



WRITERS GUILD of AMERICA, EAST

**Executive Director's Report
to Council and Members**

May 2022

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Written by Lowell Peterson, Executive Director

Introduction

In the last twelve months, the Writers Guild of America, East has made enormous progress on all fronts, in all sectors. We successfully negotiated our largest broadcast news contract at CBS and we are moving forward with four more (ABC, WNYW, Audacy, and 1010 WINS), plus the newly organized unit at MSNBC.

We have launched an all-hands-on-deck member engagement and education plan to prepare for upcoming MBA negotiations affecting our members in TV, features, and SVOD. We continue to organize and bargain in nonfiction TV and in podcasting. We negotiated a number of groundbreaking first and second contracts in nonfiction podcasting and in online media.

We are fiscally sound, and we engage our members in all aspects of the union and its work.

Thus, the union has functioned at an extraordinarily high level of efficiency and effectiveness, through the pandemic and the many challenges presented by an industry in transformation.

What Informs Our Work at the WGAE?

This report includes a lot of details about the many projects and campaigns that have kept the WGAE's members and staff busy in the last twelve months. I thought it might also be useful to set out some of the basic principles that inform our approach, that guide our Guild work.

We must ensure that our members can sustain meaningful careers as the industry continues its transformation.

As the Guild's members anticipated by striking nearly 15 years ago, digital technology has transformed how content is created and distributed, and how our members earn a living. On the TV and features side, everything has changed with the advent of streaming video on demand ("SVOD") - including basic changes in reuse and residuals payments; reductions in the number of weeks of work and the number of writers in the room; additional pressure for free development and other unpaid work; and reduced opportunities for members to move up the Article 14 career ladder and to produce.

In the news area, consumers depend more and more on content delivered online. News broadcasters no longer rely on the airwaves; they have created and expanded fully online alternatives. And an entirely new all-digital news media ecosystem has arisen, combining video, audio, and text stories; this area has grown enormously in recent years. In all areas where Guild members work, we aim to deepen our understanding of how careers and business models are evolving, and how the Guild should adapt its work at the bargaining table and away from it.

We must engage members in the union's work.

A union's power derives from its members, members who care about the union's work and participate in its initiatives. We look for every opportunity to involve members in bargaining and contract mobilization, in policy campaigns, in organizing, and in the programs and events that teach skills and provide insight into industry and career trends (and that also give people a chance to socialize and network).

We must ensure that the industry becomes more inclusive.

Equity and inclusion initiatives are about social justice, but they are also about industry self-interest. Audiences expect stories that speak to their lives, and stories are better if they are told by people with a range of experiences, identities, and perspectives.

Upcoming Negotiations for a New Minimum Basic Agreement

Although we will not sit across the bargaining table from the producers to negotiate a new Minimum Basic Agreement (the “MBA”) until 2023, we started preparing in earnest last summer.¹ We had an appropriately ambitious bargaining agenda for the 2020 negotiations, but the COVID 19 pandemic shut down production and made a strike threat improbable. Now, as streaming continues to upend both television and theatrical production and distribution, both the WGAE and the WGAW recognize we have a lot of work to do at the bargaining table next year.

To cite just a few examples: Hundreds of Guild members write comedy/variety. The MBA has no minimum-compensation terms for comedy/variety shows made for SVOD, and the residuals for those shows are puny. Features writers face continued challenges; TV mini-rooms undermine employment patterns and members’ ability to “make their year”; and the industry has a long way to go to become truly equitable and inclusive.

Success at the bargaining table requires more than presenting a strong economic and moral case: it requires leverage. Member engagement and mobilization are the essential components of our leverage. Therefore, we have spent many months broadening and deepening our network of contract captains. We have designed a comprehensive program of member education about what’s at stake in these negotiations – opportunities to discuss and learn about the issues members face, what’s happening in the industry, what the Guild can do about it. We are building member solidarity – and ensuring that this solidarity is founded in an informed membership.

Film/TV/Streaming

In recent years we have substantially increased the resources (including staff) we devote to engaging our TV, SVOD, and feature members and to ensuring that we help them build meaningful careers. We have created the first-ever **WGAE Showrunner Academy**, an eight-week program to support Guild members who are supervising producers, executive producers, and new show creators in honing the skills necessary to excel as showrunners and leaders. The training provides invaluable instruction from current showrunners and other industry professionals on such topics as hiring; understanding the MBA; prioritizing equity and inclusion; fostering a functional workplace culture; budgets; managing relationships with writers, executives, and actors; and more. Another initiative is a **new member mentorship program**, which matches new members in TV, features, and SVOD with experienced ones, and which offers insights into sustaining a career as a professional writer. We offer a **staff writer bootcamp** where relatively junior TV writers learn about what happens in a room and in a series from members who have been through it.

Our executive and field staff have done room visits, meeting with every television/SVOD writing room in the East that could accommodate us. Rooms went remote during the pandemic but as people get back to writing together, we are resuming these important meetings. The Guild staff attending these meetings are the same people who participate in MBA negotiations and who intervene when studios and networks violate the MBA. We have won many hundreds of thousands of dollars through **arbitrations and negotiated settlements** on behalf of TV and movie writers in the past year alone. After surveying members about increased **demands for unpaid work**, we launched an initiative to ensure that every TV and film member has the tools to protect themselves from the increasing pressure to work for free. The industry cannot be permitted to offload its development costs by pressuring Guild members to write without compensation.

As described in more detail later in this report, the Guild offers a wide range of panels, workshops, roundtables, and other programs and events where members gather to talk about the craft and the business of professional TV and film writing – and to network with each other and with producers and network executives.

In short, we have significantly increased the staffing, programming, and member engagement opportunities in the film/TV/streaming sector in recent years.

¹ The MBA is the collective bargaining agreement that sets the terms governing employment of TV, feature, and SVOD writers, including initial compensation, residuals, and benefits. Jointly with the WGAW, we negotiate it every three years with the Association of Motion Picture and Television Producers (the “AMPTP”).

Comedy/Variety

Hundreds of WGAE members write comedy/variety shows. They form an activist core of Guild members, willing to mobilize in solidarity with members in all areas. As television migrates to SVOD, these members face an MBA that does not include minimum compensation terms for made-for-SVOD comedy-variety programs. And the MBA's residuals for made-for-SVOD comedy/variety programs are pitiful. This will be a critical priority for the union in next year's negotiations, and we know all of the Guild's members will stand in solidarity.

In the past year and a half, the WGAE has worked closely with members to develop concrete steps that all late night shows can take to enhance equity and inclusion in their rooms – from hiring to workplace culture to career sustainability. This has been a labor-intensive process, involving many meetings with many members, including writers in supervisory capacities and others, to talk about what needs to be done and what solutions will actually work. There isn't an "end point" to any project of this nature, but we developed a hiring and retention pledge, and we think this work by the Guild and its comedy-variety members will result in meaningful gains in equity and inclusion, which means not only better careers but also a more sustainable industry.

Although there are a lot of jobs in late night, some members ponder a transition to episodic comedy. For them, we offered a program on crafting and pitching an effective pilot script, called Episodic Workshop for Comedy/Variety Writers.

Broadcast/Cable/Streaming News

The WGAE has represented members in broadcast news for generations – newswriters, producers, assignment editors, graphic artists, desk associates, researchers, and many others.

This part of the industry has been in transformation for a long time, as broadcasters have contended with changes in viewership and reductions in advertising revenue, have faced competition from cable and digital-native news organizations, and have cut jobs and increased members' workloads.

The WGAE has fought back by ensuring that our members continue to be relevant as the workflow shifts, by organizing as broadcasters create new operations, and by fighting hard at the bargaining table.

CBS News

We negotiated a tentative agreement covering several hundred newswriters, assignment editors, graphic artists, producers, desk associates, and others at CBS News network and local stations in New York, Chicago, Los Angeles, and Washington D.C. The WGAE and the WGAW have represented this bargaining unit for many decades.

The economic package – raises and pension rate increases – is better than any other union pattern at CBS News, and we won increased producer and acting editor fees, better staff severance pay, and transformational gains for "perma-temps" including severance pay and parental leave. And we beat back company demands for significant economic concessions in holiday pay, night shift differential, long tours, and terms for Desk Associates in radio. The CBS News members will soon vote whether to ratify the agreement.

ABC News

We are still at the bargaining table at ABC News. We have made progress on several issues, including work-from-home and sexual harassment and discrimination provisions, and but we still have a lot of ground to cover.

MSNBC

A couple of years ago the WGAE won recognition at CBSN, the first live-streamed 24/7 news service to be unionized; we negotiated a great contract there just before the start of the pandemic. Last year we continued to expand our power in the news industry by organizing the writer-producers and others at MSNBC, the 24/7 cable news network. This organizing campaign took over a year of intense work that saw members of every sector of our union lend their

powerful support: nearly 1600 WGAE members signed a petition urging MSNBC newsroom employees to “Vote Union YES” and we won the National Labor Relations Board-run election by a very large margin in August 2021. This victory is the first of its kind in cable news. We started negotiations in November, and we hope to reach an agreement that addresses the unit members’ concerns about pay transparency and equity, about reasonable workloads and work shifts, about equity and inclusion issues, and more.

Additional News Negotiations in Progress

We are at the bargaining table at radio industry giant Audacy, local television station WNYW, and news radio station 1010 WINS. As at CBS and ABC, it is imperative that we get the company to pay the increased pension contribution rate, and that we make other gains our members expect.

Online Media

Although we did not organize any new online media/“digital news” shops in the last year we did negotiate a number of collective bargaining agreements in that sector.

Most recently, we won a new agreement at G/O Media after a four-day strike. The strike, which featured a spirited picket line including members from all over the WGAE and from other unions, beat back aggressive management concession demands and won pay increases of 3% per year, in addition to increased minimum rates. The agreement increased funding for diversity programs, won longer parental leave, locked in work from home rights, preserved the current health benefit contribution structure, and added WPAT-compliant transgender benefits.

At *Jewish Currents*, we negotiated a first contract which included substantial raises, new comp time policies, diversity requirements in the hiring process, and a sabbatical option. We negotiated an agreement covering *Fast Company* and *Inc.*, including new minimums, 18 weeks of parental leave (up from 12), improved tuition benefits and additional vacation weeks. We ended NDAs and expanded the company’s commitment to diversity. At *Salon*, negotiations for a second contract yielded significant pay increases (40% of the unit received at least \$10,000), plus gains in benefits and parental leave, an end to NDAs, and protections for “contractors”. At *Slate*, our second agreement improved parental leave and comp time provisions, plus significant pay increases across the board, but especially at the lower levels. At *The Intercept*, our second agreement boosted pay (including minimums up by at least \$10,000), 3-month professional leave, 5 months’ paid parental leave, and pay equity salary adjustments as high as \$11,200 plus a company commitment to do annual equity reviews. At *Thrillist*, our second agreement made important gains in pay equity and salary minimums, ended NDAs, and included a requirement that at least 50% of applicants at the hiring manager stage be from underrepresented backgrounds. We also negotiated excellent contracts at *Vice* (consolidating four units into one), *Chalkbeat* (a groundbreaking first contract), and *Slate* (a follow-up agreement at one of the first digital companies).

In short, collective bargaining works. Members win a voice on the job and significant improvements in the terms and conditions of their employment.

Equity and Inclusion

The WGAE remains committed to enhancing equity and inclusion in the entertainment and news industry and in our union.

As noted above, one of our guiding principles is that a diversity of experience and voice strengthens the industry; and developing activists and leaders who represent and reflect the full range of experience and identity is an essential part of this work.

Here are just some of the projects we have undertaken in the past year:

Comedy-Variety Diversity, Equity and Inclusion Work Project

Earlier in this report I described our extensive work with comedy-variety members to create and implement a meaningful commitment to improving recruitment, retention, and work culture in late night rooms. This work can be a model for change across the industry.

TV Diversity Tax Credit

The WGAE and the Directors Guild of America fought for years to win a tax credit to incentivize the hiring of women and people of color to write and direct television programs in New York. With the active participation of hundreds of Guild members, we won that battle in 2019, but then-Governor Cuomo introduced a requirement that a disparity study be conducted to prove what industry observers already knew: that women and people of color are underrepresented. Last year we mobilized again to get the state to fund this study, and to take the bureaucratic steps necessary to carry it out. As of now, the state is still sorting out a contract with an outside vendor to do the work, and we have already compiled a long list of organizations and resources that can help the vendor identify the relevant pool of available writers.

Pre-WGA Workshop

In June 2021, WGAE initiated a program that the Guild initiated a program to open pathways to WGAE-covered jobs in television and screen writing, with a focus on increasing membership from underrepresented writers. We offered a series of panels and events to help non-members learn more about the industry. Each panel featured honest discussions about the problems early-career writers might encounter, as well as guidance on how to navigate the many possible paths from support staff to writer.

Work Culture Project

About a year and a half before the pandemic shut down rooms, we convened a group of WGAE showrunners to discuss various actions the union could take to ensure that our members could work in rooms free from sexual harassment and other misconduct. Earlier this year, we reconvened the showrunner group to address a broader range of concerns and decided to revise a statement that showrunners could read at their rooms, indicating that misconduct will not be tolerated. The revised statement was shared with WGAE showrunners in February of this year.

Additional Work

The WGAE's Equity and Inclusion Committee continues to meet regularly, and (as noted below) there are a number of salons that bring together members from underrepresented communities to discuss the craft and careers.

Nonfiction Television

The genre of nonfiction television is alive and well on both cable television and streaming services, and we continue to expand collective bargaining to the people who write and produce it.

Several months ago, we won recognition at Jigsaw Productions, one of the most substantial and prestigious nonfiction production companies in the East. Negotiations have begun and will focus on a range of issues including career advancement, overwork, health benefits, equity and inclusion, and more.

We are also negotiating third contracts with Sharp Entertainment and Lion, whose writer-producers organized with the WGAE several years ago. We hope that renewed enthusiasm will create momentum to improve these agreements during the current round of bargaining. (We also have contracts with nonfiction shops Vox Entertainment, NBS News Studios, and Viceland.)

The Guild remains dedicated to building density and power in nonfiction television. These series compete with scripted shows, and working conditions in this part of the industry remain, in a word, awful.

Podcasts

The WGAE has organized hundreds of people who write and produce podcasts. On the fiction side, many current members seek Guild coverage for their projects, particularly as companies increasingly look to podcasts as lower-cost ways to develop stories and characters that will ultimately become TV or SVOD series. The WGAE's Audio Alliance is comprised of hundreds of writers, some of whom develop and produce their work independently and others of whom are hired by larger companies to create fiction series. We have crafted a template agreement to provide pension and health and other protections when writers are hired, and we are deepening our understanding of how the hiring, production, and distribution models are being shaped by major companies. There is much work to be done before we have sufficient density to exert leverage, but members remind us how important it is to protect writers as money and projects flow into this part of the industry.

On the nonfiction side, huge players like Spotify and others continue to expand their offerings, many of which compete with programs crafted by our members in broadcast news and elsewhere. We represent writer-producers at three Spotify shops: The Ringer, Gimlet Media, and Parcast. We recently concluded first contract negotiations at Parcast. We won pay increases that averaged more than 7% in the first year, boosts in minimum pay rates, substantial equity and inclusion gains (including a requirement that at least half of all recruits be diverse, plus \$100,000 a year in diversity funding), severance pay, a 12-hour turnaround minimum, comp days, career development provisions, and credits.

We recently won recognition for a unit of over 100 writers and producers at iHeart's in-house production operation. They craft many popular podcasts, and we look forward to winning substantial protections and gains as negotiations begin shortly.

Organizing

Our organizing efforts brought the power of collective bargaining to writers and writer-producers in several sectors in the last year. As noted above, we are now in negotiations for a significant unit of television journalists at MSNBC, a substantial unit of nonfiction writer-producers at Jigsaw, and a large group of nonfiction podcast writer-producers at iHeart. Just over a year ago we also won a three-week strike to win recognition and a contract for comedy/variety writers at *The Chase*.

Despite our remarkable success over the years, we have spent just 10-15% of our overall budget on new organizing – sometimes less (for example, it was about 8% over the last 12 months). Our thorough, careful work assessing support in unorganized shops and building committees with strong employee leadership has enabled us to win recognition every time we have demanded it, and to negotiate solid first contracts after that.

Our organizing is informed by several fundamental considerations: Is a particular sector or employer *competing* with work our members currently do (or, similarly, is it likely to become a *substitute* for Guild-covered employers in the future)? For example, nonfiction TV competes directly with scripted work and with public broadcasting programs; certain online news shows and companies compete directly with broadcast news shops. Is a sector or type of work something our members *would like to do* if it was Guild-covered? This would include dramatic/comedic podcasts and animation. Is the shop *adjacent* to a Guild shop (that is, owned by the same parent company)? Will building *density* in a sector increase our leverage? Is organizing a sector or employer *scalable* – that is, can we realistically do the work given our relatively small size?

Consistent with these considerations, Council has approved an organizing plan that will provide for growth in several Guild sectors, equitably apportioned: broadcast/streaming news, nonfiction TV, fiction and nonfiction podcasting, animation, and online media shops that focus most heavily on video and audio content (or that are owned by companies that also own shops with Guild contracts).

Programs and Events

The WGAE offers an enormous array of workshops, panel discussions, roundtables, seminars, training programs and other events, in addition to our ongoing series of podcasts featuring the work and insights of Guild members in many genres. Thousands of WGAE members partake of these programs each year – especially because during the pandemic everything has been available online through Zoom and on our website.

Rather than attempting a comprehensive list, I urge members to go to our website and see what's available. This programmatic work offers insights into the creative and career aspects of being a professional writer and engages members in the life of the union. This work creates a community of creative professionals, and it is an essential part of building the solidarity that is a foundation of our power as a collective bargaining representative.

We also facilitate many dozens of meetings by our member-driven salons. We are committed to fostering member-driven initiatives like these; we think it makes for a stronger union and develops member-leaders. This includes the Asian American, Black Writers, Career Longevity, Disabled, Latinx, LGBTQ, and Women's Salons. We also assist with the Broadcast Forum and the Scripted Forum.

Screen Credits

Members of the WGAE and the WGAW approved an Additional Literary Material credit which is now available to writers who have rendered WGA-covered writing services on theatrical features who do not receive writing credit. Their names can now appear in the end credits of the movie and on industry databases, allowing ALM writers to acknowledge that they rendered writing services on theatrical features.

The Labor Movement

We continue to work closely with other unions in entertainment and news media, with the city, state, and federal AFL-CIO, and with international organizations such as UNI MEI and the International Affiliation of Writers Guilds. I am on the Board of the AFL CIO's Department of Professional Employees and the Executive Committee of UNI MEI.

In November 2021, the WGAE was honored with UNI Global Union's Breaking Through Award for overcoming the challenges of organizing during the pandemic, increasing its membership and expanding across our sectors (scripted TV, TV news, nonfiction TV, and digital news).

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