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# Labor Management Relations in the Post Pandemic Museum Environment

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## **INTRODUCTION**

This article examines current activity in unionization in art museums, where post-pandemic workplace factors are influencing labor management relations. Practical suggestions and best practice recommendations are offered to museum leaders to enhance their ability to manage during negotiation processes and to consider different perspectives on issues attendant to “social justice.” Although underlying conditions and practices causing labor management tensions in museums have remained remarkably consistent over the past 50 years, they are now exacerbated by pandemic related factors. In the current context themes associated with social justice have taken on a new urgency. Union organizing reflecting social justice concepts appeals to employees whose views are more in alignment with “social unionism,” even though issues generating labor conflict are those traditionally conceptualized as bread-and-butter concerns. The authors suggest conditions where social justice themes will have a more pronounced impact on negotiations.

A status report as of January 2023, regarding museums engaged in union organizing activities and negotiations, is provided. The first unions in this sector appeared in the early 1970’s. Labor management processes and outcomes in museums resemble what has occurred in select public and private organizations such as colleges and universities, symphony orchestras, and related industries, where “professional” and “craft type” employees are organized. While it is clear labor management relations in museums can result in short term conflict, collective bargaining can also facilitate meaningful change and improve organizational culture if the parties (which include funding agencies, donors, as well as museums leaders and the employees represented by unions) approach negotiations with common assumptions, definitions, and understandings. Doing so facilitates the trust necessary for effective cooperation. Collective bargaining processes are, in this sense, different from those normally observed in the for-profit sector due to many factors, including funding models for mission driven institutions, the role of voluntary boards and workers, workplace culture, the backgrounds and orientation of employees who work in and manage museums, and the cultural (as opposed to strictly monetary) value museums bring to society.

## **THE POST GEORGE FLOYD MOMENT**

Museums are undergoing a profound reexamination of their missions, which includes how they present themselves to the public, human resources and labor policies, and decision-making protocols. In these fluid and disruptive times, the position of museum executive has become exceedingly challenging. The reexamination has been fueled by a variety of factors, including changing attitudes toward the purpose and value of museums in society, political polarization in America, and accompanying “culture wars” that result in a hypercritical focus on the role of educational and cultural organizations. The reexamination also reflects new sensitivities to structural inequities in society, particularly around race and gender, and the role played by museums in continuing or reaffirming structural inequality. This latter topic manifests itself in tensions over how collections were (and are) acquired, exhibited, and in some cases disposed of. As a result of actions taken during the pandemic, the efficacy of shared governance and questions about which constituencies should be involved in decision making have been brought into sharp relief. Conflict around shared governance is further fueled by what many leaders perceive as different orientations toward work by employees being recruited into museum workforces. Senior museum leaders are having to rethink relationships (political, social, economic) to their workforces, the communities they serve, how to create

more empathetic visitor environments. They are also having to review the role of boards and manage board expectations, cast a more critical eye towards sources of donor funding, engage in more inclusive shared governance, and react in intelligent ways to employee and union demands covering compensation, wage equity, working hours, career ladders, and the like, many of which were previously placed on back burners due to more pressing issues.<sup>1</sup>

Museum leaders find themselves in need of more effective management structures and decision-making protocols that enable the development and implementation of policies in a wide variety of areas. These areas include, for example; the institutionalization of new modes of access to collections as viewing and education moves online; the need to accommodate diversity, equity, and inclusion in museum workforces; the identification of alternative revenue sources in response to lost revenues driven by the pandemic; confronting management challenges inherent in the post pandemic workplace (desires for remote work, less workplace commitment, “quiet quitting”, and the like); and addressing what has been described as surging unionization efforts in museums, the focus of this paper. The pandemic has accelerated vulnerabilities (and opportunities) in the management of employees and the need to address issues surfacing in union organizing drives. Museum leaders find themselves with limited authority and resources to solve many of these pressing matters.<sup>2</sup>

## **POST PANDEMIC WORKPLACE CHALLENGES**

Workplaces and workforces in mission-driven institutional environments, as in other sectors, are evolving due to a variety of factors. Following the pandemic unemployment climbed to its highest rate since the government has been keeping records, and many employees left the labor force to care for family and protect themselves. Some have speculated that worker disengagement and discontent are at an all-time high. The term “The Great Resignation” has been used to describe record numbers of employees leaving their jobs. The labor shortage may be exacerbated by the yet unknown effects of long term COVID symptoms, which could potentially affect over thirty million Americans. Lately, scholars and the media have discussed the phenomenon of “quiet quitting,” referring to employees doing the bare minimum required, drawing firm boundaries around work rather than striving to overachieve. Others have chronicled employee desires to retire, work remotely, and some refer to a “war on work,” suggesting Americans are not engaged in work in the same manner as prior generations, with large segments of the labor force failing to produce what people really need or want. Sentiment about the workplace among museum employees is no doubt being influenced by lingering effects of the pandemic, wealth inequality, a lack of socio-economic mobility (the loss of confidence in a college degree), and heightened perceptions of disparities and inadequacies in compensation.<sup>3</sup>

Simultaneously, competition for labor has pushed up wages by nearly 5% in the private sector in 2021. This has caused employers to take initiatives to attract and retain employees, including assistance on repayment of student debt, more focused career development ladders, and even financial assistance for employees traveling for medical care. Some employers are experimenting with three or four-day work weeks without cutting salaries and, in select states, legislative efforts are underway to cap a full-time work week at 32 hours. Fueled by pandemic-related factors, employees engaging in remote or hybrid work tripled between 2019 and 2021 and predictions abound regarding how many jobs will become fully remote in the next decade.<sup>4</sup> Although rebounds from remote work will certainly occur, some industrial sectors—notably, technology and higher education—are making remote work part of their fundamental

business models to court professionals, respond to client or student demands, and save on real estate costs. The untethering of work from geographical location could eventually reshape cities and alter the political landscape. Migration to smaller and safer cities and regions may, for example, increase political diversity and blur red or blue political boundaries in select regions.

The pandemic labor exodus struck the nonprofit sector particularly hard, and as the world reopened for business, this shortage only got worse. The American Alliance for Museums anticipated labor and skills shortages would be a major disruptor in the coming years. In 2022, 69 percent of nonprofits cited staffing challenges, leaving social service nonprofits unable to meet acute needs created or exacerbated by the pandemic.<sup>5</sup>

Human resources management has become an area in need of attention as museum leaders' endeavor to develop policies and workplace practices to address diversity and equity, employee satisfaction, and retention, as well as counteract employee stress and burnout. State and federal responses to the pandemic, mounting institutional costs and reimbursements, and the need for safety resulted in, among other outcomes, a need to reexamine management practices and policies. Museum leaders were obligated to make decisions in a crisis mode atmosphere, without the benefit of engaging in more normal shared decision-making processes. Issues being reexamined included: health benefits and working hours; employee furloughs; deciding which museum employees must remain physically present; policies for employees related to wearing masks, testing, and vaccinations; and the like. In museums where workforces are unionized or being organized, the implementation and impact of these new policies had to be negotiated with labor unions.

Workplace pressures are cascading and leading many to think about how to create more supportive and equitable workforce environments. Some practical steps build on lessons learned from diversity, equity, accessibility, and inclusion (DEAI) initiatives, such as committing to paid internships for a broad range of positions (thereby reducing economic barriers to entering the field) and including salaries in position descriptions. Some museums are taking steps to significantly raise salaries, provide flexible work hours, and navigate the technical, legal, organizational, and financial complexities of supporting a widely distributed remote workforce. In addition, traditional sources for recruiting museum employees have changed. No longer exclusively from more privileged backgrounds, newer employees may bring a distinct perspective to work. Contemporary employees are younger and more diverse in race, gender, and economic background than their counterparts in prior generations. They may compare their salaries and working conditions to those of peers in other industries, such as high tech or financial services. In addition, they may not view the museum as a familial or elite organization engaged in connoisseurship and preservation of cultural perspectives and history. Instead, some may find fault with museum collections accumulated, in their view, through colonial violence or capitalist exploitation that legitimizes oppression of marginalized populations and obfuscates history. This latter group harbors views susceptible to union organizers bargaining in the name of the "common good" ---that is, unions focused on historical inequalities and social justice issues not only for bargaining unit members, but for non-members in other industries as well.<sup>6</sup>

## **UNIONIZATION IN MUSEUMS: PAST AND PRESENT**

Unions and unionization were uncommon in museums until the 1970's. The earliest organizing efforts took place at the Museum of Modern Art (MOMA) in New York City, the Minneapolis Institute of Art, and San Francisco Museum of Art. Events and outcomes at the MOMA were thought to influence a variety of other organizing efforts throughout the fine arts museum sector. Unionization efforts require several intermediary processes, which can take several years and are guided by state and federal labor relations statutes and legal precedent. Bargaining representatives or agents (both referred to as unions) initiate campaigns to distribute ballots and votes are called when a requisite number of eligible employees sign a ballot. This is a complicated area of collective bargaining and during this phase an "appropriate bargaining unit" (comprised of those employees eligible to vote) must be determined, normally by city, state, or federal agencies. During this phase of bargaining there are often challenges to employee positions eligible to vote and employer representatives can institute campaigns to counter union organizing efforts. Collective bargaining is normally a process taking place between an "employer" and "employees" and in mission driven cultural organization, lines of demarcation are not always clear.

Further, there are occasions when simply a vote to join a union causes serious shifts in management's approach to employee concerns and contracts are ultimately not negotiated (presumably because issues causing employee discontent were addressed). In one research study on unionization in higher education, a sector where labor relations resemble what occurs in museums, it was found that first time labor contracts can take up to 18 months to negotiate. Organizing and negotiations processes can be cumbersome, time consuming, and sometimes politicized, particularly when handled inappropriately by management representatives or in cases where union organizers endeavor to move into multiple organizational settings.<sup>7</sup>

Union organizing and membership in the fine arts museum sector has recently surged. Institutions being organized are situated in what are thought to be union friendly cities or states (New York, San Francisco, Minneapolis, Los Angeles, Baltimore, Pittsburgh, Philadelphia). These locales share many institutional and demographic similarities that support unionization. For example, employees in nonprofit organizations, professional, service, and municipal employees, and those working in colleges and universities (and in university museums), are also organized. These cities boast high concentrations of unions in the public sector, where favorable state labor legislation, administrative agencies, and indebted political leaders are reluctant to thwart unionization. Unions organizing and negotiating in the name of social justice and the common good (e.g., SEIU, Unite Here, UAW) are found in a variety of public and non-profit organizations in these geographical areas.<sup>8</sup>

Although there is considerable scholarship relating to the economics and funding of arts and cultural institutions, much less scholarly attention is directed toward labor management relations in museums and other arts organizations. Those who have written on labor topics in mission driven or public contexts have distinguished labor management relations from the those that occur in the private sector. These authors observe differences in market factors and supply chain issues. Arts organizations normally incur lower operating deficits when closed rather than open. Labor management conflict does not affect the financial position of major funding agencies, donors, or visitors in the same way as labor strife does in the private or services sector. Professional workers (curators, educators, archivists) are difficult to replace in the event of a strike, which, in the labor management arena results in workforces having more influence in the bargaining environment.<sup>9</sup>

## THE CONTEMPORARY LANDSCAPE

*Table 1. Current Status of Unionization in Art Museums as of January 2023*

### Unionized Art Museums

Museum Name	City	State	Museum Site	Year Unionized	Negotiation Stage	Union
Art Institute of Chicago	Chicago	Illinois	<a href="http://artic.edu">artic.edu</a>	2022	In Negotiations	AICWU
Asian Art Museum of San Francisco	San Francisco	California	<a href="http://asianart.org">asianart.org</a>	Pre-Pandemic	CBA	SEIU 1021
Baltimore Museum of Art	Baltimore	Maryland	<a href="http://artbma.org">artbma.org</a>	2022	In Negotiations	AFSCME District Council 67
Bronx Museum of the Arts	New York	New York	<a href="http://bronxmuseum.org">bronxmuseum.org</a>	2005	CBA	UAW Local 2110
Brooklyn Museum	New York	New York	<a href="http://brooklynmuseum.org">brooklynmuseum.org</a>	2021	In Negotiations	UAW Local 2110
Carnegie Museum of Art	Pittsburgh	Pennsylvania	<a href="http://cmoa.org">cmoa.org</a>	2020	In Negotiations	USW
Dia Art Foundation	New York/Beacon	New York	<a href="http://diaart.org">diaart.org</a>	2022	In Negotiations	UAW Local 2110
Fine Arts Museums of San Francisco	San Francisco	California	<a href="http://famsf.org">famsf.org</a>	Pre-Pandemic	CBA	SEIU 1021
Guggenheim Museum	New York	New York	<a href="http://guggenheim.org">guggenheim.org</a>	2019	CBA	IUOE Local 30
Hispanic Society Museum	New York	New York	<a href="http://hispanicsociety.org">hispanicsociety.org</a>	2021	In Negotiations	UAW Local 2110
Jewish Museum	New York	New York	<a href="http://thejewishmuseum.org">thejewishmuseum.org</a>	2022	In Negotiations	UAW Local 2110
Massachusetts Museum of Contemporary Art	North Adams	Massachusetts	<a href="http://massmoca.org">massmoca.org</a>	2021	CBA	UAW Local 2110
Milwaukee Museum of Art	Milwaukee	Wisconsin	<a href="http://mam.org">mam.org</a>	2020	CBA	IAMAW Lodge 66
Museum of Contemporary Art, Los Angeles	Los Angeles	California	<a href="http://moca.org">moca.org</a>	2019	CBA	AFSCME District Council 36
Museum of Modern Art	New York	New York	<a href="http://moma.org">moma.org</a>	1971	CBA	UAW Local 2110
New Museum of Contemporary Art	New York	New York	<a href="http://newmuseum.org">newmuseum.org</a>	2019	CBA	UAW Local 2110
Philadelphia Museum of Art	Philadelphia	Pennsylvania	<a href="http://philamuseum.org">philamuseum.org</a>	2020	CBA	AFSCME District Council 47
Portland Museum of Art	Portland	Maine	<a href="http://portlandmuseum.org">portlandmuseum.org</a>	2021	CBA	UAW Local 2110
San Francisco Museum of Modern Art	San Francisco	California	<a href="http://sfmoma.org">sfmoma.org</a>	1972	CBA	OPEIU Local 29
The Metropolitan Museum of Art	New York	New York	<a href="http://metmuseum.org">metmuseum.org</a>	Pre-Pandemic	CBA	AFSCME District Council 37
Museum of Fine Arts, Boston	Boston	Massachusetts	<a href="http://mfa.org">mfa.org</a>	2020	CBA	UAW Local 2110
Walker Art Center	Minneapolis	Minnesota	<a href="http://walkerart.org">walkerart.org</a>	2020	CBA	AFSCME Council 5
Whitney Museum of American Art	New York	New York	<a href="http://whitney.org">whitney.org</a>	2021	In Negotiations	UAW Local 2110
Frye Art Museum	Seattle	Washington	<a href="http://fryemuseum.org">fryemuseum.org</a>	2019	In Negotiations	AWU
Minneapolis Institute of Art	Minneapolis	Minnesota	<a href="http://artsmia.org">artsmia.org</a>	1971	CBA	SEIU 26
Columbus Museum of Art	Columbus	Ohio	<a href="http://columbusmuseum.org">columbusmuseum.org</a>	2022	In Negotiations	AFSCME Council 8

### Art Museums Undergoing Union Organization

Museum Name	City	State	Museum Site	Year Unionized	Negotiation Stage	Union
Walters Art Museum	Baltimore	Maryland	<a href="http://thewalters.org">thewalters.org</a>	N/A	Pre-Negotiations	AFSCME Council 67
Tacoma Art Museum	Tacoma	Washington	<a href="http://tacomaartmuseum.org">tacomaartmuseum.org</a>	N/A	Pre-Negotiations	AFSCME Council 28

### Union Name Key

Acronym	Union Name
AFSCME	American Federation of State, County and Municipal Employees
UAW	United Auto Workers
AICWU	Art Institute of Chicago Workers United
SEIU	Service Employees International Union
IAMAW	International Association of Machinists and Aerospace Workers
USW	United Steelworkers
OPEIU	Office and Professional Employees International Union
IUOE	International Union of Operating Engineers
AWU	Art Workers Union

To those viewing the institutional landscape from afar it would appear labor management conflict in museums occurs between a “management” and “union” representing employees. While true in a legal sense, these two groups often share many of the same concerns and may hold similar positions on important negotiation matters. Disruption may result from conflicts of interest between museum leadership and employees on one side, and funding agencies, donors, corporations, and foundations on the other. This is not a traditional labor management dichotomy, and the museum CEO is invariably caught in the middle. Inadequate funding models for nonprofit organizations---who depend on volunteers, wealthy individuals, or foundations---remain a salient matter, as has been the case for decades.

The underlying causes of employee discontent have remained remarkably similar over the years, leading in many cases to labor strife and unionization. Many sources of employee disgruntlement would be considered traditional causes of unionization, including the following.

- Employee perceptions of inadequate compensation, unfair compensation systems, the lack of known career mobility ladders for museum employees, and the inability to address raised expectations around these matters. Such perceptions are most acute, for example, when facilities are expanded or expensive collections purchased, while employee compensation levels remain low.
- Leadership turnover, arbitrary leadership styles, and resistance of leaders and donors who question the legitimacy of unionization in mission driven organizations. These behaviors are perceived by employees as an unwillingness to look closely at what are believed to be inadequate human resources policies or a willingness to address employee monetary concerns. The entrance of women into museum workforces has, according to some accounts, resulted in strengthening these perceptions.
- When employees perceive a lack of inclusive and meaningful shared decision-making processes, reflecting a desire for greater consultation or involvement in major financial or facility related initiatives.
- Informal or inconsistent management behaviors perceived by employees as resulting in favoritism toward individuals who make special deals to secure better working relationships and conditions.

These employee concerns have existed for a long time. Had they been addressed in a timelier manner, we assume museums would have remained inhospitable to organizing efforts. No doubt the impact of COVID (and concomitant loss of revenues to cities, states, and foundations) has brought a number of these underlying issues to the forefront. Many of the underlying causes leading to unionization are effectively framed within social justice concerns. These include a focus on gender equality, racial and climate justice, education and immigration, equitable wages for workers in other sectors, promotional and advancement opportunities for marginalized populations, and structural inequality in society.<sup>10</sup>

## **THE REALIGNMENT OF UNIONS AND SOCIAL JUSTICE CONCERNS**

Fissures, cracks, competition, and tension in the labor movement are hardly new. In the last 20 years, the breakup of traditional alliances and jurisdictional territories protected under the AFL-CIO umbrella resulted in decentralization and more autonomy of various unions. The breakaway of these groups led to a new federation (Change to Win) comprised of unions organizing in different sectors and now

unencumbered by prior restrictions regarding which employee groups could be legitimately targeted. Many of the unions engaged in newer organizing efforts, designed to leverage workers in a specific labor market, are led by younger idealistic tech savvy types who are more effective in the use of online media technology. Some of these unions have witnessed a decline in traditional bases of employees (the UAW for example) and seek to organize workers in education or the mission driven sector, searching for new revenue sources, i.e., dues paying union members.<sup>11</sup>

Social justice concerns reflect not only current issues in the workplace but the arc of social and political movements. Social justice proponents use the term “Bargaining for the Common Good” (BCG), a new label for social unionism. This effort represents a very vigorous faction within the labor movement, focused on how to win organizing campaigns, transform union campaigns into broader human rights and community action, help dues-paying members connect to their union, and advance union membership for broader societal gains. Social justice approaches sometimes conflict with pragmatic business unionism, which leverages organizational hierarchy and discipline to negotiate agreements. More traditional union approaches may also be perceived by some in the union as supporting the status quo, which in theory is what those promoting social justice unionization are fighting to undo.

There are important differences between union organizers (and unions) focused on social justice concerns versus those more concerned solely with providing so-called bread and butter benefits to bargaining members and their families. Organizers promoting social justice champion change on societal issues for members and non-members alike (for example, increase in the minimum wage for employees not represented by a particular union), as well as concerns having to do with inequality in society. Social justice in the museum environment revolves around correction of historical injustice to various social groups, institutionalized racism, salary inequities, and questioning the legitimacy of capitalism itself. After all, major donors frequently accumulated fortunes, collected, and donated art under rules and circumstances that are now being reappraised.

These issues, joined with traditional employee grievances and concerns, resonate with museum employees. It is not a coincidence that the push for social justice is more evident in negotiations involving employees who are new (and less empowered) to collective bargaining. In contrast, the impact of social justice on bargaining is more difficult to discern in negotiations involving higher paid and long-term employees, laborers, craft locals, and the like, where contracts have been in existence more than 40 or 50 years. Social justice concerns may be on the minds of these employees, but contract clauses covering topics such as discrimination, salary distribution, or “recognition” are immeasurably harder to amend once in place, particularly when contract clauses have not been subject to grievances or arbitrations over intent and meaning. In such cases, newer proposals may be harder to incorporate. Negotiators have a more challenging time arguing why a contract clause is inadequate or no longer serves its original purpose. When negotiations falter, break down, or proceed to impasse, those responsible for settling disputes (members of labor boards, agencies, courts, mediators, arbitrators, and fact finders) are predisposed to gravitate to the status quo and consider what is “comparable” or commonly accepted in other labor contracts. Hence, the system codifies the status quo in many situations.

The above notwithstanding, definitions and intent are important. For instance, if by social justice we mean protecting employees from arbitrary decision making, unfair terminations or unfair and inequitable grievance and arbitration provisions, such matters are often central to labor management relationships.

However, if by social justice we are referring to more expansive anti-discrimination protections, fair trade policies, anti-poverty initiatives, anti-globalization campaigns, race, gender, and human rights issues, defunding the police, and the like, then such concerns may not easily be accommodated in bargaining. The further away “social justice” is from the heart of the labor management relationship, the more likely union demands will be found not mandatorily negotiable and dropped at the bargaining table, particularly if compensation packages are improved.<sup>12</sup>

## **WHEN SOCIAL JUSTICE THEMES ARE MORE SALIENT**

The following conditions help predict when social justice precepts are introduced during negotiations, shape negotiation discussions, and result in contract clauses that reflect social justice concerns.

- **The age of the bargaining relationship and whether the contract represents a successor agreement or first-time contract.** As noted above, in most cases first time contracts present the parties with a “tabula rasa” and it can be easier to include issues or contract clauses that may be more difficult to include in successor agreements. Although there are exceptions to this rule, a first-time agreement, which normally takes much longer to negotiate, does offer the parties a chance to include new and novel issues such as social justice concerns. One caveat to this observation is that when issues are first brought to the table to negotiate both parties must eventually agree they are within the scope of bargaining. Further, it may be the case during first time negotiations that the bargaining agent in question is wary of fending off a competing union, in which case the individuals negotiating may want a quick settlement, addressing only basic “boiler plate” issues and involving a longer contract term. In such cases competitors must wait several years to challenge the jurisdiction of the union who negotiated the first contract. Challenges to representation are much harder to accomplish once the parties learn to work with each other in the labor management context. During negotiations for successor agreements, it is harder to include newer matters unless there is serious labor conflict and compromise on a particular matter is typically needed for settlement.
- **The definition of the scope of bargaining in federal, state labor statutes, or scope as determined through past practice.** In the public and private sectors, negotiations are framed by enabling legislation that sets forth the scope of negotiations, invariably referred to as “wages, hours and working conditions.” Based on past use of that term, contract topics may be considered either mandatory, permissive, or excluded within a negotiation’s framework. Although many issues in theory fall under the rubric of mandatory or permissive, employer negotiators for various reasons are reluctant to negotiate beyond what are considered standard labor management concerns. Depending upon how social justice concerns are framed or defined by a party, they may or may not be considered a “mandatory” subject and therefore are far more difficult to negotiate. For example, proposals having to do with climate change, anti-globalization efforts, employee housing, or various city-wide issues may not be considered mandatory and will not find their way into the labor agreement.
- **The type of employee group represented and the extent to which social justice issues were utilized initially to organize them.** the issues used to organize a particular group affect the likelihood that social justice matters (particularly when defined around compensation or job security) get incorporated into a contract. Idealistic and newer union workers may well be interested in social justice matters; however, the further these issues are from bread-and-butter.

- Boilerplate matters---such as grievance procedures, across the board salary formulas, salary steps, and the like---the harder it is to hold onto such lofty concerns during the give and take compromises required for contract settlement.
- **The extent to which a particular faction of employees in a bargaining unit have embraced social justice causes and have the organizational power within the union to ensure such concerns are acted upon.** Unions are political organizations. Factions or groups with power and influence within the union may have the will and staying power (and negotiating leverage) to obtain closure on select issues. Many variables are involved in this regard, but political influence within the union is a sine qua non.
- **The views, skills, and sympathies of the chief negotiators and levels of trust between them.** Experienced negotiators on both sides of the table find ways to introduce any number of issues or topics or, conversely, to ensure they will not be advanced during negotiations. For example, experienced negotiators may ask that certain matters be tabled for the time being or given to a joint committee (one that is removed from the political fray and limelight of the bargaining table) and ask that joint committee recommendations be made after negotiations conclude. This has been a highly effective approach in several negotiations' scenarios. Experienced negotiators who are proceeding from a foundation of trust might conclude mutually that pursuing social justice priorities could derail negotiations that have a high chance of succeeding with respect to read and butter concerns. There are also practical issues to address in this realm, for example, how to address or reconcile proposals which may ask for certain benefits or consideration given to one group of employee's which conflict with non-discrimination clauses in the contract. Invariably skilled negotiators may work to address such negotiation complexities.
- **The extent to which leaders at (or away) from the table can exercise power or survive organizational conflict invariably needed to obtain bargaining objectives.** Negotiations often hinge on whether those in charge (in the union or management) can politically weather sustained conflict. In cases where market or organizational factors favor one party or the other, the party with greater leverage and security can hold out for contract matters deemed important to that party. Of course, the extent to which important museum constituencies (boards, funding agencies, informal employee groups, or organizational leaders) support concrete social justice concerns/issues is determinative in these cases. Without their support, unions face a much steeper uphill climb in pursuing such objectives.
- **The agenda (and market power) of bargaining agents representing employees and whether a particular agent also represents (and has negotiated contracts with) employees in other settings.** Unions representing museum workers often represent employees in other industries or sectors of the economy. In such cases negotiators will routinely gravitate toward contract language already in use in other locales. Union officials may be reluctant to admit it, but precedent and comparability are powerful forces in the labor management environment, and social justice concerns may sometimes be compromised to maintain contract comparability with other employees represented in other sectors. Put differently, there are occasions when the organizational agenda of the union may not align completely with the agenda of the employees being represented. For example, where a competing union is seeking to represent the same target group of employees, the bargaining agent may focus on pursuing a longer contract term, effectively barring competitors and by doing so forgoing other proposals important to an internal constituency. Labor negotiations represent compromises and tradeoffs around various proposals. Those newer to the collective bargaining process may be surprised to learn that the realities of bargaining, leverage, resources, and influence often trump rhetoric and idealism.

Labor management relations also revolve around power and influence processes shaped by legal precedent, organizational history, and individual personalities, all of which are euphemistically characterized as the “hammer and anvil” of the bargaining process, shaping responses to unionization in museums as they do in other organized settings.<sup>13</sup>

## **RECOMMENDATIONS TO IMPROVE BARGAINING PROCESSES**

There is an adage among labor relations practitioners that one’s point of view is determined by what side of the table one sits. Another quip about tables and mission-driven cultural organizations is applicable here, which posits that to locate a table with enough sides to accommodate all constituencies with a rightful claim to the museum, one would need to find a round table. With these two “table” caveats in mind, we suggest how parties might approach collective bargaining and, in the process, better respond to union proposals reflecting social justice issues.

The following practical suggestions (not listed in order of priority) are offered to improve the collective bargaining process and outcomes, particularly for negotiations involving employee groups newer to unionization. We offer one caveat. As we have intimated above, collective bargaining remains an inherently complex phenomenon, for museums as in other sectors. Outcomes are profoundly influenced by personalities and a history of relationships; the use of power, influence, and communication focused on changing people’s opinions; the configuration of bargaining units; the legislation serving as the legal umbrella for negotiations; and the experiences, skills, and autonomy of the chief negotiators. Generalizations for improving the process are made with this important caveat in mind.

### *Knowing Collective Bargaining Fundamentals*

Educating all parties on fundamental guidelines and procedures for bargaining, its history, and established best practices can enhance the process. While this work may be especially impactful for employee groups who are newer to collective bargaining, developing knowledge and transparency among museum leaders and institutional negotiators can also enhance the process. For instance, there is a wealth of experience and knowledge of basic practices on the impact and conduct of bargaining in colleges and universities and other nonprofit enterprises that may be applicable and informative (references). A case in point concerns negotiations processes. For example, appointing “team coordinators” or “revolving negotiators” rather than one chief negotiator may seem like a more inclusive approach to some union advocates but at the same time seem ridiculously unproductive to experienced employer representatives.

Parties should also have a good understanding of the terms and tactics commonly used in labor relations. Having a better understanding of what constitutes an “unfair labor practice” and “end run bargaining” can help constituents avoid these tactics, both of which derail negotiations and destroy trust between parties that is essential for final settlement. Recognizing the value of arriving at a tentative agreement (and knowing what that means in the bargaining context) is important if bargaining is to be more responsive and rational. Productive outcomes result from establishing and adhering to shared ground rules that obligate the parties to, for example, not record or post on social media about bargaining sessions.

Negotiations operate well when long-standing procedures and guidelines are employed; in contrast, results are likely to suffer if negotiations are viewed as political theater or if compromise is viewed as capitulation.

Although some observers suggest unorthodox tactics are necessary for newer employee units to be taken more seriously, experience and history tend to demonstrate otherwise. More advantageous approaches used for the last 75 years to resolve intractable contract disputes include “side bars” between the two chief negotiators, as well as labor management committees with an equal number of representatives from management and the labor unit. These committees are given a defined scope and timeline, meet away from the bargaining table, and subsequently make recommendations to the parties. We believe it is generally beneficial to ensure parties are at least cognizant of time-tested methods to resolve disputes during negotiations.

### *Negotiators with Experience in Public or Mission Driven Organizations*

It is crucial for chief negotiators to gain the trust of parties they represent and the authority to utilize collective bargaining to meet new challenges. Not infrequently, negotiators representing museums are more experienced in labor management relations in the for-profit sector, which is characterized by a very different culture and legal environment than one finds in mission-driven cultural organizations. Those with private sector backgrounds often see the negotiations process as a win-lose affair, and they invariably are accustomed to greater powers afforded under federal labor legislation (NLRA) than may be available in public jurisdictions. Museums are typically characterized by distinctive configurations of bargaining units, myriad political and financial complexities, and quasi-public organizational cultures that emphasize shared decision making authority. Negotiators with extensive experience in industry may have difficulty with the political dynamics inherent in museum negotiations. In such cases, conflict often ensues when employer negotiators visualize bargaining as a zero-sum game.

Union negotiators also face interesting challenges in this regard, particularly in newer labor–management relationships. In more democratically run unions, the chief negotiator may let bargaining team members run the show. This sometimes occurs in museums, where even experienced union negotiators might yield the floor to newer employees who refuse, for a variety of reasons, to designate a single chief spokesperson. Whatever the virtues of such an approach from the employees’ point of view, the diminution of the chief negotiator’s role frequently leads to delays, misunderstandings, and confusion. In other cases, union leaders may have unrealistic expectations for what bargaining can accomplish. This is particularly likely if issues put on the table are not within the normal scope of bargaining; conflicts frequently result when management representatives are unable or unwilling to entertain proposals that are substantively different from the standard subjects of bargaining (known as “wages, hours and working conditions”.) For example, impasses often arise when union concerns include agencies or land controlled by the city or state (e.g., policing, setting aside of land for parks, community gardens, or bike trails) and not within the purview of museums to negotiate.

### *Senior Leaders Must be Engaged*

Some museum leaders are reluctant to become involved in negotiations. Perhaps they are unfamiliar with the basic parameters governing bargaining. Others view it as a negative process, rife with conflict

potentially harmful to their own reputation and care mobility. Still others may be disinclined to participate in bargaining because they view unions as organizations that historically have protected the status quo, excluded marginalized employee populations, and been complicit in institutional inequality. We argue that when senior personnel are absent or not involved, this may signal that employee concerns are not deemed sufficiently important to command the attention of leaders. In such cases, the failure of museum leaders to be involved in the bargaining process is to the detriment of all concerned; it precludes consideration of their opinions and views on important topics, and it potentially conveys an unintended message that human resource concerns are not viewed as integral to the museum's success in pursuing its mission.

Another reason to involve museum and union leaders is that museum and union negotiators often have only a partial view of institutional processes and goals, limiting how they understand issues and guide bargaining. Without the support of senior leaders, negotiators may not be able to garner the support needed to incorporate innovative approaches into bargaining strategies to address broader organizational concerns. In some cases, those responsible for negotiating contracts do so with little guidance from senior leaders, resulting in unproductive outcomes.

Although senior leaders should not sit at the negotiating table, there are two ways they should be involved in bargaining. First, they should make sure they and those they supervise are familiar with labor procedures and the meaning of contract language. Familiarity can help leaders avoid behaviors that set unhelpful precedents, and which result in the unintentional narrowing of executive authority. Knowing the meaning and intent of contract language also may help alleviate the potential for additional conflict between the parties who expect adherence to what is written in labor agreements. The involvement of senior leaders can foster better communication between important internal and external constituencies who may not understand from a distance why "their" museum is encountering labor management strife.

Senior leaders should also be involved in setting bargaining objectives reflecting major institutional goals, as well as the organization's desired posture with respect to union relationships and negotiation processes in general. These individuals are vital to establishing and sustaining the distinctive culture of their organizations. To achieve this goal, chief negotiators need access to senior leaders to engage in conversations focused on making collective bargaining more responsive and proactive. Discussions could be conducted in ways that proscribe unethical behaviors or approaches that undermine best practices and legal parameters governing collective bargaining. Senior leaders may be able to recommend better ways to accomplish bargaining goals, to analyze the potential long-term impact of select proposals, and identify issues that might be taken off the table and settled in less politicized or adversarial forums. After all, senior leaders will be charged with guiding the organization after collective bargaining has concluded, and thus they must ensure that the collective bargaining process is conducted in a manner that will support the desired long-term culture of the enterprise.

In only a handful of museums has collective bargaining been in place for decades and become an "institutionalized" process. Even with increased access to leaders, negotiators representing the museum may face significant hurdles trying to bargain new initiatives to address changing environments. In large organizations, hierarchies impede progress because senior leaders are far from the table. Under such circumstances, it is typically left up to negotiators to somehow deduce what will work and what will not, resulting in less-than-ideal scenarios. In short, negotiators benefit from sustained interaction with senior leadership, and

once positions are explained, our experience has been that ideas for compromise or innovation around even the thorniest issues are more easily entertained.

### *Agree on Negotiation Topics and Criteria for Decisions*

Coming to early agreement about the scope and topics of negotiations, criteria for decision making, and definitions of terms used during bargaining, as well as how such terms apply contractually, may go a long way toward enhancing the process. Importantly, leaders should know the differences between mandatory, permissive, and prohibited subjects of negotiations. Proposals that appear straightforward to union negotiators may be interpreted by employer representatives as so far out of scope that they would be reluctant to discuss them for legal and political reasons. For example, demands to defund local police departments may be put on the table, reflecting broader societal concerns with policing. Such a proposal may seem morally and ethically sound to some labor representatives, but it may be seen by institutional management as beyond the scope of the bargaining agreement and beyond their control to address. Of course, if a matter is problematic to an important constituency, whether it is a mandatory or permissive subject of bargaining, it will invariably appear in some form in the final agreement (or litigated). Many employees remain troubled by how they were treated during the pandemic (e.g., with respect to health or privacy matters), and their concerns may focus on restoring rights (perceived or real) suspended during the pandemic. Arriving at shared definitions and agreement up front on what topics can and cannot be negotiated enables the parties to identify which approaches are needed to satisfy constituencies who shape bargaining from afar and whose support is necessary to ratify agreements.

### *More Conversation on Bargaining Outcomes*

Prior to the commencement of negotiations, those responsible for managing collective bargaining (on both sides) might consider holding meetings to discuss mutual interests and goals. Conversations regarding bargaining outcomes might take place not only when contracts come up for renegotiations, but throughout the life of the agreement. Management representatives could meet with representatives from select administrative units where staff are in bargaining units. This recommendation goes to the wider issue of transparency and trust, building a culture that incentivizes shared interests over divergent ones. In our experience, these kinds of meetings rarely occur absent a crisis, and we write this knowing the logistical challenges associated with this recommendation, particularly in larger museums. Appointing, compensating, and retaining talented people to manage and conduct labor relations (if done with in house professionals) is another challenge, and protecting those who negotiate from being scapegoated is a sine qua non. Arriving at a better approach to collective bargaining, with the goal of incentivizing leaders and unions to be responsive to the constituencies they serve, must be a joint undertaking; it cannot be imposed by one party or the other. This will always include treating the other party with professional courtesy even when faced with what someone may consider an outlandish proposal or duplicitous behavior. Although this may sound simple and direct, it is an extremely complex task. Like other organizational transformations, the fruits of success may not be evident until well after the recommendations set forth here are put into practice.

After consultation with labor counsel, a second series of conversations might occur directly between the chief negotiators. This idea may be useful because of the multiplicity of actors and constituencies who invariably become involved in bargaining, including some who work in city or state offices and union

headquarters. As a result, bargaining becomes politicized, and it is not uncommon for the good intentions of those at the table to get upended by those who seek different agendas. Negotiators might discuss how to prevent the bargaining process from being hijacked by those who seek to see it fail or go in a different direction for one reason or another.

### *Be Inclusive in Developing Bargaining Parameters*

Negotiation goals and objectives should be assembled using an inclusive process involving numerous constituencies associated with the museum. An inclusive process is not always easy, but it is essential to make labor relations more responsive and to secure commitment among all stakeholders. In particular, the process of developing collective bargaining parameters, the “bottom lines” that will be acceptable, might be reconsidered. Of course, museum leaders will want to know what other comparable organizations are contemplating on the issues they are facing, and such discussions with institutional peers are indispensable. Negotiation parameters could be arrived at through inclusive processes using focus groups, admittedly somewhat unorthodox, to address constituent concerns and larger organizational problems. Recommendations should be developed and then moved forward to senior executives for review and confirmation. This kind of process results in negotiation parameters, strategies, and long-term considerations that are legally, politically, and ethically sound. One additional point on this matter: it is important for leaders to educate constituencies who may be away from the table (e.g., donors, foundations, nonunion employees) whose buy-in may be crucial but who may not be well informed about the details and dynamics that frame the bargaining relationship.

### *Shared Methodologies and Institutional Comparators to Cost Out Proposals*

Bargaining can easily break down when parties use different data sources and cost analysis methods to guide their thinking. It is therefore beneficial for union and management representatives to agree beforehand on acceptable methodologies to “cost out” proposals, and on appropriate institutional or area “comparators” for purposes of utilizing best practices. Although the parties may disagree fiercely on the amount of money to be spent on one bargaining unit, they should at least operate from common financial data and a mutual understanding of how museums cost out proposals.

Such agreements can minimize disputes and allow parties to transcend individual institutional concerns and focus on universal best practices. Agreement on comparators is not essential in every case, and there are those who have difficulty engaging in a comparator discussion; nonetheless, when both parties use them, our experience is that they provide grounding for each side’s position.

To illustrate the recommendation on costs, comparators, and data, take the issue of a “living wage” predicated on factors associated with the cost of living (COL) in a particular locale. Arguments about an applicable COL and cost methodology can delay negotiations for months to the detriment of all concerned, such as whether the COL in one area is similar or different in New York, Los Angeles, Chicago, or Philadelphia. As an alternative, parties could agree to use a tool such as the MIT Living Wage Calculator, which considers variations in every county throughout the United States in calculating the living wage amount. Understanding the basis for costing out proposals will undoubtedly allow the parties to better understand each other’s perspective, which may not speed agreement but will likely curtail acrimony. Agreement on the criteria and methodologies for determining costs---and on whether

the living wage amount. Understanding the basis for costing out proposals will undoubtedly allow the parties to better understand each other's perspective, which may not speed agreement but will likely curtail acrimony. Agreement on the criteria and methodologies for determining costs---and on whether specific proposals can be funded---will encourage a more nuanced and sophisticated approach to collective bargaining and lay the groundwork for compromise.

### *A Communication Strategy and Use of Social Media*

Mission-driven cultural organizations facing labor management conflict would do well to plan a communication strategy (who to communicate to and why, about what, and in what format) well in advance of conflict which, if it arises, will no doubt become public. Such a plan may include asking for advance meetings with editorial boards of local papers or news programs or preparation of informational packets. This is particularly important for leaders and institutions relying on the public and private support from a myriad of constituencies, including political figures, who consider the institution an entity related to jobs, tourism, or the cultural reputation of the city. Those unfamiliar with the fragility of institutional reputations in increasingly political environments face the greatest risk when normal collective bargaining conflict occurs. Those serving on boards, in city governments, or other stakeholders may not have the benefit of understanding why conflict may be occurring. Accordingly, when picket lines encircle museums---with attendant negative press focusing on leadership positions or actions---museum leaders are at risk of being perceived as ineffectual, over-reactive, or arbitrary. Long term damage to reputations and funding sources can be significant. The absence of a coherent and timely communication strategy and plan could be used as evidence that a particular leader cannot "manage" the situation and therefore should not be in charge. An effective communication strategy will focus on setting forth a rationale for positions on bargaining issues, as well as articulating the causes and consequences of collective bargaining and negotiation processes. The labor management context is also framed by journalists who report on labor management conflict and who themselves are often in unions and prone to sympathize with striking employees.

The use of social media must be accommodated in any contemporary communications strategy. Its role has changed dramatically over the past 20 years, with increased influence on behaviors and attitudes in many spheres. Bargaining with groups who are more adroit in the use of social media may confound employer-side negotiators who are not as conversant with digital communications and organizing strategies. Employees unionizing for the first time may be less sophisticated reaching settlement at the bargaining table but more effective in using social media for leverage, political disruption, and continuation of the organizing process. A skilled management negotiator may not take seriously the political theater unfolding at the table. In these cases, the failure to anticipate and plan for uses of social media can result in a loss of leverage in discussions for those representing the museum. Why? Employer-side negotiators, particularly in larger institutions with complex vertical hierarchies, are often challenged keeping senior leaders informed of the potential liabilities of social media campaigns. The negotiators may consequently lose the confidence of those in charge (and see their own authority and influence diminished as a result) when conflict arises for reasons unclear to leaders. The situation is further complicated in museum environments in which leaders do not receive objective reports about bargaining or have time to educate themselves about legal challenges arising from negotiations.

Social justice proposals provide a case in point. For example, suppose union negotiators endeavor to bargain for training for public safety officers, anti-bullying policies, funding for diversity hires, wage

increases for non-bargaining unit employees, and the like. In these instances, employer representatives may consider such matters to be non-mandatory subjects of bargaining and refuse to bargain. The union might then file a scope of bargaining petition. To those away from the table or others unfamiliar with collective bargaining protocols, the employer's position may seem unreasonable or cause them to inquire: why are matters like these being litigated? Situations are exacerbated when union negotiators (even when negotiation ground rules discuss limits on communication or use of social media) are reluctant to exercise authority over the actions of participants attending bargaining sessions.

We offer one last observation about the experience and selection of those who negotiate on behalf of museums and the need for a coherent and proactive communication strategy. Museum leaders might find themselves in a difficult position if a particularly hardnosed employer negotiator from an employer-side law firm takes a wrong step or says the wrong thing. In such cases, the museum itself can be shamed and leaders' reputations trashed. Union organizers can use such scenarios in a public relations campaign as negotiations devolve into a public relations war. One example of what is being discussed comes from the non-museum field. We recently observed how labor management relations at Kaiser Permanente in Northern California deteriorated with mental health clinicians, resulting in a nasty strike lasting several months that involved negative public relations for Kaiser. Statewide politicians got involved and investigations commenced by regulators. Kaiser members began spilling . horror stories to the press about treatment received. Kaiser's messaging to the public was poor and they were not able to communicate their position to stakeholders in a coherent way, which reinforced the notion they were not in a hurry to resolve the conflict. Labor relations had previously been harmonious, with Kaiser frequently being cited as an example of union-management collaboration promoting organizational improvement efforts. It may be years before the hospital system recovers the trust of members and it is probable a turnover in senior leadership will occur.<sup>14</sup>

## **A CONCLUDING COMMENT: SPECIAL CHALLENGES IN MUSEUMS**

Working in complex organizations like museums presents distinctive challenges to representatives from both parties. Issues involving confidentiality and transparency, ever present, are brought into sharp relief during bargaining. We believe that when the parties find ways to communicate more effectively, build trust, and reward collaborative and ethical behavior, collective bargaining can be utilized to advance innovation and initiative-taking responses to serious internal and external matters. Unfortunately, too often the potential for bargaining to achieve these goals is hampered by fears that essential and confidential information will be leaked, colleagues cannot be trusted, and more transparent processes will impede or prolong collective bargaining because initial proposals may not be taken seriously.

However, we have seen how failure to adopt a more transparent approach can result in reactive and time-consuming collective bargaining that generates conflict. As conflict increases, outside parties (e.g., labor boards, arbitrators, courts, mediators, board members, city, or state officials) are more likely to try to assume control of bargaining, thus reducing the decision-making autonomy of museum leaders. Some may suggest it is a good strategy to create conflict and involve third parties in settling disputes. However, in our experience it is often a less preferable way to resolve matters overall, as it can set the wrong precedents and may have unintended consequences for unrepresented constituencies. In the museum context, there is typically much that museum leaders and union representatives can agree on up front, including importantly the indispensable role that museums play in social and cultural betterment. Leveraging those areas of agreement up front and throughout the process can help steer the parties

toward the trust-based, cooperative solutions established by some union and management leaders, providing an enormous asset in helping museums adapt to a landscape of unprecedented change.

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## **ABOUT THE CENTER**

The **Center for Global Work and Employment** explores the consequences of a deepening global economy for the governance of work through research, curriculum innovation, and public engagement. Founded in 2015, the Center has provided a supportive community and productive space for scholarship on global transformations in work and employment. Our activities include research and publications along three themes, initiatives to support curriculum innovation, and public engagement through events, media work, and popular writing.

## ENDNOTES

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<sup>1</sup> The information presented reflects our conversations with over 45 museum leaders and representatives of unions and arts organizations. See Appendix I on scope of the study.

For further reading on topics discussed here see:

Grau, D. (2020). *Living Museums: Conversations with leading museum directors*. Hatje Cantz.

Szántó, A. (2020). *The future of the museum: 28 Dialogues*. Hatje Cantz.

Raicovich, L. (2021). *Culture strike: Art and museums in an age of protest*. Verso.

Dionne, E. J., Jr. (2022, September 4). Opinion: Unions are on a roll. And they unite a divided nation. *The Washington Post*. <https://www.washingtonpost.com/opinions/2022/09/04/labor-day-unions-resurgence-popularity/>

For a history of unions in museums see :

Alloway, L. (1975, February). Museums and unionization. *Artforum International*.

<https://www.artforum.com/print/197502/museums-and-unionization-37308> and Faine, H. R. (1986).

Cooperative bargaining in nonprofit arts organizations. *The Journal of Arts, Management and Law*, 16(1), 47

An overview of the emergence and evolution of the nonprofit sector can be found in O'Neill, M. (1989). *The third America: The emergence of the nonprofit sector in the United States*. Jossey-Bass.

<sup>2</sup> This sentiment was expressed by the majority of people interviewed in our study. One place to begin to understand the approach unions are taking as well as issues framing the current collective bargaining debate is Heckscher, C. C. (1988). *The new unionism: Employee involvement in the changing corporation*. Basic Books.

While there is much written on labor management relations in the public sector, the book to begin with is Lewin, D., Feuille, P., & Kochan, T. A. (1977). *Public sector labor relations: Analysis and readings*. Thomas Horton and Daughters.

<sup>3</sup> The loss in value of a college degree is discussed in a report of the Federal Reserve cited in Emba, C. (2022, September 25). Opinion: Lost in the college-major-regret story: It's not about the majors. *The Washington Post*. <https://www.washingtonpost.com/opinions/2022/09/25/college-major-regret-student-debt/>. In addition, see Marcus, J. (2021, November 1). Will that college degree pay off? A look at some of the numbers. *The Washington Post*. <https://www.washingtonpost.com/education/2021/11/01/college-degree-value-major/>. See also Swaim, B. (2022, November). The war on work. *Commentary Magazine*, 154(4).

<https://www.commentary.org/articles/barton-swaim/anti-work-trend/>

The American Alliance of Museums publishes a Trends Watch which contains a great deal of information on the post pandemic workplace as does the Society for Human Resources Professionals (SHRM) and the Department of Labor. See also Selko, A. (2022, September 21). It's not quiet quitting, it's choosing a healthy work/life balance. *EHS Today*. <https://www.ehstoday.com/ehs-outloud-blog/article/21251049/its-not-quiet-quitting-its-choosing-a-healthy-worklife-balance>

<sup>4</sup> See Gallup. (2022). *State of the global workplace: 2022 Report*.

<https://www.gallup.com/workplace/349484/state-of-the-global-workplace.aspx> and Miller, S. (2021, October 29). *U.S. Labor Costs Up 1.3% in Third Quarter*. Society for Human Resource Management.

<https://www.shrm.org/ResourcesAndTools/hr-topics/compensation/Pages/Labor-Costs-Up-Third-Quarter-2021.aspx>

For information from the U.S. Census Bureau on Remote Learning see United States Census Bureau. (2022). *The number of people primarily working from home tripled between 2019 and 2021*.

<https://www.census.gov/newsroom/press-releases/2022/people-working-from-home.html>

For an overview of human resources and challenges associated with the management and implementation of policies see Baron, J. N., & Kreps, D. M. (1999). *Strategic human resources: Frameworks for general managers*. John Wiley & Sons, Inc. and Noe, R. A., Hollenbeck, J. R., Gerhart, B., & Wright, P. M. (2019). *Fundamentals of human resource management* (8th ed.). McGraw-Hill Education.

<sup>5</sup>See Changes become permanent in brave new NPO world. (2022, March 28). *The NonProfit Times*. <https://www.thenonprofittimes.com/finance/changes-become-permanent-in-brave-new-npo-world/> and American Alliance of Museums. (2022, February 8) *National snapshot of Covid-19 impact on United States Museums*. <https://www.aam-us.org/2022/02/08/national-snapshot-of-covid-19-impact-on-united-states-museums-fielded-december-2021-january-2022/>

From the U.S. Congressional Research Service see Congressional Research Services. (2021). *Unemployment rates during the Covid-19 Pandemic*. <https://sgp.fas.org/crs/misc/R46554.pdf>

<sup>6</sup> See AAM Trends Watch for additional information. Regarding bargaining for the Common Good, the movement has also been referred to as Social Movement Unionism (SMU), or Social Unionism, a trend of theory and practice in contemporary trade unionism. SMU is distinct from many other models of trade unionism because it concerns itself with more than organizing workers around workplace issues, pay and terms and conditions. It engages in wider political struggles for human rights, social justice, and democracy. SMU grew out of political struggles in developing countries and was theorized as a distinct industrial relations model in the late 1980s and early 1990s. In this model, trade unions are not distinct from social movements and form part of a wider ecosystem of political activism that includes faith groups, civic and residents' organizations and student groups, organized into democratic umbrella organizations and with a manifesto to which affiliates are committed. SMU attempts to integrate workers, trade unions and the labor movement into broader coalitions for social and economic justice. Thus, in theory, unions and other organizations support each other in what are seen as mutually beneficial goals. See <https://www.bargainingforthecommongood.org/> and <https://nonprofitquarterly.org/introducing-bargaining-for-the-common-good/>

For a more general overview consult Carrell, M. R., & Heavrin, C. (2012). *Labor relations and collective bargaining: Private and public sectors* (10th ed.). Pearson Education.

<sup>7</sup> See Carrell and Heavrin, Part 11; Julius, D. J., & DiGiovanni, N. (2016). What factors affect the time it takes to negotiate faculty collective bargaining agreements. *Journal of Collective Bargaining in the Academy*, 8.

<sup>8</sup> Faine, H. R. (1986). Cooperative bargaining in nonprofit arts organizations. *The Journal of Arts, Management and Law*, 16(1), 47. Pynes, J. E. (1997).

Pynes, J. E. (1997). The anticipated growth of nonprofit unionism. *Non-Profit Management & Leadership*, 7(4), 355-371.

Alloway, L. (1975, February). Museums and unionization. *Artforum International*.

<https://www.artforum.com/print/197502/museums-and-unionization-37308>

Small, Z. (2022, February 21). U.S. museums see rise in unions even as labor movement slumps. *The New York Times*. <https://www.nytimes.com/2022/02/21/arts/design/museums-unions-labor.html>

Kopel, D. (2020, September). Unions need to agitate beyond worker contracts. *The Art Newspaper*, 29(326), 5.  
Kopel, D., & Anderson, M. L. (2021). Will unions make a difference at US museums? *Apollo: The International Magazine for Collectors*, 194(699), 22–23.

<sup>9</sup> On the matter of funding, economics and challenges or managing mission driven organizations much has been written. See:

Ginsburgh, V. A., & Throsby, D. (2006). *Handbook of the economics of art and culture*. North-Holland.  
Seaman, B. A., & Young, D. R. (2018). *Handbook of research on nonprofit economics and management* (2nd ed.). Edward Elgar.  
Frey, B. S. (2003). *Arts and economics: Analysis and cultural policy* (2nd ed.). Springer.  
A seminal study on related arts funding is found in Baumol, W. J., & Bowen, W. G. (1966). *Performing arts, the economic dilemma: A study of problems common to theater, opera, music, and dance*. Twentieth Century Fund.

<sup>10</sup> These observations were substantiated in our interviews. In addition, see:

Alloway, L. (1975, February). Museums and unionization. *Artforum International*.  
<https://www.artforum.com/print/197502/museums-and-unionization-37308>  
Small, Z. (2022, February 21). U.S. museums see rise in unions even as labor movement slumps. *The New York Times*. <https://www.nytimes.com/2022/02/21/arts/design/museums-unions-labor.html>  
Guarino, M. (2021, November 4) 'We are in crisis mode': Museum workers are turning to unions over conditions they say are untenable. *The Washington Post*.  
[https://www.washingtonpost.com/entertainment/museums/museums-workers-unionizing/2021/11/03/d4655ee8-2863-11ec-9de8-156fed3e81bf\\_story.html](https://www.washingtonpost.com/entertainment/museums/museums-workers-unionizing/2021/11/03/d4655ee8-2863-11ec-9de8-156fed3e81bf_story.html)

Similar dynamics are seen at play in the publishing industry in major metropolitan areas as well. A story in the *New York Times* on the publishing industry could have easily been about museums in New York City. In that piece, it was reported publishers are facing labor opposition from within their own ranks and individuals working in the publishing industry have been restless and angry over the topics of wages and diversity in a business (in this case publishing) that has historically paid low wages to editors, publicists and marketing staff while requiring them to live in expensive cities. The times goes on to report that a younger generation of employees is challenging the industries longstanding assumption that newcomers are willing to work long hours for lower wages. Employees have begun demanding executives recruit more diverse work forces. "A unionized group of HarperCollins employees went on strike in November, arguing that the minimum starting salary should be raised to \$50,000 from \$45,000" See Bosman, J. (2022, December 19). Publishing under pressure. *The New York Times*. <https://www.nytimes.com/2022/12/19/briefing/book-bans.html>

For another comparison concerning causes and consequences of unionization in higher education see Julius, D. J., & DiGiovanni, N. (2019). A historical and contemporary retrospective on collective bargaining in higher education. *Academic Labor: Research and Artistry*, 3.

<sup>11</sup> Labor historians have chronicled the conflict between unions and, of course, between employers and unions, for nearly 150 years. A few of the seminal books on these topics include:

Ely, R. T. (1886). *The labor movement in America*. T. Y. Crowell and Co.  
Clark, M. R., & Simon, S. F. (1938). *The labor movement in America*. W. W. Norton & Company.  
Bernstein, I. (1970). *The turbulent years*. Houghton Mifflin.  
Haynes, J., & Kotz, N. (1972). *The unions: A national report by the Washington Post*. Penguin Books.  
Leab, D. J. (Ed.). (1985). *The labor history reader*. University of Illinois Press.  
Fraser, S. (1991). *Labor will rule: Sidney Hillman and the rise of American labor*. Cornell University Press.

See also McCartin, J. A., Corrigan, K., & Luff, J. (2014). *Bargaining for the future: Rethinking labor's recent past and planning strategically for its future*. Kalmanovich Institute for Labor and the Working Poor, Georgetown University. <https://lwp.georgetown.edu/wp-content/uploads/sites/319/uploads/Bargaining-for-the-Future.pdf>

Literature on these topics can be accessed through the International Labor Organization:

<https://www.ilo.org/global/topics/collective-bargaining-labour-relations/lang--en/index.htm> and the AFL-CIO website. <https://aflcio.org/what-unions-do/empower-workers/collective-bargaining>. The websites of major unions presently organizing museums workers contain interesting information on ideology and tactics. About Bargaining for the Common Good, the BCG website contains a great deal of information on such issues and concerns.

<https://www.bargainingforthecommongood.org/wp-content/uploads/2019/06/Common-Good-Demands-Memo.pdf>

<sup>12</sup> Many would agree labor unions have historically advanced social justice. From their inception, the earliest attempts in the United States to merge social justice and assertion of worker rights dates to eighteenth-century New England and the mid-Atlantic region. Industries devoted to rope and barrel making, the construction of canvass sales for ocean-going sailing vessels, and a new textile industry, provide early examples of how these concepts shaped conflicts over the rights of respective parties and the boundaries of jurisdictional territories between communities, laborers, and owners. Well into the twentieth century, powerful elites, the courts, and federal legislation defended owners in these conflicts, not workers. Early in the American labor movement we find a growing divide between those who advocated social reform and workplace democracy versus “business unionism,” or what many nineteenth- and twentieth-century labor leaders referred to as “bread and butter” unionism. These differences in orientations and approaches are evident today.

A practical form of collective bargaining has transcended (with a few exceptions) more ideological approaches. This has not been the case in Europe, Latin America, or South Africa. In the United States, “ideology” has been less a factor and, in most jurisdictions, securing higher wages and better working conditions continues to drive bargaining. The old collective bargaining quip, “let’s rise above principle and settle this contract,” infuses labor management dynamics to this day. However, through the years labor unions have successfully addressed important societal issues such as child labor, the length of a working day, living wages, health and welfare, the environmental safety of workers, medical and related benefits, privacy, and other concerns (economic prosperity, upward mobility of workers, workplace democracy) that many Americans take for granted. Gains at the bargaining table came at great personal costs to individuals and communities.

<sup>13</sup> This information was gathered through our research and through discussions with various practitioners and experts. See also Julius, D. J. (2019). Social justice and collective bargaining in higher education. In A. Kezar & J. Posselt (Eds.), *Higher education administration for social justice and equity*. Routledge.

On labor negotiations consult Lewicki, R., Barry, B., & Saunders, D. (2020). *Negotiation* (8th ed.). McGraw-Hill Education.

<sup>14</sup> Information on the Kaiser Permanente labor strife and recent strike can be found at:

Kaiser Permanente. (2022, October 18). *Tentative agreement reached with NUHW to end strike*. <https://about.kaiserpermanente.org/who-we-are/labor-relations/tentative-agreement-reached-with-nuhw-to-end-strike>

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## **APPENDIX I. ADDITIONAL INFORMATION ON YALE MUSEUM STUDY**

### *Scope of the Yale Museum Study*

This research will examine factors that inhibit or promote effective management in U. S. Museums, particularly in response to the challenges imposed in the current pandemic. Museums are of particular interest by virtue of the acute cross-pressures they face to be financially viable on the one hand, while maintaining esthetic quality and cultural relevance and, in this manner, provide a public benefit to society. The study will be conducted through Yale University's School of Management and collection of data will involve structured interviews and, in some cases if permission is granted, surveys that seek information that would otherwise be public. The team conducting this study will be assisted by Jai Abrams, a Research Assistant at SOM. The team will maintain confidentiality and anonymity of all sources and will ensure to the fullest extent possible that everyone interviewed will have adequate privacy and confidentiality protections (including informed consent). The team will not be seeking any personal or confidential information, nor is it planned to attribute responses to specific individuals associated with any museum studied. Notes from interviews will be kept in a password protected file. The overall objective is to study leadership actions, effective and innovative management practices, and decision-making associated with both financial viability and esthetic quality as museums confront an increasingly digital world. The challenges which are the focus of this study are fundamental to maintaining museums as core organizations in the cultural and social infrastructure.

A representative sampling of small, medium, and large museums, as well as a comprehensive group, will be selected to examine how leadership strategies and actions adopted vary across different tiers of the sector. The research team will endeavor to interview key decision makers in the organizations studied. Answers will be sought to the following issues and challenges (NOTE: Specific questions that will be asked virtually are attached):

*What are the main internal and external challenges confronting leaders of museums? How are these organizations addressing such challenges and what concrete actions can be identified and assessed?*

*What decision-making strategies and actions are most effective at this time to address the challenges identified above? Are best practice indicators being developed and shared?*

*In what manner or to what extent do "artistic" orientations of museum curators associated with educational programs and exhibits conflict with the "business and corporate" orientations of individuals who also play a role in managing such institutions? How are those tensions managed? Are any leadership strategies more effective than others in encouraging people to identify with financial and covid related realities when particular "orientations" may reject corporate/financial practices?*

*How are museums encouraging attendance and maintenance of membership currently? What has been the impact of virtual viewing?*

*How have labor unions responded to changing organizational environments and are there particular administrative or leadership strategies that may be more effective than others in addressing union responses?*

*What are the major philanthropic/funding challenges faced by museums considering the pandemic and what actions are being taken to address these issues?*

### *Methodology*

Leaders from a representative sample of museums in the United States (small, medium, and large organizations, as defined by revenues, income, employees, members, programs, and related variables) will be interviewed virtually using a structured set of interview questions set forth below. A content analysis approach will be employed to assess responses. Archival and other published material will be reviewed. If feasible, the team will code qualitative interview responses into quantifiable metrics and seek to relate variation in responses to a set of demographic and institutional variables, most of which will be available online or through organizational analysis, review of annual reports, interviews, and the like.

### Questions which will be asked virtually of participants:

1. What are the primary internal and external leadership and management challenges confronting museums currently? How are you addressing such challenges; what concrete actions can be identified? For example, in the areas of philanthropy, fundraising, membership, viewers, digitalization of exhibits, technology, management of employees, etc.?
2. Are best practice indicators being developed and shared?
3. Do you believe museums are structured in ways which permit effective responses to the current environment? By structured we are referring to a decision-making hierarchy, who makes decisions and how decisions are made. Another way to pose the question is, do you believe people in your organization have the requisite authority to make decisions which address pressing issues confronting the organization at this time?
4. What criteria do you and the leadership team use in the assessment of effective management strategies and actions associated with the challenges discussed in previous questions?

5. How do CEO's/Presidents/Directors in your experience effectively embrace and utilize business processes and logic in organizations where many internal and external constituencies have a fine arts orientation? In other words, how do you encourage people to accept the realities of the marketplace and what are the major roadblocks in doing so?
6. How have major donors (or trustees, or board) reacted during this time of transition? What are the major challenges vis a vis donor, board, or Trustee involvement?
7. Do "artistic" orientations of museum curators associated with educational programs and exhibits conflict with the "business and corporate" orientations of individuals who also play a role in managing institutions? How are those tensions managed? Are there any leadership strategies more effective than others in encouraging people to identify with financial and covid related realities when particular "orientations" may reject corporate/financial practices?
8. How are museums encouraging attendance and maintenance of membership currently? What has been the impact of virtual viewing?
9. How have you responded to challenges posed by labor unions representing museum employees? How have labor unions responded to changing organizational environments and are there particular administrative or leadership strategies that may be more effective than others in addressing union related matters?
10. Are there any issues that you feel we have missed in these questions that should be addressed? What didn't we ask you about that is important to understand your role or the challenges facing your organization?