

Organizing Power

Unionizing Your Workplace
for the Arts/Nonprofit Worker

Volume 1

PREFACE TO SECOND EDITION

Organizing Power Volume 1 was conceived during Yerba Buena Center for the Arts' 2018-2019 Fellows program in San Francisco. We were asked, "How might we reimagine our political power?" I thought to reassess current approaches to promoting unionization. Our goal was to update the aesthetics of unionizing for an art audience and make the information compact and accessible.

This booklet explains what a union is and who can join one. You'll find a clear outline of the steps for forming a union, and ways employers might respond. You'll also hear from arts and nonprofit workers about their union experiences. For those who aren't union-eligible, we provide ways to support your colleagues in the unionization process.

Over the past six years, 2,000 copies of *Organizing Power Volume 1* have been distributed across the country. Workers at the Philadelphia Museum of Art, now unionized with AFSCME District Council 47, used the booklet in their early stages of organizing:

It was a core part of our union introduction. We would bring a copy to early meetings as a resource, and I think the format resonated with so many colleagues. Organizing Power spoke our language!

Seattle Art Museum security guards used it in their initial unionization campaign:

The booklets really helped communicate complicated ideas to our bargaining unit. We're an independent union so this is particularly important in our case.

Whether you're a longtime union fan or unsure how a union operates, we hope you'll find something useful!

Jessalyn Aaland, January 2025

This IS A UNION JOB
UNION AND SECURE

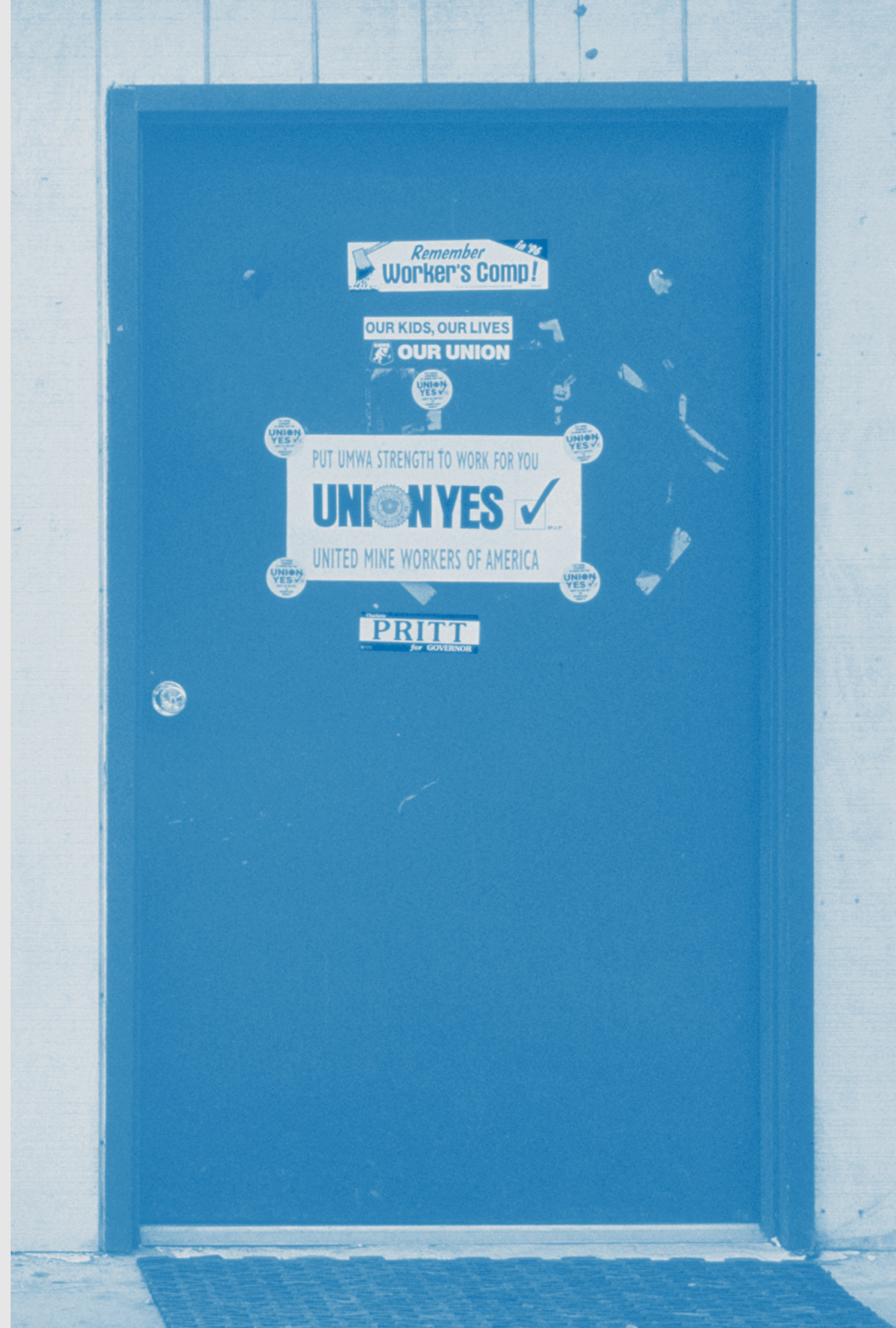
NOTES ON ARTS ORGANIZING

Amidst soaring income inequality, the late 2010s saw a rise in high profile worker actions. Teachers across the country (including in so-called “red states”) went on strike, along with rideshare, hotel, tech, and graduate student workers. A wave of successful unionization drives took place at media outlets like StoryCorps, VICE Media, and BuzzFeed News. In San Francisco, Anchor Brewing became the first craft brewery to unionize.

A parallel wave of unionization drives and high profile negotiations occurred 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 swell of cultural worker organizing came at a time of heightened scrutiny of art museums and demands for greater accountability to the public. Workers saw their cache-rich workplaces flounder, from facilitating insensate exhibitions (Dana Schutz at the Whitney Biennial, Sam Durant at the Walker Art Center, Mimbres pottery at the Art Institute of Chicago) to enabling contentious directors (Museo del Barrio, the Metropolitan Museum of Art) to ignoring funder activities (PAIN and the Sackler family, Decolonize This Place at the Whitney).

Museums continue to expand and grow in scale. These expansions aim to increase institutional profiles and are often followed by layoffs and a higher workload among remaining workers. The dissonance between internal decisions and external messaging is heard loudest by the workers struggling to survive in the communities where they live and work.

From the 1930s New York Artist's Union, to the first wave of U.S. museum unionization efforts in the early 1970s, there is a long history of organizing in the arts. For workers interested in unionizing, this guide consolidates pre-existing resources, and expands upon them with information particularly relevant to those in arts, cultural, and nonprofit institutions.



UNION OVERVIEW

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.

*Excerpt from "The Ongoing
Need for Strong Unions: A
Primer for Your Students," by
Fred Glass from American
Educator (Winter 2008-2009)*

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.

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.

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.

Independent Contractors are also excluded from the bargaining unit.

Generally, workers who are not managers, supervisors, confidential employees, or independent contractors are eligible to join a union.



WHY UNIONS?

Worker voices provide the best arguments for workplace unionization. Several Bay Area workers explain why their union matters to them.

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 coworkers 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 Museum Preparator, Registration, SFMOMA**

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**

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**

I joined the organizing committee working with SEIU Local 1021 because I want to help create a better working environment for all CCA employees. Staff deserve to have a seat at the decision-making table. Previously I was part of the Berkeley Council of Classified Employees, AFT Local 6192. 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. 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. People in my generation often work two jobs in order to cover their cost of living. So many jobs today are not sustainable. If you work full time, you should be able to take care of your basic needs. A rise in union jobs can help combat income inequality and poverty wages. **Amber Bales, Library Technician and Cataloguer at CCA**

WHERE ARE UNIONS?

The San Francisco Bay Area is home to a wide range of unionized nonprofits—from universities and hospitals to museums and youth support services. Workers, regardless of job, understand the power of collective action. We provide this nonexhaustive list as inspiration for the types of unionized organizations you might find in your own community.

- AIDS Project of East Bay
- ARC of Alameda County & San Francisco
- Asian Art Museum
- Berkeley Art Museum/Pacific Film Archive
- California Academy of Sciences
- California College of the Arts
- California Council for Environmental & Economic Balance
- Edgewood Center for Children and Families
- Exploratorium
- Fine Arts Museums of San Francisco
- GLIDE Foundation
- Hamilton Families
- Head Start – Berkeley-Albany YMCA
- HomeRise (formerly Community Housing Partnership)
- Huckleberry Youth Programs
- Jewish Community Center of San Francisco & East Bay
- La Clínica de La Raza
- La Raza Centro Legal
- Larkin Street Youth Services
- LYRIC Center for LGBTQ+ Youth
- Native American Health Center
- Project Open Hand
- San Francisco Arts Commission
- San Francisco-Marin Food Bank
- San Francisco Museum of Modern Art
- Tenderloin Housing Clinic
- University of San Francisco



LONG LIVE
THE UNION

HOW TO ORGANIZE A UNION

1. TALK TO YOUR COWORKERS

Find coworkers you trust (and be careful who you trust). Talk to them about whether they would be interested in finding out more about starting a union. Discuss 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.

Familiarize yourself with issues affecting workers outside your organization. Focus on other arts or nonprofit organizations in your area. You gain power in your unionization efforts when you understand the experiences of workers in various situations. And as a leader at your workplace, educate yourself on union history. This should include popular myths about unions because your boss will surely deploy them!

You are legally protected when you talk to coworkers about working conditions (unless you're a supervisor or someone else not covered by the National Labor Relations Act). However, when talking among yourselves about a union in the initial stages of organizing, you may want to consider talking only while you are on breaks, away from work areas, or off company property. Organizing a union is legal and a protected right under the law, but you need to avoid tipping off management as long as possible. If your employer finds out, especially when you are in the beginning stages of identifying key workplace issues and building union support, your road to success will be much more difficult.

2. 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 contact with 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 Brewing, and the United Auto Workers (UAW) represents 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.



3. FORM AN ORGANIZING COMMITTEE

Build a committee of coworkers that is representative of your workplace. Coworkers from the first step will likely form the core of an organizing committee. Your union organizer can help guide you with this.

You must build a strong inside organizing committee to create the majority support necessary to establish your union. Committee members should comprise at least 10% of the workforce, represent all major departments, and reflect the greatest possible diversity in the workforce (like gender, age, job level, race, employment length, etc.).

Committee members must prepare to educate themselves and their coworkers about unionization and management's impending anti-union campaign. The organizing committee must understand workers' right to organize and demonstrate strong leadership and interpersonal tact. Other valuable skills include relationship building 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.

Concurrently, collect basic information about the workplace. Gain access to org charts from your HR department without alerting anyone—this will greatly help streamline the process! Gather the following:

Workplace Structure: departments, work areas, jobs, shifts

Employer Information: locations, parent organization (if any), union history

Employee Information: name, address, phone, personal email, typical work hours, job title, and department for each eligible worker including interests or skills you can draw upon in the unionization process

4. 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.



5. BUILD MAJORITY SUPPORT

After forming your committee and identifying key issues for your campaign, you need to talk openly with your coworkers, 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 coworkers (particularly management).

Encourage 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).

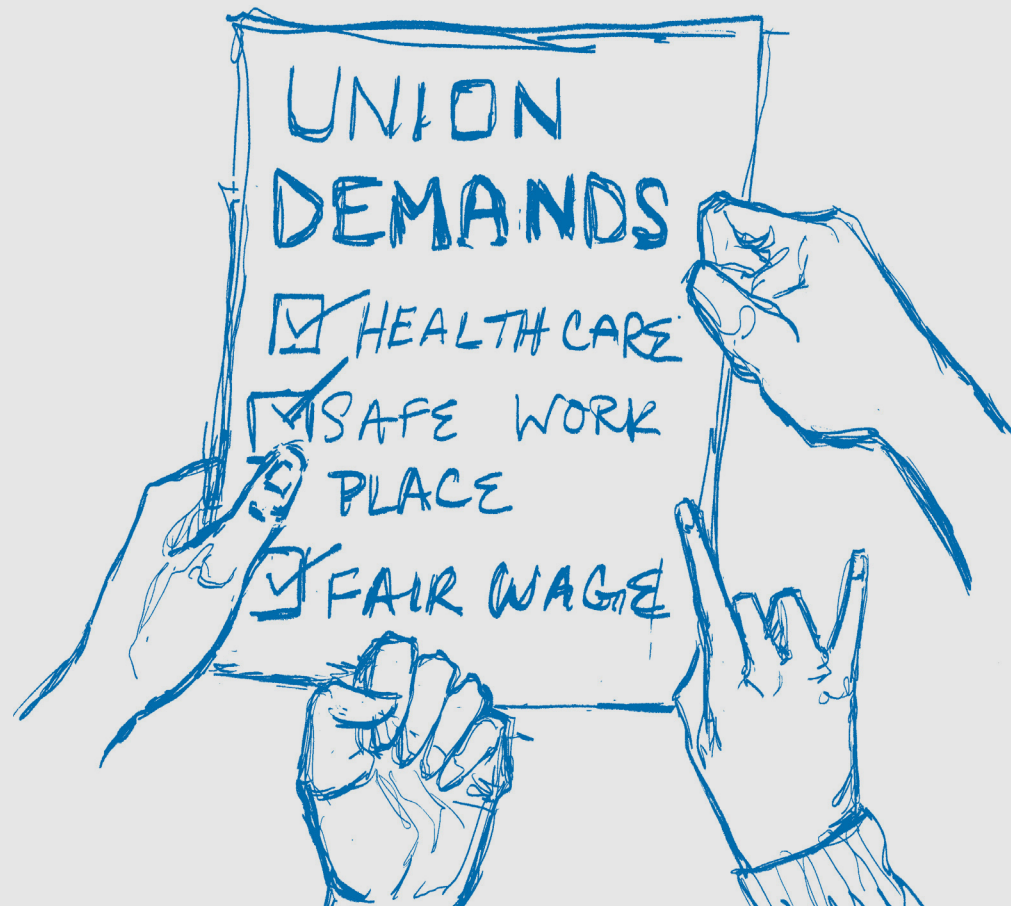
Most employers launch their campaigns against your union at this stage, if they are not tipped off earlier. There is a whole army of lawyers and anti-union folks who will help employers fight unions. Your union organizer can help you get ready to deal with attacks and make sure you are legally protected. 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*.

During the New Museum’s unionization campaign, over 50 artists, curators and academics signed and circulated a public letter of support, urging the museum to “do the right thing”. The letter forcefully called the museum to task for going “against everything that the Museum has historically stood for”.

6. SIGN-UP MAJORITY ON UNION CARDS

You’ll have to convince your coworkers 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 coworkers 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 coworkers 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.



7. WIN THE ELECTION (IF REQUIRED)

If a majority of your coworkers 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.

CCA staff asked members of the school community (including students and faculty) to post images of themselves on Instagram 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.



8. NEGOTIATE A CONTRACT

Organizing Power Volume 2 is all about this process! Check it out for a deep dive on how to win a union contract.

The campaign does not let up after an election victory. The real goal, a union contract, is still to be achieved. Workers must mobilize to support the union's contract demands (decided by you and your coworkers) and pressure the employer to meet them. After the contract is ratified, management cannot 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. Here are ways SFMOMA union members organized in past contract negotiations:

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.

WORKPLACE REVERBERATIONS

LEGAL 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 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 play different groups off each other; department A against department B, loyal versus disloyal. A “vote no” committee can emerge, composed 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—having a union is your right!

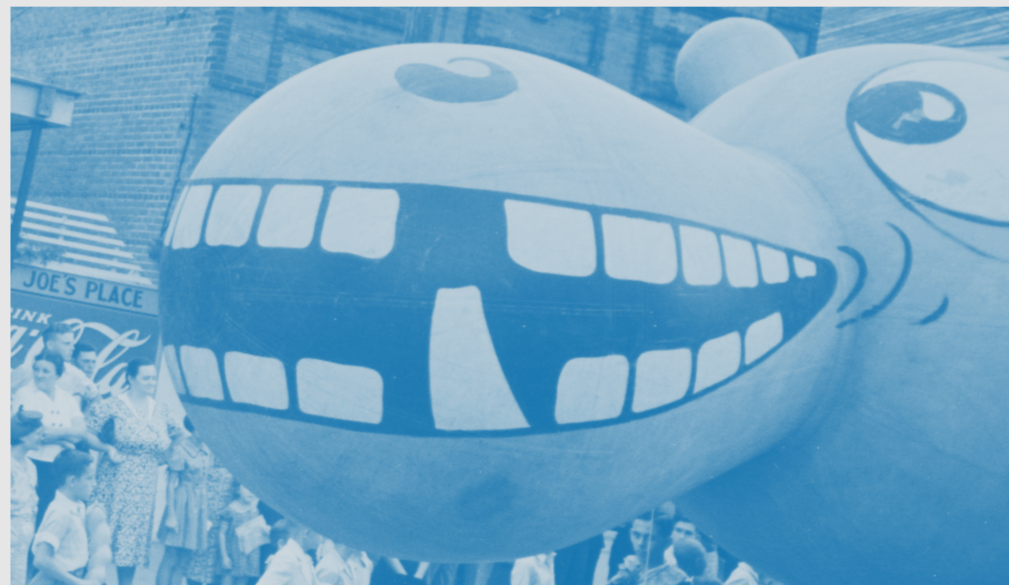
*Adapted from United Food and
Commercial Workers Interna-
tional Union Local 1189*

ILLEGAL EMPLOYER RESPONSES

While the law grants employers wide latitude to fight your unionization effort, the National Labor Relations Act specifically outlines illegal actions they *may not* take. A supervisor or organization official cannot:

- Tell employees the organization will fire or punish them
- Attend any union meeting or engage in surveillance
- Increase employees' wages or benefits to stop the union
- Ask about employees' union membership and activities
- Create work conditions to drive out an employee
- Ask employees how they intend to vote
- Threaten workers in an attempt to influence their vote
- Promise benefits to workers if they vote against the union
- Announce the organization will not bargain with the union
- Assign overtime in a discriminatory manner
- Separate workers on the basis of union activity
- Discipline pro- and anti-union employees differently
- Threaten a union supporter through a third party
- Start or take part in a petition against 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!



HOW MANAGERS AND SUPERVISORS CAN SUPPORT

Managerial staff hold power and influence to support colleagues who are organizing or negotiating. 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.

Accommodate: provide unionizing employees flexibility in scheduling to make time for organizing activities.

Encourage: tell direct reports that their organizing efforts are respected, admired, and supported.

Publicize: circulate an open letter with colleagues and key stakeholders (e.g. artists in the museum's collection) voicing support for unionization efforts.

Example: "We are in solidarity with the Museum workers in their efforts to unionize. We urge leadership to allow their employees to form a union, and to bargain with the union in good faith for a fair contract. Our colleagues are deeply committed to serving this institution and its values. We encourage you to abide by them as well."

Agitate: 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.

During SFMOMA's 2018 contract negotiations, the bargaining committee created "I support my union colleagues" buttons. Many non-union staff wore the message on their clothing for the duration of negotiations.

Educate: 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.

Advocate: if a majority of workers sign membership cards, urge the organization's leadership to voluntarily recognize the union without requiring an election.

Example: "It's clear that a majority of workers here want a union. As a manager, I'm concerned that a protracted and contentious campaign will only hurt staff morale and our organization's public reputation."

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

Affirm: 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.



CLOSING

Unions are wielded by workers to improve working conditions, uplift daily existence, and take back power. Working together in solidarity, the sum of a group can achieve more than any individual worker. Despite what an employer may try to tell you: as a worker, there is no downside to having a union to collectively bargain for your worth!

If you're already a union member (either newly-formed or long-established), we encourage you to check out *Organizing Power Volume 2*, which provides an overview of the contract negotiation process. In *Organizing Power Volume 3*, we will highlight creative organizing strategies that successfully applied pressure on employers during contract negotiations. At OrganizingPower.org, you'll find additional resources for unionizing, including recordings of the talks from our 2019 YBCA event.

For those having the early conversations with colleagues about unionizing, you have a long (but rewarding) road ahead. You're part of an esteemed tradition of workers coming together to demand more for their labor. Remember:

Your workplace works because you do!



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For more information, resources, and videos, visit OrganizingPower.org

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