

## **Contingent power in contingent work: must the show go on?**

Paper to the 28th Annual International Labour Process Conference  
Special Interest Stream: Worker Power and the Labor Process, Past and Present  
Rutgers University, March 15-17, 2010.

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How does a union manage to operate with any bargaining strength when its members' work is individualised, infrequent, short-term and unpredictable? Where there is permanent labour oversupply, the closed shop is unlawful, and most members want to work at this specific occupation so much that they will often effectively pay to work? How does an apparently toxic combination of structural and ideological obstacles permit for the exercise of basic union functions of representation and mobilisation?

This summarises the position of the UK entertainment industry union Equity - formerly the British Actors' Equity Association - which has been a trade union since 1930 and organises possibly the UK's most visible workforce. Equity, with a membership of approximately 37,000 (PAPG 2009: 30), organises workers in almost every sector of the entertainment industry, however, the largest membership group is and has always been actors (Macleod 1981; Skillset 2005: 23) and it is organisation in relation to this group that is the focus of the paper.

Very little research has been carried out on Equity (an exception being Heery et al. 2004) and it is arguable that there has been little consideration of it in the industrial relations literature because what the majority of its members do has not been regarded as 'real' work, including by fellow trade unionists. '*Here come the fairy people!*' was a greeting by the general secretary of the Australian Metalworkers Union to an Australian Equity delegation at a United Trades and Labor Council meeting. This joke (reported by an Australian Equity official now working for British Equity) represents a widespread perception of performers and their representatives as operating outside what counts as recognised, conventional work.

Studies of work and organisation have also rarely addressed the job of acting *as* an occupation (Dean and Jones 2003). What academic work in these areas have largely focused on is quantitative research on labour markets of 'cultural occupations' labour markets more broadly (e.g. Davies and Lindley 2003; Towse 1996; Feist 2001 ); or technical workers, although Ursell (2000) includes performers in her analysis of employment patterns in television, as do Heery et al. (2004), as noted above, in their

study of representation of freelance workers and most directly, Haunschild and Eikhof (2009) consider German theatre actors as self-employed employees.

This is more than a passing comment on a research gap and constitutes part of the analytical framework of this paper, which explores the relevance of ideas in accounting for industrial relations phenomena. Specifically, aspects of union and employer power are seen as mediated by intertwined history and ideology.

Edwards (2006) critiques Lukes's (2005) reformulation of the three-dimensional view of power for neglecting the analytical possibilities of ideology as both expressing and challenging power as domination. In his discussion of workplace studies that engage with the explanatory value of ideology ('sets of beliefs that expressed or reinforced power relations'), Edwards focuses on the constraints and possibilities in action shaped by 'frames of reference' that 'appear to embrace taken-for-granted assumptions and ways of thinking about the world' (2006: 574, 575). This identification of the importance of the relationship between ways of thinking (about particular worlds), existing power relations (institutions, practices) and possibilities of action is key to the organisation of this paper. In a related approach comparing cross-national union revitalization strategies, Frege and Kelly (2003: 12) draw on social movement theory to discuss the importance of cognitive 'framing' processes, through which a union 'translates and acts upon changes in the environment.' Most pertinently in relation to this paper, such processes can be seen as expressing 'elements of a union's identity' (2003: 14). In a different disciplinary context, but with connections to these ideas of identity and frames of reference, Eagleton (1994: 214) summarises a conception of ideology as 'a representation of the imaginary relationships of individuals to their real conditions of existence'. In this formulation, imaginary does not refer to the unreal but, drawing on Lacan, relates to an image 'reflected back in the 'mirror' of a dominant ideological discourse'. As we shall see, such images maintain discourses that shape material outcomes for this union and its members. In considering broad attitudinal trends as well as industry-specific developments, this paper supports Cockburn's (1983: 212) argument, in her classic analysis of gender, skill and power in the printing trade, that it is specifically the interaction between ideologies and material circumstances that enable the maintenance of strong systems. This is an approach that places historical legacies as key in accounting for the shaping of responses (Lyddon 2003; Hyman 2003; Cobble 1991). In a note on research methods in political science, Thelen (2005) discusses work on institutional origins and notes that comparative historical research has been able to 'identify... turning points that established important institutional parameters that subsequently shape what is politically possible, even conceivable'. While this paper does not specifically locate a particular 'critical juncture', in Thelen's terms, the principle is followed in the discussion. Through consideration of historically-mediated ideological positions, this paper argues that we can better understand a union's capacity for action today.

Both the structural and ideological dimensions are highlighted in consideration of pay issues and the paper looks at industrial action taken by Equity in 1997 over level of minima in subsidised repertory theatre and a contemporary version of that campaign in 2010. First, we consider broader institutional locations of performers and their union.

### **Contingent work and performer pay**

Equity's General Secretary observed in interview with the author that it is a union of individuals of wildly differing levels of training, experience, aims and objectives, all of whom are essentially self-employed businesses, although they have National Insurance classification as employees (Inland Revenue 2003) and analytically can be placed in the category of 'dependent self-employed' (Heery et al. 2004: 21; Equity 2008). That is, they are workers who 'do not have a contract of employment, but who nevertheless contract to supply their own personal services to the employer and who to some degree are economically dependent on the employer's business' (Burchell et al. 1999: 1).

Contingent work varies in form and thus level and intensity of undesirable terms and conditions. Although performers largely fall into the freelance category of professional contingent workers the majority share significant objective characteristics with other insecure workers such as low and variable earnings, high risk of unemployment, and temporary job tenure (Heery and Abbott 2000: 12-13). However, there is little routinely available pay information for this occupation. As Swanson et al. (2000: 200) note, official statistics do not record data on the income of the self-employed and Equity does not routinely monitor pay. At times, Equity has commissioned quantitative research on pay, and statistics from one survey indicate the peculiarities of considering one's principal occupation to be that of performer: in 1998-1999 21% of actor members of Equity earned nothing from acting and 43% earned under £5k (Osborne Market Intelligence 1999). Only an unspecified proportion of the next percentage category of 8.5% earned something approaching the then national average, falling into the category £10k to £20k, with 6% in the very broad category of £20k to £50k (Osborne Market Intelligence 1999). 3% earned over £100k, illustrating the assessment of the International Labour Organisation:

In few occupations is the dispersion of earnings so great as in the performing arts...It is clear that performers' incomes are lower than those of comparable occupational groups and indeed lower than full-time employees in general' (ILO 1992: 45, 47).

This assessment is replicated in more recent work looking at UK, US and continental European performers' remuneration (Creigh-Tyte and Thomas 2001; Caves 2000; AFTRA 2008<sup>1</sup>; Dean 2008b).

Equity has as its primary concern the establishment and maintenance of minimum terms and conditions of employment in a variety of workplaces, from pubs to theatres, from circuses to the BBC. These minima (where relevant set out in national-level collective agreements with employer associations) are used by individuals as a base from which to negotiate an improved price for the job, commonly through an agent who takes a percentage of the individual's fee. In the subsidised repertory theatre (subrep) sector minimum terms are agreed at national level between Equity and the employer body, the Theatrical Management Association, with agreed targets for middle-range performer pay according to size and financial position of the theatre.

Performing work is competitive, geographically dispersed and with very few fixed, long-term workplaces. Crucially, performers operate in a context of a permanent unemployment rate conservatively estimated by union and employer interviewees as at least 85%. Construction industry workers organised by UCATT could be described in similar terms (Wood 1979; Lockyer and Scholarios 2007); however, the situation is complicated for actors and their union by several factors. These include the effective 'typed' segmentation of labour markets, which means that performers are largely in competition with those performers/fellow members most like themselves in age, appearance and status (Dean 2008a). These factors are complicated further by the vocational motivation to work and competitive and personalised nature of the process itself, which (broadly) encourage a desire to please and attendant reluctance to make waves (see also Saundry et al. 2005). This combination of issues is significant in consideration of strategies to affect pay and conditions. A senior Equity official said in interview, 'Our members won't go public – you get lots of stories with members phoning up but then saying they won't make a fuss...If someone gets a bad reputation in this business they don't work again.' The situation was summarised pragmatically by one experienced performer:

The bottom line for everyone is will this bastard employ me again? ... Often getting the job is the beginning of your trouble. You're not in a position to say no to anything. It's a brutal mix - you're like a lovesick teenager waiting for the phone to ring, you're a professional, and you're poor. And employers know it and know that there are plenty more where you came from.

Heery and Abbott (2000: 155) note that the trend towards more insecure employment is challenging for unions, as such workers are 'difficult to organise and represent'. They also note, however, that the very dimension that makes organisation and representation difficult – insecurity – might also encourage worker demand for protection. This supposition was indirectly supported by Equity's then General Secretary when he said that the structural factors of acting employment, such as competition and geographical dispersal, have the opposite effect to a 'commonsense' expectation of individualised responses:

It's because they see their vulnerability individually staring them in the face virtually every day of their career that they realise that individually they can't do anything about the general conditions under which they work.

Data indicate that contingent work is a significant and increasingly stable part of the employment landscape (Kersley et al. 2006: 32-47; Heery and Salmon 2000; Stone 2004; Carré et al. 2000) and that 'unions may have to develop new forms of representation that break with the dominant, workplace-centred pattern.' (Heery et al. 2004: 20; Cobble 2001; Haiven 2006). One of the aims of this paper is to consider the operation of a union that since its foundation has been organising nonstandard, insecure workers without fixed workplaces, as its core members.

### **Research methods and context**

This paper is based on three pieces of research by the author, two completed and one current. The first was an analysis of Equity through a strike in one of its key organising

sectors, subrep theatre (Dean 1998). The second was an exploration of gendered disadvantage for women performers in access to work, pay and career longevity and, *inter alia*, the impact of union regulation on this disadvantage (Dean 2004). The third project is at the early stages of examining change and adaptation in the subsidised theatre sector; here focusing on Equity's 'Manifesto for Theatre' campaign, aimed principally at increasing in minimum pay levels. The research for the completed studies centred on the two principal sources of work for actors, television (46%) and theatre (28%), largely regional subrep theatres (Skillset 2005) and used analysis of semi-structured interviews and primary documentary data from Equity and employer organisations. Ninety-eight interviews were conducted across the two studies with a range of Equity's senior officials, full-time officers, lay officers and members, as well as employers and employer-proxies, including agents and casting directors. The current project uses a mixture of questionnaires and semi-structured interviews with employers and union officials.

### ***Empirical focus – industrial action in subrep theatre***

Subrep theatre is building-based and funded principally by grants from the government-funded Arts Council and its regional outposts, as well as by self-generation of income, chiefly through box-office receipts. Subrep theatre employers are represented by the Theatrical Management Association (TMA). The TMA represents approximately 350 arts organisations, including 100 subrep theatres outside of London's West End (where employers are largely represented by the Society of London Theatre) and around the UK. A journalist on the industry trade paper *The Stage* said in interview in relation to the subrep members of the TMA (in contrast to the commercial 'for-profit' theatre members); 'most of them came up through the ranks as actors or stage managers...most used to be Equity activists.' The interconnection of theatre employers and workers has a long history and is examined more closely below.

The paper discusses data collected on actions and attitudes of the principal (social) actors involved in the entertainment industry, but the empirical focus is industrial action taken in 1997 in support of a claim to raise minimum pay rates in subrep by almost 30%. After a decade of RPI<sup>ii</sup> increases, in 1997 a new lay leadership of the union initiated a campaign called 'Low Pay: It's Time to Act' and on 1 April issued an Instruction to members not to sign subrep contracts of employment to commence work from 7 April. This was Equity's first strike since the Employment Act 1990 neutered what had been the union's defining characteristic, the pre-entry closed shop. No member disobeyed the Instruction and on 23 April Equity accepted a revised offer from the TMA that met their original claim.

In 2010, for the first time since that strike, Equity are again mobilising their membership to prepare for action in the subrep sector. The central pay-related aim of this campaign is to 'end low pay in subrep' (Equity 2010) and the development of this campaign is considered in relation to its predecessor.

Thus, Equity's operation involves tasks recognisable to any trade union, including collective bargaining, representation in contractual disputes, unfair dismissal, health and

safety and working time issues. However, many of the areas in which it operates have traditionally been difficult to frame as part of the national economy (Towse 2001; O'Connor 1999; Garnham 2005): are they the arts, the entertainment industry, the cultural sector, the creative industries? This paper sidesteps the debate in focusing specifically on subrep theatre and uses Equity's own principal choice of label, the entertainment industry (Equity research and campaign documents *passim*). Nevertheless, this linguistic unease signals difference and therefore, as well as observing the similarities with its mainstream counterparts, it must be noted that Equity does occupy an unusual position amongst unions. Here, it is important to contextualise discussion of Equity's development by considering the development in Britain of acting as work.

### **Marginality and difference**

Performing, referred to still in sixteenth-century language by several performer interviewees as being the life of 'vagabonds and gypsies', has always operated on the margins of society, albeit for historically differentiated reasons. The early Christian church's relationship with the stage has been characterised as a war, 'particularly in the early days when the theatre represented the last entrenched camp of paganism' (Gilder 1931 cited in Wandor 1986: 21); and by the seventeenth century and with the rise of mercantilism (Hobsbawm 1962), those interested in religious freedom absorbed the ideas of 'the calling' and the virtue of ceaseless endeavour: John Locke warned that young men 'must not divert themselves with useless arts' (Rowbotham 1973: 3). Weber (1930) traces the development of modern capitalism in the West as inseparable from the developing influence of Puritanism and notes that 'The theatre was obnoxious to the Puritans', with their rigid distinction between the divine and the flesh (1930: 169). This historical period also gives us a connection between the senses of 'work' and 'labour' and Williams (1976) tells us that 'Labour had a strong medieval sense of pain and toil; work, earlier... had also the strong sense of toil' (1976: 335). Thus Weber's encapsulation of the heart of the Puritan ethic, 'the earning of more and more money, combined with the strict avoidance of all spontaneous enjoyment of life' (1930: 53) could have been formulated specifically against the theatre and its works.

As the ordering of society's economic relations in a rational capitalist form metamorphosed from their spiritual roots (light cloak to iron cage), so the religious disapproval of performing has faded to a secularised reading where the performer is not vilified but effectively forgotten; still outside the routine construction of 'worker'. There is irony here, as actors were among the first occupations in the world to organise themselves into guilds, in third-century Greece (Pickard-Cambridge 1953). The later societal construction of irrelevance (actor as 'luvvie') is argued to have affected material aspects of labour relations in performing, shaping perceptions of work, worker and employer that have important implications for a union's efforts at representation.

### **Equity and the TMA**

Equity was founded as an organisation in 1929 and formally organised as a trade union in 1930 (Sanderson 1984). It was founded on the most traditional of trade union principles; that workers with little or no individual power combine together for protection. However, there was a factor that set it apart from traditional unions: Equity was the

creation of an elite and further, an elite of both men and women. It arose from the concern of established, successful workers (the 'stars') for the conditions of the struggling, anonymous majority of workers. It is unique amongst trade unions in that its inception was arranged around the mahogany dining table (a prized Equity artefact) of a Dame of the British Empire, May Whitty, and that its commitment to a closed shop was arranged at a luncheon given at the Savoy Hotel by another Dame of the British Empire, Marie Tempest (Macleod 1981). These origins, in conjunction with the ambiguous status of performing as 'work', have shaped Equity as an organisation and the ways in which it operates.

The complex relationship between Equity and the TMA extends back to Equity's forerunner and to the founding of the employers' association. The TMA was formed in 1894 and its first President was Sir Henry Irving, the premier actor-manager of his day and one of the largest employers. This must have entailed careful time-management for Sir Henry, as he was also President of Equity's immediate predecessor, the Actors' Association. Irving's concurrent Presidencies illustrated the widespread belief amongst actors and managers of the time that 'they were not as other men...They were all just a band of artists...united in common loyalty to 'the show' ' (Macleod 1981:73). The tone was established and in 1926 one of the Actors' Association's founding leaders was able to dismiss the General Strike with: 'Workers...have no right to interfere with the theatrical profession' (in Macleod 1981:163). These quintessentially unitarist perspectives (Fox 1966) have persisted to a degree, affecting the union, members and employers.

While the usefulness of strict differentiation between union 'types' has been questioned (Winchester 1988; Hyman 2001), it is appropriate here to consider the tensions of classification in their relevance to contemporary operation. Training for performers is desirable but not either mandatory or essential. This is a thorny point which has always dogged performers, especially in acquisition of the label 'professional', with its associated public status and acceptance. It seems that 'occupational unionism', as defined by Cobble (1991) could capture aspects of Equity's operation more clearly. As Cobble argues in relation to waitresses in the US in the 1930s, such forms of unionism shared characteristics with craft unions such as organization along craft lines and restrictive membership rules, but also emphasised striving for control over hiring (closed shops, union hiring halls), employment security rather than rights in the particular job being done, and 'portable' benefits that a worker could carry between employers rather than attached to a particular organisation/worksite (1991: 421). Equity's operation shares many of these characteristics, for example offering public liability insurance with membership and more recently, a pension scheme. In particular, it has always sought to control and restrict entry to its 'predominant' occupation, acting, largely through the pre-entry closed shop (unlawful since 1990). It traditionally focused on these areas rather than on the level of wages (Turner 1962: 43) and despite the absence of strict necessity to train, it could be generally characterised as a closed craft union. However, in terms of the historical development of its lay government and the effects of this on successive generations of membership perception, it is probably as accurate to characterise Equity

using Bain et al.'s (1973) description of professional associations as 'the craft unions of a different social group' (in Prandy et al. 1983: 5).

Equity's then General Secretary said in interview that the politically conservative 'Act For Equity' grouping (which dominated the lay government of the union between 1980 and 1994) 'wanted the union to be a non-party political professional organisation as well as a union'. Another senior official dryly summarised the objective as running Equity as 'a gentleman's club'; distancing actors from both workers and vagabonds. A performer summed up a parallel grassroots perception: 'Actors don't think of themselves as workers but as professionals. They have a vocation...like a bleeding nun or a nurse, except we're not useful.' This perception of actors not being 'useful' is closely tied to the historically achieved sense of employment as marked by observable utility and an absence of pleasure, as considered above.

However, in the early 1990s, two significant events occurred. The Employment Act 1990 ended the closed shop; and a shift from the professional club attitude was signalled in 1994, when a new political grouping, the 'Representative Conference Group', won a majority on Equity's ruling lay Executive Council. Council is elected every two years and it is not possible to know the extent to which gradual awareness of the end of Equity's distinguishing organising feature was significant. (It should be noted here that turnout in Equity national elections is rarely more than 10% of membership<sup>iii</sup>.)

The Representative Conference group did not run on a platform of pay increases, but explicitly positioned themselves as ideologically different from the Act for Equity group, with a commitment to restructured internal democracy central to their campaign. This group brought a new political impetus to union strategy and, notwithstanding the lack of a culture of industrial action, sought to pro-actively improve existing terms and conditions. In the words of a senior TMA negotiator, Equity started to take a 'different and much more aggressive tack.'

### **Performers and pay**

Interview data show that many performers themselves do not regard their work *as* work. Acting – though always categorised as demanding, with long hours in often poor conditions – was frequently seen, in the words of one performer, as 'doing something I love, it's not really work.' This echoes, from a position of apology rather than arrogance, the General Strike quote above and interview data indicate that the self-image implicit in that opinion is still widespread. This ideology interacts with the structural realities of labour oversupply, summarised by a theatrical agent: '[It] puts the employer, the end-user as it were, in a very strong position. Because A, he's got a lot of people that are after the job that he's got. And B, they'll all do it for nothing pretty much.' This pragmatism was vindicated by an experienced performer and long-time union member. She also gives an insight into the common strategy of enabling continued participation in this form of contingent work through participation in other forms of contingent work (Menger 1999: 563; Davies and Lindley 2003: 16): 'I love theatre, and I will do - when I get the withdrawal symptoms - I will do a play at the Riverside [theatre] for no



money... The last time I did that it actually cost me 600 quid, you know - I realised I missed 10 days supply teaching.'

Pay systems for performers vary between and within sectors of the entertainment industry. Some subrep theatres bargain individually with actors/agents, while others offer only a 'company wage', where every member of the cast is paid the same amount per week. This conventionally uncommon arrangement seems from interview data to be rooted in the subrep sector's chronic income struggles. However, both justification and acceptance of it centre explicitly on notions of democracy in artistic endeavour, linked to the unitarist concept of the overriding importance of 'the show'. The general manager of a subrep theatre described their approach:

I'm afraid we keep it terribly simple, we pay everybody the same regardless of age, experience, part they're playing. It's a company rate, it's the ethos of this place. Everybody does it for the same and it makes it very easy because the deals are non-negotiable... I know quite a lot of subreps do it... We said right you, now we're here to create a play and everybody's as important as everybody else. This isn't a place you come and trumpet your ego or swan around like, you know, as the star of the piece. Everybody comes and they get paid the same.

It should be noted that in this manifestation of an egalitarian ethos in a company rate, it is only the performers who are on a 'company' wage: the director is paid a privately negotiated fee and the technical production crew are on their regular contractual wage, as are the theatre's administrative staff. One experienced performer's reaction expressed what was found to be a common, implicitly contradictory, reaction to this type of wage-setting:

And it was a company wage, but there were two 30-something actors who had young children and we were acting in Derby and one lived in Yorkshire and one lived in Lancaster and they wanted to get home to see their kids on a Sunday and Monday morning, and they couldn't afford to come out for a meal. I remember that hitting me thinking this isn't fair, you know. *And I know ethically it's right to have a company wage, but I felt sorry for these guys... But you know, [that theatre] is just a medium rep and they haven't got any money* (emphasis added).

So there is awareness of the practical basis of the company wage (lack of money in subrep theatre) but in parallel, implicit acceptance of an idea that acting work is 'art/other' and therefore about the product (the show must go on). This takes precedence over the primary components of that product, i.e. individual performers. Again, there is no sense of the actor as engaged in real work for which a real worker would expect an appropriate rate. Another interpretation of performer attitudes is that they are effectively 'using' ideology as a fig leaf, a coping strategy to reconcile themselves to disadvantageous terms and conditions necessitated by underfunded employers and continuous labour oversupply. However, from the employer perspective, ideological power was harnessed here to achieve a financial objective to the detriment of workers. Eagleton's (1994: 198) reading of Gramsci notes that, to avoid the necessity for coercion, hegemonic ideology must involve practical strategies in equating interests between parties, as 'Once power nakedly reveals its hand, it can become an object of political

contestation.’ We return to this point below in considering changes in Equity’s approach to subrep employers in the 2010 campaign.

The examples above represent a majority view from performers, largely seeing themselves as creative workers making career decisions based on love of the work and the affordability of doing specific jobs. A leading performer vividly expressed what has been conceptualised as ‘psychic income’ (e.g. Towse 1996; Baines and Wheelock 2001):

In a way it’s rather a wonderful thing that theatre isn’t paid so much because there are very few things left in life that are done for passion, by people who are doing something because they really, really believe in it. I think in a way the fact that it’s so badly paid...it means that you do it because you really want to do it.

Menger (1999: 554), in his analysis of artistic labour markets, argues that ‘the ideology inherited from the “art-for-art’s sake” era may even reverse the meaning of success and failure’, and the attitude above was common among performers interviewed in its most general sense, although lack of pay in itself was not usually regarded as inherently positive. However it was not an isolated opinion, as another experienced performer made plain: ‘There’s this sort of grey area that if you’re doing a play and you’re this artist, you’re sort of pretending you’re not being paid at all.’ While there were performers who did stress pay as price for labour, the majority related to payment in complicated and unconventional ways. The examples here draw out the practical implications of the ideas of performing as ‘not real work’ and illustrate the peculiar complexities of representation faced by Equity as a trade union.

### **Actors acting**

Hiller’s (1928) assertion that a strike is not merely a stoppage of work ‘it is conflict in the form of a corporate refusal to participate’ seems to cover the Equity situation (an instruction to members not to sign future contracts of employment) precisely, especially if one includes Hiller’s amplification that it is ‘designed to exert pressure upon others within the same social unit - industrial, political or cultural’ (in Bakke and Kerr 1948: 437). The data indicate that one of Equity’s underlying objectives (Meredeen 1988) in both the 1997 dispute and the current subrep pay campaign, was to pressurise the government and government-funded Arts Councils that determine subrep funding levels.

The claim was for wage and allowances increases on weekly minima for performers and stage management. The increases were very large in percentage terms (the performer claim represented an almost 30% increase, from £190 to £250 for a minimum 46 hour week. This is repeated again in the current campaign, which is planning to claim a minimum 14% increase and possibly considerably higher. For over a decade prior to the 1997 dispute Equity/TMA subrep negotiations had consistently produced RPI or RPI and-a-bit increases. The data indicate that this was due to a combination of government-imposed funding cuts to the sector; the reluctance of Equity officials to rock the established bargaining boat with employers from a similar background; and the dominance of the lay Equity Council by a conservative grouping whose perceptions of industrial relations seemed to flow from the philosophies prevalent at Equity’s inception.

They had developed a habit of peace (Cole 1939; Hyman 1989: 107) within a frame of reference shared, in different ways, with members and with sector employers.

There was, however, an awareness in the union that the claim represented such a large percentage increase that it would have to actively campaign for support - from the public, from the managers, and indeed from their own members. A senior official said that: 'Actors love their work...often work for little or nothing on the Fringe or in profit-share. So the first people we had to persuade that we had a case was actors.' This combines recognition of an essential dimension of mobilisation theory in the industrial relations context (identifying a collective injustice attributable to management: Kelly 1998), with a recognition of the delicate ideological ground being trodden.

One of the campaign's challenges was an unusual one from the perspective of many unions: actually communicating with members *potentially* involved, given that approximately 85% of the membership would be unemployed (in performing work) and of the working minority, only approximately one quarter might be employed in theatre at the time. The main route to members was through articles in the Equity Journal, plus material into theatres to reach those actually at work. They also constructed a database of people who had worked in subrep over the previous two years and wrote to them individually, early on in negotiations. Leading members ('stars') were utilised in appealing both to the wider membership and to the public (thus to state funders). Equity's approach to leading members was to appeal to their memories of subrep as a unique training ground. A modern version of the original stars' Declaration of 1931<sup>iv</sup> was produced in the Equity Journal and in *The Stage*, apparently aimed at both the general membership and the TMA.

Clegg's (1979) approach to the analysis of factors influencing strikes was that the structure of the particular collective bargaining process was key, in that it determined location of the potential pressure points. In that the Equity subrep structure involved national level bargaining for minima, the use of national action to obtain increases in those minima seems to fit. However, this national level bargaining has always been in parallel with (very) local bargaining relating to each individual actor. Further, and crucially, the research found that the majority of actors were already paid close to or above the claim figure. In a sense, as what is actually paid to performers can vary so widely, Equity members were actually being asked to take sympathetic action for the good of the collective, rather than direct action to improve their own shared pay levels.

In fact it is possible to argue, following Lyddon (1994), that the Equity action although taken solely over a defined pay claim, was not in fact a pay strike. Lyddon, discussing Clegg's work, said that the workers involved in these usually reflect the bargaining unit and that for non-pay strikes 'it is those groups of workers who felt sufficient unity to strike on a particular issue' (1994: 6). Given that the campaign was to a large extent 'fronted' and vocally supported by leading members who either did not work in subrep any longer or to whom the pay was irrelevant, this seems plausible and represents direct continuity with Equity's foundation, noted above. Actors, drawn in to a determined and well-planned campaign, felt that their labours (almost literally of love) were undervalued

by employers who should have known better. Again, parallels can be seen in Cobble's (1996: 345) observations on waitress unionism, although without its explicitly gendered dimension:

For waitresses, craft or occupational identity was one of the prime elements of their work culture and overall world view...Although society at large and their culinary union "brothers" thought otherwise, waitresses argued that their work required skill and was worthy of being considered, in the words of Chicago waitress leader Elizabeth Maloney, "a real trade by which any girl might be proud to earn her living" (Franklin 1913: 36).

However, differences with other unions, even those craft- or occupationally-based, are evident. The General Secretary, talking about the origins of Equity in the collective action of stars, said that basic labour market factors are as relevant today as then:

When we sit in negotiations with employers, we do have that clout of them knowing that we represent those performers without whom they can't make their shows. And that's a strength that maybe the Inland Revenue Staff Federation or whoever, don't have.

There seemed to be a strong belief amongst much of the senior level of the union, that leading members are generally vital to the union. A senior official was unequivocal:

We could have every single walk-on, every single small-part, even every single good working actor in membership, and if we didn't have Sean Connery, Prunella Scales, Helen Mirren, the employers would say get stuffed...The only reason we have industrial strength is because we can say to the employers if you don't come to an agreement with us, Helen Mirren won't work for you.

This quote directly echoes Equity's origins, indicating contemporary stars' recognition of themselves in this occupation's dominant image of stars as socially responsible: 'An obscure bit-part player's refusal to play with a non-union star would have caused no effect whatever, except his own non-engagement or dismissal. Sir Gerald du Maurier or Dame Marie Tempest refusing to play with any bit-part player who was not a member of Equity caused the immediate unionisation of all actors' (Sanderson 1984: 250).

However, as leading members tend not to work regularly in subrep, it is possible that in this dispute the famous names were of more direct use to the union in relation to the wider membership, in that a famous name's attraction is as applicable to the membership as to the public. One performer thought that 'young actors and students and so on are likely to go to an Equity meeting if they think that Johnny Famous is going to be there'. A member of Council believed firmly that:

The rest of the membership would follow what the leading members say, if those members were strong enough about what they wanted the union to do. Equity has operated in this way for years and years, because the new actor or actress feels that somebody who has been there for a while knows what the problems are.

It is plausible that this is at least partly attributable to the absence of a structured career path (Dean 2004), unlike most other 'professional' careers. So the famous name factor is a potential unifying tool that other unions which share Equity's organising problems, as

analysed in what was then NUPE by Fryer et al. (1974) or in UCATT by Wood (1979), do not have, even if the perception of it as a direct bargaining counter may not always be applicable. A full-time official rejected the 'stars thesis' as

A piece of nonsense. So if Sean Connery decides to leave Equity then we just put the shutters up and walk away?...If you have the 10,000 walk-ons and you have the strategy and the wherewithal to make sure those walk-ons are united...then it really doesn't matter at the end of the day.

He reiterated his view that Equity did not need to rely on stars, it needed to develop itself more as a conventional trade union - effectively to increase its degree of unionateness and become a 'whole-hearted trade union' (Blackburn 1967:18): '[the closed shop] allowed us to rest on our laurels...allowed the union itself to become stale...The central issue is that Equity is a trade union and should operate and start behaving as one.'

This official's position was supported by a TMA manager who, when asked why employers had cooperated with the closed shop when there has always been an over-supply of performers, said that there were two principal reasons. The first gave a more nuanced picture of the reserve army of actors: 'There isn't an over-supply of *good* people...and different kinds of actors are needed for different kinds of work...I don't mean anything by this, but you need different actors for a TIE [Theatre in Education] tour and a major production of Macbeth.' Second, he stressed the value to employers of Equity as organising mechanism, in that the very characteristics which make theatre workers difficult to organise in union terms, have made it desirable for employers that a union does organise them - thus supporting Dunn and Gennard's (1984) view of the closed shop as a mutually useful tool concerned with procedural stability. Another TMA manager said that 'Actors tend to work between so many different places that it gives a common language. It would be chaotic if everyone was to use in-house agreements.' A stable and structured point of contact with thousands of potential employees who are dispersed around the country and who are each individual businesses with different bargaining strengths, has clearly been valued by theatre employers, and goes some way to explaining the continued existence of national level collective bargaining. Haiven (2006) supports this contention in his study of Canadian contingent workers, including musicians and film industry workers. He argues that unions for these workers have the task of formulating manageable employee concerns effectively subcontracted to them by employers. Further, exploration of Equity's operation suggests that employers also see benefits in cooperation because some of the other avenues generally open to employers in bargaining are not available; for example productivity bargaining (in any meaningful sense), stockpiling product, replacement of actor personnel with supervisory personnel (Faine 1972; Heery et al. 2004: 32).

The Webbs observed that negotiators 'must higggle and cast about to find acceptable alternatives' (1897:184) and Walton and McKersie developed a detailed analysis of this higgling which sheds light on the progress of the Equity/TMA negotiations and the outcome. It is important here to stress the classification of 'relationship patterns' (1965:185). It seems from interview and documentary evidence that the relationship between Equity and the subrep managers in the TMA would fall into Walton and

McKersie's 'Cooperation' pattern, exhibiting 'mutual trust and a friendly attitude between the parties generally' (1965: 188). Relationship patterns are viewed as the product of four factors, two of which are particularly relevant in the present context: 'the social belief systems of [key individuals in the relationship] usually shared in some degree by their respective organisations; and...the actual bargaining experiences that they have shared' (1965: 190). The history and extent of the belief system shared by Equity and the TMA has been discussed. The modern experiences of bargaining between the two were marked by a long-term acceptance of a status quo of RPI increases in wages, with little change in conditions (Dean 1998). The willingness of the new Equity Council to press for a meaningful move away from this status quo, and to carry that through to the issuing of an Instruction, was a deviation from the traditional 'cooperation' pattern. As an Equity full-time official said at the time: 'We still perceive ourselves and management as being contemporaries within a particular culture as opposed to an effective trade union working within an industry.'

This assessment was indirectly confirmed by a TMA senior negotiator, who said of the dispute: 'regrettably we found ourselves *for once having to take different approaches* to the way that theatres in the regions are run' (emphasis added). Despite the legal disappearance of the closed shop, the TMA and Equity participate jointly in the Theatre Council to regulate on issues arising out of Equity/TMA agreements and employment issues in relation to non-TMA producers, as well as in national-level lobbying campaigns. Indeed, there were a number of supportive acts by TMA subrep employers around the dispute. The journalist from *The Stage* said that during the dispute he went to one subrep theatre and its chief executive (and member of the TMA negotiating team), was upstairs 'being tough over the phone to London' but then downstairs he had given permission for Equity members to set up a table in the foyer for people to sign an audience petition in support of the claim. The most public support was an interview given to the Equity Journal by the then artistic director of the subrep Theatre Royal Stratford East:

Many theatres are struggling with large deficits so while not underestimating the size of the problem for theatres, there does come a point when you question our right to exist if we are exploiting so starkly the actors' drive to work at almost any cost (Equity Journal June 1997: 12).

Despite the ideological and logistical difficulties, the strike commanded complete support in that no member signed a contract to work. The then General Secretary said he had never doubted that there would be solid support from members, 'Partly because it was a simple message - a simple target, a simple claim, a justifiable claim, one long overdue. And not one single member disobeyed the instruction.' One of the senior lay officers of the union saw the general support for the Instruction in sectorally-specific ideological terms. He thought that there has always been an 'idealistic strain' to young people going into the theatre, 'particularly in the provinces...and I think it's much easier to harness idealism to radicalism than it is to harness cynicism to radicalism'. Further, a senior full-time official felt that subrep theatre 'represented the heart of the body of actors...who had learnt their trade there and valued what was occurring there as the most artistically respectable area of theatre in Britain'. However, arguably the amounts of money involved in subrep are potentially as important. As the General Secretary said,

‘someone’s engagement in a [commercial theatre] panto might amount to half their annual earnings, perhaps more...The pressures on the members [would be] much greater than saying I won’t accept £180 a week at Billingham Rep.’

### **Subrep pay 2010: Manifesto for Theatre (MFT)**

Thirteen years on from the last dispute in subrep, the union (which has a different General Secretary and some different senior officials, with the lay leadership still dominated by the grouping that took control in 1994) seem to have become more overtly conscious of its ‘unionateness’. In this effective rerun of the 1997 campaign, the union sees itself as more clearly opposed to most subrep managers, as well as to the government-funded Arts Council. In 2003, after decades of declining funding in real terms, the government gave £25 million to subsidised theatre (Arts Council 2009). According to internal Equity research, this enabled theatres to come out of deficit while, although average wage levels for performers increased, the number of ‘actor weeks’ declined: that is, fewer actors have been employed on subrep contracts since the injection of money into the sector. In the 1997 dispute subrep employers were seen at the top of the union as constrained by chronic underfunding, which enabled the ‘fellow traveller’ ethos of negotiations; in 2010 that material constraint has, if not disappeared, then certainly reduced. Shared ideas between employers and workers about the importance of art and ‘the show’ have been revealed as enabling different employment outcomes. The reduced ability of current employers to construct a shared definition of interest (equally distributed injustice due to underfunding) has resulted in subrep pay becoming, as noted above, ‘an object of political contestation’ (Eagleton 1994: 198).

The current campaign has been explicitly constructed to cover more than the pay issue, although this is regarded as the most important single factor in internal union terms. It aims to draw on performer members’ perception of their work as having social meaning (cultural significance), not simply as individual employment. The other issues are effectively related to increasing capacity for employment in subrep - ‘actor weeks’ - and thus understandable in narrowly industrial terms. However, they are not framed directly as such. The declared themes of the campaign<sup>v</sup> are:

- An end to low wages
- Arts councils to set targets for levels of in-house production
- Artistic personnel to be at the heart of theatre decision-making
- A cut in theatre bureaucracy
- Government funding to increase year-on-year at least by inflation
- Renewed local focus

The discussion document produced for a members’ MFT conference in 2010 framed the points above as ‘*Six Ideas for Theatre*’ (emphasis added) and said that Equity feared ‘less in-house productions could mean a “lack of coherent artistic vision” in regional theatre.’<sup>vi</sup> Frege and Kelly (2003) speculate on the relevance of collective identity in assessing the conditions that may predispose conservative or innovative union responses. Here, it seems the implicit aim is to appeal to members’ belief as expressed in a series of national meetings organised by the MFT campaign in 2009, that ‘art’ is important to society

(necessarily assuming that what is produced in subrep theatres is, or aspires to be, art). It also aims to accommodate the historically developed sense that subrep theatre managers are ultimately on that same side. Given that theatre art is always a collaborative enterprise, in strategic terms it is difficult for the union to attribute injustice wholly to subrep employers. This abstract consideration is underpinned by a solid, corresponding, fear of many performers that given the oversupplied labour market, raising their heads above subrep managers' parapet will result in reduced work opportunities. The union was aware of this in the late 1990s as noted above, and it remains a key consideration in the current campaign.

Given the removal of deficits, the managers previously seen as largely driven by artistic considerations have been revealed as more familiar agents of capital, 'obliged by the "laws" of the market to treat the workforce as a factor of production.' Efficiency is thus key, and 'it is therefore extended to "not for profit" organisations...even though ownership relations are very different from the typical capitalist enterprise with its shareholders' (Sisson and Marginson 1995: 95). Equity's senior leadership's strategic response is to deliberately isolate the union from employers. While they see employers as arguing for no state funding cuts in a political climate where philanthropy is recommended as a new model of investment (Higgins 2010), Equity sees its job as to ask 'how are you spending what you've got?'

### **Discussion**

Edwards (2006: 575), discussing Batstone et al.'s (1977) study of workplace trade union organisation, highlights the importance attributed to analysis as

addressing the history and structure of an existing set of relationships and teasing out why certain things are, or are not, taken for granted...Hence power is embedded in existing structures...[and stresses] the established 'frames of reference' within which power exists, and...these are themselves shifting and open to change. Such change may, moreover, be the result of unintended actions.

Equity's current subrep pay campaign is explicitly developing bargaining and mobilisation strategies based on arguments around injustice attributable to subrep management in its (argued mis-)use of the funding allocated in 2003. The paradox that can be inferred from Equity's changing approaches through the 1990s to date is that the pre-entry closed shop – that badge of labour power and trade union principle - enabled Equity to be run largely in the image of a 'gentleman's club'.

It seems that the removal of the closed shop indirectly forced reassessment of the historical legacies of acting as not real work, and produced a structural inability to 'lie on their laurels', in the words of the official above. Arguably analogously, unions report that legislative requirements for strike ballot procedures imposed in the 1980s have in practice worked out positively as another bargaining tool in negotiations (Elgar and Simpson 1993 pp.13-14). Further, in an ironic reflection of this closed shop/unionateness argument, Equity's previous ideologically-structured image as a 'professional association' would seem to be useful for recruiting and retaining union members, even in an altered ideological context. A full-time official said that 'there is still a perception you



need an Equity card. Other unions in other industries can't get through the door. We have potential members [get] in touch with *us*...There is a perception still amongst people that they are joining an association not a union.' Given that actors have a vocational drive to act, but there is permanent minimum 85% unemployment, the principal way to demonstrate that one is an actor is to belong to Equity.

Historical legacies and dominant images of acting as not real work have contributed to shaping union and employer responses. Performers commonly locate themselves in this dominant discourse, a location sustained by the extreme labour oversupply, which makes it difficult to demonstrate skill and utility. Ideological power was also seen in employer choice of and worker reaction to the company wage and low theatre pay generally, and in mobilising star actors with no prospect of a meaningful stake in the outcome of the dispute. Shocks (the end of the closed shop, the change in political leadership, changes in funding) have also affected the frames of reference within which people make choices about action.

Further, what the issues discussed in this paper indicate is that it is possible for a union without conventional workplace organisation and operating within unstable employment structures, to mobilise its (unusually ideologically motivated) membership collectively and successfully. This supports Cobble's (1991) identification of occupational unionism as a viable form of representation. It also gives support to Fosh's (1994) finding that union members without any ideological attachment to 'unionism' would act collectively when they believed it was warranted. Ally this with the disinterested involvement of stars and it is possible to see injustice as a mobilisation category referring not only to the immediate issue and attribution of blame, but also as including perceived civic duty to others and possible future injustice. This is particularly relevant in that at any one time most members are out of work. Industrial action is asking these people to refuse the deeply desired bird in the hand and, as there is no guarantee of future work, aim for statistically unlikely birds in the bush. As discussed, it is arguable action in this area is in potential and solidaristic support of oneself and of other workers similarly placed: reframing the nineteenth century belief cited above as united in common loyalty to the *job* rather than the show.

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<sup>i</sup> AFTRA (American Federation of Television and Radio Artists) 2008: Member Earnings by Age Range and Gender. Bargaining, Research, Organizing - # 8 Research Report (private communication).

<sup>ii</sup> Retail Prices Index, a domestic indicator of inflation in the UK.

<sup>iii</sup> Senior official interview with author

<sup>iv</sup> Minutes of Meeting of the Equity Council 12 November 1996.

<sup>v</sup> <http://www.manifestofortheatre.co.uk/>

<sup>vi</sup> Towards a Manifesto for Theatre – the Story So Far! Available at:  
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