

Moving 99-Seat Theatre to Legitimate Paying Productions Opponents Ramp up Misinformation Campaign

Los Angeles, June 29, 2016- Actors' Equity Association Executive Director Mary McColl issued the following statement:

Actors' Equity Association (Equity) remains disappointed that the facilitated discussions with the plaintiffs in the Asner vs. Actors' Equity lawsuit were unsuccessful.

If the end of the facilitated talks brings the service of the lawsuit, Equity will stand up for its members and will immediately file for a dismissal of all claims brought in the suit. Equity, a labor union representing more than 50,000 stage actors and stage managers across America, was founded upon the belief that actors should be paid for their work and treated fairly. Actors on Broadway. Actors in Kansas City. Actors in Los Angeles. All actors.

The lawsuit, which is procedural in nature, claims that Equity did not follow the steps outlined in a 1989 settlement agreement to alter the terms and conditions by which 99-seat theater is produced in Los Angeles. Some producers and actors in Los Angeles, though, claim that the lawsuit is to continue an antiquated system that allows producers to cast actors in productions without paying for their services. And the plaintiffs have been talking about it.

Absent the facts, confusion is created. The plaintiffs have been generating a great deal of misinformation, while at the same time releasing false and distorted data in their continued grasp for a rationale as to why actors should not be paid.

Let's look at the facts.

Actors' Equity Association data reveals the widespread damage that the 99-Seat Theatre Plan has done to actors and theatre in Los Angeles. More than 7,000 Equity members live and work in Los Angeles County. Despite being the "entertainment capital of the world," with actors flocking from around the globe to Southern California, LA County actually provides less paid work for stage actors than markets such as Baltimore/DC, Boston, Chicago and Minneapolis/St. Paul.

Incredibly, in the most recent period where data is available (2014-2015), LA County (with 7,000 members) had 6,500 paid work weeks for Equity members, whereas Baltimore/DC (with 854 members) had over 8,700; Boston (with 845 members) had over 7,900; Chicago (with 1,589 members) had over 15,800 paid work weeks; and Minneapolis/St. Paul (with 437 members) had over 6,700.

The fact that these far smaller markets eclipsed LA in paid work weeks confirms the fact that a theatrical community can thrive and still pay the performers.

The further you drill into the data, the worse the statistics appear. During the same period (2014/2015), unpaid work weeks for actors in Los Angeles County was nearly half of all weeks worked; in markets from Seattle to Chicago, unpaid work weeks are below 1%. This begs a

simple question: how is it that the rest of the nation can afford to pay its actors who perform in small theatres, yet Los Angeles cannot? At Equity, we take great pride in the diligence with which our producing partners nationwide work toward adding contracts. It's time LA producers—some of whom are incorporated as not-for-profits, but all of whom sell tickets to their shows—play by the same rules as everyone else.

Another misleading and demonstrably erroneous argument heard from the plaintiffs, and a group of LA actors who refer to themselves as “Pro99”, is that the system results in a healthier small theatre scene that leads to Los Angeles productions going to Broadway. **Equity's national research shows that Los Angeles has a decidedly average record of productions making it to Broadway—or, more to the point, to any contract.** The data shows that when a 99-seat production is staged again, it is often years in between the 99 seat production and the one under contract. It's also unlikely that the actors in the original cast—who were not paid a wage to develop the work—receive any benefit whatsoever from the success, as they seldom move on with the production. One production, SMALL ENGINE REPAIR, is often cited by the plaintiffs as an example of a 99-seat production that moved to New York, but they neglect to explain that, of the 4 original cast members, only one (who was also the playwright) made the move, which was two years later.

This represents an unnecessary and avoidable crisis for actors in Los Angeles attempting to make a living out of live theatre. An ecosystem has been allowed to develop where even midsize theatre suffers, because it is competing with a small theatre system that pays unconscionably low wages, if anything at all. This has created a downward spiral, or race to the bottom, where the real losers are the actors, the stage managers, the audience, and the theatre industry overall.

It is one of the founding principles of Actors' Equity that those who work in live theatre deserve to be paid for the work that they do. **Every actor and stage manager who has joined this union has agreed to work under conditions that, to the best of Equity's knowledge, are most beneficial to the whole. This is one of the fundamental definitions of a union.** When an actor works through a rehearsal break, he or she contributes to an expectation that everyone else will give up that break as well. When an actor develops work without ever expecting any return on that development, he or she makes it more difficult for colleagues to ask for developmental compensation. **Finally, when a member—any member—works for a few bucks a show, with no pay for rehearsals, he or she damages the earning power of every other member, both monetarily and philosophically.** This has not been an easy process, but Equity is committed to doing the right thing.

It is for these and many other reasons that Equity stands behind its decision to bring Los Angeles County in line with the rest of the nation, and defend its members' right for fair compensation.

Background:

Actors' Equity Association (Equity) is the labor union which represents more than 50,000 professional stage actors and stage managers nationwide. Equity negotiates wages, working and safety conditions, and provides a wide range of benefits including health, pension and 401k plans for its members.

Over the course of several months, Equity conducted surveys and membership meetings and after considering the results of the advisory referendum, the National Council, Equity's governing body, carved out even more exemptions to the original proposals. By doing so, the National Council created a system that would allow for some members to be paid minimum wage for rehearsals and performances. In addition, those members who chose to would still be able to self-produce, appear in showcase productions in theaters with 50-seats or less or participate with membership companies under the new internal union membership rules.