

Some Thoughts on “Hong Kong Artist Union”

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The subject of artistic labor in Hong Kong has been receiving much attention from a good many arts practitioners and scholars in recent years. On the one hand, academic research on the conditions of cultural and creative labor is becoming more established; on the other hand, a lot of art practitioners begin to consciously publicize their individual labor experiences and even take further actions to develop a sense of collectiveness amongst themselves so as to look straight into the issue of artistic labor. Whilst the three basic labor rights, namely the rights to unionize, to bargain and to dispute,¹ are embodied in the formation of collectiveness, organizing trade unions is precisely one way to achieve this end. In 2016, a group of local artists gathered to propose and prepare for the founding of “Hong Kong Artist Union,” which provided us with the opportunity to reflect on the actual working conditions and identities of local artists. Originating in Britain during the Industrial Revolution in the 18th century, trade unions were considered illegal then and it was not until the mid-19th century that they started to gain legal status in different parts of the world. Now, back in Hong Kong in 2016, “Hong Kong Artist Union” was founded via the online advocacy of a group of artists. Having spread across different times, races and professions, the history of trade unions no doubt demonstrates the complexity of the development of the political economy of labor, and proves that as times goes on and the form of labor evolves, the ideas and tactics revolving around the fight for labor rights also keep on changing. Through tracing the establishment of “Hong Kong Artist Union” and drawing on the subsequent discussions, this essay will examine a few issues in relation to artistic labor, Such as namely

1 The right to unionize means that “workers have the freedom and right to form organizations and unions;” the right to bargain means that “workers have the right to negotiate, decide on or change their remuneration packages with their employers;” the right to dispute means that “workers have the right to protest against their employers through public and collective actions.” See Chang (2015): 322.

the individual enterprise model for artistic laborers, the individuality and collectivity of artistic labor, and the connection amongst laborers in artistic work.^{2,3}

Art as labor

The earliest academic research on artistic labor could be found in the study of neo-classical economics in the 60-70s,⁴ where the individuality of artistic labor (i.e. those qualities which could not be easily replaced by technology and machines) was the research focus for a number of economists back then, and thereupon the cost of artistic production was discussed. Nonetheless, as the discourse on cultural and creative industries became more prevalent after the 00s, the discussion about artistic labor has been gradually incorporated into the discourse on creative labor. A lot of the research then focused on the definition and essence of creative labor and relevant policy issues.⁵ Kate MacNeil (2009) summarizes the aforementioned development of theories and proposes that the existing creative industries policy framework has focused too much on artistic activity as a means by which intellectual property is produced. Artistic ideas are thus reduced to mere economic values and material considerations. The individual experiences, difficulties and interactions found within artistic labor are also often ignored.⁶

In recent years, the attention given to artistic labor has not only become a research subject in the academia, but also exemplified itself in the founding of various labor organizations and actions taken. For instance, in Asia, “Art Creator” was formed by Taiwanese art practitioners Tang Huang-chen, Kao Jun-honn and the others as early as in 2011. Aiming to “truly make artmaking a profession,” the Union sets out the specific benefits and rights enjoyed by its members, which include “labor insurance coverage such as the rights to apply for occupational injury compensation,” “assistance provided by the Union’s legal counsel,” “assistance in drafting template of work contracts in a certain creative field,” “assistance in formulating insurance plans specifically for creating and performing” and “enjoying group insurance at discounted prices,” etc. In the United Kingdom, aware of how fellow art and cultural practitioners in specific disciplines had respectively set up independent unions such as “Equity” for performing arts, “Musicians Union,” and “Broadcasting, Entertainment, Communications and Theatre Union” (BECTU), etc., a group of artists had been advocating the establishment of a trade union that could include all practitioners in the creative field since 2013. After much deliberation and effort

2 Some of the arguments covered in this essay first appeared in my other article “The Necessity of Justice in Creative Labor.”

3 I would like to thank two anonymous reviewers for their constructive and valuable comments on this essay. Some of the points, which have inspired my further research, are not covered here and I shall write about those separately.

4 See Baumol & Bowen (1966); Throsby & Whitters (1979).

5 See Cunningham (2002) and Pratt (2005).

6 See MacNeill (2009).

in promoting the matter, they were finally recognized by the government in late June in 2016 and founded “Artists’ Union England,” a legal labor organization that aims to combine the forces of all art practitioners and enhance their working conditions so that they are no longer exploited or required to undertake uncompensated creative work. The union representatives would also bargain with employers for more reasonable remunerations. It is in the context of aforementioned theoretical development and self-reflection of artists that the discussion on the local condition as well as labors’ rights and interests of art practitioners takes root.

From sharing their experiences to propounding all sorts of theories, local cultural critics, scholars and art practitioners have been discoursing on the issue of artistic labor via various traditional media and online platforms.⁷ In 2011, “Woofer Ten,” a local community art organization, invited Tang Huang-chen, founder of “Art Creator,” to come to Hong Kong and give a talk on how she as an art practitioner organized a trade union in Taiwan and intervened in society. The relationship between the production of contemporary art and division of labor was also discussed. While Shieh Ka-ho Wilson painted *How to Explain (to Parents) that Making Art Does Not Necessarily Turn You a Beggar*, Ching Chin-wai Luke made reference to *Ming Pao Staff Association’s Charter* and proposed the *Art Charter*, to encouraging art practitioners to protect their own basic rights by making deals with their collaborating organizations and holding firm against unfair and exploitative practices. There is no doubt that these local artists express their pressing concern about artistic labor through their artworks and practical suggestions.

On the other hand, following the emergence of different online platforms concerning cultural and artistic labor (like the Facebook page “Artists Need to Survive” which promotes treating art-related work as a profession), local artist Wong Ka-ying also initiated on Facebook the founding of “Hong Kong Artist Union” in August 2016 and called on fellow art practitioners to fill in an online form to join the union. The initiative was very well-received: more than 100 art practitioners, mostly young ones, responded on the first day the form was published. Even though no constitution was available yet and the structure of the organization remained unknown, “Hong Kong Artist Union” had already recruited over 200 members, its membership fee being \$10, at the very beginning. Participants subsequently had a heated discussion at the first preparatory meeting of the Union held at art space “100-ft. PARK.” Apart from the repeated expression of their views on the significance and purposes of the Union, they also touched upon an important conceptual and operational matter: how to identify eligible members?

Who can be/are the members of an artist union?

Naturally, every organization has its own membership scheme. Nonetheless, if an artist union aspires to a sense of collectiveness amongst local art practitioners (some even suggest including art support

7 See Ho (2016).

personnel in addition to artists), the eligibility for its membership has to be more accommodating in the first place. Then, we would ask: is every artist eligible to be a member of an artist union?

Should the answer be a “yes,” we will face another question about the definition of “artist,” which is at once conceptual and operational. However, in the context of setting up a trade union, the answer to this question cannot be ambiguous at all, or else it would cause much controversy over the eligibility for membership in the future. First, it is rather difficult to define an artist simply by art activities, as this might invite bigger and more philosophical questions about the definition and values of the arts. Perhaps a more pragmatic approach is to borrow a sociological categorization of artists. Here, an argument made by the British scholar Mark Banks (2017) is particularly worthy of attention.

Banks has been working on issues related to the cultural and creative industries as well as artistic labor for years. One of his early works, *The Politics of Cultural Work* (2007), is now a prominent introductory book on the study of cultural and creative labor. As a follow-up book, *Creative Justice: Cultural Industries, Work and Inequality* (2017a) offers an even more in-depth analysis of the core ideas and imagination in relation to artistic labor. Banks criticized that the prevailing system gives too much weight to the outcome of artistic labor (i.e. the artwork per se) and its external market value, as if paying the market price already means acknowledging all the labors performed by the artist, an argument which brings us back to the root of injustice of artistic labor. Drawing on music (like jazz) and other media work to set forth his arguments, Banks explores issues regarding artists and the values of artwork and proposes that “doing justice to cultural work means respecting the ‘internal’ goods and qualities of work as an ethical practice.”⁸ Considering that the societal disregard for the intrinsic values of artists and their works is the source of injustice of artistic labor, Banks believes justice is based on attention to the “practice” of art practitioners, which is a more identifiable form of artistic labor. In other words, rather than relying on the artistic output to determine one’s eligibility for membership, it would be more appropriate to use “artistic practice” as a criterion. In this way, not only is the process of artistic labor rightfully emphasized, but there is also an operational advantage: “an artist who practices” is bound to connect with various art organizations ranging from art museums, private galleries to alternative art spaces and art education associations. Individual artists (whether a professional or a non-professional one) can thus attain a kind of collectiveness that is close to the essence of trade unions through all these connections. The concept of “artistic practice” not only echoes what MacNeill (2009) proposes about focusing back on the particularity of “artistic labor,” i.e. the process of artistic labor per se, instead of the economic

8 See Banks (2017b): 3.

importance of the artistic “output,”⁹ but it also helps define “the professional (or canonical) artist” and “the maverick” as categorized by the American sociologist Howard Becker.¹⁰

Before further discussing the individual and collective interactions amongst art practitioners, it is essential for us to reflect on the nature of artistic labor as prompted by “Hong Kong Artist Union.” The actual labor performed by art practitioners is no doubt very diverse: they have to take care of everything from creation, liaison, promotion, copy-writing, making applications to handling a myriad of corresponding tasks. Besides, art practitioners are usually in the center of all the laboring work, bridging between different organizations and resource suppliers. Subsequently, there can hardly be any single or even multi-lateral employer-employee relationship within the structure of artistic labor. When it comes to artmaking, the relationships between art practitioners and associated organizations are, in fact, more collaborative in nature, which is also why art practitioners are deemed by some as cultural entrepreneurs.

Drawing on her own experience, illustrator Lisa Congdon wrote a manual titled *Art, Inc.: The Essential Guide for Building Your Career as an Artist* (2014) for fellow art practitioners, revealing her ways of writing artist statements, diversifying income, pricing works of art, seeking gallery representation, hiring assistants and acquiring agents, etc., supplemented with experiences in respective areas shared by other artists. By writing this book, Congdon intends to remind us that one should not view artistic labor in traditional form of labor; rather, the condition and rights of labor should be discussed in a way similar to how one talks about commercial companies. Consequently, the connection amongst artistic laborers is also different from the one found in traditional trade unions, taking a form more close to chambers of commerce. In fact, such practical wisdom has developed into academic and theoretical discussions. One of the more comprehensive analysis is done by Andrea Ellmeier, who quotes Heinz Bude’s argument and states that Europe and the United States have already moved away from the Keynesian welfare state model and evolved into Schumpeterian states. A new type of employer and/or employee, namely the “entrepreneurial individual,” emerged during such transformation. This individual does not need to (and cannot) work in accordance with the existing guidelines and frameworks; instead, he/she has to attend to a combination of tasks and directly put himself/herself out there in the market and society. In this way, it is apparent that creative workers have become a new workforce, who are generally “young, multiskilled, flexible, psychologically resilient, independent, single and unattached to a particular location.” Ellmeier further points out that the prevailing market strategies and cultural policy

9 See MacNeill (2009).

10 In his book *Art Worlds*, American sociologist Howard Becker divides artists into four categories to acknowledge the importance of artistic work (instead of the notion of “art geniuses”) and to facilitate relevant discussion: (i) “the professional (or canonical) artist” who understands and complies with the contemporary conventions of art; (ii) “the maverick” who at times desires to break the rules; (iii) “the folk artist” who is more of a community member and does not live by artistic conventions, and (iv) “the naive artist.”

concepts fail to keep up with these new realities of work and labor.¹¹ Therefore, I opine that it is crucial to imagine the trade union in a way that fits the new entrepreneurial individuals.

Individualism: not necessarily the opposite of collectivism

In *Conversation with Hong Kong Art: 1980-2014* records arts publisher Fan Wan-jen Anthea's view on the lack of artist union or association in Hong Kong:

Artists in Hong Kong cannot unite and form a single artist union or association simply because individual interests are likely to conflict with those of groups. Their more reclusive personality is probably also one of the factors: even though to resist is seemingly an act of justice, the artists, having neither the confidence nor determination to look after the overall interests for everyone, are more restrained by their own thoughts.¹²

My purpose of quoting Fan is not to comment on whether or not her perspective is pessimistic or timely, but to highlight the binary relation between the essence of artistic labor and the structure of a trade union, i.e. individuality as opposed to collectivity, as pointed out by Fan. Nevertheless, is the individuality of artists and the collectivity of an artist union necessarily a binary opposition?

Jim McGuigan, a distinguished scholar of cultural policy and research, notes from a research on the definition and scope of “creativity” as well as the difference between “creative labor” and “cultural work” that the so-called “individualistic” image of creative labor is actually an imagination put in historical context. In fact, McGuigan believes that creative labor, on the one hand, is not against individualization, and on the other hand, does not reject collective production either. Although creative labor nowadays is generally considered an individual matter, the concept of creative labor as individual creativity is actually the enduring legacy of Romantic Aesthetics of the early 19th century.¹³ Even though McGuigan's research does not solely focus on art-related work, his arguments do help us understand more about the present-day conditions of creative labor. As mentioned in his journal article, the fact that art practitioners are situated in an “art world” is not anything new, for the “art world” has always been composed of the interconnections amongst art practitioners; what is intriguing now is that this “art world” is becoming increasingly intricate and connected to the “network society.”¹³ As a result, the individuality and collectivity of artists are not opposed but complementary

11 See Ellmeier (2003).

12 See Lai & Man (2015): 385.

13 See McGuigan (2010).

to each other. McGuigan also reminds us that “the process of individualization – which is not the same as old-fashioned individualism – under neoliberal conditions has undermined collective protection and representation there as well; and not because of some lingering Romanticism.”¹⁵

As for the conditions in Hong Kong, in an interview, Wong Ka-ying mentioned that the idea of setting up an artist union emerged when Li Tin-lun’s work had been reportedly censored by the University Museum and Art Gallery of The University of Hong Kong, and *Countdown Machine*, co-created by Sampson Wong and Lam Chi-fai and displayed on the facade of the International Commerce Centre, had been abruptly removed. According to Wong, although these incidents caught the attention of the art scene then, there was not any organization that could issue statements on behalf of the artists concerned, and take follow-up actions: “I felt that rather than just isolating themselves, artists should build up a community and collaborate with one another. The Union hopes to facilitate the exchange of information amongst artists. For instance, when some galleries try to exploit artists, we can remind each other and unite to fight back.”¹⁶ In other words, the sense of helplessness felt by individual art practitioners becomes the main reason behind their coming together as a collective: “A union protects artists better. For example, the union could participate in a negotiation on behalf of individual artists. Fresh art graduates could also seek assistance from the union when making agreements with collaborating organizations to ensure reasonable terms and conditions.”¹⁷ Such collective imagination, nonetheless, concerns another question: is there any hierarchy or seniority within the so-called collectiveness of artists?

A lot of scholars consider that in order to fully comprehend the uniqueness of artistic labor, we have to take note that the collectiveness in which artistic and creative work is situated is different from the one in traditional industries.¹⁸ And I personally find that the notion of “creative ecology” developed by Murray and Gollwitzer (2012) should not be neglected here. Murray and Gollwitzer point out that the discourse on cultural and creative industries lays the stress on education and training, awards and competitions, industry support and the related measures, overlooking the laborers and the connection amongst themselves. Therefore, they proposed the notion of “creative ecology,” with a view to re-examining the remuneration packages received by cultural and creative workers through the lens of “collective strategies,” enhancing equality and social justice as well as promoting cultural participation and the democratization of art. More importantly, in such an imagination of the “creative ecology,”

14 See Castells (1996).

15 See McGuigan (2010): 328.

16 See Choi (2016).

17 “Stand Up, Artists! Wong Ka-ying: Lesser Figures, More in Need of a Union,” published on *Stand News*, August 12, 2016.

18 See “creative labor economy” as proposed by Bernard Miège (2001) and “the field of creative labor” as proposed by Scott Brook with reference to Pierre Bourdieu (2013).

individual art and cultural practitioners are no longer independent laborers and competitors; they become part of the ecology. If this ecology is to further develop robustly, the key is not to have total ownership over all the resources, but to share them in a flexible and balanced way. It takes the laborers' participation to seize this imagination.

It is reported that a majority of the applications for joining "Hong Kong Artist Union" so far came from young artists. Wong reckons that the more established art practitioners are in general holding back on the setting up of the Union: "The biggest issue is that the experienced and celebrated art practitioners do not care about the others and the influential ones are not willing to help their fellow practitioners." Regardless of whether this comment actually reflects the reality of the art community in Hong Kong, one characteristic of "Hong Kong Artist Union" is clearly shown: it is a budding roundtable organization without a chairman.

Wong believes that "Hong Kong Artist Union" intends to serve as the representative of artists and proactively campaign against unfair treatment of artists at work—a practice which is much more powerful than the old way when young artists individually protest or wait for those "established artists" to speak up for them. Therefore, to Wong, not only is the fact that "Hong Kong Artist Union" is mainly composed of young artists not a problem, but it is even an edge that unites. "It is exactly because one is not famous that he/she would be more in need of a union, like those young artists and fresh graduates. We all cannot just rely on ourselves." Such composition of the Union also brings about a more flexible way of organization: "The meetings are held with neither a chairman nor a main table but in the form of roundtable discussions. The Union Council should consist of both experienced and emerging art practitioners and no one would have absolute authority over the others."¹⁹ A chairman-less roundtable organization like this is undeniably capable of achieving fairness and flexibility; with that said, its ability to make decisions and execute tasks is yet to be proven.

The connection amongst laborers

At the first preparatory meeting of "Hong Kong Artist Union", Wong invited representatives from the Cleaning Workers Union as well as the Promoters and Casual Workers Union to share their experiences. "The dilemma faced by part-time and casual workers is pretty similar to that by artists—outsourcing, outsourcing on top of outsourcing, and lack of proper pay record, etc. These two Workers Unions have dealt with many unjust cases which we find worth sharing with fellow artists for their reference."²⁰

19 See Wong (2016).

20 Same as above.

I personally think that the sharing done by the Cleaning Workers Union as well as the Promoters and Casual Workers Union is important not only because it can serve as an example of artistic labor, but it also exemplifies the connection amongst laborers. As aforementioned, artistic labor has been moving towards the “individual enterprise” model. Although this form of labor supposedly could provide greater flexibility and freedom for the workers, the actual work is becoming more and more precarious in reality. Art practitioners have to “flexibly” engage in interdisciplinary tasks from creation, curation to administrative and housekeeping work, across various art disciplines, time zones and geographical locations, taking up what Stuart Cunningham called the “hybrid occupation” (2011). It should be noted that under the ever-growing influence of neo-liberalism, “self-employment” and “hybrid occupation” are no longer exclusive to artistic labor but have been gradually spreading to other job categories and classes in society.

In 2013, the British Broadcasting Corporation (BBC) published a new research on social stratification and it was found that people in the UK could be divided into seven social classes according to their wealth, cultural backgrounds and interests. At the bottom it was the “precarious proletariat,” which was then abbreviated as the “precariat.” Although the political economy and the social stratification in Hong Kong are different from those in the U.K., the emergence of the “precariat,” in particular the new form of exploitation and unfairness they had been going through, could still serve as a reference for us. For instance, in *A Precariat Charter: From Denizens to Citizens* (2014), Guy Standing lists out twenty-nine articles that could help achieve social justice for the precariat, amongst which the first article appeals for a “redefinition of work.”

Here, the “redefinition of work” points out that the traditional division of industries and job function is gradually breaking down. Boundaries between different types of labor are getting blurred and subsequently replaced by an emerging form of precariat labor which consists of elements such as “self-employment” and “hybrid occupation.” Artistic labor no doubt has its unique side; yet, the difficulties and unfairness embedded in it is actually the same as those encountered by the precariat. Or rather, many art practitioners are precariat themselves and the hardship thus becomes the common base upon which they could connect with each other and fight for justice. In October 2016, the New York City Council passed the *Freelance Isn't Free Act* to establish and enhance protections for freelance workers, specifically their right to a written contract and timely and full payment. It once again reminds us that what trade unions are facing in the future: labor is no longer categorized by job functions but the different modes of it, artistic labor inclusive. In this sense, it is essential for artistic labor and the precariat to unite, for the discussion on artistic labor is also the discussion on justice for an entire social class.

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