

Precarious Design: Creative Workers' Organizations and the Union Affiliation of the Associated Designers of Canada

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ABSTRACT: This article contributes to literature on precarious employment and union organizing in the cultural sector through an analysis of the recent union affiliation of the Associated Designers of Canada (ADC) with the International Alliance of Theatrical Stage Employees (IATSE). We approach this topic comparatively by looking at the organizational models that theatre and live performance designers have used to collectively represent themselves in English Canada, Québec, and the United States. Drawing on 56 semi-structured interviews with working designers and designer organization staff in these three jurisdictions, we explore the challenges working designers face, the efficacy of their respective organizational models, and the motivations for unionization among designers in English Canada. ADC's unionization and IATSE's coalition work with other cultural sector workers, we argue, could offer broader lessons to others in the cultural sector seeking to organize to improve their wages and working conditions.

KEYWORDS: Cultural Workers; Precarious Employment; Union Organizing; Artistic Workers

Introduction

Worker organizing in the cultural sector has been on the rise throughout North America over the past several years (de Peuter and Cohen, 2015, 2020; Jaffe, 2020; Pelly, 2020). However, this organizing has also been uneven. Cultural workers

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with greater strategic leverage and social capital have led successful strikes (Reich, 2019), while those working in precarious situations face greater obstacles. This is particularly true for cultural workers in freelance, contract, or other forms of unstable or “precarious employment” (Vosko, 2006). However, sections of the Canadian labour movement have begun to make connections with more precariously employed artistic workers. The interest in unionization (Weststar and Legault, 2017), as well as organizing success, has varied considerably along lines of sector, craft, and job and income stability, among other factors. As well, the COVID-19 pandemic has predictably amplified the material insecurity faced by cultural workers. Yet the pandemic has also opened new opportunities for movement building. Organizations, associations, and unions representing cultural workers, particularly in Canada, have built alliances to challenge the often inadequate responses of employers and governments and to ensure safe workplaces and/or secure incomes (Creative Industries Coalition, 2020).

This article analyzes the recent union affiliation of the Associated Designers of Canada (ADC, now ADC 659) with the International Alliance of Theatrical Stage Employees (IATSE), the international union that represents technicians and stagehands within the North American live performance and film industries, including theatre and live performance designers in the United States. The article engages in this analysis comparatively. We draw on 56 semi-structured interviews with working designers in English Canada, Québec, and the United States to understand the working conditions of designers and the organizational models through which designers have attempted to improve their working conditions in each jurisdiction. We contend that the precarious working conditions of artistic workers have previously been a barrier to unionization, but see the affiliated union model of ADC-IATSE as offering potential lessons for collective organization among similarly situated workers.

Coauthor Moore is a working designer and board member of ADC, as well as a staff member of IATSE, and drew on personal and professional connections in the design and conduct of this research. Semi-structured interviews with working designers and staff members of organizations representing designers were conducted between October 2019 and July 2020, prior to ADC’s vote to affiliate with IATSE in October, 2020. This research aimed to explore the possibilities for improving the material security of creative workers in precarious working conditions and examine how factors such as artistic identity and professional organization models affect organizing efforts and collective bargaining relationships.

In total, 56 interviews were conducted: 51 with working designers and five with staff members from designer organizations. In-person interviews occurred in Calgary, Edmonton, Winnipeg, Toronto, Hamilton, Stratford, Ottawa, Montreal, Vancouver, Victoria, and New York City. Additional interviews occurred over Skype with designers who could not meet personally in any of those cities (Seitz, 2015). Participants ranged in age from 23 to 71 years (two participants chose not to disclose their age), with a median age of 38. Thirty-one participants identified as female, twenty-two participants identified as male, two participants identified as trans/non-binary, and one participant chose not to disclose their gender identity. In terms of sexual identity, forty-one of the participants identified as heterosexual, fourteen of the participants identified within the LGBTQ+ spectrum, and one participant chose not to disclose their sexual identity. Finally, forty-five of the participants identified as white, eight of the participants identified as Black, Indigenous, or Person of Color (BIPOC), while three participants chose not to disclose their ethno-racial identity. There are no broad statistics about the demographics of the sector, partially due to its freelance nature and lack of cohesive definition about who ‘qualifies’ as a working designer.

Though our primary focus in this article is analyzing ADC’s affiliation with IATSE, we approach this question by looking at the distinctions between ADC and other designer organizations in Québec and the United States to understand the factors that shaped unionization among designers in English Canada. As well, we contextualize ADC’s new form as an affiliated union local of IATSE within the context of designers’ freelance status and the institutional and legal barriers to unionizing through a formal labour board certification.

In this article, we discuss the working conditions, employment relations, and organizational models of theatre designers in Canada and the United States, grounding these in the broader context of the creative cultural sector. We analyze our interview data to gauge some of the factors which shaped English Canadian designers’ receptiveness to unionization. Against the backdrop of the COVID-19 pandemic and the consequent live performance industry shutdown, the article reviews cultural workers’ organizing efforts and institutional advocacy. We argue that these factors influenced ADC designers’ decision to affiliate with IATSE, and that this affiliation could hold broader lessons for other cultural workers, contract workers, “alt-labour” organizations, and the precariously employed more broadly.

The Political Economy of Work in the Canadian Cultural Sector

In this article, we employ a critical political economy of the creative cultural sector in Canada, while engaging with literature on precarious forms of employment and union organizing to understand the unique position of artistic workers, and theatre designers more specifically (Magder, 1992; Mirlees, 2016, 2019; Mosco and McKercher, 2008). The performing arts make up a sizable portion of the overall “live performance domain” in the Canadian economy. As of 2018, there were over 11,000 performing arts companies and over 3,600 presenters, promoters, and festivals nationally. Of these organizations, 2,360 reported having direct employees, while 12,590 did not (Statistics Canada, 2018a).³ These contrasting figures point to the dominance of independent contracting and other forms of nonstandard work prevalent in the creative, cultural sector. Annually, performing arts organizations present more than 80,000 performances by professional artists, paying artistic fees estimated at more than \$200 million (Petri, 2013). The broad live performance domain contributed \$2.9 billion to the Canadian Gross Domestic Product in 2018, with live performance growing at an annual rate of 4.2 percent between 2014 and 2018 (Statistics Canada, 2018b). Live performance is thus a large and growing part of the cultural sector of the economy. Yet many workers in the sector face considerable employment precarity characterized by income and job insecurity, as well as a lack of access to statutory employment protections and other social welfare benefits (Rodgers and Rodgers, 1989; Vosko, 2006).

Although there is a growing literature which conceptualizes the sources and conditions of precarious employment among creative cultural workers (de Peuter, 2011; Gill and Pratt, 2008; Hennekam and Bennet, 2017; Morgan, Wood and Nelligan, 2013; Taylor and Littleton, 2008), it is helpful to distinguish how precarious work impacts designers, in particular. According to Vosko (2006), precarious employment encompasses forms of work for remuneration characterized by various labour market insecurities. These include a low degree of certainty around continuing employment, low income, a lack of control over the labour process, and limited access to regulatory protections (see also Rodgers and Rodgers, 1989, Standing, 2011 and Vosko, 2005). Although these labour market insecurities often articulate together, workers may experience different combinations of them. Furthermore, precarious work is shaped by the

³ NAICS industry categories included in this specific count are consistent with Statistics Canada’s (2015) mapping for the live performance domain of the Canadian Economy.

relationship between employment status (i.e. whether one is classified as an employee), form of employment (i.e. temporary or permanent, part-time or full-time), social context (e.g. geography, occupation and industry), as well as workers' social location (or the interaction between social relations such as gender and race, and legal and political categories, such as citizenship).

Most designers work on a freelance basis and therefore experience considerable uncertainty with respect to continuity of both income and employment. Additionally, designers are paid a flat fee for their design work and are not given hourly or overtime pay, regardless of how many hours they work on a project. Even among relatively high-income earners, the contractual nature of their work can translate into significant uncertainty concerning continuity of employment. Although some designers can develop strong relationships with theatre producers and are sometimes all but guaranteed annual work at large theatre festivals, precarity remains a perpetual concern for many. These concerns around employment continuity are heightened when festivals undergo staffing changes at the artistic director or director of production levels. For designers who do not have any contracts that are annually offered, precarity and uncertainty is even more pronounced.

Similar to freelance workers in other creative sectors (Bischoping and King, 2019; Gill, 2005; Hesmondhalgh and Baker, 2010), theatre designers are typically expected to work for several years for either no or very low compensation to "establish themselves" as they begin their careers (Butler and Russell, 2018; Taylor and Littleton, 2008). This can be an extremely difficult financial position for emerging designers, as they need to remain constantly available to work for free, rather than earning income by performing paid work outside the cultural sector (Shade and Jacobson, 2015). This creates a financial barrier to establishing a career as a designer that we argue can be, paradoxically, referred to as a form of 'privileged precarity.' Nearly all designers have at least an undergraduate degree in design, if not a Master's degree. This combination of the financial burden of higher education and earning little substantive income upon graduating makes the career uniquely difficult for designers who are not financially secure before beginning their career. For prospective designers from marginalized backgrounds, this double burden of the necessity of post-secondary education and subsequent unpaid work can be highly exclusionary (Shade and Jacobson, 2015). Being credentialled while also experiencing forms of precarity can also pose challenges to union organizing, as some designers may not conceive of themselves as 'workers' and thus potential union members.

Canadian designers also have very little access to regulatory protections. Designers in both English Canada and Québec are classified as independent contractors and consequently are exempted from provincial and federal employment standards legislation, most critically, working hour regulations and overtime pay. Although the federal *Status of the Artist Act* (SAA) extends some collective bargaining rights to artistic workers through federally recognized professional organizations, as we discuss below, the SAA's reach and effectiveness is limited (MacPherson, 1999; Vosko, 2005). Independent contractor status also means that designers are not covered by other employment-based social welfare programs such as Employment Insurance (EI) and the Canada Pension Plan (CPP). Like similarly situated workers in other creative industries, this lack of social protection and entitlement coverage remains a significant source of material insecurity for designers (Bischoping and Quinlan, 2013; Murdock, 2003).⁴

Designers' autonomy and degree of control over their labour and the labour process is somewhat more complex and can have significant impacts on forms of collective organization. Within live performance, designers are responsible for the conceptualization and supervision of the creative elements of a show or production. They are hired to design for productions of theatre, dance, opera, or other live entertainment in collaboration with the director, choreographer, or other creative team members. For the most part, designers can be categorized into five main disciplines: set, costumes, lighting, video, and sound, although there are additional subcategories, such as props or hair and makeup. As the labour process of live performance designers contains two phases, this complicates their independent contractor designation somewhat. Designers first conceptualize and draft/create the design as the initial phase, and then implement the design in the theatre as the second phase.

During the first part of the process, designers function similarly to independent contractors without a formal employment relationship, whereas during the second part of the process, their labour and time are managed and

⁴ Independent contractors do have the ability to voluntarily pay into EI, which nominally gives them access to unemployment and maternity and parental leave benefits. However, applying to EI is a difficult process that includes a complicated application and a 12-month gap between registration approval and the ability to claim benefits. Furthermore, those classified as "self-employed" must pay both the employee and employer contributions required under EI's formula, which imposes a significant economic obstacle to many low-income independent contractors.

directed in a manner similar to others in a standard employment relationship. In this implementation phase, theatre companies schedule the hours that designers are required to be in the theatre and in general have considerable control over designers' time and labour. The combination of this lack of control over the labour process and lack of employment standards coverage means that designers frequently work long, unsocial hours when in the theatre without access to overtime pay. Additionally, the dual phases of the design labour process see designers mostly working independently in the first phase, then working collaboratively in the second. The design portion of their work therefore creates barriers to sociality and collectivity, while the implementation phase is temporary with worksites and coworkers changing frequently.

ADC has an informal collective bargaining relationship with the Professional Association of Canadian Theatres (PACT), which negotiates on behalf of member theatre companies. This collective agreement functions as a minimum template and includes a binding minimum fee structure that applies equally to all PACT-member theatre companies (ADC-PACT, 2017). However, despite the existence of the informal collective bargaining relationship between ADC and PACT, designers must still negotiate individual contracts on each performance for which they are hired. Designers who are current members of ADC 659 in English Canada or l'Association des Professionnels des Arts de la Scène du Québec (APASQ), the professional organization of designers in Québec, begin with a template contract that includes provisions concerning minimum compensation and some minimum working conditions. Designers who are not members of a designer organization often start with a template either created by themselves or by the producer.

The size and financial resources of a theatre company are not reflected within the collective agreement minimums, so the minimum fees must be affordable for both very small theatre companies as well as large theatre festivals with considerably greater resources. Designers, or their agents, typically negotiate the fee for each contract directly with theatre companies and producers. The designer's ability to negotiate a higher fee is limited by their individual negotiating skill, and theatre companies are rarely willing to increase their design fees much higher than their pre-budgeted amount. This focus on the individual's ability to negotiate further amplifies structural barriers within the theatre sector. Designers who do not have an established network of connections within the industry can often lack the bargaining leverage to convince a producer or production manager to increase a design fee. Additionally, the inherent power imbalance between

producer and designer can be exacerbated for racialized and/or feminized/non-binary designers as theatre companies are, typically, still largely white and male-dominated spaces.

Designers' Organizational Models

The political-economic organization of the cultural sector and its widespread employment precarity thus pose significant challenges for union organizing. For designers, in particular, income and employment insecurity, a lack of regulatory protections, and a two-phase labour process characterized by independence and frequent worksite changes creates particular impediments. Despite these quite considerable workplace issues and the barriers created by precarious employment, designers in English Canada, Québec, and the United States have formed different types of organizations through which to advocate for designers and improve pay and working conditions, to varying degrees of success. Designers in English Canada and Québec are ineligible for traditional union certification through provincial or federal labour board recognition due to their classification as independent contractors. Designers in the United States, on the other hand, are members of a certified union local of IATSE, called United Scenic Artists, Local 829 (USA 829), with *National Labor Relations Act* protections. Responding to the conditions of freelance independent contracting, as well as the unique work experiences of designers, these organizational models necessarily differ from conventional industrial unions.

Generally, there has been difficulty finding common ground between traditional trade union organizers and creative artistic workers who often have unconventional employment relationships or who lack a single employer or worksite (de Peuter, 2011). This is largely the result of unions being historically much stronger and more embedded among industrial workers in standard employment relationships. Freelance workers and unions have forged stronger connections on the outskirts of the labour movement through “atypical workers’ associations” (de Peuter, 2014, 268) which are better equipped to respond to the working conditions of those in nonstandard forms of employment. For example, the Canadian Freelance Union, a “community chapter” of Unifor, organizes freelance workers in the media, communication, and information sector, providing group insurance plans, template contracts, and grievance support (Canadian Freelance Union, 2020). However, it is frequently true that these “alt-labour” forms of association lack the strength and capacity of certified industrial

or craft unions, partly as a result of the lack of regulatory protections nominally provided through labour law (Tucker, 2014).

In some instances, nonunion workers' associations have been able to act as a bridge between creative workers and traditional union organizers (Denning, 1998; Quinlan, 2020). Yet, as Vosko (2005) argues with respect to the political activities of the labour movement in Canada in support of freelance artists, "...with the exception of Quebec, and more recently some enabling legislation in Saskatchewan, none of the provinces have enacted legislation aimed at improving the socio-economic situation of self-employed artists" (p. 168). The federal *Status of the Artist Act* (SAA) is useful in that it allows freelance creative workers to form professional associations, among its other benefits, but it provides no concrete path towards certifying professional organizations as unions (Macpherson, 1999, 356), while it simultaneously imposes other significant barriers to collective action (for example, a ban on "coercive" activities such as strikes in support of bargaining objectives). Designers' organizations in English Canada, Québec and the United States offer examples of creative worker organizations with various degrees of connection to the broader labour movement. As we argue below, there is potential to improve these connections through chartered affiliations where labour board certification is not an option.

Associated Designers of Canada (ADC)

Incorporated in 1965, the Associated Designers of Canada currently has approximately 300 dues-paying members working in various categories of theatrical design (according to internal ADC estimates, there are approximately 500 working designers in Canada). Membership in ADC is completely voluntary and is not required for any theatrical work in Canada, beyond a single exclusive agreement at the federally-regulated National Arts Centre in Ottawa. In other words, there is no 'closed shop' for freelance designers. ADC has a collectively negotiated agreement with the Professional Association of Canadian Theatres (PACT), who represent many, though not all, of the professional theatre companies in Canada. PACT companies are required to use this contract with ADC members, if requested by the member. The collectively bargained contract sets the minimum fees owed to designers and makes some provisions concerning working conditions. The agreement also contains provisions for renewal but does not include any successor status clause (ADC-PACT, 2017).

The bargaining between ADC and PACT is not compelled by labour law, but rather by established practice between the organizations. Although the *Status*

of the Artist Act applies to both organizations, the ADC-PACT bargaining relationship predates the passage of the SAA. The relative size of the ADC membership (approximately 60-70 percent of working designers in Canada) creates a critical mass that compels PACT to bargain with ADC. However, the relatively limited size of both organizations prevents more expansive benefits such as extended health coverage and adequate retirement plans from being included in the collective agreement.

Prior to ADC's affiliation with IATSE in October 2020, the organization was not affiliated or organizationally connected with any larger unions or labour organizations. This independence ensured that the ADC membership, through its Board of Directors and staff, had complete autonomy in its operations, collective bargaining with PACT, and advocacy on behalf of designers. However, that independence also tended to limit the capacity and influence of the organization, due to its relatively small size. ADC receives no permanent operational funding, with member dues and filing fees from ADC contracts representing its main income streams. Finally, enforcement of the ADC-PACT collective agreement and working conditions falls to PACT when a theatre company fails to fully honour the contract. If PACT is unable or unwilling to ensure its member companies follow the contract, ADC lacks the resources for comprehensive legal action. Furthermore, lacking coverage under federal or provincial labour relations legislation, ADC also has no recourse through government appointed labour boards. Thus, there is almost sole reliance on the employer organization as the final arbiter in any contract disputes, an obvious disadvantage to the organization.

Prior to October 2020, designers were somewhat unique in the English Canadian live performance sector for their lack of union coverage and their non-closed shop professional organizational model. For example, within the Canadian theatre industry, there are two other, larger, organizations that also represent theatre workers. First, the Canadian Actors' Equity Association (CAEA), which represents almost 6,000 actors, directors, choreographers, stage managers, and dancers, is also a professional organization, not a union. However, CAEA maintains an exclusive contract with PACT, effectively creating a closed shop on PACT productions, and giving CAEA a historically stronger bargaining position than that of ADC (Canadian Actors' Equity Association, n.d.). Second, IATSE represents union technicians and stagehands. Unlike ADC and CAEA, IATSE does not negotiate with PACT, as each IATSE collective bargaining agreement is unique to the individual employer with whom it is certified. This further means that IATSE contracts are covered by provincial labour relations legislation,

whereas professional artist organizations' contracts are federally regulated, if at all. IATSE is effectively a much larger and better financed labour organization, representing unionized workers in more than 375 locals across the North American entertainment industry (IATSE, n.d.).

Overall, ADC's structure has allowed it to grow fairly rapidly over the last several years while remaining responsive to the daily needs of its membership. However, increasing the legal capacity, advocacy influence, and bargaining strength of ADC remained difficult within the parameters of a strictly independent professional organization, and was thus a key consideration when the organization considered union affiliation with IATSE.

Association des Professionnels des Arts de la Scène du Québec

Designers in Québec are represented by l'Association des Professionnels des Arts de la Scène du Québec (APASQ). The jurisdiction between ADC and APASQ is strictly geographical: APASQ represents Québec and ADC represents the rest of Canada. Thus, Francophone theatre outside Québec (for example in Ottawa and New Brunswick) falls under ADC jurisdiction and Anglophone theatre within Québec (for example in Montreal) falls under APASQ jurisdiction. Notwithstanding, APASQ functions primarily in the French language, as does the majority of the theatre work in Québec. However, APASQ does have members who are solely English speakers.

In many other ways, APASQ and ADC (prior to affiliation) were remarkably similar organizations. Both functioned as professional organizations, rather than certified unions and their contracts are roughly comparable. However, ADC and APASQ differ in two key ways. First, APASQ is affiliated with la Confédération des syndicats nationaux (CSN), the second largest trade union federation in Québec. Affiliation with CSN gives APASQ several key advantages that ADC did not have. Most notably, CSN gives support to APASQ in their negotiation of collective agreements and in any legal actions that the organization undertakes. These two key pillars -- negotiation and legal action -- are two of the weakest areas for any small arts advocacy organization. In such areas, support from CSN is valuable in building the strength that APASQ exercises.

The second key difference between APASQ and ADC is that APASQ has an exclusive contract with the various organizations that represent producers in Québec (additionally, there are more organizations that represent producers, including at the independent level). Therefore, even designers who are not members file contracts through APASQ and pay a permit fee to the organization.

This ensures that theatre companies are not able to undercut APASQ fees and standards, and that contract terms and conditions are universal for theatre design work that occurs in the province. Additionally, this exclusivity increases the leverage that APASQ can exercise during negotiations, as producer organizations are compelled to negotiate in good faith with the organization. As an example, ADC designers receive a 3 percent RRSP contribution from a contract with a PACT theatre company, while APASQ designers receive a 13 percent contribution from a PACT company (PACT-APASQ, 2020).

Beyond these key differences, the experiences of APASQ and ADC members are remarkably similar. Working designers who were interviewed from these organizations expressed commonly experiencing low pay and long, unregulated working hours. Similar to ADC, APASQ does not have guidelines or restrictions on the daily or weekly working hours of designers. Minimum fees are higher for APASQ designers, but are still inadequate to ensure a full-time, living wage for many of the organization's members. APASQ has achieved more for its membership than ADC, primarily due to the advantages of their affiliation with CSN and their exclusive collective agreements with producer organizations within Québec. However, the major issues for the membership of both organizations remain common.

United Scenic Artists, Local 829

Theatre designers in the United States are represented by United Scenic Artists (USA) local 829. USA 829 has existed since the early twentieth century and was initially an IATSE local, then chose to affiliate with International Union of Painters and Allied Trades (IUPAT). However, it re-affiliated with IATSE in 1999, due primarily to dissatisfaction with representation they received from IUPAT (United Scenic Artists Local 829, 2017). Like ADC and APASQ members, USA 829 members who were interviewed have remarkably analogous concerns about the length of working hours and the inadequate compensation of most design fees, especially outside of Broadway contracts. However, USA 829 has the strongest structure of the three organizations. As a certified local of IATSE, they have similar negotiating and legal support as APASQ, while also having access to the overall resources of IATSE and the regulatory protections that come with NLRB certification. Granted, USA 829 has many more members than either ADC or APASQ, as the jurisdiction of the local includes the entire United States as well as some segments of film and television production. Consequently, its membership generates far more revenue than the membership of ADC or APASQ. By way of

comparison, the ADC/APASQ offices each have two or three staff members, a mixture of part- and full-time. The USA 829 New York office alone has a staff several times larger, in addition to other regional offices throughout the United States.

Although there are certain IATSE constitutional bylaws to which USA 829 must abide, the local, as a whole, is able to independently handle its own finances and affairs. This is necessary because USA 829 is markedly different from other IATSE locals, who focus primarily on technicians, not designers. USA 829 members are classified as fee-based employees, while other IATSE members are classified as employees. Therefore, the contracts and structure of 829 are necessarily different from the majority of IATSE locals. However, once again, even with the negotiating and financial strength of IATSE behind them, USA 829 does not have any hourly or weekly restrictions on the number of hours their members can work.⁵ Although the relative strengths of ADC, APASQ, and USA 829 vary tremendously, the members of each organization are facing similar struggles. The difference is that the union affiliation of APASQ and union certification of USA 829 give each organization more tools with which to advocate and greater capacity to negotiate for their memberships. When ADC members were considering whether and how to affiliate with IATSE, USA 829 served as a useful model for what an IATSE local representing designers could, in part, look like. Additionally, several members of ADC also hold membership with USA 829 due to their work in the United States, and these members were able to share their experiences working under USA 829 contracts

Designer Solidarity

Interviewees were unanimous in their opinion that designers across jurisdictions are underpaid. As a comparison, designers from English Canada, Québec, and New York all gave quite similar answers to the question, “Do you think you are fairly compensated for your work?” Interviewee 34 from English

⁵ During interviews, designers expressed a broad spectrum of opinion about whether hourly restrictions or overtime provisions should influence how many hours designers work, as well as whether such regulations would be advantageous for designers. Some interviewees expressed the desire to have the option to work as many hours as possible in order to optimize their artistic output.

Canada responded, “Sometimes you end up taking any job over no job, even if it's a job that's paying you half or two-thirds of what you know you would be making at another theatre or should be making from that theatre.” Similarly, Interviewee 31 from Québec summarized their situation like this: “This is not enough money to compensate me for the time it would take to do this design. This the minimum amount of money I need to survive through the length of your projects and you are not paying that.” Even designers in the US relayed comparable financial struggles, with Interviewee 43 concluding, “If I were to break it all down, I'm sure I make minimum wage. I've never, never been fairly compensated.”

In addition, the interviews revealed that there are a myriad of other working conditions that designers find challenging, including the precarious conditions and insecurity of working freelance, a lack of control over working hours within the theatre, and an inability to access regulatory protections and social supports available to workers in more standard forms of employment, such as unemployment insurance. This is particularly true of designers in English Canada and Québec. Although the many differences between theatre workplaces and production schedules make it challenging to create uniform legislation or regulations, many interviewees expressed the need for designers to have the power to ensure that they are treated fairly and respectfully by producers, particularly when it comes to working time and overtime rates. To this end, a clear majority of interviewees indicated that the challenging workplace and regulatory issues that designers face must be addressed collectively, rather than individually.

Designer solidarity is also notable given the frequency with which designers move between worksites and consequently have common coworkers for only limited periods of time. As Interviewee 2 from English Canada described it, the empathy that designers feel for one another is often deeply ingrained: “Yeah I think the ADC designers care about... each other, I really believe that. And they care about what's happening with the disciplines that aren't their own. They care about...the theatre. They care about the working conditions of everyone as well.” Caring about the working conditions of others is an important distinction to make because the decisions that designers make can often have significant impacts on other theatrical workers, such as performers, stage managers, and technicians. During interviews designers frequently expressed sentiments of solidarity with other designers, yet they also indicated that they found it difficult to channel that solidarity through the organizational structures that existed at the time of the interviews (i.e. prior to the affiliation of ADC with IATSE).

Before ADC affiliated with IATSE, informal conversations amongst designers about the value and importance of ADC membership were fairly common. For example, many designers believed strongly that membership in ADC would ultimately improve working conditions for designers as a whole and actively encouraged non-member designers to join the organization. Many ADC members recognized the constraints of the ADC-PACT bargaining relationship and the ways that the relatively limited resources of each organization restricted the range of benefits that could be bargained. However, a strong cohort of designers remained committed to building the institutional capacity of ADC. As one designer related in their interview, the informal monthly social gatherings organized in cities like Toronto and Vancouver allowed them to see the value and impact of ADC membership and served as a basis for building solidarity among designers. Established designers, who could already negotiate individual contracts above the binding ADC-PACT minimums, often felt less motivation to join the organization than younger, emerging designers, who could use collective agreement minimums as protection against being underpaid as they established their careers. For example, Interviewee 11 discussed the ambivalence from established designers about joining ADC: “They’re [established designers] waiting for ADC to become more powerful before they join, which is a self-defeating prophecy.” Interestingly, after affiliating with IATSE, ADC received significantly more membership applications than it had in many years. This was likely the largest influx of new members at any time since ADC’s original incorporation in 1965. The majority of these applications came from established designers who could have joined at any point before. As the above interviewee indicated, some designers seemed to be waiting for the organization to build greater strength.

However, it should also be noted that many established designers did choose to join ADC in the years before affiliation with IATSE to express their solidarity with other workers in the design community. This aided the long process of building ADC as an effective and responsive professional organization. For some designers, being a member was less about their own direct, personal benefit than it was about helping to build a sustainable structure that could work for the community as a whole. To that end, Interviewee 34 expressed the belief that all designers should be ADC members: “I think everybody needs to be a member of ADC [...] The last five years has been really quite a change for the association. We’re still only what, 250 members? I bet you there’s 500 people that design in the country, so everybody needs to be a member. That will help a lot as well. That’s when the association can do more than be only reactive.” These types

of sustained commitments to building and maintaining ADC as a professional organization over time helped lay the groundwork for union affiliation. Additionally, because the revenue for ADC 659 remains almost solely based on member dues and filing fees on each contract, a critical mass of membership was and remains essential to building and sustaining the efficacy of the organization.

COVID-19, Coalition Building, and the ADC-IATSE Affiliation

The COVID-19 pandemic in many respects amplified issues with which designers were already contending, such as income and job insecurity, lack of control over the labour process, and the inability to access social welfare protections such as Employment Insurance. Unemployment among working designers at the height of the pandemic and government-imposed lockdowns was near 100 percent, with the rare designers who did manage to secure work finding it sporadic and infrequent. When the pandemic hit Canada in early March 2020, most designers were engaged in at least one contract at some stage of production. Outside of a few exceptions, most theatre companies could not afford to (or simply would not) pay designers for productions that were suspended or cancelled outright. As a result, the Canada Emergency Response Benefit (CERB) -- which the Trudeau Liberals introduced in partial recognition of how low EI coverage has become in Canada (Tranjan, 2020) -- was essential to the design community to cover basic living costs. Moreover, the CERB also, inadvertently, created a degree of income security that temporarily aided the institutional capacity of ADC, as its Board of Directors, especially those serving on the Executive Board, could devote more time and energy to the organization.

During the forced pause necessitated by the pandemic, the theatre and design communities in Canada were able to explore new opportunities for organizing and member engagement. The ADC Executive, for example, worked throughout the spring and summer of 2020 to facilitate discussions with the membership and to also plan for the short- and long-term survival of both the design community and the organization itself. These efforts led to more robust connections and communication within the design community. Membership levels and overall engagement within ADC increased appreciably throughout the pandemic, which helped build the basis for the later affiliation with IATSE.

As well, at the beginning of the COVID-19 pandemic, the Creative Industries Coalition (CIC) was formed between the organizations that represent many live entertainment workers in Canada: IATSE, Canadian Actors Equity Association (CAEA), the Canadian Federation of Musicians (CFM), and ADC.

The CIC developed recommendations concerning economic supports and safety regulations that were presented in consultations with various Ministers and Ministries of the Federal Government. Although all of these organizations participated equally within the CIC, regardless of the relative size of their membership, IATSE provided the majority of financial and legal resources (Creative Industries Coalition, 2020; IATSE, 2020a). Additionally, the CIC aimed to lobby and advocate for all live performance workers, whether or not they held membership in one of the coalition organizations. IATSE's leadership role throughout this process made a significant impact on members of the ADC Executive and Board of Directors. In contrast to some of the theatre companies that were either unwilling or unable to advocate for designers, IATSE provided support and advocacy to the design community through the CIC. Additionally, the CIC demonstrated the legal and lobbying resources of IATSE, which are beyond the capacity of ADC. Building upon the positive experience of ADC within the CIC, the ADC Executive began discussions with IATSE during the summer concerning what an affiliation between the two organizations could look like.

During the summer of 2020, the ADC membership held several town-hall meetings to clarify what union affiliation with IATSE would involve. The purpose of these meetings was to ensure that the membership had multiple opportunities to ask questions and express concerns about the possibility of affiliation. Additionally, at one of the town halls, IATSE International Vice-President John Lewis was able to attend to answer questions from the membership. Pressing concerns of the membership included the importance of ADC retaining autonomy, and the benefits (primarily retirement and extended healthcare) that could be available to members should affiliation occur. On October 1, 2020, in an election with 84% of the eligible membership participating, 95 percent voted in favour of affiliating with IATSE, as ADC Local 659 (IATSE, 2020b). This affiliation creates ADC as a chartered IATSE local with national jurisdiction without having a certification election overseen by a provincial labour relations board. It also allows the organization to continue to utilize their collective agreement with PACT. ADC was not required to open its current collective agreement for renegotiation or bargain a new, first contract as an IATSE local. What affiliation will mean with respect to future rounds of bargaining remains to be seen. However, IATSE's much greater legal and financial resources were a key factor contributing to ADC's decision to affiliate. This greater

structural capacity could translate into future bargaining gains, particularly around health and pension coverage.

Throughout the affiliation discussion process, ADC members looked to USA 829 as an illustrative model of unionization for theatre designers. USA 829 provided a tangible example of local autonomy, better health and retirement benefits, and lasting bargaining relationships with producers, addressing many questions that ADC members had about how an IATSE designers' union local would function. Although labour law differs between Canada and the United States and prevents designers in English Canada from certifying a union local through formal, legal channels because of their independent contractor status, having an example of how a union operates for designers was integral to demystifying unionization for ADC members. Finally, IATSE's interest in reaching out to workers beyond their typical base demonstrated the international union's commitment to representing workers throughout the creative cultural sector. For example, IATSE has recently made strides to represent cultural workers in Canada beyond the union's traditional base of film and theatre workers, primarily technicians and stagehands. In January 2020, freelance visual artists in Vancouver formed the Arts and Cultural Workers Union, IATSE Local B-778 (IATSE, 2020c; Stanford and Poon, 2021). Then in October 2020, film animation workers at Titmouse Studio in Vancouver voted 98 percent in favour of certifying as IATSE Local 938 (IATSE, 2020d). These new locals represent some of the most precarious workers in the artistic sector and are further examples of IATSE's openness to unionizing artistic workers in nonstandard forms of employment.

Conclusion: ADC 659 Going Forward and Broader Lessons for Other Cultural Workers

ADC's many years of existence as a professional organization were integral to its recent union affiliation with IATSE. Once some of the myths about unionization with IATSE were confronted and dispelled, union affiliation was overwhelmingly popular among the ADC membership. For example, because many IATSE locals representing technicians and stagehands use a hiring hall model for filling work calls, ADC's membership expressed concern that a seniority system could be imposed on their newly affiliated local. However, these apprehensions were addressed through provisions in the affiliation agreement which preserve the autonomy of ADC 659 and ensure that decisions concerning seniority and hiring practices remain solely with the local. Additionally, because

of ADC's previous bargaining relationship with PACT, there was no need to bargain for a first contract, an often daunting task for newly certified unions. In short, designers did not need to start from scratch in terms of organizing or risk opening or adapting their current collective agreement.

Although the ADC-IATSE affiliation provides access to the larger structure and resources of IATSE, questions remain about how designers will be able to utilize this new arrangement to achieve meaningful bargaining gains and to address other workplace issues, such as the structural racism, the impacts of colonialism, and sexism that have been present throughout the live performance industry in Canada since its inception. Although there is rarely discussion of strikes or other disruptive collective actions within the English Canadian design community, some interviewees expressed openness to greater and more disruptive actions to achieve collective gains. For example, Interviewee 10 asked: "Like the writers went on strike for film. Why can't we? Like, actually, if you organize a huge walkout day in Canada... that would make an impact." Although the logistics, feasibility, and legality, of a strike action from freelance workers is unclear, the ability to draw inspiration from more militant segments of the labour movement may be key to building a future vision of solidarity for the design community and accomplishing broader objectives for organized designers.

ADC's affiliation with IATSE potentially offers broader lessons to other cultural and freelance workers seeking to organize. By drawing on the social relations of pre-existing forms of professional organizations -- even if loosely organized or partially inactive -- there is potential for artistic workers to create a basis for unionization. In ADC's case this took the form of pursuing a chartered union affiliation that does not rely on a labour board certification election. Although ADC took USA 829 as an exemplary model of what a designer's IATSE local with national jurisdiction could look like, unlike its American counterpart it lacked the opportunity to access certification through a provincial or federal labour board election in Canada because of designers' independent contractor status. Affiliating as a chartered union local therefore offered a legally flexible alternative.

While APASQ's relationship with CSN in Québec is similar, ADC 659 is distinct in that the latter will function as a local of an international union rather than as a professional organization affiliated to a labour federation. As labour law becomes ever more unresponsive to the needs of workers in nonstandard forms of employment, these types of unconventional union models are likely to be more necessary (Stanford and Poon, 2021). Moreover, that unions and labour

federations are beginning to become more open to engaging with these alternative organizational forms is also promising. The Creative Industries Coalition was a further example of labour movement coalition building and political advocacy that produced tangible benefits for artistic workers, and could be drawn upon in the future in shaping the post-pandemic creative sector. By building stronger relationships between cultural workers and their organizations on the one hand, and unions and other labour movement organizations on the other hand, there is opportunity to further explore forms of unconventional unionization, such as ADC 659. Under circumstances where various forms of ‘alt-labour’ organizations are looking for examples of how to increase collective capacity, ADC’s union affiliation and IATSE’s general outreach to artistic workers could offer valuable lessons for other cultural and freelance workers.

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