

Herding cats or fighting like lions? Artists and trade union organising

[Trade unions have existed in the UK's arts sector for a long time, and new ones continue to spring up. But what kind of challenges do they face in this rather particular industry? Are artists a class apart when it comes to labour movement activism, or can they find common ground with fellow workers?](#)

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ETUI

Dancers from the Paris Opera Ballet demonstrate over planned changes to their pension plan.

Image: © Belga



"If you're working in the arts, you're very undervalued," says Zita Holbourne, a woman who knows the industry from the inside: as a visual artist, author, illustrator, poet and graphic designer, but also as an active trade unionist. "There's a complete disrespect towards artists, across the world. They're expected to live off thin air, from the love of what they do. But imagine a world without art: it would be miserable."

As joint national chair of the Artists' Union England (AUE), Zita has a good overview of the kind of issues artists are facing in their working lives. As she points out, "Our membership is not the internationally renowned, millionaire artists." Some of the primary concerns include people reneging on contracts, rogue landlords leasing expensive studio facilities that don't meet health and safety standards, and the financial difficulty of living solely from one's art. "A lot of young people are creating their own spaces but on the side have to take on low-paid work, often on zero-hour contracts," she says. "They're too exhausted to do any artistic work." Over the past ten years of austerity in the UK, she has seen artists increasingly being expected to produce for free, with the justification that they should be grateful for the "exposure". Austerity has indeed hit the sector hard in recent times. According to the County Councils Network, England's largest grouping of councils, local authority spending on culture and the arts has been reduced by almost 400 million pounds (470 million euros) in the last decade.

Certified¹ as recently as 2016, the AUE filled a vacuum in England's industrial relations landscape, where there was previously no union dedicated to representing professional visual and applied artists. The union's membership is still only in the hundreds, its staff is entirely made up of volunteers, and its resources are limited. "It's a chicken and egg situation," says Zita. "We need to grow the membership, but we need paid organisers to do so." However, it is slowly growing and it has ambitions, primarily to gain recognition from major employing arts organisations and public bodies in order to negotiate collective agreements in the sector. In such a precarious sector, though, there can be a degree of cautiousness amongst artists when it comes to labour activism: "A lot of our members don't want to come down too hard [on employers] because it can affect their work. They want a softer approach."

In the "art world", the realities of the industry can define the way trade unions organise within it, and particularly the challenges they face in doing so. As Sarah Jaffe, author of the book *Work Won't Love You Back* (out in early 2021), remarks, creative industries can tend to set themselves apart: "The 'art world' is a phrase I find really fascinating because nobody else talks about their industry being a 'world'. It's not the 'art industry' or the 'art sector', it's the 'art world' and you're 'lucky' to be a part of it." Jaffe points out the hypocrisy of this attitude next to the reality of most artists' working conditions. "The internet meme version of it is 'Do what you love and you'll

never work a day in your life'. Really, it's 'Do what you love and you will work all the time and rarely get paid for it'. And if artists don't get paid, the only people who are going to be artists are rich people. That doesn't lead us anywhere good as a society."

"A nightmare for trade union organising"

The concerns and issues the AUE encounters aren't just restricted to the visual arts. Across the arts professions, the same issues pop up again and again: low pay, precarity and a lack of social and employment protection. Saxophone player Richard Mulhearn, who has spent years playing his way around the gig circuit, says of the music industry: "It's a funny and fickle business." After completing his jazz training, Richard, who is now based in Scotland, realised he was going to have to take on other work if he wanted to make a living, primarily teaching and playing in "pure entertainment" event bands. "I'm always conscious of having to do different things to keep going. But I'm proud that I've always managed to keep it music." Richard is a member of the Musicians' Union (MU), which he finds very useful for such services as advice on contracts and training on music software.

In fact, while visual artists may not have had their own union in England for some time (there is a Scottish Artists Union), there is a rich tradition of trade unionism amongst other creative professionals across the UK. The MU, which has 31 000 members, has negotiated dozens of collective agreements to protect performers' rights and conditions. Equity, the union for performers and entertainment professionals, has a membership of over 47 000 and engages in collective bargaining with key industry employers, setting minimum pay levels and terms and conditions ("Equity contracts"). Meanwhile, the Writers' Guild of Great Britain, with a membership of around 2 500, has negotiated rates and agreements across theatre, television, radio and film; and the Society of Authors, with a membership of 11 000, engages in campaigning, lobbying, negotiation and representation on behalf of many writers.

The first questions that come to mind when considering the strength of a trade union movement are the effectiveness of workplace organising and the bargaining power the workers have, neither of which are apparent

1. The UK government procedure for granting a 'certificate of independence' to a trade union, thereby recognising it as an independent organisation.

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in the "art world". Certainly, in particular sectors and professions, artists have engaged very effectively in strike action, with some of the standout examples in the past decade coming from the US and France. In 2007-08, about 12 000 Writers' Guild of America members famously went on strike for 100 days in a dispute over residual payments for online distributions, costing the Californian economy around 2 billion dollars. As recently as 2019, the Chicago Symphony Orchestra went on their longest-ever strike over changes to their pension plan (not the first of its kind either: a series of orchestra strikes have taken place across US cities over the last ten years). In France, amidst the general resistance against President Macron's pension reforms, ballet dancers at the Paris Opéra went on strike at the end of 2019 to protect their pension plan. In these shared workplaces and lucrative industries, artists can have serious clout when they stand together. It also doesn't hurt that they can use their creative talent to garner public support: Paris Opéra ballerinas pirouetted their protest on the steps of the Palais Garnier; the Chicago Symphony musicians played a series of free public concerts.

But for many freelance artists, especially the younger and less established who put all their energy and resources into their creative work, union engagement and its benefits are not always so apparent. One obvious barrier is cost. Artists are more often than not working and living on a shoestring budget. Alice Roots of the London-based performance company "Figs in Wigs" has only just started making enough money to not need a supplementary income, after almost a decade in the business. As a performance artist creating her own material with her fellow

players, she also has to take into account the many hours spent on applications for the funding that makes their projects possible. "Everything's partly commissioned and partly applied for," she says. Furthermore, there is no specific welfare provision for artists in the UK, unlike in France, for example, where the "intermittents" social security scheme provides freelance workers in the performing arts with a degree of financial support in periods of unemployment (see article p. 39). Alice, while basing her rates on those set by Equity, has not been able to afford the expense of membership for years.

Zita Holbourne identified similar issues for AUE members: "Many artists just can't afford to pay the membership fee consistently." Although fluctuating membership is "traditionally frowned upon" by trade unions, says Zita, the AUE recognises this as one of the realities of the sector. She also remarks that some artists working in different kinds of media can find themselves between unions, not knowing where their natural place is; this is why the AUE broadened its membership criteria to include moving image and sound. Then there is the highly casual nature of many artistic labour markets, particularly in the live performance sector, with gigging musicians often paid cash-in-hand by the many smaller venues. "I've never signed a piece of paper," says Thomas McConnell, musician and frontman of the band "Novelty Island", also commenting that he often doesn't know what cut his agent is receiving from his gigs.

"It's a nightmare for trade union organising," says Charles Umney, Associate Professor in Work and Employment Relations at the University of Leeds who researches artistic labour markets. And the problems don't just concern the precarious status of the workers, which can be found in many industries in today's labour market. "Some people say that music is the original gig economy. But there are so many things about the arts that are very specific." Some issues in fact concern the attitudes of the artists themselves. Umney, who has researched the organising potential amongst jazz musicians, found from his interviews that the "meaning" some artists attributed to their work led them to accept or be fatalistic about poor working conditions, which was problematic for union legitimacy. Artists' creative investment in their labour and the aim of many to receive recognition for their individual endeavours can create a

more complex self-conceptualisation than being just one "worker" among many, and in turn form another, internal, barrier to trade union organising.

Brave new world

However, despite the many challenges, unions have undeniably made significant achievements in the arts sectors in terms of recognition, standard-setting, the negotiation of industry-level collective agreements, and a great deal of campaigning and lobbying to protect their members' rights. But the digital age has brought a new raft of issues, or repackaged old ones. One example in the live music sector concerns music agents, who according to Umney have "traditionally played quite an exclusive 'gatekeeper' role in the industry, seeking out and negotiating work on behalf of musicians and engaging in collective bargaining with the MU to negotiate commission rates". But an incipient trend has been the arrival of online agencies. In these agencies, musicians sign up for a fee and then get matched to clients, like, as Umney puts it, "a price comparison website": "Their business model is based on customer service rather than representing artists." Umney emphasises that these "platforms" are not as developed as those found in other, digitalised areas of the economy, such as food delivery and transport, where the process is even more automated and the data is more sophisticated, but they nevertheless reveal how technological developments can begin to reshape the performer-client relationship. This is just one among many issues that musicians and their trade unions are facing in the digital age, another big one being copyright. The MU strongly supported the EU Copyright Directive, which came into force in June 2019, arguing that the Directive strengthens musicians' rights regarding licensing their work for use and receiving payment for its distribution, particularly on digital platforms like YouTube. The retention of these rights after Brexit is therefore going to be an important issue, along with other concerns such as performers' ability to tour around Europe and engage in cross-border cultural cooperation (a particular appeal of the European social partners of the Live Performance Social Dialogue Committee in January 2020).

Writers (and their unions) are also dealing with the impact of technological

advances. The internet has opened up greater opportunities for self-publishing, but this comes with its own problems. Nick Yapp, Chair of the WGGB's Books Committee, explains that the committee's main concern at the moment is "to investigate those online 'independent' publishers who offer writers without agents package deals to publish, promote and market their books. Though many of these publishers are acting and charging reasonably, in good faith, there are others who charge anything up to 5 500 pounds per book to print 50 or 100 copies, to arrange for an ISBN, and publish it." The WGGB are carrying out a survey on the issue. In Yapp's experience, a changing industry can disrupt a trade union's best efforts. He cites, for example, the WGGB's 1980s campaign for a minimum terms agreement for their members with the major British publishing houses: "After a slow start, some 20 of these publishers had signed. But just as it seemed that most of the other publishers would also sign, the fixed retail price of books was abandoned" – making such an agreement impossible. The Society of Authors, who claimed in a 2017 open letter to publishers that "The internet has changed the way we buy books", have also cited concerns with such online retail giants as Amazon, where standard retail copies of books directly compete with cheaper copies from external suppliers, which may have come from surplus stock and which authors often receive lower royalties for.

The "Nouvelle Vague"

Exceptionalism and individualism may be prevailing attitudes in the "arts world" but they are not universal, and certain recent examples of trade union action reveal the approaches of some creatives to be quite the opposite. One of the most interesting things about the Artists Union England is that one of its membership criteria is to be

a "socially engaged" artist, meaning that the artist should in some way be doing important work in and for their communities. It signals an approach that places the importance of political and social awareness front and centre in labour movement activism. This emphasis on active engagement may strike a chord with another, even more recent, union: the "Design and Culture Workers" branch of the United Voices of the World union (UVW-DCW). The UVW is a union that, along with its sister organisation the Independent Workers of Great Britain (IWGB), has focused its energies on precarious workers (many of whom are migrants), representing cleaners, caterers, security guards, architects and sex workers, amongst others. The UVW-DCW had its first meeting in October 2019. It was born out of a "self-organised learning group" in London called "Evening Class" that had spent a couple of years carrying out research into designers' working conditions and eventually decided it was time to set up a trade union. The UVW was able to offer a ready-made structure and a common vision.

"We want to reframe how creative work is thought about," says one member, a digital designer who preferred to remain anonymous so as to represent the union's "collective voice". "People feel they should be grateful. It depoliticises them, strips them of any feeling that they have rights. I'm part of a union because we need to have solidarity with other people and recognise that it's a very unequal profession." The members come from diverse "creative" backgrounds: artists, fashion

designers, curators, art and design teachers, and theatre performers. There is a feeling that "the issues are common", not just amongst "creatives" but also with those of many precarious workers: unpaid internships, a lack of transparency, overtime, stress and burnout. The branches work together, with members attending each other's meetings, in a recognition of solidarity across professions, across sectors, and between individuals who may ascribe "meaning" and "purpose" to their work in different ways.

There are many ways that artists and performers come together in collaboration, mutual support and shared ideas, such as art collectives, membership organisations and individual mentoring programmes. Some artists may just gravitate towards alternative forms of activism. In her research, Sarah Jaffe has come across the opinion that "artists are often very aware of their working conditions and precarity, but their first reaction is often to make art about it rather than to think about collectively organising." However, Jaffe doesn't believe this means that artists can't be organised, quite the contrary: "I think it's easy to say that you can't organise this or that kind of worker because they're just inherently selfish or not interested in collective action. Most people know how screwed they are. What they lack is the awareness and instructions for how to do something about it." From the examples in the UK and elsewhere, what is certain is that artists of all stripes *are* organising as workers – and that when they do, they don't lack for creativity. ●

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