

THE ROLE OF THE SYNDICATES IN ARTS – SOVEREIGN, CONSULTANT OR ADVOCATE

Sevar Ivanov, PhD

Independent Researcher

Sevar Ivanov is a PhD in Management in Arts, Media and Communications. His field of study is connected with the culture policies, financial policies in Arts, focused on the performing arts and the State cultural sector. Guest lecturer, project manager and executive producer in Arts, Culture and Creative industries.

ABSTRACT

The study is provoked by the strikes in the field of Arts and Culture industries in 2023 in both – United States and Bulgaria. These events and the results of them brought important questions about the role of the syndicate organization in the fields of Arts and Culture. Inspired by the similarities in the structure but the differences in the results, the study is exploring what is the role of the artistic unions in the field of the Performing Arts. The research is analysing how the syndicates, role is changing depending on external factors and processes. The paperwork is focused on the macro level of impact of the artistic unions. In conclusion, the research is highlighting the importance of the unions pointing the ways for increasing their power.

Keywords: Arts and Culture; Performing Arts; Art Management; Syndicate unions; Culture Policy

Introduction

During the time of the technical revolution we're living in, there is a field where the human and their work cannot be changed by the technologies or artificial intelligence. Arts and Culture are topics of all time debate, mostly because their value cannot be measured. There are no rules what art and culture value are, and how the talent can be presented, mostly because we couldn't know how each artwork would affect every person in the audience. Another important characteristic of the Arts nowadays is the double position they are in – same time to be universal in the globalized world and valid for wide audience, but on the other hand to be unique and to keep the cultural heritage, tradition, and folklore of the artists. Moreover, the process of creation, presentation and consumption of the Arts and Culture depends on many external factors like economy, demography, international affairs, and events.

Important difference in Arts and Culture is the need of human resource specified in different fields and directions (depending on the type of art). Especially in the field of the Performing Arts where many kinds of talents and specialists are connected in creating an artwork together. Moreover, this artwork is intended to be presented live in front of an audience and every next time it must be recreated again, and again. Because of that, big part of the management in the performing arts is strongly connected with human resources management, where most of the people are employed because of their talent and professional skills.

Next to the other challenges in front of the cultural managers is the working conditions under which the employees are working. Not only artists, but the working process also includes stage managers, directors, staff, scriptwriters, set designers, composers, dancers, and more professionals that work for creating art in the field of the Performing Arts. Many professions in that field are freelance jobs and the artists are working in more than one place. Their employment could be as full or part-time, or by performance, freelance. They could be working with more than one employer same time, depending on the projects they have. This gives them many opportunities, but as well it makes that field difficult for control without strong rules.

Following all the above, the study is presenting the roles of the syndicate organizations in the field of the Performing Arts and the differences in their work, depending on the structure of the sector and the external factors. The research is analyzing the real functions of the artistic unions in Bulgaria and the United States, defending the rights and work of the employees in the Performing Arts. This task is not easy, because of the lack of information and studies in that field. The aim of the research is to emphasize the good practices used by the artistic unions for the improvement of the work conditions in the field of the Performing Arts. Both countries are using different models of

management of the sector, as ownership, employment, work process, and more. But creating art, that depends on human resources, during the technology revolution makes their efforts equal. This study is directed to show the opportunities for the unions of other countries by the experience of the used ones.

Syndicates as a necessity

The Performing Arts organizations are working under many market and non-market failures. They are formed and explained by Baumol and Bowen in mid-twentieth century and are used as a fundament of the Arts management theory. Connected with the arts organizations as an economy subject and following the specifics of the work process in the culture field, the researchers theorized the problems in front of the cultural institutes (Baumol, Bowen, 1966, 1967). During that time the concept of “Baumol’s cost disease” has been formed. Also called “Baumol effect” this theory explains the difference between the labor productivity in arts and culture verses the one in other work fields, where the increase of the productivity is way higher.

Talking about labor, Baumol gives an example about the time and human resource needed to create same artwork in the field of the performing arts in eighteenth century and in the current time. We would need the same amount of time and people, but the costs we would make now would be much higher than in the past. Giving this example, Baumol is explaining the effect, named after him. It’s also called the never-enough money syndrome and it’s applicable for other fields, different than arts and culture, like education, healthcare, security, and more.

As a solution of the problematic part of the management in the arts, Baumol brings up the idea of external support to guarantee the existence and wellbeing of the arts. The supporters could be organizations in stable economic state or the government and international unions, depending on the culture as their priority. By culture, the government could create and conduct a culture policy in national and international level (Varbanova, 2007). No matter its market and non-market failures, the culture is part of the world economy, including arts, cultural and creative industries (Tomova, 2003).

The free-market principles in combination with the market and non-market failures, make the art organizations non-competitive with the other economy subjects. This reflects on their proper work, the cultural infrastructure, and the working conditions. Indirectly that affects their performance, culture value, and the audience (Douglas, 1986). The audience are the costumers for the performing arts. Opening a gap between the costumers and the producers (the art organizations) is a problem which solving is a long-term process.

As was presented, the performing arts are strongly dependent of the human resources - specialists and professionals in different areas and directions. The slow productivity increase and non-competitive nature of the culture field makes it unattractive for the modern society. In the future that would lead to lack of well skilled and specific professionals. The current situation of the employed in the performing arts is a result of the long-term existence of the defects of the art sector. That led to aging workforce for jobs as backstage staff, workers in ateliers, and other technical support departments. Many people with these expertise and skills are redirecting in other sectors and industries with better work conditions (Stern, 2000).

An exception of that situation is about the artistic occupations, where every year many new artists are graduating but the labor market cannot satisfy their needs. In this case the rule “demand determines supply” is not valid, because most of the artists are becoming professionals because of personal statement, not because of needs of the market. The non-economic reasons for becoming an artist can lead to many compromises (including a financial one) in the name of art and working in the culture field. Artists as human resource, especially in acting (performing arts and cinema) are different case, because they are a complex mixture between workforce and product by themselves (McCarthy, 2001). Sometimes, this is a reason for competition that is not dependent on personal or professional qualification, but on the current audience preferences.

All this specifics in the human resource management in the performing arts makes the labor market in that field unstable and not dependent on concrete rules, terms and criteria. That often can be unfair for the employed or for the independent artists and staff, looking for opportunity to be active part of the working processes in their field. Following the practice of other economic subjects, as organizations of other sectors and fields, in the late 19th, early 20th century first unions in the arts had started their work (Docherty, 2010). Their main role is to protect the job positions and work conditions of the employed artists from different areas in the arts and culture, separated by their job

description and positions. The main function of each syndical organization and the different guilds in it is to defend the interests of the employed in it, in a way to support the improvement the sector as a whole. That could mean a protection of the work conditions in front of employees' organizations and government, or solving an inner for the sector problems, between workers, guilds, colleagues, etc. (Kelleher, 2019)

The aims of the syndical organizations are evolving of their sector, better work environment and equality between the employees. The role and the power of the syndical organizations is changing by a couple of factors. They could be separated as internal and external and have a different value for the unions. The study is analyzing the similarities and the differences of the artistic unions in the field of the performing arts comparing the practice in the United States, and the Bulgarian one. In both cases, the study is exploring the activity of the biggest syndicates and how their role has changed in two different directions. In both nations, the unions begun as defenders or advocates of the work conditions of the employed in the field of the performing arts. Because of the internal and external factors, now the role of the unions in the United States is more like a sovereign, dictating the rules for the sector, but in Bulgaria the unions have the function of consultants of their members. The current study is looking for the reasons of that.

The unions in the United States

The performing arts sector in the United States is formed by mostly non-for-profit and private organizations. The role of the government is to distribute financial resource among them by competitive mechanisms and for their projects, but it does not interfere in the culture policy led by the cultural institutes. As opposed to the Bulgarian reality where the big part of the culture sector is owned by the Ministry of Culture, in the States, the organizations operate under free market conditions. The government absence leads to lack of regulatory framework as laws and orders, specified for the needs of the art sphere. This makes the cultural institutes equal as every other organization in any kind of industry.

The responsibility of regulating the performing arts sector is granted to the artistic unions, as a collective instrument for management of the process in a level bigger than organizational for each institute. The unions are determining the terms and conditions in which the producers can create art. The regulations can be valid in local (city), state, regional or federal level (Lippman, 2009). There are different artistic unions connected with the employed in the field of the performing arts, separating them by the occupation (actors, directors, stage managers, technical crew, and more). The active work of the syndicate organization is trying to compensate the missing governmental support for protection of the sector.

A good example of the significant role of the syndical organizations in arts is the separation and definition of the theatre institutes in the United States by different indicators, with different conditions for each of the groups. The most recognizable group of theatre institutes are the Broadway theatres in New York. They are called this way not only because of the avenue in Manhattan where most of them are located. To be part of the Broadway theatres' group, the capacity of the hall must be at least 500 seats. Off-Broadway is between 100 and 499 seats, and Off-Off-Broadway – up to 99 seats. Each of these categories relates to different type of contracts with the artists and staff. The minimal rates are created and included by the unions.

The current classification of the theatre institutes is created in 1948 after strikes of the biggest performing arts union in the United States which led to an agreement with the employers. There are many different unions specified for concrete occupations: Actors' Equity Association (AEA) – the biggest union for performing arts connected with the work of actors, singers, dancers, and stage managers in the US with more than 51 000 members actively working in the field of the performing arts. I.A.T.S.E. is an international artistic alliance, related with the technical staff in the performing arts, cinema, medias, and showbusiness with more than 150 000 members in North America. United Scenic Artist defends the rights and the work of the set designers, costume designers, light designers, sound designers, coordinators, and other organizational crews in the performing arts. With more than 5000 members, this union has local and federal level of influence. Other smaller artistic unions in the United States are Stage Directors and Choreographers (SDC) with over 2300 members, American Federations of Musicians (AFM) for musicians, composers, and instrumentalists.

Following the example of the Broadway and Off-Broadway separation of the theatrical institutes, the Actors' Equity Association determines more than 40 groups of stages in local, regional, and federal level. Each category (or group) works with contracts provided by the union with minimal terms and conditions that the producers must follow. Each producer can offer better conditions than the one in the contracts, so that way the Equity guaranty the minimal standards. The different types of the contracts can affect the work of the theatre organizations around the States and out of the country when is conducted by American producers and includes artists – members of the union.

Examples of these types of contracts are: "Production" – by the theatre from the Broadway league, nationwide and on tour; League of Residence Theatre Agreement – a contract for the regional theatres from the LORD league; Council of Stock Theatres for the repertoire theatre organizations around the US. Other contracts in federal state are for Theatre for Young Audience (performances for children and young people), Business theatre and events (corporate live events including artists), Dinner Theatre, and more. Examples of contracts with local effect are for Small Professional Theatre (SPT) for theatres with up to 350 seats localized out of New York City and Chicago; Hollywood area theatre (theatres with up to 600 seats around Los Angeles); Chicago Area Theatre (companies in Chicago and 55 km around the city with up to 900 seats). Other local contracts are NOLA (New Orleans, Louisiana), Disney World (Orlando, Florida), LA Self-Produced Project (Los Angeles, California), New England Area Theatres Agreement (Boston, Massachusetts), and more.

These contracts determine the work hours, pricing, and way of paying by the different jobs in the performing arts. More conditions are about the timeframe of the work process – rehearsing and running time of the show, daily and weekly employment, rests, minimal wage by hour, performance, week, or other duration, and more. These contracts are valid for both: producers and artists when the artists are union members. It is not mandatory for the artists to be part of any union, but if they want to work in better conditions and their work to be considered as professional, it is a privilege for them to participate to syndicate organization defending their occupation. The actor's equity is a way for prevention of unfair competition by working under the determined minimums. Breaching the agreement, the offender risks his membership that could cost his future work and the professional status of him. Moreover, for preventing conflicts of interests, each person could be part of one equity a time, connected with one job. Thus avoiding situation where one person can benefit from the participation in more than one union. An example for that can be when one person is working as casting director and actor at the same time.

The artistic unions in the United States are combining all the employees which active work is creating the sector of the performing arts. That means the syndical organizations are the most powerful instrument for creating and conducting strategies for development of the sector. This power is directed in both sides – to the employers in one hand, and on the other hand to the professionals in the field of the performing arts. This power is not infinitive, because the unions must ask for conditions that can be covered by the producers. Otherwise, the unions are risking the future of the sector of the performing arts, by setting an unattainable term. Sametime, the unions are not owners of the cultural organizations, nor an employer of the artists, but the future of the sector is their responsibility. Because of that it could be said that the syndicates in the United States have the role of a sovereign, determining a condition that others must follow.

The unions in Bulgaria

Union of the Bulgarian Actors is the oldest artistic syndicate in the field of the performing arts in Bulgaria. Created in 1919 by Bulgarian actors who graduated their theatre education abroad, after their return to Bulgaria. Following the good practices used in other European countries and their adaptation the Bulgarian reality, the Union is trying not only to protect the employees in the arts, but moreover to support the artists, to stimulate the interest of the arts and artistic jobs, and to develop the professional performing arts around the country. The members of the union at that time are strongly engaged with the success of the arts and the theatre organizations they are working in. In this period the volunteer work and fundraising for arts are developed.

The middle of twentieth century is the most significant period for the Bulgarian performing arts. During that time, theatres were built in every regional city. Every institute has own full-time working artistic and technical staff. The theatres in Bulgaria are working in a different way than the one in the United States. They are using repertoire system with big number of different titles

(performances), played in one institute. That means a variety of shows for the audience at one place, played by the same artists. One of the reasons for that is because of the limitation of the potential audience. Some of the regional cities are with population less than 50 000 people. Applying the programming system used in the United States that would mean a running period of a couple of weeks for each performance without a chance of investment return and need of creating a new performance straight forward.

The development of the performing arts infrastructure is followed by increase of the number of people engaged with the sector – artists, technical and administrative staff, workers, managers, and more. A big difference between the performing arts sector in the United States with the one in Bulgaria is the ownership of the organizations. While the cultural sector in the US is formed by independent (private or non-for-profit) organizations, the Bulgarian cultural sector contains State and Municipal theatre institutes. That makes the government and the local authority responsible for the cultural situation and the cultural policy, conducted by the organizations. During the period of Soviet Union influence over Bulgaria, the arts had been used as well as a propaganda of the ideas of that regime. This is the main reason for increasing the budgets for art and culture. During that time the artists have a good status among the society and their work is well respected. Moreover, they have freedom to express their ideas through the art, especially when they match the Soviet aims. The artists are working in good conditions and well paid for the standards of that time.

The work of the syndicate organization is limited because of the missing opportunities for change. There is no variety of term, conditions, or benefits that the arts can fight for. The work of the artistic unions is to keep together the employees in the field of arts and to improve their lives outside the theatre – providing a holiday houses for the institutes, municipal housing, and accommodations for the artists from other cities, social fund and scholarships, and more benefits not directly connected with the work conditions in the cultural institute. The participation in the Union as a member is not mandatory but is a matter of honor to be part of it.

With the beginning of the Democracy in Bulgaria in 1990, the Soviet influence is over. The financial stability of the arts and culture sphere as well. The new power is giving a path to the new opportunities and policies suppressed until then. The bad financial situation of the country is followed by extremely high inflation of more than 2000%. In 1997 the Bulgarian economy is under collapse and the only way for stabilization is by the Currency Board Agreement. This important for the Bulgarian economy events affected all the society and the economy subjects from all the sectors nationwide and the international partners of the country. As part of the economy that needs investments for its existence and proper work, the arts and culture field is relegated to the back of the priorities of the country. Cultural organizations are creating merit goods that don't have material characteristics and cannot be measured. As a result, arts and culture are often being neglected and listed in the bottom of the value system of the governing and society (Kondzhov, 2020).

The combination of the neglect of the cultural sector with the Baumol's effect valid for the art organizations brought the current situation of the cultural environment in Bulgaria. The infrastructure is becoming morally obsolete and depreciated. The valuation of labor is not competitive with other spheres of the economy. Additional problems affecting the cultural field are the bad demography situation in Bulgaria, internal and external migration, and more. The long-term presence of these problems led to their strong impact and difficult determination.

Supporting the solution finding process, the artistic unions has changed their focus, working for improvement of the sector. In the raise of the Democracy the Union of Bulgarian Music and Dance Artists and "Culture" department of "Support" Labor Confederation are created to defend the rights of the employees in arts and culture. The Union of Bulgarian Actors includes different guilds for drama actors, puppet actors, administrative and technical crew, voice over actors, circus and variety artists, contemporary dance and performance artists, playwrights and critics, teachers in the performing arts, music artists and more.

Their work is strongly connected with the actual condition of the sector. Their main job is about adequate work conditions in the field of the performing arts. In a country where big part of the cultural sector in the arts is funded by the government, that would mean a direct communication between the syndicates and the State management and administration: Ministry of Culture for national and the Culture departments in each Municipality for the municipal cultural institutes. On the state level, the Ministry of culture is not an employer of the workers in the cultural institutes. As a Primary

Budget Officer, the Ministry is choosing a managers for each organization after conducting a selection procedure. The Ministry delegates all the duties and responsibilities, management, and culture policies to the managers. This led to creation of another type of syndicates, connected with the performing arts – the syndical organizations defending the rights to the employers in the culture field. In Bulgaria now there are three employers' syndical organizations with same mission and aims. There are no regulations of the number of syndicates that each professional can participate. The participation in the unions also is not mandatory and is a right to each artist, but a lot of the people working in arts are avoiding them. Some of the reasons are: connecting the structure and the activity of the syndicate with the previous political regime and the behaviors in the past; lack of trust of the management in each syndicate organization and suspension in corruption in any way; missing the point of participation the unions; and more.

At the current moment, the biggest artistic union (Union of Bulgarian Actors) has over 1000 active members that are less than 10% of all the professionals in field of the performing arts. This reflects on the power of the union and its representation in front of the institutions, such as Ministry of Culture, municipalities, international organizations and more. Because of this, the union cannot use the whole potential and it is missing opportunities that could help the art sector. Thus reduces the benefits for the members of the union and affects in a negative way the motivation for participation of potential new members. Without new members, the unions are losing the power of their active work.

Another important factor in the work of the syndicates in arts are the term and conditions, valid for the professionals in different fields of the arts and culture. The artistic unions are defending minimal work conditions, such as work and rest time, minimal salary, and other payments, and more. As it was mentioned, big part of the cultural sector in the performing arts in Bulgaria is owned by the government or municipalities. Defending the interests of the professionals in arts, the unions are communicating with the Ministry of Culture. At the same time, the Ministry delegated all the responsibilities for the institutes to the managers, who also have a syndicate of the employers. That would the decisions in the art sector must be made in a dialogue between both syndical organizations. But the budget of the cultural organizations in the performing arts (including the salaries of the employees) are formed and are using public funds delegated by the Ministry of Culture. This way, the artistic unions are defending against of organization that cannot solve the actual problems.

The syndicates are trying to enforce terms and conditions, protecting the interests of the artists and other professionals. Another difficulty is when the unions are trying to include the terms outside of the government supported art sector. The private structures that include artists and other staff and crew like non-profit or trade organizations in arts and culture, cinema and music industries, medias, entertainment, and more are working in free-market conditions. It's each organization decision to follow or not to the regulations of the unions. If the syndicates are trying to force their rules, they blamed for interrupting the competitive principles of the free market. This way, the role of the syndicates in the arts in Bulgaria is transferred from defender or advocate of the artists to consultant for recommended work conditions in the art sector.

Similarities and differences

Both models described in the study are based on their real work and the effect of their functioning. The clearest similarity between the two examples is the aim of creation of the syndicates – protection of the employees in the field of arts and culture. The work of the unions is focused on the improvement of the sector by stabilizing and development. To compensate the non-competitive nature of the sector and its market and non-market failures, the syndicates update their requests, terms, and conditions. This way, they are trying to provide adequate work environment to the professionals from different areas in arts.

The differences are more than the similarities because they are directly connected with the context of the existence of the syndicates. Because of that the previous paragraphs are explaining the macrolevel and how it reflects to the unions. Historical, political, social, and demographical differences are affecting the art field, respectively the work of the syndicates. In both cases the sector is trying to find benefits in its hard position in the free-market reality. Directly supported by the government or not, the cultural field is non-competitive with other subjects.

In Bulgaria, there are law regulations for the culture, that are focused on the availability to art for all the people in the country. Because of this, the government is responsible for the existence of

cultural institutes all around the country. Each organization conducts its own culture policy, dependent on the region where is localized and by the needs of the society in this area. The state ownership guaranties not just existence of the cultural institutes, but it is keeping their purpose – creating and distributing performing arts. The organizations in the US can change their purpose or they could adopt other activities to guarantee their financial stability. This may lead to putting aside the performing arts as main activity of the structures. Analysing the work of the syndicates in arts, in Bulgaria the regulations as laws are trusted to the legislative and executive power (parliament and ministry of culture). In the United States, the regulations are depending on the artistic unions.

Managing all the power, the unions in the United States are regulating and communicating the process not only with the other external organizations (cultural institutes, producers, and more). The syndicates are exercising control among the professionals in the union. The members must follow the rules determined by the unions, otherwise they are risking being expelled. Another difference that helps for keeping the unions adequate to the needs of the current employees is that the unions can include only people actively working in the performing arts. In Bulgaria, there are no regulations about the participants in the union. This is a prerequisite for opening a gap between the members of the union and their decisions with the real needs of the sector.

Another difference in both countries, connected with the membership of the artistic unions is about the motivation of participation in the syndicates. While in Bulgaria the professionals don't see a reason to be part of the union or because of distrust of their capabilities, in the United States being part of a syndicate means that you are professional in the occupation and you actively practicing it. By the union the artists and other employees know their rights are protected. The membership is not only protection in front of the employers, but moreover it protects from using unfair competition practices among the professionals.

Conclusion

In 2023 the syndicates in arts of both – United States and Bulgaria, led strikes for better work conditions for the employees in the field of arts and culture. The effect of both events proved the difference of the power of both similar by aim organizations. This is the main reason for creating the current study – to highlight the strong and weak sides of the syndicates in arts and how their role has changed through the years in two different points of the world.

Both strikes could be called *successful* because of their results. In the United States the actors and other professionals gain higher standards of pricing for their work. In Bulgaria, the syndicates asked for better work conditions, connected with increasing of the salaries. As a result, the budget of the Ministry of Culture was raised, especially for budget program “Performing arts” with over 50% increase. To reach their aim, the artistic unions in the United States stopped their work that affected all the cinema industry – from playwriting to post-production. The effect of the strike is still sensible because this event blocked the production process in 2023 and rescheduled all the planed works of the studios and distributors.

In Bulgaria, the budget of the Ministry of Culture intendent for the performing arts is increased, but the salaries of the employees are not reciprocally raised. This is because the amount of the wages does not depend on the Ministry decision. Each manager of a cultural institute conducts own policy for pricing the work of the employees. Holding a strike against the Ministry, the artistic unions are leading a battle of which they are not a side. If they have desire for change, they must take actions against the management policies of the managers of the institutes.

When is about matter of arts, especially performing arts, the most important for their existence is the human resource factor that cannot be change and that defines the value of the production. In conclusion, based on the examples used in the current study, the power of each synodical organization in arts depends on the people that are forming it. As many as they are, as stronger the union is. Important part of their work is not just fighting against external factors and other organizations but keeping clear and fair the conditions for all the members of the syndicate. This way the artistic union can hold the professional level of the employees that form it. These two factors – quantity of members and self-regulations among the participants are the key that determines the role of the artistic union: is it a sovereign or just a consultant in its field.

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