New Survey of California Theatre Performers Shows Tougher Employee Protections Have Long Been Needed

More than 80 percent of nonunion actors and stage managers in California have been misclassified as independent contractors and asked to work for less than minimum wage

LOS ANGELES – One month after California AB5 became law, an exclusive new survey from Actors’ Equity Association, the national union representing more than 51,000 professional actors and stage managers, highlights the need for AB5’s stronger employee protections.

The January survey found that prior to AB5, misclassification by employers of workers as independent contractors was a pervasive and serious problem in California. Misclassification deprives workers of important rights and benefits to which employees are legally entitled, including workers compensation, a minimum wage and unemployment insurance, among others.

“What we learned in our survey is that union and non-union actors and stage managers alike believe that those who bring a show to life should be fairly compensated and have the same standard protections that employees in other industries have,” said Mary McColl, Executive Director of Actors’ Equity Association. “Theatre is an inherently dangerous profession. Why shouldn’t everyone who works in theatre have access to workers’ compensation and unemployment insurance?

“California has been an important leader in protecting workers. Now it is time for a conversation about how California can also be leader on arts funding to ensure small nonprofit theaters have the seed funding that allows them to take root and grow, for the benefit of artists and audiences alike.”

The survey comes days after newly released insurance industry data shows that dancers work in the most physically demanding profession in the nation. Actors’ Equity has two full-time staff dedicated to helping members navigate state workers’ compensation programs.

The survey showed actors and stage managers are overwhelmingly united around the need for stronger employee protections. 93 percent of those surveyed agreed “it is important that actors and stage managers are always covered with basic protections workers in other industries have, like a minimum wage and workers’ compensation if they are hurt.” Other highlights from the survey:

An overwhelming majority of California actors and stage managers working in theatre have been asked to work for less than minimum wage as independent contractors

- 82 percent reported having been asked to work for less than minimum wage.
- 36 percent reported being paid late or less than their contract required.
- 28 percent reported being denied unemployment insurance coverage because of their classification as independent contractors.

Injuries are commonplace. Many independent contractors are pressured to perform while sick or injured and are not offered health care

- 98 percent reported not being offered health care coverage while working as independent contractors.
• 50 percent reported that they felt the need to perform while sick or injured.
• 16 percent reported being injured while working as an independent contractor. Among the injuries reported: falls during dance lifts, hand injuries and even a prop firearm discharging.

**Stronger public arts funding could make the transition to AB5 successful, while maintaining worker protections**

• A related survey sent to Equity theatrical employers in California found 93 percent agree that California should be a leader in public arts funding. Among the challenges cited: high venue rental costs, payroll services for small nonprofits and the high cost of workers compensation insurance.

Actors’ Equity has a history of fighting for stronger public arts funding, from the National Endowment for the Arts, to local ballot measures. In 2018, Equity members and EMCs volunteered to support Prop E in San Francisco, a measure that led to millions of dollars in new local arts funding in the Bay Area.

Read Equity’s statement on Gov. Newsom’s proposed budget for 2020 arts funding [here](#).

**ACTORS’ EQUITY ASSOCIATION**, founded in 1913, is the U.S. labor union that represents more than 51,000 professional actors and stage managers. Equity endeavors to advance the careers of its Members by negotiating wages, improving working conditions and providing a wide range of benefits (health and pension included). Member: AFL-CIO, FIA. [www.actorsequity.org](http://www.actorsequity.org) #EquityWorks

*Methodology: 366 total California actors and stage managers working in live theatre surveyed from Jan. 8, 2020 to Jan. 16, 2020 regarding their non-union work experiences.*