



Writers Guild of Ireland

REPORT TO THE GENERAL ASSEMBLY OF THE FEDERATION OF SCREENWRITERS IN EUROPE FOR 2013

Still here!

Background

Ireland's austerity programme, funded by the European Union and the International Monetary Fund nears its end and the general perception is that Irish society has obeyed all instructions and are now "fit to return to the market" (that being the Market for commercial loans to bridge the, somewhat reduced, gap between our income and our expenditure).

Despite renewed emigration of about 60,000 people per annum, unemployment remains very high (13.6% as of May 2013), growth very low (0.4% in the last quarter) and budgets over the coming years will continue to be dominated by discussion of how much state expenditure to cut and of course where to cut. The largest sectors of state expenditure are education,

health and social welfare (unemployment benefits in particular) and the bulk of cuts will continue to be made there, but we have every reason to think that there will be continuing cuts in state expenditure on the arts in general (including film and television) in the coming years.

The Irish Film Board has seen its support from the state decrease to about 50% of its level in 2009; The Arts Council has dropped about 40% and the National Broadcaster, which depends on advertising for about half its income, has also faced radical cuts.

Environment for Production

Somewhat to our surprise the volume of production – film and theatre in particular, television is more complex - has actually remained at about the same level as recorded at the height of the boom. Ireland continues to produce twenty or more feature films per annum; to première about fifty new plays; produce about the same volume of TV drama (although the volume in the main state-funded channel has dropped) and has increased the volume of radio drama. What is happening is a radical drop in budget size. Feature films are often made for less than half a million Euros and rarely above €1.5m. Theatre production has gone from the profit share model to the crowd funding approach (with the crowd usually consisting of the cast and production team). This has led immediately to a severe reduction in the prices being offered for writing which now vary more radically than they used do but are often half or less of what they used be.

In that production environment the Guild has been busy advising on individual contracts (in the absence of collectively bargained standards) and dealing with an increasing number of disputes and difficult contract negotiations.

Annual awards

Our annual award continues to be popular and successful (<http://script.ie/zebbies/z2013/>). This year the theme of the event was the strike and lockout of 1913 currently being commemorated in Ireland. In honour of the event the awards were presented by representatives of the various trade unions involved in the film and television industry – actors, carpenters, electricians, painters, etc.

Other activities

Meetings on particular topics; a meeting of playwrights; writers groups; meetings with writers of films in distribution and so on remain popular and help maintain a sense of community and offer networking opportunities.

We actively represent our members interests in discussions with the national broadcaster and the regulatory authorities on the decline of drama production at the national broadcaster, in discussions with the funding agency for film on development procedures and changes in training provision and so on.

Competition law

Members will recall that Irish Competition law prohibits us, as freelancers, from negotiating minimum rates – this is considered to be price fixing and is rather strictly prohibited.

The issue had seemed to be at an impasse. We were, therefore, somewhat surprised when a senior figure in the Social Democrat minority partner in our coalition government published a bill (in so-called “private members time” – i.e. outside the main-stream law-making process) to allow collective bargaining by trade unions on behalf of freelance workers which, had it been passed, would have resolved the issue.

This initiative collapsed and when we sought an explanation the Irish Congress of Trade Unions were informed by the Minister for Jobs, Enterprise and Innovation that:

“The current iteration of the Memorandum of Understanding under the EU/IMF programme requires Irish authorities to ensure that no further exemptions to the Competition law framework will be granted unless they are entirely consistent with the goals of the EU/IMF programme and the needs of the economy”,

or, in plain language,

“Brussels told us to tell you ‘No’.”

The Irish Congress of Trade Unions then brought the issue to the attention of President Manuel Barroso, the President of the European Commission.

In his two page response President Barroso (or rather his minion) said:

“Competition law is conceived as a law of general application and exempting operators in one sector typically have (sic) detrimental impacts on their counterparts in other sectors, together with negative spill-over effects. Exemptions also risk setting precedents that could undermine the competition framework not only in Ireland but also in other Member States, thereby fragmenting the internal market to the detriment of all EU citizens. For all these reasons, the Commission is not favourable to sectoral exemptions and has informed the Irish authorities in this sense”,

or, in plain language,

“No.”

The Irish Congress of Trade Unions is now making a formal complaint to the International Labour Organisation under the terms of two international conventions of the ILO (Convention 98 on the Right to Organise and Collective Bargaining and Convention 87) of which Ireland is a signatory. Should they eventually win this case it will only have the effect of moral suasion but, sure, why not?

Collective Bargaining

Given that the collective bargaining issue is not now going to be resolved in Ireland for some considerable time the Board of the Guild has decided that we should try to restart collective bargaining on non-pay issues – contracts, dispute procedures and so on – on the logic that, despite our best and continuing efforts, the situation with collective bargaining is not going to improve any time soon. We have made initial contact with the independent producers’ organisation and the main broadcaster to see what we can do.

The idea would be to try to put in place agreements dealing with all issues other than money.

Collecting Society

The Irish Guild has a contract with the British collecting society ALCS. We have decided to try to take this function into the Irish guild. We have changed the rules of the Guild to allow us to act as a CMO and are now applying for registration as a collecting society and starting discussion with the ALCS as to how to effect the change.

Copyright law reform

Under some pressure from Google the Irish Government has undertaken an independent review of copyright law. The review has just been published and includes a number of proposed amendments to the law mostly clarifying and extending exceptions. We don’t yet know how the Government will respond to the report.

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