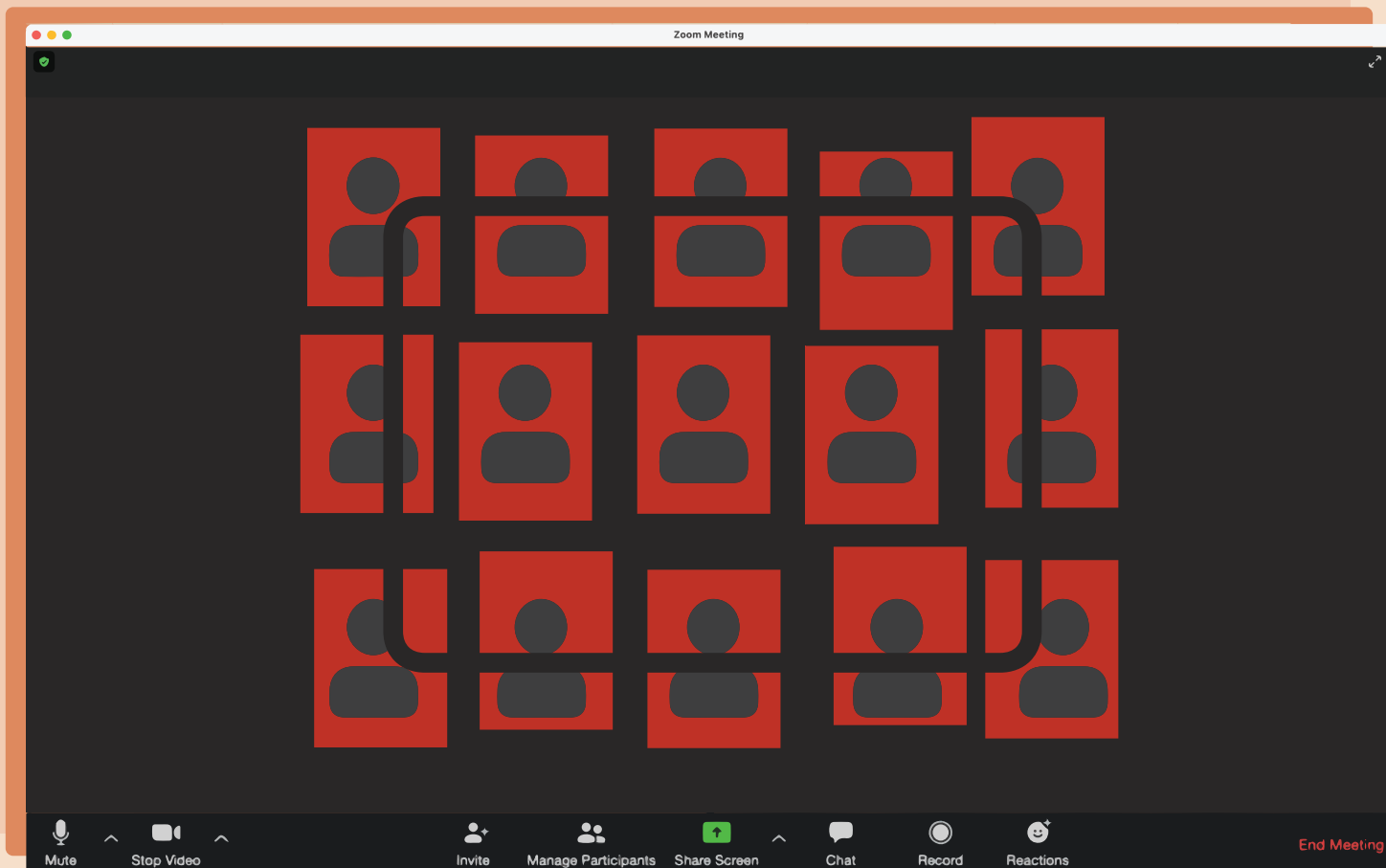


WRITERS GUILD of AMERICA, EAST



Executive Director's Report to Council and Members

May 2021

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Introduction

In the last year there was much talk of fracture and division. Of political, economic, and moral collapse. Our national politics felt broken, our personal health, threatened. Nothing, not even our basic institutions and principles, appeared to be safe or stable.

But at the Writers Guild of America, East, we persevered. We made real, lasting progress on all fronts despite the fear and pain that plagued the broader world. We made concrete gains for all sectors of the membership, in all parts of our industries, engaging members, providing the highest level of professional service, crafting and executing effective strategies, working with our allies in the labor movement and in the political world.

Life and Work in the Time of Pandemic

The WGAE office has been closed since March 2020, with all work done on Zoom and the phone. As vaccines become available, we hope to reopen the office at some point in 2021. Like many organizations, we will figure out the best balance between working and meeting remotely and in-person.

Thankfully, our freelance members (TV, SVOD, features) have mostly remained employed throughout the pandemic. Although some members certainly lost work opportunities – series that did not go forward, pitches left unmade, potential feature projects stuck in limbo – overall our members' earnings remained remarkably strong. At this moment, all writers' rooms remain fully remote. We worked closely with our sister unions to ensure that showrunners and other writers could have safe access to the set as production slowly returned in the Fall of 2020. (We recognize that shorter seasons and mini-rooms might be restricting opportunities for writers to perform vital producing duties. We will keep an eye on this.)

For our thousands of members who work in broadcast and digital news, workplace safety issues presented a particular challenge. Most members have been able to work from home, although this has placed economic and logistical burdens that we have addressed with employers. And some members have been required to report to the newsroom; together with our sister unions we have fought hard to ensure that rigorous testing and other protocols are in place, and honored. In digital, we faced a wave of more than 100 layoffs and furloughs, which inspired us to work hard in Washington to obtain moral, political, and payroll support.

Council and committee meetings, member gatherings, organizing meetings, negotiations, mentoring and training sessions – all have been on Zoom or Blue Jeans or whichever apps people prefer. Remarkably, this has not dented our effectiveness, although as we look back on this period in future years, we might see signs of frayed sensibilities and heightened sensitivities

(exacerbated by the bewildering developments in the world of politics during the same period). We were able to organize the unorganized at many nonunion shops despite having never actually been in the same room with any of the writers, editors, producers, and others. We were able to accomplish great things in D.C. and Albany without taking a single Amtrak ride to either city. Hundreds of WGAE members gathered with mentors and with trainers and with each other, learning skills and making contacts and building careers.

Here are some highlights of the union's work in the past year:

Agency Campaign

As of February 5, 2021, every agency, including private equity-owned WME and CAA, signed a new agreement with the Writers Guilds of America, East and West. Our unions did something no one thought was possible; and the only reason we were successful after a three-year campaign was the power of collective action.

The new agreement drastically changes how talent agencies work. The agreed upon Code of Conduct establishes that agents cannot collect packaging fees in lieu of commission, and that agencies and their private equity investors will be limited to no more than a 20% combined stake in any production or distribution entity. The new agreement also mandates the sharing of information between agencies and the Guilds. This allows the unions to enforce contract provisions around late pay and free work and gives us the ability to aggregate data to ensure the Guilds and agencies better address inequalities in film and television.

Minimum Basic Agreement

Due to the COVID-19 crisis negotiations for the new Minimum Basic Agreement (MBA) covering television, film, and SVOD programs started later than usual. On July 31, 2020, the memberships of WGAE and WGAW, jointly, ratified a new contract with the Alliance of Motion Picture and Television Producers (AMPTP) by an overwhelming majority of 98%.

The Guilds achieved many important gains in this agreement, including increases in minimum compensation of 1.5% in 2021, and 3% in 2022 and 2023 plus a hefty increase in employers' contributions to the pension fund – fully 1.5% in 2020, with the Guilds having the right to divert an additional .5% from the minimum increase in 2021 (a right we have exercised) and .75% in 2022. These contribution increases will go a very long way towards ensuring the long-term fiscal health of the pension fund.

We also won an innovative Paid Parental Leave benefit, funded by employer contributions of .5% of covered earnings. Beginning in May 2021, members whose employers contribute to the PPL

fund can receive \$2000 per week of parental leave pay for 8 weeks. The weeks do not have to be taken consecutively, though they must be used within 12 months of the child's birth, adoption, or fostering. To be eligible the participant does not have to be currently staffing a show; the benefit is available to any participant who is eligible for health fund benefits (again, assuming their employer is paying the PPL contribution). Thus, if you are writing a feature or a pilot, or are between gigs, you can still take the paid weeks.

Consistent with the pattern negotiated by our sister unions, residuals for high budget SVOD programs generally increased 46% due to changes in several factors in the formula. Although we know we have more work to do to ensure that writers receive fair and adequate compensation for reuse of SVOD programs, the gains in the 2020 MBA are substantial.

Credited screenwriters will see an increase in the script publication fee to \$12,500. Below-minimum "new writer" discounts, which disproportionately impacted writers in underrepresented groups, have been eliminated. We won improvements to the options/exclusivity and span provisions.

We know there will be a lot of work to do between now and the 2023 negotiations to address very real issues faced by Guild members. Comedy-variety writers work for unconscionable discounts off weekly minimums – and the MBA currently contains *no* minimum compensation rates for comedy-variety programs made for SVOD platforms (where comedy-variety residuals are also paltry). We know that many TV writers are concerned about mini-rooms, and feature writers complain of continued pressure to do unpaid work. Although we made some gains in equity and inclusion in these negotiations, there is far more work to be done.

Public Policy Gains

By being members of the WGAE, writers gain a voice, not only in the workplace, but in the halls of public power. By working closely with our sister unions in the arts, entertainment, and news and by engaging directly in the process by sending emails and making phone calls to their elected representatives, WGAE members won an impressive string of legislative and policy victories in the last year.

After many years of hard work, we succeeded in winning passage of the TV Diversity Tax Credit in Albany in 2019. For the first time ever, producers would receive a tax credit for hiring women and people of color to write and direct television in New York. Governor Cuomo signed the bill at year-end but insisted that, before the tax credit would become effective, the state would have to conduct a "disparity study" to demonstrate that the representation of women and people of color writing and directing television in the state was lower than the representation of people available to do the work. A no-brainer, statistically speaking. Unfortunately, the pandemic dropped the bottom out of the state budget last year so there was no funding for the study.

Undaunted, our members and our labor allies (including the Directors Guild of America) mobilized, and, with our legislative champions Senator Robert Jackson and Assemblymember Latrice Walker, we got the funding in this year's budget. We have gathered a lot of information that will be useful to the consultants hired to do the study, to make sure they know where to look for data on the thousands of qualified writers and directors who are women and people of color and who are not currently getting hired.

We also won funding for the New York State entertainment industry COBRA subsidy, a program that had fallen out of use pre-pandemic. The state's entertainment unions fought hard and put the program, which pays half of the COBRA premiums for entertainment union members, back on solid ground.

In Washington, the WGAE and our allies at the AFL-CIO Department of Professional Employees worked long and hard to ensure that the pressing needs of our members, and of working people generally, were addressed by the various pieces of pandemic-relief legislation that Congress adopted in the Spring, Fall, and Winter. The CARES Act provided weekly benefits for gig workers, expanded unemployment insurance benefits for regular employees, and included other protections. The HEROES Act extended some of these benefits, but the American Recovery Act adopted in early March 2021 did even more. Bringing the U.S. economy out of recession and providing important economic relief to millions of Americans are good for all of us, but here are some provisions the union fought particularly hard for:

- Payroll Protection Program funds will now be available to support employees at digital-native news organizations.
- COBRA premiums will be subsidized at 100% through September 30, 2021. We have been in close communication with the PWGA health fund, which worked quickly and effectively to implement the program in a very short period. Members who lose coverage from the fund, or from employer-sponsored health plans, should be sure to take advantage of this subsidy. (Note that the New York State entertainment industry COBRA subsidy does not expire in September.)
- Funding increased substantially for the Corporation for Public Broadcasting, the National Endowment for the Arts, and the National Endowment for the Humanities.

Getting assistance to digital journalists was a long hard fight, and we were joined by Representative Yvette Clarke and by Senators Kirsten Gillibrand and Tim Kaine, who circulated letters signed by many of their colleagues calling attention to the particular needs of digital-native news organizations and the people who work for them (e.g., WGAE members). During this campaign, we realized that the WGAE is the main advocate for digital journalists on Capitol Hill, and that our work in this area will continue.

With our active involvement, the AFL-CIO DPE submitted a series of proposed policies to the

Congress and the new Administration to address the lack of equity and inclusion in the entertainment and news industries. Together with our sister unions, we participated in a well-attended press conference to describe these proposals and the human realities underlying them. Work has begun on another economic package in the House and Senate, and we will remain vigilant to ensure that the interests of writers – and working people in general – are addressed.

Equity and Inclusion

The WGAE is fully committed to the struggle to ensure that our industries overcome their long history of exclusion so people from historically underrepresented communities have a meaningful opportunity to build careers. We do this both as a matter of social justice and as a matter of the long-term health of the industries themselves, as audiences demand to see, hear, and read stories that reflect their own experiences and perspectives.

We do this essential work on many fronts:

- We engage our members - enlisting their support in policy campaigns, consulting with them on substantive issues, offering panel discussions and workshops, and honoring and supporting member-led initiatives.
- We fight hard for innovative equity and inclusion provisions in our collective bargaining agreements.
- We press lawmakers to adopt legislation, and to fund programs, that enhance diversity in the workplace.
- We create and run programs that offer historically excluded writers' mentorship, skills training, and access to the industry.
- We reach out beyond our current membership to ensure that the pipeline of creative professionals is inclusive.

Here are some examples of our work in the last twelve months (in addition to the historic diversity tax credit). Some of these programs are aimed specifically at underrepresented writers; others aim to ensure that all members who are relatively new to the industry have the opportunity to grow professionally and to participate in the union.

WGAE New Writer Mentoring Program

We initiated the WGAE New Writer Mentoring Program in December 2020 to provide mentorship, guidance, and support to new members of the WGAE. The program consists

of one mentor for approximately ten mentees. Mentors are veteran and produced feature, television, and comedy/variety writers in the WGAE. Each round runs for six months and includes Zoom meetings for mentor and cohort to discuss the industry and its

challenge, writers' experiences, specific skills, and more.

Boot Camp Training

Earlier this year, we successfully launched our first Boot Camp Training, a six-week program for Guild members who are either looking to staff an episodic writers' room for the first time or are early-career television writers looking to improve their skills. The Boot camp allowed these writers to learn from experienced Guild members about writing for episodic television. About 95 writers enrolled in the first training.

NY Screenwriter Workshop

In the midst of a global pandemic, we successfully conducted the inaugural New York Screenwriters Workshop along with FilmNation to support early-career, New York City-based screenwriters who are underrepresented in the film industry and have demonstrated a rigorous commitment to their craft. Seven Workshop participants, who were selected out of 300 applicants, were paired with both a screenwriting mentor and an executive mentor. The Workshop was conducted entirely virtually, featured seminars on Crafting a Story for a Global Audience, Independent vs. Studio Development, The Business Affairs of Writing, How to Pitch Your Project, and Working Relationships between Writers and Producers. The program culminated with virtual table reads of the participants' work and intimate pitches with leaders of the New York film industry.

Comedy/Variety Equity and Inclusion Project

Beginning last summer, we convened a number of meetings with head writers and executive producers on late night shows along with many dozens of BIPOC comedy-variety writers to examine barriers faced by BIPOC writers in getting late night jobs, thriving in those jobs, and building careers. These extensive conversations resulted in a series of commitments we asked late night shows to make – broadening the applicant pool, reforming the packet process, addressing serious problems with room culture, helping writers advance in their careers. We followed those commitment requests with additional one-on-one conversations to generate a long list of specific observations and suggestions – things that have worked in practice, things to try, examples of barriers and setbacks writers have actually experienced, and more. Everyone we met and talked with supported our union's commitment and appreciated the opportunity to participate, to share ideas and experiences.

Anti-oppression Training

All WGAE staffers participated in anti-oppression training this past year (in addition to training on sexual harassment and related issues). Field staff – that is, employees who work directly with members and others in organizing and representing writers – got extra sessions, and we provided training to the bargaining committees involved in WGAE negotiations.

Member-led Salons

The WGAE supports a wide range of salons where members gather (electronically, now) to share information, to socialize, to identify problems and discuss actions to take. The Women's Salon has been meeting for several years, and in the last year and a half we have created salons run by, and for, Black, Asian American, and LGBTQ writers.

Committee for Equity and Inclusion

Our Committee for Equity and Inclusion meets regularly to discuss the challenges faced by historically underrepresented writers and what the Guild should be doing about these issues. Annually, the Committee gathers a larger group of members and not-yet-members to ensure that the broadest range of voices is heard in this vital conversation. Over the winter members heard from the LA-based Think Tank for Equity and Inclusion, which created resource materials describing how writers can be more thoughtful when writing about people in underrepresented communities. The Guild distributed this year's TTIE survey to our members, and we look forward to learning and sharing the results.

CBS News Diversity Committee

In our last round of contract negotiations, we won a commitment from CBS News to

participate in a joint diversity committee with the union. Members had been pointing out significant problems with workplace culture and with underrepresentation. While we were trying to schedule the committee's first meeting, another example of the problems became public: allegations of racism and misogyny centered around executives Peter Dunn and David Friend. As soon as news broke, the WGAE wrote to top executive George Cheeks to demand an investigation and a prompt committee meeting. The company announced an investigation and suspended the two executives. Several weeks later, the joint diversity committee held its first meeting, and a number of BIPOC women members had the opportunity to present, in their own voices, what it was like to work in the CBS News environment. The management representatives at the meeting listened carefully and we hope concrete action will follow.

Safe Workplace Helpline

In October 2020, we launched a Safe Workplace Helpline for members who experience harassment or discrimination. The helpline includes a secure voicemail and email address for members to confidentially contact Guild staff and report any harassment or discrimination.

"The Chase" Strike

The writers on *The Chase*, a quiz and audience participation show aired on ABC but produced by ITV America, asked the WGAE to demand that their work be covered by the MBA. When the company refused to honor our request, all nine writers went on strike. After two solid weeks of

striking, and enormous solidarity from thousands of WGAE and WGAW members, the company finally relented. As a result of this hard-fought campaign, the show is now covered by the Minimum Basic Agreement, and all the writers are getting pension and health benefits and residuals. Strong collective action, and member solidarity, can accomplish great things.

Arbitrations and Enforcement

The WGAE brought a number of enforcement actions in the last year against companies that failed to pay the initial compensation or residuals that were due. For example, the union won nearly \$680,000 in underpaid residuals (plus interest) for the writers of the series *Desus and Mero*.

Podcasting

People love to listen to podcasts. There are hundreds of thousands of podcasts available at any given time, satisfying a voracious appetite for audio on demand - drama, comedy, and nonfiction programs. Podcasts are relatively inexpensive to make, and WGAE members want to get involved, and to get paid appropriately.

The WGAE has worked hard to learn more about how writers participate in the podcast industry, how projects are made and distributed, and how production companies and platforms commission or license content – or use it to develop intellectual property for derivative use in television or SVOD. We want to ensure that members know how to take advantage of opportunities and protect their interests. And we want to ensure Guild coverage of as many projects as possible.

Our efforts cover both the “audio fiction” world (scripted dramas and comedies) and the nonfiction world, which function differently.

WGA Audio Alliance

In conjunction with writers of scripted fiction podcasts we launched the WGA Audio Alliance in October 2020. We aim to support audio fiction writers working to organize high budget scripted podcasts and to connect the wide network of writers of audio dramas and comedies.

Companies like Audible and Spotify monetize scripted podcast work through ad sales and subscription revenue, and production companies often use scripted podcasts to inexpensively generate IP that they can turn into a film or television series. As production of scripted podcasts reaches new heights, it has become increasingly clear that people who craft these programs should be protected by Guild contracts and should share the value created by their work.

Spotify-owned Production Companies

The WGAE has organized the writer-producers who create nonfiction podcasts for three companies, each of which is now owned by Spotify: Gimlet, The Ringer, and Parcast.

Gimlet

Gimlet produces a number of nonfiction podcasts in-house. Spotify bought the company during our organizing process. After a lengthy, difficult negotiation, we won a solid first contract. A few highlights: the agreement includes substantial equity and inclusion gains – both in hiring requirements and in a well-funded diversity committee. It cuts out oppressive noncompete agreements, locks in a good suite of Spotify benefits, and provides meaningful gains in pay (transparency and minimums).

The Ringer

The WGAE represents a unit of writers, editors, and writer-producers at The Ringer, which has a website with articles, and which also creates a lot of nonfiction podcasts. In March, we finalized a collective bargaining agreement covering this unit which provides, not only pay hikes, but language related to promotional opportunities and new titles, protections for people classified as “contractors”, diversity/equity/inclusion provisions, and clarification of book rights and outside work.

Parcast

In October, the writers at Parcast chose to be represented by the WGAE, and we demanded that the company grant voluntary recognition, which it did. With participation from an active bargaining committee, we identified the issues the unit felt were most important, crafted bargaining proposals, and started negotiations earlier this year.

Digital Media

The WGAE continues to grow rapidly and effectively in digital media. Since early 2020 we have won recognition at shops employing more than 700 writers, editors, producers, and others who create literary material for digital media companies. These storytellers have proven their commitment to win the right to bargaining collectively in a rapidly changing part of the industry.

This growth is not without challenges for the WGAE, as we work closely with the new members (and soon-to-be members) as we identify which workplace issues have the highest priority and negotiate contracts that address those priorities. Once negotiations are complete, the WGAE

remains deeply involved in enforcing the contracts' terms and helping shop leaders keep pace with the shifting dynamics that led people to unionize in the first place (for example, equity and inclusion issues, workplace safety, transparency in policy and practice, and job security). WGAE members from all our sectors, including television, film, and broadcast news, routinely mobilize in solidarity with their brothers and sisters in digital media – signing petitions, doing social media, attending meetings, expressing their support.

At the moment, we are in first contract negotiations at Hearst, Chalkbeat, Jewish Current, Now This, Bustle, FT Specialist, and Inc. These negotiations give us the opportunity to fight for pay that is both better and fairer, for innovative and effective equity and inclusion language, and for workplaces that respect the editorial competence and integrity of the members.

In December 2020, the 30-member bargaining unit at CPJ ratified its first collective bargaining agreement with the WGAE. After a year of negotiations, CPJ agreed to a three-year contract that includes significant gains. The deal came after more than 600 members of the WGAE working in film, television, and news signed a petition urging CPJ to agree to a union contract.

Also in December, the 53-person unit at Future ratified its first contract, which included significant increases at all pay levels (but especially at the lower grades), new pay minimums and grades, language on editorial standards and editorial independence, 16 weeks of paid parental leave, and many equity and inclusion gains including hiring commitments, a well-funded diversity committee, and provisions protecting people who are transgender or non-gender-confirming.

Nonfiction Television

Nonfiction TV writer-producers, just like their fiction TV counterparts, work gig to gig, show to show, season to season. Because their part of the industry remains mostly non-union, however, their pay rates are very low, and most either have no health benefits or mediocre benefits that require them to pay substantial monthly premiums. For more than ten years, the WGAE has been organizing nonfiction TV production companies, and we now have collective bargaining agreements at five companies that create this type of series (Lion TV, Sharp, NBC News Studios, Vox Entertainment, and the TV production unit at Vice). There is still a lot of work to do before we have sufficient density, but we have made real gains. For example, at Vox, the CBA includes strong language on job security and equity and inclusion, paid time off, access to portable health benefits, meaningful pay minimums, and more.

In early 2020 NBCU announced it was shuttering its nonfiction unit, then called "Peacock", and terminating all WGAE-represented writer-producers. We learned that the company was simultaneously creating a new operation called NBC News Studios to do essentially the same work non-union, and we leapt into action. After NLRB charges, member mobilization, and lots of negotiations, the company relented and agreed to apply our collective bargaining agreement to

the “new” unit.

Organizing continues. We have an active caucus of women of color who do both consciousness-raising and power-building. We offer training on showrunning, workplace culture, and skills. We continue to talk with hundreds of writer-producers about signing authorization cards and organizing their workplaces; this work was difficult for many months because the pandemic shuttered almost all production, but interest in joining with the WGAE has resumed as safety protocols have brought people back to work.

The Labor Movement

The WGAE is a proud part of a broader labor movement, in the United States and internationally. We are a member of the International Affiliation of Writers Guilds. In the past year we worked closely with the IAWG to craft a coherent international position on how the big streaming companies (e.g., Netflix) should treat and compensate writers. We worked closely with UNI MEI, the global organization of entertainment industry unions, on organizing, workplace safety, and equity and inclusion issues. Our close relationship with the national AFL-CIO, including its Department of Professional Employees, made our policy gains in Washington possible. The New York State AFL-CIO has been a key supporter of our equity and inclusion work in Albany. We worked tirelessly with our sister entertainment industry unions on the pandemic’s impact on television series and features, including safety protocols that have permitted production to resume. And we partnered with our sister news unions to make newsrooms safer.

Solidarity works. Solidarity among writers is what permits us to win good collective bargaining agreements and organize formerly non-Guild writers. Solidarity among unions is what enables us to win policy gains and tackle the tough issues we confront across our industries.



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