











This month's issue focusses on the increasingly precarious situation of art workers in the public sector, as highlighted by the recent class action brought against the National Gallery by twenty seven educators who worked within its education department. After being incorrectly described as 'freelancers' by the Gallery (many of them for decades), they have now won the right to be classified as 'workers' – meaning they are retrospectively entitled to benefits including holiday and maternity pay.

The details of the case (along with other employment practices within the National Gallery) indicate that big questions need to be raised about what is happening across public sector arts jobs – from the increasing privatisation and outsourcing of many roles within museums and galleries, to efforts to block unionisation and erode the wages and rights of those still directly employed by institutions. Of course, far from being a problem that is specific to art workers, these practices are part of a wider slide into an increasingly gig-based economy in public and private sector jobs across the board – and an acceleration of all the precarity that this implies. As Labour MP Stella Creasy has said, this case represents 'a test about whether our public services are behaving in an ethical fashion.'<sup>1</sup> Freelancers, workers and employees in positions everywhere urgently need new legislation to enforce workplace ethics and catch up with a dramatically altered landscape of employment.

In the public sector 'art world' in particular, a penchant for stylised rhetoric around labour, equality, and diversity seems to succeed in creating an ethical smoke screen that builds the expectation that fair employment practices are taking place behind it. More often than not, behind this 'artwashing' and the reflected institutional glamour of famous buildings and art works, high-profile acquisitions, big-budget (and expensively ticketed) shows, highly paid directors, and wealthy board members, workers are treated to much the same conditions as any other low-paid customer service job. The early career artists and art workers who so often fill front of house museum and gallery roles now are dealt the double insecurity of putting money into sustaining their practices with little to no return, while working jobs in which they are denied union support, work unreliable zero hours contracts, or have their jobs outsourced to private companies that seem to have a habit of going bust after cutting workers rights and benefits to the bone.<sup>2</sup>

In this issue, we've written a text digesting the details and ramifications of the National Gallery educators' tribunal within a wider context of precarious working in the 'art world'. This month's edition of *Artists Anonymised* focusses specifically on the experiences of an emerging artist who has worked in two public sector arts institutions to support themselves and their practice. We are also very grateful to Michelle Williams Gamaker and Tai Shani for allowing us to re-publish recent social media posts in which they bravely and generously do the work of opening up their

exhaustion with the conditions of being an artist – from the deep financial insecurity that persists even for an artist showing consistently at an institutional level and teaching regularly, to the demeaning and resource-depleting cycles involved in applying for funding. We have dispersed two Instagram posts from Williams Gamaker and one from Shani throughout this edition.

After disseminating their open call in the second issue of *GIRLFORUM Monthly*, we are also delighted to include installation views from the exhibition organised by Nous Professionnells at Zabriskie Point, an artist-run space in Geneva. Taking place between 16 November 2018 and 6 January 2019, the exhibition comprised anonymised letters, emails, and other texts documenting abusive, exploitative, or otherwise harmful working relationships which the group have been gathering via their ongoing open call. With submissions in English and French, they build a picture of the continual exploitation of artists and art workers across European art contexts and beyond.

Finally, thanks to Carey Young for allowing us to preface the text on the National Gallery judgment with an appendix featuring a series of stills from her 2017 film *Palais de Justice*. Having spent several days at Victory House in Holborn watching the tribunal take place, as well as attending a post-tribunal meeting hosted by MPs at Portcullis House, the texture of the law and the spaces, institutions, and people that design and uphold it has inevitably run through our experience of this case. The class-room like space in which the tribunal was held undoubtedly lacked the splendour of the Palais de Justice in Brussels with its architectural appeal to the sublime. Nonetheless, the form and weight of the law was still palpable. Young's film suggests an alternate narrative to the still-patriarchal form of the law and its practice, with its gaze centring on women judges and relegating men to appearances as porters and a constant, sonic presence as their voices carry further through the echoing corridors.

*Palais de Justice* is currently on view at Towner Art Gallery, Eastbourne until 2 June 2019

1 Emma Snaith, *National Gallery taken to employment tribunal in landmark case for public sector gig economy*, independent.co.uk, 26 November 2018

2 Recent collapses of private contractors include Shield, which provided security workers to the Imperial War Museum (2016), and Carillion, which provided the cleaning team at the British Museum. In 2015 The National Gallery outsourced 400 roles to private firm Securitas, de-recognising the PCS union in the process. Securitas also de-recognised PCS as a union at the Tate on taking over a visitor services contract in 2017. See museumsassociation.org

Carey Young

*Palais de Justice, 2017*



*Palais de Justice*, 2017.

Single-channel HD video (from 4K); 16:9, color, quadraphonic sound  
17 mins 58 secs.

© Carey Young. Courtesy Paula Cooper Gallery, New York





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## What the National Gallery tribunal and the Sackler funding issue say about who and what museums and galleries are for

Although a series of high-profile gig economy cases including Deliveroo and Uber have made headlines recently, the class action brought by National Gallery educators against the institution has been the first case to really put the spotlight on ‘bogus self-employment’ in the public sector. In March 2018, 27 art educators began official proceedings to take the public institution to court over their employment status after their removal in October 2017. The case has hinged around the definitions of what constitutes self-employment, workers, and employees according to UK and EU law, and the responsibilities accorded to employers and individuals within each of these classifications. There are clearly grey areas between these definitions, with recent private sector tribunals revealing that companies have been doing their best to avoid responsibility for their workforces by stretching the definition of self-employment beyond its legal limits. [Fig. 1]

The National Gallery tribunal has been a crucial test of the ethics (or lack thereof) with which public institutions are being run, raising the need to closely examine the employment practices in operation within art institutions and other public bodies going forward. The educators, known as the NG27, have been fighting to be retrospectively categorised as workers, if not employees. They were paid through company pay roll and taxed at source, had regular work, staff passes, and were required to attend training and appraisals – with many of them having worked at the Gallery on regular basis for decades. The ten-day hearing began on the 26 November 2018, with final submissions taking place on 18 December. The educators then faced a long wait until 27 February 2019, when Judge A M Snelson (significantly, the same judge who presided over the Uber case) finally released his decision that the team of art historians, artists and lecturers were, in fact, workers.

### Privatising the public sector

Before we go into the details of the case, it’s important to demonstrate that the NG27’s experience is part of a wider picture of privatisation and the erosion of workers’ rights within the institution. The National Gallery started in 1824, after the British Government purchased 38 paintings. Today, despite being a non-departmental government body, it is part of a climate of privatisation accelerated in and around 2015 when the Conservative-led Government introduced so-called ‘freedom protocols.’ A change in the law allowed galleries and museums to privatise large swathes of the work force and absolve themselves of responsibilities around various workers’ rights in the process.<sup>1</sup> Supposedly a necessary cost-cutting measure designed to take into account cuts to government funding under the ‘austerity’ measures first brought in by the coalition Government, the apparent enthusiasm with which this dogma has been put into practice displays, at best, a disturbing

#### Employee

An employee will work to the terms within a contract of employment, and will carry out the work personally. A contract exists when terms such as pay, annual leave and working hours are agreed. Although the contract doesn't have to be written down to be valid it is best to record the main terms and conditions of employment in writing.

Employees are entitled to a wide range of employment rights, including all those to which a worker is entitled.

Examples of employee rights include:

- written statement of employment
- itemised pay slip
- the National Minimum Wage
- holiday pay, maternity and paternity pay etc
- the right to request flexible working hours
- the right not to be discriminated against.

#### Worker

A worker will also work to the terms within a contract of employment and generally have to carry out the work personally. However some workers may have a limited right to send someone else to carry out the work, such as a sub-contractor.

Workers could include:

- casual work
- agency workers
- freelance work
- seasonal work
- **zero hours** work.

Workers are entitled to some employment rights including:

- the National Minimum Wage
- holiday pay
- protection against unlawful discrimination
- the right not to be treated less favourably if they work part-time.

#### Self employed

A **self-employed** person will run their own business and take responsibility for the success of the business. Self-employed people are more likely to be contracted to provide a service for a client. They will not be paid through PAYE and don't have the same employment rights and responsibilities as employees or workers. However, a self-employed person:

- still has protection for their health and safety on a client's premises
- in some cases will be protected against discrimination
- will have their rights and responsibilities set out in the terms of the contract with their client
- in general will not have right to holiday pay
- may in limited cases be self-employed for tax purposes but classed as a worker or an employee for employment rights.

Fig. 1 Source: [acas.org.uk/index.aspx?articleid=5071](https://acas.org.uk/index.aspx?articleid=5071)

1 Tracy Edwards, *Museums are too vital to be abandoned to the free market Tory dogma*, *theguardian.com*, June 2018



ambivalence among board members and managers about the actual and ideological implications of these changes.

2015 saw sustained strikes at the National Gallery against plans to privatise four hundred out of six hundred visitor services roles and the concurrent suspension of union rep Candy Udwin. In the run up to the strikes, ten senior managers left the Gallery, some of whom were made redundant or dismissed.<sup>2</sup> A shift in management staff and their approach to staffing the Gallery had clearly taken place, presumably having been implemented from the most senior of levels. Part way through the strikes, Gabriele Finaldi was brought in as the new director. He announced that he thought the privatisation was ‘working rather well’<sup>3</sup>, totally ignoring the cost of these measures felt by the staff themselves. Referring to the strikes in the *Guardian*, Polly Toynbee writes ‘[w]hat happens in hard times is always the same: spreadsheets show the most crushable item is staff. Numbers are cut and squeezed hard for longer hours. Vital breaks in a long day are eliminated. Changing into your uniform or taking your tea break has to happen on unpaid time. It’s easier to let ruthless companies do the dirty work so squeamish managers can wash their hands of the consequences.’<sup>4</sup> A member of staff involved in the strikes said at the time: ‘we are fighting a hit squad who have been brought in by the Government – three or four senior managers. It’s not really the Gallery, it’s this group of people who are determined to privatise whatever.’<sup>5</sup>

Looking at the information provided on the National Gallery website, it is apparent that this shift towards privatisation is reflected in the interests and ‘specialisms’ of current and recent members of its Board of Trustees. Many members of the Board specialise in strategy for big business (little surprise since they are appointed by the sitting Government). Lance Batchelor, for instance, who recently left the Board, has a CV that includes CEO and directorial positions at Tesco, Amazon, and Vodafone. Current member Dame Moya Green was Chief Executive officer of Royal Mail, where she was ‘responsible for management of the business and development of strategy’<sup>6</sup> from 2010 to 2018 and (tellingly) oversaw its privatisation. The Chair of the Board (since 2015) is Hannah Rothschild. While she has worked for the BBC and as a writer, she now sits on the Board of two private investment funds (and as an heir of a wealthy banking dynasty is perhaps not likely to have workers’ rights as a priority). It seems probable, therefore, that the Board overseeing these aggressive cost-cutting measures are instinctively acting out policies brought with them from private sector backgrounds that encourage profit seeking at all costs. It makes sense that this includes the replication of questionable employment practices as cost-cutting measures in the public sector. From management to the Board, efforts to cut costs via privatisation and the erosion of workers’ rights and benefits appears to have become accepted as the default mode of operating.

## The case against the National Gallery

Against this wider backdrop of aggressively impersonal management of staff, witnessing these mechanisms in action over the course of the tribunal was eye-opening. We attended the tribunal on three separate days, including questioning of both the claimants and the respondents and the final submissions. Dr. Susan Foister, the Deputy Director of the Gallery, Natasha Halford, Head of Gallery-Hosted Events, and Rosemary Loft, Head of HR, appeared as witnesses for the Gallery. Within the testimony on the Gallery’s behalf, we saw a tendency to continually deflect blame and deny knowledge of working practices ‘on the ground’, as well as what felt like a total lack care and respect for their former colleagues. Neither the Director or any members of the Board of Trustees made an appearance. A sense of the Gallery attempting to operate as a faceless business with a commitment to ‘efficiency’ at all costs was tangible.

The case put forward by the barrister for the NG27 hinged around a disparity between some of the several different contracts issued to the educators over the years, which stated that the educators were ‘self-employed’, and the actual working practices carried out at the Gallery. The Gallery clearly benefited from the hard work and conscientiousness of the educators. They went far beyond the roles that self-employed individuals should be expected to fill, working cohesively as a team to ensure the smooth running of the education department. There seems to have been a slow but steady shift, accelerated in recent years, that saw the educators go from respected and trusted members of the Gallery team (where a mutual understanding originally meant that contracts were a formality rather than a full reflection of their positions) to a situation where contracts were increasingly used to undermine them by constructing a false picture of their relationship to the Gallery.

Outside the National Gallery, employment arrangements that don’t match up to the reality of working practices appear to be increasingly common as the gig-economy threatens to become the dominant mode of working, but employment law fails to keep pace.<sup>7</sup> In the Uber case, the High Court Judges deciding on the appeal stated that there was ‘a high degree of fiction’ in the stand-

2 *No Privatisation at the National Gallery* (petition) [you.38degrees.org.uk/petitions/no-privatisation-at-national-gallery](https://you.38degrees.org.uk/petitions/no-privatisation-at-national-gallery)

3 Tracy Edwards, *Museums are too vital to be abandoned to the free market Tory dogma*, *theguardian.com*, June 2018

4 Polly Toynbee, *Inside the National Gallery, a portrait of modern inequality*, *theguardian.com*, January 2015

5 Damian Gayle, *National Gallery Staff Strike shuts down most exhibitions*, *theguardian.com*, August 2015

6 National Gallery Board of Trustees [nationalgallery.org](https://nationalgallery.org)

7 This report from the Citizen’s advice bureau makes useful reading for anyone unsure about their work status and the rights they might be precluded from by being falsely classified. [citizensadvice.org.uk](https://citizensadvice.org.uk)

ard agreement between Uber and its drivers, who have also now been granted the status of ‘workers’. Similarly, we have seen through friends and colleagues that many jobs in the arts presume self-employment on the basis of working hours and days not being fixed and their jobs being part-time positions. Neither of these things, however, determine employment status on their own. This leads to a situation where many art workers who should be classified as ‘workers’ are missing out on employment benefits that would offer some much-needed security in a precarious landscape – including holiday pay, sick pay and maternity pay. The presumption that the ‘flexibility’ of self-employment has to be sacrificed for the most basic security is often falsely played upon and fetishised as the ideal way of operating, especially for the vast majority of artists who have to balance their practices with jobs to cover their living costs, as well as those associated with their practices. While acting as a self-employed ‘sole trader’ can be the best way of operating for many, it appears that the illusion of freedom and flexibility is being used as an excuse to rely on outdated employment definitions and contracts that ultimately favour employers, institutions and big business over individuals. In a meeting with the NG27 just before the beginning of the tribunal, Labour MP Justin Madders suggested that there should be a push towards ‘a presumption of employment’, rather than the other way around.<sup>8</sup> Crucially, this would move the onus of proving employment status onto employers rather than individuals.

In this particular case, the Judge’s final decision that the National Gallery educators were ‘workers’ rather than ‘freelancers’ rested on the extent to which they were integrated into the Gallery and its operations. This integration is clearly demonstrated in that management laid out expectations for them as representatives of the Gallery and supplied the materials and facilities needed to carry out their work. The Gallery also retained intellectual property rights over their work and any tips given to the educators by the public. According to the judgment, all these terms are ‘eloquent of the inequality in bargaining power between the parties’, leading the Judge to conclude: ‘I consider it plain and obvious that it is unreal to describe the dealings between the parties as transactions in which the Gallery stood as the “client or customer of any business undertaking” carried on by any of the lead Claimants. [...] In short, the Claimants worked ‘for’ the Gallery as members of its team of educators.’<sup>9</sup>

## Defending the indefensible

As a whole, the case raises the important ethical question of why a public institution used public money to fight its own workers rather than recognising its own shortcomings and mediating with them. Since the outcome of the tribunal, the Gallery has repeatedly indicated it would

have been open to negotiation, but the case put forward by the NG27 suggests that this was demonstrably untrue and they maintained a ‘non-negotiable’ position.<sup>10</sup> This comes across as a seriously misguided attempt to appear fair and reasonable in the wake of an unfavourable decision. In a letter to Jeremy Wright, Minister for the Department for Culture, Media and Sport, Shadow Secretary of state for the DCMS Kevin Brennan said that ‘not a penny of taxpayers money should be spent on defending this [the case against the Gallery].’ At a meeting in support of the NG27 before the start of the tribunal, Justin Madders also suggested that government funding should be conditional on ethical employment practices – a welcome and progressive policy that is sadly unlikely to be taken up by the sitting Government that opened the door to privatising our public arts institutions in the first place. Speaking about the situation of the workers outsourced by the British Museum to the private company Carillion (which then collapsed) Candy Udwin explains that this case ‘[...] shows everything that is wrong with privatisation. Shareholders get rich, tax payers have to bail them out and workers are left paying the price. It is a scandal that a public institution like the British Museum allows their staff to be treated in this way, and that they choose to employ a company that refuses to recognise trade unions. We are continuing to fight for our rights here at the British Museum, but also for an end to this system of privatisation that puts our public services and those who work in them at risk in this way.’<sup>11</sup> Privatisation has proved to be a costly strategy to both the public purse and the privatised workers themselves.

In the year to 31 March 2018, the National Gallery received £24.1 million pounds from the Government<sup>12</sup>, supplemented by ticket sales (now often prohibitively priced at £20 + per person), and donations from wealthy benefactors. Meanwhile, the NG27 were forced to raise their £90,000 legal costs through crowdfunding, and are still short of their total at the time of writing.<sup>13</sup> The necessity of crowdfunding the case indicates the lack of structure in place for fighting for workers’ rights. CrowdJustice, the platform used by the educators to raise the funds for the case, was set up in 2015 (coinciding with drastic cuts to legal aid in the UK) in response to a landscape in which many individuals and groups are precluded from accessing the legal system because they do not have the funds

8 Jonathan Knott, *Shadow minister: arts funding ‘should be conditional on ethical employment’*, artsprofessional.co.uk, 29 November 2019

9 You can read the full judgment here: assets.publishing.service.gov.uk

10 Chris Sharratt, *Employment tribunal rules that National Gallery educators were not freelancers*, a-n.co.uk, 4 March 2019

11 *Protest to Support Ex-Carillion staff at British Museum*, uniteresist.org, 31 May 2018

12 nationalgallery.org.uk/about-us/organisation/finance

13 You can donate here: crowdjustice.com

or connections to do so. Frustratingly, the unions which some individual members of the 27 belonged to did not assist with the case, since not all of them were signed up. Instead, individual acts of kindness had to be relied upon to be able to take on a government funded institution. Over 1,500 people have donated to the NG27 so far and the complainants themselves have taken on much of the work towards the case, where possible, to try and cut their costs. At a meeting with MPs we attended at Portcullis House after the verdict was announced, members of the NG27 expressed concern for other groups who have been less able to organise, including the ex-Carillion staff at the British Museum. The process of fighting a legal battle on this scale is emotionally exhausting and inaccessible to many due to financial precarity, lack of time, and lack of connections.

### Education cuts and cultural elitism

Throughout this process, the National Gallery has insisted that this case is a move away from the gig-economy, rather than towards it.<sup>14</sup> However, when viewed in the context of the shift towards privatisation and the unhealthy obsession with margins and squeezing figures, this statement appears wilfully misleading. Taking into consideration the fact that the newly employed educators who replaced the NG27 are earning substantially less (even when taking into account the now included employment benefits) it seems clear it is yet another cost-cutting exercise with little thought given to the profound impact on the Gallery's education department and its visitors. The Gallery opted to replace its workforce of forty-four freelancers with fourteen staff on permanent contracts and ten on 'casual worker' contracts with no guarantee of work.<sup>15</sup> This shrinking of the workforce and the reduction in pay has been accompanied by a rhetoric of increased digitisation in the strategies of the Gallery, in which gallery-goers perform the labour of educating themselves via apps and other digital platforms. Alongside this, they have put out a call for an 'Innovation Lab Manager' to join their digital services team. According to the Gallery's Twitter feed, the new role is responsible for creating 'new approaches to the display and consumption of art'<sup>16</sup> – a telling use of language that turns visitors into consumers of art rather than people looking to learn from the collection. The expectation that the hard work and expertise of a team of educators with decades of experience can be even partly substituted with apps and digital learning is deeply cynical.

At the meeting at Portcullis House, the NG27 raised serious concerns about the reduction in the scope and ambition of the education department. In particular, they worried about the severe reduction of opportunities for school children otherwise unlikely to visit the Gallery to learn through the collection with a team of experts in both art and education. With ever-deeper cuts to arts edu-

cation across state schools and the constant message from the Government that the arts are not worthy of study, access to free sessions at the Gallery had been a rare example of an increasingly scarce resource. School groups are now often given hand outs for 'self guided tours', and there is concern that the more costly but most needed outreach and special needs programmes are being dropped. In their concern about the cultural elitism enacted by eliminating those who provide access to gallery education, it is clear that the NG27 still feel a real attachment to and investment in the success of the education department at the National Gallery. It has never been about *their* jobs, but about what their loss represents.

Following the result of the tribunal, a cross party group of Labour and Lib Dem MPs who have been following the case are now working to highlight the urgent need for updated employment law and serious discussion about the accountability of public institutions as employers. Throughout this case, it has been heartening to see the collective approach taken by all 27 of the educators, a commitment which has ultimately given the case its strength. The class action attracted publicity and reinforced each of the individual cases, while the educators individually took on the weight of different roles in forming and publicising the case to form a cohesive and effective whole.

### The public sector, private funding, and moral bankruptcy

It is also gratifying that a crucial legal decision holding an institution to account has roughly coincided with another collective victory gathering pace in the 'art world.' In recent weeks, the efforts of Nan Goldin and P.A.I.N. to prevent galleries and museums accepting further funding from the branches of the Sackler family implicated in the American Opioid crisis have come to fruition<sup>17</sup>. Through P.A.I.N.'s diligent work and Goldin's skilful wielding of her cultural capital, museums and galleries have finally begun to recognise that it is morally unsustainable (or at least detrimental to their reputations) to continue accepting funding from a source bolstered by proceeds from the mis-selling of a highly addictive drug. In March, Goldin's threat to withdraw from

14 Chris Sharratt, *Employment tribunal rules that National Gallery educators were not freelancers*, a-n.co.uk, 4 March 2019

15 It appears that the National Gallery was looking to court younger workers for the new positions, seemingly targeting a particular demographic via Instagram adverts that reached our own Instagram timelines. Inevitably, recent graduates in an increasingly fraught jobs market are prepared to accept less pay, making them a cheaper and therefore appealing resource.

16 [twitter.com/NationalGallery/status/1074351703124860928](https://twitter.com/NationalGallery/status/1074351703124860928)

17 P.A.I.N. stands for Prescription Addiction Intervention Now: [sacklerpain.org](http://sacklerpain.org)



a forthcoming solo exhibition at the National Portrait Gallery successfully swayed it into declining the £1 million donation the Sacklers had offered them. This was followed shortly by the Tate putting a stop on future funding from the family. After the Tate and the NPG announced that they would be refusing future funding, both The Sackler Trust and The Dr Mortimer and Theresa Sackler Foundation announced that they would 'halt all new giving until we can be confident that it will not be a distraction for institutions that are applying for grants.' They cited the 'immense pressure' on the 'scientific, medical, educational and arts institutions here in the UK' caused by the legal cases in the USA and 'current press attention.'<sup>18</sup> It is estimated that almost 49000 people died in the USA in 2017 due to opioid addiction<sup>19</sup>. An estimated '80 percent of those who use heroin or buy fentanyl on the black market began with an opioid prescription.'<sup>20</sup> Purdue Pharma, still owned by parts of the Sackler family<sup>21</sup>, developed the powerful opioid painkiller OxyContin. The drug was 'misbranded' as being far less addictive than it was, and the company was handed a significant fine in 2007. Since then, further lawsuits have been mounting against the company as the crisis has deepened, and there are renewed efforts to try and hold members of the Sackler family directly to account.

Goldin's engagement with the issue has been both profoundly personal and political. She became addicted to OxyContin herself when she was prescribed it to manage the pain after surgery on her wrist. In 2015, when Goldin had become seriously dependant on the drug, the Tate made a purchase of her seminal work *The Ballad of Sexual Dependency*, 1985. She has said that her addiction meant that the money from the sale was absorbed by her need to get the drug through dealers once her prescription had ended – in what Joanna Walters describes as an 'extraordinary money-go-round.'<sup>22</sup> Her harrowing personal experience combined with her position as an artist have given a glaring clarity to what is at stake when arts institutions accept funds from such morally bankrupt sources. It is a powerful reminder that artists, as the makers of the products around which the 'art world' revolves, are fully and painfully human and can be let down by the unethical funding that 'supports' their work in the realest of terms. On this occasion at least, the 'art world' finally seems unable to look away. 'Philanthropic' donations are rarely given freely. Too often, galleries, museums, and other cultural institutions enter into an unspoken exchange in which they become 'reputation launderers' in return for funding.

We have chosen to bring the Sacklers into the conclusion to this text because the actions of the National Gallery that led to the 2015 strikes and the NG27 tribunal feel like part of the same picture – and not only due to the 'Sackler Room' at the Gallery, the restoration of which was funded by Mortimer Sackler.<sup>23</sup> Both the Sackler funding and the poor treatment of the National Gallery staff beg the question of how much we are prepared to sacrifice

in the name of (or so we are told) supporting, protecting, and preserving art. Writing in the Guardian, Mark Lawson worries about the power wielded by 'the new puritans among the producers and consumers of arts,' obscurely and unhelpfully comparing a projected 'quick and vicious audit' of benefactors with the spread of the #metoo movement in the wake of revelations about Harvey Weinstein.<sup>24</sup> Lawson seems to stop only just short of referring to either of them as 'witch hunts'. He ends with this reactionary and hyperbolically gloomy projection: 'at the end of this process of ethical cleansing looms the spectre of a museum that, after returning exhibits to the owners from whom they were looted by colonising collectors, and sending to the storerooms works by artists whose behaviour offends the morals of today, stands completely empty. And, above the doors of those barren galleries, the wood is chipped and discoloured from the emergency removal of the names of those donors whose wealth or values risk gathering pickets outside exhibitions.'

It is undoubtedly true that public institutions face a huge struggle for money in the face of funding cuts. Hannah Black, however, has persuasively repudiated the rubric that 'all the money is bad, there are no good sources of art money' that is so often the 'standard defence' against boycotting institutions. She writes: 'but the question itself is not whether violence is normal or not; trying to render the normal violence of capitalism outrageous and unacceptable is a political process. Feminist efforts to address the problem of rape are good examples of this. Rape isn't a problem because it's unusual; exactly the opposite.'<sup>25</sup> As Black points out, the scale of the problem and its 'normality' should absolutely not deter us from tackling it. (By

18 Julia Halperin, *Amid Mounting Pressure and Numerous Lawsuits, the Sackler Trust Halts Philanthropic Giving*, news.artnet.com, 25 March 2019

19 Erin Durkin, *US drug overdose deaths rose to record 72,000 last year, data reveals*, theguardian.com, 16 August 2018

20 Nan Goldin, *I survived the opioid crisis*, artforum.com, January 2018

21 There is a great deal of argument over which branches of the family today have and have not been the beneficiaries of wealth accumulated through the aggressive campaign to falsely market OxyContin. These articles lay out the various ties to the company. Six from among the children and grandchildren of the brothers who founded the company remain on the Board, while one of the sons served as president and co-chairman: theguardian.com, insidephilanthropy.com

22 Joanna Walters, *Tate art galleries will no longer accept donations from the Sackler family*, theguardian.com, 22 March 2019

23 Obituaries: *Dr Mortimer Sackler*, telegraph.co.uk, 27 April 2010

24 Mark Lawson, *How will British museums survive if they subject every donor to an ethical audit?*, theguardian.com, 23 March 2019

25 Hannah Black, Howie Chen, Jamillah James, Ajay Kurian and Suhail Malik, *Freedom at the Expense of Others*, frieze.com, April 2019

coincidence, the intelligent comparison she makes with efforts to eradicate the trauma of sexual violence also deals a successful blow to Lawson's lazy and misogynistic invocation of Weinstein at the same time). All too often, it seems to be forgotten that these political actions against institutions (strikes, court cases, boycotts) are carried out in the spirit of optimism that things *can* change. They are not a reckless and nihilistic abandonment of cultural value, but the expression of the knowledge that culture shouldn't (and doesn't have to) come at the expense of lives, livelihoods and workers' rights, the environment, or the historic looting of other cultures.

In the case of the National Gallery, the heavy casualties within the education department are a telling indication of where institutional priorities lie in times of funding shortfalls. Crucially, however, these decisions have to take into account not just what is within the walls of museums and galleries, but how is accessed and who is given access. Last year, the National Gallery paid £3.6m for *Self-Portrait as Saint Catherine of Alexandria* by Artemisia Gentileschi. A rare corrective to a history full of male Old Masters, the painting is an important acquisition. But as education is apparently moved down the list of priorities, who exactly has it been acquired for? When education is stripped away, the definition of the 'public' inevitably narrows. We all know and feel as artists and art workers that art is important, meaningful and necessary. But we also know, on the most mundane and fundamental level, that it's also just *life*. Nan Goldin has said 'art is too rich and important and beautiful to be mixed up with such ugliness', but the exact opposite is also true. Over-reifying art puts it beyond reach of the everyday, when it *is* the everyday for the people working with and within it, a fact that Goldin's work and politics speak to so eloquently.

When art is positioned out of reach, rather than as another way of working and living, we run the risk of sacrificing too much to its cause; building an infrastructure of wobbly monuments to it in which exploitation is excused as necessary collateral. But what might happen if our institutions refocus on working at a human scale, rather than on the echelon of shiny extensions, impressive new acquisitions, and vanity projects for donors? What does it look like when those in control work with the happiness of workers, artists, and the expansive public they should be working for as both their limits *and* their aspirations? And what if *local acclaim* – the approval, trust, and support of communities – came to be valued just as much as national and international acclaim? Rather than Lawson's looming empty gallery, we would argue that these questions and their inherent optimism are what's at stake when we challenge the accepted conditions of the 'art world', be it the eroded state of workers' rights, unscrupulous funders, resistantly colonial attitudes, or any other of the many issues (on all kinds of scales) that deserve our attention rather than our dismissal.

Mediation between the National Gallery and the NG27 is ongoing, with a joint statement due for release soon. We will append the statement into a revised edition of this issue on our website once it is released.



Instagram post by Michelle Williams Gamaker, posted on 2 February 2019.  
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**michellewilliamsgamaker** Following some very important conversations in Amsterdam and recent reflections of artists I love and respect I present: "A Cautionary Tale for all Artists (seeking funding)"

Info redacted because all funders are pretty much the same, no one needs credit for the sad dance we enact each time we are shortlisted for Arts funding.

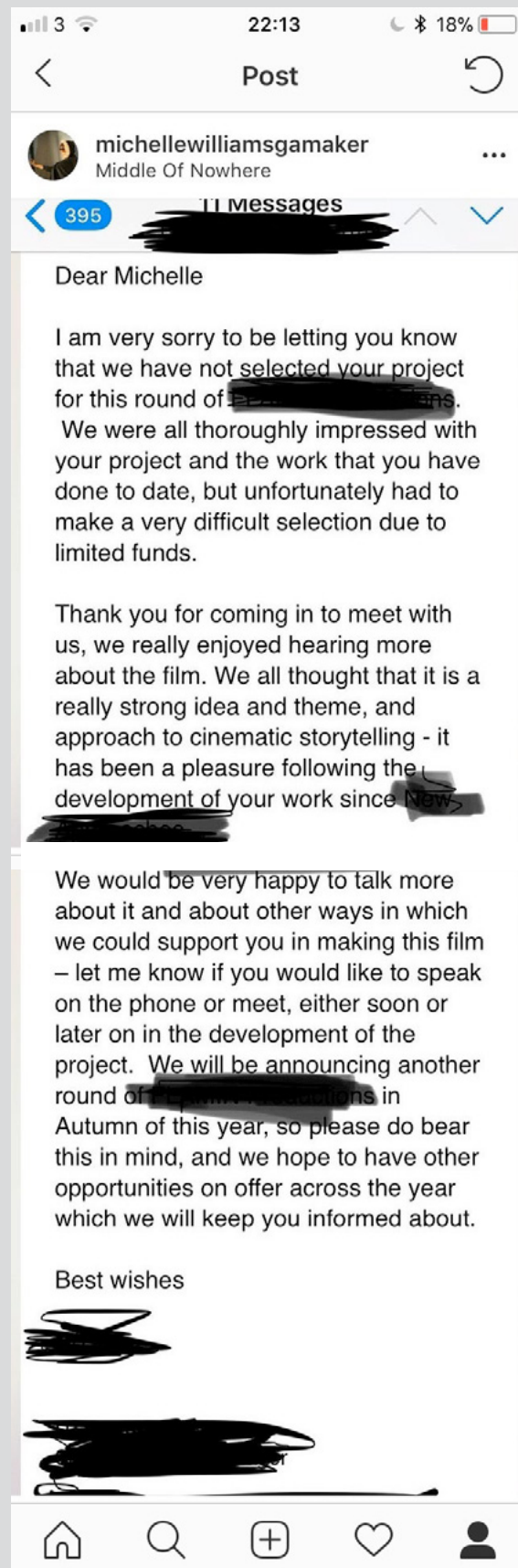
- Click through if you want to say no to a system set up to divide and rule (for sure I might have posted a victory Insta had I been successful, which is equally problematic)
- Click through if your future might be REFUSAL or temporary WITHDRAWAL from such greedy pots until your artistic labour is respected beyond tokenisation.
- Click through if you demand agency for your career in the arts and question who holds the power related to who gets funded and when?
- Click through if you have ever wondered why all funders look the same?
- Click through if you are emotionally mined by funders who rapaciously devour your ideas and tell you what a talent you are, meanwhile in your paranoia you question why you've been brought back several times to talk about your work... (it's so FASCINATING!)
- Click through if you're a sucker for punishment and you go back for more thinking maybe this time you'll be supported.
- This post is for anyone currently in FINANCIAL DEBT because no one but your endless freelance gigs (where you travel up and down the country to further your work/ survival in the Arts while making yourself ill during the process) and can't-pay-the-bills-part time salary is the only supporter of your work.

To funders, curators and institutions: call me if you're genuinely interested in working with me. Write to me if you've got CASH to support work that is urgent. Otherwise don't call me at all. I need to rest after 20 years of almos, second bests and possibly one day promises.

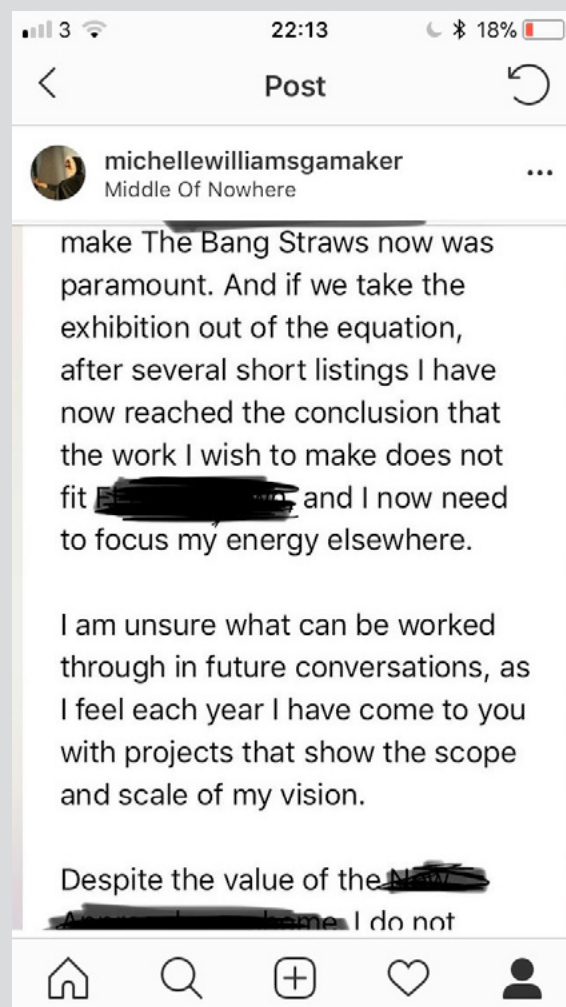
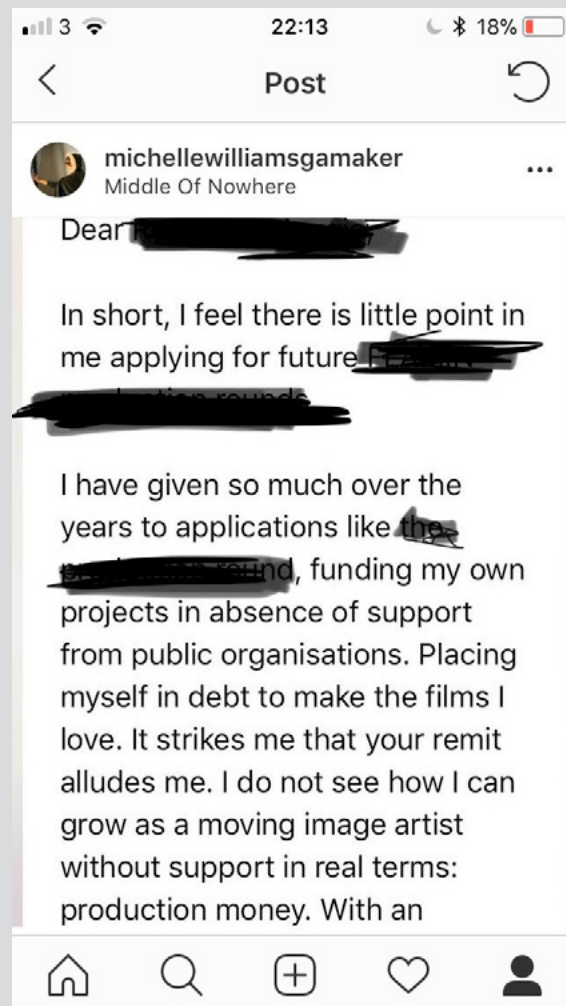
Please note all the activity I post online is 80% funded by me. And I can no longer sustain my work without facing real health implications.

[#burningbridgessince2019](#)

With maximum love to @norrenkimvan  
 @taishani @somos\_anto @i\_a\_okon  
 @jacobvjoyce @catrionamcara  
 #morganquaintance @raju\_rage  
 @flan.gambler @tintypelondon  
 @carmineclaire @mimauseful  
 @monsterratuk

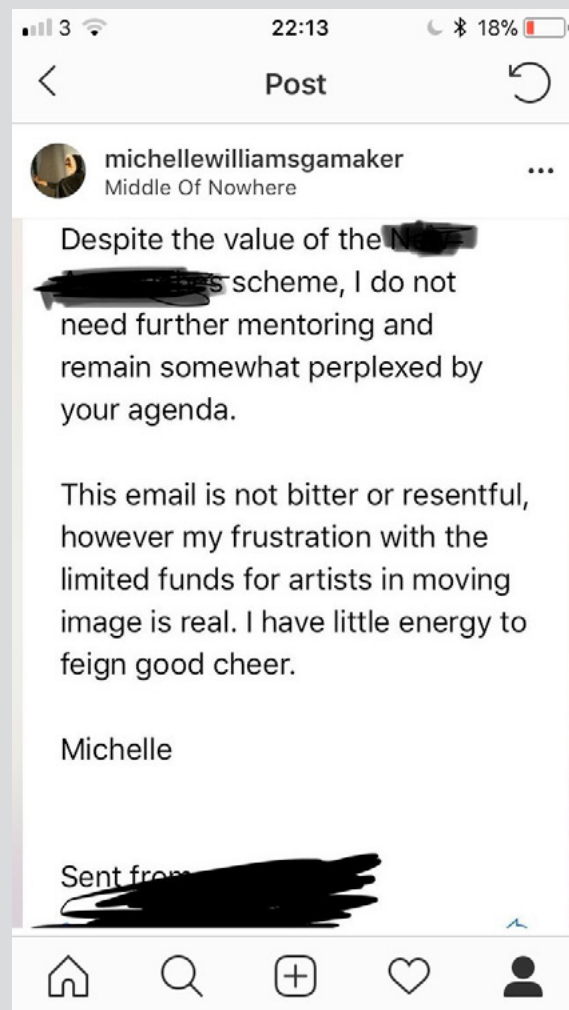


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This month, we have adapted the questions for *Artists Anonymised* to open up the experience of an artist and art worker who has worked in two separate publicly funded arts institutions. To protect their identity, we have anonymised both work places. We were also advised by an experienced former union rep at the first institution that we should do so in order to avoid legal complications that could arise around ‘whistle blowing’ in the points raised here. Nonetheless, we feel their answers coincide compellingly with the picture of management practices at the National Gallery built up during the NG27 tribunal, contributing to a wider landscape of malpractice in employment within the arts.

One of us also spent some time working at ‘Place A’ alongside our interviewee. I was on a zero hours contract (classified as a worker) for 6 months just after graduating. I was surprised by the minimal training (2 days) I was given before being expected to look after both visitors to the institution and valuable historic objects. I never felt prepared to meet the needs of the public in an emergency situation, despite being given the strong impression that I was fully responsible for doing so if the need arose. I was lucky and the work flow matched what I needed, but others found it difficult to pick up enough shifts on a regular basis. As a just-graduated student, pay at the London ‘living’ wage seemed attractive in comparison with the £7.81/hr supermarket pay I was used to while studying – which in itself speaks volumes about the situation young people and graduates are met with today. This feeling quickly subsided after talking to long-standing members of staff, including an ex-union rep. Their experience demonstrated that we were part of an influx of young and willing workers employed on severely reduced terms, to a role which had once had once come with all the benefits of being classified as part of the civil service. In turn, our willingness to accept these seriously eroded contracts allowed the contracts of older, longer-term staff to be downgraded too. It is deeply saddening to see the politically enforced desperation of younger generations for work being instrumentalised to downgrade the rights of our older peers.

We are indebted to our interviewee for his honest answers and the light they shed on exploitative practices at work within public sector arts employment. He has situated himself as a cisgendered, heterosexual, white male artist and art worker with an SpLD (specific learning disability).

Key to institutions mentioned:

PLACE A: a major Museum in London

PLACE B: a smaller publicly funded gallery in London

**What has been your experience of working in publicly funded museums and galleries?**

I initially worked full time at ‘Place A’ as a Gallery Assistant, starting in 2016, and then went down to part time on a job share basis, so that I could spend more time in my studio and more time making work. It was difficult switching from full time to job share – it felt like there were a lot of barriers put in place by management and it seemed to me that upper management were saying to lower management not to allow people to go on job share, because they didn’t want a culture of part time staff. I sought help from the union who were able to assist me with my job share application, specifically providing me with legal clauses that meant I had to be given the job share. It took about six weeks to go through the process, but as soon as the union supported me with the legalities, a decision was more or less instantly made in my favour.

After leaving ‘Place A’ I started a Gallery Assistant position at ‘Place B’. This was a much smaller institution with a smaller set of staff, and seemed to me there was a lot more transparency between staff and departments higher up initially, but I very quickly came to realise there was a lot of disorganisation in the institution, and most departments don’t really mix with the gallery assistants. I started on a contract working three days a week, and then decided after a short period of time that I needed to work fewer days to concentrate more on my practice, but also because I found that the job wasn’t stimulating enough. The job was increasingly becoming more and more restricted, with rules being implemented that weren’t there when I started, for example, no longer being allowed to read on the galleries – so I went down to a zero hours contract, but I no longer take up much work.

**What have the terms of your contracts been – were you classified as an employee/ worker/ freelancer...?**

In both contracts, I was an employee. At ‘Place B’, I became a worker when I moved to the zero hour contract. Lunch break at ‘Place A’ was unpaid, but tea break was paid (but not for workers on zero hours contracts). At ‘Place B’, when I was on the contract working three days a week, shifts were 7.5 hours with a half hour unpaid break.

**Do you think the institutions employed you partly because of your experience and knowledge as an artist? If so was this valued/ supported in any way (including your pay) once you were there? Was pay sufficient to support your practice?**

At the ‘Place A’, I think it was partly that, but mainly they were looking for experience in customer service roles. At ‘Place B’, I think it was the same, but they were definitely interested in people with backgrounds in the arts. Both places paid the London Living Wage, which absolutely wasn’t enough to sustain my practice, especially when working part time. There was a revolving door effect where

artists etc would come to the job expecting it to give them more fulfilment as artists to be working in a gallery, but find it was essentially just another customer service role and then leave.

**Were you sufficiently trained to carry out your job? There's a huge amount of responsibility that comes with safeguarding historical objects in particular, not to mention ensuring the safety of visitors in large institutions...**

Initially, at 'Place A', I wasn't trained enough. After spending some time there and attending training sessions along the way and talking to other members of staff, I felt like I had better training. But I know this wasn't the same for zero hours workers and agency staff, who often received little or no training, but were expected to know what to do in emergency situations. At 'Place B', training was provided during the induction, and the place was small enough that if you needed additional training it was easier to access, and there were less visitors to look after.

**What has been your sense of the management structures you were working within at both locations? Have you encountered any particular problems?**

At 'Place A', I would say a culture of fear and bullying was rife from management towards staff. There was a serious lack of diversity amongst management. Whilst I was there I never had one BAME manager, and the general cohort of staff was predominantly white. Volunteers at 'Place A' were almost all white, but would often give tours and talk about exhibits that were not part of their culture – for example a white volunteer giving a tour talking about black cultural heritage – which I found surprising and uncomfortable.

The disciplinary procedure that I experienced at first hand at 'Place A' was often not carried out to protocol, so much so that the union would often have to point out to management that they were contravening the legal requirements. In my case, they knew about my disability but didn't account for it in the disciplinary hearing and did not follow the Equalities Act, 2010 during the investigations.

At 'Place B', there is also a major diversity issue – all of the management is white. They try and 'encourage' diversity in their employment strategy for Gallery Assistants, but this isn't reflected in the upper levels. Management in general seems ill informed about operations on the ground, and it seems there is a lack of communication between upper management and lower management. The consideration of health and safety and general wellbeing of members of staff seemed questionable. For example, staff would often have to spend the entire day in exhibitions with loud sound. I often came away with headaches and feeling quite ill after a shift. I was advised by management to get ear plugs, which I found really disorientating to use, especially given my disability.

**How did these experiences impact your wellbeing in general and your ability to keep working as an artist?**

Wellbeing and morale was at rock bottom at 'Place A' towards the end of my employment, so much so that I had to be signed off sick. However, the good thing that came out of working at both of these places was that it made me even more determined to pursue my art career so as (hopefully) not have to rely on these kinds of jobs in the long run. At 'Place B', morale was also very low, particularly when I had the experience of a very senior member of staff talking down to me in a very demeaning way.

**Do you get a sense from older employees that there has been an acceleration in these ways of working (removing benefits, employment on much worse contracts etc) in recent years?**

Yes – it was continually told to me while I was at 'Place A' by longstanding members of staff how much better working conditions used to be, prior to slow changes from the 1990s onwards. The newest staff contract at 'Place A' has clauses designed to limit union activity. Members of staff on that contract currently cannot become union reps. Place B has only just become unionised, which I found shocking. I also got a sense that the union would still be quite limited in what they could achieve.



Zabriskie Point, Geneva

16 November 2018 – 6 January 2019















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Gamaker, posted on 15 March 2019.  
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# GIRLFORUM Monthly\* Issue 04

\**GIRLFORUM Monthly* is monthly when life allows! We've taken a slower approach to the newsletter over the last three months while we awaited the verdict in the NG27 tribunal, worked on an Arts Council application, 1/2 of us went on a 6 week research trip and 1/2 of us prepared for a group exhibition and moved studios. But it's nice to be back!

As ever, to highlight the privileged perspectives we may reinforce, we would like to restate that this newsletter has been put together by two white, cisgendered, heterosexual, non-disabled, young London-based women artists (one of whom is also an art worker) from mixed working class and middle class backgrounds.

@GIRLFORUM  
[girlforum.org](http://girlforum.org)

GIRLFORUM is applying for Arts Council funding, but is currently completely unfunded. If you can help us work towards this, please visit our Patreon page:

[patreon.com/GIRLFORUM](https://patreon.com/GIRLFORUM)

or get in touch if you'd like to lend us space, time or advice.

Cover: The twenty-eight pages of the judgment on preliminary hearing for the Employment Tribunal between the NG27 and the National Gallery