

## Denmark

### *The artist's place in society*

*Most artists need to resort to other forms of gainful employment. It is only a very small part of Danish artists who are able to live solely off the income from their artistic work. Many artists (especially musicians) work as e.g. teachers parallel to their artist career; however, all kinds of jobs are combined with artists' main occupation in the attempt to gain sufficient earnings.*

## INSTITUTIONAL AND LEGAL FRAMEWORK

### **International laws (conventions, agreements and recommendations) in the field of culture ratified by Denmark**

Denmark has for decades sought to play an active role in the international field of cultural cooperation. Denmark cooperates at three international levels: The Nordic level, the European level and the global level.

#### a) The Nordic level

The official Nordic cooperation is channelled through two organizations: the Nordic Council and the Nordic Council of Ministers. The Nordic cooperation has been essential to the Danish cultural policy for decades. The cooperation includes all the northern countries: Denmark, Sweden, Norway, Finland, Iceland, Greenland, the Faeroe Islands and Åland. The main priorities in the field of art and culture are:

- To promote and protect the multiple cultural expressions and the Nordic dimension in the countries cultural life.
- To ensure quality, competitiveness, and mobility in the Nordic art and cultural life.
- To supplement activities on national scales.
- To take particular account of the territories with home rule – Greenland, Faroe Islands and Åland.

For more information, see: [www.norden.org](http://www.norden.org)

#### b) The European level

Within the EU, Denmark has played an active role in the formulation of the Article on Culture (Article 151 TEC) and supports inter alia the priorities set out in the Council's Work Plan for Culture 2008-2010 ([http://ec.europa.eu/culture/our-policy-development/doc1565\\_en.htm](http://ec.europa.eu/culture/our-policy-development/doc1565_en.htm)).

The main purpose of the article is to ensure, that the EU shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity – and at the same time bringing the common cultural heritage to the front.

#### c) The global level

Denmark is also cooperating in the field of culture on a global scale through UNESCO. In this matter, Denmark has approved a number of conventions:

- *Convention on the Protection and Promotion of the Diversity of Cultural<sup>1</sup> Expressions*
- *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property<sup>2</sup>*
- *Convention concerning the Protection of the World Cultural and Natural Heritage<sup>3</sup>*

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<sup>1</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=31038&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html)

**Governmental units in charge of:**

**(a) cultural affairs and (b) cultural policy-making**

Denmark has three levels of government: the central government, county councils and municipalities councils. The responsibility for cultural politics and policies is distributed among the central and the local levels. At the regional level, the county councils have only few and secondary responsibilities concerning culture.

The Danish Ministry of Culture is the central governmental body in charge of cultural affairs and cultural policy making; however, local politicians and local authorities have considerable influence. The ministry's role is first and foremost to act as architect of the framework for an overarching cultural policy and, in collaboration with the parliament, to set the objectives and to create the structures that form the basis for cultural policy in Denmark.

**(c) working conditions of artists, including disabled artists**

Working conditions for artists in Denmark are not legally different from other labour fields. The legal framework concerning working conditions is set by collective agreements between employers and unions; however, the Ministry of Employment ([www.bm.dk](http://www.bm.dk)) is responsible for the framework and rules as regards employment and working conditions, safety and health at work and industrial injuries, financial support and allowances to all persons with full or partial working capacity.

For individually creative and practising artists a state support system is in place: the Danish Arts Foundation (<http://www.kunst.dk/statens-kunsthofund>). The foundation distributes funding and grants to individual artists such as scholarships, bursaries, commission honoraria and prizes.

**(d) continuing training for artists and cultural workers**

The Danish Ministry of Culture is responsible for a wide range of education programs and schools within the fields of architecture, design, the visual arts, conservation, music, film, theatre and dance. Most of the institutes and schools are financed 100% by the state.

**(e) cultural research**

Research is primarily carried out by universities under the auspices of the Ministry of Science, Technology and Innovation, which is the governmental body responsible for research, information technology, innovation, telecommunications and the university education ([www.vtu.dk](http://www.vtu.dk)).

However, a range of universities and academies particularly concerned with culture are under the auspices of the Danish Ministry of Culture. The Ministry of Culture is therefore also at a general, administrative level in charge of cultural research in Denmark. The cultural research is carried out by the many different institutions under the auspices of the ministry, who have research as an important part of their institutional task. This is mostly museums, libraries, archives and a wide range of schools such as academies of music, academies of art, schools of architecture, schools of design and the Royal School of Library and Information Science.

**(f) tax policies and taxation in the field of culture**

The Danish Ministry of Taxation ([www.skm.dk](http://www.skm.dk)) is in charge of tax policies and taxation – including the field of art and culture.

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<sup>3</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=13055&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13055&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>4</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=31037&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=31037&URL_DO=DO_TOPIC&URL_SECTION=201.html)

## **Cultural policies**

### **Percentage (average) of the national budget allocated to culture**

The average percentage of the national budget allocated to culture solely by the central government is approximately 1 % and has been at a stable level for many years. However, in Denmark, most cultural activities are actually initiated at the local level and the municipal counties in fact distribute more subsidies than the central government. The central government only allocates around 40% of the total amount of subsidies in the field of culture. Just about 3 % is distributed at the regional level and almost 57 % at the local level (<http://www.kum.dk/sw223.asp>). These levels have been stable for many years.

### **Policies aimed at promoting the arts**

In Denmark cultural policies exist to promote and support the arts. In order to ensure freedom of expression in art and culture, grants to artists are to a large extent given with no political strings attached. Independence and the arms-length principle are fundamentals of Danish cultural policy concerning the direct support to artists, which implies that neither politicians nor the Ministry of Culture are involved in concrete subsidy allocation or act as arbiters of taste. The principle of quality prescribes that support to the arts should be given to the very best that the Danish artistic community produces. The cultural subsidies are assessed by professional independent art councils.

### **Indicators used to evaluate the outcomes of cultural policies designed to promote:**

#### **(i) creativity**

#### **(ii) the status of the artist**

In order to evaluate the outcomes of state support directly to artists no fixed set of indicators exist – they vary from case to case. When it comes to the support to institutional cultural activities, so called result-based contracts are used as one indicator among others. This is a contract between each institution receiving subsidies and the Ministry of Culture. The result-based contract is constructed individually for every cultural institution and consists normally of a number of measures about economy, number of visitors, artistic diversity etc.

For instance a museum receiving state subsidiary has to ensure a certain number of visitors, exhibitions and income every year in accordance to the specific result-contract.

### **Existing structures enabling artists to be involved in cultural policy-making at local and national levels**

Both at the local and national level of cultural policy-making artists are involved and participate actively in the preparation as well as the evaluation of laws and initiatives in the field of culture. The arms-length-principle ensures that artists and other professionals working in the field of art and culture are involved in the allocation of subsidies to art and culture via different professional subsidy councils.

There are councils for the performing arts, music, visual arts, literature, design and architecture. These councils and boards are composed of artists and other professionals qualified in specific areas of the arts and other cultural endeavours. Members are usually selected by professional bodies and institutes within each specific artistic area and by the Ministry of Culture.

The members are replaced every third or fourth year. Besides that, there is a wide range of artist organizations that consult the cultural policy-makers and discuss the cultural political situation via the press.

### **Provisions of cultural policy**

The Danish cultural policies provide the allocation of a portion of public funds for art work, subventions to art institutions, the organization of art events locally, regionally, nationally and

internationally as well as the establishment of funds for the arts. The Danish Arts Council ([www.kunst.dk/kunstraadet](http://www.kunst.dk/kunstraadet)) and the Danish Arts Foundation decide annually which artists and art projects should be supported. The Arts Foundation distributes funding and grants to individual artists such as scholarships, bursaries, commission honoraria and prizes.

The Arts Council and the municipal councils both support the organization of art events on a local, regional and national level.

A wide number of art institutions receive subventions from the state. Not only galleries and museums but also institutions such as the Danish Architecture Centre ([www.dac.dk](http://www.dac.dk)), which promotes Danish architecture and Danish Crafts ([www.danishcrafts.dk](http://www.danishcrafts.dk)), which promotes and brands Danish craft and design internationally.

Further more, most academies and schools are financed 100% by the State. The total expenses in the field of culture are annually almost 14.4 billion dkr - or nearly 2 billion euros (<http://www.kum.dk/sw66398.asp>).

### **Measures to improve cultural infrastructures (museums, concert or theatre halls, libraries, etc.)**

In Denmark, museums, theatres, libraries and a number of other cultural and artistic activities are supported through legislative measures and financial contributions from central and local government. The legislation sets up standards for the support. Financial contributions from the central government are granted to support and encourage local activities throughout the country and to promote and spread culture to as many citizens as possible.

### **Measures promoting the integration of disabled artists**

There are no official measures or legislation in the auspices of the Ministry of Culture aimed at promoting the integration of disabled artists.

Help to disabled artists is normally initiated at a local level by municipal councils or by private relief agencies.

For further information about the Danish cultural policy and Danish art, please visit the website for Danish Arts Info: <http://www.danisharts.info>.

## **Legal framework**

### **Laws and regulations governing the work of artists**

#### **a) Employment and working conditions:**

In Denmark, employment and working conditions are governed by labour law and collective agreements. These laws are not specific for artists but are all general.

For further information look for:

- *The Working Environment Act:* <http://www.at.dk/sw12436.asp>
- *Law on Salaried Employees:*  
<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/4230/64800/E96DNK02.htm>

#### **b) Social welfare (health insurance, occupational accidents, disability, unemployment and pensions):**

- *Law on Health and Safety*
- *Law on Salaried Employees' Insurance Foundation*
- *Law on Salaried Employees*

## **WORKING CONDITIONS**

### **Work permit or “professional” status**

There are no official protected titles for artists. However, membership of some artists' organizations provides special benefits.

### **Health care system**

There is a national health insurance applicable to the entire Danish population. This health insurance is financed through taxes and assures free medical treatment for all residents.

### **Private healthcare systems**

In addition, various private health care schemes exist, which some people choose to purchase as a supplement to the national health insurance.

### **Administrative inspections**

Working conditions in all kinds of work places are subject to administrative inspections. It is the responsibility of the employer to ensure that the working conditions are safe and sound in any way. The Danish Working Environment Authority ([www.arbejdstilsynet.dk](http://www.arbejdstilsynet.dk)) screens all enterprises with employees (including theatres, cinemas, museums etc.).

### **Penalties**

In case of failure to comply with norms, an improvement notice may be issued against an enterprise if it has a health and safety problem. In serious cases fines are imposed and sometimes even the closure of establishments.

## **SOCIAL WELFARE**

### **Insurance schemes**

The national health insurance ensures free medical treatment to all Danish residents. The national state pension ensure a minimum pension for residents older than 65 years, however, most people also have personal pensions savings. There are special national aid schemes for mentally or physically disabled persons.

Maternity leave is also regulated in the collective agreements. Normally, persons on maternity leave can for a limited period receive their usual salary. Students and unemployed on maternity leave can be financially supported by the Municipality.

### **Complementary insurance schemes**

Nobody is obliged to complementary insurance schemes, however, any employee can arrange additional insurances at his/her own cost.

### **Administration of contributions**

The social welfare system is administered by local municipal authorities. Private pension foundations administer contribution and payment to retirement funds other than the national state pension.

## **REMUNERATION**

### **The minimum level of payment**

There is no statutory minimum level of payment covering the entire labour market. However, each collective agreement can set a minimum wage for the particular area.

Artists are paid in different ways according to their work field. Artists with intellectual property rights benefit from the effective distribution of the rights collected by the collective management society. The union representing the artists ensures that they benefit from an efficient collection of remuneration and royalties, as well as an effective individual distribution.

## UNEMPLOYMENT

### Unemployment insurance scheme

Unemployment insurance is not obligatory in Denmark. The right to unemployment benefit depends on membership of an unemployment fund. There are special unemployment funds for artists. The public social welfare system pays a minimum income when persons are not covered by any insurance scheme.

## ILLEGAL WORK

### Scale of illegal work

Illegal work probably take place in Denmark and most likely also in the field of art and culture.

### Control and sanctions

The national tax authorities carry out in cooperation with the police, the local tax authorities and the National Directorate of Labour inspections of thousands of companies, restaurants and other working places in order to uncover illegal work.

The penalties for the employer of illegal work range from fines to 1,5 years' imprisonment. In very serious cases (described as "tax evasion") the prison terms are even longer. The penalty for the worker is normally paying back the taxes together with a 25% fine (Ministry of Taxation: [www.skm.dk](http://www.skm.dk)).

## TAX STATUS AND TAX ADVANTAGES

### Tax status

The tax legislation generally applies to all kinds of work in Denmark and artists do not have any special tax status. However, a few special rules exist for the benefit of artists:

- Rewards and prizes to artists for their artistically work are tax free.
- Artists can spread out the taxes on their income for a whole year if they have varying earnings (*Law n° 1062, § 22, December 2002*).
- Companies have certain tax benefits when they buy paintings directly from artists.
- The VAT on paintings is only 5% out of a normal 25 %.

## INTERNATIONAL MOBILITY OF ARTISTS

### Measures to promote the mobility of artists

CIRIUS is the national board for internationalisation of education. CIRIUS is in charge of the official recognition of foreign diplomas including the artistic professions (<http://www.ciriusonline.dk>).

There is a wide range of possibilities within private foundations and official institutions in the field of culture for artists to apply for financial aid to international exchange programs as well as other forms of programs promoting the international mobility of artists. The official main institution responsibility for the international exchange of culture is The Danish Arts Agency ([www.kunststyrelsen.dk](http://www.kunststyrelsen.dk)).

Furthermore, some of the institutions in the auspices of the Ministry of Culture are responsible for the international exchange of culture in their particular field – Danish Crafts, DAC (Danish Architecture Centre), the Danish Film Institute etc.

Annually the expenses for cultural exchange for the Ministry of Culture are approximately 75 mio. Dkr (10 mio. euros).

The Danish Immigration Service ([www.nyidanmark.dk/en-us](http://www.nyidanmark.dk/en-us)) administers the facilities for obtaining visas and residence permits. It processes applications for asylum, family reunification, visas, residence and work permits, etc. In addition, the Immigration Service is engaged in a wide range of other duties relating to the asylum and immigration area, including the task of accommodating asylum seekers.

For further information about Denmark's international cultural exchange, see: [www.danisharts.info/](http://www.danisharts.info/).

### **Provisions in national laws in regard to foreign artists**

There are different programs helping foreign artists in Denmark. One of them is an artist-in-residence program in Denmark (DIVA) established by the Danish Arts Council to promote creative exchange between Danish and foreign artists and art institutions. The DIVA-program makes it possible to invite artists from abroad to stay and work in Denmark for extended periods (<http://www.danishvisualarts.info/502000c>).

### **Provisions aimed at protecting national artists**

To some extent there are provisions aimed at protecting national artists in Denmark. For instance, the support to the film industry is aimed at Danish productions and co-production with participation by Danish artists (*Law n°186, March 1997*).

#### ***Chapter 4 - Danish Films and Co-Productions***

*§ 17. (1) "Danish Film" in this Act shall mean a film of which the producer is Danish. Furthermore, the soundtrack of the film shall be in the Danish language, or the film shall have special artistic or technical features which contribute to the promotion of film art and film culture in Denmark.*

## **COLLECTIVE REPRESENTATION**

### **Trade union freedom**

In Denmark, pay and working conditions are typically laid down by collective agreements concluded between trade unions and employers' organizations. This system of labour market regulation is referred to as the Danish model and is characterised by the fact that it is the social partners themselves that determine the rules of the game on the labour market. The philosophy is that the social partners are in the best position to know what the problems on the labour market might be. This means that they will also be the best to find quick solutions adapted to the current challenges on the labour market.

Strong labour market organizations with a high membership rate are a precondition for a system based on the social partners' self-regulation and this is also the case in Denmark.

“Flexicurity” is a term used to describe the special Danish three-sided mix of (1) flexibility on the labour market combined with (2) social security and (3) an active labour market policy with rights and obligations for the unemployed. The actual word is a contraction of *flexibility* and *security*.

The flexible Danish labour market is strongly rooted in history. The employers' right to freely hire and fire the employees dates all the way back to the so-called September Settlement of

1899 between the workers and employers. The unemployment benefit system has existed for almost one hundred years.

For further information about the Danish labour market, see the website of the Danish Ministry of Employment ([www.bm.dk](http://www.bm.dk)).

## **CONTINUING TRAINING AND FINANCIAL AID**

### **Vocational training for artists**

In Denmark most schools, universities and academies are financed by the state. Concerning art and culture, there are national institutions aimed at educating students in wide range of artistic fields.

These institutions are:

#### Architecture and design:

- Aarhus School of Architecture ([www.aarch.dk](http://www.aarch.dk)),
- The Royal Danish Academy of Fine Arts, School of Architecture ([www.karch.dk](http://www.karch.dk))
- The Danish Design School ([www.dk-designskole.dk](http://www.dk-designskole.dk))
- Designskolen Kolding ([www.designskolenkolding.dk](http://www.designskolenkolding.dk))
- The Glass and Ceramic School on Bornholm ([www.glasogkeramikskolen.dk](http://www.glasogkeramikskolen.dk))

#### Performing Arts:

- The Danish National School of Theatre ([www.teaterskolen.dk](http://www.teaterskolen.dk))
- Skuespillerskolen, Aarhus ([www.aarhusteater.dk](http://www.aarhusteater.dk))
- Skuespillerskolen, Odense ([www.odenseteater.dk/skolen](http://www.odenseteater.dk/skolen))

#### Visual Arts:

- The National Film School of Denmark ([www.filmskolen.dk](http://www.filmskolen.dk))
- The Art Academy of Funen ([www.detfynskekunstakademi.dk](http://www.detfynskekunstakademi.dk))
- The Royal Danish Academy of Fine Arts, School of Visual Arts ([www.kunstakademiet.dk](http://www.kunstakademiet.dk))
- The Jutland Art Academy ([www.djk.nu](http://www.djk.nu))

#### Music:

- Carl Nielsen Academy of Music Odense ([www.dfm.dk](http://www.dfm.dk))
- The Royal Danish Academy of Music, Copenhagen ([www.dkdm.dk](http://www.dkdm.dk))
- The Royal Academy of Music, Aarhus ([www.musik-kons.dk](http://www.musik-kons.dk))
- The Academy of Music, Aalborg [www.nordkons.dk](http://www.nordkons.dk))
- Rhythmic Music Conservatory ([www.rmc.dk](http://www.rmc.dk))
- VMK – Academy of Music and Music Communication ([www.vmk.dk](http://www.vmk.dk))

#### Library Science:

- The Royal School of Library and Information Science ([www.db.dk](http://www.db.dk))

#### Conservation:

- School of Conservation ([www.kons.dk](http://www.kons.dk))

For further information about possibilities for creative studies in art and culture in Denmark, see: [http://www.kunstakademiet.dk/images/uploads/CreativeStudiesInArt\\_FCE26.pdf](http://www.kunstakademiet.dk/images/uploads/CreativeStudiesInArt_FCE26.pdf)



## ORGANIZATIONS

### **Governmental organizations working in the cultural sector;**

- The Ministry of Culture ([www.kum.dk](http://www.kum.dk))
- The Danish Arts Agency ([www.kunststyrelsen.dk](http://www.kunststyrelsen.dk))
- The Danish Arts Foundation (<http://www.kunst.dk/statens-kunstfond>)
- The Danish Arts Council (<http://www.kunst.dk/kunstraadet>)
- The Heritage Agency of Denmark ([www.kulturarv.dk](http://www.kulturarv.dk))
- The Danish Film Institute ([www.dfi.dk](http://www.dfi.dk))
- The Royal Academy of Fine Arts ([www.akademiraadet.dk](http://www.akademiraadet.dk))
- The Danish State Archives ([www.sa.dk](http://www.sa.dk))

## REGISTER OF ARTISTS AND CULTURAL PROFESSIONALS

The Royal Academy of Fine Arts has a register of around 1.300 artists – primarily architects, sculptors and painters, who are recognized as contributors to the work of the academy in promoting the arts.

See the list here: <http://www.akademiraadet.dk/kunstnersamfundet/medlem/index.php>

The Danish Artists Council (Dansk Kunstnerråd - [www.dansk-kunstnerraad.dk/](http://www.dansk-kunstnerraad.dk/)) is an umbrella organization for 23 professional artists' organizations with about 23.000 member artists all together.

**Source: Danish Ministry of Culture, October 2008**

[www.kum.dk](http://www.kum.dk)