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6-16-2022

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Recommended Citation

Leelike, Remy, "Actors' Equity Expands Membership" (2022). *CJCR Blog*. 37.

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ACTORS' EQUITY EXPANDS MEMBERSHIP

Remy Leelike

Amidst the reopening of theaters after the coronavirus pandemic shutdown, Actors' Equity Association (“Actors' Equity”) was criticized for not adequately meeting the needs of its membership¹ and for reacting too slowly in announcing its Covid Safety Plans, which left theaters without enough time to become compliant.² At the time, one fear that its members had was that, because Actors' Equity does not usually allow its members to perform without a union contract,³ theaters might forgo union contracts for their productions and turn to the non-union labor pool instead.⁴ At the same time, Actors' Equity was in the process of rolling out its “Diversity and Inclusion Retrofit.”⁵ This program—also known as “Open Access”—was designed to address the gatekeeping and lack of diversity that had shown up in the union's November 2020 Diversity and Inclusion Report,⁶ the second installment of this 2017 addition to the union's reporting systems.⁷

In the summer of 2021, Actors' Equity announced that it would expand membership options to any actor or stage manager who had worked professionally, instead of requiring membership candidates to have an active union contract.⁸ While this change was mainly an attempt to address gatekeeping concerns,⁹ the expansion in membership was also anticipated to cause large ripple effects.¹⁰ For example, an increase in the number of Equity actors was expected to increase competition at exclusive Equity Principal Auditions and Equity Chorus Calls¹¹ while

¹ Diep Tran, *Why Some Members of Actors' Equity Association Aren't Paying Their Dues*, BACKSTAGE (Apr. 24, 2021), <https://www.backstage.com/magazine/article/actors-equity-association-protest-dues-73140/> [https://perma.cc/7SS6-WVK8].

² Michael Paulson, *Theater Actors Step Up Push for Union to Allow Them to Work*, N.Y. TIMES (Mar. 19, 2021), <https://www.nytimes.com/2021/03/19/theater/actors-equity-frustration-petition.html> [https://perma.cc/M3YX-2SKC].

³ Actors' Equity does not allow its members to perform in non-union productions without their express permission and a contract approved by the union. The exception to this rule is a Showcase Code, which can only be used in specific productions. Although the Guest Artist Agreement and Special Appearance Agreements allow union members to perform in non-union productions, these are both very limited. *See Contracts & Codes*, ACTORS' EQUITY ASS'N, <https://www.actorsequity.org/resources/contracts/> [https://perma.cc/FL7F-P8MW] (last visited June 16, 2022); *see also NY Showcase*, ACTORS' EQUITY ASS'N, <https://www.actorsequity.org/resources/contracts/Showcase-NY/> [https://perma.cc/232J-T7L3] (last visited June 16, 2022); *Special Appearance*, ACTORS' EQUITY ASS'N, <https://www.actorsequity.org/resources/contracts/Special-Appearance/> [https://perma.cc/294L-32P2] (last visited June 16, 2022).

⁴ *Dear Actors' Equity, We Need to Have a Conversation*, ONSTAGE BLOG (July 22, 2021), <https://www.onstageblog.com/editorials/2021/7/22/dear-actors-equity-we-need-to-have-a-conversation> [https://perma.cc/QP7M-9S94].

⁵ *Diversity & Inclusion Retrofit*, ACTORS' EQUITY ASS'N, <https://actorsequity.org/resources/diversity/diversity-inclusion-retrofit/> [https://perma.cc/9ASU-SY87] (last visited June 16, 2022).

⁶ *Open Access*, ACTORS' EQUITY ASS'N, <https://actorsequity.org/join/openaccess/> [https://perma.cc/A48S-3FPX] (last visited June 16, 2022).

⁷ *Actors' Equity Association Releases Second-Ever Diversity and Inclusion Report*, ACTORS' EQUITY ASS'N (Nov. 18, 2020), <https://www.actorsequity.org/news/PR/DandIReport2020/> [https://perma.cc/GQD5-7EPW].

⁸ Open Access, *supra* note 6.

⁹ *Actors' Equity Association Announces 'Open Access,' Expanding Eligibility for Union Membership*, ACTORS' EQUITY ASS'N (July 21, 2021), <https://actorsequity.org/news/PR/OpenAccess/> [https://perma.cc/YS9B-QVU8].

¹⁰ Open Access, *supra* note 6.

¹¹ Maggie Bera, *Equity Principal Auditions for Newbies*, ACTOR AESTHETIC (Nov. 12, 2018), <https://www.actoraesthetic.com/blog/equity-principal-audition-for-newbies> [https://perma.cc/8BB3-2HY8].

the industry now adjusts to the influx of actors gaining union status.¹² At the same time, the increase in the percentage of actors who are in Actors' Equity ultimately strengthens the union's collective bargaining powers.¹³ Increasing the number of actors who are not able to work at non-union theaters¹⁴ incentivizes those theaters to enter union contracts by offering access to an expanded casting pool.¹⁵ Although an expanded membership may cause more competition in the short term among union actors,¹⁶ in the long term, it could be extremely beneficial to actors and the industry as a whole.¹⁷ With greater bargaining power, stronger unions are able to raise industry standards by negotiating better rates and working conditions among both union and non-union employers.¹⁸

Expanding the union's membership also increases its influence in advocacy spheres. To help offset the increased funds that small theaters need for equity contracts, the union advocates for arts funding.¹⁹ A two percent increase in membership means roughly 1,000 more voices boosting the signal to further the Actors' Equity's goals.

In the six months since Open Access²⁰ took effect, sixty-five percent of new Actors' Equity members joined the union through its program.²¹ In addition to advancing Actors' Equity's collective bargaining strength, the union has also been making strides toward its diversity and inclusion goals,²² as well as increasing its advocacy potential. This program, set to expire on May 1, 2023, is a pilot program that the union hopes to use as a steppingstone toward a permanent system for accessible membership.²³ With expanding membership, Actors' Equity will be able to negotiate better on behalf of its members and ultimately better the industry through strong collective bargaining.

¹² Open Access, *supra* note 6.

¹³ *Factsheet: How Strong Unions Can Restore Workers' Bargaining Power*, WASH. CTR. EQUITABLE GROWTH (May 1, 2020), <https://equitablegrowth.org/factsheet-how-strong-unions-can-restore-workers-bargaining-power/> [<https://perma.cc/8CLS-2V32>]; *see also* Lynn Rhinehart & Celine McNicholas, *Collective Bargaining Beyond the Worksite*, ECON. POL'Y INST. (May 4, 2020), <https://www.epi.org/publication/collective-bargaining-beyond-the-worksite-how-workers-and-their-unions-build-power-and-set-standards-for-their-industries/> [<https://perma.cc/R2A2-7RED>].

¹⁴ *See supra* note 3 and accompanying text.

¹⁵ Dear Actors' Equity, We Need to Have a Conversation, *supra* note 4.

¹⁶ Open Access, *supra* note 6.

¹⁷ Rhinehart & McNicholas, *supra* note 13.

¹⁸ *Id.*

¹⁹ Caitlin Huston, *Actors' Equity Forecasts Change With Opened Membership Program*, BROADWAY NEWS (July 22, 2021), <https://broadwaynews.com/2021/07/22/actors-equity-forecasts-change-with-opened-membership-program/> [<https://perma.cc/242E-TU6G>].

²⁰ Open Access, *supra* note 6; *see also* Actors' Equity Association Announces 'Open Access,' Expanding Eligibility for Union Membership, *supra* note 9.

²¹ *D&I Retrofit Updates*, ACTORS' EQUITY ASS'N (Feb. 2022), <https://www.actorequity.org/resources/diversity/diversity-inclusion-retrofit/di-retrofit-updates/> [<https://perma.cc/MX2J-9RBD>].

²² *Id.*

²³ Actors' Equity Association Announces 'Open Access,' Expanding Eligibility for Union Membership, *supra* note 9.