

A Labour History of Irish Film and Television Drama Production 1958-2016

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Table of Contents

Introduction.....	12
The research problem	14
Local history, local Hollywood?.....	16
Methodology and data sources.....	18
Outline of chapters.....	20
Chapter One – Towards a political economy of film labour in Ireland	23
1.1 The political economy of labour: illuminating the “blind spot”	23
1.2. Ireland and the new international division of cultural labour	28
1.3 Economic planning in Ireland since independence.....	33
1.4 Trade unions and the Irish economy.....	40
Summary and conclusion	48
Chapter Two – Work and human flourishing: capital, labour, and resistance.....	50
2.1 Marx: capitalism, alienation, exploitation	52
2.2 Creative labour: policy, definitions, tensions.....	58
2.3 The purpose of trade unions.....	65
Summary and conclusion	69
Chapter Three – Ardmore Studios in the 1950s and 1960s	70
3.1 Irish Unions and Irish film: beginnings	72
3.2 Electrical storm: ETU vs. ETUI 1961-1962	77
3.3 Coming to a head: <i>Of Human Bondage</i> , Ardmore and the ETUI	83
Summary and conclusion	89
Chapter Four – The 1970s: securing an industry	93
4.1 The Irish Film Workers Association and the ITGWU Dublin No. 7 Branch.....	96
4.2 The Film Producers Association	101
4.3 The IAE-IAPI Agreement (1974) and its aftermath	106

4.4. The IFWA/IFTG and the quest for a Film Bill	113
4.5 AnCO, the training question, and the US grip system.....	119
Summary and conclusion	121
Chapter Five – The 1980s: consolidation, growth, and State support	124
5.1 The ITGWU Film Section and the film industry in the 1980s	125
5.2 The Film Acts (1980)	131
5.3 The importance of TV drama production.....	139
5.4 The Commercial Agreement (1986) and “Blue Book” regulations (1988)	144
5.5 The Section 35 tax incentive	150
Summary and conclusion	153
Chapter Six – Peak union: film work in the 1990s.....	156
6.1 Prepping for growth: the film industry in the 1990s.	158
6.2 Labour agreements in the 1990s	165
6.3 A two-tier industry? Concorde Anois, low-budget films and Section 35	174
6.4 Under fire: Irish Actors Equity in the 1990s	180
Summary and conclusion	184
Chapter Seven – 2000-2015: the post-union era?.....	186
7.1 Boom to bust: film funding and the Tiger economy.....	189
7.2 SPI, Equity, and residual payments.....	191
7.3 Irish Equity, IAPI and the Competition Act.....	201
7.4 Re-closing the shop: the ‘Shooting Crew’ Agreement (2010).....	204
7.5 The Irish Film Workers Association revived.....	207
Summary and conclusion.....	213
Chapter Eight – Conclusion: a political economy of Irish screen labour	216
8.1 Film capital, film labour, and the State: the global and the local.....	218
8.2 A political economy of film labour in Ireland	221

8.3 Conclusion: Where are we now?	227
Appendices.....	232
Appendix A – Trade Union statistics (OECD data)	233
Appendix B – Ardmore Studio Group of Unions (Studio Group) c.1962	235
Appendix C – Ardmore Studios ownership 1958-2015.....	236
Appendix D – Film labour agreements.....	238
Appendix E – Actor pay rates and use fees.....	240
Appendix F – Film industry employment by sector 1990-2010	244
Appendix G – Financial and employment data	245
Appendix H – Unemployment as % of labour force.....	247
Appendix I – Historical exchange rates 1958-2015	248
Appendix J – Consumer Price Index (CPI) inflation in Ireland 1953-2015	256
Appendix K – List of interviewees.....	259
Appendix L – Average industrial wage 1972-2015	261
Appendix M – Film worker and producer associations 1972-2015.....	263
References.....	264

List of tables and figures

Table 1 – Irish audiovisual sector employment in 2007	12
Table 2 – Influences on trade union growth and decline	41
Table 3 - Conceptualising good and bad work	63
Figure 4 – FPA, IFWA, Film Section membership overlap, c.1976	102
Table 5 – Estimated value of Irish audiovisual production 1985, 1990.....	129
Table 6 – 1986 Commercial Agreement: main features	146
Table 7 – 1988 employment regulations: work hours and pay rates.	148
Table 8 – SIPTU Film Section membership vs. industry employment, 1990s.	157
Table 9 – Irish spend, labour spend, FTE employment 1993-2000.	159
Table 10 – Overtime rates 1991.....	168
Table 11 – FMI-SIPTU Agreement (1994) summary.	172
Table 12 – Avg. annual employment, labour spend and projects (by decade).	187
Figure 13 – Three-tier compensation system	192
Table 14 – Performance and use fees, indigenous TV drama	200
Table 15 – Irish audiovisual sector employment in 2007	217

List of abbreviations

Acronym	Organisation
AARO	Association of Artists Representative Organizations
AIFM	Association of Independent Film Makers
AIPI	Association of Independent Producers (Ireland)
AMPTP	Alliance of Motion Picture and Television Producers
BFPA	British Film Producers Association
CFPA	Commercial Film Producers Association
CFVPA	Commercial Film and Video Producers Association
CID	Contract of Indefinite Duration
DGA	Directors Guild of America
ETU	Electrical Trades Union (UK)
ETUI	Electrical Trades Union (Ireland)
FBFM	Federation of British Film Makers
FDI	Foreign direct investment
FF	Fianna Fáil
FG	Fine Gael
FIAT	Film Industry Arbitration Tribunal
FMI	Film Makers Ireland
FPA	Film Producers Association
FTC	Fixed Term Contract
FVPA	Film and Video Producers Association
IAAA	Irish Association of Advertising Agencies (pre IAPI)
IAE	Irish Actors' Equity
IAPI	Institute of Advertising Practitioners Ireland (1964-)
IATSE	International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada
ICT	Information and Communications Technology
IDA	Industrial Development Authority
IFFC	Irish Film Finance Corporation
IFM	Irish Federation of Musicians
IFPGU	Irish Film Production Group of Unions

IFTG	Irish Film and Television Guild
IFWA	Irish Film Workers Association ¹
IFWF	Irish Film Workers Forum
ITGWU	Irish Transport and General Workers Union
MNC	Multinational corporation
MUI	Musicians Union of Ireland
NICL	New international division of cultural labour
NIDL	New international division of labour
NFFC	National Film Finance Corporation
NFSI	National Film Studios of Ireland Ltd.
PEE	Programme for Economic Expansion (1959)
PNR	Programme for National Recovery (1987)
PwC	Price Waterhouse Coopers
REA	Registered Employment Agreement
SAG-AFTRA	Screen Actors Guild – American Federation of Television and Radio Artists
SDGI	Screen Directors Guild of Ireland
SFWP	Sinn Fein The Workers Party
SPI	Screen Producers Ireland
SPV	Special Purpose Vehicle
VOD	Video On Demand
WAAMA	Writers', Artists', Actors' and Musicians' Association (1941-1949)
WGA	Writers Guild of America
WGI	Writers Guild of Ireland

¹ Two organizations bore this name, one in 1970s-80s, another from c.2011, originating as Irish Film Workers Forum (IFWF).

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Go raibh míle, míle, maith agaibh go léir.

Donal Gilligan (1964-2010)

I dedicate this work to the memory of the late Donal Gilligan: lifelong friend, gifted cinematographer, and dedicated film worker. Donal rose steadily through the grades from lowly clapper/loader in the lean 1980s to cinematographer and Director of Photography on many feature films and television dramas in Ireland and abroad. Over the course of his sadly abbreviated career, Donal's credit list neatly reflects the trajectory and diversity of Irish film work since the 1980s, encompassing ambitious shorts (*After '68, Horse, The Visit*), low-budget indigenous art cinema (*High Boot Benny, Country, Dead Bodies*), runaway Hollywood features (*Saving Private Ryan*), and television drama of both the international and native variety (*Love/Hate, Raw, Primeval, Shameless, Omagh*).

Babylone cum anxietate flagrat!

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Abstract

Filmmaking in Ireland has been outward-looking since the early decades of the twentieth century, when film production activity in Ireland coincided with the first moves towards a globalised Hollywood production model. Despite the prototypical foreign direct investment represented by incoming productions from as early as the 1910s, however, there is little evidence that any significant native Irish labour was expended in their making until much later. The underuse of local labour would remain a challenge even after the establishment of Ardmore Studios in 1958, when the envisaged 'skills transfer' strategy for training native film workers was resisted by British trade union moves to protect the employment of their own members.

This thesis presents a labour history of Irish film and television production, employing a political economy of labour perspective to explore the power relations operating at the point of production. The emphasis is on the role played by Irish film workers to control their own working destinies, through their efforts to secure access to work and to influence its quality in terms of remuneration, working conditions, job security, etc. The argument thus embraces organised labour but also the efforts of film workers in non-union organizations such as the Irish Film Workers Association. It includes worker lobby efforts to persuade the State to support a national film industry, as well as labour pressure placed on capital to secure employment and prevent its loss to other jurisdictions.

The aim is to produce a local production history that explicates the Irish film industry as a "local instantiation" of a globalised industry. As Goldsmith et al. (2011: 28-29) have suggested, it is through this kind of local history that we might best understand the contribution of local social actors to "building and co-creating" the global production system.

Introduction

The labouring of communication is a difficult and painstaking phenomenon, full of victims and failures.... it is a difficult, imperfect, and unfinished struggle, but an important one for scholars to explore (Mosco 2012: 362).

In 2007, PricewaterhouseCoopers (PwC) assessed the size and composition of the audiovisual (AV) industry in Ireland on behalf of the Irish Film Board. Their report provides a useful snapshot of the size and composition of the industry, which includes film, television, animation, and advertising production as well as the post-production and wider audiovisual sectors.² PwC found that the AV industry supported 5,440 full-time equivalent (FTE) jobs in 2007 (Table 1).³

Sector		Individuals	FTE
Broadcasters		1,021	913
Production	Freelancers	3,016	1,659
Companies	Company	2,868	2,868
Total		6,905	5,440

Table 1 – Irish audiovisual sector employment in 2007⁴

PwC's estimate of 1,659 FTE freelance jobs in independent production companies is reasonably close to the 1,735 figure calculated by the IBEC audiovisual federation for the same period (IBEC 2008: 29).⁵ The 5,440 FTE figure for wider industry employment was taken as the baseline for the 2011 *Creative Capital* strategy. The latter, an initiative of the Department of Arts, Heritage and the Gaeltacht (DAHG), outlined initial proposals for industry expansion with the goal of increasing

² The wider industry includes short films, corporate video, "digital content production", music video, podcasts, multimedia production, "media transfer facilities", wedding videos, e-learning content, and other categories (IFB-PwC 2008: 35).

³ PwC's totals exclude actors and extras, estimated at an additional 137 FTE (IFB-PwC 2008: 9).

⁴ IFB-PwC 2008: 9.

⁵ Throughout the text, I use 'freelancer' to refer to all workers on short-term contracts. This includes all non-direct employees, from 'self-employed' technical crew who invoice their client production companies to directly employed construction workers on short-term contracts.

employment in the sector to 10,000 by 2016 (Audiovisual Strategic Review Steering Group 2011).

What and where are these jobs, and what is it like to work in them? The shift towards independent production that began in earnest in the 1990s,⁶ combined with a rising number of media and multimedia outlets, has undoubtedly been accompanied by increased production volume and rising employment in the content production industries.⁷ But a simultaneous shift in these industries from permanent employment towards short-term contracts and casualization suggests that such work has become more precarious (Hazelkorn 1996). Indeed even a cursory analysis of the data from PwC and IBEC seems to bear this out. IBEC's 1,735 industry jobs in 2007, for example, were derived from almost 13,000 individual work contracts (IBEC 2008: 29). The vast majority of these contracts, it follows, are short-term opportunities filled by the wider industry's 3,000 freelancers – a body of workers who, on average, are working only 55 percent of the time (IFB-PwC 2008: 9).

While it might be surmised that this apparent insecurity is offset by high levels of pay, the Irish Film Board survey data suggest otherwise. Average annual earnings in 2007 amounted to circa €28,500 (ibid.: 79). This is lower than the average industrial wage of €32,600,⁸ but might appear on the surface to be reasonably well paid work for someone with a lot of time off. However, a freelancer's unpaid time includes ongoing training, time spent looking for work, and time working on unpaid projects such as short films and other industry 'freebies', for example.⁹ Half of all freelancers earned less than €25,000 in 2007, with only 28 percent earning €35,000 or more.¹⁰ In addition to this apparent income inequality, there is an obvious gender imbalance: two thirds of freelancers in the AV industry are male (ibid.: 16).

Despite these difficulties, a film and TV production career remains a popular aspiration for young people in Ireland, as is evident from the substantial number of

⁶ In the UK, the shift commenced earlier, in the late 1980s (Ursell 2000: 807).

⁷ Extrapolating from Coopers & Lybrand (1992), estimated animation, film and TV employment in 1991 was 1,412 persons, including freelancers. The number does not include actors and extras, who are included in the IBEC estimates. Indeed IBEC's annual reports since 1999 show a marked fluctuation in annual Full-Time Equivalent (FTE) job numbers.

⁸ Average earnings for all industries (June 2007) were €627 per week (CSO 2007).

⁹ Such 'freebies' include 'demo' commercials made by production companies to showcase new directors to the advertising industry, for example.

¹⁰ The freelance earnings range from a low of €2,500 up to a maximum of €150,000 demonstrates the possibly skewed nature of the earnings data.

second- and third-level education programmes that have catered to the sector since the 1980s. Such programmes ensure a ready supply of industry entrants. But a number of international studies (e.g. McRobbie 1998, 2002, 2002a; Ursell 2000; Terranova 2004) suggest that the aspirations of AV media workers may be thwarted in practice, as an increasingly freelance industry faces issues such as insecurity, downward wage pressure, and increased competition for the more prestigious contracts. For Ursell, not only is the machinery of the 21st-century UK television production industry steeped (figuratively, of course) in blood, but the willingness of workers to cooperate in their own exploitation (partly due to the desire to contribute to cultural production, and the social prestige attached to media work) indicates some important structural changes in the labour process of late capitalism:

the television production apparatus [appears] as a vampire, ingesting youngsters at low prices from a large pool provided by the education system, working newcomers and established hands remorselessly, and discarding the older and less accommodating at will. That workers are, by and large, not merely volunteering to co-operate with the vampire but are actively constituting its life processes, is a phenomenon which merits careful attention (Ursell 2000: 816).

It appears, then, that there can be a disjuncture between the appearance and reality of careers in media production and other 'creative' industries, in Ireland and internationally. Yet this apparent disparity does not seem to have dampened the appeal of film and television work. Creative labour continues to be celebrated as an idealised form of work: offering self-actualisation benefits to workers while providing employers with a happy (and therefore compliant) workforce (Banks and Hesmondhalgh 2009: 417).

The research problem

This emerging creative labour narrative seems to highlight a qualitative change in the nature of media work in recent decades, a change occurring in tandem with an increased global demand for content, the majority of that demand met by the independent production sector. My thesis seeks to address, in an Irish context, issues of change and continuity in film work during the period under review. I am interested in what has changed, how it has changed, and why. Such an enquiry is concerned with access to media work and the quality of such work. It is pursued through a history of

film and independent television production from 1958 to 2015, told from a labour perspective, constructed around the following research problem:

If global production relies on local labour, what are the implications of globalisation for quality employment? Who gets to work on what, for whom, with whom, and under what conditions?

I focus on how film workers¹¹ have sought, with varying degrees of success, to exert control over their own destinies in terms of securing access to work, expanding the opportunities available, and exerting influence over the terms and conditions of employment. While the chosen time frame for such a project could well have begun much earlier, I commence this account with the establishment in 1958 of Ardmore Studios, a private company established with State financial assistance, with the twin goals of (i) fostering Irish cultural production in conjunction with the Abbey Theatre, and (ii) capturing inward film investment (Rockett 1988: 98ff; Monahan 2009: 201ff). My research timeline continues through 2016, with Ireland now firmly established as a viable location for mobile international ('runaway') production while also supporting a mature, if commercially challenged, indigenous industry. As both sectors are supported by substantial public investment, the interaction between the industry (both labour and capital) and the State is of particular interest. It is from this interaction that Irish film policy – the market support underpinning cultural production and film employment – emerges.

The resulting narrative is one in which Irish film workers, far from powerless pawns at the mercy of formidable structural forces of capital such as the international division of cultural labour, emerge as active agents participating in the shaping of their own industrial destiny, in spite of some difficult setbacks. Leveraging the power of various organizations (trade and professional associations, unions, film collectives), they lobby first for the right to work on films made in Ireland and later for the establishment of a support structure for continuous indigenous film production in Ireland, through the Irish Film Board and other institutions and incentives. Irish film workers are thus seen as proactive mediators in a complex and fluid relationship with

¹¹ While I refer throughout the text to "film workers" and "film employment", this category generally includes workers in the independent television production sectors. It is impractical to differentiate these sectors from a labour perspective given the substantial overlap involved, both in practice and in the industry employment data produced by the Irish Film Board and the IBEC Audiovisual Federation.

film capital, sometimes engaging with the State in the continuous pursuit of their material interests.

Local history, local Hollywood?

The research takes the form of a local history through which to better understand the evolution of the film industry in Ireland and its relationship to the global Hollywood production system. Why? Because a local history allows us to “theorise the agency of the local actor in building and co-creating such globally dispersed production systems” (Goldsmith et al. 2010: 28-29). It allows a deeper understanding of globalisation’s effect on labour relations and quality employment. This is important for countries like Ireland where there is a substantial reliance on foreign direct investment (FDI) for employment generally, and for film employment specifically.

Creative labour conditions are a valid basis for a critique of creative industries policy. In Ireland and elsewhere, policy makers see ‘labour competitiveness’ as a key requirement for the capture of mobile international production. Work and employment underlie the *raison d’être* of FDI incentives, mobilised to kick-start industrial development and address the historic structural problem of unemployment (O’Connor 2010). At the same time, the film support mechanism most important for FDI – the Section 481 tax incentive – is predicated on the provision of quality employment – to an arguably even greater extent than its obligation to meet ‘cultural’ objectives. If media work, however, is characterised by uncertainty, inequality, and insecurity, as suggested above and further in Chapter Two, then clearly employment quality is undermined, and there is a contradiction at the heart of Irish film policy. Section 481 then begins to look more like a producer subsidy than a stimulus for quality employment (although there may of course be an element of both).

This thesis presents a history of film and television drama production in Ireland from a labour perspective, i.e. the role that Irish film workers have played in creating the conditions for their own employment, and their efforts to affect not only the quantity of work but also its quality: to make it “good work” in terms of labour conditions, remuneration, security etc. It thus embraces organised labour but also the efforts of film workers in non-union organizations like the Irish Film and Television Guild, the Irish Film Workers Association, and others. It includes worker lobby efforts to persuade the State to support a national film industry, as well as labour pressure

placed on capital to secure employment and to prevent its loss to other jurisdictions (e.g. the making of commercials abroad, or the import of same).

I therefore adopt a more optimistic approach, taking account of individual agency in the face of the structural challenge of Hollywood's globalisation and international division of cultural labour (Miller et al. 2005). With a nod to Giddens' concept of structuration, I present an analysis of the Irish film industry based on "social practice across space and time". Filmmaking is seen not as an externally structured social totality, but as a set of local practices that "produce and are produced by structures":

Structures . . . are not something external to social actors but are rules and resources produced and reproduced by actors in their practices (Scott and Marshall 2009: 740).

Thus the extent to which local film workers may *resist* the flexibility demands of Hollywood 'best practice', for example, demonstrates their contribution to, rather than domination by, the international production system. Filmmaking in Ireland emerges as a "local instantiation" of Global Hollywood, shaped by local producers, film workers, State institutions and other actors proactively seeking to advance their own interests from the opportunities presented (as opposed to the limitations imposed) by globalisation (Goldsmith et al. 2010, 2012). The research problem is operationalized in the following research question:

To what extent have Irish film workers worked with (or against) capital to ensure access to plentiful, quality employment?

To address this question, I present a history of Irish film production framed not in terms of its cultural contribution but rather its employment conditions, for creative and craft film workers alike. While I acknowledge that film workers are likely to derive satisfaction from their contribution to producing cultural 'texts' as well as seeking to make a good living from the performance of their work, the focus of this research is on the latter of these 'rewards': the material rather than the social. The industry is presented in terms of its capacity to deliver quality employment opportunities to film workers, rather than produce quality content for the cultural enrichment of audiences.

The time frame under review is the period from 1958 to the time of writing, early 2016. We begin with the establishment of Ardmore Studios with State support as a means to build a film industry in Ireland largely based on investment from overseas. I

trace the evolution of the industry to the present, at which point its original goal has arguably been achieved, with Ardmore Studios and other production facilities booked year round for the production of US and British productions, albeit mostly for television rather than theatrical distribution. While this latter point suggests that the industry turn away from theatrical and towards television distribution identified by Christopherson (2013) is to the benefit of Irish film workers, I demonstrate how Ireland's successful 'capture' of international television production derives from the agency of certain social actors who sought to establish a 'comparative advantage' in this sector.

Methodology and data sources

In Chapters Two and Three, I propose a conceptual framework whereby one might understand the dynamics of filmmaking activity in modern Ireland within the context of a globalised system of commodity cultural production. The framework is derived through a review of the literature from a number of general areas relevant to the research. I draw on political economy of labour, and political economy of media as it relates to globalised Hollywood production and its attendant international division of labour. The review also covers some broad overviews of Irish economic history, labour history and the Celtic Tiger boom, to better understand the contextual influences on the development of an Irish film industry during the period under review. This context comprises the 'modernisation' of the Irish economy begun by Fianna Fail during the Sean Lemass era, continuing through entry to the European Economic Community and its European Union successor, and the effect of these developments on domestic labour conditions, the trajectory of Irish industrialisation, and the pattern of trade union recognition and growth in Irish society. I also review broad developments in theoretical approaches to creative labour, to better understand the pressures impinging on present-day film and TV drama production workers. In constructing this framework, I strive to produce a structure that allows for critical analysis of the film industry in Ireland and changes that have impacted on it over the last six decades.

This political economy framework allows for the examination of filmmaking in terms of the *work* involved, rather than the texts produced. While I acknowledge the textual contribution of Irish writers, producers, directors, technicians and craft workers to the evolution of a distinct Irish national cinema, analysis of this contribution

is beyond the scope of this research, and has been adequately addressed by other scholars.¹² My intention is to add an additional labour/industrial ‘stratum’ to Irish film and television research, to contextualise and complement existing textual/cultural research. The framework must therefore allow the examination of issues like access to work, and factors influencing the quality of that work, such as labour law and industrial relations law, institutions and practice. It theorises the commodification of film labour in terms of political and economic power relations. The approach is interested, *inter alia*, in the role of film trade unions in organising workers in a globalising economy; the securing of employment through capture of international runaway production and/or the recapture of local production lost to other locations; and efforts to ‘democratise’ the workplace and balance film worker interests with those of employers (Mosco 2011: 361). Through the research, I seek to add to the small but growing body of ‘creative labour’ work, answering Mosco’s (2011) call to illuminate (and eliminate) the “labour blind spot” in media studies generally.

The empirical research focuses mainly on primary archival sources. In constructing the account, I build up a number of contributing layers, drawing on a variety of hitherto unused or under-explored sources as well as newspaper coverage of the industry, and of course the established literature on Irish film and television production (e.g. Rockett 1988; Barton 2004; Flynn and Brereton 2007). An important new source has been the archives of SIPTU, historically the most important trade union for the organization and representation of film and television workers in Ireland. I have drawn also on documents housed in a number of repositories, including the National Archives, the Irish Film Institute’s Tiernan MacBride library, the UCD Archives, and the National Library. This range of primary sources offers an extensive, and relatively untapped, source of rich data from which to construct a labour history of the last half-century or so of film and television drama production in Ireland.

Because inevitably there are gaps in the industry coverage available from these sources, I draw also on a set of semi-structured interviews with some key ‘players’ in the industry past and present. These players represent a convenience sample of subjects, chosen for their direct involvement in industrial developments (e.g. trade union representatives, advertising and film producers), or their ability to represent a particular position in the labour relation (e.g. film workers). Twenty such interviews

¹² e.g. Rockett 1988; Barton 2004; Pettit 2000; Ging 2012.

were conducted (see Appendix K).¹³ Where possible, interviews were conducted in person, recorded and transcribed for analysis. Some briefer interviews were done via telephone, documented with notes. Some interviews were followed up with email correspondence for clarification, or to make supplementary queries. These interviews, ranging from 10 minutes to over an hour in length, produced a very rich array of data, drawing on the personal experiences of film workers, producers and union officials. Not all of these interviews are quoted in the final account presented here, but in general they provided a deep context, grounded in lived experience, to the major events described. Interviewees were generous with their time and seemed to enjoy talking about personal experiences, suggesting that these interviews could provide the basis for a much larger oral history of Irish film labour and Irish film production. Their potential is only partly realised in this particular research project.

Adding to the largely qualitative nature of the approach, I have also integrated quantitative data on film funding, production spending and employment levels, largely based on the industry data collated by the IBEC Audiovisual Sector and published annually between 1995 and 2012. These data, supplemented with other funding data (primarily in relation to Section 481) published by the Film Board and other State sources, provide the major means for assessing industrial growth during the latter half of the period under review. For the earlier half, only far more sparse data, gleaned from trade union annual reports, occasional official surveys and other contemporary sources, are generally available.

Outline of chapters

Following this introductory section, I set out the theoretical framework of the research over two chapters, presenting the findings over the next five chapters, and discussing their implications in the final chapter. In Chapter One, I delineate the parameters of a political economy of labour. I then examine the nature of the global film production economy in which Irish film workers are enmeshed, reviewing literature on 'global Hollywood' and its international division of cultural labour. As the period under review closely coincides with the liberalisation of Irish economic planning that commenced in the Lemass era from 1959, I provide an overview of economic development in Ireland since independence, to better understand the background against which the economic aspects of Irish film policy have been framed. Having sketched that periodisation of

¹³ One interviewee wished to remain anonymous, and is referred to as ANON.

national economic planning, the chapter concludes by superimposing the trajectory of labour organisation in Ireland, as represented by the ebb and flow of union density over time.

In Chapter Two, I continue to review the major literature informing the conceptual framework, bringing together some major sources on the nature and meaning of work and its relationship to human identity. Drawing on Keith Grint's *The Sociology of Work* (2005) for my overview, I review some classic conceptualisations of work and labour. I take a closer look at Marx's contemplation of the "species being" – the quintessential nature of humanity underlying Marxian labour process theory, in which human flourishing is subverted by the capitalist labour process through alienation. These ideas form the basis for a select review of creative labour literature, to explore the notion of artistic autonomy and its application to contemporary work in the creative industries.

We thus arrive at a theoretical framework in which film labour might be understood in terms of its relationship to accumulation in the contemporary era of global capitalism, but also in relation to its ability to resist capital, reducing the negative effects of alienation and exploitation by exerting control over the labour process. Film labour is thus seen in political economy terms, as

the social relations, particularly the power relations, that mutually constitute the production, distribution and consumption of resources, including communication resources (Mosco 2009: 2).

Labour relations are part of those social and power relations, and the questions of access to work, and control over work, are key concerns of the research.

Chapter Three is the first of five dedicated to the research findings, organised periodically by decade, beginning with the 1960s. In this chapter I shed some new light on how Irish film workers were initially marginalised at Ardmore due to British trade union resistance to the offshoring of Eady-funded film production.

This situation changed in the 1970s, the subject of Chapter Four. I show how Irish film workers joined forces with their producer employers and leveraged the resources of the ITGWU trade union to secure the Irish television and cinema advertising production industry for local companies and local film workers.

Chapter Five examines the 1980s, when the long-standing lobby for a State-supported indigenous industry was achieved with the creation of the Irish Film Board, adding to the employment available in the advertising industry through the availability of a formal structure for supporting indigenous film. In this era too, we see the introduction of embryonic tax legislation to incentivise international capital, and developments towards an expanded international television production sector, the benefits of which are reaped in later decades.

In Chapter Six, I show how Irish film workers benefitted from improved economic conditions in the 1990s. An influx of overseas film production capital combined with an expanding domestic independent television production sector, motivated by changes in European Audiovisual policy and changes in local tax incentives.

Chapter Seven brings us to the present day, where despite the collapse of the Celtic Tiger bubble, film and television production continues to thrive. A weakening of film labour's position in the employment relation is noted, as legislative change impacts on freelance labour organisation and on employment conditions for 'atypical' workers, of which film workers are a primary example.

My account concludes in Chapter Eight, containing conclusions and further discussion, linking the historical account to the present situation of seemingly plentiful employment tinged with a marked increase in labour precarity. Although the industry has appeared to weather the post-Tiger downturn well, an increasing atomisation of film workers reflects declining union influence, one possible explanation for employment conditions that have arguably worsened relative to other sectors of the economy. The plight of film workers, which seemed to improve significantly in the 25 years or so from 1974, appears to be deteriorating again in the 2010s. Some recent developments, however, suggest that union activity in the industry, which appeared to buck the national and international trend of general decline by increasing in the 1980s and 1990s before collapsing in the 2000s, may be challenging that trend again in the 2010s.

Chapter One

Towards a political economy of film labour in Ireland

The new geography of international film production is a geography of international stimuli as governments vigorously compete for production using various policy levers to assist migrating projects (Goldsmith 2010: 200).

My thesis is constructed around a framework broadly bounded by the sociology of work (Grint 2005), the political economy of labour (Mosco 2011), globalisation and the international division of cultural labour (Miller et al. 2005), and labour-focused critical production studies (e.g. Hesmondhalgh and Baker 2011). The emphasis is on the labour process and the social relations central to the production of film and television texts, a focus frequently eschewed in favour of the analysis of the institutions (media organizations) that produce such content; the inherent meaning of the texts themselves; and the processes by which such meanings are created, subverted and otherwise negotiated by audiences. The research thus addresses what Mosco calls the “labour blind spot” of western communications studies (Mosco 2011: 358).

In this chapter and the next, I explore this theoretical framework, beginning with a discussion of Mosco’s “blind spot”, the political economy of labour. I then extend this discussion to the globalisation of production and its international division of cultural labour (in which Ireland plays a part), drawing mainly on Miller et al. (2005). Placing the question of Irish economic development within this framework, I continue with a brief history of our economic policy since independence, with a particular emphasis on the period since the late 1950s. This economic context is important for understanding the development of the film production sector, and also for understanding trends in trade unionisation in Ireland, the subject of this chapter’s final section.

1.1 The political economy of labour: illuminating the “blind spot”

Vincent Mosco (2009: 3) defines political economy generally as “the study of control and survival in social life”. Because control shapes and defines relationships between individuals and groups as society struggles to organise, adapt, and reproduce itself, it is a

political process. Survival, concerned with resource production and societal reproduction, is an economic process. More narrowly, this definition of political economy can be restated as

the study of the social relations, particularly the power relations, that mutually constitute the production, distribution and consumption of resources, including communications resources (ibid.: 2).

Applying this definition to the field of media labour (a vital element of media production and distribution, and – especially in economies such as Ireland’s where employment has historically been in short supply – a “communications resource” in itself), Mosco calls for greater scrutiny of labour, to widen the remit of Western communications studies:

A political economy sensitive to the laboring of communication would bring into the field of communication studies a clearer sense of the work that goes into communication and culture, and of the workers who perform it. Rather than remain on the fringes of the discipline ... labor and those who perform it become part of the common vocabulary of communications scholarship (Mosco 2011: 362).

While there has been some important recent research on the subject of creative labour, briefly reviewed in Chapter Two, media labour is still relatively under-researched. The field’s concentration on the intertwined topics of media institutions, messages and audiences downplays the “intellective and physical labor” required to produce, distribute and consume media content (Mosco 2011: 358). Despite the large body of theoretical work begun by Braverman looking at the labour process and its commodification at the point of production, communications studies has tended to view individuals as consumers rather than producers. The focus is on media consumption, with far less attention paid to media production, and its labour aspects.¹⁴

Mosco acknowledges the contribution from the fields of organizational communication and sociology, where Tuchman, Gans and others have examined the system of bureaucratic controls over complex media production processes, mostly in news production. The fine labour division (and other “simplifying routines” such as beat reporting and news features) typical of newsroom production standardises a production process that is otherwise more unwieldy and unpredictable (ibid.: 360).

¹⁴ Mosco does, however, acknowledge the field of audience studies for its consideration of the labour of media consumers (Mosco 2011: 360).

This body of research demonstrates that a substantial amount of organizational planning and preprocessing are used to gather, package, and distribute news and information on a routine basis. This line of research is important for a political economy that addresses the labor process because it describes in rich empirical detail the sociotechnical processes that help to constitute the work of producing media even as it (sic) turns labor into a marketable commodity (ibid.)

While the organizational literature “gestures” to political economy, it tends to conceptualise the production process as rationalised by the structural pressures of bureaucracy, rather than a response to political and economic influences. From the perspective of political economy, such work contributes empirical richness but “rests on an idealist foundation that substitutes an administrative essentialism for what it perceives to be the economic essentialism of the market”. Ultimately, therefore, it privileges the means of administration over the means of production (ibid.: 361). For Mosco, such work challenges political economy scholars to theorise the commodification of media production labour in terms of political and economic power relations. While this work has been begun by Wasko, Kumar, Mosco and McKercher, among others, much remains to be done. Noting a growing concern within political economy of communications into the use of ICT to rationalise production and overcome space and time constraints on business, Mosco calls for more research into the consequences of such practices. Such work might probe the international division of labour (below) and, in response, the internationalisation of organised labour, itself enhanced by ICT in the task of forging links between internationally disparate labour interests (ibid.: 363).

Christopherson (2013) echoes Mosco’s concerns with labour invisibility, despite its critical role in the evolution of film and television production processes. Drawing on production and employment statistics, she examines the current state of the Hollywood-centred industrial complex, arguing that a shift towards higher-volume, lower budget television work (a shift that resonates strongly with recent Irish experience) represents a long-term structural transformation rather than a temporary, cyclical slump. Driven by the business strategies of conglomerated media entertainment firms, this transformation has profound implications for the nature of media labour relations, and indeed for the evolution of creative cluster economies, of which Hollywood is just one example.¹⁵ Further influenced by developments in production, post-production and distribution technology, creative work has become increasingly multi-functional, challenging traditional job

¹⁵ Other film clusters include Mumbai and Lagos. Christopherson’s research has implications for other clustered industries like ICT (Silicon Valley), finance (London, New York), and pharmaceuticals (Cork, Odisha).

descriptions and union jurisdictions. Concentrated distributor-producer power has reduced the collective bargaining power of film workers, and “limited the ability and willingness of their unions to take on the real source of their problems” (Christopherson 2008: 156). The weakening of unions has accompanied deteriorating working conditions, with “flexible” media workers pressurised to produce more content, faster, with fewer resources (Christopherson 2013: 153). These arguments are particularly useful for their focus on flexible labour conditions within the conglomerated entertainment industry specifically, rather than within capitalist accumulation more generally (e.g. Harvey 2005: 75-76).

For Mosco, there is a tendency to ignore the commodification of the labour process and instead romanticise media work, by emphasising “the individual creative dimensions of media production that distinguish this sector from the many occupational sectors that share the characteristics of industrial production” (Mosco 2011: 360). Thus the complex media production process – a system that mirrors industrial production generally – is obscured through the glamorisation of auteur directors, star performers, celebrity writers, and so on. Nielsen (1983) sees this devotion to “praising famous men” (Chanan 1976: v) as a defining feature of the top-down perspective typical in existing cinema histories, concerned as they are with individual contributors, pioneering techniques, changing definitions of art, and so on. Dismissing such approaches as irrelevant for a material analysis of the industry, Nielsen instead calls for a bottom-up account, claiming for such perspective a greater relevance to the understanding of film as a collaborative industrial process (1983: 47). Acknowledging the value of Guback’s enquiry into the industry-government nexus and its cultural consequences, Nielsen nevertheless bemoans the overly structural focus of such work. Instead, he calls for a more passionate approach that examines the industry’s human stories. This is needed because much of the existing research

fails to touch that humanist core of Marxist thought, namely the human consequences of institutional relationships. A full critical view must merge dispassionate analysis of structures with the real life stories of those most affected by the workings of the industry – the workers themselves (ibid.: 48).

Guback himself presents a more abstract view of film labour. Echoing Mosco and Chanan, he contends that “the objective character of film is its status as a commodity”. Labour’s primary purpose, within capitalism, is the expansion of capital, i.e. the contribution of profit to producer-investors. While filmmaking requires substantial capital investment, it is also labour-intensive – a “fundamental reality” that film scholars must not

ignore. Indeed film serves as an ideal reminder of the vital role of labour in capital accumulation (Guback 1991: 134).

An approach that properly addresses the film commodity might counteract the dominant narrative thus far concentrated on management (i.e. studio owners and producers), directors, and creative technicians, at the expense of the 'below the line' crafts contribution (from stagehands, carpenters, painters, electricians, and so on). Nielsen believes these craft workers have contributed as much as their creative, intellectual and technical colleagues to the evolution of Hollywood style – that “unobtrusive [and] seamless whole” that conceals the artifice of the production process, “engag[ing] the viewer’s attention completely” (1983: 50). It is this distinctive stylistic quality, as much as the more frequently considered economic and political factors, that underpins Hollywood’s domination of world cinema markets (ibid.: 49). Indeed, the craft worker, far from being a feeble cog in the studio machine, retains the power to subtly affect a film’s look and sound. Her ability to withhold or otherwise modify her craft contribution can subvert the “seamless whole” and undermine the work of supposedly more creative cast and crew members (Hartsough, cited Horne 2001: 35). Thus craft workers, like their more conventionally ‘creative’ technician and above-the-line colleagues, may derive satisfaction from their contribution to creating the film text as well as more material rewards like pay and other benefits.

My research aims to illuminate some of the political and economic pressures bearing on the film labour process in Ireland, in turn providing a more complete picture of film workers, the nature of their work, and the nature of the products they produce. The focus on the agency of film workers is in some ways a natural continuation of an earlier enquiry into short filmmaking as a pathway to feature film production (Murphy 2010). That study found that about 29 percent of directors making officially funded short films in Ireland go on to direct at least one feature film. While relatively few of these individuals manage to build sustained feature-directing careers, a perhaps more noteworthy discovery was that three out of four short film directors remain in the wider audiovisual industry (ibid.: 43). While the earlier study was limited to directors, it is evident that the deferrals, deals and “sweat equity” (unpaid labour) expended in short films extends to all grades of film worker (Veber et al. 2007: 54-55; Keena 1996: 24-25). Working on shorts is thus considered a viable ‘way in’ to the industry for many, not just key creative personnel. Thus Irish short filmmaking appears to have lived up to the training potential foreseen for this activity by the earliest proponents of a State-supported Irish film industry (e.g. O’Laoghaire 1945; Marcus 1967; FIC 1968). To convert social capital gained through

unpaid work into the economic capital on which a film livelihood depends, however, film workers must negotiate obstacles like access to paid work and control over the terms and conditions of the bargain made with producer employers. Thus the account presented here will focus on the evolution of labour relations within the film industry in Ireland, and the extent to which film workers have created and controlled their own destinies by securing access to work and controlling the terms and conditions of the employment relation. Analysis of the satisfaction derived from film worker contribution to film texts requires broader ethnographic research, and is beyond the scope of my immediate study.

1.2. Ireland and the new international division of cultural labour

Hollywood's 'real' location lies in its division of labour (Miller et al. 2005: 7).

Mosco's call for political economy to take greater account of media production labour is motivated at least in part by the globalisation of film production and the consequences for film workers. The international division of film labour is the focus of this section, motivated by Ireland's status as an 'overseas' production hub within Hollywood's global production system. The analysis takes into account the historical trajectory of the film industry in Ireland, which has arguably been outward-looking since Alexandre Promio of the Lumiere Frères Company shot the first cinematographic images of Ireland in 1897 (O'Brien 2004: 21). Thirteen years later, filmmaking activity in Ireland coincided with the first moves towards a globalised production model, as US film companies began to experiment with international locations. Ireland hosted the first international US productions, the Kalem Company's Irish film cycle commencing with *The Lad from Old Ireland* in 1910 (O'Conluain 1953: 96). While Ireland thus became immediately aligned with global Hollywood, there is little evidence that the Kalem films employed meaningful amounts of Irish labour, beyond some local extras and impromptu stunt players (ibid: 97). All of the films were directed by Sidney Olcott, who travelled from New York with full cast and crew on a number of occasions between 1910 and 1914, shooting more than 20 films in all.¹⁶ These Irish-based films were commercially successful, so much so that the company extended its international production model, shooting films in several other countries in Europe and the Middle East during this period (Rockett 1988: 8).

¹⁶ The later films were made for Olcott's own production company (O'Conluain 1953: 97; Rockett 1988: 8).

Despite their failure to provide much local employment, the Olcott films nevertheless made some contribution to the local economy, through the purchase of accommodation and sustenance for cast and crew, and the hire of local facilities including locations, props and horses (O'Conluain 1953: 97). Thus filmmaking might be considered one of the earliest forms of foreign direct investment (FDI) in Ireland. As will be seen in the following section, it would be the late 1950s before Irish economic and employment policy began to become more purposefully aligned with inward investment, as the State sought to redress the failed economic development policies of earlier decades through a policy of industrialisation through FDI. Filmmaking in Ireland would remain a small but perhaps disproportionately visible element of that strategy, as the State bankrolled the Ardmore Studios complex in 1958 in the hope of kick-starting an indigenous film production industry through the capture of runaway international production (Monahan 2009: 201-2; Rockett 1988: 98-100).

To understand Ireland's outward-oriented film and television drama production industry, it is useful to locate it within the general firmament of the international screen production system. To this end, I draw on the work of Toby Miller et al. (2005) and their influential analysis of Hollywood's dominant role in the global production of English-language screen content, and the extent to which such content dominates global film, television and video markets. Miller's research reveals the US screen production industry's domination of the world market at the expense of its international rivals. While the European industry has declined to just 11 percent of its 1945 peak, for example, Hollywood's share of the world film and television market has doubled since 1990 (ibid.: 10). Television contributes an increasingly large portion (50 percent) of Hollywood's global revenue, reflecting the US industry's command of the international cable and satellite market following wide scale deregulation in the 1980s and 1990s (ibid.: 22).

At the same time, 'Hollywood' has become less and less constrained by its spatial limits, following the collapse in the late 1960s of the US studio Majors and their absorption by the diversified financial/industrial conglomerates that now dominate both production and distribution of English-language screen products. These globally focused corporations realise profits through the exploitation of primary screen texts (films, TV shows), secondary spin-offs (sequels, intertextual adaptations), and derived merchandise (toys, collectibles, etc.). The *melange* of cultural output is realised through a commodity production model structured around a global division of labour. No longer limited by its physical location in Hollywood, the US industry has thus entered a period of "decentralised accumulation" characterised by a large and increasingly global network of

subcontracted production companies, service providers and individuals (ibid.: 116). As the 'Fordist' studio-as-factory production model has given way to a 'post-Fordist' system of dispersed flexible production, 'Hollywood' extends from its physical (core) location in California out to the multiplicity of (peripheral) production locations, whence it sources the local labour from which, in the Marxian view shared by Miller et al., international screen value is ultimately derived (ibid: 7, 111).

Miller et al.'s focus on filmmaking as industrial commodity production places their research in the tradition of Thomas Guback referenced above. By embracing this perspective, Miller answers Nielsen's call for an interrogation of the social and cultural consequences of the corporate-government nexus (Nielsen 1983: 47-48). Miller's approach

emphasises corporate and State domination, with the US government instigating and facilitating capital accumulation generally and screen trade in particular (Miller et al. 2005: 5).

Miller et al. further conceptualise film and its derivatives as "commodities whose value is derived from the labour that makes them". Through this twin emphasis on the film commodity and State promotion of capital interests, Miller et al. expose a formidable power imbalance between film labour and capital. In service of this exposition, they introduce the concept of the *new international division of cultural labour* (NICL), an adaptation of Froebel's *new international division of labour* (NIDL). Developments in communications technology are seen to underpin a shift from local to global production work, to effect savings in labour costs:

Whereas the old IDL kept labour costs down through the formal and informal slavery of colonialism (the trade in people and indentureship) and importation of cheap raw materials with value added in the metropole, this eventually produced successful action by the working class at the centre to redistribute income away from the bourgeoisie. The response from capital was to export production to the Third World, focusing especially on young women workers (ibid: 121).

Miller thus shares Froebel's scepticism of benign 'information society' technocracy, in which citizens and workers are seen to be enhanced and empowered by digital communications technologies. Instead, information technology is just one more means by which capital continues and indeed extends its domination of labour (ibid.: 121). The information society is merely the technological face of late stage industrial capitalism, wherein corporate capital mobilises the State to reverse the historic gains of workers and

other groups, undermining the union movement and dismantling the Keynesian welfare State in what Ralph Nader termed a “slow motion *coup d’etat*” (ibid.: 122).

Miller et al. apply this thesis to explain geospatial shifts in cultural production from central to peripheral locations, with a particular emphasis on economic runaway production, defined as

those US productions which are developed and are intended for initial release, exhibition, or broadcast in the US and that appear to be made in the US, but are actually filmed in another country (ibid.: 7).

Economic runaways are motivated by a number of factors, including the availability of international sources of film finance; enhanced profits via cheaper labour and other inputs; and other financial incentives (increasingly couched as cultural policy) designed to persuade producers to choose one production location over another. The ease with which producers can outsource production and post-production, both intranationally and internationally, is enhanced by improvements in ICT and global transportation. Such developments allow producers to benefit from slackness in overseas labour markets, while the shift to subcontracted production outsources employment risk (ibid.: 129).

A labour history of Irish screen production, then, must take account of Ireland’s place within this system of international production and post-production, and consider the extent to which filmmaking in Ireland can be understood in terms of the NICL. Flynn (2009) has already used the framework to provide a useful analysis of film and television investment in Ireland post-1993,¹⁷ evaluating the relative importance of a number of local factors, notably the availability of cost-effective and flexible labour; filmmaking infrastructure; financial incentives; and especially currency exchange rates. However, as the Kalem example demonstrates, one of the interesting aspects of international filmmaking in Ireland (whether incentivised by State support or not) is that it long *predates* many of the major transportation, technological and other crucial developments seen by Miller et al. as accelerants to runaway production.

Further, the research aims to evaluate the importance of labour organisation not only for the establishment of an indigenous film industry, but also for creating conditions favourable or otherwise to incoming film production. For Miller, the US film unions are “crucial sources of stability” in the face of the many changes affecting the US industry

¹⁷ The year of the reactivation of the Irish Film Board following a six-year hiatus.

(ibid.: 129). The unions' success in retaining their strength and relevance in the so-called post-union era has been "a beacon for labour across the [US]", demonstrating that extensive unionisation is not necessarily incompatible with industry growth and innovation" (ibid.). Despite such success, the US film unions are nevertheless challenged by the loss of US employment that global Hollywood entails. Internationally, of course, US job losses represent local employment opportunities. Miller's runaway projects can be seen from another perspective as *captured*, as global Hollywood produces (and is in turn shaped by) various instantiations of "local Hollywood" in production-friendly locations around the world. Miller's neo-Marxian structural approach may thus underplay the agency of individuals and organizations that actively promote the establishment of film activity locally, often in conjunction with international interests (Goldsmith et al. 2012: para 1). Goldsmith thus challenges the pessimism of Miller's take on globalisation, highlighting instead the activities of local workers and other social actors who proactively work to facilitate global Hollywood through seeking out and embracing service production:¹⁸

Such players have become enmeshed in global film and television production and distribution, and bring to it their own agency and interests. People and places beyond Los Angeles more actively define and shape this Global Hollywood in partnership with design interests than Miller et al. give them credit for. This implies the systematic consideration of the local instantiation of Hollywood and not just staying with Hollywood-the-place and the Los Angeles-based industry (Goldsmith et al. 2010: 29).

Goldsmith calls for local histories that "attend to and theorise the agency of local actors" in the construction of international production systems (ibid: 30). The approach resonates with Nielsen's call for bottom-up perspectives in film and media studies, and Christopherson's (2013) focus on labour's important role in the evolution of clustered "agglomeration economies" such as the Hollywood production complex. It is also compatible with the analysis of social relations at the point of production central to Mosco's calls for a wider, deeper application of political economy perspectives into production labour.

Arguably, this consideration of Irish service production in local Hollywood terms suggests an engagement with industrial planning policy at the State level, and the extent to which such policy is compatible with the requirements of mobile film capital and the Irish

¹⁸ Service production refers to a local production company's involvement as an 'agent' for an international producer or overseas company.

economy. To this end, I turn now to a brief overview of industrial development in Ireland since the granting of independence in 1922, up to the Celtic Tiger era (1994-2007) and its aftermath.

1.3 Economic planning in Ireland since independence

The period under review, beginning with the establishment of Ardmore Studios in 1958, closely coincides with the liberalisation of Irish economic planning that began in the Lemass era, following earlier experiments with economic development based first on agriculture and then on limited indigenous industrial development (Kirby 2010: 16-22). In this section, I provide the background for understanding filmmaking activity in Ireland in FDI terms, by which overseas investment is incentivised through grants and other subsidies, for which the historic *quid pro quo* has been employment and related economic benefits such as spending multipliers.

For this overview, I draw mainly on Emmet O'Connor's (2011) work on Irish labour history, Peadar Kirby's (2010) critique of the 'Celtic Tiger' economic model, and Tom O'Connor's (2010) analysis of recurring structural failures in Irish economic development. All three accounts divide Irish economic history into four distinct periods:

1. Post-independence (1922-1932), dominated by Cumann na nGaedheal's agriculture policies;
2. "Economic nationalism" (1932-1959), led mostly by Fianna Fail under de Valera;
3. Modernisation (1959-1987), commenced during the Sean Lemass era, characterised by State incentivised FDI; and
4. Liberalism and neoliberalism (1987-present), characterised by 'supply-side' policies of infrastructural development, reduced taxation and deregulation.

I shall preserve this periodisation for the purposes of our brief review. Our interest naturally gravitates towards the latter two periods. It is hardly accidental that they coincide almost exactly with the establishment of two major supports for film production in Ireland, the provision of studio facilities in 1958 and the Section 35 tax incentive from 1987. Indeed, it has been argued by Flynn (2005) that the export-oriented 'modernisation' of the Irish economy often attributed to Lemass may well have been influenced by his attempts to set up an export-oriented film industry. The late 1980s shift towards an industry support structure based increasingly on tax incentives might also be taken to

reflect the wider role of indirect subsidies such as favourable tax treatment on Irish economic development generally. It is also important to review the failed policies of the former two periods: to contextualise the modernisation of Ireland's economy and society, but also to highlight some important continuities and structural failures in Irish economic planning historically. This provides the necessary background for a valid assessment of the film industry in Ireland in terms of its industrial performance as measured by employment provision, economic multipliers and other effects.

Post independence (1922-1932)

Following independence, the Cumann na nGaedheal government inherited a "Third World" economy dominated by mono-crop agricultural production, particularly pasture. While there was some investment in modernisation, this was largely focused on developing a comparative advantage in dairy products, eggs and beef. A farm advisory service and the Agricultural Credit Corporation (ACC) were set up to assist with production, while the Land Commission engaged in limited redistribution of farmland, the general goal being improved exports. Cumann na nGaedheal's strong identification with larger landowners and the middle classes kept taxes low. Combined with a preoccupation with fiscal rectitude, this ensured minimal social services, the class interests of large farmers overriding those of workers and their dependents. Meanwhile a refusal to impose taxation on land discouraged efficient usage, acting as a brake on agricultural efficiency. There was little infrastructural investment, with the exception of the Ardnacrusha hydroelectric plant, built to substitute coal imports. Generally, the State stayed out of the way of private enterprise, ensuring that economic activity was competition-based and market-driven (Kirby 2010: 14-17). Unlike in Denmark and Japan, where land and agriculture were harnessed to kick-start industrial development, the Irish economy remained incapable of generating sufficient work for the larger populace, leading to unemployment and emigration (O'Connor 2010: para 10-15).

Economic nationalism (1932-1959)

On assuming power under Eamon de Valera in 1932, Fianna Fail, the nominal representatives of labourers, small farmers and the less well off, moved to initiate native industrial development, reflecting a switch from a "passive and minimalist" to a "dynamic and interventionist" State (Girvin, cited Kirby 2010: 18). Industry and Commerce minister Sean Lemass cultivated relationships with a small coterie of native industrialists, to whom ministerial access and consultation rights were freely granted. When private banks proved

reluctant to lend to industry, Lemass mirrored the ACC by establishing the Industrial Credit Company (ICC) to direct State investment. Once established, the nascent indigenous industries were protected with tariffs, licences and other measures to discourage imports. The policies were initially successful, resulting in increased manufacturing output, a proliferation of new indigenous firms, rising employment and declining emigration during the 1930s. However with production aimed mainly at the home market, exports declined. Protectionism undermined productivity levels and there were few signs of sustainable enterprise that might escape the bounds of protectionism and become self sufficient in the long term (Kirby 2010: 17-18).

On the agriculture front, diversification into tillage was encouraged, to improve the range of food production and to better represent the interests of small farmers. Cool relations with Britain hampered agricultural exports, and while the situation improved during World War II, the general industrial trajectory was towards stagnation due to the limited size of the home market. The result was a balance of payments problem in the 1950s, as the inward-looking State failed to capitalise on rising levels of Western European trade. Thus there was little capacity for the advancement of Fianna Fail's relatively progressive social policy, begun brightly in the 1930s with ambitious slum clearance, rehousing programmes, and health care investment (ibid.: 18-19). The unemployment problem – an issue even during the initial period of success – remained, and emigration soared in the 1940s. Following a change of government in 1948, the Coalition established the Industrial Development Authority (IDA) in an attempt to open up trade, but this initiative was resisted by the Department of Finance, whose officials labelled the IDA a “crackpot socialist scheme” (O'Connor 2010: para 19). Stagnation and emigration continued during the 1950s, with more than 400,000 people leaving the country, as successive Fianna Fail and Coalition governments failed to solve the employment problem that had plagued the State since independence. By the late 1950s, the failure of economic nationalism was evident, heralding a change of policy when the De Valera era drew to a close.

Modernisation (1959-1987)

When de Valera was succeeded as Taoiseach by Sean Lemass in 1959, the inward-looking economic nationalism of the previous period was replaced by an outward-looking policy of industrial development via FDI incentivised by State grants and tax concessions (Kirby 2010: 20). The policy was enshrined in the *Programme for Economic Expansion* (PEE) drawn up by T. K. Whitaker, the economist under whose guidance the deeply conservative

traditions of the Department of Finance were transformed. Whitaker shared with Lemass an appreciation of Keynesian 'demand side' economic theory advocating government spending to stimulate aggregate demand and promote full employment (O'Connor 2010: para 22). This reversed the obsession with fiscal rectitude of previous periods, as did the courting of multinational corporations (MNCs), which required significant State spending. Funds were borrowed from the IMF, the World Bank and the international financial markets to finance the PEE, which aimed to liberalise the economy based on three elements: (i) grants and tax concessions to encourage exports; (ii) FDI incentives for overseas manufacturing firms; and (iii) the removal of tariffs and other protections to gain reciprocal access to overseas export markets (O'Connor 2010: para 22; Kirby 2010: 20).

The timing of the policy, coinciding with a growing international economy and the increasingly globalised activities of MNCs, was a factor in its apparent success. After 10 years, GNP had grown by 50%, with significant increases in civil service employment, public spending, social expenditure and tax revenues. This performance was tempered by the high levels of government debt that FDI incentives required. The debt would prove a drag on the Irish economy in subsequent decades, necessitating income tax increases to meet the cost of repayments. As the tax amnesties of the 1980s and 1990s later demonstrated, Ireland's new open economy had a tax collection problem throughout the second half of the 20th century.¹⁹ With widespread evasion among the professional and business classes, an undue burden fell on the PAYE sector when monetarist fiscal rectitude became desirable once more during the recession that followed the oil and energy crises in the 1970s (O'Connor 2010: para 23-35). The PAYE tax burden contrasted sharply with that of the "propertied and farmer classes", reflecting a continuity in "the structural inequality of the Irish State in favour of specific elite classes" since independence. This resulted from tax policy, particularly the desire to keep property, corporate and income taxes low, necessitating a greater contribution from regressive indirect taxes on goods and services (ibid.: para 26-28).

Nevertheless the initial success of the FDI drive was encouraging. The response was dramatic among overseas corporations, and FDI became a cornerstone of economic policy from the late 1950s. State fiscal expansion soon became dependent on this sector, with the IDA established as the "hunter and gatherer" of overseas firms (O'Riain and O'Connell, cited Kirby 2010: 20). Tariffs were slashed, and the Anglo Irish Free Trade

¹⁹ Tax amnesties introduced in 1988, 1993 and 2001 generated almost £1 billion in revenues, revealing considerable levels of prior evasion in the system (Keena 2001).

Agreement was signed in 1966, opening the way to EEC membership in 1973. By 1983, more than 1,000 MNCs – half of them from the US – were operating, investing and providing employment in Ireland. (ibid.). However this vibrancy was not matched in the indigenous sector, which suffered from the effects of the oil and energy shocks as well as the increased competition engendered by free trade. Employment in the sector was static from the mid 1960s, declining sharply during the 1980s recession. Thus the pattern of Irish industrialisation was marked by sharp differences in the fortunes of foreign and domestic firms, and a significant divide between GNP and GDP – the largest among the developed nations – as 20 percent of GDP was repatriated by overseas firms (Kirby 2010: 21-22).

The 1980s recession brought with it a new spike in unemployment and emigration, echoing the experience of the 1950s and the interwar years, revealing unemployment as a recurring “structural failure” of economic policy (O’Connor 2010: para 30; Kirby 2010: 22-23). Linked to this has been a related failure to adequately retrain workers for changing job markets, for which funds were simply not available without a “more progressive and expansive taxation system” (O’Connor 2010: para 30-33).

Liberalism, neoliberalism, social partnership and the Celtic Tiger (1987-present)

Structural though they may be, Ireland’s employment problems became less obvious during the Celtic Tiger boom in the 1990s and 2000s, with a related reversal of the emigration pattern as inward migration soared. Emmet O’Connor traces the roots of the boom to 1987’s Programme for National Recovery (PNR), the first of a series of economic planning frameworks based on social partnership. This was a form of Irish corporatism derived from the tripartism of the Lemass era, during which trade union, employer and State representatives combined to set industrial policy and prepare industry for free trade (O’Connor 2011: 221). Lemass had sought pay restraint as a *quid pro quo* for a seat at the planning table. The 1980s version had a similar goal, and followed Charles Haughey’s strategic courtship of the unions to exploit labour alienation from the Coalition government and “cover an electoral flank” (ibid.: 246).

The success of Haughey’s PNR led to an “unbroken and ever deepening social partnership” (ibid.: 244) over a number of subsequent agreements.²⁰ The initial

²⁰ To date, the partnership agreements have been: Programme for National Recovery (1987-91); Programme for Economic and Social Progress (1991-4); Programme for Competitiveness and Work

agreements in the late 1980s and early 1990s addressed the public finances crisis of that era, trading wage restraint for a more “complete overhaul in taxation policy” (Regan 2010). The goal was reduced public debt and increased industrial stability. This in turn provided the conditions for increased FDI and associated job creation as the “industrial adversarialism” of the 1970s and 1980s receded, with only 12 strikes recorded in 2008 (ibid.). By the mid 1990s, the Irish economy was growing at three times the EU average, social partnership playing a key role as one of the four “sires” of the Celtic Tiger, along with corporate tax incentives, the well-educated anglophone workforce, and an infusion of EU structural and cohesion funds (O’Connor 2011: 247). Kirby is more circumspect, however, linking Celtic Tiger growth to overdependence on US investment in general and a small number of high-tech MNCs in particular (Kirby 2010: 6-7).²¹

Regardless of the relative importance of its contribution, there can be little doubt that social partnership has been an important feature of the Irish industrial relations landscape since the 1980s. Qualitatively different from the system of enterprise-level collective bargaining it sought to replace, partnership amounts to a form of centralised bargaining, arranged at the centre of the government-employer-labour nexus. For O’Connor, it represents a Fianna Fail ploy to “muzzle the unions, embarrass the Labour Party and neutralize opposition to spending cuts” (2011: 246-7). With the PNR’s central pay deal acting as the “meat in the sandwich”, Fianna Fail pushed through a series of macroeconomic policies to support EU monetary convergence, with little opposition from unions even as public spending was slashed. For the unions themselves, the pros and cons of partnership had to be viewed against the real fear of marginalisation after Margaret Thatcher’s successful assault on British unions, as well as the general decline of the left in the wake of the collapse of the Soviet Bloc:

The Communist regimes were deemed to have failed because of their command economies; and, ergo, if the command economy didn’t work, all socialist ideas were dysfunctional ghosts in the machine of the free market. The 1980s reaction to Keynesianism escalated into unapologetic neo-liberalism ... Proponents of partnership argued that if it was a form of corporatism, it was too a means of modifying neo-liberalism with a measure of social solidarity (ibid.: 244).

(1994-6); Partnership 2000 (1997-2000); Programme for Prosperity and Fairness (2000-2); Sustaining Progress (2003-5); Towards 2016 (2006-2015).

²¹ Kirby draws attention to “mostly US” firms in the pharmaceuticals, software, electronics, medical devices, and chemicals sectors” (2010: 7).

As free-market sentiment abounded, a requirement for incoming multinationals to recognise trade unions as a condition of their subsidy was dropped. Union amalgamations, in part a response to corporate mergers, accelerated. By 1995, amalgamations had halved the number of unions operating in Ireland (ibid.: 249). At the same time, a union shift towards the centre saw a change in focus away from *organizing* towards *servicing* workers through the operation of travel discounts, credit cards and so on. Such labour de-radicalisation was matched by a similar pattern in the Labour Party under Dick Spring. Following the Party's crushing defeat in the 1987 general election, Spring created a new Labour right characterised as "bourgeois-liberal, secular, and en route to careers in business, PR or consultancy" (ibid.: 252). The shift created space for an eventual realignment of the left around Sinn Féin and several smaller parties and independent TDs. While the overall left vote rose from 18 to 30 percent between 1979 and 2009 (ibid.: 263), union penetration among employed Irish workers declined sharply in the same period, from 62 percent (1980) to 41 percent (2005) (see Appendix A).

The Celtic Tiger expansion from 1994, during which the Irish economy grew at annual rates of more than 10 percent towards the end of the decade, appeared resilient, weathering the effects of the US dotcom crash of 2001 with relative ease. However an increasing dependence on the construction and property sectors, financed (as was a concurrent boom in private consumption) by a global credit boom, proved unsustainable. The State, seeking to benefit from globalisation and FDI, had deregulated the financial industry to encourage investment, in a manner that fuelled rather than restrained the resultant property bubble (Kirby 2010: 8). The property market crashed in response to the international credit crisis in 2008. So too did the exchequer, hitherto "awash with revenues from taxes on goods and services, and on the sale and buying of property" (O'Connor 2011: 4). As construction crashed, unemployment soared, increasing the burden on State finances. When the decision to guarantee the liabilities of the Irish banking sector backfired, the perfect storm raging against the State finances was eventually moderated, in the short term at least, by financial assistance from the European Central Bank and the IMF in 2010. The fiscal conditions imposed on the State as a result of the bailout led to a period of economic austerity, marked by severe cuts in State spending along with tax increases, further depressing the economy and revealing, once again, the unemployment problems already revealed as a structural feature of the Irish economy (see Appendix H).

For Kirby, the sudden collapse of the Celtic Tiger economy in the wake of the global crisis of 2008 is the result of several key weaknesses that reflect some deeply

entrenched economic, social and political features of Irish society: an overdependence on US FDI, a lack of commitment to social provision, and an overenthusiastic State response to globalisation. The “capacity and resilience” of the State has been undermined by “the central policy mechanism” for FDI attraction, namely the low-tax regime, and “What has collapsed therefore is Ireland’s dependent low-tax model of State-led development” (Kirby 2010: 9). Tom O’Connor (2010) arrives at very similar conclusions about the trajectory of economic development in the State, focusing on the traditional structural failures such as unemployment, relatively low welfare provision, and a poor commitment to retraining displaced workers, seeing a pattern of inequality and the servicing of elite interests dating back to the foundation of the State. Emmet O’Connor adds to this analysis a thorough critique of the role of social partnership and older forms of corporatism in the ‘modernisation’ of the Irish economy, whereby labour interests have retained a level of influence over economic affairs. The price paid for this influence, namely the reduction of labour opposition to State spending cuts and privatisation, has been high, although partnership has at least allowed unions to remain relevant and to have some influence on economic policy. Despite this, income inequality and rising levels of relative poverty have continued to be a feature of Irish social and economic development, in good times as well as bad (O’Connor 2011: 249).

1.4 Trade unions and the Irish economy

The ebb and flow of the Irish economy has strongly influenced growth and decline trends in the Irish trade union movement. I turn now to an examination of these trends, to establish a framework by which we might later analyse the sector-specific trends emerging from the research findings in relation to the film industry, and the extent to which these trends might differ from those in the trade union movement more generally. For this section, I draw mainly on Roche’s (1997, 2008) analysis of trade union growth since the 1930s; Girvin’s (1994) study of the relationship between trade unions and economic development; and Hardiman’s (1994) account of the evolution of Irish pay bargaining procedures. As in the previous section, I am naturally most interested in developments since the late 1950s, when the film industry in Ireland began to take on a concrete form.

Factors influencing Union growth and decline

Partly reflecting the contextual economic conditions, levels of unionisation have varied greatly over the decades since 1922. In 2016, total union membership, while below the

record levels of the previous decade when buoyed by the Celtic Tiger expansion, is still relatively high (Appendix A). High membership numbers, however, partly disguise a failure to match rapid growth in the size of the employed workforce, particularly during the Tiger era. The result is that union density, which rose steadily from the 1930s to peak at 62 percent in the early 1980s, had declined sharply to around 33 percent in 2010 (Appendix A.3). Analysing shorter periods within the whole, Roche identified several key phases of union progress and regression, as measured by employment density (the proportion of employed workers who are union members).²² Analysing the underlying factors, he provides a useful general theory of growth and decline in Irish trade unions, based on *cyclical*, *institutional* and *structural* influences (Table 2).

Type of influence	Examples	Manner in which effect on union growth is exerted
Cyclical influences	Rate of change in: wages, prices, employees at work, unemployment, profits and productivity.	Effects reflected in <i>short-run</i> changes.
Institutional influences	Legislative initiatives; changes in bargaining levels; political composition of governments; employer ideologies/strategies.	Development may accelerate or retard growth during <i>particular periods</i> , or on a long-term basis.
Structural influences	Changing sectoral / occupational / gender composition of workforce; level of employment concentration; general social attitudes to trade unionism.	Usually structural changes occur incrementally and their impact is reflected in <i>long-run</i> trends in union growth.

Table 2 – Influences on trade union growth and decline²³

Trends in trade union membership in Ireland

Roche (1997, 2008) uses his framework to analyse historical trade union density in Ireland since independence (see Appendix A.3 for an abridged version of his data). Girvin

²² Based on data from the DUES database at UCD (Roche 2008: 18-19; D'Art, Turner and O'Sullivan 2013: 18). Roche chooses employment density rather than total workforce density, because Irish unions do not typically retain unemployed workers in membership (Roche 1997: 49). OECD data, also listed in Appendix A, show an even sharper decline. Although the OECD figures also purport to be based on employment density, they are based on different union membership totals than Roche's dataset, for reasons that are not clear.

²³ Roche 1997: 48.

(1994) provides a similar historic overview, probing the connection between union growth and economic, social, and political change. In general, Girvin finds unions to be most effective when serving the interests of wage and salary labour.²⁴ They are most successful, then, during periods of economic expansion and lower unemployment. The historic Irish conditions of erratic growth and high unemployment has thus hampered union development in Ireland, compared to the rest of Europe (Girvin 1994: 117-8). Roche's more recent analysis seem to dispute Girvin's conclusions, however, as it demonstrates that Celtic Tiger economic and employment expansion did not benefit the unions to the extent that Girvin's earlier theories predicted. The following pages summarise both authors' findings, arranged loosely around specific periods of economic development.

1922-1939: post-colonial decline, industrial recovery

Prior to the establishment of the Free State, union density was relatively high. Following independence and the civil war, membership dropped sharply, aggravated by the ITGWU split in 1923, when James Larkin created the breakaway Workers Union of Ireland. Membership declined as unemployment grew alongside Cumann na nGaedheal's prioritisation of the agricultural sector. The 1930s brought some relief: union membership stabilised, then rose in tandem with increasing wages during Fianna Fail's industrialisation programme. Much of this employment growth was located within the union-friendly industrial heartland, providing some structural support to the otherwise largely cyclical influences on union membership during the interwar years. Fianna Fail proved more union-friendly than the previous administration, which had shunned labour while granting privileged government access to the small coterie of Irish "industrialists". As Minister for Industry and Commerce, Sean Lemass extended consultative privileges to the labour movement. While he recognised their importance, he did not see either labour or industry as true "social partners" of the State. The labour movement deferred to government on industrial policy, with a general consensus that the protections enjoyed by Irish industry and its workers during the so-called period of "economic nationalism" were necessary (Roche 1997: 54; Girvin 1994: 118-122). By 1940, union density had recovered to 26 percent (Appendix A.3).

²⁴ Roche's findings, therefore, are not necessarily directly applicable to film unions, whose members are often classified as self-employed or contract workers, especially in recent decades.

1940-1949: Wartime decline, post-war recovery

The so-called “Emergency” period was disastrous for Irish unions, with rising unemployment and emigrant flight to Britain’s “war economy”. The split in the labour movement deepened as the ITGWU withdrew from the Irish Trade Union Congress (Girvin 1994: 122). A State-mandated wage freeze in 1941 stripped unions of their wage-determination powers. Then the 1941 Trade Union Act brought more regulation to trade union structures, forcing some small unions to close. But as the war drew to a close, employment recovery and a relaxation of the wage freeze saw union membership rise again, to around 28 percent in 1945 (Roche 1997: 54-55).

Rising living standards from 1944 helped drive up membership as unions worked together to improve pay and conditions, while the Fianna Fail government attempted to achieve full employment through more active coordination of industrial and labour interests (Girvin 1994: 123). The establishment of the Labour Court in 1946 to regulate the “melee” of post-war pay demands provided a fillip to union organisers, as did the ensuing national “pay rounds”, which afforded the unions a greater social prominence. The Labour Court itself, and its efforts to extend union recognition, symbolised the generally supportive societal attitude to unions. Thus cyclical, institutional and structural factors combined to effect the “sharpest and most sustained spurt of unionisation in the history of the State” (Roche 1997: 56). The Labour party entered government for the first time as part of the 1948 inter-party government. While this might have been expected to provide a further boost to the labour movement, Roche finds against any such party political effect, in contrast to similar developments in Germany and Britain. He attributes this to the primary alignment of Irish parties around nationalist rather than class politics, with industrial relations rarely an election issue. Left-Right political differences were thus less prominent in Ireland than elsewhere – especially the UK, where Labour-Conservative politics have tended to diverge sharply on labour issues (ibid: 56-57)

1950s and 1960s: gradual growth

In the 1950s, economic stagnation stalled the post-war union revival. Unemployment and slowing wage growth exposed the weakness of economic nationalism, while also reducing the perceived effectiveness of the unions. Emigration intensified, especially to the UK where wages were up to 40 percent higher (Girvin 1994: 124). Thus when Sean Lemass became Taoiseach in 1959, the crisis of the 1950s had created an overwhelming mood for change. Lemass’s ascendancy coincided with the healing of the labour movement split in

the form of the reunified Irish Congress of Trade Unions (ICTU). Girvin suggests that Congress influenced State economic policy of this period, convincing Lemass that social spending, previously considered unproductive by Lemass, could be justified for its ‘knock-on’ economic effects (ibid.: 125-6). (Induced economic benefits would also become a means of justifying investment in the film industry, as shall emerge.) Nevertheless Lemass continued to maintain a professional separation from the worlds of business and labour. At the same time, he was inclusive of both interests, appointing labour and business representatives to tripartite initiatives like the Committee on Industrial Organisation and the Irish National Productivity Committee, in preparation for opening the economy to free trade (ibid.: 127, O’Connor 2011: 221). The unions began to embrace this ‘neo-corporatist’ route to government access: a precursor to later ‘social partnership’ structures that afforded the unions a role in national policy in the absence of a strong Labour Party (Regan 2010a).

In the more economically buoyant 1960s, union growth improved, but less dramatically than might be expected from the major cyclical wages and employment boost. There was also a dramatic increase in industrial conflict during this decade. While this might be taken as evidence of union strength and resolve, Roche claims that strikes had a neutral effect on membership, with some members galvanised and others chastened by the so called “decade of upheaval” (McCarthy 1973). Structural changes affecting workforce composition (a declining agricultural sector, slower manufacturing growth, more white-collar occupations), cancelled each other out to produce little overall effect on union density levels (Roche 1997: 58-60).²⁵

1970s: deceleration, recession, saturation

In 1970, Congress introduced an important modification to its picketing rules, with the introduction of a ‘two tier’ system. A picket could be mounted by local, directly affected workers, with union approval. But the sympathetic (‘all out’) picket, a mainstay of Irish industrial conflict since the 1913-14 lockout, could only be mounted with Congress approval (O’Connor 2011: 223-4). The new rules consolidated the authority of Congress over its constituent unions, increasing its negotiating stock with government. Also in

²⁵ Unfortunately Roche does not supply membership or density figures for 1960 or 1970, making it difficult to verify his argument from the data. The OECD paints a somewhat different picture, with trade union membership and density rising some 11 percent and 17 percent respectively during the decade (Appendix A.1, A.2). It is plain from Roche’s data that union growth was particularly robust during 1945-1955, steady from 1955-1965, and quite strong from 1965-1975 (see Appendix A.3).

1970, a new National Wage Agreement set parameters for a decade of wage growth. The “free-for-all” of the previous decade’s enterprise-level Pay Round system was thus replaced by a new tripartite system centralised at the level of the State, an important precursor to later Social Partnership agreements (Girvin 1994: 128).

The 1970s would be ground-breaking for film workers and their unions, as we shall discover in Chapter Four. Elsewhere in the labour movement, the pace of unionisation fluctuated, falling in the recessionary aftermath of the 1973 oil crisis, then rising during Fianna Fail’s expansionary programme from 1977. Employment rose, especially in the public and semi-State sectors, helping the stature of industrial and public sector unions as the “pre-industrial” craft unions declined (*ibid.*). Rising wages supported union growth. The simultaneous sharp increase in inflation, shown to benefit unions in other countries, might have been expected to produce similar results, with workers turning to unions to protect threatened living standards. However Roche identifies no such growth. This is attributed to the ‘stagflation’ phenomenon, with expected inflation-induced union growth countered by the effects of unemployment.²⁶ The tripartite wage round system, linking wages to the cost of living index, further neutralised inflation effects.

For Roche, it is somewhat puzzling that dramatic 1970s wage increases did not lead to greater union density. One explanation might derive from institutionalised wage rounds, where tripartite centralised bargaining split the credit for any gains between unions, employers and the State.²⁷ Roche (1997: 60-63) argues against this hypothesis, however, on the grounds that Irish centralised bargaining left scope for supplementary bargaining at sectoral and company level, an opportunity regularly seized by unions with positive effect.

Changes in workforce composition had little overall effects on union density, with reductions emanating from some areas (e.g. rising white collar employment) cancelled out by gains in others (e.g. rising public sector employment). There was a “considerable transformation” in manufacturing employment, with work in traditional urban union strongholds replaced by rural or regional employment in ‘greenfield’ companies, often driven by IDA incentives. Although foreign MNCs were encouraged to recognise unions, this institutional support was often countered by sophisticated employer strategies to

²⁶ Roche argues that inflation in Ireland is generally not indicative of business buoyancy, as it is elsewhere. Furthermore, near permanent inflation between the 1950s and the 1980s may have inured Irish workers to the associated threat to living standards (*ibid.*: 62).

²⁷ Bain and Elsheikh found evidence for this argument in the case of Sweden (cited *ibid.*: 62).

resist union engagement.²⁸ Nevertheless by the end of the decade, union density in Ireland was peaking after fifty years of almost continuous growth. The situation would change with the second oil crisis of 1979. The resulting recession, which would stretch well into the next decade, heralded eight-years of union decline (ibid.: 63-66).

Recession and union decline in the 1980s

The simultaneous 1980s decline in absolute union membership and union employment density was a phenomenon not seen since the 1920s. The trend stabilised in 1988-1989, before growth returned in the 1990s.²⁹ Roche attributes the decline to the severe unemployment following the second oil crisis. A slack labour market reduced the pace of wage increases and their attendant benefits for unionisation. Meanwhile, a significant change in management ideology began to undermine the acceptance of unions as “immutable features of the fabric of industrial relations practice”. There was a concomitant decline of the European ‘pluralist’ model of industrial relations, which had legitimated the negotiation of fair employment agreements by strong unions and professional managers. Through the IDA, the State began to reverse its MNC union recognition requirements, and the “pre-entry closed shop” became less commonplace (ibid.: 66-67).

While Roche has generally argued against a party political effect on union fortunes, for Girvin (1994: 129) the Fine Gael-Labour Coalition governments in almost continuous power from 1981-1987 marked a marginalisation of the unions. The Coalition abandoned the partnership processes of the previous decades, Taoiseach Garret Fitzgerald later describing relations with ICTU as “formal, quite tense, and on the whole unproductive throughout our term” (cited Hardiman 1994: 154). There was a return to enterprise-level bargaining, led by employers, who felt the previous decade’s pay agreements had been too generous. A large minority of trade unionists, who had tended to oppose State-union wage cooperation on principle, would have welcomed this temporary decline of national-level bargaining. This was especially the case among technical, craft and professional unions, representing workers in a good bargaining position and aware of the potential value of going it alone (ibid.: 153). (Such workers, of course, might well include those in the film industry during this period, the subject of Chapter Five.)

²⁸ Such strategies included professionalised management and “human resources” policies that sought to “empower” employees independently of unions, for example (e.g. Roche 1997a: 20).

²⁹ Density continued to decline sharply however (Appendix A).

While Fianna Fail's return to government in 1987 marked a reinstitution of centralised bargaining and the birth of modern-day social partnership, as discussed in the previous section, there was no immediate boost in union membership. Workforce structure continued to evolve during the decade, with manufacturing declining while the professional services sector increased sharply. Obstacles to unionisation in the new employment growth areas were considerable: small-scale enterprises were more difficult to organise, employers more hostile, 'atypical' work (casual, short term, part-time) less union-friendly, and so on.

Uniquely during the 1980s, virtually all aspects of structural change in the composition of the workforce compounded the problems of trade unions. Employment fell proportionally in the public sector, the level of female and white-collar employment continued to rise, and employment declined in the traditional trade union heartlands of manufacturing, utilities and transport (Roche 1997: 70).

These structural trends would continue to hamper union growth into the 1990s.

1990-2005: Absolute growth, plummeting density

As is clear from the data (Appendix A), the period from 1990 has seen strong growth in total union membership, but a concomitant decline in employment density from over 50 percent to 33 percent. This means that union membership did not grow apace with the burgeoning Irish workforce during the Celtic Tiger years, with union density effectively returned to early 1950s levels. For Roche, the decline was due to a number of economic, social and other factors. There was a modest rise in national pay levels, then a strong tightening of the labour market from the mid 1990s, when full employment was finally achieved. While these developments helped increased union membership, the exceptional rate of employment growth outstripped the unions' organizational ability to keep pace. In the public sector, 'benchmarking' practices produced strong pay growth, demonstrating the effectiveness of the relevant unions, but as this area was already highly unionised there was no meaningful increase. Meanwhile rising inflation took place against a tight labour market for once, with a moderate positive influence on union membership rolls (Roche 2008: 33-35).

Perhaps significantly for the maturing film industry, the structural influences of the 1980s continued. Strong employment growth was concentrated in difficult-to-organise sectors such as private-sector legal and professional services. The labour force became more diverse as immigration rose sharply in the 2000s. A cultural indifference to unions

among many immigrants diluted density in some important economic sectors, particularly construction. 'Atypical' work became more typical, with part-time employment rising from 8 to 17 percent of the workforce during the 1990s. As employment considered atypical elsewhere was more commonplace in the film industry, where short-term contract work was the norm for most workers, film work perhaps began to appear less unusual than work in other sectors, a point to which we shall return to in Chapters Five and Six. Privatisation increased competition in transport and broadcasting, diluting union density through dispersal into the less unionised private sector. While the State broadcaster RTÉ was not privatised, large sections of its production output were spun off into the private sector, with further implications for film workers and their unions. There is also evidence of change in social attitudes during this period, reducing public confidence in trade unions (ibid.: 35-38).

As social partnership deepened over a series of programmes unbroken until the recent Tiger collapse, declining union density continued. For Roche, partnership delivered "neither an organizational premium or penalty" to unions, despite increasing the social and political prominence of unions. Other institutional influences on union decline included a growing hostility among incoming MNCs, employers, and the public generally. Union-friendly legislation such as the 2001 Industrial Relations Act, which strove to institutionalise collective bargaining rights through frequent amendments, became increasingly subject to legal challenge from large employers. A 2007 Supreme Court decision in favour of Ryanair's claimed right to *not* recognise its pilots' union effectively invalidated collective bargaining rights for all workers, at least until their restoration by a further amendment to the Act in 2015.

Roche concludes that during the 1990s and 2000s, positive cyclical influences to unionisation have been offset and indeed overwhelmed by structural drags and institutional opposition to union culture such as employer resistance and worker indifference. Thus the unions failed to derive any significant "organizational premium" from their growing profile as social partners (ibid.: 38-43).

Summary and conclusion

Hollywood filmmaking offers a textbook example of an internationalised production model, while the film industry in Ireland presents as a test case for the foreign direct investment model of economic development (Flynn 2005: 166), coinciding with a liberalised development policy from the 1950s (Evans 2011: 4), mobilised to solve the

perennial Irish problem of unemployment (O'Connor 2010). What kind of film employment (if any) might be generated for Irish film workers under such conditions? Would the work be well paid and empowering, or would it be poorly paid and alienating? Would it, to employ Hesmondhalgh and Baker's (2011) deceptively simple binary distinction, be "good work" or "bad work"? Would the Irish film industry feature autonomous, self-actualised workers, well organised by strong trade unions, or would there be evidence for what David Harvey (among others) has identified as a major precondition for global capital flow: the "use [of] State power to crush organised labour" (Harvey 2010: 14)?

My thesis aims to illuminate such questions through a labour history of film and television production in Ireland. It thus addresses, in an Irish context, an acknowledged shortcoming in media and communications studies internationally: the relative neglect of the critical examination of media labour in favour of romanticised notions of creative production, currently visible in the creative industries narrative. Through an examination of film worker activism since the late 1950s, I shall address the struggle first to gain access to film work in Ireland, and subsequently to increase the range and scope of film work available and to influence the terms and conditions of their employment.

In this chapter I have presented the topic and placed it within the general context of the political economy of film labour, the international division of cultural labour, the general trajectory of Irish industrial development policy, and trends in trade union membership, as measured by employment density. In Chapter Two, I continue to develop the conceptual framework around the nature of work itself and its role in human well being, drawing on Marx's concept of alienation and his labour theory of value, before adopting Hesmondhalgh and Baker's model of "good" and "bad" work as a means of understanding contemporary media labour.

Chapter Two

Work and human flourishing: capital, labour, and resistance

Work occupies a substantial proportion of most people's lives and has often been taken as a symbol of personal value: work provides status, economic reward, a demonstration of religious faith and a means to realize self-potential. But work also embodies the opposite evaluations: labour can be back-breaking and mentally incapacitating; labour camps are punishment centres; work is a punishment for original sin and something which we would all rather avoid (Grint 2005: 1).

Film and television work is generally considered to be 'creative' work, and in contrast to the media labour history gap identified by Mosco (2011), a considerable body of literature addresses the concept and practice of work in general. Grint (2005) provides a comprehensive overview of the general debates surrounding the nature, meaning and organization of work and the labour process, all the more useful for its interactionist perspective, which "proceeds from the assumption that the world of work is one actively constructed through the interpretative acts of agents involved" (ibid.: 2-3). One of the central insights of Grint's approach – that there can be no "objective" analysis, work being "what those involved take it to be" (ibid.: 3) – is perhaps particularly appropriate for the analysis of present-day work in the film industry internationally. That is because of the apparent contradiction between the desirability attached to media careers and the objective reality of many media jobs, characterised by precarity, (self) exploitation, overwork, and inequality, as discussed below.

In this chapter, I conclude my review of the major literature contributing to the conceptual framework employed. If we are to think of Irish film work as a potential site of local resistance or adaptation to the forces of global capital, it is useful to establish what is at stake here, through an examination of 'work' itself as a factor in human identity and flourishing, distinct from other areas of human activity. Drawing on Grint's *Sociology of Work* (2005) for my overview, I first review some classic conceptualisations of work and labour. I continue this analysis with a closer look at Marx, and his ideas about how the quintessential nature of humanity – the "species being" – is inverted by the alienation and exploitation "inscribed" in the capitalist labour process. In the second section, these

Marxian concepts form a starting point for a critical analysis of contemporary media labour, where there is a sharp divide between conservative celebratory accounts of self-actualised creative workers and more critical approaches highlighting the underlying issues of precarity, uncertainty and self-exploitation. Finally, in the third section, I return to the question of trade unions, drawing on Marx and Gramsci for a brief explanation of two ways of thinking about trade unions: (i) the *radical* view of unions as agents of class consciousness in the struggle to overturn the capitalist system, and (ii) the *labourist* view of unions as a means not to end capitalism but to accommodate it, with a view to maximising labour's share of the proceeds.

In tandem with Chapter One, these ideas provide a framework for understanding Irish film and television production in the wider context of international cultural production. They can also inform an evaluation of the film employment that results from Irish film policy, in terms of its quality: whether it is "good work" or "bad work", to adopt the terms of Hesmondhalgh and Baker's deceptively simple distinction (2011).

The nature of work

An important starting point for any understanding of human labour is to decide on the scope of human activities defined as work, as distinct from non-work or leisure activities. For Grint (2005: 6), *work* tends to mean "an activity that transforms nature and is usually undertaken in social situations". Not all transformative activities are necessarily *experienced* as work however (childcare may feel like 'work' to a nanny or crèche employee, but not a parent caring for her own child), so what is defined as work relates to prevailing "temporal, spatial and cultural conditions". So from the outset, work is a somewhat slippery concept: what *counts* as work often depends on the social circumstances of its performance, and the interpretations of those involved. Work, therefore, is a social construction, the language and practice of which "allows us to read embodied fragments of a wider social power", in part by affording certain human activities more status than others, creating categories (e.g. 'unemployed') that draw attention to certain features of contemporary Western life, such as a "formal division between the economy and the polity" (ibid.: 6-7).

Further distinctions exist between the concepts of work and labour. Arendt separated *labour* ("a bodily activity designed to ensure survival in which the results are consumed almost immediately") from *work* ("activity undertaken with our hands which gives objectivity to the world"). A more conventional (and simpler) conception points to

the transformative nature of work, as “activity which alters nature”. An ‘occupation’ locates individuals within a labour market, but it also implies an identity. An unemployed bricklayer will usually still consider himself a bricklayer, suggesting that “the status of occupation, perhaps, may be divorced from the practice of that occupation” (ibid.: 7).

How useful is it to conceive of work as the activity of the economically active? Such an economistic model has difficulty embracing unpaid work (and as we shall see, film work can embrace many activities for which payment is achieved at best indirectly, at worst not at all.) However the model has arguably become dominant along with ideologies privileging the marketplace over the social/political spheres, reflecting “the state’s desire to classify citizens first and foremost as economic rather than political agents” (ibid: 9).³⁰

Christianity originally viewed work as a penance imposed on humanity to atone for original sin. The path to salvation lay in spirituality, until Lutherans and Calvinists began to promote the soul-saving properties of work, elevating it to moral duty. This *protestant work ethic* celebrated hard work, thrift, and sobriety as social values to be “dinned into the heads of the new working classes” by Victorian employers. For Carlyle, however, the division of labour encouraged by industrial mechanisation produced drudgery, undermining the nobleness of work and leading to despair (ibid: 17).

The social and political implications of this division of labour were taken up by the major classical theorists of the industrial era, notably Marx, Durkheim, and Weber. A thorough analysis of the latter writers is beyond the scope of this review. As contemporary creative labour problems have clear antecedents in Marxian alienation and exploitation, however, I turn now to a brief exploration of these concepts.

2.1 Marx: capitalism, alienation, exploitation

In parallel with the Calvinist bourgeois idealisation of work as salvation, at the heart of Weber’s theorisation of the protestant work ethic, alternative radical idealisations emerged. For Karl Marx, work was central to realising human potential, and in turn creating the “cornucopia of communism” (ibid: 18). Humanity’s uniqueness – our *Gattungswesen* or “species being” – lies not in consciousness but rather the ability to reproduce our own means of subsistence through productive activity. Work therefore embodies the “secret of human nature”. Production is an essential human activity for

³⁰ Much neoliberal media discourse conflates ‘citizens’, consumers, and ‘taxpayers’, for example.

providing the material structure of social life, a fulfilling activity in which the application of human labour to raw materials *objectifies* the worker's personality in the things she makes. But under capitalist conditions,³¹ labour's creative, self-actualising aspect is inverted, resulting in estrangement or *alienation*, reducing the worker's humanity (ibid.: 86-7).³²

Alienation

Marx describes four distinct 'facets' of alienation. First, the worker's lack of control over his own work alienates him from the products he produces. Second, capitalism's fine division of labour fragments work into meaningless tasks, alienating the worker from the work itself. Third, market conditions alienate individuals from each other, reducing social relations to the economic exchange of commodities. Fourth, the mindless repetition typical of industrialised work destroys the creative content of production, blurring the distinction between animality and humanity, alienating the worker from himself and his own human potential. Instead of dominating the environment, people are instead dominated by the commodities they produce (ibid.: 87-8).

It is difficult to say whether Marx saw alienation as an inevitable aspect of work, even under communism, whose structure and form he did not describe in sufficient detail. Nevertheless, alienation is assumed to exist wherever capitalism exists. Furthermore, it exists irrespective of the subjective experiences of workers – work satisfaction does not denote an absence of alienation but rather its invisibility: the happy worker is thus alienated even more deeply (ibid.: 89).³³

Exploitation

In *Capital*, Marx moves from philosophy to economics, turning from alienation to exploitation. He begins by accepting Ricardo's argument that a commodity's exchange value is determined by the amount of labour required for production. Unlike Ricardo, who believed that wages paid to workers equated with total added value within the commodity production process, for Marx the possibility of profit necessarily implies "a disjunction

³¹ I.e. with the means of production under minority control, the proletariat majority owning only its own labour power, and production taking place only for profit under market conditions.

³² Production for profit rather than need alienates capitalists as well as workers, but material gain confines the former's alienation to the unconscious realm.

³³ Autonomy – a major feature of "good work" (Hesmondhalgh and Baker 2011) is therefore not possible under capitalism.

between the exchange value of commodities and the exchange of labour for wages". The difference amounts to exploitation: what is exchanged (i.e. paid for) "is not labour but labour *power*: the capacity for work". By consuming more labour power than is paid for in wages, the capitalist thus derives a surplus value, the source of profit. Capital accumulation is therefore based on exploitation. Such exploitation, however, is obscured in the capitalist labour process ("the hidden abode of production"), through which it is made to appear natural and inevitable – not, as Marx believed, "merely temporary and socially constructed" (ibid.: 90).

The capitalist labour process

This "hidden abode" masking the exploitation of labour distinguishes capitalism from previous social formations. Under feudalism, for example, the exploitation of the peasantry through the appropriation of their agricultural surplus by the ruling class was highly visible. Under capitalism, the capitalist appropriates surplus value in an "invisible exploitation that occur[s] through the labour process itself" (ibid.). Grint makes four observations on this exploitive labour process. First, Marx's *labour theory of value* is useful for demonstrating the social (i.e. not just quantitative) relations between exchanges, prices, and value. Second, as the capitalist purchases labour capacity, rather than a predefined quantity of labour, *control* is necessary to transform power into actual labour. Third, the inherently exploitive wage-labour relationship means that labour and capital have necessarily *antagonistic* interests.³⁴ Fourth, as capitalism is grounded in economic competition, its "administrative machinery and policies" are determined by *market forces*, not by individual capital interests. Individual motivation is thus irrelevant to the operation of capitalism as an economic system (ibid: 91).

Marx outlines three distinct types of production: *co-operation*, *manufacture* and *machinofacture*. Under *cooperation*, a simple division of labour is employed, to ensure a greater quantity of production and a "formal subordination of labour". The proletariat, although excluded from owning the means of production, bound to wage labour, and unable to consume the products produced, nevertheless retains a degree of autonomy owing to the "irreplaceable skill" that bestows at least some control over the labour process. Capitalist control is restricted to the economic sphere. Without technological innovation, higher profits can only be achieved through (visibly) increased exploitation –

³⁴ Furthermore, because work subverts the "species being", class-based exploitation is considered more important than gender- or ethnicity-based exploitation.

e.g. longer working hours. Under *manufacture*, a more systematic division of labour results in the “detail labourer”, each worker producing only a fraction of the total product. Factories become more important, as workers need to be brought together for the reintegration of the various details produced. When machinery is introduced, manufacture evolves into *machinofacture*. Labour is properly subordinated, as workers are “collectively reduced to mere appendages of machines” (ibid.). A number of processes are set in motion, including the deskilling of labour; the introduction of wage hierarchies to fragment labour resistance; the rise of management control over and the decline of human labour into the production process; enhanced profitability based on increased productivity; and the creation of an unemployed underclass – an “industrial reserve army kept in misery” to ensure a steady supply of labour (ibid. 92).³⁵

To a certain extent all of these types of production are present in some degree in film and television production, with its mix of relatively autonomous artisanal craft labour (e.g. prosthetic special effects makers); more routine tradespersons (e.g. carpenters, plasterers) working together to build sets; technicians operating complex production technology (camera operators, sound mixers); and department heads (e.g. director of photography), also working relatively autonomously while ‘creatively’ managing and coordinating the efforts of technicians and craftspeople. Furthermore, the type of employment differs between different grades: set construction workers are often hired as full-time employees on short term contracts, while technicians may be incorporated as self-employed contractors, for example. Thus to the fine division of labour in film production is added a layer of differing social and employment relations, in what Hesmondhalgh (2007: 53-55) has termed the “complex professional era” of cultural production, particularly in the period since 1950.³⁶ Hesmondhalgh’s term is meant to reflect “the increasing complexity of the division of labour involved in making texts” (ibid.: 54), itself increasingly important as cultural work assumes more economic significance under contemporary ‘creative industries’ policy (below).

³⁵ However the economic imperatives that force capitalists to constantly upgrade production technology imply a constant need for new skills, reversing the deskilling process and restoring proletariat influence over the labour process (ibid.: 92).

³⁶ Hesmondhalgh’s “complex professional” is a modification of Raymond Williams’ “corporate professional” (Hesmondhalgh 2007: 54).

Class, resistance and freedom

The exploitation of one group (workers) by another (owners of capital) inherent in the capitalist labour process points to an inherent stratification of capitalist society. Unlike Weber, who theorised social division in terms of non-economic “status groups”, Marx perceived classes as masses of individuals “in the same relationship to the means of production”. Thus all owners are capitalists, and all those owning only their labour power are proletarians. Marx’s primary issue with capitalism was not its inequality – a feature, to some extent, of most societies.³⁷ His objection was to its inherently exploitative and alienating nature. Increased rewards or equality of opportunity do not do away with these structural features, the class structure (exploiters versus exploited) remaining “impervious to the manipulation of levels of material and symbolic reward”. While workers are free to organise resistance to capital through trade unions, for example, union actions for better pay and conditions do not alter the cause of the proletariat’s plight. They provide only temporary relief from “spiritual degradation and material poverty” (Grint 2005: 93-4).

The relationship between the classes is antagonistic, not merely competitive, owing to the “qualitative gulf” that separates them. However class war is not inevitable, as exploitation is concealed within the “hidden abode”. Revolutionary activism depends on class consciousness – a class “for itself” (acting consciously in solidarity, mobilised against another class) as opposed to merely “in itself” (existing, but not necessarily conscious of the conditions of its existence). It is unclear how this consciousness comes about. For Grint, it is not self-evident how the revolutionary proletariat acquires the means to overpower a ruling class ideology that otherwise controls and manipulates them through false consciousness (ibid.: 94).

Marx’s general theoretical approach assumes the primacy of economic class relations, and therefore the critical field for social and political analysis is “economic exploitation at the point of production”. Class conflict predetermines other forms of conflict, and thus the elimination of class conflict would signal the end of other inequalities based on gender, race, etc. Although Marx was not a sociologist, Grint identifies his most valuable contribution to the sociology of work as the exposition of “the essentially political nature of the employment relationship and the material base for industrial conflict”.

³⁷ Socialism, the next phase of societal evolution, would reward effort, not need, while communism would be marked by a more positive discrimination based on need, not effort. Thus neither phase is inherently egalitarian’ (Grint 2005: 94).

However the primary focus on economic exploitation at the point of production limits Marx's contribution, which is more a "sociology of the factory" than a sociology of work that might embrace the wider work/home dichotomy and forms of exploitation based on factors other than class. These forms include self-exploitation among 'invested' creative workers (as discussed below). Other forms of contemporary exploitation might include what Fuchs (2009) has called the "internet gift commodity" represented by the monetisation of unpaid-for social media content through advertising sales, an updated variation of Dallas Smythe's classic 'audience commodity' theory (Fuchs 2012: 43). Hesmondhalgh (2010) provides a useful overview of the debates around unpaid labour in today's cultural industries, including open-source software development, gaming-industry modding culture, and the value generated by active television audiences. Noting the connection to Hardt and Negri's 'autonomous' Marxism, which focuses on working class self-organisation beyond the logic of capital, Hesmondhalgh argues that not all unpaid labour is exploitive or objectionable, and that arguments for and against free cultural labour need to include "pragmatic analysis of political struggle and of lived experience" (ibid: 280). Such a concern also informs the research presented here, which seeks to understand the struggle and lived experience of Irish film workers in terms of access to, and control over employment.

Ultimately,

we should treat Marx as a classic: an intermediary we need if we are to progress beyond him. Even if we do reject his ideas we can only go beyond him *because of them*, rather than in spite of them (Grint 2005: 95).

Part of that progression beyond Marx might include an extension of his ideas beyond the factory context, like Miller et al.'s appreciation of the international division of labour as a manifestation of capitalism's "productivity, exploitation, and social control" under conditions of globalisation's "ever-widening exchange" (Miller et al. 2005: 112). As suggested in the previous chapter, the agency of individuals and local institutions in fashioning local opportunity from this Global Hollywood process might be seen partly in terms of labour resistance to the "destructive forces" (Marx 1975) of international capital. But if international capital mobility produces local opportunity for cultural industries workers, such opportunities are arguably mitigated by a concomitant set of problems for creative labour.

Hesmondhalgh and Baker note that Marx's theorisation of alienation as the subjective experience of work under capitalism is potentially problematic for understanding creative work. This is because of the historical link between *creative* work and pre-modern *artisanal* work, where workers were more closely connected to the end product. Marx's alienated labourer seems to bear little resemblance to the 'invested' creative industries worker, whose tolerance of long hours, stress and poor conditions can be thought of as 'self-exploitation' – a condition just as damaging to human well-being. While the creative industries are hardly the first place one would look for evidence of gross exploitation, they might nevertheless provide a "test case of whether capitalism can provide rewarding and meaningful work". While Marxism "provides a crucial critical vocabulary for a political economy of labour, involving exploitation and alienation" it needs to be modified to take account of creative labour's special features (Hesmondhalgh and Baker 2011a: 384-5). In the next section, I shall look at some of these "special features", as part of a general review of the small but growing body of literature focusing on some problems with creative labour.

2.2 Creative labour: policy, definitions, tensions

Social analysis needs empirically informed research that contributes to a normative conception of creative labour, paying attention to [the] dual aspect of work, as both process and the making of products... and paying attention to questions of power, institutions and subjectivity (Hesmondhalgh and Baker 2011a: 398).

Hesmondhalgh and Baker, along with Mark Banks (2010), David Lee (2011a) and others, provide a useful overview of an emerging labour-focused critical literature. Much of this work has been stimulated by the relatively recent focus on creativity due to (a) the 'creative industries' approach to cultural and media policy, begun by the 'New Labour' UK government in the 1990s (Garnham 2005), and (b) the "creative cluster" approach to urban regeneration policy in deindustrialised American cities (Florida 2002; see also Markusen et al. 2008). The thrust of such policies has been echoed in Ireland in strategy documents such as *Building Ireland's Smart Economy* (Dept. of the Taoiseach 2008), and *Creative Capital* (Audiovisual Strategic Review Steering Group 2011).³⁸

³⁸ Creative cluster developments in Ireland include the Digital Hub in Dublin 8. Temple Bar Properties also sponsored management research to promote film company clustering in Temple Bar, Dublin, in the 1990s (e.g. Coopers & Lybrand 1994).

According to Hesmondhalgh and Baker (2011a), policy documents such as these position “creative labour” – i.e. work that includes “an especially strong element of aesthetic, expressive, and informational symbol-making” – as an increasingly important element of economic life (ibid.: 382). Echoing Mosco (2011), they argue for a political economy analysis of creative labour, noting the relative absence of such a perspective in recent major studies of the internet, new media, and the creative industries. Instead, many of these studies have drawn on theories from cultural studies, political economy’s traditional rival.³⁹ A political economy of culture can provide something lacking in many creative labour studies to date: an understanding of *power*, *institutions* and *subjectivity*. To this end, Marxian concerns such as alienation and exploitation provide a framework for drawing attention to the deep structural faults of capitalist society, where “unpleasant and underpaid work by entire groups of people is the basis of the relative comfort of others”, reflecting basic problems of class inequality. The Marxian vocabulary around exploitation and alienation, however, needs to be modified to take account of the special features of creative labour. Such features include notions of creative autonomy, a “historical residue” of the link between modern creative work and pre-modern craft/artisanal work, that present their own problems:

Caring about our work – being emotionally invested in it – might actually have consequences just as challenging for human well-being as alienation. Being so invested that one feels addicted to it, resulting in forms of “self-exploitation” – long working hours, high levels of stress and anxiety, and so on – is seemingly a condition of much modern working life (Hesmondhalgh and Baker 2011: 383-4).

To understand such levels of personal investment, Hesmondhalgh and Baker suggest that political economy might draw on research highlighting human agency and subjective worker experience, such as Burawoy’s ethnographic contribution to labour process theory (ibid.: 385-6). Sociology, with its particular interest in transformation, can also inform such an understanding: Hesmondhalgh and Baker point to Beck, Castells, Sennett, and Ross, all of whom place knowledge work at the centre of their various theses on recent societal change. In relation to artistic labour markets specifically, Menger is cited for dispelling the myth of the subversive, non-conforming rebel artist – instead, Menger finds that artistic work, characterised by “extreme flexibility, tolerance of inequality, and innovative forms of teamwork” is highly compatible with modern

³⁹ This decline is surprising given the relevance of Marxian political economy to one of the most important factors of media production – labour.

capitalism. Relatedly, Boltanski and Chiapello characterise creative labour as “an *appropriation* by capital ... of the critique of capital” (ibid.: 387).

Creative labour: a false utopia?

Banks and Hesmondhalgh (2009) build on this work, proposing that utopian accounts of labour in UK creative industries discourse ignore profound problems such as insecurity, exploitation and precariousness. Combining a textual analysis of recent UK government policy documents with a review of extant critical social science studies, the authors detect an official reluctance to acknowledge and deal with these manifest problems of creative labour. They conclude that this shortcoming reflects a business-driven, economic agenda underlying creative industries policy, an agenda detrimental to work quality and human well-being (ibid.: 415). I shall return to these points in Chapter Six and Seven.

Under creative industries policy,⁴⁰ formerly esoteric or bohemian occupations (e.g. artist, musician) are now presented as “conventional career choices”. Since the 1990s, such policies have aimed to increase the economic and employment contribution of the creative industries. The sector now accounts for some 1.9 million UK jobs, and the authors begin their argument with a question they say is rarely posed in the policy documents: “*What kinds of jobs are these?*” Creative industries policy generally has little to say about its inherent labour process, perhaps because creative labour is assumed to be an intrinsically progressive form of work – good for both capital *and* labour. To workers, it promises interesting (non-alienating) employment, potentially high pay, acclaim and repute. To capital, it promises a happy and therefore compliant workforce. It therefore presents as a model of work that is valued in modern societies: “good work” that is “self-expressive, autonomous and individualised”, in contrast to the dull and alienating employment (“bad work”) of the previous era. Creative work is seen as self-actualising pleasure, a leisure-like activity promising personal freedom rather than the sense of imprisonment implied by material necessity and survival. This labour utopia has been celebrated in both the popular and academic press (e.g. Richard Florida’s 2002 bestseller, *The Rise of the Creative Class*). Creative industries discourse also suggests the promise of wealth and fame, through its association with celebrity culture: pop stars, dot-com

⁴⁰ Such policy is part of the ‘post-industrial’ drive to exploit cultural commodities, intellectual property and other information goods and services typical of a so called ‘creative’ or ‘knowledge economy.’ It has featured prominently in New Labour government policy from 1997. “Creative Industries” include film, television, advertising, music, software design, architecture, the arts and crafts – all of which generally employ a co-operative mode of capitalist production (Banks and Hesmondhalgh 2009: 415-6).

millionaires, celebrity chefs, high-profile media presenters, etc. Entry-level creatives are encouraged to “imagine themselves as the ‘star’ at the centre of their own unfolding occupational drama” – an individualizing, auteur-centred narrative that denies the collective basis of cultural production. Furthermore, the neoliberal notion of the “entrepreneurial artist” blurs the boundaries between art and commerce, doing away with traditional tensions between those spheres (ibid.: 417-9).

The Creative labour problem

These positive views of creative labour contrast with the more pessimistic findings of a range of social science enquiries.⁴¹ Some studies point to the exploitive, precarious, project-based, short-term, irregular nature of creative work. Others point to lack of career certainty for the predominantly freelance workers involved. Still others draw attention to slim, unequally distributed earnings, with limited insurance, health and pension benefits. Creative workers are younger and often hold multiple jobs. There is a general gender and ethnic inequality. There is a general oversupply of labour, with many people working for subsistence wages or even no wage at all.⁴² Union penetration is uneven: strong in some sectors, weak or declining in others, the decline often related to rising casualization, flexibilisation, and reduced bargaining power (as discussed in Chapter One). Indeed, creative industry values of self-reliance and individualism have undermined collectivism, rendering creatives “fatalistic in their acceptance of individualized work conditions” (ibid.: 420), a statement steeped in Durkheimian fears about the consequences of *laissez faire* individualism.

These negative features of creative labour promote an every-man-for-himself ethos of self-commoditisation in creative labour relations. Other difficulties presenting in studies of creative work include the damage to quality of life posed by self-exploitation (when ‘invested’ workers voluntarily put in long hours or endure poor conditions) and by suppression of feeling required by the “emotional labour”⁴³ component of some creative occupations (ibid.: 419-21).

⁴¹ The authors reference a range of studies, from Towse, Bourdieu, McRobbie, Ursell, Blair, Terranova and others.

⁴² In the case of the internship system, for example.

⁴³ The term “emotional labour” was coined by Hochschild (1983) to capture the suppression of natural emotion in the performance of some jobs (e.g. flight attendant, hairdresser, prostitute).

Banks and Hesmondhalgh note that despite these shortcomings in the nature of creative labour, the response by policy makers has been poor.⁴⁴ There has been an unwillingness to acknowledge creative labour's dark side, as this would jeopardise the euphoric framing rhetoric of creative policy (ibid.: 421-2). An analysis of some key British creative policy documents reveals that labour conditions are rarely mentioned, the main 'problem' identified as the need for sufficient labour flexibility "to respond to the fluctuating and changeable *demands of employers*" (ibid.: 422). The related problem of "enforced mobility" is framed in positive terms, as an opportunity to transfer skills and knowledge into different sectors – an opportunity perhaps more beneficial to employers than workers. In relation to education, there is an emphasis on providing skills that "meet the needs of business", aligning the education system with industry needs rather than those of individual citizens. The focus is on providing "suitably trained human capital". People are valorised as the "prized assets" of business, with no mention of labour representation or working conditions (ibid.: 424-5).

For Banks and Hesmondhalgh, the failure to acknowledge creative labour problems reflects a prevailing neoliberal policy of labour market non-intervention. Workers, having freely entered the market, are responsible for their own fate. They are constrained only by their own individual limitations, not the inner machinations of capitalism itself. The terminological shift from *creative industries* to *creative economy* reflects a "strategic vision" enlisting government, schools, training providers and other public resources to provide a suitably qualified skilled labour pool to meet the demands of industry – in other words, enhancing public support for private firms. Creative Industries policy acknowledges but "pays mere lip service" to labour problems. The "threat" of global competition provides incentives to "hunt down areas of creative autonomy" and apply market discipline to them. Recent creative industries developments, then, can be seen as an extension of the neoliberal policy that has been prominent since the 1980s. The co-option of the traditionally autonomous education system reflects a more sustained attack on autonomy. The prioritisation of the needs of employers within higher education may serve to tame and/or eliminate the alternative, experimental cultural production traditionally associated with the education sector (while contributing to a Marxian "reserve army" of entry level creative industry labour). The skills emphasis in recent policy, derived from human capital theory, is "flawed by its fundamental individualism", which ignores the

⁴⁴ Perhaps because these studies have not been particularly prominent; or because some have not been viewed as credible – but also due to the contradictory 'evidence' of uncritical enquiries, 'think tanks', etc. (Schlesinger 2009, cited Banks and Hesmondhalgh 2009: 422).

complexity of culture and the social construction of knowledge and skills. Furthermore, the “educational turn” in creative policy is an “instrumentalist reduction of knowledge and creativity to national economic assets”, even more so than previously. The conclusion is that creative industries policy represents a sustained business-driven economic agenda that ignores the experiential quality of work and its relationship to human well-being – in other words its relevance to human flourishing and the Marxian “species being”. The extension of CI policy into educational and employment policy means that after ten years, ‘the direction of UK CI policy is looking increasingly bleak’ (ibid.: 426-28).

Good work or bad work?

	Good work	Bad work
Process	Good wages, working hours, high levels of safety	Poor wages, working hours and levels of safety
	Autonomy	Powerlessness
	Interest, involvement	Boredom
	Sociality	Isolation
	Self-esteem	Low self-esteem and shame
	Self-realisation	Frustrated development
	Work-life balance	Overwork
	Security	Risk
Product	Excellent products	Low-quality products
	Products that contribute to the common good	Products that fail to contribute to the well-being of others

Table 3 - Conceptualising good and bad work⁴⁵

Clearly then, there are problems with the notion of the autonomous creative worker, aloof from the humdrum world of the routine nine-to-five working week. While such individuals undoubtedly exist, the more routine creative worker appears to occupy a somewhat humbler plane. The critique of UK policy documents resonates with Irish ‘smart economy’ strategy, one of the stated goals of which is “the creation of high quality, well-paid

⁴⁵ Hesmondhalgh and Baker 2011: 39.

employment” robust enough to resist economic downturns, leveraging human creativity and “translating ideas into valuable products, processes and services” (Dept. of the Taoiseach 2008: 7). What is the basis of this view of creative work, in terms of the history of Irish screen labour? How has this employment developed historically in our native creative industries? To what extent can it be said to be high-quality, well paid work? These are some of the questions I endeavour to address.

My previous research on the careers of Irish short filmmakers has found that most of them remain in the wider industry, even if they never fulfil their ambition of making a feature film (Murphy 2010: 53). It would appear reasonable to hypothesise that film workers thus enjoy doing what they do, and that Irish film work is considered to be desirable. Drawing on Hesmondhalgh and Baker’s (2011) “good work/bad work” model, I suggest that such desirability derives from features of “good work” such as good pay and conditions; its contribution to worker wellbeing and self-esteem through the satisfaction of contributing to acclaimed, socially desirable film and television texts; professional autonomy, and so on (see Table 3).

UK policy instruments like New Labour’s Creative Industries Mapping Document (DCMS 1998) are reflected in Irish policy equivalents such as the previously cited “Smart Economy” or “Creative Capital” reports, influenced by Florida’s (2002) influential “creative class” analysis. The discourse set in motion in these documents has been criticised for its articulation of “a highly neoliberal approach to creativity and creative work, aligned to economic productivity and regional development” (Lee 2011b: 3).⁴⁶ Creative labour is seen as a key source of competitive advantage for post-industrial economies, central to quasi-progressive economic development concepts such as “smart economy”, “knowledge work” and so on. As argued above, the optimistic labour vision at the heart of this narrative has been undermined by research exposing “flexible” creative work as precarious, insecure and exploitative. Indeed the post-Fordist *flexible specialisation* at the heart of ‘freelance’ models of work organization has been characterised by Harvey as an inherently exploitive facet of neoliberal *flexible accumulation*. Seen from this perspective, freelance work is central to the neoliberal project, a form of control, not liberation. Capital accumulation continues its basis in value extracted at the point of production, and “the restoration or formation of class power occurs, as always, at the expense of labour” (Harvey 2005: 76).

⁴⁶ Further analysis of Irish policy documents follows in Chapters Six and Seven.

2.3 The purpose of trade unions

As the research findings are based partly on trade union documentation, and because I am interested in explicating the role of trade unions in the film industry, it is important to consider the role of trade unions in society generally. I turn again to Grint (2005) for a broad analysis of the general relationship between trade unions, industrial conflict and social class. This account is important for acknowledging some deficiencies of Marxian theory, including its as-yet unsuccessful prediction of capitalism's supposedly inevitable evolution into socialism and then communism. If capitalism can withstand more unrest and inequality than predicted by Marx, it is appropriate to consider whether trade unions play a role in facilitating such tolerance, perhaps by prioritising the "status group" interests of their respective members over proletarian class interests as a whole.⁴⁷ This Weberian model of class fragmentation may be particularly relevant to industries such as film and television production, where union membership is drawn from across the social spectrum, implying a dilution of class identity and class conflict – challenging further the notion that union activities correlate with particular class interests.⁴⁸

Class, trade unions, and industrial conflict

In reviewing the pros and cons of contemporary accounts relating social class with industrial conflict, Grint argues that

although class is a critical issue it is not the only one, nor is there any unmediated connection between class position and class action: gender, ethnicity and occupational divisions, mediated by the interpretive processes of individual and social interaction, ensure that heterogeneity not homogeneity is the historically constructed norm at the level of social groups and individuals (Grint 2005: 152).

Thus individuals and groups must be considered not in terms of social class alone but rather as "heterogeneous composites" (e.g. black working-class women), for whom the "multiple and fused categories" of identity impinge on "life chances" in patterns that are socially and historically constructed. It is this heterogeneity that complicates the relationship between class structure and class action, which for many Marxists is either completely transparent (when the class appears to unite against its capitalist oppressor)

⁴⁷ Marx characterised the distinction between a class that merely exists and one that has attained political consciousness as "a class in itself" vs. "a class for itself" (Bukharin 1921: Ch.8, section d).

⁴⁸ In Britain, for example, the Association of Cinema Technicians originally thought of itself as a guild, not a union, owing to the middle-class origins of its membership (Chanan 1976: 28).

or completely obscured (when such action is represented as “inaction or intra-class hostility” thanks to “the ideological chicanery of the bourgeois media and superstructural apparatus”).⁴⁹ Grint suggests that most Marxist approaches have difficulty accepting the Weberian idea of competing working class interests based on occupational divisions. They also have difficulty accepting that exploitive employment relations, by virtue of their existence alone, do not “imply any corresponding level or form of class consciousness” (ibid: 152-53). For Grint, such consciousness is far from inevitable:

If the evidence of working class politics generally is anything to go by, the effects of the labour process are not simply homogenizing and radicalizing in many circumstances but are often fragmentary in material and ideological terms (ibid.: 153.)

Grint argues for a more intricate approach to class and the labour process, to account for such fragmentation. Such an approach might better accommodate the complexities of industrial relations, like temporary alliances between labour and capital in service of their mutual interests in protecting an economic sector, as shall become evident in our analysis of the birth of the Film Section of the ITGWU in the 1970s (Chapter Four).

Radicalism and labourism

Grint provides an overview of some relevant theoretical positions on the relationship between trade unionism and the development (or perhaps more accurately, the failure to develop) a revolutionary class consciousness. For Marx, unions were useful organizations for *resisting* capital, and for securing better pay and conditions for workers. However, as improvements such as these attack only the symptoms of capitalism and do little to accelerate its supposedly inevitable collapse, unions were less useful in the struggle to *overcome* capitalism’s systemic inequalities. Once unions realized this, Marx assumed, they would redirect their activities away from petty industrial issues and concentrate on revolutionary politics. When this failed to happen in England, Engels concluded that skilled, well paid, unionised workers – a description that certainly applied in the film industry in Ireland for much of the period under review – represented a quasi-bourgeois “aristocracy of labour” with a direct interest in maintaining the status quo. Lenin was even more pessimistic, believing that class consciousness could never arise organically from within the trade union movement. Rather, it could result only from the intervention of a radical bourgeois intellectual class. There is little agreement on these issues however:

⁴⁹ e.g. the first major industrial dispute at Ardmore Studios was characterised in reports as a “squabble” among competing unions (see Chapter Three).

some scholars (e.g. Hobsbawm) place the so-called labour aristocracy in the opposite camp, i.e. radical and proactive, not reactionary. Grint claims that even those most sympathetic to trade unionism “prefer to discuss the political intentions of trade unions in terms of ambiguous support of and opposition to, the status quo”. Furthermore, while the interests of workers and capitalists are indisputably different, this does not mean workers have an “objective class interest in socialism”, because (a) it is unclear how “universal class-based objective interests can be established and legitimated”, and (b) it is equally unclear, without a working model, “what socialism actually comprises” (ibid.: 156).

Thus Grint challenges the notion that trade unions (or indeed any individual or collective) can claim to represent the long-term objective interests (if such can be even said to exist) of workers. In the short and medium term, however, it is clear that union organization can be effective in extracting concessions from capitalist owners and their management delegates, in the film industry as much as anywhere. The framework within which such concessions have typically been achieved in Britain is not revolutionary radicalism but rather *labourism*, defined as

the pursuit of reforms within the existing forms and methods of parliamentary government and conventional collective bargaining (ibid.: 157).

This framework would seem to resonate with the Irish experience of tripartism and social partnership, as discussed in the previous chapter, with collective bargaining centralised at the State level (even if in the film industry, this was supplemented by enterprise level bargaining and registered labour agreements between producer bodies and labour unions). Grint advances a number of reasons for labourism’s success. First, the rise in living standards for British workers during the second half of the 19th century “undermined the logic of revolutionary collective action”. Trade unions were instrumental in achieving this “economistic” success, establishing a pattern that could be accommodated by capital (ibid.: 157). Second, the fragmented nature of the British working class, characterised not by homogeneity but by a multiplicity of occupations, encouraged the development of a craft union tradition. This was in contrast to Russia in the aftermath of the Great War, where a small working class, with no real union tradition under the tsars, constructed industrial unions, more suited to the development of class consciousness. Thus in Britain and other early industrialising nations, trade unions are best viewed as “constructed through, and reflective of, capitalism”. Trade unions do not necessarily lead to class consciousness; more likely they reinforce the “sectionalist and sectarian ideologies” underpinning capitalism (ibid.: 158). Grint thus echoes Gramsci’s

contention that the trade union under capitalism “is an integral part of capitalist society, [with] a function inherent to the regime of private property” (Gramsci 1919: 2). As an organization arising from and serving the commodification of labour power, “the essential nature of the union is competitive, it is not communist” (ibid.).⁵⁰

Third, the British labour movement has historically been liberal and reformist and not (as in Russia), socialist and revolutionary. Although challenged at different times by syndicalism, guild socialism and the Communist Party, such movements were stymied by the existing success of labourism. Although there is often a radical position within the movement, it can be marginalised by trade union bureaucracy separating radicalism at the local level from labourism at the national leadership level (ibid.: 159).⁵¹ Such a “boundary divide” was a critical factor in the recent formation of Ireland’s newest trade union, the Irish Film Workers Association, as discussed in Chapter Seven.

A final factor in labourism’s success is found in the role of the state – or rather its apparent absence – in the resolution of industrial conflict through an institutionalised collective bargaining process.⁵² Industrial conflict is generally resolved at the point of production through employer-union negotiations. Conflict is therefore contained before it can escalate into a political movement and threaten the legitimacy of the State. This is especially true in Britain, where early industrialisation led to a healthy economy where working class discontent could be bought off with raised living standards following collective bargaining (ibid.: 160). Ireland’s more patchy economic development, summarised in the previous chapter, has arguably precluded such a tradition. As shall emerge in the following chapters, however, the financial trajectory of the film industry in Ireland has not always reflected trends in the wider economy, a fact that must be borne in mind when conducting our analysis.

Labourism, then, amounts to a toleration of unions by employers and the state, trading off concessions to labour in the interests of political stability. Capitalism remains relatively unchallenged, absorbing the industrial conflict that is as “inescapable” as the

⁵⁰ In the US, for instance, film labour organizations occupy a central position in the employment relationship, to the extent that Sidney Sheinberg of the AMPTP said, at the height of the 1988 WGA strike, “If the guild didn’t exist, we’d have to invent it” (Paul and Kleingartner 1994: 676).

⁵¹ Grint does not believe there is much evidence that “local radicals” are representative of local membership, who are probably “as conservative and sectionalist” as their leaders (otherwise different leaders would be elected) (2005: 159).

⁵² As discussed in Chapter One, collective bargaining rights have only recently been solidified under Irish law (see Costello 2013). Collective bargaining was nevertheless institutionalised through the operations of the Labour Court and its related structures since 1946.

collective organisation of labour itself (ibid.). This resonates with Roche's analysis of growth and decline in the Irish trade union movement, discussed in the previous chapter, where the scale of capital's concessions are conditioned by prevailing cyclical, structural and institutional factors in any given period. One of our tasks will be to analyse whether Roche's findings apply in the film industry: how does union growth and decline correlate with industry prosperity, and with the prevailing mix of influencing factors?

Summary and conclusion

In this chapter, I have reviewed the nature and meaning of work in terms of its relevance to human well being, in order to underline the relevance of work to human flourishing. To better understand how ideal work forms are undermined and inverted by the industrial labour process, I provided an overview of Marx's labour theory of value and the concept of worker alienation. This facilitates an understanding of the contradictions inherent in contemporary creative labour, where the promise of self-actualisation and autonomy can be undermined by high levels of precarity, insecurity, and exploitation (including self-exploitation). Finally, to understand how these macro problems are often tolerated at the micro level, I provided a general overview of the concept of labourism, whereby unions tend to relegate class interests below the sectional interests of their membership groups.

In the following five chapters, I use the framework developed in these introductory chapters as the basis for a history of Irish film production from a political economy of labour viewpoint. I draw on a variety of sources to create a bottom up account of film and television production, organised loosely on a decade-by-decade basis. The aim is to further the understanding of Irish cultural production, widening the scope of historic research to include a labour-inflected perspective. I thereby answer Mosco's call for an extension of research into the underexplored "labour blind spot" of media studies.

Chapter Three

Ardmore Studios in the 1950s and 1960s

The depressing thing about the 1950s was not just that Ireland was doing badly as that its neighbours were doing far better. Free trade was seen as a chance to catch up with modernity.⁵³

The late 1950s and 1960s were years of significant change in Irish social, economic and political development, as the “economic nationalism” era of protected industrial development under Eamon de Valera was superseded by the “modernisation” period commencing with Sean Lemass’s assumption of the Taoiseach’s office in 1959. The transition to free trade envisioned by the *Programme for Economic Expansion* (PEE) required State initiatives in a number of areas. One of these was the creation of formal tripartite (i.e. State, employer and labour) bodies to oversee reforms in pay determination and industrial relations (O’Connor 2011: 221). These entities, precursors to “social partnership” from the 1980s, included the Committee on Industrial Organisation (1961) and the National Industrial Economic Council (1963). Trade union involvement was seen as essential in the mission to prepare for free trade and set a new agenda for industrial policy. Lemass needed productivity increases, and hoped to soften labour resistance to pay restraint as a *quid pro quo* for union inclusion in the decision making process (ibid.).

Pay restraint would be a tall order, however. The ITGWU had been agitating for a living wage of £500 per year since at least 1957, a target still some way off in 1960, when 60 percent of industrial workers earned less than £10 per week (ibid.: 223; ITGWU 1958: 97, 1959: 80-81).⁵⁴ The prevailing system of pay determination under national capitalism had been the ‘wage round’, a system of periodic pay increases begun in 1946. Successive wage rounds resulted from a central bargaining process involving the Federated Union of Employers (FUE) and the Irish Congress of Trade Unions (ICTU), under which pay increases were guaranteed in return for wage stability between rounds, facilitating economic planning (McCarthy 1973: 25). Despite these established processes and the

⁵³ O’Connor 2011: 218.

⁵⁴ The corresponding figure in Britain was eight percent (O’Connor 2011: 223).

Lemass reforms, the 1960s would see plenty of industrial action by workers and unions. Union density in Ireland during the 1960s was relatively high at around 50 percent of employed workers (Appendix A.3). The decade would be marked by a series of major strikes involving electrical, transport, and construction workers. A series of unofficial strikes commenced in CIE over the introduction of one-man buses in 1962 (e.g. Irish Times 1962a). A major building strike, involving 20,000 workers, followed the ninth wage round in 1964, as workers sought a reduction in the standard working week (McCarthy 1973: 25; Irish Times 1964). Industrial unrest would peak in 1966, dubbed “the year of the striker” (McCarthy 1973: 223). The situation grew so serious that Lemass reversed earlier policy and created the Department of Labour in an effort to refocus government policy on incomes, manpower, training and industrial relations (ibid.: 224; Irish Times 1966).

As will emerge in the coming chapters, the film industry has been marked, on the surface at least, by its industrial relations stability, with few recorded work stoppages or delays attributed to strikes or other forms of unrest. It would not, however, be immune to industrial unrest during the 1960s, dubbed the “decade of upheaval” by McCarthy (1973). The early years of Ardmore Studios, opened in spring 1958, saw some significant industrial actions involving a number of Irish and British trade unions, as the studio struggled to establish a place for itself in the firmament of an increasingly globalising film production system. These struggles are the main focus of this chapter.

To contextualise the organisation of filmmaking on a more formal basis, and indeed the increasing formalisation of labour-management relations that Ardmore’s existence represented, I begin with a brief look at union organising in the Irish film industry prior to the opening of Ardmore Studios (1958), noting how Irish Actors’ Equity in particular was able to leverage its position as a supplier of ‘crowd artists’ (extras) to build a more commanding presence as a representative of acting labour. In the remainder of the chapter, I examine in detail the escalating “labour difficulties” that came to a head on the set of the British film *Of Human Bondage* in 1963. The events leading up to and following the strike illustrate how various labour, capital, and State bodies, on both sides of the Irish Sea, reacted and interacted in response to the outsourcing of British production to Ireland. The conflict pitted emerging Irish film institutions against their much longer-established British rivals. The struggle sheds light on a central concern of any political economy of labour, especially in a country with Ireland’s historic unemployment problem: the question of access to the available work. It also illustrates the intricate

interplay of labour, capital and State interests in brokering a solution to Ardmore's emerging labour issues.

3.1 Irish Unions and Irish film: beginnings

Filmmaking activity in Ireland dates back to the earliest days of the medium, and its origins and early years have been thoroughly documented by Rockett (1988), Barton (2004), and other scholars. The often remarkable achievements of early drama and documentary filmmakers working in the 1930s and 1940s might have framed an interesting 'pre-industrial' preamble to the analysis here presented. For practical reasons, however, I have chosen for a starting point the establishment of Ardmore Studios in the late 1950s, because it was not until this point that the ITGWU and other unions began to organise film production workers, as an extension of union activities in the film distribution and exhibition sectors.

This is not to imply that the period prior to Ardmore's establishment is not of interest from a labour history viewpoint. As Rockett has documented, a small number of Irish-themed British and US features had been shot in Ireland over the previous decades, as well as a number of non-Irish set dramas like *Henry V* (1944), filmed in Wicklow, and *Moby Dick* (1956) made in Youghal, Co. Cork. While there are some interesting stories of native participation in these projects (e.g. O'Connell and Flynn 2010), it remains that Irish involvement in most films made here was peripheral at best. One of those roles, however, was the supply of minor actors and screen extras, so it is perhaps not surprising that the actors' union, Irish Actors' Equity (IAE), was probably the first Irish trade union to organise and gain recognition in the film industry. While Irish-based film technicians and craft workers were hardly available in sufficient numbers to staff films made in Ireland prior to (and indeed following) the opening of Ardmore Studios, there was a substantial amount of professional acting talent available at the Abbey and Gate Theatres. Unlike their off-screen colleagues, therefore, local actors enjoyed something of an advantage in securing film work, not least because there were obvious creative and economic justifications for their use in dramatic productions set in Ireland. IAE, established in 1949 from the ashes of WAAMA (a previous union catering to writers, artists, actors, and musicians), had managed to secure union recognition and a closed shop agreement at the Gate Theatre after a 1949 strike (Devine 1997: 13). Although it would be another 15 years before IAE extended its jurisdiction to the Abbey Theatre in 1964 (ibid.: 17), the union had more success in the evolving film industry.

Along with main players, WAAMA/IAE also represented ‘crowd artists’ (extras), and had made labour agreements with the British Film Producers Association (BFPA) to cover terms and conditions for their employment on incoming UK films from the 1940s.⁵⁵ Aware that Irish actors going to the US for film work were required to join the Screen Actors Guild (SAG) at its full membership fee, IAE general secretary Dermot Doolan saw an opportunity for reciprocation when John Ford arrived in Cong in 1951 to make *The Quiet Man*. Doolan travelled to Mayo for a meeting with Ford’s production manager, Charlie Fitzsimmons. Doolan explained that IAE would be happy to admit Irish-born cast members like Maureen O’Hara and Barry Fitzgerald for the regular fee of £10, but non-Irish cast, including John Wayne, Ward Bond and Victor McLaglan, would have to pay a “foreign member” fee of £250 (ibid.: 19). Ford was reportedly furious, Fitzsimmons telling Doolan that “we should be like the natives in the South Seas grateful for accepting the mirrors and beads from the white man”. The film studio, Republic Pictures, instructed Ford to pay the fee, however, perhaps fearing reprisals from SAG, with whom IAE enjoyed cordial relations.⁵⁶ Thus Irish Equity became firmly established as a film union early on, partly due to its own globalised relations within the international labour movement, its relationship with SAG demonstrating the benefits of such “labour internationalism” (Mosco 2011: 363).

IAE, then, was in a position of considerable strength by December 1957, when an advertisement appeared in the Irish Times, inviting applications for “motion picture studio key technical personnel” to work at the newly established Ardmore Studios (Irish Times 1957). The opening of the studios was an event itself connected to the ambitions of Sean Lemass. As Industry and Commerce minister, Lemass’s interests had encompassed film production, despite the scepticism of his colleagues that such an industry could ever be economically viable (Flynn 2005). In the years prior to the implementation of the PEE, Ardmore Studios had been built by Dublin Film Productions Management, a company headed by Louis Elliman, MD of the Rank Organization’s Irish operations, and Emmet Dalton, the former Free State general under Michael Collins, now working as a film producer (Rockett 1988: 98; Boyne 2014). Opening for business in spring 1958, it would later emerge (e.g. Irish Times 1967; Marcus 1967) that the studio complex had been financed largely from public funds, to the extent that it could arguably be considered a semi-State operation (Flynn 2005).

⁵⁵ Early examples included *Another Shore* (1948) and *Saints and Sinners* (1949).

⁵⁶ Personal interview with Dermot Doolan, retired Irish Actors’ Equity official, 20 Nov, 2014.

It might be deduced that the Irish State, newly energised by the PEE and the desire to modernise the Irish economy through foreign direct investment, saw in Ardmore an opportunity to capture a slice of the inward investment that might be available from mobile international film production. In addition, given our proximity to the UK, it is hardly a coincidence that Ardmore opened just months after the 1957 Eady levy was established to partly fund the production of indigenous British films. Such films were legislatively supported by ‘quota’ requirements first introduced in the 1927 Cinematograph Film Act (Hill 1993: 205). More importantly for our analysis, quota films could legally be made in Ireland, with potential cost benefits for British producers.⁵⁷

The establishment of Ardmore Studios can therefore be considered a statement of industrial intent, and as such it was accompanied, as was typical during the era, by the formal recognition of the relevant unions. In the months before the studio opened, the unions came together to agree on jurisdiction matters, i.e. which unions would represent which workers, and to work on a general labour agreement covering pay and work conditions at the studios (IAE 1957).⁵⁸ While the jurisdiction question was perhaps easily answered for some grades, especially craft grades where there were established craft-specific unions (of which the film worker might already be a member), the representation of technicians and ‘creative’ grades was not so clear. IAE itself considered setting up a technicians section, before it was agreed that this would be the remit of the ITGWU (IAE 1958, 1958a). The ITGWU would also be in charge of a “central employment agency” for film workers, while IAE would continue to “control the casting of artists and extras” (IAE 1958a). As the studios prepared to open, then, filmmaking in Ireland prepared to become enmeshed, as in other countries, in the colourful history and culture of the trade union movement.

Developing the Irish film workforce

As Ardmore prepared for its first production, a film version of the Walter Macken play *Home Is the Hero* for US television, the studio’s assistant manager, Captain Justin Collins, outlined details of Ardmore’s permanent staffing plans. Studio personnel would include

... a projection staff of two; three maintenance electricians; two
boilermen; a caretaker, groundsman, storekeeper, cleaners; a camera-

⁵⁷ The Eady levy was a tax on cinema admissions that would be partly used to fund the production of ‘quota’ films. The levy was originally introduced in 1950 on a voluntary basis, then made compulsory under the 1957 Cinematograph Films Act (Hill 1993: 205).

⁵⁸ Personal interview with Dermot Doolan, retired Irish Actors’ Equity official, 20 Nov, 2014.

crew of three; a sound crew of four; three members of the art department; four transport drivers... a construction crew of 30; and carpenters, riggers and screen-shifters (Irish Times 1958).

The scarcity of professional film production in 1950s Ireland meant that finding enough qualified workers to fill the more specialised of these roles would be difficult. This is perhaps why Ardmore co-founder Louis Elliman suggested that the studio's genesis would be of considerable interest to Irish film workers in Britain. While the wages on offer were lower than those in the UK's far more established film industry, the cost of living differential would partly make up for this: Elliman reminded potential employees that "fifty pounds a week in Ireland is better than the same sum in England" (ibid.).⁵⁹

In 1958, fifty pounds a week, earned anywhere at all, was a considerable sum. It was more than five times the Irish Transport and General Workers Union's (ITGWU) "living wage" target of £500 per year (ITGWU 1958: 51; 1959: 59; 1960: 80-81). If this figure accurately reflects the wages on offer, its generosity also underlines the scarcity of qualified Irish-resident film technicians, and the necessity to attract labour from abroad with a comparable and perhaps relatively superior wage offer. According to material later filed with the Department of Industry and Commerce, Ardmore management hoped to address the labour scarcity through a long-term process of skills transfer.

It was always the intention of Ardmore to train Irish personnel under experienced technicians from England or elsewhere so that ultimately Ardmore would be in a position to supply all the necessary crews for the production of Pictures. In this light it was never envisaged that such highly qualified men as Lighting Cameramen or Editors, who take many, many years of experience before they can operate on Pictures, would be available in Ardmore for a long time (Ardmore Studios 1962: para 2).

In the first years of Ardmore's operation, it appears that a reasonable amount of skills transfer did indeed take place, especially during the production of the studio's first major theatrical film project, *Shake Hands with the Devil*, a US treatment of the Irish War of Independence starring James Cagney (ibid.: para 3). During this and several other early productions, native skill levels progressed to the point where the studio could provide sufficiently experienced local crafts labour (plasterers, painters, riggers, electricians, etc.) on subsequent productions. In addition, a small number of the more technical film-specific grades had been trained. Ardmore could offer incoming producers a local clapper/loader,

⁵⁹ However, by 1963, the wages of ITGWU Dublin 7 Branch members were closer to 12 pounds per week (Liberty, July 1963).

focus puller, grip, sound mixer, boom swinger, and sound camera operator, further reducing the amount of essential technicians (e.g. lighting cameraman, camera operator) the production company would need to import (ibid.: paras 3-5). To hire locally would save the production company the substantial ‘all-in allowance’ payable – in addition to wages and travel costs – to travelling personnel, under the terms of a special 1961 agreement between British producers and unions (Francis 1961). Normally, following negotiations with incoming production companies and British unions, any suitably qualified local personnel might be hired (Ardmore Studios 1962: para 5).

Despite this promising start, Ardmore Studios did not become a major employer of Irish film technicians in this era (Marcus 1967; Rockett 1988: 100-101). If the studio’s founders had hoped to benefit from British film funding and the Eady levy, they had perhaps underestimated the opposition that such offshoring of British production might generate from British film unions. The “British” film, for the purposes of qualifying for subsidy from Eady funding, had been defined in the 1938, 1948 and 1957 Cinematography Films Acts (CFA) as any film made by:

- a) “a British subject or a British company”,
- b) in a studio “within His Majesty’s dominions” (i.e. the British commonwealth),
- c) with a “requisite amount of labour costs” paid to British or commonwealth subjects (e.g. CFA 1938: s25).⁶⁰

While this definition appears to exclude films made in Ireland, which had left the commonwealth in 1948, Ireland enjoyed a unique status within British law. Under the Ireland Act, 1949,

notwithstanding that the Republic of Ireland is not part of His Majesty’s dominions, the Republic of Ireland is not a foreign country for the purposes of any law in force in any part of the United Kingdom or in any colony, protectorate or United Kingdom trust territory (Ireland Act 1949: s2).

Effectively, this negated in British law many aspects of Ireland’s departure from the commonwealth. It was considered impractical to treat the Republic of Ireland as foreign, partly because of the strategic importance of Northern Ireland within the United

⁶⁰ The requisite amount was a 70-80 percent of labour costs, after deducting payments made to one or two non-British/commonwealth subjects, presumably to allow the inclusion of one or two non-British stars, a director, or other participant (see CFA 1938, s25).

Kingdom (Hickman 2010: 294-6). Thus films made in Ireland were considered eligible for Eady funding even before they were specifically categorised as such in section 17 of the Films Act 1960. This producer-friendly move allowed that films made by Irish subjects or companies, or films made in Irish studios, or films made with primarily Irish labour, were effectively British under the law and thus eligible for State support (Films Act 1960).⁶¹ Ardmore's attractiveness to British producers was thus enhanced, but this did not necessarily bode well for Irish film workers. Despite the Ireland Act and the Films Act, Ardmore would occupy a somewhat liminal position – neither British nor foreign – in the eyes of the British filmmaking establishment. There would be severe negative implications for employment, and indeed Ardmore's skills-transfer training strategy.

Ardmore's favourable quota status was enhanced by the establishment of the Irish Film Finance Corporation (IFFC) in 1960. As a subsidiary of the semi-State Industrial Credit Corporation, the IFFC provided 'end money' to Irish (i.e. Ardmore-based) productions with a distribution guarantee in place, effectively freezing out native producers (Rockett 1988: 101; Marcus 1967a; Flynn 2005: 187-189). The availability of what amounted to a soft loan from the IFFC provided an additional incentive to British producers, who otherwise might not have had a compelling reason to shoot their films in Ireland, even for Irish-themed projects.⁶² As we shall see below, such developments would not go uncontested by British film unions. In turn, British labour resistance would be countered to varying degrees by the Irish unions. The next section will cover that simmering conflict, as growing levels of British filmmaking at Ardmore saw the studios become increasingly embroiled in international labour politics. The difficulties that emerged set the early tone for Ireland's involvement in the emerging international division of film labour – a setback that represents by some distance the most significant industrial action ever taken on film sets in Ireland.

3.2 Electrical storm: ETU vs. ETUI 1961-1962

The conflict that would come to a head on the set of *On Human Bondage* in 1963 was of considerable concern to the Irish State, given its role in the financing of the Ardmore operation. The State's interest is evident from the involvement of prominent government officials and civil servants in the effort to diffuse the growing employer-union tensions.

⁶¹ The arrangement was contested in the House of Lords by Lord Shepard who feared Ardmore would become a back door into the British market for American producers making nominally 'British' films (House of Lords Debate 1960).

⁶² Little of the £385,000 in production loans advanced by the IFFC was repaid.

Arguably, the dispute provided a valuable learning experience for producers, film workers, and State officials alike in the shared goal of establishing Ireland as a viable production hub for mobile international film production, and thus an active node within the international division of cultural labour. That these events took place in the early 1960s illustrates the international film industry's early adoption of a globalised production model, some decades before the 1980s-era technological and (de)regulatory developments often associated with the globalisation framework. The incident also illuminates the Irish State's role in encouraging labour 'flexibility' – an important precondition for foreign direct investment in an industry as labour intensive as film and television production.

In general, the literature touching on Irish film production labour, to the extent that it exists at all, has tended to characterise industrial relations during these formative early years as “a restrictive agreement between Ardmore management and the British film technicians' union ACTT”, whereby Ardmore would service British productions in return for the exclusive employment of ACTT⁶³ members (Rockett 1988: 100). This is undoubtedly true to the extent that it refers to above-the-line and technical film workers who could not easily be sourced locally. While the lack of a systematic film-worker training system created a “vacuum” filled mainly with imported British labour (Marcus 1967), one film grade – electricians – had resisted that trend from Ardmore's earliest days. The resulting precedent provided a reasonably robust platform from which Irish film workers, in the electrical grades at least, might defend against the loss of employment to their British counterparts.

On a film set, electricians are responsible for the set-up and general handling of electrical plant and apparatus, including power generators and lighting equipment. Generally, they report to a chief electrician (gaffer) or his assistant (best boy) (Creative Skillset 2008). The electrical department usually works with the camera department under the leadership of the Director of Photography. At Ardmore, a group of electricians had been trained in 1958 by an experienced gaffer, Thomas Chapman, brought over from England for that purpose (Ardmore Studios 1962: para. 3). These workers, usually referred to the studios by the Electrical Trades Union (Ireland) (ETUI) on secondment

⁶³ Association of Cinematograph Television and Allied Technicians (ACTT). Merged with Broadcasting and Entertainment Trades Alliance (BETA) to form Broadcasting, Entertainment, Cinematography and Theatre Union (BECTU) (BECTU 2016).

from their regular employment in general industry,⁶⁴ had built up substantial on-the-job expertise. Accordingly, a *seniority list* of film electricians had been established, from which Ardmore's client producers would draw for electrical crew.

[Ardmore] wanted an assurance of a supply of electricians, and the original list then became known as the seniority list... By 1962 the men on the seniority list would have become specialised in film work, and had been complimented by producers (Lynch, cited Irish Independent 1964).

These comments are from High Court testimony by ETUI General Secretary George Lynch in 1964, towards the end of the two-year dispute that emerged during the production of a series of UK quota films in the early 1960s. The dispute brought into sharp focus the question of whether runaway filmmaking in Ireland – and perhaps other forms of foreign direct investment – might lead to long-term, quality employment for Irish workers. The tensions would escalate over the course of a number of British quota films booked into Ardmore Studios from late 1961.

Term of Trial, The Very Edge and The Ballad of the Running Man (1961-62)

In September 1961, the British Film Producers Association (BFPA) and the Federation of British Film Makers (FBFM) had met the three British film worker unions ACTT, NATKE, and the ETU.⁶⁵ The primary purpose of the meeting was to devise a labour agreement covering pictures made at Ardmore Studios by BFPA and FBFM member companies. Despite (or perhaps because of) the 1960 Films Act's treatment of Irish studios, the meeting agreed that while "Ardmore Studios is not a foreign location", it nevertheless "cannot be regarded on the same basis as work in the UK" (Francis 1961). In recognition of this unusual status, UK union members working in Ireland would be entitled to a number of special provisions, including (a) straight-time payment for weekends spent in Ireland without working, and (b) an all-in allowance of £22 10s per week to cover living expenses. While the agreement did not require British producers to hire British union members, it was stipulated that the unions would be notified whenever a British producer intended to bring a film to Ardmore, "to allow for any joint prior consultation that may be felt to be necessary" (ibid.). This fairly loose arrangement marked a departure from the system in operation since the opening of Ardmore in 1958, whereby crews for British films were

⁶⁴ Department of Industry and Commerce 1963: para. 4.

⁶⁵ The ETUI had originated in the British ETU (Ward-Perkins 1996: 198), but was no longer connected. NATKE was the National Association of Theatrical and Kine Employees, one of the two unions amalgamated in BETA (1984), now part of BECTU (BECTU 2016).

finalised during *ad hoc* bilateral meetings involving British producers, British and Irish unions, and Ardmore management, allowing for varying levels of Irish crew participation, and a degree of skills transfer, as outlined above (Ardmore Studios 1962: para. 4-5).

The somewhat unstable nature of this arrangement became apparent in late 1961. Signs of trouble arose during pre-production work for *Term of Trial*, financed by a British subsidiary of Warner Brothers. In April 1962, Ardmore and the ETUI made separate complaints to the Department of Industry and Commerce, claiming the film's producer was "forced" by British unions to employ seven crew who might otherwise have been hired locally (Lynch 1962; Ardmore Studios 1962: para. 5). When the producer asked the Studios for a discount to offset its higher costs, Ardmore asked the State to intervene with the British Board of Trade, while the ETUI requested a similar intervention over the threat to Irish jobs (Kennan 1962; Lynch 1962). The union claimed to have a labour agreement with Ardmore prioritising the employment of 21 Irish electricians on a "seniority list". No British electricians could be hired until this list had been exhausted. The union would go on strike over this principle, and had so informed its British counterpart, the ETU (O'Sullivan 1962b: para. 5).

While Industry and Commerce officials weighed up their options, Ardmore got in touch again, worried that their next booking, *The Very Edge*, due to shoot in June 1962, might be lost. This time, the British unions wanted to provide 15 crew, including two electricians (i.e. half the electrical jobs), all grades that were available locally (Meehan 1962). Following several sets of negotiations, involving Irish and British unions and producer bodies, the ETU reduced its requirement to one electrician, as a once-off gesture, while NATKE would settle for the inclusion of two of its technicians (Kelly 1962; Batchelor 1962). While these numbers represented a considerable climb-down from the original position, the Irish unions held their ground and refused even these token levels of British employment. Despite the tension, production appears to have proceeded at this point.

The unresolved feel of *The Very Edge* arrangements carried over to Ardmore's next booking, a Columbia production, via a British subsidiary, called *The Ballad of the Running Man*, due in September 1962 following location work in Spain (Collins 1962b). The British unions wanted to bring all their location crew – full camera and sound units, several crafts, and nine electricians. This was unacceptable to the ETUI, and once again Collins warned the Department that Ardmore might be forced to close. He claimed the Studio was reluctant to sign final contracts for fear of incurring monetary penalties in the event of a delay (Collins 1962c). As commencement day approached with no resolution in sight, the

Department, which had been copied on all relevant correspondence, proposed to take no action unless directly requested.

We have made it clear to Ardmore Studios that we are ready to give any help we can if asked. It is to be presumed that they will come to us if they cannot reach agreement with the unions (Kennan 1962c).

That situation soon transpired, after extensive negotiations, some of which took place at Government offices, proved futile (O'Sullivan 1962a). At one such meeting, attended by the rival electrical unions, the ETU insisted again on half the electrical jobs, based on the principle that the film qualified for British subsidy. The ETUI again refused, and the tone of the discussion appeared to deteriorate, the ETU accusing the Irish union of trying to "filch British quota moneys but to keep the British labour out" (ibid.: 3-4). Eventually, the ETU left the table. Chairing the meeting, A. Kennan, an official of the Department, told the ETUI they were being unreasonable and the Minister would not be sympathetic (ibid.: 6).

By now, word of the difficulties had reached the Irish media, and The Irish Times ran several stories covering the various efforts to resolve the difficulties (e.g. Irish Times 1962b-e). The newspaper coverage was broadly accurate in its summary of the essential issues behind the inter-union difficulties, namely the ETUI's claim to have an arrangement with Ardmore "precluding the engagement of ETU members" (Irish Times 1962b). The newspapers were as yet unaware of the Department's participation in efforts to resolve the dispute, an involvement that would not emerge for almost two years (e.g. Irish Times 1964e, 1964f).

In September, at a meeting of British producers and unions, ETU official Bert Batchelor claimed there was little point in making agreements if British producers could get out of them by filming at Ardmore (UK Producer-Union Meeting 1962: 1). He alleged that some films were going to Ireland for purely financial reasons. Despite his castigation of producers, however, Batchelor clearly considered the current difficulty to be with the ETUI, who would "not have any British electricians working there at all", even after three sets of meetings between the two unions.

We were quite prepared to reach some form of accommodation, but since the attitude of the Irish union is what it is... we want to give you notice that we are going to use every possible means in our power to prevent any further production of films at Ardmore Studios because they will not reach any reasonable accommodation with us (ibid.: 3).

The meeting was reminded that, as far as Eady regulations were concerned, “Irish labour counted as British labour” (ibid.).⁶⁶ Nevertheless Batchelor reiterated that unless the problem with the ETUI was resolved, his union would mobilise “as much resistance as we can muster” against British films at Ardmore (ibid.: 4).

Nevertheless, *The Running Man* went ahead as scheduled, with Irish electricians employed. Nine British electricians had travelled to Ireland to work on the film, but were told by Columbia not to report to the studio, remaining idle (and presumably paid) until recalled to the UK a week later (Department of Industry and Commerce 1962: 3). After the ETU withdrew its members, it stepped up its war of words against Ardmore, and Irish labour in general. It told its branches to refuse membership to Irish workers – a considerable snub to the huge numbers of Irish living and working in Britain following the mass emigration of the 1950s. It threatened to “disrupt” the activities of British producers doing business in “Southern Ireland”. It warned producers that its members would not handle equipment bound for Ardmore (*Kine Weekly*, cited Irish Times 1962e). The threatened reprisals prompted Elliman and another Ardmore director, Cornelius McGrath, to arrange a meeting with the Minister for Industry and Commerce, Jack Lynch, having apparently discussed the situation with the Taoiseach (Department of Industry and Commerce 1962a).

The situation was made all the more urgent because the next film booked into the studios, an adaptation of the Somerset Maugham novel *Of Human Bondage*, would be the Studios’ biggest project to date (Kennan 1962g). Ardmore management feared the ETU would effectively shut down the studios unless the ETUI compromised, reflecting a clear shift of blame towards the Irish union. They asked the Minister to intervene directly with the ETUI, which he agreed to do, but only as a last resort (i.e. if it was absolutely clear that the studios were about to close as a result of the ETUI’s position). If *Bondage* producer Sheldon Reynolds sought to withdraw from his contract, they would come back to the Minister. If not, the State would take a back seat and “matters would simply have to be allowed to take their course” (ibid.).

⁶⁶ Thus the Department should have been aware from mid-September 1962, if it had not already been, of the status of Irish labour under the Act.

3.3 Coming to a head: *Of Human Bondage*, Ardmore and the ETUI

In December 1962, news of the prestigious *Bondage* project had reached the newspapers. US company Seven Arts Productions would make the film at Ardmore Studios through a UK subsidiary (Irish Times 1962f). As was by now perhaps inevitable, the film immediately hit difficulties when British unions appeared to dig in once again on the question of British crew.

Three English trades unions led by the E.T.U. put their guns to the production company's head. The English unions demanded that a minimum of 85 of their members should be taken to Ireland and employed there. The production company compromised on 35 English technicians, which they believe to be a more than generous concession, but the English unions have refused to accept, as of yesterday morning (Irish Times 1963a).⁶⁷

While the framing of this Irish Times report - demanding, intransigent unions placing guns to the head of a compromising, generously conceding production company - is revealing, perhaps more significant is the placing of the blame not with the film unions in general, but rather with the *English* unions. This would change over the course of the dispute. The production company's immediate response was to threaten to move production to Hollywood, claiming the British unions were trying to "close down Ardmore" with "exorbitant" demands that would escalate costs by \$100,000 (Irish Times 1963b: 1).⁶⁸

Seven Arts' concerns, at this stage of the dispute, seemed to be based less on overall crewing numbers than on the numbers of UK workers it was being asked to send to Ireland, which would increase its costs under the terms of the 1961 producer-union agreement (above) (Francis 1961).

[Seven Arts Executive Producer] Mr. Patterson said that the unions were demanding that a total of 70 people, on the technical side, should be drawn from Britain. This would mean a living allowance of £25 for each, plus £5 pocket money and first-class air fares each way on top of salaries. There were certain technicians from Britain who were absolutely necessary, but there was absolutely no need to bring

⁶⁷ These numbers are contradicted in another article (Irish Times 1963b) in the same issue.

⁶⁸ The *Times*, aware of Ardmore's role in Irish industrial policy, pointed out that the loss of the film to Hollywood would result in a "big drop in ... hard currency exports" (Irish Times 1963a).

labourers, carpenters and electricians in such numbers (Irish Times 1963b: 1).⁶⁹

Claiming “the Irish did not build Ardmore for the benefit of the British unions”, Patterson had counter-proposed that 29 British technicians might travel. The standoff continued with the ETU insisting on 50 British electricians alone. Patterson seemed to be treating the demands seriously, allowing that the company was looking to “prune the costs sufficiently without interfering with the quality of the film” (ibid.). Meanwhile, in a move that reflected the growing sense of uncertainty around the production, lead actress Kim Novak’s travel plans were put on hold.

On 11 January, Cornelius McGrath called to the Department and asked that the matter be taken up again with the UK Board of Trade (Kennan 1963). On the same day, the Irish Embassy in London was contacted by Ernest Anderson of Seven Arts, who again complained about the British unions’ “exorbitant demands”:

Apparently the unions were making them employ three times the number of people actually needed and would not allow any Irish labour at all to be employed at Ardmore (Irish Embassy 1963).

The Minister, however, again decided that intervention to be “probably inappropriate”, and did not raise the matter with the Board of Trade (Kennan 1963). Meanwhile the Ardmore Studio Group⁷⁰ tried to meet with the British unions (Irish Times 1963c), while Seven Arts threatened to move its entire slate of British productions to Hollywood (Irish Times 1963d). The (British) unions countered with the claim that they just wanted a “reasonable participation in the labour content” of the film (ibid.).

Over the following days, discussions were held in London involving the production company, the British unions, and an Irish union delegation including the ETUI (Irish Times 1963e, 1963i). These talks, the fifth occasion on which the British and Irish electrical unions had come together, seemed to have been effective, as it was announced on January 18 that production would go ahead, with 40 British technicians travelling to Ardmore, including nine electricians (Irish Times 1963f; 1963g). Four days later, however, set-building was put on hold when the ETUI Executive committee refused to ratify the proposals (Irish Times 1963g: 1; 1963m). The media framing of the issue thus shifted

⁶⁹ The cited expense payments are at odds with the amounts stated in the agreement, suggesting either a reporting error, management exaggeration, or a union request for increased expenses.

⁷⁰ The Ardmore Studio Group of Unions (Studio Group) was an ‘umbrella’ committee made up of nominees from all 12 unions representing the various grades of film worker (See Appendix B). The ETUI had withdrawn from the Group in early 1962 (Collins 1962).

from a British union-employer disagreement to one between British and Irish unions – or more specifically, as with *Running Man*, between the Irish ETU and its British counterpart:

The ETU(I) says that it can supply all the 18 electricians who would be needed for the making of the film. It holds that no electricians who are members of the British-based Electrical Trades Union should be employed in the studios without its agreement (Irish Times 1963g: 1).

As the disagreement continued, it was alleged in *The Irish Times* that the ETUI Executive's refusal to ratify its delegation's proposal was evidence of a lack of "effective leadership" in the union. The about-turn led to tension with the other film unions, who feared the loss of the production:

The usual union view seems to be that the film industry which gives permanent employment to 180 people and casual employment to many more is too valuable to be allowed to be endangered because of an intransigent demand by any one union (Irish Times 1963h).

These fears seemed well founded. In *Kine Weekly*, the ETU stated that "We will do our utmost to see that the picture is made in [Britain] or not at all" (cited Irish Times 1963i). Meanwhile, Seven Arts declared it had "no complaints about the English unions", clearly laying the blame at the door of the ETUI (ibid.)

Thus the *Bondage* dispute (and by extension the future of Ardmore and the wider film industry in Ireland), initially blamed on British union intransigence, was now attributed to the Irish ETU, which had allegedly reneged on a multilateral agreement reached in London. Aware of this not-so-subtle shift in emphasis, the Irish union pointed out that it had not signed any London agreement. Claiming no desire for friction with its British counterpart, the union once again cited historical precedent for its actions:

Since 1958, this union has supplied electricians to the studios for all films made, without any difficulty... As employment at the studios is purely casual, it was agreed with the management that a panel of electricians be set up, to be available as required, when arrangements for films to be made were completed. It is the intention to use this panel in the hope that regular employment will eventually operate (Irish Times 1963j).

A strike injunction

While the ETUI had a direct interest in disrupting Ardmore productions that ignored this precedent, it could not necessarily count on the support of the other unions, representing trades and other craft workers whose right to work on incoming films was not in any real

dispute. The ETUI did not appear to be in good standing with the other unions. It had withdrawn from the Ardmore Studio Group in 1962 and had also been expelled from the Irish Congress of Trades Unions over allegations of poaching members from other unions (Irish Times 1963l). It must nevertheless have come as a surprise to the ETUI when it was announced on January 30th that the dispute had been resolved. Production on the film would go ahead, the agreed nine Irish electricians (i.e. 50 percent of the electrical crew) supplied not by the ETUI but another union in the Studio Group, the Irish Engineering, Industrial and Electrical Trade Union (IEIETU).⁷¹ To add insult to injury, ICTU had directed its affiliated unions and trade councils to cease all cooperation with the ETUI (Irish Times 1963k).

At this point, the ETUI impediment having been removed from the production, contacts between the Department and the Studios ceased, at least until the lengthy production lull that was to follow *Bondage*. By mid-February 1963, 80 Studio Group union members were doing prep work on the film. The Irish electricians were to be joined by nine British counterparts when shooting commenced (Irish Times 1963m). The ETUI reaction was to declare a strike, on the grounds that Ardmore had reneged on an offer to hire its members. A picket was duly placed on the studio on February 25th. Ardmore's counterargument was that the union's insistence on supplying all 18 electricians had negated the original offer. The studio was granted a temporary injunction curtailing the picket, and work on the film went ahead (Irish Times 1963n).

Legal proceedings continued during, and indeed well after, the filming of *Bondage*. The ETUI continued to insist that Ardmore had broken not only its agreement to hire nine ETUI members, but also a more general agreement to employ only electricians on the seniority list (Irish Times 1963o). In March, the studio was granted a continuing injunction against the ETUI picket, effectively removing any threat to the completion of the film, and *Bondage* finished up more or less on schedule in June 1963 (Irish Independent 1963).

The following month, the injunction case recommenced in the High Court, and on 30th July, Justice Frederick Budd ruled that the ETUI was entitled to picket, as the union

⁷¹ The IEIETU would claim a few weeks later that some (25 percent) of the electricians at work on the film were ETUI members, suggesting that not all the Irish electricians had been supplied by the IEIETU (Irish Times 1963m). It is possible that some or all of these were fulltime Ardmore employees, as the studio apparently employed three full-time electricians (O'Sullivan 1962b: 4) It is unclear how much film experience the IEIETU electricians had, but presumably it would have been significantly less than the ETUI members on the seniority list.

had genuinely believed there was an agreement in place between itself and Ardmore. Justice Budd was “in no doubt whatever of the existence of the seniority list which operated from 1958 and became crystallised around December 1961, with 20 names on it” (Irish Times 1963p).

Ardmore Studios: a strategic receivership?

While *Of Human Bondage* had survived the dispute, Ardmore’s viability looked uncertain. No further films had been booked in to the facility, a situation that management blamed on the “uncertainty of the labour situation” (Department of Industry and Commerce 1963a). By the time the High Court ruled in the ETU’s favour, the studio’s 40 to 50 permanent and temporary staff, including ‘craftsmen, technicians, canteen staff and clerical workers’ had already received notice of their imminent lay-off, with “little hope of any immediate solution” (Irish Independent 1963). Thus on 7 August, Leo Crawford of ICTU sought discussions with Industry and Commerce on the future of the studios, precipitating more meetings at the Department (Crawford 1963).

At one of these, the unions affirmed that they would continue to direct members to pass the reinstated ETUI picket, although it was noted that individual union members (including some incoming British union members) might not obey this directive (Department of Industry and Commerce 1963a: 1-2). It was essential, therefore, to renegotiate with the ETUI. Before these negotiations took place, Louis Elliman claimed that if a guarantee of labour stability could be given to incoming producers, Ardmore could reopen with no shortage of incoming contracts (Department of Industry and Commerce 1963b: para. 2). He appeared pessimistic though: the studio was losing money, had acquired a reputation for labour trouble, and his instinct was “to pack it in” (ibid.: para. 6).

Several union representatives tried to address the issue of casual labour at the studios, suggesting that a guarantee of continuous employment could be used to secure the support of Union members, and “the British unions would be less likely to insist on their present crewing demand”. For example, the Studio could guarantee employment to six electricians drawn from ETUI/IEIETU (ibid.: para. 7). Unsurprisingly, Ardmore management resisted. When pressed by Studio Group Chairman and IAE President Dermot Doolan to “accept the idea in principle” so they could use it as a negotiation tool with the ETUI, Louis Elliman – despite the recent High Court ruling – claimed he would have nothing to do with ETUI if they insisted on “their ‘supposed’ rights under the

seniority agreement” (ibid: para 8). Another Ardmore director, William Sandys, then made a radical proposal:

the solution to the whole problem of the ETUI and the seniority agreement might be for the company to go into liquidation and then set up a new company which could enter into fresh agreements (ibid: para 9).

The Sandys proposal might be described as a strategic dissolution, to nullify not only the company’s existing union agreements, but also the High Court ruling that served to reinforce them. In effect, entering receivership allowed Ardmore to function as the new company that Sandys had proposed, freeing the studio from its obligations to labour by nullifying its union agreements. Seven weeks later, the proposal effectively became a reality when Ardmore’s major creditor – the Industrial Credit Corporation – called in its loans and placed the Studios in receivership, with Sandys himself appointed as receiver (Irish Times 1963e).⁷²

Ballad in Blue, the ETUI, and the Ardmore receiver

The final chapter in the ETUI’s battle with Ardmore then played out, as Sandys made new agreements with the 12 technical and crafts unions in the Studio Group, freezing out the ETUI. A few months later, as the studios hosted a Ray Charles vehicle called *Ballad in Blue*, the ETUI duly placed another picket at the Ardmore gates. Despite the previous year’s High Court ruling in favour of the ETUI, the Studio Group advised its members to “remain at work, even if this entails passing a picket” (Irish Times 1964a).

Sandys applied for yet another injunction against the picket, arguing that he – in his capacity as the receiver – was not subject to prior Ardmore union agreements (Irish Times 1964b).⁷³ This amounted to an attempt to negate the Justice Budd ruling due to the studio’s new circumstances. In the spirit of his new agreement with the Studio Group, Sandys had claimed it would be a breach to employ ETUI members, and electricians were hired once more from the IEIETU. Frozen out, the ETUI had mounted its picket. There were two issues to be determined by the court:

Did the picketers or the Union... genuinely believe, on rational grounds, that Ardmore Studios, in the existing circumstances, was

⁷² This was permissible at the time. In 1990, an amended Companies Act prevented existing or recent directors from being appointed as receivers to their own company (Companies Act 1990).

⁷³ This article contains a useful synopsis of the various developments and agreements since 1959.

bound by agreement to employ only electricians from the Seniority list; and, Whether, as a matter of law, any agreement, existing prior to the date of his appointment, in relation to the employment of labour, could be held to bind the receiver? (ibid.)

With a continuing injunction in place, the union was powerless to prevent the completion of *Ballad in Blue* with the IEIETU electricians. A final judgment was delivered several months later, when Justice Richard McLoughlin dealt the ETUI a critical blow. He ruled that the seniority list, “even if it existed as an agreement on the date of the appointment of the receiver” was not binding on Sandys (Irish Times 1964f). Thus the ETUI’s right to picket was comprehensively overturned, and it appears that the union did not engage in any further disputes with Ardmore Studios, in any of its successive states of ownership.⁷⁴

Indeed the ETUI’s influence on filmmaking in Ireland appears to have gone into decline following the events described above. The union continued to represent electricians in RTÉ, where it was involved in a number of high-profile disputes over the following decades (e.g. Irish Times 1976, 1986). In the film industry, however, its rival union IEIETU held on to its dominant position representing electrical workers. Having amalgamated with the National Engineering Union in 1966 to form the National Engineering and Electrical Trade Union (NEETU) (Smethurst and Carter 2009: 215), the union was involved in a skirmish during which it picketed the Dunquin set of *Ryan’s Daughter* (Irish Times 1969). Eventually, the ETUI merged with NEETU in 2001 to form the Technical, Electrical, & Engineering Union (TEEU) (Smethurst and Carter 2009: 214, 215).⁷⁵ In its current incarnation, the union continues to represent electrical workers in both the film and television industries.

Summary and conclusion

Writing a few years after these events, Irish filmmaker Louis Marcus claimed that the electrical dispute clearly demonstrated “the irrelevance of Ardmore Studios” to the development of indigenous filmmaking. The studio, which had “failed to intervene on the electricians behalf, and eventually acted against them”, had revealed its alignment with the interests of its UK client producers (Marcus 1967). That no Irish “cameramen, sound recordists, or other Irish film technicians” had been available to add weight to the

⁷⁴ Appendix C contains a list of Ardmore’s various owners and receivers up to the present.

⁷⁵ The TEEU website gives the date of this merger as 1992 (TEEU 2013)

electricians' protest served to underline the extent to which Ardmore was merely an extension of the British industry, making Eady-subsidised films with British labour.

While the above account does not contradict the general thrust of this "Ardmore irrelevance" thesis, it adds an additional layer of nuance to the argument, by foregrounding the levels of interaction between labour, management, and especially the Department of Industry and Commerce. This State involvement was only hinted at in the contemporary media coverage, in occasional veiled references to pressure from "high quarters" to resolve the dispute (e.g. Irish Times 1963i). The additional layer allows us to move away from an essentially bureaucratic analysis of the dispute, in which the production process, and access to film work at Ardmore, is seen to be conditioned by structural market forces. In this view, Ardmore Studios accedes to the needs of British client producers (especially in relation to their agreements with British unions) in order to survive as a production facility serving the international market. Alternatively, we might now view the incident in terms of the political and economic power relations at play, with Ardmore film workers at the centre of an interplay of forces involving labour, mobile international film capital and the Irish and British States. From this perspective, we might make some observations.

Firstly, these events foreshadow Ireland's current position as an established "runaway" production hub within the commodity cultural production system facilitated by an international division of cultural labour (NICL). As discussed in Chapter One, Miller et al. theorised this system as a constituent element of late-stage, globalised capitalism, with the State employed to undermine the advances made by organised labour in the post-war period (Miller et al.: 121-2). It is notable that the period of our analysis – the early 1960s – predates by some two decades the technological developments, geopolitical change, and neoliberal market deregulation often associated with the globalisation process – just as IAE's cooperative relationship with SAG, so fruitful in boosting the Irish union's organising effectiveness during the filming of *The Quiet Man*, long predates the ICT developments that make such "labour internationalism" commonplace today (Mosco 2011: 363). In Miller's NICL thesis, a number of factors contribute to a location's attractiveness to mobile Hollywood capital. Given the labour intensity of the film production process, the availability of cost-effective, flexible labour is arguably the most important of these. The account above suggests that some Irish labour was not yet sufficiently flexible for the optimal capture of mobile production. However State cooperation with mobile capital, a prerequisite feature of globalisation for Chanan (1967: 54), among others, might be employed to remove that obstacle to capital flow.

The crucial involvement of the Irish State in the electrical dispute – although ostensibly informal, neutral, and devoid of any statutory basis for actual intervention – is evidence of such a cooperation. A striking feature of the account presented here is the evidence that Ardmore’s 1963 receivership was strategic, to release the Studio from its existing labour agreements. Although the appointment of an existing company director (Sandys) as receiver was permissible at the time under the letter of company law, its inappropriateness to the spirit of the law is evident in the eventual amendment of the Companies Act (1990) to prevent such a practice. The receivership was effected by a semi-State body, the Industrial Credit Corporation, further supporting the argument that it was plausibly orchestrated by the State. If so, “State power” has clearly been applied to “crush organised labour” (Harvey 2010: 14), or at least one section of organised labour seen to stand in the way of Ireland’s prototypical embrace of foreign direct investment, and the prospects presented by globalised capitalism for native business interests. The incidents illustrate the Irish State’s anxiety to embrace the opportunities – if not yet the longer term employment prospects for native workers – that might result from an outward-looking economy.

Third, claims for the exclusion of Irish electricians – the one category of native film technician to gain a modest foothold at Ardmore – have been somewhat overstated. On the sets of *Human Bondage* and *Ballad in Blue*, the proposed Irish electricians were replaced not by British electricians (as implied in the literature) but by members of another Irish electricians union. To the older story of excluded Irish film technicians, then, is added a labourist subplot of fragile solidarity. The ETUI’s weak relations with other unions are evident from the Studio Group’s willingness to facilitate Ardmore management and the British ETU, supplying electricians from its own ranks and passing the inevitable ETUI picket. It is also clear that Irish labour solidarity was severely undermined by the much more powerful British unions, united in their own struggle to resist mobile capital and retain a share of employment on runaway British production. The considerable labour unrest engendered by the entry of Ardmore Studios and Irish labour into the UK production nexus was ultimately absorbed and neutralised through the prioritisation of “status group” interests within the Studio Group – a “class in itself”, perhaps, in contrast to the more militant ETUI’s “class for itself” (see Chapter Two). Ultimately, the IEIETU and the rest of the Studio Group, through their marginalisation of the ETUI, acted as a labour aristocracy of sorts in order to preserve the status quo that had produced a presumably acceptable amount of film employment for their members. A more long-term political

strategy, of the sort that might create an Irish film industry based mainly on the employment of native workers, would have to wait.

The lessons learned during these early industrial skirmishes would contribute to the later, more formal orientation of Irish film and television production policy towards the capture of foreign investment motivated by financial incentives and a global division of labour, cultural or otherwise. In the meantime, however, overseas productions continued to arrive. The ITGWU estimated that feature film and advertising production at Ardmore studios provided over two million pounds in wages and other expenditures in 1967, and more than £12 million the following year (ITGWU 1968: 78, 1969: 82).

Much of these wages, however, still went to British workers and would not be spent in the Irish economy. Throughout the 1960s, Irish unions would press ahead with their attempts to maximise Irish employment at Ardmore. The studios had been bought out of receivership in 1966 by a UK consortium, Film Studios of Ireland Ltd, one of whose shareholders, Judah Binstock, took control of the studios later that year through his casino company New Brighton Towers, installing Lee Davies as managing director in 1967 (see Appendix C.). A “comprehensive agreement” to govern “all film production in Ireland” was signed by Ardmore management and the various film unions, now styled the Irish Film Production Group of Unions (IFPGU)⁷⁶ in 1967 (ITGWU 1968: 78; ITGWU 1969: 81). It appears, however, that the crewing provisions of this agreement related mainly to craft and general grades rather than technician and creative grades (Loughrey 1970). Even at this level, incoming productions would continue to skirt the rules, necessitating talks between Irish and British unions in 1968, during which the British unions undertook to advise British producers of their obligations under the new agreement (ITGWU 1969: 82).

The difficulties faced by Irish film technicians in securing employment on Irish-based productions continued to be a problem. The issue would be decisively addressed by film workers, through leveraging their position within Ireland’s largest trade union, the ITGWU, in the following decade. That victory is the main subject of Chapter Four.

⁷⁶ The IFPGU umbrella group was similar to the earlier Studio Group of Unions. The new monicker perhaps reflects labour’s desire that film production agreements would apply to on-location production as well as studio production, as the latter declined in importance with the advent of lighter, more mobile production equipment.

Chapter Four

The 1970s: securing an industry

It's as well to record one bright, and largely unrecorded, aspect of film making in Ireland. Due to pressure, largely from the film makers' union, the majority of television commercials for Irish firms are now made in Ireland by Irish technicians... The implications of this for a native film industry – that ever-receding mirage – are considerable. If and when we ever do get the Government action which has been promised for so long, there is now a permanent body of film makers of all kinds in this country in more or less permanent employment, and a chance for others to learn the various crafts involved (Linehan 1974).

The 1970s brought some relief from the record strike levels of the previous decade, which had culminated in 1969 with a six-week maintenance workers strike involving some 3,000 crafts workers from throughout Irish industry (O'Connor 2011: 224; McCarthy 1973: 150ff). This bitter dispute ended the pay round system and the very high wage settlements its "free for all" nature tended to precipitate (Hardiman 1994: 150).⁷⁷ Instead, a new National Wage Agreement system was instituted in 1970. Bargaining was centralised at national level, setting a precedent for the social partnership that began to emerge in the following decade (see Chapter Two). Ireland's entry into the European Economic Community (EEC) in 1973 encouraged and facilitated inward investment, but it also opened the domestic economy to international competition, with implications for film and TV production, notably at first in the advertising sector, discussed below.

In the wider film industry, the 1970s would prove as turbulent for Ardmore Studios as the 1960s. After six months in receivership, the complex was acquired in January 1972 by an investor consortium, and incorporated as Ardmore Studios International (ASI). Once again, the ITGWU reported "an air of optimism about the future" (ITGWU 1972: 60). Such optimism was no doubt reinforced by the installation of John Huston, Bing Crosby and Robert Altman to the Ardmore board, and the promise of a substantial slate of future projects including 26 US television films for the ABC network (Keatinge 1973). The optimism was short-lived, however. The television films, along with

⁷⁷ The maintenance strike had been resolved with a 20 percent pay rise, with knock on effects in other sectors (O'Connor 2011: 224).

a further list of theatrical features, failed to materialise. Soon afterwards, a boardroom dispute left the studios without any working capital, heralding yet another period of receivership – its third – in November 1972 (see Appendix C).

Against this background, a smattering of feature film production continued, as did the tradition, so contentious in the previous decade, of importing cast and crew from overseas. The Irish Film Production Group of Unions (IFPGU), as the former Studio Group was now known, tried but failed to have an Irish assistant editor, Michael Kelliher, employed on a US production of *Philadelphia Here I Come* at Ardmore. Ardmore management objected to what it saw as a union attempt to “dictate the crewing of a feature picture without having available a list of personnel from which the producer might select” (Loughrey 1970). While this suggested that the operation of a list system for creative grades was now at least a possibility, Ardmore made the now familiar claim that the studios would be forced to close if the IFPGU went ahead with a mooted industrial dispute over the issue (ibid.). The unions appear to have backed down in this instance, but they continued to press the case for the employment of native film workers. Director John Huston, notwithstanding the support of native talent implicit in his chairing of the 1968 Film Industry Committee, fell foul of the ITGWU while filming his thriller *The Mackintosh Man* in Connemara in 1972. The union claimed that “sweet talk and gentle persuasion” had to be adopted to encourage the production company to hire more Irish workers (ITGWU 1973: 107). Further union action was required when an Italian company, Oceania Productions, shot scenes for a gangster film called *Mother Mafia’s Loving Fold*, in which the Dublin docklands doubled for 1920s New York. According to the union, it was forced to “make this company an offer it could not refuse” to ensure that “trade union standards” prevailed in relation to pay and work conditions (ibid.).⁷⁸

Despite the necessity for these interventions, the union, while it continued to lobby for an indigenous industry, generally welcomed these films for the employment and skills transfer opportunities they provided. As in the 1960s, however, even the partial shooting of such films in Ireland was often resisted by UK unions. One such film, Stanley Kubrick’s *Barry Lyndon*, ended its Irish shoot abruptly in early 1974 following an alleged threat to Kubrick from the IRA (Desilet 2005; Warner Bros. 1975; Newstalk 2013). While there was speculation that the threat was a response to Kubrick’s staging of a location scene featuring British redcoats, Kubrick himself appears to have linked the threat to his

⁷⁸ This film, which eventually surfaced as *Tutti Figli di Mammasantissima* (1974), pulled out of Ireland early, claiming “harassment” (McGuigan 1998).

previous film, *A Clockwork Orange*, which he withdrew from UK distribution shortly after leaving Ireland (Desilet 2005). Kubrick may well have been assisted in his dismissal of the IRA theory by the ITGWU:

The perception was that one of these organizations in the north of Ireland [had] made the phone call. The Branch Secretary at the time, Michael McEvoy, had contacts with fellas in the SDLP in the north. He asked Paddy Devlin could he find out was there any strange things happening up there in relation to [Kubrick]. So the Provisional IRA, the Official IRA, representatives of those organizations came in an hour apart into the union office to affirm that they weren't involved in any phone calls... And he got them to sign a testament and he sent it to Stanley Kubrick, and he said it wasn't the IRA who threatened to kidnap one of the actors.⁷⁹

The ITGWU officials themselves had an alternative theory. They believed the threat was engineered as part of a general “perception put out by English unions to stop productions coming over here”, exploiting the Northern Ireland situation as well as feeding “the perception that Ardmore studios was strike-ridden”. Any association of Ardmore with strikes certainly seems unfair, as there is no evidence of any industrial action at the studios since the 1964 ETU picket (see Chapter Three). However the effect of the Troubles on filmmaking in Ireland became harder to deny when, a few years after the Dublin bombings of 1972 and 1973, the British ambassador was killed by an IRA bomb in Dublin in 1976. The incident led directly to the cancellation of any Irish involvement in the high-profile production of *Equus*, the film version of Peter Shaffer’s hit play which was due to film at Ardmore (Smith 2007: 152-3). A year earlier, another production, *The New Spartans*, had been lost to Ardmore Studios when the British producer Rene Dupont received a letter purporting to be from a paramilitary group warning the production company to “Keep out of Ireland” for their own safety (Irish Times 1975). Film workers would later attempt to address the perceived adverse effects of the Northern Ireland Troubles with a suggestion for State insurance, modelled on an Israeli scheme, to compensate for “politically motivated malicious damage”, as part of the lobby for an Irish Film Board (IFTG 1977a: 2).

For the time being, however, the ITGWU was concerned in the early 1970s with the organization of freelance film workers, a task it considered central to solving the employment problems at Ardmore Studios – for all its faults still the centre of film and commercial production activity in Ireland (ITGWU 1973: 107; 1974: 87). The union would

⁷⁹ Personal interview with retired union official Pat Keenan, 25/11/2014.

be assisted in this undertaking by “a band of resolute technicians committed to the making of TV commercials”, who had come together independently of the union to form the Irish Film Workers Association.

The remainder of this chapter will focus on these attempts to secure the employment of Irish film workers on films and other screen media, particularly advertising, produced in Ireland. I begin with an account of the Irish Film Workers Association (IFWA) and its intimate connection with the ITGWU, through which the employment of Irish film workers in Irish television advertising was successfully achieved. In the second section, I trace the early fortunes of the Film Producers Association (FPA), a direct predecessor of Screen Producers Ireland, in its own struggle to be recognised as the legitimate representative of film employers. The third section describes the to-and-fro between FPA and the ITGWU Film Section as they attempted to negotiate new labour agreements for the growing native industry. There then follows an account of film worker involvement in the lobby for a State supported feature industry, culminating in the 1980 Film Board Act. I conclude by discussing the alignment of Irish production practices with those of the US television drama production industry, a development important for Irish participation in the US TV production market, facilitated by adapting local labour practices to the needs of mobile production capital.

It should be noted that my account of union activity in this chapter and indeed throughout the study is heavily oriented towards ITGWU (SIPTU from 1990) and Irish Actors' Equity (IAE), which amalgamated with ITGWU in 1980. These unions represent actors, directors, film technicians, costumes and makeup, and other occupations specific to the film industry. For purposes of concision, there is no substantial consideration of crafts and construction labour in this study, except where it has directly impacted, as on *Human Bondage* and other 1960s films, on ITGWU/IAE.

4.1 The Irish Film Workers Association and the ITGWU Dublin No. 7 Branch

Despite the setback represented by Ardmore's receivership, 1972 would prove an important year for Irish film workers. With the studios yet again in limbo and the loss of millions of pounds worth of promised film employment, Irish film workers began to take meaningful steps towards securing a more stable film industry. One such step was the formation of the Irish Film Workers Association (IFWA), following a meeting of concerned producers, directors, technicians and other concerned parties at the Victor Hotel, Dun Laoghaire. IFWA would focus on representing the interests of film workers, including

producers and directors, with the aim of restructuring the industry, through activism, for the benefit of Irish filmmakers and film workers. While its membership included many trade union members, the Association itself would “not be a Union” (Dollard 1972).

IFWA encouraged the participation of all Irish-based professional film and television grades, both above and below the line. It thus represented producers, directors, heads of department and production managers, as well as camera and sound technicians, props, hair and makeup, continuity, etc. (IFTG 1976).⁸⁰ Rather than focus on the Ardmore-centred feature film production industry, the Association instead set its sights on the advertising industry, taking its cue from Irish Actors’ Equity’s ‘localisation’ strategy during the previous decade at Telefís Éireann. That strategy, a considerable achievement for IAE secretary Dermot Doolan, had been achieved partly as a result of IAE’s affiliation with the International Federation of Actors (FIA). Through FIA channels, at Doolan’s request, British Actors’ Equity had agreed that it would not permit the rebroadcast of TV commercial performances on Irish television unless redubbed with Irish voices. Irish advertising agencies thus had no choice but to engage IAE members for this work, a significant achievement for the Irish union.

[Prior to this] it was unheard of that you would have dubbing except in a foreign language... We brought in an agreement [that] English voices be taken off the air and Irish voices replace them. It was quite unique. The Canadians couldn’t do it for the American commercials shown in Canada (Devine 1997: 24).

The success of this localisation strategy was thus another example of the benefits of labour internationalism (Mosco 2011: 363), echoing IAE’s leverage of its globalised relations with SAG to put pressure on the producers of *The Quiet Man* to recognize IAE and honour its jurisdiction (see Chapter Three). IAE’s pursuit of a localisation agreement recognised the obvious value of the advertising industry for advancing film worker interests. In seeking to emulate the actors’ union in establishing a firm foothold in advertising production, IFWA would first have to persuade Irish advertising agencies to end the practice of looking abroad for creative and technical expertise. If IFWA could achieve this, the sector, with its annual production spend of over half a million pounds, could be the “bread and butter” of the film industry in Ireland (Skinner 1975).

Only a handful of this amount was actually spent in Ireland – most of this money would find its way to London production companies –

⁸⁰ The IFWA changed its name to Irish Film and Television Guild in 1976 (see below).

London crew would fly in [for] the one day's shoot and then fly out again whilst most of our own technicians would find themselves frustratingly looking on (Skinner 1975a).

Sometimes, indeed, the creative talent would not need to be imported as the advert would be made entirely abroad. Clearly, the already extant international division of labour in advertising production was not working in favour of Irish film workers, a situation they were determined to remedy. The apparent hypocrisy of one particular campaign had been singled out by Irish Actors' Equity in their 1964 Annual Report.

The executive committee is very concerned about the number of Irish firms, who, although paying lip service to the "Buy Irish" campaign, go to London to have their TV filmed commercials made. Here we have the ironic spectacle of an Irish firm telling the Irish public to BUY Irish with a BRITISH made commercial! (IAE 1965: 8).

The renewed focus on the advertising industry was part of a recurring phenomenon. The John Huston-chaired Film Industry Committee, reporting in 1968, had also noted the employment potential inherent in Irish advertising production, less than half of which was being produced domestically.⁸¹ The Committee called for legislative measures, including amendments to the Broadcasting Authority Act, to encourage Irish-made commercials (Film Industry Committee 1968: 33-36, 44). While these proposals were discussed at cabinet level, once the ensuing Film Industry Bill (1970) was published it was opposed by the advertising industry on the grounds that changing the Act to discriminate against non-Irish commercials contravened the Treaty of Rome (Hickey 1984: 16). At any rate, the Bill had been shelved in the wake of a cabinet reshuffle following the 1970 arms crisis (Rockett 1988: 115).

The Huston committee had included several individuals who would later refocus their lobbying efforts around the activities of IFWA and the ITGWU. These included the filmmaker and eventual ITGWU Film Section chairman Tom Hayes, filmmaker Louis Marcus, and Dublin No. 7 Branch secretary Michael McEvoy (ibid.: 114; Irish Times 2008). Interest in the advertising industry's potential for film employment thus continued into the 1970s, rather than dying with the Film Bill. The IFWA began to agitate for Irish employment, keeping a close eye on the production activities of the Dublin advertising agencies. Aware of the Huston Report's failure on the legislative front, IFWA sought a new way to discourage the offshoring of advertising production. It approached the ITGWU,

⁸¹ The Committee estimated the industry to be worth £300,000 per annum in 1968 (Film Industry Committee 1968: 33). (The Committee's report is often referred to as the Huston Report.)

whose ranks included the RTÉ technicians who handled these commercials prior to broadcast, for help. The union, with its history of representing domestic feature film technicians, was more than willing to lend its assistance. On one production, an ad for Allied Irish Bank about to be shot by the Arks agency with a British crew, a joint IFWA-ITGWU complaint led to national newspaper coverage and an immediate commitment from the agency to re-crew the production with Irish technicians (Irish Times 1974; 1974a). The success of this kind of joint action was undoubtedly a factor in the creation of the Film Section of the Dublin No. 7 Branch shortly thereafter.⁸²

[Following discussions] Senator Michael Mullen [of] the ITGWU offered us our own film section within that Union to be run by a Committee on almost an autonomous basis (Skinner 1975a).

IFWA members took up Mullen's offer, joining No. 7 Branch *en masse* to establish the Film Section on 18th February 1974. They elected a 10-member committee of prominent IFWA members, chaired by production manager Tom Hayes. Also elected were director Tiernan MacBride and cinematographer Vincent Corcoran (Delany 1974). The Film Section's creation immediately gave leverage to film workers in relation to commercial production, as the same Dublin No. 7 Branch, through its Vision Section, organised Radio Telefís Éireann employees, including technicians well placed to obstruct the broadcast of certain commercials, as subsequently happened with at least one advertisement during this era (see below).

The big threat was, don't play ball and we'll pull the switch, because we have the power in RTÉ to do so. ... The likes of Tiernan MacBride and those guys set this up ... And [the ITGWU] enforced it.⁸³

The week before the Film Section was formally created, the union had already written to the advertising agency member organization, the Institute of Advertising Practitioners in Ireland (IAPI) proposing an agreement to cover wage rates, terms and conditions of employment, and other practices in relation to filmed commercials for the Irish TV and cinema market. Among other things, the union sought to ensure "Irish-made" commercials for the Irish market, with the use of exclusively Irish labour, even if filming overseas. Perhaps aware of the implications of EEC membership and the Treaty of Rome, the Film Section's definition of "Irish made" appears to have covered Irish labour only,

⁸² The Dublin No. 7 Branch had been organising Ardmore Studios film technicians since the late 1950s, and was part of the Ardmore Studio Group of Unions (see Chapter Five).

⁸³ Personal interview with producer and former Film Section committee member (ANON), 11/12/2014.

with no specifications about the nationality of the production company. The union did, however, propose that international commercials currently screened on RTÉ be remade for the Irish market.⁸⁴ As all crew were to be ITGWU members, the union undertook to ensure “standards of professional competence” and the maintenance of a “register of qualified personnel” from which producers would be required to draw when forming production crews (Browne 1974).

A couple of months later on 3rd April 1974, the union wrote again to IAPI with more detailed proposals, including specified minimum crew sizes, and a requirement for post-production to be carried out in Ireland by Film Section members. May 1st, 1974, was suggested as the deadline for reaching agreement (McEvoy 1974). The symbolism of this deadline, coinciding with International Workers Day, underlines the confidence with which the newly created Film Section wielded its power, secure in its solidarity with the Vision Section at RTÉ. A detailed schedule of minimum daily pay rates for the various Film Section grades was drawn up, with rates varying from £8 (Clapper/Loader) to £75 (Director), the same document also noting the (usually higher) “approximate current rates” for each grade (ITGWU n.d.).⁸⁵ Compared to the wider economy, these rates compared very favourably with the average industrial wage of £1,800 per annum, or £35 per week (Browner 1974; see also Appendix L) – suggesting that the industry’s wage premium over Irish industry in general, as reflected in the £50 per week offered by Louis Elliman to certain Ardmore workers in 1958, remained substantial.

When the May 1st deadline passed with no sign of any meaningful engagement from IAPI, the union wrote directly to IAPI member agencies, with the news that Film Section members had unanimously adopted the following resolution:

As and from next Monday, 3rd June, 1974, no members of the Film Section of Branch No. 7 of the ITGWU will work on any part of the production of any commercial which does not conform to the ITGWU proposals as outlined in the letter to IAPI of 3rd April, 1974 (McEvoy 1974a).

With no response forthcoming from IAPI, the Film Section’s April 3 proposals were reiterated. The union expressed regret at having to take this “unilateral action”, restating its willingness to negotiate a bilateral agreement with IAPI (ibid.). With the benefit of

⁸⁴ A ban on the broadcast of international commercials had been successfully enforced in Australia (ITGWU 1975a).

⁸⁵ Although undated, the location of this document suggests it dates from 1974. It appears to be based on 1974 ACTT rates (ACTT 1974).

hindsight, it is easy to posit the existence of inevitable tensions in the IFWA's pragmatic alliance of film producers and film workers, whose common interest in developing and accessing the advertising market was perhaps tempered by their diverging interests as producer-employers on the one hand and technician-employees on the other. Barely a week after the June 3rd ultimatum, these tensions came to a head, resulting in an organizational split.

4.2 The Film Producers Association

Following the Film Section's notice to IAPI of its intention to enforce the terms of its April 1974 proposals, the producer and director John Devis wrote to a number of colleagues, with a view to forming a producer organization. Although a member of both the IFWA and the Film Section (as director),⁸⁶ it is clear that Devis felt his greater interests lay in his kinship with fellow producers:

In view of the recent developments in the Film Business in Ireland, it is generally felt that there is now a need for one organization to represent all the Production Companies in the country. It is obviously most important to have a united voice from the Production Companies when it comes to negotiations with IAPI and ITGWU, as these will set precedents for many years to come which will affect us directly (Devis 1974).

Devis's letter met with substantial interest from his colleagues, and the Irish Film Producers Association (FPA) was duly formed at a meeting in the Lansdowne Hotel on June 12th, 1974 (Devlin 1974). 21 individuals attended, with apologies from a further five. Proceedings consisted mainly of a discussion of the Film Section's proposals to IAPI, the producers expressing concerns about several aspects thereof. Perhaps unsurprisingly, there was resistance to the Film Section's crewing proposals, specifically in relation to the grades of make-up artist, sound technician, assistant director and production manager. Producers seemed especially resistant to ceding control in relation to the hiring of the 'creative' grades: Director, Lighting Camera (LC) and Editor. There was broad agreement with the Film Section that any Irish labour agreement should apply also to overseas companies filming in Ireland. It was suggested that the FPA might initiate negotiations to this end with the UK union ACTT. The FPA decided to seek an urgent meeting with the Film Section to discuss these and other concerns (FPA 1974).

⁸⁶ ITGWU 1975.

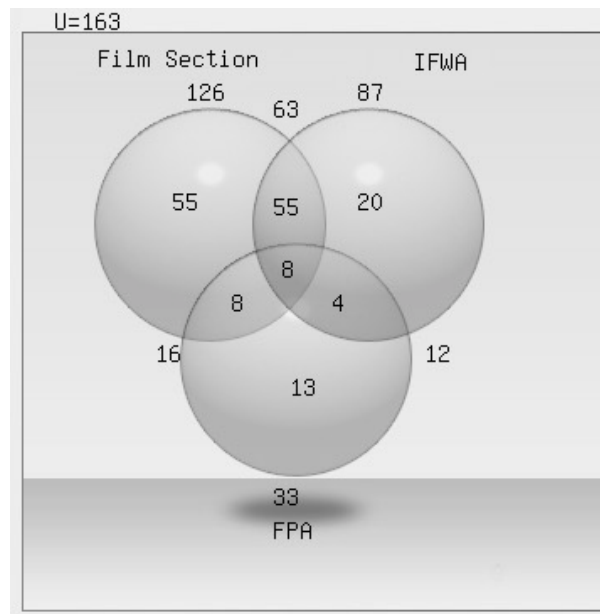


Figure 4 – FPA, IFWA, Film Section membership overlap, c.1976⁸⁷

A review of IFWA, FPA and Film Section records reveals a striking overlap of members, and presumably their interests (Fig. 4). Approximately 90 individuals were members of the IFWA in the years 1972-1976. Three quarters of these were also Film Section members. Twelve IFWA members were also members of the FPA. Strikingly, at least eight individuals were members of all three organizations during this period. Surprisingly, the FPA's first chairman, the noted cinematographer Robert Monks, does not appear to have ever worked as a producer. Monks (along with some other notable Irish film pioneers such as the fellow cinematographer George Fleischmann) chose not to join the IFWA, perhaps suggesting a certain aloofness among some more experienced film workers and a resistance to opening up work opportunities to their less experienced colleagues – a sentiment suggested in stark terms by Fleischmann in correspondence with the FPA:

Something has to be done over here unless we all will be out of work. While I agree that Irish Technicians should have protection, I think the matter has now gone complete crazy (sic) and everybody has jumped onto the bandwaggon (sic). ... [I] will not be forced to employ a whole gang of know-nothings. You can be assured of my cooperation (Fleischmann 1974).

The membership overlap perhaps reflects a blurring of the differences between professional roles in a small industry. It might also be seen to result from a pragmatic

⁸⁷ Extrapolated from IFTG 1975; Devlin 1974; IFTG 1976.

producer response to the Film Section's growing influence. The small size of the production industry meant that quite a few film workers wore several hats: FPA membership included a number of producers who were on the Film Section register in director, production manager, and lighting camera grades (there was, and has never been, a producer grade). As bona fide union members, it was in the interests of these FPA members to wield as much influence within the Film Section as possible, especially in relation to pressurising advertising production companies and IAPI, to enforce the expansion of the indigenous commercial production industry. Thus producer interests were at least temporarily aligned with those of film workers in the joint quest to secure the advertising production industry for Irish companies and crews. In time, however, as the industry grew and more technicians and crafts workers joined the Film Section, union activism moved beyond the right to work and towards the improvement of general employment conditions. There would be an inevitable conflict of interest for some Film Section members, who might find themselves eligible to negotiate on both sides of the table.

... most of the [union members] initially were production managers or directors or editors. But when it started going to makeup artists, hairdressers, and it grew, the... union then started putting down minimum requirements in relation to engagements, and started arguing the toss with production companies at pre-production meetings... And then the Film Producers Association came into being [because] they now had someone on the other side of the table who was arguing the toss on behalf of the technicians. And on occasions it was the same people!⁸⁸

Having helped establish the Film Section, IFWA soon turned its lobbying interests towards a wider film industry. An agenda item at its October 1974 General Meeting illustrates the continuing IFWA involvement with the advertising production question and indeed the tensions inherent in the overlapping interests of certain individuals with loyalties to both the employer and employee organizations. The meeting discussed some recent commercial "mis-crewing" incidents, specifically affecting the editing, wardrobe, continuity and art department grades, which had occurred despite the presence on the set of at least two Film Section members. According to the minutes of the meeting,

the IFWA also notes that the Production Manager on the majority of the productions complained of, who should be the individual most concerned with ensuring that union crewing regulations are complied

⁸⁸ Personal interview with retired union official Pat Keenan, 25/11/2014.

with, is a member of the ITGWU Film Section committee (IFWA 1974: 3)

IFWA members “who are also members of the ITGWU” were reminded that it was in their power to demand the resignation of Film Section committee members who turn a blind eye to union regulations. A proposal to write a letter of complaint to the Film Section committee was passed unanimously (ibid.: 4). The Film Section responded with a general circular to members, clarifying the prevailing rules in relation to the “continuity girl” grade, as well as the employment of trainees and “non Film Section members” (ITGWU 1974).

One of the major aims of the FPA from the beginning was to establish itself as the legitimate representative of producer interests. Key to this was the union’s recognition of the FPA (rather than IAPI) as the employer-side negotiating body. The FPA put this proposition to the Film Section at meetings in July 1974 at Liberty Hall, along with a series of proposals on pay rates and crewing levels (FPA 1974a). Although they listened to the proposals, the Film Section was not prepared to recognise the FPA without the approval of IAPI. ITGWU Group Secretary Edmund Browne suggested a tripartite agreement between IAPI, FPA and the Film Section as a solution. The FPA subsequently wrote to IAPI in an attempt to formally establish this three-way relationship, but IAPI was reluctant to delegate, preferring initially to deal directly with the Film Section (FPA n.d.).

These negotiations continued towards the end of 1974, with ongoing tension over the appointment of the ‘creative grades’ (director, lighting camera, editor). IAPI wanted total control over these appointments, and objected to being limited to the union register. IAPI proposed a 12-month trial period during which it would have such control, but the Film Section resisted. The FPA supported IAPI on this point, writing to the Film Section in October to point out that most creatives on the register were associated with particular production companies and agencies. In any case, as they were “the main creative personnel on a commercial”, the union should not have a say in their employment (FPA 1974b). In its attempt to exempt these creative grades from the restrictions of the union register, the FPA appealed to the union to accept its *bona fide* intentions, as a matter of creative principle rather than one of employment policy:

If it is accepted that the FPA is made up of responsible Production Companies who are anxious to employ Irish technicians as a policy, then, clearly they will only bring in non-members of ITGWU when forced to do so, either due to the non-availability of suitable technicians or because of *special requirements outside the experience of*

technicians on the register. As a general principal, no Production Company should be compelled to employ anyone from the register who has any affiliation with another Production Company (FPA 1974b: 1, emphasis added).

The FPA's reservations about the primacy of the union register echoes some aspects of the Ardmore difficulties of the previous decade, when incoming producers objected to the rigidity of the ETU's list system (see Chapter Three). Producers were also concerned about the Film Section's proposed crewing levels, suggesting a minimum crew of six rather than the union's proposed eight.⁸⁹ It also tried to specify an even smaller mini-crew for *pack shots* and *inserts* (i.e. new footage for editing into an ad previously shot with full crew). The FPA was also concerned to ensure the professional competence of individuals on the register. It wanted the union to ensure that members were suitably qualified, with production companies having the right to refuse employment to someone it considered incompetent. In general, the FPA sought to "avoid creating restrictive production structures" that might "reduce the volume of production to the detriment of everyone working in the industry" (ibid.: 1-2), further reflecting a preference for flexible, networked production organisation.

The ACTT Talks

While these various discussions were taking place, a separate but related issue was troubling the UK film technicians union, ACTT. This union was opposing the broadcast on Ulster Television (UTV, part of the ITV network) of ads originally produced in Ireland for transmission on RTÉ, leading to some difficulties for IAPI clients. While ACTT did not enforce a complete ban on 'foreign' commercials, as was the case in Australia, its refusal to treat these 'RTÉ' ads on the same basis as other international ads airing on ITV was presumably out of a suspicion that Irish Agencies might abuse such a concession.⁹⁰ The concern was that production in the Republic of ads mainly destined for UTV would offer producers a back door method of bypassing UK labour agreements negotiated by ACTT.

Arguably, the impasse created an opportunity for the Irish union to increase its influence within Irish screen labour relations, providing it could help resolve this problem. To this end, ACTT and ITGWU representatives met on three occasions over the winter of

⁸⁹ FPA minimum crew: Director, Production Manager/Assistant Director, Lighting Camera, Camera Operator, Focus Puller, Clapper/Loader. The union had proposed Props and Editor, as well a trainee.

⁹⁰ For example by booking limited RTÉ airtime to classify an ad as "international" in ITV terms before transferring it to UTV, its real intended destination.

1974-5. The discussions produced proposals for an ACTT-ITGWU agreement covering “areas of mutual interest” (Wiles 1974). The Film Section would not cooperate with ITV-only commercials produced in the Republic. In return, ACTT would support Film Section efforts to restrict the reuse of ITV ads on RTÉ. Furthermore, the two unions agreed rules whereby some ads made for RTÉ transmission would be allowed to air sparingly on UTV (ITGWU 1975a: 3; Wiles 1974: 57).

This was an important agreement, protecting both jurisdictions from potential employment loss from runaway advertising production. It also marked a notable softening of relations between Irish and British film unions, following the acrimonious exchanges of the previous decade (see Chapter Three). In addition to these RTÉ-ITV arrangements, the two unions began to discuss cooperation, on a picture-by-picture basis, on a number of fronts, including the training of Irish technicians on ACTT productions in Ireland; the sharing of information on “companies guilty of bad practices”; and exchange of technical information. It was generally agreed by both sides that these ongoing discussions constituted a “breakthrough in international Union relationships” that would result in a significant reduction of conflict (Wiles 1974: 58).

Thus the advertising sector, with its potential for providing more continuous employment for film workers, provided an opportunity for international cooperation that might extend into the film and television production sector. Once again, international union cooperation could translate into benefits for both unions in shifting some of the balance of power in the employment relation to the union side. When the Film Section and IAPI met again in November 1974, the union found itself in an improved position due to the success of these discussions. According to Film Section chairman Tom Hayes, the ACTT-ITGWU agreement was a factor in IAPI’s softening of its stance in relation to the key creative grades. Arrangements were made to discuss a formal labour agreement between the two organizations (ITGWU 1975a: 2).

4.3 The IAE-IAPI Agreement (1974) and its aftermath

In October 1974 there had been an important development. IAPI signed an agreement with IAE guaranteeing Equity members first preference for casting in IAPI commercials. Also, in a renewal of an agreement first made in 1961, imported TV commercials would continue to be redubbed with Irish voices (IAE-IAPI 1974; Irish Times 1961). This agreement, effectively giving Equity a closed shop arrangement, appears to have

galvanised the FPA in its own quest to be recognised as the official employer-side representative:

We would also like to have recognition from IAPI in an agreement similar to the one they have recently made with Equity, e.g. commercials will only be made by FPA members, except in exceptional circumstances (FPA 1974c).

Thus FPA producers, perhaps aware of the ambiguous nature of the term “Irish made” in the union’s April 1974 proposals,⁹¹ sought its own version of a closed shop for the production of commercials, to match the success of their Film Section colleagues. This underlines the unusual symbiosis emerging between labour and management in the nascent domestic film production industry. Producers stood to benefit as much as, if not more than, film workers from the Film Section’s attempts to secure the advertising industry for Irish workers, but only if they could ensure those workers were employed by Irish companies. Thus the formation of the Film Section, with its ability to leverage the ITGWU’s clout in RTÉ, had a potentially very positive outcome for Irish advertising producers.

The FPA’s quest for recognition by the union and by IAPI would prove elusive, however. Although IAPI initially agreed that any labour agreement should be made between the workers and their employers (i.e. the FPA), they seemed in no great hurry to effect this arrangement. Neither, it appears, was the Film Section, which had ignored the recent IAPI proposals towards a formal agreement. (ibid.).⁹² Despite a number of FPA attempts to reopen the lines of communication, IAPI remained aloof. The FPA also found it difficult to arrange a meeting with the Film Section (FPA n.d.: 2).

So in early 1975, the Film Section found itself in a position of considerable power, without the potential counterbalance of a strong FPA. There was no doubt that the Section’s implementation of its unilateral advertising rules had been a success. Despite the absence of a formal labour agreement, the Film Section reported that Dublin’s advertising agencies had effectively accepted the principle of Irish-based production and employment

⁹¹ It was unclear whether “Irish made” referred to the origin or residence of the film crews, or the nationality of the production company, or both.

⁹² One can only speculate about the Union’s apparent reluctance to finalise an agreement. It appears the union was in a commanding position due to plentiful employment for the relatively small (126) number of union technicians on the register (ITGWU 1975). In these circumstances, labour might have felt it advantageous to be relatively free of agreed terms and conditions, while employers might be at a disadvantage (e.g. no standard agreement on length of working day etc.). Arguably, the situation is reversed in the current era, when it is the unions – especially the actors’ union – who are agitating for renewed formal agreements.

of local technicians, although it appears there was flexibility on both sides in relation to the creative grades (ITGWU 1975a: 1). The union reported particular progress in the area of securing Irish post-production, following an imposition of the “ultimate sanction”, the blacking of a commercial with the assistance to Vision Section members at RTÉ (ibid.):

[T]here was a Smithwick’s ad made, and it didn’t get approval for the makeup of the crew, so they brought [crew] in from the UK who had not been approved. And that ad went out to RTÉ for transmission and got lost. That’s what happened, it got lost. ... Because of the relationship of the [union] with the people in RTÉ, this ad went off into the ether somewhere. And that sort of concentrated the minds of the advertising agencies to some degree.⁹³

While the *de facto* ITGWU closed shop presented opportunities for Irish film workers, it also privileged locally based production. This presented an opportunity for Irish production companies, who might resist at least for a time the increasing pressures from Europe to open up domestic markets to international competition. Although IAPI had invoked the Treaty of Rome in their opposition to the television advertising provisions of the 1970 Film Bill and its attempt to privilege local production, the advertising agencies now found themselves up against the more tangible realities of day-to-day production in a rapidly organising production sector. Faced with the closed shop, they now had little choice but to commission ads made with Irish labour, conditions that favoured the development of Irish production companies as well as Irish film workers.

The big threat was, do it [i.e. hire non union labour or make the advert abroad] and we pull the plug. [Advertising agencies] were afraid the plug was going to be pulled. Clients were very unhappy about this.... Some clients said to the likes of like the union rep, This is contrary to the Treaty of Rome. So they were told... that’s Rome, this is Dublin. How long will it take you to get to Rome? Not as quick as it’ll take me to go out to RTÉ and pull the switch. And in essence that was the threat.⁹⁴

Despite the competitive ramifications of EEC membership, then, a form of pragmatic local resistance might be employed to protect local interests. The film workers’ success did not go unnoticed by the mainstream media, the Irish Times reporting positively on the significance of the advertising initiative for a future film industry, which might now at least be imagined as an industrial concept, an area of economic activity offering employment benefits to Irish creative, technical and crafts workers. This point was not lost on industry observers. As the Irish Times quotation at the head of this

⁹³ Personal interview with retired union official Pat Keenan, 25/11/2014.

⁹⁴ Personal interview with producer (ANON), 11/12/2014.

Chapter demonstrates, 1974 saw significant progress towards establishing a viable film industry in Ireland.

It is a mark of the Film Section's dominant position that it could afford to rebuff (by dragging its heels in relation to labour agreement) even the IAPI, upon whose member agencies Film Section members relied, at least nominally, for employment opportunities. IAPI wrote an angry letter in February 1975 requesting a resumption of discussions "so that an agreement can be reached on all aspects of the making of filmed commercials in Ireland" (Walsh 1975). Shortly afterwards, perhaps out of frustration, IAPI brought the FPA in from the cold, asking it to formalise a "practical working agreement" with the Film Section (FPA 1975a). The union had agreed to put this proposal to the floor at its next meeting, and the FPA took the unusual initiative of writing directly to Film Section members in the hope that this would ensure support for the motion:

IAPI have suggested that the Union make an agreement, covering working conditions with FPA, and provided this is acceptable to IAPI, they would bind their members to observe the terms of such an agreement. In other words, no commercials could be made for Irish Cinema or TV which did not conform to the terms of the Agreement. Once it is signed, all parties would seek agreement from RTÉ that commercials not made in accordance with the Agreement, would not be transmitted by RTÉ. Under these circumstances, it would be unnecessary for any party to the agreement to take industrial action in order to enforce it. In the present uncertain state of the Industry we feel that it would be to our mutual advantage to conclude such an agreement (FPA 1975).

The FPA's easy access to Film Section membership again underlines the overlapping interests of both organizations, as well as the overlap in personnel. The motion to negotiate with the FPA was duly passed by Film Section members on 12th May, 1975. Two months later, the Film Section hosted a meeting with the FPA and IAPI at Liberty Hall, setting the negotiations in motion (Monks 1976). Another meeting took place in November 1975, covering crewing levels, work grades, pay and conditions (FPA 1975). The FPA continued to hold out for its right to flexibly hire "key creatives" who were not Film Section members, including people from overseas. They also sought to reduce minimum crew requirements, questioning, for instance, the necessity to employ a prop man on all shoots, anxious that "rules should not be written so that a man has to be employed to do nothing" (ibid.). Countering that some production companies "would want to do without people in order to maximise their profits", the Film Section made clear that its aim was to increase the employment of members. In general, the discussions reflect a

general tension between the principles of maximising employment on the one hand, and reducing costs (and maximising profits) on the other.

Momentum towards an agreement does not appear to have improved. Further meetings took place in 1976 with little progress made. The FPA indicated frustration at the Union ratification structure, whereby negotiators were not empowered to make independent decisions, being required to refer back to the Branch Committee and the Union membership (FPA 1977: 1). FPA Chairman Robert Monks was resolute, however. He described the negotiations as “the most important reason for our existence”, emphasising that the outcome of such negotiations will “set precedents for many years to come which will affect us greatly” (ibid.: 2). Meanwhile, despite the absence of an agreement, the union nevertheless published a unilateral 45-page document in 1976, detailing terms and conditions of employment for Film Section members. The rules covered both location and studio production for 20 categories of film technician and other grades, from floor/production department workers to telephonists (ITGWU 1976).

As negotiations stalled, a seven-man FPA delegation was received at Liberty Hall in May 1977 by only two Film Section members, the numerical imbalance suggesting the agreement was not a top priority in the union (FPA 1977a). Again, little progress was made on the key issues of creative grades and crew sizes. A discussion on “grade mobility” (the progression of a worker to a higher grade within his general work area)⁹⁵ revealed the conflict of interests inherent in small Irish industry’s emerging representative structures. Robert Monks, representing the FPA, claimed to support mobility within the camera department in his capacity as an ordinary Film Section member. In other words, his actions as a union member (who might otherwise seek to protect his work area by setting strict rules for grade mobility) might have been influenced by his views as a producer for whom looser, more flexible rules might be valuable.⁹⁶ Another exchange on the issue of employment of the props grades revealed the importance of the advertising industry for ensuring continuity of employment for film technicians. Film Section representative George Morrison pointed out that

feature work is very sporadic and [prop] buyers need experience. It may seem hard to you but we must hold on to these people here for our eventual gain, otherwise they may go away (FPA 1977a: 2).

⁹⁵ E.g. camera assistant to camera operator; Second Assistant director (AD) to First AD, etc.

⁹⁶ In a larger, more specialised industry, a producer (employer) like Monks might have had more choice about whether to conduct a parallel career as a film technician (employee).

FPA representatives disagreed that commercials should be used for this purpose, suggesting that this continuity of employment should not come at the producers' expense. This exchange reveals the paucity of feature film production available to FPA members, who might otherwise have placed a higher value on the availability of more experienced film workers. Following these 1977 discussions, there was another lull in negotiations. In fact it would be another nine years before a formal agreement was finally achieved, in 1986 (see Chapter Five).

Towards a general labour agreement for film

Despite the Film Section's unhurried approach to its FPA negotiations, it nevertheless participated in efforts to devise an all-union agreement to cover employment conditions at Ardmore Studios in 1977. Such an agreement would presumably cover employment on both feature films *and* commercials, the latter (along with music recording) comprising the bulk of studio production activity at this time (ITGWU 1977: 111). In the previous decade, as considered in Chapter Three, such agreements, if reached at all, tended to be made between Ardmore Studios and the Studio Group of Unions on behalf of all relevant unions, lapsing on each change of the studios' ownership. By 1977, Ardmore was officially in State ownership as The National Film Studios of Ireland (NFSI), and there is no record that any general union agreement had been negotiated since 1967's "comprehensive agreement" with Ardmore management (see Chapter Three). The IFPGU tried to initiate discussions, sending proposals for an agreement to Acting Studio Manager Kevin Moriarty (Moriarty 1977). The 10-union IFPGU included the former ETUI, now amalgamated into the National Engineering and Electrical Trade Union (NEETU) among its members, implying that the inter-union bitterness of the previous decade may have been on the wane.⁹⁷ While there is no evidence that these proposals ever resulted in a formal agreement, they present a useful snapshot of film labour's position in the late 1970s.⁹⁸ The Group's three-page proposal outlined hours of work, overtime, meal breaks, location expenses, travel time, and a pension scheme to cover both permanent and casual workers (IFPGU 1977). The document's main proposals included:

- A "guaranteed" 8-hour day or 40-hour week.

⁹⁷ The IFPGU in 1977 comprised IAE; Irish Society of Woodcutting Machinists; OPATSI; ITGWU; National Union of Sheet Metal Workers of Ireland; Irish Union of Woodworkers; Irish National Painters and Decorators Trade Union; NEETU; Irish Federation of Musicians; and Building Workers Trade Union (Moriarty 1977).

⁹⁸ The absence of any reference to a ratified film labour agreement in the ITGWU annual reports until 1986 suggests that the proposals came to nothing.

- Normal working hours of 8:30am-5:30pm Monday-Friday.
- Overtime at time and a half for first five hours (weekdays), double time thereafter. Double time for weekend and holidays work.
- Expenses paid, or alternatively per diem payments to cover meals and accommodation, while on location.
- Paid travel time (time and a half if travelling with equipment).
- Agreed radius beyond which a location would become a residential location (i.e. accommodation and expenses provided).
- A pension system for both “casual employees” (modelled on construction industry scheme) and permanent employees (“in keeping with similar industries”) (ibid.).

In its working hours and overtime provisions at least, the proposed new agreement was similar to, and a welcome simplification of, the Film Section’s 1976 unilateral rules, discussed above.⁹⁹ The brevity and simplicity of the proposal document, in comparison to its 1976 predecessor (and indeed later proposals and agreements) suggests an assumption, for studio-based work at least, that film work should be treated similarly to other industrial work. The striking addition was the mooted pension scheme, making its appearance in union proposals for the first time. Today, forty years later, an occupational pension scheme for the film industry remains elusive, despite the marked expansion of production volume over the decades.

That these proposals were not advanced further for at least a decade reflects perhaps the relatively sporadic nature of film work in the 1970s. As the majority of union technician labour in this period appears to have originated in commercial production, a field where the union, as we have seen, did not appear particularly anxious to nail down a labour agreement with producers, no great urgency over a film production agreement was apparent. Instead, the Film Section turned its attention to addressing the production shortage, through agitating for State measures to promote an indigenous film industry.

⁹⁹ Discussions on later revisions of the 1976 document suggest that even the union itself had difficulty understanding the finer points of its overtime specifications (McEvoy 1981; see also Chapter Five).

4.4. The IFWA/IFTG and the quest for a Film Bill

Having effectively delegated its commercial production lobby to the Film Section, by late 1974 IFWA had turned its attention towards its primary objective: pressing government for the introduction of a new Film Bill (Delany 1975a). This goal had increased in urgency following an effective nationalisation of Ardmore Studios the previous year. The nationalisation followed a short incarnation in 1972 as Ardmore Studios International, led by former actor George O'Reilly – a close friend of Bing Crosby, who was appointed to the Board. O'Reilly hoped to capitalise on a recent tax incentive exempting film exports from tax, but his company was underfunded and Ardmore was in the hands of the receiver by the end of the year (Rockett 1988: 102; see also Appendix C). The studios were acquired in 1973 by Minister for Industry and Commerce Justin Keating and turned over to RTÉ. In an attempt to kick-start a native film policy, IFWA proposed Denmark as a model and sent a dossier of documents, including a translated copy of the Danish Film Acts, to the Minister for Industry and Commerce, the Minister for Labour, and the Government Information Bureau (IFWA 1974a). Industry and Commerce replied that the minister hoped to introduce a new Film Industry Bill “by the end of the year”. In anticipation, IFWA encouraged its individual members to lobby their local TDs to help ensure such a Bill would be carried (Harte 1974).

No doubt buoyed by their ongoing success with filmed commercials, IFWA hoped also to secure the production of feature, documentary and short films for Irish film workers. To this end, it set about organising a high-profile event showcasing the “outstanding work of Irish film makers” to potential State, industrial and arts sector stakeholders, with an emphasis on the need for State film supports (IFWA 1974a). The Association also drew up plans to lobby for a National Film School and a National Film Archive (ibid.). In addition, it moved to professionalise and secure for Irish filmmakers the non-broadcast industrial production sector, organising events such as a seminar with John Chittock, a prominent journalist, critic, and producer/director of British documentary films in the Griersonian tradition (Delany 1975b).¹⁰⁰ The financing of documentary via commercial and government sponsorship had been pioneered in 1930s Britain by John Grierson and his Documentary Movement collaborators.¹⁰¹ The production of such films, including so-called ‘industrial films’ (i.e. films produced by corporations and other organizations for training, public relations or other non-commercial purposes) would

¹⁰⁰ Chittock was also an industry lobbyist and founder of *Screen Digest* (Fisher 2011).

¹⁰¹ For a critical appraisal of the implications of such sponsorship, see Winston (2008: 64-67).

prove a contentious area in Ireland during the 1970s. IFWA felt that sponsored documentary should be the domain of Film Section members, and sought the ITGWU's assistance in discouraging the making of such films by "moonlighting" RTÉ personnel. In a repeat of the strategy used in relation to the production of commercials for RTÉ broadcast, IFWA encouraged the Film Section to seek the cooperation of RTÉ members via the Vision Section (Delany 1975c).¹⁰² Irrespective of the moonlighting issue, the public popularity of documentary as a television genre (in an era where outsourcing of production to the independent sector was rare) was another concern. IFWA sought to downplay the TV sector's success in this area, requesting that Chittock "avoid bringing the television element of the documentary scene to (sic) much to the fore" during his Dublin seminar (Delany 1975b).

Despite its increasing profile, IFWA struggled to gain influence in other parts of the wider film culture in Ireland. Secretary Toni Delany wrote to Cork Film Festival founder and director Dermot Breen to complain about the Association's exclusion from a slate of industry-focused events in 1975:

We feel it is an extraordinary situation when an event such as the Cork Film Festival would seem in no way to involve the professional film makers of the country. Last year for example a Film Workshop was organised at the Festival and yet it would seem that no overtures were made to those people who might be prepared to come up with the 'know-how' (Delany 1975).

According to IFWA, this body of "professional film makers" now numbered 300-400 (150 Film Section members and 150-250 other crafts, construction and other workers). With Ardmore's pending re-launch as the National Film Studios of Ireland (NFSI), the IFWA was keen to leverage the potential opportunity for Irish filmmakers:

We have our factory, we have our people in the industry, all that we are now asking for is a structure within which we can be allowed to produce our product – film (Skinner 1975b).

Such a 'factory' conceptualisation underlines the extent to which filmmaking in Ireland continued to be seen by Irish film workers through an industrial rather than a cultural lens. The nature of film as the product of expert human labour is clearly privileged

¹⁰² RTE personnel had been involved in making a sponsored film for the Global Tours travel company (Delany 1975c). The encroachment of video technology on this sector would blur the lines between the 'film' and 'television' jurisdictions, a development with implications also for the commercials sector, to the extent that the IFWA set up a 'VTR Subcommittee' to investigate the crewing implications, through a consideration of UK practices (IFWA 1974).

here. Film is presented as an industrial commodity, albeit one in need of a protective structure in which it might thrive, in a tacit admission of the need for market support from the State. It is clear then, that the *cultural* rationale for State film support, as mobilised by elements of the Huston committee and other proponents of a State-sponsored national cinema, was accompanied by an *economic* rationale, which over the years stressed the direct (e.g. employment, import-substitution), and indirect (e.g. tourism, multiplier effects) benefits of State investment in the sector.¹⁰³

It is clear that IFWA enjoyed a positive relationship with John Boorman, one of several directors appointed to the NFSI in summer 1975 (Irish Times 1975a). At a news conference to announce the new NFSI structure, Boorman acknowledged the importance of the advertising industry for Ardmore's business model, and the role played by film workers in securing this production for Irish workers. Along with reduced loss of production work to Britain, there was increased business for Ardmore, and potential knock-on effects for an Irish film industry:

The studio... had a new stability because of the unionisation of Irish film workers, which had resulted in advertising commercials being made in this country by Irish crews. This had not only resulted in regular employment but meant that people were gaining experience and the chance to experiment in their work (Boorman, cited Irish Times 1975).

For Boorman, advertising production increased the chances of Ardmore's financial viability. However a sustainable indigenous industry could not proceed without State support:

Film making in Ireland may get a shot in the arm, but an Irish film industry (i.e., film-making of Irish subjects in which the main creative functions are performed by Irish people), cannot be a reality without an Irish Film Board backed by the Government (ibid.)

IFWA shared this Film Board goal, to which it would dedicate much of its energy during the remainder of the 1970s. In a 1975 press release, the Association announced its plans to lobby for government legislation for State assisted film production; further legislation for and investment in the Ardmore studio complex; and the establishment of a second TV channel, programmed with home-produced content. It also sought to position itself as the primary representative organization for the people working in all areas of film

¹⁰³ These proponents included the Jesuit priest Fr. William S. Devane, who lobbied for a National Film Institute to encourage "the film as a craft and industry" and "produce and encourage the production of cultural films of distinctive national character and inspiration" (Devane 1943: 32).

and commercial production in Ireland, with a role in promoting general film culture in Ireland and also in developing and training its membership (IFWA n.d.).

IFTG submissions to Government on the Irish Film Industry (1977, 1979)

It was perhaps the inclusion of the second television channel within its lobbying embrace that prompted the Association to change its name to the Irish Film and Television Guild (IFTG) from 1976.¹⁰⁴ Under its new identity, the Guild set up an expert subcommittee to compile a submission to government on all aspects of the industry, including features, documentary, commercials, and distribution (IFTG 1977).

The resultant document, compiled in September 1977, offers a useful snapshot of the state of the Irish film industry at that juncture, from the perspective of the Guild and by extension Irish film workers. The Guild was critical of the government's treatment of Ardmore Studios during the four year period following the 1973 takeover. A studio manager had only just been appointed, and the delay had resulted in "a loss of revenue for the country and enormous loss of face for the industry in the international film world". The Guild clearly envisaged an Irish industry at least partly dependent for its success on the "foreign production companies" waiting in the wings for the government to "implement its faith in the infant prodigy" of Ardmore. Without legislation, there could be no industry:

There is as yet no sign of a Film Bill. No other industry could possibly exist if four years after purchase of their factory site there were no end product to sell. It seems that the Irish government does not treat the film industry as seriously as it should. These four years in 'no man's land' have not only meant loss of revenue for the country but also loss of employment for Irish film workers; a factory which should have been in full production has been forced to remain a shell (IFTG 1977a: 1)

The Guild painted a more positive picture of Ardmore's early years than the Louis Marcus articles for the Irish Times in the previous decade (see Chapter Three), providing a list of big-budget films, including *The Blue Max*, *The Lion in Winter*, and *Ryan's Daughter*, on which "many Irish film workers were employed [at Ardmore] in 1958 and after", only to drift away from feature work into the parallel industries of television and advertising

¹⁰⁴ The exact date of the name change is uncertain, but IFTG appears to have adopted it sometime during 1976 (e.g. Delany 1976). Some members objected strongly to the name change. Founding member Tiernan MacBride (also a member of the Film Section Committee and the FPA) tabled an unsuccessful motion to revert to the original name at the Guild's 1978 AGM (IFTG 1978a).

production due to the lack of continuous employment on films (ibid.: 2). The Guild's framing of this argument clearly indicates a preference for film production work as inherently more desirable than TV or commercial work, underlining the long term goal of its earlier alliance with the ITGWU to organise advertising production workers.

Prefiguring some of Toby Miller's later writing on the preconditions for attracting mobile film investment, the Guild noted the necessity for state-of-the-art production facilities; a technically expert, flexible workforce; and State-funded financial inducements. There was an urgent need to invest in Ardmore studios and to upgrade the tax incentives available to filmmakers.¹⁰⁵ Otherwise the technical and creative expertise of Irish film workers, partly acquired via skills transfer at Ardmore during the 1960s and of sufficient quality to garner seven Oscar nominations in the 1960s and 1970s, might be lost to emigration or the television industry. The gains made since 1958 would be reversed, setting the industry back a further "twelve to fifteen years" (ibid.: 1-3, 8.)

Echoing many of the Huston proposals, the Guild recommended the establishment of an Irish Film Board, with six major areas of responsibility:

- a) Finance for Irish feature films,
- b) Finance for investment in incoming feature films,
- c) Finance for experimental and short films,
- d) The institution of a film training school,
- e) The establishment of a comprehensive film archive,
- f) The establishment of a distribution and exhibition network for films made under the conditions of the film bill (ibid.: 6).

From the vantage point of today, the logic of these proposals seems self-evident. Most of the production functions are supported by the modern Irish Film Board. The Guild, however, was wildly optimistic in its vision of a self-financing Board, funded by "continuous recycling" of recouped film profits, along with a levy on the use of non-Irish advertising and a tax on cinema admissions (ibid.: 6). (Of course, had the latter two

¹⁰⁵ While tax incentives supporting the Film industry specifically did not materialise until the 1980s, tax exemptions on export profits could be claimed by Irish-resident shareholders of film companies (Leland 1972).

measures been implemented, the Board's finances might have been dramatically different).

Echoing earlier ITGWU (1969: 82) claims that incoming film production produces employment and external investment benefits, the Guild argued for State film investment on the basis of the induced economic effects (including tourism) of incoming feature filmmaking activity especially:

This kind of production must be encouraged because it brings [big] money into the country from which the country will benefit. It has been estimated that between 1958 and 1974 fifty million pounds was spent in this country in invisible earnings by feature films produced here. ... Many small villages and towns in Ireland have suddenly found themselves booming when chosen as a film location. ... Apart from money spent directly by film crews, it is impossible to estimate the turnover generated by film production, for example, the amount added to tourism by people holidaying in Ireland following the release of *Ryans Daughter* (sic) (IFTG 1977a: 8).

The Guild further argued that the capture of mobile film capital should be facilitated through financial incentives, themselves self-funding through said induced benefits as well as the immeasurable value of skills transferred to Irish filmmakers (ibid.). In this argument, the Guild would later be joined by many other industry advocates, including IBEC from the mid-1990s to 2011, whose annual industry surveys repeatedly purported to demonstrate the positive induced effects of industry supports such as the Section 481 subsidy.

While there is little evidence to suggest that the Guild's submission received more than cursory attention from Industry and Commerce Minister Desmond O'Malley, the document provides an insight into film worker concerns and their proposals for a future film industry, featuring many recommendations eventually brought to reality. While such recommendations had already been made by the Huston Committee, that they resurfaced here is indicative of the Guild's persistence. Its members, some of whom had been heavily involved in the framing of the Huston proposals, undoubtedly believed in the validity of the ideas, and were determined to see them through, despite the formidable setback of the 1970 Film Bill's demise.

The Guild's proposals were slightly modified in a later submission, in April 1979. This document likely accompanied the Guild's consultation with Minister O'Malley, who met during this period with various industry representatives, on the question of whether a central film production fund should be administered by the NFSI or an independent Film

Board (Rockett 1988: 116). This report reiterated many of the same proposals, with the notable exception of the film school plans. It was noted that the size of the industry workforce had risen from 50 to 200 since 1974, attributing this growth to the success of the initiatives in the advertising industry, which had itself now doubled in size to £1 million per annum (IFTG 1979: 2). Even more so than in the 1977 submission, government investment in the film industry was justified in terms of employment benefits:

The effect of [State production funding] would be to initiate employment for [creative] grades, and create continuity of employment for other grades. Unless Irish creative grades have the opportunity to work regularly there can be nothing that can be called an Irish film industry (ibid.:2).

There is, of course, an ambiguity inherent in the term ‘Irish film industry’, which can refer both to the production of indigenous Irish films and to the production in Ireland of international films (a ‘film industry in Ireland’). Such an ambiguity, of course, can be politically useful, allowing the mobilisation of both cultural *and* economic arguments in the development and implementation of film policy (Flynn 2005). As had been suggested by John Boorman at the NFSI launch, the “regular employment” offered by the commercial sector provided not only *economic* security but also the opportunity for film workers to “experiment in their work”, with obvious creative and *cultural* implications for a vibrant national cinema.

As the Guild’s lobby for film support continued, a parallel development in the training arena prefigured the eventual importance of the global television production industry for Irish film worker participation in the international division of labour. The development arose in parallel to IFTG efforts to encourage a State-sponsored training system for film workers.

4.5 AnCO, the training question, and the US grip system

As noted above, the IFTG had dropped its proposals for a national film school in its 1979 submission to Minister O’Malley. It is arguable that this omission related to its own possible ambitions in the technical training area. In 1978, the Guild had initiated discussions with the State training authority, AnCO, with a view to setting up a training programme for the film industry (IFTG 1978).¹⁰⁶ After an exchange of correspondence, AnCO cooled its initially encouraging attitude towards the proposal. Pleading ignorance of

¹⁰⁶ AnCO was thus a forerunner of FÁS and the current training agency SOLAS.

the film industry's "special requirements", the Authority stalled with a decision to conduct further investigations before proceeding (AnCO 1978).

During the course of this fact-finding process, AnCO spread its wings further than Ireland. Later in the year it joined with the Industrial Development Authority (IDA) to sponsor a working visit to the set of *Backstairs at the White House*, an NBC miniseries directed by Michael O'Herlihy, the prolific Dublin-born director of US TV drama (NFSI 1978). Although based in the US, O'Herlihy had connections with Tara Productions, an Irish company established by broadcaster Morgan O'Sullivan. The latter had separately approached AnCO and the IDA for assistance in establishing a television production business focused on making TV films in Ireland for the US market (Comiskey 1981).

O'Sullivan had secured a deal to produce a TV film, *Cry of the Innocent*, for NBC. With no additional upfront finance available beyond NBC's licence fee, this amount effectively equated to the production budget (ibid.). O'Sullivan, who had made a number of trips to the US studios to study their production methods, felt it would be valuable for some key members of his production team to gain personal experience of this system. He persuaded AnCO and the IDA of the merits of a US training mission, during which his production crew would learn to adopt certain Hollywood practices in the interests of production efficiency.

You can teach any boy optics, but what the Americans can teach us is an attitude of mind. And that was the important thing. It was the attitude of mind we had to learn, and an attitude towards work. A work ethic if you like. So that's what we learned.¹⁰⁷

One important outcome of this trip was Tara Productions' implementation of the US 'grip system', which differed quite significantly from Irish and British practice, in terms of union demarcation rules about handling electrical equipment. In the UK and Ireland, only electricians were allowed to handle lighting equipment, and thus the practice was that only electricians could make adjustments to lighting effects, such as the handling of flags, scrims, gels and other filters. In the US, on the other hand, electricians were responsible only for feeding power. The lighting equipment itself was handled by lighting grips, who were considered to be members of the camera department. In Ireland, where the historic lack of continuity of employment dictated against exclusive film work for the crafts grades especially (as their skills were highly portable to other industries such as

¹⁰⁷ Personal interview with executive producer Morgan O'Sullivan, 27/11/2014.

construction), film electricians had not developed the same level of expertise in lighting effects as had their US counterparts. As union demarcation protected their entitlement to this aspect of film work, however, the lack of expertise could result in tension between electrical and camera crews:

They'd be house electricians one day, coming in on the set of a movie, working alongside the Brits, who were well on top of these effects. You'd say to the Irish electrician, give us a spun. A wha'? A spun! Give us a wire? A wire? What's a spun?¹⁰⁸ Oh, embarrassed, it's take down the stop on the lamp, diffuse it, you know, half spun, half wire, all the technical names for flags and dots. What's that got to do with fuckin' electricity?¹⁰⁹

The US grip system also allowed camera grips to perform simple carpentry and construction tasks related to the movement of the camera, in the course of having to lay tracks for camera dollies, and positioning or moving other camera rigs, such as cranes, jibs, or scaffolding towers. The adoption of such a system by Tara, which would be involved with a US production company in the takeover of Ardmore Studios in 1986,¹¹⁰ led to some tension between the company, the Film Section and the crafts unions representing the electrical and construction grades. Remarkably, there is little evidence that these tensions ever resulted in industrial action lasting more than a few hours, reflecting perhaps an ultimate pragmatism among all the film unions. The US grip system was eventually standardised in Ireland even before it was adopted in Britain.¹¹¹ This reflects, arguably, the Irish industry's underdevelopment in relation to Britain, where continuity of film employment would be more commonplace, with greater all-round film-specific expertise, and perhaps more entrenched production practices, among British crafts grades.

Summary and conclusion

The 1970s was a key decade for Irish film workers, wherein they addressed, through their IFWA lobby group and their organisation within the ITGWU Film Section, the lack of film production experience that contributed to their exclusion from feature employment at Ardmore Studios and elsewhere in Ireland. By organising within the ITGWU, they also presented a more formidable front to the British film unions who were not yet ready to

¹⁰⁸ Spuns are diffusion filters of various densities.

¹⁰⁹ Personal interview with retired grip Luke Quigley, 2/12/2014.

¹¹⁰ Tara partnered with MTM Productions to acquire Ardmore Studios in 1986 (see Chapter Five).

¹¹¹ Personal interview with executive producer Morgan O'Sullivan, 27/11/2014.

cede employment concessions on British production in Ireland. Key to this Irish show of strength had been the IFPGU's 1967 agreement with Ardmore Studios. British producers were encouraged, under their labour agreement with British film unions, to comply with "Foreign Trade Union Agreements or Government regulations" when filming abroad (Francis 1962a). Thus the 1967 agreement gave Irish unions leverage over British unions that had not been as readily available during the Ardmore industrial disputes of the early 1960s. The 'institutional' value of the 1967 agreement, and indeed the Film Section's unilateral show of strength in reversing the practice of outsourcing advertising production to UK companies (effected without the need for a written agreement with producers or their advertisers clients) in turn allowed the relevant Irish film unions to benefit from associated credit effects (Roche 1997: 43ff). The Film Section thus demonstrated robust growth over the two decades following its establishment within the ITGWU, against the general trend of slow union growth in the 1970s and decline in the 1980s (see Appendix A3).

IFWA's use of the ITGWU Vision Section's traction at RTÉ, coordinated through the Film Section, to apply pressure on IAPI to stop the loss of advertising work to Britain and British film workers was a remarkably successful tactic, evidenced by IAPI's more or less immediate cooperation with the Film Section's major requirements, bar some push-back on the appointment of the creative grades and minimum crew sizes. That the Film Section appear to have been able to enforce the bulk of their requirements without the benefit of any labour agreement is testament to the power of film workers in this sector in the 1970s and beyond. Furthermore, by resisting FPA attempts to negotiate an agreement on crew sizes, working practices, etc., the Film Section avoided any long-term compromise of its core requirements.

In fashioning its requirements for the Irish advertising sector, the Film Section – and indeed the FPA – were clearly influenced by the earlier successes of Irish Actors' Equity, whose 1961 agreement with IAPI for the revoicing of television commercials set a precedent for what might be achieved in preserving local work opportunities while stopping short of the logistical difficulties of "doing an Australia": i.e. trying to mobilise a complete ban on imported commercials. While the Film Section had initially proposed the banning of imported ads, it never took this further. Nor did the FPA, which established its authority as the employer-side body over the course of this advertising initiative. IFWA thus begat representative bodies for film technician labour and local film capital, the Film Section and FPA emerging as clear and direct predecessors of the SIPTU Film and Entertainment section and Screen Producers Ireland respectively (see Appendix M).

The evolution of these organizations would progress along with the increasing sophistication and skill of the Irish film and television production labour force, initiated through limited skills transfer in the 1950s and 1960s, and accelerated through the increased production opportunities afforded by advertising in the 1970s. The increased social capital of Irish film workers and producers alike, as the industry continued to benefit from inward investment from mobile film capital, allowed the Irish industry to gradually establish itself as a 'local Hollywood' within this international system of film production. In this set of developments, we might add to the collective achievements of film workers, acquired through corporatist affiliations such as trade unions and industry lobby groups, the occasional remarkable achievements of individual 'players' such as Morgan O'Sullivan, whose determination to participate in the market for US television production led to significant adaptations of the local labour force through the adoption of the required 'flexibilities' such as the US grip system at Ardmore Studios.

We now turn to the 1980s, when the long-term quest for State support of an indigenous industry, most recently expressed through the IFWA's Film Bill lobby, finally bore fruit with the creation of the Irish Film Board and the installation of a system of increasingly more film-specific financial incentives.

Chapter Five

The 1980s: consolidation, growth, and State support

The government, in our opinion, did not set up this Film Board out of altruistic or artistic motives: it was motivated, we believe, by the desire to provide employment for Irish men and women. ... We expect to get work, and to get a decent living wage for that work (Doolan 1982: 2).

The film industry provides work opportunities for technicians, the purpose for which this Board was set up (Saurin 1982: 123).

In the generally austere economic atmosphere of the 1980s, the idea of a national film industry supported through State finances appears somewhat incongruous. But as emerges in this narrative, the fortunes of Irish film production, and of Irish film workers, are not always in sync with the wider economy. Following the oil shocks of the 1970s, the early 1980s was a period of political and economic disarray. The FG-Labour government formed after the 1981 election was dependent on the support of independent TDs. The arrangement did not survive Taoiseach Garret Fitzgerald's 1982 budget, and the Dáil was duly dissolved. There followed a short-lived FF government under Charles Haughey, supported by Sinn Féin The Workers Party (SFWP) and the Dublin independent Tony Gregory. The year ended with yet another election when SFWP withdrew its support in protest at FF's austerity-based economic plan *The Way Forward* in November. The result was a fifth FG coalition with Labour, now led by Dick Spring. While this government proved more stable than its immediate predecessors, it nevertheless found itself presiding over continued economic decline, with falling wages, rising unemployment, and considerable net emigration. Spring's party tried to encourage employment through State-led investment. The strategy was largely unsuccessful, although the body set up to address this task, the National Development Corporation (NADCORP), would eventually find itself involved in the film industry through an 'investment' in Ardmore Studios (see below). FF returned to power in 1987 with yet another Haughey minority government. The momentum towards social partnership, begun with Lemass and continued through the National Wage Agreements of the 1970s, intensified with the *Programme for National Recovery* (PNR), a joint strategy negotiated between government, employer, farmer, business and union representatives. Partnership coincided with a change in economic

fortunes, and the PNR would be followed by six similar agreements over the following decades. By the end of the decade, economic growth had returned, a trend that would accelerate significantly in the 1990s (O'Connor 2011: 238-41; Kirby 2010: 32).

In this chapter, I begin with an overview of the state of the film unions and the film industry in the 1980s, with film workers and producers alike building on the success of the previous decade, although some of that 'success', particularly in relation to the animation sector, would prove decidedly short-lived. In the second section, I examine the establishment of the Film Board, and the implications for the then State-owned Ardmore Studios, whose status (whether deserved or not) as an institution central to an Irish industry was immediately downgraded when the Board was created. Third, I look at the increased significance of television production during the decade, a development with which Ardmore Studios would become intertwined, with lasting results to the present day. There would also be lasting related implications for film workers, especially in the area of standard production practices. These practices, and the labour agreements formed around them, are the focus of the fourth section. Here, I examine the 1986 labour agreements for advertising production, the first labour agreement signed in the industry in some twenty years. I also look at the 1988 update to the Film Section's unilateral Employment Regulations. In the fifth and final section, I discuss the origins and implications for film workers of the second major production incentive of the decade, the Section 35 tax initiative, introduced by Charles Haughey in 1987 at the same time as the Film Board was suspended. I begin, however, with a look at the film production landscape as the decade commenced.

5.1 The ITGWU Film Section and the film industry in the 1980s

At the beginning of the 1980s, there were about 200 film technicians and craftsmen working in Ireland (Presho 1979: 2). Perhaps 150 of these were members of the ITGWU Film Section.¹¹² By the end of the decade, those numbers had more than doubled, indicating steady growth through the decade in marked contrast to the economic conditions prevailing generally.¹¹³ It was a decade that began auspiciously for film unions with Irish Actors' Equity's 1980 absorption into the ITGWU, following a rejected merger

¹¹² Based on membership register 1975 (126 members) (ITGWU 1975) (see Chapter Four).

¹¹³ Figures for end of decade based on Curtin Dorgan (1990: 32) (see Chapter Six). These figures do not include the animation industry, discussed separately below.

with the Irish Federation of Musicians (Devine 1997: 20-21).¹¹⁴ Union mergers, both in the communications industries and beyond, were typical of the period, mirroring conglomeration in the corporate world (Mosco 2011: 365). In Ireland, the absolute number of unions halved from 95 to 46 between 1970 and 1995 (O'Connor 2011: 250). IAE's affiliation with the much larger ITGWU was a hopeful development for Irish actors, over 60 percent of whom were earning less than half the average industrial wage of £90 per week, while more than half were unemployed for seven months of the year (Devine 1997: 21). The merger raised the profile of actors in the industrial relations world: Equity had not always been taken too seriously, derided by some as "an arty-tarty mutual admiration society" rather than a union (ibid.: 23). Its general secretary Dermot Doolan worked hard to integrate the actors' union into the broader union culture, through his continued involvement with the Ardmere and RTÉ Trade Union Groups, and his eventual election onto the ICTU executive, "an extraordinary achievement for such a small affiliate" (ibid.: 23). The Equity merger would add about 650 actors and other occupations to the ITGWU membership.¹¹⁵ Another 1,000 'crowd artistes', for whom Equity functioned as an employment agency as well as a trade union, were also affected (Irish Times 1979).

The 1980s proved to be a busy decade for IAE and the Film Section. The establishment of the Film Board contributed to a growing film production sector, although there was no immediate upsurge in feature production. The lack of continuity of production meant there was little momentum for a formal labour agreement, and the one-off 'local agreement' specific to each individual project continued to dominate film production arrangements.¹¹⁶ As many of the films that the Board eventually funded were co-productions with British companies, ACTT insisted on applying its own rules and regulations, as was the norm for British productions serviced in Ireland. Although ACTT did not become a member of Congress, the ITGWU complied, as long as Film Section members were permitted to join the British union. In a sign of the growing mutual cooperation between the two unions, ACTT accommodated this, although a two-year restriction on grade advancement was applied, presumably to protect UK members.¹¹⁷ Inevitably, there were some tensions between the two unions. The Film Section felt that some of its own rules, especially in relation to night work and turnaround time, were

¹¹⁴ When the Irish Federation of Musicians disbanded in 2002, IAE was joined in SIPTU's cultural division by the newly created Musicians Union of Ireland (O'Grady 2002; Swift 2012; MUI 2016).

¹¹⁵ As well as actors, Equity represented a number of theatre grades including directors, stage managers, designers, and a number of television grades including RTE presenters, producer directors, newscasters and announcers (Irish Times 1979).

¹¹⁶ Personal communication with Pat Keenan, retired Dublin No. 7 Branch official, 9 Feb 2016.

¹¹⁷ In 1991, 101 Film Section members were also in ACTT (extrapolated from Playback 1991).

undermined by the more producer-friendly ACTT equivalents (Gogan 1989). Film Section Secretary Pat Keenan expressed concern at the “pressure” that ACTT was under in Britain, presumably a reference to Margaret Thatcher’s anti-union reforms, adding that “I have to ensure that the same doesn’t happen to us” (ibid.). By the time Keenan made these remarks in 1989, however, Irish unions were already embracing social partnership as a bulwark against similar marginalisation and decline (see Chapter One).

These challenges aside, events in the film world were moving more slowly than those in broadcasting. Branch officials found themselves dealing with a number of pressing broadcasting labour issues throughout the decade. At RTÉ, the union found itself fighting on behalf of its members in the face of severe financial cutbacks and work practice changes introduced with the strategy document *The Development of Broadcasting in the 1980s* (ITGWU 1983: 191-2). The branch also found itself challenged by pirate radio stations, a feature of the early 1980s broadcasting landscape. From a union point of view, such stations drew advertising revenue away from RTÉ, making it more difficult for the station to deliver on wage commitments to members. At the same time the pirates operated outside of union control, in some cases exploiting “the desire of some young people to get into broadcasting” by paying little or no wages (ibid.: 410). From 1985 the union found itself opposing the new Broadcasting Bill, largely on ideological grounds, as the Bill aimed to legislate for private broadcasting and a third television channel. The union also opposed the sale of RTÉ’s profitable cable TV subsidiary, Cablelink (ITGWU 1989: 147). By the end of the decade it was protesting the increasing prevalence of casual employment at the station, a development that threatened to undermine decades of union progress:

The transformation of steady full-time trade union jobs, both in the private and public sector, into casual or part-time work may be silent, but it is the most insidious attack the trade union movement faces. For ultimately it tries to set trade unionists against trade unionists by suggesting [that] if they leave the union; they will do better[.] And we end up swapping sound secure jobs, that our children may even aspire to, for fly-by-night jobs that will disappear with the first visit of the tax man or the fraud squad.... If we lose our core of trade unionised full-time jobs, then all our hard won gains of the past are put in jeopardy (ITGWU 1989a: 89).

While it is beyond the scope of this project to deal in any detail with the issues facing RTÉ employees, these 1980s preoccupations are mentioned here in order to demonstrate the difficulties faced by the limited full-time staff of the ITGWU’s Film and

Broadcasting Section, which numbered just two organisers and one office admin.¹¹⁸ The casualization of television work, long an issue in the film industry where continuity of employment had so far proved elusive, prefigured later changes in the wider economy. Some observations made by SIPTU president Jimmy Somers in 1997 about casual work in the acting profession by then also applied to work in the independent film and television sector, and increasingly in the wider world of employment generally:

At a time when expressions such as ‘atypical workers’, ‘flexibility’, ‘multi-skilling’ and ‘zero hours contracts’ are growing concerns for trade union members and negotiators, a study of actors’ struggles shows that they capably dealt with many of these issues in the past. Actors were and ever are ‘atypical’, ‘flexible’, ‘multi-skilled’ and too many do not enjoy the ‘resting’ that comes with ‘zero hours contracts’ (cited Devine 1997: 3).

As shall be shown in later chapters, the achievements of unionised actors in terms of gaining access to their ‘atypical’ work, and the wages and conditions derived therefrom, would be severely challenged in later decades. This would be especially visible in the advertising sector, where IAE’s breakthrough dubbing agreements of the 1960s had arguably served as a major inspiration to the other film unions in the struggle to maximise advertising employment opportunities for Irish film workers in the 1970 (see Chapter Four). The concessions achieved by Equity, built on by other unions in terms of securing access to the work opportunities emerging in Ireland’s increasingly open market economy since the 1960s, undoubtedly moved the “creative labour” towards the “good” side of Hesmondhalgh and Baker’s “good work/bad work” spectrum, with favourable pay and conditions backed by stable labour agreements.¹¹⁹ This progress would be undermined in later decades by legal interventions, increasingly mandated by local interpretations of European law. According to Miller et al., (2005:122), such interventions demonstrate how the State “undermines the union movement on behalf of capital through policies designed to ‘free’ labour from employment laws”. We shall see, for example, how IAE’s labour agreements would be undermined by EU Competition Law, reversing earlier gains, potentially increasing the preponderance of “bad work” in the industry.

As the membership numbers cited above demonstrate, the Film Section appeared to grow steadily during the 1980s, as the AV sector experienced considerable growth in the second half of the decade (Table 5).

¹¹⁸ Personal communication with Pat Keenan, retired Dublin No. 7 Branch official, 9 Feb 2016.

¹¹⁹ Or unilateral labour regulations, as in the case of the Film Section from 1976 until it too made new labour agreements with producers from 1986 (see below).

AV Sector	1985	1990
	€m	€m
TV and feature films	2.3	7.7
Other independent production	0.5	2.8
Animation	0.0	17.5
Corporate	0.5	4.0
Commercials	5.8	9.8
Total	9.1	41.8

Table 5 – Estimated value of Irish audiovisual production 1985, 1990¹²⁰

Although I have chosen to largely exclude the animation sector from this study, the very notable, if short-lived, contribution of the animation sector to industry employment merits some note. The sector was created almost overnight in 1985-1986 when the Sullivan Bluth studio was established with the help of £3.7 million in IDA grants (Rockett 1988: 259). In some ways, the IDA's investment in Sullivan Bluth's operations commenced in a manner similar to the backing given to Morgan O'Sullivan's US TV drama production ambitions (see Chapter Four). A group of ex-Disney animators led by Don Bluth had teamed up with an investor, the Irish American Morris Sullivan, to create a new animation company. A "chance meeting" with an IDA executive led to an invitation to consider an Irish base, and as part of that overture, a small group of Irish workers was sent to America to work on *An American Tale*, which Sullivan Bluth was producing on contract for Universal.¹²¹ The film was a hit, and before long an offer of IDA grant aid, along with a plentiful supply of English-speaking workers available to work in the labour intensive classical animation industry, had persuaded the company to set up operations in Ireland, having considered a number of other locations (Comiskey 1988).

Unlike Morgan O'Sullivan's willingness to work with the film unions, however, there was no such accommodation in the animation sector. While it had been a condition of IDA support in the 1970s that incoming overseas firms recognise the relevant Irish unions, this requirement was dropped in the 1980s (O'Connor 2011: 225, 249). This important institutional inhibitor on trade union recognition and growth might partly be

¹²⁰ Source: Curtin Dorgan 1990: 28.

¹²¹ This echoed the AnCO/IDA sponsorship of a film worker expedition to Hollywood in the late 1970s to learn the US TV production system under Irish-American director Dan O'Herlihy (see Chapter Four).

attributed to the anti-union zeitgeist of the 1980s, when in the UK especially, trade unions had been marginalised under Margaret Thatcher (ibid.: 246). At any rate, as a “greenfield” industry with little history in Ireland, the animation sector had no obvious union jurisdiction traditions to defend. The US animation industry’s extension of its international division of labour into Ireland can therefore be partly understood as a ‘runaway shop’ to escape the “inflexibility” of US unions (Rockett 1988: 259; Culliton 1987). Here, these animation companies found several of the conditions identified by Miller as important motivators for runaway production, not least of which was plentiful, unorganised (and therefore flexible) labour.¹²² In addition, a favourable currency exchange environment helped lower costs even further: the sector’s creation in 1985 coincided with the US dollar’s highest ever exchange value against the Irish pound, just under parity at 0.94 pounds (See Appendix I). Favourable exchange rates would play a part in attracting live action runaway production to Ireland also, especially during the 2000-2003 period when a similarly favourable exchange rate was available (Flynn 2009).

To underline the favourable investment and labour conditions available in Ireland, Sullivan Bluth was soon joined by two other large international US-based animation companies, Emerald City and Murakami Wolf. The three studios, all grant-aided by the IDA, employed some 550 individuals, more than half the estimated 1,050 FTE jobs existing in the production industry outside RTE (Curtin Dorgan 1990: 32). The sector, however, proved short-lived and unsustainable, with all three studios folding when faced with business difficulties in the 1990s. Again, exchange rates may have played a part, as the value of the US dollar against the Irish pound dropped from its 1985 high of 94 pence to 59 pence (Appendix I), severely impacting on the ability (or willingness) of the US parent companies to operate independently as the IDA grant assistance tapered off. Due to its apparent unsustainability, I have chosen to exclude this animation ‘bubble’ from further scrutiny, even if its legacy partly explains the origins of the apparently more viable (and less labour intensive) indigenous animation industry of today. It is interesting, however, to note that the conditions underlying the establishment of the animation sector (ready availability of State assistance; low corporation taxes; a ready availability of educated, English-speaking labour, flexible in relation to pay and conditions due to a lack of union organisation in this area) closely match the conditions identified by O’Connor (2011: 247) as underpinning the Celtic Tiger economy a decade later – and also indeed identified by

¹²² Available labour included a ‘reserve army’ of young, unemployed media and art graduates from institutions such as the National College of Art and Design, Dun Laoghaire College of Art, NIHE Dublin, Rathmines College of Commerce, etc. (Curtin Dorgan 1990: 30-31).

Miller (2005) as motivators of runaway US production. The conditions allowed US animation companies to take advantage of the slack Irish labour market to produce their highly labour intensive products. The 1980s animation sector, then, presents as a typical example of (State incentivised) foreign direct investment, mobilised as an aspect of State employment policy (O'Connor 2010), as proposed in Chapter One. While its exploitation of slack labour and Irish grant assistance in some ways characterises the sector as predatory, at the same time it was encouraged by local agents, particularly the State in the guise of the IDA, but also local entrepreneurial interests such as Jimmy Murakami, the Japanese American who had settled in Ireland in 1970 and set up a small-scale studio for live action and animation production (Flynn and Brereton 2007: 12).

The boom-bust cycle of the international animation sector in Ireland is untypical of the audiovisual industry as a whole, which has grown steadily since regular financial and employment data began to be systematically reported in the 1990s by IBEC and various consulting firms charged with producing industry reports (see Chapter Six). Indeed, as is shown in Appendix G, the collapse of the animation industry in the mid 1990s appears to have been compensated for by spending and employment growth in the feature and television production sectors. First, however, those sectors had to be developed, through film, television and audiovisual financial policy, the subjects of the following sections.

5.2 The Film Acts (1980)

As momentum towards the establishment of the Irish Film Board continued to build, it was perhaps inevitable that film worker activism would turn away from the advertising industry towards the advocacy of indigenous film drama production, although advertising continued to be an important source of ongoing employment for film workers, not to mention a source of studio business for the effectively nationalised Ardmore complex.¹²³ When the Film Bill eventually materialised in 1980, the Irish Film and Television Guild made a final submission to Minister O'Malley, this time jointly with the Film Section and the Association of Independent Producers (Ireland) (AIPI).¹²⁴ This short document, sometimes referred to as the Yellow Book in the literature on Irish film policy, reiterated earlier attempts to have distribution measures and film archive proposals written into the Bill. It also sought to increase Board membership from seven to nine, in order to "remove

¹²³ About 100 commercials per year were filmed at Ardmore during the early 1980s (Orr 1982).

¹²⁴ AIPI, an organisation of independent dramatic film producers, was an offshoot of the FPA, following a December 1979 split (Presho 1979). The FPA continued in existence as a commercial (advertising) producers body (see Appendix M).

the possibility of the Board being dominated by any clique” (AIFI/IFTG/ITGWU 1980: 5).¹²⁵ The joint submission also sought a seat on the board for each of the signatory organizations, in a clear bid to ensure film worker and producer influence on board decisions. The signatories also tried to formalise, as a matter of principle, an 80/20 funding ratio favouring indigenous over overseas-originated films. This prioritisation couched the achievement of ‘cultural’ aims in terms of the employment of native ‘creative’ talent, in a clear attempt to redress the shortcomings of the Ardmore skills-transfer policy of the previous decades:

Producers, directors, scriptwriters, art directors, lighting cameramen and editors stamp their own creativity on every film they work on. Unless Irish producers are enabled to make films employing Irish people in these creative grades there will never be a truly Irish film industry. By their nature, foreign feature films shot in Ireland seldom, if ever, employ these grades. For this reason not less than 80% of all monies invested, loaned or granted by the Board to assist in the making of films shall be to independent producers whose normal operation and residence is in Ireland. In principle, these films shall be required to recruit all of their creative grades in Ireland (ibid.: 6).

The employment of crafts and other grades was obviously seen as less ‘culturally’ important, although nevertheless deserving of additional support through a limited allocation of funds (i.e. the remaining 20 percent of the Board’s budget) to attract foreign service production, which offered below-the-line employment potential and wider induced benefits:

Foreign film production in Ireland can generate considerable employment opportunities for Irish film technicians and craftsmen, as well as creating considerable financial gains for service industries and tourism (ibid.: 6)

The 20% of funds available was considered sufficient to entice two overseas features per annum, on a co-production basis, the funding being released through an Irish co-producer to maximise local employment (ibid.: 6). It is possible to detect here an uneasy tension between creative, technical and craft film grades: a legacy, perhaps of previous inter-union difficulties (such as those surfacing during the Ardmore dispute in the 1960s). Such tensions inevitably emerge from the extent to which the various grades are dependent on the audiovisual industry for employment. Creative (e.g. directors, editors, art directors and production designers) and technical (e.g. camera operators,

¹²⁵ Independent film producers and film workers alike wanted to ensure that any proposed production funding remained outside the control of the NFSI (Rockett 1988).

sound recordists, grips, lighting technicians) workers are dependent on audiovisual production of one form or another for employment, whereas craft workers (painters, plasterers, carpenters, metalworkers etc.) have skills that can be applied outside the audiovisual industry, in construction for example. This difference perhaps leads creative and technical workers to be more flexible in their dealings with producers, with whom they share a similar commitment to the audiovisual industry as the exclusive market for their skills. Tensions perhaps also emerge from distinctions between 'creative' and 'ordinary' labour in relation to their economic and cultural value. In the emerging Irish industry, as we have seen in the previous chapters, there had been repeated and sustained attempts to draw attention to the specificity of creative labour, and the extent to which it should or should not be constrained by labour agreements. Here again, as in the FPA/IAPI argument of the previous decade that the appointment of certain grades should be completely within the producer's remit, creative or "designer" labour is seen as central to a native industry that would reflect Irish culture and distinguish an Irish cinema from its international counterparts, a status from which craft or "operator" labour (the results of which are also visible on screen) was presumably excluded.

While most of the Yellow Book proposals were unsuccessful, the submission is notable in that it represents a formal alliance of labour and industry organizations, presenting a united front to the Minister in a strategic effort to gain access to the policy design framework and influence Irish film support, at least in the areas on which the Yellow Book contributors could find consensus. The Union, the Guild and AIFI can thus be regarded as active participants in the policy formation process, even if their proposals met with only limited success in terms of their effect on the final version of the Bill, which was eventually passed into law in December 1980. The Minister did include the establishment of a film archive in the Board's remit, although he chose not to enlarge the Board beyond the originally envisaged seven members, nor to reserve a seat for any of the Yellow Book signatory organizations. A Yellow Book proposal framing the functions of the Board in cultural terms – reflecting and respecting the notion of an indigenous Irish film culture – met with more success. The proposed amendment was eventually realised in Section 4 (2) of the Act:

In so far as it considers it appropriate, the Board shall have regard to the need for the expression of national culture through the medium of film-making (Irish Film Board Act 1980).

Thus the Guild, the Producers and the Union can be seen to pragmatically add the *cultural* justification for film support to the *economic* arguments already mobilised – and

not without reason. As discussed in Chapter Four, the 1970 Film Industry Bill had been delayed by the advertising industry's objections to indigenous commercial production support thought to contravene the Treaty of Rome. A 'cultural exception' argument might prove useful for defending the Board's funding decisions from future accusations of market distortion through State aid to sections of the industry:

EEC regulations may be taken as prohibiting new legislation that protects an industry in an individual member State. However, it is accepted in the EEC that the total culture, including the film culture, of each member State must be protected (AIPI/IFTG/ITGWU 1980: 4).

This 'cultural exception' justification for the proposed clause is arguably the most prescient of all the contributions to Film legislation offered in the Yellow Book and in previous submissions from industry stakeholders, for it predates by some 12 years the thrust of EU cultural policy designed to "contribute to the flowering of the cultures of the Member States", including "aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community" (Treaty of Maastricht 1992).¹²⁶

The significance of excepting film, television and other 'cultural' production from EU restrictions on State aid to industry cannot be overstated. The Irish film and television industry benefits hugely from the active deployment of this exception, without which the various production supports underpinning indigenous production could not exist. The exception also allows for the local application of production supports for incoming, runaway production, on the grounds that such projects help

maintain a high-quality audiovisual infrastructure, ... contribute to the employment of high class studio facilities, equipment and staff, and ... contribute to transfer of technology, know-how and expertise (Eur-Lex 2013: para.39).

Justified by the need to protect the European audiovisual sector from direct competition with Hollywood, cultural exception policy provides some €3 billion of film support per annum throughout Europe – aid that helps generate a yield of some 1,300 European films per year.¹²⁷ Further, the principle of *subsidiarity* in European law grants a degree of independence to individual member States in defining the limits of cultural policy and related market supports (ibid.: para.25). Thus in 2016, Irish State aid to the film

¹²⁶ Articles 92.3(d) and 128.

¹²⁷ Thus the EU generated more films (1,299) in 2012 than the US (807) or India (1,255).

and television drama production sector operates on both cultural and employment principles. The “cultural test” applicable to the certification for the Section 481 scheme, for example, seeks to ensure that films “either or both” enhance the national culture *or* stimulate filmmaking activity through employment (Film Regulations 2015).

The Irish Film Board Act (1980)

Some ten years after the 1970 Film Industry Bill had foundered in the Dáil, the Irish Film Board Act passed into law in December 1980, and the first appointees were made in 1981 (Rockett 1988: 115). And so began the modern era of Irish film policy, with a clear separation between film production incentives and provisions to support Ardmore Studios, whose effective nationalisation was formally enabled legislatively through the simultaneously enacted National Film Studios of Ireland Limited Act (see below). Ardmore was to be run as a production facility by a semi-State company, NFSI Ltd., while the Board would perform the broad production support and other functions for which the IFTG, AIPI and ITGWU had successfully lobbied (in the Yellow Book and elsewhere).¹²⁸ Thus an industry campaign with a clear lineage back to the John Huston chaired Film Industry Committee of 1968 was finally brought to fruition (ibid.: 114). The board was allocated a maximum fund of £4.1 million over the first five years (Irish Film Board Act 1980, s.10; ITGWU 1981: 117-8) – an amount that was expected to kick start a revolving fund that would be replenished and grown with the returns from the Board’s film investments.

The creation of the Irish Film Board marked a notable (if short lived) optimism that did not reflect developments in neighbouring Britain. There, the long-established support system, comprising the exhibitor quota, the Eady levy subsidising quota film production, and the National Film Finance Corporation (NFFC) providing additional financing for UK films, were all under pressure as the Thatcher government sought to impose a logic of economic self-sufficiency on the indigenous industry (Hill 1996: 101-2).¹²⁹ The quota would be halved to 15 percent in 1982 and suspended entirely the following year. In 1985, The Eady levy would be abolished, while the NFFC, in long-term decline, was effectively privatised when replaced by the British Screen Finance Consortium (ibid.: 103).

¹²⁸ The IFTG effectively disbanded following the establishment of the IFB.

¹²⁹ These film supports had underpinned many of the productions booking into Ardmore Studios since 1958 (see Chapter Three).

Despite such optimism, the Film's Board's £4.1 million funding allocation hardly suggested that high levels of production (and employment) could be expected, initially at least. One trade unionist observed that the total available funding would be less than half of that expended on *Brideshead Revisited*, the recently concluded ITV drama series (Doolan 1982: 2).¹³⁰ The ITGWU nevertheless welcomed the Act as a catalyst for indigenous filmmaking, although IAE had reservations about actors and other filmmakers being asked to subsidise the new industry through low pay or deferred wages due to insufficient finance (Doolan 1982: 2). To the ITGWU Film Section's regret, the Minister had rejected most of the Yellow Book proposals submitted during the consultation process, including the request for a Union-nominated board member or 'worker director'. The lack of an ITGWU nominee was doubtlessly perceived as a snub to the union, which vowed to continue its campaign for inclusion (ITGWU 1981: 118). While the other Yellow Book signatories had also been denied a formal representative, Michael Algar and Tiernan MacBride, chairmen of the IFTG and AIPI respectively, were nevertheless appointed in 1981 (Algar as Chief Executive). IFTG member Carolyn Swift, a writer, was also appointed to the inaugural Board. No such accommodation was extended to the ITGWU, although due to the overlapping roles within the various film representative bodies the union was arguably well represented by Algar and MacBride, both of whom were prominent members of the Film Section, as was Louis Marcus, later appointed to the Board in 1983 (Rockett 1988: 120; ITGWU 1975).

Despite the reservations about the levels of funding, the Board nevertheless set about investing in feature projects, funding a total of 10 features between 1981 and 1987.¹³¹ Many of these features were co-productions with UK television channels, notably the newly created Channel 4, as the Film Board's new funding role dovetailed with film industry change in the UK. There, funding from the television sector, notably Channel 4 and the ITV companies Thames and Granada, became increasingly important with the demise of the traditional quota, Eady, and NFFC supports (Hill 1996). Thus UK television finance underpinned many of the most prominent Irish features from this period and into the 1990s, including *The Snapper*, *The Courier*, *My Left Foot*, *The Field* and *The Crying Game* (ibid.)

¹³⁰ One Film Board member had claimed, similarly, that the funding was less than the amount required "to make half of one decent film" (Orr 1982).

¹³¹ The Board was suspended before it could invest its total £4.1 million allocation. Accounts released in 1995 revealed that the Board had invested £1.7m in film production, out of total capital expenditure of £3.1m, by 1988 (IFB 1995a: Accounts 1998, note 6).

As indigenous production began to be boosted by these productions, the ITGWU expressed satisfaction with employment levels during the first half of the 1980s. Members were “well provided for” on native Film Board projects *Pigs*, *Anne Devlin*, and *Eat The Peach*, as well as incoming films like *The Fantastist* (ITGWU 1984: 102; ITGWU 1986: 130). For many workers, year-round employment continued to depend on commercial production, however, and the union was careful to claim no more than “minimum levels of employment” for 1985, despite reasonable amounts of commercial activity in addition to feature and TV work. If there was a relative sense of wellbeing among film workers during this era, the rise in indigenous production was most likely a contributor. The sudden suspension of the Board’s activities in 1987 by Taoiseach Charles Haughey must therefore have come as something of a shock, even allowing for the failure of these early Film Board films to deliver any meaningful recoupment of funds invested. Perhaps aware of the poor financial returns, the ITGWU framed their criticism of Haughey’s decision in terms of induced economic effects rather than direct economic (or indeed cultural) value:

it was a strange decision for a Government professing a concern about developing our tourism industry. It is generally accepted that expenditure in this country from film-making – on hotels, transport, catering etc., – could be significant (ITGWU 1988: 150)

By the mid 1980s, however, it had begun to become clear that continuous employment in the industry would require more activity than film and advertising production, indigenous or otherwise. It is notable that all of the projects listed in the Film Section’s review of 1984 – *The Irish RM*, *Remington Steele* and an unnamed German production – were episodic television dramas (ITGWU 1985: 104).¹³² This emerging sector of the production industry in Ireland would become closely linked to developments at Ardmore Studios, where television drama production would form an increasingly important part of its business model.

The National Film Studios of Ireland Limited Act (1980)

Having achieved its goal of ensuring the separation of State policy supporting film from State policy supporting Ardmore,¹³³ the IFTG continued to keep a close eye on developments at the studios, which remained an important piece of production infrastructure for commercials and filmed drama alike. The NFSI had failed in its bid to

¹³² The “German” production was possibly *Caught in a Free State* (RTE/Channel 4 1984).

¹³³ This is not to suggest that the IFTG was solely responsible for this separation, which was also recommended by the Arthur D. Little consultants’ review (Rockett 1988: 116).

control the State film production fund, and the unambiguous locating of film policy in the hands of the Irish Film Board served to increase the seemingly perennial uncertainty at the studios. Such uncertainty was exacerbated by the National Film Studios of Ireland Act, which legitimised the studio company's semi-State status, allowing the Finance Minister to fund the studio and guarantee its borrowings, but also to sell or liquidate the company if preferred.

In September 1981, with rumours of a change of ownership circulating, the IFTG urged the government to retain the studios in State ownership while leasing them to Jack Conrad, a US producer who planned to modernise the complex. His proposals included a state-of-the-art post-production facility, part of a business plan centred (not for the first time) on the attraction of US film and television projects. In the interests of Irish film worker employment, the IFTG favoured this bid over NFSI chairman John Boorman's rumoured "asset stripping" plans to raise funds by selling off Ardmore's backlot for commercial property development (IFTG 1981).¹³⁴

The Conrad plans went nowhere, however. Citing a projected loss of £750,000 for 1981, Albert Reynolds, Minister for Industry and Energy, appointed a liquidator to the studios in April 1982, marking the end of the NFSI period (Walsh 1982). Studio workers argued for its retention within the State sector on the grounds that Ardmore provided employment and training opportunities for film workers, along with economic benefits for the Dublin/Wicklow area and the "country at large". They maintained that films brought into the country during the NFSI era had brought revenue of £12.5 million to Ireland, five times the State investment of £2.5 million (NFSI Studio Workers Committee 1982: 1).¹³⁵ The workers also put forward the cultural argument, characterising Ardmore as a "valuable national asset" as central to Ireland's cultural life as the Abbey Theatre, RTÉ and the National Concert Hall. Despite its unimpressive performance to date, it could still play a vital role by realigning itself with Irish cultural production, an unfulfilled aspiration of founders Elliman and Dalton that had never been realised (ibid.: 2).

The Committee called for investment in Ardmore, possibly in partnership with private capital, to expand and upgrade the facilities and increase its appeal to advertising and film producers, including those making indigenous projects with the newly established Irish Film Board. Echoing earlier calls, the Committee felt Ardmore would be

¹³⁴ Part of the backlot was eventually offered for sale in 1991 (Dowling 2012).

¹³⁵ An Industry and Energy Department spokesman maintained the State had invested £4.25 million during the same period, however (Walsh 1982).

the “obvious location” for a film school. The studio workers also made the rather unusual suggestion for an ancillary “manufacturing division”, mobilising latent crafts and technical talent for the production of film props and other film merchandise, as well as a range of entirely non-film related activities such as interior decoration services and the manufacture of furniture, display and exhibition units (ibid.: 5). Such a proposal, of course, can perhaps best be read as an attempt to secure continuity of employment for Ardmore craft workers, who like their technician colleagues had a work capacity only partly met by Ardmore’s sporadic employment opportunities on films. It also underlines the point, made above, about the non-dependence of craft and construction workers on film production, due to their ability to apply their particular skills to other industrial areas, unlike their creative and technical colleagues, who are more specifically dependent on film production for employment.

While these film worker proposals to extend Ardmore activity came to nought, they represent a genuine attempt by film workers to influence their own fate through the expansion of the range of services provided to global Hollywood by local location interests (see below). Other active location interests included individuals such as Morgan O’Sullivan, through his efforts to adapt the grip system and other local work practices to Hollywood requirements, with the assistance of State bodies such as AnCO and the IDA (see Chapter Four). These adaptations were well timed, as O’Sullivan’s particular interest in series production for US television, and his determination to implement the local conditions necessary for its outsourcing to Ireland, began to bear fruit in the 1980s.

5.3 The importance of TV drama production

The early Film Board years coincided with changes in the political economy of television drama production, as a series of developments gave rise to cable and satellite broadcasting, the increasing privatisation of broadcasting, and a simultaneous erosion of public broadcasting principles. At RTÉ, the combined effect of these changes reduced in-house drama department output in favour of both domestic and international co-productions (Sheehan 1987: 281ff). Despite the success of *Strumpet City*, a lavish and hugely successful period drama produced almost entirely in-house in 1979-1980, rising drama budgets contributed to normalising a system of co-production.¹³⁶ The type of co-production varied, with RTÉ’s involvement ranging from full editorial control (in projects initiated by the broadcaster, e.g. *The Year of the French*) to minimal input (in Irish-themed

¹³⁶ *Strumpet City* was sold to broadcasters in 52 countries (Sheehan 1987).

projects initiated overseas, e.g. *The Irish RM* or *The Ballroom of Romance*, under the control of Channel 4 or BBC respectively). Domestic co-productions also began to appear, as an independent production ethos started to emerge, an early example being the four-part series *When Reason Sleeps*. RTÉ produced only one episode in-house, the rest made by independent production company Strongbow (ibid.: 312).

The increasing prominence of independent, non-RTÉ production meant that a larger share of Irish television drama production began to become within the Film Section's industrial jurisdiction.¹³⁷ Perhaps more importantly, however, the proliferation of cable, satellite, and new terrestrial channels served to increase demand for English language content, extending the international division of labour already established in film into the realm of TV drama production. Thus a significant amount of drama produced in Ireland in the 1980s was made for overseas TV markets, especially the UK, where the newly established Channel 4, echoing its increasing importance in the feature film sector, soon outstripped the BBC as RTÉ's most significant co-production partner. The emerging co-production sector provided welcome employment to Film Section members during difficult economic conditions, and appears to have been established without much opposition from overseas unions. The same cannot be said for runaway British drama production in Ireland, even if moved here for ostensibly creative reasons, as was the case with the popular children's drama *Worzel Gummidge*. It was announced in 1983 that a fifth series of the ITV show would be filmed in Ireland, and pre-production commenced for a September shoot in Co. Wicklow (Gillespie 1983). The project fell foul of ACTT, however, suggesting that the progress made several years previously between that union and the ITGWU over TV commercials could not be taken for granted in other industry sectors. In an echo of the ETU troubles of the 1960s, ACTT objected to the inclusion of six Film Section technicians on the production crew. Sensing trouble, the project's financiers, Harlech Television, pulled out. The producers were confident the series, pre-sold to Channel 4 with a budget of one million pounds over seven episodes, would go ahead the following year (Myers 1983). This proved to be wishful thinking. The Irish-based episodes were never made, although the screenwriters adapted the storyline for print and published it as *The Irish Adventures of Worzel Gummidge*.¹³⁸

¹³⁷ This does mean, however, that such production came under the ITGWU's remit for the first time, as many RTÉ workers were members of the Film Section's sibling, the Vision Section.

¹³⁸ Waterhouse and Hall 1984.

The internationalisation of TV drama production would prove significant for the fortunes of Ardmore Studios in the post-NFSI era. Emerging from receivership in 1984, the studios were purchased by a Pakistani concern, Sipra Productions, which promptly collapsed. In the aftermath, Ardmore was purchased in 1986 by an Irish-American consortium comprising Mary Tyler Moore Enterprises (MTM), Tara Productions, and the State venture capital company, NADCorp, which took a 32 percent stake (Flynn and Brereton 2007: 18). Ardmore thus returned, at least partly, into State ownership, a status it retains to this day.¹³⁹

The ITGWU Film Section supported this development, to the extent that prior to the MTM takeover, it negotiated a new labour agreement incorporating US union practices with incoming Ardmore MD Morgan O’Sullivan and his management team (Culliton 1986; Stanley 1988). This development was consistent with O’Sullivan’s earlier moves to accommodate US production capital with the introduction of work practices such as the US grip system to Ireland (see Chapter Four). The MTM labour agreement, from a management point of view, sought to “eliminate restrictive work practices” drawn from film production traditions in favour of a more flexible regime geared towards the needs of US TV production, with the introduction of 14-hour days and a six-day week (Culliton 1986a). The union was aware of the agreement’s importance to Ardmore’s new regime. With the participation of US executives via transatlantic conference call, it had negotiated the terms with MTM/Tara, before ratifying the agreement at a special Saturday morning general meeting of the Film Section. Only then did MTM conclude the Ardmore purchase, underlining the importance of the union deal.¹⁴⁰ In its annual report for 1986, the union stressed that the agreement had been “secured expressly on the basis of continuing production” (ITGWU 1987: 110). The general optimism that this production would materialise appeared well founded. In the immediate future, the studios expected to host three episodes of MTM’s popular US TV drama *Remington Steele*; a new six-part US TV drama developed by Tara; and various other projects in the MTM/Tara pipeline (Culliton 1986a).¹⁴¹

The implementation of the new agreement hit some teething problems on the *Remington Steele* set (ITGWU 1987: 110). However the formalisation of an agreement

¹³⁹ NADCorp was incorporated into the IDA (via the Industrial Development (amendment) Act 1991) and later Enterprise Ireland (via the Industrial Development (Enterprise Ireland) Act 1998).

¹⁴⁰ Personal interview with retired union official Pat Keenan, 25/11/2014.

¹⁴¹ Tara had already produced an Ireland-based episode of *Remington Steele* for MTM in 1984 (Culliton 1985).

covering TV practices was a forward-looking move, especially seen from the current era, where international television production, much of it still connected to O'Sullivan, remains a vital facet of the production industry in Ireland. O'Sullivan's interest in establishing US-style TV production practices was influenced by his ongoing analysis of the workings of the US industry, and his understanding of the role of the Hollywood unions:

I had learned a lot in the US. I'd sort of trained on *Hawaii Five-0*, the television series. So a lot of the unions in the US were incredibly helpful to me at the beginning, IATSE and so on. So I believed in the whole, believe it or not, union structure here, because I felt it was basically foreign money coming into the country, and there was a danger of people being exploited.¹⁴²

As a producer and keen observer of the Hollywood television production system, O'Sullivan undoubtedly appreciated the importance of stable labour agreements and predictable crewing expenses to the production planning process. He was aware too of the symbiotic relationship between producers and unions, and had already begun to cultivate what would become a long and productive relationship with Pat Keenan, who had become secretary of the Film Section in 1985. The pair had first met several years earlier at a function in Jury's Hotel, where O'Sullivan took the young union official aside and outlined his vision for the industry in Ireland.

I was only the assistant in the office, and he started bending my ear about the future of the Irish Film Industry... And I have to say, he delivered somewhat. Because his Irish film industry was servicing overseas production... And as long as everyone understood that Morgan O'Sullivan was coming from that area... His remit was not culture or history, his remit was work.¹⁴³

The ITGWU's accommodation of O'Sullivan's work-oriented approach to cultural production suggests that the union was most interested in maximising work opportunities for members – as opposed, for example, to encouraging an expansion of the Film Board's remit to more specifically embrace television production, a development that might have benefitted a wider constituency by growing the wider industry. By 1987, however, the low volume of work emanating from MTM/Tara began to worry the ITGWU. It was a busy year in general, and O'Sullivan attributed much of the credit to the MTM labour agreement (Stanley 1988a). But the union, while happy with employment levels on film and TV productions such as *Reefer and the Model*, *Da*, *The Courier*, *Echoes*, *The Troubles* and *Taffin*,

¹⁴² Personal interview with executive producer Morgan O'Sullivan, 27/11/2014.

¹⁴³ Personal interview with retired union official Pat Keenan, 25/11/2014.

noted MTM's smaller-than-expected contribution to this employment – a concern given added urgency by the sudden suspension of the Film Board (ITGWU 1988: 150).

With the Board in recess, the MTM project at Ardmore arguably assumed a greater significance, with the potential decline of the mainly indigenous and UK co-productions the Board had supported. In 1988, MTM commenced production of a pilot for a new series, *Three of a Kind*. The project, headed by writer and executive producer Jeffrey Lewis, was described by O'Sullivan as "the first prime time United States television series based outside the US" (Holohan 1988). Hopes were high that the new series would be as successful as Lewis' previous project, the recently concluded *Hill Street Blues*. O'Sullivan brought Junior Minister for Trade and Marketing Seamus Brennan to the set, amid announcements that MTM would spend £30 million per year in Ireland, employing Irish crews, crafts and extras. Although the MTM-Film Section labour agreement, in the absence of the promised levels of production, was somewhat underused, O'Sullivan reiterated the importance of the deal and the work practices it sought to enshrine. *Three of a Kind* (and MTM) had come to Ireland, he said, because it was "the only country with a union agreement suitable for episodic shooting, where a flexible structure is necessary" (ibid.).

It is unclear, however, how many of these episodes, budgeted at £1 million each over eight days of production, were ever made, or indeed if *Three of a Kind* ever aired on television at all. ABC did not like the pilot and rejected the series (TCM 2015). By 1989, the envisaged MTM production levels had still not materialised, leading to some disgruntlement among Film and Video Section members about the union's ongoing commitment to the Ardmore production agreement (ITGWU 1989: 145).¹⁴⁴ Soon afterwards, the MTM era petered out when the company, which had been purchased in 1988 by TV South, was broken up. MTM's \$335 million price, based primarily on the value (\$310 million) of its back catalogue, suggests TV South was less interested in production than in exploiting MTM's intellectual property. While O'Sullivan, as always, had expressed enthusiasm for the takeover, the former MTM-Tara share of Ardmore was offloaded to Windmill Lane Studios, the Dublin company that had recently been awarded the TV3 commercial television franchise by the State (Stanley 1988; Kilfeather 1990).¹⁴⁵

Morgan O'Sullivan's brief alliance with MTM in his bid to turn Ardmore into a studio for episodic US television drama was at an end. However it represents an important

¹⁴⁴ The Film Section became the Film & Video Section in the mid 1980s.

¹⁴⁵ NADCorp retained its 32 percent share of the Studios (see above).

step in aligning local production practices and labour agreements with the flexibility required by Global Hollywood. O'Sullivan, Tara Productions, and indeed the Film Section, due to its pragmatic adoption of more Hollywood-friendly terms and conditions, thus demonstrate significant local agency in shaping local conditions to address the cost and quality concerns of mobile production capital. O'Sullivan especially emerges as a powerful individual 'player' in the Irish market, commanding substantial influence over other local actors like trade unions and government departments in a drive to build local production capacity through servicing the US television and film market. The strategy, somewhat stop-start during the 1980s, would eventually prove successful in the following decade (see Chapter Six). Although MTM's modernised labour agreement expired with the company's demise, its provisions likely influenced later labour agreements, which would be increasingly built around assumptions of an increasingly longer working day. For the time being, however, no agreements regulated the world of film and television production work in the 1980s, a situation that began to change when the ITGWU and the film producers finally signed an agreement for commercial production.

5.4 The Commercial Agreement (1986) and “Blue Book” regulations (1988)

As discussed in Chapter One, the period around 1980 represented a high point for trade union density in Ireland. When the recession deepened as the decade progressed, union density declined, setting a trend that has continued into the present day (Appendix A.1). Economic trends in the film industry, however, went against this general trend, and film workers represented by the ITGWU and other film unions continued to enjoy the privileges attached to the union card, including access to the “bread and butter” work of advertising production. Membership of the Film Section thus grew steadily throughout the decade, and indeed well into the 2000s (Appendix A.4). Despite the progress in the 1970s that had opened that same advertising industry to Irish film workers, however, by the mid-1980s there were still no formal general labour agreements between producers and freelance film workers in place. The Film Section's unilateral regulations, published in 1976, continued to guide terms and conditions of employment.¹⁴⁶ Whatever agreements existed from time to time at Ardmore Studios tended to lapse with each change of management.¹⁴⁷

¹⁴⁶ ITGWU 1976.

¹⁴⁷ The ITGWU had not reported an updated Ardmore agreement since 1967 (ITGWU 1968: 78).

The Film Section had clearly resisted producer efforts to crystallise any labour agreements covering commercial work in the 1970s. In relation to feature and television drama production outside of MTM-Tara and Ardmore Studios, the No. 7 Branch's unilateral 1976 Rules and Regulations document did not appear to come under any major pressure from producers, perhaps reflecting a general lack of cohesiveness within the producer's organisation, the AIPI (but also, of course, the paucity of native film production). Despite the establishment of the Film Board, producers do not appear to have lobbied for any change to these regulations, nor for any moves towards an official bilateral agreement. This reflects, perhaps, the lack of professionalization among feature film producers noted by the Film Board's first Chairman, Muiris MacConghail (1982: 136). Following a review by a three-person Film Section subcommittee, an updated version of the rules was issued in 1981 (McEvoy 1981). The new document appears to have sufficed until a more thorough review resulted in the so-called "Blue Book" regulations in 1988 (see below). Two years before that, however, an important collective bargaining milestone was reached when a bilateral labour agreement covering the advertising sector was finally achieved.¹⁴⁸

The ITGWU-FVPA Commercial Agreement (1986)

At the same time as the Film Section was negotiating its local deal with MTM/Tara, an agreement covering the production of television (and cinema) commercials was finally concluded in 1986, after more than a decade of sporadic negotiation (ITGWU 1987: 111). By now, in recognition of the increasing importance of video technology, the Film Section had become the Film and Video (FV) Section, while the producers association was now the Film and Video Producers Association (FVPA). The agreement was a relatively simple five-page document, negotiated over a short period by a team that included Aonghus McAnally and Patrick Keenan for the Film and Video section and Brian Halford for the FVPA.¹⁴⁹ The brevity of these negotiations was remarkable, considering the long stand-off since 1974 (see Chapter Four). Perhaps it can be attributed in part to the overlapping interests of some of the negotiators: Halford, for instance, was not simply a producer. He was also a commercial director, who had become the union rep shortly after gaining his director's

¹⁴⁸ Confusingly, both the 1986 agreement and the 1988 regulations are sometimes referred to as the Blue Book by producers and workers familiar with this era. I have chosen to reserve the "Blue Book" designation for the 1988 regulations document (ITGWU 1988a), which was issued with a blue cover and contained in its Appendix a copy of the 1986 agreement.

¹⁴⁹ Personal interviews with producer (ANON), 11/12/2014, and retired union official Pat Keenan, 25/11/2014.

ticket. He was also a board member of Young’s advertising agency and in that capacity a member of IAPI council. So in relation to advertising production, he could at different times represent the various interests of client (IAPI), employer (FVPA) and employee (ITGWU 7 Branch Film and Video Section).

Standard Day	8 hours commencing 8:30am. One-hour meal break. Overtime after 8 hours or 7pm (whichever comes first).
Start time	Variable, 8-11am.
Overtime rate:	Time and a half to midnight, double time thereafter.
Night Shoot	Defined as workday commencing from 5pm, extending past midnight. All hours paid time and a half, min. 8 hours at that rate. If shooting past 2am, all hours at double time, paid up to 8:30am minimum.
Half-day	Half day (4 hour) shoot may be scheduled, paid at 60 percent of daily rate. No obligation for crew to work beyond the four hours; overtime penalties if afternoon half-day shoot extends past 5:30pm.
Turnaround	Turnaround time: no crew member to work past 10pm if booked for another production the following day.

Table 6 – 1986 Commercial Agreement: main features¹⁵⁰

The Commercial agreement formalised many of the work practices adopted over the previous decade by producers and workers on commercials, with slight differences in crewing levels for film and video shoots. The closed shop was formally recognised with the agreement of producers to employ only “benefit members of the Film and Video Industry Section” of the ITGWU Dublin No. 7 Branch, unless such personnel were “deemed not to be available in this country” (ITGWU 1988a: 28, clauses 1.2 and 2.4).^{151, 152} The agreement formalised the commercial crewing levels insisted on by the union during the earlier negotiations, i.e. a minimum of eight plus trainee, with reduced levels for certain situations

¹⁵⁰ ITGWU 1988a: Appendix 1.

¹⁵¹ I have not located a copy of the original agreement. However its text is reproduced in Appendix 1 of the 1988 Employment Regulations for the Film and Video Industry (ITGWU 1988a). (There are two clauses numbered 1 in this version – the designation 1.2 here refers to the first section numbered thus.)

¹⁵² Grades not represented by the FV Section (e.g. electricians, construction, crafts) were not covered by this agreement, and subject to agreements negotiated by their own unions.

(‘table top’ shooting, weather shots, ‘pack shots’, etc.) (ibid.: clauses 4, 5). Minimum daily and weekly rates for each grade were agreed, along with standard hours of work and overtime arrangements (ibid: clauses 10, 11, 15). These terms, summarised in Table 6, arguably reflect the union’s preferred position, in the first labour agreement signed by the Section since the 1974 reorganisation of film workers.

The agreement contained some additional rules in relation to compensation for late cancellations of bookings; travel time, meal allowances and “weather days” (i.e. additional days scheduled in case of weather delays). There was a bilateral commitment to review the terms and pay rates on an annual basis (ibid.: clauses 12-17). The extent to which the agreement matches the Film Section’s preferred arrangements during the sporadic negotiations over the previous 12 years is telling. The specified crew levels match exactly the union’s preferred position in the aftermath of the 1974 closed shop, suggesting the union had dominated the negotiations. On the other hand, the agreement also reflects the willingness of the producer side to compromise on its earlier insistence on total control over crew size and composition, especially in the choice of the “creative grades” (see Chapter Four). In relation to working hours and overtime, the Commercial Agreement was considerably more complex than the 1976 Regulations. While the standard 8-hour workday remained, it could now commence within a wider 8-11am time window. The introduction of double time pay after midnight was new, suggesting that this had become an issue in the intervening period. Similarly, the 1986 rules for night work and applicable overtime built substantially on the 1976 version, where most after hours work was payable at time and a half, except at weekends and holidays, which attracted rates of double time and 2.5 time respectively (ITGWU 1976).

The rules and pay rates for night work would continue to be modified over subsequent labour agreements in the 1990s and beyond. Amending the 1976 regulations, for example, the union subcommittee had noted a disconnection between the night rules and the emerging standard practice on set:

This is very complex and to the knowledge of the Sub-Committee no Production Company over the past three or four years have paid anything like the mount (sic) laid down in the rules. On [John Boorman’s *Excalibur*] ITGWU members worked for £10 a night all in (McEvoy 1981: 2).

In the same document, the committee also questioned some of the existing rules concerning the commencement of overtime hours:

No one on the sub-Committee can understand why overtime should apply from 7pm. ... Surely it would be less confusing to read: Overtime provision will apply when the eight hour working day has elapsed (ibid.).

The overtime 'deal', as practiced during the *Excalibur* shoot, reflects Film Section pragmatism in the face of complicated overtime and night work rules. The evidence suggests that such film-specific deals would become standard practice (e.g. Fitzgerald 2001), although variations of the overtime rules persisted in the Commercial Agreement and subsequent rules and agreements, at least until 1994 (see Chapter Six). The Film Section's readiness to compromise demonstrates significant labour flexibility to adapt to producer requirements, demonstrating a clear alignment with (as opposed to resistance to) producer interests – a labourist position reflecting a distinctly Gramscian view of unions as accommodating capital rather than seeking its demise (see Chapter Two).

The "Blue Book" Employment Regulations (1988)

Standard Day	8 hrs normally commencing between 8-9am (but may be agreed between 8-11am). One-hour meal break. Overtime after 8 hrs.
Continuous Day	Continuous working day (CWD) may be agreed, commencing 8-11am and continuing for 7 hrs without meal break (running buffet provided).
Overtime rate:	M-F: Time and a half. S/S/Hols: Double time, guaranteed 8 hrs pay.
Night Shoot	Defined as workday extending past midnight. First five nights: all hours paid at time and a half, in addition to guaranteed payment of 8/40 hrs for day/week. Extra payments for Saturday, Sunday and holidays. ¹⁵³
Turnaround	12-hr break between calls.

Table 7 – 1988 employment regulations: work hours and pay rates.¹⁵⁴

Two years after reaching the Commercial Agreement, the union once more updated its employment regulations for general work on feature films, TV drama, shorts and documentaries in an updated set of Employment Regulations that became known, due

¹⁵³ Night shoot payments are too complicated to summarise here. See ITGWU 1988a: Clause 12.

¹⁵⁴ ITGWU 1988a.

to the colour of its cover, as the “Blue Book”.¹⁵⁵ These regulations had not been formally agreed with the film producers’ trade association, now restructured and renamed Film Makers Ireland (FMI).¹⁵⁶ However the regulations provide an insight into the union’s preferred minimum terms and conditions for freelance film and video employment, in that producers were expected to comply with the general thrust of the stipulated conditions and pay rates on a project-by-project basis, one of those conditions being that only Film and Video Section members could be employed in the grades represented by the union. So while no formal closed shop yet existed for film technician employment, the regulations clearly reflect the union’s desire to achieve such a condition. The main points of the regulations are summarised in Table 7.

These regulations can perhaps be read as representative of the union position going into the negotiations that a few years later in 1991 would result in the Irish industry’s first major producer-union agreement beyond the remit of Ardmore Studios (see Chapter Six). The 27 pages of the Blue Book, which was based on a similar broad definition of the standard working day applied in the earlier Commercial Agreement, contained very detailed stipulations about overtime rates for night and holiday work, with overtime payment rates ranging from time and a half to 3.67 times the standard hourly rate.¹⁵⁷ Also specified were detailed arrangements for meal breaks, location work, and travel time; minimum crewing levels for features, shorts, and documentaries.¹⁵⁸ In recognition of the training potential of short films and documentaries, the union permitted ‘upgrading’ on these films (allowing a camera assistant to work as an operator or lighting camera, for example, but not to work in a different department, e.g. sound). Employee welfare clauses were also included, such as provisions for inability to work due to sickness and accident, and insurance coverage when working at home or abroad. In general however, the regulations are not drastically changed from the 1976 version, suggesting that film workers, and their union representatives, were happy that the document was a realistic starting point for the inevitable local arrangements that accompanied every production. In reality, as the 1981 sub-committee had noted, production companies looked to do project-specific deals to bypass the more extensive (and expensive) Rules.

¹⁵⁵ Personal interview with retired union official Pat Keenan, 25/11/2014.

¹⁵⁶ AIPI became Association of Independent Film Makers in the mid-1980s, before evolving into FMI in 1987 following the suspension of the Irish Film Board (Flynn and Brereton 2007: 326).

¹⁵⁷ Depending on number of hours worked, and when worked, with higher rates for weekends and public holidays, the highest rates payable on Christmas Eve (ITGWU 1988a: Clause 12).

¹⁵⁸ Acknowledging the tradition in short and documentary filmmakers for some directors to also operate the camera or edit the film, the regulations make allowance for such arrangements, but stipulating additional camera assistants in some cases (ibid.: 18-19).

So by the second half of the decade, with the film and television production sector growing strongly, the moribund nature of the general economy and the related state of the public finances combined to end the annual direct subsidy represented by the Film Board budget. In 1987, National Lottery funds had been used to make up half of the Board's capital grant as pressure on exchequer funds grew (Irish Times 1987). The winding up of the Film Board that year would have a silver lining, as a new tax incentive, for which Film Board members had been lobbying since the Board's creation, was finally introduced.¹⁵⁹

5.5 The Section 35 tax incentive¹⁶⁰

On one level, the timing of Charles Haughey's June 1987 suspension of the Irish Film Board seemed incongruous, with two Irish features (*The Courier* and *Reefer and the Model*) already in production that year, and a considerable slate of international co-productions (*Da*, *Taffin*, *Now I Know*) and television series (*Echoes*, *Troubles*, *The Old Jest*) about to commence (Comiskey 1987). Such activity levels, with so much of the work originating from outside of the State, suggested that Ireland was finding a place within the global content production industry's international division of labour. Indeed so much work was in the pipeline that there were concerns about the availability of sufficient crew and technical resources (ibid.). As Table 5 above demonstrates, film and television production was increasing rapidly.

On another level, however, the Board's suspension was unsurprising given the recessionary pressures on State finances, and developments in neighbouring Britain, where the major film supports for indigenous production had all been recently abolished in Margaret Thatcher's drive to encourage a more commercially oriented native industry (see above). On suspending the Film Board and handing over its nominal functions to the Arts Council, Haughey echoed this commercial drive with the introduction of a new incentive, one of several proposed tax amendments announced days earlier, designed to encourage private investment and "help Irish film production become a genuine business activity" (Irish Times 1987a). The incentive, which became known as Section 35 after the relevant paragraphs of the Finance Act, would allow private companies to write off an investment of up to £100,000 in a qualifying film or television project.

¹⁵⁹ E.g. Muiris MacConghail (1982: 137-8) suggested Australian tax incentives as a model.

¹⁶⁰ This section draws on Murphy and O'Brien 2015.

If the Film Board's former role of encouraging indigenous film production would now be subsumed within the largely 'cultural' activities of the Arts Council, Section 35 appeared to have a more expansive and commercial role, namely the development of "genuine business activity" that would presumably contribute more visibly to the national economy than heretofore. While Section 35 was the first Irish tax measure aimed specifically at funding film and television production, it was not the first tax incentive to be adapted for that purpose. Two years earlier, the Business Expansion Scheme (BES), a tax incentive introduced in 1984 to develop small businesses with private capital, had been used by Strongbow Productions to finance the 1986 feature *Eat The Peach* (Murdoch 1986). Another system, using limited partnership arrangements, had become a standard method of co-funding Irish TV drama, employed by RTÉ on high profile productions like *The Ballroom of Romance* and *Caught in a Free State* (Irish Times 1985). However this option had been closed off in 1985 by Fine Gael finance minister Alan Dukes. Citing "tax abuse", Dukes closed a loophole that had allowed investors in limited partnerships to derive benefits from artificially generated tax losses (Seanad Éireann Debate 1985; Wren 1986). The closure of the scheme brought about a notable lobby from the industry for an alternative system. Robert de Niro and Richard Gere were two of the more notable of "several hundred" local and international film workers, producers, writers and directors enlisted to sign a letter sent to Dukes, pleading for an alternative tax funding system (Irish Times 1986a). The letter cited reduced employment and the loss of £12 million of annual export earnings as well as damage to tourism and cultural image as the main reasons for replacing the limited partnership system with a tax-based funding initiative specifically aimed at the film industry. Indeed Michael Algar, on taking up his post as the Film Board's first chief executive in 1982, stated that one of the Board's major tasks would be to persuade the government to bring in legislation to incentivise private investment in film production (Comiskey 1982).

It is of course ironic that such legislation was finally introduced by Charles Haughey at almost the same time as the Board's activities were suspended. The suspension was blamed on the poor financial performance of the Board's films, and it is clear from the Taoiseach's subsequent comments in the Dáil that he felt Section 35 would encourage a more commercial focus (Dáil Éireann Debate 1987).¹⁶¹ But as Labour deputy Michael D. Higgins pointed out in the same debate, the proposed tax incentive would hardly encourage indigenous film development. It seems clear, then, that the commercial

¹⁶¹ As Haughey also pointed out, however, the Board had been established on the basis that it be self-financing, a requirement it had clearly failed to meet.

film industry envisaged by Haughey and his government would most likely be an industry servicing foreign production. In some ways, therefore, the industry was back to square one, although it still retained at least one active legislative support.

The introduction of Section 35 thus underscored a policy shift away from low-budget, indigenous arts activity and towards a more outward-looking commercial-industrial concept. It would be a number of years before the scheme began to generate the envisaged levels of investment, however. The original scheme was limited to corporate investors: companies could exempt up to £100,000 from corporate tax by investing in a qualifying film or television project. Not surprisingly, there wasn't a great amount of interest among the business community, mainly because Ireland's low corporate tax regime meant that business owners were not really interested in tax relief. Over the first six years of the scheme's existence, only £11.5 million was raised, barely enough to fund one low-budget film per year.¹⁶² As shall be discussed in Chapter Six, however, the rules were modified to include individual investors in 1993 – when the top rate of personal income tax was 48 percent – and Section 35 took off (Flynn and Brereton 2007: 329).

It is perhaps unsurprising that a tax incentive introduced in the 1980s, a decade of economic stagnation, would fail to generate the levels of investment and employment required to contribute meaningfully to a general economic revival. By coincidence, however, Section 35's introduction in 1987 coincided with the beginnings of the economic turnaround that would culminate in the Celtic Tiger boom in the 1990s. The first of the Fianna Fail social partnership programmes, the Programme for National Recovery (PNR) was launched in October. If Charles Haughey had felt the £1.7 million spent specifically on film production by the Film Board between 1981 and 1987¹⁶³ had been a waste of money, he appeared to have more confidence in the television production sector. The PNR earmarked £1 million of RTÉ funds for independent, home-produced programming through the end of 1990 – an amount of £333,000 per annum that approximately equated to the amounts invested in film by the suspended Board. The PNR thus anticipated to some extent the 1989 *Television Without Frontiers* directive that would require, among other things, that national broadcasters reserve 10 percent of transmission time or programming budget for Europe-originated independent productions (Eur-Lex 2008).

¹⁶² The success of the scheme was probably not helped by Strongbow's BES experience with *Eat The Peach*, which lost about half its production costs despite a very successful theatrical run in Ireland and an international release (Flynn and Brereton 2007: 42-3; Murdoch 1992).

¹⁶³ See Irish Film Board 1995a, Accounts 1998, note 6.

It would be the following decade before Section 35, after several amendments, became an effective production incentive in terms of its ability to attract significant amounts of private investment, and therefore fulfil any ambitions it might have had for generating additional film activity and employment (see Chapter Six). One of its unique features from the beginning, however, was its applicability to television production funding, which differentiated it from competing European incentives (tax relief for “high end television” production was not introduced in the UK until 2013, for example). Thus the Irish television production sector, already growing in importance with MTM/Tara in situ at Ardmore Studios, had received another important boost, even if not immediately realised. Section 35 had at least the potential to incentivise international television co-productions, while the PNR directed RTÉ to increase support for the smaller independent production sector. The incentive, despite its slow start, would also benefit the feature film industry, where the annual spend estimated by Curtin Dorgan (1990: 28) at around €10 million, was about to grow spectacularly.

Summary and conclusion

By the end of the 1980s the film and TV production sector, having consolidated the progress of the 1970s and grown in stature through the decade, against the tide of general economic decline, was thus poised to benefit even further from the strong economic upturn that would emerge in the 1990s. While the suspension of the Film Board represented a decline in one form of State support, the advent of Section 35, a tax incentive specific to film and television production, represented an altogether more lucrative form, with the added advantage from a political point of view of being less visible to public scrutiny owing to its location in the machinations of the tax code. In terms of making funds available for incentivising film and TV production in Ireland, the scheme would prove an enormous success, dwarfing the funds made available by the Film Board during its second incarnation, as shall become clear over the next two chapters.

The 1990s thus dawned with a small but thriving film sector, a new source of finance, and additional State support, through funding specified in the PNR, for the nascent independent production TV sector. The Film Section and its 400 members enjoyed a closed shop for advertising production, its power in that sector no doubt transferring into negotiations with feature film and TV drama producers, even if no labour agreement yet existed for such work. What work that did exist was relatively immune to industrial action: no official strikes appear to have been recorded during the decade, or indeed at any time since the ETU actions of the 1960s. A brief dispute, again involving electricians

and their union, NEETU, on the set of the low-budget thriller *The Courier* in 1987, had involved some picketing of film locations. A personal appeal by the producers to the Secretary of the Film Group of Unions prevented the dispute achieving official strike status, and the pickets were not observed by film crew. The success of this appeal, effected through a network of personal friends of the director and producer to leverage some influence over trade union officials, illustrates the occasional informality of the conciliation process, the enduring militance of the electrical crafts grades in Ireland, and the willingness of the Union Group to effect solutions that allow filming, and employment, to continue during occasional disputes.¹⁶⁴

The proposals by Ardmore studio workers during the 1982 liquidation period demonstrate an astute appreciation of the emerging possibilities presented by the increasingly complex international division of labour in film production. This was partly due to direct experience of production organisation on *The Flying Dragon*, a German-Swedish co-production partly filmed at Ardmore a few years previously. A notable feature of the production was that sets built at Ardmore were to be shipped to France for use during principal photography there before the film's scheduled completion in Ireland (Irish Times 1977). A second notable feature of this film was its financial collapse, but due to the Film Section's insistence on the lodgement of a bond equal to two weeks wages for each member employed, unpaid wages had been minimised (ITGWU 1978: 130).¹⁶⁵ While it is possible that Ardmore's set investment was lost to these financial problems, the notion of creating a division for the manufacture of sets, props, and other merchandise indicates an understanding of the local opportunities presented by mobile international production and its corollary, local service production. While the economics of manufacturing sets for export are perhaps questionable, the proposals underline how 'non-creative', 'below the line' film workers might occasionally be as proactive as their above the line 'creative' brethren in sourcing employment opportunities internationally (cf. Miller et al. 2005: 119). While the commodification of below the line labour within the NICL undermines the traditionally powerful position of craft workers by spatially shifting work to lower cost areas, the mooted manufacturing division represents an attempt to address at least in part this shift of power from labour to capital, through an 'entrepreneurial' intervention that is highly aware of the implications of capital mobility and also of the emerging opportunities presented by the growth of film-related merchandising. Thus the local Ardmore craft workers demonstrated a willingness to

¹⁶⁴ Personal interview with film director Joe Lee, 26/1/2016.

¹⁶⁵ The film was eventually completed and released as *The Sleep of Death* in 1981 (BFI 1981),

explore ways to join with other “location interests” (individual film makers, producer and film worker organizations, ministers and government departments, etc.) to facilitate the mobile “design interests” of the global industry in a way that brought mutual benefits through the creation of a “local Hollywood” instantiation (Goldsmith et al. 2012).

By the 1990s, Ardmore Studios, having changed hands repeatedly throughout the 1960s, 1970s and 1980s, had entered the most stable period of private ownership in its history, with no further ownership changes to date. The wider industry would remain dependent on State investment, however, in the form of direct Film Board subsidy and the less visible stimulation of tax foregone by the Exchequer through the operation of Section 35. Although it was of course not yet obvious to those working in or observing the industry, the stage was set for the industry to grow and mature.

Chapter Six

Peak union: film work in the 1990s.

People are at the heart of the film industry. Despite any emphasis that is placed on the impact of new technologies and technological convergence, it is [people's] creative imagination and craft skills that are the 'core competence' of a thriving sector. As an art form, filmmaking is also a highly collaborative effort involving a combination of many diverse creative and specialised skills. It is also a commercial enterprise involving developed business, strategic, financial and leadership skills (Film Industry Strategic Review Group 1999: 40).

The 1990s marked a stark break from the dismal 1980s with the advent of the so-called Celtic Tiger boom. The economy grew at three times the EU average, increasing by an average of 7.5 percent per annum throughout the decade (Kirby 2010: 2). The new prosperity was underpinned by investment and employment generated by the US technology and pharmaceuticals sectors, and was therefore linked to the FDI tradition dating back to Whitaker and Lemass. As such, it was a direct result of an economic dependence on US firms, whose globalisation strategies meshed well with conditions prevailing in 1990s Ireland, including what O'Connor (2011: 247) later identified as the four "sires" of the Celtic Tiger: (i) social partnership; (ii) low corporate taxation; (iii) an educated, anglophone workforce; and (iv) financial stimuli such as EU structural and cohesion funds, along with the 1993 currency devaluation.

These conditions, apart from their attractiveness to inward investment generally, combined well with film production subsidies and other incentives to attract mobile film investment motivated by the availability of international finance and potential cost savings on labour and other inputs, as proposed in Miller et al.'s Global Hollywood thesis (Chapter One). They also reflected a proactive policy to attract such investment through the deliberate creation of conditions favourable to 'footloose' investment capital, whether of the production (film, chemicals, pharmaceuticals) or information (software, financial and other internationally traded services) variety. In particular, modern-day social partnership, initiated in Fianna Fail's 1987 Programme for National Recovery, delivered wage restraint and labour stability, seen as essential for sustaining economic growth and avoiding the inflationary wage bargaining of earlier periods. The success of the strategy

cemented social partnership as a stable feature of economic planning by successive governments, and a crucial factor in generating the conditions for the 1990s boom (O'Connor 2011: 247-51).

The 1990s began auspiciously for union members with the long-anticipated amalgamation of the ITGWU and the Federated Workers Union of Ireland to form the Services, Industrial, Professional and Technical Union (SIPTU).¹⁶⁶ The former ITGWU Film Section became part of the new SIPTU Cultural Division, along with Irish Actors' Equity which had itself merged with the ITGWU a decade earlier.¹⁶⁷ Despite these developments, trade union density, after peaking in the early 1980s, continued to decline, dipping from 49 percent in 1990 to 38 percent by 2000 (Appendix A). This general decline, indeed, was an important influence on the rise of social partnership as Irish unions embraced it as a way of remaining relevant as union currency declined following Margaret Thatcher's muzzling of British labour and rising neoliberal sentiment after the collapse of the Soviet Bloc (O'Connor 2011: 244). The wider trend of decline was countered in the film industry where strong growth, robust labour agreements, and a de facto closed shop for most work grades, contributed to a considerable expansion of Film Section membership in the first half of the 1990s, before membership started to decline from its 1996 peak (Table 8).¹⁶⁸

	1991	1996	1997	1998	1999
SIPTU Film section members	394	1,619	1,559	1,495	1,142
Industry FTE employees	c.350	1,187	1,450	1,690	1,554

Table 8 – SIPTU Film Section membership vs. industry employment, 1990s.¹⁶⁹

In this chapter, I examine some of the major developments affecting film workers during the 1990s, as the industry expanded along with the wider economy during the Celtic Tiger boom. While union membership would continue to be important for accessing film work during the 1990s, some severe impediments to union organisation would emerge in the second half of the decade, as the effects of the Competition Act, introduced

¹⁶⁶ The merger ended a historic rift in the Irish labour movement dating back to a 1924 dispute between Jim Larkin and William O'Brien, his successor as ITGWU leader (Kerby 1989).

¹⁶⁷ From a research perspective, the SIPTU reorganisation appears to have disrupted the annual summary of film industry activity, a useful element of the ITGWU annual reports. SIPTU annual reports from 1990 on contain little information on activities within either the Cultural Division or indeed the Region 1 Dublin Public Sector, into which RTE workers were placed.

¹⁶⁸ However Film Section expansion was likely balanced by a contraction of the former Vision section, as former RTE employees moved to the private sector.

¹⁶⁹ Sources: SIPTU 1994-2001, Curtin Dorgan 1990)

in 1991, began to be felt in the sector toward the end of the decade. These changes shall be examined in more detail later in this chapter, following an analysis of the major labour agreements through the decade. Also explored in this chapter is the mid-1990s attempt to set up an alternative studio-based film production centre in Galway, with the unlikely involvement of Roger Corman, assisted by Section 35 and other studio subsidies. I begin, however, with an overview of the industry in the 1990s, where pressures early in the decade partly set the scene for the Corman experiment, which might be at least partly understood as a renewed attempt to provide on-the-job training for entry-level film workers, decades after the failure of a similar strategy at Ardmore Studios (e.g. Chapter Three).

6.1 Prepping for growth: the film industry in the 1990s.

For film workers, who had enjoyed robust sectoral growth, the formalisation of labour agreements, and the closed union shop in the 1980s, the 1990s would prove a volatile decade. From an employment stability point of view, there would be some major new employer-union agreements, the 1993 revival of the Irish Film Board, and a growing tide of incoming international production following significant changes to the major Haughey-era innovation, the Section 35 tax incentive.¹⁷⁰ On the negative side, however, the unions' strong position would be contested on a number of fronts, partly due to the increasing influence of European law on Irish legislation. As shall emerge below, this would have serious implications for self-determination among certain atypical workers, including some grades of film work, as labour law began to be undermined by competition law.

As the wider economy benefitted during the Tiger years from US expansion, so too did the film and television production industry, with Ireland becoming firmly established as a viable overseas location within Hollywood's global production system. Mobile film capital flowed in response to favourable incentives, an adequate labour force, suitable facilities and favourable exchange rates (Flynn 2009), although the investment tended to be on a far more fleeting basis than the long-term infrastructural development exhibited by firms such as Intel and Pfizer. The withdrawal of US capital (in the form of MTM) from Ardmore Studios went somewhat against this grain, the studio complex returning to all-Irish ownership in 1990 for the first time since the demise of NFSI a decade earlier. The new owners faced such a long delay in getting their TV3 venture off the ground, however, that Ardmore never became a part of the new venture's operations. Instead, it found itself

¹⁷⁰ In 1997, Section 35 provisions were relocated to Section 481 of the Taxes Consolidation Act.

well positioned to benefit from the reinvigorating film and television production scene. Through the decade, Ardmore hosted a number of big-budget international projects, beginning with *Far and Away*, whose 99-day Irish shoot involved a reported spend of £17.3 million during 1991 (IBEC 1995: 8). Instead of becoming a television broadcast centre, the studios remained available for hire through a new company, Ardmore International, controlled by show business accountant Ossie Kilkenny and U2 manager Paul McGuinness (Appendix C).¹⁷¹

	1993	1994	1995	1996	1997	1998	1999	2000	Avg.
Irish Spend (€m)	38.7	72.4	81.4	78.5	112.4	108.4	117.2	129.3	92
Labour spend (€m)	17.1	29.6	36.2	33.9	56.1	50.2	58.5	67.3	44
FTE Jobs	480	1,291	1,266	1,187	1,450	1,690	1,554	1,742	1,454
Lab per FTE (€000)	35.7	22.9	28.6	28.5	38.7	29.7	37.7	38.6	32.5

Table 9 – Irish spend, labour spend, FTE employment 1993-2000.¹⁷²

Several more high profile international co-productions were successfully completed in Ireland through the 1990s. While *Far and Away* (1992) had been a US-led production with an Irish story element, others like *In the Name of the Father* (1993), *Michael Collins* (1996), and *The Butcher Boy* (1997), were Irish-initiated projects with significant local creative involvement and an Irish story setting. . Still another category used Ireland as a stand-in for other locations, notably *Braveheart* (1995) and *Saving Private Ryan* (1998).¹⁷³ Buoyed by these overseas projects, production spending rose steadily throughout the decade. As about half of costs were labour costs, the total labour spend also rose steadily, as industry employment grew more than fourfold during the decade (Table 9). Notably, however, the spend per FTE job appeared to fluctuate wildly during the decade, suggesting an underlying wage instability despite the employment growth (Table 9). While the reasons for these earnings fluctuations are beyond the immediate scope of this enquiry, they might be taken as early indicators of a growing precarity in film work: even as the industry began to grow in scale, there was little evidence of greater average earnings, or indeed of any significant growth in FTE employment since the late 1990s (see also Appendix G.1).

¹⁷¹ McGuinness (a former film Assistant Director and Film Section member) and Kilkenny were among TV3's original shareholders. Through Ardmore International, they are still the majority owners of Ardmore Studios at the time of writing, with Enterprise Ireland holding a minority 32% stake (FAME 2016).

¹⁷² Sources: data and extrapolation from IBEC 1995-2001.

¹⁷³ *Far and Away* was actually a combination of these types: some of the film was set in Ireland, and Dublin doubled for Boston in later scenes (Dwyer 1991).

The expansion evident from the headline figures in Table 9 reflects the success of Section 35/481 in attracting inward film investment. It also suggests that the Irish tax incentive fared reasonably well in the face of competition for inward investment from the UK. Having removed the film quota and Eady support the previous decade, the UK Conservative government introduced new tax breaks via Sections 41 and 42 of the Finance (No. 2) Act (1992). The new system of capital reliefs for film production, taken over three years, encouraged sale-and-leaseback arrangements on a scale and timeline that favoured large-scale Hollywood projects over indigenous films (UK Film Council 2015: 6-7, 36-38).¹⁷⁴ Irish industry expansion also reflects the successful negotiation of a number of obstacles seen to face the industry at several points during the decade. Many of these concerns were labour related, as a review of a series of reports commissioned at various points during the decade confirms.¹⁷⁵ In the remainder of this section, I shall review some of the main points of this ‘grey literature’, particularly in relation to its concerns about developing the industry workforce, including education and training, and concerns about labour flexibility in an era of technological change and rising levels of freelance employment. It is important to bear in mind that none of these reports was written from a labour point of view, although some emerged from committees with union representation. Film labour is consequently seen primarily as an input to the production process, with little (if any) reflection on qualitative aspects of such work, although there is the occasional distinction between creative and technical/crafts work

Education

Despite a proliferation of education institutions offering film and television related courses since the early 1980s, there was a general concern that such courses were inadequate for developing the film labour force in any meaningful way. At the beginning of the decade, Curtin Dorgan (1990: 30-31) noted that such courses provided a potential 100-150 new industry recruits per annum, but that their education was inadequate preparation for securing employment in an industry lacking in structured or formal entry routes:

It is probably true that most entrants to the film and TV programme production industries are through traditional informal routes. Young people with an interest in the industry seek work from production

¹⁷⁴ From 1994, lower budget UK films were supported through the allocation of Lotto funding (UK Film Council 2015: 7-8, 24-35).

¹⁷⁵ E.g. Curtin Dorgan (1990); Coopers & Lybrand (1992); FMI (1992); FÁS Project Team (1995); Indecon (1995); Film industry Strategic Review Group (1999).

companies or facilities houses. If they are taken on it is on a temporary basis and at a very low level. ... Progress thereafter depends on experience, natural ability and good fortune. Formal qualifications are therefore not required for entry and there is no recognised apprenticeship or training system for young participants in the industry (ibid.: 29).¹⁷⁶

The rapid expansion of media education in this period is evident from the Coopers & Lybrand report, published two years later in 1992. The report, focused on AV industry employment, noted a lack of coordination in media education, which now had an intake of 450-500 students per year (ibid.: para 11.5).¹⁷⁷ It was critical of the degree of overlap and lack of specialisation within the courses on offer, due to insufficient strategic planning by the institutions involved (ibid.: para 11.7). Insightfully, Coopers noted that the courses available were too “director oriented”, with a lesser focus on producers and camera personnel, and no attention at all devoted to other skills areas. The value of other creative areas such as art direction as well as below the line crafts contribution was thus underappreciated, perhaps reflecting a bias towards creative ‘storytelling’ roles (actor, writer, director) akin to those traditionally present in Irish theatre.

Film Makers Ireland also questioned the relevance of education programmes, calling for a review of courses offered by FÁS and the major third-level colleges¹⁷⁸ “to ascertain the extent to which they respond to the needs of the audiovisual production sector” (FMI 1992: 18). The implication was that such a fit should be *the* primary objective of general media education courses *as well as* the more focused vocational training that FÁS participants might be entitled to expect.¹⁷⁹ Furthermore, FMI called for the prioritisation of “business skills training”, presumably across all education and training sectors (ibid.: 18-19). The Film Board’s STATCOM committee also found the media education sector inadequate in its survey of training needs (FÁS Project Team 1995). The apparently universal condemnation of such education was confirmed in the so-called Kilkenny Report of 1999, which called for a streamlining of education programmes to ensure “complementarity”. It also proposed a “National Centre for Film Excellence” to be located at one of the major colleges, with a focus on “practical film education and training” (ibid.: 58-59).

¹⁷⁶ The Curtin Dorgan report focused was concerned mainly with TV production capacity.

¹⁷⁷ Coopers & Lybrand include participants on training courses run by Filmbase, FAS, Údarás na Gaeltachta, etc., as well as students of recognized second- and third-level media courses

¹⁷⁸ DCU, UCD, Rathmines College of Commerce, Dun Laoghaire College of Art and Design (ibid.: 18).

¹⁷⁹ FMI did acknowledge the dangers of training undergraduates too narrowly for particular roles, allowing the importance of “space for intellectual and critical development” (ibid: 94).

Training

Given these perceived inadequacies, it is unsurprising that the creation of industry-specific training programmes outside of the education sector was a priority for all parties interested in the development of the audiovisual sector. Curtin Dorgan noted in 1990 a complete absence of industry training, beyond the informal system of grade progression in the unions as a result of on-the-job experience (Curtin Dorgan 1990: 29). Coopers & Lybrand lamented the decline of RTÉ's in-house training, an important historical contributor to industry skills, as programme production shifted to independent companies, where there was little in the way of organised skills development due to the freelance nature of work organization (Coopers & Lybrand 1992: para 11.8). Similarly, FMI called for State-supported in-service training, as production companies – given their lack of scale, and their adoption of a freelance employment relation – were reluctant to underwrite this kind of on-the-job development (beyond the union requirement to employ a certain amount of trainees when in production). Additional training opportunities would help remove the perceived skills gap between established and emerging film technicians:

It appears that there are key cameramen and sound recordists who are much in demand and that there is a second tier of operators who comprise the bulk of the talent pool. There appears to be a significant gap in the perception of skills and ability between the two groupings and this is aggravated by the reluctance of the independent television production sector to give less-experienced personnel employment and thereby provide them with the necessary experience (94-95).

Instead of addressing this gap themselves, producers (through FMI) argued for the establishment of a national film and TV training centre, “designed and resourced for the requirements of the sector” (ibid.). Such an outcome was also a recommendation of the 1995 STATCOM survey of industry training needs (FÁS Project Team 1995), which examined skill levels in nine major occupational areas, concluding that all nine needed substantial interventions to facilitate industry growth.¹⁸⁰ STATCOM was highly aware of the casual, unpredictable and highly seasonal nature of industry work. Experienced workers had a strong advantage: the majority of fulltime workers were over 25, with younger entrants facing difficulty getting established. The report recommended training

¹⁸⁰ The full list of occupational areas was: Production, Direction, Scriptwriting, Camera/Lighting, Sound production, Sound post-production, Picture post-production, Production design, and Set craft.

structures for all aspects of the industry, prioritising producers, scriptwriters, and the major creative technical categories (camera, sound, production design, post-production).

The extent of this recommended intervention is perhaps unsurprising given the report's provenance in the State training agency. However it echoes earlier reports in its criticism of the courses offered by the third level sector, and the lack of opportunities for established film workers to upgrade their skills or transfer to other areas. The report concluded that there was no coherent training system in Ireland, recommending a "strategic coordinated approach" to address this weakness, taking account of the industry's unique features: micro companies, seasonal freelance work, occupational diversity, small scale, technology change, union influence etc. STATCOM called for a National Training Committee, a dedicated training fund, and a quality approach based on recognised international standards and certification systems (ibid.: xiv-xv).

It is notable that much of STATCOM's impetus was taken from an EU white paper (*Growth, Competitiveness and Employment*, 1993) and green paper (*Audiovisual policy of the European Union*, 1994), produced to address the burgeoning content production market in the wake of conglomeration and deregulation in the 1980s – a market whose rapid growth was seen as benefitting US producers far more than their EU rivals (ibid.: 6). The EU film and television production industry would require strategic stimulation in order to compete with US imports. Arguably, then, these EU policy documents framed training requirements within a highly marketised view of film and television production, i.e. where there is a pressing need to produce products that can substitute for (rather than counter) US imports, in the context of a technologically driven market expansion and the abandonment of public service ideals:

The most evident paradox confronting the European audio-visual industry concerns the quality and quantity of its workforce which can be summed up as 'too many and not enough' – too many talented technicians with skills and working practices which have been marginalised or simply by-passed by the pace of technological change; too few writers, directors and producers with a sound instinct for the needs of the marketplace" (Vasconcelos et al., cited ibid: 6)

STATCOM's claim that industry skills were "seriously inadequate" for capitalising on "the opportunities afforded by the new technologies and the very different marketplace they open up" (ibid.) is thus arguably infused with the logic of post-Fordism, with labour flexibility understood as an essential requirement of late-capitalist flexible accumulation (Harvey 2005). The STATCOM report promoted training as a means of producing an

audiovisual workforce flexible in relation both to task demarcation (“the need for ‘multi-skilling’ due to the use of several skills by television workers in the independent sector”) and to the employment relation (a shift from permanent to freelance work and non-standard employment, where self-marketing, networking and small business administration skills are important, as well as creative and craft skills) (FÁS Project Committee 1995: 7).

The labour force

What these reports suggest is that building a screen production career in the 1990s was fraught with difficulties. Skills acquired in education were inadequate. Full-time jobs with in-house training were scarce.¹⁸¹ Access to freelance work was therefore difficult for under-skilled new entrants. In addition, Union membership (where young members might enter with trainee status and hope to move up the grades as they gained experience on the job) was not without barriers, as new members had to be “vouched” and thus needed to have personal contacts with existing members. While service companies and post-production facilities provided opportunities for full-time employment, prior experience was usually required – yet another catch-22 situation for would-be employees. So while the industry displayed strong growth throughout the 1990s, with a near-quadrupling of FTE employment to over 1,700 by 2000, problems remained. In 1992, before the reactivation of the Film Board, Coopers and Lybrand (echoing some of the 1968 Huston Report’s proposals), had called for a low-budget labour agreement between filmmakers and unions, to encourage the making of indigenous films on lower budgets, providing benefits “from a cultural and educational and training perspective” (Coopers & Lybrand 1992: para 16: 120). FMI called on the IDA and other State bodies to adapt company support strategies, traditionally geared around the subsidy of full-time employment risk, to “take into account the contract and freelance nature of employment generated by the independent production sector” (1992:18). While it is arguable that the provision of Section 35 funding to such companies has such a function, at least one more US company would locate to Ireland to avail of both Section 35 *and* employment subsidies, discussed later in this chapter.

In the second half of the decade, as seen above, both STATCOM and Kilkenny had noted a pressing need for more labour flexibility. A 1995 Indecon report claimed that projects were being lost due to such inflexibility, along with the limited amount of high-

¹⁸¹ This would be addressed to a certain extent from 1995 in the Corman studios (below).

skill labour. The unions were at least partly to blame, owing to “certain institutionalised practices” (Indecon 1995: 61-62), likely a reference to (i) union procedures around entry to and progression within the film grades, and (ii) the ‘nomination’ practice (whereby the union had the right to designate crew members through imposing a choice from a list of individuals, regardless of producer preferences). While the information on which Indecon based its opinion seems at best inconclusive,¹⁸² the notion that Irish film labour costs were uncompetitive gained a degree of traction in the mainstream media. There were reports that films such as *Sense and Sensibility* (produced by Laurie Borg, who had worked previously in Dublin on *The Commitments*) were being lost due to high costs and lack of union “structures” (Foley 1996).

As this discursive battle about the price of film labour continued, Kilkenny (1999: 67) found less evidence for the high costs cited by Indecon (and indeed FMI), although the vulnerability of these and other costs to exchange rate fluctuations was noted (ibid.). The skills shortage was seen as the most important problem impacting the international competitiveness of the film labour force at the end of the 1990s. Kilkenny called for employers and unions, with the help of a mediator if necessary, to secure a “comprehensive partnership agreement that will establish, maintain and monitor all aspects of the competitiveness of the industry” in the new century (pp19-20), suggesting, as had Borg, that the labour agreements in place since the early 1990s were no longer suitable. I now examine these agreements in more detail.

6.2 Labour agreements in the 1990s

Having formalised the Commercial agreement with producers in 1986, the Film and Video Section of ITGWU had then issued a set of preferred Employment Regulations (the ‘Blue Book’) in 1988, to cover film and television drama production (Chapter Five). The existence alone of these documents was not sufficient to guarantee compliance, and in the early 1990s the Film Section had to assert its authority when faced with a number of high-profile breaches of the Commercial agreement.¹⁸³ Echoing the Smithwick’s incident in the 1970s when an ad was blacked for employing British crew (Chapter Four), the advertising agency Irish International fell foul of SIPTU when it shot part of a Harp Lager television ad

¹⁸² 50 percent of Irish and overseas producers surveyed by Indecon viewed Irish labour flexibility as less attractive than competing locations. 38 percent considering it to be *more* attractive, and 12% considering it to be similar (Indecon 1995: 63).

¹⁸³ The Film and Video Section became Film and Broadcasting after the SIPTU amalgamation.

campaign in the UK in 1992. This development tested the ongoing strength of the Commercial agreement.

The [union] membership voted that they would not service any production coming out of that advertising agency. That was a major thing for them to decide to do because it meant that they put their head above the parapet, the next time there was anything happening they wouldn't be getting [work]. ... I went around with various members of the committee to all the production houses in the city, and spoke to them about what had happened, and ... we got an agreement.¹⁸⁴

The event underlined the considerable strength of the Film Section in 1992. The Dublin ad agencies bowed to the Union and agreed not to repeat such an incident. However it was a somewhat hollow victory in that the Harp campaign in question, on which a reported £800,000 was spent (Irish Times 1992), was still broadcast in Ireland, after negotiations involving the union, the advertising agencies, and the Film and Video Producers Association.¹⁸⁵

We sat down and said, guys, stop this, and I worked out a quick peace deal and stopped it. They went off saying, we're sorry, we're sorry. Of course they weren't, and they'd do it again tomorrow if they got away with it, but there was a lot of saving of face. And the common sense there, was... let's sort this out quick before it gets out of hand. Common sense dictates you do that. [The ad campaign] went on after there was a bit of negotiation that it could go on.¹⁸⁶

The incident suggests that the union was certainly capable of pragmatic compromise when faced with a breach of regulations. Instead of insisting on the application of the agreement and the 'blacking' of the commercials, it eventually acceded to the campaign in return for a promise from Irish International that it would make future commercials with Irish-resident film technicians.¹⁸⁷ Thus with the ongoing strength of the Commercial agreement at least partially confirmed, the union entered negotiations with FMI for a pact to cover film and television production. The 1988 Blue Book would become the basis for the first formal film labour agreement of the 1990s, as the Film Section (now part of the amalgamated SIPTU), signed a 30-page agreement in July 1991 with FMI (see Appendix D).

¹⁸⁴ Personal interview with retired union official Pat Keenan, 25/11/2014. See also SIPTU 1992.

¹⁸⁵ The FVPA had split from the Association of Independent Film Makers (AIFM) in the 1980s (Chapter Five). Appendix M traces the evolution of these various producer and worker groups.

¹⁸⁶ Personal interview with producer (ANON), 11/12/2014.

¹⁸⁷ Personal interview with Pat Keenan, union official, 25/11/2014.

1991 FMI-SIPTU Agreement

The new agreement was signed by Seamus Byrne and Kevin Moriarty (for FMI) and Pat Keenan and Desmond Martin (for SIPTU). Like the 1988 Regulations, it was based around a standard eight-hours work day commencing between 7-11am (with an option for a 7-hour continuous working day if working through lunch). A major departure from the Blue Book was a complex system of overtime (Table 10). The new agreement also specified more advantageous pay and conditions for night work (i.e. a day commencing after 6pm scheduled to finish after midnight), at double time for all hours worked (Clause 8). Lunch and other meal breaks were more formally specified, with financial penalties payable to workers for working through scheduled meal breaks (Clause 9), suggesting, perhaps, some dispute over these issues in the recent past. Travel and subsistence allowances were agreed for location work, defined as any workplace not based at Ardmore Studios or within a 10-mile radius of the Dublin GPO. It was agreed that no travel allowance would be payable for location work within five miles of the production base. There was a further distinction between Non-resident, Resident and Overseas Locations, depending on their distance from the production base, each attracting different travel and subsistence allowances (Clause 14).

A further major revision related to minimum crew size, with producers expected to hire from about 60 grades, many of them newly specified, and not including trainee grades (*ibid.*: 24-25). The closed shop of the 1980s agreements, restricting producers to hiring ITGWU members only, was relaxed somewhat to 'union shop' status, whereby a suitably qualified member of a different union could be employed (Clause 18).¹⁸⁸ A degree of flexibility was introduced via Clause 21, which allowed a "flexible approach both in terms of crewing levels and salary levels" for "special projects" necessitating non-traditional financing. Such dispensation, however, would be at the union's discretion. A set of guidelines were issued as part of the agreement, strongly suggesting that these measures would apply mainly to indigenous, non-commercial projects (*ibid.*: 26).¹⁸⁹ As was customary with such agreements, the new document specified minimum pay rates for most (but curiously, not all) grades. There was some simplification of the rules around pay

¹⁸⁸ This modification probably reflects SIPTU's creation of new construction and stand-by grades, duplicating some grades also supplied by other unions such as BATU.

¹⁸⁹ The Corman project, below, would be based on lower salary levels with few union repercussions.

and overtime, a perennial source of confusion even within the union itself (e.g. Blackmore et al. 1981: 1).

Day	Rate
Mon-Fri	First 4 hrs in excess of Guaranteed Day: time and a half
	Additional hrs to midnight: double time
	Midnight-2am: triple time
	2am – 4am: time x 4
	Past 4am: time x 5
Sat/Sun/Hols	Double time, min 8 hours payment

Table 10 – Overtime rates 1991¹⁹⁰

According to some producers and film workers, at least one aspect of the agreement was open to abuse. Under certain conditions, a shooting day extending beyond midnight could trigger what film workers called a “ghoster” – an additional eight hours of pay for all crew members.

At a quarter to 12, that last 15 minutes, if you go through those 15 minutes and hit 12 o’clock, you’re going to hit a ghoster. A ghoster is an extra day they get in lieu, plus overtime. And that would wreck your budget. The ghoster would wreck you ... it’s going to cost you an extra two days in terms of costs.¹⁹¹

Some producers feared that some workers might engineer the extension of the day beyond midnight by slowing down work, with sometimes alarming consequences:

We were shooting this huge commercial on a set in Ardmore. It was a big, big set, cranes coming down, ... passing a cage which had a parrot in it. ... And so the master shot was coming on and I was looking at my watch, saying come on fellas, come on guys, come on guys. It was a master shot, big technical, it was huge. We were shooting on 35mm film ... and I said, Jesus, we’re gonna hit a ghoster. So eventually, last checks, last checks. I just looked up at ... the DoP, and said come on, come on. And [to the director], said come on, come on. Cos being a producer you’re getting [anxious]... So we start off [then] “Hold it, hold it, stop!” Gee, what’s [the problem]? There’s a ring around the leg of the parrot, right. A dopey little prop says, I’ll sort that. He knows he’s playing for the ghoster, so he’s going to take his time. I said, give me that. So I went over (makes popping noise), cut the leg off the fuckin’ thing? I cut the leg off the parrot. Killed the parrot, ... threw him out of

¹⁹⁰ FMI-SIPTU 1991: Clause 11.

¹⁹¹ Personal interview with producer (ANON), 11/12/2014.

the cage, said “Get on with it!” That’s how tense, and that’s a true story. And I’m not proud of it. But another 15 minutes was another, what, 18, 19 grand at least.¹⁹²

The existence of such an overtime opportunity within the letter, if not the spirit, of the agreement draws attention to the potential value of labour agreements as instruments of power on both sides of the management-labour equation. The parrot incident, while an extreme example, also demonstrates the lengths to which producers might be prepared to go to avoid the more costly elements of a mutual agreement.

1992 FMI-IFPGU (Draft) Agreement

With the 1991 FMI-SIPTU agreement in place, work continued on a more general agreement between FMI and all of the relevant film unions, represented by the Irish Film Production Group of Unions (Film Group).¹⁹³ This was a lengthy process, originally begun in 1988 (Irish Times 1988). While the process was never completed, by June 1992 it had resulted in a fourth draft of a proposed agreement, with many similarities to the existing SIPTU agreement. The Draft agreement introduced, for the first time, a standard 40-hour working week comprising any five consecutive days out of seven (Clause 9.1). This obviously could be used by producers to reduce the cost of weekend work, previously payable at double time. “Normal” overtime rates (i.e. during the consecutive five-day week) were further simplified, at time-a-half up to midnight, double time thereafter (Clause 12). Night work continued to be payable at double time, however (Clause 9.3), suggesting union resistance to a complete overhaul of existing practice. There were some further modifications for travel expenses to and from the production base. The five-mile rule, eliminating travel expenses close to the production base, was retained – but only if the production base was at Ardmore Studios. A new and wider zone, delineated by a 12-mile radius from the Dublin GPO, was introduced, a further concession by the unions (Clause 20).¹⁹⁴

For some electrical and construction grades, the Draft provided for a continuation of union nomination practices. Nomination and the list system had of course been at the

¹⁹² Personal interview with producer (ANON), 11/12/ 2014.

¹⁹³ In 1992, the Film Group comprised SIPTU, the Building and Allied Trades Union (BATU), the National Electrical Engineering Trade Union (NEETU), Irish National Painters Union (INPU), and the Operative Plasterers and Allied Trade Society of Ireland (OPATSI) (FMI-IFPGU 1992: 4).

¹⁹⁴ Only one zone could be used per production (Clause 20d) (later agreements would allow the production base to be moved once during production).

heart of the 1960s ETUI strike (Chapter Three). Producers did not like the practice, which introduced some randomness into the crewing equation. As one union official put it,

The list system to some extent was a huge problem because ... it was kind of like a cab rank, where'd you'd be standing at the fuckin' cab rank, and the next taxi would come along, you get it. The next taxi could be a Rolls Royce or it could be a Fiat 500. Whatever it was, it was yours. So you would have a situation where you could be on the list, you would get six months on Vikings, and then that's that. You're not on the list the next time. But the guy who was next on the list might get 2 days on [another production]. And it comes around again and you get six months on Vikings and I get two days on a commercial. And you say, where's the fairness in this? And of course there's none. It's just random.¹⁹⁵

While there is anecdotal evidence that it was possible for producers to negotiate their way around the nomination system,¹⁹⁶ the notion of unions having such a say in the makeup of crew members proved a sticking point in the proposed agreement, which was never negotiated beyond this fourth draft stage, nor ratified by members. Curiously, however, it was widely circulated within the industry and today, 24 years later, it is acknowledged by producers and unions alike to still have validity. According to Screen Producers Ireland, the “unilaterally issued” draft is often “waved around on set” by union reps when certain practices are opposed by producers. Because film employers are relatively fragmented, and film sets are “vulnerable places” once shooting (and payroll) has commenced, the draft agreement became “mythical”, as no later crafts agreement was ever completed.¹⁹⁷ That a non-ratified document can achieve semi-official status underlines the importance of tradition, custom and practice in workplace relations.

1994 FMI-SIPTU Agreement

The 1991 FMI-SIPTU agreement stipulated an expiry and renegotiation every two years, and thus a new agreement followed, 12 months late, in July 1994. The delay was perhaps related to the unexpected reactivation of the Irish Film Board in 1993, adding to the significance of the updated agreement, which would now govern a new phase of indigenous filmmaking. It would also underlie work arrangements for incoming production, which received a boost in 1993 with changes to the Section 35 tax initiative, as discussed below. Unlike previous agreements, no expiry date was specified in the new

¹⁹⁵ Personal interview with trade union official Des Courtney, 28/1/2015.

¹⁹⁶ E.g. Personal interviews with retired trade union official Pat Keenan 25/11/2014 and producer (ANON), 11/12/2014.

¹⁹⁷ Interviews with SPI CEO Barbara Galavan, 8/5/2014 and producer Cait Collins, 26/3/2013.

version, and the agreement would prove reasonably enduring, remaining in effect (with minor updates) until the end of the decade.¹⁹⁸ The 1994 Agreement was signed by Kevin Moriarty for FMI and Bernard Browne for SIPTU (FMI-SIPTU 1994: cover). Its major terms and conditions are almost identical to the 1992 Film Group draft agreement, suggesting that the opposition to the earlier agreement came mostly from the construction and craft unions. The main points of the 1994 agreement are summarised in Table 11.

Main Points	
Basic week	Guaranteed 40 hrs over any 5 consecutive days/nights
Basic day	Guaranteed 8 hrs
Start time	7-11am
Continuous day	7 hrs (start 7-11am), OT thereafter. Meal break after 8 hrs.
Overtime (OT)	<p>Days 1-5: OT commences after 8 working hrs. Up to midnight: time and a half (1.5T). After midnight: 2T.</p> <p>Day 6: 8 hrs guaranteed at 1.5T. Thereafter to midnight: 2T. After midnight: 3T.</p> <p>Day 7 and public holidays: 8 hrs guaranteed at 2T. Thereafter to midnight: 3T. After midnight: 4T.</p> <p>Early call (Pre-7am): 1.5T (days 1-5); 2T (days 6/7 and hols.</p>
Night work	<p>Commences 5pm or unit call (whichever is later).</p> <p>Guaranteed 9 hrs paid at 2T guaranteed, inc. meal break. Hours worked prior to 5pm are additional to guaranteed 9hrs.</p> <p>1 day's pay (8hrs @ 1T) for rest day after period of night work (payable only if daytime shooting scheduled to resume)</p> <p>4T for 7th night. 36 hrs rest after completion of night work period exceeding 6 nights.</p>
Break btwn calls	10 hrs. Encroachment payable at 1.5T (first 2 hrs), 3T thereafter.
Meal Breaks	One hour commencing 4-5 hours from call or from previous break (OT penalties for late or short breaks)
Base Locations	Primary base within 10 miles GPO or at Ardmore. Non-resident location: within 40 miles GPO. Resident location if >40 miles from

¹⁹⁸ SIPTU issued new unilateral regulations in 2001, implying the 1994 agreement was defunct.

	GPO and not possible to travel/shoot within 13 hrs. Travel to/from at 1T (OT may be payable if travelling with equipment). Remain at location during rest day: 8 hrs payable at 1T. No more than 19 continuous working days.
10-mile zones	For location within 10 mi of GPO/Ardmore, no travel time or mileage payable at call or wrap. Travel during day is payable. Location outside 10-mile zone: all travel time at 1T (1.5T with equipment). Mileage payable from/to base at call/wrap.
Holiday pay	Holidays accrue at 4/52 of hours 55 flat hrs per week, or 4/52 of hours included in contract week (60, 72 etc.).

Table 11 – FMI-SIPTU Agreement (1994) summary.¹⁹⁹

While this agreement was long-lived, in hindsight it can be argued that it contained the seeds of its own destruction. Its overtime provisions were slightly reduced compared to the 1991 agreement, but they could still provide lucrative employment to a film worker on a long week, especially one with night work. The new agreement stretched to over 40 pages, and as was the custom, a one-page summary was produced (FMI-SIPTU 1994a). The shorter document summarized the detail of the working day, the working week, overtime rates and holiday credits, travel time, mileage, and other payments, as shown in Table 11. It failed, however, to draw attention to a new provision that enabled employers to bypass many of the overtime clauses through the operation of a “Deal”:

Where a stipulated amount of Overtime is guaranteed, it may be possible for the Employer to negotiate a Deal. This Deal should only be employed where the Members 40 Hour Rate is in excess of the SIPTU minimum for that Grade. Overtime for Hours in excess of the 40 Hours will be calculated at Single Time. Overtime for Day 6 shall be calculated at Time and One Half. The Hours of this deal shall be stated in the Members contract, i.e. 50 Hours, or 72 Hours, etc. (FMI-SIPTU 1994: Clause 17A).

Under such a contract, a film worker working five consecutive 14-hour days – the longest possible under the ‘turnaround’ rule (Clause 11) specifying a 10-hour break between calls – could be given a contract based on 70 flat-rate hours. Applying the standard overtime rules would see the worker paid at least time-and-a-half for 30 of those 70 hours, or a total weekly wage equal to about 85 hours. It is probably safe to assume, given this potential cost saving, that Clause 17A was initiated by employers rather than

¹⁹⁹ FMI-SIPTU 1994; 1994a.

film workers (who nevertheless had at least the benefit of a guaranteed amount of pay). Clause 17A, effectively, gave employers the opportunity to 'buy out' overtime costs for a guaranteed amount of weekly hours, making long working weeks cost effective. Thus the "deal" favoured a longer working week with lower average hourly pay, a remarkable concession during a period of rapid industry expansion combined with union strength. A similar scheme would be used to buy out performance rights in advance, avoiding the necessity to make residual payments to film and television actors for additional sales or repeat broadcasts (Chapter Seven).

The new agreement, perhaps not coincidentally, was signed just before the filming of *Braveheart*, among the largest film projects ever made in Ireland, with a reported spend of around £20 million over the course of an eleven-week shoot (Dwyer 1994, 1994a). 1994, indeed, was a bumper year for film. Echoing (and outpacing) the wider 'Tiger' economy, film employment increased sharply as the effects of the previous year's reforms to the Section 35 scheme began to be felt. As these projects would have been some time in the planning, FMI was likely highly aware, as it concluded its negotiations with SIPTU, of the value of an overtime buyout option in order to increase certainty around employment costs. What became known in the industry as the "all in deal" soon became the standard practice for shooting crew, with 90 percent of the SIPTU Film and Video Section's 1,000-plus members working to such a contract by the end of the decade (IRN 2001). By that time, however, the wider agreement (possibly due to the primacy of the all-in deal) had largely broken down, and in 2001 SIPTU issued a new (unilateral) set of employment conditions and terms, omitting the "all-in deal" clause (SIPTU 2001). Thus at the end of the 1990s, SIPTU found itself in a similar position to the other film unions, with no current labour agreement in place with producers. Unlike the 1970s and 1980s, where for long periods the union had appeared to prefer to work in the absence of defined agreements, by 2001 the tables appear to have been turned. With the industry enjoying strong growth in the 1990s, employers seemed reasonably happy with the operation of the overtime deal, removing any immediate requirement to renegotiate the package, a process not commenced in earnest until 2005 (Chapter Seven).

Whatever about the state of FMI-SIPTU relations, the 1990s saw a significant development that, like the rise of the animation industry in the previous decade, appeared to occur with little regard for existing union agreements. Such an occurrence called into question the ability (or resolve) of film workers and their trade unions to resist the undermining of industry-wide wage rates and practices, while also questioning the degree

to which the Section 35 incentive to incoming production would increase the amount of “good work” available to Irish film crews and craftspersons.

6.3 A two-tier industry? Concorde Anois, low-budget films and Section 35

In 1994, the American producer Roger Corman visited Ireland scouting possible locations for a studio where he would produce a slate of low-budget genre films costing in the \$1.5-\$2 million range (Dwyer 1994b). After a series of meetings with government ministers and representatives of the IDA and Údarás na Gaeltachta, it was announced that Corman had “agreed in principle” to set up a studio at an Údarás advance factory at Tulach, in the Connemara Gaeltacht. The new venture, it was claimed, would generate about 50 jobs, a figure later upgraded to 100 (MacDubhghaill 1994; Finlan 1995). Corman was upfront about his motivations for setting up in Ireland: the availability of attractive Section 35 tax incentives, and the prospect of an EU quota restriction on US films (MacDubhghaill 1994). He therefore demonstrated a clear intention to capitalise on European incentives designed to counter the domination of US film by using those same incentives to fund his trademark brand of highly commercial, low-budget genre films, made in Europe to bypass potential distribution difficulties. Furthermore, Corman could probably be relied on to put the films before a worldwide audience via his company Concorde New Horizons, through which he had been producing and distributing his own films theatrically and via home video since 1983 (Brady 2008).

From a cultural point of view, then, a Corman Irish operation might potentially invert the intentions of EU legislation, in much the same way that Eady-funded films made by UK subsidiaries in the 1950s and 1960s (Chapter Three) helped US studios continue to dominate UK production (Blair and Rainnie 2000: 198-99). From an economic point of view, however, the mooted studio might generate much needed regional employment in Ireland, while also developing the expertise available in the Irish film workforce through skills transfer. Corman’s plan was to import staff from his US production operations to train his Irish film workers (MacDubhghaill 1995).

Údarás appeared to embrace from the start the idea of an Irish branch of the Roger Corman “film school”. News coverage repeatedly emphasised Corman’s influence on the early careers of Peter Bogdanovich, Francis Coppola and Martin Scorsese, clearly framing the studio in talent development terms (e.g. Finlan 1995, 1995a). With the Celtic Tiger still some years away, Údarás considered Corman’s low-budget ethos to be appropriate for Ireland’s fiscal situation. It described Corman’s US operations as “non union”, but stressed

that Údarás would support the organisation of the Irish Corman workforce “if it so wishes”. In a bid, perhaps, to allay potential objections to Corman’s reputation for generic exploitation pictures, it was suggested that he was also interested in making a James Joyce adaptation and a Charles Stuart Parnell biopic (Linehan 1995).

The announcement appeared to vindicate the decision by the Minister for Arts, Michael D. Higgins, not only to reinstate the Film Board in 1993 but also to modify the Section 35 scheme. Guided by the 1992 Coopers and Lybrand Report (above), Higgins had made Section 35 more useful to film producers in 1993. He increased the fundraising limits, while also opening the scheme up to individual investors, who could use the scheme to shelter tax at the marginal rate of 48% (IBEC 1995: 23). As Appendix G.2 demonstrates, the result was a dramatic increase in funding over the total of £11.5 million raised during the entire six-year period since the scheme had been introduced (Flynn and Brereton 2007: 329). Over the following 21 years, Section 35 (renamed Section 481 in 1997) would attract more than €2 billion of private investment, generating tax relief of about €760 million, and ultimately an industry subsidy of around €500 million – well over twice the amount (c. €206 million) invested in films by the Irish Film Board over the same period (Appendix G.2). Virtually every eligible film, animation, documentary or television drama made in Ireland during this time has availed of Section 481, itself a testament to the scheme’s utility to film producers.

Corman teamed up with John Boorman’s producer at Merlin Films, Kieran Corrigan, to raise Section 35 funding for the planned films. A stand-alone Irish company, Concorde Anois Teoranta (named after Corman’s US company Concorde-New Horizons) was incorporated. Corrigan joined Corman as a director of the company, along with producer and long-time Corman collaborator Mary Ann Fisher (FAME 2016a). The venture was officially announced by Údarás in January 1995. The agency would contribute less than £1 million to the operation, which would produce 5-6 films per year, with initial working capital of £10 million (Finlan 1995; Mac Dubhghaill 1995). Further changes to Section 35 in 1996 would increase the amounts of this working capital that might be raised under the scheme. With the exception of its debut project, *Bloodfist VIII: Trained to Kill*, the Corman films would be Section 35 assisted (Fennell 1997: 63). Corrigan raised the investor finance through his Merlin Film Funds (Dalby 2005).

The studio’s arrival represented a significant boost for the small community of Galway-based film workers, heretofore surviving precariously via sporadic employment on feature location work, pop videos, shorts and Fás training schemes (Fennell 1997: 58).

In summer 1995, vacancies ranging from makeup artists to studio manager were advertised. 150 applications responded, roughly the size of the entire local film worker population, many of whom had commenced Irish language classes in preparation.²⁰⁰ No money was mentioned in the job advertisement, and it soon became clear that the new recruits would not be paid anything like the union rates in effect in the wider, Dublin-centred industry. *Trained to Kill* was wryly nicknamed *Trained for Peanuts* by Corman's local employees, who were mostly young and inexperienced. Conditions were far from idyllic, but the trainees were initially grateful for the opportunity presented.

Everyone's pretty wrecked; it's been six days of 5:00am starts and 9:00pm finishes, but there isn't one dissenting voice. They're all agreed that they've already learnt loads. They're working with proper 35mm equipment, learning the studio system, and being tutored by the core American crew who are here specifically to train them in. OK, the money is appalling, most of them are on about £100 for their six day week, but at the moment its (sic) novel and exciting and they're already working on getting their rates improved (Fennell 1997: 59).

Corman refused to discuss wage rates or union issues with trade journalists, and news coverage of the new venture focused largely on the novelty of car chases, martial arts manoeuvres and explosions in the Connemara landscape (e.g. Finlan 1995b). Despite having just completed their 1994 agreement with Film Makers Ireland, the unions do not appear to have paid a huge amount of attention to the venture at first. Perhaps this was partly due to Concorde's remote location, but it also reflected the non-applicability of that agreement, in that Concorde, not a member of FMI, was effectively independent of the wider Irish industry. The Corman operation therefore shared several of the features of Sullivan Bluth and the other US animation companies that were petering out just as Concorde Anois was opening for business: an international business temporarily resident in Ireland, contingent on State capital assistance, employment subsidies, production incentives such as Section 35, and the availability of a young, inexperienced, inexpensive and highly flexible workforce. While the animation industry's "greenfield" industrial status (i.e. no meaningful animation tradition in Ireland) had arguably helped it avoid the attention of the unions, Concorde's arrival a decade later, with the film unions more established in terms of the existence of major labour agreements, might have been expected to have attracted more interest from the trade unions. But the physical "greenfield" location of the studio, established virtually overnight in an Údarás advance factory, also discouraged union scrutiny, as it was located in a rural area with no industrial

²⁰⁰ Údarás support was conditional on the employment of Irish language speakers (Fennell 1997; Mac Dubhghaill 1994).

tradition to act as a structural support for union organisation (see Roche 1997, 2008). At any rate, the SIPTU Film and Video Section had apparently opted for a pragmatic approach, taking a flexible approach to Corman's activities in the interests of developing the industry:

There was an acceptance that there was this industry out there, and ... my view was, if we try to [impose] the regulations that were required for major film productions on the small things that were happening, the embryonic developments in the west of Ireland, we'd kill it. And it evolved. Now I don't know how vibrant it is now, but we would kill it. ... I had all sorts of discussions and arguments and rows with them, but it was all with the interests of making sure that we didn't kill off what was going on over there, you know?²⁰¹

SIPTU's policy was thus broadly in line with its policy towards low-budget Irish productions in the 1980s, prior to the FMI labour agreements of the 1990s. During this time, it had opted to "facilitate" indigenous short film and low-budget feature production by not insisting on the strict application of employment regulations:

Our philosophy has been: we want as many people working in the industry as possible and as long as rates of pay are reasonably in line with what we set out as a minimum entitlement we're not going to stop people from working (Pat Keenan, ITGWU, cited Gogan 1989: 10).

Clearly, however, the union had softened its stance on trainee pay, as £100 for the six-day, 70-hour week alleged above was certainly not "reasonably in line" with the Dublin Trainee weekly rate of £141 for 40 hours (FMI-SIPTU 1994: 31). Corman's "film school" wages were so low that full-time trainees found themselves eligible for supplementary social welfare payments, increasing the subsidy enjoyed by Concorde Anois (Fennell 1997: 62). SIPTU representatives met with Údarás, Minister Higgins, and Concorde to assess the quality of the skills-transfer training operation. It appears the union was not happy, as Corman trainees would later have problems getting full union cards as their training was not fully recognised (ibid.). Arguably, this snub to Corman workers created an anti-union bias among young film workers that eventually contributed to the erosion of Film Section membership from the late 1990s.²⁰²

The very poor pay endured by Corman trainees would appear to be at odds with the Section 35 funding available, with 60 percent of film budgets eligible for subsidy

²⁰¹ Interview with retired union official Pat Keenan, 25 /11/2014.

²⁰² Interview with producer and former Corman employee Cait Collins 29/10/2014.

during this period.²⁰³ Surely higher pay rates would reduce employee turnover and accelerate the progression of Irish trainees to the point where the studio could operate with a 100 percent Irish workforce, a process that original announcements suggested would only take six to eight months (Mac Dubhghaill 1995). While some Concorde projects, such as *Angela Mooney Dies Again* (1996), made in coproduction with Merlin Films, were filmed at relatively high budgets compared to Concorde's standard fare, such films tended to observe a two-tier production ethos in relation to Irish employees, with full SIPTU members working "under the Merlin banner" side by side with Concorde crew on their "sub-SIPTU wages" (Fennell 1997: 62).

The relationship between Concorde and Merlin, and in particular the Section 35/481 funding of Concorde via the Merlin Film Fund, would eventually attract the attentions of the Revenue Commissioners. Following a 2003 audit, the Revenue identified abuses of the scheme amounting to some €23.2 million over the previous ten years.²⁰⁴ Much of this abuse was related to the Merlin funds, whose investors were contacted by the Revenue and requested to repay tax relief related to a number of Concorde Anois films that had failed to comply with the scheme (Dalby 2005). The same audit uncovered a related €1.3 million underpayment of corporation tax for the 1996-2001 period (Carey 2005). By 2005, several years after Concorde Anois had completed its final Irish projects, Údarás was seeking the repayment of almost €300,000 in capital grants as the company had failed to provide the promised employment levels (Dalby 2005).²⁰⁵ Corman's Irish sojourn thus ended in controversy: although the Irish Merlin investors appealed the tax clawback, it was upheld in the High Court (e.g. *Fortune -v- The Revenue Commissioners* 2009).

Between 1995 and 2002, Concorde produced some 20 films and two children's TV series. The positive coverage of the operations had soured somewhat following the Galway Film Festival premiere of *Criminal Affairs* (1997), and concerns about the use of public funds to support the making of "soft porn" (Linehan 1997). Over the next five years, however, studio business continued as usual, although employee morale dropped and staff turnover was high (Fennell 1997: 63). While there was a certain degree of allegiance to the studios among some employees, clearly the work on offer, with its long hours, poor

²⁰³ See PwC 2003: 8.

²⁰⁴ This Revenue audit, reported by Dalby (2005), appears to be the same one cited in the Fourth Report (Joint Committee 2003).

²⁰⁵ It is difficult to ascertain the exact date of Concorde's departure. Archived website data suggest the studio's final projects were completed c.2002 (Concorde Anois 2005).

pay and questionable training value, at least in terms of trade union ratification, was not “good work” in any sense of the term. Employees found it difficult to move from the so-called Corman film school into the mainstream industry:

SIPTU refused to recognise the training they were receiving and when they left Concorde they found themselves right back at square one. OK, they knew how to use the equipment, but nobody would employ them! (Fennell 1997: 65).

Nevertheless Concorde’s rural location increased the volume of media work available outside the Dublin region, one of the few positive outcomes of the venture (Flynn and Brereton 2007: 66). It no doubt contributed to a skills base later tapped into by many independent production companies producing low budget programming for Telefís na Gaeilge/TG4, established beside the Corman studios in 1996. Following Corman’s departure, indeed, the studios were bought in 2007 by Telegael Teo, another Údarás company set up in 1988 to encourage the Gaeltacht audiovisual sector (Údarás 2016).

The Revenue Commissioners enquiry sounded the death knell for Corman’s Irish venture, however. No further films were produced after the Merlin/Concorde audits, which concluded that Section 35/481 funding raised by Merlin for Concorde Anois projects was not all used for film production. Some of the funds flowed from Concorde to parent companies located in the Philippines and the Caribbean tax haven of Aruba (Carey 2005; Fortune –v- The Revenue Commissioners 2009). The implication was that the Irish spend had been overstated, with excess funding diverted out of the country, among other irregularities. It is difficult to avoid the conclusion that these difficulties were the main reason for Concorde’s demise, although Corman himself cited other reasons:

The restrictions against American pictures by the European Union which caused me to work in Ireland originally were eased, so that incentive went away. When I started, the wage scale in Ireland was quite low, but during that five year period, Ireland began to become fairly rich, the economy was doing very well the wages were going up, so my economic savings between that and the United States started to go away. But most importantly, independent films got less and less theatrical distribution, and the need for that many films faded so I had less reason to make so many films (cited Whittington 2014).

Of course in reality, the withdrawal of Section 481 from Corman’s films increased the impact of the second of these reasons, the cost of doing business in Ireland. Corman’s comments about the decline of theatrical distribution do not make allowances for the rise of digital distribution platforms, and the resulting opportunities for independent film distribution that Corman himself has highlighted on other occasions (e.g. Brady 2008).

Either way, it is clear that Section 35 provided a large portion of the initial £10 million and subsequent amounts of working capital to fund Corman's 20-plus Irish films, and that the withdrawal of such a facility, possibly in combination with the other disincentives cited by Corman, hastened the winding down of the venture.

The rise and fall of Concord Anois in the late 1990s coincided with the weakening of the film unions by market regulatory developments, the subject of the following section, which examines the case of Irish Actors Equity and the dampening of its activities by EU market regulatory measures, such as the Competition Act.

6.4 Under fire: Irish Actors Equity in the 1990s

In 1991, the principles of EU competition law, as defined in Articles 85 and 86 of the Treaty Establishing the European Economic Community (aka the Treaty of Rome), were embedded in Irish legislation in the Competition Act. Although the Act had little impact on the film industry and film unions at first, it would eventually have serious ramifications for some film workers. A 1996 amendment made it a potentially criminal offence for "business undertakings" to set a group rate for their services, which would breach the anti-price-fixing measures of competition law, designed to eliminate practices "harmful to the normal operation of market forces" (Frawley 1998: 14).

The Act thus posed a serious threat to the ability of trade unions representing freelance workers to strike labour and wage agreements with employers, if those workers could be classed as business entities rather than employees (*ibid.*: 15). As noted in Chapter One, the Celtic Tiger years from the mid 1990s saw a concomitant rise in part-time, short-term and other 'atypical' work patterns: patterns already long established in the film industry. As these atypical patterns began to become to look more normal, labour relations in the film and television production industry would begin to be affected by legislation aimed at (de)regulating the wider economy. If the Competition Act questioned the legality of freelance labour agreements and left the parties to such agreements open to criminal prosecution, new film labour agreements would surely be more difficult to make, and existing ones less likely to be updated. In short, the Competition Act, as well as directly impacting on some film workers, would also pose a serious institutional impediment to film labour organisation, in the terms of Roche's (1997) framework for understanding trade union growth and decline (Chapter One).

IAE had a long history of labour agreements with film producers, even predating the establishment of Ardmore Studios. As Irish actors and ‘crowd artists’ (extras) worked occasionally on British films doing location shoots in Ireland, IAE had a regularly updated agreement with British producer organizations BFPA and FBFM covering pay rates and other conditions of employment.²⁰⁶ IAE had also made agreements with Ardmore in the 1950s and 1960s, and as discussed in Chapter Four, had very successfully negotiated for the re-dubbing of overseas television commercials with Irish voices, with a further agreement that IAE members would be preferred in advertising casting decisions. As these achievements demonstrate, IAE had proven very successful in representing member interests in film, television, and indeed the theatre, under Dermot Doolan’s long presidency, dating from the late 1940s.²⁰⁷

Advertising: the trouble with use fees

By the 1990s, with Doolan in retirement, Equity became involved in regular battles with the advertising industry over the enforcement of its various agreements. Following a 1991 update of the agreement for TV, cinema and radio advertising rates for IAE members, the union found itself in dispute with several Agencies over the interpretation of “use fees” or actor payments for appearing in or voicing a commercial. While the agreement clearly stated that the rates therein were “minimum fees for the first year of use”, a number of agencies were extending beyond this period without payment, while others were insisting that a 50% percent rate applied for extended usage.²⁰⁸ A second breach consisted of running ads on UTV without additional payment to the artist. The union wrote to agencies to note these violations, warning that a £1,000 penalty would be imposed, with Equity prepared to ‘black’ out-of-contract commercials, “and if necessary to black all Commercials emanating from an Advertising Agency habitually in breach of contract” (Browne 1991). The breaches continued however, along with the further inconvenience of late payment to actors.²⁰⁹ At the Equity’s 1993 AGM, members agreed a formal resolution to black clients not observing the agreement, and Equity President Gerard Browne wrote again in May to advertising agencies to remind them of their obligations (Browne 1993).

²⁰⁶ So important was this agreement that BFPA members once travelled to IAE President Dermot Doolan’s home to negotiate an update while Doolan was bedridden with illness (IAE 1958).

²⁰⁷ Doolan retired as Equity President in 1985, aged 59 (Devine 1997: 24).

²⁰⁸ The 50% percent rate for usage beyond 12 months had applied in earlier versions of the agreement (IAE 1991).

²⁰⁹ The standard payment period was 30 days from end of month of recording (Browne 1993).

The threat of blacking or non-cooperation does not seem to have fazed all agencies. One well known television actor's appeal to a major agency to pay an invoice for a repeated tea commercial was met with the response that there was "no basis" for her claim, despite the Equity-IAPI agreement. A further letter to the actor's agent stated flatly that "We are not paying 100% reusage on the VO". The matter was eventually resolved at a face to face meeting between the union, IAPI, the actor and the agent, at which the actor accepted a compromise fee with the understanding that the Agency would "continue to consider her" for future work (McDermottroe 1993; Tracey 1993, 1993a. 1994; Nolan 1994). I include this detail to illustrate the lengths to which some actors had to go to receive payment under a clearly delineated fee and usage structure. The incident suggests that IAE's agreements, and the power of actors and their union to enforce them, were beginning to crumble. The agency's reluctance to pay full fees to the actor in question was partly because other actors had accepted reduced fees,²¹⁰ illustrating the need for solidarity if the terms of a labour agreement were to be protected for all. A further indication of diminishing union influence over advertising employment practice was Equity's complaint to IAPI over the non-revoicing of UK commercials made for the Christmas market for record albums, a breach of agreement which was becoming an annual problem by 1991 (Browne 1992).

While Equity and IAPI renewed their agreement in 1995, with some new terms to clarify matters in relation to usage fees and other matters on which there had been disagreements in the past, discussions over the exact meaning of the terms and conditions continued. An IAPI circular to member agencies later that year claimed that some producers and agencies were paying fees to which actors were not entitled,

wip[ing] out one of the important concessions we obtained in return for the many reciprocal improvements we granted Equity members in the deal (IAPI 1995).

The circular prompted complaints from voiceover artists who had seen it, one of whom wrote to the union requesting a roundtable meeting of all parties:

Unless we meet – all of us – to thrash out the ambiguities and confusions in the specific wording of the new agreement, I foresee some pretty nasty results. Certainly, our members are starting to get

²¹⁰ The commercial in question was to run for 6 months rather than a full year, hence the agency's offer of 50 percent of the agreed rate, despite the minimum annual rate being independent of the actual length of the campaign.

[very] hot under the collar re IAPI's high-handed, arrogant and indeed blatant [misinterpretation] of the document (O'Sullivan 1995).

It appears that these "ambiguities and confusions", relating mainly to the practice of making various "edits" of commercials for air in different lengths, were resolved in a 1996 update of the agreement, in which the union accepted IAPI's thinking on whether or not such edits triggered additional payment. In the same year, however, as noted above, the Competition Act was amended, and its impact was soon felt by IAE and its members.

Crowded out: film extras and the Competition Act

As discussed in Chapter Three, Equity had operated, since at least the 1950s, a 'crowd panel' for film extras (Devine 1997: 19). The panel functioned along employment agency lines, the union providing a casting and administration service for which it received a 12.5 percent fee from film production companies shooting in Ireland, as well as subscription revenues from 'crowd artists' themselves.²¹¹ Fees payable to crowd artists were fixed and regularly updated via IAE's labour agreements first with Ardmore Studios in the 1950s and later with producer and advertiser organisations. In early 1997, IAE's position as the sole representative body for crowd artists was challenged by the Ardmore Extras Agency, a joint venture between Ardmore Studios and Irish Entertainment Database (IED), a company owned by film producer John Kelleher (Dwyer 1997). Prior to the new agency's launch in March 1997, it took a High Court case against SIPTU, citing the Competition Act in its allegations that SIPTU, through IAE, was "abusing its dominant position in the market for the supply of persons to act as crowd extras" (Irish Times 1997). SIPTU denied allegations that it had placed pressure on film production companies to source extras from Equity only, and on the extras themselves not to subscribe to the new agency's services. Faced with the prospect of further legal challenges, the union promised to desist from the alleged activities.

IED was relatively short lived (the company dissolved in 2004).²¹² However it is clear that its challenge effectively ended Equity's closed shop for crowd artists, freeing production companies to hire non-union extras from rival organisations.²¹³ Thus Competition Law, devised to curtail anticompetitive practices among corporations and

²¹¹ See Box SA004, SIPTU Archive, containing invoices, correspondence and other details on the operation of the crowd panel.

²¹² Companies Registration Office data at <https://search.cro.ie/company/CompanySearch.aspx>

²¹³ Today, a number of companies do business as extras agencies, the largest of them, movieextras.ie, operating from the Ardmore Studios complex.

other business undertakings, played a significant part in effectively ending more than 50 years of exclusive representation of film and television extras by Irish Actors' Equity. In investigating its legal position in relation to the Act, the union (through its SIPTU parent) was advised by the Department of Enterprise in 1998 that a trade union was most likely exempt from the provisions of Act "as long as it does not engage in commercial activity" (Coleman-Dunne 1998: 1). Since Equity's (since discontinued) agency activities, for which it received a fee, clearly *did* constitute commercial activity, the union would most likely have been subject to the Act. IAE was further advised that if its *members* could be considered as business entities, then the union itself would come under the remit of the Act as it could be considered to be "an association of undertakings". The classification of crowd artists (along with freelance journalists, photographers, and veterinarians) as self-employed sole traders effectively brought film extras and potentially other non-traditional film and television employees within the scope of EU competition law. This would have further ramifications in the following decade, with a challenge against Equity's agreement with IAPI covering fees for radio and television commercials (Chapter Seven).

Summary and conclusion

The 1990s was a decade in which the film industry in Ireland, following the uncertainty of the 1987-1993 Film Board hiatus period, entered a new phase characterised by strong efforts, backed by SPI, film unions, and the State, to develop its workforce to better meet the demands of international content creation interests, whose production organisation was characterised, among other things, by an international division of labour. Producer criticisms, such as Laurie Borg's accusations (above) of workforce inflexibility, were countered by new labour agreements in which unions made significant concessions on work hours, overtime, and other employment conditions. The film unions' strong influence on the organisation of film work (the labour process) was undermined by the creation of a new non-union sector in Galway at Corman's Concorde Anois studios, tolerated by SIPTU in the interests of keeping it alive as an embryonic alternative production centre.²¹⁴ However Concorde's alleged abuse of Section 481, and its subsequent departure, underlined the highly contingent nature of mobile film investment and employment, which failed in the Corman case to withstand the withdrawal of subsidy. Neither too could film unions prevent the difficulties created for atypical workers by pro-market legislation such as the Competition Act, which threatened the labour organisation of many film

²¹⁴ Personal interview with retired union official Pat Keenan, 25/11/2014.

workers, a problem that would continue to exercise an institutional brake on union organisation in the 2000s.

The industry's strong growth during the 1990s, however, suggests that problems of workforce development, crew availability, and labour inflexibility were overstated. Investment and employment grew steadily during the decade, underlining the importance of the Section 35/481 incentive to mobile film investment, or at least the ability of such incentives to transcend lesser problems such as an imperfect workforce structure. The State, as framers of Section 35/481 policy; the industry, as lobbyists for its retention and enhancement in the face of changing competing incentives; and labour, in adopting (and enshrining in labour agreements) more flexible practices to suit the needs of mobile film capital, thus all present as active agents in the capture of foreign direct film investment, moulding and adapting local conditions to suit the needs of global Hollywood, but also, as in the Concorde case, rejecting its advances if employment or other local benefits did not accrue as promised.

Chapter Seven

2000-2015: the post-union era?

[On *King Arthur*] the craft unions sold the Americans a pup basically, saying [*adopts working class accent*] Oh, no it's like this, No, no, we can organise that. And then the crafts union say, No fuckin' way. We're gonna be implementing off-the-clock hours, ghosters. They still get paid ghosters, 24 hours a day payment stuff. Like 1920s and 30s stuff. The Americans were appalled. Because [the Irish co-producers] were afraid to tell the Americans this is the way it worked. So the Americans came in, rostering all this stuff, scheduling all this, and then suddenly this fuckin enormous bill that had to be paid ... The Americans said Never again, we're not coming back here. If you'd said to them, listen, we have two unions. We have SIPTU and they're fine. They're film workers, they're very flexible, you can make an arrangement with them and it'll be fine, much like you can make an arrangement back home or in the UK. Then we have the craft unions who are very powerful, like electricians, they can cut off your power. If you want to schedule that way it will cost you this much in salaries and then this much in [extras]. Now that's the story. Oh no, we can't do that, it's too much money for us.²¹⁵

As the Irish economic boom continued into the 21st century, weathering the twin shocks of the US dotcom crash and the September 11 aftermath, film activity in Ireland continued to be robust. In the early years of the decade, several high profile international features were shot on location and at Ardmore, including *Reign of Fire* (2002), *Veronica Guerin* (2003), and *King Arthur* (2004). A subtle shift began to emerge, however, as feature film employment began to decline in favour of TV drama and other small-screen production in the independent sector (Appendix F). As Appendix G suggests, Irish feature expenditure peaked in 2003, buoyed by *King Arthur*, on which Disney's Touchstone subsidiary spent a reported €45 million in Ireland, contributing hugely to the €7.6m Exchequer benefit generated by Section 481 that year (Sheehy 2003).

Reviewing Section 481, consultants PwC noted a clear correlation between production scale in terms of Irish spend and the scheme's ability to cover and exceed its costs. As a result, Minister Charlie McCreevy, instead of terminating the scheme in 2004 as

²¹⁵ Personal interview with camera operator Des Whelan, 9 Dec 2014.

promised, extended it for another five years. Further, he raised the upper limit of tax relief available from €10.5 million to €15 million, a clear signal to mobile offshore film capital about Ireland's 'local Hollywood' aspirations. When *The Tudors* went into production at Ardmore for the US cable network Showtime in 2006, it exploited a distinguishing feature of Section 481, namely its applicability to television as well as feature productions. Partly due to local player Morgan O'Sullivan's influence in US television circles, Ardmore has been busy hosting international television drama ever since, with additional high-profile television series shooting at Ballyhenry and Collins Barracks. Indeed, the domination of the TV sector by three companies (Octagon, World 2000, and Element Pictures), has facilitated the rise of a new grass roots labour organisation, a revived Irish Film Workers Association, discussed below. While it is too early to assess the impact of this development, it is a striking one, taking place against a background of a marked decline in union membership in the industry since the mid-1990s peak (Appendix A.4).

	1994-2000	2001-2010	Change
Average annual Irish Spend (€m)	100	145	+45%
Average annual Irish Labour spend (€m)	47	69	+46%
Average annual FTE jobs	1,454	1,446	-1%
Average No. of Projects	115	220	+92%

Table 12 – Avg. annual employment, labour spend and projects (by decade).²¹⁶

Unlike the situation in Ireland, production incentives in the UK have not routinely included made-for-television projects in their remit. The appeal of Ireland to television producers based in the UK and elsewhere was doubtlessly conditioned by their ineligibility for similar subsidy in the UK, at least until 2013.²¹⁷ Despite the establishment of the UK Film Council in 2000 as part of New Labour creative industries policy, none of the Council's funding programmes (largely financed through National Lottery proceeds) could be applied to television production.²¹⁸ Until the UK High-End TV Tax Relief scheme arrived in 2013, offering a rebate of 25 percent of qualifying expenditure to qualifying projects, Section 481 had no serious British competition. Ireland therefore has had considerable appeal to UK and US TV producers: the combination of competitive subsidies

²¹⁶ Extrapolated from IBEC AV Federation annual reports 1995-2011.

²¹⁷ Several other European countries also offer television production incentives.

²¹⁸ The UK Film Council was abolished in 2010, and closed the following year, many of its functions transferred to the British Film Institute.

and reduced language and other cultural barriers provides an advantage over other European territories with similar incentives.

Overall Irish employment levels throughout the film, television and animation sectors did not show any growth in the early 2000s, and in fact average annual FTE employment during the 2001-2010 period declined slightly by one percent from the corresponding figure during the 1990s (Table 12). This employment reduction occurred despite a 45 percent increase in the average Irish spend over the film, TV and animation sectors, from €100 million to €145 million. As only about two thirds of this increase might be attributed to cost inflation (Appendix J.1), the trend towards increased production spending at constant employment levels suggests that the 21st century shift towards television production employment was also accompanied by higher productivity levels: producers appear to have been able to deliver more screen output with a more or less constant level of labour inputs. This productivity increase was accompanied by a 46 percent increase in Irish labour costs, a sum that closely tracks the 45 percent increase in Irish spend. The number of projects funded almost doubled between the two periods, twice the rate of the increased spend, indicating a decline in the average project budget, as would be expected with the shift from features to television drama production (Table 12).

The industrial transitions underlying this change of focus would give rise to a number of union-related issues during the 2000s. The first section of this chapter examines the economic context prevailing during the transition towards a dominant television production sector. The second section is an account of the Irish Actors' Equity union's efforts to update its labour agreement with the producers' organization, Screen Producers Ireland (SPI), in which a number of difficulties arose. To the extent that these negotiations highlighted the 'enclosure' of intellectual property rights and their commodification, the episode can be linked to the third section. Here, I focus on another IAE episode, the collapse of its long-standing agreement with IAPI over pay rates for commercial actors and voiceover artistes, based on an interpretation of EU competition law that further extends the commodification of creative labour. In the fourth section, I examine SIPTU's 2010 'shooting crew' agreement with Screen Producers Ireland, and subsequent difficulties in the enforcement of its 'closed shop' clause. Taken together, these Equity and SIPTU difficulties, some of which have yet to be resolved, suggest that the early decades of the 21st century have been difficult ones for film labour in Ireland. This has resulted in some interesting recent developments, one of which, the relaunch of the Irish Film Workers Association, is the focus of section five, after which I make some concluding observations.

7.1 Boom to bust: film funding and the Tiger economy

When the Celtic Tiger bubble burst in 2008, the ensuing 14 percent decline in the overall Irish economy by 2010 was described by the Economic and Social Research Institute (ESRI) as remarkable both “by historic and international standards” (Kirby 2010: 1). In the film industry, however, there was little evidence of malaise. While a small dip occurred in 2009, total production spending recovered to €205 million in 2010, an increase over 2008 of some 22 percent, while employment levels remained stable (Appendix G.1). This growth took place even as the Irish Film Board’s contribution to production funding declined sharply from €19.3 million to €14.4 million over the same 2008-10 period. As Appendix G shows, increased production spending levels were incentivised by a sharp increase in overall levels of Section 481 funding made available to Irish and international producers. Following a revamp of the scheme in 2008, the maximum amount of fundraising permissible under the scheme was raised to €50 million (from €35 million), representing a subsidy of up to about €14 million for producers, who benefitted by about 28 percent of funds raised. At the same time, tax relief available to individual investors was almost doubled to €50,000. These changes, devised in the more optimistic atmosphere of 2007 by the Department of Finance with the assistance of the Indecon consulting firm, ensured the scheme’s survival even as the wider economy was reeling, to the undoubted benefit of Irish film workers and production companies alike.

Notwithstanding the austerity of the post-Tiger years, during which the Film Board’s capital funding has been reduced, Irish governments have continued to support the industry through Section 481, which was remodelled as a tax credit system in 2015. The subsidy is now worth up to €22.4 million euro per project, depending on the amount of Irish expenditure.²¹⁹ While this is a large amount in Irish terms (indigenous film budgets being far too small to realise anything close to the maximum allowable credit), it is unremarkable by international standards: the comparable UK scheme has no limit, for example.²²⁰ The scale of competing incentives is important, because international producers tend to ‘shop around’ before deciding on the best location for their capital investment. Thus Irish producers and film workers alike continue to lobby for the

²¹⁹ The tax credit is 32% of qualifying Irish production spend, capped at €70m (raised from €50m) from 2016 (Brosnan 2015).

²²⁰ UK tax credit is 25% of UK spend. In France, credit is 20%, with cap increased to €30m (from €20m) from 2016 (Brosnan 2015).

continuation of the scheme, introduced in 1987 as a temporary support but now scheduled to run until at least 2020.

Despite the general uptick in the industry's fortunes during the 2000s, union membership among film technicians, as reflected in active membership of the SIPTU Film and Entertainment Branch, continued to decline from the 1996 peak (Table 8, Chapter Six). Possibly as a result of this erosion of membership, SIPTU ceased publishing Film Section membership numbers in its annual reports from 2000 on. The most recent official register, published by the Branch in March 2002, listed some 1,575 members (ITGWU 2002). While this number suggested some growth since 1999, when the Branch claimed 1,142 members (SIPTU 1999), it is notable that only 839 of these individuals were full members, the other 736 (47 percent) being trainees.²²¹ While such a high number of trainees indicated potential future union membership growth, we shall see below that this did not transpire. At any rate, by the 2000s, the 1994 FMI-SIPTU labour agreement had begun to disintegrate (Fitzgerald 2001). The overtime clauses in particular had lost their authority, in part due to the prevalence of the practice of making all-in deals during the 1990s.²²² As a result, a major SIPTU focus during the 2000s was on updating the labour agreements undermined during the previous decade as incoming production boomed. Such agreements would be made against a background of declining union membership among film technicians. By the time the Irish Film Board published its 2007 survey of film workers, freelance membership of SIPTU was estimated at 22 percent, equating to about 660 of the industry's 3,000-plus freelancers (Irish Film Board/PwC 2008: 16).

In the 2010s, industry employment levels may be enjoying a slight increase. In 2011, the last year for which official figures are available, the sector sustained 1,606 FTE jobs (Dept. of Finance 2012: 23).²²³ What is perhaps most striking about the latest available employment figures is not the growth in numbers but rather the source of the work. The transition from feature film to independent television production highlighted above has been remarkable. In 1999, there were more than three FTE jobs in feature film production (total 1,179) for every job in independent TV production. By 2010, that ratio

²²¹ It is likely that a sizeable number of trainees were "Corman School" graduates (see Chapter Six).

²²² Fitzgerald 2001; personal interviews with trade union official Des Courtney, 28/1/2015, and producer Cait Collins, 29/10/2014.

²²³ In recent years, the source of the employment figures claimed by some industry stakeholders has become difficult to discern, as the Audio Visual Federation's last published review of the sector was for the year 2011. The Irish Film Board claims that the industry, at the time of writing, employed "6,000 individuals" (IFB 2015), which is not a FTE figure, and in all likelihood also includes employees of broadcasters and facilities houses (e.g. IFB-PwC 2008: 8).

had almost exactly reversed, with over 1,100 of the industry's 1,600+ FTE jobs in 2010 originating in the TV production sector (Appendix G).

King Arthur, filmed in Wicklow in 2003, would mark this turning point. The high levels of feature spending on that film have been unmatched in subsequent years, declining to about a third of 2003 levels by the end of the decade (Appendix G.) In 2004, television production spending and employment surpassed the feature production sector for the first time as the industry reoriented towards international television drama.²²⁴ Much of the new production was connected to Morgan O'Sullivan's active cultivation of this sector since the 1980s. Thus the major employers of Irish film crews in recent years have been *The Tudors* (Irl/Can/USA 2007-2010); *Camelot* (Irl/USA/UK/Can 2011); *Ripper Street* (UK/Irl 2011-2016); *Vikings* (Irl/Can 2013-); and *Penny Dreadful* (USA/Irl/UK 2014-2016), the latter three of which are ongoing at the time of writing.

The increased prominence of television drama production placed pressure on existing industry labour agreements, negotiated during the more feature-dominated 1990s. Pressure began to be applied on film unions for more TV-friendly agreements, as became apparent during the FMI-IAE negotiations as the new millennium dawned.

7.2 SPI, Equity, and residual payments

Towards the end of 2000, IAE commenced negotiations with FMI to update their 1994 labour agreement covering film and TV productions.²²⁵ This would prove a long and arduous process, with no agreement emerging until 2016 (IAE 2016). From the beginning, IAE modelled its proposals for a new agreement on UK Equity's agreements with PACT, demonstrating once again its penchant for labour internationalism. FMI, for its part, resisted these moves, largely due to the increased pay rates that would apply if strictly following the UK arrangements. As negotiations dragged on over the years, IAE later made proposals for residual payments, again based on the UK situation (McGreevy 2013).

²²⁴ It is difficult to gauge the exact magnitude of this transition, owing to the nature of the AV Federation's reporting of the TV drama production sector (see note, Appendix G).

²²⁵ Film Makers Ireland changed its name to Screen Producers Ireland in 2003.

The question of residuals



Figure 13 – Three-tier compensation system

Producer-actor labour agreements in Ireland, the US and Britain tend to differ from each other not so much in terms of pay and working conditions *per se*, but rather the treatment of secondary or “residual” payments – defined as

additional payments to workers for the exhibition of an entertainment product in media other than the one for which it was originally created, or for its reuse within the same medium subsequent to the initial exhibition (Paul and Kleingartner 1994: 668-9).

Essentially, residuals constitute an additional annuity as a performance is reused and/or repurposed over its commercial lifetime. These payments are an important constituent of the three-tier compensation system enjoyed by unionised US screen actors, as well as writers, directors and other key crew members (Fig. 13). The system comprises:

1. A *minimum pay* regime (‘union scale’), typically applying to less prominent actors with little bargaining ‘clout’.
2. The *personal services contract*, whereby more high-profile, influential workers negotiate a higher daily rate, and other perks such as a percentage of profits.
3. *Residual payments*, which accrue in small increments over the lifetime of the performance in all media. These are usually payable to all actors, but are

especially valuable to low earners, who derive a greater portion of total annual income from residuals (Paul and Kleingartner 1994: 667-670).²²⁶

The residual system has further benefits: the steady stream of small monthly payments reduces the effect of underemployment, a perennial problem in the acting profession. It also allows workers to “relate the control of creative resources to their ownership” – by retaining ownership of their own performances, actors are compensated for the potentially income-damaging consequences of overexposure as producers try to maximise profits through continued exploitation (in the telling industry argot) in as many channels as possible (ibid: 672).

The three-tier system is of most benefit to actors and directors whose ‘above-the-line’ marketability gives them considerable negotiating power, but it also benefits ‘below the line’ workers, although on a more collective, egalitarian basis. Instead of individual payments, secondary contributions based on additional revenues fees are made directly by employers to the Motion Picture Industry Pension Plan and the Motion Picture Industry Health and Welfare fund, benefitting the IATSE film union membership as a whole (Kleingartner 2001: 118-9).

While it is typical in the US for residuals to be paid in arrears as additional revenue accrues to the producer, the system is slightly different in Canada for members of the performers’ union ACTRA. There, residual payments can be made in advance, either through a *prepayment* system (which ‘buys out’ rights for four years in return for an upfront payment based on the actor’s initial fee) or an *advance payment* (whereby a producer pays an advance against future royalties, with the actor participating in future revenue after the advance has been recouped by the producer) (ACTRA 2015).

Residuals in Ireland

In Ireland, residual-type payments have typically been treated, at least since the 1994 agreement, in a manner similar to the Canadian prepayment system, but without the four-year time limit. The standard practice has been the payment of ‘use fees’, a multiple of the actor’s daily rate, by which actors are compensated *in advance* for the anticipated future reuse of the performance across different media and geographic markets (see Appendix

²²⁶ For US TV commercial actors, 80 percent of income is from residuals. For TV drama actors, the figure is 66 percent. For US actors in general, residuals make up about 50 percent of income (Paul and Kleingartner 1994: 672).

E). The payment of a use fee category assigns the underlying rights permanently to the producer, buying out any future claim on the performer's part. There were, and continue to be, different fee schedules for theatrical and TV drama production. Under the 1994 Equity agreement, the payment of a film actor's standard 'performance fee' of £100 per day, or £400 per week, did not include any usage rights. The producer had to top up this performance fee by at least another 50 percent, to purchase one of two release territories (USA/Canada or Rest of World). Additional uses could be bought out with further amounts, payable in advance. These payments ranged from 20 percent (for Ireland and UK TV rights) to 273 percent (for worldwide rights to all media – including future media – “in perpetuity”) (Hickey 2001). A different scale applied to TV drama productions. So in contrast to both the US system of trailing 'pay per play' residuals and the limited scope of the Canadian prepay or advance systems, the Irish system has been based entirely on prepayments. This structure has allowed Irish producers to *avoid* future residual payments, as the maximum use fee prevents the triggering of actor royalties as new revenues accrue to the producer.

The availability of a prepayment system is not necessarily a bad thing for actors. Prepayment offers a substantial lump sum which may be preferable to a series of small residual payments down the line. For producers, the full buyout offers administrative simplicity, with no need for the complexities attached to tracking and sharing future revenues with performers and others. The assignment of worldwide, all media rights in perpetuity also allows the producer to fully enjoy the fruits of enhanced distribution channels made possible by future technological innovation. Irish producers, for example, need not be burdened with profit-sharing responsibilities if and when additional revenues are generated through new media.²²⁷

The upfront payment of use fees benefits producers in another important way, in relation to the Section 481 tax incentive scheme. As the value of the scheme to producers is proportional to the Irish production spend, it is in the interest of producers to convert back-end royalties such as residuals into upfront payments, which therefore become eligible for subsidy. There can be little doubt that such an opportunity would be welcomed by producers, for whom the maximisation of upfront Irish spend is so important for the acquisition of production subsidies that some producers have in the past been tempted to overstate their spending (see Chapter Six). While the vast majority of tax supported projects have been compliant, Revenue audits have uncovered occasional illegal inflation

²²⁷ Personal interview with trade union official Jane Boushell, 28/4/2014.

of production budgets in order to maximise Section 35/481 benefits (e.g. PwC 2003: 67; Joint Committee 2003: 15; see also Chapter Six).²²⁸

From 2016, a residual payment system, which applies after an initial ‘buyout’ period (similar to the Canadian prepayment option), will apply to indigenous TV drama productions produced for the Irish market (see below).

The FMI(SPI)-Equity negotiations

When FMI-Equity negotiations commenced in 2000, the producers’ response to the union’s initial draft outlined a number of areas of concern. In relation to pay and working conditions, FMI resisted proposed increases in minimum pay rates and changes to working hours that would also impact on overtime rates.²²⁹ FMI seemed more concerned, however, about proposals impacting on intellectual property rights – i.e. the ownership of the filmed performance, and the extent to which such ownership rested with the production company or with the original actor. This concern was a response to the recent adoption of EU legislation giving basis to intellectual property rights, in the form of the Copyright and Related Rights Act (2000). Producers were quick to recognise the importance of establishing maximum ownership of these rights, through the continued operation of the existing use fee arrangement, which effectively bought them out. A union proposal to increase the maximum use fee²³⁰ through the addition of a new “secondary TV” rights category was rejected by FMI, who insisted that “the whole issue of minimum fees and residuals needs to be addressed again” (ibid.: 3). The FMI position was to resist new rights categories, and to ensure continuity of the production company’s option, under the old 1994 agreement, to not only buy out these rights but to ensure that distribution methods not specifically mentioned in the agreement were deemed “included and bought out” (Banotti 2000: 1). Equity’s attempt to widen the agreement to cover additional exploitation channels was firmly rebuffed:

... the basic salary and use payments buy out all media now known or to be invented worldwide in perpetuity including equitable remuneration in respect of any rental and lending rights and rights of communication to the public by cable[,] satellite and otherwise. Any other arrangement is unacceptable (Hickey 2001: 4).

²²⁸ Fraudulent budget inflation can impact seriously on film workers, who may face tax difficulties as a result of overstated payments (personal interview with grip Pat Gilligan, 10/11/2014).

²²⁹ SIPTU was proposing a 20 percent basic pay increase to £120/day (£480/wk.).

²³⁰ The proposed maximum buyout would rise from 273 to 288 percent of base pay. See also Appendix II.

It is clear that FMI wanted to prevent the creation of any new use fee categories, including those relating to distribution channels not yet invented or popularised, such as VOD or any other distribution method emerging from internet technology.²³¹ Despite the uncertainties of these new channels, some Irish actors seemed confident that trailing residual payments, which had been made available to actors working in the UK, might be a more favourable form of compensation than the existing buyout system. The salience of this issue to working actors is strongly reflected in a letter one actor wrote to Equity president Gerry Browne, as the FMI-Equity negotiations continued:

Residuals/secondary payments are only fair at this point. Exploitation of image needs to be reimbursed. The producers or the crew do not have to deal with this issue – only the actors. Now that British Equity has resolved this issue[,] in order to have parity with our sister Union we must have residuals. No more buy outs. I have always believed that Irish Actors have been sold down the river on this one (Ryan 2001).

Despite this intervention, Equity does not appear, at this point in the negotiations, to have made any serious effort to establish a trailing residuals system like those operating in the US, the UK or Canada. Nor indeed did the union propose any significant restructuring of use fees, pushing instead for some relatively superficial modifications to the existing system: an increase in the basic rate of pay, and some changes to overtime rates. One suspects that the union, like the producers, preferred the simplicity of the prepayment system, perhaps because the establishment of a trailing system would also require the establishment of procedures to monitor the worldwide distribution of relevant film and television drama products, not to mention the collection and distribution of resulting residual payments. While such tasks are performed by SAG-AFTRA in the US, Equity or indeed its SIPTU parent lacked the in-house resources and expertise to establish and administer such a system.²³² A decade on, however, such resources have been mobilised, by sharing structures with the music industry. This brings to fruition a proposal during the FMI-Equity negotiation to utilise the structures of the Recorded Artists Actors Performers (RAAP) for the collection of actor royalties. Although initially mooted at a 2004 Equity committee meeting (IAE 2004), it is only in very recent times that RAAP has begun to take on that function.

²³¹ FMI proposed that VOD and DVD distribution be included in the existing 'videogram' category (Hickey 2001: 4)

²³² Personal interview with trade union official Des Courtney, 28/1/2015.

Towards a TV Agreement

In 2003, Film Makers Ireland changed its name to Screen Producers Ireland, in recognition of the increasing centrality of television production to its member production companies (Flynn and Brereton 2007: 327). Reflecting this shift in industrial focus, the producer organization changed the tack of the ongoing negotiations with IAE to press for separate agreements for feature film and television production. This was a forward-thinking move, in light of the scale of the industry's subsequent reorientation towards international television drama production, as illustrated above. As deliberations on a television drama agreement commenced in September 2003, a number of issues were brought to the fore. SPI claimed its member companies were under pressure from RTÉ to reduce production costs. The broadcaster's in-house production *Fair City* was suggested as a model for future agreements, a prime example of how to "demonstrate value for money" (IAE 2003a). Accordingly, SPI objected to Equity's attempt to link pay rates and use fees to the equivalent UK rates. This was at least consistent with their position on film acting rates, where SPI felt Ireland needed to be more competitive than the UK to secure inward investment (Irish Equity 2003).

Some six weeks later in November 2003, SPI presented a draft TV agreement for discussion, offering a basic pay increase in return for a sizeable reduction in use fees.²³³ Proposing a reduction in the cost of the full rights buyout rights from 257.5 to 167.5 percent of base (see Appendix E), SPI claimed the lower figure was more realistic, as the old schedule contained rights categories that were never used. Aware, no doubt, that any reduction in the nominal full buyout rate would reduce the cost to producers of buying out media not specifically mentioned in the agreement, Equity rejected the proposition. The union countered with a proposal to limit the lifetime of the buyout to seven years, in an attempt to at least partly replicate the Canadian time-limited 'prepayment' buyout (see above, ACTRA 2015). As haggling over use fees continued, SPI noted that pay rates on flagship RTÉ drama productions often featured a discounted use fee – implying that producer-friendly deviations from currently agreed minimum rates were the norm (IAE 2003b: 2).

Considering the industrial realignment around international television production that would commence in earnest with *The Tudors* in 2006, SPI's preoccupation with drama produced for RTÉ, and in particular its attempts to install *Fair City* standards and practices

²³³ SPI offered €230 per day (€920/week), while Equity sought €250/€1000 (IAE 2003c: 1).

as a model for future agreements, seems somewhat misplaced. It is highly likely, given the long gestation of projects on the scale of *The Tudors*, that SPI member companies might have predicted this realignment, if not its magnitude. As demonstrated in previous chapters, service production of overseas television drama for US channels ABC, Hallmark and Showtime, as well as ongoing British production, was already well established by 2003. Employment for Equity members on these US television shows would have been considerable, so SPI's foregrounding of productions like *Fair City* and *The Clinic* as examples around which to standardise a general agreement appears inappropriate. In addition to use fees and basic pay rates, there was also discussion of maximum overtime rates and even the buyout of overtime payments for more highly paid actors.²³⁴ SPI also wanted to roll back time-and-a-half night and holiday rates for actors earning more than €250 per day (IAE 2003c: 1).²³⁵

After the end of 2003, negotiations slowed, and the parties did not meet again for over a year. When they eventually did, SPI characterised the union position on residuals (i.e. its attempt to introduce new use fee categories, and to resist a reduction in the full buyout rate) as “stone age”, out of step with an era of “modern digital broadcasting [that] will change the way of broadcasting and selling” (IAE 2004: 1). Negotiations stalled again, and SPI went cold on finalising the Equity agreements, as it turned its attention in 2004 to devising a general screen production agreement covering all film unions (Byrne 2004). This process eventually resulted in a 2010 “shooting crew” agreement with SIPTU, but not with any of the other unions (see below). In contrast to the situation prevailing in the 1970s, 1980s, and 1990s, when any momentum towards the signing of new labour agreements appeared to be dictated by the trade unions, by now the pattern had reversed. SPI's ability to dictate the pace and depth of negotiations towards a new agreement suggests that power had shifted towards the employer side in industry labour relations.

While progress may have been slow, SPI-Equity talks nevertheless continued. The union continued to press for substantial changes to the buyout system, including a renewed attempt to institute trailing residual payments and/or a share of producer profits. For its part, SPI attempted to unpick the whole use-fee/residual structure from agreements and contracts. Negotiations broke down, and the Labour Relations

²³⁴ Under this arrangement, the payment to an actor of an agreed weekly rate (€2,090 including use fees was proposed by Equity for film actors) would remove the need to pay overtime (Irish Equity 2003c: 1).

²³⁵ There was confusion over whether or not this figure included use fees, suggesting a general tendency to conflate the two elements of actor remuneration (e.g. FMI 2001).

Commission was called in to try to facilitate a return to the bargaining table. The continuing impasse placed a question mark under Irish Actors' Equity's continued affiliation with SIPTU. In 2012, the actors voted to remain with SIPTU until late 2014, retaining the option to disaffiliate and join instead with British Equity.²³⁶ While this option has not transpired, to some extent it reflects a more general turn towards the adoption of British standards. In the absence of a new general agreement, co-called 'local' agreements (i.e. specific to one production only) tend to be negotiated. Incoming British productions, however, are generally made under the PACT-Equity UK labour agreement, which includes provisions for residual payments.²³⁷

A TV drama agreement was finally announced in March 2016, covering minimum terms and conditions for actors working on indigenous Irish TV drama, i.e. drama "commissioned by an Irish Broadcaster, BAI, IFB or any other Irish State Funding body" (IAE-SPI 2016: clause 2). The agreement covered a range of issues including working hours, holiday pay, overtime, etc. Extant basic pay rates ("performance fees") of €200 per day or €800 per week were not increased.²³⁸ A flat overtime rate of €30 per hour was introduced, along with holiday pay calculated at 8 per cent of the performance fee.

The purchase of performance exploitation rights or "use fees" was significantly modified in the 2016 agreement. The full "in perpetuity" buyout system was changed, to more closely replicate the Canadian prepayment system. Producers would have the option of purchasing a 10-year or 5-year worldwide license. On its expiry, a second licence would have to be purchased, or alternatively an "artists pool" (amounting to 7.5 percent of further sales) could be established, for pro-rata distribution of residual payments to cast (see Table 14; also Appendix E.3).

The sheer length of the SPI-Equity negotiation process begs the question: why so long, with so few concessions on either side, at least until the issue of the 2016 agreement? According to SPI, the process suffered from Equity's lack of decisiveness about what it wanted to achieve. The producer body claimed that each project has specific needs and actor interests are not best served by an overriding collective agreement. In response to a figure of 23 percent of producer profits apparently suggested by Equity as the target

²³⁶ Personal interviews with trade union official Padraig Murray, 16/4/2014, and SPI CEO Barbara Galavan, 8/5/2014. See also Dowling 2012, 2013

²³⁷ Personal interview with producer Cait Collins, 29/10/2014.

²³⁸ This payment included one transmission in the Republic, plus repeat within 7 days, and inclusion on catch-up VOD systems such as RTE Player.

amount to be redistributed via residuals, SPI suggested this was unviable, as the majority of films do not make money, the film industry in Europe being generally “not a commercial business”. For SPI, the rigorous bargaining strategies of Equity ignored this commercial reality for fear of missing out on the benefits of the odd box office success.²³⁹ For Equity and SIPTU, SPI appeared to be in no hurry to finalise any agreement. The drawn-out nature of the negotiations, as well as SPI’s rejection of previously accepted elements of other agreements (see below in reference to Clause 3 of the 2010 “Shooting Crew” agreement) would indeed appear to leave SPI open to accusations of engaging in ‘surface bargaining’, considered a bad-faith tactic whereby one side “[engages] in the formality but not the genuine practice of bargaining” (Gall 2007: 102).

Indigenous TV Drama		2016²⁴⁰
Performance Fee	Daily rate	€200
	Weekly rate	€800
Initial Use Fee²⁴¹	Worldwide 10-year license	150% ²⁴²
	Worldwide 5-year license	100%
After Initial use	Pro-rata share of “Artists pool” (7.5%) ²⁴³	
	or Additional 10-year licence ²⁴⁴	up to 219%

Table 14 – Performance and use fees, indigenous TV drama

Ultimately, the issue of the 2016 indigenous TV drama agreement represents a significant advance for IAE. While it is unclear how the artists’ residual pool of 7.5 percent of producer revenues would compare with the 23 percent of producer profits initially sought, the achievement of any kind of residuals system, along with the long-standing quest for time-limited use fees, provides scope for future progress, with more types of compensation that might be modified. Although these changes must be viewed against the concession of lower up-front payments (the initial 5- and 10-year licences cost the

²³⁹ Personal interview with SPI CEO Barbara Galavan, 8/5/2014.

²⁴⁰ IAE-SPI 2016: 20-21 (Appendix 3).

²⁴¹ Compulsory purchase: 5 year or 10 year additional use fee.

²⁴² Multiple of performance fee.

²⁴³ Percentage of producer revenue accruing from distribution after initial licence period

²⁴⁴ Up to 219% of performance fee depending on territories purchased (see Appendix E.3)

producer much less than the previous full buyout rate of 277.5 percent of performance fee – see Appendix E.2), the formal institution of a residual system is a major achievement. In the US, disagreements over residual payments have been by far the most likely cause of strike action by actors and other above-the-line film workers (Paul and Kleingartner 1994: 672). Additionally, producers of US cable television and online advertising have fiercely resisted SAG-AFTRA attempts to switch from flat fees to residual payments (Ackermann 2001). IAE’s success in getting a residual payments system, however limited, into the agreement bodes well for actors, who now have the opportunity to spread earnings more evenly over the lifetime of the performance.

7.3 Irish Equity, IAPI and the Competition Act

As discussed in Chapter Six, the Competition Act of 1991 had provided the impetus in 1997 for a successful challenge against Irish Actors’ Equity from the Ardmore-ICU joint venture in relation to the union’s monopoly on ‘agency’ representation of crowd extras. The impact of the Act was felt again in 2003 when the Competition Authority informed IAE of a complaint against the union’s long-standing agreement with IAPI on minimum actor pay rates for television and cinema commercials.²⁴⁵ The Authority subsequently decided that freelance Equity members were legally classifiable as ‘undertakings’ or businesses, rather than employees (Competition Authority 2004). According to the Authority, the collective setting of rates thus constituted a cartel and was “anti-competitive” and therefore illegal under Section 4 of the Competition Act (2002) (SIPTU 2005: 2-3).²⁴⁶

The Authority had ruled that the “vast majority” of actors are independent contractors, because, *inter alia*:

- Actors are generally not treated as PAYE employees by the Revenue Commissioners;
- They are generally free to work for multiple advertising agencies;
- They do not generally receive standard employment benefits such as holiday pay, health insurance, maternity leave;
- They do not generally have employment security;

²⁴⁵ The agreement also fixed minimum rates for voiceovers.

²⁴⁶ Section 4 of the Competition Act (2002) was based on Article 101 (1) of the Treaty on the Functioning of the European Union *aka* Treaty of Rome (Prendergast 2015).

- They are not generally thought of as employees of a particular agency (ibid.: 10).

It is surely ironic that the final decision to classify actors in this way, and thus to remove the security represented by the Equity-IAPI agreement, was based in part on the very insecurity of their employment relations, which precludes fringe benefits such as holiday pay, sick leave, pensions etc. If, as suggested in Chapter Two, such benefits provide the security that is a prominent feature of ‘good work’, it is doubly damning that their absence should be used to justify a further level of precarity, i.e. the inapplicability of collective bargaining agreements. Interpreted in this way by the Competition Authority, the Act (and indeed the Treaty of Rome, on which its guiding principles are based) can clearly be used to undermine collective labour power, removing the protection of trade union representation from many workers deemed to be outside the ‘normal’ employment relationship.²⁴⁷

Following legal advice, and under threat of a €4 million fine,²⁴⁸ Equity suspended the agreement, pending the results of a joint campaign with other affected unions such as the NUJ and the Musicians Union of Ireland (MUI) to overturn the Authority’s decision and allow their members to be fully represented by trade unions. During the campaign, waged throughout 2004 and 2005 with the support of ICTU and the International Labour Organization (ILO), public representatives were lobbied directly by union executives and members. However the Authority upheld its decision following a 2006 review (Prendergast 2015), and little progress was made over the remainder of the decade. Following further lobbying through the mechanisms of social partnership, the Government eventually made the following commitment in 2008 during a review of the Towards 2016 partnership programme:

The Government is committed to introducing amending legislation in 2009 to exclude voice-over actors, freelance journalists and session musicians, being categories of workers formerly or currently covered by collective agreements, when engaging in collective bargaining, from the provisions of Section 4 of the Competition Act, 2002, taking into account, *inter alia*, that there would be negligible negative impacts on the economy or on the level of competition, and having regard to the specific attributes and nature of the work involved subject to consistency with EU competition rules (Department of the Taoiseach 2008a: 29, para 9.6).

²⁴⁷ The Competition Authority’s ruling specifically states that if trade union members are self-employed contractors, the union functions as “a trade association for self employed independent contractors” (Competition Authority 2004: 8).

²⁴⁸ The fine was alluded to by Sinn Féin Senator David Cullinane (Seanad Éireann Debate 2014).

Despite this commitment, no amending legislation had been produced by the end of 2010. This failure prompted Equity and the MUI to join forces with a number of other organizations representing creative workers, including the guilds representing directors and screenwriters. Together they formed the Association of Artists Representative Organizations (AARO) “to give a collective voice to those who work in the world of arts and culture. (SIPTU 2010: 84).²⁴⁹ At the time of writing in 2016, however, the Competition Authority ruling still stands. SIPTU and ICTU continue their lobby to amend the Competition and Consumer Protection Act 2014, to specifically exempt actors, freelance journalists and musicians from the Act’s remit and allow them to engage once again in collective bargaining (Prendergast 2015). Minister for Jobs, Enterprise and Innovation, Richard Bruton, spoke out against the amendment in 2014, refusing to consider actors, journalists and musicians as anything other than “self-employed undertakings”. In addition, Bruton emphasised that the proposed exemption would “ultimately act against the interests of consumers” (Seanad Éireann Debate 2014), although it is surely not self-evident how actor wages in television, radio and cinema commercials directly impact on consumer prices. It seems reasonable to conclude that competition law has been wielded as a weapon to subdue acting labour, subjecting it to market forces and regulations, reducing the performance to a contract with all intellectual property rights assigned to the acquiring party. Competition law is thus mobilised, like copyright law in the SPI-Equity labour negotiations, to enhance the commodification of creative labour. Actors are reduced to market operators, in competition with each other and with ‘market forces’, rather than collectively organised to maximise their mutual interests as productive agents.

While the Competition Authority ruling still stands at the time of writing, a recent judgement of the Court of Justice of the European Union (CJEU) may offer some hope for Irish actors and other affected creative workers. Ruling in December 2014 on a case brought by the Dutch Federation of Trade Unions,

[the CJEU] held that it is wrong to define workers as undertakings under competition law simply on the basis that they are ‘self-employed’... The court then established a number of principles to be taken into account when considering if a self-employed worker falls outside the definition of ‘undertaking’ and more properly into the definition of ‘worker’ or ‘employee’ for the purpose of competition law (Lynch 2015).

²⁴⁹ At the time, the WGI was known as the Irish Playwrights and Screenwriters Guild. AARO also includes Visual Artists Ireland and the Association of Irish Composers.

It remains to be seen whether this ruling, which would appear to offer hope for many actors and other creative workers denied a right to trade union representation under competition law, will result in any modifications to competition legislation based on Article 101(1) of the Treaty of Rome, in Ireland or elsewhere in Europe. An amendment to the Act, designed to exempt actors and other creative workers from the “over-rigid application” of competition law, was proposed by Senator Ivana Bacik and debated in the Seanad on 20 January, 2016. The amendment was not opposed on this occasion by Bruton, and the Bill progressed to Committee Stage in July, with the Report Stage due to commence later in 2016 (Seanad Éireann 2016, 2016a).

7.4 Re-closing the shop: the ‘Shooting Crew’ Agreement (2010)

As recounted above, discussions on the SPI-Equity agreement stalled as SPI turned its attention to devising a general agreement that might cover all film grades and their respective trade unions. In the end, the only union to reach a new agreement with SPI by the end of the decade was SIPTU. The new pact, dubbed the ‘Shooting Crew’ agreement, became effective in September 2010, signed by Film and Entertainment Branch organiser Des Courtney for SIPTU and CEO Barbara Galavan for SPI. The agreement – the first major industry labour agreement in 16 years – covered the main technical grades represented by SIPTU, excluding some construction and rigger grades.²⁵⁰

The new agreement generalised some of the features of the World 2000 Agreement made 10 years earlier to cover television production at the Morgan O’Sullivan-related companies.²⁵¹ It standardised a 10-11 hour working day, with new minimum pay rates based on a working week of 50 hours plus (SPI-SIPTU 2010: clauses 30, 31). This was a step up from the 40-hour working week on which the previous (1991, revised 1994) agreement was based. In addition, the 50-hour standard week exceeded the maximum 48 hours permitted by the 1997 Organization of Working Time Act. To cover this, the Shooting Crew agreement included a Working Time subsection permitting the maximum 48 hours to be averaged over 12 months “due to the highly seasonal nature of film industry in Ireland”, in which “the typical employee works less than 40 of the 52 weeks in the calendar year” (SPI-SIPTU 2010: Appendix B). Other highlights of the agreement included a 25% premium for Sunday work; the index linking of travel and mileage payments and meal allowances; a commitment to review pension scheme options for film

²⁵⁰ See Appendix D.

²⁵¹ See World 2000-SIPTU 2000.

workers; the establishment of a “Film Partnership Forum” to discuss issues of “modernisation, adaptation and change”; and a new “Film Industry Arbitration Tribunal” (FIAT) for dispute resolution (SPI-SIPTU 2010: clauses 6, 7, 19, 27, 34, 37).

SIPTU organiser Des Courtney claimed that the new agreement would end the “current free for all” forcing members to drive down rates and working conditions (Farrelly 2010). However the most controversial aspect of the new agreement would be its attempt to re-establish the closed shop for shooting crew:

[The Production Company] agrees to recognise SIPTU as the sole negotiating body for all shooting crew workers covered by this agreement. It shall be a pre entry condition of employment for all shooting crew covered by this Agreement that they become and remain benefit members of SIPTU (SPI-SIPTU 2010: clause 3).

SIPTU’s attempt to introduce this ‘closed shop’ clause amounted to an acknowledgement of the serious erosion of film technician membership during the previous decade, in contrast to the construction and crafts grades that remained largely unionised through SIPTU, BATU, TEEU and OPATSI. By 2008, union membership had become so irrelevant for shooting crew that a union official on an organising visit to the Donegal set of the Irish Film Board-funded horror film *Wake Wood* found himself faced with an impossible task:

When I got there, they didn’t want to know me. They didn’t want to be seen engaging with you, they were terrified, they were looking over their shoulders, they were shuffling... They went, whoosh. As soon as you appear on set, it’s like you need to change your aftershave or something. So I didn’t get to meet them. ... And on the way [back] to Dublin, Clause 3 was born. ... I set about trying to develop a strategy whereby I could organise them through the agreement. That’s where Clause 3 came from.²⁵²

One of the first tasks of the newly established FIAT was the arbitration of a dispute over the validity of Clause 3. Shortly after signing the agreement, SPI questioned the constitutionality of the closed shop. In a letter to production workers, Chief Executive Barbara Galavan claimed SPI had been unaware of the extent to which shooting crew membership of SIPTU had lapsed, concluding that “while SPI members will continue to facilitate crew to join the union, they cannot force anyone to do so” (Prendergast 2012). For some, SPI’s sudden revocation of Clause 3 went against the spirit of good industrial relations:

²⁵² Personal interview with trade union official Des Courtney, 28/1/2015.

If you make an agreement you live with it. You sign it, you gotta stand over it. For bad or for good. If you want to change it, the process is you go back into negotiation with the party and you try to change it the decent way. What you do not do is ratify the agreement, wait for the other side to ratify the agreement, and then pull the rug.

The backtracking on Clause 3 was partly due to the timing of a change of leadership at SPI. It was Galavan's predecessor, Sean Stokes, who had supervised most of the SPI-side negotiations, agreeing to the inclusion of the closed shop clause as a *quid pro quo* for the union's concession of a three-tier pay scale based on the size of the production budget.²⁵³

Clause 3 [was] linked from the producer's side with the pay structure, which I got through on our side, despite huge opposition to it, and that's why when Clause 3 was pulled by the other side, I was pretty peed off. Really, really peed off over it, because it was an honourable attempt on our side. ... I told [Sean Stokes] my union needed to benefit as well as everybody else, and the benefit for the union was that we would be making agreements for a fully organised industry.²⁵⁴

The FIAT referred the issue to the Labour Court, where it languished until early 2014, when the court recommended a redraft of the clause to exclude the closed shop provision, while still requiring production companies to facilitate union organisation. SIPTU was tasked with changing its membership application procedures to make it easier to join (Prendergast 2014).

While SPI welcomed the ruling and its clarification that union membership would not be a prerequisite for employment, SIPTU maintains that the Labour Court ruling has not made much difference on a practical level.

It hasn't changed things at all. ... It actually did more for the union than it does for the employers because we have no access issues or anything. ... [Production companies] have to allow for [union] meetings, and all the rest of it. ... But it doesn't substantially change matters in that they have to hire people who are in the union, and if they decide to hire people, we have to take them into the union.²⁵⁵

Nevertheless the ruling removes the closed shop aspect of the agreement. Both union and employer must facilitate a crew member who wants to engage in union activities, but the crew member is not required to join the union to benefit from the

²⁵³ See Appendix K.

²⁵⁴ Personal interview with trade union official Des Courtney, 28/1/2015.

²⁵⁵ Personal interview with trade union official Karen O'Loughlin, 23/9/2014.

agreement. In this sense, the ruling removes the union's ability "to organise through the agreement", in the words of union official Des Courtney. SIPTU's relevance to the employment relationship is thus undermined. If film workers benefit from union agreements without having to join the union, the union itself is compromised. As the same organiser put it while describing the down side of an open-shop agreement:

Producers are going to have a direct benefit, the people who work in the industry are going to have a direct benefit, the only organization that's not going to have any benefit from the fucking agreement is SIPTU.²⁵⁶

Furthermore, the 'constitutionality' or otherwise of clause 3 remained untested, as SIPTU chose not to bring the matter to the High Court, the only body that can rule on such matters. While this might be regarded as a failure on the union's part, a recent High Court ruling on a case from the construction industry suggests that any attempt to re-close the shop would not succeed. That ruling included the observation that workers may not be denied access to work on the basis of non-membership of a union (Fitzgerald 2014).

The attempt to re-establish the closed shop has thus failed, with the recent High Court ruling affirming the rights of individuals to dissociate as well as associate. The 2010 Shooting Crew Agreement still governs the employment relationship for most shooting crew members. The agreement is up for renewal, although it is unlikely to be replaced before the conclusion of the longstanding SPI-Equity negotiations, as neither SPI nor the SIPTU Arts and Culture section appear to have capacity to negotiate multiple agreements at the same time.

If the failure of the closed shop removed an important institutional support for SIPTU membership, another development served to shore up overall union membership. A new union, bearing an old, familiar name, has begun to evolve very recently, organising set-craft workers and other grades, centred around the major studios where television production work is largely based.

7.5 The Irish Film Workers Association revived²⁵⁷

In January 2015, the following communication was sent via text message to a number of film producers and production companies in Ireland:

²⁵⁶ Personal interview with trade union official Des Courtney, 28/1/2015.

²⁵⁷ This section is based on personal interviews with IFWA Secretary John Arkins, 23/7/2015 and 23/9/2015, as well as documents provided during same.

To all groups the committee of film workers have met they have put forward a body of work that is needed to be done, They are going to inform producers that they will meet with them or SPI only to inform them that a meetings must have the workers committee attend all meetings if anymore meetings take place with any body talking about our term and conditions and the industry we all work in we will be taken to the streets once again Only difference is these production companies and the line producers who have abuse their positions will be reported to revenue and we will insist their grants be withheld IFWA.²⁵⁸

The message had originated from a group calling itself the Irish Film Workers Association (IFWA), reviving the name of the organization founded by Tiernan MacBride and others in the 1970s (see Chapter Four). This new IFWA had begun life in 2011 as the Irish Film Workers Forum, reportedly to bring attention to abuses to the Section 481 scheme by some production companies (see Sheehy 2012). By 2015, the IFWA described itself as a voluntary association of workers concerned about, *inter alia*, the quality of employment experienced by film and television production workers, including the industry's treatment of trainee workers. The IFWA was particularly interested in the extent of industry compliance with employment legislation, especially in light of the amount of public funding involved, whether originating from Irish or EU funding sources.

In late 2015, the Association registered itself as a trade union with the Registry of Friendly Societies (CRO 2016). By doing so, IFWA gained the legal right to negotiate employment agreements for its members, and register them with the Labour Court's Registry of Employment Agreements. These registered agreements (REAs) thus become legally binding on the parties concerned under the terms of the Industrial Relations (Amendment) Act 2015. By late September 2015, IFWA claimed to have a membership of 300, mostly film set craft workers working on the major TV productions *Penny Dreadful*, *Vikings*, and *Ripper Street*, filming at Ardmore and Ballyhenry Studios in Wicklow and Clancy Barracks in Dublin. While it is now officially a trade union, IFWA does not consider itself an "organising union" – it sees its purpose in representing the interests of its members only, rather than industry workers as a whole. Although it is made up of primarily craft grades who would formerly have been members of other unions, it claims it will not turn away individuals from other grades who wish to join. At present it is only interested in representing members working with what it considers the only production company employers of scale in the Irish industry: Octagon Films, World 2000

²⁵⁸ Transcribed as forwarded, via personal email from recipient, Jan 2015.

Entertainment, and Element Pictures.²⁵⁹ IFWA therefore seems more akin to a works council than a trade union proper – a “shop floor” organisation seeking to make local, firm-level modifications to existing industry agreements for the benefit of its local members. Somewhat ironically, IFWA appears to be at loggerheads with the unions that negotiated those agreements, especially SIPTU (whose 2010 agreement with SPI it has never supported) and BATU (whose 50-50 nomination practice it considers to be unconstitutional).

IFWA claims that industry union agreements have not kept up with employment legislation, from which exemption has not been sought by film and TV drama employers. IFWA thus considers that other film unions, especially SIPTU, do not have worker interests at heart, as they have facilitated (through the existing agreements) employer non-compliance with employment legislation. It further claims that the majority of film workers have left the unions because of this, and that in late 2015 there were less than 200 active members of the SIPTU Film and Entertainment branch.

The remainder of this section shall examine a number of claims IFWA has made about issues affecting the industry employment quality, including:

- non-adherence to employment legislation, especially in relation to employment contracts and lay-off protocols;
- health and safety issues, especially in relation to transport drivers;
- training issues (especially the absence of trainee register and certification system).

Employment legislation

IFWA considers production companies to be in breach of the Protection of Employees (Fixed-Term Work) Act 2003, under which workers are entitled to a long-term work contract (Contract of Indefinite Duration, or CID) after four years of continuous work with one employer. It rejects as illegal the production company practice of laying off crew member employees on completion of production and dissolution of the one-off-company or SPV set up for the purpose of making the film or television production. As a result, crew

²⁵⁹ Stated by union secretary John Arkins during personal interview, 23/9/2015. These were the major companies for whom members were working at the time of the union’s incorporation.

members never gain the security of a CID: even if they are rehired on a project from the same production company, it is with a new SPV, enforcing an endless cycle of fixed-term employment contracts (FTCs) and the denial of basic rights such as paid holidays.²⁶⁰ IFWA maintains that these practices are sustained by the fallacy of classifying crew members as self-employed.

In addition, it considers production companies to be in breach of EU-mandated maximum working hours as incorporated into Irish law through the Organisation of Working Time Act 1997. The Labour Court approved an exemption from the maximum of 48 hours in 2000, following an agreement between Film Makers Ireland and the film unions to allow the 48-hour maximum to be averaged over a 12-month period owing to the industry's highly seasonal nature (SPI-SIPTU 2010: Appendix B). IFWA considers this to have been a transitional agreement, inappropriately incorporated into the 2010 shooting crew agreement as justification for the attendant 50-hour work week and flat rate pay schedule for same. At any rate, according to IFWA, whether legal or not, agreement to the 50-hour week has lapsed on the expiry of the agreement's initial three year period of validity, after which it was not renegotiated or properly renewed, partly due to the controversial closed shop provisions (IFWA 2015).

IFWA makes the point that these production company breaches seriously undermine their requirement to provide "quality employment" on Section 481-funded projects. The so-called 'cultural test' under which such projects are authorised by the Minister for Arts, Heritage and Culture includes the requirement that the project will "either or both" promote the national culture or

act as an effective stimulus to film making in the State through, among other things, the provision of quality employment and training opportunities (Film regulations 2015: Section 7).²⁶¹

Thus IFWA maintains that quality employment – an important feature of "good work" as conceptualised by Hesmondhalgh and Baker (2011) – is not being provided by film and television production companies, invalidating the ministerial authorisation underlying the major State production subsidy, under which more than €2 billion of investment has been raised since 1994, delivering a producer subsidy of some €500 million (see Appendix G.2).

²⁶⁰ Instead, workers are given 'holiday credits' of 8 percent of hours worked. These credits can never be used as they are not interchangeable between one SPV and the next (IFWA 2015).

²⁶¹ Prior to 2015, similar conditions were mandated by Section 7 of the Film Regulations 2008.

Health and safety

The IFWA has criticised transport companies within the industry, some of which it claims use drivers who are not bona fide employees. It claims there are substantial black market activities in this section of the industry, including off-the-books payments to drivers who are retired or are in receipt of social welfare payments. Like the practices above, such payments would naturally invalidate part of the Irish spend on Section 481 projects, under Film Regulations requirements that “eligible goods and services” are provided by “relevant persons” carrying on legitimate business within the State (IFWA 2015a; Film Regulations 2015: Section 15). Apart from the black economy issue, IFWA maintains many drivers are required to work longer hours than legally permitted (see Road Safety Authority 2015). This poses a serious health and safety issue for the film workers concerned, and indeed other road users.

Training

Central to IFWA’s lobbying efforts are its concerns about treatment of trainees of all grades. According to the union, there is no current registry of trainees in the industry. In the past, trainee status was granted by the unions, when they admitted inexperienced new members, with rigorous rules to police their progression to fully qualified status. Under the 1994 FMI-SIPTU agreements, for example, trainees and assistants were only permitted to be employed alongside qualified members of their grade, and could only be upgraded to perform the work of a qualified member if no such member was available for work (FMI-SIPTU 1994: clause 30). This regulation has been slightly relaxed in the 2010 ‘Shooting Crew’ agreement, permitting temporary upgrading for “suitably qualified” trainees with the caveat that no fully qualified member can be displaced by such an upgrade (SPI-SIPTU 2010: clause 14D).

By 2015, IFWA maintained that the displacement of qualified workers by trainees in the industry was commonplace, and that such practice should be of concern to the State as, among other things, it resulted in lost income tax revenue:

Due consideration must be given to the reasons why there are so many trainees in the film industry and why they remain thus for so many years – they are paid a trainee rate of some €500 per week and are used to displace experienced workers on the full rate which is the reason we believe Finance and/or Revenue need to be involved (IFWA 2015)

As there is a requirement under the Film Regulations 2015 for the engagement of up to eight trainees on each Section 481 funded project, IFWA believes that the improper use of trainees (as well as detracting from the quality of employment offered) is against the spirit of the Section 481 legislation, constituting a “governance issue” within the industry for which it believes the Irish Film Board should be held responsible (IFWA 2012). IFWA calls for the establishment of a Register of Trainees, to be held by the Irish Film Board, from which companies allocated Section 481 funding should source the trainees mandated by the legislation.

The ultimate goal of this “on the job” training initiative is to develop an industry certificate award for trainees following an agreed period of placement(s) (ibid.).

IFWA further maintains that such a system would finally establish some of the training recommendations of the 1995 STATCOM report²⁶² (ibid.; see also Chapter Six).

It is too early to establish the impact of IFWA on the industry as a newly emerging trade union. There is little doubt that it has established traction in the industry’s major centres of production, highly evident during a visit to Ardmore Studios in late 2015, where a majority of workers on the set of *Penny Dreadful* were wearing IFWA-branded high-visibility vests and jackets. The Association’s style is highly combative, evident from the tone of the text communication referenced above, and indeed its memo to SPI on the occasion of its first official meeting with that body. IFWA noted SPI’s absence from the Register of Friendly Societies and questioned its right to negotiate on behalf of its members. It drew attention to the issues outlined above, singled out several SPI member companies for their lack of employment provision, declaring that SPI member companies – because they employed no permanent crew members – were not “legitimate business[es]”. It further described the treatment of trainees by SPI members companies as “nothing short of scandalous” (ibid.). Despite this at least nominal engagement with SPI, the new union appears to be against collective agreements for the industry: it notes, apparently in reference to other industries, that “industry wide collective agreements have been overturned by the Supreme Court” and “there will be no such agreements in the future” as they will be challenged by IFWA on the grounds that neither SPI nor any union represents a majority of employers or employees in the country (ibid.).

²⁶² FÁS Project Team (STATCOM) 1995.

The contention that SPI does not represent employers appears to be based on SPI member companies' failure to maintain full-time crew members on their payroll, sharing instead in a pool of employees at agreed rates – a practice IFWA suggests may be in breach of the Competition Act in a manner similar to the IAPI-Equity agreement that fell foul of the Competition Authority (above). While this observation appears provocative, IFWA is clearly trying to make the point that production companies and SPI cannot have it both ways, qualifying for Section 481 as providers of “quality employment” on the one hand, yet on the other refusing to grant workers basic contractual rights and other statutory entitlements such as holiday pay. IFWA's antagonism towards SPI appears to be based on the union's lack of interest in the wider industry beyond their immediate employers, Octagon, World 2000 and Element, with whom it claims to have made its own local agreements. In September 2015, the union claimed its members had been granted paid holiday rights by employers following discussions with these companies.²⁶³

Summary and conclusion

The 2000s appear therefore to have been a challenging decade and a half for film workers and their unions, with the undermining of collective bargaining through the application of competition law, the assumed unconstitutionality of the closed shop, and producer resistance to a residual payment system. On the other hand, film workers appeared to be better off financially, enjoying a 40 percent increase in labour spend between 2001 and 2010, a period during which total inflation was only 22 percent and employment remained static at around 1,400 FTE jobs per annum (Appendices G and J). The industry has weathered the recession well, partly due to an expansion of television production since 2006. And yet by the end of the decade, there was a substantial oversupply of labour in the industry, with around 3,000 freelancers vying for short-term work contracts amounting to only 1,600 FTE jobs, suggesting that freelance film workers were busy with paid work only 55 percent of the time on average (IBEC 2011:19; Irish Film Board/PwC 2008:9).

This relative underemployment, an employment quality issue itself, exacerbates the problems highlighted by IFWA around employment contracts, holiday pay and other issues. It underlines the precarity of film work in the 21st century, suggesting that such

²⁶³ IFWA also claims that SIPTU axed a 2013 local agreement made with World 2000 that promised, inter alia, annual pay increases and a 2 percent profit share in return for a 12.5% pay reduction for the initial production run.

work is not always “good work” as labour is squeezed in the quest to attract foreign direct investment incentivised by tax breaks, direct production credits, and the promise of qualified yet flexible labour. While film workers can of course choose to resist such tendencies towards precarity through collective bargaining for more secure conditions, union penetration, both in Ireland generally and within the local film industry in Ireland, suggests a progressive atomisation of film workers – although this process may well be reversing with the formation of at least one new trade union. The scope of this new union’s activities, however, limited to representing the interests of set craft workers employed on international-scale television drama production, openly hostile both to employer bodies and other unions, suggests this development is not the result of an integrated approach to labour relations embracing the mutual needs of workers and employers generally. In the end, one suspects that IFWA gains may be made, as previously with electricians and other craft grades, at the expense of other film workers’ conditions.

While IFWA, with its 300 or so set craft members, is not representative of industry workers in their entirety, it appears that the organisation (which has the ability, proven on several occasions, to quickly mobilise a picket, lightning strike or unofficial walkout), is taken seriously by producers. However the combative style and its reluctance to “fully engage in basic industrial relations” means producers are reluctant to deal with IFWA.²⁶⁴ It remains to be seen whether the Association will be successful in its quest for permanent employment contracts. Indeed, since the demise of the US studio system in the 1960s, it is difficult to conceive of an industry structured around long-term contracts for creative workers. Most, if not all, industry labour agreements signed to date contain a statement similar to the following:

The parties to this Agreement acknowledge that the Film and Television Industry is a creative industry in itself separate and distinct from other industries. Its terms and conditions and rates of pay are to be determined in relation to its own circumstances and conditions (FMI/SIPTU 1994: 2).

As we have discussed in Chapter Four, the imposition of conditions on the hiring of certain creative workers has been contentious since at least the 1970s, when IAPI and the FPA pushed for the right to hire “key creatives” not on the union register. The specificity of the “creative industry” in terms of employment practices has been underlined in agreements and unilateral employment regulations dating at least to 1976, when the Film Section published its first set of employment terms (ITGWU 1976). IFWA, representing

²⁶⁴ Email correspondence with producer, 21 Sep 2015.

mainly craft workers, clearly rejects this alleged specificity. It is difficult to argue against its insistence that basic employment rights available in other seasonal industries (e.g. construction, tourism) apply equally to film and television production. It is also difficult, given the prominence of employment creation and induced benefits in arguments for State subsidy of Irish film and television, to negate IFWA's argument that employment without basic worker rights like CIDs, holiday pay, maternity leave, a pension system and robust health and safety standards, is not the "quality employment" itself mandated by the conditions attached to the subsidy. If production incentives can be justified by their potential to create economic benefits and employment, this does not in turn justify the creation of employment at any price.

IFWA's calls for training regulation through registration, needs-based training and certification could be interpreted as a tactic to regulate entry to and progress within the industry. However if its analysis of the most recent register of trainees (published in 2002 by SIPTU) is correct, there can be little doubt that industry trainees have fared poorly in recent times. Of the 736 trainees listed on the register, it claims there are less than 20 still working in the industry today.²⁶⁵

Ultimately, notwithstanding the rise of IFWA as an alternative film union, the years since 2000 have been difficult ones for union organisers. SIPTU attempts to "organise through the agreement" have clearly failed with the challenge to Clause 3. The rise of competition law as a brake on 'freelance' labour agreements places a further institutional obstacle before union organisers, denying them the 'credit effects' linking powerful labour agreements with higher union penetration. These challenges have seen union penetration fall dramatically in the industry, despite the positive cyclical effects of increasing industry turnover, heavily supported by State support through Section 481 and the Film Board.

²⁶⁵ Personal interview with IFWA secretary John Arkins, 23/7/2015.

Chapter Eight

Conclusion: a political economy of Irish screen labour

In this chapter, I draw together the major conclusions derived from the empirical findings presented in Chapters Three to Seven. I also discuss the implications of the study for film policy, concluding with some suggestions for future research.

My study commenced with some observations about problems with contemporary film work, primarily its precarity, exemplified by relatively poor pay and an apparent oversupply of labour, leading to difficulties finding continuous employment and other labour insecurities. Film work in Ireland, it was suggested, shares many of the insecurities of creative labour internationally, connecting the Irish experience to that prevailing in the cultural industries elsewhere, where labour conditions have been the focus of a growing number of critical studies in recent decades. Ironically, the data on which I based this initial assessment of precarity emerged from a survey commissioned by the Irish Film Board, which spun the results in a far more positive manner:

Key findings ... show that this growing sector employs over 6,905 individuals, 85% in the independent sector and 15% in broadcasting, which equates to 5,440 full-time equivalents (FTEs). The results also testify that this sector is vibrant with strong growth activity, with over 47% of companies interviewed in the survey established in the last 5 years (IFB 2009a).

While this statement paints an image of an expanding industry, with positive consequences for labour and employers alike, it is contradicted by the poor pay and precarious employment security highlighted within the survey findings itself, as discussed in my introductory chapter. As is clear from Table 15 (overleaf), the headline figure of almost 7,000 industry employees translates to a much smaller number of circa 1,600 active production workers, the “freelance” film crew technicians, craft workers, actors and extras who are the main focus of this research. It is these workers (and to a slightly lesser extent the almost 3,000 full-time employees of production, post-production and facilities companies) who are most affected by changing funding levels for film and television drama production in Ireland, including volatility in the finances of the Irish Film Board, revisions to the Section 481 tax incentive, and changes to other supports like the Broadcasting Authority of Ireland’s Sound and Vision scheme. My account has focused on these freelance film and television workers, and how their fortunes have oscillated over time, from the challenges of finding work at Ardmore Studios in the late 1950s to the

different challenges posed by their ‘creative labour’ status in today’s much larger, much more open and internationally competitive industry, where the dominance of US corporations reflects the globalisation of international industry and the attendant rule of neoliberal ‘Washington Consensus’ *laissez faire* ideology since the 1970s (Miller and Leger 2001: 90).

Sector		Individuals	FTE
Broadcasters		1,021	913
Production	Freelancers	3,016	1,659
Companies	Company	2,868	2,868
Total		6,905	5,440

Table 15 – Irish audiovisual sector employment in 2007²⁶⁶

The study highlights how film workers have moved from a situation where, in the 1960s, the main challenge was not so much the quality of work but its quantity: the question of access to work, the starting point from which film workers might realise their own humanity or *species being*. From that position, achieved through secured access to advertising work in the 1970s via labour activism, film workers moved to improve both the quantity and quality of work available, through the lobby for the Irish Film Board in the 1980s, the negotiation of labour agreements with producers in the ensuing decades, and the ongoing lobby for employment equality and collective bargaining rights. The study is important because it raises anomalies, such as non-standard working hours; difficulty accessing the long-term employment contracts available to workers in other fields; intellectual property rights favouring capital over labour; and the use of competition law to undermine collective bargaining and workplace democracy. These anomalies undermine the logic of work quality on which the major State policy supporting film employment – the Section 481 tax credit – relies for its continued eligibility for exemption from EU State aid limitations. If *quality employment* is to continue as the lynchpin of the cultural exemption argument for State aid, there is an obligation to protect and preserve this quality. Indeed, much of the value of an enquiry such as this one, applied in the service of stable, long-term industry support, rests in its foregrounding of film labour issues, reemphasising the centrality of labour to the film product, and thus its importance to a flourishing indigenous cinema.

²⁶⁶ IFB-PwC 2008: 9.

In the following sections, I shall discuss the implications of the research findings as related to the research question derived in the Introductory chapter:

To what extent have Irish film workers worked with (or against) capital to ensure access to plentiful, quality employment?

To that end, I will begin by repackaging the findings within a political economy framework: to better understand the interactions over time between various social actors representing film workers, their producer employers, and the State, as these interests have competed for access to, and control over, employment, funding, and the financial fruits generated from the exploitation of the film commodities produced.

8.1 Film capital, film labour, and the State: the global and the local

Our labour history of Irish film production since the 1950s involves three major groups or ‘players’: capital, labour, and the State, each with differing (and occasionally overlapping) interests. Each group has a local and a global dimension, the intersection of which provides the space for the film industry in Ireland to flourish. I will briefly summarise their respective roles in the unfolding ‘story’ of the Irish film and television production industry.

Capital

The US (‘Hollywood’) production complex enjoys a highly developed system of international production based on a global division of labour (Miller et al. 2005). The system can instigate production in any number of international locations, in order to enhance profits by (i) reducing the cost of labour and other inputs by filming in cheaper locations, and (ii) capturing subsidies designed to attract international production to ‘local’ locations like Ireland, for its employment value and other economic spin-off benefits.

The Hollywood complex has massified since the 1980s, with the absorption of the major studios into multinational, horizontally integrated media conglomerates. The resultant system of decentralised accumulation utilises an international division of labour, comprising a “huge and globalising network of subcontracted firms and individuals” (local labour and capital), coordinated locally by unions, employer groups and the State (ibid.: 116). These local interests are responsible for ensuring the availability of trained labour, film studios, equipment rental, post-production facilities, and other requirements. Mobile

(global) film capital thus divests itself of the cost risk associated with training and developing film crews, and with ensuring their availability by providing continuity of employment. The responsibility and risk associated with providing adequate labour and facilities remains within the host economy, with the local capital interests and/or the State.

In organising its system of dispersed production, centralised Hollywood “design interests” seek on-the-ground alliances with “local Hollywood” social actors: individuals, organizations and other “location interests” operating in the service production sector of the local industry (Goldsmith et al. 2010: 28-29).²⁶⁷ These location interests include local capital, in the form of employer organizations, production companies who co-produce with or on behalf of the incoming producer, and investors.²⁶⁸ Such local players, “enmeshed” in global production and distribution, add their individual ‘bottom up’ agency to the ‘top-down’ structure implied in Miller’s Global Hollywood thesis. The local/global interaction produces a less rigid system whereby local social actors co-create the domestic production environment, constrained but not entirely dominated by the ‘external’ requirements of the global production system. Local capital is also called upon to provide the continuity of employment that sustains film crews when not employed on international productions, keeping crew numbers high enough to make the capture of mobile investment viable.

The State

Global Hollywood is sustained partly by the efforts of the US government to protect its exports from the potential sanctions of ‘overseas’ governments, who might resist Hollywood domination of their local screen content markets. These US State efforts are vital for the continued system of decentralised accumulation, whereby the world market now contributes about half of total Hollywood revenues. US domination of the global market, where its revenue share has doubled since 1990, is at the expense of local indigenous industries. The European film industry, for example, has declined to one-ninth of its size during its 1945 peak (Miller et al. 2005: 10).

²⁶⁷ The small size of the Irish market, however, works against specialisation. Most production companies of any scale operate in both the indigenous and the international sectors.

²⁶⁸ In Ireland, private and corporate film investors, because the motivation for investing is the amassing of tax credits, thus co-present with the State in the operation of the Section 35/481 schemes between 1987 and 2016, at which point the system was changed to exclude local investors and grant tax credits directly to the production company (Murphy and O’Brien 2015).

The trend towards US dominance is indubitable. For example, in 1985, 41 per cent of film tickets bought in Western Europe were for Hollywood fare. In 1995, the proportion was 75 per cent. And 70 per cent of films on European television come from the US (ibid.: 17).

The (local) Irish State also presents as a *local Hollywood* interest, providing native production facilities, capital incentives and other local supports where private capital cannot or will not take the required investment risk. Incoming production is valued as foreign direct investment (FDI), incentivised for its valuable contribution to direct, indirect and induced employment, addressing a recurring structural failure of Irish economic planning historically (O'Connor 2010). The State also can facilitate production through the upgrading of communications infrastructure, the provision of State property as locations, and even the supply of State employees as production extras (Flynn 2009: 11-12). Importantly, the State contributes to crew employment continuity by subsidising indigenous production through the Irish Film Board and the Section 481 tax incentive.

As production incentives are available in many other countries and regions, the State must continually monitor and adapt its subsidy package to prevent loss of investment to other jurisdictions. Finally, the State (including the EU super-State), through its role in framing and enforcing employment, industrial relations, and other relevant legislation, affects many of the conditions of the employer-labour contract.

Labour and trade unions

Trade unions, as representatives of local film labour, play an important role in organising film workers and engaging in collective bargaining on their behalf. This is important for workplace democratisation: unions harness the collective power of individual worker members to gain concessions from employers, enshrined in labour agreements detailing minimum standards of pay, working conditions, and employment benefits.

In addition, the labour movement is an important lobbyist for more worker-friendly employment legislation, and for resisting employer-friendly interpretations such as the Competition Authority ruling that effectively removes the right of some workers to bargain collectively.²⁶⁹ Further, unions find themselves with a role in policing globalisation and its international division of labour through labour internationalism, or the practice of

²⁶⁹ A similar disputed interpretation in New Zealand led to legislative change classifying *all* film workers as independent contractors, with whom employers have no legal obligations to engage in collective bargaining (Tyson 2011: 12).

developing cross-border alliances with international unions as a counterweight to globalised capital (Haworth 2011: 104; Mosco 2011: 363).

I shall now restate the research findings “schematically, as a political economy” (Haworth 2011: 105), synthesising the empirical findings with the theoretical considerations discussed in Chapters One and Two.

8.2 A political economy of film labour in Ireland

The previous section positions the players in the unfolding narrative that comprises the labour history of film and TV production in Ireland since 1958. I will now discuss the research findings in terms of their contribution to a political economy of Irish film labour.²⁷⁰ Returning to the definition from Chapter One,

Political economy is the study of the social relations, particularly the power relations, that mutually constitute the production, distribution and consumption of resources, including communications resources (Mosco 2009: 2).

In theorising film labour in terms of the political and economic power relations at play in Ireland over the past half century, we are interested, *inter alia*, in the active role played by film workers (and associated trade bodies and unions) in organising film workers in a globalising economy; securing local employment through the capture of internationally mobile production work (along with the recapture of mobile work lost to other locations); and the ‘democratisation’ of the workplace through efforts to balance film worker interests against those of employers (Mosco 2011: 361). Although the term ‘film workers’ could possibly incorporate film producers, for our purposes producers have been conceptualised as film employers, either directly involved with, or management representatives of, the production company that combines capital resources with hired labour to produce the film commodity.

I shall consider film industry development in relation to its domestic Irish context; its international context; and the interaction between the two, the domestic-international ‘nexus’ where major film and television production is located industrially, and most film employment is ‘brought off’.

²⁷⁰ In this section, I draw on the structure employed in Haworth’s (2011) analysis of the difficulties preceding the production of the *Hobbit* films in New Zealand in 2010.

Ireland: the domestic context

The evolution of the film industry since 1958 took place against the background of a modernising Irish economy, commenced with Lemass and Whitaker's policy of free trade and FDI attraction. Hosting international film production thus became one small component of the new outward-looking industrial policy, with inward investment seen as the best means to solve the persistent unemployment problem that had undermined the Irish economy since independence (O'Connor 2010). Film policy (apart from the brief "first wave" of funded indigenous filmmaking overseen by the Irish Film Board during its initial incarnation) envisaged an industry based on service production rather than cultural production (the latter remit, arguably, being met by RTÉ).²⁷¹

Institutional support for trade unions among incoming MNCs, initially strong with union recognition a condition of accessing IDA grants, contributed to strong growth in union penetration through the 1960s and 1970s (Appendix A). That changed with the rise of neoliberalism from the 1980s: the IDA dropped its recognition requirement in the face of increasing hostility to unions among incoming US corporations especially. The union movement became less central to Irish life at any rate, with the rise of the middle class and a general decline of Marxian ideals as the Soviet Bloc imploded (O'Connor 2011: 245). Their increasing marginalisation contributed to the rise of social partnership as unions strove to stay relevant. Partnership's contribution to economic growth from the 1990s ensured its centrality to Fianna Fail's stewardship of the economy during its almost uninterrupted reign (much of it in coalition with the neoliberal Progressive Democrats) between 1987 and 2011, encompassing the unprecedented Tiger boom. Partnership deepened the relationship between Fianna Fail and the Unions. It also marked a switch to national-level bargaining, reducing the shop-floor impact of organised labour as unions switched from organising workers to servicing them through the provision of travel discounts, credit cards, and other perks of membership (O'Connor 2011: 250).

A historic aversion to land and property taxes, coupled with a low corporate taxation policy to attract FDI, has placed extra pressure on the system of personal taxation to fund the corporate welfare (i.e. grants and tax concessions) represented by FDI incentives. The health of the public finances is therefore highly dependent on wage employment levels. In that context, it is hardly surprising that the film industry in Ireland,

²⁷¹ The establishment of the Irish Film Finance Corporation in 1960 was an 'official' exception to an otherwise informal film policy prior to the 1980s (see Chapter Three).

as conceptualised by the State, was seen in terms of its economic contribution, via direct employment, indirect employment, the purchase of local services and the contribution to tourism.

The open economy to which the Irish film industry is expected to contribute places a high value on competitiveness and labour flexibility. While labour and employment relations law must now integrate any relevant EU Directives, the subsidiarity principle allows for a certain amount of local autonomy in the management of economic and legislative affairs. Thus otherwise illegal State aid to indigenous production companies and projects is justified in the name of creating and reproducing the continuity of employment, skills transfer and other conditions necessary for the survival of native 'cultural' screen production, defined in opposition to Hollywood commodity production.

Legislation such as the Competition Act, through which workers have been denied the rights enjoyed by workers in other industries by classifying them as self-employed business entities, adds another facet to the local production context, albeit one that echoes similar developments in New Zealand (Tyson 2011; Haworth 2011) and the USA (Wexler 2006),²⁷² and elsewhere.

The global/international context

The massification of US production has accompanied its domination of the world market for film and television drama content. Absorbed into horizontally integrated multinational conglomerates, the Hollywood production complex faces increased expectations of financial performance, with a growing emphasis on international production and distribution to effect cost savings and exploit the global market (Haworth 2011: 107).

Hollywood has transcended the spatial limits of its geographic location, moving from the predominantly studio-based centralised accumulation model to a more decentralised system comprising co-production with firms and individuals throughout its global network of production centres. Potential 'overseas' production locations compete for the local economic benefits that runaway production can bestow. By providing favourable conditions for Hollywood investment, such as lower-cost labour and other production inputs (sometimes effected or enhanced by advantageous exchange rates); tax

²⁷² Wexler's film *Who Needs Sleep?* shows how classifying film workers as self-employed excludes them from health and safety regulations protecting workers in other industries.

incentives or other financial assistance to subsidise production costs; adequate levels of experienced below-the-line labour; and a sufficient amount of production infrastructure and facilities, countries such as Ireland can aspire to local Hollywood status (Goldsmith et al. 2010).

The increasing integration of European economies and markets, through the creation of the European Union (EU) and its predecessor European Economic Community (EEC), comprises an important additional facet to the international context of the film industry and film work in Ireland. EU efforts to protect and expand indigenous cultural production have provided important opportunities and funding for co-production within the EU, expanding employment prospects within member States.

The local-global nexus and film labour in Ireland

The film industry in Ireland, initially indifferent to, but eventually dependent on, healthy levels of experienced local film labour, has developed within the space where these local and global contexts interconnect. Capital, labour, and the State are interlinked in the pursuit of an industry responsive to international capital investment, which provides the logic for State support.

The formal strategy of attracting film investment to Ireland, made concrete initially through State funding of the build and fit-out of Ardmore Studios and later innovations such as the Irish Film Finance Corporation, the Irish Film Board, and Section 35/481 tax legislation, predates and arguably prefigures the Lemass-Whitaker system of economic development through incentivised FDI (Flynn 2005). Film production thus became a small part of the Fianna Fail-led modernisation project of the 1960s, the fiscal rectitude of previous governments replaced by State spending to fund economic expansion. Regardless of the cultural value of the film commodities produced, the film industry in Ireland was primarily valued by the State for its FDI potential. This is evident in the evolution of the Section 481 tax incentive as the primary means of incentivising international film investment, the scheme continually updated and revised to compete with other jurisdictions vying to attract the same mobile film capital. Film production in Ireland thus developed since the 1950s in the context of an open and flexible economy, with the benefits of FDI seen to outweigh the costs – not least of which was the evolution of a regressive system of low corporate and income taxes and high taxes on goods and services (O'Connor 2010: para 26-28).

The domestic context (an open economy, seeking investment; growing capital specialisation in television service production) comes together with the international (mobile capital, seeking subsidy; growing television market) over the course of the period under review. This is not to say that other scenarios might not have emerged. The more inward-looking film policy of the original Irish Film Board might have been continued: the local industry could have privileged indigenous production rather than incoming. While the direct and indirect economic benefits might have been reduced, the exchequer funds foregone would have been far smaller, providing greater scope for social spending or for subsidy investment in other industries clustered in Ireland, such as software or pharmaceuticals. Unions could have been more militant in the face of erosion of standard practices and conditions. What is the logic of the developments that did take place? I suggest that the essential narrative of Chapters Three to Seven might be summarised as follows.

In the 1960s, the State moved to protect its investment in Ardmore Studios, intervening in the *Bondage* dispute in support of capital, favouring flexible over militant labour. Radical labour (the ETUI) was thus marginalised, as State, local capital and the flexible Studio Group unions aligned to keep UK productions coming to Ardmore, conceding the argument (advanced by UK unions) that subsidy through the UK's Eady levy gave British workers the right to employment on runaway UK productions. The concession helped keep Ardmore in business, although it continued to struggle, remaining largely irrelevant to Irish film workers, except as a facility for filming television ads, until the 1990s. From that point, especially after the 1993 changes to Section 35, the studio began to approach viability, more so after the industry realigned around television production in the mid 2000s.

In the 1970s, local film capital and labour interests combined forces pragmatically to address the paucity of filmmaking opportunities. Seeing the advertising industry's potential to sustain the small filmmaking community by providing day-to-day employment, producers and film workers aligned with the ITGWU to leverage labour power within the union movement and RTÉ, persuading local advertising capital to produce commercials in Ireland rather than abroad. Thus runaway advertising production, previously undertaken in the UK partly to maximise travel and expense opportunities for advertising agency executives, was repatriated. The remarkably successful intervention established a closed union shop in advertising production, providing Irish film technicians with the means to develop skills and experience that could be extended into feature and TV drama production. That Irish filmmakers could establish

this control over domestic advertising production was all the more notable given the context of local European markets opening to international competition via the Treaty of Rome – a striking example of the power of local labour organisation to overcome regulatory change through control over the local employment relation. The strength of the union position was reflected in its refusal to engage in bargaining negotiations with producers, preferring instead to issue a unilateral set of employment conditions (ITGWU 1976).²⁷³

In the 1970s and into the 1980s, producers and workers combined again to lobby for the reactivation of the Film Bill, resulting in the eventual establishment of the Irish Film Board, whose remit to fund feature production in Ireland promised further expansion of the film labour market. Recession and poor State finances – partly a hangover from the cost of FDI subsidy in previous decades – prompted the closure of the Board and an abrupt transition toward a so-called ‘investor-led’ tax break system more geared (after periodic modifications) towards incentivising international production. In truth, investors were more incentivised by the tax savings without which Section 35 investment was unlikely to produce a return, so the scheme might be more accurately described as ‘Exchequer-led’ as it was financed through taxes foregone by the State.²⁷⁴ State incentives, and the advertising industry, sustained film employment from the 1980s. As the Section 35 subsidy was paid directly to producers, it contributed directly to production company viability and producer profits.

In the 1990s, the reactivation of the Irish Film Board in tandem with further modifications to Section 35/481 marked a more coherent domestic film policy aimed at securing participation in international production as well as a re-energised indigenous production scene. The industry enjoyed greater and greater levels of subsidy as Film Board and Section 35/481 funding expanded through the decade (Appendix G.2). EU State aid limits were evaded by the cultural exception argument, that employment generated by the subsidy sustained indigenous (cultural) production. State, capital and labour combined to produce the production environment that international producers require: a tripartite partnership marked by subsidy, flexibility, and service provision, the local producer acting as a conduit for the international producer to access subsidy and save cost with flexible

²⁷³ The Film Section’s relative strength was partly due to the weakness of the FPA, whose authority was diluted by AIPPI’s influence over advertising production (see Chapter Four).

²⁷⁴ The counterargument – that foregone Exchequer funds are returned through economic multiplier effects – begs the question: if the multiplier is genuine, why does the State not subsidise the industry to an even greater degree?

labour. Union agreements were initially structured around a relatively short standard working day and stringent overtime provisions. Later modifications provided for longer hours and overtime buyouts, strongly supporting the intensification of production as Irish spend increased five-fold (twice the rate of inflation) over the next two decades, during which a relatively seamless transition from feature to television production was realised. The latter might not have happened if it were not for the existing expertise developing in this area, which had 'flexibilised' from the 1980s to service limited US production, intensifying with the MTM-Tara alliance at Ardmore Studios, and the local union agreements reached in order to facilitate this intensification. Parallel to these developments along the Dublin-Wicklow production axis, a loosening of the union's grip on film production was evident in the relatively unopposed establishment of a non-union shop at Roger Corman's Connemara studios. The Corman studio's closure, following Revenue audits revealing Section 35/481 irregularities, also reflected a weakening of the State's control over abuse of film subsidy, although this weakness was addressed in later modifications to the scheme.

In the 2000s, the transition from primarily feature to primarily TV production began in earnest. Ironically, the transition was arguably related to the film *King Arthur*, whose record €45m Irish spend in 2003 contributed hugely to the €7.6m Exchequer benefit generated by Section 481 that year (Sheehy 2003). Section 481 changes designed to attract more large-scale productions of this sort sent a clear signal to mobile offshore film capital about Ireland's growing local Hollywood aspirations. When *The Tudors* went into production at Ardmore for the US cable network Showtime in 2006, it exploited a distinguishing feature of Section 481, namely its applicability to television as well as feature productions. Partly due to local player Morgan O'Sullivan's ability to attract US capital, Ardmore has been busy hosting international television drama since, with additional high-profile television series shooting at Ballyhenry and Collins Barracks. Indeed, the domination of the TV sector by just three companies – Octagon, World 2000, and Element Pictures – has facilitated the rise of the new Irish Film Workers Association, registered as a new film trade union in late 2015. While it is too early to assess the impact of this development, it is a striking one, taking place against a background of a marked decline in union membership in the industry since the mid-1990s peak (Appendix A.4).

8.3 Conclusion: Where are we now?

As Appendix G.2 clearly shows, Irish film workers and producers have survived the post-Tiger financial and economic crisis well. Combined subsidy of the industry through

Section 481 and Irish Film Board investment has increased dramatically during the downturn, more than doubling during the 2007-2014 period.²⁷⁵ In mid 2016, the industry finds itself well financed, and well established as a local Hollywood production centre. Hosting of the *Star Wars* franchise during 2015 and 2016 has raised its profile considerably both internationally and domestically. Pinewood Productions, a subsidiary of Pinewood Studios International, has set up a production base in Ireland (Taylor 2016), and there is increasing speculation that new studios may be developed in Limerick (Hayes 2015) and Dublin (Leahy 2016). Despite these huge spending increases, direct employment in the industry, oddly, seems static.²⁷⁶ Yet an employment rhetoric continues to be employed in justifying film investment. The recent announcement of proposed “Hollywood Style film studios”, whose promoters say will generate 3,000 jobs in Ringsend, Dublin, is just one example (ibid.).

Thus the situation at present is one of relatively plentiful employment but with the caveat that much of it is precarious work, devoid of the protections in the area of working hours, employment contract rights, and collective bargaining rights afforded to workers in other industries. The fragmentation of film workers into individual bargaining units has reduced union influence in the industry at the same time as employment conditions have arguably worsened relative to other sectors of the economy. The undermining of employment rights is despite a stated industry requirement for producers to provide *quality* employment as a condition of accessing funding/subsidy via the Section 481 tax credit, by far the most important of the various State supports underpinning the industry. Thus the plight of film workers, which improved rapidly in the 25 years or so following the 1974 closed shop, appears to be deteriorating again in the 2010s.

These concerns suggest that there is still a role for organised labour among Irish film workers. Union penetration, which appeared to buck the national and international trend of general decline by increasing throughout the 1980s and 1990s, is no longer high, with the erosion of the closed shop during the 2000s and the failure to reinstitute it via the Shooting Crew agreement in 2010. Recent developments, however, suggest it might buck the trend again. While it is too early to assess the impact of the new Irish Film Workers Association, its appearance is a fascinating development. Its union status, its concentration

²⁷⁵ Inflation as measured by CPI 2007-14, totalled only 4.3 percent for the period (Appendix J.1).

²⁷⁶ The IFB website reports total employment in the audiovisual sector at “over 6,000”, indicating it is aware of little change since the 2007 Survey (IFB-PwC 2008). The total number of direct/induced jobs, however, has increased almost eight-fold from between 1993 and 2010 to a total of 9,467, according to IBEC (1995-2011). No figures are available for subsequent years.

among studio craft workers working on the most prestigious international television productions, and its apparent refusal to accept the conventional wisdom that film workers can and should be exempted from working hours and employment contract legislation, could yet present a considerable challenge to local and international film capital. Moves to exempt actors and other film workers from competition legislation, and recent progress in the area of residual payments for actors, represent additional positive developments for Irish film workers. Such developments, of course, might also challenge Ireland's local Hollywood status, and the willingness of international (and domestic) film capital to absorb such concessions to labour.

Limitations and suggestions for future research

Given the lack of similarly focused previous research, and my decision to cover in this account a time period exceeding fifty years, this research is concerned as much with mapping the terrain on which a labour history might be constructed, as with that construction itself. The scope of the research has therefore been wide, and perhaps necessarily shallow, rather than narrow and deep. This is an accepted limitation of the work. Further, resource and time constraints have necessitated that the trade union research be confined almost exclusively to SIPTU and its Irish Actors' Equity affiliate.²⁷⁷ An analysis of the role of other film unions, particularly those representing craft and construction workers, would add greatly to the account presented here. So too would research into the various above-the-line guilds that have come into being over the past two decades: the Directors Guild (SDGI) and Writers Guilds (WGI) especially.²⁷⁸

My choice to base this account predominantly on existing written document sources imposes further limitations. The archive material accessed is poorly catalogued and incomplete. Further, access was limited to records the union had decided to archive. There is potentially much more material that was not sent to the archive – or committed to paper in the first place.²⁷⁹

These limitations suggest several areas in which fruitful further research might be conducted. Apart from widening the research to include more relevant film unions and

²⁷⁷ The detailed account of the ETU involvement in the Ardmore disputes of the 1960s, derived from documentation at the National Archives, is an exception (see Chapter Three).

²⁷⁸ These guilds have also been hampered in collective bargaining activities by the Competition Authority ruling (interview with David Kavanagh, Writers Guild Chief Executive, 1 May 2014).

²⁷⁹ Gaps in the archive material available partly motivated the decision to conduct interviews with selected union officials, producers, and film workers.

guilds, there is room for more ethnographic case studies of film workers and film work practices, that might shed further light on the strategies that film workers employ in accessing and carrying out their work. Furthermore, ethnographic production studies might shed light on the extent to which the film worker's creative, craft, or technical contribution to the film text is a source of reward in and of itself, quite separate from pay, work conditions, and other material aspects of the employment relation. Such research would contribute to a fuller understanding of what it takes to survive and flourish in today's film industry in Ireland. In turn, this might contribute to a wider analysis of 'atypical' work generally, as the employment relation continues to evolve away from older standards and concepts like *employee*, *freelance*, and *undertaking* become more contested.²⁸⁰

Finally...

This study has sought to provide insight into the agency of film workers in securing access to film work, and later in enhancing its quantity (through the lobby for the Film Board and other forms of industry funding) and quality (through the collective bargaining process). The study demonstrates the resourcefulness of film workers in co-creating, with producers, an environment for skills development and employment continuity in the advertising sector. It also highlights their willingness to adapt local practices to suit the requirements of mobile international film capital, through the adoption of US television production practices, especially in relation to camera and lighting grip practices. Thus Irish film workers and producers have demonstrated considerable agency in embracing and adapting to the structural forces of globalisation and an international division of labour that otherwise threatens to diminish their relevance and bargaining power.

The subsidy-seeking tendencies of global film capital, however, suggest that crew excellence and labour flexibility are insufficient in themselves to lure production to Ireland. The increasing centrality of Section 481 to Irish film policy, and the seemingly inexorable rise of the funding levels it delivers, underline the co-dependency of labour flexibility and film subsidy in the creation of local Hollywood instantiations. There is thus considerable pressure on film workers to ensure that changes to Section 481, in the name of attracting more investment, are prevented from undermining Irish film labour, whose professional development supposedly exempts the subsidy from EU State aid limitations

²⁸⁰ Film workers, pharmacists, veterinary surgeons, GPs, road hauliers, and travel agents are among the occupations where the Competition Authority has intervened to prevent rate setting (Higgins 2005; Andrews 2014).

in the first place. While the current iteration of Section 481 aims to deliver increased subsidy and bolster Ireland's local Hollywood status, its potential to undermine local labour agreements suggests that Irish film policy is not necessarily predicated on an industry staffed with autonomous, self-actualised, well-paid workers. Instead, there is evidence of the suppression of employment rights for some workers, the removal of collective bargaining rights for others, and a decline in pay levels and working conditions for many more. This situation suggests a progressive deterioration of film work in recent decades: a shift from "good work" towards "bad work", at least partially. There is surely no greater form of alienation from one's work and from oneself to be classified (as actors and other creative workers have been) not as autonomous, self-actualising, creating individuals, but rather as "business undertakings", ineligible for the normal rights and protections available to people working in other industries.

In the rigorous application of competition law to the employment relation, we are reminded of David Harvey's (2010: 14) thoughts on how global capital flows, now typical in the entertainment industry, rely on the "use [of] State power to crush organised labour". In State film policy, including the most recent modifications to Section 481, we find considerable support for a local industry built on the capture of mobile capital. But we also find an underlying challenge to local employment and labour agreements. The decline of film union penetration suggests the current set of challenges will not be easily overcome. However recent developments at EU and State level in bargaining rights, and the ongoing emergence of new film worker organisations, suggest that a restructuring of film labour may be in progress, with a revival of labour interest in the framing of film policy. But the challenge posed by labour and competition law to film workers is daunting. That this situation emerged during the heyday of social partnership underlines the weakening of labour resistance during the boom years. It also illustrates a considerable hostility to film labour on behalf of film capital and the State. While the challenge before film workers therefore remains formidable, this research has demonstrated that film workers have a proud history of overcoming such adversity.

Appendices

Appendix A – Trade Union statistics	233
Appendix B – Ardmore Studio Group of Unions (Studio Group) c.1962.....	235
Appendix C – Ardmore Studios ownership 1958-2015.....	236
Appendix D – Film labour agreements	238
Appendix E – Actor pay rates and use fees	240
Appendix F – Film industry employment by sector 1990-2010.....	244
Appendix G – Financial and employment data.....	245
Appendix H – Unemployment as % of labour force.....	247
Appendix I – Historical exchange Rates 1958-2015	248
Appendix J – Consumer Price Index (CPI) inflation in Ireland 1953-2015	256
Appendix K – List of interviewees	259
Appendix L – Average industrial wage 1972-2015.....	261
Appendix M – Film worker and producer associations 1972-2015.....	263

Appendix A – Trade Union statistics (OECD data)²⁸¹

A.1: Trade Union density 1960-2010 (% of employed workforce)

	1960	1965	1970	1975	1980	1985	1990	1995	2000	2005	2010
Germany	35	33	32	35	35	35	31	29	25	22	19
Ireland	45	48	53	55	57	54	51	45	38	34	33
Sweden	72	66	68	74	78	81	80	83	79	77	68
UK	40	40	45	44	52	46	40	34	30	29	27
USA	31	28	27	25	22	17	15	14	13	12	11
OECD countries	35	34	35	36	34	30	27	24	20	19	18

A.2: Trade Union members 1960-2010 (in '000s)

	1960	1965	1970	1975	1980	1985	1990	1995	2000	2005	2010
Germany	6,948	7,001	6,966	7,587	8,154	7,893	8,014	9,335	7,928	6,856	6,325
Ireland	293	335	382	420	491	451	442	466	495	526	547
Sweden	1,909	2,103	2,325	2,767	3,039	3,240	3,322	3,066	2,989	2,923	2,790
UK	8,851	9,293	10,061	9,940	11,891	9,697	9,040	7,408	7,108	6,726	6,680
USA	17,049	17,299	19,381	19,611	19,843	16,996	16,740	16,360	16,258	15,685	14,715

²⁸¹ Sources: OECD 2016, 2016a.

A.3: Levels of unionisation in Ireland, 1925-2010²⁸²

Year	Membership	Employment Density %
1925	123,000	21
1930	99,450	20
1935	130,230	23
1940	151,630	26
1945	172,340	28
1955	305,620	46
1965	358,050	52
1975	449,520	60
1980	527,960	62
1985	485,050	61
1990	474,590	57
1995	447,000	45
2000	517,000	38
2005	542,000	34
2010	512,000	33

A.4: ITGWU/SIPTU Film Section membership 1975-2015²⁸³

Year	Members
1975	126
1990	400
1991	495
1996	1,619
1997	1,559
1998	1,495
1999	1,142
2001	1,000
2002	1,575
2007	664
2015 ²⁸⁴	200

²⁸² Source: Roche 2008: 18-19; D'Art, Turner and O'Sullivan 2013: 18

²⁸³ Sources: ITGWU 1975; Curtin Dorgan 1990: 32; Playback 1991; SIPTU 1997; SIPTU 1999; Fitzgerald 2001; SIPTU 2002; IFB-PwC 2008.

²⁸⁴ Estimated based on personal interview with IFWA Executive, 23/7/2015.

Appendix B – Ardmore Studio Group of Unions (Studio Group) c.1962²⁸⁵

Union (1962)	Current name or amalgamated union (2015) ²⁸⁶
Electrical Trades Union (Ireland)	TEEU
Irish Engineering, Industrial and Electrical Trade Union	TEEU
National Engineering Union	TEEU
ITGWU	SIPTU
Irish Actors Equity	SIPTU
United House & Ship Painters and Decorators Trade Union of Ireland	SIPTU
Irish National Painters & Decorators Trade Union and Building Workers Trade Union	SIPTU / BATU
Irish Society of Wood-Cutting Machinists	BATU
Irish National Union of Woodworkers	BATU
Operative Plasterers & Allied Trades Society of Ireland	No
National Union of Sheet Metal Workers & Gas Meter Makers of Ireland	Name change (1967) to National Union of Sheet Metal Workers of Ireland
Irish Automobile Drivers & Automobile Mechanics Union	Automobile General Engineering and Mechanical Operatives Union

²⁸⁵ Collins 1962a

²⁸⁶ Smethurst and Carter 2009.

Appendix C – Ardmore Studios ownership 1958-2015

Year	Company	Directors/CEO
1958	(1) Dublin Film Productions Management.	Elliman/Dalton/McGrath
1963	Receiver (1).	W. Sandys
1966 (Jan)	(2) Film Studios of Ireland Ltd. (Ardmore International Studios).	Afton/McNally/McNally/Binstock W. Eades (MD)
1966 (Mar)	(3) New Brighton Tower Co. Ltd. (Liverpool).	Lee Davies – 1967 (Tribune 31/7/94)
1971	Receiver (2).	Alex Spain (SKC) ²⁸⁷
1972 (Jan)	(4) Ardmore Studios International acquires for £320k. Does not take possession June 1972. ²⁸⁸	George O'Reilly, John Nolan
1972 (Nov)	Receiver (3).	Tom Kelly ²⁸⁹
1973	(5) RTÉ (nominal – government takeover).	Dermot O'Sullivan ²⁹⁰

Cont.

²⁸⁷ Keatinge 1973

²⁸⁸ Keatinge 1973

²⁸⁹ Smith 2007: 142

²⁹⁰ Smith 2007:143

1975	(6) National Film Studios of Ireland.	CEO Sheamus Smith. Other directors include John Boorman (chair), Michael McEvoy of 7 Branch, V. Corcoran. PRO Bill O’Herlihy.²⁹¹
1982	Liquidator (1).	Michael McNulty (liquidator) ²⁹²
1984	(7) Sipra Ardmore Studios.	Mahmud Sipra
1985	Liquidator (2).	Robert Stewart (liquidator) ²⁹³
1986	(8) MTM (63%) / Tara (5%) /NDC (32%). In 1988, MTM acquired by Television South (TVS). ²⁹⁴	1986 Morgan O’Sullivan
1990	(9) Ardmore Studios International acquires MTM/Tara shareholdings.	MD: (1990-2012) Kevin Moriarty. ²⁹⁵ (2012-pres.) Siún Ní Raghallaigh. appointed MD (IFTN 2012). ²⁹⁶ Directors (1990): Ossie Kilkenny, Paul McGuinness, James Morris. ²⁹⁷
1991	NADCORP stake transferred to IDA.	
1998	IDA stake transferred to Enterprise Ireland.	

²⁹¹ Smith 2007:143, 145

²⁹² Flynn 1996:124

²⁹³ Culliton 1986a

²⁹⁴ O’Dea 1990.

²⁹⁵ O’Dea 1990

²⁹⁶ IFTN 2012

²⁹⁷ FAME company database 2016.

Appendix D – Film labour agreements

D.1: List of agreements c.1958-2016

Year	Name	Notes
Pre-1958	Equity -BFPA/FBFM re crowd artists	Refs in UCD archive
1957-8	Equity -Ardmore crowd panel	Refs Devine 1997; UCD archive
1958	Ardmore-Studio group	Refs UCD archive
1961	Equity -IAAA – filmed commercials.	Ref 1961-2 annual report (UCD)
1961-2	Equity-IAAA – TV commercials	Irish times 4/7/61, 3/7/62)
1961	Equity-Ardmore (studio rates/conditions)	(refs only 11/8/61 minutes TU 12/7)
1967	Film Studios of Ireland – Studio Group – crafts only?	(TU 12/35 ITEM 69 UCD)
1976	Film Section unilateral T&C of employment	(not an official agreement) (TMcB library)
1986	Commercial Agreement (Blue Book appendix)	SIPTU Archive
1986	Film Section-MTM/Tara	No copy found. See Ch. 5 for refs.
1988	‘Blue Book’ regulations	SIPTU Archive
1991	Equity-IAPI re minimum rates	SIPTU Archive
1991	SIPTU-FMI	SIPTU Archive; pdf
1992	SIPTU-IFPGU (Draft)	SIPTU Archive; pdf
1993	SIPTU-FVPA (updated commercial agreement)	Personal files; hard copy
1994	IAE-FMI	SIPTU Archive
1994	SIPTU-FMI (full copy - Arkins)	Hard copy (Arkins).
1995	Equity-IAPI re commercials, repeat fees, etc. (update)	SIPTU Archive
2000	SIPTU-World 2000	SIPTU Archive
2001	SIPTU Film Section unilateral T&C of engagement	SIPTU Archive
2002	Equity-IAPI Agreement on min. fees	Personal files/web
2010	SIPTU-SPI	Personal files/web
2016	2016 Equity-SPI Residuals	pdf (Collins)

D.2: 2010 Shooting Crew Agreement: grades and minimum rates²⁹⁸

2nd July 2010

50hr Week (39 Hours @ single time & 11hrs @ 1.5time)			
Grade	Large Budget Level	Medium Budget Level	Small Budget Level
1st Assistant Director	1900	1,500	1,400
2nd Assistant Director	1200	1,150	1,050
2nd Assistant Editor	550	480	480
3rd Assistant Director	900	850	750
Accountant	Neg	Neg	Neg
Art Director	1900	1,400	1,200
Assistant Accountant	1200	900	800
Assistant Art Director	1500	1,100	1,000
Assistant Editor	1200	650	600
Assistant Grip	1100	1,100	900
Assistant Hairdresser	1150	900	882
Assistant Location Manager	1100	900	750
Assistant Make-Up	1150	900	882
Assistant Wardrobe	1150	900	882
Asst Co-ordinator/Prod Secretary	800	800	650
Boom Operator	1350	1,250	1,200
Camera Operator	2000	1,650	1,550
Clapper Loader	1200	1,000	950
Co-ordinator	1200	1,150	1,050
Costume Designer	2000	1,450	1,350
Production Designer	2400	2,000	1700
Editor	Neg	Neg	Neg
Focus Puller	1600	1,450	1,350
Hairdresser	1700	1,300	1,250
Key Grip	1800	1,450	1,350
Lighting Cameraperson	Neg	Neg	Neg
Location Manager	1400	1,400	1,250
Make-Up	1700	1,300	1,250
Nurse	1300	1,100	800
Production Manager	Neg	Neg	Neg
Property Buyer	1900	1,300	1,200
Props Master	1850	1,350	1,300
S/By Props	1200	1,150	1,100
Script Supervisor	1600	1,300	1,100
Dressing Props	1100	1,100	1,050
Sound Mixer	1800	1,600	1,450
Trainee	550	500	450
Video Assistant	800	500	450
Wardrobe Supervisor	1450	1,150	950
Draughtsperson / Set Designer	1700	1,400	1,250
Graphic Designer	1500	1,200	1,000
Model Maker	1500	1,200	1,000
S/By Art Director	1500	1,200	1,000
Set Decorator / Dresser	2150	1,500	1400
Driver (No Vehicle) (50hr Week)	750	750	750

Budget levels

Small: Film or TV single Eligible Spend <€1.5m and TV series or serial Eligible Spend per hour <€500,000
Medium: Film or TV single Eligible Spend >€1.5m and <€4m and TV series or serial Eligible Spend per hour >€500,000 and <€1.5m
Large: Film or TV single Eligible Spend >€4m and TV series or serial Eligible Spend per hour >€1.5m

²⁹⁸ SPI-SIPTU 2010: Appendix D

Appendix E – Actor pay rates and use fees

E.1: Minimum pay rates and use fees (Theatrical Films)

		1992 ²⁹⁹	2002 (IE proposal) ³⁰⁰	2006 ³⁰¹
Daily rate		£100	£120	€153
Weekly rate		£400	£480	€612
Theatrical	USA/ Canada	50%	50%	50%
	Rest of world	50%	50%	50%
Terrestrial TV	USA major network	45%	45%	45%
	USA network other	20%	20%	20%
	Rest of world (excl. UK)	15%	17%	17%
	UK/Irl (3 TX in 5 years)	20%	20%	n/a
	UK/Irl additional TXs	10%	10%	
	UK secondary TV	n/a	13%	
	UK/Irl (all TX)	n/a	n/a	
Pay TV	USA	30%	30%	30%
	Rest of world (inc. UK)	8%	8%	8%
Videograms	World Video/DVD:	25%	25%	25%
Total (full buyout)		273%	288%	280%

²⁹⁹ IAE 2003; Hickey 2001. The exact date of the original IAE document, referred to in FMI-IAE correspondence c.2001 as the “old agreement” is uncertain. IAE executive believes it dates from 1992 (email correspondence, 12 Apr 2014).

³⁰⁰ IAE 2002.

³⁰¹ IAE 2006

E.2: Minimum pay rates and use fees (TV drama) (1992-2015)

Television Drama		1992 ³⁰²	2003* (SPI proposal) ³⁰³	2006 ³⁰⁴
Daily rate		£100	€230	€200
Weekly rate		£400	€920	€800
RoI/UK TV	1 st RoI/UK TX	Included	Included	Included
	2 nd RoI/UK TX	35%	Included	35%
	3 rd RoI/UK TX	35%	RoI included	35%
			35% UK	
	Complete RoI buyout	n/a	25%	n/a
Theatrical	Theatrical UK/ROI	10%	10%	10%
US terrestrial TV	Prime time : 1 st TX	75%	50% (all US commercial terrestrial TV)	75%
	Prime time: 2 nd TX	25%		25%
	Prime time (per additional)	5%		5%
	Non prime: 1 st TX	25%		25%
	Non-prime: (per additional)	5%		5%
	Syndication	15%		15%
	PBS	10%	10%	10%
US/UK Cable	Basic cable (UK/US)	10%	10%	10%
Pay TV	World	20%	20%	20%
Video	World	7.5%	7.5%	7.5%
Total (Full buyout)		277.5%	167.5%	277.5%

* 2003 SPI proposed daily/weekly rate to include:

- 2 UK and 3 Irish TX (incl. repeats within 7 days)
- All world terrestrial TV (i.e. except RoI, UK and US) including basic cable and theatrical and all world non-theatrical.

³⁰² IAE (n.d.). Email correspondence with IAE executive. 12 Apr 2014.

³⁰³ IAE 2003d.

³⁰⁴ IAE 2006.

E.3: Minimum pay rates and use fees (Indigenous TV drama) (from 2016)³⁰⁵

Performance Fee and Use Fees

Performance Fee

The Artist shall be paid a performance fee of not less than:

€ 200 per day

or

€ 800 for a five day week

Holiday Pay when paid is calculated at 8% of either the Artists daily performance fee or the Artists weekly performance fee excluding Use Fees.

Over Time is paid at €30 p/hr (€15 per half hour).

These payments do not attract use fees.

The performance fee acquires One transmission by an Irish broadcaster (including a repeat within 7 days, catchup).

Compulsory Nominated Additional Uses pre-purchase – Initial License

The Artist shall be paid either:

Option 1 Worldwide 10 year licence

150% of the applicable performance salary to pre-purchase a licence for unlimited uses on all platforms/devices media in all territories for 10 years (from the first transmission).

OR

Option 2 Worldwide 5 year licence – for productions with a production Budget of less than €600k per hour

100% of the applicable performance salary to pre-purchase a licence for unlimited uses on all platforms/devices media in all territories for 5 years (from the first transmission).

After Initial License Period

After the initial licence period the producer will have the option to either:

pay the applicable fee as per licence table (the percentage is paid on the artists original applicable performance salary excluding the original use fees)

OR

provide an Artists pool calculated at 7.5% of the sum paid to the producer/broadcaster by the distributor in respect of exploitation of rights in the nominated production after the initial license period.

The Artists pool will be divided pro-rata between the artists. The artist pro rata share is determined by reference to an Artist's Residual Schedule.

Cont.

³⁰⁵ IAE-SPI 2016: 20-21 (Appendix 3).

No later than 6 weeks following the final episode of the series being broadcast, the producer will supply the following to each Artist:

- i) the individual Artist residual schedule (this will include the artist's performance fees, use fees, gross fees received & the percentage of the residual pool which the artists earning represents).
- ii) the agreed license table (this will include the applicable performance fee on which use fees will be calculated)

LICENCE TABLE

After the initial licence period the producer can elect to pay selected rights from the list:

Details	%	Licence term
ROI	5%	10 year
UK Secondary/channels market	10%	10 year
UK Primary channels	35%	10 year
ROW (ex US/Canada primetime/UK)	20%	10 year
Canada Primetime	10%	10 year
US PBS	10%	10 year
Syndication	10%	10 year
USA Prime time	35%	10 year
USA Non-Prime time	15%	10 year
World Cable/Pay TV	10%	10 year
World Free TV	5%	10 year
SVOD US	5%	10 year
SVOD ROW	5%	10 year
Theatrical ROI	4%	10 year
Theatrical ROW	4%	10 year
Theatrical UK	10%	10 year
Theatrical US	10%	10 year
DVD/DTO/DTR US	4%	10 year
DVD/DTO/DTR UK	3%	10 year
DVD/DTO/DTR ROI	2%	10 year
DVD/DTO/DTR ROW	2%	10 year
New Technology	5%	10 year

TOTAL

219%

The % is paid on the artists original applicable performance salary excluding the original use fees.

Appendix F – Film industry employment by sector 1990-2010³⁰⁶

F.1: FTE employment by sector 1990-2003

	Features & Major TV Drama	Indep. TV	Animation ³⁰⁷	All
1990³⁰⁸	110	60	550	720
1991			500	
1992³⁰⁹	453	241	350	1,044
1993³¹⁰			300	
1994	881	176	234	1,291
1995	923	178	165	1,266
1996	819	235	134	1,188
1997	1,071	370	9	1,450
1998	1,103	469	118	1,690
1999	1,179	328	47	1,554
2000	996	659	87	1,742
2001	831	603	67	1,501
2002	610	522	69	1,201
2003	864	575	53	1,492

F.2: FTE employment by sector 2004-2010

	Features	Indep. TV / Major TV Drama	Animation ³¹¹	All
2004	273	635	55	963
2005	178	751	129	1,058
2006	345	1332	138	1,815
2007	324	1290	121	1,735
2008	292	1145	194	1,631
2009	166	975	227	1,368
2010	308	1117	207	1,632

³⁰⁶ Two tables necessitated by IBEC inclusion of TV drama employment along with Features prior to 2004, and with Independent TV from 2004 on.

³⁰⁷ 1990-1993 animation sector numbers from Curtin Dorgan 1990; Flynn and Brereton 2007: 13; Black 1991; McManus 1992.

³⁰⁸ Curtin Dorgan 1990: 32.

³⁰⁹ Coopers and Lybrand 1992: para 9.13.

³¹⁰ Although IBEC (1995: 3) estimates a total of 480 FTE across all sectors for 1993, I have omitted this figure as there it appears to be in conflict with prior and subsequent years.

³¹¹ 1990-1993 animation sector numbers from Curtin Dorgan 1990; Flynn and Brereton 2007: 13; Black 1991; McManus 1992.

Appendix G – Financial and employment data

G.1: Selected financial and employment data, 1993-2010³¹²

	1993 ³¹³	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
No. of projects	16	61	97	122	105	132	125	162	175	148	179	184	207	261	265	266	257	261
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Total AV Expenditure (€m)	64.1	169.0	127.1	123.5	156.7	184.0	183.6	209.5	259.0	190.9	320.2	169.9	152.4	279.9	195.7	246.8	243.3	387.9
Non-Irish Funding	46.6	104.5	57.3	44.3	59.9	76.8	69.6	93.1	147.6	81.1	211.4	50.9	40.5	95.9	33.0	58.0	127.7	257.9
Irish Funding	17.4	64.5	69.8	79.2	96.8	107.2	114.0	116.4	111.4	109.8	108.8	119.0	111.8	184.0	162.7	188.8	115.6	130.0
Irish spend Features	unavail.	50.4	60.0	56.8	93.1	74.8	92.4	89.2	95.5	79.6	100.4	37.9	17.5	29.8	12.2	35.4	27.8	35.3
Irish spend Ind.TV/Drama	unavail.	9.7	12.3	16.4	19.2	28.1	21.7	35.4	38.8	37.7	42.8	53.7	66.3	113.8	118.6	114.6	104.3	149.4
Irish spend Animation	unavail.	12.4	9.3	5.2	0.1	5.5	2.9	4.6	5.0	5.2	8.2	15.1	13.1	17.6	12.4	17.8	25.1	20.0
Total Irish Expenditure	38.7	72.4	81.4	78.5	112.4	108.4	117.1	129.3	139.4	122.6	151.4	106.7	96.9	161.2	143.2	167.8	157.2	204.7
Total Irish Labour Spend	17.1	29.6	36.2	33.9	56.1	50.2	58.5	67.3	67.9	59.5	64.4	40.3	39.8	87.0	76.2	85.6	77.2	95.1
FTE jobs Features	unavail.	881	923	819	1071	1103	1179	996	831	610	864	273	178	345	324	292	166	308
FTE jobs Ind.TV/Drama	unavail.	176	178	235	370	469	328	659	603	522	575	635	751	1332	1290	1145	975	1174
FTE jobs Animation	unavail.	234	165	134	9	118	47	87	67	69	53	55	129	138	121	194	227	213
Total FTE jobs	480	1,291	1,266	1,188	1,450	1,690	1,554	1,742	1,501	1,201	1,492	963	1,058	1,815	1,735	1,631	1,368	1,695
Total Direct/Induced jobs	1,228	2,396	2,944	2,341	3,352	3,235	3,505	3,909	5,555	4,809	6,024	5,346	3,620	6,087	5,166	6,216	6,117	9,457

NB: "Features" category includes major TV Drama up to 2003. From 2004, this category is Features only (see also Appendix F).

³¹² Sources: AV Federation 1995-2011; Dept. of Arts, Heritage and the Gaeltacht 2011, 2011a.

³¹³ Figures for 1993 less detailed than later years.

G.2: Film investment (and tax cost) via Section 35/481 funding and Irish Film Board
film investment 1993-2014 (€m)

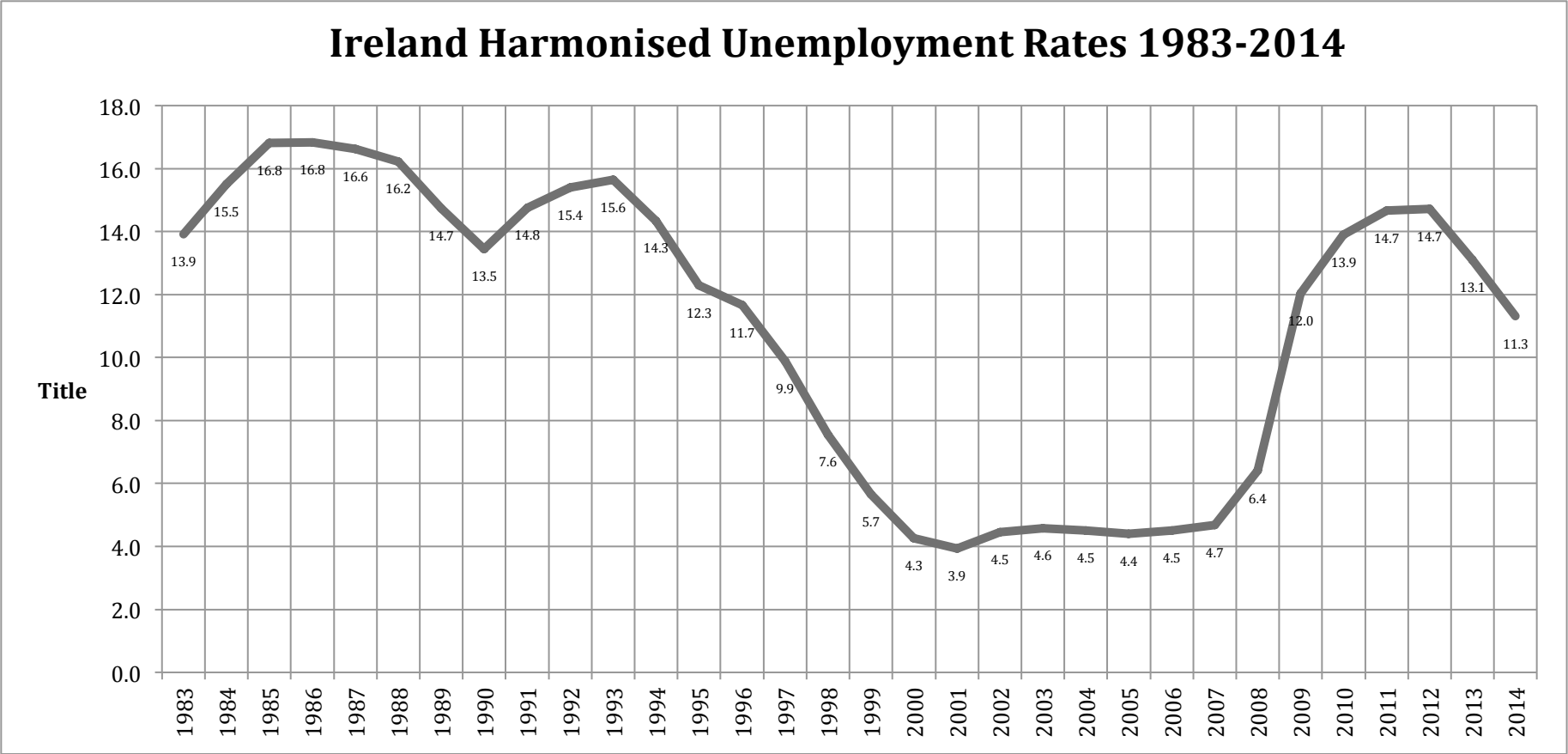
Year	S35/481 funds raised ³¹⁴	Tax relief ³¹⁵	Est. Producer Benefit ³¹⁶	IFB film investment ³¹⁷	S481 benefit + IFB film investment
1994	46.6	24.9	9.8	2.0	11.8
1995	85.5	23.9	17.9	4.0	21.9
1996	57.7	19.2	12.1	3.8	15.9
1997	82.4	26.3	17.3	4.8	22.1
1998	93.8	27.9	19.7	5.6	25.3
1999	61.0	28.3	12.8	6.9	19.7
2000	79.5	28.8	16.7	7.9	24.6
2001	75.4	24.2	15.8	8.2	24.1
2002	62.2	21.6	13.1	9.3	22.4
2003	84.8	22.6	17.8	8.5	26.3
2004	58.1	22.3	12.2	8.8	21.0
2005	54.8	15.1	11.5	12.0	23.5
2006	110.8	36.2	23.3	14.3	37.6
2007	94.8	31.1	19.9	15.8	35.7
2008	102.9	32.8	21.6	19.3	40.9
2009	101.2	43.7	28.3	15.9	44.3
2010	160.2	61.7	44.9	14.4	59.2
2011	114.8	46.5	32.1	13.2	45.3
2012	138.5	56.8	38.8	11.2	49.9
2013	177.7	72.9	49.8	9.6	59.3
2014	231.6	95.0	64.9	10.6	75.5
TOTAL	2,074.19	761.7	500.3	205.9	706.2

³¹⁴ Extrapolated from Dept. of Arts, Heritage and Gaeltacht 2011, 2011a, 2015; Irish Film Board 1995-2015.

³¹⁵ For years 1994-2010: provided in IBEC AV annual reports . For 2011: see Department of Finance 2012: 21. For 2013-14: estimated based on marginal income tax rate of 41%.

³¹⁶ Extrapolated based on prevailing estimated producer benefit – e.g. in 2010, benefit was circa 28% of funds raised (Gaffney 2010).

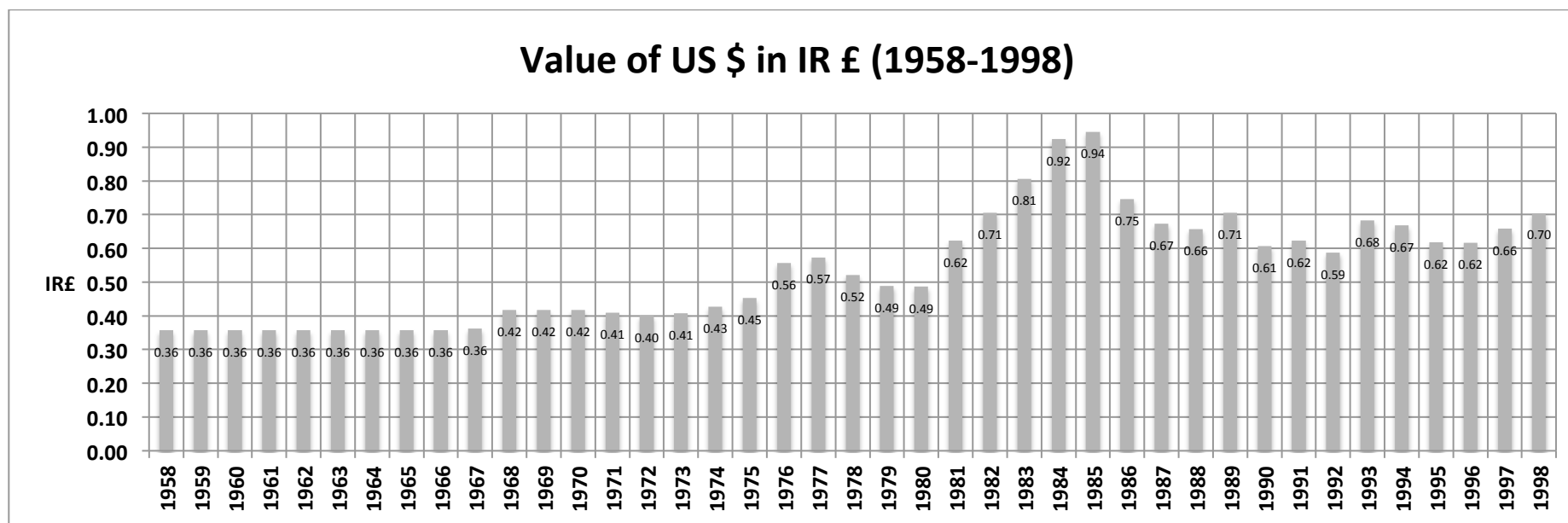
³¹⁷ Film investments less recoupments (available in notes to IFB financial statements).



³¹⁸ Source: OECD 2015.

Appendix I – Historical exchange rates 1958-2015³¹⁹

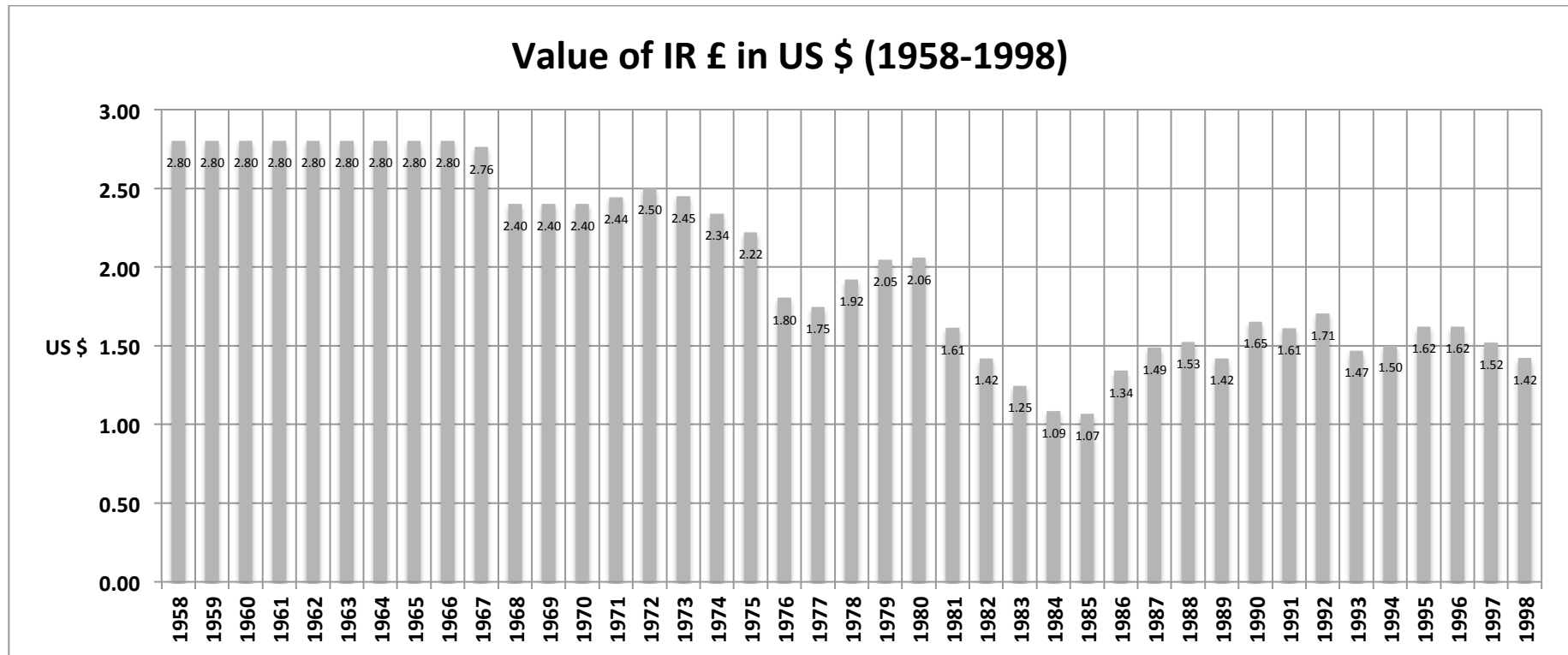
I.1: IR £ per US \$ (1958-1998)³²⁰



³¹⁹ IR£ exchange rates were linked to dollar/sterling exchange rate (based on gold standard) until 1971 under Bretton Woods system (Kelly 2003: 94).

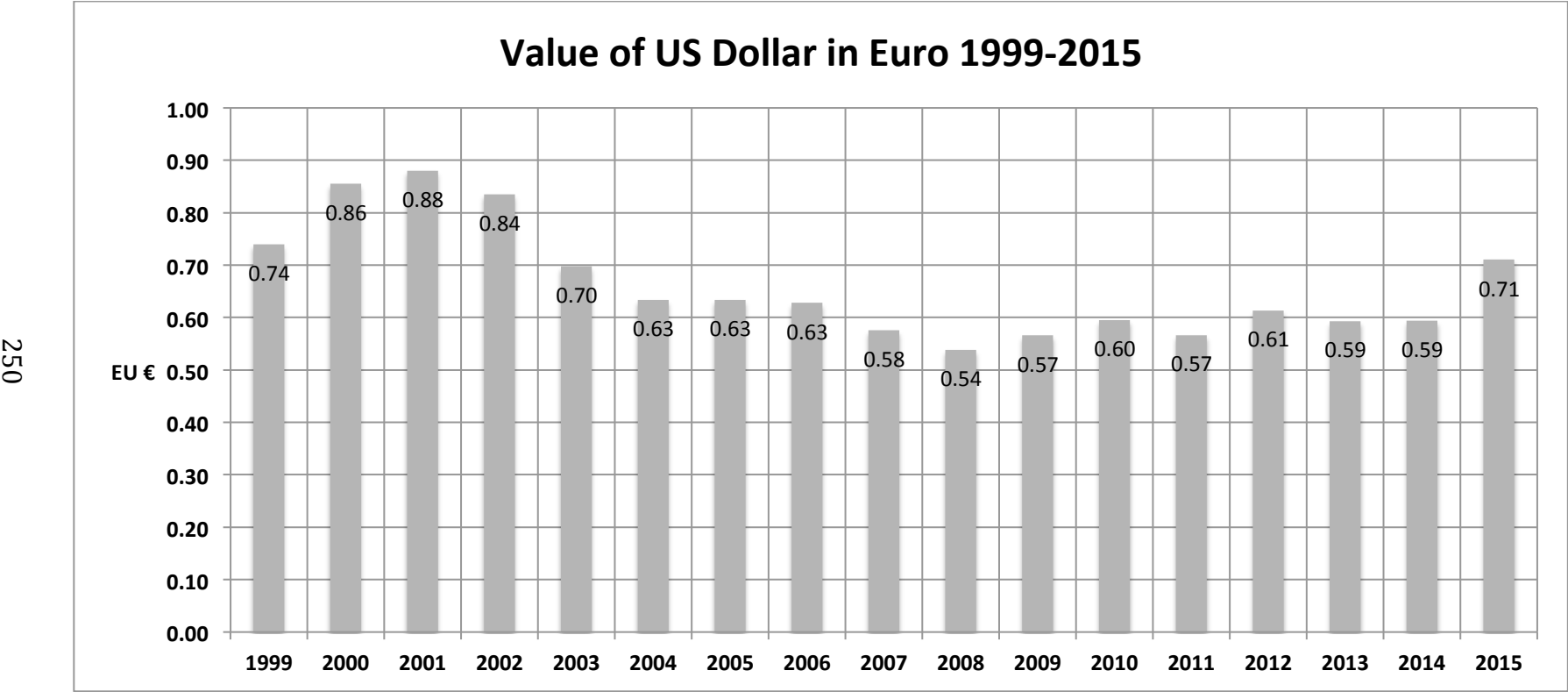
³²⁰ Exchange Rates: Irish pounds per US dollar (average rate during year) (source: FXTop 2015).

I.2: US \$ per IR £ (1958-1998)³²¹



³²¹ Exchange Rates: US dollars per Irish pound (average rate during year) (source: FXTop 2015).

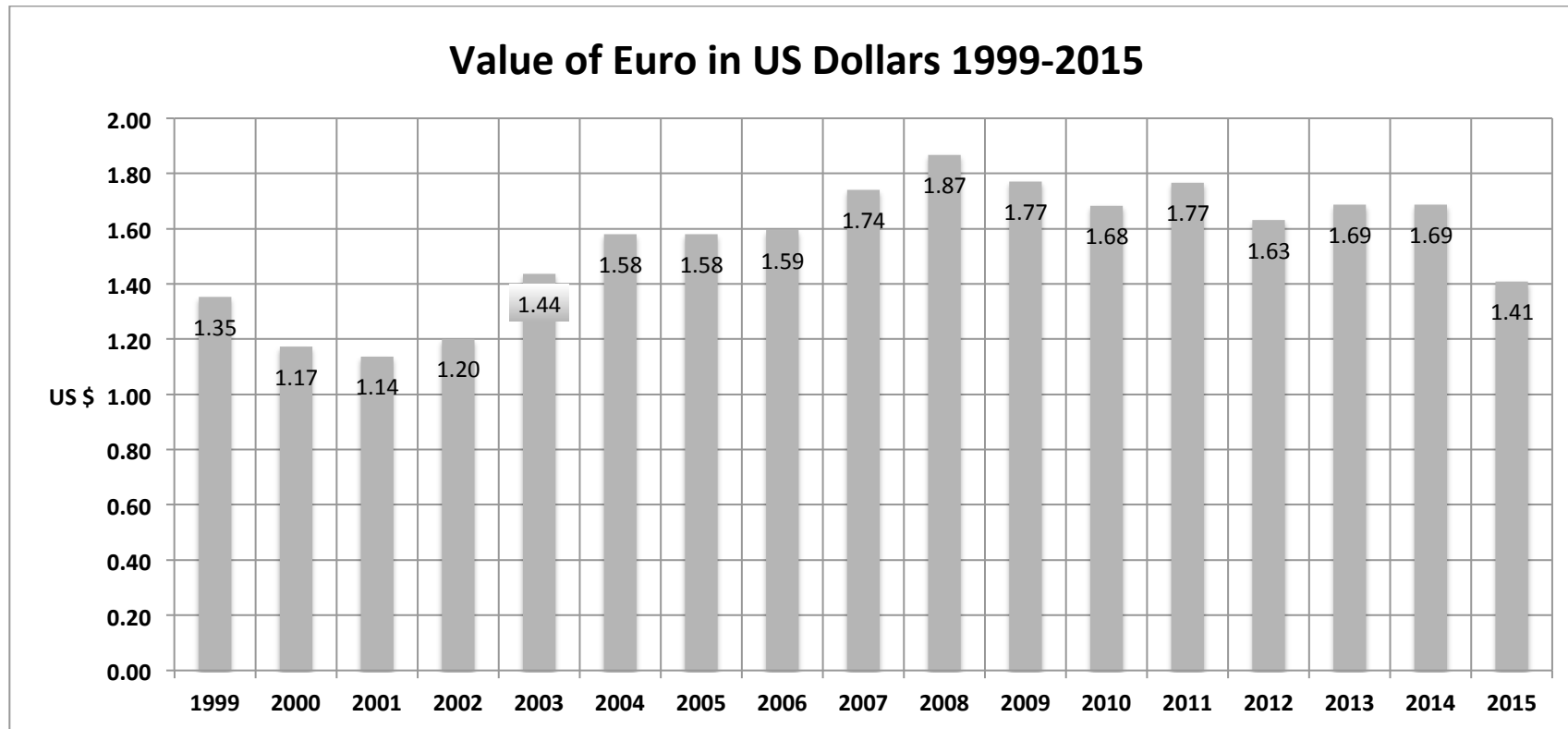
I.3: EU € per US \$ (1999-2015)³²²



³²² Exchange Rates: euros per US dollar (average rate during year) (source: FXTop 2015).

I.4: US \$ per EU € (1999-2015)³²³

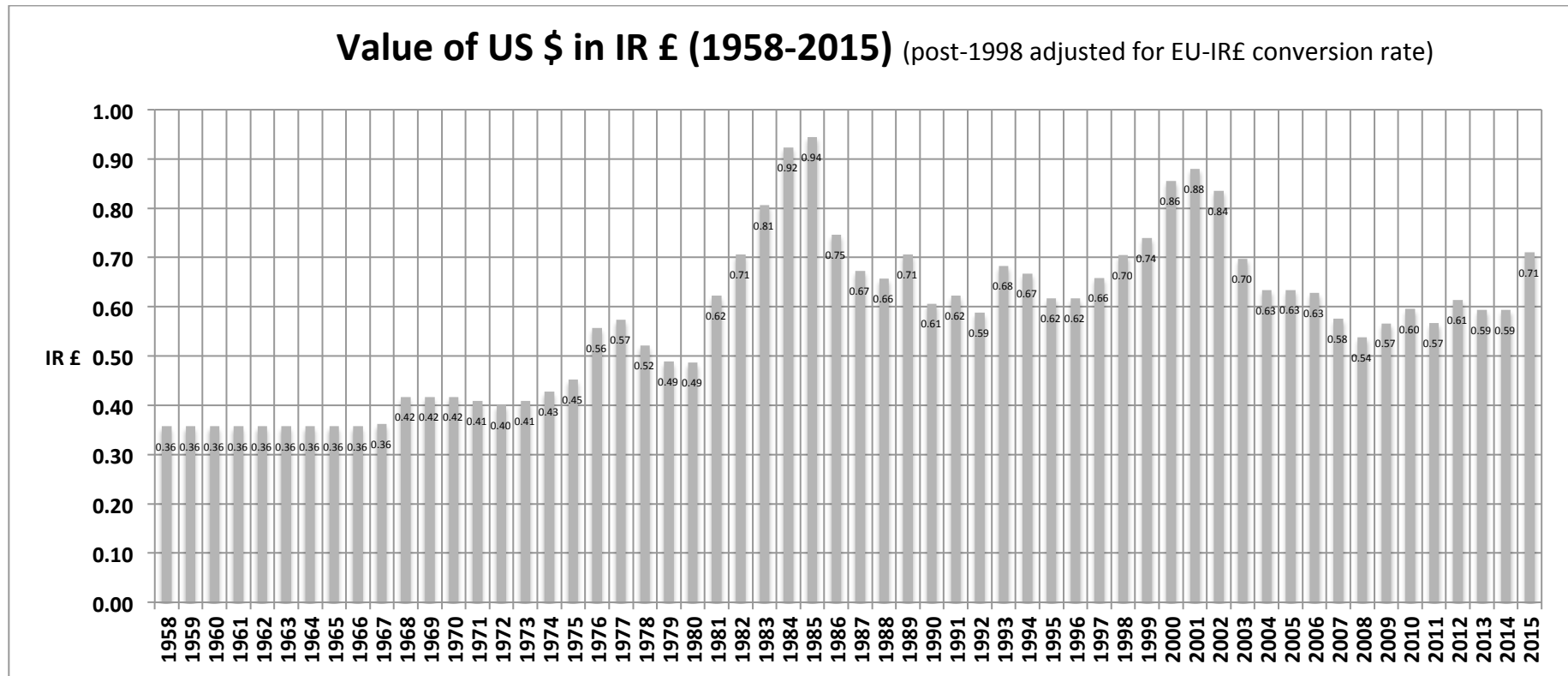
251



³²³ Exchange Rates: US dollars per euro (average rate during year) (source: FXTop 2015).

I.5: IR £ per US \$ (1999-2015)³²⁴

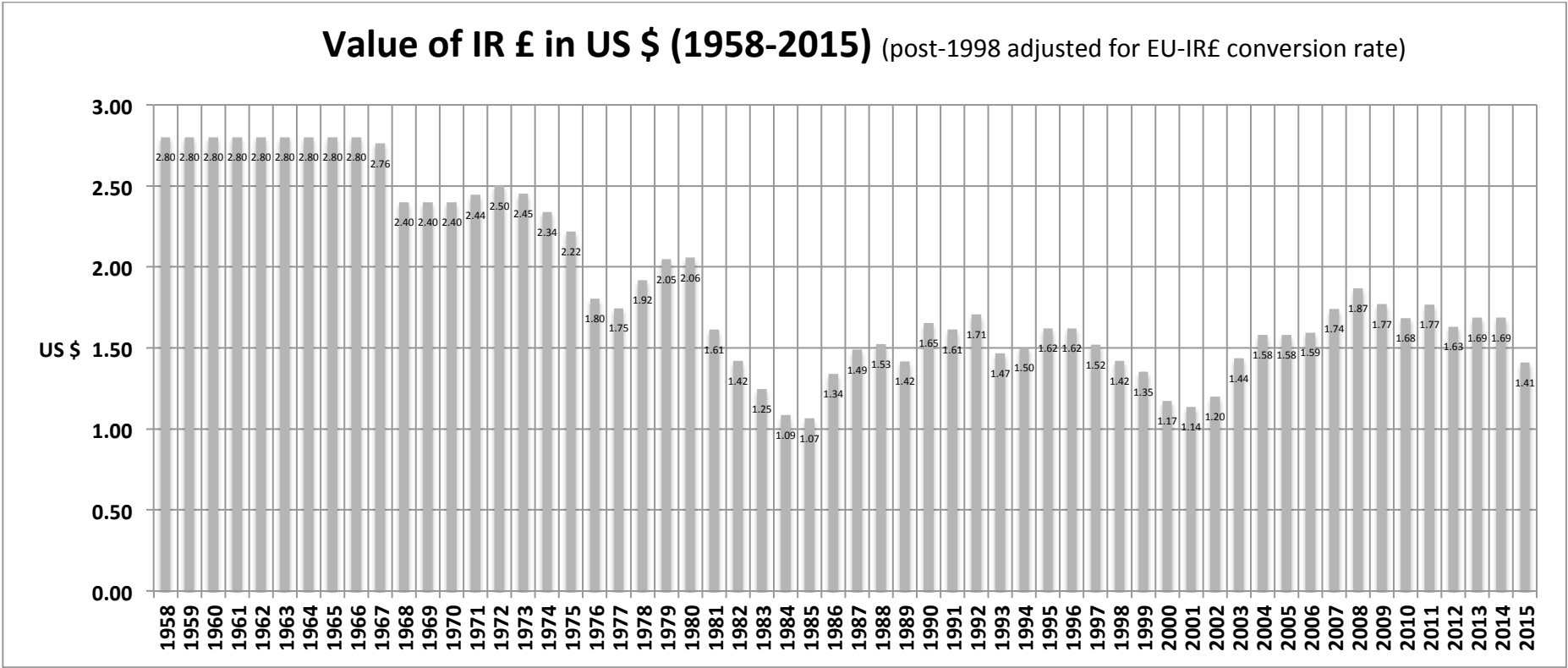
252



³²⁴ Exchange Rates: Irish pounds per euro (average rate during year). Post-1998 adjusted for conversion rate €0.787564 per Irish pound (source: FXTop 2015).

I.6: US \$ per EU € (1999-2015)³²⁵

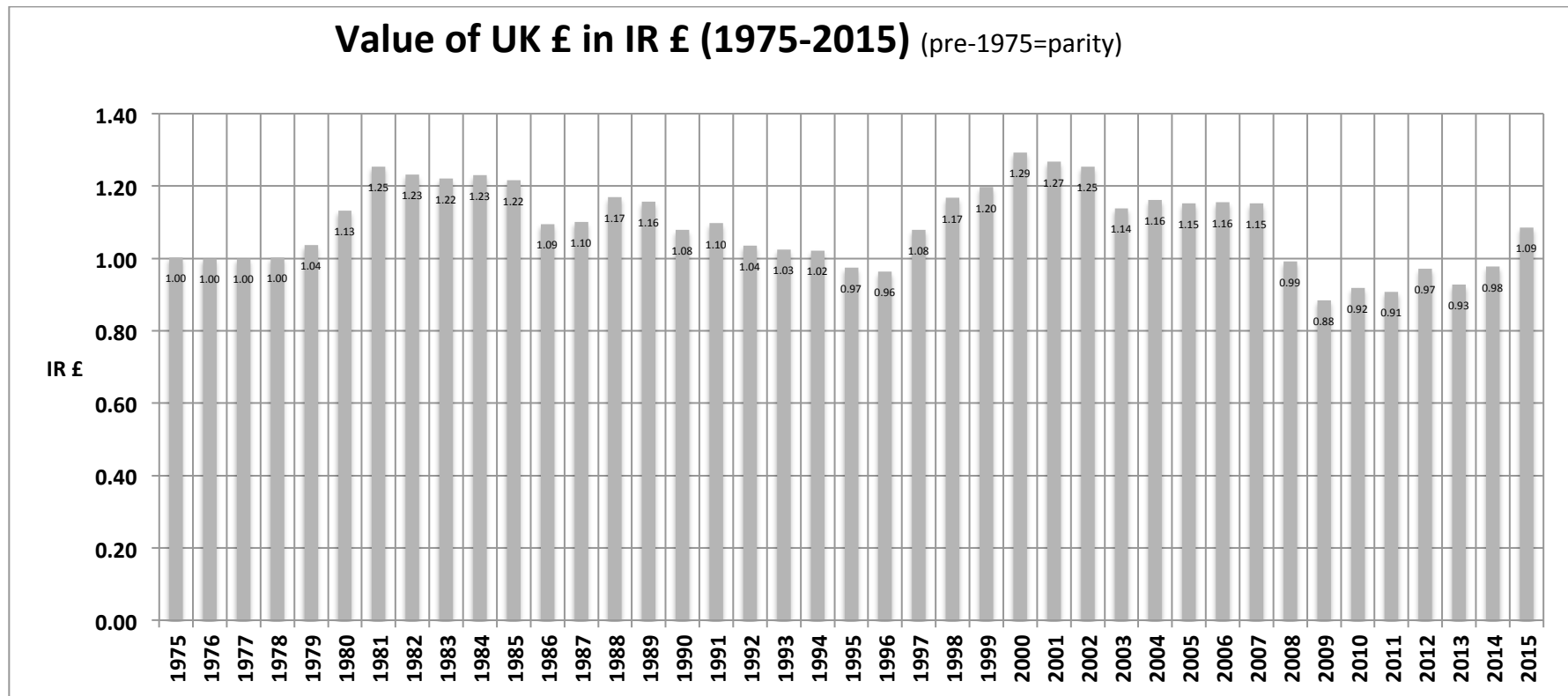
253



³²⁵ Exchange Rates: US dollars per Irish pound (average rate during year). Post-1998 adjusted for conversion rate €0.787564 per Irish pound (source: FXTop 2015).

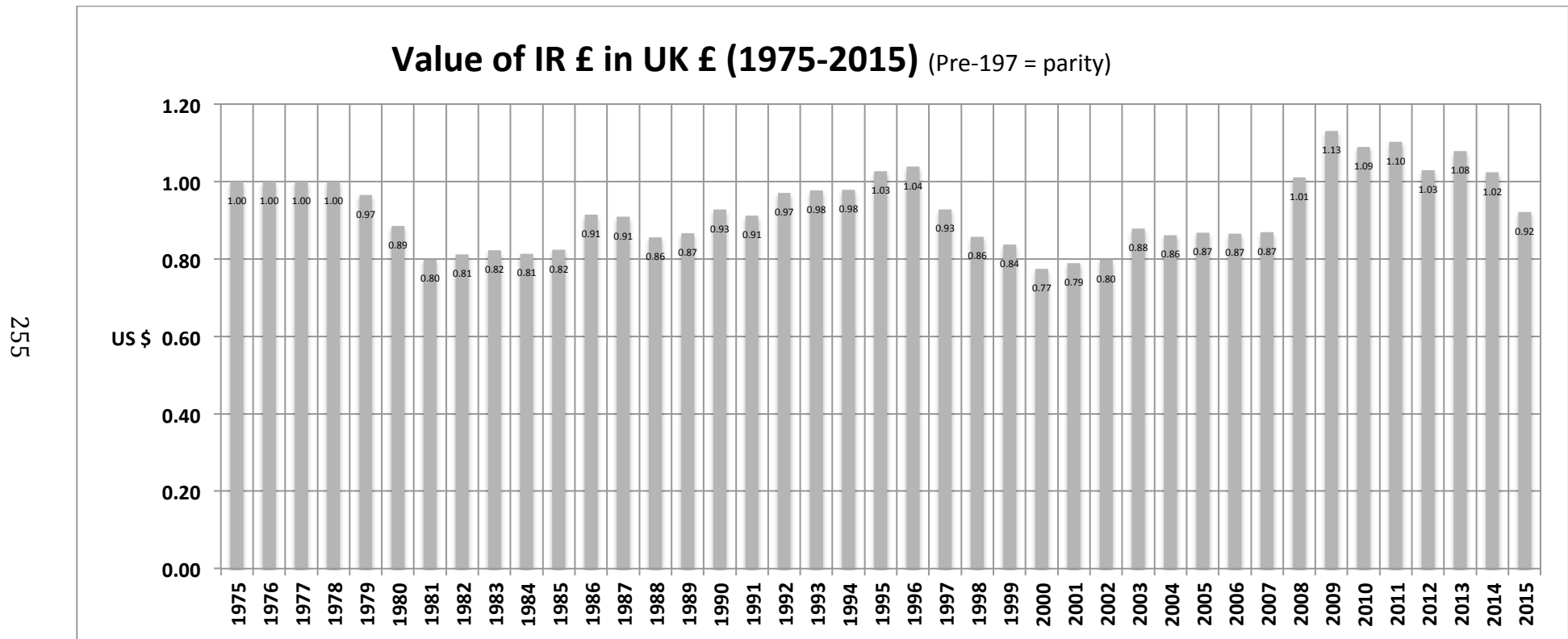
I.7: IR £ per UK £ (1975-2015)³²⁶

254



³²⁶ Exchange Rates: Irish pounds per US dollar (average rate during year). Post-1998 adjusted for conversion rate €0.787564 per Irish pound (source: FXTop 2015).

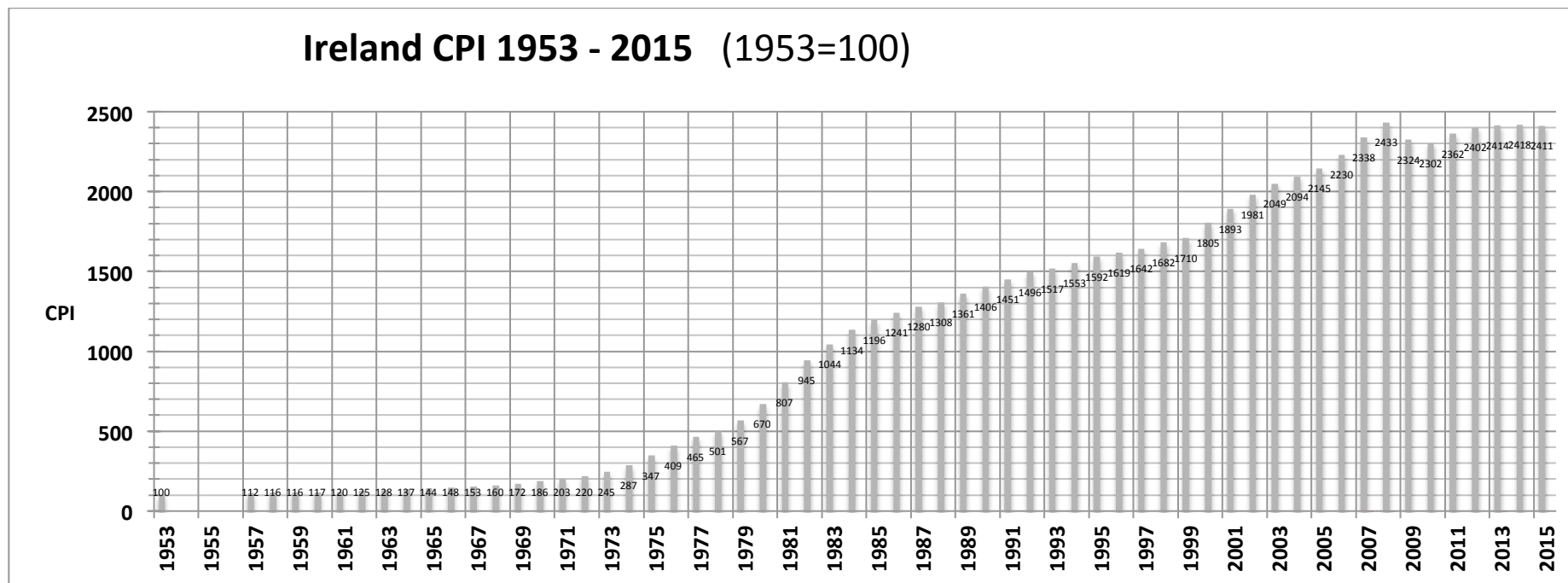
I.8: UK £ per IR £ (1975-2015)³²⁷



³²⁷ Exchange Rates: US dollars per Irish pound (average rate during year). Post-1998 adjusted for conversion rate €0.787564 per Irish pound (source: FXTop 2015).

Appendix J – Consumer Price Index (CPI) inflation in Ireland 1953-2015

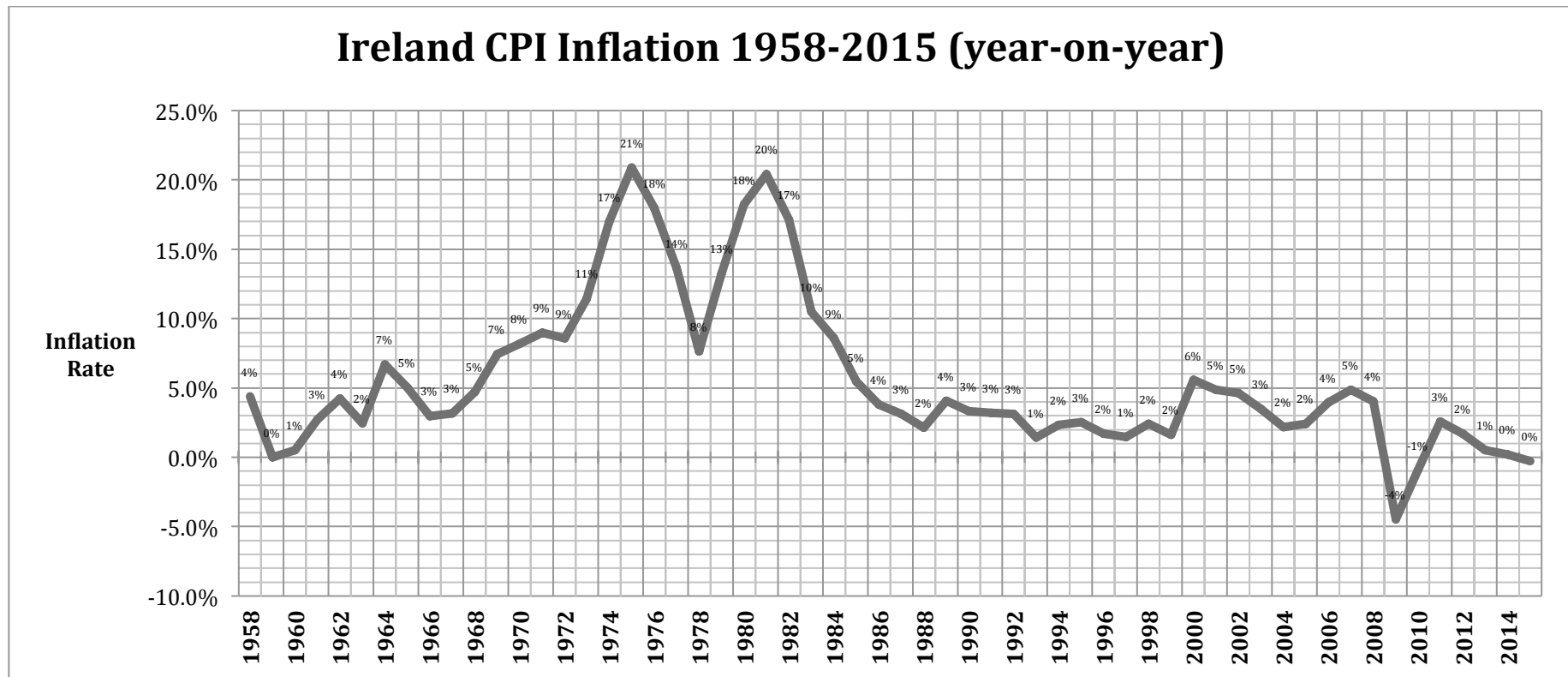
J.1: Consumer Price Index (1953-2015)³²⁸



³²⁸ Central Statistics Office (CSO) 2016.

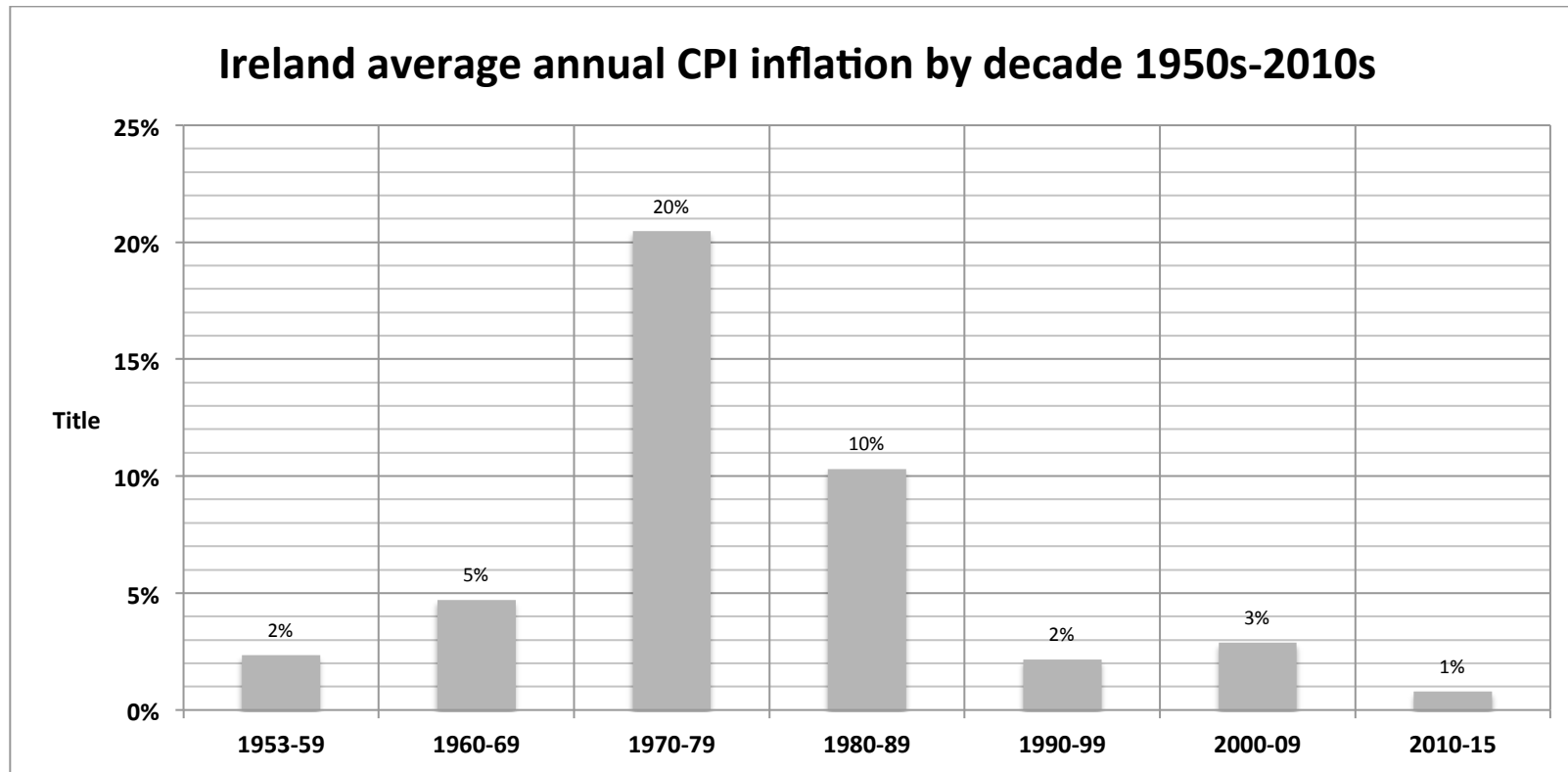
J.2: Annual inflation rate based on CPI (1958-2015)³²⁹

257



³²⁹ Extrapolated from CSO 2016.

J.3: Average annual inflation rate by decade (1950s-2010s)³³⁰



³³⁰ Extrapolated from CSO 2016.

Appendix K – List of interviewees

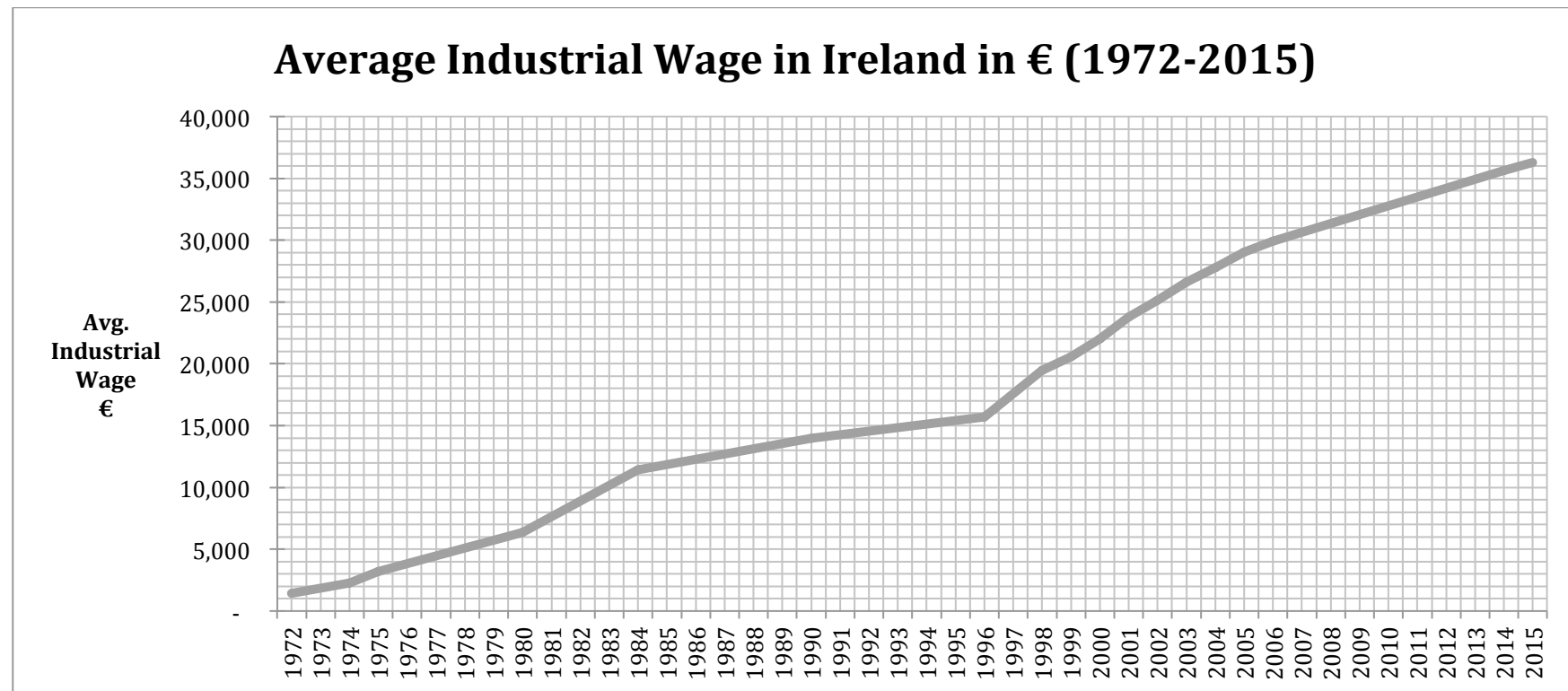
Name	Role(s)	Organisation (if any)	Interview Method	Date
John Arkins	Secretary	IFWA	Oral; telephone	Jul 2015; Sep 2015
Jane Boushell	Former Branch Secretary	IAE/SIPTU Film Section	Telephone	Apr 2014
Mark Byrne	Head of Business Affairs	Element Pictures	Telephone	Oct 2015
Cait Collins	Producer		Oral; email	Mar 2013; Oct 2014
Des Courtney	Former Branch Secretary	SIPTU Film Section	Oral	Jan 2015
Francis Devine	Historian		Oral	Mar 2013
Dermot Doolan	Former President	IAE	Oral	Nov 2014
Barbra Galavan	CEO	SPI	Oral	May 2014
Aidan Gillen	Film worker (Actor)		Oral	Jul 2013
Pat Gilligan	Film worker (Grip)		Oral	Nov 2014

Cont.

Niamh Glynn	Film worker (Hairdresser)		Oral	Mar 2015
Anon.	Producer (Advertising)		Oral	Dec 2014
David Kavanagh		WGI	Telephone	May 2014
Pat Keenan	Former Secretary	SIPTU	Oral; email	Nov 2014
Joe Lee	Film director		Oral	Jan 2016
Padraig Murray	President	IAE	Oral	Apr 2014
Karan O'Loughlin	Sector Organiser	SIPTU Film & Entertainment Section	Oral	Sep 2014
Morgan O'Sullivan	Film Producer	World 2000	Oral	Nov 2014
Luke Quigley	Film worker (grip)		Oral	Feb 2013; Dec 2014
Des Whelan	Film worker (camera operator)		Oral	Dec 2014

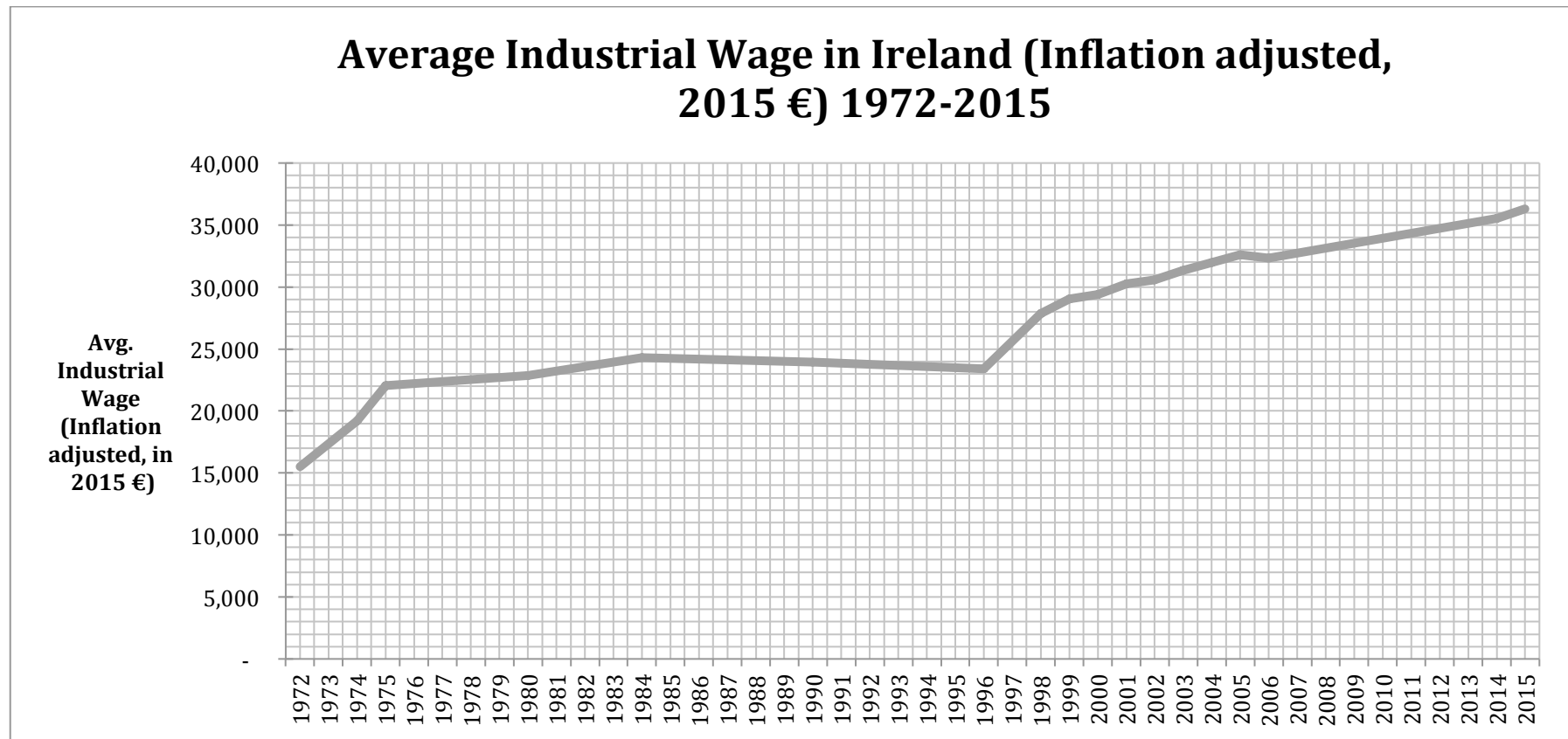
Appendix L – Average industrial wage 1972-2015³³¹

L.1: Average wage 1972-2015



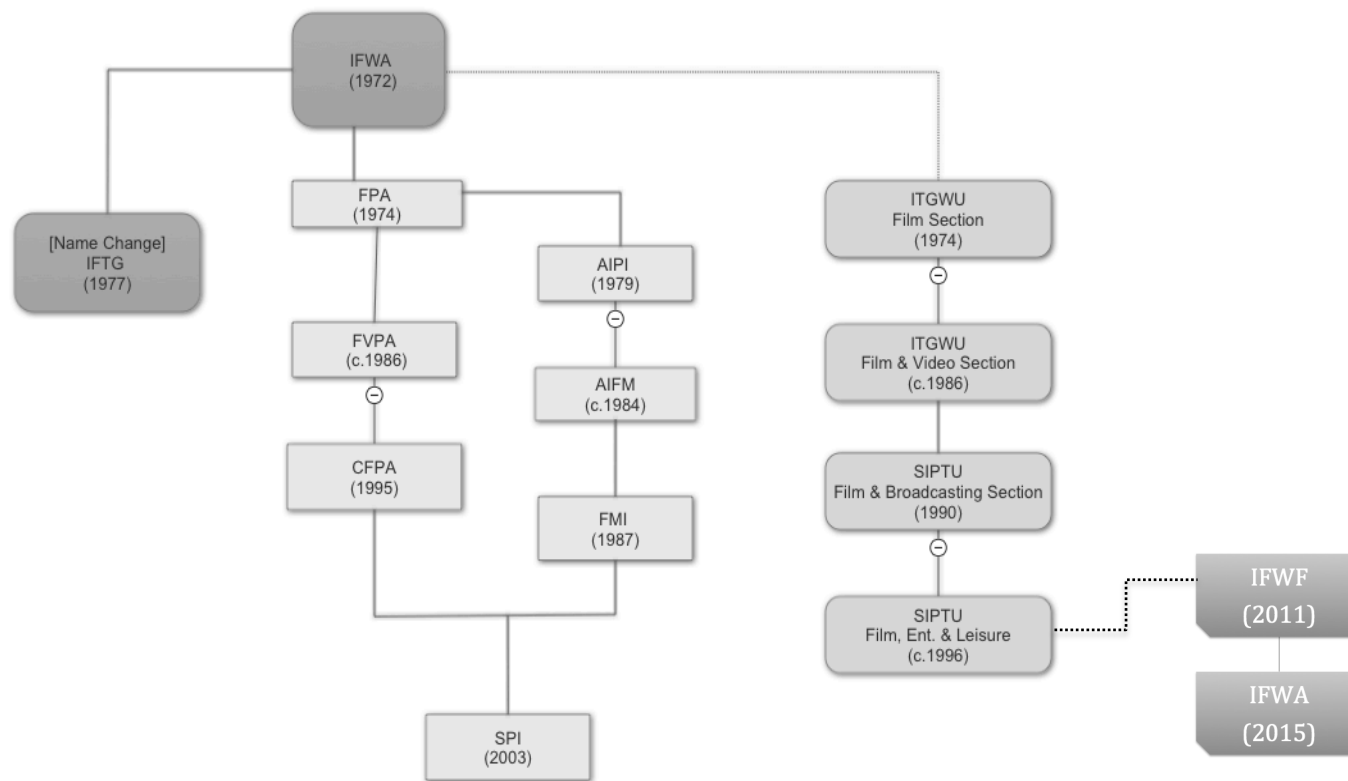
³³¹ Sources: Central Statistics Office 2013, 2015; Irish Times 1972, 1985a; Browner 1974; Tansey 1975; O'Morain 1990.

L.2: Average industrial wage adjusted for inflation 1972-2015³³²



³³² Extrapolated from Appendix L.1 and Appendix J.1

Appendix M – Film worker and producer associations 1972-2015³³³



³³³ Sources: Tiernan McBride collection, IFTG Collection; Flynn and Brereton 2007; ITGWU/SIPTU Annual reports.

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