Amidst increasing income inequality and diminishing access to housing and other resources in U.S. urban centers, the past couple years have also seen a rise in high profile worker actions. Teachers across the country (including in more conservative states) have gone on strike, along with rideshare, hotel, tech, and graduate student workers. A wave of successful unionization drives have taken place at media outlets like StoryCorps, VICE Media, and BuzzFeed News. In San Francisco, Anchor Brewing recently became the first craft brewery to unionize.

A parallel wave of unionization drives and high profile negotiations is taking place at cultural institutions including the New Museum, the Museum of Modern Art (MoMA), MoMA PS1, the Tenement Museum, the Brooklyn Academy of Music, and California College of the Arts (CCA). This wave of cultural worker organizing comes at a time of heightened scrutiny of art museums and demands for greater accountability to the public, from controversy around artwork and exhibitions deemed culturally inappropriate or acquired through means of colonial violence (Dana Schutz at the 2017 Whitney Biennial, Sam Durant’s Scaffold at the Walker Art Center, the Mimbres pottery exhibition at the Art Institute of Chicago) to director appointments and behavior (Museo del Barrio, the Metropolitan Museum of Art) to funding sources (PAIN and the Sackler family, Decolonize This Place at The Whitney). While museums continue to expand and grow in scale, these extremely demanding, taxing expansions aimed to increase institutional profiles are often followed by layoffs and a higher workload among remaining workers, who are struggling to survive in the communities where they work and live.

From the Depression-era New York Artist’s Union, to the first wave of U.S. museum unionization efforts in the early 70’s, there is a long history of organizing in the arts. This guide consolidates pre-existing resources for workers who are interested in unionizing, and expands upon these resources with information particularly relevant to workers in arts and cultural institutions, as well as other nonprofits, and particularly those located within the San Francisco Bay Area.

Notes on arts organizing
What is a union?

A union is a group of workers who have organized themselves for mutual aid and collective action. It is a tool developed by and for working people, to provide them with a collective voice in their workplace and in the broader society. Like any tool, it can be used well, badly, or not at all. Used properly, a union provides workers with a means to improve their lives in many ways.

Unions bring working people increased pay and benefits, and legal, legislative, and political remedies addressing the issues workers and their families care about: secure jobs and safe communities; necessary social services like public education, health care, and public safety; and a measure of support in old age through employee pension plans and government programs such as social security and Medicare.

The reason why workers need unions boils down to this: employers have far more power than workers do, especially if workers have to negotiate with them over wages and working conditions as individuals. On the side of employers, we find greater financial resources, favorable laws, and the power that comes from the ability to hire and fire people who need to work for a living. However kind or well intentioned they might be as individual human beings, employers are motivated by maximizing profits in their businesses. All too often, that motivation overrides fair treatment of employees.

By forming unions, workers gain the power that comes with being part of a group created for collective action. As a group, workers can negotiate with their employers with greater chance of success than they can as individuals.

Who can join a union?

According to the National Labor Relations Act, the types of workers described below are ineligible for joining a union under the provisions of the NLRA.

Confidential Employees who assist and act in a confidential capacity to the management personnel making and implementing labor relations policies. This also includes employees who have regular access to confidential information about future bargaining strategy or changes that the employer anticipates may result from collective bargaining. Workers such as accountants, IT, or human resources staff may be included in this category.

Supervisors who use independent judgment to make or recommend hiring decisions, including hiring, promoting, transferring, rewarding and terminating employees.

Managers who make, execute and exercise independent judgment about management policies.

Independent contractors are also excluded from the bargaining unit.

Generally, workers who are not confidential employees, supervisors, managers, or independent contractors are eligible to join a union.
While universities and hospitals are among the more familiar types of unionized nonprofit workplaces, the Bay Area is home to a wide range of unionized nonprofits (in fact, it numbers third in the nation for the number of unionized workplaces), ranging from museums to youth support services to housing clinics. This is an informal, nonexhaustive list of some of these organizations.

Note: the universities listed here refer to non-faculty staff positions at private art colleges, which are less likely to be unionized than large public universities.

AIDS Project of East Bay
ARC of Alameda County & San Francisco
Asian Art Museum
Berkeley Art Museum/Pacific Film Archive
California College of the Arts (staff)
California Council for Environmental & Economic Balance
Community Housing Partnership
Edgewood Center for Children and Families
Exploratorium
Fine Arts Museums of San Francisco
Hamilton Family Center
Head Start – Berkeley-Albany YMCA
Huckleberry Youth Programs
Jewish Community Center of San Francisco & East Bay
La Clinica de La Raza
La Raza Centro Legal
Larkin Street Youth Services
Progress Foundation
Project Open Hand
San Francisco Art Institute
San Francisco Arts Commission
San Francisco Museum of Modern Art
Tenderloin Housing Clinic
Member voices

“I work at CCA and I love my job! I have great co-workers and I have a boss who is a great advocate for us and our department. Unfortunately not all departments at CCA are as lucky as mine. I joined the organizing committee working with SEIU Local 1021 because I want to help create a better working environment for all CCA employees. I want to work for an employer that cares about retaining their staff and does everything they can to encourage people to stay at CCA through their move to San Francisco. Staff deserve to have a seat at the decision-making table, especially during this transitional time.

When I worked in the Berkeley Unified School District, I was part of the Berkeley Council of Classified Employees, AFT Local 6192 for 6 years. I especially appreciated the transparency around pay. It was easy to find the pay range for each position and job postings always included the pay range. You never had to list your salary requirement when you applied for a job. Since women are historically underpaid, it was reassuring to know that everyone in your position was getting paid the same rate and people with seniority were not left behind. Raises did not depend on whether or not my boss liked me and was willing to negotiate a raise for me; they were automatic.

The growth of income inequality is directly correlated to the decline of unions. I’ve seen for myself in my family the decline in quality of life over the years. In my grandparents’ generation, you could work as an auto mechanic and a grocery store clerk (as my grandpa and grandma did) and you could afford to buy a house and take care of your family. Growing up, my working class parents struggled with housing costs and were never able to afford to buy a home. People in my generation often did) and you could afford to buy a house and take care of your family. Growing up, my working class parents struggled with housing costs and were never able to afford to buy a home. People in my generation often

— Amber Bales, library technician and cataloguer at CCA

“I’ve worked as an educator in some capacity for over 10 years now, in fabrication shops, in classrooms, after school programs, summer camps, and now in the instructional shops at a small arts college. In educational settings, the gap in understanding between the people working on the floor every day, interacting with students, fixing shop equipment, changing light bulbs, and the people making decisions about the future of the institution feels oceanic. Every day my co-workers and I ask ourselves: whose idea was this? This has to change. Not only do we need better working conditions, where we feel like we are supported to succeed, not set up to fail, we need a voice in the direction of the institution. Because we are the ones putting the mission of the institution into action every day.”

— Piper Alldredge, member of the CCA organizing committee

“Unions are vital to workers in the arts because job security, living wages, decent health benefits, family leave benefits, and a system for addressing grievances cannot be taken for granted, especially in the Bay Area where the cost of living continues to skyrocket. Arts institutions rely on our creativity, knowledge, passion, and flexibility but aren’t usually willing to adequately compensate unless individuals work together to amplify their voices.”

— Clyde Lanier, Senior Preparot Registration, SFMOMA

“Being part of a union is like joining a club, where the meeting’s primary objective is to improve the workplace, both institutionally and personally. Having a union means, it’s okay to say, ’This is what’s happening to me in this situation... what’s the solution to addressing this issue?’ In short, it’s another support network to advocate for your wage, benefits, and professional development.”

— Richard Cheung, Fine Arts Museums of San Francisco

“So often it is easy to forget that art work is WORK, especially when those providing the labor are passionate about what they do. The times I’ve been asked to go above and beyond for a project are countless. Being in a union helps me set boundaries around what I’m being asked to do in relation to how much I am being paid to do it, as well as offers me protection from the forces willing to take advantage of my dedication and enthusiasm.”

— Stella Lochman, Public Dialogue Program Associate, SFMOMA
First: Talk to your co-workers

This is the first step. Find some co-workers you trust (and be careful who you trust) and speak to them about whether they would be interested in finding out more about starting a union. Talk to them about what changes you would like to see made and why you think you might need help from a union. Do many of you share the same concerns? Determine your top five or so issues. Is there a common theme such as lack of respect and dignity; no input with management; unfair, arbitrary treatment or favoritism? Are wages and benefits lower at your workplace than what workers are getting in similar jobs at other institutions or organizations? Write them up on a list. You might also familiarize yourself with issues affecting workers, especially those which are common to other arts or nonprofit organizations or the different roles and experiences your colleagues have, as well as general information about unions and union history (including some popular myths about unions).

Second: Contact a union organizer

It may seem early to do this, but contacting a union organizer is also legally protected, and unions keep records of your contacting them. This contact could be evidence if your employer fires you or retaliates for your protected organizing activities. The organizer may tell you to do more work before they get involved, but they can give you some guidance from the beginning.

Before contacting an organizer, you need to figure out which union is right for you. Different unions represent different types of employees, and which union might represent you is not necessarily intuitive. The industry indicated in the union’s name may not necessarily match the myriad of industries represented by the union. For instance, the International Longshore Workers’ Union (ILWU), now represents Anchor Steam Brewing, and the United Auto Workers (UAW) represent workers at many New York art museums. Staff at many museums and universities in the Bay Area are represented by Service Employees International Union (SEIU) Local 1021, while others are represented by Office & Professional Employees International Union (OPEIU) Local 29.

Third: Form an organizing committee

After determining that support for a union exists around key workplace issues, build a committee of coworkers that is representative of your workplace. Your co-workers from the first step will likely form the core of an organizing committee. Your union organizer can help guide you with this. You will want to develop a plan of action and how to convince a majority of co-workers to join.

Building a strong inside organizing committee is critical to building the majority support that you will need to establish your union. Ideally, the workers on your committee should comprise at least 10 percent of the workforce, represent all major departments, and reflect the greatest possible diversity in the workforce (consider race/ethnicity, gender, sexuality, age, ability/disability, job levels, length of employment, etc.).

Committee members must be prepared to work hard to educate themselves and their co-workers about the union and management’s impending anti-union campaign. The organizing committee must be informed about workers’ right to organize and must demonstrate strong leadership and interpersonal tact. Other valuable skills include the ability to build relationship between people from different backgrounds, a collaborative mindset, an understanding of democratic organizing (as the organizing committee should not be the sole source of leadership), patience, creative problem-solving, conflict resolution, and self-care. The Labor Notes website has a great checklist your committee can use to make sure you are organizing democratically.

Also at this step basic information about the workplace must be compiled. If you can gain access to org charts from your HR department (without alerting anyone as to why you need them), this will greatly help streamline the process! You’ll need to gather the following information:
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- **Workplace structure:** departments, work areas, jobs, shifts
- **Employee information:** name, address, phone, personal (non-work) email, typical work hours, job title, and department for each eligible worker (employee list), you may also consider including interests or skills you are aware of that you can draw upon in the process
- **Employer information:** locations, parent organization (if any), union history

**Fourth: Create your campaign**

Here you’ll need to do some research on wages, benefits, and other workplace issues. The committee then develops a program of union demands (the improvements you are organizing to achieve) and a strategy for the union election campaign. A plan for highlighting the issues program in the workplace is carried out through various organizing campaign activities.

You may also want to create systems for communicating with workers, such as an email list with personal emails, where you can share organizing information once you begin your campaign. Amongst organizing committee members, consider how you’ll keep track of information so that anyone on the committee can access it (e.g. using an online, cloud-based tool like Google Drive or Dropbox) so that there’s never just one person responsible for all of the information. But be sure this confidential information isn’t shared with those outside the team!

In order to keep up momentum and build a sustainable campaign, make sure that tasks are being divided up reasonably between members of the organizing committee. Play to people’s strengths! Not everyone is good at everything, but there are lots of ways for people to contribute. Remember that organizing takes patience, and that this is work on top of everyone’s day-to-day job. It’s normal for people’s bandwidth to ebb and flow, and important for different members to step into leadership roles at different moments to keep moving forward.
Fifth: Build majority support

After forming your committee and identifying key issues for your campaign, you need to talk openly with your co-workers, discussing issues and building union support. This begins the public phase of your campaign. Through one-on-one discussions with your colleagues, evaluate the support that exists for a union around your key issues. Remember, that even though this is the public part of your campaign, you want to consider restricting your discussions about a union to breaks in non-working locations (restrooms, breakrooms), or away from your workplace, such as at nearby public spaces or coffee shops not usually frequented by other co-workers (particularly management).

An excellent way to build support for your union is to get workers to sign a public petition supporting the union that states your key issues and goals. But hold off on going “public” with your petition until you have a majority of workers’ signatures.

Many organizers create a spreadsheet listing each eligible worker, and ranking their likely support for a union (yes, leaning towards yes, swing vote/unsure, leaning towards no, no).

This was part of the strategy for the organizing committee at Anchor Steam, which voted to unionize in March 2019.

Most employers will launch their campaigns against your union at this stage, if they are not tipped off earlier. There is a whole army of lawyers and anti-union folks who will help employers fight unions. Your union organizer can help you get ready to deal with attacks and make sure you are legally protected. When management learns of your campaign, they will likely try to increase fear and conflict in the workplace and blame it on the “union” as if it is some outside organization. Remember, you are the union.

Sixth: Sign-up Majority on union cards

You’ll have to convince your co-workers that a union is the right thing for them. Again, your organizer can help you with figuring out the best way to do this.

Your co-workers are asked to join the union and support the union program by signing membership cards, and a majority will need to sign. This “card campaign” should proceed quickly once begun. Your union rep will help you prepare cards to present to co-workers who want to join. Once the majority of cards are collected, the union will request a neutral card check process from the employer. This is an attempt to begin the process of bargaining a contract quickly. An employer may require a union election, but that is not necessary.

As part of CCA’s campaign, where workers unionized in April 2019 (during the writing of this publication), the organizing committee wrote a letter to the president of their university, Stephen Beal, requesting that “the administration remain neutral and not spend valuable time and resources” on fighting staff attempts to unionize.

In the midst of a contentious unionization campaign at the New Museum, over 50 artists, curators and academics signed and circulated in the press a public letter of support, urging the museum to “do the right thing” and allow staff to unionize. The letter forcefully called the museum to task for going “against everything that the Museum has historically stood for—that is, equity, diversity, and a commitment to institutional responsibility.”
Seventh: Win the election (if required)

If a majority of your co-workers sign cards supporting the union, your employer may voluntarily recognize the workers’ demands to organize without an election. However, they may require an election to take place. If this is the case, the signed cards are used (and required) to petition the state or federal labor board to hold an election. It will take the labor board at least several weeks to determine who is eligible to vote and schedule the election. The union campaign must continue and intensify during the wait.

If the union wins, the employer must recognize and bargain with the union. Winning a union election not only requires a strong, diverse organizing committee and a solid issues program, but there must also be a plan to fight the employer’s anti-union campaign.

Anchor Steam did this through encouraging public support of their campaign: they asked local bars that sell Anchor Steam beer to pledge their support by putting a poster supporting worker unionization in the window. They also asked members of the local community to post images showing their support on Instagram using the hashtag #anchoredinsf.

CCA staff asked members of the school community (including students and faculty) to post images of themselves holding a poster explaining why they support a CCA staff union. Closer to the election, potential members posted images of themselves holding an SEIU sign pledging their support for the union.

Eighth: Negotiate a contract

The organizing campaign does not let up after an election victory. The real goal of the campaign, a union contract (the document the union and the employer negotiate and sign, covering everything from wages to how disputes will be handled), is still to be achieved.

Workers must be mobilized to support the union’s contract demands (decided by you and your co-workers) and pressure the employer to meet them. After the contract is ratified (voted to be accepted by the majority of union members), management will not be able to change the terms of the contract without negotiating first.

Your creativity and ability to put pressure on management is critical to negotiating the best possible contract for the membership. Some creative ways SFMOMA union members have organized in past contract negotiations include:

- Making buttons for staff to wear addressing key issues from the campaign. During their 2017 wage negotiation, the committee produced a different button each month. At the end of the five-month negotiating period, staff could be seen wearing many colorful buttons, making a strong visual impact in the workplace.

- Taking their allotted 15-minute break at the same time, so large numbers of union members gathered to discuss the issues and share updates. Free coffee and snacks were provided to encourage attendance, and volunteers outside of the negotiating team were enlisted to set up and clean up, helping to build wider engagement and leadership outside the elected negotiating team.

- Creating posters, art prints, and art objects like ceramics addressing key campaign issues, often including some of the museum’s own points of pride.

Adapted from the websites of the United Electrical, Radio and Machine Workers of America and the Communications Workers of America.
Expect these employer responses

When employees show interest in organizing a union, organizations can legally respond with anti-union propaganda. They often hire outside consultants to orchestrate a union-busting program. But if you and your colleagues are prepared, the employer’s tactics can be neutralized. The programming frequently follows a standard set of tactics.

Letters circulate. Written by the consultants but signed by managers, supervisors, and directors, these letters take many forms. Some will praise employee work. Others will slander the union. A few may even admit past managerial mistakes. Often, well-liked supervisors will deliver the letters, using the opportunity to initiate face-to-face informal chats peppered with anti-union talking points.

Workplace conditions suddenly improve. Wages increase, benefits grow, and employee participation committees materialize. Standard workplace grievances, both large and small, quickly resolve. Supervisors are everywhere, setting up spur-of-the-moment meetings to fix your personal issues. These moves attempt to rebrand management as a long-term trustworthy partner going forward.

Employee solidarity is tested. Management will try to play different groups off each other—men versus women, department A against department B, loyal versus disloyal. A “vote no” committee can emerge, comprised of splinter employees who advocate for management positions, and who accuse the union of bullying tactics. The company hopes these inter-worker divisions will forestall unionization.

If all else fails, the company may fire senior staff. You will then be asked to give the new administration another chance to make workplace conditions better. Don’t be fooled by any of these stale tactics—having a union at work is your right!

Illegal employer responses

The National Labor Relations Act specifically outlines illegal actions that an employer may not take towards employees forming, joining or already in a union. A supervisor or organization official cannot:

- Tell employees the organization will fire or punish them for union activity
- Attend any union meeting or engage in any undercover surveillance
- Increase employees’ wages or benefits in order to keep out the union
- Ask about employees’ union membership and activities
- Create work conditions to drive out an employee because of union activity
- Ask employees how they intend to vote
- Threaten or coerce workers in an attempt to influence their vote
- Urge employees to try to influence others to oppose the union

Any of the above acts violate the law that protects your right to organize. If they happen, your workplace management is in the wrong—let your union representative know!

Adapted from United Food and Commercial Workers
International Union Local 1189
Solidarity for managers and supervisors

Managerial staff hold power and influence to support colleagues who are organizing a union or negotiating a union contract. However, the National Labor Relations Act protects only unionizing workers from retaliation, not managerial staff. Solidarity from staff ineligible to join a union does carry a risk.

Tell direct reports that their organizing efforts are respected, admired, and supported.

*During SFMOMA’s 2018 contract negotiations, the bargaining committee created “I support my union colleagues” buttons at the request of some managers. Many non-union staff wore the message on their clothing for the duration of negotiations.*

Provide unionizing employees flexibility in scheduling in order to make time for organizing activities.

Organize an open letter with colleagues voicing support for unionization efforts.

*In 2018, curators, artists and academics penned such a letter in the face of opposition from the New Museum’s leadership to a successful unionization campaign*

Remind other managers why workers are organizing, counteract misinformation, and emphasize that wage and benefit gains negotiated by the union are likely to have a positive impact on non-union staff.

Voice support for staff in meetings with HR and senior leadership, emphasizing how unresolved workplace issues are creating negative consequences for the organization and ways in which union-busting efforts conflict with the organization’s mission or values.

If a majority of workers sign membership cards, urge the organization’s leadership to voluntarily recognize the union without requiring an election.

Once a union contract is negotiated become familiar with it, and refuse to engage in any activities that might undermine it.

Encourage newly hired staff to familiarize themselves with the contract, meet their shop stewards, and speak up if work activities conflict with union meetings/activities.

Organizing Power was commissioned by Yerba Buena Center for the Arts’ Fellows program. Jessalyn Aaland was a 2018-2019 YBCA Fellow addressing the question “How might we reimagine political power?” and collaborated with Ana Fox-Hodess to produce this publication and an event at YBCA’s Public Square on June 1, 2019, where two cohorts of fellows presented the culmination of their yearlong investigations.

Along with this publication, the event included roundtable discussions addressing how art workers can unionize, featuring the following speakers: Fred Glass, Matt Kennedy, Nat Naylor, and Peter Olney. Nat Naylor also hosted a Union Q&A booth to answer questions about unionizing. Artwork from the Oakland teachers’ strike was generously lent by the Oakland Education Association and Rumi Koshino.

TEXT WRITTEN AND COMPILED BY Jessalyn Aaland and Ana Fox-Hodess with support from Nat Naylor
ILLUSTRATIONS Tanna Tucker
GRAPHIC DESIGN Paul Morgan

For more information and resources related to this project (including recordings of the roundtable discussions), visit www.jessalynaaland.com
JESSALYN AALAND is a Bay Area interdisciplinary visual artist, curator, and educator who negotiated two contracts as part of SFMOMA’s union, where she worked in Education from 2014 to 2019.

ANA FOX-HODESS is a former SFMOMA bargaining committee member and Berkeley-based media producer interested in the intersections of art, labor, and technology.

PAUL MORGAN is a Bay Area visual artist.

NAT NAYLOR is the Director of Representation for San Francisco’s OPEIU Local 29, which represents SFMOMA, SFAI, University of San Francisco, and many other workers in the Non-Profit, University, and Health Care sectors.

TANNA TUCKER is an illustrator and cartoonist living in Oakland, CA. She uses comics and drawing as a way to map her relationship to the Black Diaspora, and to interrogate the utility of Black presence (or absence) in historical and mythical spaces.

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