

Kate Fortmueller

# Performing Labor in the Media Industries

## Editor's Introduction

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In February 2013, a train hit and killed second assistant camerawoman Sarah Jones when the crew of independent film *Midnight Rider* attempted to “steal” (film without a permit) a shot on a train trestle while on location outside of Savannah, Georgia. Georgia is one of many states that has passed “right-to-work” laws (approximately half of U.S. states currently have these laws), which allow businesses, including production companies, to hire non-union workers. Georgia also offers additional incentives to attract production companies to film there, including a 30% tax credit and lax policies on shooting permits.<sup>1</sup> Jones’s tragic death, which occurred while the crew was shooting without a permit, became emblematic of a number of problems in the film industry stemming from the lack of oversight while working in states with minimal infrastructure. The crew approached the trestle shot as one that they needed to “steal,” but Savannah’s Film Commission interim director claims that they may not have even needed a permit to film in the remote location.<sup>2</sup>

In the wake of Jones’s death, the industry responded in a number of ways: crew members began a “Slates for Sarah” campaign in which they taped her name on their slates,<sup>3</sup> industry colleagues launched a successful campaign to have her name and photograph shown in a caption immediately following the 2013 Academy Award ceremony’s memorial montage (recognition that is usually not granted to below-the-line workers),<sup>4</sup> many Academy Award attendees wore black ribbons, and yellow film location signs with Jones’s name

and hearts (pictured on the cover) appeared around the SAG-AFTRA headquarters. These signs typically direct cast and crewmembers to filming locations, but in this case the signs were used as a memorial, strategically placed in view of one of the most prominent Hollywood guilds. In an industry typically characterized by divisions along craft (skilled trade) lines, which Janet Wasko claims have “tended to inhibit labor unity within the industry,”<sup>5</sup> Jones’s death appears to have resonated across the industry, sparking broad concern about production working conditions in the twenty-first century.

While Jones’s death was an event that industry workers rallied around, few workers receive the same attention. The 2013 Academy Awards (the same ceremony that recognized Jones) was also memorable for its indifference toward visual effects (VFX) workers. During the 2013 Academy Awards over 500 VFX workers gathered outside the Kodak Theater to protest the increase in American VFX house closures. Prior to the Academy Awards, Rhythm & Hues (the house that went on to win an award later in the evening for its work on *Life of Pi* [2012]) filed for bankruptcy, an event that contributed to the protest. Bill Westenhofer (of Rhythm & Hues) attempted to make a statement about the problems facing the VFX workers in his acceptance speech, and he was promptly cut off and played off stage with the theme from *Jaws* (1977). The irony here is that the problems facing VFX workers and the conditions that led to Jones’s death all stem from similar issues, namely the industry imperative to cut costs, which often drives

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productions to other states or countries that provide greater savings, but more limited infrastructure and regulations.

Production related deaths, industry trade magazine *Deadline* reports, are not common. According to the trade magazine, there have been eighty film production related deaths since 1914.<sup>6</sup> While this is not a high number, as Haskell Wexler's documentary *Who Needs Sleep?* (2006) details, the deaths are often preventable and the result of dangerous effects of industry cost-cutting imperatives. Wexler's documentary was inspired by assistant cameraman Brent Hershman's death. After working a nineteen-hour day, Hershman fell asleep at the wheel and crashed his car. Focusing primarily on cinematographers and camera operators, Wexler's film details the long, strenuous and days of media workers, advocating for industry-wide change.

*Who Needs Sleep?* presents a dark vision of the film industry and its labor practices, yet there are hopeful moments when Wexler interviews people in the industry who show support for media workers. Interviews with actors like Paul Newman demonstrate how the work days are different for actors when he mentions that during long days on-set, actors can go nap in their trailers while the crew prepares for a shot. Julia Roberts talks about how her breaks and twelve-hour work schedule are protected by the union. Roberts also explains that sometimes actors request breaks simply because it is the only chance for the crew to get a break. This is a small gesture, but demonstrates the potential power of workers coming together in support of each other and better working conditions – despite their individual jobs.

The work of the film and media industries has always been, to some extent, a form of *immaterial* labor, meaning that it “produces the informational and cultural content of the commodity.”<sup>7</sup> What makes immaterial labor distinct, Maurizio Lazzarato explains, is that it combines intellectual, manual, technical, and entrepreneurial skills. According to Lazzarato, workers' roles are ill-defined and “modern management techniques are looking for [...] ‘the worker's soul to become part of the factory.’”<sup>8</sup> Management's objective to develop intimate connections between worker and labor seems at odds with the other characteristics

of immaterial labor, i.e. “[p]recariousness, hyperexploitation, mobility, and hierarchy[...].”<sup>9</sup> The fact that the pressure to fulfill multiple roles and develop an affective connection to one's work and company coexists with a rise in precarious and temporary labor creates seems inherently contradictory. If management cannot offer stability, what can it offer, especially for media workers? At the heart of many of Hollywood's labor problems, as Vicki Mayer, Miranda Banks, and John Caldwell point out, “is that the promise of autonomy, creativity, fame, or wealth still oversupplies the labor market [...].”<sup>10</sup> Work which offers freedom and creativity fulfills precisely what Lazzarato claims is the key characteristic of immaterial labor, mainly that it helps workers connect to their labor.

Yet these broad industrial trends tell us very little about *specific* working conditions and the reasons that media workers were and continue to be drawn to working in the media industries. There may, however, be other benefits that attract industry workers. For example, for background actors, working on-set gives them opportunity to observe production while making money. There are also additional benefits, such as styling and make up tips, free haircuts (particularly enticing for period shows such as *Mad Men*) and free meals on-set. This abundance of available labor, however, makes for a competitive environment in which industry management can take advantage of workers who feel that they have no choice in the tasks they perform (even if they are put in dangerous situations). Thus workers might be poorly compensated or thrust into unsafe conditions, but the allure of the industry trumps any of these detriments.

Working in a highly competitive industry, many aspiring media industry workers provide free or minimally compensated labor in the hope of getting a job down the road. Oftentimes these jobs take the form of unpaid internships, many of which are attached to University classes (students pay tuition, find and complete an internship, and in return receive college credit). In extreme cases, such as the recent Weinstein Company internship that was auctioned off for \$25,000, interns might have to pay for the opportunity to work in these entry-level positions.<sup>11</sup> Since these jobs do not offer any compensation, students must rely on family members or student loans for financial support,

demonstrating Ellen Seiter's point that access to opportunities in digital fields requires equipment and valuable social networks that necessitate financial, social, and cultural capital.<sup>12</sup> Despite support from universities, unpaid internships are not technically legal unless they provide a greater benefit to the employee than the employer.<sup>13</sup> As many former interns know, this criterion is not usually met and as Ross Perlin points out, "the idea that investing in an intern's future might impede business activities is now anathema."<sup>14</sup> These internships have gone largely unchallenged until 2011 when two former interns on *Black Swan* (2010) claimed that their roles on-set constituted work (rather than training) and sued Fox Searchlight for the wages they should have earned. As of this writing, the lawsuit is still tied up in appeals, but this legal action sent a number of media employers scrambling to compensate former interns with back-pay.<sup>15</sup> Yet, these internships persist and for aspirant media workers they continue to provide a crucial gateway into paying jobs.

For the fortunate who achieve success and find work in the U.S. media industries, their working conditions are likely protected by one of the media industry guilds. Hollywood guilds such as SAG-AFTRA (the newly merged actors' union), the Writers Guild of America (WGA), the International Alliance of Theatrical and Stage Employees (IATSE), and the Directors Guild of America (DGA) are responsible to collectively bargain for their members. Collective bargaining, or negotiating as a group with management for agreeable compensation and working conditions, should benefit all members of the union. As Lois Gray explains, "Collective bargaining defines only minimum rates of pay and conditions of work – a floor from which the most skilled and sought after negotiate individual contracts."<sup>16</sup> The importance of media workers looking beyond craft or labor identities has and continues to be evident during union negotiations, occasionally taking the form of sympathetic strikes. For the unions, benefits are often relational. This means that when the WGA makes a demand, this impacts other unions like SAG-AFTRA. For example, during the 2008 WGA strike, the writers requested an increase from under \$0.05 per DVD sold to \$0.10 per DVD; however, residual increases are all connected, so

the writers cannot get an increase unless the actors and directors also receive a proportionate increase.<sup>17</sup> Thus the similar interests (such as residuals) of these diverse groups (writers versus actors) have the potential to work against the interests of labor. The entertainment unions tend to support each other, especially during strikes, but these cooperative relationships always have the potential to fall apart.

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Within this issue, the term "media industries" encompasses a diverse group of workers and performers who range from actors to visual effects workers to comics artists. This approach, which takes up workers across various sectors of the media industries, echoes Christian Fuchs's expansive definition of digital workers in *Digital Labour and Karl Marx* (reviewed in this issue). Fuchs's definition of digital laborers ranges from computer programmers to the enslaved miners who extract the minerals used to produce digital devices. For Fuchs this broad definition is a political choice; these workers "are part of a collective work force that is required for the existence, usage and application of digital media. What defines them is not a common type of occupation, but rather the industry they contribute to and in which capital exploits them."<sup>21</sup> This expansive approach opens up connections across segments of the industry. The essays in this issue look at the labor practices and realities of media workers, consider how these workers are motivated, how they negotiate their relationships to their work and produce meaning within their highly visible and mediated jobs. Emerging from work in cultural studies that looks at how "culture both constitutes and reflects the relationships of power,"<sup>22</sup> Mayer, Banks and Caldwell explain that the goal of scholarship that examines media workers is to "take the lived realities of people involved in media production as the subjects for theorizing production as a culture."<sup>23</sup> This work, as demonstrated by the essays in this issue, can be methodologically diverse, drawing on industrial discourse, ethnographic interviews, and archival research in order to explore the industrial, creative, and textual dimensions of performance and work in the media industries.

The articles span a broad history of media production, beginning in the studio era and

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extending to contemporary television production. As the articles highlight, the reality and conditions of making a living in the film and media industries have changed. The film industry has evolved from a Fordist mode of production and “scientific management” characterized by division of labor between the skilled craft positions (costuming, editing, etc.) and creative tasks (writing, directing, acting). Harry Braverman explains that, “scientific management [...] is an attempt to apply the methods of science to the increasingly complex problems of the control of labor in rapidly growing capitalist enterprises.”<sup>18</sup> Under the Fordist system, many workers were kept under contract and although job responsibilities were highly rationalized and perhaps monotonous, workers had clearly defined tasks, hours, and responsibilities. As David Harvey points out, Fordism was totalizing. Harvey argues, “Mass production meant standardization of product as well as mass consumption; and that meant a whole new aesthetic and commodification of culture [...]”<sup>19</sup>

Alex Kupfer, Sara Bakerman, and Anna Luise Kiss contributions in this issue either provide alternatives to the Fordist model of film work in the 1930s and 1940s, demonstrating how studio employees, at times, filled multiple roles, how stars attuned themselves to promotional labor in addition to their work as actors, and how non-actors negotiated working in an unfamiliar vocation. In “Sporting Labor in the Hollywood Studio System: Basketball, Universal Pictures, and the 1936 Berlin Olympics,” Alex Kupfer historicizes the importance of amateur basketball teams to the Hollywood studios, highlighting the history of convergence between sport and film and the way in which below-the-line jobs were given as compensation for players’ more valued skills as basketball players. Both Sara Bakerman and Anna Luise Kiss explore how on-screen talent negotiates creative contributions to films. Bakerman’s piece looks at Katherine Hepburn’s public image and private correspondence to consider how Hepburn was able to manipulate her persona and ultimately gain greater creative control over her roles. In “Reflections on the Creativity of Non-Actors under Restrictive Direction,” Kiss looks at two films, Luchino Visconti’s *La Terra Trema* (1948) and Jean-Marie Straub and Danièle Huillet’s *Not Reconciled* (1965), made outside of and

in opposition to the Hollywood studio mode of filmmaking. Kiss interviews three non-professional actors from the films in an attempt to locate the creative contributions of actors working under meticulous and exacting directors.

After the break-up of the studio system, it was inefficient to keep workers under contract and the industry began to move toward a flexible post-Fordist industrial structure. The profit generated from vertical integration enabled studios to keep above- and below-the-line workers under contract, which created the conditions for mass production in the film industry. The post-Fordist industrial structure, which David Harvey argues begins in 1973, is characterized by increased industrial mobility, fewer full-time job opportunities, and immense growth in casual or part-time job sectors. Harvey explains,

Faced with strong market volatility, heightened competition, and narrowing profit margins, employers have taken advantage of weakened union power and the pools of surplus (unemployed or underemployed) laborers to push for much more flexible regimes and labour contracts.<sup>20</sup>

Harvey’s summary of industrial changes explains broader shifts that have taken place in production cultures. These conditions of post-fordism inform the working conditions for contemporary media workers, changes, which range from job function to emotional expectations, as the media work has become increasingly casualized.

Sarah Atkinson, Alyxandra Vesey and Benjamin Woo each explore issues facing contemporary industry workers. Atkinson’s analysis of two interactive special effects installations as paratexts demonstrates the occasionally conflicted ways that visual effects workers represent themselves. In “Working for @LateNightJimmy” Vesey maps the relationship between *Late Night* bandleader Ahmir “Questlove” Thompson, musicians, and booking agents to consider how music shapes the show’s identity (both on television and on social networks) and negotiates questions of identity. Benjamin Woo’s survey of comics workers in “Erasing the Lines between Leisure and Labor: Creative Work

in the Comics World” examines the tangible and immaterial forms of compensation (pleasure, creative fulfillment, etc.) within the media industries. Woo’s concluding remarks outline an important goal for studies of industry labor, explaining that, “the challenge is to advance a notion of creative labor *as labor*, rather than as an expression of passion, in order that creators might better evaluate the costs and benefits of the jobs they take.”<sup>24</sup> At the end of the issue, Eleanor Huntington and Stefania Marghita interview Judi Ketcik about the growth of social-cause-based marketing and its connections to celebrity culture, an area in which the media

industries are expanding their reach.

As increasing numbers of people try to move into creative fields it becomes imperative to shed light on the conditions of employment in these fields. While many industry workers are engaged in exploitative work relationships, simply reading industry practice as exploitation leaves out the varied reasons that people accept underpaid positions. Together the articles in this issue contribute to growing understandings of production cultures by illuminating the personal struggles, triumphs, and complexities of laboring in creative fields.

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**Kate Fortmueller** is the Postdoctoral Scholar – Teaching Fellow in the Bryan Singer Division of Critical Studies in the School of Cinematic Arts at the University of Southern California. Her dissertation, “Part-Time Work, Full-Time Dreams: Extras, Actors, and Hollywood’s On-Screen Labor,” traces the history and political economy of actors and extras from the 1910s through 2012. She has contributed to the British Film Institute’s Colonial Film Archive and her work has been published in *Discourse*, *The Moving Image*, *Media Fields*, and *In Media Res*.