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# Pay and conditions: the London West End vs NYC's Broadway

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## About the author

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## Abstract

This paper outlines the case of performers in musical theatre in the prestigious theatre districts of the West End in the UK and Broadway in the USA. Ethnographic data collected pre-covid19 revealed that, despite performing the exact same work step for step and note for note in identical shows, performers in the UK are paid around half that of their US counterparts and experience greater precarity. A further analysis of UK musicians in the same West End shows suggests that they experience significantly higher pay than performers and greater job security.

Existing literature provides some insights into why freelance performers in the UK are exposed to lower pay and greater precarity but this does not fully account for the differences. The paper explores the business strategies, employment relations, labour management and this sub-sector's business and political structures in seeking an explanation for this anomaly. The resulting analysis and discussion points to four clear conclusions. 1/ A need for research into the distribution of wealth in the sector 2/ Employers could assist by providing data transparency and avoiding the use of short-term contracts which significantly increase precarity. 3/ Workers and Unions could learn from successful negotiation strategies and the benefits of collective bargaining. 4/ Broader labour market reforms are needed to address issues of precarity more generally (such as industry norms and parity of conditions for all workers) and ageism within the theatre industry specifically.

**Key Words:** musical theatre, precarity, labour management, West End, Broadway

## **Background: The creative industries, musical theatre, freelance work and an opportunity for comparison.**

The economic success of the creative industries in the UK prior to the pandemic is widely reported. Headlines include the 2.1 million jobs in the sector in 2019 (CIC) whilst the DCMS highlights job growth of 30.6% between 2011 and 2018, three times that of the growth rate for employment in the UK overall (DCMS, 2018). The creative industries are reportedly worth £101.5 billion to the UK economy having grown at nearly twice the rate of the UK economy as a whole since 2010. This sector has been the focus of government strategies across the United Kingdom (Carey et al, 2019) and has not only survived previous recessions and economic downturns but flourished despite them. Similarly, the National Assembly of State Arts Agencies (2020) in the USA reports that arts and cultural production in America was worth \$877.8bn in 2017, 4.5% of GDP prior to the pandemic<sup>1</sup>.

Within the wider creative industries, the performing arts sector is dominated by project-based modes of production which is ill-defined generally, but in this context refers to a number of specialist workers being employed for the duration of a project and then dispersing to find new projects. The success of this production process depends upon a skilled, transient and flexible workforce which is met through freelance workers. These workers are reliant upon numerous short-term, temporary contracts and often take on a range of other work in order to sustain themselves (Oakley, 2009). Freelancers make up around 33% of the workforce in the creative industries as a whole (DCMS, 2018) and 15% of the entire UK labour market in an increasingly gig-based economy (ONS, 2019). The rising number of self-employed / freelance workers in the labour market generally has generated an increased awareness of and interest in freelancers in the creative industries, who provide insights into the effects of freelancing, having worked in this way for decades.

The music, performing and visual arts sub-sector of the UK creative industries has a particularly high proportion of freelance workers with DCMS figures estimating that 72% of the workforce are self-employed (DCMS, 2018). Comparisons in terms of pay and conditions though can be difficult, firstly because people do not readily disclose earnings and fees, secondly because there are a number of intermediaries such as agents and fixers that complicate figures from fees to take home pay, and thirdly because each project is different and therefore, arguably has different requirements in relation to pay.

Musical theatre sits within this sub-sector, it's success in both the UK and the USA has meant the export of shows in each direction and across the globe. Whilst it is a risky investment it can also be a very lucrative enterprise. The Society of London Theatre

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<sup>1</sup> The definitions in each National context prevent an exact comparison but they do provide an illustrative comparison in terms of the economic strength of the sector.

(SOLT) released a report to members highlighting revenue of £799m generating £133m in VAT for the UK treasury (BWW, 2020). West End theatre has been a billion-pound industry demonstrating growth and a clear link to tourism and related spending. In the USA Broadway contributed \$14.7bn to the economy of New York City and supported 96,900 jobs in the 2018-2019 season (Broadway League, 2019).

Musical theatre, perhaps uniquely, provides an opportunity to compare two sets of freelance workers who are performing the exact same work in similar contexts. The global nature of the sub-sector means that chorus performers working on shows like 'The Lion King', 'Phantom of the Opera' or 'Hamilton' in the UK's West End will be performing the same steps and singing the same notes to the same exacting standards as their American counterparts on Broadway. As such, this example provides an opportunity to examine and compare freelance work within high value production processes in order to understand the conditions and circumstances that can lead to poorer pay and conditions for UK workers and how policy might be informed by the example as more workers face precarious freelance working conditions.

## **Methodology**

The unequal experiences of precarity presented in this paper emerged from ongoing ethnographic work combined with public data and secondary analysis of previous research in which it became apparent that a direct comparison could be made between two sets of workers.

A qualitative approach is taken using data gathered from a combination of 1) In-depth interviews with performers, musicians, union representatives and producers in the USA and UK. Interviews were conducted between 2012 and 2019 across a range of projects. Data collection included a total of 58 interviews. 2) Ongoing, overt ethnographic field research (Brewer, 2000). The researcher is an insider who conducts field work in theatres, film and television sets, rehearsal studios, social gatherings and social media groups. 3) Sector specific data, freely available on the internet. This includes agreed minimum pay rates and the revenue from shows.

It is worth noting here that this was not a specific project that set out to answer a specific question but rather the use of primary and secondary sources to examine a problem that was illuminated during data gathering for previous projects and is therefore more of a grounded theory approach. The methodology brings together data from a range of sources in order to gain a deeper understanding of the problem.

## **Ethnography**

Ethnographic research is a qualitative methodology which seeks to understand the phenomenon under investigation from the perspective of the actors involved and the community value systems within which the phenomenon is embedded. Community here can take many forms, for the purposes of this paper it refers to a global community of performers who are connected through similar experiences, training and passions (see Ashton, 2013).

Ethnography does not identify a sample as it is focused upon understanding experience in situ (see Aitkin et al, 2010). This results in a rich source of data that highlights the impact of 'norms' in the industry and demonstrates the distinctiveness of the performers' experiences of precarity in the two countries.

All participants were aware of the researcher's research interests and provided informed consent either verbally (in ethnographic field work as an overt insider) or more formally for studies that gained ethical approval via academic institutions. This included, information sheets, informed consent and actions to guarantee anonymity and confidentiality.

## **Main findings:**

### **1. Pay disparity**

The problem of disparity in pay and conditions for musical theatre performers emerged from initial ethnographic field work and interviews where performers talked about their experiences. This was then clarified through pay rates that are publicly available on the internet through SOLT (2019) in the UK and various sites including Broadway League (2019) and Equity in the USA.

The rates clearly highlighted disparities in pay for performers performing the same work in the same shows, not only in terms of a basic weekly income but also for additional responsibilities. These responsibilities include; learning additional roles (covering / understudying); working as a 'swing'<sup>2</sup>; taking on roles such as Dance Captain or assistant Dance Captain<sup>3</sup>.

Despite the identical work and similarities in context the wages and conditions are vastly different. Rates of pay for each role in the West End and on Broadway are provided below in table 1.

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<sup>2</sup> A 'swing' is a performer who learns different chorus parts and is able to go on for any of those parts at short notice or even during a show.

<sup>3</sup> A dance captain and assistance dance captain have the responsibility for maintaining the quality and intention of the choreography in performance.

*Table 1 – Pay rates for chorus performers in the West End and on Broadway*

<b>Role</b>	<b>West End</b>	<b>Broadway</b>	<b>Pay difference</b>
<b>Performer's basic, gross weekly pay</b>	£713*	£1568	£854
<b>Dance Captain fee</b>	+ £98	+ £313	£215
<b>Assistant Dance Captain fee</b>	None	+ £157	£157
<b>Swing fee</b>	+ £69	+ £85	£16

Data taken from: SOLT (2019) and Broadway League (2019)

\*UK pay rates are calculated in accordance with the size and capacity of the theatre with smaller theatres paying less and larger theatres more. Broadway rates are standard.

When these figures are considered in terms of yearly income the contrast is stark. A performer in the USA who is an assistant dance captain and a swing (this is a common role combination) would be earning £94,116 gross per year – the equivalent UK performer would be earning £37,488<sup>4</sup> gross. In both contexts this gross is then reduced by the commission paid to their agent (around 10%) and should be considered in the context of the cost of living in close proximity to the centre of the high-cost cities that are New York and London.

The UK figure is for an 11 month contract, this is because UK performers work on 11 month, fixed-term contracts whilst performers on Broadway have open-ended contracts that last for the duration of the show. This is where the second discrepancy of conditions is evident, contract duration.

## **2. Employment conditions**

Performers in the UK are locked into an 11 month contract subject to the show remaining open. If the show is not financially viable, they will have 2 weeks' notice before the termination of their employment (hence the weekly rather than monthly salary). Moreover, at the end of the 11 months there is no guarantee that the contract will be renewed, even if the show is very successful. Indeed, many performers experience the termination of their employment at the end of the contract with no reason given, generating considerable uncertainty throughout their period of employment. The threat of unemployment always hangs over them and it is difficult to gain access to finance, such as mortgages, or to save for a deposit or unexpected bills. Any money gained may have to sustain them beyond the 11 contracted months, for an indeterminate term whilst they seek other positions of unpredictable length and salary in an unregulated job market, there is no security of ongoing employment. It is rumoured that the use of 11 month contracts enables the production companies to avoid additional payments such as redundancy and exposure to other employment rights such as unfair dismissal. Producers state that it is the industry norm.

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<sup>4</sup> This is around £2,200 net pcm.

For performers on Broadway this is reversed. Performers are hired for the duration of the show and there is a 'betterment' clause which enables a performer to move to another show or other employment if they have a better offer. As an incentive to stay however there are additional payments made for 'exclusivity'. This is £62 p/w for the first 6 months and £31 p/w for the second 6 months providing an additional £2,418 for the year. Performance contracts are open ended and last until either the show closes, when the performer will also be given a minimum of two weeks' notice, or the performer leaves for another contract. This affords performers greater financial security, particularly for long running shows, with access to other financial mechanisms such as mortgages and an opportunity to save. It also acknowledges the reciprocal nature of employment albeit in the mode of 'freelance' work. Without highly skilled freelancers there is no show from which the producer can generate profit.

There is a further significant difference between the conditions of employment in the two locations. In the USA the performing career of the chorus lasts longer which enables older dancers and performers to sustain a family life. In the USA a 40 year old has sufficient income to live in close proximity to the show, maintain a family and save for training and their next career. In the UK a combination of lower wages, short contracts and a reluctance to hire older workers among producers means that opportunities for work decrease rapidly once the performer is past their early 30s providing little to no opportunity to either start or maintain a family or save for future training and employment. The difference between the two contexts and the reluctance to hire older workers was clearly articulated by a member of senior management hiring for a successful West End show: "The chorus on Broadway look ridiculous. You can't have someone in their 30s playing a 16yr old."<sup>5</sup>

The lower income and lack of security for UK performers also creates pressure on them to seek additional employment or to leave the industry early in order to be secure enough and earn enough to sustain family life.<sup>6</sup> Performers in both contexts talk about the impact of wages on their ability to save for a home and maintain a family life. In the UK this centres around their income needs and security, as these West End performers articulated: "I need a home and a car and things that people have, I don't want to live in a shared house anymore"; "I'm doing a massage course just to earn some money. I can't really save anything on what I earn". By contrast in the USA it was common to meet performers with families also investing in other careers. "The money is good; I can support my wife and two kids but it won't last forever so I'm learning how to become a producer". Performers were also aware of this disparity in pay in the two contexts, as one American performer noted "I'd

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<sup>5</sup> The show itself is set in a high school context for some of the 1<sup>st</sup> half of the show. The remainder is set in a city with cast members representing the diverse community in the city.

<sup>6</sup> For a fuller and broader exploration of the problems that this creates for equality in the sector see Banks, (2017) and Orian et al. (2020).



love to do a show in England but I heard the pay is terrible, I couldn't live on that". The point here is that the lower pay, combined with insecure and short-term contracts significantly impacts upon performers and highlights how these factors impact upon the lives and futures of equally skilled workers performing the exact same work.

### 3. UK musicians in the West End

A further anomaly that emerged from the ethnographic data came from the pay and conditions experienced by musicians working in the same West End shows as UK performers. Whilst they are not performing the same work, it is argued that the skill level is comparable requiring substantial and lengthy training and with some musicians playing multiple instruments for one show. These workers are also covered under the Society of London Theatres (SOLT) agreement with their union, the musician's union (MU) and therefore operate under the same 'industry norms' as suggested by UK producers above. However, these workers receive a significantly greater income and more favourable conditions on the same shows - in particular open-ended contracts like those of performers on Broadway. Table 2 compares pay for UK musicians and performers.

*Table 2 – Weekly pay rates for chorus performers and musicians in the West End with additional add-ons for extra roles or requirements per week.*

	Performers	Musicians	Difference
<b>Gross weekly pay</b>	£713	£1290	£577
<b>Dance Captain (perf) / Section Leader (mus)</b>	+ £98	+ 20% £258	£160
<b>Swing</b>	+ £69		All performers are expected to sing, dance and act.
<b>Doubling</b>		+ 193	
<b>Trebling</b>		+ £387	
<b>Quadrupling</b>		+ £580	
<b>Porterage</b>		£23 - £45 per instrument / per contract	
<b>Performance in costume</b>		£12	
<b>Costume Change</b>		£4 per costume / per performance	2 costumes for an 8 show week = £44 p/w
<b>Performance on stage as a character</b>		£10.50 per performance	8 show week = £84

*Data taken from: SOLT (2019) and Musicians Union (2020)*

As table 2 signifies there is a great deal of complexity in the SOLT agreement with the MU in relation to West End theatre productions. The basic weekly pay rate is significantly higher than that agreed for performers and whilst performers are not entitled to additional fees for singing, dancing and acting, musicians receive recognition for these multiple skills via a pay system that recognises the skill in playing 2 or more instruments (doubling, trebling, quadrupling). Other additional payments include performing on stage, in costume, reacting to the action on stage and carrying and using their own instruments. As can be seen, the payment structures become increasingly complex with some amounts paid per week, some per

performance and others per contract. The table shows how per performance rates translate into weekly pay. In addition, musicians operate under clear time directives with additional payments for overtime, rehearsal rates and are only required to attend 30% - 70% of the shows (depending on the show). For the remainder they are able to deputise subject to the approval of the musical director and 'fixer' (the agent who 'fixes' or organises the band).<sup>7</sup> Furthermore, musicians are not subjected to the lengthy audition process that performers encounter in securing a contract.<sup>8</sup> Nevertheless, on a basic rate, before extras and with the responsibility of a section lead, musicians earn around £80,496 a year.

This comparison whilst more complex due to the varying pay rates, again highlights the disparity of income and less favourable conditions experienced by UK performers. Yet, in every case, rates are subject to union agreements and operate in either the same or similar contexts with either the same or similar work content. The ethnographic data highlights the impact of the differences in conditions including the length of contracts. Furthermore, those working in this area acknowledge that the MU in the UK and Equity in the USA provide a stronger base from which pay is negotiated.

## **Explaining the findings**

### **1. Conventional Explanations of freelance work and precarity**

There are a number of conventional explanations which are used to explain the relatively low pay of freelance workers such as chorus performers. One of these is the precarity of their position in the labour market. Within the academic literature there is no shortage of articles, empirical studies and theoretical work that discuss the exposure to exploitation that is experienced through freelance work across sectors (see Standing, 2014 for example). Freelance work in the cultural and creative sector has been presented as the epitome of precarious labour in a range of empirical studies of workers such as journalists (Cohen, 2018); dancers (Ashton and Banks, 2018); TV workers (Percival and Hesmondhalgh, 2014); film workers (Curtin and Sanson, 2016); actors (Friedman et al., 2016) etc. Freelancers are nomadic and disparate workers; they do not generally have the opportunity to work in the same place over a period of time or have access to data that would highlight

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<sup>7</sup> This process of deputization provides an opportunity for new musicians to access the sector by writing to those with chairs and asking to 'sit in' and 'dep'. The original musicians pay their deps.

<sup>8</sup> The band is 'fixed' (selected and brought together) by the 'fixer' – this may require an audition if the player has not previously worked in the West End. Chorus performers on the other hand first need an agent who will put them forward to a casting agent. If selected for auditions they will then attend multiple auditions for various creatives, management and the casting director demonstrating a range of skills before being either selected or released from the audition process.

exploitation, or, if they do, they feel powerless to face big organisations alone and this explains their acceptance of inferior pay and conditions (Cohen 2018). Performers are heavily reliant upon building a reputation and being 'known' in order to gain work. This reliance on relevant social capital and its influence upon precarity has been widely researched (Christopherson, 2008; O'Brien, 2014; Banks et al., 2013). The argument here is that a reliance upon others to gain employment and the need to obtain future work within a relatively small pool of employers and creative individuals prevents workers from speaking out about pay and conditions for fear of being labelled 'troublemakers'. For performers, their next job is dependent upon their reputation with key gatekeepers such as agents, choreographers, directors and production companies. We will see in a later analysis of production structures that this is a very small pool of people. However, what is interesting in this case is that the link between freelance work and precarity is not uniform, with American performers and UK musicians experiencing far less precarity than UK performers.

A second factor advanced to explain the lower pay for creative freelancers more generally is the saturated labour market. For musical theatre both the US and UK encounter a constant influx of young people wishing to make a career in the profession. In this respect Banks (2017) points to the relatively young age of workers as a contributory factor to downward pressures on wages particularly in the performing arts. Young performers at the start of their careers are particularly vulnerable and willing to work for less, despite their 10 year training, in order to have the opportunity to work in a prestigious Broadway or West End show. This mirrors findings from other creative workers who expect to work for very little at times, or even for free (Menger, 1999). In relation to this particular conundrum of unequal pay there is some evidence to suggest that performers in the UK are younger on the whole and tend to retire earlier than their American counterparts (Ashton, 2013). We should be careful of jumping to conclusions however as there is also a chicken and egg situation here in that many performers leaving the West End are doing so because (ethnographic evidence suggests) they were unable to sustain a "normal life", including a home and a family, on their wages and with the insecurity of employment. Simple steps such as saving for re-training, or a deposit, or gaining a mortgage are extremely difficult given their precarious work and insecure pay in the UK.

Human capital theory provides another possible explanation of the higher pay of performers in America. The logic here is that a high skill requirement, which requires years of investment in training, reduces the number of workers that are eligible to work and this would usually suggest that wages would be higher<sup>9</sup>. Theatre performers exhibit an exceptionally high skill level in singing, dancing and acting. One would expect them therefore to be well paid, particularly when performing at the apex of the profession. The high GVA attached to this sub-sector of the creative industries

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<sup>9</sup> As suggested by the 'High Road' model of skills and economic advantage

(CIC, 2018) and the high quality of West End theatre (SOLT, 2019) would further suggest a high wage for performers in the sector. However, this is clearly not the case in the UK. Again, the performers in the UK and the USA and the musicians in the UK are all highly skilled workers operating in a saturated labour market but the fact that UK performers are not able to gain the same income suggests that this supply-demand model does not explain the disparity in pay.

The final factor of note here is the orientation of performers to their work. Performers are passionate about their art and gain intrinsic rewards from their work, which again reflects the creative industries more widely (Ursell, 2000). Artists are willing to sacrifice financial compensation in order to gain the intrinsic rewards of fulfilment. Wright (2018), highlights the ways in which artistic labour is valued in these non-monetary terms and there are various studies highlighting the affect and desires that drive creative work and how this can lead to the acceptance of exploitation (McRobbie, 2013; Ashton & Banks, 2018). Furthermore, in the case of Broadway and the West End these jobs are seen as the pinnacle of a career and as such carry considerable prestige and status (symbolic capital) creating a desirable job in a saturated labour market. Again, this is the same in both contexts so it cannot fully account for the acceptance of lower pay in the UK. There is clearly more to consider.

## **2. Alternative explanations**

If these conventional explanations fail to explain the disparity, we need to look for a more comprehensive analysis in terms of the organisation of the industry, the business strategies of employers and the industrial relations frameworks of the two countries. We start by examining the industry structure and business strategies of the companies.

The larger production companies are part of a global network which connects them as constituents of a global market. There are no published figures for comparison but from shows that are being advertised at the time of writing almost half of the major shows featured in both markets (10/23 in UK, 10/24 in US). In addition, in both countries the structure of the industry is very similar. In both locations the market is dominated by a very small group of companies who both own theatres and produce the shows. In some cases ownership extends to the production rights and ticket selling platforms. In the West End the four main theatre / production companies are Delfont Mackintosh, Really Useful Group, Ambassador Theatre Group and Nimax, while on Broadway, Shubert Organisation, Nederlander Organisation and Jujamcyn dominate overall ownership, one of which also owns theatres in the West End. The associations are interwoven between owning production rights, producing, investing and theatre ownership; as one producer explained, "actually the real key individuals at the top of the global theatre industry, you could probably fit them all in this room." It suggests a small group of owners at the apex of the global industry who own production companies, theatres, production rights and ticketing platforms.

In both countries, the production of shows carries financial risks as many productions fail in the market with huge losses, but when shows succeed the financial rewards can be very large. In both countries the capital required to launch shows is provided by producers and private investors who invest in specific shows so there is a spread of risk. While there is some competition between producers for some shows, in general the relationship between them has been portrayed as collegiate in the USA (Cox, 2017) and collaborative in the UK (interview), with producers often investing in each other's shows. These strong links between companies are reflected in the fact that both have a very strong trade association to represent them politically and to handle industrial relations. On Broadway, the Broadway League deals with the respective unions and establishes the minimum rates. For the West End, the Society of London Theatres (SOLT) deals with the unions and establishes the minimum rates, or the wage "norms" as the producers refer to them.

This strong similarity in the structure of the industry in both countries does not suggest, given our existing knowledge, that differences in the overall structure of the industry might account for the differences in pay and conditions. This is also implicit in the fact that UK musicians do not experience lower pay and conditions. However, there are some differences in the business strategies of the companies in the two countries which may throw some light on the issue. In the US the companies have a much larger internal market for touring successful shows, and this offers the possibilities of significantly larger financial returns which in turn may affect their willingness to concede higher rates although not all shows tour. Whilst UK producers reported that they would put on a smaller show in the West End at a loss in order to market the show as 'direct from the West End' on tour, there are not as many venues to tour in the UK so the financial gains would be reduced unless they access other markets with other financial implications. This aspect of the industry is also complicated by the subsidised sector in the UK. This includes venues which receive a subsidy from the Arts Council England and includes the National Theatre, The Royal Shakespeare Company, The Royal Court Theatre and others. These organisations provide significant research and development in creating 'hit' shows<sup>10</sup> that can then be produced in the commercial sector, significantly reducing the financial risks and costs. There is insufficient data to fully analyse these aspects of the businesses, but this is an area that would benefit from greater transparency, particularly in the UK.

In the West End producers may be aided in their bargaining with the unions by the fact that the pay is around the same as rates in the subsidised sector and this may then act as a downward pressure on the rates in the West End, a justification for the 'norms'. However, recent innovations in the form of dynamic pricing in the UK (and

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<sup>10</sup> Many shows such as *Les Miserable*, *Matilda* and *Hadestown* (currently on Broadway) were developed in the subsidised sector. '*War Horse*' was in research and development for 3 years which would not have been possible in the commercial sector.

USA), where owners adjust the pricing of tickets in relation to short term changes in demand, in the same manner as the airlines, may be increasing the returns to owners and investors, but there are no signs that this is resulting in the offer of more generous rates for UK performers. Crucially, in these areas we have little evidence one way or another.

What the producers interviewed argue is that the reason for the difference in pay is the lower ticket prices for UK productions which means that they cannot afford to pay the same rates as in the USA, where ticket prices are reportedly much higher. Top prices are, on the whole, above those in the UK and particularly for new shows such as Hamilton where the figures are significantly different with top price tickets selling for £580 (\$747) in the USA and £193 (\$249) in the UK<sup>11</sup>. However, when we look at the average price of tickets for the longer running shows there is much greater parity. As an illustrative example, The Lion King has an average ticket price of around £98 in the UK and around £94 (\$121)<sup>12</sup> in the USA. When we factor in the capacity of the respective theatres the UK theatre has a capacity of 2,100 whilst in the USA the theatre capacity is lower, at 1,621. With 8 shows per week in both sites this gives the UK production of the Lion King an additional capacity of 3,832 seats per week with the wage costs for performers halved.<sup>13</sup>

Of course, the income generated will vary depending upon how many tickets are sold. Weekly grosses are not published for West End productions so it is not possible to make like-for-like comparisons. What we do know is that on Broadway, for the week of 17/02/2020 'The Lion King' grossed \$1,841,117 (£1,427,584) with comparable prices and a reduced capacity compared to the UK.

It is also evident that, whilst ticket prices are provided as a rationale for providing lower wages, higher wages are used as a rationale for the recent increases in UK ticket prices:

"West End theatre is expensive to create. It is the pinnacle of the industry and, as such, the best people are employed, with the best equipment to produce the best productions. When you want the best, you have to pay for it." (Howie, 2018)

Further evidence that ticket prices are not dictating lower wages for performers is the comparison with musicians. As evidenced above their pay and conditions are more aligned to the US rates and contracts. Musicians are similarly operating in a

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<sup>11</sup> This relates to pre-pandemic ticket prices

<sup>12</sup> Averages crudely calculated from available online ticket information on 10/02/20 and may differ slightly if a calculation could be made on every single seat.

<sup>13</sup> We can consider that there may be additional running costs for a larger theatre but the producer may also own the theatre negating rental costs so it unlikely that this accounts for the 50% drop in performers' wages. The minimum agreed rate agreed with Equity is based on theatre size

desirable and saturated labour market, working on the same shows with the same tickets being sold. On balance therefore, ticket prices do not provide a convincing rationale for the reduced pay and conditions. However, greater transparency with regards to theatre earnings would facilitate a richer analysis.

What emerged from interviews with producers was also that the minimum wage negotiated through SOLT and Equity is taken as *the* wage rather than a minimum. As one producer explained:

"The wages aren't anything to do with us, they're set by the negotiations and we just take the wages from the book<sup>14</sup>"

This suggests that although minimum wages are negotiated, the chorus workers have no real bargaining power to increase the minimum in relation to their roles. From the interviews and field work both performers and producers expressed a perceived distance from the process of wage negotiation with performers demonstrating a learned helplessness and acceptance of wage 'norms'.

### **3. Business strategies and labour management**

Whilst there may be market differences of some significance, what appears to be a much more powerful factor are differences in the forms of labour management used in the two countries. If we examine these, we observe that they are fundamentally different in important ways that impinge directly on the livelihoods and experience of the performers, not just in producing lower pay but by generating much more profound insecurity for the dancers in the UK. As noted, theatre companies in both countries use project-based modes of production. However, interviews with both producers and performers revealed significant differences in their form and implementation which go some way toward explaining the different outcomes for performers. In both countries the employers hire freelancers, who work in the same place for at least 11 months, but there the similarity ends as the contracts between employers and performers differ significantly.

In the UK freelance performers generally carry the cost of sickness, have no entitlement to rest; a day not working is a day not earning. They are also subject to fees calculated on a contract by contract basis with no financial consideration of experience. It was not uncommon for interviewees to report working in excess of 12 hours per day and for up to 52 days straight<sup>15</sup>. However, work in the West End was

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<sup>14</sup> The 'book' refers to the rates of pay negotiated between SOLT and respective workers in all areas of theatre including stage management, technicians (BECTU agreement), musicians (MU agreement) and performers (Equity). SOLT have argued that negotiations are made collectively with the producers.

<sup>15</sup> This explains comments with regards to an inability to maintain a living wage presented in the findings.

highly coveted as it provides 11 month contracts with some benefits of employment such as some paid holiday, maternity pay and limited sick pay (although some performers reported being docked pay for missing shows through injury), along with the prestige of the credit on their CV. They do not however have access to the contractual rights to employment regulations accessed by permanent employees, such as progression opportunities, redundancy, unfair dismissal and training and development.

On the employers' side, they have a workforce that are tied into the work for a specified duration without the additional costs of pensions, tax and national insurance administration; there are no risks around redundancy pay or unfair dismissal claims and they have no responsibility for training or development. They also have a set time of year when there will be additional rehearsal and audition costs to account for those leaving. It was not possible to ascertain whether these costs differed significantly between countries. This could potentially be a more costly strategy.

In the USA the situation is essentially the same in relation to Broadway providing greater job security, holiday and some sick pay compared to other freelance work. However, health insurance and pension plans are also provided (in collaboration with the Union, Equity) alongside financial incentives to stay with the production. These performers are importantly provided with an ongoing contract for the duration of the production and there are strict rules about how long they can work and rehearse, and what they are permitted to do within their contracted performing role<sup>16</sup>. Ongoing contracts negate the need for redundancy and there are no additional costs for the administration of taxes. The strength of the contract created with the union also ensures that it is unlikely that an employer would be sued for employment related issues<sup>17</sup>. Here it is evident that the origins of these differences are to be found in the way employers and workers are able to negotiate their way through the different national labour market frameworks, in particular the national institutional arrangements for health care and employment rights, as well as in the effectiveness of American unions in negotiating ongoing contracts, employee rights and employee insurances for performers.

There are strong similarities between the countries in that workers have unions<sup>18</sup> to represent them and their wages are negotiated between the union and the employers' representatives. In both countries they work within a relatively limited geographical area providing opportunities to meet and work collectively and they

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<sup>16</sup> There are also significant differences in the wages and 'rights' to compensation and employment when working as an original or workshop cast

<sup>17</sup> Producers in the USA expressed frustration that they did not have 11 month contracts as this would enable them to replace people whom they felt were less effective than they ought to be or were considered too old.

<sup>18</sup> The Union is called Equity in both countries but they are different National organisations.



are working on contracts that are negotiated with their respective unions. As such it might be expected that more favourable and regulated terms and conditions of employment would be assured. Furthermore, it is often assumed that the UK employment laws (backed by EU legislation pre-Brexit) provide greater security for UK workers whilst the USA is seen to be more hostile to unions and less progressive in terms of employment laws and worker's rights. It is therefore somewhat surprising that it is the UK workers and not workers in the USA who experience less favourable terms and conditions in performing the same work.

We now turn to the significant differences between the countries. For example, in the process of negotiation American transparency practices in publishing weekly takings provides unions with knowledge of profits which assists with the negotiation process<sup>19</sup>. Another difference is that the American union has been able to maintain a union shop agreement (Hanson et al, 1982). The audition process is the same in both countries and is navigated through various gatekeepers including agents, casting agents, directors, choreographers and producers. Once employed the difference is that if you are working on a Broadway show for any length of time, you have to become a member of Equity. This provides the leaders of American Equity with considerable leverage when negotiating not just wages but also the security of employment and related conditions. The West End used to operate under a similar system during which time performers reportedly earned higher rates of pay. Chorus performers recalled rates of £600 per week in 1991 (equivalent of approximately £900 today). These union arrangements provided a stronger seat at the negotiating table facilitating a more equitable balance of power.

One of the reasons why UK performers have not been able to maintain their share of the income created by the industry can be found in the industrial relations legislation introduced during the Thatcher government<sup>20</sup>. This progressively undermined union activities and sector union arrangements including the union shop agreements<sup>21</sup>. A whole raft of legislation weakened the bargaining power of employees reducing the ability of unions to engage in collective action. Union shop agreements were outlawed and even now, only those currently working in the West End are eligible to vote on contractual negotiations. This imposes a rule that is logical for an employer-employee relationship based on permanent or ongoing employment but does not allow for a representational vote for a freelance community on short-term contracts. The negotiated deals last for a number of years but are based on the votes of those on 11 month contracts at the time of the vote, with the pressures 'not to cause trouble' and jeopardise future contracts as discussed previously.

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<sup>19</sup> Every week the profits from each show are published online and are publicly available with open access. Investors often use this information.

<sup>20</sup> And continued through successive governments.

<sup>21</sup> This is sometimes also referred to as a 'closed shop' although it is acknowledged that this can be an ill-defined and divisive term.

When we consider the example of musicians the specific impact of the union shop agreements becomes somewhat blurred. The MU never operated under that type of agreement in the West End and yet they have maintained a reputation for having a stronger union presence and have secured (or maintained) significantly better pay and conditions while working in the same industrial relations context. The difference is that, like performers in the USA, musicians have always been on open-ended contracts and this has offered them protection as their contracts are not renewed and therefore cannot be changed. Some musicians have worked on the same show for well over 20 years, they negotiate periodically in the same way but they benefit for longer and their livelihoods, families and mortgages depended on their income, so the negotiated minimum rates have remained in-line with their existing rate plus inflation. On average they are older than performers, although the labour market is similarly saturated there is no need for them to retire early due to their looks or athleticism. The undermining of union activities and the voting restrictions imposed on unions did not have the same devaluing effect on wages because the open-ended contracts more closely reflected a traditional employer-employee relationship despite their freelance status and thereby offered protection from precarity.

When one examines the experiences of UK performers during the 1990's it becomes apparent that the 11 month contracts played a decisive role in the degrading of pay and conditions. UK performers that came to the end of their 11 month contracts in the 1990s were told that their new contract would be at a lower rate of pay. It is reported that performers resisted this, one stating "we said we didn't need a raise, we'd be happy to continue on the same rate but management just said this is the rate, take it or leave it." Performers who wanted to stay in employment after the initial 11 month contract were forced onto the lower rate and those who did not renew their contract were replaced by performers on the lower rate. With the breakdown of the union shop agreement, a young labour force and saturated labour market conditions there was ineffective resistance. One possible source would be for agents to try to agree higher wages for their clients but they are faced with producers who are free to hire someone else's client at a lower rate. Performers noted being upset and leaving agents after losing a role that they particularly wanted during agent negotiations. The dynamic is such that whilst an agent is needed to gain access to auditions, and be put forward for consideration by casting agents, there is little to no room for negotiation within the SOLT / Equity agreement. It is the industry norm.

One consequence of the new conditions is that both sides accept the minimum rate as the "going rate", The ethnographic evidence indicated that for young performers performing was 'what they love' and they would do it for nothing. Here the age factor was also noted, younger performers, closer to the start of their career, were more likely to accept the lower wages citing both the love of performing and the prestige of the job. Older performers spoke of feeling equally passionate but less

valued and less content with wages and conditions. They felt they deserved a job that would provide them with enough money and security to live close enough to London and still save for a deposit on a property and raise a family, and, in this respect, there was an increasing sense that their skills were undervalued. They felt that they were being pushed out of the industry by their early 30s but also accepted that this is an industry norm. This contrasted markedly to the 'norms' felt and experienced by Broadway performers. The experiences of performers create the norms which translate into stoic acceptance rather than active resistance. This was particularly evident when a number of UK performers discussed previous negotiations between Equity and SOLT in which additional fees for 'covering' were sacrificed for an increased basic wage – as a result many saw a reduction in their wages. Performers started to see Equity as being of limited value and there was a significant drop in membership, which further reduced the union's bargaining power. Performers expressed a sense of learned helplessness commenting "it's just the way it is"<sup>22</sup>.

This contrasts with the experiences of performers in the US. Having been gradually extracted from the 'workshop' agreements that provided them with 1% percent of profits (Book of Mormon performers reportedly received \$3m in total in the show's first 5 years), the new 'lab' agreements did not provide any such compensation for their part in the creation of new shows. In 2016 however, the chorus performers of the musical 'Hamilton' successfully reversed a non-profit share agreement and negotiated a collective 1% share of (net) profits for their contribution to the creative process (Staff, 2019). This suggests a more progressive, equitable and open dynamic between producers and chorus performers.

We see here the interaction between labour market forces in relation to the over-supply of labour, the political strategies of employers and the legal frameworks around worker's unions and their ability to work collectively with employers, the precarity of freelance working and the impact of fixed-term vs open-ended contracts. Within this we also have factors such as the publication of profits, the age of the workforce and the acceptance of industry 'norms' which also emerge as influential in the relative power relationships between producers and workers. Whilst some of these are covert they are nonetheless significant in the inequitable assumptions that they underpin.

#### **4. Explaining the differences**

In summary, this analysis suggests that we cannot account for the differences in pay and conditions between performers in the West End and Broadway just in terms of

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<sup>22</sup> This deal has now been superseded but the industry norms and perceived ineffectiveness of the union is still evident and captured in the sense of lower pay and inferior conditions being normalised.

the project-based nature of production and the precarious nature of work associated with freelance working, or indeed the over-supply of labour. Neither can we attribute the differences to the economics of ticket pricing, the skill levels of workers or a hostile industrial relations climate. What emerges is a more nuanced picture of the interplay between national institutional factors, union strategies and organisation, the protection offered by contractual length and the damaging consequences of unquestioned industry norms and ageism. A conclusion that is supported by the fact that the musicians' union, facing the same industrial relations context, were able to maintain their wage levels over time and secure a greater share of the wealth generated.

These findings are important not only because they highlight issues facing this group. They are important because there are a growing number of freelance workers and we need to understand the factors that could protect them from or mitigate the downward pressures on wages as well as the factors that exacerbate precarity. This is particularly important as we fall under the shadow of an uncertain break from the European Union and related employment laws that have provided some form of protection. It is also an important time as we emerge from a pandemic which has decimated some sub-sectors of the creative industries, we need to understand how to improve conditions and find more equitable and sustainable ways to produce cultural and artistic work in the future whilst remaining competitive on the global stage. In an era of intense focus on diversity and inclusion it is also important to understand the conditions and factors that impact upon all workers. Having greater diversity in jobs with poor pay and conditions whilst also requiring extremely high skill levels cannot be considered progress. In this regard the 'norms' repeatedly used as a justification for a less equitable distribution of wealth need to be scrutinised and questioned.

## **Conclusions**

The main problem that this paper highlights is the inequitable distribution of the wealth generated by the industry. This is demonstrated through this case study and is evident in the way that employers utilise and reward UK performers in the West End compared to UK musicians and Broadway performers.

This research focussed on the performers' experience of their work which exposed this problem, the paper only briefly explored other aspects of the business strategies of the companies involved and the structure of the industry and there may be other factors that we are currently unaware of that would explain the relative low wage rates. In this respect this paper is opening up a wider research agenda that would enable us to explain this phenomenon in a more comprehensive manner.

In the meantime, this research suggests that more could be done to address the situation facing West End performers. On the employers' side the longevity of the contracts is an issue that should be addressed. It is clear that adopting open-ended contracts, as with the Musicians' Union and with Equity in Broadway, would go some way to alleviating the present precarity that performers are facing. Of course, provision would have to be made for ensuring termination in the event of poor performance but this would certainly reduce the financial and emotional insecurity facing UK performers.

On the performers' side there may well be lessons that they and Equity could learn from the success of the Musicians' Union's strategies in avoiding 11 month contracts and maintaining the level of their income over the longer term. Indeed, in the US the original casts have successfully resisted downward pressures on the 1% of profits for original cast performers for their contribution to the creative process. Alternative remunerations might therefore be a point of negotiation going forward, alongside a rejection of industry norms and greater solidarity and engagement in collective bargaining and negotiations.

Of course, there are other factors which operate at a wider societal level, such as the ageism which has an impact on collective bargaining and forces an early exit of highly skilled and experience performers. This is a complex problem and it is clear that performers are not receiving the same proportionate returns for their labour than either musicians or their counterparts in the USA. There are other issues that arise including the influence of the subsidised sector, the lack of value felt by UK performers resulting in their belief that existing norms are acceptable and the very pressing issues of the wider employment rights and roles of the state, employers and employees in ensuring that an increasing gig economy does not inevitably lead to unequal distribution of wealth, ever lower wages and living conditions and greater precarity.

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