



Report to Council and Members

May 2019

The WGAE's membership has increased 40% in the last five years. Some of this growth is attributable to the rise of Peak TV; more writers than ever are being hired on series for broadcast, cable, and pay TV and for SVOD services like Netflix, Amazon, and Hulu Plus. We have also welcomed nearly 1200 new members who craft stories for digital-native companies like Vice and HuffPost, and we have won recognition to represent many hundreds more who will become eligible to join the Guild once we have finalized their collective bargaining agreements.

The WGAE remains powerful in our core jurisdictions: scripted television, screen, and new media; feature films; and broadcast news. We have expanded our staff and programming for "freelance" members who write for television, screen, and new media, making sure that members remain engaged, active, and informed.

We have also ensured that we will remain vital to storytellers in a rapidly-transforming industry by organizing in newer sectors like nonfiction/"reality" television, digital news, and podcasting. We know that unionizing new sectors is meaningless if it is not translated into real gains at the bargaining table. In the last year the WGAE has successfully negotiated first contracts or renewal agreements covering nearly 1000 members in broadcast news, digital news, and nonfiction TV. We are currently negotiating agreements covering about 600 more.

The secret of our success in collective bargaining is a combination of member engagement and professionalism at the table. At every step – from initial organizing through preparation for negotiations through the actual give and take of bargaining – we make certain that the affected members know what is going on, get the opportunity for meaningful input into our bargaining priorities and proposals, stay engaged through meetings, and if necessary escalate pressure on the employer through social media and on the job. At the same time, our negotiators bring a lot of hard-won experience to the table. The WGAE proves that collective bargaining works.

Building power in broadcast news

Many hundreds of WGAE members create content for broadcast news organizations such as CBS News and ABC News. This has been a challenging environment for decades now, as audiences shift, budgets shrink, and technology changes the way the work gets done. The WGAE and its broadcast news members decided some years ago to take steps to remain relevant and valuable, by broadening skills and duties like producing and helping create content for

digital distribution. As a result, we have been able to preserve employment opportunities and improve pay and benefits despite the general retrenchment in this part of the industry.

In January we negotiated a new three-year agreement covering CBS broadcast news employees in New York, Chicago, Washington, and Los Angeles. We were joined at the table by our sister union, the WGAW; the negotiations were led by the WGAE. The agreement did not expire until April but we were keen to conclude talks early, given the extraordinary turmoil at CBS in general and CBS News in particular.

- The agreement increases all minimums (including those for contract producers and contract writers) by 2% per year.
- We preserved members' current health benefits; the company agreed to pay 1.5% more in contributions to the Producer Writers Guild health fund (these contribution increases are in addition to the pay increases).
- We accelerated the schedule on which temporary employees earn paid compensatory days off.
- We won increases in producer fees and acting editor fees.
- We won innovative protections for temporary promo writers in Los Angeles.
- We won formal meetings with relevant Company executives to discuss diversity in the workplace.
- The Company and the Union recommitted to a workplace where employees can do their best work free from sexual harassment and from a hostile work environment.
- We won a commitment from the Company not to assign members digital work in order to deprive them of contract coverage.
- We beat back a number of proposed concessions, including the elimination of most holiday pay.

This agreement was ratified overwhelmingly by members across the country.

Shortly after finishing at CBS News, we negotiated a new three-year deal at ABC News covering newswriters, producers, assignment editors, and others in New York and Washington. The agreement included:

- Increases in pay scales of 2% per year.
- Increases in contributions to the Guild health plan of 2% for those who participate in the plan; these increases will not come out of pay hikes.
- An increase in vacation pay premium for temporary employees who work at least 200 days a year.
- A fifth week of vacation for longer-term employees (for 25-year employees starting next year; for 20-year employees starting in 2021)
- A Commitment to hire two more staff newswriters at WABC-TV
- A new child bonding benefit for temporary employees who have worked at least 200 days in three consecutive years; the benefit is 15 paid days off to be taken within a year of birth or adoption.
- Increases in various fees and penalties.

- Increases in the minimums for contracted staff producers at WABC.
- Disney Main Entrance Passes for staff employees.
- A committee to discuss diversity issues at the workplace.
- A web-based active shooter training program.
- A commitment to share information and to discuss the company's sexual harassment and diversity policies.
- Temporary employees who work at least 225 days will have the right to be interviewed for open staff positions.
- A new structure for employing not-yet-hired Assignment Editors and Continuity Writers.

This agreement was also ratified overwhelmingly by the affected members.

The WGAE negotiated a new three-year agreement for the promo writer/producers at NBC, winning increases to minimums and salaries for overscale staff employees of 2% in each contract year; bonuses of \$2,000 for certain overscale full-time daily hires, and contributions to the health and pension paid in accordance with the current Minimum Basic Agreement.

After years of battle, we also won a new contract at Fox-owned station WNYW. The agreement was made possible by careful negotiations and by an activated and energized membership, and includes wage increases of 2.5% in the first year and 2% in the second, third, and fourth years, additional increases in base wages for News Assistants, and increased company contributions to the pension fund in each year of the contract.

The WGAE represents newswriters, producers, editors and others at three local news radio stations that, until recently, were owned by CBS. A major radio company called Entercom bought WCBS 880 and 1010 WINS in New York, and WBBM-AM in Chicago. It also bought KNX in Los Angeles, whose newsroom employees are represented by the WGAW. The Guild still represents those employees, and Entercom assumed our collective bargaining agreements, but we must now negotiate new contracts with the new owner, which has expressed concern about a number of the economic terms won through years of negotiations with CBS. These negotiations are continuing.

Convergence in news

The distinctions between modes of distribution – airwaves, cable TV, internet – have become less relevant. People want to consume content on all of their devices, be it a big-screen television, a computer, or a smartphone. This is transforming both the news and the entertainment business. The WGAE has developed strategies to ensure that the Guild and its members remain relevant and properly valued throughout this transformation.

On the news and nonfiction side, the WGAE continues to organize aggressively, winning recognition and negotiating strong collective bargaining agreements with a range of companies active in this space. In the past year we have won recognition for storytellers at The Onion, The Dodo, Refinery 29, Fast Company, and Future US. We have won recognition to represent the employees who craft content at one of the largest podcast production companies in the nation,

Gimlet, and negotiations will begin soon. We have negotiated first contracts, including substantial gains in pay and benefits and in workplace issues like diversity and editorial independence at The Intercept, Thrillist, The Dodo, Slate, Salon, and The Onion – and a remarkable renewal agreement at Gizmodo Media Group.

I want to highlight two places that embody the convergence of distribution, of previously-distinct lines of business. One is Vice Media, the other is CBSN.

The WGAE first won recognition for a sizeable unit of digital journalists at Vice several years ago, and the first collective bargaining agreement we negotiated there was truly groundbreaking – winning massive pay increases for a lot of people, especially those who had foundered at the lower end of the pay range. Building on the activism of that initial bargaining unit, and working in conjunction with our sister unions the Motion Pictures Editors Guild (part of IATSE) and SAG-AFTRA, we won recognition for content creators at the rest of Vice about a year and a half ago. This includes the people who create videos that Vice distributes through its websites, who craft the nightly news program and the weekly documentary series that Vice sells to HBO, and who create nonfiction TV shows for Viceland. At the end of 2018 we won agreements covering the entire operation – all told, more than 200 writers, editors, producers, and others.

In January 2019, the WGAE won recognition for approximately 55 writers, producers, and graphic artists at CBSN– the first live anchored digital streaming news network to be unionized. As the broadcast news business becomes increasingly platform-agnostic (that is, as news stories are distributed on television, computer, and smartphone screens), this is an important extension of Guild strength. Negotiations are scheduled to begin in June.

Convergence in entertainment

There was a time when audiences were conditioned to watch television at times set by the major broadcast networks. Want to watch *Lost*? Tune into ABC each week, or wait for the reruns (or buy the DVDs). That era is almost done, as people expect to be able to watch what they want, when they want, on whichever device they choose. The era of Video on Demand has arrived.

All of the major players in the entertainment industry have concluded that video on demand – mostly SVOD (or “subscription video on demand”) – will become the dominant business model. The merger of Disney and Fox entertainment was expressly motivated by a desire to create an SVOD powerhouse, and Disney + is slated to launch in November. Members tell us their deals with Disney, including feature film deals, are centered around Disney +. AT&T’s purchase of Time Warner was also aimed squarely at creating an SVOD business, and HBO is being retooled to be the content engine. Netflix and Amazon are each spending billions of dollars a year to create content for their own SVOD offerings – both series and features - and Apple recently launched its own SVOD service, including a small but growing slate of original programs.

The WGAE is paying close attention to this development and what it means for members who create their own shows, and for members hired to write series and features. For the moment, the big players are spending large sums of money to purchase and to develop original series and features, but the back end of most deals is pretty thin by historical standards. There is a lot of creative freedom as SVOD companies compete for creators and for audiences, at least for now. Most of the series do not follow the 22-episode season template from the heyday of network prime time. We understand that the Guild needs to analyze how shorter seasons and limited syndication and resale markets affect writers' bottom lines.

In early May the WGAE is presenting a panel conversation about the rise of SVOD and its impact on distribution, business models, and writers' work. Panelists include Stephen Schiff and Soo Hugh, who have series on Disney + and Apple, respectively, Lilly Burns of Jax Media (which produces series for Netflix and others), and journalist Cynthia Littleton, who has written extensively about these issues.

No analysis of the changes in how series are crafted and distributed would be complete without an examination of the rise of "mini-rooms". The WGAE has surveyed dozens of members about their experience with this relatively new phenomenon, in which writers are often hired to break stories but not write episodes or otherwise get shorter, non-traditional periods of employment. The issues are complex and critical. In coming months we will continue our analysis with roundtable discussions of WGAE members.

Building density and making gains in digital news

In the last year the WGAE has won recognition to represent the editorial and other employees at more digital-first media companies, including The Dodo, The Onion, Fast Company, Refinery 29, Future US, and Talking Points Memo. During that same period we negotiated first contracts covering these employees at Thrillist, The Intercept, Slate, and Salon, and renewal agreements at Gizmodo Media Group, Vice digital, and ThinkProgress. We are close to agreement on a first contract at Vox Media.

Details of all of these campaigns and contracts are available on the WGAE website. I want to make a few broad points, even at the risk of overlooking some of the amazing details. First, about how these victories relate to each other: The people who create content in digital media were almost 100% non-union just a few years ago. As the industry matured people realized it was a place to build a career, and they decided to take action to make their careers sustainable. They did not fall for bromides about individualism – for a kind of intellectual Uberization, if you will. Instead, they recognized that what they needed was the power and voice that collective bargaining brings to the workplace. When we achieved success at one workplace by engaging the employees and winning gains at the table, word spread to other workplaces, and the power of the movement grew. This is a tremendously important lesson for the labor movement – that knowledge workers, including many folks who are relatively young, understand the value of solidarity and are willing to take action.

Second, the many important gains we made in each of the contract negotiations address some fundamental issues: we won contracts that not only increase pay (in some cases by quite a lot), but make pay practices more transparent and more equitable. Our contracts address diversity issues in ways that we believe will effect actual change – for example, several of the agreements require employers to interview one or more diverse candidates for every open position (at The Intercept, *two* diverse candidates per opening). Our contracts protect the independence of editorial work and content, and in a number of instances ensure that writers get additional pay or credit if their work is used in other media (something that has historically been very rare in the news business). We have won paid parental leave at most shops, in some cases several months’ worth. These agreements are rooted in a commitment to transforming the way people relate to the workplace, and these provisions arose out of the engagement and passion of the employees who joined with the Guild to bargain.

Third, we have achieved a remarkable amount of density in digital news in a short period of time. We now represent well over 1500 people at nearly 20 shops. We know what issues matter to people, from experience. As people move from shop to shop, we stay in touch, we learn about conditions in new shops, and we continue the organizing effort. Density is an important source of power, as we know well in the world of scripted television and film.

Sex, gender, and power in the workplace

The WGAE continues its work to ensure that all members can write in workplaces free from sexual harassment and other sexual misconduct. In 2018 we issued a pledge from Guild staff to our members that, when speaking with them about these issues:

We will respond promptly to each member inquiry and communication.
We will be compassionate and respectful.
We will believe, and not second-guess or doubt, members who bring incidents or concerns about sexual harassment to our attention.
We will assist the member to the extent the member wants us to do so,

Our pledge also notes that “sexual harassment exists in the broader context of sexism and power imbalance, and our union is committed to transforming the culture and power dynamics that currently exist in our industries. This requires collective action as well as individual representation.”

In October we presented a panel called “Sex, Gender, and Power in the Workplace” which included women from each of the Guild’s main sectors – episodic drama, comedy-variety, feature film, broadcast news, and digital news. Many thanks to the panelists and the members who came to our offices for an enlightening and candid conversation about the profound challenges and what the Guild and its members should do about them. In November we offered an open forum to discuss these issues, moderated by experienced social workers from the Actors Fund.

Diversity in television

After many years of hand-wringing and often empty gestures, the discussion has shifted from *whether* employment and storytelling in the entertainment industry should reflect the diversity of American audiences to *how* this should be accomplished. The WGAE is proud to have been on the forefront of this struggle. For years our members have said to the press, to elected officials, and to the industry as a whole that the lack of diversity in writers rooms was not because of a lack of talent, but because of a lack of opportunity. Having writers with a range of backgrounds and experiences and outlooks makes for better storytelling, and ensures that audiences will remain interested in what goes onto the screen. A more diverse industry is more likely to prosper in the years ahead, and more likely to provide employment opportunities for everyone.

The City of New York agreed to partner with the WGAE for a second round of the Made in New York Writers Room fellowship. Three hundred New Yorkers submitted pilot television scripts, which were read by Guild members who offered detailed notes. As with the first round, the member-readers will help us select finalists who will receive six months of paid mentorship with Guild showrunners, and a lot of other valuable workshops and other programs to deepen their skills and enhance their access to industry decision-makers. The program is funded by the New York City Mayor's Office of Media and Entertainment and the office of Small Business Services, and is staffed by the WGAE.

In 2018 the state of New Jersey reinstated a significant production tax credit. Eligible productions will receive a credit of 30% of eligible costs (higher in certain counties), up to \$75 million a year statewide for the next five years. Significantly, the credit covers "above the line" expenses – including compensation paid to writers – up to a cap. This means that New Jersey writers rooms are eligible for a 30% credit. Also, with the active support of the WGAE, New Jersey offers an additional 4% credit to production companies that have diversity programs in place. We assisted the state in drafting the implementing regulations and we are eager to see how the program works in practice.

In New York we made another full-court press to persuade the legislature and the Governor to include a new diversity tax credit in the state's budget. This credit would function within the overall production tax credit and would incentivize the hiring of women and people of color to write and direct television. Together with our colleagues at the DGA, we won support from all of the entertainment unions, the New York State AFL-CIO, and even the Motion Picture Association of America. Our principal champions were Assemblymember Marcos Crespo and Senator Jessica Ramos. Budget negotiations and fiscal politics are always complex in Albany and we did not get our initiative into the budget this round, despite multiple visits to Albany and phone calls by active WGAE members. We plan to press this historic credit through legislation before the current session ends in June.

The power of the strike

Winning gains at the bargaining table requires the exercise of power. Banding together gives people who work for a living more power than fumbling individually; a collective voice is

more compelling than a solo. The ultimate leverage for a union is the ability to withhold labor – to strike. This is not a weapon to be wielding incautiously, and it is a lot easier to talk about striking than to do it. At the WGAE we speak forthrightly with members about both the power of a strike and the sacrifices they would be called upon to make.

In a number of our recent contract campaigns, the combination of employer intransigence and member commitment has led us to the brink of actual walkouts. At Thrillist, management insisted it was not prepared to agree to reasonable pay increases. The union negotiating committee was properly outraged, and the employees in the bargaining unit were fired up. We called a one-day work stoppage during which we conducted a vote authorizing a longer strike if management continued to resist. The walkout, combined with an overwhelming strike authorization vote (over 91%), inspired the company to rethink its position on pay rates, and we won a very solid contract with adjustments that made pay rates more transparent and equitable (and higher).

At Slate, management adamantly refused to agree to a standard union security provision in which everyone who benefits from being covered by the collective bargaining agreement contributes to the process by paying Guild dues. This was a strange stance for a nominally progressive publication; by opposing union security, Slate management sided with the regressive “right to work” nostrums espoused by far right-wingers like the Koch brothers. Employees called management out for hypocrisy. They also voted overwhelmingly (98%) to strike if the company did not change its position. This demonstration of solidarity and passion carried the day, and we won a contract that made gains in many areas the unit felt were important, including a standard union security clause.

We also held strike authorization votes at The Onion and GMG, where Guild-represented employees were very concerned that management might be focused more on a possible sale of the operation than on agreeing to reasonable contract terms. Ultimately, we won great agreements at both shops, and these agreements are now being honored by the company that purchased the entire digital news operation several weeks ago.

Recognizing the importance of being prepared, the WGAE Council decided to set aside \$250,000 in a segregated strike fund account, the assets of which can only be used for “financial assistance to members in the event of a strike”, to quote the Bylaws. Council also agreed that strike benefits should take the form of loans of up to \$3000 per member upon application to a Council subcommittee with representatives of the freelance TV and film, broadcast news, and digital news membership.

Talent agents and conflicts of interest

WGAE members have received so many emails and phone calls in recent months about the renegotiation of the Artists’ Manager Basic Agreement and the subsequent Code of Conduct that I hesitate to reprise the discussion in this report. Please go to our website for complete information (www.wgaeast.org).

In brief, the WGAE and the WGAW negotiate the minimum terms of employment for writers of television, film, SVOD, and similar programs – initial compensation, residuals, benefits, and so forth. Talent agents are charged with negotiating terms above those minimums, and they do so with the permission of the Guilds. The terms under which agents could represent Guild members were set forth in the AMBA, which was last negotiated in 1976. In April 2018, the Guilds notified the agencies that the AMBA would be terminated 12 months hence and made a series of proposals to modify the terms. Despite extensive negotiations, the parties were unable to reach agreement on a new AMBA and the Guilds exercised their authority to issue a Code of Conduct that set forth new terms, including a prohibition on agencies’ receiving packaging fees and serving as producers (with some easements for independent film financing work). Only agencies that agree to the Code of Conduct are now permitted to represent Guild members, and Guild members can only be represented (for Guild-covered work) by agencies that have agreed to the Code.

Nonfiction television

We successfully negotiated a first collective bargaining agreement covering writer-producers at Peacock, the nonfiction TV arm of NBCUniversal. This landmark contract was the result of years of battle on the legal front, in the press, and in the shop – with powerful expressions of solidarity from WGAE members writing comedy and drama for NBCU. We made gains in a number of areas, include protections against overwork and basic provisions like grievance and arbitration and union security. Perhaps the most significant gain, from an industry-wide perspective, is the benefit plan that will cover these new members – the Entertainment Industry Flex Plan. Peacock will pay significant contributions to the Flex Plan, enough to provide individual coverage with no premium payments by the employees. More important, the Flex Plan offers true portability. Money contributed to the Flex Plan remains available for the employees to use even after they leave Peacock. As we negotiate the Flex Plan into more nonfiction TV contracts, this means people will retain their health coverage even as the move from shop to shop.

In fact we have negotiated the Flex Plan into our new contract at Viceland. In a renewal agreement at Optomen, the employer agreed to commence Flex Plan contributions once five other nonfiction TV production companies agree to do so (This would include Peacock and Viceland). Thus, we are well on the way towards achieving one of the central goals of the writer-producers we have been organizing in nonfiction: health benefits that are portable as they move from shop to shop.

Speaking of the Movement

The WGAE works within the context of a broader, global labor movement. We are part of the local, state, and national AFL-CIO, affiliated at the national level through the federation’s Department for Professional Employees, which also includes our sister entertainment unions like SAG AFTRA and IATSE. The DPE has helped coordinating the unions’ battle to ensure that the federal government continues to fund the arts and the humanities, including reasonable amounts for the Corporation for Public Broadcasting.

We are part of the International Affiliation of Writers Guilds, which comprises twelve film and TV writer organizations across the globe. And we are part of UNI Global Union, whose 900 affiliates represent twenty million working people on all five continents.

These affiliations are essential as a matter of solidarity with our brothers and sisters in the battle for empowerment and economic justice, and they bring more immediate benefits. UNI Global Union and the IAWG (including the Writers Guild of Great Britain) have stood strongly with us in our ongoing battles with ITV/Leftfield. I described our campaign at ITV to the several thousand delegates at the UNI Quadrennial meeting in Liverpool in June. Those delegates overwhelmingly adopted a resolution calling on ITV to stop fighting its employees and to enter a reasonable, industry-standard collective bargaining agreement with the WGAE.

Lowell Peterson