



### WGC and the Bargaining History of Animation

Animation became a bargaining priority for WGC more than 10 years ago, in the late 1990's. It was an unregulated area, in which anything went: endless rewrites before payment, no benefits, credits given away to people who didn't write, and even to people who didn't exist.

WGC members who wrote in both animation and live-action were stuck in a dual world – for live-action work there were benefits, protections, minimums, methods for determining proper credit and payment on delivery. For the same writer working on an animation script, none of that applied. The WGC began an organizing campaign to first engage the animation writers, and then, with their support, bring animation to the bargaining table when the 2000 IPA was negotiated. The Guild created membership incentives so that animation writers could join without a WGC contract, and created an animation caucus in which we met with animation writers to establish their top concerns.

At that time, many members did not want the Guild to seek minimum fees for animation. They were afraid that a minimum would drag down the fees they were able to ask, and that a floor would become a ceiling, as has been the case in live-action. The top priorities, established in that series of meetings were just inclusion under the IPA with benefits on their negotiated fees, and payment on delivery, no acceptance. These items, the Guild was told, would improve their lot in life a tremendous amount. This would be a first foot in the door, and future negotiations could build on that foundation. It was communicated and understood that it would be a long haul to parity with live-action, over many years, but that first step had to be taken now.

Bargaining for what became the 2000 IPA began more than a year and a half before 2000. By signing up new animation members, the WGC was able to go to the table and say “we represent a large number of the writers doing this work, and they want it under the IPA” to counter the contention by the companies that animation writers didn't need or want the WGC speaking for them. We had looked at animation contracts in detail, and investigated the situation for animation writers at other writers' guilds around the world. (The WGA was organizing animation writers in the US at the same time, and it still does not have jurisdiction for animation in their main agreement, 10 years later.) Animation was **the** top priority for the WGC at the table; writers were not being treated fairly, it was a growing sector of the industry, and one that had seen the Cinar scandal of putting fake names on episodes and collecting payments for non-existent “writers” become public.

The producers' side of the table would not go near the topic of animation except to say they wouldn't bargain it. For many, many months, the CFTPA and APFTQ wouldn't discuss animation with us. Bargaining took more than a year and a half, chiefly because of animation,

which the WGC would not drop. The live-action agreement would not be closed without animation coming under WGC jurisdiction. Live-action writers would have to wait for their increases till animation was recognized.

Eventually, the producer associations brought very reluctant animation companies to the table (who brought the argument that animation writers didn't even write proper scripts). A special animation section to the IPA would be created, starting from scratch. This was not our ideal solution (which would have been complete parity with live-action), but everything in IPA bargaining has to be haggled out and fought over. The WGC can't "set" terms unilaterally. Even with the animation producers finally at the table, it was many more months of fighting to get anywhere with them. They had no interest in any regulation whatsoever. But we emerged with the first steps that we had been asked for by the animation writers: WGC member animation writers would be covered, Insurance and Retirement benefits paid on their negotiated fees, fees would be paid on delivery, not acceptance, there were dispute resolution mechanisms (including a start at a credit arbitration system), and the statement that no one would be granted a credit who did not actually write on a program.

In subsequent negotiations, we bettered those terms, to bringing in (among other items) the full credit arbitration procedure in the main IPA and firm, standardized forms of credit. The most important next step in going after minimums was achieved in 2006 (during the expedited bargaining in which many people have the mistaken idea Animation was simply dropped off the table). We got jurisdiction over **all** the animation writers engaged by a producer, not just the WGC members. Had we not got the non-members under the IPA as well, any minimum we negotiated would apply only to members, and producers would have skirted those minimums by hiring only non-members on their shows. Members would have lost work. In addition, the WGC continued its ongoing research and created Animation Guidelines, which were circulated to members and agents, and posted on our website so that writers could see the median fee for different length programs. We also noted in the Guidelines that the more writers (and their agents) ask for and get these fees in their individual contracts, the easier it will be to go the table and say, "this should be the minimum, since you're already paying it to nearly everybody."

That said, though we're now hearing that the animation members want minimums in the next agreement, that will be an even bigger fight. Producers who were dragged kicking and screaming into the no-cost idea of filing contracts will not easily concede to any sort of minimums. Again, the WGC cannot go in and "set" a minimum. It will take a seriously long negotiation and very likely also work action by the members, **all** of the members, animation and live-action, to achieve it.

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