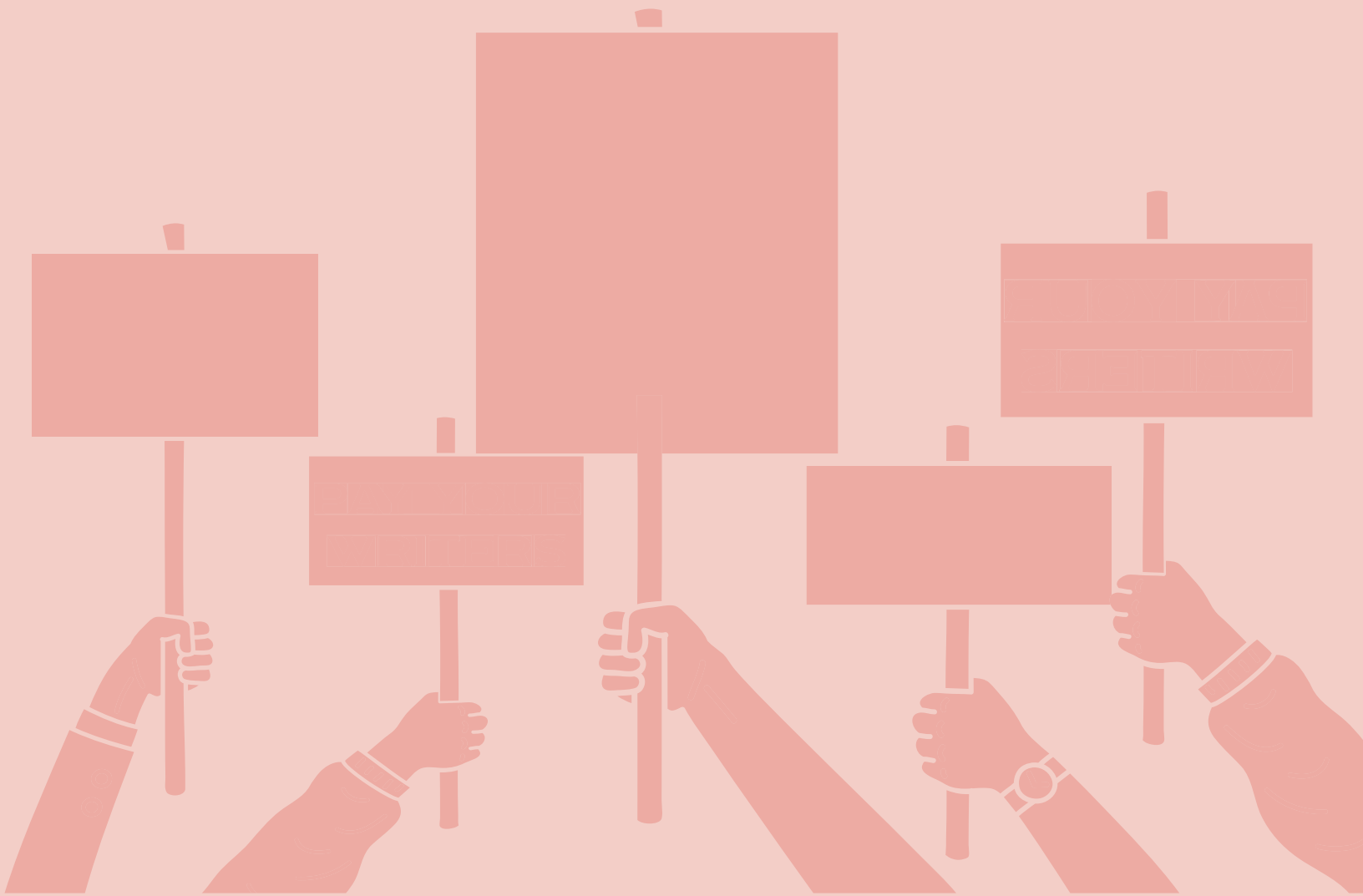


WRITERS GUILD of AMERICA, EAST



Executive Director's Report
to Council and Members

June 2023

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Written by Lowell Peterson, Executive Director

The strike

As of this writing, we are a month into a national strike against the Alliance of Motion Picture and Television Producers and the studios, networks, and production companies that are signatory to our Minimum Basic Agreement. Many thousands of writers across the country have put down their pens (electronic and otherwise) to force the companies back to the bargaining table to negotiate a fair contract that addresses writers' real needs and aspirations.

The issues that the WGAE and our sibling the Writers Guild of America West brought to the bargaining table have been described effectively and extensively (see wgacontract2023.org). (The WGAW leads these joint negotiations.) Fundamentally this round of bargaining is about ensuring that writers can build sustainable careers. Pay and residuals are declining, jobs are shorter, and opportunities to advance careers are disappearing. Comedy-variety writers are not protected by any minimum pay provisions when they write shows for streaming services, and residuals for those shows are paltry. Members are concerned about being displaced, creatively and economically, by Artificial Intelligence constructs.

The Guilds presented concrete proposals to address these existential challenges, and the AMPTP essentially refused to engage. After many weeks at the bargaining table, we made some progress on some issues, but it became clear that the major studios and networks were not willing or able to adapt the MBA to ensure that writers' careers are protected in the age of streaming.

The foundation of our leverage, and the central strategy of the strike, is members' putting their pens down, refusing to perform any and all writing services, as carefully defined in the strike rules and accompanying FAQs. But we are also mobilizing support from our allies in other unions and in the public sphere.

As members know from their own experience, our pickets have been powerful. Our picket lines and rallies have been energetic and large, full of Guild members and allies from across the labor movement, and they have often been effective in disrupting production. We developed a new tactic of setting up pickets on short notice, at sometimes-remote locations, based on solid information about specific productions. Crew and drivers and others have exercised their right – often at considerable personal risk and cost – to honor our lines. We cannot thank our allies enough for their support and solidarity – especially IATSE, the Teamsters, and SAG-AFTRA, plus Actors Equity, the musicians and the teachers and many other unions, and all levels of the AFL-CIO (local, state, and national). We have received invaluable help from many elected officials, including letters to the AMPTP and signatory companies, social media, speeches and statements, and shoe leather on our picket lines.

All of us on staff at the WGAE are completely committed to making this strike as powerful as possible and winning the best MBA possible. Appropriately, we are working very long days and long weeks and deploying every ounce of creativity and strategic and logistical know-how – I say “appropriately” because the same is true of our elected leadership, our strike captains, and our entire membership. We have reassigned staff from all departments to assist with our monumental picket efforts, and have added temporary staff as well. We know this is a strike we must win.

That said, this is a report of the union's work over the last year, so let me address some of what we did in addition to the MBA negotiations and strike.

In addition to the strike . . .

The central component of the vision I articulated when I started as Executive Director 15 years ago was that the WGAE must transform itself to remain relevant as our industry transforms.

Fifteen years ago, we knew that digital technology would change the industry. That's what the 2007-2008 strike was about, fundamentally. I'm not sure we understood just how profoundly the technology would change how writers' work is commissioned and produced and distributed and paid. How the compensation provisions and other basic aspects of our contracts would be eclipsed by profound changes in how writers are hired, how they build careers, how they earn enough – consistently – to make a sustainable living.

The transformation affects all Guild sectors. As the current MBA strike makes clear, it affects members who write dramas and comedies. It also affects those who craft nonfiction series, and news. It impacts members who work steadily for the major studios and networks, those who put together projects with smaller companies, and those who are hired by legacy news organizations or the newer online competitors.

How has the WGAE adapted to ensure we remain engaged and powerful as our industry transforms?

- We have developed a powerful network of strike captains who lead teams of members working under the MBA.
- We have built shop committees and stewards in broadcast news and online media.
- We have created a wide and deep array of programs where members can gather to discuss business and craft issues, where they can learn skills (e.g., writing, pitching, producing, showrunning, researching) in all genres and sectors, and where they can form friendships and professional networks.
- We have created programs and advocated policies to ensure that the industry is more inclusive so that the industry remains relevant to audiences.
- We have negotiated innovative provisions in our collective bargaining agreements in all sectors to address the new realities our members encounter in their work.
- We have organized writers in formerly non-union subsectors that compete with our current members' work, that are poised to become competitors, or that offer work opportunities our members want to pursue if we can obtain Guild coverage.

The WGAE employs about 40 union professionals, people who have dedicated themselves to the hard work of negotiating and enforcing contracts, organizing writers to take collective action, creating and presenting useful programs, staying on top of the essential administrative work that keeps the lights on and the computers running, and communicating with members and the press. There is no union staff that is more talented or harder working than the people who work for this Guild.

Union restructuring

In May 2022 the members of the WGAE approved a plan developed by Council to restructure the union's elected governance by sector. Thus, members now vote for Councilmembers in their own sector, and issues relevant to a particular sector are overseen by those Councilmembers (and by sector-specific Vice Presidents). The President and Secretary-Treasurer are elected membership-wide, and all Councilmembers and officers deliberate and vote on union-wide matters (which is most of them).

A reminder about the sectors: The Film/TV/Streaming sector includes series and feature writers (and this of course includes people who write for streaming video on demand platforms like Netflix and Disney+). It covers all genres and subsectors – drama, comedy, nonfiction, public broadcast. It also includes Guild members in podcasting (including nonfiction podcasting). The Broadcast/Cable/Streaming News sector includes people who craft news content for broadcast and cable television, radio, and broadcast-like online platforms (e.g., CBS News Streaming). This sector has been part of the WGAE for generations, and it has always included people in a range of job titles such as newswriter, graphic artist, desk assistant, assignment editor, line producer, production assistant, and others. In recent years this sector has expanded as we have organized CBS News Streaming and MSNBC. The Online Media sector comprises what we used to refer to as “digital news” – online companies like Vice, Vox, HuffPost, The Intercept, and many others. This sector was historically non-union; we started organizing digital newsrooms in 2015.

As of the last membership census, the sector memberships were:

Film/TV/Streaming - 60% (about 4,000 members), **Broadcast/Cable/Streaming News** - 14% (about 950 members), and **Online Media** - 26% (about 1,750 members). Each sector is projected to grow as we negotiate first contracts at places like MSNBC and Hearst, and as we continue to organize under the plan approved by Council, which contemplates continued growth in nonfiction TV, podcasting, and elsewhere. In particular, we have closed, or expect to close, first contracts this year that should bring up to 350 new Film/Television/Streaming members into the Guild, 300 new Broadcast/Cable/Streaming News members, and 650 new Online Media members. Pursuant to our organizing plan, each sector should grow in equitable measure for the foreseeable future.

Sectors

Broadcast/Cable/Streaming News

From the union's inception, WGAE members have worked in the news business. For generations Guild contracts have covered people who craft news content for radio and television – for national networks and local stations. Please note that many of these professional journalists have not historically had the job title of “writer”; our longstanding contracts at CBS, ABC, WNYW and at news radio stations (1010 WINS, WCBS 880, and WBBM) cover newswriters, editors, service aides, production assistants, continuity writers, researchers, assignment editors, desk assistants, graphic artists, show producers, segment producers, promotion writers, desk associates, contract producers, news assistant, and (more recently) web producers.

Some analysts consider broadcast news to be a “mature” business – that is, it has not experienced significant growth in revenues, profits, or employment for quite some time. Some even conclude that the business is in decline, losing audiences and advertising dollars. Although many other unions in broadcast news have experienced significant reductions in membership, we have remained steady, in large part because our members have adapted to changes in workflow and responsibilities.

Our experienced broadcast news members, our elected leadership, and our staff have recognized the need to adapt to the continued transformation of the business, and we have worked hard to organize news operations that compete with our broadcast shops. When we sit down at the bargaining table, news executives bemoan the presence of aggressive and successful competitors in cable TV, podcasting, and online. Thus, it has been important strategically to expand Guild coverage to these competitive subsectors of the media business.

That is why we organized CBS News Streaming (formerly CBSN), the 24/7 livestreaming operation of CBS News a few years ago, and more recently, MSNBC, the round-the-clock cable news network. Together these operations employ more than 350 newsroom employees in our bargaining units. This year we went back to the bargaining table for a renewal CBA at CBS News Streaming, building on the remarkable gains we made in the first contract. We won pay increases and a ratification bonus – and beat back a management effort to eliminate borders between work performed by CBS News Streaming employees and CBS News employees which might have cost our members jobs or increased their workloads.

We are fighting hard at MSNBC for a first contract, against stubborn employer resistance. The Guild-represented employees at MSNBC often work brutally long hours; they are required to “stand by” for extra work and coverage; and they are often assigned to work typically performed by higher-paid employees, without the higher pay. Our goal is a collective bargaining agreement that recognizes the value of all of this work – by paying for it.

In the past 12 months we successfully concluded negotiations covering hundreds of Broadcast/Cable/Streaming News members at ABC News, 1010 WINS, WNYW, and Audacy. We made real gains in each of these contracts, in a number of cases addressing historic problems like inequitable terms for per diem employees (most of whom work year-round, full-time), and the employers agreed to pay the additional contributions required to keep our pension fund strong.

Film/Television/Streaming (FTS)

Of course, most of our energy, time, and resources in the FTS sector have been concentrated on MBA negotiations. We started preparing for the negotiations over a year in advance by:

- identifying issues of particular relevance to East members;
- working with our counterparts in the West on member surveys, substantive analysis, and logistics;
- mapping out an escalation plan centered around our captains network; and
- developing resources for our negotiating committee members and officers.

We recognized that, to build power at the bargaining table, we needed to engage the members by talking about the issues and the challenges by creating opportunities for them to participate in meetings and conversations – including, ultimately, a critical strike authorization vote.

In addition, we have offered some particularly useful and innovative programs for FTS members – although these are on pause during the strike. This has included the WGAE Showrunner Academy, which offers in-depth training to Guild members on how to excel as show leaders and showrunners. The Academy covers technical skills like budgeting and producing, and leadership skills like running a room with a livable and just workplace culture. Our new-member mentorship program teams writers new to the industry (or at least new to Guild-

covered employment) with experienced members who offer advice and insight and support. Our Staff Writer Bootcamp covers the basics of working in TV rooms, from the writers' perspective. And we have offered many roundtables, workshops, and other programs to learn craft, to talk shop, and to hang out with other writers.

Comedy/variety

Hundreds of WGAE members write comedy/variety shows; they are a part of the Film/Television/Streaming sector. 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. Correcting this inequity is a critical priority for the union in MBA negotiations. We honor the late-night writers who have joined their thousands of MBA colleagues in putting their pens down – and the hosts who have made the painful decision to keep their shows dark.

The WGAE has worked closely with members to outline concrete steps that all late-night shows can take to enhance diversity, equity, and inclusion in their rooms – from hiring to workplace culture to career sustainability. Many staff writers and writers in supervisory capacities have signed a pledge to take these steps at their shows.

Online media

We started organizing online media newsrooms in 2015. Broadcast news executives have told us these companies are meaningful competitors – and it is true that, as broadcast revenues and viewership have declined, online advertising revenue and readership/viewership have skyrocketed (although a lot of that advertising revenue has been captured by Big Tech companies). Online media companies create content in multiple formats – text stories, video stories, and podcasts.

Earlier this year, we reorganized the way we staff our negotiating, enforcement, and representation work for online media and nonfiction podcast members. We created a new department to ensure that all staff assigned to work in this area report to new – and unified – management with a coherent vision and strategy informed by regular member conversations. The new department has been meeting with active members to make sure its vision is aligned with theirs, and it has offered leadership- and skill-development forums and trainings, plus workshops and retreats for staff and for members. This year we negotiated first contracts at Hearst and BDG, and we have made meaningful progress at the bargaining table at FT Specialist and at nonfiction podcast companies iHeart and Pineapple Street Studios. (Negotiations with podcaster Crooked Media are in the early stages.)

Organizing

Like most unions, the Guild has been institutionally pro-organizing for a long time. As industries and employment shift, and as sectors grow, shrink, and transform, unions prepare for the future by bringing the power of collective bargaining to the unorganized. The WGAE is fortunate to have real density in one of its historic core jurisdictions – TV and movie writing. In other words, most of the work in that sector is performed under Guild-negotiated collective bargaining agreements. There are some areas of scripted television with low Guild density (e.g., quiz and game shows and, until fairly recently, lower-budget comedy-variety programs), and we organize as much of that work as possible. But there are also sectors with much lower Guild density, which either (a) currently compete directly with Guild members' work; (b) are growing and might compete in the future; or (c) are places Guild members would like to work if they were Guild-covered. Thus, for the Guild, as for most other unions, organizing the unorganized has been part of our work to maintain and expand our power.

Previous annual reports have described the Guild's organizing work in online media (sometimes referred to as "digital media" or "digital news"). After a pause, the Guild has resumed some organizing in that subsector, but here are some other subsectors where we have been organizing:

Nonfiction/"reality" television

The WGAE has been building power in nonfiction TV for a number of years. (Note that members who work in nonfiction TV are in the Guild's FTS sector.) Because of intense employer opposition to unionization by the writer-producers who craft nonfiction series, and because the freelance nature of employment means that writer-producers typically don't stay at any particular production company for long, this organizing campaign has been slow and difficult. But we have made enormous headway. In April we won a first contract at Jigsaw Productions, one of the most prestigious nonfiction companies in the industry. It is a very strong agreement, providing portable health benefits, clear job descriptions and titles, career advancement language, equity and inclusion provisions, penalties for short turnarounds and late notice of dark weeks, paid time off, and protections against unjust termination. As with all nonfiction shops, writer-producer employment fluctuates a lot depending on which shows are in production at any given moment, but about 100 writer-producers might work at Jigsaw in the course of a typical year.

We also negotiated a much-improved collective bargaining agreement covering writer-producers at Sharp, where more than 100 people might be employed over the course of a given year. This renewal agreement made significant gains in pay rates and paid time off, protections against short turnarounds, and extra pay for long work weeks.

In addition to Jigsaw and Sharp, we have collective bargaining agreements at Lion, NBC News Studios, Vox Entertainment, and the prodco-formerly-known-as Viceland, and we represent a lot of writer producers at two companies owned by British media giant ITV (although we don't yet have a contract there). We recently won recognition to represent the writer-producers at BSTV and we have active campaigns at several additional nonfiction shops in the East. Thus, although we do not yet have sufficient density to leverage an industry-wide collective bargaining agreement, we are building a base from which to fight for one. All told, we represent many hundreds of nonfiction writer-producers.

Why should the WGAE care about building collective bargaining power in nonfiction TV? The shows these members craft compete for airtime and streaming-time with the scripted dramas and comedies our other FTS-sector members are employed to create. Many are in the same subgenre as the series our public broadcast members create – in fact, there are Guild members who work in public broadcast who also work in nonfiction TV. Pay, benefits, and working conditions remain distinctly substandard, but as our campaign continues to build momentum, things continue to improve for these writer-producers.

Podcasts

Audiences for podcasts have grown enormously in recent years, as have opportunities for writers in both the nonfiction and fiction genres. We have organizing efforts in both.

We now represent the professional storytellers at six nonfiction podcast production companies – The Ringer, Gimlet, Parcast, iHeart, Pineapple Street Studios, and Crooked Media. The first three are owned by Spotify; iHeart is a major media enterprise; Pineapple is owned by Audacy; and Crooked is a high-profile producer. All six are significant players in this subsector, and together they employ hundreds of writer-producers. These members are in the FTS sector.

Why organize writers and writer-producers at nonfiction podcast companies? The shows they craft compete

directly with work done by our members in Broadcast/Cable/Streaming News. That's what the news executives tell us, and it's what the members tell us. And these podcast companies also produce fiction podcasts, which many FTS members see as a potentially important way to sustain careers in drama and comedy.

Thus, we also have an active campaign in fiction podcasting. The WGAE's Audio Alliance brings together hundreds of members and nonmembers who craft audio dramas and comedies. Although a lot of this work is self-funded, producers and others increasingly look to fiction podcasts as a lower-cost form of development; if a podcast series is a hit, it can become the basis of a TV or SVOD series. The Audio Alliance facilitates conversations between creators, and evaluates current pay and other conditions (pretty meager at the moment, unfortunately). The goal ultimately is Guild coverage of as many significant productions as possible.

Animation

For years we have met with members and non-members who write animated projects, especially children's television animation. The Guild covers a lot of animation series aimed at adult audiences – e.g., *The Simpsons* and *American Dad* (and New York-based series such as *Tooning Out the News* and *Mulligan*). But when WGAE members write children's animation for TV or SVOD, it remains mostly non-covered. We have mapped these productions and met with many writers and showrunners, and we have a template collective bargaining agreement that would provide Guild pension and health contributions. The challenge is to demand and win coverage in a mostly non-union space. (Please note that a lot of feature animation projects are covered by the Animation Guild, which is affiliated with IATSE.)

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 June 2022, WGAE President Michael Winship and I were delegates to the AFL-CIO's convention, which elected Liz Shuler as the first woman President and Fred Redmond as Secretary Treasurer – and approved creation of the Center for Transformational Organizing, which aims to unionize a million workers in the next ten years. Our strong relationships with other unions in the entertainment industry – IATSE, SAG-AFTRA, the Teamsters, and others - have been a critical part of our success on the picket line.

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