CITIZENSHIP AT WORK

COLLECTIVE ACTION AND REPRESENTATION GAP AMONG VIDEOGAME DEVELOPERS, 2004-14

COMPARED RESULTS OF IGDA INTERNATIONAL SURVEYS 2004, 2009 & 2014 AND OF 2 ROUNDS OF CANADIAN INTERVIEWS 2008 AND 2013-14

SUMMARY REPORT

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AUGUST 2016

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INTRODUCTION

The international video game industry's revenue was estimated to be 91.5 billion US dollars in 2015 (Sinclair, 2015). It follows that game making generates a fair share of employment, though this still needs to be systematically documented as the sector is both relatively new and rapidly changing.

According to a report of the Entertainment Software Association (Siwek, 2014), in the USA alone, game companies are estimated to employ 42,527 people overall. The annual job growth for the video game industry (9%) increased more than 13 times the rate of the US labor market (0.72%) during the same period. Similarly, the annual growth rate of the US video game industry was 9.7% between 2009 and 2012, which was four times the real growth of the American economy during the same period. In Canada, 16,500 are directly employed in this industry (ESAC, 2014).

In the UK, it is estimated that the video games industry employs a fair share of 30,000 workers (University of Kent Careers and Employability Service, 2015); over 9,000 among these are highly skilled development staff, according to a trade association of developers in the UK industry (TIGA, 2015).

The industry is an object of unrelenting criticism about its working conditions and is often

accused in social media of treating its development talent poorly (for just a quick snap-shot: Acton, 2010; Handman, 2005; Hyman, 2008; Kennedy, 2007; Rockstar Spouse, 2010; Scott, 2014). According to the 2014 Developer Satisfaction Survey (DSS) of the International Game Developers Association (IGDA), when considering the social perceptions of the game industry, while approximately a quarter (24.4%) remain "neutral," 42% believe that there is a positive perception of the industry, while 32% believe there is a negative perception. In considering some of the factors that might lead to the games industry having a negative perception from the public, it is interesting to note that "working conditions" was the top response (68%), before "sexism in the games" (67%) and "perceived link to violence" (62%) (Edwards, Weststar, Meloni, Pearce & Legault, 2014). Among those engaged in core game development roles (i.e., programming, audio production, visual art, and game design), this number rises to 77% (Weststar & Andrei-Gedja, 2015).

Poor working conditions have repercussions for workers, studios and the industry as a whole - for instance: stress, burn-out, work-life balance challenges, high turnover and associated attraction, retention and knowledge management challenges. Working conditions in traditional studios also contribute to make some developers opt for self-employment or contract/freelance employment. In 2014, 42.3% of respondents having chosen this status said they wished to have more control over their working conditions (i.e. hours).

It is therefore critical to better document the working conditions of game developers and assess this as an important factor in the health of the industry.

The International Game Developers Association (IGDA) is a non-profit membership organization of individual creators of video games that aims to connect members with their peers, promote the professional development of its members and game development as a profession, and advocate on issues that affect the developer community. It also provides some detailed quantitative information on the industry, based on regular surveys on employment, demography, industry and market trends.

In 2004, the IGDA launched its initial *Quality of Life* (QoL) survey in an effort to gain a much clearer understanding of some employment issues – from "crunch time" to compensation issues (IGDA, 2004). In 2009, the IGDA partnered with us to develop a new version of the Quality of Life survey and to process and analyse its results.

In 2014, this partnership took a broader scope, both including a larger team and focusing on employment, demography and the state of the industry in a more encompassing *Developers' Satisfaction Survey* (DSS). This new survey aimed at conducting the QoL survey in a third milestone, while adding Demographic and State of the Industry questionnaires to the first one in an attempt to have a snapshot of the whole environment at once.

How involved are VGDs in the process of regulating their workplace? We are interested in

building a more general framework of the new regulation mode(s) taking place in project-based knowledge organisations typical of the knowledge economy and their forms of contemporary work citizenship.

From a labour relations standpoint, as a benchmark for the evolution of the collective regulation of labour, we stress four practical assets of what was called the new *industrial citizenship* emerging during the 1950-60s:

1) Protection against arbitrary treatment by employers;
2) Protection against economic insecurity and the risks of losing one's working capacity;
3) Participation in local regulation of labour (negotiation of collective agreements);
4) Broader social participation in State regulation of work (for the labour movement).

This allows us to compare three milestones in the young life of this industry. Our aim is twofold:

-   To first take stock of the evolution in the international industry's working problems, of satisfaction and dissatisfaction among developers. Many issues about working conditions besmirch the industry's image. The paramount issue is working time and its compensation; then there are discretionary rules in establishing wage levels, in appointing to projects, in attributing credits, intellectual property and funds for updating knowledge; lack of job security and arbitrary hiring and firing decision processes; and non-disclosure and non-competition agreements that may end up in legal proceedings.
-   We also wish to document actions taken and not taken in response to challenges in working conditions, be they individual or collective, and also explore positions on representation of interests in this non-unionised industry. What do developers want? By this, we want to shed some light on the representation issue in the international videogame industry, and in the Canadian one in particular, and to relate it to the broader theoretical debate on the *representation gap* in the labor studies community. We begin by laying out in this document the plain raw results without any theoretical framework.

METHODS

In this report we will discuss 15 years of evolution in working conditions, and especially on the decision making processes regarding work organisation and working conditions: working time and compensation of crunch time, compensation proper, firing, discipline, application of Non-compete and non-disclosure agreements (NCAs and NDAs) and prosecution that can result from them, attribution of credits, training, appointment to projects, assessment and promotions. We will focus on VGDs only and not on upstream activities along the value chain (funding, publishing, production of tools, middleware, engines, software platforms, etc) nor on downstream activities (marketing, distribution, etc.). We are here focusing on game designers, interaction and level designers, programmers, 2D and 3D artists, audio artists, writers or narrative designers, localisation experts, etc. We are not including *quality assurance testers*

(*QA testers*), managers, nor team leads.

Two sets of data inform our discussion.

Quantitative data

We are partners of the International Game Developers Association (IGDA) in administrating, processing and analysing their on-line surveys with VGDs. IGDA is a non-profit membership organization of individual creators of video games that aims to connect members with their peers, promote game development as a profession and the professional development of its members, and advocate on issues that affect the developer community. It also provides some detailed quantitative information on the industry, based on regular surveys on employment, demography, industry and market trends, etc.

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In 2014, this partnership took a broader scope, both including a larger team and focusing on employment, demography and the state of the industry in a more encompassing *Developers' Satisfaction Survey* (DSS). This new survey aimed at conducting the QoL survey in a third milestone, while adding Demographic and State of the Industry questionnaires to the first one in an attempt to have a snapshot of the whole environment at once.

A first set of data consists of statistical data collected in three IGDA surveys:

- 2004 Quality of Life survey (1000 respondents)
- 2009 Quality of Life survey (3362 respondents)
- 2014 Developer Satisfaction Survey (DSS) (2202 respondents).

For the purpose of this report we will not use the data from all the respondents. The surveys were pitched broadly and therefore senior managers, project managers and team leads could answer and share their views as well as salaried and freelance developers, would-be developers, people who left the industry, students and others more tangentially related to the industry. However, when discussing working conditions, we consider it important to separate salaried and freelance developers from those who have not worked yet or hold a management job.

Specifically, the 2014 sub-sample used here (n=795) includes those who are firstly developers and those who also engage in QA/testing, support roles, academic or journalist roles, but who DO NOT have managerial roles in any capacity. This sample can be compared with the 2009 sub-sample used here (n=1145) which includes respondents if they listed a core development role as their primary discipline and excludes any respondent listing a team lead or manager

role. As the 2004 survey did not distinguish respondents by job role/discipline, we will use all data.

We will also use data from 2015 Developer Satisfaction Survey (DSS) regarding diversity (here defined as the representation of gender, ethnicity, age, sexual orientation, family life and disability groups within the industry at large, their own workplace, and the video game content they help to produce). Regarding this topic, we have excluded respondents holding auxiliary roles to the making of games or part of the larger game industry community and included those listing a team lead or manager role along with core developers (n=1666). In our report of the results, we separated the data so that we could isolate salient demographic groups from the whole sample. We therefore refer to the whole sample as well as to male sub-sample, female sub-sample, white workers sub-sample, and workers of colour sub-sample. (Weststar, Legault, Gosse & O'Meara, 2016, p. 5).

Qualitative data

The second data set consists of two series of interviews among Canadian VDGs.

Running parallel to these two latest surveys, we conducted in-depth interviews to learn more about what figures do not tell: the detailed intimate experience of developers, starting with Canadian ones:

-   in 2008, we interviewed 53 developers in Montreal;
-   in 2013-14, we interviewed 93 Canadian developers in three important video game hubs:
    -   34 in Vancouver, British Columbia;
    -   32 in Toronto, Ontario;
    -   27 in Montreal, Quebec (see Table 1 for the distribution of studios among provinces in 2013).

Table 1

Distribution of Canadian studios among provinces in 2013

Province	Studios (n)	Studios (%)	Employment (%)
Quebec	97	29.5	53
Ontario	96	29.1	11.2
British Columbia	67	20.4	31.2
Alberta	20	6	4.5
Manitoba	20	6	
Nova Scotia	18	5.5	
PEI	5	3.3	
New Brunswick	3		

Newfoundland	2		
Saskatchewan	1		
Total	329	100	100

Source: Nordicity, 2013, p. 23 & 30.

Readers will find accounts of interviews done in 2008 as cited published articles analysing the videogame development workplace (see the list of articles below), and accounts of 2013-14 interviews in forthcoming published articles.

In both datasets, the sample contains roughly equal numbers of men and women, despite the low proportion of female workers in the industry; on the Canadian scene, women count for 14% of creative workers and 5% of technical workers (Nordicity, 2013). We make no claims about statistical representativeness, as our aim in establishing the sample was to help us make sense of the low numbers of women in the sector.

The in-depth interviews lasted one and a half to two hours, and the interview guide was semi-structured. Many questions were posed as standard procedure to everyone, so simple descriptive statistics can be summed up, though the study was qualitative. Only part of the categories, relevant to our question, will be accounted for here; other publications will account for the rest of the study.

In short we will compare:

- the detailed picture of working conditions IGDA has documented in 2004 in its first QoL survey;
- this same picture that we and the IGDA have documented in 2009 through an international survey and interviews conducted in Montreal (relying on published analyses: Chasserio & Legault, 2010, 2009; D'Amours & Legault, 2013; Legault & Weststar, 2012, 2014; Legault, 2013; Legault & Chasserio, 2012; Legault & Ouellet, 2012; Legault & D'Amours, 2011);
- and the detailed picture we and the IGDA have just taken in 2014 through an international survey (Edwards, Weststar, Meloni, Pearce & Legault, 2014; Legault & Weststar, 2015a & b; Weststar & Legault, 2014) and interviews conducted in Montreal, Vancouver and Toronto.

WORKING PROBLEMS IN THE INDUSTRY

Videogame developers' (VGDs') problems at work are well-documented: long hours (Legault & Weststar, 2015b), overtime compensation, arbitrary decisions, workforce diversity, imposed restrictive non-compete and non-disclosure agreements, recognition of intellectual property (which are briefly described below).

Overall, an interview respondent summarizes working in the game industry this way:

> Yeah... Everybody's like : « Hey! videogames, cool ! » but the psychological profile to get into and *remain* in this is very mean, honestly. Many are leaving, I'd say 20 folks per week, have to leave just like: « I can't stand it, it's over ». Many seniors move to teaching, management, things like that. Many just can't stand it. It's human, I think. Everybody gets a sense of « Hey! videogames are gonna be *cool*, as in the movies! » then you reach in and reality is totally different. It's not that jolly. It's very cheerful but there's as much bad as good, it's quite even. When they step in, there's plenty of: *awesome* but then there's the bad, they can't endure. (M-02-04-M-U-17-10-13-13-19-15-MSO)

Similarly, a manager responding to an open-ended question in the DSS 2014 about the general state of the industry summed up the main problems as follows:

> - Poor working conditions (crunch with no compensation, anti-creative practices, "own your soul" style contracts)
>
> - No job security (laid-off twice in two years, indie development is even worse)
>
> - Extreme lack of diversity (team members are almost all "gamers," games have changed very little from when I was a kid and the subject matter no longer appeals to me)
>
> - Lack of leadership (older employees are churned out because of the above issues so there is not much guidance for the youth, game designs are profit driven so they don't stray from established tropes and so companies all seem like part of a herd) (M.M.01252.2014)

We will discuss each of these challenges briefly below.

Discretion in decision making: Working time and compensation of crunch time

Respondents' discourse reveals some arbitrariness and discretion in decision making. For instance, VGDs are particularly vocal and verbose regarding working time and compensation of crunch time and also firings and lay-offs.

Project-managed work environments call "crunch time" what others call "overtime," i.e., the time when a team works longer days in order to meet a deadline (usually milestones and deadlines for shipping deliverables).

An analysis of worldwide industry trends over the last 15 years (Legault & Weststar, 2015b) reveals some decrease in working hours and unlimited, unpaid overtime, but that these conditions remain widespread.

The practice of unlimited, unpaid overtime (UUO) is by far the biggest problem mentioned by the video game developers surveyed internationally. 'Unlimited' refers to the fact that there are

no guidelines limiting the number of overtime hours a developer can be expected to put in; it is his/her responsibility to work as much as necessary. 'Unpaid' means that the employee receives no wages, whether at the regular rate or at a premium rate, for the overtime hours worked. The situation is different for game testers. In studios in general, testers get the premium wage rate, whereas developers don't. This practice is based on the fact that testers have an hourly wage, whereas developers have a yearly salary. That said, "unpaid overtime" does not mean there will be absolutely no form of compensation for developers:

> Unpaid overtime is a heterogeneous category, which can take varied forms. The fact that these varied forms are all categorised as 'unpaid' does not mean that there is no compensation. [...] unpaid overtime can be associated with different types of compensation, ranging from retention of the goodwill of the employer (and therefore retention of the job) to more elaborate benefits such as a higher base salary and access to accelerated promotion and performance bonuses (Campbell, 2002, p. 146).

There may be some sort of compensation for UUO, but it is not guaranteed, and there is no assurance that it will be proportional to the number of hours worked. For instance the following are two commonly reported means of compensating UUO:

– At the end of the year, an amount is allocated to the project team members on the basis of the money made on the game. This is then divided up among the developers, based on their contribution, as estimated by the leads and the producers, and paid out in the form of bonuses. But how are contributions estimated? The criteria are wholly at the discretion of the superiors, and the time spent on a project is only one criterion; ideas and their significance in the completion of the final product, to take just one example, may be given more weight.

– Leads, producers or project managers, according to the context, promise time off as compensation, and grant it at the end of the project, based on known and constant criteria in a given assessment round. Though explicit, these criteria are still discretionary and free from any constraint about time off being proportional to the number of overtime hours actually worked. Managers are free to decide the amount of time off and when developers will be permitted to take it; it is not the developers' choice to make.

We must acknowledge that some small studios limit, keep track of and pay for developers' overtime. But they pay for overtime hours at the regular rate rather than at a premium rate. Developers get paid for every hour they work, but not at the legal rate (Legault & Ouellet, 2012; Legault, 2013).

We have seen that crunch is not formally paid among developers and though it can be compensated, we cannot say that it is paid, because there is no accounting of overtime hours, let alone any established rate to pay for it. The very existence of any compensation is never guaranteed, nor based on any formal policy or criteria. In 2014, 20.4% of the respondents said they have been granted or promised *comp time* and then had it revoked or denied. Sometimes, they were simply unable to use it. The selection of VGDs who are awarded compensation and the level of this compensation are part of a discretionary decision process, that may be based

on an evaluation process (with known criteria) or not. There is considerable dissatisfaction with the compensation system as a whole and at the arbitrary decisions in particular.

Discretion in decision making: Firings and lay-offs

Individual layoffs

Respondents are also unhappy with their job security, owing to the arbitrary nature of dismissal decisions. The IGDA 2004 QoL survey asked VGDs if they had ever been laid off by a studio, and 35% of respondents said they had been for one reason or another (Table 2, Chart 1).

Table 2

Have you ever been laid off from a game development job? If so, why? (2004)

	% of respondents
No, never	65
Yes, when the company went out of business or my local studio was closed	19
Yes, when my project was cancelled in midstream but the company stayed in business	9
Yes, at the end of a project that shipped	7

Chart 1

Have you ever been laid off from a game development job? If so, why? (2004)
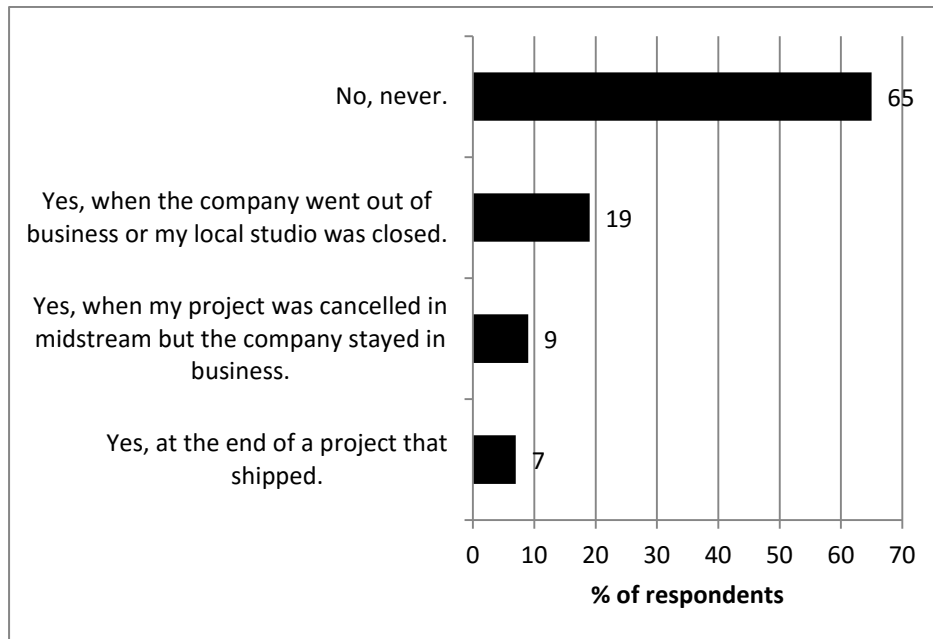
Ten years later in the 2014 DSS, developers were asked whether they had been laid off in the last two years (Table 3).

Table 3

Have you been laid off in the last 2 years? (2014)

	% of respondents
No	77
Yes, permanently	19
Yes, temporarily	4

Though lesser than in 2004, a large proportion (23%) of respondents had been let go in the last two years, either temporarily (4%) or permanently (19%) which indicates that systemic structural challenges exist in regards to job security.

Do VGDs think they can find another job quickly with the same pay and without having to move? To compound this, close (47%) weren't too confident or weren't confident at all about finding another job (Table 4).

Table 4

If for some reason you were to leave your current job (Laid off or decided to quit), how confident are you that you could quickly get another job at about the same pay, without having to move? (2014)

	% of respondents
Not confident at all	24
Not too confident	23
Somewhat confident	33
Very confident	20

To illustrate the demands and drawbacks due to any instability in the industry, in the IGDA survey, we asked developers how many times they had had to move in order to find a job (Table 5, Chart 2). The results were mixed, 51% never had to move for work in the last five years, but the remaining 49% had to move at least once, with some moving 2 or more times.
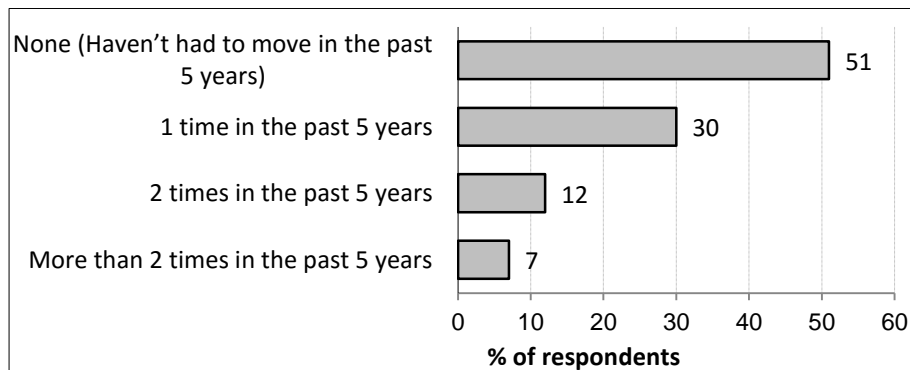
Table 5

How often have you had to relocate for work? (2014)

	% of respondents
None (Haven't had to move in the past 5 years)	51
1 time in the past 5 years	30
2 times in the past 5 years	12
More than 2 times in the past 5 years	7

Chart 2

How often have you had to relocate for work? (2014)

An additional handicap: post-job non-compete obligation

As a condition of employment and as an integral part of their employment contract, VGDs very often have to sign various restrictive non-compete agreements (NCAs) or non-disclosure agreements (NDAs).

In principle, NCAs greatly restrict workers' mobility by preventing them from taking up similar jobs in competing studios for a given length of time, in a specific geographic area and/or in a given sphere of activity (roles, positions). While NCAs are not systematically enforced in the sense of taking legal proceedings against employees who leave, the threat exists, nevertheless.

The courts restrict the limits that such agreements can legally impose, and the contracts entered into do not always respect the conditions deemed reasonable by the courts. But as long as the signed contract is not submitted to a court, the VGD assumes it is valid, even if the limits it sets are unreasonable on legal grounds. Moreover, regardless of what the employer or coworkers have to say about the provisions, the employer can decide to enforce it and, regardless of whether it is valid or not, force employees to incur significant legal fees. In the Canadian interviews, VGDs talked about the uneven enforcement of the provisions, the resulting uncertainty and the inequality between the employer's remedies and theirs, if legal action is taken.

NDAs also limit developers' mobility, though indirectly, by prohibiting them from revealing any trade secrets whatsoever. In reality, this means that VGDs who want to apply for a job at another company cannot reveal a significant part of their portfolios, especially their most recent creative work related to a game project under way or even a game that is already selling, but some aspects of which can still be developed.

Mass layoffs

Mass layoffs (for financial reasons) are also common in the industry; as we'll see below, although the vast majority of respondents said they did not fear that their job might disappear in the coming month, nearly a quarter of them (24%) were worried that this might happen (Table 11). In the open comments section at the end of the IGDA 2014 DSS survey, 17 respondents volunteered that job insecurity is a major factor in work dissatisfaction.

Equity in the industry

We will here define equity as the representation of gender, ethnicity, age, sexual orientation, family life and disability groups within the industry at large, respondents' own workplace, and the video game content they help to produce. Equity is defined not as identical results for all, but as the application of the same policies and the same rules, the specifics of which are known to all in the same way, or the text of which is accessible to all (please bear in mind that we will here use data from 2015 Developer Satisfaction Survey (DSS) regarding diversity. Regarding this topic, we have excluded respondents holding auxiliary roles to the making of games or part

of the larger game community (i.e., journalists and academics) and we have included those listing team lead or manager roles (n=1,666).

Lack of sexual, racial and age diversity is a major issue for VGDs. The workforce is primarily young, white and male, to the point where a few respondents who do not belong to this group expressed concerns about their own futures in the industry. For instance, one respondent noted that if companies refuse to hire people with experience (i.e. older), the industry will not be able to learn from its mistakes and improve its project management.

DSS 2015 survey respondents were asked if they believe there is equal opportunity and treatment for all in the game industry. The majority do not: 50% responded 'no' there is not equal treatment and opportunity in the game industry, 38% responded 'yes' there is equal treatment, and 12% were 'unsure'. The perception of unequal opportunity and treatment is most widely held among women: 69% of women reported that there is not equal treatment, 22% more than men. Workers of colour were the most likely to perceive the industry as equal for all, as 49% of whom responded positively (see chart 3 for results in specific groups) (Weststar, Legault, Gosse & O'Meara, 2016, p. 24-25).

Chart 3

Do you feel there is equal treatment and opportunity for all in the game industry? (DSS 2015)
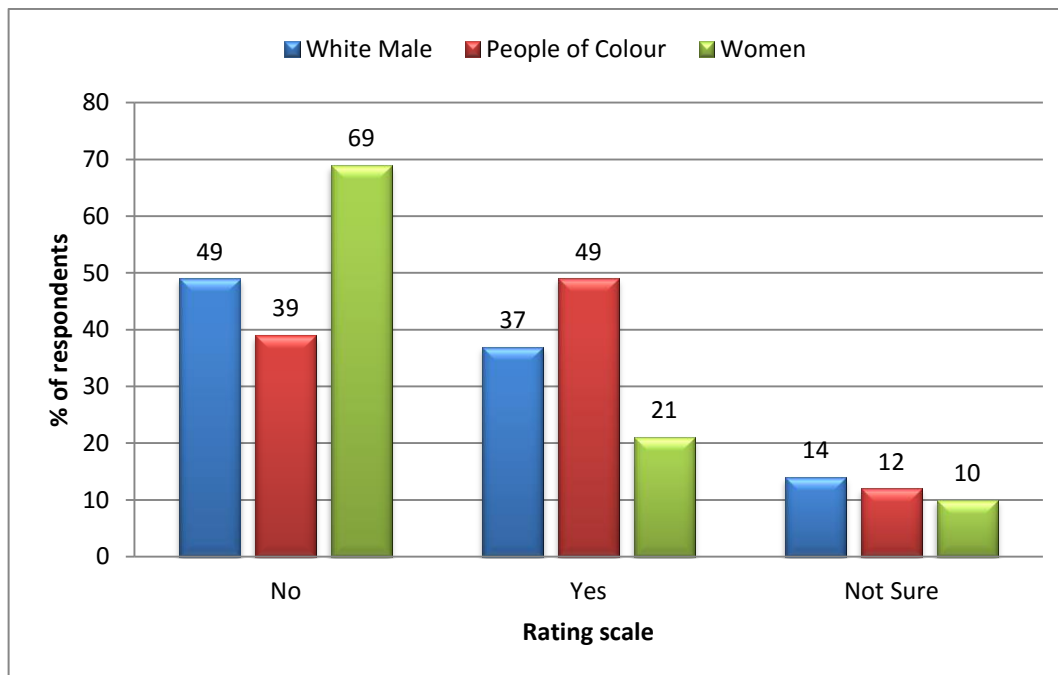
Across all identity categories, people experienced or witnessed the most inequity in social and interpersonal interactions and in the form of micro aggressions (Table 6). While these were the most common forms of inequity reported by all, women and workers of colour reported experiencing them in far higher percentages than their white male colleagues: 8% of white males reported experiencing social inequity and 7% reported experiencing micro aggressions, whereas 20% of workers of colour reported experiencing social inequity and 17% reported experiencing micro aggressions. What is more staggering is that nearly half of women reported experiencing each of social inequality and some form of micro aggression. These findings suggest that inequality across gender and race is perpetuated, in large part, through workplace culture and everyday communicative practice (Weststar, Legault, Gosse & O'Meara, 2016, p. 28).

There were also important quantitative differences across gender in terms of perceived inequality in the operational or business practices of the workplace. These differences, while they exist, are reported less frequently across race (Table 6).

Across the board, more women than men reported experiencing inequality in operational or business practices with a 15% difference on average across all survey categories (excluding social and micro aggression and other). The largest difference across gender in this area was that of monetary inequality where over four times as many women as men reported experiencing inequity (28% versus 6%).

Table 6

Experience of inequity toward oneself. Identity comparison DSS 2015

	White Men	Women	Men	Workers of Colour	White Workers
Recruitment	7%	16%	8%	12%	9%
Hiring	7%	18%	8%	12%	10%
Promotions	5%	20%	6%	8%	9%
Discipline/Role	4%	21%	4%	7%	8%
Monetary	5%	28%	6%	11%	10%
Social/ Interpersonal	8%	46%	10%	20%	17%
Micro-aggressions (verbal, behavioural, & environmental indignities)	7%	44%	10%	17%	16%
Workload	5%	8%	5%	8%	5%
Working conditions	3%	8%	3%	5%	5%
Other	2%	2%	2%	3%	2%
None of the above	79%	30%	77%	65%	67%

Note: Columns do not total to 100% due to multiple response allowances

VGDs are very concerned about diversity in the workplace: 75% of respondents felt this issue was very or somewhat important in their immediate workplace in 2014, though fewer felt this in 2015 (67%). Diversity throughout the industry was also a very or somewhat important issue for 79% of respondents in 2014, but only 71% in 2015.

When respondents were asked whether their studio had implemented any form of diversity or equality programs **aimed at attracting members of groups underrepresented among employees**, close to a third (32%) didn't know in 2014 and a further third (31%) said there was none. The data is similar or shows a reduction for 2015 (Table 7). All in all, if studio management has implemented some form of equity in employment program, it seems to have done little to inform staff about it.

Table 7

Does your company/studio/school have any of the following equality and diversity related programs? (Check all that apply – 2014, 2015)

	(2014) % of respondents	(2015) % of respondents
Don't know	32	33
None	31	34
Partnerships with community colleges, groups or non-profits to foster a pipeline of diverse candidates	19	13
Partnerships with community colleges, groups or non-profits to foster game developer skills and competencies among diverse…	15	11
Retention measures or programs such as on-boarding, mentoring or professional development program to retain diverse talent	15	12
Targeted marketing or advertising to diverse demographics	10	7
Programs or partnerships to foster new product or service ideas and innovations from diverse groups	8	6
Other	1	2

In the survey, respondents were asked: "Other policies concern diversity and equality in human resources management practices and provide remedies to employees who feel they have been discriminated against in this respect. Does your company/studio/school have any of these policies?" Respondents could tick off more than one possibility. Over the two years covered, more than half of respondents worked in a studio that has a general policy against discrimination at work, sexual harassment and/or a policy to promote equal hiring opportunities. However, a large proportion of respondents knew nothing about the policies that might be in place at their workplaces (24% in 2014, and 23% in 2015), which suggests that either there aren't any such policies or else employees are not told about them (Table 8).

Table 8

Does your company/studio/school have any of the following equality and diversity related policies and procedures? (Check all that apply – 2014)

	2014 (% of respondents)	(2015) % of respondents
General non-discrimination policy	54	58

Sexual harassment policy	47	51
Equal opportunity hiring policy	46	52
Don't know	24	23
Formal complaint procedure	29	30
Formal disciplinary process	26	24
Retention measurement process	14	13
None	12	11
Other	1	1

Is the video game industry more or less diversified in 2014 or 2015 than two years before? Slightly more people felt that the industry was more diverse and this opinion did not change for the 2014 respondents (considering 2012-2014) to the 2015 respondents (considering 2013-2015) (Table 9).

Table 9

If you have been in the game industry for more than 2 years, has diversity in the industry changed?

	2014 (% of respondents)	2015 (% of respondents)
Less diverse	4	2
Same	36	28
More diverse	42	33
Not sure	18	14

Recognition of intellectual property and crediting

In an industry where creation and innovation are the main keys to commercial success, as well as workers' prime assets, the recognition of intellectual property and giving credit where credit is due are of crucial importance to workers' reputations. VGDs attach great importance to intellectual property recognition policies, which vary from one studio to the next.

In 2004, some employers were forcing their employees to sign agreements under which everything they produce during their employment belonged to the studio (Table 10, Chart 4). While 29% of respondents said their intellectual property was recognized and credited, that still left a majority of developers dissatisfied with their situation in this respect. The question was not asked in later surveys.
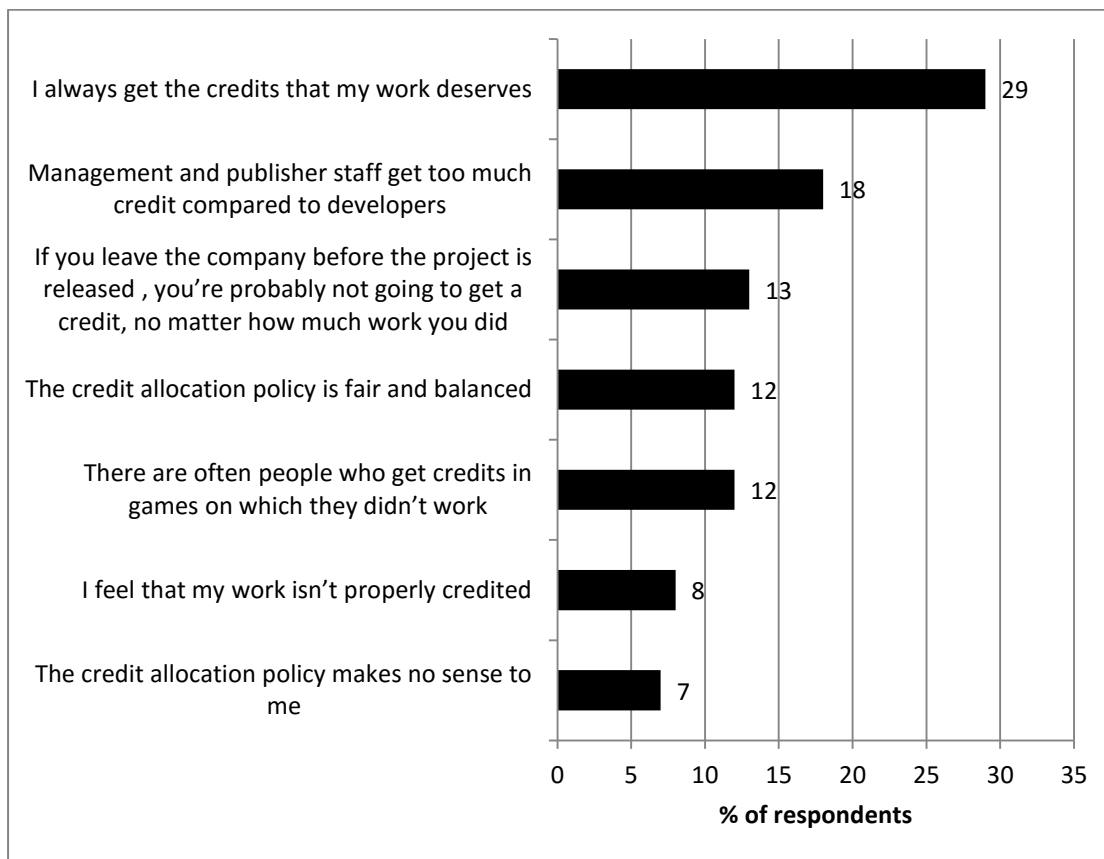
Table 10

Which of the following assertions best describe your company's policy regarding credits?
Check all that apply (2004)

	% of respondents
I always get the credits that my work deserves	29
Management and publisher staff get too much credit compared to developers	18
If you leave the company before the project is released, you're probably not going to get a credit, no matter how much work you did	13
The credit allocation policy is fair and balanced	12
There are often people who get credits in games on which they didn't work	12
I feel that my work isn't properly credited	8
The credit allocation policy makes no sense to me	7

Chart 4

**Which of the following assertions best describe your company's policy regarding credits?
Check all that apply (2004)**

Assertion	% of respondents
I always get the credits that my work deserves	29
Management and publisher staff get too much credit compared to developers	18
If you leave the company before the project is released , you're probably not going to get a credit, no matter how much work you did	13
The credit allocation policy is fair and balanced	12
There are often people who get credits in games on which they didn't work	12
I feel that my work isn't properly credited	8
The credit allocation policy makes no sense to me	7

% of respondents

Mobility of capital and the risk of offshoring

VGDs are aware and very worried about the mobility of capital in the industry, where the place of work doesn't really matter and the risk of offshoring is very real. Industry investors have shown that capital is highly mobile with respect to differences in production costs.

The EA Spouse affair in the US is a good example. VGDs there were successful in filing three class actions to claim payment for overtime hours in three different California studios, with the plaintiffs winning significant compensation (Schumacher, 2006). EA management put an end to its practice of having employees work on Sundays, adopted a five-day workweek policy and began paying for overtime. The dispute gave a boost to the quality of life movement started by the IGDA and prompted the rest of the industry to react. Studios made changes to their practices. In reaction to the wave of class actions, however, EA moved its operations from California to Florida and Canada (Feldman and Thorsen, 2004) and the California developers lost their jobs.

Mobility of capital in this industry is a source of division with respect to unionization, as

respondents feel a need for union protection, but also fear that any unionization campaign could cause studios to pack up and move elsewhere.

But actually, this risk does not seem to be felt in the short term, as both the IGDA 2009 QoL and 2014 DSS surveys show that respondents are less and less worried about their jobs disappearing in the next month. (The question was asked in a slightly different way in the two surveys, but that did not affect the general trend.) In 2009, 49% of respondents weren't worried, while in 2014, 61% weren't (Table 11, Chart 5).
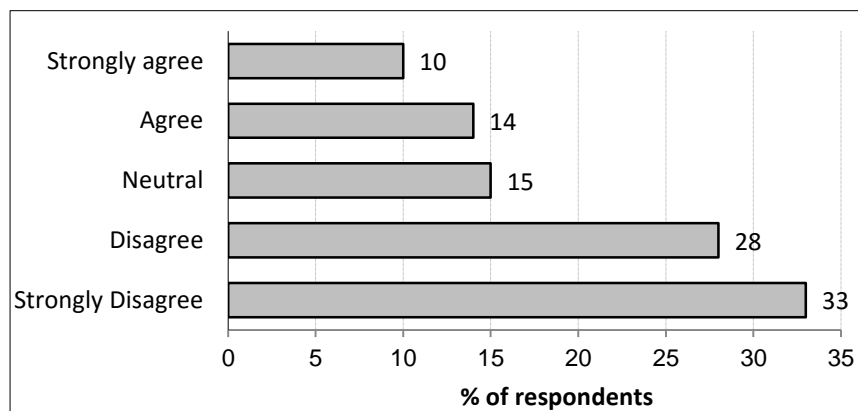
Table 11

I worry that my job won't be there next month…

	% of respondents	
	2009	**2014**
Strongly agree	11	10
Agree	22	14
Neutral	18	15
Disagree	30	28
Strongly disagree	19	33

Chart 5

I worry that my job won't be there next month (2014)

Lack of protection against risks of losing employment income

VGDs are very unequally protected against the various risks of losing income in the following events:

– Being laid off, either as an individual (fired, end of contract or project) or as part of a mass layoff (studio closes to move elsewhere or because of bankruptcy)

- Illness requiring time off from work temporarily
- Having a baby
- Retirement
- Work-related legal proceeding (e.g., professional malpractice)
- Reduced employability (e.g., failing to keep knowledge up to date)

The degree of income protection against these risks varies considerably with studio size and management decision making.

THE REPRESENTATION OF INTERESTS

The existence of problems that a significant proportion of workers in a sector regard as serious automatically raises the question of what action – individual or collective – they can take to solve them (Kelly, 1998; Legault & Weststar, 2014, 2015a).

VGDs thus meet some of the conditions for group mobilization set out in Kelly's metatheory (1998, pp. 27–34), that is, a group of workers dissatisfied with a particular situation has defined its interests in collective rather than individual terms and has become convinced that the unsatisfactory situation is illegitimate (Legault& Weststar, 2014, 2015a) The group is in a situation that could drive developers to take collective action.

We have also documented the issue of the action taken by VGDs to address these problems in former articles (D'Amours & Legault, 2013; Legault & Weststar, 2015a, 2014; Legault & D'Amours, 2011; Legault & Ouellet, 2012). One well-known course of collective action is unionization, and the IGDA asked VGDs about it in the 2009 and 2014 DSS surveys.

Unionization is virtually unknown in the industry at present, with the exception of a few rare instances in Scandinavia.

Union organization in Sweden is not based on the model dominant in North America, but rather on the European model of individual membership in a large national trade union (in this case, SIF). In Sweden, therefore, it doesn't make sense to divide up studios between unionized ones and non-unionized ones, but rather to situate them on a continuum reflecting the proportion of their employees who are SIF members:

> Although the vast majority of Swedish video game development companies are not unionized, both largest developers stand out as exceptions. At the time of the analysis, there was a branch of the Swedish union for white-collar employees, SIF, at Digital Illusions and approximately 50 percent of the employees were unionized. [...] The unionization rate at the Swedish developer Starbreeze is as high as 70–80 percent; in contrast to Digital Illusions, however, there are several unions, but there is no active union representation in the company. The company negotiates with an external union representative, who visits the company if required. [...] Although there is no unionization in the German video games industry, other forms of formal interest representation do exist in larger companies. At Electronic Arts Germany, there is a so-called *Vertrauensteam* ('trust team'). [...] The

Swedish examples, however, indicate that work and employment event in the video games industry are compatible with union representation and collective bargaining – Digital Illusions being the most successful Swedish development company (Teipen, 2008, 329-330).

Aside from these studios, the industry is generally not unionized.

Propensity to individual vs collective action

The IGDA 2014 DSS survey asked VGDs if they would prefer to raise workplace problems by going through an employee organization or by doing it individually themselves (Table 12, Chart 6). Close to half (48%) of respondents said they would rather go through an employee organization than do it as an individual.

Table 12

Do you agree or disagree with the following statement: "I'd feel more comfortable raising workplace problems through an employee organization rather than as an individual"? (2014)

	% of respondents
Strongly disagree	9
Disagree	18
Neutral	25
Agree	28
Strongly agree	20

Chart 6

Do you agree or disagree with the following statement: "I'd feel more comfortable raising workplace problems through an employee organization rather than as an individual? (2014)
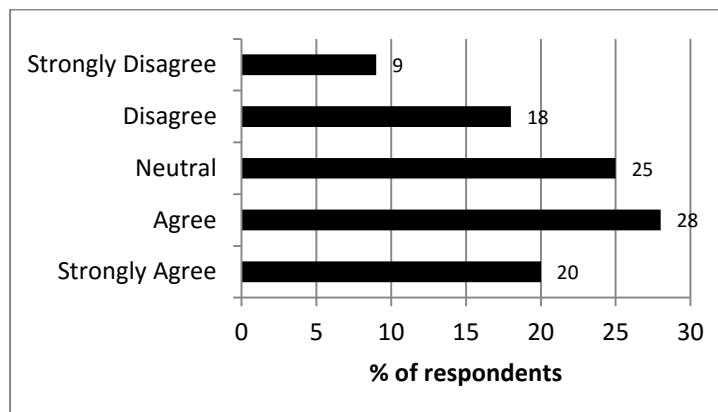
Satisfaction towards dispute resolution, individual and collective

The survey also asked respondents whether studio management was effective in solving the **individual** problems raised by employees; 41% of respondents felt that management was effective, at least in part, while 32% said the opposite. However, a significant proportion (27%) said they didn't know; it was the answer that ranked second among the five choices (Table 13, Chart 7).
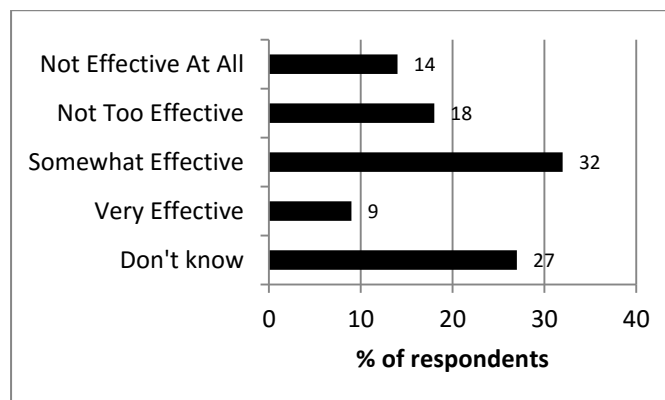
Table 13

Overall, how effective is your company's system for resolving the problems INDIVIDUAL employees have at work? (2014)

	% of respondents
Not effective at all	14
Not too effective	18
Somewhat effective	32
Very effective	9
Don't know	27

Chart 7

Overall, how effective is your company's system for resolving the problems INDIVIDUAL employees have at work? (2014)

Respondents were less enthusiastic when asked about management's effectiveness in resolving problems employees raised **as a group**; 35% of respondents felt that management was effective, at least in part, while 29% said the opposite.

In this case, too, a large proportion (36%) said they could not judge management's effectiveness at solving group problems. This was the answer chosen by the most respondents (Table 14, Chart 8). In other words, a large percentage of respondents didn't know whether the process used in their studio to solve individual or group problems raised by VGDs was effective.

This high proportion is even more surprising than for the previous question, since while it is possible that respondents may not be able to judge effectiveness because they have never raised an individual problem with management, it is less likely they have never heard of group problems being raised.
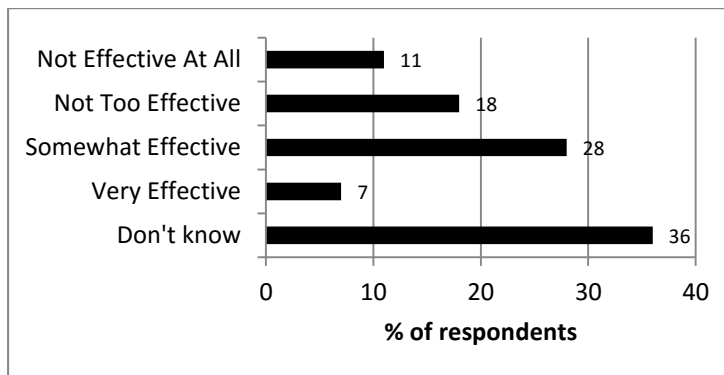
Table 14

Overall, how effective is your company's system for resolving the problems GROUPS of employees have at work?

	% of respondents
Not effective at all	11
Not too effective	18
Somewhat effective	28
Very effective	7
Don't know	36

Chart 8

Overall, how effective is your company's system for resolving the problems GROUPS of employees have at work?

Propensity to unionize

Further to the topic of taking individual or group action to solve problems that a significant proportion of workers in a sector regard as serious, the IGDA 2009 QoL and 2014 DSS surveys asked VGDs whether they would like to see the developers in their studio unionized, following the trade union model dominant in North America.

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Trade union certification model dominant in North America

The dominant mode of union representation is decentralized:

- A single trade union represents all the workers in a certification unit (which has a monopoly on representation). The union is established by majority vote within the unit, which generally corresponds to a company OR part of a company.
- A single employer bargains with the union in the certification unit. That employer may, however, have different establishments (at different addresses) within the same unit.

The union certification unit is a group of employees from the same or a different establishment who are recognized as having a community of interests. The authority that assesses the appropriateness of the certification unit for which a union requests a certificate is generally a government agency. For the same employer, there can be several certification units, which feel they have different interests.

In the vast majority of cases, the bargaining unit corresponds to the certification unit, i.e., each union certified to represent the interests of a group negotiates with its employer. There is one collective agreement per certification unit.

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Support for this form of unionization (let's call it the "local union") **rose from 35% in 2009 to 48% in 2014**. In other words, in 2014, close to half of all VGDs surveyed would have come out in favour of a union in their studio.

The significant proportion of respondents who had no opinion or who preferred not to answer **dropped from 32% in 2009 to 14% in 2014** (Table 15).

Table 15

If a vote were held today to form a union at your company/studio, how would you vote? (2009, 2014)

	2009 (%)	2014 (%)
For	35	48
Against	33	25
No opinion/ Prefer not to say	32	14
I would not vote at all	NA	14

The choice "I would not vote at all" was not an option in the 2009 survey, but even if those who answered "No opinion/Prefer not to say" are added to those who "Would not vote at all" in 2014, the percentage is still lower than the percentage of undecided respondents from 2009 (Chart 9).

Chart 9

If a vote were held today to form a union at your company/studio, how would you vote? (2009, 2014)
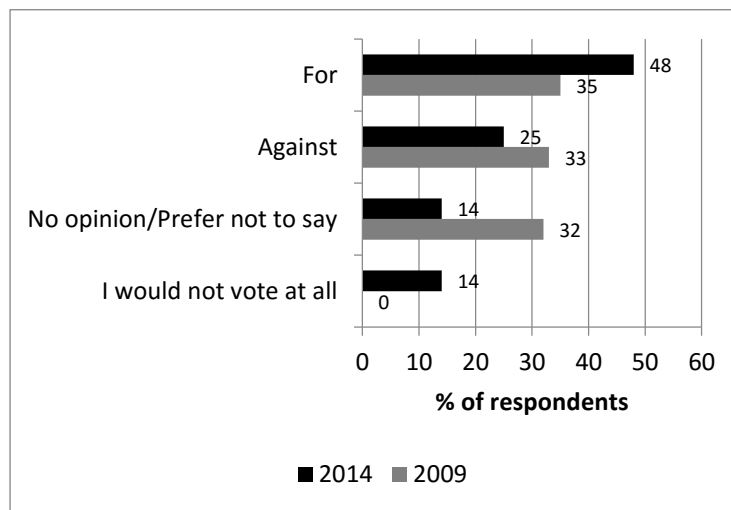
Perception of others' propensity to unionize

But is studio management particularly opposed to unionization of the industry workforce?

The IGDA QoL 2009 and DSS 2014 surveys asked respondents how they thought management would react if a group of employees tried to start a union at their company/studio. The question was designed to assess VGDs' perception of management's antiunion leanings. In 2014, more than a quarter (29%) of respondents thought that the reaction would be fairly positive and unopposed, while close to half (47%) thought there would be various forms of opposition. A quarter (24%) preferred not to say.

This perception may in turn influence workers' willingness or unwillingness to support a unionization campaign (Table 16, Chart 10).

The respondents seemed less inclined in 2014 than in 2009 to think that management would take steps to oppose unionization, but more inclined to think that it would oppose the union without much comment. They may be more optimistic about management acceptance.

Table 16

If a group of employees tried to start a union at your company/studio, how would management react? (2009, 2014)

	2009	2014
Accept the union, but without much comment	0	14
Welcome and encourage the union	4	8
Wouldn't care and would do nothing one way or another	10	7
Oppose the union through counter information	36	21
Oppose the union but without much comment	0	15
Oppose the union by threatening or harassing supporters	15	11
Prefer not to say	35	24

Chart 10

If a group of employees tried to start a union at your company/studio, how would management react? (2009, 2014)
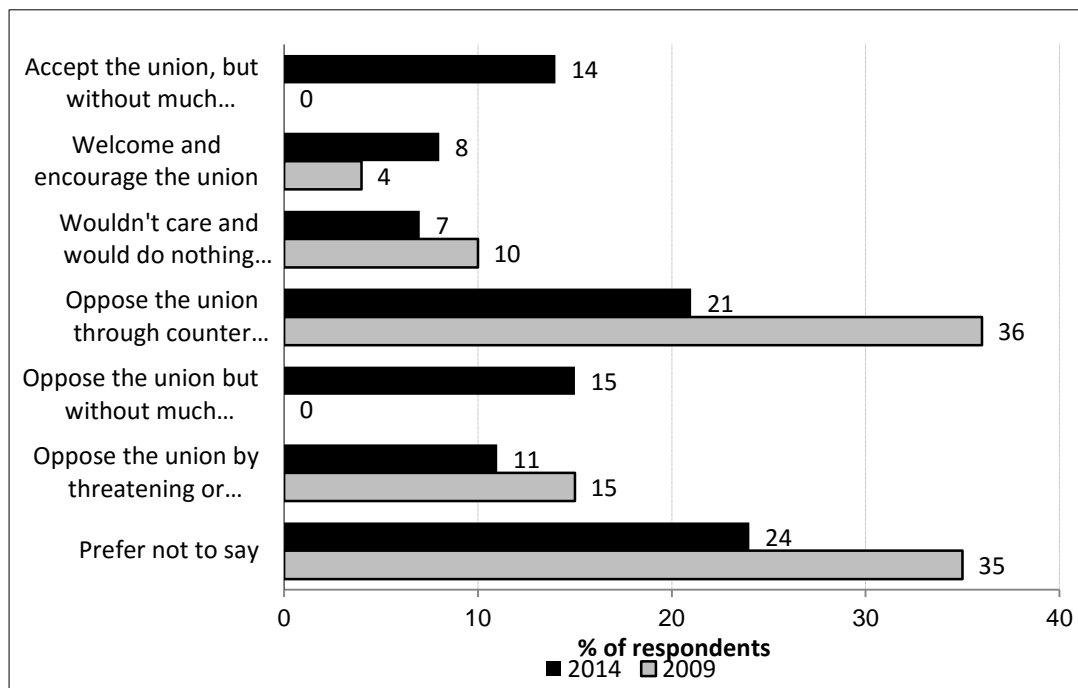
The IGDA 2009 QoL and 2014 DSS surveys asked respondents how they thought their coworkers would react if a group of employees tried to start a union at their company/studio. In 2014, a third of respondents (33%) thought that the proposal wouldn't carry, while close to another third (29%) thought it would—**nearly twice as many as in 2009** (Table 17, Chart 11). Virtually the same proportion thought that the vote would be close and 19% wouldn't say, which is only around half the percentage of 2009!

Keep in mind that in 2014, close to half (48%) were in favour of unionization and a quarter (25%) were against. So, declared individual support for unionization is greater than respondents' perception of their coworkers' general support for the cause. This situation raises a number of questions: possibly developers don't discuss these issues much or many may give the impression they are more opposed to unionization than they actually are.

Table 17

If a vote were held today to form a union at your company/studio, how do you think the other people at your company would vote? (2009, 2014)

	2009	2014
More than half would vote for	16	29
The vote would be 50/50	17	19
More than half would vote against	27	33
No opinion/Prefer not to say	41	19

Chart 11

If a vote were held today to form a union at your company/studio, how do you think the other people at your company would vote? (2009, 2014)
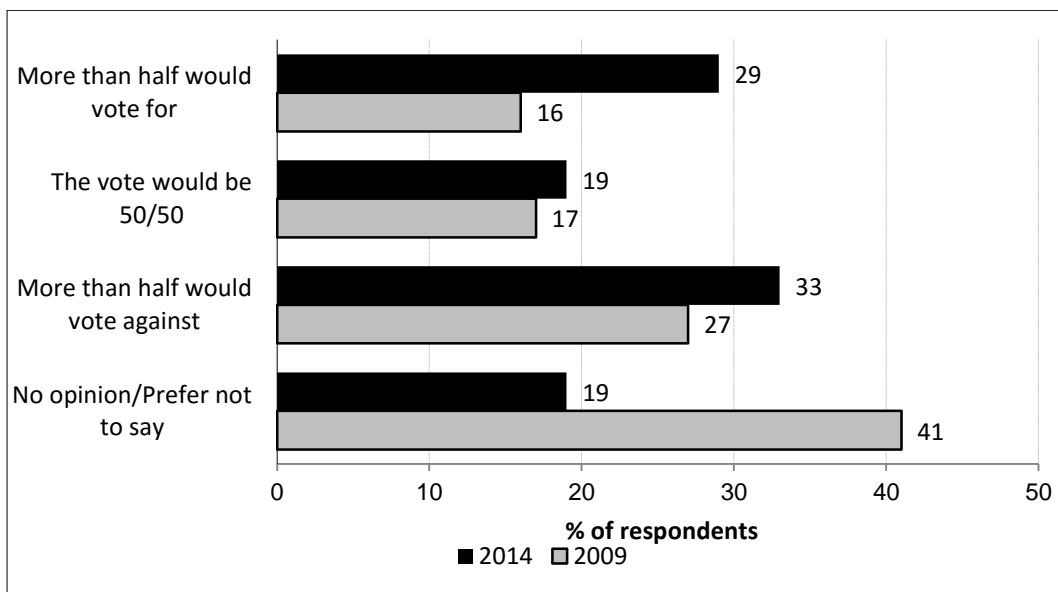
Project and/or team managers, same battle

Support for unionization doesn't mean that relations between employees and their immediate superiors aren't good. In 2014, more than half of respondents (57%) had a good or even excellent relationship with their immediate superiors (Table 18, Chart 12).
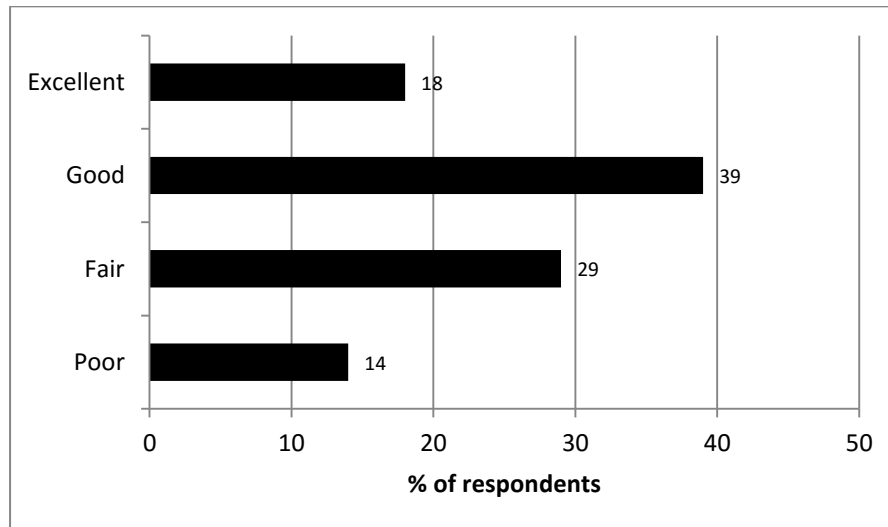
Table 18

Overall, how would you rate relations between employees and management at your current/most recent company?

	% of respondents
Poor	14
Fair	29
Good	39
Excellent	18

Chart 12

Overall, how would you rate relations between employees and management at your current/most recent company?

We compared the intentions of non-managerial developers to vote on unionization (Table 15) to those of project managers and team leaders (Table 19). At first glance, the results may seem surprising. The proportion against unionization among managers is the same as that of developers, and the proportion of managers in favour is lower than developers in 2014, but almost the same as them in 2009.

Table 19

If a vote were held today to form a union at your company/studio, how would you vote? (Managers and leads compared to developers) (2009, 2014)

	Managers		Developers (from table 15)	
	2009 (%)	2014 (%)	2009 (%)	2014 (%)
For	34	34	35	48
Against	34	24	33	25
No opinion/ Prefer not to say	33	7	32	14
I would not vote at all	NA	10	NA	14

When we presented these findings at the Game Developers Conference in 2014, project managers and team leaders explained that they have salaried positions and are under constraints specific to the industry and to project management. They also experience workplace problems (working hours and unpaid overtime, arbitrary decisions and the risk of layoffs, etc.), in addition to having to play the thankless role of passing on decisions made at the top, with which they do not always agree. Both managers and leads, on the one hand, and non-managerial developers, on the other hand, see both groups as employees who have a great deal in common: they have to operate under the constraints placed on them by the market, shareholders and senior management, and some of them share reasons to want unionization.

The perception of a need for representation cannot be reduced simply to poor relations between managers and VGDs (defined page 7). In the video game industry, and in other environments where management by project is the norm, the immediate superior is not essentially perceived as representing opposing interests, but rather as an employee of the same employer (in big studios), and a stakeholder subject to the inexorable forces of the market and the customer in an extremely competitive world. Nevertheless the feeling of exploitation remains and focuses on higher authorities, including shareholders (some of whom are also employees), who reap the profits on sales.

Widespread ignorance of or indifference towards trade union organizations

The IGDA 2009 QoL and 2014 DSS surveys revealed respondents' widespread ignorance and/or ambivalence about unions among many in the industry. In the DSS 2014 about 25% of the total sample did not reply to the questions about unionization at all (i.e., 201 people out of 795 consistently across the questions about unionization). This excludes people to whom those questions didn't apply, as well as those who answered "Prefer not to say."

The situation is worse in the QoL survey of 2009, where the proportion of respondents who didn't respond to the questions about unionization was higher – although rates varied across questions:

- S5_3 How would you vote? (27% missing answers, 310/1145).
- S5_4 How do you think the people at your company would vote? (52% missing answers, 599/1145).
- S5_6 If a group of employees tried to start a union at your company, how would you react? (52% missing answers, 599/1145).
- S5_7 If a group of employees tried to start a union at your company, how would management react? (52% missing answers, 599/1145).

Sector-based union organization

With a project-based management system and a highly mobile workforce, from a unionization standpoint, the video game industry presents challenges similar in many respects to those of the movie, television and performing arts industry and the IT industry. Workers don't necessarily stay long with the same studio, changing employers as projects come and go and to pursue their own career interests. As a result, the dominant union organization model in which the benefits negotiated and set down in a collective agreement are attached to a job and are lost when an employee leaves that job does not suit VGDs. Why put a lot of effort and money into collective bargaining (including pressure tactics) if you're going to lose the benefits, including the pension plan that many of them would like to have?

For that reason, the IGDA 2014 DSS survey asked respondents about an alternative form of union organization specific to these industries, which is sector-based unionization (and bargaining).

The sector-based union certification model in North America

This form of union representation, unlike the dominant employer-based model, is centralized and based on involvement in a specific sector of activity and, often, in a specific profession within that sector (the construction industry; performing arts, recording and movies; public health care and education):

– A single trade union represents all the workers in a certification unit (which has a monopoly on representation). The union is established by majority vote within the certification unit.
– A team made up of representatives of several employers (or employer associations) serves as the employer representative that the union deals with in the certification unit.

The legal frameworks in Canada still makes industry-based certification an exception to the North American dominant enterprise-based mode, reserved for performing artists, building trades and a few other ones. Like the dominant model, sector-based certification systems are generally structured by legislation that defines the union system specific to a sector. For instance in Quebec there are the following specific statues: *Act Respecting Labour Relations, Vocational Training and Workforce Management in the Construction Industry* (CQLR, c. R-20); *Act Respecting the Professional Status and Conditions of Engagement of Performing, Recording and Film Artists* (CQLR, c. S-32.1).

A trade union certification unit is a group of employees in the industry, most often in the same occupation, who are recognized as having a community of interests (nurses in the health care and social services system, client care attendants, teachers, etc). The authority and process to assess the appropriateness of the certification unit for which a union is requesting a certificate is generally defined in the appropriate law (above), but it is not the provincial Labour Relations Board.

As in the dominant model, the bargaining unit corresponds to the certification unit, that is, each union certified to represent the interests of a group bargains with its employer representative. There is one collective agreement per certification unit. However, the certification unit transcends the boundaries of employer organizations and defines the working conditions that apply to the sector as a whole. A worker who leaves one employer for another is still included in the certification unit and subject to the working conditions defined in the collective agreement.

The sector-based unions we are talking about here are certified for the purposes of labour relations under the provisions of labour law applicable within a given geographic area, which places an obligation on the employer's representative to bargain in good faith, gives the representative association the right to use pressure tactics, etc.

For this reason, the actions of these unions are always limited to political borders. The cross-border bargaining system that now exists, for instance, between the National Hockey League Players Association, and its employer representative, the National Hockey League, is a voluntary, exceptional system specific to professional sports and governed by the private law that frames private business relations between legal entities (companies). These two associations are not certified for the purposes of labour relations (Fournier & Roux, 2008).

According to the IGDA 2014 DSS survey, a form of sector-based organization won the support of a clear majority (64%). **That is 16 percentage points greater than the support for a union that would represent the VGDs from a given workplace (studio)** (Table 15). This option is by far the most popular (Table 20, Chart 13). Given this point of view, two thirds of VGDs suffer a representation gap because they wish to be part of a union without being so (Freeman &

Rogers, 1999; Heery, 2009).

Table 20

Some unions represent workers and negotiate issues across an entire industry rather than workplace by workplace. If unionization vote were held today for a national video game industry union in your country, how would you vote? (2014)

	% of respondents
Vote for the union	64
Vote against the union	14
I would not vote at all	11
Prefer not to say	11

Chart 13

Some unions represent workers and negotiate issues across an entire industry rather than workplace by workplace. If unionization vote were held today for a national video game industry union in your country, how would you vote? (2014)
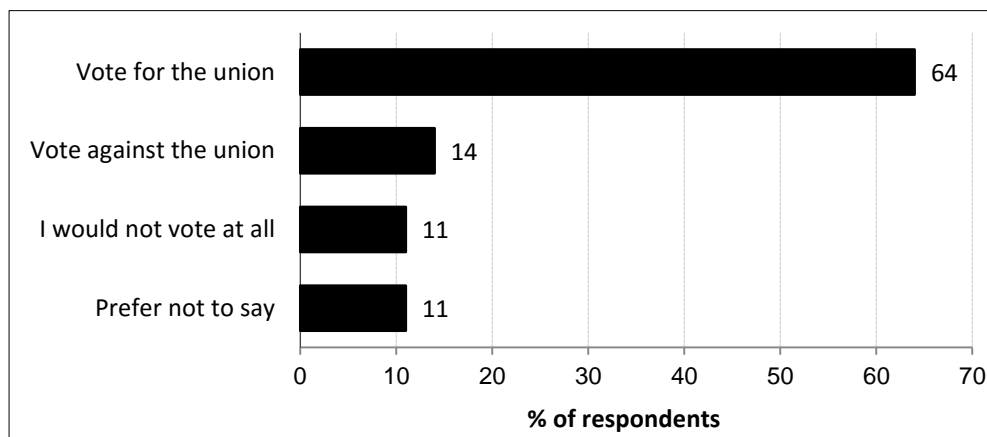
LABOUR LAWS

The industry is not unionized and a number of respondents admitted they didn't know much about trade union organization. Are they familiar with the labour laws that apply to them? If so, do they think they are sufficient to protect their working conditions?

Lack of knowledge widespread

A comparison of the two IGDA surveys – 2009 QoL and 2014 DSS – reveals contradictory trends with respect to knowledge of labour law. More than half of respondents know a little bit about the labour laws where they live, **an increase of 11 percentage points between 2009 and 2014** (Table 21, Chart 14). However, the number of workers who said they knew the labour

laws declined by the same number of percentage points, from 36% to 25%. The proportion of respondents who do not know the laws remained the same, at 18%. So it is fair to say that **in 2014 around three quarters of respondents did not know the laws that govern work and employment!**
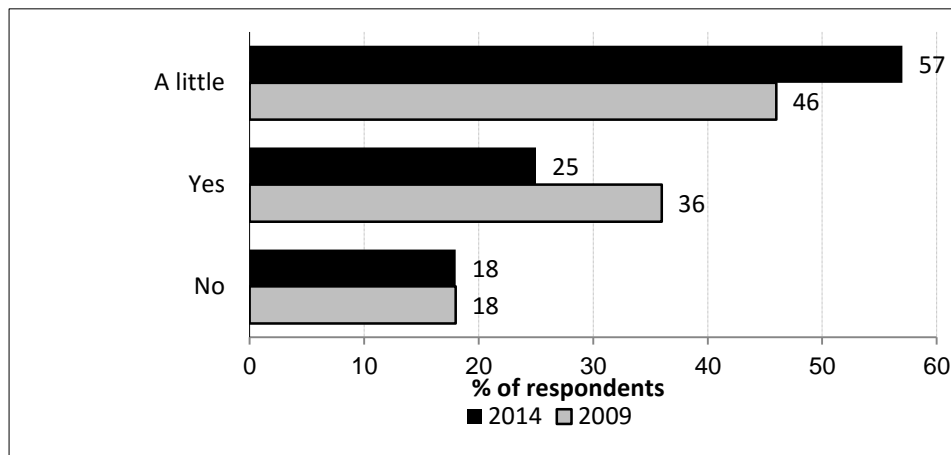
Table 21

Do you know the labor/employment laws where you live? (2009, 2014)

	2009	2014
A little	46	57
Yes	36	25
No	18	18

Chart 14

Do you know the labor/employment laws where you live? (2009, 2014)

Are they sufficient to protect workers?

Another argument against forming a union in the video game industry is that existing laws already provide workers with sufficient protection. Given that developers know little (57%) or nothing (18%) about labour laws, it is possible that better knowledge of existing remedies and making better use of them could be sufficient to improve developers' working conditions. The IGDA 2009 QoL and 2014 DSS surveys asked respondents whether they thought labour laws were effective.

Opinions were divided, among those who had one, but a significant 42% said they didn't know, which was more or less the same as in 2009 (40%) (Table 22, Chart 2). Close to a third (32%) thought that current laws are sufficient and effective, not significantly lower than in 2009 (35%). Over a quarter (27%) thought that existing laws are not effective enough to protect workers in 2014.
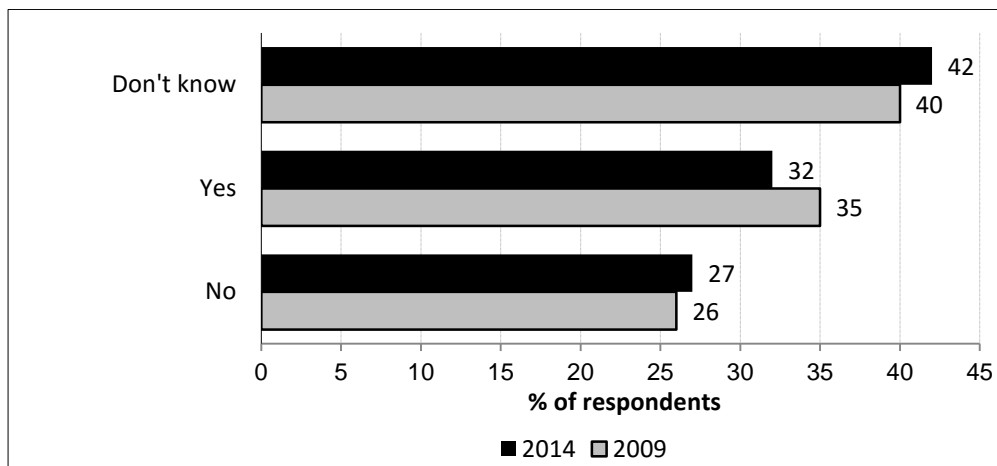
Table 22

Do you feel the labor/employment laws where you live offer sufficient protection should a grievance or problem arise between an employer and employee? (2009, 2014)

	2009	2014
Don't know	40	42
Yes	35	32
No	26	27

Chart 15

Do you feel the labor/employment laws where you live offer sufficient protection should a grievance or problem arise between an employer and employee? (2009, 2014)

The IGDA 2014 DSS survey also asked respondents about the most effective means to ensure that VGDs had their say and were treated fairly. Once again, a large proportion (38%) answered "don't know" (Table 23, Chart 15). A second group (25%) said that laws that protect the rights of individual employees were the best way.

A number of survey options involved negotiation with the employer through organizations with decision-making powers (i.e., in the form of employee committees or associations). When these are grouped together, they form a third group represented by 25% of respondents. A fourth group of 24% was in favour of organizations (again employee committees or associations) that discuss problems with the employer, but do not have legal authority or decision-making powers.
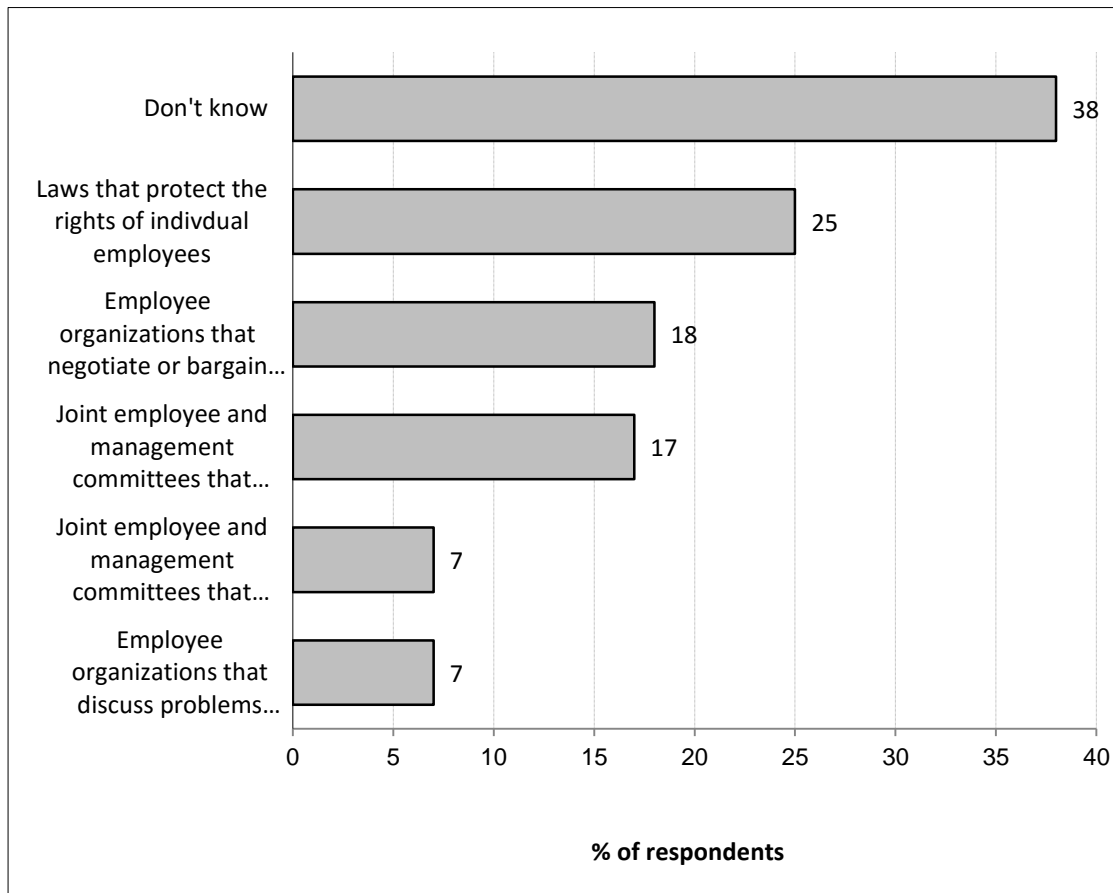
Table 23

There are a number of different ways to increase employees' say in workplace matters and make sure they are treated fairly. Which ONE of the following do you think is the most effective? (2014)

	% of respondents
Don't know	38
Laws that protect the rights of individual employees	25
Employee organizations that negotiate or bargain with management over issues	18
Joint employee and management committees that discuss problems	17
Joint employee and management committees that negotiate or bargain over issues	7
Employee organizations that discuss problems (e.g., unions, employee associations)	7

Chart 16

There are a number of different ways to increase employees' say in workplace matters and make sure they are treated fairly. Which ONE of the following do you think is the most effective? (2014)

% of respondents

Tables 21 and 22 reflect VGDs' very poor knowledge of the laws intended to protect them. Table 23 at least offers hope that the quarter of respondents familiar with the laws believe that enforcing them would be an effective way to ensure they are treated fairly.

In the Canadian interviews, no question specifically concerned labour laws, but a number of respondents mentioned them – sometimes giving away their lack of knowledge of them, but sometimes showing an understanding of how the laws do not protect them. For instance, in the provinces of British Columbia and Ontario employment standards legislation expressly excludes high-technology companies and information technology professionals from overtime entitlements. This legislation captures VGDs. The legislation in Quebec provides more protection for overtime pay for VGDs, but still allows a loophole whereby overtime must be paid, but only when workers are expressly asked to work it. In the VGD world overtime if often assumed, but not asked for (Legault & Weststar, 2015b).

MEMBER OF IGDA OR NOT

In addition to questions about unions, the 2014 DSS included several questions specifically about VGDs' perception of the IGDA's role and effectiveness. As well, in our Canadian interviews, we asked developers whether they were members of any professional associations, like the IGDA, in order to document how their interests were being represented and queried about networking and advocacy.

The IGDA

The IGDA is active internationally through local chapters. There are approximately 80 established and emerging chapters in cities outside of the United States and 43 within the US (https://www.igda.org/?page=chaptersprofessional). Any VGD can become a member.

The IGDA operates with three paid staff members: the Executive Director, the Director of Operations and a new position of Partner and Member Relations Manager.

The IGDA is governed by a volunteer Board of Directors who "create and maintain the mission and vision of the organization including long-term planning, financial oversight, determining and monitoring programs, services and staff and advocating for the IGDA." (IGDA, no date; https://www.igda.org/?page=board). Of the nine current members of the IGDA, four are founders of studios or hold managerial roles and one is an attorney specializing in the video game industry whose company is retained by the IGDA.

Few members in the sample

It can be seen that in 2014 around two thirds (69%) of respondents were not IGDA members (Table 24, Chart 3).

Table 24

Are you currently a member of the IGDA? (2014)

	% of respondents
Yes	31
No, I have never been an IGDA	32
No, but I have been an IGDA member in the past	26
No, but I plan to become a member of the IGDA	11

Chart 3

Are you currently a member of the IGDA? (2014)
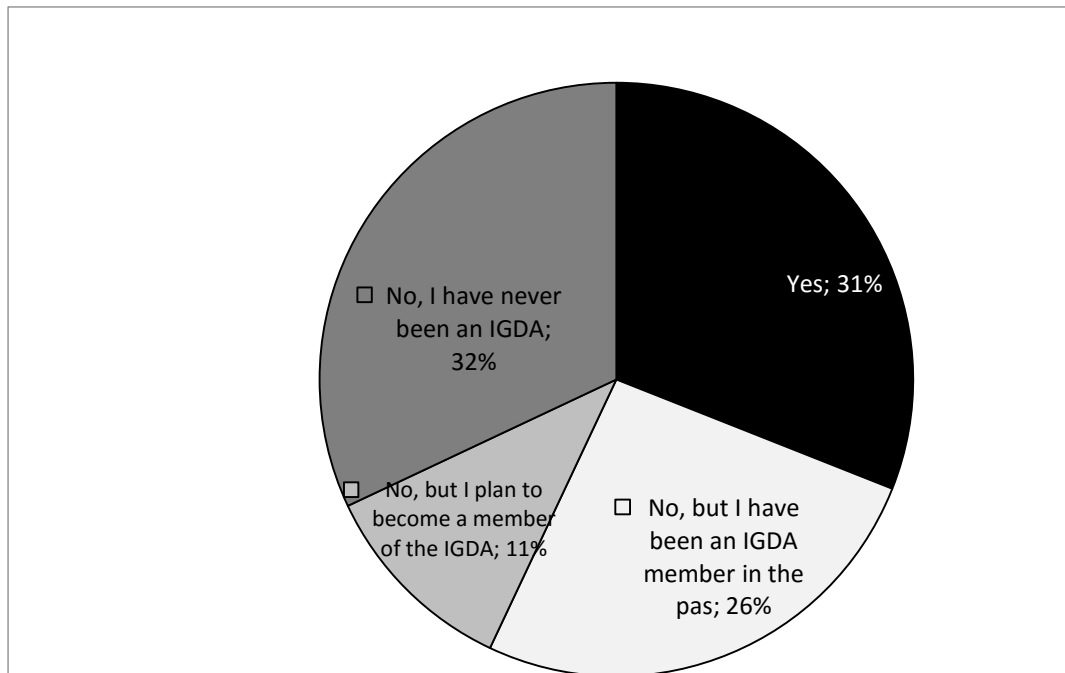

IGDA'S ROLE

The 2014 DSS survey asked VGDs for their views on the role of the association. Over three quarters of respondents (78%) said that the IGDA's role was networking and community building. A significant proportion of respondents (40%) said that it played an advocacy role and 44% thought the IGDA played a role in professional development. Only 17% of those surveyed thought that the IGDA was active with international outreach and the same proportion said they didn't know what role the IGDA played (Table 25, Chart 16).

Table 25

What is your perception of the role of the IGDA? (2014)

	% of respondents
Networking and community	78
Professional development	44
Advocacy	40
International outreach	17
Don't know	17
Other	3

Chart 16

**What is your perception of the role of the IGDA?**
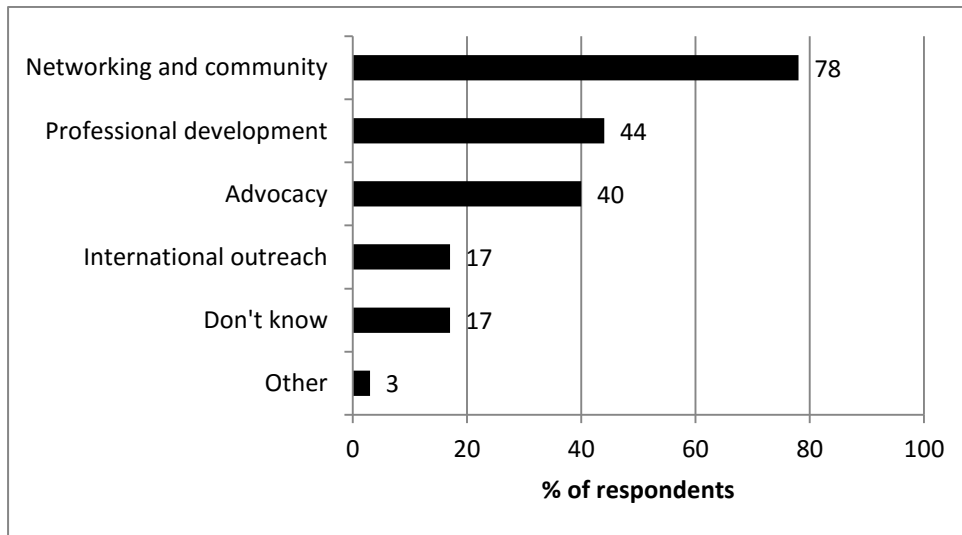
Among the 3% of respondents who ticked "Other" and provided their own comments, a wide variety of roles were mentioned: excellent way for students to find a job, lobbies governments on industry's behalf, protects workers and plays a proto-trade union role, mentoring, advice on developing games independently, source of information on industry trends, promotes community spirit, place to share similar interests. Some of them said they found the conferences very worthwhile. You can easily attend even if you're not a member in good standing. Some activities are free or very cheap for members.

While the number of members is small, half of respondents said they had attended an IGDA event in their area (Table 26, Chart 4), which is significant.

Table 26

Have you ever attended an IGDA event in your area?

	% of respondents
Yes	50
No	43
Not sure	6

Chart 4

Have you ever attended an IGDA event in your area?
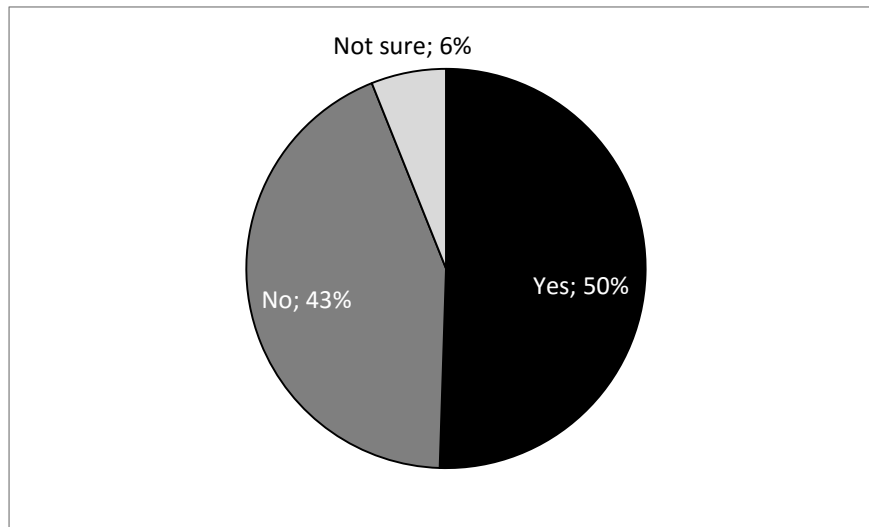
IGDA EFFECTIVENESS ACCORDING TO IGDA SURVEYS

The 2014 DSS survey asked respondents to rate the overall effectiveness of the IGDA. Table 27 and Chart 17 show that close to half of respondents (44%) rated it as "Neutral"; 34% deemed that the organization was effective, while 23% found it to be ineffective.

Table 27

How would you rate of the overall effectiveness of the IGDA? (2014)

	% of respondents
Extremely Ineffective	7
Somewhat Ineffective	16
Neutral	44
Somewhat Effective	30
Extremely effective	4

Chart 17

How would you rate of the overall effectiveness of the IGDA? (2014)
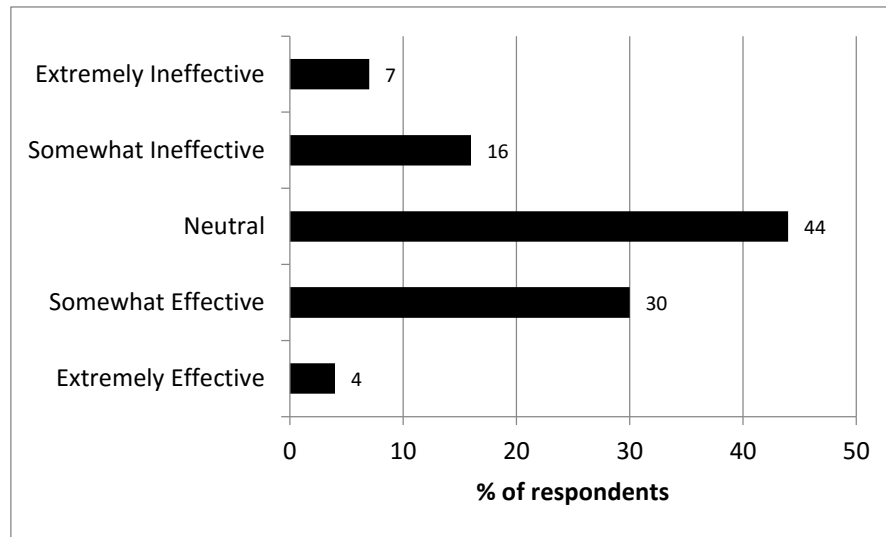
OTHER ACTORS IN THE REPRESENTATION ROLE

There are many other actors on that front but at a more local level and focussed on precise issues. In Canada, for instance, there are Social gaming, Vancouver Transmedia, Mount-Royal Gaming Society (Montreal), Full Indie (Vancouver), and Torontaru (Toronto), Dames Making Games (Toronto), Hand Eye Society (Toronto), Unity Meetups (training for Unity programs' users).

With a broader scope, the organisation Women in Games has many local groups and an international umbrella organisation (i.e. WIGI – Women in Games International).

CONCLUSION

In this report, we were first aiming to take stock of the evolution in the international industry's working problems and of satisfaction and dissatisfaction among developers. We observe that many working problems still plague the industry. First and foremost, the general situation of working time in the industry and of its capricious compensation is still a concern, despite some improvements over the years. Though the hours of work have decreased over the last 15 years, they remain long, unpredictable and often unpaid (Legault & Weststar, 2015b). This practice is by far the biggest problem mentioned by the VGDs surveyed internationally. Working time oftentimes impossible to plan and foresee and the rules vary a lot among studios, among projects in a same studio and among individuals. The rules that govern compensation of crunch time seem to be quite opaque for many a VGD.

There are many other issues regarding working conditions. There are discretionary rules in

establishing wage levels, in appointing to projects, in attributing credits, intellectual property and funds for updating knowledge. There is a lack of job security and arbitrary hiring and firing decision processes. Non-disclosure and non-competition agreements may end up in legal proceedings and high costs for a departing worker. Lastly, the lack of sexual, racial and age diversity is a major issue for VGDs. The workforce is primarily young, white and male, to the point where a few respondents who do not belong to this group expressed concerns about their own futures in the industry. Respondents experience inequity (where the same rules, policies and practices are not known by or applied to all) towards themselves or witness it toward others, in social and interpersonal interactions, in the form of micro aggressions, and/or in the operational or business practices of the workplace. The existence and awareness of equality and diversity related programs is patchy. Some report that policies and procedures exist, but a large number report no awareness. This is either because they do not exist, or that studio management have done little to inform staff about them and the outputs of the policies and programs are not visible. VGDs are not protected against loss of income by studio policies either, they have to organise protection means of their own.

Our second aim was to document actions taken and not taken in response to challenges in working conditions, be they individual or collective, and also explore positions on representation of interests in this non-unionised industry. What do developers want?

Though some VGDs think that studio management can be effective in solving the **individual** problems raised by employees individually or **as a group,** a large percentage of respondents didn't know whether the processes used in their studio were effective in solving individual or group problems raised by VGDs.

When asked whether they would like to see the developers in their studio unionized, following the trade union model dominant in North America, VGDs' support for this form of unionization **rose from 35% in 2009 to 48% in 2014.** As well, in 2014, a third of respondents (33%) thought that a union certification vote wouldn't carry (due to a lack of perceived support of their co-workers); while close to another third (29%) thought it would—**nearly twice as many as in 2009**.

Support for unionization doesn't mean that relations between employees and their immediate superiors aren't good. In 2014, more than half of respondents (57%) had a good or even excellent relationship with their immediate superiors. As well, some managers and team leads seem to support unionization or at least do not oppose. In 2014, the proportion of managers against unionization was the same as that of developers. The proportion in outright favour was lower than developers in 2014, but almost the same as developers in 2009. At first glance, the results may seem surprising. But in fact, project managers and team leaders have salaried positions and are under constraints specific to the industry and to project management. They also experience workplace problems (working hours and unpaid overtime, arbitrary decisions and the risk of layoffs, etc.). Both groups have a great deal in common: they have to operate

under the constraints placed on them by the market, shareholders and senior management, and some of them share reasons to want unionization. This is reflected in developer responses about management response to unionization. In 2014 developers seemed less inclined than in 2009 to think that management would take active steps to oppose unionization, but more inclined to think that it would oppose the union without much comment. They may be more optimistic about management acceptance. However, throughout the data we must also note respondents' widespread ignorance and/or ambivalence about unions.

With a project-based management system and a highly mobile workforce, the video game industry presents unionization challenges similar in many respects to those of the movie, television and performing arts industry and the IT industry. Workers don't necessarily stay long with the same studio, changing employers as projects come and go and to pursue their own career interests. As a result, the dominant union organization model in which the benefits negotiated and set down in a collective agreement are attached to a job and are lost when an employee leaves that job does not suit VGDs. Rather a form of sector-based organization is more appropriate. VGDs seem aware of this distinction as a sector-based union won the support of a clear majority (64%) of developers in 2014. **That is 16 percentage points greater than the support for a union that would represent the VGDs from a given workplace (studio)**. With this point of view, two thirds of VGDs suffer a representation gap because they wish to be part of a union without being so (Freeman & Rogers, 1999; Heery, 2009).

More than half of respondents say they know 'a little bit' about the labour laws where they live. However, the number of workers who said they knew the labour laws declined from 36% to 25% from 2009 to 2014. The proportion of respondents who do not know the laws remained the same, at 18%. So it is fair to say that **in 2014 around three quarters of respondents did not know the laws that govern work and employment.** Are labour laws sufficient to protect workers? Close to a third thought that current laws are sufficient and effective, not significantly lower than in 2009; but over a quarter thought that existing laws are not effective enough to protect workers in 2014.

The International Game Developers Association (IGDA) is the main association claiming to represent developers at the international level. However, there's some ambiguity regarding who developers are, as studios and individuals are designated as such. According to respondents, its role is more about networking, community building and professional development. Its advocacy role is less obvious to VGDs. Respondents are rather neutral about its overall effectiveness, for many reasons that we will elaborate in other publications.

REFERENCES

Acton, Mike (2010) "It doesn't have to suck", December 25, http://gamasutra.com/blogs/BrendaBrathwaite/20110117/6815/Mike_Actons_quotIt_Doesnt_Have_To_Suck_gamedevquot.php

Campbell, Iain (2002) "Snatching at the wind? Unpaid overtime and Trade Unions in Australia", *International Journal of Employment Studies*, 10(2):109-156

Chasserio, Stéphanie & Marie-Josée Legault (2010) "Discretionary Power of project managers in knowledge intensive firms and gender issues"*, Revue canadienne des sciences administratives – Canadian Journal of Administrative Sciences*, 27(3): 236–248; http://onlinelibrary.wiley.com/doi/10.1002/cjas.147/pdf

Chasserio, Stéphanie & Marie-Josée Legault (2009) "Strategic human resources management is irrelevant when it comes to highly skilled professionals in the Canadian new economy!", *International Journal of Human Resource Management,* 20(5): 1113-1131, http://www.informaworld.com/smpp/title~db=all~content=g911806569

D'Amours Martine & Marie-Josée Legault (2013) "Highly Skilled Workers and Employment Risks: Role of Institutions," *Labour Studies Journal,* 38(2): 89 – 109

Edwards, Kate, Johanna Weststar, Wanda Meloni, Celia Pearce & Marie-Josée Legault (2014) "IGDA Developer Satisfaction Survey Summary Report" http://www.igda.org/news/179436/IGDA-Developer-Satisfaction-Survey-Summary-Report-Available.htm

Entertainment software Association Canada (ESAC) (2014) *Essential Facts 2014*, Toronto, Entertainment software Association Canada

http://theesa.ca/resources/essential-facts/

Feldman, Curt & Tor Thorsen (2004, November 11) "Employees readying class-action lawsuit against EA," *Gamespot News*,

http://www.gamespot.com/news/2004/11/11/news_6112998.html

Fournier, Mathieu & Dominic Roux (2008) "Les relations de travail dans la Ligue nationale de hockey: un modèle de négociation collective transnationale?," *Les Cahiers de droit*, 49(3): 481-511

Freeman, Richard B. et Joel Rogers (1999) *What workers want*, Ithaca, Cornell University Press

Handman, D. H. (2005) 'Electronic Arts settles a class action overtime lawsuit for $15.6 million: Red flags and practical lessons for the entertainment software industry', *Entertainment Law Reporter*, 27(6), http://elr.carolon.net/BI/v27n06.pdf

Heery, Edmund (2009) "The representation gap and the future of worker representation", *Industrial relations Journal*, vol. 40, no 4, p. 324-336

Hyman, Jeff. (2008, May 13) "Quality of life: Does anyone still give a damn?", *Gamasutra*, http://www.gamasutra.com/view/feature/3656/quality_of_life_does_anyone_still_.php

IGDA (International Game Developers Association) (2004) Quality of Life in the Game Industry. Challenges and Best Practices, http://www.igda.org

Kelly, John (1998) Rethinking Industrial Relations. Mobilization, Collectivism and Long Waves,

London, Routledge

Kennedy, Sam (2007) "Tose: Gaming's Dirty Little Secret", *1up.com: Where gamers call home,* www.1up.com/features/gaming-dirty-secret

Legault, Marie-Josée (2013) "IT firms' working time (de)regulation model", *Work, Organization, Labour and Globalisation,* en ligne, vol. 7, no 1
http://analytica.metapress.com/content/121034/

Legault, Marie-Josée & Stéphanie Chasserio (2012) "Professionalization, risk transfer, and the effect on gender gap in project management", *International Journal of Project Management*, 30(6): 697-707
http://dx.doi.org/10.1016/j.ijproman.2011.11.004

Legault, Marie-Josée & Martine D'Amours (2011) "Représentation collective et citoyenneté au travail en contexte de projet. Les cas des artistes interprètes et des concepteurs de jeux video," *Relations industrielles –Industrial Relations*, 66(4): 655-677
http://www.erudit.org/revue/ri/2011/v66/n4/index.html

Legault, Marie-Josée & Kathleen Ouellet (2012) "So into it they forget what time it is? Video game developers and unpaid overtime," in Dariusz Jemielniak & Abigail Marks, *Managing Dynamic Technology-Oriented Business: High-Tech Organizations and Workplaces*, Hershey, IGI Global, 82-102
http://www.igi-global.com/book/managing-dynamic-technology-oriented-businesses/62632

Legault, Marie-Josée & Johanna Weststar (2014) "Comment jouer la régulation dans l'industrie du jeu vidéo?", *Relations industrielles –Industrial Relations*, 69(1) : 136-158
http://r-libre.teluq.ca/276

Legault, Marie-Josée & Johanna Weststar (2015a) "The Capacity for Mobilization in Project-Based Cultural Work: A Case of the Video Game Industry," *Canadian Journal of Communication*, special issue on Cultural Production in Canada, 40(2): 203-221

Legault, Marie-Josée & Johanna Weststar (2015b) *IGDA Working time among videogame developers, IGDA international surveys 2004-14. Summary Report,* commissioned by the International game developers' association (IGDA),
http://www.gameqol.org/igda-qol-survey/

Nordicity (2013) *Canada's Video Game Industry in 2013. Final Report*, Prepared for Entertainment Software Association of Canada, http://theesa.ca/wp-content/uploads/2013/10/ESAC-Video-Games-Profile-2013-FINAL-2013-10-21-CIRC.pdf

Rockstar Spouse (2010) "Wives of Rockstar San Diego employees have collected themselves", [Web log comment]. January 7, http://www.gamasutra.com/blogs/RockstarSpouse/20100107/4032/Wives_of_Rockstar_San_Diego_employees_have_collected_themselves.php

Scott, Sean R. (2014) "Maintaining Quality of Life as a Game Developer, Entrepreneur, and Parent", IGDA perspectives newsletter, August 31, http://newsletter.igda.org/2014/08/31/maintaining-quality-of-life-as-a-game-developer-entrepreneur-and-parent/

Sinclair, Brendan (2015) "Research firm projects 9.4% growth in global revenues with Chinese market overtaking US", *GamesIndustry.biz*, 22 avril:

http://www.gamesindustry.biz/articles/2015-04-22-gaming-will-hit-usd91-5-billion-this-year-newzoo

Siwek, Stephen E. (2014) *Video games in the 21st century. The 2014 report*. Washington, Entertainment Software Association

Teipen, Christina (2008) "Work and Employment in Creative Industries: The Video Games Industry in Germany, Sweden and Poland," *Economic and Industrial Democracy,* 29(3), 309-335

TIGA (The Independent Game Developers' Association) (2015) "UK Video Games Industry", Available on line, retrieved on March 20th, 2015:

http://www.tiga.org/about-us-and-uk-games/uk-video-games-industry

University of Kent Careers and Employability Service (2015) "I Want To Work In … Computer Games", on line, retrieved on March 20th, 2015:

http://www.kent.ac.uk/careers/workin/computergames.htm

Weststar, Johanna & Maria Andrei-Gedja (2015) 2014 IGDA DSS Report: Future Outlook and Industry Trends

Weststar, Johanna & Marie-Josée Legault (2014) *Developer Satisfaction Survey 2014. Employment Report*, commissioned by the International game developers' association (IGDA)

https://www.igda.org/?page=dss2014

Weststar, Johanna, Marie-Josée Legault, Chandell Gosse & Vicki O'Meara (2016) *Developer Satisfaction Survey 2014 & 2015, Diversity in the Game Industry Report*, commissioned by the International game developers' association (IGDA)

http://www.gameqol.org/igda-qol-survey/