unions. Indeed, none of the organisations responding to this survey exclusively represent circus artists. Most of them represent all performers, with the exception of musicians, and some represent all staff working in theatres and on film sets. Circus performers, who are fewer in number tend to make up only a small proportion of their membership. These unions cover not only circus performers, but also other trades such as actors and opera singers. The latter, who are more numerous, make up the bulk of the union's day-to-day work and are better known to the union staff. The fact remains that circus performers are among the artists represented by these unions and are familiar to them, even if they do not always represent a strategic priority for these organisations due to their small numbers.

### Table of % of circus artist members among participating organisations

Estimated % of members who are circus artists	Organization
0% - No circus artist members	JAU (Japan); LKDAF (Latvia); Equity NZ (New Zealand); NSF (Norway)
Between 0.1% and 1%	ANDA (Mexico); CWUK (Kyrgyzstan); MEAA (Australia); Scen & Film (Sweden); RCWU (Russia)
Between 1% and 5%	CWUU (Ukraine); ENL (Estonia); Equity UK (United Kingdom); SFA (France); UDA (Canada, Quebec)
Between 5% and 10%	AAA (Argentina); TEME (Finland); SATED SP (Brazil); SSRS (Switzerland)
More than 10%	RUCP (Russia); SATED ES (Brazil); SATED MG (Brazil)

Finally, we would like to point out one last limitation that is not specifically linked to this report, but more generally to the level of knowledge regarding the circus sector and its artists. Indeed, there is a general lack of information available on circus artists and the circus. The limited data and research on the sector has not made our task any easier, and in this context, we have tried to provide as accurate a picture as possible of working conditions in the sector.

## Structure of the Report

This report is divided into six main sections. The first chapter aims to provide a better understanding of the circus sector on a global scale. It looks at circus disciplines, the different types of circus, the circus venues, and what funding, if any, the sector receives. The second chapter deals with labour law, contracts and the guarantees provided by collective agreements. Chapter 3 covers health and safety issues in the circus sector. Chapter 4 is dedicated to education and training in the circus sector. Chapter 5 looks at the mobility of circus artists and the obstacles that stand in the way of this. Finally, Chapter 6 addresses other issues specific to the circus.



# I. The Circus Sector Worldwide

As pointed out in the introduction, the circus sector is diverse and difficult to fully grasp. The first part of this report aims to shed light on this sector, in order to better understand it. To do this, we have focused on several key elements: circus disciplines or arts, the different types of circus, circus venues and funding.

## A. Circus Disciplines

Clarifying which disciplines fall under the circus umbrella is essential to understanding what the circus is. According to the definition of circus used in this report, it is the presence of these disciplines that characterises a show as circus.

With the help of the FIA Circus Artists Working Group, we have drawn up as complete a list as possible of all types of circus performers and circus disciplines. This list includes 10 types of circus artists: acrobats, contemporary artists, circus riders, clowns, animal trainers, balance artists, illusionists, jugglers, ringmasters and ringmistresses, and aerialists. We wanted to know if these circus artists were members of performers' unions, so we asked respondents to indicate which of these types of circus artists were represented by their union, and to add any other types of circus artists we might have overlooked.

The majority of unions responding to the questionnaire indicated that they represent the following types of circus performers: acrobats (86.9%), clowns (82.6%), contemporary artists (73.9%), balance artists (73.9%), jugglers (69.5%), illusionists (69.5%) and aerialists (60.8%). Acrobats and clowns are the categories represented by the greatest number of unions, since they are both represented by over 80% of participating unions. At the other end of the spectrum, animal trainers (34.7%), circus riders (39.1%) and ringmasters/mistresses (43.4%) are the least represented categories of circus performers. It is interesting to note that these are categories of circus performers who are mainly active in the traditional circus. These figures could be interpreted as meaning that traditional circus artists are less unionised than contemporary circus artists, or as a sign of declining public interest in these performances, resulting in fewer of these types of circus performers. As far as animal trainers are concerned, this limited number is also very probably due to the fact that the use of wild animals in circuses has been almost universally questioned in recent years and banned in many countries.

Other types of circus performers reported by participating organisations included living statues, ventriloquists, fakirs, fire artists, contortionists and hair hanging artists.

## B. The Different Types of Circus

When we talk about circus types, the main distinction we mentioned in the introduction is between the traditional or classical circus and the contemporary or new circus. Although these two types of circus have the same origins, they nevertheless have certain distinctive features that impact working conditions of the circus performers we examine in this report.

The traditional circus is the direct descendant of the circus invented in the 18th century. It is a circus that is generally organised around a family whose members teach their disciplines to the younger members, passing on their skills from generation to generation. These circuses are occasionally joined by artists who are not members of the family, who bring their act to the show for one season, and who will present the same act or a reworking of it in another circus the following season. The traditional circus is typically a travelling circus, moving from town to town, or even country to country, with its big top and menagerie. It is generally the traditional circuses that use wild animals in their shows, although this practice is becoming increasingly rare. Shows usually consist of a series of acts, not always set within a general framework.

The contemporary circus, for its part, was born in the 1970s from a questioning of the codes and references of the traditional circus. At a time when the circus was struggling, the pioneers of the contemporary circus wanted to experiment and break away from the circus norms of the time, i.e. the circus ring, the acts, the big top... The contemporary circus is more artistic and narrative. It helped define the circus as an art form in its own right. In contemporary performances, the artists are generally the authors of a show conceived as an ensemble. Contemporary circus companies frequently perform in theatres, and often include artistic disciplines not traditionally associated with the circus. This circus has also moved away from the family format, with performers from the same company generally not sharing family ties. Many of these circus artists trained in circus schools, and company members often first met there.

In addition to this main distinction, we have decided to add a number of sub-categories to give us a more accurate picture of the circus sector as it really is. For instance one cannot compare Cirque du Soleil with a contemporary circus act made up of three acrobats. To this end, we have identified the following categories: traditional circus; contemporary circus, large companies; contemporary circus, smaller companies; and intermediate structures. These intermediate structures include cabarets, festivals, and workshops. We asked the participating unions to tell us what type of circus their members worked in.

The first observation is that FIA members represent circus artists working in the traditional circus (73.9% of participating unions) and in 'smaller' contemporary circus companies (73.9%) in equal proportions. These are the two main sources of members for performers' unions in the circus sector. Next come circus artists working in intermediate structures (47.8%), such as cabarets, festivals, or workshops, followed by circus artists working in large contemporary circus companies (39.1%), such as Cirque du Soleil. It is likely due to the fact that there are simply fewer large contemporary circus companies. In fact, several respondents indicated that no such companies exist in their country.

It is also important to bear in mind that the same artist may be active in different circus types and structures over the course of their career.

Finally, it is worth mentioning an interesting regional specificity. According to the results of our survey, only three unions, all from former Soviet countries (Russia, Ukraine and Kazakhstan), exclusively represent circus artists working in the traditional circus. This particular feature is linked to the history and importance of the traditional circus in the USSR. Following the October Revolution in 1917, the new rulers wanted to create a genuine Russian art form and called on circus artists to do so. In 1919, theatres and circuses were nationalised, marking the foundation of an institutionalised circus, fully supported by the state<sup>5</sup>. The system became more structured, and hundreds of circuses were created, many of them under solid big tops. The aim of the Moscow School of Circus Arts, founded in 1927, was to train the acrobats and clowns who would bring glory to the Soviet Union<sup>6</sup>. It was an extremely efficient system that produced top-quality shows, but it was also an instrument of the regime's propaganda. The circus as it exists today in the countries of the former USSR has thus retained certain specific features of the Soviet circus of the time.

## C. Circus Venues

There are many different circus performance venues. With the help of the FIA Circus Artists Working Group, we have identified four categories of venues that host circus performers: big tops or similar structures, permanent circuses, theatres, and public spaces. We then asked the participating organisations to tell us in which of these locations the artists active in the different types of circus usually worked.

First of all, we note that big tops are used worldwide as performance venues for all types of circus. Indeed, the responding unions pointed out that not only traditional circuses, but also contemporary circuses and intermediate structures use big tops. The big top is still deeply rooted in the DNA of the circus, whatever its form. The big top is also the preferred performance venue for the traditional circus, as indicated by 61.9% of respondents.

However, the situation is different in former Soviet countries. In these countries, the usual performance venue for traditional circuses is the permanent circus, i.e. permanent buildings designed to host circus shows. In this case, too, it is a legacy from the Soviet circus. These permanent circuses are the remnants of a project launched in the 1960s by the Soviet regime to construct a series of buildings to accommodate circuses then touring the USSR. These are often vast buildings, with hotels for guest troupes, rehearsal spaces, dressing rooms and stables<sup>7</sup>. A number of these permanent circuses have survived, though some are now ageing.

Another finding is that contemporary circus companies, both large and small, are those most often performing in theatres. A significant number of our members pointed out that this is the classic performance venue for contemporary circus artists. This is a trend also observed in other recently published studies of the circus sector<sup>8</sup>. This use of theatres as performance venues for the circus does not apply to the traditional circus, as none of the respondents reported that circus artists active in the traditional circus usually worked in theatres.

5 Jacob Pascal, *Une histoire du cirque* [A history of the circus], Seuil, BNF Editions, 2016

6 Jacob Pascal, *Une histoire du cirque* [A history of the circus], Seuil, BNF Editions, 2016

7 Jacob Pascal, *Une histoire du cirque* [A history of the circus], Seuil, BNF Editions, 2016

8 European Commission, Directorate-General for Education, Youth, Sport and Culture, Vroonhof, P., Clarke, M., Goes, M., et al., *The situation of circus in the EU Member States: study report*, Publications Office, 2020, <https://data.europa.eu/doi/10.2766/540507>

Many of the participating organisations also pointed out that, in many cases, circuses perform where they can and where they are allowed to, notably in public spaces. It would seem that public spaces are often used by intermediate structures, as indicated by 50% of respondents. In some countries, such as Morocco and Sweden, the public space is also the usual venue for contemporary circuses of all sizes.

Finally, the Circus Artists Working Group wished to add that a number of circus artists working alone often perform in other types of venues such as hospitals, schools, and summer camps. In the USA, some circus trainers working with large animals, set up 'animal foundations' so that they can tour with their animals, often visiting schools.

## D. Circus Funding

Finally, we wanted to examine the issue of funding for the circus, which is essential to the long-term survival of many companies. We are specifically interested in the public funding allocated to different types of circus. We asked the participating organisations whether circuses in their country received funding from public authorities - national, regional or local.

The answers to this question reveal a number of general trends in circus funding. First of all, it would seem that the traditional circus is mainly commercial. Indeed, the majority of responding unions (58.8%) reported that, in their country, traditional circuses received no public funding. The few countries where the traditional circus receives public funding are Brazil, France, Japan and former Soviet countries - Kazakhstan, Kyrgyzstan, Russia and Ukraine. Once again, for the former Soviet countries, the State's strong commitment to the sector is linked to the history of the circus in this part of the world.

We can also see that the contemporary circus, both large and smaller companies, as well as intermediate structures, have easier access to public funding - national, regional and local - than the traditional circus. A large number of the participating organisations told us that these categories of circus received public funding. However, many of them pointed out that this funding from different levels of government was usually limited and sporadic. These are often annual grants, allocated to specific projects. This type of irregular funding makes planning and development difficult for companies.

France and Brazil are the only countries where all types of circus can receive public funding. SMAPD, Morocco, and AAA, Argentina, were the only organisations to tell us that no circus category receives public funding in their country.

# II. Employment Law, Contracts and Collective Bargaining for Circus Artists

Being a circus performer can be hard work. Behind the glitter of the costumes lies a precarious career characterised by temporary and intermittent employment, physically arduous performances and a higher risk of injury, as well as a high level of mobility. These characteristics inherent to the work of circus artists make them particularly vulnerable workers. In this second part, we will look at the employment status of circus artists, their employment contracts and, finally, the action taken by trade unions who, through collective bargaining, are trying to guarantee better working conditions for these very special artists.

## A. Employment Status and Related Rights

### Temporary and Intermittent Employment

The circus, whether traditional or contemporary, is characterised by temporary and seasonal employment. When we asked participating organisations about the average length of continuous employment for circus artists in their country, the answers were revealing.

Organisations in former Soviet countries and SATED Sao Paulo were the only ones to set this average duration at over a year. All other participating organisations estimated the average length of continuous employment to be between 1 day and 1 year. The shortest contracts (from one day to a few months) are associated mainly with intermediate structures, while the longest contracts are more typical of traditional circuses, where artists are generally active for a circus season, which varies from 6 to 10 months depending on the country. In the contemporary circus, the average length of continuous employment varies from 1 month to 1 year for large companies, and from a few weeks to a few months for smaller companies. In the vast majority of cases, this means relatively short periods of work, often interspersed with periods of inactivity of fluctuating duration. The circus is therefore a temporary and intermittent line of work, as is the case for many other performers.

## Employment Status of Circus Artists

This temporary and intermittent employment is generally associated with atypical employment status. Indeed, in the circus, as in the rest of the arts and entertainment sector, atypical work – and, in particular, self-employment - is widespread. The arts and entertainment sector is characterised by a wide variety of working and employment relationships that rarely correspond to the traditional employment model, i.e. permanent employment based on 5-day working weeks and 8-hour days. Indeed, when we asked the participating organisations to indicate the predominant professional status in their country, the majority reported that most circus workers were self-employed. According to our survey, intermediate structures are particularly affected, since 86.6% of participating organisations reported that self-employment was prevalent in these structures. Traditional and contemporary circuses seem to be affected by the phenomenon in similar proportions, between 59% and 65%.

However, it is interesting to note that, in a limited number of countries, employee status is the norm for circus performers. Among them, all the participating organisations from former Soviet countries reported that the majority of performers working in the traditional circus - the only type of circus represented by these unions - were employees. This is also the case for all types of circus in France, where artists are presumed to be salaried employees; in Argentina, for all types of circus with the exception of the traditional circus; as well as in the contemporary British circus. Equity UK nonetheless pointed out that, in the UK, these artists fall under the definition of ‘worker’ rather than ‘employee’. This remark by the British union is indicative of the difficulty of addressing the question of employment status in an international context, when definitions of ‘self-employed’, ‘employee’ and ‘worker’ vary from country to country.

Going forward, it will be necessary to agree on a clearer and more comprehensive definition of the term ‘worker’. Under certain conditions, this should include the self-employed. This is a key point, especially since the number of self-employed workers will increase in the future, both in the circus and in society more broadly. This rise is expected, not only because of the ever-increasing flexibility of the labour market, but also because of the advantages that this status offers employers.

## Statutory Rights and Protections

Labour law is the body of legal rules governing relations between an employer and the workers subordinate to them. Its purpose is to protect workers by granting them a certain number of rights and protections. We wanted to know to what extent circus artists enjoy the rights and protections guaranteed under labour law. The distinction between employed and self-employed circus artists is important here, since the rights and protections guaranteed by labour law, particularly in terms of social security, are closely linked to the worker’s employment status.

The first thing to note from our survey is that four participating organisations indicated that circus artists in their countries enjoy no or very few social rights and protections. These countries are Japan, Mexico, Colombia, and Brazil.

The rest of the participating unions and organisations reported that employed circus artists generally enjoy the rights and protections guaranteed to all employees under labour law. These protections and rights include unemployment insurance, health insurance, retirement, paid leave, maternity leave, compensation in the event of work-related accidents and the right to collective bargaining. These rights are often governed by general labour law, and sometimes by laws specific to the arts and culture sector, such as the law on the status of the artist in Morocco.

However, these same unions and organisations also stated that the level of protection was much lower for self-employed circus artists, particularly with regard to social security. It is clear that self-employed workers do not enjoy the same level of protection as employees. As their own employers, they do not receive the benefits normally provided by an employer, such as health insurance, unemployment insurance or pension contributions, and must therefore organise this themselves by saving or paying higher social contributions, which they do not always have the means to do.

These additional difficulties linked to their employment status add to the already restrictive features of the circus profession - temporary and intermittent employment, physical intensity and high mobility - and make self-employed circus performers all the more vulnerable. Added to this is the fact that they do not usually have the right to organise and bargain collectively for better working conditions. Greater unionisation of the ever-increasing number of self-employed workers and demands for access to collective bargaining appear to be key objectives for unions in the sector.

### **Insurance for Self-employed Circus Performers**

Another major difficulty for self-employed workers - and a particularly important one for circus artists - is the question of insurance. Being a circus performer is a very physical job, involving many risks. Injuries are commonplace, whether from falls, equipment problems or overtraining. Great care must be taken to avoid incidents that could involve not only the artists, but also the technicians and the audience. The question of insurance, for both bodily and non-bodily injury, is therefore essential for all circus performers. Here again, there is a real disparity between employed and self-employed circus artists. These differences are reflected not only in access to insurance but also, and above all, in the cost it represents for them.

Our survey shows first of all that, with a few exceptions, it is generally possible for self-employed circus artists to benefit from insurance. The only organisations to report that it was impossible for self-employed circus artists to obtain insurance were JAU in Japan, CSTMWU in Kazakhstan and RCWU in Russia - bearing in mind that circus artists are mainly employees in the latter two countries. The other participating organisations indicated that it was usually possible for a circus artist to take out insurance.

However, it is the cost of insurance for artists that makes the real difference between employees and the self-employed. When asked whether the circus or the freelance artist had to pay for this insurance, the vast majority of participating organisations - 78.5% - stated that it was up to the artist to cover this expense, whereas it is always the circus when the artist is an actual employee. This is a significant expense, on top of the already heavy burdens and responsibilities weighing on a self-employed circus performer.

In the rare cases reported to us where the circus performer does not bear the cost of insurance alone, this expense may be the sole responsibility of the circus (SATED SP) or be paid jointly by the artist and the employer (SSRS). There is another option: in the United Kingdom and in Denmark, Equity UK and DAF have chosen to cover all their members, including circus performers, through a group insurance policy. This insurance - civil liability and accident - would otherwise have to be paid for by the members individually. This practice makes life much easier for Equity and DAF members, especially self-employed circus performers for whom insurance is essential.

## Group Insurance, Equity UK, United Kingdom

Equity UK has a number of group insurance policies, some of which cover members automatically and others which members can choose to take out.

Civil liability insurance applies to all members and covers bodily injury to members of the public and damage to property, in particular to the building in which the member works. Cover amounts to a maximum of £10 million per claim.

Equity UK members are also covered by accident insurance, which kicks in from the third week of incapacity following a work-related accident (at work, on the way to work, during an audition, while training, etc.). The current level of payment is £150 per week until the member is deemed fit to return to work. For an additional £5 per year, non-work-related accidents can also be covered. Benefits can also be increased by paying an additional annual premium.

Also automatic, backstage insurance covers work equipment brought to the workplace for use in the performance. This includes costumes, make-up and other accessories. Although there are a number of exclusions for valuables, these can be covered at an additional cost if required.

Equity also offers medical diagnostic cover for £12 a year if an MRI or CT scan is required. Circus artists often decide to take out this additional coverage.

Open-flame performance insurance is also available for £40 a year.

The amount Equity pays its insurance company depends on the member's profile. It amounts to approximately £250,000 a year to cover their 48,000 members. A large proportion of Equity's members are actors, and rarely avail themselves of civil liability insurance. If Equity had 48,000 members who were circus or variety performers, who really need this insurance and often avail themselves of it, the cost of group insurance for Equity would be much higher because there would be more claims.

Our attention was also drawn to the fact that, as insurance depends on the risks incurred in the course of professional activity, it is sometimes difficult for circus artists to find an insurance company willing to cover them. When they do find a company willing to do so, they are often asked to pay additional premiums to insure particularly high-risk activities, such as aerial work above a certain height or performances involving open flames.



## B. Employment Contracts and Informality

While it is unfortunate that not all circus performers enjoy all the protections guaranteed by labour law - due to their employment status - they should be able to rely on their employment contracts to provide them with decent working conditions. But what about employment contracts in the circus? Are they common in a sector long dominated by informality and family business? Are there standard contracts, the use of which is encouraged by the unions? If so, what do these standard contracts guarantee?

### Informality Varies in Degree in Different Parts of the World

The circus has long been characterised by highly informal working relationships, linked to the hegemony of family businesses. Since its origins, the traditional circus has been run by circus families, who sometimes tend to run the business as they would their own households. The question arises as to whether this high degree of informality is still present in the traditional circus; and whether the contemporary circus, which is more recent and free of family organisation, is also affected. The responses to our survey reveal several trends in this area.

The first observation is that the situation regarding informality in the circus sector depends, above all, on the region of the world. The second is that the type of circus - traditional or contemporary - seems to be less of a determining factor. As a matter of fact, while all respondents from European countries, former Soviet countries and Australia reported that circus artists usually work under written contracts, this was not the case for participating organisations from Latin American countries and Morocco, the only African country represented. Argentina is the exception, with the Argentinian trade union AAA indicating that Argentinian contemporary circus artists usually work under a written contract. The only organisations stating that traditional circuses made little use of written contracts in their countries, unlike contemporary circuses, were AAA and MEAA in Australia. Informality and the absence of a contract therefore seem to be more closely linked to certain regions of the world - Latin America and Africa - than to the actual type of circus in operation.

A comment by the Russian trade union, RUCP, also leads us to believe that the size and reputation of companies can also have an impact on the widespread use of written employment contracts. It would seem that while the major Russian circus companies, such as Rogostsirk or Circus Yuri Nikulin, systematically use written employment contracts to hire their artists, this practice is rarer in less recognised companies.

### Standard Contracts and Circus Artists

The responses to our survey show that the use of standard contracts is not widespread in the circus sector worldwide. Indeed, while some organisations, mainly of European and former Soviet origin, reported that this was a common practice, the majority of responding unions (55%) - Yunion in Austria; Equity NZ in New Zealand; Scen & Film in Sweden; SMPAD in Morocco; ANDA in Mexico, SIDARTE in Chile; SATED/ES; SATED SP and SATED MG in Brazil and CICA in Colombia - consider that the use of standard contracts is rare in the circus industry. We note that all the participating organisations from Latin America - with the exception of AAA in Argentina - made the same observation.

We often find that the main elements of standard contracts mentioned by respondents in countries where they are regularly used in the circus include working time (generally expressed in the number of performances per day or per week), rehearsals, remuneration, contract duration, rest periods and accommodation during touring periods. Other elements were also mentioned by some participants, including paid holidays (MEAA), overtime (MEAA), allowances for distance from home (MEAA) and guaranteed working days per month (DAF).

## C. Collective Agreements in the Circus

Action by trade unions representing circus artists, and in particular collective bargaining and the conclusion of collective agreements, is another essential element in guaranteeing decent working conditions for circus artists. Collective agreements, the result of sometimes heated dialogue between worker and employer representatives, set out the individual and collective working relationships between employers and workers, as well as the rights and duties of each party. They are therefore a source of labour law and protect workers. We wanted to find out whether collective agreements were widely used in the sector and what guarantees they gave to circus workers.

### **Collective Agreements Applicable, Though Not Always Specific, to the Circus Sector**

Our survey revealed that collective agreements applicable to the circus sector are relatively common with just over half (54.1%) of respondents indicating that one or more collective agreements covering circus artists existed in their country.

A number of collective agreements specific to the circus were reported to us by the respondents. These include the agreement negotiated by Equity UK with the Association of Circus Proprietors (ACP), which brings together the UK's traditional circus owners, and three agreements negotiated by DAF in Denmark (agreement with *Cirkus Arenas* covering performances at the *Cirkus Arena*, agreement with the national media concerning circus and variety artists in programmes, and an agreement with *Danish Hospital Clowns* covering clown activities in hospitals). Collective agreements specific to the circus sector also exist in former Soviet countries, generally concerning state-owned circuses such as Russia's Rosgostsirk or Kyrgyzstan's National Circus.

In the majority of cases, however, collective agreements covering circus artists are not specific to them alone. They are generally agreements targeting the performing arts as a whole, as in Sweden, France and Australia, where the Performers' Collective Agreement (PCA) is applied by Cirque Oz, Australia's leading contemporary circus company. These agreements cover circus artists but are not specifically dedicated to them. It is also interesting to note that, in Sweden, the two collective agreements negotiated by Scen & Film and used in the circus industry make no mention of circus artists as a specific group.

In the United Kingdom, there are several collective agreements in force for the circus industry, one specific to traditional circuses - negotiated by Equity with the Association of Circus Proprietors (ACP) - and two others not specific to circus. In the case of small contemporary circus companies, the agreement negotiated with the Independent Theatre Council is applied while, in the case of commercial circus shows, the agreement negotiated with the UK Theatre Association is used.

## **Guarantees for Circus Performers Under Collective Agreements**

Collective agreements, whether specific to circus artists or not, set out the working conditions of the artists to whom they apply. They provide them with a number of guarantees concerning the physical, environmental, organisational, social and psychological aspects of their working conditions. They are detailed and provide greater protection than general labour law.

According to the responses we received, the key elements of the collective agreements applicable to circus workers are pay (minimum expressed per week or per month), working hours (maximum) and rest periods. These essential elements are generally accompanied by a series of provisions specifying a number of aspects of the general working conditions, with variations from country to country. Among those most frequently mentioned were provisions relating to the rights and obligations of employers and workers, health and safety, and the protection of trade union activities.

## **The Need for Better Collective Bargaining Coverage of the Circus Sector**

It is essential to realise the positive impact that collective bargaining can have on the working conditions of circus artists. While labour law and contracts are elements that make it possible to safeguard the working conditions of circus artists, they unfortunately have their limits. Labour law is too general and contracts are often the result of a lopsided balance of power, which means that they are not sufficient to guarantee fair and balanced working conditions for all circus artists.

In this context, collective bargaining led by the unions is the best way to ensure optimal work organisation for circus performers. As well as being more protective than general labour standards, collective agreements are more specific and detailed and therefore better adapted to the particular features of the performer's profession and that of the circus artist. With 54.1% of respondents reporting the existence of collective agreements for the circus in their country, there is real potential for improving the sector's collective bargaining coverage.

To better defend and represent circus artists, performers' unions must work to include them in their collective agreements in a more systematic way or negotiate agreements specific to them on their behalf. This would undoubtedly boost the number of circus artists joining and becoming involved in trade unions.

Furthermore, as mentioned earlier in this report, it is now essential for self-employed performers - including circus performers - to have access to collective bargaining. At a time when self-employment seems to be becoming the norm in the circus industry, depriving self-employed circus artists of the benefits of collective bargaining appears completely unjustified. The extension of existing collective agreements to self-employed circus performers, or the conclusion of collective agreements for self-employed workers, should also be objectives to be pursued by performers' unions.

In the absence of a collective agreement, unions can also use other tools, such as the publication of guidelines or recommendations on the working conditions of circus artists. This is what TEME has done in Finland with the publication of recommendations on circus artists' salaries. Although employers are not obliged to follow these guidelines or recommendations, they can nevertheless help set industry standards.

# III. Health and Safety in the Circus Sector

By its very nature, the circus is a sector where health and safety issues are paramount. Among performers, circus artists are certainly those who face the greatest and most numerous risks in the exercise of their profession. In addition to the great physical intensity of circus performances, circus performers may have to deal with animals, handle open flames or move through the air, depending on the discipline they practise. The health and safety of circus artists is therefore a fundamental element of working conditions in this sector.

We will first attempt to identify the most frequent concerns in terms of the health and safety of circus artists. We will then look at general legal obligations and other tools for ensuring the health and safety of circus artists. Finally, we will look more specifically at the issue of non-artistic tasks and bullying and sexual harassment.

## A. Circus Artists' Most Frequent Health and Safety Concerns

The health and safety of performers is one of FIA's top priorities. The very specific conditions in which performers operate give rise to specific health and safety issues that must be properly addressed to prevent accidents. As prevention plays a key role in occupational health and safety, it is important for both employed and self-employed performers to be aware of the risks they face, and how best to manage them.

In 2007, with this in mind, FIA published two handbooks entitled "ActSafe", one aimed at performers in the live performance sector, the other at those in the audiovisual sector. These handbooks were designed as an essential, non-exhaustive checklist of practical, easy-to-remember advice on how best to ensure the health and safety of performers on stage and on film sets. One by one, they detail the most common health and safety risks in the live performance and the audiovisual sectors. These handbooks were updated in 2022 to take account of new health and safety risks for performers.

Before turning to the responses from the organisations that took part in our circus survey, we thought it would be useful to look at the risks listed in the "ActSafe" handbook<sup>9</sup> for live performance. This document details the main health and safety hazards in the live performance sector, including the circus.

<sup>9</sup> ActSafe: Minimum recommended health and safety guidelines for performers working in live shows, FIA, 2007. Update 2022.

Risks listed in "ActSafe":

- **Props.** Accessories used by the performer must be designed in such a way as not to endanger the person handling them.
- **Ventilation.** Natural or artificial air circulation between inside and outside must provide sufficient oxygen, a good ambient temperature and fresh air on stage and backstage.
- **Alcohol and drugs.** Performers must refrain from using any substance that affects their discernment and ability to behave responsibly in the workplace.
- **Animals.** Wild and domestic animals are common in the circus. Any interaction with them must be carefully prepared and carried out with great caution.
- **Firearms and weapons.** The handling of these objects, which can inflict physical injury, must be carefully supervised.
- **Stunts and stage combats.** Choreographic orchestration and numerous rehearsals are necessary to minimise the risk of accidents associated with stunts or simulated fights. By extension, the same principles of choreography and rehearsal should be applied to circus acrobatics.
- **Rigging and flying of performers.** The movement of suspended performers is at the heart of several circus disciplines and is therefore very common in the sector. The equipment used must be suitable, well-maintained and regularly inspected. Rehearsals under show conditions are extremely important to guarantee the health and safety of the artists.
- **Costumes.** The clothes and accessories worn by the performer must not impede his or her movements more than is reasonable. They must be well maintained and suitable for the use to which they are put (e.g. if a performer handles open flames, their costume must be fireproof). Artists must be able to familiarise themselves with their costumes so that they can spot any problems.
- **Lighting and electrical equipment.** The lighting and general visibility must be adequate and not blind the performer, who could lose balance and fall. Electrical equipment - such as power cables - must not represent a safety risk for the artist.
- **Pyrotechnic effects.** Pyrotechnic effects should be used sparingly and be handled by a professional.
- **Open flames.** Common in the circus, the use of open flames during performances represents a serious risk for the performers who handle them. Their use must comply with strict safety rules, particularly in terms of fire prevention.
- **Harassment.** Harassment in the workplace, whether sexual or otherwise, is a threat to workers' physical and mental health. A number of safeguards can be put in place to deal with these situations.
- **Smoke and fog.** Water- or oil-based, the effects of smoke and fog can cause allergies and respiratory problems. They can also interfere with the performer's visibility, risking injury. They should be used sparingly.
- **Sound and noise levels.** Various precautions, such as the correct adjustment of equipment or the correct alignment of the sound system, should help to protect the performers' hearing.
- **Make-up.** Make-up, sometimes used in very elaborate ways by circus artists, can have an impact on the health and safety of performers. Hygiene and the prevention of allergic reactions are crucial here. The performer's ethnic origin must also be taken into account when applying make-up.
- **Mental health and psychosocial risks.** The specific nature of the work of performers and circus artists - irregular working hours, moving from place to place, the stress of performance, financial -insecurity, etc. - can have negative psychosocial effects such as stress and anxiety, fatigue, and an imbalance between professional and private life. These negative effects should be prevented and treated where necessary.

- **Raked stages and non-resilient floor:** Circus performers, like dancers, may have to jump, run or perform all kinds of acrobatics on surfaces that were often not designed for this purpose. Particular care and caution must be taken when performing on inclined stages or hard surfaces.
- **Intimate scenes:** Live performances, including circus shows, can require intimate scenes. Particular attention must be paid to work on these scenes at all stages of the creative process: auditions, rehearsals, and performances. Specific protocols must be put in place and the scenes carefully choreographed. The use of an intimacy coordinator is encouraged.
- **Fire safety:** Fire safety covers a number of safety measures - emergency evacuation procedures, provision of fire extinguishers, fireproof curtains and scenery, etc. – which must be respected by everyone involved.
- **Outdoor events:** Performances that take place, even partially, outdoors can involve risks. A number of factors, such as atmospheric and environmental conditions, must be assessed before each performance.
- **Temperature and ultraviolet radiation:** Precautions such as wearing appropriate clothing, applying sun protection and ensuring adequate hydration must be taken to protect the performer.

These are the main risks to which performers, including circus artists, are exposed when they perform on stage. When our survey participants were asked to identify their main health and safety concerns for circus artists, some made specific reference to the risks examined in “ActSafe.” This was the case for SATED ES and Equity UK, which both mentioned the risks associated with rigging and flying of performers. Equity UK also pointed out that these risks were all the greater in venues that are not suitable for circus arts. The other respondents to the questionnaire mentioned more general concerns about the health and safety of circus artists: accidents at work - a consequence of poor management of health and safety risks -, physical fatigue, injuries, ageing bodies, as well as insurance issues, particularly in the event of accidents at work.

## B. Legal Obligations Regarding Health and Safety in the Circus

Once the main health and safety risks and concerns had been identified, we wanted to find out whether there were any general legal obligations relating to occupational health and safety that applied to the circus sector in the countries participating in the survey. The responses to the questionnaire point in this direction, with a large majority of the respondents (76.2%) telling us that obligations of this type did indeed apply to the sector in their country. These are general legal obligations that apply to all workers, not just circus performers. These laws generally cover issues such as well-being at work, safety at work, prevention, harassment, incapacity to work, occupational illnesses and accidents.

In many countries, however, it seems that these general legal obligations - particularly with regard to occupational illnesses and accidents - do not apply to employed and self-employed circus performers in the same way. While employed circus artists are generally insured by their employer, this is rarely the case for self-employed circus performers, who have to take out their own insurance. This is according to the statements of the SSRS in Switzerland and Equity UK in the United Kingdom. This once again underlines the particular vulnerability of self-employed circus artists compared to employees.

In this context, France, with its presumption of salaried status for performers, appears to be an exception as it is compulsory for circus performers, whether permanent or temporary, to be covered by disability and life insurance as well as supplementary health insurance.

The survey results also show that Latin American circus performers rarely benefit from the general legal obligations relating to health and safety. Indeed, of the six Latin American organisations that answered this question, four (CICA in Colombia, ANDA in Mexico, SIDARTE in Chile and SATED ES in Brazil) reported that there were no general legal obligations applying to the sector. The two remaining Latin American organisations (AAA in Argentina and SATED SP in Brazil) stated that, while laws to this effect do exist, there are still problems with their application.

## C. Other Tools to Ensure the Health and Safety of Circus Artists

While in many countries, general legal obligations offer circus performers some protection in terms of health and safety, these obligations, which apply to all employees, fail to take account of the specific health and safety risks faced by circus performers. Other means can be used to better prevent these risks. These may include specific regulations or collective agreements, industry tools or concrete projects.

The results of our survey indicate that other tools for ensuring circus workers' health and safety - defined with the help of the Circus Artists Working Group as specific regulations or collective agreements, industry tools and concrete projects - are less widespread than general legal health and safety obligations. In fact, only 59.1% of respondents to the questionnaire answered this question in the affirmative, compared with 76.2% for general legal obligations.

Of these 13 unions, 4 specifically referred to collective bargaining and collective agreements. These include three unions from the former USSR - CWUK in Kyrgyzstan, RCWU in Russia and CWUU in Ukraine - as well as AAA in Argentina.

Three unions also referred to specific regulations: CWUU in Ukraine, Equity in the UK, where Work at Height Regulations apply to circus performers, and RCWU in Russia, where the 1974 Decision of the Soviet Ministry of Culture on health and safety in circuses is still in force. It is interesting to note here that RCWU, which feels it is necessary to revise these almost 50-year-old rules, has asked the Russian Federation's Ministry of Labour and Social Protection to work on draft safety at work rules for theatres, concert halls, circuses, zoos and aquariums. These rules were still being drawn up at the time of the survey.

Lastly, three unions reported tools or projects to improve the health and safety of circus artists. In Denmark, DAF has launched a health and safety project to raise awareness of these issues among artists and employers. This project, entitled *Cirkus Helt Sikkert*, has resulted in the publication of two circus health and safety checklists, one for circus performers and the other for circuses. The MEAA union, for its part, highlighted the Australian Broadcasting Code of Conduct on discrimination, harassment, sexual harassment, and bullying. Circus artists in two companies in which MEAA has members have to apply this industry code of conduct. Finally, Equity UK refers to its standard contracts and the health and safety clauses they contain, including the need to provide workers with a safe working environment.

## “Cirkus - Helt Sikkert” DAF, Denmark

Following a terrible accident at *Cirkus Arena*, Scandinavia’s largest circus, in 2018, during which a Ukrainian performer named Tetiana Korenieva was seriously injured due to equipment failure, the Danish trade union Dansk Artist Forbund (DAF) launched an awareness-raising project on health and safety in the circus.

The aim of the project, entitled “*Cirkus - Helt Sikkert*”, is to raise awareness of the development of a safety culture in the industry, and of the mutual responsibility that safety represents for both artist and employer. To underline the need for each party to be involved in ensuring safety during a circus production, the union has joined forces with the circus directors’ organisation, *Cirkusdirectør Foreningen*, to create two circus health and safety checklists, one aimed at circuses, the other at artists working in the circus.

These checklists contain an initial section with joint advice, mainly concerning the artist. The artist and circus should ensure that:

- There is a contract that describes the safety arrangements
- The artist is covered by insurance to the extent of his or her responsibility regarding matters of safety
- The artist has applied for a health insurance card
- The artist has informed the circus/the circus has received information about the safety requirements of the performance (e.g., rigging)
- Equipment is approved and complies with workplace standards

The two checklists then offer specific advice for artists and circuses.

For artists:

- Check your equipment every day
- Know who is responsible for safety - within the circus, and within the troupe, where applicable
- Check the rigging/set-up with the person(s) responsible for safety, and discuss needs and what could go wrong
- Always take part in the suspension/assembly of your equipment and know who is responsible for what
- Talk to the person in charge of safety or management in the event of any changes

For circuses:

- Appoint a safety manager - who should also check the artists’ equipment
- Communicate - make sure that people with the required language skills are available, where necessary
- Make contact with all the people responsible for safety - be sure to inspect the rig and talk about what could go wrong
- Make it clear that it is okay to talk about problems
- Ask the artists how they feel

Both checklists are available on the Dansk Artist Forbund website<sup>10</sup> in Danish, English, Polish (for the Circus and Artist checklists) and Romanian (only for the Artist checklist).

<sup>10</sup> <https://www.artisten.dk/Nyheder/Cirkus-Helt-Sikkert>



Nevertheless, it seems that many aspects relating to the health and safety of circus artists are still not taken into account, whether through legislation or alternative means. Five of the trade unions responding to the questionnaire mentioned the lack of regulation on issues such as insurance (especially for self-employed workers) and work-related accidents, as well as access to social security. Two of the participating unions also pointed out the lack of regulations relating to rehearsals. In addition, the question of the application of existing regulations is always a concern.

After addressing health and safety issues in the circus more generally, we wanted to focus on two more specific aspects of circus performers' health and safety: non-artistic tasks and bullying and sexual harassment.

## D. Non-artistic Tasks

To fully address the issue of circus artists' health and safety at work, it is essential to tackle the question of non-artistic tasks. Indeed, when we looked into the health and safety risks faced by circus performers, we quickly realised that, in addition to the risks associated with artistic performances, there were also risks associated with the non-artistic tasks they were frequently asked to complete.

70.6% of the unions responding to the questionnaire reported that circus artists are often asked to perform non-artistic tasks. Among the non-artistic tasks mentioned by the respondents to the questionnaire were setting up/dismantling the big top(s), selling tickets or merchandise, driving and loading/unloading the lorry, rigging, etc. These are extremely diverse activities which, as our members point out, are carried out in addition to artistic work. The result is high levels of fatigue and additional health and safety risks.

This trend, though general, seems particularly pronounced in the traditional circus, where these non-artistic tasks are commonly accepted as part of the circus performer's job. In these circuses, knowing how to drive a truck or help set up the big top is sometimes even more important than the quality of the artistic performance<sup>11</sup>. The limited finances of these often family-run circuses make a versatile worker a great asset.

It is also interesting to note that, according to two of the respondents to the questionnaire (Scen & Film and RUCP), it is quite common for circus performers to want to carry out certain non-artistic tasks themselves, in order to better guarantee their safety. Some circus artists just feel more confident handling their own equipment or animals.

While it may be difficult to put an end to this practice, it does seem essential for it to be properly supervised. The performance of non-artistic tasks by circus artists must be compensated for in financial terms and should under no circumstances extend working hours. According to MEAA, it is rare in Australia for the performance of these non-artistic tasks to be compensated for financially. So much so, in fact, that circus performers often end up quitting their careers as artists, because they are better paid as technicians. Collective agreements can provide a better framework for this practice, particularly in the provisions concerning work organisation and working hours, as is the case in France.

<sup>11</sup> Jacob Pascal; *L'artiste de cirque aujourd'hui, analyse des compétences clés* [The circus artist today, analysis of key competencies], Published by the European Federation of Circus Schools, 2008

## E. Bullying and Sexual Harassment

Another aspect of health and safety at work and a particularly pressing issue is the question of bullying and sexual harassment. Since the Harvey Weinstein affair shook the film industry in 2017 and the #MeToo movement it spawned, more and more sectors have come under the microscope, revealing the pervasiveness of bullying and sexual harassment in our societies and industries. What about the circus sector? Is bullying and sexual harassment as prevalent under the big top as it is on the sets?

Asked whether bullying and sexual harassment was a common problem in the circus sector, 42.9% of participating unions answered in the affirmative. This is a high percentage, revealing the scale of a problem that affects the entire entertainment sector. There is every chance that bullying and sexual harassment is even more common than this figure suggests. The circus industry is a small world, a small international community where everyone knows everyone, and where reporting an assault can quickly backfire and prevent you from finding a job. While the circus is often described by its artists as a “big family”, and artists from the same company are sometimes literally part of the same family, it is not easy for victims to speak out and denounce abuse. This omerta could explain why unions are not more aware of cases of harassment in the sector, especially as circus workers are not very unionised.

Nevertheless, it would appear that since our survey in 2019, the sector has experienced greater freedom of speech. The first initiative to come to our attention was the #theshowisover petition<sup>12</sup>. Launched in Sweden and published at the end of 2017 by the international community of circus women, this petition signed by nearly 900 women from over 30 different countries calls for the end to the sexual harassment and violence suffered by women in the circus. A pioneer of its kind, #theshowisover was followed by a series of initiatives with the common aim of giving a voice to victims so as to reveal the prevalence of bullying and sexual harassment in the sector. Among these initiatives, the Instagram account @Victims\_voices\_circus, whose first post dates back to July 2020, anonymously shares stories of abuse in the circus environment, documenting the type of abuses of power taking place in the sector and their frequency. Another notable initiative is the *Balance ton cirque* collective, created in July 2021 with the aim of taking action against all physical and psychological violence on the premises of the *Centre national des arts du cirque* (CNAC) in Châlons-en-Champagne, France, one of the world’s most renowned circus schools. The initiative quickly spread beyond France, as the collective gathered over 200 testimonials from 18 of the most prestigious circus schools via its Instagram account @balancetoncirque, revealing a structural problem rooted in the way circus schools operate. *Balance ton cirque* also worked with the European Federation of Circus Schools (FEDEC) to draw up a Code of Conduct for the education and training of circus performers<sup>13</sup>, which is displayed in all FEDEC member schools. These initiatives, along with others such as *Feministischer Zirkus* in Germany and the *Réseau Féministe Circassiennes* in Switzerland, are evidence of a growing awareness that harassment is endemic in the sector, from schools to the biggest companies, as revealed by the scandal of allegations of abuse perpetrated by Barry Lubin<sup>14</sup>, a beloved circus artist in the USA.

12 #theshowisover Petition: <https://womenincircus.wordpress.com/english/>

13 Code of Conduct, FEDEC, 2019, [FR&EN- Code of Conduct \(fedec.eu\)](https://www.fedec.eu)

14 Barry Lubin (aka Grandma the clown) resigned from the famed Big Apple Circus in January 2018 after it was revealed that he pressured a 16-year-old aerialist to pose for pornographic photos in 2004.

Of the 42.9% of participating unions that identified bullying and sexual harassment as a common problem in the circus, many are implementing projects to address the issue. The initiatives reported to us are of several types: codes of conduct or guides such as Equity UK's Guide to Bullying and Harassment<sup>15</sup>; protocols such as those implemented by MEAA in Australia; campaigns such as Safe Space run by Equity UK; assistance services to advise and protect victims, mentioned by DAF, Equity UK, JAU and the SFA, and finally collective bargaining, which two unions (SFA in France and AAA in Argentina) mentioned as a means of combating bullying and sexual harassment. It is also interesting to note that it is not uncommon for unions to collaborate with other organisations on these issues, as is the case for DAF in Denmark, which cooperated with Dansk Skuespillerforbund (DSF), the Danish actors' union, or Scen & Film in Sweden, which has collaborated with #theshowisover in its work on harassment.

If you would like more information on the actions taken by FIA members against harassment, particularly sexual harassment, we encourage you to consult the resource page on our website entitled Sexual Harassment<sup>15</sup>. This page groups together some examples of our members' strategies and approaches to dealing with sexual harassment in the industry. We also encourage you to read our manual "Combating sexual harassment: Resources, Inspirations and Recommended Practices among Performer Unions"<sup>16</sup>. This publication, designed to be a practical advocacy tool and a useful model for any union in the sector wishing to start developing its own anti-sexual harassment strategy at national level, is available to download from the FIA website. Today, it is essential for each union to develop its own strategy for combating bullying and sexual harassment in the circus, as in the rest of the industry.

15 <https://fia-actors.com/fr/positions-politiques/diversite/harcelement-sexuel/>

16 Combating sexual harassment: resources, inspirations and recommended practices among performers' unions, 2020, [https://fia-actors.com/fileadmin/user\\_upload/News/Documents/2020/January/FIA\\_Manual\\_Combating\\_SH\\_FR.pdf](https://fia-actors.com/fileadmin/user_upload/News/Documents/2020/January/FIA_Manual_Combating_SH_FR.pdf)

# IV. Education and Training of Circus Artists

For a long time, the circus was a closed community. To become a circus performer, you had to be born into a circus family, with the circus in your blood. Circus performers were trained by other circus performers, passing on their skills from one generation to the next. Apprentices, often children, were taught one or more disciplines by a member of their family, so that they could pass them on in turn. The development of professional circus schools and contemporary circus companies in the early 1970s changed all that and led to greater diversity in the training of circus artists. In this chapter, we focus on the education and training of circus performers around the world.

We will first look at the initial training of circus artists, paying particular attention to the role of circus schools, and then at the question of access to lifelong training and retraining, which is an essential issue for these performers.

## A. Initial Training

### Different Types of Initial Training for Circus Artists

While in the past, circus artists were trained solely by the circus itself, the reality today is different. Indeed, since the circus revival of the 1970s, circus training options have diversified, allowing people from outside the circus world to enter. Through our survey, we wanted to find out what the most common initial training courses are for circus artists around the world today.

With the help of the Circus Artists Working Group, we defined four types of initial training for circus artists, which we asked questionnaire respondents to rank from the most common to the least common. The four types of initial training accepted as the most widespread by the working group are: informal and family training, gymnastics, professional circus schools and the Youth Circus. The latter can be defined as circus education aimed at amateurs, particularly young people and children, and can sometimes be used as a tool for social work. In some cases, children and teenagers who started out in Youth Circus go on to become professional circus performers.

Unfortunately, the responses to the questionnaire do not allow us to identify a clear trend concerning the initial training of circus artists as a whole. From the responses received, it would appear that the situation varies from country to country, even within the same region of the world. For example, the Swedish trade union Scen & Film reports that the most common initial training for circus performers in Sweden is provided by circus schools, while its neighbour, the Danish trade union DAF, reports that this is the least common.

Nevertheless, we can state with certainty that, among the types of training identified, there are two main kinds of circus training: institutionalised training provided by circus schools, and informal training, often provided by circus families. For both types of training, 40.9% of respondents indicated that this was the most common training for circus artists in their country, or over 80% for both types of training combined.

It is therefore interesting to note that while circus schools are now essential in the world of circus training, informal training, generally passed on from one generation to the next within the circus, is still one of the most commonly used training approaches in the sector.

It should also be pointed out that alternative training schemes such as gymnastics and Youth Circus remain important sources of circus artists, even if they are generally less important than those represented by circus schools and informal training schemes. It is interesting to note that in some countries - Denmark for gymnastics, and Switzerland and Kyrgyzstan for Youth Circus - these initial training courses were reported to us as being the most common.

It is possible that the difficulty in identifying a clear trend in the initial training of circus artists is linked to the fact that we approached the question too broadly. It might have been easier to identify more significant trends if we had approached the question according to the type of circus.

In a study written for FEDEC in 2008, Pascal Jacob summarised the situation as follows: *"Traditional circuses rely on the last families capable of passing on the subtleties of one or more disciplines to their children, and occasionally hire Russian and Chinese acts, depending on their size and resources. Cabarets draw heavily on Ukrainian and Russian talent. Contemporary companies hire a high percentage of artists from the three major Western schools: the Ecole nationale de cirque de Montréal, the Ecole supérieure des arts du cirque de Bruxelles, and the Centre national des arts du cirque de Châlons-en-Champagne. {...} Atypical companies such as Cirque du Soleil and Dragone operate in a different way, drawing more on the gymnastics pool"*<sup>17</sup>.

In this extract, Pascal Jacob describes a sector in which each type of circus corresponds to a type of circus training. The wide disparities in responses to our survey on the question of circus artists' initial training could thus be explained by the fact that they differ according to the type of circus.

In any case, it is clear that circus training has diversified over the last fifty years, as the sector has opened up to people who were previously outside it. Circus schools have played a key role in this process.

## Circus Schools

The training offered by circus schools is clearly one of the most common forms of initial training for circus artists in the world today. That is why we decided to take a closer look at these schools, their role in the industry and the opportunities they can represent for performers' unions.

It was in France, in 1974, that the first two Western circus schools were created within a few weeks of each other: the *École nationale de cirque* by Anne Fratellini and Pierre Etaix and the *École au Carré* by Alexis Grüss and Silvia Montfort. These two schools, and those that followed, offered a new creative freedom to individuals who did not necessarily come from the circus world but wanted to renew and refresh the genre.

A large number of countries now offer accredited professional training for circus artists. This education is often provided by circus schools offering undergraduate and/or graduate degrees<sup>18</sup>. In fact, 79.2% of the trade unions responding to the questionnaire indicated that one or more circus schools existed in their country. These schools range from small private circus schools, as in Latvia, to genuine state-funded institutions such as the Moscow National Circus and Variety College in Russia.

<sup>17</sup> Jacob Pascal; *L'artiste de cirque aujourd'hui, analyse des compétences clés* [The circus artist today, analysis of key competencies], Published by the European Federation of Circus Schools, 2008

<sup>18</sup> Performance Matters 4.1-2 (2018): 19-35; Gender Asymmetry and Circus Education

Among the top circus schools are the *Centre National des Arts du Cirque* (CNAC) in Châlons-en-Champagne, France, the *Ecole Nationale du Cirque de Montréal* (ENC) in Canada, the *Ecole Supérieure des Arts du Cirque* (ESAC) in Brussels, Belgium, the *National Institute for Circus Arts* (NICA) in Melbourne, Australia, and the *National Centre for Circus Arts* in London, UK. While programmes differ from one school to the next, what they have in common is that they teach both specific disciplines and general knowledge of the circus. These are usually supplemented by lessons in other interpretation techniques such as dance or drama, career management courses and academic courses such as languages, philosophy, or anatomy<sup>19</sup>.

It is important to understand that the first circus schools were founded at a time of profound change in the sector. The codes and conventions of the traditional circus were challenged and everything that had hitherto defined the circus with any degree of certainty was being called into question. These were the beginnings of what was to become contemporary circus, a circus based more on storytelling and in which creativity played an essential role. Circus schools were part of this revolution, and the artists who opened them were part of this innovative movement. This intimate link between circus schools and the contemporary circus has endured, with the vast majority of students now entering circus schools destined for the contemporary circus<sup>20</sup> and the majority of contemporary company artists emerging from circus schools<sup>21</sup>.

We can therefore safely say that circus schools provide training in the contemporary circus. Because of their vision of the circus arts, but also by virtue of the way they operate, favouring individual performances or duos, as well as the choice of disciplines taught, these schools prepare their students to join established contemporary circus companies or create their own contemporary circus companies.

In so doing, the schools have helped to intensify a phenomenon of renewal in the circus towards a less standardised form in which creative research plays a more important role. They have contributed to transforming the content of circus performances, helping to shape the contemporary circus as it is today. They have also made it possible for people from outside the circus world to join, something that had long been unthinkable.

We wanted to find out about the relationship between performers' unions and professional associations and circus schools. At present, almost half (47.4%) of the trade unions and professional associations responding to the questionnaire maintain relations with the circus school(s) present in their area. These relationships seem to be quite good and, in the case of Scen & Film in Sweden and Equity in the UK, they even lead to visits to the schools.

These visits represent a real opportunity for the unions, as they enable them to inform future circus professionals about their rights, which they are often unfamiliar with, as well as about the role of the union and the opportunity for them to join.

This is a real union recruitment tool, aimed at a group that is unfortunately under-represented in many unions and professional associations: i.e. young people. Unions should therefore promote links with schools and organise visits to them where possible.

19 Performance Matters 4.1-2 (2018): 19-35; Gender Asymmetry and Circus Education

20 Jacob Pascal; *L'artiste de cirque aujourd'hui, analyse des compétences clés* [The circus artist today, analysis of key competencies], Published by the European Federation of Circus Schools, 2008

21 Jacob Pascal; *L'artiste de cirque aujourd'hui, analyse des compétences clés* [The circus artist today, analysis of key competencies], Published by the European Federation of Circus Schools, 2008

## B. Lifelong Learning and Retraining

The issue of access to lifelong training and retraining is extremely important for circus artists. First of all, to ensure that these artists can perform at their best while guaranteeing their safety, they need to maintain their level in complex, evolving disciplines. In addition, a number of specific features of the job often make retraining inevitable. The profession is characterised first and foremost by a high level of physical intensity. Most circus disciplines are particularly hard on the bodies of those who perform them, resulting in injuries that are harder to recover from over time. Added to this are the unusual working conditions - staggered working hours, high geographical mobility, intermittent work, etc. – which can be stressful in the long term and make it difficult to reconcile private and professional life<sup>22</sup>. Financial insecurity and a lack of professional opportunities can also lead an artist to retrain. That is why we wanted to find out whether circus artists had access to vocational training and whether there were any specific mechanisms to help them retrain.

First of all, it would appear that access to lifelong training is far from systematic for circus artists. In fact, only 61.9% of the unions responding to the questionnaire reported that it was possible for circus artists to access vocational training and lifelong training in their country. This means that almost 40% of circus artists may not benefit from continuous training. This figure is particularly worrying in view of the need for these artists to maintain their level, but also because of the possibility of a sudden career change being necessary due to injury or accident, for example.

Interestingly, the situation seems to be better in the countries of the former Soviet Union, where all the trade unions reported that it was possible for circus artists to access lifelong training.

Access to continuous training generally depends on a number of factors, including employment status and initial training. Thus, access to professional training will be easier for an employee than for a self-employed worker - even though self-employed status requires additional administrative and legal knowledge – and also simpler for an artist who has undergone institutionalised training at a circus school than for an informally-educated or self-taught circus performer.

This is why contemporary circus artists, who generally graduate from professional circus schools, are more likely to continue their training or retrain for other trades once their circus career is over<sup>23</sup> than traditional circus workers.

The inclusion of circus professions in the European Classification of Skills, Competences, Qualifications and Occupations (ESCO) system is a victory in this context, as it offers a common language for professions and skills that can be used by the various stakeholders in the fields of employment and training in the European Union, thus facilitating lifelong learning opportunities<sup>24</sup>.

As far as retraining is concerned, the situation is not particularly encouraging either, since only four unions (23.5%) told us that their country had specific retraining mechanisms for circus artists. These four unions are the SFA in France and three unions in post-Soviet countries: RCWU and RUCP in Russia, and CWUK in Kyrgyzstan.

22 Reveau Maëlle, *La transition de carrière chez les artistes de cirque* [Career transition' among circus artists]: A Cirque du Soleil case study, Université de Montréal

23 European Commission, Directorate-General for Education, Youth, Sport and Culture, Vroonhof, P., Clarke, M., Goes, M., et al., *The situation of circus in the EU Member States: study report*, Publications Office, 2020, <https://data.europa.eu/doi/10.2766/540507>

24 European Commission, Directorate-General for Education, Youth, Sport and Culture, Vroonhof, P., Clarke, M., Goes, M., et al., *The situation of circus in the EU Member States: study report*, Publications Office, 2020, <https://data.europa.eu/doi/10.2766/540507>

In Russia, this specific mechanism is offered through a programme launched by the union in collaboration with Yaroslavl Pedagogical University to train directors of amateur children's circuses. In the UK, although there is no specific mechanism for circus performers, they can nevertheless benefit from funding dedicated to the retraining of artists.

It is interesting to note the comment from SSRS that Switzerland has a mechanism to help dancers retrain, although inaccessible to circus performers. Mechanisms of this kind specifically for dancers are more common than those for circus artists. Similar mechanisms exist in Canada, the Czech Republic, France, Germany, the Netherlands, Poland, Switzerland, the UK and the USA. These organisations have even joined forces to form an international network: the International Organisation for the Transition of Professional Dancers (IOTPD). We could consider opening up these existing mechanisms to circus artists, whose career paths and issues are very similar to those of professional dancers. The case of Konvertigo, a scheme to support the retraining of professional circus performers and dancers in French-speaking Belgium, is a good example. This mechanism, launched in October 2019, is open to both dancers and circus artists

## “Konvertigo” – CGSP, Belgium

Run by FIA with the support of the IOTPD, from 2016 to 2018, the aim of the European project “Dance Futures” was to promote the creation of mechanisms to help dancers retrain in three European countries - Belgium, Spain and Hungary - through the organisation of seminars bringing together all the sector's stakeholders. “Konvertigo” is the result of this project.

Launched as a pilot project in October 2019, “Konvertigo” is a scheme to support the retraining of professional circus performers and dancers in French-speaking Belgium, financed by the social training fund for the performing arts sector of the Wallonia-Brussels Federation.

This programme is designed to help artists think about professional retraining.

“Konvertigo” is designed to enable the artist, via individual support of around ten hours over a 6-month period, to:

- analyse their professional and personal skills;
- analyse their aptitudes and motivations;
- define a professional or training project, and draw up an action plan for the future;
- reposition themselves personally and professionally.

Individual support is provided by the Service for Transformation, Innovation and Social Change (STICS), recognised as a continuing education organisation by the Wallonia-Brussels Federation.

After its pilot phase, the scheme was extended and is now open to all artists and technicians in the performing arts, provided they have actually worked for the cultural operators of the French-speaking Commission paritaire 304 (theatres, companies, etc.).<sup>25</sup>

The artists and technicians who benefited from “Konvertigo” were very satisfied.

<sup>25</sup> <https://fonds304.be/konvertigo/>



In fact, it seems that the most common career change for circus artists is internal retraining<sup>26</sup>, i.e. within the circus itself. Working in the circus sector generally seems to be a sustainable choice, and this applies to both types of circus. What is hardly surprising in the case of the traditional circus, dominated by family businesses and where former artists can easily find a new role, also seems to apply to the contemporary circus<sup>27</sup>. Many circus artists become circus directors or teachers.

26 European Commission, Directorate-General for Education, Youth, Sport and Culture, Vroonhof, P., Clarke, M., Goes, M., et al., *The situation of circus in the EU Member States: study report*, Publications Office, 2020, <https://data.europa.eu/doi/10.2766/540507>

27 European Commission, Directorate-General for Education, Youth, Sport and Culture, Vroonhof, P., Clarke, M., Goes, M., et al., *The situation of circus in the EU Member States: study report*, Publications Office, 2020, <https://data.europa.eu/doi/10.2766/540507>

# V. The Circus Artist, an Ultra Mobile Worker

Mobility is inherent to the circus. It is part of its DNA. The big top, the tent that is set up and dismantled as they travel, and which instantly evokes the circus, is a symbol of this great mobility. Although not all circus artists now perform under a big top, the profession has retained this profoundly itinerant character, and most circus performers continue to travel all year round.

In the vast majority of cases, circus shows and the artists who bring them to life travel from town to town, offering their audiences moments of joy and poetry. This extraordinary mobility, whether within a country or across borders, is facilitated by the universalist spirit of the circus and the absence of language barriers that characterises it, enabling circus performers to make people laugh and move them wherever they are. In this chapter on mobility, we will look at the international mobility of circus artists and what it means for them.

After highlighting the high degree of mobility that characterises the circus industry, we will look at the challenges faced by circus workers working abroad, and finally underline the importance of international trade union solidarity in this context.

Before we begin, we feel it is important to point out that responses to the questionnaire concerning the international mobility of circus artists were often vague or incomplete. This seems to indicate a lack of knowledge about the practices surrounding the international mobility of circus performers, whether they are members of the union going to work abroad, or foreign artists coming to work in the country of the union surveyed. In this context, it would be interesting to gather more information on the international mobility of circus performers and the difficulties it presents, to enable unions to better respond to the queries of members working abroad.

## A. A Global Sector

The circus sector is profoundly globalised, and the circus community is a highly international community.

International mobility for circus artists can take many forms. It may involve tours during which an artist or company performs in other countries, international collaborations or co-productions that require artists to travel between the countries involved in the production, or cross-border work such as, for example, when a circus artist is employed by a foreign circus for a season. This international mobility may be long-term, short-term or even very short-term (a few days). It can be frequent or occasional. The type of mobility that poses the most difficulties for circus artists and the unions representing them is frequent international mobility of short or very short duration. This can result in a significant administrative burden for artists, who need to be fully aware of the legislation that applies to them in each of the countries in which they work. It also requires trade unions to be able to advise and guide their members on these often-complex issues, about which getting a clear answer is not always easy.

To highlight the exceptional mobility of circus artists, we asked our members whether their country was visited by foreign circus productions, and if so, to estimate the number of such productions, as well as the number of non-resident circus artists working in their country at any given time.

76.2% of responding unions indicated that their country was visited by foreign circus companies every year. It is also interesting to note that of the three unions that stated that they do not receive foreign companies, one, LKDAF in Latvia, specified that this situation was linked to the fact that the building that usually hosts circuses had been under renovation for 2 years at the time of the questionnaire, while SATED-SP in the state of São Paulo in Brazil seems to disagree with another Brazilian union - SATED-MG in the state of Minas Gerais - which states that foreign circus companies occasionally visit Brazil, generally in the major cities. The only union to state unequivocally that there were no foreign circus companies on its soil was Yunion in Austria. When asked about the number of foreign circus companies touring in their country each year, only one union – Equity UK – estimated that they were more than 10. The others estimated the number to be between 1 and 10. These responses illustrate the global nature of the circus industry.

Nevertheless, it is important to note that these estimates date from before three key events: the UK's exit from the European Union, the COVID-19 pandemic and the war in Ukraine. These events will certainly have had an impact on the levels of mobility described in the responses to this survey.

Finally, the answers given by the unions concerning the estimated number of non-resident circus artists working in their country at any given time reveal the lack of knowledge and data related to the mobility of circus artists. In fact, only three unions were able to provide an estimate. These are Scen & Film in Sweden, which estimates the figure at 100 per year, Equity UK in the UK, which puts it at 300, and SATED-ES in the Brazilian state of Espírito Santo, which puts it at 0. Once again, it seems essential for unions to collect more data on the mobility of circus artists, because while not all are legally able to represent non-resident artists, informal support is always possible and facilitated by the international union solidarity promoted by FIA.

## **B. Problems Related to Mobility**

International mobility, while exciting on many levels, can also cause real difficulties for artists. Circus artists working in a country other than their country of origin or residence face a number of practical problems that must be resolved to avoid potentially serious consequences. Artists will have to juggle different systems - particularly in terms of social security and tax - and can quickly find themselves in a bureaucratic labyrinth where the language barrier can make things even more complicated.

To gain a better understanding of the problems encountered by circus artists in the context of mobility, we asked FIA members about the types of difficulties encountered by their circus artist members.

### **Visas and Work Permits**

The first hurdle is obtaining visas and work permits. Depending on their country of origin, the country of destination and the duration of their mobility, circus artists involved in a project that requires them to work abroad may need a visa or a work permit. The artist must therefore be aware of these obligations, meet all the administrative requirements, and then wait for the authorities' response, which sometimes turns out to be negative. While this heavy administrative burden sometimes may be shared with the employer, particularly in the case of international tours, it can also fall solely on the shoulders of the circus performer, especially if he or she is self-employed.

37.5% of survey respondents told us that visas and work permits were a frequent source of concern for their circus artist members. These concerns are mainly linked to the slow and bureaucratic nature of national systems. In some cases, it is also very difficult to obtain a visa or work permit.

The SATED-ES union in the state of Espírito Santo notes that it is so difficult to obtain work visas that Brazilian circus artists touring abroad often use tourist visas.

Furthermore, as Equity UK points out, artists regularly have to return to their country of origin to renew a visa. This back-and-forth activity obviously has an impact on their careers.

## Social Security

The second major problem is the continuity of social security and the portability of social rights. Circus artists, who are exceptionally mobile workers, will very often have to deal with different national social protection systems over the course of their careers. They will then need to understand the legal framework that applies to them and complete the corresponding administrative formalities<sup>28</sup>. Determining which social security provisions apply to a mobile worker is not always easy, and if the artist has not met the correct administrative requirements, the risk is a discontinuity in transnational social protection, which in the case of circus performers can be particularly dramatic. It seems, however, that there is a lack of knowledge of labour and social security legislation as applied to mobility schemes, due to a lack of clear information available<sup>29</sup>.

The responses to our questionnaire show that mobile circus performers very often encounter difficulties in accessing social security rights. We asked our members to indicate whether mobility created problems in relation to social security rights, in particular unemployment benefits and maternity leave; retirement; workers' compensation / accident insurance; and finally, access to healthcare.

The responses we have received are particularly worrying:

- 81.3% of union respondents believe that international mobility creates problems in terms of social security rights (unemployment benefit, maternity leave, etc.);
- 75% of responding unions believe that international mobility creates problems relating to retirement;
- 68.8% of responding unions say that international mobility creates problems related to workers' compensation/accident insurance; and
- 56.3% of responding unions say that international mobility creates problems in accessing healthcare.

We can therefore conclude that access to social security rights is a very frequent problem for mobile circus artists, who can sometimes be deprived of their basic rights.

Interestingly, two of our Brazilian affiliates - SATED ES and SATED MG - reported that the itinerant nature of the circus artist's profession meant that some of them simply had no fixed address, making access to health and social security difficult, if not impossible, for administrative reasons.

<sup>28</sup> Cross-border employment in the live performance sector: Exploring the social security and employment status of highly mobile workers; Frederic De Wispelaere & Wouter Schepers (HIVA-KU Leuven), Yves Jorens & Evert Nerincks (Ghent University), Marco Rocca & Leile Duchateau (CNRS - University of Strasbourg), 2021

<sup>29</sup> Cross-border employment in the live performance sector: Exploring the social security and employment status of highly mobile workers; Frederic De Wispelaere & Wouter Schepers (HIVA-KU Leuven), Yves Jorens & Evert Nerincks (Ghent University), Marco Rocca & Leile Duchateau (CNRS - University of Strasbourg), 2021

A specific case relating to retirement was also mentioned by RUCP, who explained that it is sometimes difficult for Russian circus artists who have worked abroad to opt for early retirement, as the Russian system generally refuses to count time spent working abroad towards the seniority criteria for eligibility for the early retirement system.

## **Taxation**

Third major problem: taxation. International taxation is a complex subject, particularly for performers, for whom there are specific rules. The risk for a performer working abroad, particularly if they work in several countries simultaneously, is excessive taxation, or even double taxation. To avoid these pitfalls, which can have a considerable financial impact, it is essential that performers are aware of the rules that apply to them.

Taxation is a very common problem for mobile circus artists, as demonstrated by the fact that 56.3% of the unions responding to our survey felt that international mobility was the cause of tax-related difficulties for circus artists.

While the rules may vary from country to country, there are a number of principles that apply to the vast majority of countries. The first principle is that a person can only be resident for tax purposes in one country. The second is that, under national tax rules, residents are taxed on their overall income, while non-residents are taxed on income earned in the source country, i.e. the country where a person carries out a taxable activity. Under these principles, an individual could be taxed twice on the same income. There are, however, bilateral tax treaties to avoid double taxation. These are coordinated by the OECD and its Model Tax Convention. The Model contains a number of specific rules for performers. The key article here is Article 17, which assigns the right of taxation to the country where the performance takes place<sup>30</sup>. This is followed by various national systems of tax exemptions or credits to avoid double taxation. For more detailed information on the international taxation of performers, please consult "The Ultimate Cookbook for Cultural Managers on the taxation of performers in an international context", published by EFA and Pearle\* - Live Performance Europe.

30 The Ultimate Cookbook for Cultural Managers: Artists Taxation in an International Context, Dick Molenaar, 2021, <https://www.pearle.eu/publication/the-ultimate-cookbook-for-cultural-managers-artist-taxation-in-an-international-context-update-2021>

## **“The Ultimate Cookbook for Cultural Managers - Artists’ taxation in an international context”**

The “Ultimate Cookbooks for Cultural Managers” is a series of booklets published by the European Festival Association (EFA) and Pearle\* - Live Performance Europe, the European employers’ association for the performing arts. The aim of these publications is to improve general knowledge of the legal and managerial aspects of cross-border cultural cooperation. These “Ultimate Cookbooks” address a number of key topics in the context of international mobility for live performances: social security, VAT, copyright clearance for live events and the taxation of artists.

Although very informative, the “Ultimate Cookbooks” address these issues from the point of view of European employers. Nevertheless, the “Ultimate Cookbook” devoted to artist taxation remains extremely relevant for performers, including circus artists. The angle of approach here is that of artists, and the rules that apply are international.

Written by Dick Molenaar, partner at All Arts Tax Advisers in Rotterdam and researcher at the Department of Tax Law at Erasmus University Rotterdam, the document provides a detailed, yet educational, explanation of the tax rules that apply to performers in an international context.

After setting out the general rules that apply to international taxation, the document presents the specific rules that apply to performers, in particular Article 17 of the OECD Model Tax Convention, which establishes, for artists and sportspeople, the taxation right in the country where the performance takes place.

It details the principle of the international taxation of performers and explores how Article 17 is applied in different countries and the measures put in place to avoid excessive or even double taxation. These include exemptions, minimum tax thresholds, expense deductions and tax credits.

Pages 37 and 38, entitled “Tips”, list a series of six questions that artists wishing to work abroad should ask themselves before signing a contract, to ensure that they have fulfilled their obligations, reduced their administrative burdens and avoided double taxation.

EFA and Pearle\* have also published a summary of this publication in the form of an infographic.

Once again, it is clear that the rules applying to mobile artists, in this case in regard to taxation, are complex. To avoid excessive taxation, circus artists working abroad will need to find out about possible exemptions, a potential minimum tax threshold or the possibility of deducting expenses. These rules obviously vary from country to country. Trade unions can play an essential role in guiding their members through this administrative obstacle course.

## Accommodation

Another problem for circus performers in the context of mobility is the question of accommodation when on tour. When touring with a show, circus artists have to find accommodation in the various countries and cities they visit. Through our questionnaire, we wanted to find out if there were any rules or practices regarding the accommodation of touring circus artists, and what the problems were in relation to this accommodation.

73.7% of respondents indicated that there were rules in place for accommodating circus artists on tour. Where such rules exist, they are either described in collective agreements or in contracts. In the vast majority of cases, this is the employer's responsibility. However, as the SFA points out, the existence of rules does not guarantee that there will be no problems.

Different types of accommodation are available for circus artists. Circus performers may be accommodated in hotels or caravans, as is often the case in the traditional circus. In the UK, touring circus artists are usually accommodated in caravans, often shared, and have their fuel and services taken care of.

DAF, in Denmark, notes that while in the traditional circus, board and lodging are generally provided, this is reflected in the circus performers' salaries.

## Freight

The final difficulty for mobile circus performers is the issue of freight, i.e. the transport of goods by air, sea or land. Circus tours can involve transporting sets, props and sometimes even animals, all of which are subject to regulations when crossing borders. Transporting these goods involves administrative requirements and may sometimes involve a lot of waiting.

For circus artists, the simplest method of transporting goods is the ATA carnet (contraction of *Admission Temporaire* and Temporary Admission). This document, intended for temporary exports only, allows goods to cross borders without paying taxes and duties in any of the 78 countries that have signed the ATA Convention. These carnets can be used for a variety of goods, including "goods intended for display or use at exhibitions, fairs, meetings or similar event", the category to which performing arts equipment belongs<sup>31</sup>, as well as "live animals of any kind imported for dressage, training, breeding, entertainment or veterinary treatment", another category concerning circus performers. The ATA system does, however, come at a cost and entails a certain administrative burden. What is more, only 78 countries are signatories to the convention.

Another difficulty reported to us in the responses to the questionnaire concerns the waiting periods involved in transporting goods or animals, and the impact this has on the professional lives of circus artists. RUCP in Russia, for example, highlights the loss of work opportunities represented by the sometimes-lengthy periods during which some circus performers wait for their equipment or animals to be shipped back by sea after a tour. These periods can last up to 6 or 9 months.

To conclude on the problems related to the international mobility of circus artists, it appears that most of the difficulties encountered by artists are linked to three issues: the lack of clear information available, the excessive administrative burden of mobility, and the insufficiency of specific rules for artists.

31 SOYA, *Stirring Opportunities with Yummy Asia - Circus and Street Arts Mobility Guide #1 Asia - Europe*, Circostrada, On the Move

First of all, there is too little clear and accessible information available on issues relating to the international mobility of artists. Information on visas, social security or taxation of cross-border workers is not always easy to obtain and is rarely set out in clear terms. Furthermore, as these are generally national rules, there may be a language problem that makes them difficult to find and understand.

It is therefore essential to raise awareness among performers, including circus artists, concerning the problems associated with mobility and the solutions available to them in this context. Artists must have easy access to clear information on these issues, with English as the preferred *lingua franca*.

In this respect, we would like to highlight the remarkable work done by On the Move (OTM), an association of which FIA is a member, whose aim is to provide clear, up-to-date and free information on cultural mobility. The On the Move website is packed with information on international mobility for artists. As well as a list of current calls for proposals for cross-border artistic projects, the site provides a large number of funding guides describing regular funding programmes for mobility in certain countries or regions of the world. These guides cover more than 60 countries and territories and are regularly updated. The site also contains a large number of reports, policy documents, guides and other publications relating to cultural mobility. Last but not least, OTM coordinates the work of the “Mobility Info Points” (MIP), a network of information centres and websites that deal with the administrative problems artists may face when working abroad. These MIPs are of great value to mobile artists, and similar information centres need to be set up in other countries.

## “Mobility Info Points”, *On the Move*

The “Mobility Info Points” (MIP) are information centres and/or websites that share the objective of addressing the administrative problems encountered by artists and cultural professionals when working abroad. These ten information centres are members of On the Move, the European and international cultural mobility information network.

These MIPs share the following commitments:

- Provide free, accessible, accurate and reliable information and services about administrative matters related to mobility, covering at least one artistic discipline.
- Maintain a strong connection to the cultural field and a high level of awareness of the needs in the arts and culture sector.
- Provide information tailored to the needs of the target group, through general information (website, newsletters, workshops, etc.) and individual consultations (emails, face-to-face meetings, telephone calls, etc.)
- Use the national language plus English in their work and publications.
- Refer to other resources, publications, or experts, if necessary or relevant.
- Cooperate with other MIPs to share resources and information in European and international contexts.

Because of their different structures, backgrounds and financial capabilities, MIPs offer different information and advice services.



Nevertheless, the vast majority of information points provide detailed, personalised, and accurate information on all of the following topics:

- visa/residence/labour market access
- status/contracts
- fiscalité
- social security
- taxation
- customs/transport
- insurance
- copyright/licences

Furthermore, while all MIPs provide information on temporary inward mobility, and the vast majority also provide information on long-term mobility, only a handful provide information on outward mobility.

There are currently ten “Mobility Info Points”:

- [Art-Mobility-Austria](#), Austria
- [Arts Infopoint UK](#), United Kingdom
- [Cultuurloket](#), Belgium
- [CzechMobility.Info](#), Czech Republic
- [DutchCulture](#), Netherlands
- [Loja Lisboa Cultura](#), Portugal
- [Mobiculture](#), France
- [Motovilla](#), Slovenia
- [Tamizdat](#), United States
- [Touring Artists](#), Germany

Three additional MIPs are currently in the process of developing their information services:

- [Scensverige](#), Sweden
- [Theatre Info Finland](#), Finland
- [Zbigniew Raszewski Theatre Institute](#), Poland

The second problem is the excessive administrative burden that international mobility represents for performers, especially for highly mobile performers such as circus artists. Circus performers presenting their shows abroad will have to meet a large number of administrative requirements. Some of these will relate to social security or taxation, others to obtaining a visa or transporting the equipment needed for the show. And this applies to every country visited. One can imagine how much time and energy these formalities require. It therefore seems essential to find solutions to lighten this considerable administrative burden.

Finally, the problems associated with mobility could be limited by the introduction of specific rules for the arts and entertainment sector. Performers in general, and circus artists in particular, are highly mobile workers. They often perform in multiple countries, each with its own rules and particularities. This high level of mobility makes it difficult to determine their social rights and obligations and raises questions about the relevance of the legislation applied in their case.

The development of sector-specific rules could be envisaged, as well as the implementation of specific conflict rules that would place these highly mobile workers under more stable legislation<sup>32</sup>.

The unions representing circus artists should therefore advocate for a reduction in the administrative requirements relating to artist mobility, and the implementation of rules specific to the sector. Performers' unions should also relay existing information and push for clear, up-to-date information on international mobility to be made available to all artists.

We will see in the next section that performers' unions can play a key role in supporting their members working abroad, and an even more crucial role in supporting members of their counterpart unions working in their own country.

## C. The Need for International Trade Union Solidarity

International mobility is a major concern for performers. In this context, how can unions better protect their circus artist members, and by the same token the entire mobile performer community?

First of all, some circus artists working abroad or on tour are covered by collective agreements and therefore benefit from a high level of protection. 35.3% of the unions responding to the questionnaire felt that their circus artist members were generally covered by collective agreements when working abroad. This figure is higher when touring, since half of the responding unions indicated that their collective agreements applied to their members on international tour. The majority, however, stated that their collective agreements only applied in cases where the circus artist was employed by a national company with which the union had a collective agreement. The French union SFA, for its part, stressed that the contract had to be a French employment contract, the difference being due to the fact that collective agreements are extended in France.

Unions also have a role to play when their members working abroad do not benefit from collective agreements. They can help them navigate administrative requirements and avoid the pitfalls of mobility. They can also answer questions and offer legal advice in the event of a problem. According to our survey, 61.9% of them offer services and advice to their members in connection with their employment abroad. Two unions - Equity in the UK and Scen & Film in Sweden - specified that while they could help when the artist was employed by a national company, this was not the case (Scen & Film), or only to a limited extent (Equity UK) when the employer was foreign.

Nevertheless, while many trade unions are keen to support their members working abroad, there is no getting away from the fact that the union in the country of departure is not necessarily the best placed to help with all issues relating to international mobility. There are two main reasons for this: the lack of knowledge of legislation in other countries, and the language barriers. This is why international trade union solidarity and direct cooperation between performers' unions are essential. Unfortunately, this cooperation is not widespread enough, with only 25% of respondents to the questionnaire reporting that they cooperate with local unions to assist their members when they are abroad. This cooperation between unions, which is FIA's *raison d'être*, should be strengthened on issues of international mobility in the circus and elsewhere.

<sup>32</sup> Cross-border employment in the live performance sector: Exploring the social security and employment status of highly mobile workers; Frederic De Wispelaere & Wouter Schepers (KU Leuven), Yves Jorens & Evert Nerinckx (Ghent University), Marc Rocca & Leila Duchateau (CNRS, Université de Strasbourg), Pearle\*.

Another essential element of international trade union solidarity is the support provided by local unions to foreign artists working for a limited period in their country. The figures collected here are encouraging, with over half (54.5%) of respondents to the questionnaire indicating that their union could offer some level of protection to foreign circus artists touring or working in their country. Although this protection is generally limited to advice and information, this support from local unions for foreign artists is far from anecdotal and can represent a real safety net for mobile circus performers.

While it seems obvious that an artist working for a medium to long period in another country will have to join the local union to benefit from the services offered, an exception should be encouraged for highly mobile artists such as circus performers. These artists, who spend a few days to a few weeks in different countries, should be able to benefit from at least some of the services offered by the local union, if it is itself a member of FIA, because they are members of another union belonging to the FIA. This is the idea behind the Dance Passport, a mechanism set up for FIA's European group that enables dancers who are full members of a union in their home country in Europe to access the support and services offered by the local union when working for a short period in any other European country with a participating union. While the Dance Passport is currently limited to dancers and Europe, there is nothing to stop a similar mechanism being introduced for circus workers worldwide.

## The “EuroFIA Dance Passport”, FIA

The “Dance Passport” is a long-term project of the European group of the International Federation of Actors, EuroFIA. Launched in 2001, through a project funded by the European Commission, the “Dance Passport” is an initiative designed to increase mobility in the European dance sector and strengthen cooperation and partnership between unions. Renewed in 2016, thanks to another European project, the “Dance Passport” is now a digital tool available to all dancers.

The aim of the “Dance Passport” is to be a source of support for professional dancers in the context of mobility. This is a union solidarity network for dancers working abroad. This initiative enables dancers who are full paid-up members of a trade union in their home country to access the support and services of the local union when working for a short period in any European country where there is a participating union. Thanks to the cooperation and strong partnership between FIA member unions, who have joined forces to offer reciprocal support to their members, the “Dance Passport” promises better information and more comprehensive support for dancers working in Europe.

In concrete terms, the “Dance Passport” has two levels of access.

The first, accessible to all dancers, unionised and non-unionised, is of a website - [www.dancepassport.eu](http://www.dancepassport.eu) - bringing together a number of key facts aimed at informing dancers of their rights, as well as of the practices and contractual provisions considered to be the norm in the countries participating in the Passport. This information is provided in the form of Frequently Asked Questions, which each participating union has carefully answered. The website also lists the addresses and telephone numbers of each participating union, as well as the name and contact details of the person in charge of “Dance Passport” within the union.

The second level of the “Dance Passport” is the support given to dancers by local unions in the event of a problem. This second level, accessible only to dancers who are union members, enables a dancer in difficulty to contact the local union and ask for personalised support. Only legal representation is excluded from the services offered to foreign dancers as part of the Dance Passport.

20 unions are currently participating in the Dance Passport :

- GDBA, Germany
- VdO, Germany
- Verdi, Germany
- Younion, Austria
- ACOD, Belgium
- FGTB CGSP, Belgium
- DSF Denmark
- ConARTE Spain
- STST, Finland
- SFA, France
- SDS, Hungary
- FIL, Iceland
- LKDAF Latvia
- NoDa, Norway
- Kunstenbond, the Netherlands
- FAIR-MEDIASIND, Romania
- Scen & Film, Sweden,
- SzeneSchweiz, Switzerland,
- Equity, UK
- AUT, Turkey

Finally, it is interesting to note that some unions can influence the organisation of circus shows by foreign companies in their country. This influence can take several forms. These may include no-objection letters to support visa applications (Equity NZ), possible support for employers (SSRS), involvement in the work permit allocation process (Scen & Film) or enforcing mandatory provisions where abuse has been reported (SFA). Through these various means, unions can try to improve the working conditions of foreign artists working on their soil.

In conclusion, trade unions have a key role to play in better protecting artists in the context of mobility. Through international trade union solidarity, and by strengthening cooperation with their counterparts in other countries on concrete cases, trade unions will together be able to offer better protection to all their members. The close contact between unions representing performers facilitated by the FIA is a strength that needs to be maintained and developed.

# VI. Other Topics of Interest Relating to Circus Artists

## A. Child Circus Artists

Child performers are common in the circus. This is clear from the results of our survey, in which a large majority of FIA member unions (61.9%) reported that children frequently perform in circus shows in their country. This is a phenomenon inherited from the original circus, which was based on circus families passing on their artistic skills to their children. As the replies to the questionnaire indicate, this phenomenon tends to be more common in traditional circuses, which are still mainly structured around families. These child circus artists are generally born and raised in the family circus.

Interestingly, the RUCP trade union has actively campaigned against this practice, with the result that the phenomenon which was very common in the 1960s and 1970s has become much rarer in Russia today.

The work of these children, who are particularly vulnerable individuals, in what are usually family-run businesses, can give rise to specific problems. The FIA members surveyed mentioned a number of difficulties related to child labour in the circus.

The most common difficulties reported to us are those relating to access to education and the specific organisation of this education. Indeed, the biggest concern for circus artists under 18 is guaranteeing continued access to quality education. The itinerant nature of circus shows and the long tours they entail make it difficult to monitor the education of the children taking part in the shows, particularly but not exclusively in a cross-border context. During the circus season, it is often impossible for under-age circus performers to get to their regular school every day to follow the lessons intended for children their age. Because it was designed for static populations, the school system is ill-suited to the needs of travelling families. Alternative solutions should be implemented for the education of children from travelling families, including circus families. There are various possible solutions, often combined: alternating between regular and visiting schools, distance or home learning, itinerant schools, and boarding schools. The key is to guarantee the regularity and continuity of teaching, and to ensure that the schooling of under-age circus performers is disrupted as little as possible by their circus activity.

Other problems raised by FIA members in relation to the employment of child performers in the circus include the licensing of a circus to employ a child (Equity UK), insufficient regulation of the safety of child circus performers (RCWU), the very high fines imposed on traditional circuses employing minors despite the ban on child labour in Brazil (SATED-ES), as well as the work/life/leisure balance, psychological stress and the risk of precociousness among these children confronted with an adult world (RUCP).

How is child labour regulated in the industry, and what can trade unions do to better protect under-age circus performers?

While child labour is prohibited in the vast majority of countries around the world, thanks in particular to ILO conventions - the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999 - and the UN Convention on the Rights of the Child, the ILO Conventions contain a general exemption for "artistic performances". This general exemption can be found in most national laws, which commonly contain certain provisions governing the employment of child performers. Some countries have prior authorisation systems in the form of licences (Equity UK) or exemption requests (Scen & Film, Sweden). Other countries, such as Brazil, have chosen to ban child labour outright. This is why the SATED-ES union, in the state of Espírito Santo, sometimes has to resort to case law to come to the rescue of circus families who have nevertheless included their children in the show.

While national laws are generally protective of children, they are not always very detailed when it comes to the work of under-age performers. This is where unions can play a role.

First of all, it is interesting to note that some unions represent performers who are minors - 41.7% of the unions questioned in our survey - while others have chosen not to do so or are not authorised to do so by the law of their country. Some of these unions even specifically address the issue of child performers in their collective agreements. This is notably the case for MEAA in Australia, whose Performers' Collective Agreement (PCA) covers all issues relating to the employment of child performers in live performance.

Equity, in the UK, also told us that while the union did not have a specific agreement on child labour, the fact that under-age circus performers usually shared an act with their parent(s) ensured that they were under the same contract and therefore well protected.

While it is clear that unions representing child performers are best placed to defend them, other FIA members should find a way to educate, inform, support and protect these extremely vulnerable workers. Support for child performers should also be seen as an opportunity for the union to grow, to engage in dialogue with employers and governments, and to demonstrate its value as an advocate for all performers. It should also be borne in mind that child performers will one day become adults who will then be able to join a union.

In the absence of representation and collective agreements, other means can be put in place by unions to protect child performers, such as organising information meetings for performers' parents, creating information documents or websites, setting up committees for child performers within the union, or having unions and their representatives monitor the working conditions of child performers in the workplace. All these initiatives, and many more, can be implemented by the unions to provide the best possible protection for these artists.

If you would like more information on how to work with child performers, we encourage you to consult the 'FIA Child Performer Toolkit'<sup>33</sup>. Designed as a user's manual to assist FIA-affiliated organisations around the world in their efforts to work with child performers, this toolkit inventories the many solutions already developed and implemented in other countries to address common issues arising when child performers are present in the workplace.

33 FIA's Child Performers Toolkit, [Child Performers Toolkit\\_FR\\_Spread.pdf \(fia-actors.com\)](#)

## B. Diversity, Inclusion, and Equal Opportunities in the Circus

Diversity is at the heart of FIA's concerns. The Federation and its members are advocates of greater diversity and inclusion on stage and screen, which unfortunately still fail to represent society as it really is. The Federation is committed to combating all forms of discrimination in the workplace, whether related to gender, race, colour, ethnic or social origin, genetic characteristics, religion or beliefs, political opinions, membership of a national minority, disability, age, sexual orientation, gender identity or expression, in order to guarantee equal employment opportunities for all performers. FIA and its members are also working to improve the representation of minorities in live performances and audiovisual works, enabling the transmission of authentic life experiences in which everyone can see themselves.

In the collective imagination, the circus enjoys an image of a very tolerant and welcoming environment. The expression "to run away and join the circus" conveys the image of the circus as a welcoming haven where everyone can be free. With this survey on circus performers, we wanted to find out whether the sector is as open as its reputation suggests, and whether there are any specific diversity issues in the industry. We approached this question from the point of view of four groups that suffer strong discrimination: women, LGBTQ+ people, people of colour, and people with disabilities.

The first observation we made when reading the responses to our survey is that there is a lack of data specific to the circus when it comes to diversity. Indeed, many FIA members participating in the survey indicated that they were unable to answer questions relating to diversity in the circus due to the lack of data collected on the subject. There seems to be a great deal of uncertainty as to whether and to what extent circus artists are discriminated against. As a first step, therefore, we need to gather more data, particularly quantitative data, on discrimination in the sector.

Nevertheless, the replies received indicate that a significant percentage of the unions responding to the questionnaire feel that there are real problems in the circus with regard to the employment of the groups identified.

### Women

We will start with women: 20% of the unions responding to the questionnaire believe that there are specific challenges related to their employment as circus artists. While, unfortunately, few respondents detailed these specific problems, those who did all referred to the difficulties encountered by female circus performers in securing maternity leave. This is a particularly important issue for these women, for whom the physical intensity and dangerous nature of the profession make it difficult to work during pregnancy.

In addition to the responses to our survey, reading several articles on the subject has enabled us to identify additional challenges concerning the employment of female circus artists.

First of all, it is essential to stress that the circus has historically conveyed a stereotypical image of women. This traditionalist vision of women is still very much present in the traditional circus, and limits in practice the career choices of the female performers who work in it. Female performers in the traditional circus are usually presented through the prism of a "male gaze", which hypersexualises their bodies. In these traditional circus shows, women are generally confined to a small number of roles: dancers, contortionists, acrobats, partners, or stooges of a male artist<sup>34</sup>.

<sup>34</sup> Transformation of the Circus Arts and Gender Identities, Magali Sizorn & Betty Lefevre

Think, for example, of the classic knife-throwing act, in which a circus performer, usually a man, throws knives just inches from his live target, usually a woman.

Secondly, there are fewer women than men among circus school graduates<sup>35</sup>. If there are fewer women in circus schools - which, as we saw earlier, are the main breeding ground for the contemporary circus - then there will be fewer of them on stage. This is particularly surprising given that they are in the majority in leisure or recreational circus programmes<sup>36</sup>. There may therefore be a barrier preventing women from transforming an activity they enjoy in the leisure sphere into a professional activity.

Furthermore, it seems that there is a gender factor in the choice of circus disciplines studied. It appears that even in the contemporary circus, women continue to choose disciplines that are seen as “feminine”, emphasising flexibility and grace, as opposed to strength, which is seen as a “masculine” quality. More women than men are involved in acrobatics and contortion. They often choose - or are encouraged to choose - solo disciplines requiring complex set-ups and are under-represented in object manipulation disciplines such as juggling, as well as in small acrobatic groups requiring less equipment. The venue and rigging requirements of their disciplines make female circus performers less employable than their male counterparts, reducing their potential income<sup>37</sup>.

To reinforce gender equality in the circus, it seems important for circus schools and the teachers who work in them to adapt their recruitment and teaching strategies to enable women to flourish equally in all circus disciplines.

Finally, although this issue was not raised in the responses to the questionnaire, we might wonder about the impact that ageing has on the careers of women circus performers in a sector where the aesthetic norm is that of a young woman with a perfect body.

## **LGBTQ+ people**

When it comes to LGBTQ+ people, 22.2% of FIA members who responded to the survey believe that these individuals face specific challenges in the sector, though without being able to give specific examples.

It seems fairly obvious that, in the historically very heteronormative and gendered world of the circus, it can be difficult for LGBTQ+ artists to find their place. The testimonies of circus performers to which we had access attest to the difficulty of living out their identity in a world still very much marked by gender stereotypes<sup>38</sup>. Some express the feeling that they do not fit into the roles offered to them, or that they feel limited in the expression of their individuality by the artistic vision expressed in most circus shows. This situation has given rise to a “queer circus” that gives pride of place to LGBTQ+ artists. This type of circus, to which SATED-MG in Brazil refers in its responses, offers LGBTQ+ circus performers a space in which they can express themselves freely and flourish in their disciplines.

35 Performance Matters 4.1-2 (2018): 19-35; Gender Asymmetry and Circus Education; Alisan Funk

36 Performance Matters 4.1-2 (2018): 19-35; Gender Asymmetry and Circus Education; Alisan Funk

37 Performance Matters 4.1-2 (2018): 19-35; Gender Asymmetry and Circus Education; Alisan Funk

38 CircusTalk’s Wake up Call for Inclusion series. Panel: Queering the Circus: Exploring LGBTQIA+ Circus Realities & Possibilities



This “queer circus” questions the gender stereotypes conveyed by the traditional circus and reinvents the codes. Nevertheless, these “queer circus” shows have difficulty getting booked<sup>39</sup>, which limits the employment opportunities for LGBTQ+ circus performers.

Transgender circus performers also seem to be particularly under-represented in the circus. They also face additional challenges, particularly when it comes to costumes designed for standardised bodies, which often do not match the bodies of transgender men and women. As a result, transgender circus performers are often required to create their own costumes<sup>40</sup>. This is an issue that arises more generally for all circus performers whose bodies do not correspond to the aesthetic norm of the circus performer’s body, particularly “plus size” performers.

It therefore seems absolutely necessary for the circus community to question the codes it has inherited from the original circus, so as to move towards a space in which all sexual orientations and gender identities are respected, rather than forcing LGBTQ+ circus performers to confine themselves to a niche circus. It is also an opportunity for the sector to develop, evolve and remain relevant.

## People of Colour<sup>41</sup>

Turning to the subject of circus artists of colour, 13% of FIA members feel that there are specific challenges concerning their employment in the circus. Unfortunately, the answers to this question are also nebulous and fail to identify these specific problems.

Nevertheless, as the SSRS points out, while the problem in Switzerland is not specific to the circus, people of colour are nonetheless under-represented among circus artists, as elsewhere in the performing arts. This is an opinion shared by Equity UK and ANDA in Mexico and supported by reading articles and listening to testimonials from circus performers on the subject. It is clear from these testimonials that circus artists of colour do not have the same opportunities - whether in terms of employment, securing funding or access to training - as their white colleagues<sup>42</sup>.

A survey conducted by Circus for Change in 2020 among circus performers in the United States and Canada reveals that more BIPOC (Black, Indigenous and People of Colour) respondents than white respondents recognised themselves in the following statements: “I have to change my appearance to fit in”, “I’m the only one who looks like me” and “I feel like I represent an ethnic group”<sup>43</sup>. These results illustrate the under-representation of circus artists of colour in Canada and the United States. The survey also reveals the gap between the expectations of these artists and those of circus employers. This discrepancy leads circus performers to modify their appearance to fit in better with what is expected of a circus artist’s body. We also cannot ignore the fact that not being represented could discourage people of colour from pursuing a career in the circus, and thus perpetuate their under-representation. These observations about diversity in the circus sector in Canada and the United States are in line with what a number of FIA members have observed about the under-representation of people of colour in the circus. However, it is difficult to draw conclusions about the sector on an international scale, given the lack of quantitative data.

39 CircusTalk’s Wake up Call for Inclusion series. Panel: Queering the Circus: Exploring LGBTQIA+ Circus Realities & Possibilities

40 CircusTalk’s Courageous Conversations - Marginalized bodies in Circus

41 We acknowledge that terminologies other than “people of colour” may be used in different parts of the world, such as “ethnic minorities”, “BIPOC”, “BAME”, “global majority”, etc.

42 CircusTalk’s Wake up Call for Inclusion series - Institutional Barriers and Individual Biases in the Performing Arts

43 CircusTalk - Circus for Change - Equity and Inclusion in Circus - Questionnaire - North American Results

This under-representation of people of colour among circus artists could be partly explained by the prohibitive cost of accessing and maintaining a circus career<sup>44</sup>. Whether due to the cost of schools, professional training, daily training or equipment, a circus career requires a degree of investment, particularly at the outset, which can be difficult depending on the social background of the aspiring circus performer. Scholarship schemes could, and already do, enable people who might not otherwise have had the means to enter the circus industry.

Finally, it is interesting to note the comment made by the Swedish trade union Scen & Film, which assumes that because the circus sector is a very international sector, where artists of different nationalities are used to working together, the discrimination suffered by people of colour could potentially be less significant than in other sectors. This is an interesting idea, but once again difficult to verify due to the lack of data collected.

## **People with Disabilities**

Lastly, our survey shows that of all the groups identified, people with disabilities are the ones facing the most difficulties in accessing employment in the circus sector. Indeed, 25% of FIA members who responded to the questionnaire indicated that disabled circus artists encounter specific problems in accessing employment. In particular, the responding unions emphasised the limited opportunities available to these circus artists due to the specific characteristics of their physical condition.

While some respondents mention the existence of a small number of disabled circus performers in their country, or even the existence of circuses specialising in the employment of disabled performers, such as Extraordinary Bodies in the UK or Omnius Circus in the USA, this seems to be a rather rare phenomenon.

The need for these artists to build their own act and create their own opportunities is also underlined by the Brazilian union SATED-MG, which explains that if these artists manage to develop an act of their own, they will find it easier to get opportunities to perform.

An article published by Katrina Carter in *Performance Matters* in 2018 shows that while disabled performers existed and thrived in the 19th and early 20th centuries, history has only remembered the link between circus and disability as “freak shows”, where people with different bodies were exhibited like animals in a zoo. The omission of these artists and their prowess illustrates the validistic culture that currently prevails in the circus<sup>45</sup>. Circus performers with disabilities are not new on the scene, however, and should be able to flourish in this genre that was once open to them.

The time has come for circus performers with disabilities, and the circus in general, to challenge this idea that the profession is only for non-disabled people.

In conclusion, it would appear that the circus sector is less diverse than its reputation would suggest. In order to become more inclusive and truly reflect the world in which we live, it now seems essential for the circus to deconstruct the codes it has inherited. To remain relevant and fully anchored in its time, the circus must open up to bodies that are different from the stereotypical circus performer, and allow women, LGBTQ+ people, people of colour, people with disabilities and all other marginalised groups to fully integrate and flourish in the circus.

44 CircusTalk - Wake Up Call for Inclusion 01 - Institutional Barriers and Individual Biases in the Performing Arts

45 *Performance Matters* 4.1-2 (2018): 141-146, *Freaks No More*, Katrina Carter

Performers' unions and their Federation must continue their fight for greater diversity in the performing arts in general and the circus in particular. An essential step in this fight is to gather quantitative data on the discrimination suffered by circus artists.

## **C. Other Topics of Interest Relating to Circus Artists**

### **Circus Artists' Intellectual Property Rights**

Circus artists are performers, and as such should benefit from intellectual property rights under neighbouring rights. Many circus performers create their own acts or shows and should therefore also benefit fully from copyright. But what happens in practice?

The results of our survey reveal that in a small majority of cases, circus artists are covered by national copyright regulations. In fact, 55% of respondents indicated that circus performers were covered by their copyright regulations. Among those responding, two unions - Scen & Film in Sweden and AAA in Argentina - specified that circus artists were only covered if they did audiovisual work (AAA) or appeared on television (Scen & Film).

Nevertheless, in many countries, circus artists do not benefit from copyright. This is particularly the case in Denmark, Switzerland, Morocco, Kyrgyzstan, Colombia, Chile, and Austria, where circus artists are simply not recognised as performers and are therefore not protected by neighbouring rights. This highly reductive definition should change with the ratification by member states of the World Intellectual Property Organisation (WIPO) of the Beijing Treaty on the Protection of Audiovisual Performances. Article 2 of the treaty defines performers as "actors, singers, musicians, dancers and other persons who act, sing, deliver, declaim, play in, interpret or otherwise perform literary or artistic works or expressions of folklore". This extremely broad definition is supplemented by a joint statement that it also includes "those who perform a literary or artistic work that is created or first fixed in the course of a performance", thus extending the concept to include many improvised interpretations and performances.

MEAA in Australia also points out that circus artists who are hired as employees do not own the work they help to create for the company, and therefore do not benefit from copyright protection.

As a result, copyright and neighbouring rights do not yet benefit all circus artists worldwide. In countries where they do not, unions should push for the extension of these rights to circus performers, who are undoubtedly performers, and often also creators.

### **Reduction in the Use of Animals in Circus Shows**

This survey was also an opportunity for our Federation to try to identify new trends in the circus world. The responses from FIA members highlight a major trend: the increasingly rare use of animals in circus shows.

Indeed, while the circus has long been associated with the extravagant menageries of Barnum & Bailey, most of the unions responding to our questionnaire point to a very clear trend towards a sharp decline in the use of animals in general, and wild animals in particular, in circuses around the world. The use of wild animals in entertainment is simply forbidden by law in a growing number of countries and regions, including almost all European Union countries, Great Britain, California, Colombia and Peru.

This is a general and inescapable trend related to a growing social awareness of animal welfare, and it impacts all activities involving wild animals, such as circuses and dolphinariums.

While this transformation seems irresistible, a small number of FIA members are concerned about the future of certain traditional circuses and professionals, particularly trainers, who may not have anticipated the new way in which our societies view the captivity and training of wild animals. Interestingly, according to RUCP in Russia, a number of traditional European circuses that had fled Western Europe because of growing public opposition to the use of wild animals in the circus were looking to set up new operations in Russia. While this observation dates from before the war in Ukraine, which will certainly have put an end to this phenomenon, it is nonetheless indicative of the impact this trend is having on a number of traditional circuses.

The change in public attitudes towards animals has begun - and will continue - to influence the development of the circus. Alternatives to acts using wild animals have already appeared, including acts with domestic animals developed with respect for the animal, or the use of holograms of wild animals, as at Cirque Roncalli in Germany, or the Bouglione ecocircus in Belgium. Most importantly, it is a future without animals that is taking shape for the circus.

# Conclusion

The aim of this survey carried out by the International Federation of Actors was to gain a better understanding of the circus sector and the artists who work in it, in order for the Federation and its members to better represent these artists and thus ensure and consolidate the future of the circus.

The first finding of this survey is that little is known about the circus and its artists. There are few studies dealing with the sector, and since these artists represent only a small fraction of their members, on the whole the unions do not know much about them.

The second point that emerges very clearly from the responses we received is that the circus is a highly diverse sector that is constantly evolving. Since its beginnings in the 18th century, this art form has constantly reinvented itself to adapt and survive in times of change. This explains why there are different types of circus today, the two main categories being the traditional circus and the contemporary circus. These two types of circus, which share many similarities, particularly in terms of disciplines, also have their own unique characteristics. They do not perform in the same venues, are not financed in the same way, and welcome artists with different training backgrounds. It is therefore clear that the circus is not a homogeneous sector, and that being a circus artist covers a wide range of realities.

With regard to the working conditions of circus artists and the actions that trade unions can take on their behalf, there are a number of observations to be made. First of all, the results of this survey indicate that the working conditions of circus artists and other performers are similar on a number of points, the first of which is intermittent employment. Performers, including circus artists, alternate between periods, usually quite short, of employment and non-employment, depending on projects and performance periods. Like other performers, circus artists are also increasingly self-employed, which compromises their access to social security and their ability to organise collectively. In addition, being a circus artist also involves a number of specific features that make the workers concerned particularly vulnerable. These include a tradition of informal working relationships inherited from the traditional circus, the high physical intensity of the profession and high levels of international mobility. All these characteristics leave circus artists vulnerable and make the work of the unions representing them absolutely essential, whether in negotiating collective agreements covering the sector, offering tools to guarantee their health and safety, or guiding their members and those of their counterparts in a context of international mobility.

Artists' unions thus have a fundamental role to play in defending circus artists and improving their working conditions. To this end, the recommendations below provide food for thought as to possible actions going forward.

# Recommendations

The recommendations below have been drawn up on the basis of the results of the FIA survey and are addressed to the Federation and its members. They are aimed at improving working conditions for circus artists worldwide.

## General Recommendations

- Continue to gather information, particularly quantitative data, on circus artists and their working conditions. To identify and respond more effectively to the problems encountered by these artists, it is vital to improve knowledge about the sector, both nationally and internationally.
- Include circus artists as a specific group in all the work of the Federation and its members that could be relevant to them. Circus artists are sometimes overlooked because of their small numbers, but they share many of the same challenges as their colleagues in acting, dance, and opera. To the extent possible, the Federation and its members should try to include them in projects or discussions that are not specifically dedicated to them.
- Work to recruit more circus artists for FIA members who already represent them and explore the possibility of representing these artists for those who do not yet do so. Union recruitment techniques targeting circus artists should be considered and could include visits to circus companies and circus schools.
- Lobby public authorities for more stable, ongoing funding for the circus sector, facilitating planning and development for companies in the sector.

## Employment Law, Contracts, and Collective Bargaining

- Include circus artists in the work being done by the Federation and its members on atypical workers. At a time when self-employment seems to have become the norm in the circus sector, as in the rest of the performing arts, it appears vital to: 1. Promote a new definition of “worker”, which should under certain conditions include the self-employed; 2. Strengthen protection for the self-employed, particularly in terms of access to social protection; 3. Demand access to collective bargaining for self-employed workers; and 4. Work on union recruitment of atypical workers. In addition, the question of access to insurance and the cost it represents for self-employed circus artists should also be addressed. The purchase of group insurance by the union, as practised by Equity UK and DAF, is a solution that could be considered by more unions.
- Counter the informality of work in the circus sector and push for the systematic conclusion of employment contracts for these artists, in all regions of the world and for all types of circus. In particular, the unions should consider the creation of standard contracts adapted to circus artists.

- Work towards better contract and agreement coverage of the circus sector. With 54.1% of questionnaire respondents reporting the existence of collective agreements covering circus workers in their country, there is real potential for improving the sector's collective bargaining coverage. Performers' unions should work to include these performers more systematically in their collective agreements, or to negotiate specific agreements.
- In the absence of a collective agreement, use other tools, such as the publication of guidelines or recommendations, to establish standards for circus artists' working conditions.

## Health and Safety

- Ensure that circus performers are covered by general health and safety legal obligations, and demand that they are when this is not the case.
- Reinforce and complement these general health and safety requirements with other tools, such as the negotiation of specific terms in collective agreements, or the publication of codes of conduct, guidelines or checklists.
- Regulate the non-artistic work carried out by circus artists, in particular by ensuring that this is compensated for financially, and that non-artistic tasks do not extend their working hours.
- Continue the work to combat bullying and sexual harassment that began in the wake of the #MeToo movement, and ensure that circus artists are included in these initiatives.

## Education and Training

- Develop and maintain relationships with circus schools and organise visits to these schools whenever possible. These visits are a real opportunity for the unions not only to present their work, but also to gain a better understanding of the issues specific to circus artists. They should be seen as a union recruitment tool aimed at young people, a category often under-represented in trade unions.
- Advocate easier access to lifelong training for circus performers, especially with the self-employed, to enable them to maintain their skills in the disciplines they perform during their career, and to facilitate the often inevitable transition to other disciplines.
- Push for the creation of specific mechanisms to help circus artists retrain, or the extension to circus artists of existing mechanisms for dancers. The fact that dancers and circus artists share similar career paths and issues would justify reaching out to these two groups using the same tool.

## International Mobility

- Gather more information on the international mobility of circus artists and the difficulties this presents, particularly in terms of social security and taxation, to enable performers' unions to better guide their members working abroad.
- Work to provide clear and accessible information on issues relating to the international mobility of artists and ensure that this information is available in English. In this context, the federation should strengthen its collaboration with the On the Move organisation, and its members should push for the creation of mobility information points in countries where these do not exist. Unions should always be able to relay this information to their members or to the members of their counterparts.
- Lobby public authorities to lighten the administrative burden associated with mobility,

whether this is related to obtaining visas or work permits, social security, taxation or transporting the equipment needed for the show. The introduction of specific rules for mobile performers should be supported by trade unions in the sector.

- Strengthen international trade union solidarity and concrete cooperation between performers' unions to better protect travelling circus artists. By ensuring reciprocal support for their members working temporarily in their respective countries, performers' unions will be able to provide better protection for all mobile performers. Because they speak the language and know the rules in force in their countries, local unions are often better placed than the union in the country of departure to help a mobile artist in difficulty. As part of this reinforced union solidarity, the Federation should consider extending the scope of its "Dance Passport" to circus artists.

## Other Topics of Interest relating to Circus Artists

- Lobby public authorities to implement alternative solutions for the education of child circus artists, who, in addition to the difficulties associated with their artistic activities and the staging of shows, face other difficulties related to an often-itinerant lifestyle. These alternative solutions - which may include alternating between regular and visiting schools, itinerant schools, or distance learning – should enable under-age circus artists to pursue their education with as little disruption as possible.
- For performers' unions that do not already do so, consider representing child performers, including child circus artists. Where this is not possible or desirable, find other ways to educate, inform, support, and protect these particularly vulnerable workers.
- Continue the fight for greater diversity in the performing arts in general, and the circus in particular. An essential first step in this fight would be to collect data, particularly quantitative data, on the discrimination suffered by circus artists belonging to marginalised groups.
- Advocate for circus artists to benefit from protection under neighbouring rights for their performances, and under copyright law when they create shows or acts



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