

Guilds Struggle to Organize Reality TV Labor

By John Vanderhoef

13-17 minutes

Today reality TV programs are ubiquitous across the television landscape with whole channels dedicated to the genre. But despite their central position in the new TV economy, the [working conditions](#) for reality TV crews have improved little over the last decade, leading to clashes among creative and craft labor, networks, and production companies. For example, in April 2013, writers on the reality show “Fashion Police” filed two complaints against the [E! Network](#) and Joan Rivers’ production company [Rugby](#) for allegedly failing to compensate writers for all regular and overtime hours worked on the show. Twelve of the program’s writers went on [strike](#) demanding back pay and WGA representation. Most reality TV workers are not unionized, which has led to abuses on the job and tensions in the workplace. Such disputes illustrate how corporate bottom lines rub up against the welfare and organizing ability of reality television employees.

Here are 5 Things to Know about Organizing Reality TV Labor.

3. Squabbles over job titles impact WGA organizing.
4. Unions around the world confront similar issues.
5. Although sometimes successful, strikes and lawsuits can lead to stalemates and employer retaliation.

1. Reality TV makes up a significant portion of L.A.-based television productions, but networks, studios, and producers are the ones benefiting.



Runaway production has gradually leached film and TV production away from the L.A. area, with locations in the US and abroad offering cheaper production costs and more lucrative [incentives](#). Film L.A.'s 2012-2013 production [report](#) suggests that reality TV remains the largest contributor to L.A.'s on-site production totals.

The rising prominence of reality TV has come in two significant waves, the first spurred by a 1988 writers' strike and the second by conglomeration. [The 1988 Writer's Strike](#) occurred in the [context](#) of regulatory changes, increasing competition from cable stations, and network [financial troubles](#). Lasting 22 weeks, the strike devastated the big networks and forced them to look into new alternative, non-scripted programming strategies. Networks subsequently developed shows like *COPS*, *Unsolved*

Mysteries, and *America's Most Wanted*, paving the way for today's reality TV landscape.

The second wave of reality television occurred after industry conglomeration in the late 1990s. In this period, the global TV format business [exploded](#), with vertically integrated western European corporations generating large inventories of game show and reality TV formats to sell internationally. Endemol, the largest of these format farms, created some of the most popular reality TV programs, including *Big Brother*, *Fear Factor*, and *Extreme Makeover: Home Edition*. Following the success of shows like *Survivor* on CBS (2001 —), major American television networks quickly [embraced](#) the genre, as well.

The pressure to turn profits, keep production [costs down](#), please shareholders, and maintain [high ratings](#) under a conglomerated TV industry has made the reality TV format very attractive to networks and studios. Although most people realize the “stars” of reality TV work [without payment](#), few know about the dubious conditions for workers behind the scenes, including long hours, low pay, and limited benefits.

Without union representation, reality TV programs do not have to pay guild-negotiated [basic minimums](#), meaning production crews work for less than their unionized counterparts. Studios do not have to provide health benefits, pension plans, or compensate for sick days. Creative and craft labor often have to work well over 40 hours per week [without](#) overtime compensation. Moreover, in cases where crews are shooting in remote, [dangerous](#) locations, adequate medical help is usually unavailable should accidents occur. Accordingly, reality TV

crews find themselves working in conditions that are colloquially compared to “[sweatshop](#)” labor.

Although the WGA, DGA, SAG-AFTRA, and IATSE have organized hundreds of reality TV programs, the “reality” of the situation is that some guilds, like the DGA, have had more success in this area than others. In fact, the hard [truth](#) is that a number of reality TV shows, particularly those with [mobile](#) shooting schedules, still lack formal guild representation for below-the-line labor. Thus, in the event of another strike, reality television remains a viable option for networks that need to compensate for the lack of scripted fare in their schedules, since most reality TV workers would not be in a position to respect the picket lines.

2. Reality TV is a key organizing front for the guilds, but the challenges are significant.

As a result of their significance to L.A.-based productions, industry guilds recognize reality TV as a fulcrum of power when it comes to labor negotiations. Organizing reality TV labor allows the guilds to protect industry minimums overall and slow the proverbial race to the bottom. It would also bring another programming genre under their wing, which offers strategic advantages when negotiating new contracts with producers. More members means more leverage at the bargaining table and more resources flowing in from dues-paying members. Hence, the WGA has tried to [organize](#) reality TV labor at least since 2001 when a looming [strike](#) threatened to flood the airwaves with unscripted reality TV and game show programs.

Although limited in scope, guilds have scored some successes. WGA East now [negotiate](#) deals with individual studios. IATSE stages walks-offs and files lawsuits against producers and studios in an effort to organize workers and secure better conditions and benefits. The WGA West has been the most political, notably launching an ultimately unsuccessful “[Reality Rights](#)” campaign in 2005 in its first concerted effort to organize writers of unscripted programs. The campaign’s goal was to get the six major conglomerates to comply with a basic union standard agreement so that all reality TV programs would have a base level of wages and benefits for writers, but the campaign fizzled out because of the [challenges](#) reality TV labor organizers face.

First, each reality production has a [distinctive](#) organizational structure and unique production practices. This means job descriptions may vary from one show to the next and it is therefore difficult to make comparisons during collective bargaining negotiations. These differences lead to arguments over the responsibilities and designation of positions, including whether or not story editors can be considered writers, a debate discussed in the next section.

Second, transitions in WGAW leadership over the last 10 years, specifically the rise and fall of the hard-lined [Writers United](#) political faction led by former-President [Patric Verrone](#), has made it difficult to maintain a concerted labor effort.

Although Verrone [campaigned](#) on a platform that promised to bring all writers into the WGAW fold, the 2007-2008 Writers’

Strike sidetracked his plans. One argument suggests that reality TV was used as a [negotiating tactic](#) during the strike, which was ostensibly about new media residuals. In other words, organizing reality TV provided WGAW a demand to [concede](#) during negotiations in exchange for higher residual percentages on DVD and digital sales. Alternatively, the threat of reality TV and using nonunion labor to produce cable and network content during the strike can also be seen as leverage held by the studios, leverage used to derail the guild's organizing plans in the midst of heated negotiations. In either case, Verrone's successors, John Wells, [elected](#) in 2009, and Chris Keyser, [elected](#) in 2011, have taken more [moderate](#) approaches. They have pursued a less aggressive, show-by-show organizing strategy while maintaining an outreach campaign, started in 2009, that involves [mixers](#) to educate reality TV writers and editors about the benefits of joining the guild.

The [young workforce](#) that produces the genre represents a final obstacle. For many, reality TV is their first production experience, and those just [entering](#) the business tend to be more concerned with getting a foot in the door than securing long-term benefits. Many of these workers subscribe to the "right of passage" mentality that expects difficult working conditions for those just starting out in the industry. They are willing to sacrifice comfort and stability for a chance to "prove themselves." In addition, young workers tend not to have families to worry about and even pride themselves in their ability to toil around the clock in uncomfortable conditions. Consequently, this young labor

force is largely uninterested in or reluctant to seek representation from the guilds.

3. Squabbles over job titles impact WGA organizing.



One of the major hurdles the WGAW faces is the disagreement with studios over whether or not reality TV programs actually employ writers. This debate emerged out of a simple question: are reality TV producers and editors actually writing the shows they put together?

The WGAW [insists](#) that reality TV episodes feature artfully [crafted](#) stories that require “writers” to provide form and structure for hundreds of hours of raw footage. While not literally scripted, the narratives have to be created through [purposeful](#) staging and editing. The WGAW contends that sewing together footage creates meaning and must be acknowledged as a form of writing.

The studios maintain they do not employ writers on reality TV. Instead, they hire “story editors” or “segment producers.” By designating the labor in this way, studios can keep the WGA at a distance. Moreover, when studios do admit to using writers for story planning and structuring purposes, they often designate these employees as [consultants](#) to avoid paying standard

wages.

4. Unions around the world confront similar issues.



Poor working conditions for reality TV labor is a global issue. For example, the British Broadcasting, Entertainment Cinematograph and Theatre Union ([BECTU](#)) conducted a [survey](#) of almost 350 workers involved in Factuals (reality TV programs), finding that most employees cited long hours, [little rest](#), and chronically understaffed productions as significant concerns. Since 2012, BECTU has therefore been waging a campaign to “Say No to Exploitation in TV.”

A more recent survey by the [Canadian Media Guild](#) found that workers involved in reality TV production there complain of similarly long hours and lack of security and benefits. The troubling commonalities amongst labor in countries with strong guild representation suggest that poor working conditions are an unacknowledged part of the package when reality TV “[formats](#)” are sold internationally.

“Factual TV is the new frontier and the business has really grown, which is great,” [says Karen Wirsig](#) of the Canadian Media Guild. “But the downside to this is some workers who are saying that they’ve given their blood, sweat and tears to an industry that is open to abuse.”

After scrutinizing the findings of its survey, BECTU released a 9-point “[Factuals Code of Practice](#)” list in June 2013. The

organization hopes producers will agree to follow this list in order to improve working conditions in the reality TV sector.

So far, there have been no efforts to form transnational organizations to fight on behalf of reality TV labor.

5. Although sometimes successful, strikes and lawsuits can lead to stalemates and employer retaliation.

Several guilds have spearheaded walk-offs and strikes for craft labor on reality TV programs. For instance, in 2012

IATSE [instigated](#) a strike against reality show “Fashion Star” for not providing crewmembers with pensions or health benefits.

Some [attribute](#) IATSE’s intensity to President [Matt Loeb](#), elected in 2008, who has adopted an ardent stance towards organizing reality TV shows. IATSE encouraged similar strikes for crewmembers of NBC’s “[Biggest Loser](#),” TNT’s “[1000 Ways to Die](#),” and SYFY’s “[Face Off](#).”

The WGAW uses similar tactics. On the heels of its 2005 Reality Rights Campaign, the WGAW in 2006 supported a strike by “America’s Next Top Model” writers who demanded representation by the guild. Despite this [support](#), the “Next Top Model” producers [fired](#) the striking writers, highlighting the danger unrepresented labor faces when speaking out against studios and producers. In turn, the guild filed a [complaint](#) over unfair labor practices with the National Labor Relations Board.

If matters cannot be resolved with formal legal complaints, guilds will often file lawsuits to resist unfair labor practices. As part of its Reality Rights campaign, the WGAW in 2005 helped 12 reality TV writers file [suit](#) against several production studios,

claiming violation of California's labor laws. However, this [lawsuit](#) took over three years to reach a [settlement](#). Lawsuits that actually go to trial can drag on for even longer.

A recent and high-profile example of this tactic concerns writers on the hit unscripted E! program "Fashion Police." They filed two complaints with California's Division of Labor Standards Enforcement office in April 2013 asking for more than \$1 million in back pay for unpaid regular and overtime hours. A few weeks later these same writers went on [strike](#) in an effort to gain guild representation. As negotiations stalled, some of the striking writers released a "Dear Joan: Can We Talk?" video to [express](#) disappointment in Joan Rivers and her production company, especially since Rivers has been a Guild member for decades.

The WGAE [seconded](#) this disappointment when it issued a statement suggesting producer Joan Rivers violated guild rules by performing writer duties on the unorganized program, something the guild does not allow. Rivers managed to avoid the WGAE review board by reaching a [settlement](#) with the guild that promised her full support of the striking writers. In December 2013, nearly 8 months after going on strike, the "Fashion Police" writers are scheduled to collectively vote for union representation, with most [betting](#) they decide on the WGA. Like the above examples, this organizing effort illustrates that strikes and legal complaints require a great deal of time and patience and come with no promises of positive outcomes.