

Report from the Writers Guild of Ireland
to the Annual General Meeting
of the Federation of Screenwriters in Europe
September 2014 Warsaw

“Nobody told me there’d be days like these
Strange days indeed – most peculiar, mama”
(John Lennon)

GENERAL ECONOMIC SITUATION

The economic situation in Ireland is improving somewhat. Unemployment has reduced to 11.2%, aided in part by emigration of about 40,000 people per annum from Ireland; growth has reached more than 3% (annualised growth in manufacturing is at 7% and the property market is starting to talk about “bubbles”) and is far higher – from its now very low base – than the EU in general. Government is now talking about neutral budgets and we may be in a situation where there will be no further cuts in expenditure. However the prospects for any increase in government expenditure are slight, especially in marginal areas like the arts. Reducing the tax burden on the middle class in particular and trying to restore economic activity especially in construction will be the key targets for the near term policy, especially with an election coming in the next years.

FILM AND TELEVISION INDUSTRY IN GENERAL

In the arts in general and the Film and Television industries in particular a surprise result has been the resilience of production volumes. The amount of work done has stayed consistent, with sectoral variations ascribable to identifiable causes, and the cuts in available monies being absorbed through lower budgets and in particular lower pay.

State funds in the arts have been seriously reduced over the five years of the austerity programme – in general by about 40%.

On the other hand recent improvements in tax based incentives for investment in production have meant that the volume of non-Irish television production in Ireland has stayed very high, meaning that for crews the last years have been something of a boom time (“Penny Dreadful” (Showtime), the “Vikings” (History Channel) , “Ripper Street” (Tiger Aspect and BBC now Amazon), etc.) - though none of these is written by Irish writers.

We can summarise the situation for writers by saying that there is as much or more work available but there is much less money. Therefore, writers being writers, they are doing the work for less money.

According to the statistics that we compile every year our country of four and a half million people had 473 drama productions in theatre, film, radio and television, which were written by 307 writers (37% of them women) in 2013. (There are 410 writers in the Guild). This volume of production has been surprisingly stable for the past seven years that we have collected the data.

COLLECTIVE BARGAINING

Our effective abandonment of our campaign to alter Competition law to allow us to collectively bargain has allowed us to concentrate on trying to bargain whatever and wherever possible. This strategy has had mixed results.

Practically speaking we are now bargaining aspects of the online environment with the national broadcaster RTE, although they would not like to characterise it that way. We have agreed interim figures for a catch-up service and a “plus-one” service where the signal is re-broadcast one hour later. We have started discussing an “international player”, a non-geo blocked subscription service aimed at the Irish diaspora. This service will require access to rights which in a limited number of cases were not sold by writers as part of the initial contract. The offer at the moment is for a share of net income (net of I-tunes percentage) which is probably the right way for us to go in terms of general principles (at least in the short term) but requires more discussion.

The independent producers have agreed to bargain non-pay aspects of an agreement (contract terms, dispute procedures, etc.) but have put the matter so far down their list of priorities that we will not be actively engaged with them any time soon and we do not really have any point of pressure to force their hands.

We have decided to start publishing “guidelines” on our web-site which will recommend rates of pay, starting with the theatre. This is definitely outside the Competition Act, but is already being done in other areas of the arts, without challenge to date.

COLLECTING SOCIETY

In part acknowledging that we cannot have any significant impact on rates of pay – given the recession and the competition law issue – we are looking to other aspects of writers incomes where perhaps we can contribute to improving the situation.

The guild has decided to establish its own Collecting Society. Up till now we have had a contract with the ALCS, the British Collecting Society which has not worked very well but has required very minimal input from us. However a key weakness has been that the British society has had no political capacity in Ireland at all. They have not for example contributed to the discussion on reform of copyright in Ireland and made no submissions to any of the various public consultations that have occurred.

So, although we do not believe that there is any substantial sum to be collected for our members and although the amount of work involved is considerable, we have decided that we will establish a Collective Management Organisation (CMO) in order to improve our capacity to lobby on these issues and on the basis that a new CMO in our control may be of benefit in the absence of effective collective bargaining.

The control mechanism we have decided to put in place is a bit unusual and will hopefully work. WGI is a not-for-profit company (“a company limited by guarantee not having a share capital”) which normally speaking is not allowed to own a different not for profit company. So the structure we will use is that the elected directors of the Guild will be the guarantor members of the CMO company.

The CMO will have to be registered as a company; then registered as a collecting society, then get mandates from members, before it can collect funds. Our first port of call will be the ALCS, the British collecting society.

REPRESENTATION

In the absence of direct collective bargaining, and in a European country where state funds of various kinds are key to film and television production, we have also put more effort into political and administrative lobbying.

We have active in a grouping of artists’ organisations which is concentrating on a small group of issues, including copyright law review.

An important task for us has been to complain about the reduction in the volume of drama being commissioned by the national broadcaster. The income from the station has fallen precipitously as a result of the economic recession, but in choosing how to spend their limited funds they have cut more deeply into the drama budget than other areas of their work.

In the absence of collective agreements (other than with the broadcaster) and in the context of a structure where the individual contract is the key document, we offer advice to individuals on their negotiations and their subsequent disputes.

We have been speaking to festivals in Ireland about writers’ credits and participation in festivals with some success.

FUN STUFF

Our annual ZeBBie awards continue to be held annually and to be very successful.



Of course we also do all the work that we can to develop a strong sense of community among writers – our annual award; various on-going meetings and events, around craft and information, and so on.

CONCLUSION

The infrastructure of the arts in general and of film and television industries in particular, has survived the recession surprisingly well, to a significant degree on the capacity of individuals to absorb serious reductions in income. It is widely accepted that we are unlikely ever to return to the heady days of the boom time, what is not yet clear is to what extent, and when, recovery in the general economic climate will be reflected in the economy of the arts and in the pockets of our members.

Thomas McLaughlin
Chairman

David Kavanagh
Executive Officer