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NEWS ANALYSIS

## In Broadway Dispute, Questions of Fairness

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From the day the stagehands' strike began two weeks ago, the Broadway producers courted public opinion by insisting that the dispute was about one issue: fairness.

The producers declared, repeatedly, that the stagehands' contract was filled with so many inefficiencies that elemental fairness cried out for overhauling it.

"The core of the dispute is not about wages," said Charlotte St. Martin, executive director of the [League of American Theaters and Producers](#). "It is about fairness. We think it is fair to be able to hire the workers we need and to pay them for the work they do. We think it is not fair to have to hire workers we don't need and pay them for doing nothing. No industry can continue to tolerate such featherbedding."

But many labor relations experts say that the Broadway strike, like most other labor confrontations, is not so much about fairness, but about power: the relative power of the two sides.

"We all like to cloak our economic interests in highfalutin' principles," said Joshua B. Freeman, a professor of labor history at the [City University of New York](#) Graduate Center and author of "Working-Class New York." "But I really think this is about power. The Broadway houses have huge labor costs, and they're pushing to reduce their costs, and the union is resisting."

This is the first time that the New York stagehands, in Local 1 of the International Alliance of Theatrical Stage Employees, have gone on strike since their union was founded 121 years ago. And with management pressing for more sweeping work rule changes than ever before, the stagehands seem to have dug in, confident they can outlast the theater owners and producers in a showdown that has darkened 26 shows, caused hundreds of actors, musicians and ushers to lose pay and annoyed thousands of theatergoers.

The two sides are scheduled to resume formal negotiations today for the first time in a week.

The theater owners and producers have zeroed in on several work rules that they say are particularly inefficient and costly. They resent a rule, for instance, that requires them to pay stagehands \$56 per hour, the highest pay

rate, for mopping a stage before each performance, amounting, they say, to extra costs of as much as \$24,000 a year, plus benefit contributions. The league also dislikes, but is no longer insisting on changing, a rule that requires making premium payments to stagehands who work on Sunday when other Broadway workers, like actors, do not receive them.

The league also abhors a rule that requires producers to maintain a predetermined number of stagehands for every day of a load-in, the period when a show is being set up in a theater, which can last for weeks. As a result of this rule, the league says, many stagehands get paid even though they sit around for hours on end with nothing to do. The two sides are close to a compromise on this issue.

Management has repeatedly questioned the fairness of rules like these, describing them in detail at news conferences. But the stagehands' union sees fairness in a different light, saying management and union should focus on the fairness of the give-and-take in collective bargaining.

“We’re looking for an agreement that has exchanges,” James J. Claffey Jr., the union’s president, said in an interview in July, before the contract expired. “We’re not going to commit to a concessionary agreement.”

Union officials rarely defend the merits of specific rules in public, but they have repeatedly questioned the fairness of the league’s effort to rewrite many of those rules, which have come about through decades of bargaining.

“These are work rules that go back nearly a century,” said Bruce Cohen, a union spokesman.

One of the work rules that management is eager to change involves what is known as the continuity call. A continuity call happens when the stagehands who are working on a running show are called for an hour’s work before or after a performance to do work relating to that performance. Any work that goes beyond that hour requires a costly four-hour work call.

The league says it is wasteful to pay for a four-hour work call just because it had already called for an hour’s work before the performance. But Mr. Cohen said the four-hour work call makes sense because it discourages theaters from ordering stagehands to continue working until midnight or 1 a.m. For the many stagehands who supplement their income working day jobs like loading in other Broadway shows, setting up trade shows at hotels or working at other cultural institutions like [Lincoln Center](#), late nights can be troublesome, he said.

“They want all this great flexibility after a performance,” Mr. Cohen said. “They want us to work one hour, two hours, three hours after a performance. We want to go home and make our train. We live in the suburbs, and we want to make the last train out of Penn Station, and they don’t seem to recognize that.”

Union officials began to realize the more serious tenor of this contract negotiation at preliminary meetings early this year, when the league sketched out the sweeping changes it would be seeking. In the past, the theaters controlled the bargaining, and they knew they could always pass on increased costs to the producers. But this time the producers are playing a more vocal role in the league's negotiations, and they signaled early on that the league was taking a tougher bargaining stance.

Moreover, a \$20 million emergency fund the league set up put the union into a more defensive — and in ways defiant — posture.

If the Broadway showdown is more about power than fairness, then the stagehands' union may be in good shape, experts say.

Lois Gray, a professor of labor management relations at [Cornell University](#), said the teachings of Alfred Marshall, the British economist, show that the roughly 350 stagehands who are on strike have a lot of bargaining leverage.

“The stagehands have classic bargaining power,” she said. “They're essential to the production. They cannot be replaced in the short run, and they are a relatively small percentage of total costs. That puts them in a very strong position.”

In this way, she said, the stagehands are like airline pilots. A small number of workers can shut down an industry, and it rarely pays for management to endure a long strike because those workers represent only a small fraction of overall costs — and management can often pass the increased cost on to consumers. For Broadway producers, the cost of the stagehands' labor is far outweighed by the cost of advertising and theater rent.

With the strike entering its third week, league members say they hope to obtain work rule changes that will yield big savings over the next decade or two, savings that they say will outweigh the cost of the strike.

Lengthening the strike is the union's insistence that it will accept work rule changes only if management matches those changes with wage or benefit increases of equal value. In the union's view, anything less than that would be unfair.

But the producers say it would be hugely unfair to have to compensate the union dollar for dollar in exchange for eliminating practices that they view as inexcusable featherbedding.

Producers have presented some offers to make changes palatable in the short term — including a one-time payment of \$25,000 to every stagehand who mops, in exchange for cutting the mopping pay rate roughly in half. Over time, it would save the producers a considerable amount, but the union rejected the proposal because it

would mean less pay for members in the future.

Ultimately, how long the Broadway showdown lasts and who wins may turn on whose demands for fairness prevail: the producers' demands for what they consider to be fair work rules or the stagehands' demands for what they see as a fair give-and-take in negotiations.

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