

# The Real Deal:

## Organizing Young Workers in Reality Television in New York City

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# Introduction

Who are some of the most educated, highly trained, yet exploited young workers in America? Imagine a workplace where there are explosions, high speed vehicles, massive machinery, sharp knives and no safety standards, much less safety personnel. Now factor in sleep deprivation, routine 16 hour days, no overtime, no benefits, and never knowing how long your job might last or if you'll get assigned to the next project. It might surprise you that some of the dirtiest, least secure, and most dangerous jobs in America turn out to be on the production crews in the brave new world of non-fiction television. This is the reality behind the jobs in reality TV; these are the young workers pursuing careers in the glamorous arts and entertainment industry.

This is a case study about organizing young workers in the media and entertainment industry. It is based on five focus groups and over a dozen individual interviews with young workers, both union and non-union, and union staff in the industry, conducted from spring 2015 through spring 2016. The main issues these workers face are the precarious nature of their employment, the exploitative nature of their relationship with their employers, particularly in compensation and working conditions, and the difficulty of establishing themselves in a stable career. Their situations are particularly ironic because they have chosen to pursue a career in an industry that in the past has promised a certain level of economic security and safe conditions, ensured by the presence of unions and union standards. This case also illustrates the efforts of a traditional craft union to respond to a rapidly and dramatically changing employment environment. These changes are driven by technology, by shifts in corporate structures and business models in the production of television content, and by a huge increase in the numbers of highly trained and bright young people coming out of colleges and universities with a burning ambition to be involved in this industry.

How did television workers become part of the new *precariat*? The entertainment industry has historically been a stronghold of union protections, for both above-the-line performers and below-the-line technical craft workers. As the television industry evolved in the late 1940s and early 1950s, workers benefitted from the strong reputation and social status of organized labor, and the clout built over previous decades by actors, writers, and camera operators in the heyday of Hollywood's studio system. Scripted entertainment produced by the major networks was a site of high profits for employers and high leverage for the workers there. Writers, performers, technicians, and directors for the networks and major film studios enjoyed high standards, safe conditions, and high wages.

The twenty-first century looks very different for young workers in the industry. Changes in industry structure, digital technology that makes production and distribution of entertainment cheap and widely accessible, and evolving attitudes among young workers who have little expectation of security or standards in their work, have all resulted in a growing workforce of skilled but insecure workers. Huge profits are being generated by companies and corporations at the distribution end, the demand for programming has exploded, the amount of work has increased, but the emerging model of production in some corners of the industry is one built on low wages, few benefits, dangerous conditions, and no union representation.

David Dayen writes in *In These Times*:

*Hollywood prides itself on being a union town, but this growing segment of the business, so-called “unscripted” TV, has matured without industry-wide representation. Today [almost half](#) of all programming on broadcasting and cable is unscripted, generating \$6 billion in annual revenue, according to Nielsen. And the vast majority of them are non-union. Now that various guilds want to change that, networks and production companies have dug in their heels in opposition.<sup>1</sup>*

The Writers Guild of America East, based in New York City, has taken up the challenge of organizing among this workforce. Historically viewed as an exclusive craft guild for well-paid television, radio and script writers<sup>2</sup>, WGA-E did some serious rethinking after 2000 about its mission to represent writers in a fundamentally changed landscape. Using a combination of innovative tactics, and by reaching out to young workers in creative ways, the WGA-E has met with some successes, but the challenges the union faces in organizing and representing these workers are instructive in understanding how work has been redefined, and how the traditional structures of representation and bargaining no longer seem to apply, especially in the arts and entertainment arena.<sup>3</sup>

WGA-E Executive Director Lowell Peterson estimated in testimony to the New York City Council in June 2014 that around 15,000 FTE’s exist in this area of the industry performing all jobs: creative, administrative and technical. This number represents about 20,000 workers who cycle in and out of jobs on a project basis. He estimates that somewhat over 2000 workers in that group function in roles related to writing and producing in the reality television industry. WGA-E estimates there are approximately 20 companies in the NYC area who produce a significant amount of programming for reality TV. According to the Boston Consulting Group’s study of the New York City entertainment industry in 2015, entertainment directly or indirectly represents 15% of the city’s economy. As unions lose their grip on the workforce, jobs in this sector slide from prosperous, middle class jobs to precarious, unstable, contingent, poverty-wage job. The hard-fought WGA-E campaign to organize reality TV workers spotlights the convergence—“a perfect storm”—of new technology, a fragmenting industry, struggles over a cultural mythology about whether creative workers are doing *real work* that should be safe and decently compensated, and the inadequacy of US labor law and US unions to protect workers in these newly emerging spaces.

In the US the emergence of reality TV as a major cultural form is commonly traced to the 5-month Writers Guild (East and West) strike of 1988. The strike itself was a result of employers pursuing lower costs in scripted TV. Non-fiction TV (non- documentary) had existed since the amateur radio and TV quiz shows decades earlier, but the search for a form of entertainment that could skirt the high-priced union performers and writers required by scripted shows took on new urgency before, during, and then after the strike.

Sam Schechner of the *Wall Street Journal* writes:

*The networks’ (1988) strike programming ended up having a long-term impact: the proliferation of what later came to be widely known as “reality” shows. Fox’s “Cops” made its debut later that season, and unscripted series became increasingly popular in the 1990s.<sup>4</sup>*

This constant search for low-cost programming by distribution conglomerates has dovetailed with an explosion of demand for programming on new distribution platforms like smartphones and the internet. The unions in this sector have seen a growth in the quantity of work but a shrinkage of compensation and standards. Even the standard definitions of what constitutes a job in these new forms have been eroding. Cornell sociologist Susan Christopherson argues

*The demand for low-cost (meaning low labor cost) productions to fill time on conglomerate-owned cable networks has fostered the use of non-unionized labor in an industry in which union density has been very high, especially by US standards. In addition, production formats (most notably reality television) have emerged in which skilled labor inputs are minimized or provided free of charge (for advertising purposes). The use of terminology such as ‘program planner’ to replace ‘writer’, or ‘participant’ to replace ‘actor’, obscures roles in the production process and avoids union jurisdiction. These changes in what production roles are named enables avoidance of employment contracts and shifts accountability from the program distributor and producer to the individual who willingly participates in a program ‘event’.<sup>5</sup>*

By 2015, non-fiction “reality TV” had come to dominate network and cable television. While the majority of reality TV is produced in Los Angeles, a significant amount is produced in the New York City metropolitan area, including Long Island.

## Becoming a WGA-E Member

WGA-E is a traditional craft union, with barriers to membership unless you are a recognized practitioner in the craft. Workers in reality TV who are represented by WGA-E must work for a signatory employer who has a contract with the union. Very few reality TV production companies are signatories to a Guild contract. Once a writer has joined by working for a signatory employer, he or she carries that membership and can demand a WGA-E contract on any job. But few writers or producers in reality TV can demand a union contract because they don’t have the leverage, and producing companies who are owned by signatory parent companies carefully avoid calling what these workers do “writing” in order to avoid the jurisdiction of the Guild. Tasks are specialized and “siloe” so no worker has the leverage to demand different treatment. As one long-time segment producer in reality TV explains:

*You rarely work on a show from beginning to end, so you may not feel like you have ownership of the production, as in the past. It’s now the Reality Model. There’s a shooting team. An editing team. A field team. If you can do it all, you CAN have leverage. But mostly it’s formulaic and an assembly-line model.<sup>6</sup>*

The fact that many of the networks and larger employers are signatories to the Guild master contract hasn’t helped organize writers in reality TV because so much of the programming is produced by smaller non-signatory companies who determinedly avoid union protections and standards. Even if an employer

is a signatory, the dodge happens. As one veteran non-fiction writer who later moved on to a career in documentary reported,

*You can't work a job and THEN tell the employer you want a union contract. They have to be signatories to the master contract. You can join once you work at a covered place. Getting credit for writing jobs translates into pay leverage later. But it's not easy. One show I wrote, a series about historical mysteries, was kind of hammy, but I could never get a writing credit. It was produced by a state public television station, and they said, "...because PBS is a WGA Signatory, if we give you a writer's credit, we're bound to make you join the WGA and (we have to) pay all this extra money.' I never got a writing credit.*

Job titles like “producer,” “segment producer,” “editor,” and “field producer” have emerged in reality TV to obfuscate the truth that “unscripted” or “non-fiction” television is highly designed and scripted (“soft-scripted” in industry parlance). Especially for writers, the emergence of forms of entertainment where employers can plausibly deny a writer’s contribution has increased the likelihood they will be poorly compensated and poorly treated. The editor/producer/field producer plans the characters and action, sets up the scenes, determines the narrative arc of the segment or show, and creates the transitions, including writing voice-over narration, interview questions, and sometimes even responses to the interview questions. Because the employer denies the existence of writing as a component of the production, no one is give “writing credit” in the final credits of the program. This means that even if the company is a WGA-E signatory, the worker is not eligible for membership or protection, and when the worker wants to move on to further their writing career, they have no credentialed proof that they wrote anything.

And it could work backwards, as in the case of one reality producer who had earlier worked at a network:

*The only way to get a writing credit was to join the union. I joined to get the appropriate producing and writing credit on my work. It was my credential, and it was important. Union benefits would have been pension & health coverage, which comes with earnings tests. But you only got P&H credit for the things you got writing credits on.*

## Worker Profile

From the young workers interviewed in the course of researching this case study, the following profile emerges. The typical young reality TV worker is under 35, college-educated, white, and looking for a lifetime career in the entertainment industry. The way she or he gets started is sometimes as an intern, but sometimes as a lowly gopher on a short-term contract with a production company. A step up will be a promotion to the position of production assistant (PA), and eventually segment producer or field producer. Some workers come in with editing or other technical experience, which increases their employability.

The conditions under which most of these young workers toil are appalling, as described by one young writer/producer who now works in long-form digital documentary, but had worked in reality:

*Early in my career, I worked with (XXX) Entertainment as a low-level associate producer, doing PA (production assistant) stuff. It was an abusive situation...I worked grueling hours, 14-15 hour days. As a PA I often stayed overnight at work and edited all day, for the better part of a year. My bosses were a nightmare. Someone came around trying to organize the PA's. I never met her, but I was told the organizer was around. Someone said, "WOW! We might get overtime!" My boss met with all of us and threatened to fire us. She said, "If you even talk to her – don't think you're not replaceable." That was the last we heard from the organizer.*

Many production companies keep a small core of permanent workers, but most crews are made up of contingent workers who are moved from project to project, sometimes with the same company for years. They rarely qualify for benefits that are either required or customary for permanent employees: healthcare, workers' compensation, unemployment insurance, vacation, retirement, overtime, or secure status.

After pressure from the NY State Attorney General, most workers in reality TV in NY get paid as regular employees under W-2 tax status, but most work on short-term contracts, and rarely work long enough for a single employer to qualify for even minimal benefits. Additionally, they are "co-employees" so they are hired and paid by a third party company such as Entertainment Partners. This means the production company can avoid the hassle of solving any problems or complaints the worker may have. According to one young worker:

*You make the agreement with EP. You work either a day rate or a weekly rate. If you agree to the weekly rate, there is no overtime. With a day rate, an extra day is extra pay. The weekly rate is really abusive and you can wind up working seven days a week. All labor disputes are dealt with by Entertainment Partners' lawyers. Most production companies just factor this outsourcing fee into their overhead. It takes a minimum of 12 weeks' employment in two calendar quarters to qualify for 26 weeks of unemployment, and this rarely happens. Until you achieve this, many less fortunate young people have to work a side job (mine was waiting tables) or take out some sort of living loan to survive from gig to gig.*

Overtime is a particular problem, as the grueling production schedules and tight deadlines call for long days, night shifts, and a lot of overtime work. Labor law requires overtime pay of time and a half after 40 hours, but employers skirt the requirements. The union hoped that by pressuring companies through the state Attorney General's office to stop using independent contract status for these workers and putting them on as employees, workers would benefit, but not so. A WGA-E organizer observed:

*So with W-2's, because it's payroll, it is routine for everyone to falsify their time card. This has happened especially after NYS began enforcing W-2s, instead of 1099's....so people end up making LESS than before. You are given instructions as to how to falsify: if you're a producer, put down X number of hours. If your job is something else, put down Y. It happens even at some of the better companies to work at. One company we unionized last year, now pays them less by falsifying time cards. The company has found this work-around.*

According to a 2013 study by the WGA-E based on a survey of over 300 employees in reality TV,

*More than 80% worked more than 8 hours/day at least once a week, with 60% working more than eight hours every day. 80% of respondents said they sometimes worked more than five days a week. 71% worked more than forty hours a week, every week. 84% worked more than forty hours most weeks. In spite of the fact that most writer/producers are working overtime on a daily and/or weekly basis, the vast majority of respondents (85%) said they never received overtime pay.*

*66% of respondents filled out time cards, but only 11% of those filling out timecards said they were always accurate. Large numbers of producers reported various illegal behaviors on the part of employers with respect to timecards. 64% said they'd been asked to turn in a timecard that just said "worked"; 60% had been asked to turn in a timecard before the end of the pay period; and 18% reported being asked to hand in a blank time card.<sup>7</sup>*

Because these are short-term contract workers, and they are paid by the day, the week, or the project, even comp (compensatory) time is a shell game. One producer who worked for a well-known employer in the industry said:

*They have a crafty comp policy that if you work on the weekend, you can take a comp day, but NOT on "down days" (days when others are working on your footage or the network is giving notes, or whatever, and you're not there and you don't get paid for those two days) ...so when CAN I get paid for a comp day? The way it works is... you never can! So in the end, you work a 7-day workweek. It's so expected and abusive. You can be asked to work all the days it takes to get something finished. New workers would have NO idea why I would complain about this. I also didn't get paid for international travel....travel days got folded into my weekly rate. As I got more experience and was able to do more, I had a bit of leverage. I finally was able to bargain for some comp days.*

A young woman who now works almost exclusively in food reality TV as a segment producer reported on her start in the industry:

*I worked for a very small company at first, and the challenge was to figure it out as I worked. The expectations and workload were overwhelming. It was a very small work group. There was lots of travel. It was not a 9 to 5 job. We had crazy schedules. You have to be flexible – locations may fall out, etc. There are no benefits at all, and the risk of being replaced is very high. Everyone felt they were so lucky to have their jobs. You know early on those who will survive...*

One segment producer reflects on her experience of the culture among the young workforce in RTv:

*It's very chummy. They spend a lot of time there. Work, party, work. They think the company cares about them. They're cheap, they roll from project to project. The companies are paternalistic – "we'll take care of you with our next show". Kids aren't thinking about long term.*

Another 25-year-old who eventually taught himself visual effects and AVID skills to escape the terrible conditions, and who now works as an assistant editor in documentary, said of his first job in reality TV:

*The work culture was horribly abusive—seems like the “blue collar” end of TV. Particularly for the on-set PA’s, it was 80-hour work weeks. Absolute insanity. I was turned off from on-set PA jobs.*

A frequent complaint is that these workers are rarely given information about the length of the project, the expectations, or the possibility of future employment. A 40-something filmmaker who worked for years in reality said:

*I’m aging out. I’m too cranky. I know how it can be done well, and the newbies now don’t have expectations or what ‘could be’. I now want minimal respectful things like notice of the actual job, or the extent and the end of a job, or expectations of the job. None of that is part of the expectations of these new kids.*

## Poor Treatment and Unsafe Conditions

The low budgets typical of reality television create pressures that result in poor conditions and often unsafe practices. Reality television evolved in a non-union, low-budget context that has made certain practices routine. With a young, inexperienced, and uninformed workforce, it’s easy for producers and employers to create the impression that unsafe conditions and abusive practices are normal.

Health and safety conditions are especially appalling. In addition to long hours and unpredictable schedules, the actual content of the show poses many hazards for workers. This is especially serious because as contract workers with no benefits, there is no insurance and no workers compensation if someone is injured on the job. One young producer reports there was constant pressure to “just get it done” and the competition between segment producers to get the best footage in the can:

*I rigged explosions for one show where I was the field producer. The boss said we needed an explosion, so I called up one of the guys who was talent, a pretty rough character, and ask him if he knew how to blow something up. He said “Sure!” and appeared the next day with gasoline and some other stuff. I was “in charge” but I had no help, no safety precautions. We did it and got the shot, but ..... I have my own personal workers’ comp policy now. On another shoot, we were in and out of welding shops. Sparks were everywhere. I was wearing my own sunglasses, and I think we borrowed some protection from the guys we were filming with. I got the direction: “Get the camera in close and don’t ruin the lens.” I usually had to procure earplugs and safety goggles on site for the shoots on that show when there was welding or work with firearms.*

The same producer spoke about colleagues who worked on the “blue collar” shows featuring rugged working men:



*Someone from the crew fell into an oil rig and barely escaped being crushed, by some miracle. No stunt coordinators are hired. Another person I know worked on a show involving explosions and the sound man's ears were damaged and he will never work in sound again. The company fought his injury claims.*

Another show involved a rural competition six hours away from the city. The crew shot for as long as the competition lasted before returning to New York. There was a 24-hour turnaround on this 1-hour show, and it was supposed to air immediately. The employer refused to hire a double crew to do the 24-hour shift, which included the twelve hours driving to and from the competition. Some of the crew refused to get in the car driven by someone who hadn't slept for 24 hours.

Hazards are not confined to field shoots. Another producer described traveling to Japan for a shoot and being rerouted through the Seoul airport during a contagious respiratory epidemic in South Korea. He objected to the hours-long layover, and his employer refused to reroute him.

## Taylorizing Video Production Jobs

The business model for this highly lucrative and growing corner of the industry is predicated on low wages, bad conditions and no protections. One argument is that young workers need to “pay their dues” as they learn their craft. But do workers get creative satisfaction from working in abusive conditions? A veteran producer who moved from ten years in reality TV into documentary reflected,

*This way of working drives down wages. You don't get paid well and you stop caring. And people burn out, and the quality goes. No one takes responsibility or is responsible. If you are the story producer, you are responsible to deal with whatever crap comes into the editing room, and if you like solving problems, you just cobble it together. And you have no say as to what was shot. Hopefully you have the beat sheet and you can see if the footage matches and maybe you can get pickups. The favorite sport of this genre is “blame the field producer!” You didn't get enough coverage. You have to make ‘shinola’ out of what is sent to you by green workers.*

Does this new penny-pinching model result in more efficient production? The more seasoned workers we interviewed are clear the answer is NO. An experienced writer-producer observes:

*The person holding the purse strings is often the least experienced, the least trained.... A lot of the production managers or directors of production, who hold the purse strings, they have no experience and no clue about what union standards mean. And they get a bonus for bringing it in under budget. They are negotiating numbers when they don't know the real costs of making something.*

He went on to share his own experience on an international shoot:

*I was .....on a foreign shoot, in the field. I had an inexperienced production manager. I found a great scene in Tokyo, with Japanese speakers. I needed a translator, and we found someone for \$50. The production manager said no. I had to ARGUE for this \$50 expense! After the shoot, I*

*was laid off...prior to the edit...I said “you need to hire a translator for the editing...otherwise you might as well not have shot it.” In the end, they didn’t do it. They said: “Can’t you tell by their body language whether this is important to translate or not?” They only translated about 1/10th of what they needed. I was actually making good money on this project, and the producers were penny wise, pound foolish on this expense. The people making the schedules and the decisions have no experience to know what the processes really take.*

Another example of the inefficiency of this low-road production model is in the digital downloading at the end of the day. Production companies are spending hundreds of thousands of dollars on each episode, but as one field producer-writer reported:

*At the end of a day of shooting, the digital footage has to be downloaded and backed up and the card wiped, and it’s a lengthy process. Why not hire a technician, or get another card? At \$200 a card, they are expensive. For a 5-day shoot, 10 hours/day, that’s a lot of cards. They’d rather make some poor person do it and then get 2 hours of sleep.*

Management wants a daily data dump, and since there is no overtime in reality TV, it’s cheaper to insist a PA work a double shift. And young workers don’t have the knowledge or the leverage to say no.

An experienced writer/editor remarked:

*They are doing things in VERY inefficient ways. They don’t even KNOW they aren’t efficient. This sh-- isn’t a money saver. Places operate like a two-man band. Meanwhile they aren’t, they’re a juggernaut, making the same mistakes everyone is making and everyone is miserable. They refuse to invest the money needed to do things right.*

## Aging Out or Hanging On?

The reality TV business model depends on a constant turnover of young workers who are willing to tolerate these abusive conditions. The industry that got its start as a scrappy, non-union upstart has moved into the mainstream and is generating huge profits. Smaller companies are being bought up by large, profitable corporations like ITV and Red Arrow Entertainment Group. Young workers who started in these production companies when the industry was new, now that they have gotten older and more experienced, want decent incomes and protections, and the job stability to start a family. One worker confided:

*I’m 35 now. I want to have a family and I feel that due to my choices, and the way this work goes, and the economy and the world.... I realize how much money it costs for stability. I question whether I will be able to give the same security to my child that I had.*

Recent controversy over the lack of gender, class, and ethnic diversity in arts and entertainment resonates with these workers. Several of those we interviewed identified the irony of an industry shrouded in

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romantic notions of glamour where entry level workers have to be subsidized by parents and relatives in order to survive the grueling first few years of a career. The workforce is overwhelmingly white. As with many of the jobs in the arts and entertainment field, young workers of color don't commonly have access to the training or the craft networks that make these jobs seem like reasonable options. Most working class families don't have the social capital to support their children for the long period of unpaid internships, low wages and unstable employment that increasingly characterizes this new industry business model. One thoughtful young worker made the following observation about his co-workers, rich and poor:

*In a way, companies are subsidized by the money pumped into them by the parents of these young people: tens of thousands of dollars provided to young people who don't have to pay their own rent and can intern for free. The industry is saturated at the lower levels with people from wealthy backgrounds, making exploiting workers easier and collectivization really difficult. Many of these young people do not need to worry about money. For kids coming into the industry from the lower classes, there is a Facebook group called "Local Zero Heroes" where many young production assistants hang out and share job postings and advice etc. This group features a lot of the "bottom of the barrel" Production Assistant gigs that are often abusive, unsafe, and draw kids from the blue collar/working classes. Many of the PA's on this group are young people of color from the Bronx, Queens, Brooklyn, etc. You can read all of the interesting discussions about trying to get people to work together and agree to refuse rates below 200/day, which is difficult....*

He also observes a phenomenon that increases the gender gap:

*The class gap that you see in your 20's becomes a gender gap in your early 30's once women start to sacrifice their upward momentum for the choice of having kids. Women in their twenties doing this work are doing better than the guys, but after 30, it's the guys who move forward and you see less women doing the higher-level work.*

## What difference would a union make?

When asked what an ideal union could do for these kinds of jobs and workers, interviewees mentioned the standard issues of pay, health insurance, and job credit for writing, etc. One producer/writer compared the reality TV workplace to live theater, and the role played by Actors Equity in ensuring a safe and stable workplace for live performers:

*The Production Manager is so central to everything. Every Actors Equity (live theater) show has an Equity stage manager. When they aren't there, things are horrible. (With them) there is safety. And comfort. The stage manager is parallel to an assistant director. These reality shows don't have that...or a stunt coordinator. It has to do with the person enforcing the rules. Equity shows also have an Equity deputy to funnel actor complaints.*

# The WGA-E Campaign in Non-fiction Television

WGA-E Organizing Director Justin Molito recalls the origins of the campaign:

*It started in 2010 with a combination of our staff researching growth areas and members seeing the market change. We were contacted by members working in nonfiction/reality, and we did a bunch of research and had a lot of one-on-one conversations. We set up the (non-fiction writers) caucus in early 2010. We established an industry-wide organizing committee and ran four NLRB (Labor Board) elections in the fall and winter of 2010 and 2011.*

WGA-E's early approach to organizing was based on its past practices, and used a company-by-company strategy. This resulted in a number of election victories, but once an election was won, the Guild faced difficulty in winning a first contract. Molito continued:

*We found we didn't have enough ground support for a successful contract campaign. We needed to build more committed leadership structures on the ground. We had to think about how we could develop a cadre of activists and generate ground heat to win a contract.*

Even though the employers need large crews on short notice, and should theoretically be sensitive to the threat of work actions, the industry has grown up in an atmosphere of non-union practices. Since so many of the young workers were employed as freelance, short-term employees, the patterns of employment and the fear among these workers of never getting another job made building leverage at an individual company very difficult. The employers can engage in a race to the bottom on wages and conditions because there is an oversupply of young, fearful, vulnerable workers who don't know their rights.

Organizing this young, fluid workforce is a challenge for a traditional skilled craft union such as WGA-E that has typically brought major employers under contractual relationships and signed up individual members through their work for these signatory employers. These employers use a variety of strategies to maintain their low-cost, competitive, non-union business model. The campaign WGA-E launched in 2010 has several different aspects.

## Creating a Community through the Caucus Model

The unstable nature of employment and the lack of geographically centralized workplaces makes the issue of building a *community of interest* among these workers paramount. WGA-E staffer David Hill described the difficulty of outreach among this workforce:

*We've done research through surveys about working conditions. We have a database of about 2,000 people based on our surveys, but we'd like to broaden our reach. Survey respondents tend to cluster around the same kind of company...so that's who we meet and associate with and it's a limitation. It's hard to get in touch with the next sphere in the universe. We know the universe is out there of other workers, but it's hard to ID them. There are clusters of workers around a show,*

*or a network, or age or race. Their personal networks are limited. The AP (associate producer) training program is one way to reach them. There are blogs and Facebook pages where people gather.*

In the last several years WGA-E has developed a series of caucuses focused on various segments of the workforce. Their non-fiction TV caucus, organized in 2010, welcomes both members and non-members, and functions as an interest group that sponsors trainings, hosts networking events shares information, and assists in organizing. The caucus members share information about pay scales and jobs. The caucus is a new type of space –unique among unions-because it is focused less on recruiting members than on building community and providing training to enhance job skills. Topics for trainings in 2015 included writing narration, conducting interviews, and producing in the field. Caucuses host panel discussions and multi-day workshops.

In 2010, current members of WGA-E began talking with non-union, mostly younger workers on the production crews of the reality shows where they worked. The non-members began attending caucus meetings at WGA-E. The young workers in the caucus introduced organizers to other young workers on other job sites, and did volunteer organizing. With their assistance, the Guild started compiling a database of reality TV workers that enabled them to conduct a survey and issue the report in 2013 detailing the miserable conditions and low standards rampant in the industry.

At the time of this writing, the caucus has 39 activist mobilized members, with another 15 who are somewhat active. These young workers have been involved in crafting and vetting the messages used in the organizing campaigns, and have been instrumental in building the network of young workers whose employers became the campaign's organizing targets. They have started their own internet Google Group where they communicate with each other outside the regular WGA-E structure.

## **Targeting Production Companies**

The second aspect of the WGA-E campaign is actually targeting reality programming production companies to organize rather than individual shows. They are choosing to target the larger, growing, more profitable companies who would tend to benefit from a more stable, permanent workforce. Since 2010, WGA-E has organized six major reality television production companies in the New York area and has campaigns at several others.

Organizing, while hard work, is turning out to be less problematic than winning first contracts. WGA-E Organizing Director Justin Molito observes that first contract campaigns are difficult in the absence of full-fledged contract campaigns, which are difficult in these workplaces when the workgroup at any particular time is so unstable. The Labor Board has determined the unit to be anyone who has worked for the company in the previous year. Often those eligible to vote are no longer working at the company, so have minimal stake in the outcome. Loyal union support in a workplace is difficult to sustain as employees move from project to project and often company to company, and management takes full advantage of this instability. The insecurity of the jobs also adds to the reluctance of current employees to be vocally supportive of the union, in order to ensure their being hired on the next project. Union

security clauses negotiated into the contract would be a partial remedy, but WGA-E has not found the leverage to win this provision at the bargaining table. They have negotiated a trigger for union security with contracts so that once a certain number of employers are signatories, the union security will kick in, but the first contract battles are daunting. WGA-E's Justin Molito observed:

*“While we have won contracts at 3 major employers, we are still fighting to win contracts at 3 other shops, and about to start negotiations at another one. One of these contract fights has dragged on for a few years. These initial contracts have been very difficult to win. However now that we have a critical mass of the production organized, we are now moving towards organizing a critical mass of employees to support an industrywide contract campaign.*

## Political strategy

WGA-E has also enlisted political leaders as allies in the fight for collective protections in the reality TV industry. New York City Councilman Daneek Miller, who chairs the City Council's Civil Service and Labor Committee, held hearing in June of 2014 probing the unsafe working conditions and overtime violations of the reality TV industry. In August, Miller called on the owners of these companies to voluntarily adopt a Code of Conduct including 1) reasonable production budgets and schedules, 2) adequate staffing levels, 3) guarantees that employees will not be required to work excessive hours, 4) that all wage and hour laws will be honored, 5) paid time off, 6) basic benefits, including employer-sponsored health care, and 7) a commitment to honor the right of employees to form a union. Elected officials and other union allies such as the NYC Central Labor Council have continued to support WGA-E organizing efforts, but companies have so far been unresponsive to the calls for a Code of Conduct.

One area of leverage for the union seems to be the current efforts of these companies to advocate for inclusion of “non-scripted” entertainment in New York State's tax incentive program that is already available to companies in scripted entertainment. If the union can continue to shine a light on the abusive conditions that are common among these employers, the employers' leverage for inclusion in the incentives may be in jeopardy. In his June 2014 hearing, Councilman Daneek Miller remarked on the level of profit, particularly by the larger corporations such as ITV that are buying up the smaller production companies. WGA-E Executive Director Lowell Peterson responded by confirming that the tax credits have been applied to companies in scripted television and film that are heavily unionized:

*“...that tax credit really goes to support productions where conditions are very much in line with industry standards, and the standards in reality are nowhere near that, and so for now there's certainly no option of a production tax credit.”<sup>8</sup>*

## Legal Strategy

WGA-E has appealed to the New York State Attorney General's office to investigate violations of state and federal labor laws, sending affidavits of abuses from workers. The young Guild caucus members have provided affidavits for the Attorney General's Office to assist in their investigation the employment practices in the reality TV industry.

While WGA-E is actively pursuing these channels, they are not hopeful there will be a legal remedy soon for the treatment that is so common across all these employers. The NYS Attorney General, Eric Schneiderman, has been in discussions with a number of companies over a settlement on wage and overtime violations. According to one WGA-E staff member,

*The AG seems to be hesitant to litigate. It's too expensive, and companies are using that to their advantage....knowing they won't be called to account. Say a case settles...the next company will say its conditions are different, and it will have to be re-litigated. We need the AG's office to say: these producers should not be exempt from overtime. They often beg a "creative exemption" because writers are often exempt from overtime since they work on their own hours...they are "always creating"...creating in the shower, or whatever...but reality TV workers are told where to be when, and how long to stay and what to do. Their hours are quantifiable. The creative exemption does not apply. The AG is in talks with some companies but we don't know what the outcome will be.*

Even pressuring these employers to abide by federal and state safety standards has been difficult. Another WGA-E staff member remarked,

*We can't crack the safety issue unless we crack the hours and overtime issues. Health & safety issues are usually a function of hours -- too many hours--or of the type of show. They (employers) don't even want to codify OSHA rules. But OSHA violations are hard to prove after the fact. We try to get Health & Safety Committees, but with non-fiction shows, there is always enormous pushback.*

## WGA-E Reality TV Campaign Pivots

Reality TV is no longer a scrappy, low-margin outlier in the media landscape. It's a profit-making juggernaut, built on the backs of a precarious and exploited workforce. Huge conglomerates have been buying small reality TV production companies over the last few years, and while the parent companies have even less excuse to squeeze these workers, they resist unionization fiercely. Leftfield Pictures is a reality TV production firm with 25-30 shows being produced in the New York area alone. It was recently acquired by ITV, which is an international media industry giant.<sup>9</sup> Leftfield is the largest employer targeted by WGA-E so far. In 2014 WGA-E won an NLRB election there by a vote of 128-61. But the recent efforts to organize and bargain there are emblematic of the hard road ahead for reality TV workers.

After the victory, and facing the difficulty of winning a first contract, the young workers in the non-fiction TV organizing committee began pushing the WGA-E leadership to change the company-by-company strategy and look at mounting an industry-wide campaign. This change in strategy has meant more intense effort on outreach and community-building across the workforce by caucus members. The young workers have been engaged in drafting a set of industry-wide demands that will be used as part of WGA-E's effort to engage and build ground support and involvement among workers across many companies, rather than targeting individual employers. As of April, 2016, the industrywide organizing committee

members are running their own meetings, and are generating creative ideas such as an industry-wide lunch break called at a certain hour for all workers across companies.

WGA-E Organizing Director Justin Molito looks back and ahead:

*The (Leftfield) drive was super-heated and management ran a very aggressive anti-union campaign. As a non-union place, it was one of the lowest-paying in town, so that was a primary issue for workers. We are now in a position to launch an industrywide contract campaign centered on Leftfield..... Employees throughout the industry know that winning a contract at Leftfield is essential to improving standards industrywide. This month (March 2016-ed.) we will be beginning contract negotiations. We anticipate a fight, but unlike in our past negotiations, we have a large group of supporters at Leftfield and throughout the industry committed to winning a contract there. Winning improvements at Leftfield will help improve industrywide standards. Our industrywide organizing committee has grown and is taking ownership of the campaign. They are in it for the long haul and we can finally focus on building support industrywide as opposed to company by company.*

Many unions approach young workers with the assumption that the newcomers must be acculturated to the union as it is. Instances where a union has been willing to take the young workers where they are and allow them to chart their own course are rare in the U.S. labor movement, and even rarer in the craft-based unions. The arts and entertainment industry is undergoing monumental changes that are restructuring the nature of the workforce and the profit models that have undergirded the labor relations status quo in the industry for the past century. Technology is creating new forms of content, new skills, new jobs, and new realities for workers in the industry. Unions ignore these changes at their peril. It is to the credit of the WGA-E that when faced with a newly emerging non-union workforce, and a group of young workers determined to stand up for their rights, they have been willing to throw out the rulebook on traditional organizing.

Stay tuned.



## Endnotes

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<sup>1</sup> Dayen, David. "The Real World of Reality TV: Worker Exploitation." *In These Times*, October 2014. Accessed February 2, 2016 at [http://inthesetimes.com/working/entry/17254/reality\\_tv\\_production\\_workers\\_win\\_collective\\_bargaining](http://inthesetimes.com/working/entry/17254/reality_tv_production_workers_win_collective_bargaining)

<sup>2</sup> The history of the writers' guilds in the US began in 1912, with founding of the Authors' League. Various formations emerged over the decades of the 20<sup>th</sup> century as the media industries evolved. In 1951, the Writers Guild of America East was differentiated from its sister union, the WGA West. It currently represents approximately 10,000 writers in the print, news, film, radio, and television industries. A more detailed history can be found at <https://www.WGA-East.org/2007/01/a-brief-history/>

<sup>3</sup> As of 2016, WGA-E represented writer-producers at Original Media, Sharp Entertainment, ITV-owned Kirkstall Road Enterprises, Optomen Productions, Lion TV and Jane Street Entertainment. ( *Realscreen*. October 14, 2015) In 2015, it won a representation election at LeftField.

<sup>4</sup> Schechner, Sam. "This Writers' Strike Feels Like a Rerun From 1988: New Technology Is Still Big Issue, and Viewers Could Be Lost Forever." *The Wall Street Journal*. Nov. 12, 2007.

<sup>5</sup> Christopherson, Susan. "Beyond the Self-expressive Creative Worker: An Industry Perspective on Entertainment Media," *Theory, Culture & Society* (December 2008), vol. 25 no. 7-8. 73-95. <http://tcs.sagepub.com/content/25/7-8/73.full.pdf+html>

<sup>6</sup> All quotes from workers are drawn from three focus groups conducted in 2015 (May, June and December) by faculty at the Cornell ILR Worker Institute, and from a series of interviews with individual workers conducted in person, over the phone, and by email from April 2015 through January 2016. Among the interviewees were WGA-E members, activist non-members, and non-affiliated young workers.

<sup>7</sup> WGA-E. "The Real Cost of Reality TV: How the Non-fiction TV Industry Steals Millions of Dollars from NY Tax Payers every Year." 2013. [https://www.WGA-East.org/wp-content/uploads/typo3/user\\_upload/\\_temp\\_/WHITE\\_PAPER\\_-\\_Real\\_Cost\\_of\\_Reality\\_TV.pdf](https://www.WGA-East.org/wp-content/uploads/typo3/user_upload/_temp_/WHITE_PAPER_-_Real_Cost_of_Reality_TV.pdf)

<sup>8</sup> Testimony transcript. Hearings of the Committee on Civil Service and Labor, Daneek Miller, Chair. New York City Council, New York, New York. June 25, 2014.

<sup>9</sup> The British writers union (NUJ) and other media unions struck ITV in May 2015 over wages and settled in June 2015.