

## **Screen Credits Referendum 2021**

### **SUMMARY**

The Screen Credits Referendum 2021 is a proposal to create an "Additional Literary Material" credit for feature films.

This credit would apply to writers on a project who do not receive writing credit. The writers' names would be listed in online databases and, subject to a waiver request by the studio/employer, in the end crawl of the film, in alphabetical order.

Only writers who would be eligible to arbitrate for credit on the project would be eligible to receive the new credit. This would exclude the majority of mini-room and roundtable participants. Any writer would be able to opt out of taking this credit.

Writers receiving this credit would not share in the writer residuals pool.

The proposal consists of two elements:

1. An addition to the Screen Credits Manual, defining the "Additional Literary Material" credit.
2. A waiver detailing how companies may use the "Additional Literary Material" credit in the end crawl.

If approved by the membership, the "Additional Literary Material" credit would apply to credits determined after December 31, 2021. It is not retroactive on films for which credits have already been determined.

Current active WGA West and WGA East members who meet the Guild's constitutional requirements for joint votes are eligible to vote. The proposal requires a simple majority to pass.

## BACKGROUND

WGA West and WGA East (henceforth “WGA” unless otherwise noted) determine writing credits for feature films produced under WGA contract, following a process detailed in the Screen Credits Manual. (There is a similar TV Credits Manual.)

The most familiar credits are “screenplay by,” “story by,” “screen story by,” and “written by,” although the Screen Credits Manual also defines less-common credits such as “adaptation by” and “narration written by.”

By agreement with the studios (the MBA), **these are the only permitted credits for writing on feature films.** Writing cannot be credited in any other way on screen, in publicity, or in online databases such as the Guild’s “Find a Writer” directory or IMDb.

The Screen Credits Manual defines the number of writers who may share a particular writing credit on a film and the process for arbitration when determining who should receive credit.

In television, writers are credited twice. They receive one credit denoting employment (e.g. “staff writer,” “story editor”) and a separate credit for authorship (e.g. “story by,” “teleplay by”) on scripts they write.

Feature writers receive credit only for authorship (the “by” credit). If the writer doesn’t receive one of these credits (e.g. “screenplay by,” “story by”), there’s no public record that they worked on a given project. As a result, feature writers tend to have shorter, less complete and less accurate resumes than television writers with equivalent work histories.

In meetings, surveys and screenwriter outreach over the years, a substantial number of members have expressed an interest in crediting all participating writers in end credits. The Screen Credits Review Committee took up the issue in 2020.

## PROCESS

The Screen Credit Review Committee, which includes members of both guilds, began by looking at the number of members involved.

For 2020, the WGA determined credits for 213 films. On 69 of these films — roughly 1 in 3 — at least one participating writer received no credit. In total, 185 participating writers wrote on features for which they ultimately received no credit. These are the writers who would be eligible for a new credit.

The committee then looked at how to best determine eligibility for this new credit. The starting point was Participating Writers. This term is defined in the Screen Credits Manual:

*A participating writer is defined as a writer who has participated in the writing of the screenplay, or a writer who has been employed by the Company on the story and/or screenplay, or a “professional writer” who has sold or licensed literary material subject to the MBA.*

When determining credits, the WGA begins with the list of participating writers. There are established procedures for verifying who is or is not eligible, including writing under contract and delivering written material.

The committee considered a range of possibilities for what to call this new credit. There was a strong preference for avoiding the terms “writer” and “writing” so as not to diminish the established credits. In the end, “Additional Literary Material” was chosen to reflect the submission of literary material as opposed to mere participation in a roundtable or mini-room.

Consistent with other end credits, there is no “by” at the end of the “Additional Literary Material” credit. It denotes employment or sale of material, not authorship.

The committee confirmed with staff and legal that the Guild could determine and publish the “Additional Literary Material” credit without approval from employers/studios or the AMPTP. Staff also confirmed that IMDb would follow the WGA’s guidance.

Studios control the end credits of their films. Without changes to the MBA, the Guild cannot require that “Additional Literary Material” be added to the end crawl of films. However, there’s a useful precedent to follow from television: staff writers.

The Staff Writer credit was not established in the MBA but instead added through waivers. The Guild began permitting it in 2000, following codified language. It quickly became standard.

Following this precedent, Screen Credits 2021 includes draft waiver contract language detailing how and where the "Additional Literary Material" credit is to be listed. This contract language would serve as the template for individual negotiation with employers.

## **WHAT CHANGES IN SCREEN CREDITS 2021**

### **THE SCREEN CREDITS MANUAL**

Screen Credits 2021 adds the following definition in section IIIA:

#### 7. "Additional Literary Material"

All participating writers on a motion picture who are not accorded writing credit in accordance with Paragraphs 1 – 6 of Section III.A. of this Manual shall be entitled to receive credit in the form "Additional Literary Material." The names of the writers entitled to such credit shall be listed in alphabetical order.

(The existing 7, 8 and 9 would be renumbered.)

**Nothing else changes in the Screen Credits Manual.**

### **THE "ADDITIONAL LITERARY MATERIAL" WAIVER**

This waiver describes how "Additional Literary Material" is to be listed in the end crawl of films.

## FREQUENTLY ASKED QUESTIONS

### **Does a writer receiving an “Additional Literary Material” credit earn residuals?**

No. Writers receiving this credit do not participate in the writer residuals pool. The residuals formula and percentages remain unchanged.

### **What is a “participating writer” exactly?**

The term “participating writer” is defined in the Screen Credits Manual. It means a writer who sold literary material (such as a spec script) or was employed to write on a project under a Guild contract.

### **How is the list of participating writers on a project determined?**

The Guild has long-established practices for verifying which writers were employed on a project and the material they wrote. It’s the first step in any arbitration, and involves reviewing drafts and contracts.

### **Can a writer receive both a main credit (e.g. “story by,” “screenplay by”) and also an “Additional Literary Material” credit?**

No. By definition, “Additional Literary Material” goes only to participating writers who receive no writing credit on the film.

### **Can a writer decline an “Additional Literary Material” credit?**

Yes. A writer can decline “Additional Literary Material” upon determination of writing credits.

### **Do I have to arbitrate in order to receive “Additional Literary Material” credit?**

No. All participating writers who do not receive writing credit on the film get the “Additional Literary Material” credit unless they decline it.

### **In what order are the names for “Additional Literary Material” listed?**

Alphabetically by last name.

**Are teams listed with ampersands or as individuals?**

As individuals.

**If I receive another credit on the project (e.g. director, producer, actor, etc.), can I still be entitled to an "Additional Literary Material" credit?**

Yes, as long as you were also a participating writer who submitted written material.

**Could a director (or producer or actor) just give themselves — or their friends — "Additional Literary Material" credit?**

No, because only participating writers are eligible for the credit. The Guild follows a well-established process for determining which writers actually worked on a project and submitted literary material.

**Are mini-room and roundtable participants included in the "Additional Literary Material" credit?**

No, unless they submitted written material. This would exclude the majority of mini-room and roundtable participants.

**Does the "Additional Literary Material" credit apply to longform projects that fall under TV Credits jurisdiction?**

No. The "Additional Literary Material" credit is available only for projects determined to fall under Screen Credits jurisdiction.

**How does the "Additional Literary Material" end credit waiver work?**

Without changes to the MBA, the Guild cannot require that "Additional Literary Material" be added to the end crawl of films. However, the Guild can negotiate with individual employers/studios to include the credit. The included draft waiver shows the basis for these negotiations.

**Do end crawl credits need to be codified in the MBA or could the waiver route be permanent?**

As with “staff writer,” waivers may be sufficient. It would be up to a future MBA Negotiating Committee to determine whether this is an issue to bring into the negotiating room.

**Sequentially, where in the end crawl does the “Additional Literary Material” appear?**

The placement is defined in the draft waiver, and is ultimately subject to negotiation between the Guild and the studio/employer.

**Is there a process for appealing if the waiver is denied?**

No. The waiver gives a studio permission to include the “Additional Literary Material” credit according to specific guidelines, but does not require it.

**If a studio doesn’t include “Additional Literary Material” credits in the end crawl, will my credit still appear on IMDb and in the WGA “Find A Writer” directory?**

Yes.

**Under which category on IMDb will “Additional Literary Material” be listed?**

While the decision rests with IMDb, the WGA’s guidance will be to place “Additional Literary Material” in the “Full Cast & Crew” list and not with the top-of-page writing credits.

**Will “Additional Literary Material” be retroactive?**

No. If approved, it would begin with credits determined after December 31, 2021.

**If we adopt “Additional Literary Material,” will this preclude any further credits reforms from being considered?**

No. The Screen Credits Review Committee will continue to look at member concerns over screen credits and processes, including whether all longform projects (e.g. those made for streaming) should be covered by the same rules.



## **Does this proposal have an impact on the Working Rules?**

WGA Working Rules govern the practices of members. WR15 and WR16 speak to credits:

15. No member shall accept credit which misrepresents the member's contribution to a picture or program.

16. Members shall accept, abide by and contract for credit only in accordance with the terms and provisions of the applicable Minimum Basic Agreements; and members shall cooperate fully with the Guild Credits Committee in order that all credits shall properly reflect the writer's contribution to the final script.

While this proposal does not change these working rules, members who do not receive writing credit on a feature may receive an "Additional Literary Material" credit. The committee recommends the WGA provide Guild staff and membership with guidelines for these situations, acknowledging that the "Additional Literary Material" credit reflects employment, not authorship.

## **Do I have to request inclusion in end credits in my writing contract?**

No. It's handled by the Guild.

## **If I receive an "Additional Literary Material" credit, do I get a script publishing fee?**

No.

## **Does an "Additional Literary Material" credit entitle me to a credit bonus?**

A writer could theoretically negotiate a bonus tied to "any WGA credit" in their individual contract. This is essentially a guaranteed payment if the film is produced, since all participating writers receive nothing less than "Additional Literary Material."

## **Does an "Additional Literary Material" credit entitle me to attend the movie premiere?**

This is at the discretion of the studio/employer and may also be subject to your individual contract.

**Does an “Additional Literary Material” credit entitle me to be included in press events and materials?**

No. The WGA strongly advocates for credited writers (e.g. “written by,” “screenplay by”) to be included in press events as the authors of the screenplay. “Additional Literary Material” is, by definition, not an authorship credit.

**Does an “Additional Literary Material” credit entitle me to attend award shows where the film is nominated?**

Likely no. It would depend on your individual contract and the awards show.

**Does an “Additional Literary Material” credit make me eligible for a WGA Award if the film is nominated?**

No.