



Cork County Council

# ARTIST REMUNERATION POLICY



*Dance artist Sara Hernandez at Miriam O'Connor's solo exhibition at Macroom Town Hall  
(photo: Karol Kachmarsky 2021)*



## INTRODUCTION

The contribution which creative and interpretative artists, arts workers and others within the arts sector make to the cultural and creative lives of our citizens is substantial. A measure of how such a contribution is acknowledged is in the practical value we place on this work. This includes ensuring fair rates of payment, reasonable working conditions, equitable opportunity, transparency in procurement and recognition of intellectual property rights of artists.

As a corporate body with a statutory role in local arts provision Cork County Council is committed to advancing the living and working conditions of artists. This commitment is articulated in policy, informed by and consistent with national policy on artist remuneration as set out by the Arts Council in various documents, including Making Great Art Work<sup>1</sup>, The living and working conditions of artists in the Republic of Ireland and Northern Ireland 2010, and, more recently, in Paying the Artist: An Arts Council policy on the fair and equitable remuneration and contracting of artists (2020).

This policy has been prepared by Cork County Council's Arts Culture and Languages Strategic Policy Committee. It aims to set out clear policy goals and standards of good practice which will guide and inform Cork County Council's engagement with artists. It also establishes a standard of best practice which we expect organisations we fund or work with to meet.

## POLICY STATEMENT

Cork County Council is committed to the principle of fair and equitable remuneration of professional artists and arts workers. We aim to ensure that artists and other professionals in the creative sector are paid fairly and appropriately so that they may have productive and economically viable careers. This policy sets out how we as a public body aim to achieve best practice in our procurement and contractual arrangements with artists. We also expect those organisations and individuals seeking funding from Cork County Council to ensure that artists are properly compensated for their work.

The principles underpinning this Policy are:

- To value the work that artists create and the contribution they make to the cultural social and economic life of our county.
- To achieve best practice.
- To enable artists to develop and sustain viable careers.

We set out in this Policy:

- To establish a standard of best practice in Cork County Council's direct engagement with artists and other workers in the arts sector.
- To ensure that the organisations we fund or work with have acceptable standards in relation to artist remuneration.
- To provide training and advice to artists and organisations to build a better understanding of the rights of artists.
- To monitor the performance of organisations we support as part of our standard evaluation practice.

<sup>1</sup> The Arts Council in Making Great Art Work the Arts Council states, "We will advise central and local government on legislative and regulatory provision and on other actions that would support artists to have productive and economically viable careers."



## OUR COMMITMENTS

Cork County Council commits to fairly remunerate artists, arts professionals and arts workers for any work they do on behalf of the local authority. Cork County Council commits to achieving best practice as set out in *Paying the Artist: An Arts Council Policy on the Fair and Equitable Remuneration and Contracting of Artists*. Cork County Council will work to ensure that those organisations we fund, strategically collaborate or partner with have effective processes to ensure fair and equitable remuneration of the artists they work with.

Cork County Council will do this by:

- Ensuring that Council publishes its rates of payment and any other payment rates.
- Ensuring parity with industry standard rates of payment through regular review of our remuneration rates and policy.
- Ensure that all work arrangements are confirmed in writing and ensuring that contracts reflect the full scope of what the artist is expected to deliver and the rate of remuneration that will be provided.
- Ensure that artists are paid as expeditiously as possible.
- Ensure that the intellectual property rights of artists are respected and that agreements involving intellectual property rights are included in contracts, where relevant.
- Ensuring that Council and the organisations we support or engage with have clearly stated policies in relation to artist remuneration.
- Council policy will be regularly reviewed to keep pace with legislative or policy change and sectoral conditions.



## DEVELOPMENT AND ADOPTION OF POLICY

This policy was developed by the Arts, Culture and Languages Strategic Policy Committee of Cork County Council and formally adopted by Cork County Council at its meeting on March 11th 2024.

## IMPLEMENTATION OF POLICY

We will implement the following measures within 12 months of adoption of this Policy:

- Publish information on Cork County Council payment rates and rates set by a sample range of organisations as set out in the Arts Council's Representative and Resource Organisations Document.<sup>2</sup>
- Ensure that work opportunities, framework panels and other initiatives enabling artists to engage with the Council are openly advertised.
- Ensure that all artists contracted by Cork County Council are issued with a Contract for Services, setting out amongst other things the agreed level of remuneration which the artist will receive.
- Respect the copyright and reproduction rights of artists whose work is commissioned or purchased by Council.
- Update the Council register of artworks to include artist details and copyright licencing agreement, where possible.
- Introduce changes to Council funding application forms to ensure that artist fees and other professional costs are included as specific items in budgets.
- Update reporting measures to ensure the organisations we support are providing fair remuneration to artists.
- Issue a Code of Good Practice for client organisations.
- Refuse funding to organisations that will not agree to the Code of Good Practice or are shown to have broken agreements on artist pay.
- Gather and publish data on percentage of grant funding allocated to artist fees.

## LIMITATIONS OF POLICY

While Cork County Council will make every effort to ensure fairness and transparency in relation to its direct engagement with artists, it does not have the authority to set pay and conditions in relation to artists contracted by those organisations we support. We will nevertheless establish a process to monitor how funded organisations pay artists.

<sup>2</sup> Arts Council addendum to Paying the Artist 2020 (PTA\_Representative and resource organisations.pdf)



## GLOSSARY

**ARTIST** Unesco defines an artist “as taken to mean any person who creates or gives creative expression to, or recreates works of art, who consider their artistic creation to be an essential part of their life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not they are bound by any relations of employment or association.”<sup>3</sup>

The Arts Council defines an artist as “a person who is actively pursuing a career as an artist in any art form, and who considers their arts work as their main profession or career. This applies even if their work in the arts is not their main source of income, or they have other employment.”

**PROFESSIONAL** in this context refers to an individual who has specialised training or achievement in their artistic discipline, who has achieved recognition for excellence in their field and who derives some or all of their livelihood from this activity.<sup>4</sup>

**ARTS WORKER** is taken to mean someone who provides a service integral to the performance, production, or individual or public participation in an arts activity or event.

**ARTIST FEE** an artist fee is remuneration for time, content and services provided by artists contracted by an individual or an organisation. An artist fee does not cover the costs of labour or materials used in the making or production of an artwork, which should be agreed separately. Payment of an artist fee does not impact on the rights in law of an artist to be identified as the author of their work. Any transfer of ownership or licencing of rights must be negotiated with the artist as a separate agreement.

The term **remuneration** encompasses all potential forms of an artist’s earnings. It includes pay, salary, wages, fees, allowances, as well as income derived from rights or royalties.<sup>5</sup>

Remuneration is **fair** when it equates to what is asked of an artist in terms of their time, input and expertise.<sup>6</sup>

Remuneration is interpreted as **equitable** insofar that it reflects a commitment to promoting equality of opportunity and diversity in the arts.<sup>7</sup>

<sup>3</sup> Unesco Recommendation on the Status of the Artist 1980

<sup>4</sup> Arts Council Making Great Art Work

<sup>5</sup> Arts Council Paying the Artist 2020

<sup>6</sup> Ibid

<sup>7</sup> Ibid



## GLOSSARY

**INTELLECTUAL PROPERTY (IP)** in this context refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.<sup>8</sup>

<sup>8</sup> World Intellectual Property Organisation  
<sup>9</sup> Dept. of Enterprise, Trade and Employment  
<sup>10</sup> Ibid

**COPYRIGHT** is a form of intellectual property that grants rights to the creators (“authors”) of certain categories of works, such as books, songs, plays or films. When you are the owner of a copyright work, you have the exclusive right to copy the work, make the work available to the public and make an adaptation of the work. The copyright owner is entitled to remuneration for the use of their work as well as to determine how their work can be used. The copyright owner also has the right to prevent others from reproducing, publishing, performing, communicating to the public or adapting their creative work.<sup>9</sup>

**RELATED RIGHTS:** Performers, producers and broadcasters of works have what are known as related rights. The holders of related rights are entitled to remuneration for the use of their work as well as to determine how it can be used.

In addition to ensuring that the copyright in a work is protected, the Copyright and Related Rights Act 2000 provides for the protection of moral rights, such as the paternity right which is the right to be identified as the author of a work, and the integrity right which is the right of the author to object to any distortion, mutilation or other modification of their work.<sup>10</sup>