

## **Research Note: Popcorn, Pickets, and Brass-bands: Young Workers' Organising in the Cinema Industry 2003-2006**

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### **Abstract**

Since the Employment Contracts Act in 1991, the New Zealand union movement has become significantly smaller and less powerful. The service and retail sectors, where many workers get their first jobs, often have no union tradition. How to organise young workers and how to rebuild unionism in the service industries are two of the most important questions facing the New Zealand union movement.

Movie theatres were one of the many service-based workplaces that were de-unionised in the period after 1991. In April 2002, Reading Cinemas opened a new movie theatre in Wellington. In November 2003, workers were paid at the New Zealand minimum wage rates of \$8.50 for over 18 year olds and \$6.80 for under 18 year olds, and there were no union members at Reading cinemas. Over the next few months, 95% of Reading workers joined the union, and a year later, these workers took industrial action, voted 100% for a strike, and won a collective agreement.

This article will undertake a qualitative analysis of the unionisation at Reading and the dispute that followed and to explore what this workplace can add to our understanding of young workers in unions.

### **Introduction**

On Friday 17 September 2004, 50 people, including a brass band, gathered outside Reading Cinemas, while the workers gave away free popcorn. A year earlier, there had been no union members at Reading Cinemas and three months later, workers had won their collective agreement. This article will examine the history of Unite Union at Reading Cinemas, and what can be learned from a qualitative analysis of that experience.

This article will discuss three particular aspects of unionisation at Reading cinemas. Firstly, it will look at union membership. At Reading 95% of workers joined the union; this interest will be examined in the context of data that says that young workers are less likely to be members of a union than older workers.

Secondly, it will explore what can be learned about the service sector from the unionising experience at Reading Cinemas. The retail and service sectors have under five percent union density in New Zealand and is generally seen as hard to organise

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(Blackwood, Feinberg-Danieli & Lafferty, 2006). The service sector is discussed as a whole, despite the many different patterns of work within this sector. This article will argue that, if disaggregated, the service sector has advantages for organising, as well as challenges.

Thirdly, it will examine the role that traditional union tools can play in raising union consciousness among workers who have joined a union for the first time. Traditional union forms of organising such as meetings, newsletters, pickets and strikes were vital to unionising Reading Cinemas. The union needed to use every tool available to it; often these were part of the traditional union tool-kit, but to be effective they needed to be applied in a way that took into account the specifics of the workers and the workplace.

## **Industrial Environment**

The 1991 Employment Contracts Act changed the New Zealand industrial environment, from one of the most regulated in the Western world to one of the least (Harbridge 1993). Prior to 1991, awards had set out minimum wages and conditions for each industry, but under the Employment Contracts there was no longer any protection for overtime, breaks, and other basic conditions. Many service workplaces were completely de-unionised in the 1990s. Union density in New Zealand decreased from 43% in 1991 and to 21.4 % in 2003. In 2003, density in the service industry union was just 5.1% (May, Walsh and Otto, 2004).

Employers in movie theatres, like most service employers, took advantage of the deregulated labour laws to drive down wages and conditions. The 1989 front-of-house award covered cinemas and set out a higher rate for cashiers, an allowance for serving food and drinks, and a different rate for cleaning. Under individual bargaining, these conditions soon ended and a 'cinema attendant' became a minimum-wage job that did all these tasks. The change in terms and conditions of employment was even more marked for projectionists as under the award, projectionist had been a trade with an apprenticeship system. The 1990 projectionist award includes specific provisions such as a wash basin in the projectionist box and the provision of a warm coat for projectionists as well as a shift payment, service allowance, overtime, weekend rates, call-back rates, and late working rates. Changes in technology led to a de-skilling of the projectionist trade, which combined with the changes to employment legislation enabled employers to drastically reduce conditions over less than a decade. By 2003, some cinemas were paying projectionists as little as \$1 an hour above the minimum wage (Organising Notes, Hoyts Cinema File, Unite Union)

Reading Cinemas Courtenay Central opened in 2002, so Reading workers had never been covered by an award. The young workers who were employed at Reading would have still been at primary school (or younger) when the Employment Contracts Act came in, so they had no experience of unions or memories of awards. When Unite began organising at Reading in late 2003, the pay rates (and minimum wage rates) were \$8.50 for over 18 year-olds, and \$6.80 for under 18 year-olds.<sup>1</sup>

## Union Membership

Unite first approached workers at Reading Cinemas in December 2003 after learning that Reading management had removed workers' paid ten-minute breaks. Unite took advantage of the rights of access provided under the Employment Relations Act to introduce the union to workers one-on-one in work time. During the first weekend, Unite was recruiting at Reading, 59 workers joined the union (about 80% of those talked to).<sup>2</sup> In late 2003, there were about 90 workers at Reading and within a month 95% of them had joined Unite. The staff-turnover at Reading was very high, but union density remained at 95% as new workers continued to join the union.

This extremely high union density among workers at Reading cinemas is interesting in the context of on-going debates about union density among young workers. Only one or two of the workers at Reading had belonged to a union before. The workforce was very young; almost all workers were under 22.<sup>3</sup> Despite having minimal experience of unions, most Reading workers joined the union the first time they were offered the opportunity.

It is impossible to generalise from one work-place about 'young-workers' or 'service workers'. However, in-depth analysis of individual sites provides qualitative material that can add useful depth to analysis based on quantitative data. This article will discuss the enthusiasm for union organising among workers at Reading in the context of the Haynes, Vowells, and Boxall (2005), which compares the attitudes of older and younger workers towards unions.

A key idea discussed by Haynes et al (2005) is the representation gap among young workers. While union density is lower among young workers than older workers, more young workers say that they would join a union if asked than older workers. This section of the workforce, who are not currently members of the union, is called the 'representation gap'. This gap is larger among young workers than older workers. 50.3% of workers aged 29 or under in workplaces without a union say that they would join a union, as opposed to 25.3% of workers over 30 (Haynes et al, 2005: 102). The interest among young workers joining the union clearly demonstrates that there was a 'representation gap' at Reading. One worker, when asked if she had any questions said: "What took you so long?" The experience at Reading demonstrates that this representation gap is real and at least some of the workers who express that they would join a union given the opportunity do join.

In-depth examination of the unionisation at Reading cinemas can do more than just confirm that such a gap exists; it can also add texture to our understanding of existing models. Many Reading workers would not necessarily have answered the survey of Haynes et al, 2005, by saying that they would join a union. Some Reading workers did not even know what a union was when the Unite organiser first visited.<sup>4</sup> However, even the workers with almost no knowledge of unions joined at the end of a ten minute conversation with an organiser. This shows that, in order to understand why people join unions, we should not just examine unions and attitudes towards unions, but we must also look at employers and attitudes towards employers. At Reading, management had just taken the ten minute breaks away from workers, and workers wanted those breaks back. Under these circumstances, even workers who might have been hostile to unions in general were ready to join a union to solve this

particular problem. While the representation gap is an important tool to analyse the workplace, workers' pre-existing attitudes towards unions is a limited way of looking at whether, and why, a worker might join a union. This is particularly true among young workers who have less experience of work, or of unions, than older workers.

Although some researchers argue that individualistic attitudes are one reason for the low-level of unionisation amongst young workers, there is still little empirical evidence for this assertion.<sup>5</sup> (Haynes et al, 2005). For example, Haynes et al, 2005 did not find support for this in their research of young workers' attitudes towards work and unions. Moreover, as Reading is a workplace where the entire non-management workforce is under 30, it cannot be used to compare the attitudes of young workers with older workers. However, the pattern of unionisation at Reading does not support the argument that late modernity and neo-liberal economic policy have destroyed young people's capacity to, and interest in, working collectively. That some of the mechanisms for working collectively, like unions, have been considerably weakened does not mean the advantages of working collectively have been eliminated.

A generational-based analysis puts too much emphasis on ideology and ignores the material reality of young workers in their first jobs. Reading did not pursue individual bargaining but paid the minimum wage to all cinema workers, and would not consider any individual increases. Before joining the union, some workers had tried to get pay increases at Reading. In one case, the local manager supported the claim for an individual worker under the age of 18 to be paid the adult rate, because of his level of work, but the company would not allow this increase. The company's attitude towards wages was underscored when management visited during negotiations and told workers that it was Reading's policy never to pay more than the legal minimum wage to its cinema workers in any of the countries in which it operated. Even if young workers at Reading had believed in an individualistic ideology, and individual bargaining, the reality of working in a low-paid job in the service industry would challenge those ideas. Individual bargaining had got Reading workers nothing above the legal minimums, and management had made it clear that it never would. In these circumstances, the only options open to workers were to leave or to work collectively. While Reading did have very high turn-over, workers were prepared to try working collectively before they left. Whatever effect neo-liberal individualism has had on young workers, it has not stopped them recognising the reality of their working situation. Young workers are as capable as any other workers of understanding that they have no individual bargaining power.

## **Service Workers**

Research in New Zealand, and elsewhere, has consistently pointed out lower levels of organisation among service workers than other industries (Blackwood et al, 2006). There are many different explanations for this lower level of union density, including the history of the industry and the high level of turn-over, but one important explanation has always been the organisation of work. Service industries tend to be made up of workplaces with smaller numbers of workers per site, where work is part time and rosters are controlled by management, all of which presents challenges for union organisation, particularly when it comes to communication. However, it is important to disaggregate the service industries. While Reading, like most cinemas,

shares some of the patterns of work with other service sector workplaces, cinemas have several structural opportunities that unions can take advantage of. At Reading, the advantages included specific shifts where large numbers of workers were rostered on, the pattern of work within shifts, freedom of movement during shifts and the social nature of the workplace.

Although most of the workers at Reading are part-time and management controls the roster, the problems this creates for unions is mitigated by the specific busy periods at a cinema, particularly weekends and school holidays. Almost all cinema workers will be required to work over a weekend, and on a Friday or Saturday night there might be as much as forty percent of the workforce rostered on. This means that it is easier to communicate with the majority of workers at one time than it would be in an industry where the pattern of work was more evenly spread through the week.

Unite was able to take advantage of the periods within a weekend where large numbers of workers were rostered on because cinema work has quiet periods each evening. Other service workplaces, like fast-food outlets, are more likely to be consistently busy for a three or four hour period on their busy nights. This constant demand makes it hard to organise as it is difficult to talk to workers. While unions have rights of access, if a workplace is very busy, or under-staffed, when one worker stops work to talk to a union organiser this puts stress on all the other workers, which makes it extremely difficult to talk to workers about the union. Movie theatres tend to schedule 'sessions' of movies. These periods will be very busy, with most of the cinemas having a movie going out and another movie going in, but in between these times, at around five o'clock or around seven o'clock in the evening, the cinema is much quieter. These quieter periods, which are usually used to restock the candy bar, and for workers to take their meal breaks, make it easy for union organisers to talk to members one-on-one without putting stress on other workers. This means that in cinemas, unions are able to fully take advantage of their rights of access and have a full opportunity to use the one to one recruitment technique.

As well as having breaks between busy periods, which are well suited to union organising, cinemas workers tend to have some freedom of movement around the cinema complex during work hours. There are different work areas within a cinema complex, and while some are others allow freedom of movement. This freedom of movement means that workers do not feel like they are under the eye of management when they talk to a union organiser. In addition, senior management at Reading tended to work a standard Monday to Friday work week, and so would not be at work during the busier parts of the work week, when the union organiser was most likely to approach the site. The person running an individual area of the workplace, such as the candy bar, usually did not have a management role. As well as removing the feeling that management may be watching them talk to the union, this made it easy for workers to talk to each other about unions. At Reading, one worker came from the candy bar to talk to the union organiser, after being told to "go join the union" by the person running the candy bar that night.

The final opportunity cinemas offer for union organisation is the nature of the business. Cinemas are social workplaces; workers in cinemas tend to socialise together, and build networks between themselves. At Reading, when the negotiations broke down, the union was able to utilise these friendship networks to ensure that

every member knew what was happening with the negotiations. Delegates created a 'relationship map' of different relationships within the cinema and used friendship groups to communicate with members.<sup>6</sup> Strong friendship networks provide a base for solidarity, which is particularly important in a greenfield organising site.

The experience of organising at Reading cinemas shows that not all service workplaces are the same. Some service workplaces, like cinemas, have real advantages in the way the work is done, which unions can take use when organising, as well as challenges that the union will have to work around. In greenfield workplaces, unions match their organising techniques to the specific nature of work at a particular workplace. When studying the service industry, it is important to disaggregate the many the workplaces where service work is done, and see that while they have many differences, they also have many similarities.

## **Traditions**

Reading cinemas had structural advantages when it came to building a union, but these structural advantages did not create a union in the workplace; neither did the 59 workers who had signed union membership forms in the first weekend. When looking at young workers and unions, it is not enough to look at why young people join a union, but we must also examine how young workers become unionists, that is, how workers come to act collectively. This section will examine the role of union traditions in building a culture of collectivity at Reading. Unions can sometimes be seen as too tradition-bound (Fryer, 1985: 75). Union traditions, however far they have ossified, must have a practical purpose. At some time in their history, before traditions were traditions, they were just ways of organising. By examining the path of workers at Reading, from joining the union to taking industrial action, we can see the usefulness of union traditions, particularly if they are viewed as tools, not set in stone.

Union meetings were one of the most important ways of building a union culture. Union meetings involve acting collectively because workers attended the meeting together and talked together. The first union meetings at Reading were held over Valentine's Day weekend 2004 at an off-site meeting room. The act of walking out of the workplace on a busy Saturday night and, seeing managers take their positions, helped build union consciousness among the workers. For workers with little union experience, traditional union practices that might seem obvious and routine under other circumstances are the first piece of collective action they take. Over the course of the negotiations, there were more union meetings at Reading and each helped build the union culture.

Thus, the example of greenfield workplaces illustrates that trade union traditions can be applied to newly formed work sites. At Reading, the company refused to do payroll deductions of union fees and as this was before the Employment Relations Amendment Act of 2004 came into place, there was no obligation for employers to deduct money for union fees. Therefore, the organiser and delegates collected union fees month-by-month in cash from the majority of workers. New Zealand's union access provisions require union organisers to tell the employer the reason they are entering the workplace. When planning collective action, at Reading the union

organiser could enter the workplace to collect the union fees, and then also discuss action with the members. However, because so many workers had no union experience, the advantages of collecting union fees in cash were not limited to just flying under the boss' radar. Collecting union fees in person helped make the union real to members, something they were definitely part of, not just a line of deduction on their pay-slip.

Negotiations for a collective agreement began on 4 May 2004. Union members rejected two offers from management, and on 24 August 2004, Reading indicated that they believed bargaining was at an end.<sup>7</sup> From the union's point of view, the two outstanding issues were service-pay and youth rates. The break-down of bargaining meant that the unionisation of the workplace had to take another step, and workers had to take collective action. At 8pm on a Friday night, shortly after the offer was rejected, every worker put on a sticker that said 'I'm Union'. This was a simple step, but escalating action is an important tool for unions, and is particularly important in workplaces that do not have a history of industrial action. The organising committee then had to decide the next step. The union's aim was to do as much economic damage to the company with as little to cost to workers as possible, but the union faced considerable challenges. At Reading, the number of hours management rostered depended on the number of people attending movies, so any action that decreased attendance at the cinema would lead to a decrease in hours for union members and reduce their income even if they were not on strike. The organising committee decided to target the candy bar, not the ticket box. The profit in a cinema comes from the candy bar, and other sales of food (Hubbard, 2005).

On 17 September 2004, Unite held a picket outside Reading cinema whereby members asked cinema goers to boycott the candy-bar in solidarity. Union members gave away free popcorn to people who stopped at the stall and signed the petition or wore a sticker. The initial picket was well attended by workers, other unionists, and even the Brass Razoo Solidarity Band. This picket attracted considerable media attention and Patricia Hetherington, one of the delegates, was interviewed live on Holmes. These pickets continued for the duration of the school holidays, which was the following two weeks and collected almost 2,000 signatures. During this time, half of Reading members attended one or more picket; this would not be considered high for sites with a history of unionisation, but showed how far workers were prepared to go, having joined the union less than a year before. The picket is a traditional form of union action. The success of the popcorn pickets rested in a traditional form of action, but in a way that fitted the specific needs of the union at that time.

The popcorn pickets put pressure on management who then agreed to return to bargaining. Union members decided to continue escalating their industrial action and voted unanimously for strike action. Due to the pattern of business within cinemas, a three-hour strike on a Friday or Saturday night would do considerable economic damage to the company at a relatively small cost to workers. This continued the pattern of using traditional union tools, escalating action, and being flexible in order to do most damage to the company at the least cost to workers. The strike vote put the union in a strong position to resume negotiations with the company.

Negotiations finally recommenced on Friday 29 October 2004 with both the Australian manager and the local manager present. This was the first time that the

parties had discussed wage rates across the table. Reading management made it clear that they were aware of the strike plans, and wanted to avoid that possibility. After negotiations, a settlement was reached that met the union bottom line. The pay scale for over-18 year olds would start at \$9.20 and increase in steps up to \$9.90 after 15 months. The Collective Employment Agreement between Unite Union and Reading Cinemas Limited was signed on 12 November 2004 with the conditions that the under-18 year olds would be paid at 'training rates' for the first 260 hours they worked, but after that they would be go onto the adult scale. This agreement lasted for 18 months and any minimum wage increases within that time were passed on to the Reading rates (by the time the agreement expired, minimum wage increases had pushed the top rate up to \$11.15). This offer was ratified by a clear majority of Reading workers, and just under a year after the first Reading worker had joined Unite, Reading workers gained a collective agreement.

## Conclusion

Why people join a union, and how workers start thinking and acting collectively, are the two most important questions for greenfield organising. A case study of one workplace cannot give general answers to these questions, but what it can do is show possibilities.

At Reading, the nature of the workplace and the employer were as important as anything Unite did in forming union members' decision to join the union. The physical nature of the workplace, the pattern of work, and the pre-existing social networks all gave distinct advantages to union organising that may not have been available in other workplaces. In addition, management practices and pay policy meant that workers had no illusions about the effectiveness of individual bargaining, and wanted to change their workplace bargaining. However, there is more to making a union workplace than just joining on. What happened at Reading also shows that building a union, building collectivity takes many steps, but it can be done. Workplace meetings, escalating action, pickets, strike votes, even collecting union fees in person are all traditional union practices that helped build collectivity in this young workforce who had only just joined the union. Gaining a collective agreement was a great victory for Reading cinemas workers. In less than a year, they went from never having joined a union, to voting unanimously for strike action.

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## Notes

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<sup>1</sup> These rates, like much of the material for this article was obtained from the Reading File at Unite Union.

<sup>2</sup> 59 of the membership forms from Reading are dated from that first weekend, the organising notes demonstrate that most workers who talked to an organiser and did not join immediately joined over the next few weeks.

<sup>3</sup> These are based on estimates; Unite union did not complete any formal surveys

<sup>4</sup> There was a large range of reactions, including misconceptions about unions. These were documented in the Organising Notes, Reading Cinema File, Unite Union.

<sup>5</sup> Haynes et al (2005) discuss these debates in more detail, (pp. 94-95)

<sup>6</sup> The relationship map made by the delegates is still in the Reading Cinema File, Unite Union

<sup>7</sup> The details of bargaining are complex, and incidental to the subject of this article