

Musicians Australia/MEAA

Guidance Principles for the Return to Performance

Background

Over the past two years, the COVID-19 crisis has devastated our music industry. As a result of the recent lockdowns experienced across Australia, 70% of musicians have lost three-quarters or more of their music-related work, while a 39% majority of musicians have found it very difficult to apply for government assistance. This has compounded the already existing issues in the music industry: unpaid gigs, unfair payments, dodgy contracts and chronic undercutting. As musicians return to work, we need to consider questions of both safety and equity. We need to develop a consistent approach to safety and equity which governs how the music industry operates now and into the future.

1. By Agreement.

Any matter of safety or equity - implemented through protocols, rules and procedures - should be dealt with through good faith negotiation between the union, venues, and relevant industry and government bodies. A clear, concise and consistent code of practice should be agreed to by all stakeholders, to ensure the safety and support of musicians in the transition back to work.

2. Informed by facts, and consistent with relevant law and regulation.

Any agreement reached by industry stakeholders must contain safety and equity protocols that are consistent with scientific consensus, public health orders, and legislation from relevant government authorities. This includes, but is not limited to, *Work Health and Safety* legislation and any relevant regulation pertaining to the payment of fair fees to musicians, such as the *Live Performance Award* (2020).

3. Core Principles.

Any agreement between industry stakeholders should contain the following core principles, which union and non-union members as well as health professionals believe to be necessary for a safe and equitable return to work. These principles guide the responsibilities of all parties:

a. Access and Equity:

As restrictions are lifted, it is necessary that all musicians have equal access to safety and fair pay. The provisioning and cost of safety measures should not be the responsibility of the musician. A *minimum* fee of \$250 per gig should be paid to all musicians, to ensure that they are financially supported in the return

to performance.¹ In addition, all musicians should have equal access to vaccinations where it is reasonable and safe to do so, to ensure the safety of those who are unable to be vaccinated for reasons given by the Australian Government Department of Health.

c. Government and Council Support:

With restrictions and additional safety measures in place, increased support is needed to keep live music viable and to ensure that the safety and financial stability of musicians are not adversely affected. This includes support in the form of sick pay for freelance and contract musicians, in addition to clearer guidelines surrounding payment of cancellation fees for all gigs. Furthermore, we need all Australia governments to sign on to our \$250 minimum fee for publicly funded gigs to ensure that funding is passed on to the musicians.

c. Workplace Health and Safety is Everyone's Responsibility:

Venues and employers are responsible for making sure that the workplace is safe and that musicians' health and safety are not put at risk by implementing safety protocols that are consistent with both scientific consensus and orders from relevant authorities. Musicians are also responsible for looking after their own health and safety and must take care not to put other people at risk.

4. *No indemnity or waiver.*

No musicians should ever be asked to sign a liability waiver, releasing the principle, the employer, the facility or any other entity, as a condition of returning to live gigs.

¹ *The Musicians Australia \$250 minimum fee for publicly funded gigs, as already endorsed by three state governments, is a reliable guide to an industry minimum fee.*