

# The Invisible Workforce:

## Labor Abuses and Organizing in the Video Game Industry

A Case Study by Jacob R. Barnes  
August 16, 2016

*The development of this case study was made possible through the support of the State of New York. The opinions, findings and/or interpretations of data contained herein are the responsibility of the authors and do not necessarily represent the opinions, interpretations or policy of the State of New York or of the ILR School, Cornell University.*

## Introduction

*A pattern emerged in my days during this period. Get up, get washed and dressed, wash down a couple of caffeine tablets with some strong coffee, pick up a red bull, a coke and some cereal bars on my way into the office. Once at work I'd be at my desk non-stop; all meals would be eaten at my desk, though sometimes I'd not eat at all. When I did eat, it would usually mean a sandwich from the supermarket for lunch. Work would often provide dinner, invariably takeout. Sugary caffeinated drinks and sweets would sustain me for the rest of the time.*

*Eventually I'd give up for the day and go home, where I'd go straight to bed and hope that I'd get at least some sleep before the cycle started again — but unfortunately, caffeine, sugar and stress would make any rest difficult and fitful. Days were a minimum of 12 hours long. We worked six to seven days a week. Days off, if they came, would be spent using what little energy remained to deal with the details of living — shopping, cleaning and the rest of the mundane details of keeping yourself alive. . .*

*I'm amazed I survived.<sup>1</sup>*

What industry comes to mind when reading this account of an employee's long term, debilitating working conditions? It may come as a surprise that this statement came from a young video game developer, describing his daily routine for over a year prior to the release of a major project.

The world of video gaming has experienced explosive growth over the past decade, often at the expense of the workforce it depends on. Significant advances in production and distribution platforms have made it easier today than ever before to put a high-quality game in the hands of the consumer with the mere click of a button. This rapid expansion has influenced a new generation of gamers to attempt to break into the industry and turn their passion into a career. This pursuit, however, often comes at a high physical, social, and psychological cost.

This case study will detail the main issues and abuses affecting those working within the video game industry today. In addition to the long hours often required of developers in the months before a scheduled release—a well-known concept within the industry known as “crunch time”—workers are frequently subject to mass layoffs, misclassification, wage theft, and discrimination, all of which will be discussed in greater depth.

The study will also comment on the industry's potential for collective representation. These workers have little or no experience with collective action, and unions have no prior successful model or established jurisdiction over this workforce. As such, unions are struggling to find a model that will be able to both 1) transcend the strong barriers to organizing that have solidified during the industry's relatively short

---

<sup>1</sup> Iain Denniston, “Working on Fable destroyed my life, but I don't regret it,” *Polygon*, June 1 2016. Accessed on June 02, 2016 from <http://www.polygon.com/2016/6/1/11820966/fable-crunch-Microsoft>

existence, and 2) best represent the rights and ideals of the myriad types of employees required to produce high-end video games.

This study will draw from interviews with developers and industry journalists, along with a review of literature on the industry and workforce. Interviews for this research were conducted from October 2015 through August 2016. A strong effort was made to obtain a diverse set of perspectives from within and outside the industry. Titles of those interviewed include lead game designers and writers, senior game designer, voice actor, chief creative officer, and freelance consultant, as well as several industry journalists. Interviewees have experience with firms ranging from team member at a small start-up to design positions at major publishers. Some interviewees were assured of anonymity in order to gain their cooperation and ensure their candor. Wherever possible we have included descriptive details but without including information that might identify them or their specific employers.

## Industry Profile

Video gaming is the fastest growing segment of the entertainment industry, adding over \$6.2 billion nationally to US GDP in 2012 and growing at a rate of 9.7% per year from 2009 to 2012 (compared to 2.4% annual growth of the US economy during the same period). According to the Entertainment Software Association (ESA), New York's video game industry ranks fourth among states in economic impact, contributing \$378.5 million to the economy in 2012 with employment of 8,137.<sup>2</sup> From 2009 to 2012, the New York State video game industry grew at an annual rate of 12%, compared to just 0.33% annual growth of the NYS economy during the same period. The continued proliferation of electronic devices and available development/distribution technologies—as well as an ever-expanding consumer base—have sustained this high rate of growth in years since; according to the Entertainment Software Association (ESA) and the NPD Group, the US computer and video game industry generated \$23.5 billion in revenue in 2015.<sup>3</sup> New York is home to 11 video game publishers and 39 developers. Among those headquartered in New York is Take-Two Interactive, known within the industry as one of the most prolific studios in gaming, and producer of several extremely popular franchises (e.g., Grand Theft Auto, 2K Sports).

The rapid expansion of the video gaming industry within New York State has spurred policy proposals to facilitate its continued growth. Seeking to follow in the footsteps of the state film industry by providing tax incentives to game developers, State Senator Martin Golden and Assemblyman Joseph Lentol have sponsored a bill (S7485/A10083) to create the Empire State digital gaming media production credit. If passed, the bill would provide a 25% tax credit on “qualified digital gaming media production” to firms within the New York metro area and a 35% credit to those outside, further incentivizing the growth of the industry upstate. As of June 16, 2016, the bill has been passed by both the Senate and Assembly, and is now awaiting the Governor's decision.

---

<sup>2</sup> John Gaudiosi, “The 10 most successful states for video game development,” *Fortune*, February 24 2015. Accessed on May 16, 2016 from <http://fortune.com/2015/02/24/10-successful-states-video-game-development/>

<sup>3</sup> Entertainment Software Association, “U.S. Video Game Industry Generates \$23.5 Billion in Revenue for 2015,” February 16 2016. Accessed on April 28, 2016 from <http://www.theesa.com/article/u-s-video-game-industry-generates-23-5-billion-in-revenue-for-2015/>

## Worker Profile

A diverse set of skills and experience is needed at development studios to create the best content possible. Game developers can be grouped into three main categories: designers, who provide the overall vision of the project; artists, who conceptualize designers' ideas and create the game's "aesthetic;" and programmers, who use coding expertise to build the final product.<sup>4</sup> These groups represent a complex mix of engineers, writers, artists, and more, all whose knowledge and talents are vital to the creation of a successful title. Audio professionals, quality assurance personnel, voice and motion capture actors, and executive management also play crucial roles within the development studio.<sup>5</sup>

The best source for industry information on workforce characteristics comes from the International Game Developers Association (IGDA)'s annual Developer Satisfaction Survey. The prototypical worker in the video game industry today, based on 2,928 respondents of the 2015 survey, is "a 32-year old white male with a university degree who lives in North America and has no children."<sup>6</sup> More than 75% of respondents identified as white and male, with over half between the ages of 25 and 34. Just 7% of respondents had no college experience, with the overwhelming majority holding a degree. A variety of educational backgrounds are represented among the workforce; while many hold a degree specific to the video-game industry, others received training in fields such as computer science, engineering, liberal arts, and other arts-related fields including music and film.

Aspiring game developers have a number of opportunities for training within New York State. Twenty New York colleges and universities currently offer video game degrees, including eleven bachelor and five master programs. Several of these institutions are located within the five boroughs, including New York University (NYU), New York Film Academy, and the New School, as well as Hostos Community college and Bramson ORT College. Programs of note in upstate New York include Rochester Institute of Technology (RIT), Rensselaer Polytechnic Institute (RPI), and Cornell University.<sup>7</sup> Three of these universities—NYU, RIT, and RPI—were recently selected by Empire State Development (ESD), New York's chief economic development agency, to receive \$450,000 each to develop digital gaming hubs, seeking to promote collaboration and opportunity among students and entrepreneurs within the industry. As New York State Senator Martin J. Golden affirmed,

---

<sup>4</sup> Drew Liming & Dennis Vilorio, *Work for play: Careers in video game development*, Bureau of Labor Statistics, Occupational Outlook Quarterly, Fall 2011. 4-7.

<sup>5</sup> *Ibid.*, 8.

<sup>6</sup> Johanna Weststar & Marie-Josée Legault, *Developer Satisfaction Survey 2015—Summary Report*, International Game Developers Association, Sept 2015. 8.

<sup>7</sup> "College Video Game Programs," Entertainment Software Association, accessed Aug 6 2016 from <http://www.theesa.com/about-esa/courses-certificates-degree-programs/>

*These awards will make New York more competitive in this \$70 billion a year global industry, which includes \$25 billion in the U.S. This industry is larger than movies, music, and other digital downloads, and these three New York universities receiving the awards graduate some of the top designers and computer engineers in the world. Unfortunately, too many of these graduates and the companies they start move to other states, including California, Texas and Washington . . . Funding these three hubs will . . . encourage entrepreneurs who are creating the next generation of games to come or remain, and grow in New York.<sup>8</sup>*

A popular alternative to these programs is for-profit colleges that heavily market among young people seeking careers in videogame development. But a degree from one of these institutions is sometimes viewed with skepticism by employers. As noted by industry journalist Ian Williams,

*These degrees are largely worthless. I personally know several developers who, as a rule, summarily pass over applicants for anything but entry level [quality assurance] positions if they hold a degree from such schools. Even prospective video game workers know these degrees aren't going to get them in above the ground floor. Yet the figures prove that people keep signing up at for-profit colleges for a shot at their dreams—and the for-profits have no interest in dissuading them from doing so.<sup>9</sup>*

Aspiring developers looking for a job in the industry can find postings for open positions on industry job boards run by websites such as *Gamasutra* and social media services such as LinkedIn. Major video game conferences have also become a useful tool for developers to meet with company recruiters seeking new talent. Over two-thirds of respondents worked in the industry as an employee, whether on a permanent (65%) or temporary (4%) basis. Of the remainder, 19% were self-employed and 12% worked as freelancers or independent contractors.<sup>10</sup> According to the online gaming publication *Gamasutra*, U.S. salaried game developers earned an average annual salary of \$83,060 in 2013, ranging from \$54,833 for quality assurance testers to \$101,572 for those in business and management positions.<sup>11</sup> As favorable as these numbers may seem, they reflect only those employed in stable, salaried positions, not the huge numbers of workers hired on a rotating project basis in an industry rife with abuse and substandard working conditions. According to the same survey, solo, non-salaried game developers earned an average of just \$11,812 in 2013.<sup>12</sup>

---

<sup>8</sup> Empire State Development, “Empire State Development Announces More than \$1.3 Million in Funding Awarded to Establish New Digital Gaming Hubs Across New York State,” January 25 2016.

<sup>9</sup> Ian Williams, “You can sleep here all night: video games and labor,” *Jacobin*, November 08 2013. Accessed on November 25, 2016 from <https://www.jacobinmag.com/2013/11/video-game-industry/>

<sup>10</sup> Ibid.

<sup>11</sup> *Gamasutra Salary Survey 2014*, Gamasutra, 2014. 1-5.

<sup>12</sup> Ibid, 6.

## “Crunch Time”

One of the most pervasive issues facing video game developers, “crunch time” (or simply “crunch”), refers to the weeks or months before a game release when employees are required to work long hours to finish a project on time, often for little or no additional compensation. A 2004 blog post known colloquially in the industry as EA Spouse (for the username of the author) is largely credited for beginning the conversation around the injustices of crunch as an industry practice. As the username suggests, the blog was penned by the partner of a developer who at the time worked for Electronic Arts, detailing the abuse her partner faced during one of these periods:

*The current mandatory hours are 9am to 10pm—seven days a week—with the occasional Saturday evening off for good behavior (at 6:30pm). This averages out to an eighty-five hour work week . . . And the kicker: for the honor of this treatment EA salaried employees receive a) no overtime; b) no compensation time! (‘comp’ time is the equalization of time off for overtime –any hours spent during a crunch accrue into days off after the product has shipped); c) no additional sick or vacation leave. The time just goes away.*

Situations such as these are still common throughout video game development today, twelve years after EA Spouse was posted. “Far from being the result of management failure, what EA Spouse demonstrated was that crunch is built into the schedule,” concludes industry journalist Ian Williams in a 2015 article for *The Guardian*. “It’s not a failure of the system—it is the system.”<sup>13</sup> This isn’t to say that EA Spouse did not have a significant impact on such practices. Not only did EA Spouse catalyze discourse among developers and industry figures around the subject, it also produced tangible results—two lawsuits in the years following the blog led to EA paying over \$30 million to employees in unpaid overtime, as well as reclassifying nearly 200 positions as eligible for overtime pay.<sup>14</sup>

The social, physical, and psychological consequences of these periods on developers can be substantial. An employee who was forced to crunch for over a year described the effects it had on him and his coworkers in article for *Polygon*:

*The consequences for the team were dire. Relationships were being tested to the breaking point, and a great many of the team were on medication for stress-related illnesses, myself included. General chatter in the office faded off, and smiles were replaced by pained grimaces.*

*The consequences for me were devastating. I was briefly prescribed anti-psychotics at my lowest point. I experienced migraines, complete with terrifying tunnel vision, blackouts, severe depression, anxiety, panic attacks, paranoia, hallucinations and thought insertion.*

---

<sup>13</sup> Ian G Williams, “Crunched: has the games industry really stopped exploiting its workforce?” *The Guardian*, February 18 2015. Accessed Nov 25, 2015 from <http://www.theguardian.com/technology/2015/feb/18/crunched-games-industry-exploiting-workforce-ea-spouse-software>

<sup>14</sup> Tim Surette, “EA settles OT dispute, disgruntled ‘spouse’ outed,” *Gamespot*, April 26, 2006. Accessed Dec 02, 2015 from <http://www.gamespot.com/articles/ea-settles-ot-dispute-disgruntled-spouse-outed/1100-6148369/>

*I ended up having to take some time off for my illness in the middle of it all. I just couldn't cope. Sadly, though, even the time I ended up taking off didn't help much. I was too consumed by guilt over the team struggling on without me.*<sup>15</sup>

A former screen-capture artist for Rockstar Games spoke of the effect it had on her social life:

*I had a lot of friends that when I sort of came out of it and started seeing people again were like, 'Oh, we thought you had just moved to LA and hadn't told anyone.' Like, a lot of people thought I had just moved because I had just disappeared.*<sup>16</sup>

It is clear from the myriad accounts of current and former developers' experiences during these periods that this way of life is unhealthy and unsustainable for the individual. However, with a large pool of young developers attempting to break into the industry—often at any cost—crunch remains a common and sustainable practice for many studios.

Industry executives continue to defend crunch time, claiming that it is a needed fixture in the industry and that employees believing otherwise have “embraced a culture of victimology” and “a bad attitude toward their chosen vocations.”<sup>17</sup> Alex St. John, an industry executive and staunch advocate of crunch time, took to *Venturebeat* to discuss his perception of developers' thoughts on crunch time:

*Many modern game developers . . . complain that the long hours and personal sacrifices great games require are a consequence of poor management. They want to pretend that they can turn an inherently entrepreneurial endeavor like game development into a 9-to-5 job. Somehow, these people have managed to adopt a wage-slave attitude toward one of the most remarkable and privileged careers in the world . . . If working on a game for 80 hours a week for months at a time seems 'strenuous' to you . . . practice more until you're better at it. Making games is not a job, pushing a mouse is not a hardship, it's the most amazing opportunity you can possibly get paid to pursue . . . don't be in the game industry if you can't love all 80 hours/week of it—you're taking a job from somebody who would really value it.*<sup>18</sup>

A presentation on St. John's website outlines many of his beliefs on hiring practices, calling to work young employees “too hard” because “it's good for them and it's the only way they get seasoned.” An entire

---

<sup>15</sup> Iain Denniston, “Working on Fable destroyed my life, but I don't regret it,” *Polygon*, June 1 2016. Accessed June 02, 2016 from <http://www.polygon.com/2016/6/1/11820966/fable-crunch-Microsoft>

<sup>16</sup> Quoted in “Kathryn Greenbaum,” *Don't Die*, Sept 18, 2015. Accessed March 24 2016 from <http://www.nodontdie.com/kathryn-greenbaum/>

<sup>17</sup> Alex St. John, “Game developers must avoid the ‘wage-slave’ attitude,” *Venturebeat*, April 16 2016. Accessed April 18, 2016 from <http://venturebeat.com/2016/04/16/game-developers-must-avoid-the-wage-slave-attitude/>

<sup>18</sup> *Ibid.*

section of the presentation is dedicated to the assertion that “coding is NEVER work, it’s a calling” and that people who believe otherwise “aren’t real software engineers.”<sup>19</sup>

Although statements such as St. John’s allude to crunch being a required practice for success, a detailed study by the Game Outcomes Project concluded that, in fact, the opposite appears to be true. The research team compared responses from a survey of several hundred developers regarding crunch conditions to a number of measures of outcome. The analysis proved a significantly positive relationship between the two; that is, titles where developers faced worse conditions in regard to crunch time were less likely to have lucrative outcomes.

*It’s common knowledge that crunch leads to higher industry turnover and loss of critical talent, higher stress levels, increased health problems, and higher defect rates – and quite often, broken or deeply impaired personal relationships. Those who feel that crunch is justified freely admit to knowing this, but they don’t necessarily care about any of these harmful side-effects enough to avoid using it, as they continue to cling to the notion that “extraordinary results require extraordinary effort.” However, this notion appears to be a fallacy, and our analysis suggests that if the industry is to mature, we must cast it aside. Our results clearly demonstrate that crunch doesn’t lead to extraordinary results. In fact, on the whole, crunch makes games LESS successful wherever it is used, and when projects try to dig themselves out of a hole by crunching, it only digs the hole deeper.<sup>20</sup>*

What’s more, the team also identified what practices during the development process yield positive results:

*Our study seems to reveal that what actually generates “extraordinary results” – the factors that actually make great games great – have nothing to do with mere “effort” and everything to do with focus, team cohesion, a compelling direction, psychological safety, risk management, and a large number of other cultural factors that enhance team effectiveness. And we suggest that abuse of overtime makes that level of focus and team cohesion increasingly more difficult to achieve, eliminating any possible positive effects from overtime.<sup>21</sup>*

A former quality assurance employee turned industry journalist whom we interviewed made a point worth noting: While crunch is when workers are most vulnerable, it is also when the company is most vulnerable, and when workers may have the most leverage. He commented:

---

<sup>19</sup> Alex Walker, “DirectX Creator’s Tips For Hiring Coders Are Utterly Terrifying,” *Lifehacker Australia*, April 20 2016. Accessed July 12, 2016 from <http://www.lifehacker.com.au/2016/04/directx-creators-theories-on-developer-recruitment-are-utterly-terrifying/>

<sup>20</sup> Paul Tozour, “The Game Outcomes Project, Part 4: Crunch Makes Games Worse,” *Gamasutra*, January 20 2015. Accessed June 15, 2016 from [http://www.gamasutra.com/blogs/PaulTozour/20150120/234443/The\\_Game\\_Outcomes\\_Project\\_Part\\_4\\_Crunch\\_Makes\\_Games\\_Worse.php](http://www.gamasutra.com/blogs/PaulTozour/20150120/234443/The_Game_Outcomes_Project_Part_4_Crunch_Makes_Games_Worse.php)

<sup>21</sup> Ibid.



*I think that people will get there, but they have to realize that the power is with them organizing themselves... workers are most vulnerable when they're crunching on a project that they want to be good. That's also the time when the companies are the most vulnerable. When we were crunching on (game title), if we had all said we're not crunching when the crunch was the worst, the studio would have caved, I have zero doubt. You can replace games workers easily since there's an army of people waiting to get their chance. But you can't replace workers, even easily replaceable workers, late in a project. When you're the most vulnerable, when you're crunching the most, when you're strung out, that's also when you have your most power, and I don't know if people always realize that.*

Pressure on studios from throughout the industry to improve crunch practices has begun to yield positive results. According to an analysis of IGDA survey results, the percentage of developers working 60 hours a week or more during crunch has dropped from 67% in 2004 to just 36% in 2014. Likewise, the percentage of developers working 45 hours a week or more in regular scheduling has fallen from 61% in 2004 to just 34% in 2014. While these results certainly show a step in the right direction, there remains room for improvement: around 14% of developers are still working 80 or more hours a week during crunch, the same percentage as in 2004.<sup>22</sup> The IGDA recently announced that it would begin a crunch tracking and reward initiative, aiming to incentivize companies to continue phasing crunch out of their practices in an effort to rid the industry of the practice once and for all.

## Layoffs & Job Security

As the industry's reliance on crunch time continues to decline, many are beginning to see employment unpredictability as the central issue within game development. Mass layoffs after a project is completed have become commonplace among larger studios, that then hire a new swath of young talent upon beginning the next title. Jason Schreler of *Kotaku* explains these layoffs and why they occur:

*In the video game industry, layoffs usually hit either A) after a game is finished; or B) once a game is cancelled. Reason B at least makes logical sense: it stands that if a company no longer has funds to make a game, they'll no longer be able to afford the staff who were working on it.*

*But why do so many studios bring down the axe when a game is completed and everyone should be celebrating?*

*The problem in big-budget game development, developers say, is over-saturation. In order to maximize sales, a publisher will often set a hard release date for a game. In order to hit all the*

---

<sup>22</sup> Marie-Josée Legault & Johanna Weststar, "Working time among video game developers: Trends over 2004-14," *Gamasutra*, October 23 2015. Accessed on June 08, 2016 from [http://gamasutra.com/view/news/257143/Working\\_time\\_among\\_video\\_game\\_developers\\_Trends\\_over\\_200414.php](http://gamasutra.com/view/news/257143/Working_time_among_video_game_developers_Trends_over_200414.php)

*deadlines and make that date, a development studio will often hire as many people as possible. Once the game is done, a studio could find itself bigger than it can ever really afford to be.*<sup>23</sup>

Major layoffs may also result from a studio declaring bankruptcy, a looming concern within a volatile and unpredictable industry. Former baseball star Curt Schilling's video game development company 38 Studios was promised a \$75 million loan from the Rhode Island Economic Development Corporation in 2010 to move to the state. Beset by mismanagement and an underperforming first title<sup>24</sup>—as well as alleged fraud, according to the SEC<sup>25</sup>—the studio closed its doors just two years later, laying off its 379 full-time employees immediately by way of a brief email.<sup>26</sup>

One former quality assurance employee, who himself fell victim to a round of mass layoffs at his first job in the industry, explained how getting laid off has become a part of life for many in video game production. He discusses how the practice has become so commonplace that, rather than sparking necessary conversation around the subject, news of layoffs are noted with apathy and eventually forgotten:

*Layoffs have become really endemic. These big hiring surges where people either overestimate the amount of sales or just frankly don't really think about it at all in terms of how many people they need on staff, I think that's been the big change . . . I think with layoffs, we live in a world where layoffs are considered to be the price of doing business . . . It's become very normalized in that we don't even think about it anymore, it just kind of happens.*

These cyclical layoffs force developers who want to remain in the industry to move to where work can be found, often on a moment's notice. One former employee spoke of her colleagues relocating to a new state after being laid off, only to be laid off again shortly thereafter.

*. . . They didn't even know everyone was getting laid off that day, and then they found out . . . these people made the move to Rhode Island, relocated, and then they were all laid off.*

One senior game designer we interviewed discussed the paradox between the pressure to relocate for work and actually having any job security once you do:

*I think layoffs is one of the big problems. The other one of course is that game companies are spread all over the world and in a couple major cities, and there's kind of two sides to that coin.*

---

<sup>23</sup> Jason Schreler, "Why Game Developers Keep Getting Laid Off," *Kotaku*, June 05 2014. Accessed June 09, 2016 from <http://kotaku.com/why-game-developers-keep-getting-laid-off-1583192249>

<sup>24</sup> Brian Crecente, "38 Studios lays off entire staff," *Polygon*, May 24, 2012. Accessed July 25, 2016 from <http://www.polygon.com/gaming/2012/5/24/3041662/38-studios-lays-off-entire-staff>

<sup>25</sup> Owen S. Good, "Feds allege fraud by bank, agency who made \$75 million loan to 38 studios," *Polygon*, March 08, 2016. Accessed July 25, 2016 from <http://www.polygon.com/2016/3/8/11178282/38-studios-scandal-loan-lawsuit-sec-wells-fargo>

<sup>26</sup> Brian Crecente, "38 Studios lays off entire staff," *Polygon*, May 24, 2012. Accessed July 25, 2016 from <http://www.polygon.com/gaming/2012/5/24/3041662/38-studios-lays-off-entire-staff>

*One is... it means that you're likely going to have to move for your next job, whatever that is. And then the other side of that coin is that there's only a few places in the world that you can work . . . you can't just go to pick a city out of a hat and work in video games there. There's a limited availability of jobs. . . .It's like if there were a Hollywood of video games and basically every video game company operates out of there, then it's like there's really only one place you can live and really work in games but at least you don't have to move. Or on the other side of that coin, if video game companies were ubiquitous and in every major city...then maybe you could do your work wherever, but neither of those is the case.*

The frequent need to relocate makes forming either personal or professional relationships very difficult for developers. Moving to a new location is taxing on both individuals and families, creating the need to find new friends, homes, medical care, and more, only to do it all again upon the next round of layoffs. Within the workplace, video game workers are often unable to foster meaningful connections with employers and coworkers before moving to the next job, leaving them devoid of a crucial professional network within the industry. A designer spoke of the constant compromises this unpredictability necessitates:

*I think you're either saying I don't really care about this game but I'm going to work at this place because I like the location or because I like the pay or because I like the people, or you're making the game you want to make but you're compromising on location, or your compromising on pay, or you're compromising on the people you're working with . . . there's four things: there's the game, there's the location, there's pay, and there's the coworkers. Choose two, and the other two are not going to be good, or something like that.*

Continual layoffs not only hurt the individual but keep the industry as a whole from maximizing its potential, as Marie-Josée Legault and Johanna Weststar explain in a 2013 *Gamasutra* article:

*Perpetual turnover also doesn't help the industry as a whole. It is expensive and wasteful to let people with learned, studio-specific knowledge continually walk out the door, only to have to reorient the newcomers. High mobility hinders the industry's ability to mature and stabilize. This also creates the conditions where supporters of the status quo succeed and those with diverging opinions are chased out—this can lead to groupthink and stagnation because no one can see a different way of doing things.*

This idea also points to the difficulty of spurring collective action among developers that arises from mass turnover. The inability to build meaningful relationships with coworkers or employers at a given firm renders the building of employee solidarity unlikely, leaving the possibility of collective employee action slim.<sup>27</sup> Some might speculate this could be at least a partial rationale on the part of the employers for this policy, as it benefits them, and they then have to worry less about collective action or workforce solidarity.

---

<sup>27</sup> Legault, Marie-Josée, & Johanna Weststar. "The Capacity for Mobilization in Project-Based Cultural Work: A Case of the Video Game Industry." *Canadian Journal of Communication* [Online], 40.2 (2015): n. pag. Web. 17 May. 2016

## Other Major Issues

While crunch time and employment unpredictability remain the main issues among video game developers, several other concerns are also of note.

### Gender Issues

Discrimination against women within the industry has become an increasingly recognized problem throughout the gaming community. As more women have been employed in the industry, responses to this trend have ranged from misogynistic comments online to direct attacks against specific women who are blamed for inciting negative changes within the industry. Some behind the vitriol believe in part that the traditional idea of the male “gamer” has fallen victim to a strong demographic shift within video gaming in recent years.<sup>28</sup>

This harassment is exemplified in the case of Jennifer Hepler, a former senior writer at BioWare. After seemingly widespread disappointment with the company’s title *Dragon Age 2*, angry gamers put the blame on Hepler for the upsetting sequel due to an unearthed interview from six years earlier. Hepler expressed in the interview what she disliked most about working in game development. Her criticisms resembled the disputed changes in *Dragon Age 2* enough to be labeled by the gamer community as evidence of her role behind them.<sup>29</sup> Then the threats began. “I was shown a sample of the forum posts by EA security and it included graphic threats to kill my children on their way out of school to show them that they should have been aborted at birth rather than have to have me as a mother,” Hepler discussed in an interview with *Polygon*.<sup>30</sup> She later discussed her fear of the impact that discrimination such as this may have on females choosing to enter the industry.

*Overall, people seem to try to shrug it off publicly and fume privately, and younger women contemplating the field are reconsidering whether they have the stomach to handle what it currently asks of them. That’s the biggest risk, in my opinion: that we will lose out on the talents of people who would make fantastic games that we would all be the better for playing, because they legitimately don’t want to make themselves into targets . . .*<sup>31</sup>

---

<sup>28</sup> Todd Martens, “After the backlash: video game critic Anita Sarkeesian is concentrating on ‘Ordinary Women’ and still daring to defy online sexism,” *Los Angeles Times*, April 6, 2016. Accessed on July 25, 2016 from <http://www.latimes.com/entertainment/herocomplex/la-et-hc-anita-sarkeesian-20160407-story.html>; Conor Dougherty and Mike Isaac, “SXSW Addresses Online Harassment of Women in Gaming,” *New York Times*, March 13, 2016. Accessed on July 01, 2016 from <http://www.nytimes.com/2016/03/14/technology/sxsw-addresses-online-harassment-of-women-in-gaming.html>

<sup>29</sup> Brian Crecente, “Plague of game dev harassment erodes industry, spurs support groups,” *Polygon*, August 15 2013. Accessed July 08, 2016 from <http://www.polygon.com/2013/8/15/4622252/plague-of-game-dev-harassment-erodes-industry-spurs-support-groups>

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

Workers also speak of misogyny within firms. A former developer at a large production company we interviewed spoke of memos circulated to female employees stating they should not challenge their male superiors on direction or work orders “because women haven’t been in the workforce as long as men.” Another female designer we spoke to discussed her and her female coworkers’ toxic work environment, leading to discussions of potential sexual harassment lawsuits against the company. “Looking back, if a woman came to me and said ‘should I enter the industry?’ I’d caution them against it,” she continued. “I’ve been in situations where I’m pretty sure people have prevented me from getting a job simply because of these harassment issues.” While women have made great strides in increasing their presence within video gaming, it is clear that an ideological shift is still needed within the community before they are truly seen and treated as equals.

## Credit and Intellectual Property Issues

Several writers discussed the issue of simply receiving credit for one’s work:

*The credit situation is really, really horrible. There are people who have left the company mid-way through development and did not receive a credit for their work. There are games that didn’t ship but you spent 5 years of your life working on it and, so what can you say? You didn’t get a credit because it didn’t ship.*

Receiving credit for work completed on a title is crucial to a worker’s advancement within the industry, especially those working on a contract basis rather than as employees. While writers need these credits to prove their worth when seeking future employment opportunities, studios are able to keep a larger slice of the pie when fewer contributors are recognized. One employee we interviewed discussed being left out of a title’s credits because he left the company before it shipped, even though it was a story he had written. Another writer we interviewed currently working as a contractor spoke of her six-month fight to be included in a game’s credits, even though it was explicitly included within her contract; when the company finally budged, they included her name at the bottom of the list, even though she was the lead writer on the project.

## Misclassification

Misclassifying workers as independent contractors also must be mentioned as an issue many within the industry face. Besides the frequent issue of receiving proper credit for one’s work, those working on a contractual basis receive no benefits and hold little bargaining power on employment terms. One writer we interviewed discussed how she believed unionization could help contract workers by providing projected rates, keeping newcomers willing to work for free from driving down wages:

*I think unionization in terms of writers would help because in terms of contract jobs, we have people who are willing to work for free, which really drives down the prices. Some companies solely base it on price—if you said “oh I want a little more” they’d get someone else to do it because they don’t care about “I want you as a writer,” they think “I want any writer.”*

## Collective Representation in Video Game Development

Catalyzing collective action among the video game workforce has proven to be a difficult task for unions. Only one major union, SAG-AFTRA, has thus far been successful in organizing and setting rates for those working in video game production. The union's Interactive Media Agreement covers a large contingent of both on- and off-camera performers within the industry, including motion-capture actors, voice actors, dancers, and singers. As of May 1, 2013, the agreement requires signatories to pay day and weekly performers \$825.50 and \$2,864.80, respectively, while providing a 15.5% contribution to the union's health and retirement fund. The Agreement's signatories include major development companies such as Activision, Electronic Arts, Disney, and Warner Bros.<sup>32</sup>

The Interactive Media Agreement expired on December 31, 2014. A new agreement has yet to be reached. Though the contract had expired, performers were still able to work under the agreement as an "open contract," although the union is unable to file grievances or arbitrations of any kind. SAG-AFTRA has chosen several key propositions to focus their efforts on in pursuit of an improved agreement, including performance bonuses for performers contributing to "blockbusters,"<sup>33</sup> stunt pay for "vocally stressful recording sessions," increased presence of stunt coordinators on set, and improved transparency on project characteristics.<sup>34</sup> However, after eighteen months and two rounds of negotiations in February and June of 2015, no agreement was reached. Union members working under the contract voted in October 2015 to authorize a strike by almost 97 percent.<sup>35</sup> In October 2016, SAG-AFTRA voiceover artists went out on strike again 11 videogame production companies. As of February 2017, at the time of publication, the strike was ongoing.

In one of the union's efforts to pressure producers, SAG-AFTRA national executive director David White penned a letter to the California Division of Occupational Safety and Health (Cal/OSHA) calling for an investigation of industry practices relating to voiceover sessions and subsequent vocal damage incurred by performers. White writes,

*Over the years, as the video game industry has incorporated more dialogue into its titles, voiceover actors are being asked to perform vocal sounds that go way beyond a safe pitch zone. Increasing numbers of voiceover actors are reporting that they are experiencing both short-term and/or long-term damage to their vocal cords, due to the intensity of the vocal demands put on to them by the employers. For up to four hours, actors are asked to perform not just voices, but noises, death screams, creature voices, combat yelling and other sounds, with so much force and explosive vibration, that they are causing internal damage to their vocal cords.... At your earliest*

---

<sup>32</sup> Dave McNary, "SAG-AFTRA Video Game Voice Actors Taking Strike Vote," *Variety*, September 23 2015. Accessed June 13, 2016 from <http://variety.com/2015/digital/news/sag-aftra-videogame-voice-actors-strike-vote-1201600737/>

<sup>33</sup> SAG-AFTRA defines a "blockbuster" as a game selling over 2 million copies. The union has proposed a system requiring bonus pay for performers for every 2 million copies sold up to 8 million (i.e., a maximum of four payments)

<sup>34</sup> "What We Stand For," *SAG-AFTRA*. Accessed June 13, 2016 from <http://www.sagaftra.org/interactive/what-we-stand-for>

<sup>35</sup> "Jan. 26, 2016: Notice to Affected Members Regarding Possible Strike of the Interactive Media (Video Game) Agreements," retrieved from "Updates," *SAG-AFTRA*. Accessed June 13, 2016 from <http://www.sagaftra.org/interactive/updates>

*convenience, we request a meeting with you to explain in more detail how vocal stress is putting actors' health and livelihoods at risk.<sup>36</sup>*

The Writers Guild of America, West (WGAW) has also started to see preliminary results with its organizing initiative, which has created a Videogame Writers Caucus. According to the union website, the caucus “seeks to raise the writers’ status and influence within this industry, build a community of professional videogame writers within the WGAW, and expand the coverage of videogame writing under WGA contracts.”<sup>37</sup> While not full members of the Guild, those who join the caucus are able to serve on WGAW committees, receive union mailings, attend Guild screenings, and join the Musicians’ Interguild Credit Union. The WGAW, in cooperation with the Writers Guild of America, East (WGAE), gives out annual Videogame Writing Awards to producers who have created successful titles while promoting and maintaining “uniform standards” within the industry. According to a caucus member we interviewed, the award has developed a strong reputation within the industry, once being seen as “a joke”, now enticing both freelancers and large companies alike to participate in the Awards.

The WGAW has also introduced an Interactive Program Contract (IPC) for game companies seeking to employ caucus members. A “simplified collective bargaining agreement,” the IPC is a flexible contract allowing for negotiable writer compensation on a project-by-project basis. The only additional mandatory terms for employers include “Pension & Health Fund contributions, Guild Shop (requiring WGA membership), and dispute resolution through binding arbitration.”

Also of note among current organizing initiatives is the non-profit Game Audio Network Guild (GANG), comprised of “composers, sound designers, voice over directors, game designers, producers, and other associates and top executives in the Interactive Entertainment Industry.”<sup>38</sup> The dues-based organization’s mission is built around the four pillars of networking, education, advocacy, and recognition, providing benefits to members such as networking and educational events and discounts on conferences, products, and training. The group also presents annual awards to audio professionals affiliated with the organization, as well as providing contract templates for members to use in negotiating employment terms. GANG has been able to gain the necessary clout to have a significant impact within the industry, largely due to the unique skillset of the workforce it represents. The organization is proving successful in attracting a large percentage of game audio professionals, leaving development companies little choice but to cooperate with the high standards the group promotes.

## **Barriers to Unionization**

Entrenched industry standards and practices have left few avenues for union organizing within video game development. High turnover and mobility within the industry, coupled with frequent misclassification of employees as independent contractors, renders the traditional enterprise-based model of organizing impractical. The cyclical trend of employers implementing mass layoffs after a title is released, only to hire

---

<sup>36</sup> Letter from David P. White (SAG-AFTRA) to Hassan Adan (Cal/OSHA). May 25, 2016.

<sup>37</sup> “Videogame Writing,” *Writers Guild of America, West*. Accessed June 14, 2016 from <http://www.wga.org/videogames/>

<sup>38</sup> “Why Join?” *Game Audio Network Guild*. Accessed June 14, 2016 from <http://www.audiogang.org/why-join/>

a fleet of young new workers when the next project begins, prevents the fostering of a collective mindset among a firm's employees that a union drive would rely on for success. This also leaves little time for an individual to build a relationship with an employer and see potential long-term benefits in pursuing collective representation. At the same time, a collective mindset doesn't always require a common employer over time. It can be a product of work in a shared industry with common experiences and interests. Fostering it requires organizing and communication by the workers themselves.

These issues are magnified by the lack of an institutional memory of unionization within video game development. In other words, it is difficult to catalyze collective action among a workforce in an industry that has no history of union representation in its brief period of existence. Many young developers do not have adequate knowledge of labor law and their rights as employees, nor have they seen the potential benefits a union can provide in the protection of those rights. Two-thirds of respondents to the 2014 IGDA Developer Satisfaction Survey said they either knew labor law where they live "only a little" or not at all. Employees with limited knowledge as to what practices are legal may be more tolerant of abusive treatment, or less likely to air grievances with employers, let alone seek a resolution to issues through organizing.

Currently, the only major organization dedicated to video game developers is the *International Game Developers Association* (IGDA), seeking "to advance the careers and enhance the lives of game developers by connecting members with their peers, promoting professional development, and advocating on issues that affect the developer community."<sup>39</sup> The IGDA has shown its commitment to this mission through its establishment of a health and benefits plan for members and support of volunteer special interest groups on a number of topics important to the workforce and industry. As previously discussed, the organization in March 2016 announced a crunch tracking and reward initiative in response to feedback from the IGDA Developer Satisfaction Survey, promising to recognize companies with the best crunch time practices with an official award at the 2017 Game Developers Conference. The IGDA also announced that they would "begin creating a method for employees to confidentially report on abusive working conditions,"<sup>40</sup> likewise showing the organization's growing commitment to directly influencing the improvement of working conditions.

However, many developers and industry experts doubt the ability of the IGDA to provide the same benefits and protections a union would be able to bring to the workforce. Some question whether the non-profit organization could have the same leverage against employers. Video game industry scholars Marie-Josée Legault and Johanna Weststar observe

*... The IGDA lacks the ability to exercise monopoly control over access to skilled labor. . . It does not regulate and restrict entry into the industry through certification and exams like other professional associations (i.e., doctors and lawyers) or like the apprenticeship systems of the craft*

---

<sup>39</sup> "About," *International Game Developers Association*. Accessed June 14, 2016 from <https://www.igda.org/?page=about>

<sup>40</sup> Bryant Francis, "IGDA announces crunch tracking and reward initiative," *Gamasutra*, March 16 2016. Accessed March 16, 2016 from [http://gamasutra.com/view/news/267567/IGDA\\_announces\\_crunch\\_tracking\\_and\\_reward\\_initiative.php](http://gamasutra.com/view/news/267567/IGDA_announces_crunch_tracking_and_reward_initiative.php)



*unions. It also cannot enforce restrictions on production standards or bargain working conditions on behalf of its members.<sup>41</sup>*

Others believe the organization's close ties with and funding from development companies creates a conflict of interest that prevents an uncompromised focus on the worker. As a senior game designer interviewed for this case study asserts:

*I believe that the IGDA does not represent the ideals of the game industry workforce. I believe that the IGDA represents the ideals of the game industry employers. If you go to an IGDA talk, usually the people that they're going to have will be representatives from large studios talking about something that they've achieved recently, that's the primary type of talk you see at the IGDA. It has never felt like any sort of employee organization at all. It's valuable. I think it serves an important role. I think that it's very conservative and cautious as a consequence of it being primarily organized and shepherded by representatives of large companies . . . I don't think it does enough to share education or share self-improvement resources with the employee community.*

Industry journalist Ian Williams saw the IGDA as directly stifling organization efforts:

*One of the things that I think [the IGDA] does is that when someone wants to do an action, or someone wants to form a proto-union and get those discussions going in a more formal way, the tendency is to go to the IGDA chapter and have a discussion... and I think that tends to diffuse some of the actions... it's not that they're explicitly anti-labor action, it's just that the ideological purpose they end up serving is diffusing mass solidarity action. . .*

Opinions vary as to what type of representation would best be able to promote the ideals of and create positive change for developers amidst these barriers to collective action. While the enterprise model that defines the majority of US collective bargaining is insufficient in this case due to a highly mobile and quickly changing workforce, many believe that a guild-based system of organization would better fit the structure of the video game industry. Supporters of this idea believe that organizing based on craft not only would address issues around worker mobility, but would better serve the unique interests of each type of employee. The diverse skillsets required to create a video game, from artists to coders to writers, lead to individualized sets of issues that could potentially be better addressed through such a system. Others believe that an industry-wide union may prove to be the most effective model to provide video game labor the leverage it needs to bring about substantive change. Still other labor experts believe that the building trades model of craft unionism seems well suited for the video game industry. Potential parallels with construction include a variable demand for skilled labor employed on temporary projects where workers are more attached to their union than any particular employer, and who rely on their union to negotiate portable wages and benefits and provide training and certification.

---

<sup>41</sup> Marie-Josée Legault & Johanna Weststar, "Are Game Developers Standing Up for Their Rights?" *Gamasutra*, January 9 2013. Accessed June 02, 2016 from [http://gamasutra.com/view/feature/184504/are\\_game\\_developers\\_standing\\_up\\_.php?page=1](http://gamasutra.com/view/feature/184504/are_game_developers_standing_up_.php?page=1)

Over 55% of respondents to the 2014 IGDA Developer Satisfaction Survey said they would vote in favor of an industry-wide union. Legault and Weststar argue

*An industry-wide, multi-employer certification and negotiation process can address many . . . obstacles to unionization. . . This means that individual developers would not join a union or a union local at their studio; similar to the scope of the IGDA, they would join a single union representing video game developers across the industry—nationally or even internationally. The agreements bargained between this union and an association of video game employers would set the standards across the industry and therefore remove the issue of studios competing against each other.<sup>42</sup>*

A similar approach is currently being used to organize writers within the reality TV industry. Similar to video game development in terms of its relatively short existence, project-based employment, and lack of union representation, reality TV is in dire need of regulation to secure better conditions for its workforce. The Writers Guild of America, East (WGAE) has formed a non-fiction TV organizing committee in an effort to pressure industry employers to embrace collective representation and promote acceptable conditions for its employees. After winning a number of organizing victories at production companies in and around New York City, including an NLRB election in 2014 at one of the industry's largest employers, Leftfield Pictures, WGAE faced difficulties in subsequent bargaining with the employers. The unstable work environment, job competition, mobile workforce, and threats of blacklisting reduced the union's leverage in winning first contracts with any particular employer. They have negotiated a "trigger" clause with several employers that will automatically implement some provisions of their contract once a critical number of employers have signed, but the union has recognized this cannot happen short of an effort to activate the workforce as a whole to demand better conditions and standards.<sup>43</sup>

The core of young workers and activists who had helped drive these campaigns has encouraged the WGAE to shift in strategy from organizing company-by-company to an industry-wide campaign. This shift has resulted in a larger emphasis on drawing young workers into a relationship with the union through education, social networking, information on career advancement, and mentoring. In addition, the union has been pursuing a multi-level strategy involving conducting survey research that exposed the conditions for these workers, publishing information on the practices of the industry,<sup>44</sup> holding public hearings with sympathetic political officials, involving the NY Attorney General's office in investigating work standards and enforcement, and promulgating a Code of Conduct for employers in reality TV production.<sup>45</sup>

Regardless of what model may work best, the video game workforce must begin to engage in substantive conversation on potential collective action before anything will be accomplished. As David Wolinsky, head

---

<sup>42</sup> Ibid.

<sup>43</sup> Sally M. Alvarez, "The Real Deal: Organizing Young Workers in Reality Television in New York City," 2016. Available at <https://www.ilr.cornell.edu/worker-institute/new-york-state-projects>

<sup>44</sup> Writers Guild of America East, *The Real Cost of Reality TV*, 2013.

<sup>45</sup> Ibid.

of the *Don't Die* interview series explains, fears of speaking out and ruining one's career, coupled with a widespread lack of information around labor rights have largely kept this conversation from beginning:

*This is the frustrating thing because by its very nature, it's a thing that people are worried is going to be a career killer, to try to change stuff that are unhealthy work practices, bad business practices . . . even though it's a completely legal thing to gather, and to discuss work conditions, and even to push for unionization, that's all legal... a lot of people don't know that, and they don't realize that it's also illegal to be fired for doing that. That doesn't mean they can't fire you, it just means you would have to sue them for that. I think that even if people know that, they've learned for these reasons to be very quiet about it. I'm sure there are private slack groups/skype groups to discuss, but again no one wants to take that shot. It's a very chicken and egg thing—if someone was stepping forward then you wouldn't need to do a story on it to try and spark it, but because no one is, it's hard to write that story.*

The efforts of SAG-AFTRA and WGAW discussed here have opened the door for labor to bring needed regulation to the video game industry and its workforce. However, lasting change will not come until workers unite across firms for the betterment of all within the development community. Unions must continue to educate workers and develop innovative strategies to secure organized labor's place within an industry that is rapidly growing, and so greatly in need of reform.