

**Report of the Grievance and Contract Division (GCD)
to the National Executive Board (NEB)
September 16, 2017**

Who we are and what we do

The Grievance and Contract Division (GCD) has handled 7,234 transactions since our database was first set up in 1991. All of these were grievances until 1995, when we added contract advising — which has since comprised the bulk of our work — to our portfolio.

In that time, we have helped members recover nearly \$1.6 million from publishers and clients. More significantly, our services have been responsible for attracting 841 new members from the time we started tracking that statistic in 2003 through June 2017. Of these, 384 joined to obtain contract advice, 269 to pursue grievances, and the remainder to submit inquiries. Among the members brought in by grievances are several who were part of group grievances against periodicals. Among these were *Natural Solutions* and *Heart & Soul*, which were resolved with the assistance of UAW attorneys. We are now working on a group grievance against *Ebony*. Several of the writers have been paid, and legal action by UAW attorneys on behalf of 39 writers is under way at this moment.

The GCD has also been instrumental in retaining member loyalty. A 2015 survey conducted by the Boston chapter showed “free assistance from the Grievance and Contract Division” to be the primary benefit members derived from the union, with 72% identifying it. Our extensive library of materials dealing with contract interpretation, negotiation, and copyright among others keeps members returning. Members have found our Guide to Book Contracts, first published in 1995 and revised and amended since then, to be an invaluable reference. At this meeting we are proposing an addendum of e-books based on our published materials and the webinar we completed and first presented to members in 2016.

We presently have twenty skilled and dedicated grievance officers (GOs) and contract advisors (CAs; collectively GO-CAs) who work tirelessly as volunteers and are on constant call. These GO-CAs have undergone extensive training and mentoring, and form a network of support to each other for member questions. We have presented several workshops to members and outside groups on contracts and writers’ rights.

The first six months of 2017 (1H17)

(Previous semiannual reports are posted at <https://nwu.org/grievance-and-contract-division/grievance-and-contract-division-reports/>. The appendix to this report, with detailed breakdowns of the numbers reported here, is available on request to advice@nwu.org.)

Contract advisements. While in past years many contracts that were presented to us dealt with journalism, this is no longer the case. Journalism itself has been largely replaced by “content” and many of the contracts presented by the remaining periodicals are so restrictive that journalists hesitate to have them reviewed. (They should.) The NWU’s work on a standard contract with *The Nation* is a step toward slowing down the trend.

Of the 26 contracts reviewed in 1H17, 14 were for books, including three for academic books, two for books from subsidy presses, and five for collaborations. (The two subsidy press authors rejected the contracts.) Two agreements were for electronic books. Two were for blogs and two others for work for hire. We believe that our members are receiving fewer conventional book contracts, opting instead for self-publishing. The fact that only one contract presented to us was for an agent, and that one fell through, reinforces that. We remind authors that we should review self-publishing contracts too, and we are starting to see them. Subsidiary rights was one of the primary concerns raised by authors (eight), along with payment terms (eight) and copyright (seven).

Sixteen new and previously lapsed members joined in 1H17 to obtain contract advice. A typical comment from a member: “The NWU helped me tremendously in both understanding my contract, and trying to improve it. It enabled me to finalize it without feeling as if I was clueless! Super helpful!”

Grievances. The 46 grievances filed in 1H17 included the first 26 *Ebony* writers to join the group grievance. (Since the end of June, the number of new *Ebony* members is grown considerably.) We were unable to help several writers who were owed money by fly-by-night subsidy publishers and content farms; these lone-wolf operations often either ignore demands for payment or close up shop. However, 14 grievants won their cases, including six of the *Ebony* writers. \$19,975 was collected in full or partial payments for *Ebony* writers, and \$1,917 for other members.

We’re especially pleased with the fact that four members managed to terminate their contracts and get their files back at no cost from subsidy press Tate Publishing when it closed shop early in 2017. We were able to facilitate the sharing of information among these authors. One of them figured out how to terminate a contract without signing a release; another discovered how to get the files back without paying the requisite \$50.

Thirty-six members joined in 1H17 to pursue grievances. All but ten of these were *Ebony* writers; thus, the pattern was continued of contract advice being a stronger incentive to join than grievances.

Inquiries. Questions about everything from copyright issues to setting fees to checking out a publisher or agent come in to advice@nwu.org from members and non-members. We received 22 inquiries in 1H17, not counting several from non-

members who joined to receive grievance assistance or contract advice after inquiring about them. The largest number of inquiries (12) was from non-members sounding out the possibility of pursuing a grievance. While we encouraged them all to join, we were able to explain to several of them that their complaints were due to industry practices rather than malevolence, and in some cases to suggest alternative courses of action. One academic, to whom we explained the Google Books operation, wrote, "Given all the people who have begged ignorance or blown me off in my queries, your response stands out as the most helpful. I really appreciate your explanation because it helps put the problem in perspective. [If] I ever need to file a grievance, I will remember your helpfulness and think of NWU."

Education and advocacy. Our "E-Books and E-Rights" was presented three times to members. We still hope to obtain support for using it as a money-raiser recruitment tool by presenting it to non-members for a fee. The 2013 DA authorized us to produce two more webinars, but funding may not be available.

We have presented workshops on contract interpretation and negotiation to both member groups and outside organizations (e.g., academics, mystery writers, medical writers) and hope to do more of that in the future. We try to educate members at every opportunity — through newsletter articles, our own publications such as the Guide to Book Contracts, and personal contacts — about such issues as understanding royalty statements, vetting subsidy publishers, the Digital Millennium Copyright Act, and precautions to take to avoid grievances. We believe that the most successful grievance is the one that doesn't happen.

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