



INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS,
ARTISTS AND ALLIED CRAFTS OF THE UNITED STATES, ITS TERRITORIES AND CANADA

Affiliated with the AFL-CIO, CLC

M E M O R A N D U M

TO: IATSE MPTV LOCAL UNIONS AND MEMBERS

FROM: Matthew D. Loeb
INTERNATIONAL PRESIDENT

DATE: April 28, 2023

RE: Guidance to Local Union Leaders -- Honoring Picket Lines

As you are no doubt aware, both the Writers Guild of America West and Writers Guild of America East (collectively the “WGA”) have received strike authorization from their memberships as part of their ongoing contract negotiations with companies represented by the Alliance of Motion Picture and Television Producers (AMPTP). In light of the potential for a work stoppage in the film and television industry, we wanted to provide guidance to local union leaders and members working in the film and television production industry concerning the rights and obligations owed and enjoyed by IATSE-represented employees working in the industry.

Unless prohibited by contract, employees are generally permitted to honor lawful picket lines and may not be discharged for engaging in that conduct unless the discharge was justified by legitimate business considerations of an overriding nature. However, employees honoring picket lines may be temporarily replaced by workers who are willing to cross a picket line.

Below is a review of the major IATSE collective bargaining agreements in the film, television, and commercial production industries. None of them expressly prohibit an employee from honoring a lawful picket line, and many expressly permit employees to do so.

Contractual Obligations

An employee’s right to respect a lawful picket line may be waived by clear and unmistakable language in a collective bargaining agreement. The IATSE is currently mid-term on all of its major film, television, and commercial production collective bargaining agreements. This includes the Basic Agreement, the Theatrical and Television Motion Picture Area Standards Agreement, the New York Production Locals’ agreements, the Low Budget Theatrical Agreement, the Videotape Electronics Supplemental Agreement, the Pay Television Agreement, and the Commercial Production Agreement. All of these contracts contain “no strike” provisions. However, the wording

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of these “no strike” provisions differ from contract to contract, and therefore they deserve individual attention.

Basic Agreement

The Basic Agreement does not expressly prohibit employees from honoring lawful picket lines. Therefore, employees working under the agreement retain their right to honor a lawful picket line.

Area Standards Agreement

Under the Area Standards Agreement, employees are expressly permitted to honor any lawful picket line.

New York Production Locals Agreements (Locals 52, 161, 764, 798, and USA 829)

Under Local 52, 161, 764, and 798’s film and television production agreements, employees are expressly permitted to honor any lawful picket line. USA 829’s film and television production agreement does not expressly prohibit employees from honoring lawful picket lines. Therefore, employees working under these agreements retain their right to honor a lawful picket line.

Low Budget Theatrical Agreement

Under the Low Budget Theatrical Agreement, employees are expressly permitted to honor any lawful picket line.

Pay Television Agreement

During the last round of negotiations for the Pay Television Agreement, the pay television companies agreed to adopt the working conditions in the IATSE’s major film and television production contracts, with some modifications. The no-strike provisions in those contracts were not modified. Therefore, it is necessary for you to review the no-strike provision in the appropriate collective bargaining agreement. That may be the Basic Agreement, the Area Standards Agreement, or a Local agreement.

Videotape Electronics Supplemental Agreement

The Videotape Agreement does not expressly prohibit employees from honoring lawful picket lines. Therefore, employees working under the agreement retain their right to honor a lawful picket line.

Commercial Production Agreement

The Commercial Production Agreement does not expressly prohibit employees from honoring lawful picket lines. Therefore, employees working under the agreement retain their right to honor a lawful picket line.

Single Production Agreements (a/k/a “One-Off Agreements”)

A single production agreement may contain its own no-strike provision, or it may incorporate no-strike provisions from another IATSE film and television production agreement. Therefore, the applicable contract should be reviewed to determine if it permits employees to honor any lawful picket line.

Employer Rights

Under existing law, employers have a legal right to temporarily replace any employee who refuses to cross a picket line with employees who are willing to work. However, employers may not discharge employees for honoring a picket line except for compelling business reasons separate and apart from the employee’s decision to honor the picket line.

Conclusion

In summary, unless prohibited by contract, employees have a legal right to honor a lawful picket line. None of the contracts discussed above expressly prohibit IATSE-represented employees from doing so. Employers are generally prohibited from terminating employees exercising their legal right to honor a picket line. However, employers may temporarily replace such workers with employees who are willing to cross the line and work.