FAOS

164

Strategic, but vulnerable: Industrial Relations and Creative Workers (IR-CREA)

National report Denmark

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April 2018

ISBN 978-87-93320-26-0

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1. Introduction

This report presents the Danish findings from the comparative research project 'Strategic, but vulnerable: Industrial Relations and Creative Workers' (IR-CREA). The project is funded by the European Commission's Directorate General for Employment, Social Affairs and Inclusion. The project (agreement No. VS/2016/0100) ran for two years (April 2016 – March 2018). Apart from FAOS, the project participants include Amsterdam Institute for Advanced Labour Market Studies (AIAS) at University of Amsterdam, the Netherlands and the Department of Political Science in University of Florence, Italy. The latter team has been the coordinators of the project.

The creative industry is an industry in which industrial relations (IR) have only been analysed sporadically, despite the fact that the creative industry has attracted increased political attention in recent years. The European Commission as well as many member states - including Denmark - consider the creative industry as strategic because of its previous growth and future growth potential, both in terms of economic turn-over and employment. The creative industry is also interesting to study because it is characterized by an above average share of several types of atypical employment, as well as solo self-employees (i.e. self-employed without employees, also known as freelancers). These atypical types of employment are increasing in several countries and across sectors. Hence, studying creative work equals studying employment types that are becoming more widespread on European Labour markets. However, although atypical employment and vulnerability seem widespread in the creative industry, large parts of the creative workers are well educated and are therefore to some extent resourceful.

The comparatively high incidence of atypical workers represents - together with the high share of small and micro-firms in the creative industry - entail challenge for employers' organizations and trade unions when it comes to organizing creative firms and workers as well as covering them by traditional forms of social dialogue, such as collective agreements. This is largely due to small firms and atypical employees that are known to be difficult to organize. Therefore, social partners may search for novel forms of industrial relations in order to gain foothold within the creative industry.

1.1 Main aim and research questions

Following from this, the main aim of the IR-CREA project is to analyse traditional and innovative forms of industrial relations among creative workers and their representatives. In particular, the project addresses the following questions:

- What are the strategies of social partners at national and territorial level to overcome the challenges related to high uncertainty in the creative industry?
- What is the role of collective bargaining (both national and sub-national levels) and social dialogue in regulating creative industries?
- Do special institutions, such as bilateral bodies between unions and employers associations, provide collective goods and services for these workers?
- What strategies do trade unions and employers' representatives adopt, in order to include creative workers in traditional representation schemes? What do they do at national level and what at local level?
- How can social partners increase the inclusion of creative workers in industrial relation processes?
- To what extent are creative workers experimenting with novel ways of representing their interests?

1.2 Methods, cases and structure of the report

The Danish analyses - as well as the overall comparative project - have applied a mix of methods. The Italian project coordinators have provided a literature review as well as a European statistical overview, which we refer to in this research report. In the report, we also draw on other academic publications (section 2.1 especially) in addition to the texts presented in the overall literature review of the project. Descriptive statistics are used both in the national overview of the creative sector in Denmark (chapter 2) as well as in the case studies of the two sub-sectors which include graphical design and the game development industry (chapter 3 and 4). However, the main method has been semi-structured interviews. These has been conducted with the social partners (sector- and occupation-based trade unions, employer's organisations and trade associations) for the national overview (chapter 2). For the two sector-specific chapters (chapter 3 and 4), semi-structured interviews were conducted with (regional) policy organisations, a freelance bureau, and representatives from management, employees and solo self-employed in a number of selected companies. Where nothing else are stated, the source of the information for the chapter below is the interviews. In total 21 interviews were conducted. A list of the interviews is found in Annex A.

The choice of the graphical design industry and the game developing industry, was taken jointly by the national project teams, and was justified by the dissimilarities of the two sub-sectors. The sub-sectors represent, to a large extent, 'maximum variation cases' in that the graphical design industry originates - at least in part - from the strongly trade union organized traditional printing industry. Whereas the game industry is a relatively new sub-sector within the creative industry without strong traditions for collective bargaining and other IR institutions.

The report consists of five chapters. The introduction is followed by the national overview in chapter 2. Chapter 3 includes the case analysis of the graphical design industry and in chapter 4 we present the case study of the game development industry. The discussion of the findings and the conclusions drawn are presented in chapter 5.

For further information about the project including the overall literature review for the project, the comparative report and other project material, please visit webpage http://www.ties-unifi.eu/ircrea/about/.

2. National overview[1]

This chapter includes a national perspective on the creative industries in Denmark and consists of seven sections. The first part defines the industry and the second part includes the key features of the creative industry in Denmark in statistical terms. Third section consists of a brief literature review, including both a review of the international research findings as well as Danish studies on creative work. The fourth section takes a closer look at the different occupations the employment types dominating the Danish creative industry. The fifth section presents the most important social partner organisations within the creative industry along their approaches towards creative workers and companies as well as the services offered to their members. The sixth section focuses on the unemployment benefit system. Finally, in last section public initiatives to promote the sector are described.

2.1 Defining the creative industry in Denmark

In the academic as well as non-academic literature, there are almost as many definitions of the creative industry as there are studies. Indeed, it is a highly ambiguous concept and there exists no consensus as to which criteria the definition should include or what the term ‘creativity’ in relation to work means (Bille 2011). Moreover, definitions in the literature often reflect which subsectors that have dominated authors’ country of origin (Gherardini 2016).

Richard Florida - who with his term ‘the creative class’ made the phenomenon known outside specialized circles - divided the total workforce into four classes of whom the creative class furthermore was divided into groups of a ‘super-creative core’ and ‘creative professionals’. The super-creative core includes a wide range of occupations such as scientist, engineers, university professors, poets, novelist and artists, entertainers, actors, designers and architects and a range of opinion-makers. The super-creative core produces new forms or designs that are readily transferable and widely useful, being that a piece of music, a computer program, an applicable academic theory or a movie. The category of ‘creative professionals’ is a range of knowledge-intensive industries, who engage in creative problem solving, drawing on complex bodies of knowledge in high-tech, financial services, legal services and health services, including occupations such as medical doctors, lawyers and business managers (Florida 2002a). Florida (2002b) finds that 40 % of the US population are part of the creative class, to which he in some studies also include a third and smaller group of ‘bohemians’, including artists, designers, journalists, and employees in the entertainment and media industries.

Florida’s ‘creative class’ has been found too inclusive (and ill defined) by many. In the Oxford Handbook of the Creative Industries (Jones et al. 2015),

[1] To repeat chapter 1: Where nothing else is stated, this part is primary based on 11 interviews conducted among the social partners within the creative industry. Annex A provides an overview of the interviews.

the authors present what they find as the six most common definitions of the creative industries. There seems to be a consensus or nearly a consensus as to which subsectors to include and these are: 1) Printing and publishing, 2) Performing arts, 3) Visual arts, 4) Photography, 5) Motion picture, film and video, 6) Radio and television, 7) Advertisement and 8) Design and architecture. Contrary, there is no consensus whether to include fine arts, cultural heritage and information technology among the creative industries.

Jones et al. (2015) have suggested that creativity can be seen as a process of generating 'something new by combining elements that already 'exist'. The creative industry is centred around two key dimensions of creative products, semiotic codes and material base. Jones et al. argue to include fine arts when defining the creative industry.

Following a study of the European Statistical System Network on Culture (ESSnet-Culture 2012), the IR-CREA project - which the present national report is part of - has located a number of sub-sectors defined by NACE-codes as the 'creative industry' (in the vocabulary of the ESSnet Culture 'cultural industries'[2]). However, the approach includes not only an estimation of the relevant sub-sectors (NACE-codes) to be sampled, but also consider the relevant occupations (ISCO-codes).

Following this line of thought, creative workers can be divided into three groups:

- The workers performing a cultural or creative occupation inside the cultural or creative sector (e.g. a ballet dancer in a ballet company or a newspaper-journalist).
- The group of workers having a creative occupation outside of the cultural sector (e.g. a designer in the automobile industry). This second group is complicated to locate and very broad and will therefore only to a limited extent be addressed in this report.
- Workers that perform a non-creative occupation inside the creative industries. These workers can distort the overview of the industry and they will - in the present report - only be included in the statistical overview, not in the qualitative part of the national overview or in the case studies.

The sub-sectors in the ESSnet-Culture study are graduated according to if they are 'fully' or only 'partly' part of the creative sector. By fully and partly we mean if the whole NACE-code is categorized to the creative industry, partly if it

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[2] There has been a significant debate about the general shift from in the use of the labels 'cultural industry' versus 'creative industry' (Jones et al. 2015). However, the ESSnet Culture use of the term include and span both the 'cultural' as well as 'creative', and they use the term cultural and creative industries (CCI).

only is part of it that belong to the creative industry - see Annex C (European Statistical System Network on culture 2012). (ESSnet-Culture 2012).

By using the ESSnet-definition (based on NACE-codes), it is possible to define and demarcate the creative industry in Denmark. However, it is important to be aware that this approach - as described above - excludes creative workers in non-creative sectors and includes non-creative workers in the creative sector. It does therefore, not provide an accurate, but more an estimated picture of the volume of creative work in Denmark. Moreover, since some creative occupations are ’unprotected job titles’ (e.g. architects), whereby workers can use such job titles although they have not completed the formal education for such occupations.

The fact that far from all creative workers (as explained above) work in creative industries as well as not all employees in the creative industries classify as creative workers has been addressed in a Danish context by Bille (2008; 2011). In her statistical analyses of creative work in Denmark, she differentiates between creative industries, creative job functions and creative education. Referring to UNCTED (2008) - which includes one of the six demarcations/definitions reported by Jones et al. (2015) and mentioned above - Bille defines creative work as work of ‘artistic creativity’. When operationalizing her definition, she ends up with eight broad creative job-functions. In the creative industries, 16 % of the employees perform these job-functions. Of those employing a creative job-function in the whole Danish economy, 51 % work in the creative industry (Bille 2011).

2.2 The size of the creative industry and its subsectors

This section describes the size and structure of the creative industry in Denmark and furthermore gives insights into the appertaining employment relations.

Table 2.1 shows the number of workers employed in the sub-sectors of the creative industry in Denmark. Due to lack of data on self-employees, it only includes employees and thus excludes an assumedly high number of solo self-employed in the creative industries.

Table 2.1: Number of employees in the creative industry

		2009	2011	2014
47.61	Retail sale of books in specialized stores	4.769	3.878	3.153
47.62	Retail sale of newspapers and stationery in specialized stores	168	215	150
47.63	Retail sale of music and video recordings in specialized stores	875	541	263
58.11	Book publishing	3.184	3.050	2.854
58.13	Publishing of newspapers	15.993	12.658	12.435
58.14	Publishing of journals and periodicals	9.257	7.836	6.745
58.21	Publishing of computer games	536	496	377
59.11	Motion picture, video and television programme production	5.323	5.684	6.771
59.12	Motion picture, video and tele. programme post-production activ.	512	452	435
59.13	Motion picture, video and television programme distribution	561	869	541
59.14	Motion picture projection activities	3.460	3.312	3.068
59.20	Sound recording and music publishing activities	662	670	694
60.10	Radio broadcasting	943	934	901
60.20	Television programming and broadcasting activities	8.025	7.719	8.276
63.91	News agency activities	468	452	421
71.11	Architectural activities	9.628	7.918	8.243
73.11	Advertising agencies	46.859	24.689	15.392
74.10	Specialised design activities	3.502	3.656	4.082
74.20	Photographic activities	1.742	1.586	1.507
74.30	Translation and interpretation activities	2.754	3.143	3.805
77.22	Renting of video tapes and disks	2.130	1.360	515
85.52	Cultural education	4.624	5.177	4.991
90.01	Performing arts	7.305	8.327	7.918
90.02	Support activities to performing arts	1.547	943	842
90.03	Artistic creation	419	490	692
90.04	Operation of arts facilities	3.242	3.484	3.399
91.01	Library and archives activities	10.548	10.076	9.366
91.02	Museums activities	8.366	8.384	9.044
91.03	Operation of historical sites and buildings and similar…….	163	176	172
Total		*157.565*	*130.466*	*118.918*
Share of total number of employed		*5,54%*	*4,83%*	*4,37%*

Source: Statistics Denmark.

The table shows also the share of the total number of employees who are employed in the different creative sub-sectors in Denmark, as demarcated in the present project. In 2014, the sector included 118.000 employees corresponding to 4,4 % of the total number of employees in all sectors. It is noteworthy that Denmark has experienced a decrease in the number of employed in the creative industries from 2008, while the creative sector has expanded in most other European countries when measured in terms of number of employees (Jørgensen and Paz Campos Lima 2011; KEA 2006; Gherardini 2016). The declining number of jobs within the Danish creative industry can possibly be explained by variations in definitions and the effects of recent developments in a single subsector, i.e. advertising agencies.

The largest sub-sectors of the Danish creative industry are *Publishing of newspapers* and *Advertising agencies* (table 2.1). The advertising agencies experienced a tremendous decrease in the number of employees from 2008 to 2014 and is an important reason as to why the number of employees have declined within the Danish creative industry. According to social partners interviewed, this development was a result of weakened price-competitiveness of the Danish advertisement agencies due to the growing completion from low-cost agencies from e.g. Eastern European countries' lower prices.

Design has traditionally been a stronghold in the creative economy the label Danish Design a quality indicator. Hence, some of the strongholds of the Danish creative industry are *architectural firms, industrial design* and *fashion design*, although this is only partly spills over to high number of employees, as table 2.1 illustrates.

We have got access to two additional figures, tailor-made from Statistics Denmark, to describe the situation of the workers in the creative industries' subsectors further. Figure 2.1 illustrates that part-time work, especially contracts of few hours, are widespread within the creative industry.

Figure 2.1: Working hours in the creative industry

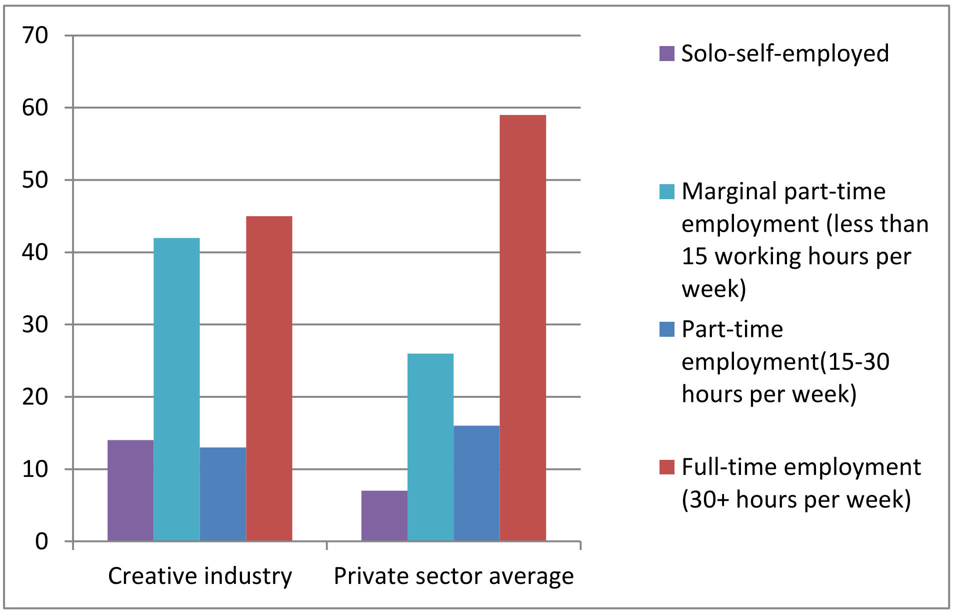

Figure 2.1 indicates that 42 % of the creative workers work less than 15 hours per week, which is comparatively higher than the average for the private labour market. Also solo self-employment is widespread within the creative sector and is nearly twice as high (14 %) than the general average for the Danish private sector (7 %). Furthermore, many creative workers – 49 % - hold multiple jobs and often experience longer and shorter spells of unemployment according to recent figures by Statistics Denmark (2014).

Whereas the working time arrangements confirm expectations, it is more surprising that 75 % (ranging from 92 % to 49 % between NACE-codes, two-digit) of the employees in the Danish creative industry have their primary occupation in one of the creative subsectors examined (Statistics Denmark 2014). This indicates that for most employees in the creative industry is not just a side-business to a more economic lucrative job.

2.3 Literature review: Main characteristics of creative work

Research on creative work is relatively widespread internationally, whereas there only exist a few Danish studies[3].

The international literature

The IR CREA-literature review (Gherardini 2016) highlights a number of characteristics for the creative workers. These characteristics are summarized below and include among others:

1) Low and declining share of 'standard' (full-time, open-ended contracts), and a *high and increasing share of atypical employees* (part-time, temporary, on-call, zero-hour contracts) and solo self-employed (incl. sub-contractors, free-lancers and others) (Pedersini and Coletto 2009). The reduced public budgets for established cultural organisations have contributed to this (Thomsen et al. 2016). However, also in other parts of the creative industry, such as software development have seen a decline in 'standard' employment contracts (Bergvall-Kåreborn and Howcroft 2013).

2) Related to these points, employment contracts and other contracts are highly influenced by the organization of work around *time-limited projects*.

3) Many creative workers suffer *earning penalties* (measures as the investment in education and training compared to their income) (Aper and Wasell 2006).

4) *The importance of portfolio and contacts*. The portfolio you bring and the network you have more often than the educational background influence creative workers' job opportunities (Menger 2015; Handy 1989).

5) *Multiple job activities* (Creative workers often hold more than one job and tend to combine work within the creative industries with jobs in other parts of the labour market, as a strategy to secure their income (Thorsby 2012). These jobs are sometimes labelled 'humdrum jobs' and do often not exploit the talent and skills of the creative workers (Caves 2000).

6) *Long working hours and low, if not no pay* (Siebert and Wilson 2013), typically in the hope 'of making it' (Flew 2005). Moreover, creative workers in the art-related part of the creative industry tend to include a calculation of 'psychic income' as a form of non-monetary income that meets psychological and

[3] The health and safety problems especially in the art-related part of the creative has been illuminated with the launch of the 2017-18 MeToo campaign, but has not yet been analysed within the research literature.

emotional needs (Throsby 2004). Of course, variations exist here, as also indicated in point 7.

7) *Great variation in job quality*. This is a characteristic, that the creative industry shares with several other industries, but it is nevertheless important to mention since it is often overlooked in studies of the creative industry. The variation in job quality may be linked to several factors: a) Geographical location in the production-chain. The high quality jobs are often found, where the high value-added production takes place. The production of video games, e.g., is embedded in the global production networks, where the leading regions such as Japan and the USA retain most of the product-value and distribute most of the production risk and costs to suppliers (Teipen 2008). b) Individual value-added: Regarding artists, a distinction can be made between 'star jobs' (supposed to provide high value added) to the less value-added production 'guardian jobs' and the 'foot-soldier jobs', the least value-producing jobs (Menger 2015). c) Segments between companies: A study in the UK found quite different conditions in three segments of the creative industry. The first were large firms formally operating outside the creative industry with their in-house design, architectural or media facilities. These companies could e.g. be placed in the public sector, and the employment conditions of these jobs reflected those of the sector more than those of the creative occupations. The second segment consisted of large employers within the creative industries such as the television companies with sizable permanent staff, but with higher numbers of freelancers and greater use of subcontractors. The third segment was the SMEs in the creative industries, where permanent staff is supplemented by an even more extensive use of freelancers and subcontractors to meet variations in workflows (Warhurst and Thomsen 2006). d) Segments within companies: Studies of the art-related part of the creative industries have pointed to a widespread existence of 'motley crew', which is mixed crews with many more routine than creative positions (Caves 2000).

8) Finally, and with particular relevance for the present project, the creative industry is dominated by *low union density and weak collective bargaining institutions*, which partly is due to atypical work being widespread. However, cross-national and inter-sectoral variations exist. For example, Denmark is often characterized by relatively strong trade unions and with regards to occupations the union density is particularly high among journalists and artists, where the latter often have joined two or more unions (Eurofound 2013a 2013b; EuroFifa et al. 2016; Jørgensen and de Paz Lima, 2011).

The Danish literature

Creative work and creative workers in Denmark have only been studied to a limited extent. Nevertheless, it is possible to identify a number of general characteristics of Danish creative workers that adds to the aforementioned characteristics within the international literature.

Danish creative workers share several of the characteristics listed in the IR-CREA literature review. In this section, the focus will be on eight characteristics across subsectors, as they have been described in previous studies, whereas 2.5 will focus on sub-sectors and include interview-findings.

Regarding the *skill-level*, the creative industry is characterized by an overrepresentation of skilled workers/high qualified workers, who to a large extent rely on portfolios and job experiences as well as networks in order to get contracts for work (Bille 2011; Campos Lima and Jørgensen 2011).

With regard to employment types, although variation exists between the sub-sectors within the Danish creative industry, the industry is in general characterized by an overrepresentation of *atypical employment*, especially fixed-term contracts, marginal part-time work (below 15 hours/week) and solo self-employed without employees (who in some cases are labelled ‘freelancers’, ‘consultants’ or ‘free agents’). In parts of the creative industry, this reflect a work-organization centred on projects rather than a continued production line. Moreover, in some of the more art-related’ parts of the creative industry, unpaid work and unpaid internships are also widespread (Holm 2014; Siebert and Wilson 2013).

The high presence of atypical employees within the creative industry is often associated with greater risks of vulnerabilities compared to the average Danish employee, mainly because atypical workers often face problems with accruing rights to the various social benefits such as unemployment benefits, occupational pension schemes, private health care insurance schemes (Mailand and Larsen 2011). Moreover, in some instances, atypical employees may experience difficulties in securing a sufficient number of working hours/number of month of employment/number of service contracts to uphold a living wage (e.g. Ilsøe et al. 2017; Larsen and Mailand 2014; 2018) and/or to qualify for obtaining mortgages. The challenges regarding atypical employees eligibility for unemployment benefit is an ongoing issue in Danish employment policy and for Danish policy makers (Mailand and Larsen 2018; see section 2.4).

Another main characteristic of creative workers is that many hold *multiple jobs and experience high job mobility*. Workers within the Danish creative industries such as actors, musicians and performers often find it difficult to secure a regular and stabile income from one source and they often work for several employers within the same year. A study by Campos Lima and Jørgensen (2011) on the wage and working conditions of Danish artists indicates that five out of seven sub-sectors 24 – 31 % of the employees had a second job (Paz Lima and Jørgensen 2011). However, these figures excludes solo self-employed and if the latter were included, the figures would properly be even higher. Indeed, it is common within the creative industry to combine self-employment with waged labour from regular employment (with an employer), which also is confirmed by the empirical findings within chapter 3 and 4.

Multi-jobbing does not prevent *periods of unemployment* during the year for many creative workers. Figures from 2003 showed an overall employment rate of 75 % for four art-related occupations, whereas it was 85 % for all occupations on average (Bille 2008).

This overview of sector-wide characteristics excludes wages, apart from one dimension: *unpaid work*. In the more art-related part of the industry, unemployment is comparatively high and there is a substantial oversupply of labour. This - together with a low coverage rate of collective agreements, lack of a statutory minimum wage, the legitimacy of unpaid work in these parts of the creative industry along with the willingness among creative workers to work unpaid – only fuel the existence of unpaid work although the extent of unpaid work is unknown (Holm 2014).

Trade union membership is illustrated in table 2.2[4], which shows that the union density in all sub-sectors within the creative industry, but two (‘radio broadcasting’ and ‘architectural and engineering activities’), is lower than the overall average Danish trade union density 68 % (DA 2014; Ibsen et al. 2015). However, table 2.2. also point to rising union densities in most subsectors of the creative industry and is nowhere below 1/3 of all employees. In other words, Danish trade unions seem to have a foothold everywhere in the creative industries, although not a strong one in all parts of the industry. However, the widespread use of solo self-employed – which are not included in the table - could lead to arguments that the de facto union density is somewhat lower.

[4] This table is constructed for the present project and could therefore be said to be beyond the literature review.

Table 2.2: Trade union organizational densities in the Danish creative industry in percent

Nace	Subsector	2008	2010	2012
47.6	Retail sale of cultural and recreation goods in specialized stores	32	35	40
58.1	Publishing of books, periodicals and other publishing activities	49	49	54
58.2	Software publishing	42	48	50
59.1	Motion picture, video and television programme activities	39	39	42
59.2	Sound recording and music publishing activities	n.a.	n.a.	n.a.
60.1	Radio broadcasting	67	72	74
60.2	Television programming and broadcasting activities	n.a.	n.a.	n.a.
63.9	Other information service activities	51	53	55
71.1	Architectural and engineering activities and related technical consult.	67	67	70
73.1	Advertising	19	25	36
74.1	Specialized design activities (graphical design and fashion design)	47	47	46
74.2	Photographic activities	n.a.	n.a.	n.a.
74.3	Translation and interpretation activities	n.a.	n.a.	n.a.
77.2	Renting and leasing of personal and household goods	44	46	49
85.5	Other education	n.a.	n.a.	n.a.
90.0	Creative, arts and entertainments activities	61	60	59
91.0	Libraries, archives, museums and other cultural activities	64	64	67

Source: Statistics Denmark. The NACE-codes here are similar, but not identical, to the definitions of in the IR-CREA project.

In other parts of the creative industry, collective agreements are much rarer. There are only few collective agreements in the more art-related parts of the creative industries, mostly covering the large public own entities such as Danish Radio, the National Theatre, military orchestras and classical symphony orchestras (De Paz Lima and Jørgensen 2011). The collective agreements will be described in greater details in section 2.6.

2.4 Occupations and types of employment

Below, we will shortly describe some of the largest occupations within the Danish creative industry, the sub-sectors they are typically found in and the dominant employment type related to each occupation. As mentioned above, some of the occupations are found within the creative industry, others beyond it. Moreover, a large part of the creative industry is characterized by a high presence of highly skilled workers that relies on portfolios and job experiences. Where nothing else is stated, the source of the information is our sector- level interviews (see Annex A).

One of the more traditional occupations is *graphic design*. The ‘modern’ graphic design industry has developed from the traditional printing industry into a more digitalized and IT-supported industry, with numerous of company closures as a result. Graphical designers are found both in this industry, but also in advertising agencies, digital bureaus (producing digital solutions and components for e.g. websites and electronic magazines) and communication consultancies. Moreover, an increased number of workers are working in either communication departments of large private or public companies (resulting from a tendency to in-source communication tasks) or as solo self-employed with or without employees. Graphical designers are in most cases highly skilled with academic degrees, but the number of self-taught is increasing, especially among the solo self-employed. The occupation of graphical design is characterized by a high share of solo self-employed (46 %). Around 40 % of all companies within communication, design and advertising are using freelancers to perform specialized tasks according to projects (see chapter 3 for more information about graphical designers).

Regarding IR in the sector, approximately 1/3 of the graphical industry is estimated to be covered by collective agreements according to the interviewees. The wage-level varies for the graphical designers, but the wage level in Denmark is comparatively high even if it has been weakened by intense price-competitiveness from East-European and South American countries.

Journalists are mainly working in the sub-sectors of media services and communication. Journalists have faced similar developments as graphic designers, which include among others several rounds of job cuts and company closures as a result of great sensitivity to market fluctuations. This has led to a shift in the employment relationship where contracts of few hours and freelancer job have become more widespread and few hold full-time open-ended contracts. For years, the Danish providers of media services have experienced declining service demands, which have changed the structural and economic situation within the sectors and led to greater incentives to use freelancers. In some cases, journalists, photographers and lay-outers have been made redundant for then subsequently be rehired as freelancers. The reorganization of contractual employment relations has released employers from several of the obligations outlined in Danish labour law and collective agreements and thus secured them higher flexibility and in some instances lowered their labour costs.

The occupation of journalist is not a protected job title in Denmark. Around 7 out of 10 journalists have an educational background within journalism, but especially the expansion of political journalism, communication and consultancy are staffed with workers with educational backgrounds in political or other social sciences. The work environment especially within the printing press and the online media is highly competitive and dominated by heavy workload. A very few number of freelance journalists work in so-called ‘cooperatives’ which includes pooling of financial resources and a group-based work-organisation of work.

Regarding IR, wages and working conditions are to some extent (especially in larger workplaces) regulated by collective agreements and journalist are often union members.

The Danish *architects* are highly skilled from international recognized schools of architecture. Wage and working conditions are mostly regulated by collective agreements for the architects working in architectural firms/drawing offices in the private sector as well as for those working in the public sector. Architects are mostly employed on open-ended contracts, but job-changes and other business related side-activities are also common, which include among others self-employment. The sub-sector of architecture is characterized by high wage-levels and advantageous opportunities for further training – rights that are outlined in the collective agreement. The sectoral collective agreement covering architects includes a set of minimum wages which form the wage floor for company based negotiations.

Project-based contracts with the architects' architectural firms form the backbone of the sub-sector. The employed architects are often in via their side-line business as solo self-employed participating in architectural competitions, hereby bringing additional funding into the architectural companies. It is, however, difficult to determine the volume of these business related side-activities. Moreover, unpaid work is common within the sector.

Fashion design is one of the Danish strongholds in the creative industry. The fashion designers are both highly skilled from the Danish Design schools and self-taught. They are rarely union members and many hold fixed-term contracts or are solo self-employed. The employment contracts are sometimes without specification of working hours (zero-hours contracts). Moreover, unpaid internships and voluntary work are often required to enter the industry. The unemployment rate for fashion designers is comparatively high in a Danish context and stands at approximately 25 %.

(Software) game developers often hold academic degrees, although self-taught game developers are also seen, but less so than just a few years back. The developers are employed within the gaming industry or in start-ups outside the creative industry. The sub-sector is difficult to demarcate and the extent to which subcontractors are used depend on how the sector is defined: with a broad definition of the sector, the share of solo self-employees stands at 51 %, whereas a more narrow definition brings it down to 14 %. The gaming industry has hardly any collective agreements. The Danish sub-sector of game development includes few jobs (377) according to the narrow definition of employed in the sector and 2658 according to a broader definition). However, annual turnover within the gaming industry is comparatively high for its size and stands at around 140 million € (see table 3.1. for references and chapter 3 for further information).

Actors, musicians and *performers* show great variety when it comes to their employment types, wages and working conditions. Self-taught as well as formally educated persons are found within this group. They all work in the cultural part of the creative industry. Several collective agreements cover this group of workers. Multi-jobbing, combination of employment and self-employment and precariousness characterises these occupations.

Regarding IR, the sub-sector of performing art has a union density above 90 %. Moreover, the number of freelancers is high and the collective agreement coverage is very low. No more than 15 – 20 % of the workers within performing art are in permanent or fixed-term employment and thus covered by collective agreements (Eurofound 2013b). Short fixed-term contracts are also common throughout the sector. Many musicians teach at local music schools as a secondary job besides their performing careers. Income often vary with the seasons, and depends on the number of gigs, acting roles, teaching load etc.

2.5 The social partner organizations and their agreements

Collective agreements signed by the social partners are the main instrument for regulating wage and working conditions on the Danish labour market. A comparatively high union density (68 %) and high collective agreement coverage (84 %) (DA 2014; Ibsen et al. 2015) make the foundation for regulating working conditions for employees in both public and private sector. The social partners are also involved in the policy formulation processes and will also try to lobby decision-makers at a political level. Legislation plays a comparatively limited role in determination of wages and working conditions, but dominates regulation of e.g. vacation, health and safety and active labour market policies (e.g. Due et al. 1994). It is, nevertheless, important to pay attention to the Salaried Employees Act (2009). The Act regulates employment and working conditions (including terms of notice, redundancy payment, absence due to sickness, child-related leave, etc.) for most non-manual employees and such conditions include terms of notice, redundancy pay, sick pay, paid child related leave. However, the Act does not regulate wages and only covers employees with more than eight weekly working hours within one month.

As already indicated, collective agreements and social dialogue are less widespread in the creative industry. The high number of atypical employees in the creative industries leads to partly different priorities and demand for services from union members as well as members of the employers' associations, than the priorities and demands seen in organisations with mainly full-time employees on open-ended contracts.

Annex B shows the list of social partner organisations within the creative industry in Denmark. Noteworthy, is the high number of trade unions within the industry, which is significantly higher compared to other Danish industries (Eurofound 2013a; 2013b). This fragmented structure may lead to a weaker bargaining position for unions when it comes to wage setting and collective bargaining of working conditions. As indicated earlier, the creative industry is to some extent sensitive to market fluctuations, but the recent economic crisis has had no impact on the structure of industrial relations according to a recent study by Eurofound (2013a; Campos Lima and Jørgensen 2011).

In an industry with many part-time workers, a high number of so-called double memberships of trade unions is present in some of the sub-sectors. This is to a large extent the case for artists working in performance for instance as actors in one job and directors in another job during a year (Eurofound 2013b; Paz Lima and Jørgensen 2011).

Below most of the largest– and a couple of the smaller – union and employer associations covering the creative industry will be presented. Where nothing else is stated the source of the information arise from the sector-level interviews (see Annex A).

Trade unions

With approximate 17.000 members, *The Danish Union of Journalists* is the largest union for workers within media, journalism and communication. The union density is above 90 % for journalists. The largest competing organization with a strong position in the field of communication is The Union of Communication and Language Professionals, which currently has around 10.000 members. The Danish Union of Journalists has throughout the years negotiated collective agreements with The Danish Newspapers' and Media Employers' Association. Most important, according to the trade union representatives, is the multi-union agreement covering, inter alia, permanently employed journalists, photographers and newspaper cartoonists. This agreement regulates wages, working hours and could be seen as a typical Danish sector-level agreement.

However, within this sub-sector a high number of freelancers face the challenges of precariousness and grey zone issues of being solo self-employed and/or employees. Both unions provide special counselling services in the area of freelancing besides the more traditional union services such as consultation and advice issues related to wages and working conditions.

The Danish Union of Journalists is also part of several collective agreements covering freelancers working for some of the largest providers of media services. Among these, are 25 agreements labelled 'collective agreements for freelancers' and 'media agreements'. They include standards for general minimum-pay, special rates for night work, holiday allowances, and minimum prices for various graphical products. The agreements vary in their content, and a few are only price-lists, but all of them include far fewer dimensions of pay and working conditions than do 'real' collective agreements (Mailand and Larsen 2018; journalistforbundet.dk)

The *Union of Commercial and Clerical Employees in Denmark Industrial* (HK/Private) is part of one of the largest Danish union for salaried employees (HK). HK has 275.000 members mostly working in retail and administration. HK is divided into four sections and of greatest importance to the creative industry is the sector of private workers, HK/Private, with 110.000 members. They have a strong position within the graphical industry. They also have members in other parts of the creative industries, such as the game industry, advertisement and translators and in information and communication technologies, but here their position is weaker. Due to their size and diverse memberships, HK/Private has many competing organisations, which in the creative industries include PROSA, a trade union for IT professionals, as well as The Danish Association of Professional Technicians (TL) and DJ. Regarding organizational efforts, HK/Private find that some parts of the creative industry, such as the computer software game development, employ too few persons to be worth a targeted effort (see also chapter on gaming industry).

HK/Private also has freelancers as members and address their situation in various ways. The freelancers demand, to a greater extent than other members, specialized courses and training as a way of improving skills and networks. They also demand start-up consultancy and assistance to interpretation of rules and regulation. The services offered by HK/Private to the freelancers also include advice on unemployment and other social benefits, tools for business development, pension schemes, insurance and career counselling.

In the creative industry, HK/Private has signed three collective agreements for salaried workers. These are negotiated with The Danish Newspapers' and Media Employers' Association (DMA), The Danish Association for Communication, Design and Media (Grakom). SAMDATA, a union of IT professionals, is now a part of HK. SAMDATA offers several activities and courses concerning specialized high level technical courses and provide consultancy within legal issues, contracts and career mentoring. Within the sub-sector of the gaming industry SAMDATA is one of the most well-known unions – but has almost none members occupied within game development. SAMDATA emphasizes – like their 'umbrella' organisation HK/Private – that the game development industry is too small to deserve a targeted recruitment effort.

The *Union of Architects and Designers* (FAOD) organizes approximately 80 % of Danish architects and has around 5.500 members. FAOD's members include among others designers from Danish design schools, but the union density of this group is unknown. The architectural sub-sector is, as described above, well covered by collective agreements. Roughly speaking 2/3 of the architectural sub-sector is covered by collective agreement, which is comparatively high in an academic labour market. The recruitment efforts of FAOD include among others visits to vocational schools in the relevant subsectors, and the target is newcomers to the schools and newly graduated. Most important is the agreement negotiated between FAOD and the Academic Agronomists (JA) on the employee side and The Danish Association of Architectural Firms[5]. This collective agreement regulates among others minimum wage, working conditions, pensions and a fund of supplementary training. In addition to this sectoral agreement, local company based negotiations are widespread. Competing organizations within design includes The Danish Association of Professional Technicians (TL) and The Danish Association of Building Experts, Managers and Surveyors. The architects demand courses and guidance concerning regula-

[5] The latter organization recently joined the Employer Association Danish Industries and thus future collective agreements will be negotiated between FAOD and DI.

tion and rules of solo self-employed work. The issues in that manner are to balance an existence as employed with secondary occupational activities.

The Danish Association of Professional Technicians (TL) is a trade union for technicians and designers. They have around 30.000 members divided on a diverse composition of workers. The organization consists of three pillars of whom 'Design' is of most importance for creative work. Within the creative industry, TL organizes different types of designers incl. fashion designers. A common trademark for these members is their ability to transform ideas into functional and specific solutions. Similar to other unions within the creative industry, TL provides services concerning consultancy on wage and working conditions in general. A special service provided by TL is the 'freelance-bureau' called 'Technique and Design'.

The largest of TL's collective agreement is the agreement for fashion designers and the multi-union agreement for architects. The agreement for fashion designers is negotiated with the employers association, Danish Fashion and Textile. Within the sub-sector of fashion design TL points out various challenges related to starting a social dialogue with the employers and points to the potential for a stronger collaboration regarding the regulation wage and working conditions through collective bargaining.

Danish Artist Union (DAF) and *Danish Music Association* (DMF) are two smaller trade unions in the more art-related part of the creative industry. DMF has around 7.000 members and organises both classical musicians in orchestras and jazz, rock and pop musicians. DAF has around 1.500 members and organises also musicians – especially solo-performers – and performers such as stand-uppers, children performers, circus-artists, actors, etc. Both organisations consider themselves as trade unions as well as cultural political interest organisations. The two trade unions sign collective agreements with individual organisations and companies – such as Danish Radio – rather than employer' organisations. However, the number of such single-employer agreement are very low, and organisations such as Danish Radio's and the Royal Theatre are under budgetary pressure and tend to replace employees with free-lancers. In addition to 'real' collective agreements the organisations strike so-called 'house-agreements' with individual employers. These are 'lighter' agreements, including regulation of some pay and/or working condition issues, which the trade unions state are legally binding. Although the unions have never brought cases regarding the house agreements before the labour court, the Danish Radio was sentenced by the Danish labour court for purposely avoiding to recruit organised artists.

Employers' associations

The *Danish Newspapers' and Media Employers' Association (DMA)* is part of Confederation of Danish Employers (DA) and take part in collective bargaining within media services and graphical design. They organize Danish media employers such as newspapers and advertising sale companies. In 2013, several organizations were merged into the present organisation. The members are predominantly large companies with a minimum of 100 employees. DMA provides services according to the collective agreements, issues relating to employment law and cases of copyright. DMA does not have any strategy and make no special efforts to recruit new members.

DMA has primary one rival in organizing employers in media services, The Danish Association for Communication, Design and Media (Grakom) which is a business and employers' association as well (see below). Regarding other kinds of social dialogue than collective bargaining, an educational foundation has been set up. This gives the opportunity of further education and training for Danish journalists. DMA estimates that the number of small companies within media services is declining due to intense competition.

Prize competition in the sub-sector is as mentioned above tough due to digitalization and other drivers and the employers' organizations and trade associations provide consultancy on these matters. The employers' associations report on adjustments of the graphic industry in South America - including learning Danish - which will make it possible for companies from these countries to enter the Danish market.

The *Danish Association for Communication, Design and Media* (Grakom) is as mentioned a business and employers' association. There exists - as for several other organisations - a possibility for differentiated membership, meaning that it is possible to be member of the business part of the organisation, but not the employer part. Hereby the companies can avoid being covered by the collective agreements.

Grakom has more than 400 member companies employing around 6.700 employees. The members are companies within different types of communication, graphic design and advertisement. Similar to DMA, the core services provided to the members are legal advice, business information and guidance concerning copyright, and, like DMA, Grakom is as well dealing with political issues and lobbying of the government in the legislation processes. Strategies to organize potential members are done by returning contact and dialogue with information of the service provided. Different types of conferences and professional meetings are also set up to arouse interest in a memberships and trade-specific analysis are made to enhance the interest and level of provided service for their members. Moreover, Grakom is frequently in touch with potential members to inform about the potential advantages of membership and they point to various publications that might be of interest to potential members. Grakom is part of three collective agreements within the graphic sub-sector of the creative industry negotiated with The Union of Commercial and Clerical Employees in Denmark – Private, United Federation of Danish Workers (3F).

Creativity and Communication is a business association of mostly advertising, communication and media agencies. They have 165 member-companies and have registered an intensive growth in their membership base in recent years. They organize ca. 85 % of advertisement agencies and almost 100 % of media bureaus. The organisation aims to increase membership with 5 % per year. Pamphlets and other material have been produced with the specific aim of recruiting new members. It emphasizes various social benefits, juridical counselling, further training etc. that members receive. The argument is that it pays off to be a member. The majority of services provided concern business law and industry analysis. Being a business association and not an employers' association, Creativity and Communication has no involvement in collective bargaining. A task of high priority is to mediate policy making and optimise trade terms for their members. The communication business has seen as a development towards closer relationships between customers and agency and use of platforms and piecework contracts with agencies. This has led to an increased use of freelancers, and change in the industrial structure towards smaller workplaces with an average of around 15 employees.

The Danish Association of Architectural Firms is a trade association of private architectural firms, which recently merged with The Confederation of Danish Industry (DI). Their main aim is to represent commercial interests of practising architects and to strengthen their position within the market. They have 650 members of whom 53 % are companies with one or more owners and no employees. 33 % of the members have up to nine employees which indicates an industry characterized by small firms or solo self-employed. To increase their membership base, Danish Architects operate with a list of potential members that they target individually. Their main targets are the larger architectural firms. The organization also finds that the fact that their director is a former Minister of Foreign Affairs has opened many doors.

The architectural sub-sector is to a large extent regulated by construction law, which makes it almost impossible to be a solo self-employed architect without legal consultancy and insurances from a business association. Therefore, the architectural sub-sector of the creative industry is exceptional. Noteworthy, is that the different sizes of firms that require similar services from the business association. As a new member of The Confederation of Danish Industry (DI), DI negotiates the future sectoral agreements on wage and working conditions on behalf of the Danish Association of Architectural Firms. An issue of interest for The Danish Association of Architectural Firms is that the architectural job title is not 'protected' for which reason the organization sets special criteria or conditions for membership such as educational background to ensure the level of quality of the industry. The architectural sub-sector is to a great extent characterized strong social dialogue concerning collective bargaining and education and the social partners show widely mutual respect for their diverging interests. The trade association and the union within architecture points out the importance in balancing regulation of creative work to give an optimum for improving architectural work in Denmark.

2.6 The unemployment benefit system

A recurring issue regarding the unemployment benefit system is the definition of the types of employment relation. This is, for reasons that will be described in the following, especially a problem in the creative industry. Indeed, the issue of the unemployment benefit system is one of the highest priority issues of several trade unions in the creative industry. However, the employers' and business organisations in the industry does not pay much attention to it, although they recognise it represents a problem for their counterpart.

The problem has several dimensions. Firstly, many creative workers are as mentioned switching between employment and self-employment, and it is often a challenge for them to balance and understand the roles and requirements that follows from this 'dual identity'. Secondly, the creative industry is as described characterized by a large and increasing number of atypical workers. Some of these workers face challenges with regard to accruing social rights, including the right for unemployment benefits. At the same time, they are more often dependent on the unemployment benefit system, because of their repeating periods of unemployment.

Reforms of the unemployment benefit system

It is a challenge for creative workers that both the requirements to acquire ordinary unemployment benefits and to receive supplementary unemployment benefits have been tightened over the past ten years. With the aim of increasing job search and thus create more jobs, an unemployment benefits reform from 2010 raised the requirement to earn the ordinary unemployment benefits from 26 to 52 weeks of ordinary employment within a three year period. This tightening is relevant to all workers with periods of unemployment, but especially for those with short periods of employment, who are obviously more affected than others.

The rules for receiving supplementary unemployment benefits were already tightened in 2008. Several groups of atypical employees can receive additional benefits. Until 2008, part-time employees could receive supplementary benefits for 52 weeks within 70 a week period. Since 2008, it has only been possible to receive the benefits in 30 weeks within a 104 week period. The right to re-earn the right for unemployment benefits requires at least 30 hours of employment per week over a 104 week period. The rule changes were introduced to counteract what the former Liberal-Conservative government perceived as an abuse of the system for additional unemployment benefits. A new reform of the unemployment system from 2015 adjusted, rather than changed, the 2010-reform. The changes included, inter alia, more flexible eligibility criteria by counting in short-term temporary jobs, and reduced benefit levels for new graduates without children. Moreover, the 2015- reform aimed to reduce the number of persons exhausting the full benefit period, but the maximum benefit period as well as the other basic features of the unemployment insurance system remained unchanged.

While labelled a ‘Job-reform’, another reform from 2015 is worth mentioning. This reform was de facto a ‘make work pay’ social assistance reform which main content was a (re-)introduction of a total ceiling on the various forms of social assistance, each social assistance client can receive. Moreover, to receive the maximum level of social assistance a requirement of 225 hours of work annually was introduced. This reform will have consequences for unemployed workers in the creative industry who are not part of an unemployment benefit fund.

Special conditions for solo self-employed

For solo self-employed special requirements, apply. Basically, a solo self-employed is not considered an employee (wage-earner) and can therefore not receive unemployment benefits. However , it is possible to receive regular unemployment benefits up to 2 years after a 3-week ‘waiting period’: 1) If the solo self-employed is a member of an unemployment benefit fund, 2) if he or she is able to document 52 weeks of work and self-employment and 3) if the enterprise is liquidated. It is also possible to receive supplementary unemployment benefits as solo self-employed (self-employed without employees), if the self-employment is approved and is considered a secondary job (maximum of 10-15 hours per week) that lies outside normal working hours, and if the solo self-employed is fully available for the labour market. The solo self-employed can receive the supplementary unemployment benefits for a maximum of 78 weeks (ase.dk).

The solo self-employed, like other types of atypical employees, face the challenges of being able to document enough hours to earn the right to unemployment benefits. However, for the solo self-employed there also exist a number of other challenges in relation to the unemployment benefit system. One challenge is the phenomenon of bogus self-employment, i.e. that some solo self-employed de facto are employees, but either voluntarily or involuntary registered as solo self-employed with a private company, and thus have more difficult access to unemployment benefit. It can be difficult to determine exactly which solo self-employed workers who are genuine solo self-employed, and who are bogus-solo self-employed. Another problem is that it can be difficult for the solo self-employed to document their activities and how to figure out what counts and what does not count towards their entitlements to unemployment benefits (Mailand 2015).

It is fair to conclude, that the whole system of supplementary benefits has not been developed for atypical workers, although they also use the system. It was introduced in 1970 with the manufacturing industry and construction in mind and the challenges of these sectors in relations with fluctuation in demand and bad weather conditions (ibid.).

Social partner responses to benefit challenges and up-coming changes

The trade unions point to the challenges regarding the unemployment benefit system as a growing problem, which can generate barriers for choosing to work within the creative industry. According to the interviewees, especially the trade unions covering the art-related sub-sectors of the creative industry, register that slightly fewer members sign up for the unemployment benefit funds due to complicated eligibility criteria. These trade unions also report that in several identical cases, members have received diverging decisions regarding unemployment benefits, which is something that create mistrust in the system.

The referred challenges concerning eligibility for unemployment benefits can be assumed to influence the way creative workers perceive the system. This is also reflected in our interviews. In relation to this, a recent survey by the Danish Union of Actors indicates that 63 % of actors organized in The Danish Union of Actors perceive the unemployment benefit system as insufficient to deal with so-called patchwork-economies and changing jobs. This perception is widespread within the creative industries in general and is only getting more problematic with the growing number of atypical workers. A further challenge for the creative workers is that when and if the workers receive unemployment benefit, they are subject to actively job search not only in the creative industry, but in the whole labour market, which makes it even harder to regain employment within the creative sub-sectors.

Moreover, the increased risk of precariousness among creative workers also impact on their mental health and passion due to a continuous pressures for securing a living. Hence, 38 % of the aforementioned members of the Danish Union of Actors consider to resign from the occupation according to the union.

It was the former Social Democratic-led government’s plan that some of the challenges for atypical employees - including those in the creative industries – should have been addressed in the aforementioned 2015 unemployment benefit reform. However, this only happened to a very limited extent. In 2015, the Ministry of Employment established therefore in 2015 a working group with the purpose to come up with new ideas and recommendations regarding how to solve the above-mentioned problems and make the unemployment benefit system for solo self-employed less complicated. A number of trade unions covering the creative industry has - through their peak organisations – contributed with in-puts to this work. According to the trade unions, this initiative has been positively accepted by the task force. The working group reported in April 2017. The report’s main proposals for a new unemployment benefit system for solo self-employed include: A person should no longer be defined as either employee or self-employee. It should be the economic activity - not the person - that is defined as either employment or self-employment and earning the right to unemployment benefit should be based on total earnings; Digital solutions and register-based information should be used instead of manual case-work in order to create fairer decisions and more transparency; The new unemployment benefit system for solo self-employed should to a larger extent support full (self-) employment (Arbejdsgruppen om selvstændige i dagpengesystemet 2017). In May 2017, a political agreement was signed and it follows by and large the recommendations by the aforementioned working group. The key elements of the agreement are: 1) The categorization of the employment status into employees vis a vis self-employed will in the future be related to economic activity instead of the individual's employment status and thus facilitate a combination of the two. 2) A partial harmonization of regulations for employees and self-employed based on the regulations for employees. 3) Harmonization of categories and classifications in the tax system and the UI-system. 4) More extensive use of information and data from electronic registers in the UI-system when assessing employees and the self-employed entitlements to unemployment benefits and less use of individual caseworker judgements (Lov nr. 1670 af 26/12/ 2017; Beskæftigelsesministeriet 2017).

Another response has been taken by a single trade union: As a strategy to deal with the issues of the benefit system, one trade union (*The Danish Association of Professional Technicians* (TL) established in 1992 a freelance-bureau taking care of all administrative tasks and securing wages, paid sick leave and insurances for solo self-employed. The bureau was initially limited to creative workers and designers such as glass blowers, ceramics and visual artists in response to their inability to accrue sufficient employment to earn the right for unemployment benefits. The group of freelancers employed by the bureau has expanded and also includes journalists, fashion designers, graphical designers, architects, software developers and constructors. The bureau ensures an employment relation for the freelancers in exchange for a differentiated percentage of the pay for the jobs. The percentage is determined by trade union membership and vary from 16 – 20 % of the earnings. This initiative will be described in more details in chapter 3 on the graphical industry.

2.7 Public policy initiatives to promote the sector

National initiatives

The creative industry in Denmark has been subject to positive economic growth rates in recent years (Vækstteam 2012). Enhancing the growth potentials for creative companies has also been a focus of recent government initiatives concerning the creative industry. However, the creative industry faces a number of challenges such as globalization and increased competition and the growth potential remains unexploited in some areas of the economy (Ministry of Industry, Business and Financial Affairs 2013).

In 2013, the Government formulated a new industrial and growth policy with a special focus on the creative industry in Denmark (The Government 2013). The brand of Danish Design and the recognized qualifications were here emphasized as a foundation of forthcoming success. The overall aim of the plan was to empower the already existing strongholds of the creative industry in areas with high demand for services and products. The vision was to make Denmark a 'power house' for creative business and especially focus on sustainability and digitalized solutions. On the basis of evidence showing difficulty for creative business' to generate funding, a strategy to expand collaboration with the consultancy called 'Væksthus' ('Growth Centre') was formulated. These are consultancies financed jointly by the National Agency of Enterprise and Construction and the municipalities that provide free and independent guidance to business with a potential of growth.

Regional and local initiatives

Regarding the region in focus in the present project, The Greater Copenhagen region, it can be emphasized that the 'Væksthus' of the Greater Copenhagen Region includes specialized consultants with expertise and knowhow in the area of creative business development. Moreover, in 2017, a 'Strategy of Growth and Development of Greater Copenhagen Area' was formulated by The Capital Region of Denmark as a plan of action with the aim of improving wealth, development and employment. One of the four sectors of priority pointed to in the strategy is the creative industry, and within this especially the existing strongholds such as fashion and other types of design as well as filmmaking (The Capital Region of Denmark 2017). The strategy consists among others of a corporation with the municipalities, the private sector and trade promotion players to ensure creative entrepreneurs and SME's develop into economically sustainable businesses with focus on establishing an ecosystem or cluster for creative workers. However, the specific focus on graphical design is absent.

2.8 Summary and discussion

The creative industry - as defined and demarcated in this project - employs 4.4 % of all employees in Denmark. This number of employees has declined since 2008, mainly due to severe downsizing of one of the main employers (defined by NACE-codes, two –digit level) in the Danish creative industry, namely Advertisement agencies. However, the advertisement agencies are, together with Publishing of newspapers, still the largest employers in the Danish creative industry. It is important to note that the 4.4 % does not include solo self-employed and does not include creative workers outside what in the present project has been defined as the creative industry.

The literature on Danish creative workers is limited, but it is from this nevertheless possible to line-up some characteristics of the Danish creative workers: Creative industry is characterized by: 1) An overrepresentation of skilled workers/high qualified workers, who often depends on portfolios and networks; 2) overrepresentation of atypical employment, especially fixed-term contracts and solo self-employed without employees; 3) multi- jobs and multiple employers; 4) above-average periods of unemployment; 5) a presence of unpaid work , especially for those working in the cultural parts of the creative industry; 6) trade union membership below average compared to the average o the Danish labour market; however, the trade union membership in the creative sector is rising; 7) a grey-zone between employment and self-employment, which is a challenge for the creative worker, 8) low coverage of the creative workers jobs by collective agreements.

Statistics from Statistics Denmark- that we have had access to- indicate that full-time jobs are less widespread in the creative industry than on the average labour Danish labour market, where especially marginal (part-time) and solo-self-employment are much more widespread. Whereas the working time confirms expectations, it is more surprising that 75 % (variating between 92 and 49 % between NACE-codes, two-digit) of the employees in the creative industry in Denmark have their primary occupation in one of the creative subsectors examined. This shows that for most working in the creative industry is not just a side-business to a more economic lucrative job.

A description of some of the most important occupations in the Danish creative industry using information provided by the interviews with the social partners organisation shows several similarities between occupations along the lines described in the literature, but variations are also found. Variation exists between, for instance, occupations such as graphic design, architects and journalists, for whom the chance for gaining an open-ended full-time job covered by collective agreements is relatively high, and the more art-related occupations such as actors, musicians and performers, where such jobs are very rare.

Finally, the chapter has provided an overview of some of the social partner organisations with the strongest presence in the creative industries. Among other features, this overview shows that some of the creative workers demand tailor made services from their trade unions, such as information regarding self-employment and specialised courses. Furthermore, the overview shows that the grey-zone between employment and self-employment are not only a challenge for the creative workers and the trade unions, but also for the employers' organisations and business associations. For the trade union, a recurring challenge and focus point of their creative members is the unemployment benefit system, which is open to - but modelled for - solo self-employed and other types of atypical workers. Among other complains, the eligibility criteria are said to be too demanding and the system too bureaucratic if you are not a 'typical' employee. The systems fitness for atypical employees are currently under review in a ministerial working group.

3. Graphic design industry

3.1 Introduction to the industry

This chapter focuses on the graphic design industry covered by the NACE code 74.10, which includes services such as industrial design, product design, communication design, graphic design, interior design and design of rooms - well-knowing that graphical designers also work in other parts of the Danish labour market (see chapter 2). The graphic design industry has witnessed significant changes in recent years, not least in terms of new technologies, work organization, economic turnover, number of employees and companies. It has evolved from the traditional printing industry into a more digitalized and IT-supported industry – a process which particularly took off in the 1970s with technological advances such as the computer, the move from mechanical to digital typesetting**,** digital printing replacing lithography, various IT software programs and systems for word processing, layouts, etc. (Grelle 1999; ILO 2004).

Since the second part of the 20th century, the graphic design industry has witnessed not only further technological advancements, but also different paths. Some graphic design services - such as image processing – has been outsourced, whilst others - like webpage design and company specific newsletters - are increasing kept in-house in many Danish companies as digitalisation and new technologies enable them to have their own internal graphic design departments. The aforementioned developments have also affected the way work is organised within the sector, where full-time open-ended positions have increasingly been replaced by freelance jobs, fixed-term contracts and part-time employment, which reportedly started already in the early 1970s and have continued throughout the second part of the 20th century and after the new Millennium (Jørgensen1999; ILO 2004).

The graphic design industry employs 0,2 % of the Danish workforce and is dominated by small companies - notably solo self-employed without employees: 77 % of all graphic design companies) - and relatively few large companies (0,2 %) which provide a wide range of services. Industrial design and product design are the most common types of graphical design services followed by communication design and graphic design, interior design and design of rooms when measuring the economic turnover and number of employees, respectively (Statistics Denmark, 2017a;b). Since 2010, the graphic design companies have witnessed rising growth rates in terms of economic turnover, number of companies and employees – particularly the share of solo self-employed without employees has increased (see table 3.1).

Table 3.1: Development in the graphic design industry in numbers 2010-2014.

	2010, numbers	2014, numbers	Change 2010-14 in %
Solo self-employed without employees	2057	2580	+25
Companies with 1-10 employees	537	676	+26
Companies with 11-50 employees	42	49	+17
Companies with 50+ employees	3	5	+60
Number of employees (full-time positions excl. solo self-employed)	1910	2658	+39
Economic turnover in thousands (euros)	507.964	770.579	+52

Source: Statistics Denmark (2017a).

The number of solo self-employed without employees has increased by nearly 25 % since 2010 and together with other small companies with less than 10 employees, they account for 65 % of the economic turnover within the sector in 2014 (Statistics Denmark, 2017a;b). Other key characteristics of the Danish graphic design industry are that the sector is characterized by: 1) A slight overrepresentation of women (57 % in 2014); 2) highly skilled workers with academic degrees (although the share of self-taught is growing), 3) part-time work and solo self-employment being widespread with 26 % of the employees within graphic design working 15 hours or less in 2015. Many – 42 % - had also held two or more jobs within the last year, indicating not only that graphical designers' annual earnings often derive from different sources of income, but also that the sector is dominated by a relatively high turnover among the employees. However, compared to other parts of the creative industry these numbers are somewhat lower (see table 3.2).

Table 3.2: Wage and working conditions in sectors, 2014 (numbers and %)

	Graphic design industry	Creative industry
Employees with their primary employment in the selected sectors	77%	75%
Weekly working hours:		
Less than 15 hours per week	26%	42%
16-32 hours per week	13%	13%
32+ hours per week	61%	45%
Average hourly wages for jobs in selected sectors in euros	*€28,5*	€29,3
Average total annual earnings incl. all sources of income in euros	*€38253,3*	€34971,3
Percentage of earnings derived from work in selected sectors	77%	75%
Two or more jobs within the last year in per cent	42%	49%

Source: Statistics Denmark, 2017b Note: Convergence rate from DKK to euros is 7,4.

Similar to other parts of the Danish labour market, wages and working conditions are regulated primarily by collective agreements signed by social partners at sectoral and company levels. However, the collective agreements exclude solo self-employed without employees and most graphic design companies are not covered by such agreements. In areas of the graphic design industry without collective agreement coverage, working conditions are regulated by Danish labour law insofar employees are covered by the Salaried Employees Act or distinct working conditions are covered by the law. By contrast, wages are regulated solely by the arrangements and practices of the individual company, as Denmark has no statutory minimum wage. Therefore, such arrangements may not necessarily offer similar wage and working conditions as stipulated within the collective agreements.

Table 3.2 suggests that the average hourly wages and the annual average earnings among employees within the graphic design are slightly higher than elsewhere in the creative sector. Therefore, most employees within graphical design industry seem to be able to secure an annual income and a hourly wage above the wage levels outlined in the collective agreements covering the sector, although freelance jobs, fixed-term contracts, marginal part-time employment along with a relatively high employee turnover are common within the industry.

In the following, we first briefly present the key actors and the main features of the collective bargaining system within the graphic design industry before briefly reviewing the recent responses by social partner organisations to strengthen the institutional framework for collective bargaining and improve wage and working conditions within the sector. We then examine the industrial relations practices at company level, including the day-to-day management-employee relations and the challenges facing small and medium sized Danish graphic design companies. The analysis draws on secondary material such as collective agreements, research studies and policy documents as well as interviews with Danish employer associations, trade unions, local management and employees conducted in late 2016 and early spring 2017.

3.2. Key actors

The social partners - employer associations and trade unions – are the key actors within the Danish graphic design industry when it comes to regulating wage and working conditions. They negotiate and sign collective agreements at sectoral and company levels, besides offering various services to assist their members in different ways and represent their interests vis á vis the political system at national, regional and local levels. Different business organisations such as KREACOM also represent the interests of Danish graphic design companies and offer various services, but are not engaged in collective bargaining. New actors such as digital platforms have also gained increased foothold within the sector, but it is uncertain how widespread such services are within graphic design.

Public authorities also play an important role not only in terms of Danish labour law, but also in relations to the various government-led initiatives to promote economic growth within the creative industry, including the graphic design industry. Since 2000, the Danish government has launched a series of initiatives to promote business within the creative industries including graphic design. Danish national, regional and local authorities have also funded and set-up various organisations**,** which provide different services to newly start-ups and companies with growth ambitions within the creative industry by organizing different events and offering business plans, networks, office spaces etc. (see chapter 2). Besides, these actors, the various educational institutions, including business schools and vocational schools within the areas of graphic design etc. also play a key role.

Employer associations

The main employer associations representing private companies in the sector are the Danish Association for Communication, Design and Media (Grakom), the Danish Chamber of Commerce (Dansk Erhverv), and the Confederation of Danish Industry (DI). They organise different parts of the graphic design industry and their members cover all company sizes, but with an overrepresentation of small and medium- sized companies due to the industrial structure of the graphic design industry. Besides their key role in collective bargaining, many employer associations are also business organisations. They typically offer differentiated membership packages, where graphic design companies can opt for the business services only and/or choose to also join the employer associations with its collective agreements, collective bargaining and other social dialogue related activities. Most companies opt for the business membership only, whilst fewer join the employer associations – a trend also witnessed elsewhere on the Danish labour market (Navrbjerg and Ibsen, 2017).

Trade unions

Denmark has no single union representing graphic design workers, as the union for graphical workers was dissolved in 1999 and its members joint other Danish unions such as HK Private, Association of Professional Technicians (TL), 3F-Industry and the Danish Union of Journalists (Jørgensen, 1999). However, prior this, the union for graphic designers and particularly its predecessor - the Union of Typographical Workers (Dansk Typograf forbund) dating back to 1869 - was considered one of the flagship of the Danish trade union movement throughout the 19th and 20th century. In fact, the Danish Union for Typographical Workers was renowned for their industrial actions and various successful demands, which included among others their claim to an eight hour work day as early as 1910 (Jørgensen, 1999; Grelle, 1999).

Today, HK/Private is the largest Danish trade union for graphic designers and has approx. 7000 members within the graphic design industry. Together with the Danish Association of Professional Technicians (TL), 3F-Industry and the Danish Union of Journalists, they represent the voice of employees within the graphic design industry during the collective bargaining rounds at sectoral level, besides offering distinct services to their members.

3.3 Institutional framework for collective bargaining

The collective bargaining model is relatively weaker within the graphic design industry than for example Danish manufacturing and construction (Larsen et al. 2010). Within the graphic design industry, he union density was 47 % in 2014 (Statistics Denmark 2017) – and the collective agreement coverage was estimated by the interviewees to be 33 %. These figures are comparatively lower than the general average for the Danish labour market, although parts of the graphic design industry have strong historical roots within the Danish IR-model. The employer associations and trade unions within the graphic design industry were among some of the first social partners organisations to be formed on the Danish labour market (Jørgensen, 1999).

The first company based agreements dates back as far as the 18th century and reflect a deeply historical rooted collaboration between social partners within parts of the graphic design industry (Nielsen et al. 1994).

Today, social partners continue to negotiate and sign collective agreements covering the graphic design industry and there exist nine main sector agreements covering distinct occupational groups within the sector, but these agreements typically cover employees beyond the definition of the graphic design industry adopted within this project. These sectoral agreements differ in their content, their level of detail regarding working time, fixed-wage levels, various wage supplements, rates for annual pay increments for the next succeeding three years as well as the scope for company based bargaining.

Wage bargaining – often company based and individualized

With the exception of the three collective agreements covering digital printing, graphical designers and photographers, most sectoral agreements covering the graphic designers (some of which not necessarily working within definition of the industry used in this project (i.e. NACE code 74.10)), include no minimum wages for employees other than apprentices and young people under 18. Instead, wages are in these collective agreements left for company based bargaining between individual employees and their employer. However, even the sectoral agreements with fixed-wage rates gives considerable scope for company based bargaining, where local social partners can sign and negotiate local agreements that supplement and/or deviate from the sectoral agreement, if both parties agree and a shop steward is elected at company level. In few collective agreements, such opt-out possibilities are only part of so-called pilot schemes, and thus not fully integrated in the sectoral agreement. In addition, few sectoral agreements allow social partners to negotiate and sign local agreements even in companies without shop steward presence, but only if negotiations involve either a local branch union representative or a unionized employee with bargaining mandate from 50 % of the employee. In some instances, such agreements also need to be approved by the sectoral organisations.

Working time and social benefits – regulated in sectoral agreements

Whilst wage-setting often is left for individual wage bargaining in most sectoral agreements covering the graphic design industry, the sectoral agreements include rather specific rules and regulations regarding overtime, shift-work, working on bank holidays, average working week, along different forms of social benefits and entitlements such as paid sick leave, holiday and other leave entitlements, occupational pensions, further training, notice periods etc. (see annex 4). In this context, the eligibility criteria for the various social benefits tend to vary and are often less generous than other collective agreements on the Danish labour market even if fixed-term contracts, marginal part-time employment and other forms of casual work are widespread within graphic design as mentioned earlier. For example, the thresholds for accruing rights to further training and extra holiday entitlements require a nine months or longer employment record in some collective agreements covering the graphic design industry, whilst the thresholds for such social benefits typically range from zero to six months in other sectoral agreements (Larsen and Mailand 2014).

This combined with the relatively high employee turnover suggest that employees within the graphic design industry face increased risks of precariousness as they may have greater difficulties to accrue rights to the various collectively agreed social benefits. The fact that only some collective agreements design industry guarantee a minimum number of weekly working hours and nearly one in four work less than 15 hours per week that some employees may struggle to secure a living wage. This situation has also been seen in other sectors on the Danish labour market (Ilsøe et al. 2017; Larsen and Mailand 2014; 2018).

3.4 Social partners' actions and initiatives

Danish social partners have developed a series of initiatives to address the challenges facing employees and companies within the graphic design industry. Some initiatives have been developed jointly by the trade unions and employers association within the framework of collective bargaining and through different forms of bipartite social dialogue. Others have been employer/business or union led, and yet another set of initiatives is government led, involving to varying degrees tripartite consultations with representatives from public authorities, educational institutions, trade unions and employers associations.

The main initiatives cover among others: 1) Various business orientated strategies and services targeting particularly freelancers, newly start-ups and SME companies, 3) strengthening the safety net around freelancers through the set-up of occupational pensions funds schemes and attempts to develop framework agreements covering freelancers , 3) raising union density and collective agreement coverage, and 4) improving and adding new social benefit rights within the framework of collective bargaining.

Joint responses through collective bargaining

The social partners have agreed to an array of responses to improve wage and working conditions for graphical designers through successive collective bargaining rounds since 2007. They include among others lowering the thresholds for accruing rights to an occupational pension scheme, extended rights to paid parental leave, and new rights to extra caring days for parents along with new rights for older workers to work reduced hours.

Although social partners within graphic design have agreed to improved wage and working conditions for graphic designers through collective bargaining, a review of the nine collective agreements covering the industry since 2007 reveals that wide variations exist as to which themes have dominated the bargaining agenda. For example, lowering of the eligibility criteria to various collective agreed social benefits such as pensions and further training etc. has only been introduced in some collective agreements. In fact, most of the collective agreements covering the graphic design industry operate with much longer employment records before employees accrue rights to for example an occupational pension, further training, full wage compensation during sick leave and time-off in lieu when their children are ill than other parts of the Danish labour market. This implies not only that employees with short-term contracts may face great difficulties in accruing rights to the various collective agreed social benefits, but also that they may come across as cheaper labour; unlike their peers in full-time permanent positions they are unable to exploit these rights despite being covered in principle. In addition, it is striking that in an industry dominated by short-term contracts and rapid technological advancements, which require employees to be at the fore in terms of their skill levels to secure employability, many of collective agreements covering the industry request employment records of 6-12 months before employees can exploit the collective agreed opportunities for further training. Indeed, this suggest that although social partners have developed an array of initiatives to raise labour standards within the sector, there continues to be room for improvement not least with regards to employees access to further training.

Framework agreement for freelancers – still in the making

Distinct unions within graphic design have on different occasions attempted to negotiate a framework agreement, covering freelancers without much success.

For example, the union TL set-up the freelance bureau –'Teknik og Design' back in 1992 and has in its capacity as a sort of employer together with the relevant unions recently attempted to develop a framework agreement covering the freelancers within the bureau. However, the negotiations reached a stalemate very early in the process as the involved parties feared that such an agreement would be without much content and thus not bring any added value. Their main concern was that they found it difficult, if not impossible, to regulate wages and working time in such a way that it would cover the wide range of freelancers employed by the freelance-bureau. Therefore, the negotiations were dropped at the time.

Other unions have revisited the idea of a framework agreement for freelancers within graphic design. The most recent attempts by the unions involve HK-industry and The Danish Union of Journalists (DJ) and their counterpart (Koorporationen) – a slightly different employers association. They aim to develop a framework agreement for freelancers covering photographers, journalists and graphical designers. The agreement is expected to include basic terms and conditions along with guidelines for price setting different freelance assignments, insofar the involved parties manage to strike a compromise and sign the agreement. However, the employer associations such as GRAKOM and DMA are highly critical of the very idea of an agreement involving fixed service prices, and stress the potential clash with Danish and EU competition laws, if such an agreement is implemented. In addition, the unions are aware of the various legal aspects and potential violations. In fact, the potential violations with Danish competition law are the very reasons why many attempts to negotiate and sign a framework agreement for freelancers have reached a stalemate already early on in the bargaining process. However, in other areas of the creative industry such as audio and media sector, social partners have successfully negotiated and signed various framework agreements covering translators and journalists' etc. working as freelancers.

Pension fund for freelancers

HK/Private has together with TL, HK-Retail and the Danish pension fund PFA set-up a pension fund covering freelancers and employees without collective agreement coverage. The pension fund came into force February 1 2017, and offers private pension arrangements and additional insurance packages to freelancers and employees without collective agreement coverage, as they are excluded from the occupational pension schemes regulated by the collective agreements. The eligibility criteria are that the individual is member of one of the 15 unions being part of the arrangement and pay a pension contributions rate of €135 or more per month (HK 2017).

Raising union densities and collective agreement coverage

Raising union densities and extending the collective agreement coverage was high on social partners' agenda. The unions typically addressed potential members, whilst they still are under formal education and training as they were more difficult to find and organise when leaving the educational system. Other union strategies involve organizing different events and network meetings on specific themes such as digitalization, platform economy, where they exploit the opportunity also to inform about trade union membership and their services. The employers also arrange various events and publish newsletter to attract new members. However, the employers' associations find it increasingly difficult to convince potential members to join the employer associations as they rarely see the benefits of being covered by a collective agreement. In fact, our case studies involving small and medium sized graphic design companies suggest that some employers within the industry consider the collective agreements more as a strait jacket than a help.

Some unions face similar challenges when it comes to mobilizing their members and push for a collective agreement as their members often see no need for such an agreement. That the graphic design industry also falls under the spell of the so-called 50 % rule by HK, which restrict the union's ability to secure a collective agreement with a company. The so-called 50 % rule stipulates that unless 50 % or more of the relevant employees at a workplace are union members of HK, a collective agreement cannot be negotiated nor signed, which in the past has created difficulties according to the interviewees.

Business orientated services by social partners

The strategies by employer associations seem to have shifted towards more business-orientated services that in some instances have higher priority among Danish employers than do collective bargaining. This process is further underpinned by employer associations within the sector offering differentiated membership.

The employers' associations and the business organisations offer rather similar services and they range from organizing various events, networks to offer legal advice and guidance regarding competition law, business campaigns, intellectual property rights, business plans etc.

Most trade unions within the graphic design industry have also increasingly targeted some of their services towards freelancers, newly start-ups and solo self-employed without employees. Such union led initiatives range from organising events and offer business like advice, guidance and services for newly-start-ups and freelancers as well as in some instances providing office spaces. The unions also offer, to varying degrees, legal advice regarding intellectual property rights and how to start a business for their members who are freelancers.

Such union services share some resemblances with the services offered by the employer associations and business organisations representing graphic design companies, indicating increasingly blurred lines between what can be considered union vis a vis employer/business interests and a move away from the traditional union-employer association split. Both sides of industry also emphasised the challenges involved when unions start offering services to freelancers and solo self-employed without employees. In this context, some unions had experienced situations where they represented both sides of industry and therefore were unable to deal with the case unbiased.

Central and local Government-led - initiatives

The government has launched an array of initiatives targeting the creative industry to provide business services that support economic growth within the industry. However, the graphic design industry, as defined here, has rarely been the main target of these initiatives, although the central government stressed in their strategy from 2013, that graphic designs feed into the promotion of other products within the creative industry, as well as called for improved efforts to promote creative design educations to attract talents and highly skilled teachers and strengthening the link between Danish design companies and educational institutions (The Government 2013; Ministry of Higher Education and Science 2013). Likewise, the array of regional and local government initiatives to support the creative industry has no specific focus on the graphical design industry (The Capital Region of Denmark 2017).

3.5 Introducing the case studies

Four companies within the sector of graphic design took part in our study and were selected based on criteria such their company size, membership of an employers association and their location within the Greater Copenhagen Area. In this context, we decided in line with the comparative project chose to include only companies with 50 employees or less as SME's and micro companies are dominated the sector. Likewise, both companies operating within and outside the framework of the Danish collective bargaining models were included (i.e. the company covered by collective agreement or not as well as being member of an employer association or not). Moreover, a freelance bureau, with two of its affiliated freelancers, were also interviewed, as the freelance bureau does not have the status as a company in terms traditional employer responsibilities. Instead, the freelance bureau is merely an agency administrating and assisting freelance workers by activing as a job broker as well as offering various services such as accounting, legal assistance and enable freelancers to accrue rights to unemployment benefits.

The four companies represent small and medium-sized graphic design companies and employ between 2 to 65 employees, whilst the freelance bureau has

1500 freelancers as members. The graphic design companies offer and produce different services ranging from visual design to various communication tools which all are driven by project based assignments – the so-called work for hire projects, where the companies ‘provide consultancy services or deliver tailor made solutions to other firms or clients such as advertising, schools, local governments etc.’. The freelance bureau operates on slightly different terms and condition compared to traditional companies. Although they employ the group of freelancers and thereby in principle has the employer responsibility, the freelance-bureau has no traditional employer responsibilities. It is the individual freelancer that find and administrate their own projects, whilst the freelance bureau offers administrative guidance and services to the individual freelancer such as ensures they accrue rights to unemployment benefits, help with tax returns. Such services are provided in return for a fee corresponding to a specific percentage of the freelancer’s earnings arising from each of their project assignments.

Three of the sampled companies are members of an employer association of which only two are covered by collective agreements, which in both cases are the 2017- sectoral agreement by Grakom and HK/Private. Only one company has elected a shop steward. This - along with the fact that only some employees are union members - indicate that most of the sampled companies operate outside the framework of the Danish collective bargaining model. Also, the freelance bureau is neither member of an employer association or covered by a collective agreement (see table 3.4 for an overview).

Table 3.3 – Overview of the sampled companies

	Number of employees	Membership of EA	Covered by collective agreement	Number of interviewees
Graphic design bureau 1	8	Yes	No	3
Graphic design bureau 2	2	Yes	Yes	1
Graphic design bureau 3	12	No	No	3
Graphic design bureau 4	65	Yes	Yes	3
Freelance bureau	1.500	No	No	3

Other key characteristics of the interviewed companies are that they, with the exception of one newly start-up company, all have been active in the graphic design industry for 10 years or more. Therefore, they have had to deal with the various changes facing the industry such as technological advancements, economic recessions and an increasingly competitive market involving company closure, outsourcing, new ways of work organisation and a stronger focus on the individual's credentials etc. The companies interviewed have addressed these challenges in different ways.

New ways of work organisation - casual work and outsourcing

Most graphic design companies have witnessed that their production has changed towards more project-based assignments and short-term business contracts in recent years. They have therefore often reorganised the work process to reflect this change and thus increasingly rely on fixed-term contracts, freelancers, interns, students and unemployed on activation policy schemes as well as free work, outsourcing and part-time employment, whilst having a small core of workers on full-time open-ended contract. This is also the case among the sampled companies, although also important differences can be seen. For example, has outsourcing only to a limited extent been used by the companies examined, as they purposely have avoided outsourcing due to risks of losing control with the assignment and work process. In the few cases, where outsourcing had been used, the companies preferred to rely on European suppliers to reduce potential language barriers. In this context, none of the companies had any experience with using digital platforms, but had limited experience with using Facebook as way to offer and gain assignments.

Whilst outsourcing and digital platforms were rarely used by the sampled companies, freelancers were regularly hired to perform specialized assignments that were not part of the in-house services. However, the companies interviewed often had very different opinions about freelance jobs. Some companies had prohibited secondary employment, as they feared it would affect the employees' performance and work commitments to the company, which may explain why this practice of using freelancers is less widespread among the sampled companies. Others considered dual employment or work activity as an enrichment for the company when it comes to creativity and inspiration. Beyond the entry of knowledge and new impulses, the employees with dual work commitments also contributed with an additional network of potential clients, which was considered an economic advantage for the company.

Besides hiring freelancers, the companies interviewed also to varying degrees relied on interns, students, fixed-term workers and employees on government funded active labour market schemes. However, the predominant strategy by most companies interviewed was to employ their employees on full-time open-ended contracts rather than using freelancers and other forms of causal work due to lack of control and risk of miscommunication. Therefore, and unlike other areas of the graphic design industry, most employees within the sampled companies held a full-time open-ended contract; and the few employees working reduced hours had voluntarily opted for such arrangements due to family commitments or secondary employment. Indeed, none of the companies examined had ever practiced that permanent staff was dismissed and then rehired as freelancers or bogus-solo self-employed even if the Danish graphic design industry in particular is renowned for such employment practices.

However, the day-to-day realities were slightly different among the freelancers interviewed. They had typically opted for the life as a freelancer due to difficulties to find permanent employment and had often experienced in their search for such positions that the graphic design companies for which they had worked to varying degrees exploited their vulnerable situation. According to the interviewed freelancers, the graphic companies often expected them to work for free, hired them only as interns, student helpers or on state subsidized unemployment schemes for shorter periods, even if they had completed their degrees and had years of experience within the industry. Thus, the interviews with the freelancers revealed the dark side of the industry, where some graphic design companies seemed to speculate in such employment forms to cut costs and survive in a highly competitive market.

Despite holding an open-ended contract, only some of the employees interviewed felt secure in their current job position. The more experienced and older workers were concerned about future job opportunities in case of dismissal, whilst the younger employees found the job vulnerability and uncertainty as an integrated part of working in the sector. Therefore, all four companies examined include different forms of employment for which uncertainty and precariousness may be present.

Individual credentials and portfolios

Portfolios are of great importance for the employees' job opportunities within the industry of graphic design, including the four companies and the freelance bureau examined. In fact, diplomas, merits and grades are in that context of limited if not in some instances no relevance, although most employees in the companies examined are highly skilled workers – academics, graduated with bachelor's degrees or academy professions degrees with only few exceptions, which are self-taught with secondary education. By contrast, networks and contacts along with the employees' portfolio are key to secure a job within the sector.

New positions and vacant positions are rarely advertised as potential candidates typically are recruited through various network and connections. This is further reflected in the interviews, where none of the interviewed employees had ever applied for a job, but only gained employment through their network and based on their credentials such as strong CV's and extensive job experiences. Some of them had worked as freelancers in the past and through such freelance assignments had the initial contact with the company and thereafter been recruited. In this context, freelance jobs and fixed-term positions were considered by many employers as a viable recruitment strategy as it allowed them to the test graphic designer and see if he or she fitted into the company. Some employers also pointed to the possibility of hiring interns from the Danish design schools and through this way gain access to future employees. Another possibility listed by the employers was to recruit employee through public funded wage subsidy schemes. As a result, graphic designers without an network and connections may find it difficult to find work within the Danish the graphic design industry. However, the interviews also reflect that freelance jobs, intern positions, and free work were not always a guarantee for employees to secure a job within the industry as some graphic design companies primarily rely on these employment forms to cut costs and secure a flexible workforce rather than as a recruitment strategy. In sum, the companies examined give important insights into how the graphic design industry operates from a bottom-up perspective, including the various employment practices of companies operating on the outskirt of the Danish collective bargaining model – aspects we further examine below by first exploring why some employers and employees have opted for the traditional forms of voice and representation through unions and employers associations, whilst others have not. We then examine alternative forms of representation before analysing the day-to-day employment practices within the sampled companies.

3.6 Traditional and alternative forms of voice in the case companies

The Employees

Recent figures suggest – as mentioned earlier - that the union density is 46% within the graphic design industry and thus somewhat lower than the general average for the Danish labour market. This is also the case in the companies examined, where only two of the ten employees interviewed were union members. Their main reason for joining a trade union was that they had worked for many years within an area of the graphic industry, which had strong traditions for collective bargaining and unions. The employees being union members were satisfied with the way their union represented their interests and stressed the importance of unions to counterbalance the power of employers within a labour market, where an increasing share of graphic designers are forced into take jobs as freelancers rather than being recruited for a traditional permanent position. However, our case studies also reveal that most employees within the companies examined - including the employees interviewed - have opted for non-union membership and particularly the younger generation have not even considered the idea of joining a union for various reasons. In fact, some interviewees had limited if no knowledge of trade unions, their role and services on the Danish labour market, indicating some room for improvement when it comes to raise awareness about Danish unions and their services within the graphic design industry.

The Employers

The Danish employers' associations have increasingly witnessed that graphic design companies only opt for their business services, whilst fewer join the employer associations and thereby are covered by their collective agreements as mentioned earlier. This is also the case among the companies participating in our study, where only two are covered by collective agreements whilst a third have only joined the business organisations and the fourth company is a non-member. Most have joined the employers' association to receive legal advice and guidance regarding employment issues and intellectual property rights and they were, generally speaking, pleased with the services provided by their employer association. However, they also saw areas where there could be room for improvement, particularly regarding the possibility for additional services to small companies to ease their administrative burden when dealing with sick leave or maternity leave. Likewise, some also called for further consideration of small companies in the political discussions.

That one company was not a member of an employer association was largely due to their experience that the employer associations and the unions were unable to adjust to the ongoing changes within the graphic design industry. Another argument put forward by the interviewees was that the collective agreement was considered more a straightjacket than benefit to the company as its rules and regulations were seen as inflexible and ill-suited for the creative industry. Other employers were satisfied with the way the employer associations represented their views and interests.

Alternative forms of representation

The professional networks developed by various business organisations and by the informal connections between graphic designers and graphic companies in the Greater Copenhagen Area are examples of alternative form of representation. Graphic designers are here gathered across both side of industry at after-work meetings and study trips. Freelancers participate to the same extent as the graphic designers with regular employment contracts. These events are organised by different initiators and are exclusively network-based and the participants have typically some years of experience within the sector. These informal and often ad hoc initiatives indicate that the network-based approach successfully gathers different groups of people working in the graphic industry, where trade unions, employers' associations and freelance bureaus are brought together mainly by identical job titles.

Another kind of alternative representation is, as mentioned in chapter 2, the freelance-bureau initially set up by the trade union The Danish Association of Professional Technicians (TL). The freelance bureau establishes an employment relation for the freelancers in exchange for a differentiated percentage of their income from individual assignments. Thereby, the freelance bureau acts as an employer to the freelancers, but has a close collaboration with the unions. In the past, the freelance bureau has attempted together with the unions to negotiate a framework agreement that regulate different conditions for freelancers. However, the negotiations were unsuccessful for the reasons mentioned earlier.

3.7 Day-to-day realities at workplace level in the case companies

The following section offers an insight into the day-to-day realities in the sampled companies including how management-employee relations, wage bargaining, annual performance appraisals and other forms of workplace representation unfold at company level before briefly presenting the importance of network and portfolios for employees' employment opportunities.

Management –employee relations

The four companies examined are characterized by an informal work environment with relatively flat job hierarchies, although with a clear division between management and labour in terms of liabilities. Both managers and employees described the management-employee relations in relatively positive terms and considered them being dominated by high levels of trust in all four companies. However, the trust-based relations seemed to be slightly challenged in the larger companies with more middle managers. That one company also had experienced several rounds of dismissals had led to restrained relations between management and employees, indicating how volatile the trust based relations are to changes. Nevertheless, the atmosphere in most companies were characterised by trust-based relations and informal talks, where employees help each other when needed although the sector in general is highly competitive and there is constant pressure to secure new projects and contracts and thereby attract financial means to the company.

Company based wage bargaining

Most collective agreements within the graphic design industry leave wages to be settled through company based bargaining between individual employees and their employer as mentioned earlier. This situation also applies to the companies examined in this study as they are either without collective agreement coverage or are covered by collective agreements which leave wage-setting to company based bargaining. Although there is, an expectation within the sectoral agreements that wages are settled through company based bargaining, the day-to-day realities are somewhat different, even in companies covered by collective agreements. In fact, local wage negotiations are often non-existent in the companies examined which partly is due to the financial constraints and intense price competition facing the graphic design industry, which has resulted in wage freezes in recent year in most of the companies examined. However, when employees have experienced some form of wage bargaining in the past, it has often been combined with their annual performance appraisal and only involved the individual employee and their employer, even in the company with a shop steward. In such bargaining situations, the proposed wage increases often have been ‘dictated’ by the employer rather than being subject to genuine wage negotiations between the employer and individual employee.

This lack of local wage bargaining also seems to the case when new employees start and are expected to negotiate the terms and conditions within their employment contract. In this context, an interviewee stated:

> *“We got offered a starting pay (...) and at that time you just accept”* (Graphic designer 2017).

The quote indicates not only the absence of company based wage bargaining, but also reflect the difficulties and gratitude of being offered a permanent position in a highly competitive labour market dominated by freelance jobs and other forms of causal employment. That the employers interviewed also emphasise the distinct understanding by the employees regarding wage freezes and their admirably loyalty towards the companies also support the notion that it is a highly competitive labour market where the individual consider themselves fortunate to hold a permanent position. This is further underlined by the freelancers interviewed, who reported of employment situations where they had opted for jobs as interns, student helpers or even worked for free to secure an income, even if they were overqualified for the job just underline how difficult it is to gain foothold and secure a permanent job position within industry.

Annual appraisals

All four companies have implemented some form of performance appraisal systems, where the employer and employees hold annual meetings to discuss progress and the performance of the employees within the company. However, the implementation of such appraisals schemes vary across the sample where some companies have scheduled and noted the employees about annual appraisals well in advance, whilst in other companies the procedures are more informal and ad hoc. The different practices have been subject to some dissatisfaction by among the employees, who call for more clear structures for the annual appraisals. That the appraisal often is combined with annual wage bargaining also created some challenges, which in one company have led management to separate the wage bargaining from the annual appraisal.

Workplace representation

Only one of the companies had elected a shop steward to represent the interests of the employees. That the shop steward coverage is weaker than elsewhere on the Danish labour market seem to be down to the fact that only few graphic companies are covered by collective agreements besides most have less than ten employees and therefore fail to meet the eligibility criteria for electing a shop steward among the employees. Only companies covered by collective agreement and with five or more employees can elect a shop steward and in the case of the graphic design industry the so-called 50 % rule by HK also restrict the union's ability to secure a collective agreement with a company as mentioned earlier. Therefore, in most graphic companies interest representation is often left to the individual employee, whilst collective workplace representation seems rare. However, in the company with collective workplace representation, both management and shop steward described their collaboration as fruitful and in positive terms. Also the relations between the shop steward and the other employees were considered positive by both sides of industry. The meetings between the shop steward and the employees typically took place outside normal working hours and both union members and non-unionised employees participated in the meetings.

3.8 Summary and discussion

The Danish graphic design industry represents only a small segment (0.2 %) of the Danish workforce and has evolved from the traditional printing industry into a digitalized and IT-supported industry. It is an industry, which continues to witness technological advancements, which affect not only the work organization, but also the industry structure, where competition is fierce and the full-time open-ended contract increasingly has been replaced by freelance jobs, fixed-term contracts, free work and marginal part-time work leading to high uncertainty in labour market of graphic designers.

Social partners have developed various initiatives to address the challenges facing the graphic design industry at sectoral and company levels. However, the role of collective bargaining is weak compared to other areas of the Danish labour market, as the collective agreement coverage is estimated to be 33 % and the union density amount to 46 %. Nevertheless, social partners at sectoral level have managed to develop a series of initiatives to assist employees and companies within graphic design industry within the framework of collective bargaining and through different forms of bipartite social dialogue. Other initiatives have been employer/business or union led, and yet another set of initiatives is government led, involving to varying degrees tripartite consultations.

The main sectoral initiatives range from: 1) Various business orientated strategies and services targeting particularly freelancers, newly start-ups and SME companies, 2) strengthening the safety net around freelancers through the set-up of occupational pensions funds schemes and attempts to develop framework agreements covering freelancers, 3) raising union density and collective agreement coverage, and 4) improving and adding new social benefit rights within the framework of collective bargaining.

At company level, the role of traditional collective bargaining seem even weaker than at sectoral level. Three out of four of the companies interviewed were members of an employer association, but only two were covered by collective agreements and only one company had elected a shop steward to represent the voice of the employees. In fact, collective representation was weak in the sampled companies and most employees interviewed that had opted for non-union membership. They had therefore no union to turn to for legal advice and guidance when bargaining with management. In addition, company based bargaining regarding wages and other working conditions are typically left to individual negotiations between the individual employee and their employer, even in the company with a shop steward. Most of the sampled graphic design companies operate thus outside the framework of the Danish collective bargaining model.

Whilst the traditional representation schemes seem weak within the graphic design sector although social partners have initiated various responses to increase not only membership of trade union and employer associations, but also collective agreement coverage, alternative ways of interest representation has emerged within the industry of which some have been driven by Danish trade unions and employer associations, whilst others are more bottom-up initiatives developed through the informal networks of individual employers and employees.

Both unions and employer associations have increasingly widened their service provision by offering business like services to freelancers, newly start-ups and small companies, whereby the traditional boundaries between trade unions and employer associations seem increasingly blurred as such union services share striking resemblances with the services offered by the employer associations. A series of business organisations – public and–non- public funded - have also started to emerge on the Danish labour market, which offer similar business services as the employer associations, but are not engaged in collective bargaining. In addition, the freelance bureau initially set-up by the Danish union TL is another example of alternative representation, where freelancers come together and receive guidance and legal advice regarding their contracts with customers to prevent exploitation, besides receiving some form of income security through the freelance bureau in terms of accruing rights to unemployment benefits whilst working as a freelancer.

At company level, various (in)formal networks between graphic designers and graphic companies represent examples of alternative forms of representation. Through these networks, graphic designers gathered across both sides of the industry attend different events, which are organised by different initiators and are exclusively network-based. These informal and often ad hoc initiatives indicate that the network-based approach successfully gathers different groups of people across the graphic design industry.

All in all, our findings suggest that Danish social partners have tried in different ways to address the uncertainties within labour market of graphic designers, where traditional collective bargaining co-exist alongside alternative forms of collective as well as individual interest representation.

4. The gaming industry

4.1 Introduction to the industry

The Danish (software) gaming industry is difficult to narrow down by specific NACE codes as it cuts across distinct sectors, industries and occupations. Our starting point for defining the gaming industry - and in line with the overall comparative project - was companies covered by the NACE-code 58.21, which includes only publishing of computer games. However, the vast majority of Danish (software) game development companies are typically covered by other NACE codes such as 62.01 – 62.09, which cover computer programming, consultancy and other related services. In fact, examples exist of Danish game development companies that have had to change their initial NACE -code classification from NACE-code 58.21 to 58.62 in order to be considered for EU-funding. Therefore, we adopted a broader definition of the Danish gaming industry to capture the distinct characteristics of the industry. The broader definition is developed by the Danish Producers Association (i.e. the employers association organising and representing software game companies). Their definition is developed from various data sources such as national statistics and Danish company registry data and cuts across NACE codes (Interactive Denmark, 2016; Danish Producers Association, 2017).

Danish software game companies produce an array of services such as video games, computer games, smartphone applications and several other features related to game development as well as entertainment and educational tools. Games for smartphones (47 %) followed by boxed and downloaded games (30%) are the most common types of services produced by the Danish gaming industry (Vækstfonden 2016). There appears to be two types of game development companies in Denmark: The first type is companies developing their own products i.e. software games, and the second type is those engaged in 'work for hire', where they provide consultancy services to other firms and various clients such as schools, local government etc. 'Work for hire' is considered less prestigious as many game developers and companies perceive 'work for hire' as jeopardizing the creativity of game development. However, only few game development companies are so fortunate that they can avoid 'work for hire' and most companies often do both. They use earnings derived from their 'work for hire' projects to fund the development of their own products although with varying success.

The Danish gaming industry has roots in the early 1960's, where the first software games were produced (O'Keffee 2008). However, it is first in the 1990s that the industry starts taking off and throughout the next three decades evolves from a so-called hobby activity into a professional worldwide billion euro industry, where Danish game developers have earned the reputation as high-end developers, who are cost productive and sophisticated (Maskell 2005: 7; Interactive Denmark, 2017; Jørgensen et al. 2015).

Gaming is an industry dominated by rapid technological advancements, fast-growing markets and a highly volatile labour market, where job insecurities are high and the average life span among game development companies are less than 5 years (Marklund 2012). The industry also faces several challenges, where the most critical involve the constant search for capital and qualified employees. However, also the potential mismatch between investors' business mind-sets and game developers' main focus on creativity rather than the business aspects reportedly limit Danish companies' possibilities to access capital and enhance competiveness in a global arena (O'Keeffe 2008: 13).

The aforementioned challenges also affect the work organisation within the gaming industry, where the constant search for funding, tight deadlines, contracts other than full-time positions such as internships, freelance jobs, self-employment, fixed-term contracts and outsourcing are common working conditions throughout the industry not only in Denmark, but also elsewhere (Webstar et al. 2016).

Although the Danish game industry has expanded rapidly in recent years in terms of economic revenues (+208 % since 2009), number of companies and employees, the industry only employs a small fraction of the Danish workforce – both in its narrow definition (377 employees) and broader definition (804 employees – corresponding to 0,03 % of the Danish workforce– see figure 4.1).

Figure 4.1: Company statistics in the gaming industry

Most Danish game companies are small with less than ten employees (33 %) or solo self-employed without employees (51 %) when using the broad definition of the industry, while they only represent 14 % of the companies when using the narrow definition of the gaming industry (Statistics Denmark 2017c; Producentforeningen 2017). The small companies and particularly solo self-employed without employees account for an increasing share of the economic turnover within the industry (Producentforeningen 2016; 2017). This industry structure has only recently emerged. The Danish game industry has traditionally been dominated by a few large companies, but since the economic crisis hit Denmark in 2008, there has been a rapid growth in the number of small companies, notably solo self-employed without employees (Producentforeningen 2016). Most game development companies (65 %) are situated in the Greater Copenhagen area, although novel game development hubs have started to emerge in other parts of the country such as Aalborg, Billund and Grenaa (Interactive Denmark 2016; Marklund 2012).

Table 4.1: Wage and working conditions in sectors, 2014(numbers and %)

Source: Statistics Denmark, 2017d Note: Convergence rate from DKK. to EURO is 7,4. *Note: Includes entire software publishing sector ** broader definition is used here

	Gaming- narrow definition (58,21)	Creative industry
Percentage of workforce	(377 employees)	4,4%
Share of women	16%	50%
Union density	50%*	:
Collective agreement coverage	Estimate: almost non-existent	:
Employees with their primary employment in the selected sectors	85%	75%
Solo self-employed without employees	14% (51%)**	14%
Weekly working hours: *Less than 15 hours per week* *16-30 hours per week* *30+ hours per week*	 15% 13% 72%	 42% 13% 45%
Average hourly wages for jobs in selected sectors in euros	*€31,8*	€29,3
Average total annual earnings incl. all sources of income in euros	*€39896,8*	€34971,3
Percentage of earnings derived from work in selected sectors	85%	75%
Two or more jobs within the last year in per cent	32%	49%

Other key characteristics of the Danish gaming industry are that it is a male dominated industry and a highly internationalized in terms of its workforce composition. In addition, most employees hold academic degrees, although self-taught game developers are also seen, but less so than just a few years back (Jensen 2011). Full-time employment is common throughout the sector. In fact, the industry is notoriously known for its long-work hours culture particularly during crunch periods (i.e. up to game launch or other deadlines) not only in Denmark, but also internationally (Westar et al. 2016). Nevertheless, internships, freelance jobs, solo self-employed and part-time work are also widespread, where for example 28 % of the employees within software game publishing worked part-time in 2014 (table 4.1.). Table 4.1 also suggests that most game developers have their primary employment within the gaming industry, but many – 32 % - hold multiple jobs. They thus combine different sources of income to secure their living, although game developers' hourly wages appear slightly higher than in other parts of the creative industry such as graphic design -table 4.1).

In the following sections, we briefly present the key actors and the main features of how wage and working conditions are regulated within the Danish gaming industry. We then review the recent initiatives by social partner organisations – defined as public authorities, unions, employer's associations, various business and other relevant interest organisations - to strengthen the institutional framework for collective bargaining and secure wage and working conditions within the gaming industry. We then examine the industrial relations practices at company level, including the day-to-day management-employee relations and the challenges facing small Danish game development companies.

4.2 Key actors

Unlike other sectors on the Danish labour market, trade unions and employers associations play a limited role in regulating wage and working conditions within the game development industry. They rarely negotiate and sign collective agreements at sectoral and company levels, as there hardly is any tradition for collective bargaining within the gaming industry. Despite their limited role in regulating wage and working conditions, both unions and employers associations offer various services to assist their members in different ways and represent their interests vis a vis the political system. However, interest organisations other than the traditional unions and employers associations seem to play a larger role in terms of offering various services as well as representing the voice of game developers and their employers. Some of these organisations are public as well as non-public funded business organisations such as CAPNOVA and Interactive Denmark, but are not involved in collective bargaining. Others are so-called network based organisations arising from different grassroots initiatives such as Copenhagen Game Collective. Such organisations often cut across the traditional employer-employee divide by organising different types of game developers, ranging from solo self-employed, freelancers, employers and employees within the software game industry. Several of these organisations are transnational and tend to collaborate closely with their Nordic, European and international peers. New actors in terms of digital platforms such as Facebook, Linked-in, Twitter, Umgur and Game Development Denmark (spiludvikling.dk) have also gained increased foothold within the gaming industry, where game developers and companies launch their profiles, games, exchange know how, job hunt and organise various activities.

Similar to the graphic design industry, public authorities also play an important role in terms of Danish labour law and different government-led initiatives to promote economic growth, where the gaming industry is considered one of the main priority areas. Danish national, regional and local authorities have funded and set-up various organisations targeting specifically the gaming industry to assist newly start-ups and companies with the development of business plans, funding applications, networks etc. (see chapter 2).

Besides these actors, several educational institutions are also important players and many have prioritized game development in recent years. Most notably, is the set-up of two-year master degree in gaming as well as the hosting of several so-called incubators with newly and post graduated programmers.

Employer and business associations

The main employer associations within the gaming industry is the Danish Producers Association (Producentforeningen), followed by Confederation of Danish Industry (DI) and the Danish Chamber of Commerce (Dansk Erhverv). The latter is the only employer association with a sectoral agreement, but it covers only an insignificant fraction of the gaming industry. The Danish Producers Association has strong historical roots in the Danish film industry, but has expanded its membership base to include other creative industries, including game development and has 20 software game companies as members. The two other employer associations have reportedly even less members within gaming. The Danish Producers Association negotiates and signs collective agreements primarily within filmmaking, journalism and TV production, but has so far no collective agreements within the gaming industry. Instead, the Danish Producers Association's main focus within gaming industry is to promote a sustainable industry and secure working conditions with respect for the Danish game production. It does so by representing the interests of employers across the creative industry, including game development, and seeks to gain political influence and promote members' interests according to e.g. copyright, public institutions and producers besides offering various business services.

Other relevant business organisations – public as well as non-public funded - includes Interactive Denmark, CAPNOVA, Væksthuse, the Danish Film Institute, Nordic Game Institute. The latter is partly funded by the Nordic council and organises game developers and companies across the Nordic region with the aim to promote Nordic collaboration within the industry by organising various events (Producentforeningen 2017b).

CAPNOVA is public-private investment fund that assists and invests in new start-ups within gaming industry with the possibilities to make investments of up to 1 million euros within a particular company. CAPNOVA has a specific focus on innovation and entrepreneurship and supports among others the game industry with funding, business plans, network and innovative ideas for new game companies[6].

The Danish Film Institute (DFI) is another funding organisation, but solely public and aims through its specific funding programme for Danish games ('Spilordningen') to strengthen the cultural dimension of software games as well as secure the development and growth of Danish video games by funding game development companies. The Danish Film Institute[7] plays a significant role in the promotion and financial support of Danish games. The game industry is here seen as a culture-bearing media as well as entertainment and education. According to the interviewees, this particular emphasis on the cultural dimension of gaming has been crucial for the way Danish game developers and companies consider themselves as part of the creative industry in Denmark as well as the way they design their games.

Interactive Denmark is yet another non-profit and partly publicly funded organisation that specifically targets the gaming industry. It offers free tailor-made services to Danish game companies, particularly newly start- ups as well as assist with different funding applications and facilitates various professional networks within the gaming industry (Interactive Denmark, 2017). Likewise, *Vaeksthus Copenhagen* is a public funded organization and offers similar free guidance to start-ups and businesses, but unlike Danish Interactive, their target groups are all Danish companies and not just the gaming industry.

Trade unions and alternative forms of interest representation

Denmark has no specific union representing employees within the gaming industry, but recent figures suggest that the union density within the industry is 50% when using the narrow definition of the sector i.e. NACE code 58.21. Unions such as; *HK/Private*, the *Danish Association of Professional Technicians (TL), SAMDATA, PROSA, IDA* and *FAOD* sporadically organize employees within the game industry.

Other interest organisations relevant for game developers are the Copenhagen Game Collective (CGC) and the International Game developers Association (IGDA), which has a Danish affiliation located in Copenhagen. IGDA is the largest non-profit membership organization in the world representing and servicing distinct groups of game developers ranging from students, employees, freelancers and solo self-employed. The organization initiates and organise collaborative projects and conferences, and facilitates various networks for game developers through these events and their online plant form. They also have a so-called Special Interest Group which aims to prepare the next generation of developers and improve wage and working conditions for game developers worldwide (IGDA, 2017; IGDA Denmark, 2017).

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[6] http://capnova.dk/om-capnova.aspx
[7] http://www.dfi.dk/branche_og_stoette/spilordningen.aspx#

Copenhagen Game Collective is another alternative interest organization based in Copenhagen that represents and organises employees, freelancers, solo self-employed and small companies within the gaming industry. It was initially a grass root initiative, where a few game developers came together to set up a professional network with the aim to exchange knowledge and ideas among game developers as well as protect the unique Danish creative thinking. The Copenhagen Game Collective operates as non-profit and organizes various events and projects such as game development nights both in Denmark and in collaboration with their Nordic colleagues to gather game developers and facilitate networks among them. It has no explicit role with regards to interest representation regarding wage and working conditions, but is merely an organisation that brings people together.

4.3 Institutional framework for collective bargaining

Collective bargaining is practically absent in the Danish game industry and there is hardly any tradition for multi-employer bargaining at sectoral level. The only exception is the so-called 'IT agreement' negotiated and signed by the Danish Chamber of Commerce and HK- Private, but it only covers a few companies within the gaming industry according to the interviewees. The IT-sectoral agreement is in classical terms a salaried employee agreement and leaves wage setting to individual wage bargaining at company level whilst outlining different rules and regulations for overtime, notice periods, holiday entitlements, paid sick leave, maternity, paternity and parental leave etc. (Danish Chamber of Commerce and HK-industrial, 2017).

Therefore, wage and working conditions are primarily regulated by Danish Labour Law, but as Denmark does not have a statutory minimum wage and some working conditions such as occupational pensions, working times etc. are primarily regulated through collective bargaining, the regulation of wages and the aforementioned working conditions are left to the market forces within the gaming industry. This is the exception rather than the rule on the Danish labour market, where wage and working conditions primarily are regulated through collective agreements negotiated and signed by social partners at sectoral and company level. The nature of the gaming industry in terms of it being an emerging market dominated by small- and micro companies as well as compromising of only few employees and companies were highlighted by the interviewees when explaining the weak if not non-existing framework for collective bargaining within the sector, even if the union density among game developers appears slightly higher (50 %) than creative industries in Denmark (see chapter two). In fact, several interviewees reported that the traditional channels for negotiations and social dialogue were rarely used within the gaming industry by employers and employees to air their voice and push through their various demands. Instead, the array of professional and informal networks were considered detrimental for both sides of industry, not only in terms of exchange of know-how, but also for job hunting, recruitment and funding purposes. For example, IGDA hosts annual events such as Nordic Game Jam to gather game developers and provides a breeding ground for networks. Likewise, many game companies seem to use the different public and non-public funded business organisations, along with their informal networks, as fora where they meet to exchange ideas and collaborate with other business partners as well as to varying degrees secure funding and capital to develop their products.

4.4 Social partners' actions and responses

Several initiatives support and subsidize the creative industries, as mentioned in chapter 2. Many of these initiatives target explicitly the gaming industry in order to facilitate new businesses and generate rapid economic growth rates. In fact, most social partner initiatives have been initiated and led by business and employers organisations as well as educational institutions and network based organisations representing game developers rather than Danish trade unions. Some of these initiatives are:

Business services

Besides the various funding schemes, the Danish public authorities in collaboration with Interactive Denmark and the employer association – the Danish Producer Association – have initiated various project with the aim to assist software game companies developing their businesses. One of their most recent programmes is the SOLID project, where 25 companies so far has participated and received help with sales, product testing as well as external consultancy services (Producentforeningen, 2016; Interactive Denmark, 2017)

The Scandinavian Game Developer is another example of a business-oriented project, but was funded by the EU. The project was a collaboration between educational institutions and businesses in Denmark and Sweden and aimed to promote and ensure entrepreneurs within the Scandinavian game industry to set up viable companies in a highly competitive business environment. The project tested different business models, and set up different incubators to assist start- ups and entrepreneurs within the gaming industry. Part of the project was also to develop and strengthen different network among game developers in Scandinavian countries. The project was carried out in close collaboration with young Scandinavian talents within the gaming industry. The project ended in 2015, but the cross-national network collaboration has continued to exist as the organizers decided to prioritise and further develop the different cross-national networks with relevant stakeholders due to interests among different young game developers (Scangames.dk).

Organising events and facilitating networks

Both the employers association – the Danish Producers Association – and the network based interest organisations such as IGDA and Copenhagen Game

Collective organize different events to gather game developers to exchange views, interests as well as develop their network and in some instances businesses. They include for example the business-oriented programme ‘Growing games’ and the annual game development price funded by the Danish Producers Association and hosted by Interactive Denmark. *Growing games* is a series of workshops targeting entrepreneurs within the gaming industry where they gather both Danish and foreign experts as well as game developers to exchange business ideas and know how. *Games week Denmark* is another annual event organised jointly by Interactive Denmark, the Danish Producers Association and IGDA, which aims to bring together game developers in order to inspire new ideas and facilitate networks among companies and game developers. Moreover, IGDA Denmark organises regularly in close collaboration with their Nordic and international sister organisations different similar events such as *Nordic* and *Global jam nights*, where game developers meet for a weekend to develop and share new ideas and games. These arrangements attract up to 500 participants or more and are hosted in different countries.

Attracting qualified game developers

Attracting and retaining qualified game developers are challenges facing many software game companies. Danish public authorities at national, regional and local level have increasingly prioritised the gaming industry and its labour shortages. For example in Copenhagen, the local authorities have in close collaboration with different institutions such as Copenhagen Capacity and the employer association - Danish Producer Association - developed recruitment campaigns to attract talents and highly skilled workers from abroad to address the labour shortage within the gaming industry. The campaign was reportedly considered a success in that it attracted up to 358 applicants where many of these were recruited for a number Danish software game companies (Producentforeningen 2016).

Union-led responses - or the lack of them

Few unions have developed initiatives explicitly targeting the game industry, but their various initiatives aimed more generally at solo self-employed, freelancers and employees without collective agreement coverage are also relevant for employees within the gaming industry due to limited collective agreement coverage and the growing share of freelancers and solo self-employed within the sector. These union led initiatives include among others their various business services for solo self-employed, the pension fund for freelancers and employees without collective agreement coverage, the reform of the unemployment benefit system etc. (see chapter 2 and 3). Nevertheless, it is striking that none of the unions interviewed had specific strategies aimed at raising union densities and collective agreement coverage within the gaming industry, which stand in sharp contrasts to their approach in other parts of the Danish labour market (see chapter 2; Larsen and Mailand, 2014; Ibsen et al. 2017). As union representative stated:

"We have to admit, it is a coincidence if we have them (game developers) as union members. We have no specific strategies to organise them- it is also a very tiny group" (Danish union representative, 2017)

4.5 Introduction to the case studies

Three game development companies took part in our study and they were selected using similar selection criteria as in the case study of the graphic design sectors such as their company size, membership of an employers association and their location within the Greater Copenhagen Area. The sampled companies are all small and employs from 12 to 17 employees, nearly all men aged 40 or less. Both employees and managers come from different educational backgrounds, ranging from self-taught to highly skilled with academic degrees such as PhDs. Their areas of expertise include among others data scientists, software programming, game development, graphic design and sound, marketing, psychology etc., which reflect the variety of competences needed for game development.

Two of the three companies are members of an employers association, but none of the sampled companies are covered by a collective agreement. They also have no workplace representation in terms of shop stewards. In Denmark, only employees working in companies covered by a collective agreement and with five or more employees have the right to appoint a shop steward to represent their interests vis a vis management (Kristiansen 2013), which explains the absence of shop stewards in the sampled companies despite some employees working within these companies were union members and thereby in principle able to push for a collective agreement and workplace representation. As a result, the game development companies taking part in our study operate - similar to most of the sampled graphic design companies - outside the traditional Danish collective bargaining model (see table 4.2 for an overview).

Table 4.2 – Overview of sampled companies

	Number of employees	Membership of EA	Covered by collective agreement	Number of interviewees
Game software development company 1	14	Yes	No	3
Game software development 2	17	Yes	No	2
Game software development 3	12	No	No	2

The game companies sampled are all relatively young companies with less than 10 years in the market. However, the top management had often been active in the game development industry for several years and many had managed other game development companies in the past – some of which they have owned, merged with other companies, sold off or even closed down due to economic success or risks of bankruptcy. Indeed, the sampled companies reflect very much the vibrant market characterising the gaming industry, where changing business cycles, technological advancements, fierce competition, constant search for capital and qualified software programmer, along with the uncertainties if their product will succeed or not, are just some of the day-to-day challenges facing the three companies. The companies taking part in our study have addressed these challenges in different ways.

Securing investments and funding

The constant search for capital and new funding opportunities to finance and secure the development of game products in a high risk market with no guarantee that a product will succeed are critical challenges facing not only the sampled companies, but are common throughout the game development industry. Such challenges appear even more pressing as game development has become increasingly labour intensive due to technological advancements in hardware and processing powers and rising demands for quality by consumers: In 1997 a team of 10-15 people were typically involved in producing a software game compared to 35-40 employees in 2003 (O'Keeffe 2008).

To deal with the funding issues, the companies sampled have developed distinct strategies. A common strategy throughout the game industry is for game companies to engage in 'work for hire' alongside their own product development to secure financial stability. 'Work for hire' entails that the company provide consultancy or produce tailor made services to other game companies or clients such as schools, libraries, public authorities and entertainment businesses. Examples of such services include education software tools, websites, entertainment games and different events etc. Only one of the companies sampled relied on this strategy at the time of writing, while the other two companies had used this strategy in the past. However, all interviewees underlined the risks associated with 'work for hire' approach which entail among others that 'work for hire 'projects often become too time consuming, leaving little if no time for the company to develop their own game products. This often triggers a vicious circle, where the game company becomes increasingly dependent on 'work for hire' projects rather than developing their own product development.

To secure their finances, many software game companies, including the companies taking part in our study, had also applied with varying success for funding from national and European funding schemes and various investment funds. However, such sources of income are considered risky business by most interviewees, as there is no guarantee that the funding application will succeed and the eligibility criteria for receiving funding often require that the final product has a cultural and creative dimension, at least in Denmark. Many software game companies therefore often adjust their business plans to include elements of culture and creativity to qualify for funding. In some instances, this may jeopardise the companies' possibilities to succeed in a highly competitive game market and or attract other forms of investment since their products tend to be considered too cultural and less business-orientated - findings that corroborates with other research (O'Keeffe 2008; Maskell, 2005; Marklund 2012). In other instances, the national and European funding schemes have prevented the software game companies from bankruptcy by enabling them to proceed with their products and turn them into a successful business.

Wage restraints, where monthly salaries were way below the general average characterising the Danish gaming industry (table 4.1), along with the heavy reliance on different forms of work organisation involving among others no overtime payments, internships, freelance work, fixed-term contracts and outsourcing, were also strategies used by the sampled companies to cut costs and secure the viability of the company.

Work organisation - casual work and outsourcing

All three companies had a team of core employees with full time open-ended contracts. Most, but not all of these employees were employed under the Salaried Employees Act (2009). The Salaried Employees Act (2009) secures the rights of white collar workers' to pensions, sick pay, maternity, paternity and parental leave as well as holiday entitlements and notice periods, but leaves wage setting to individual wage bargaining at company level. Despite working in a highly volatile labour market, most employees interviewed felt secure in their current job position. This may due them typically holding a full-time open-ended contract and that their skills, particularly software game programmers' are high in demand. They can therefore relatively "easy" find alternative employment, which may not necessarily be within the game development industry, but often in other parts of the IT-sector such as banking. This was emphasised by both sides of industry in all the companies and among the social partner organisations at sectoral and national levels.

The second group of employees were more loosely affiliated with the company and included students, interns, freelancers and fixed-term workers. Their numbers often varied in size depending on the economic situation and type of ongoing projects within the company. However, the companies typically have one or two interns working and sometimes even more. The students and interns come from abroad and other parts of Denmark and they typically combine their studies with an internship of 3 to 12 months at the company. Only some of the interns and students receive payment for their services, whilst others worked for free for shorter or longer periods often as part of their studies.

Freelancers were also regularly used by the game development companies. Some have initially started as interns, but have remained with the company as freelancers for shorter and longer periods for then in some instances to be recruited as permanent staff. Other freelancers are hired to perform specialised assignments that are not part of the company's in-house services. They have typically been affiliated with the company for years and called in when their services are needed. The freelancers do not necessarily work and live in Denmark, but are also recruited from abroad through either personal networks or digital IT platforms and perform their services from their home countries. Their wages are reportedly lower than their Danish peers, indicating that in all three companies examined there exist different forms of employment for which uncertainty and precariousness may be present.

Attracting qualified labour: Individual credentials and portfolio

Portfolios are similar to the graphic design industry of great importance for game developers' job opportunities. In fact, networks and personal contacts, along with the employee's portfolio and their educational background, are key to secure a job within the sector. Many of the employees and employers within the companies sampled have known each other for years, where some go as far back as their time at University or college. Their educational background varies from self-taught to highly skilled academics with PhD degrees and it is particularly software game programmers that are particularly attractive and short in supply within the game industry. Therefore, most game development companies continuously advertise for such job positions through various webpages and digital platforms, besides using their different network and connections to attract software programmers. Other vacant and new positions within the gaming industry also tend to be frequently advertised through such media, although networks and connections play a key role. This is further reflected in the interviews, where several interviewees - both managers and employees- reported that many employers often used their network and facilitated the contact to other companies, if and when they have to lay off employees in order to secure their future employment elsewhere. The importance of network and connections is also reflected by internships and freelance jobs often leading to permanent position in so far there is a job opening within the company and the employee match expectations and have proven their worth.

As a result, software developers without a network and connections may not have as great difficulties to find employment within the Danish game industry as seen within the Danish the graphic design industry, but it seems to ease the process.

4.6 Traditional and alternative forms of voice in the case companies

The Employees

The union density within publishing of software games is around 50 %, but is estimated by the interviewees to be lower in other parts of the game industry. The companies taking part in our study reflect this, where most employees were union members in two of the three sampled companies whilst none were union members in the third game development company. The case companies also revealed that game developers were often members of different unions, which reflect that there is no single union representing game developers in Denmark. Nevertheless, the union density within the game industry stands in sharp contrast to the graphic design industry, where the union density is lower and hardly any of the employees working in the companies sampled were union members despite the graphic industry having strong traditions for collective bargaining and unions (see chapter 3).

When asking why employees within the game development industry were union members or not their reasons varied. Some saw it as important to support unions through membership in order to counterbalance the power of employers and secure basic labour rights. Others had relied on the unions in different employment matters and had been satisfied with the services provided by their union. However, our case study also suggest that some employees not even considered joining a union. They had often limited knowledge about trade unions, their role and services. In some instances, the interviewed employees were unable to see how unions could be helpful for their situation or simply considered that the union fees were too high and there were not enough value for money:

> *"Uh.., it is a lot of money for union fees and I probably would be a member if it was not that expensive. I assume unions are about safety net. I am not sure I must admit" (Non-union member)*

The Employers

Few Danish game developing companies are members of an employer association and they typically only opt for only the business services. This also applies to the game developing companies in our study. None of the game development companies taking part in our study was covered by a collective agreement whilst only two were members of an employers association. Their reasons for joining an employer associations included among others a way to expand their network as well as represent and legitimise the interests of the gaming industry vis a vis the political system in order to influence the political agenda. Other aspects included the ability to attract capital and international investments to the gaming industry as well as to seek legal advice and guidance regarding employment issues and intellectual property rights. In fact, they saw, generally speaking, the employer association at least the business services as important and were pleased with the services it provided. By contrast, the collective agreements were often considered less attractive and ill-suited to a constant changing industry such as gaming, where flexibility is key to adjust the labour force and working conditions in a constant fluctuating and highly competitive market. Others had difficulties in seeing the particular benefits in being covered by a collective agreement as well as joining an employers association:

> *"My thoughts are that it (a collective agreement) only gives the employees a lot of rights, but I have never considered it as something beneficial to us as a company"*

Alternative forms of representation

The professional networks developed by various business organisations such as Interactive Denmark, and the networks based interest organisations such as IGDA and Copenhagen Collective are examples of alternative forms of representation within the gaming industry, but they tend to play a limited role with respect to traditional interest representation related to wage and working conditions as mentioned earlier. They cut across the traditional management-employee divide by organising students, employees, freelancers and small companies. In addition, the various informal connections between game developers and game companies where they meet online through various digital platforms to exchange know-how, organise events and facilitate contacts and develop networks between game developers are other examples of alternative ways of representation. Some of these events such as Nordic games and growing games started initially as ad hoc initiatives, but have increasingly become institutionalised in terms of being regular annual events that gather game developers from across Denmark, the Nordic region, Europe and the world with the aim to facilitate contacts and exchange views, interests and know-how.

4.7 Day-to-day realities at workplace level in the case companies

The day-to-day realities within Danish game development companies share some resemblances, but also important differences with the graphic design companies in terms of how their management-employee relations, wage bargaining, annual performance appraisals and other forms of workplace representation unfold at company level.

Management –employee relations

Similar to the graphic design companies, the management style and work environment within the three game development companies were characterised by informal relations, flat job hierarchies and open door policy, but with a clear division between management and employees in terms of liability. In some companies, the management-employee appeared even more relaxed compared not only to the graphic design companies, but also other game development companies in that all the employees have a say in for example the recruitment of new employees, wage setting decisions and other company related questions including strategic corporate and financial decisions, which often are left for management in other companies. In fact, the management-employee relations were often of a very friendly and informal nature in most companies, as both managers and employees tend to have known each other for years and some went as far back as their time in university or college as mentioned earlier.

To nurture the management-employees relations within the game development companies, both management and employees held joint lunch breaks where they discussed all types of issues and not only work related tasks. Some also arranged regular game nights, where both employees and employers would attend besides the annual Christmas lunches and summer parties. Other ways to nurture the management-employee relations and built trust between employers and employees were to secure full transparency regarding the companies' financial situation. Both sides of industry emphasised this as particularly important in an industry such as gaming, where there is a constant pressure to attract and secure financial capital as well as high risks and uncertainties as to whether the next game will become a hit or flop within the market.

Company based wage bargaining and annual appraisals

Wage setting is left for individual wage bargaining in all the three companies and largely dependent on the bargaining skills of the individual employee as none of the companies taking part in the study were covered by collective agreements. Wide variations existed across the three companies with regards to their wage levels, but a common feature was that the wages similar to elsewhere in the gaming industry were lower than other parts of the IT sector according to the interviewees often due to financial constraints and the intense competition within gaming industry.

Nevertheless, annual wage bargaining took place in all three companies, but they often followed a slightly different approach. In one company, management had kept the monthly salaries very low and offered hardly any social benefits to the employees, except for those outlined in the Danish labour in order to secure the survival of the company. To compensate for this, the management had then decided in close collaboration with the employees to distribute any surplus evenly among them according to how their colleagues assessed the individual employee's performance within the last year. This approach had reportedly worked well in the past, but the employees had increasingly pushed for higher salaries along with other work-related benefits. In other companies, the wage bargaining followed a more traditional approach, where employees individually with varying success negotiated wage increases and other work-related benefits with management. In fact, and unlike the graphic design industry, the wage bargaining within the game development companies appeared genuine wage negotiations between the employer and individual employees. Likewise, most companies also offered pension schemes, sick pay, full pay during maternity, paternity and parental leave as well as other work related benefits, which in some companies seemed to be a way to attract and retain qualified and skilled workers where particularly software programmers appeared to be short in demand.

All three companies had also implemented some form of performance appraisal systems. In some companies, the employer and employees held annual meetings to discuss progress and the performance of the employees. In other companies, the appraisal appeared more ad hoc and informal, but covered both the full-time permanent staff as well as students, interns and freelancers.

4.8 Summary and discussion

The Danish game development industry is an emerging market which recently has experienced rapid growth rates in terms of economic turnover, number of companies and employees, but employs only a small segment (0.03 %) of the Danish workforce. It is an industry characterised by rapid technological advancements, fast growing markets, and a constant search for funding and investment opportunities, where job insecurities are high and the average life span of a game development company typically is less than 5 years. The Danish game industry has also recently witnessed a change of industrial structure from being traditionally dominated by a relatively few large players to an industry with rising numbers of small companies notably solo self-employed without employees and newly start-ups.

In industrial relations terms, the Danish game industry operates on the outskirt of the traditional Danish collective bargaining model. Collective bargaining is practically absent in the Danish game industry with hardly any tradition of multi-employers bargaining and an array of unions only sporadically organise game developers within the sector even if the total union density (50 %) appears comparatively higher than other parts of the creative industry such as the graphic design industry. In fact, unlike most other sectors on the Danish labour market, interest organisations other than the traditional trade unions and employers associations involved in collective bargaining seem to play a larger role in terms of offering services as well as representing the voice of game developers and their employers. Some of these organisations are public as well as non-public funded business organisations, whilst others are so-called network based organisations such as Copenhagen Game Collective and IGDA and cut across the traditional employer-employee divide by organising different types of game developers, ranging from solo self-employed, freelancers, employers and employees within the software game industry. Several of these organisations are transnational and tend to collaborate closely with their Nordic, European and international peers. Digital platforms such as Facebook, Linked-in, Twitter Imgur and game development Denmark (spiludvikling.dk) are also important forum where game developers meet, exchange know how, publish their profiles, game development product, search of jobs and organise various activities. In fact, these alternative forms of formal and informal representation seemed were more frequently used by employers and employees to air their voice and push through demands than the traditional channels for negotiations and social dialogue.

Danish labour law regulates most working conditions on the Danish labour market in areas without collective agreement coverage. But Denmark has no statutory minimum wage and other working conditions such as occupational pensions and distinct forms of working time is solely regulated by collective bargaining, which in the case of the game industry means that wages and other working conditions are left to the market forces. However, our case studies reveal that company based bargaining regularly takes place between individual employees and their employers at company level. In fact, the work packages offered within the sampled companies often entailed full-time permanent positions combined with generous bonus schemes, pensions, full pay during sick leave, maternity, paternity and parental leave etc. although variations existed across the sampled companies and wages generally speaking were somewhat lower than elsewhere within the IT sector. The constant search for qualified and highly skilled employees, particularly software programmers may explain these relatively generous employee benefits in a labour market governed primarily by the market forces and not collective agreements. However, our case studies also indicate that the labour market within gaming is divided into a core group of employees, which typically enjoy the listed work packages and a second employee group more loosely affiliated with the company such as freelancers, interns and fixed-term workers which were exposed to greater job insecurities and less generous working conditions.

Our case studies also give examples of novel industrial relations practices company level, where employees are involved in decisions regarding recruitment, wage-setting and corporate and financial strategies which typically in other companies are left solely to management. Indeed, the nature of the management-employee relations appeared often non-hierarchical combined with often highly friendly and informal relations between management and employees as they tend to have known each other for years and some went as far back as their time in university or college.

Overall, our findings suggest that alternative and novel forms of collective - and individual representation have emerged within the Danish gaming industry that cut across the traditional employee-employer divide. In some instances, these forms of representation appear more important for the parties involved than the traditional forms of representation and social dialogue often used to describe the Danish labour market and industrial relations system.

5. Discussion and conclusions

This final chapter will, firstly, return to the national overview and summaries the overall description of the creative industry in Denmark. Secondly, the research questions will be addressed by drawing on the findings from the national overview and – especially – the two case-sector analyses. Thirdly, a discussion of the two case-sectors similarities and differences will follow.

5.1 Describing the creative industry and the creative work in Denmark

There are nearly as many definitions of the creative industry as there are studies. Regarding *size*, the creative industry as defined and demarcated in the IR-CREA project, employs 4.4 % of the Danish workforce. This number of employees has declined since 2008, mainly due to severe downsizing of one of the main employers (defined by NACE-codes, two –digit level) in the Danish creative industry, namely ‘advertisement agencies’. However, the advertisement agencies continue, together with ‘publishing of newspapers’, to be the largest employers in the Danish creative industry. It is important to note that the 4.4 % excludes solo self-employed and does not include creative workers working outside what in the present project has been defined as the creative industry.

Regarding the *creative workers wage and working conditions*, the literature review pointed to eight basic characteristics:

- A high and increasing number of atypical employees
- Employment contracts and other contracts highly influenced by an organization of work around time-limited projects
- A high share of creative workers that suffers earning penalties (measures as the investment in education and training compared to their income)
- Recruitment where it is the portfolio you bring and the network you have, rather than your educational background, which determine your job opportunities
- Multiple job activities (multi-jobbing)
- Long working hours and low pay
- Great variation in quality of the job according to: a) geographical location in the production-chain; b) type of job (‘star jobs’, ‘guardian jobs’ or a ‘foot-soldier jobs’) c) specialisation between companies: d) segmentation within companies
- Low union density and collective bargaining coverage.

Several of these characteristics are also found in the very limited Danish literature. The Danish studies – including the statistical information that we have provided for the present project - find: 1) An overrepresentation of skilled workers/high qualified workers, who to a large extent rely on portfolios and job experiences as well as networks in order to get contracts for work; 2) Overrepresentation of atypical employment, especially fixed-term contracts, marginal part-time and solo self-employed; 3) Unpaid work and unpaid internships are widespread in the more art-related' parts of the creative industry; 4) Multiple jobs and high employee turnover. 5) Below aware employment rate throughout the year due to period of unemployment . 6) Below average (but not low) trade union membership,7) Low coverage of collective agreements

Following from the literature review, the national overview made it clear that variation exists between on the one hand occupations such as architects and journalists, for whom there exist quite a number of full-time jobs covered by collective agreements, and on the other hand the more art-related occupations such as actors, musicians and performers where such jobs are very rare.

5.2 Answering the research questions

In the introduction, the research questions were presented. They will be answered below. Firstly, however, in order to contextualize these answers, we describe what characterizes pay and conditions in the Danish creative industries?

- *What characterizes pay and conditions in the Danish creative industries?*

The national review did not add to the description of wages, working and employment conditions from the international and Danish literature review, but the sector case studies did.

The graphical design industry (employing 0,2 % of the Danish workforce) has undergone a fast technological development from the traditional printing industry to a more digitalized and IT-supported industry. The present day graphic design industry is also subject to intense international competition. It is a sector characterized by small companies: Less than 2 % of the companies have more than ten employees, and less than 0,2 % have more 50 employees (Statistics Denmark, 2016) . It is characterized is by a reduced number of standard employment contracts and a spread of nonstandard contracts in the form of freelancers (solo self-employed), fixed term- and marginal part time employees. Approximately, 40 % of the companies are estimated to solo self-employed and they now make up 46 % of all workers in the industry. The average annual earnings of 38.000 euros are just above the average for the creative industry, which stands at 35.000 euros per year.

The gaming industry (employing 0.03% of the labour force with a broader and more accurate definition than the one applied in the project) can be characterized as an emerging economy in Denmark that dates back to the 1960s, but first started to take-off in the early 1990s. Despite of it limited number of employees, it is growing and has a high economic turn. In fact, the economic added value per employee is considerably higher than other sectors when comparing the economic turnover and the number of employees within the gaming sector (377 employees using the narrow definition and 804 employees according to the broader definition (804 employees).. The gaming sector has self-evidently been influenced by technological development and is a fast growing industry in Denmark. Most companies are small (33 % has more less than 10 employees and 51 % are solo self-employed companies). Various forms of atypical employment are used throughout the gaming industry (e.g. 28 % work part-time and 14 % are solo self-employed), but full-time position are also widespread. The sector is also known for its long working hours. The average annual earnings of 40.000 euros for game developers are above the average for the creative industry and 85 % of the employees' earnings derives from work in the gaming industry.

- What is the role of collective bargaining (both national and sub-national levels) and social dialogue in regulating creative industries?

In relation to this question, it is relevant to address the membership of the social partner organisations. The national review showed that trade union membership ranges from 40 to 74 % in 17 subsectors used to characterise the creative industry in Denmark, and that the union density in most subsectors is below the national average on 67 %. Moreover, the trade unions are more fragmented into smaller units than on the average Danish labour market. Still, despite of the lower than average density and the higher level of fragmentation, the trade unions have a certain presence everywhere in the creative industry.

The employer organisations exist in various forms, some having employer functions, while others are pure business organisations.

The collective agreements coverage for the creative industry is unknown, but is estimated to be considerably lower than the general average for the Danish labour market. This is because multi-employer bargaining is less widespread and often rather patchy within the creative industry with some sectors such as gaming having no tradition of multi-employer bargaining non-existent. Instead, individual company agreements are more common in parts of the creative industry while multi-employer collective agreements prevail in other sectors. This is, for instance, the case in large public sector workplaces in the more art-related parts of the creative industry. In most parts of the graphical design industry covered by sectoral collective agreements, the collective agreements leave wage setting to local and typically individual wage bargaining. However, the case companies show that company based wage bargaining rarely takes place, resulting in a de facto wage freeze. In the game development industry where multi-employer bargaining is sparse if not non-existing, wage-setting is left for individual wage bargaining at company level.

- Do special institutions, such as bilateral bodies between unions and employers associations, provide collective goods and services for these workers?

The national overview found that there are numerous such initiatives in the creative industry. With regard to the gaming industry and graphical design industry, both sectors have witnessed social partner initiative's to strengthen business-oriented services, but in the game development industry, the trade unions have most often not been part of these. By contrast, unions have played a much more active role within graphical design industry.

- To what extent are creative workers experimenting with new ways of interest representation?

This research question is partly overlapping with the previous one, as some of the special institutions addressed above can also be considered as novel ways of representing interests.

The novel ways of interest representation are developed at different levels and has taken different forms and shape. At sectoral level, the trade union initiative to set up a freelance-bureau, which takes over the employer responsibility for the freelancers signing up, appear to be one of the most remarkable initiative. In the graphical design industry, the trade unions have taken launched several initiatives, some of them which have explicitly targeted at solo self-employed (focusing on, inter alia, the challenges for start-ups), but they offer also courses for graphical designers. The trade unions found the demand delivered workspaces were to be low, so the trade unions do not offer these. At company level, only one of the four companies in the sector had elected a shop steward, reflecting the relatively weak workplace-representation within the sector. The case-companies in the sector included examples of new forms of interest representation.

In the game development industry, there are examples of alternative forms of representation above the company level. They cut across the traditional management-employee divide by organizing students, employees, freelancers and small companies mostly focusing on sharing information and know-how. Some of these, e.g. the activities of IGDA, do also include a specific focus on wages and conditions. With regard to the case-companies, none of the companies in this sector had union representation at workplace level, whereas some of them as stated above have developed new forms of interest representation.

- What strategies do trade unions and employers' representatives adopt in order to include creative workers in traditional representation schemes? What do they do at national level and what at local level?

The national overview showed great variety in recruitment strategies and efforts, quantitatively as well as qualitatively. Some organizations were very active and produced for instance publications with the special aim of recruiting new members and/or invited to meetings with their top-level management, whereas others showed no or very limited recruitment activity, especially with regard to the smaller occupations in the creative industry. The efforts of the organizations included both the targeted effort at firms, but also – in the case of the trade unions – at the schools. The efforts do by large not seem different from those used with regard to non-creative workers and non-creative companies.

In the graphical industry, the unions typically address potential members, whilst they still are under formal education and training as they were more difficult to find and organise when leaving the educational system. Other union strategies involve organizing different events and network meetings on specific themes such as digitalization, platform economy where they exploit the opportunity also to inform about trade union membership and their services. Moreover, the unions in the sector seek to extent the coverage of collective agreements. The employers also arrange various events and publish newsletter to attract new members. However, the employers' associations find it increasingly difficult to convince potential members to join the employer associations.

In the game development industry, there does not on the trade union side seem to be any targeted attempt to organize the game developers and the game development companies – they are simply too few to make this a suitable strategy. However, on the employer side such attempts exists.

- What are the strategies of social partners at national and territorial level to overcome the challenges related to high uncertainty in the creative workers labour market?

This question is to a large extent overlapping with previous question, but moves beyond the traditional representational schemes. Hence, here we wanted to report on the social partners activities at the political arena. The most important activity in recent years on the political arena has been attempts to influence a working group in the Ministry of Employment working on challenges for the solo self-employed in the unemployment benefit system.

- How can social partners increase the inclusion of creative workers in industrial relation processes?

The tools to increase the inclusion of creative workers is working with the instruments mentioned in the two previous questions. We have so far not come up with any suggestions for further instruments.

5.3 Comparing the two sectors

When comparing the two sectors, a number of interesting similarities and differences appears. The Danish gaming industry appear more internationalised than the graphic design when looking at the workforce composition within the two sectors although outsourcing to companies abroad is widespread in both sectors. In addition, traditional collective interest representation has a stronger foothold within the graphical design industry than in the gaming industry, although the union density is around 50 % in both industries. Few gaming companies are members of employer's organisations, Moreover, although only around a third of the graphical design industry is covered by collective agreements and around a half are members of a union, these numbers are far higher than in the game development industry, where collective bargaining is practically absent. Finally, although there are social partner led- initiatives covering the game development industry, it is primary the employers' organisations who run them. The trade unions are – contrary to the situation in the graphical design industry - nearly absent. However, there has, as described above, been developed alternative form of interest representation that related to wages, employment and working conditions, also in the game development industry.

Table 5.1: Wage and conditions in gaming and graphic sectors, 2014

	Gaming-narrow definition (58,21)	Graphic design industry	Creative industry
Percentage of workforce	(377 employees)	0,2	4,4%
Share of women	16%	57%	50%
Employees with their primary employment in the selected sectors	85%	77%	75%
Solo self-employed without employees	14% (51%)**	46%	14%
Weekly working hours: *Less than 15 hours per week* *16-30 hours per week* *30+ hours per week*	 15% 13% 72%	 26% 13% 61%	 42% 13% 45%
Average hourly wages for jobs in selected sectors in euros	*€31,8*	*€28,5*	€29,3
Average total annual earnings incl. all sources of income in euros	*€39896,8*	*€38253,3*	€34971,3
Percentage of earnings derived from work in selected sectors	85%	77%	75%
Two or more jobs within the last year in per cent	32%	42%	49%

Source: Statistics Denmark, 2017b Note: Convergence rate from DKK. to euros is 7,4. *Note: Includes entire software publishing sector ** broader definition is used here

A part of the reason for this difference is likely, that part of the graphical design industry origin in the printing industry, a former trade union stronghold, whereas the game development industry is a new industry which origin it in the newer and less organised IT-industry.

Regarding employment types, wages and working conditions, both sectors are characterised by a high presence of non-standard work, including use of freelancers. Portfolios and networks are of great importance in both industries, and so are informal relations and flat job hierarchies. In both sector a division between core and periphery workers was found, as described in the literature review and by Atkinson (1987) with reference to companies also outside the creative industries. Wage-levels are also similar in the two sectors. Differences are found with regard to the presence of full-time position that are more widespread in the game development than in the graphical design industry and that the shares having two or more jobs and work less than 50 hours are higher in the graphical design industry.

Interestingly, we can therefore conclude that the stronger presence of traditional interest representation at sector level in the graphical design industry than in the game development industry does not spill over to better conditions – if anything, in summary the conditions are better in the game development industry.

Table 5.2 IR institutions, employment types, etc. in gaming and graphic sectors

	Gaming- narrow definition (58,21)	Graphic design industry
Trade union density*	50%*	46%
Estimated collective agreement coverage	Almost non-existent	1/3
Multi-employer bargaining	None	Yes
Workplace representation	None	Limited
Social partner-led initiatives	Yes, primarily by employer associations	Yes, by both social partners
Employment types	High presence of atypical incl. solo- solo self-employed Core-periphery Full-time positions widespread	High presence of atypical incl. solo- solo self-employed Core-periphery
Co-operative workplace culture	Informal, Flat hierarchy	Informal Flat hierarchy
Company-based wage bargaining	Annual	Rare

Source: Statistics Denmark, 2017b. *Note: Includes entire software publishing sector ** broader definition is used here

At least a part of the explanations here is market-related. What seems to be one of the most important factors for the slightly better conditions in gaming industry than in the graphic industry is that there is a scarcity of skilled labour in the gaming and a surplus of skilled labour in graphical design.

Moreover, the fact the economic added value per employee within the gaming sector is considerably higher than other sectors when comparing the economic turnover and the number of employees within the gaming sector may also explain why the wages are slightly better and company based bargaining more widespread in the gaming sector than for example graphic design, where company based wage bargaining and local agreements are almost non-existent in the graphic design companies examined.

Finally, the lack of workplace level bargaining in the graphical design industry, which the case-companies showed, could be part of this explanation, if this absence is found to be widespread in the sector, which the project at present does not include information about.

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Annex A: List of interviews

Trade Unions

SAMDATA, The Union of Commercial and Clerical Employees in Denmark
Danish Musicians' Union
The Danish Union of Journalists
The Union of Architects and Designers
The Union of Commercial and Clerical Employees in Denmark - Private
The Danish Association of Professional Technicians
Danish Artists' Association

Employers' organisations

The Danish Newspapers' and Media Employers' Association
Creativity and Communication
Danish Association for Communication, Design and Media (Grakom)
The Danish Association of Architectural Firms
Copenhagen Game Collection
International Game Developers Association

Companies (anonymized)

Graphic design bureau 1
Graphic design bureau 2
Graphic design bureau 4
Freelance bureau
Game software development company 1
Game software development company 2
Game software development company 3
Two freelancers – i.e. registered solo self-employed without employees

Public policy organisations

Vaeksthus Copenhagen
Interactive Denmark

Annex B: IR relevant organisations in DK creative industry

NACE	*Inclusion*	*Trade Unions*	*Employers'- and trade associations*
47.6 Retail sale of cultural and recreation goods in specialized stores	Partly	-	-
58.1 Publishing of books, periodicals and other publishing activities	Partly	-	-
58.2 Software publishing	Partly	The Union of Commercial and Clerical Employees in Denmark/ SAMDATA	The Danish IT Industry Association
		International Game Developers Association	Nordic Game Institute
		Copenhagen Game Collective	Danish' Producers Association
59.1 Motion picture, video and television programme activities	Fully	-	Danish' Producers Association
59.2 Sound recording and music publishing activities	Fully	Danish Musicians' Union	Association of Danish Regional Symphony Orchestras
60.1 Radio broadcasting	Fully	The Danish Union of Journalists	DR* TV2* The Royal Danish Theatre*
60.2 Television programming and broadcasting activities	Fully	The Danish National Trade Union for Film- and Television workers	Danish' Producers Association
63.9 Other information service activities	Partly	The Danish Union of Journalists	The Danish Newspapers' and Media Employers' Association
71.1 Architectural and engineering activities and related technical consultancy	Partly	The Union of Architects and Designers	The Danish Association of Architectural Firms
73.1 Advertising	Partly	The Union of Commercial and Clerical Employees in Denmark - Private	Creativity and Communication
			Danish Association for Communication, Design and Media (Grakom)
74.1 Specialized design activities (graphical design and fashion design)	Fully	The Union of Commercial and Clerical Employees in Denmark - Private	Danish Association for Communication, Design and Media (Grakom)
		The Danish Association of Professional Technicians	Design Denmark
			Danish Fashion and Textile
74.2 Photographic activities	Partly	Danish Photographers' Association	-
74.3 Translation and interpretation activities	Partly	The Danish Union of Journalists	-
		The Union of Translators	
		The Union of Commercial and Clerical Employees in Denmark	
77.2 Renting and leasing of personal and household goods	Partly	-	-
85.5 Other education	Partly	-	-
90.0 Creative, arts and entertainments activities	Fully	Danish Artists' Association	Danish Association of Theatres
		Danish Actors' Association	
91.0 Libraries, archives, museums and other cultural activities	Partly	Among others; The Danish union of Librarians	Local Government Denmark