

## *'We are workers too'*

*Bulletin: When and why were you formed?*

*Mthembu:* We were formed in 1990 and we launched in 1992. We formed as a result of an absence of a voice for screen actors. There was another union - the South African Film and Theatre Union, but unfortunately its membership was almost totally, I can say 99,8%, white. It focused on theatre.

In the 1970s and 1980s blacks weren't allowed in the theatre. If you did perform you had to leave via the back door because blacks weren't allowed in the auditorium. However, with the introduction of television in the 1970s, black TV dramas were introduced. Black actors who were in the theatre (protest theatre for example) moved to the television studios.

While there were black actors in the dramas there was no representation of black actors by a union. The SABC [South African Broadcasting Corporation] was also completely in charge. When an independent production company made a drama, they would interview the actors but the SABC had the final say on who would be on the cast list. They would sometimes say that a person was overexposed, even if they had only been in two dramas, and not allow them to be on the cast list. Actors would get very frustrated and this led to the formation of PAWE.

*Tanya van Meelis speaks to Japan Mthembu, general secretary of the Performing Arts Workers' Equity (PAWE).*

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PAWE was formed by black frustrated actors (about 70% of the union) and white actors, mostly English actors in theatre and film who weren't happy with their existing union and who wanted to be in an integrated union that reflected the demographics of our society. When we formed we never had an office, infrastructure, resources and the like. We were fortunate enough to be 'adopted' by a lawyer, Phillip Miller, who assisted us. We made a lot of noise when we were formed and in a year or two became a force to be reckoned with.

*Bulletin: What have you won for members?*

*Mthembu:* We have over time won significant gains for our members. In 1993 we engaged the SABC in negotiations and called for a summit including writers, actors, producers and others in our industry. That was when formal negotiations started. Little did we know that it would be a marathon - the negotiations went on for five arduous

years before we signed a standard agreement. The agreement covers all contracts commissioned by the SABC. In the past agreements were signed by each employer for each contract. Now all those covered by the agreement will have the same conditions.

Another victory from the SABC contract is that we can benefit from the spoils of the work we did for years. We can now benefit from repeat dramas whereas before we would get no financial benefit. Actors are coming in to fill in forms to collect money for work they did years ago and they say that they never dreamt this would happen.

We are also looking at commercial exploitation – this could be pins, pens, T-shirts, selling productions to others, for example, because of the Africa to Africa channel through the SABC other countries get to watch our programmes. You could arrive in another country where you or your ancestors have never been before, and people will recognise you because of the programmes that they watch. While we are very popular in other countries, we ask 'why have we not been paid for what they are watching?'

Parallel to the process with the SABC, there was also a vacuum in terms of theatre. In the theatre there is a strong belief that you work/perform as long as there is an audience, irrespective of danger or pay. 'The show must go on.' A large portion of people don't regard actors as workers. For example, I can play the guitar for my uncle and he enjoys it very much. When he asks where I work I say 'I play the guitar'. He says, 'I know you play the guitar but where do you work?'

People often go out for entertainment to relax after working hard. What they don't realise is that what entertains you is work for someone else. We need to explain this to people – they should know that we

are workers too. We also need to explain this to government to help ensure that they elevate our position to that of workers.

At present, many of us are regarded as independent contractors. We don't enjoy UIF, pension/provident funds contributions, sick leave, compassionate leave and the like. It's also very hard to take these because if you do you mess up the team. You often hear of a popular musician or actor who dies and is going to be given a pauper's funeral. People wonder why he or she has nothing.

We have negotiated a theatrical contract with Theatre Management of South Africa (TMSA). This contract took seven years to negotiate. It provides for overtime and leave. One of the problems with being a freelancer is that your contracts are fluid. You could work for two months and it could be extended for up to six years. How then do you calculate leave? The contract states that as long as you are working for TMSA you are assumed to be working for one employer. Leave, including sick leave, is calculated on a pro-rata basis. So, even if you only work for a few months, you will benefit from leave.

We now also have to get an upfront declaration from producers as to whether the production will tour or not. What we found we had before was you would have somebody produce a lousy show and first want to test the waters. If the show was doing well and receiving good reviews, and if someone from Port Elizabeth or Cape Town or Durban wanted it, the producer would tell you that you're going on tour. If you asked how long, they will say 'we'll see'.

There was no confirmation of how long you will be away from home. We are not the artists of the 1800s – single, with

no responsibility and ready to leave at any time for who knows how long. We say that we are parents and we are building the future with our children. I want my kids to say 'my father is an artist and that is how he is supporting us'.

**Bulletin:** *It seems that the industry is very competitive and that member's 'compete' with each other at auditions to get jobs. Is there competition between members and what does this mean for the union?*

**Mthembu:** There is a lot of competition between the have's and the have-nots, between the cream of artists and those that form the base; between the elite and celebrities and those that make them what they are

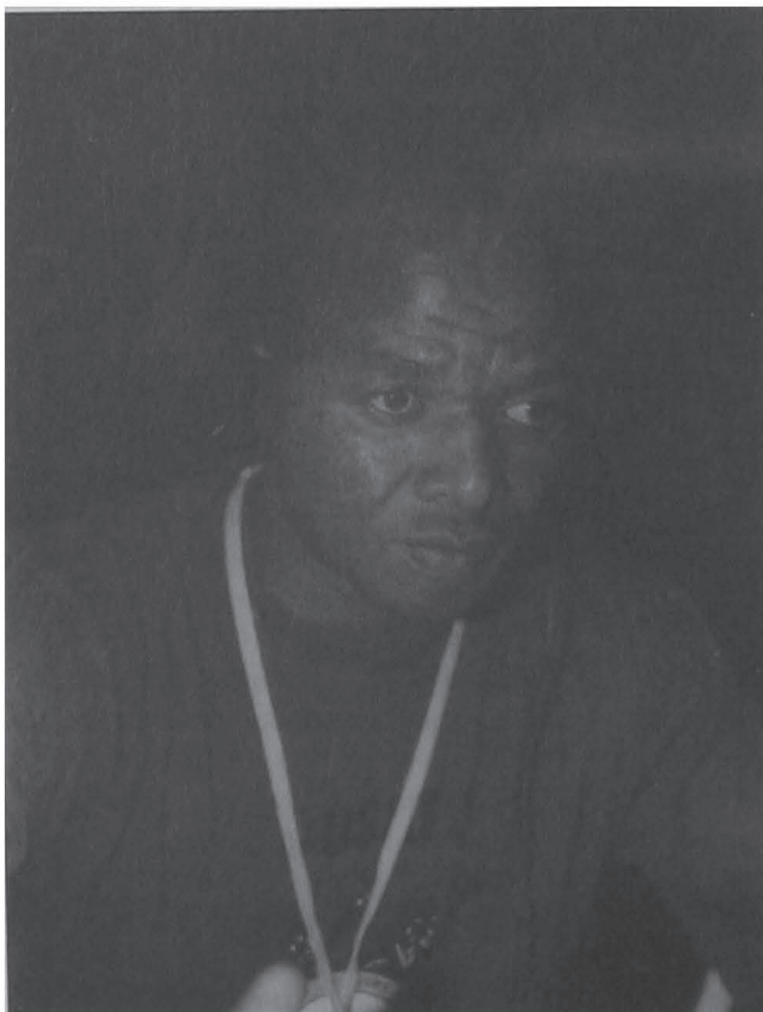
No actor is solely responsible for his/her success, it is a collective effort. If an actor stands out it is because of a complementary cast that complements his character portrayal and helps him develop his character around people. Only stand-up comedians make it on their own. In other countries the cream of actors are members of unions and this encourages other actors to join the union.

In South Africa it is the other way around. The stars think they are above being in the union. They only want to join the union when they run into large problems such as being short paid a couple of thousand rands. Our position is that they know the door of the union. We hope they will see our gains and victories and realise the value in joining us

**Bulletin:** *What impact does the fact that many actors are independent contractors and in unstable employment have on the union?*

**Mthembu:** We should have about 4 000 members but we only have 3 000 and only half of them pay. The problem is that they do not all have jobs all the time.

There is also corruption in how employers employ people, and many people do not know their rights. Employers call it a search for new talent and say that the public wants to see new faces. Often they recruit people who will save them money - for example they will say to the actor that he must use his own wardrobe and the producer then does not have to hire clothes.



These young actors also work for an eighth to a tenth of what they should and they do overtime without remuneration. The producers gain profit, change their cars to fancy four by fours and buy farms for themselves. As an actor you are still left struggling to buy roller-skates for your kids.

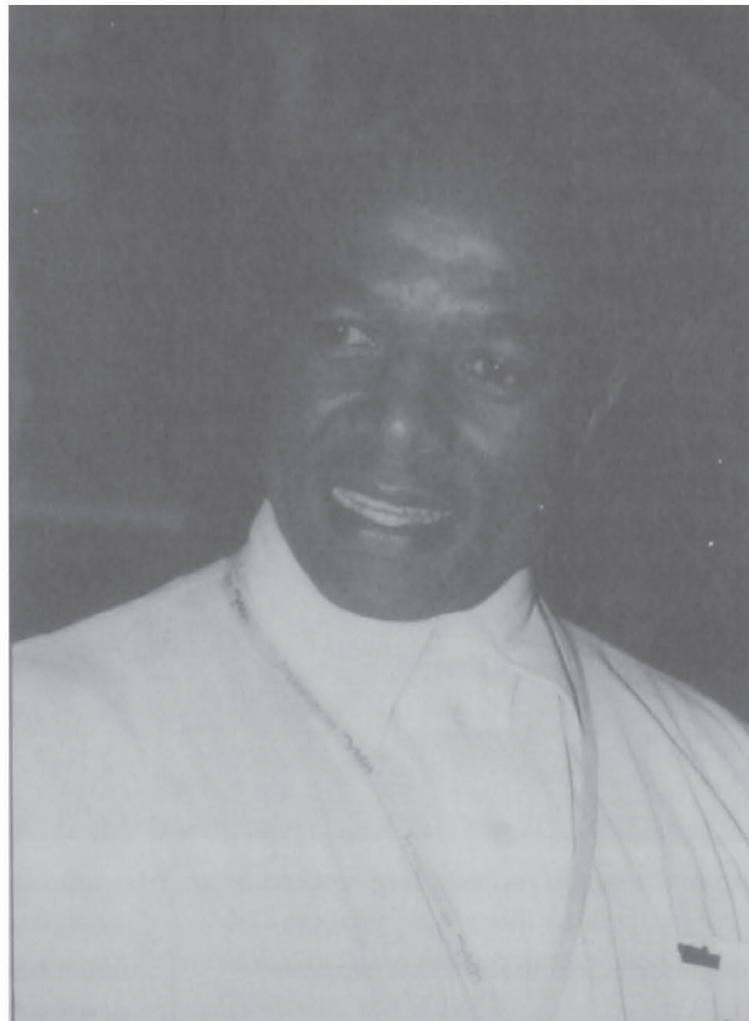
Participation in our structures is hampered by the fact that shopstewards do the work on a voluntary basis and are mostly freelancers. So when they get a call to do an audition or work, they go to that and can't attend union workshops etc.

If they don't work they won't get paid. People get pulled to work and auditions at the eleventh hour, and this kills the spirit of union workshops.

We had shopstewards in terms of theatre, at the Market Theatre, and we are moving to organise the Johannesburg Civic Theatre and the Windybrow Theatre. But the theatres are experiencing funding problems and actors are worried. They are reluctant to join the union and ask 'will the union pay us?'

**Bulletin:** *What campaigns will you focus on for 2001?*

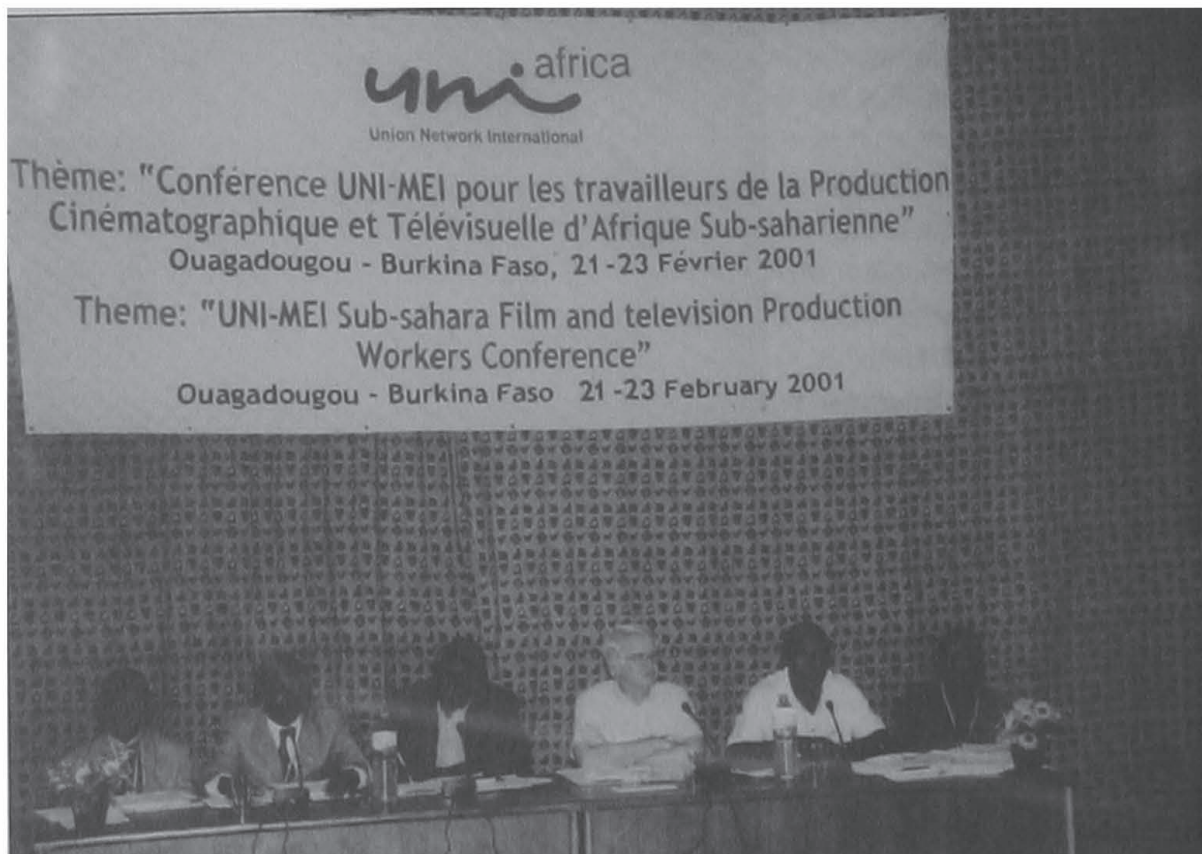
**Mthembu:** We will be intensifying our recruitment campaign and trying to capitalise on the gains we made in our agreement with the SABC. We also want to increase self-sustainability. PAWE has a campaign on HIV/AIDS, and we also want to play a more proactive role as actors around HIV/AIDS.



We need to impact on legislation on a number of levels – specifically ensuring that artists are recognised as workers. Lastly, we are taking up the issue of cultural products and intellectual property rights.

**Bulletin:** *Why did you affiliate to COSATU?*

**Mthembu:** The idea of joining COSATU was mooted in 1995/96, but at that time the debate didn't take us further because our constitution stated that we were apolitical in order to help us attract the more conservative artists. Our members belong to different political persuasions. We later got support from the Federation of International Actors (FIA), which is a



*Japan Mthembu representing workers at an international level.*

progressive organisation that supports COSATU.

We then had discussions among our membership and they accepted being part of COSATU. They also wanted to be represented at Nedlac and we could not have representation on our own because we have less than 50 000 members. We also wanted to engage around the LRA and could do this through COSATU. So members took a decision to move into the family and take our seat.

COSATU offers us skills, experience and training. For example, it will train us on a range of issues. We also raised our problems in the CEC and they have been taken on board

*Bulletin: What is your message to employers?*

*Mthembu: It'll help the industry for producers to grow up and realise that*

union bashing and character assassinations destroy the industry and economic growth. We want to engage you on positive issues. We hope that you realise that you need actors, and wake up to our call.

*Bulletin: What is your message to members?*

*Mthembu: The time has come for us to stop considering ourselves as orphans and behaving as twilight zone kids. You should understand and embrace the union because without collective effort the industry will die. The union has made gains, but we need to make sure that these gains are not lost. Management could change and new management could want to reopen discussions and erode our rights. We need to secure our rights and top them up, but to do this we need a collective effort. ★*