

THE VIDEO GAME INDUSTRY

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Introduction

The video game sector is one of the fastest-growing entertainment industries, with revenue approaching half a trillion dollars globally by 2028 – exceeding projected revenue for the global film and video industry.¹ Video game companies have become massive employers, with a workforce of more than 330,000 workers across North America, Europe, and Asia, including in emerging video game markets such as India.² Video game workers have spoken out in recent years against working conditions in the industry, including low pay, insufficient benefits, rampant use of mandatory overtime or “crunch,” and workplace cultures rife with harassment and discrimination. Workers have also begun to form and join unions, including at Nexon and Smilegate in South Korea,³ Paradox Interactive in Sweden,⁴ Ubisoft studios in France,⁵ and, most recently, Activision Blizzard’s Raven Software in the U.S.⁶

This rise in worker organizing and militancy is happening against a backdrop of both growth and consolidation in the industry. Revenue at many of the largest gaming companies soared in 2021, particularly at major companies such as Microsoft, Nintendo, and Ubisoft. Merger and acquisition activity has gathered pace industry wide in recent years.⁷ Microsoft’s proposed acquisition of Activision Blizzard, for example, would be the largest acquisition in the history of the industry at US\$68.7 billion.⁸

This report was commissioned by UNI to serve as a tool for workers and their unions to understand the landscape of the video game industry and the experience of game workers, as well as opportunities for legal and regulatory reform to improve workers’ working conditions and bargaining power. As part of the research, UNI and the Strategic Organizing Center (SOC) conducted an international survey of video game workers, which found pervasive issues in video game workplaces including low pay, excessive working hours, and exclusionary workplace cultures. Video game workers participating in the survey also clearly support organizing; nearly four out of five respondents support forming or joining a union where they work.

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Industry Profile

The Video Game Industry in Context

The video game industry is one of the most valuable segments of the global entertainment and media industry.⁹ Although estimates vary, analysts believe that the video game industry generated approximately US\$180 billion in revenue in 2021.¹⁰ That figure is competitive with pay television (US\$228.5 billion) and was greater than both the combined global revenue produced by the film industry (US\$99.7 billion) and the music business (US\$21.6 billion) last year.¹¹ The gaming industry’s revenue is set to continue growing at a rapid rate. Research indicates that industry revenue will grow at a compound annual growth rate (CAGR) of 12.1 percent between 2022 and 2028.¹² By comparison, the film industry is expected to grow at a CAGR of 8.3 percent between 2021 and 2027.¹³

Major Markets

Figure 1 outlines the top 10 national markets for video games by total revenue. Taken together, these markets accounted for at least 70 percent of the gaming industry’s revenue last year, with 54 percent coming from China and the U.S. alone.¹⁴ While the 10 largest gaming markets generate most of the industry’s revenue and are also home to most major game companies, several factors – including increased smartphone utilization,¹⁵ emerging middle class consumer bases,¹⁶ and the growth of “localization” firms that tailor games to new markets¹⁷ – may contribute to the growth of emerging markets in Southeast Asia, Africa, the Middle East, and South America.¹⁸

FIGURE 1

Largest Markets in the Video Game Industry by Revenue (USD), 2021

Rank	Country	Revenue (USD)
1	China	\$49.25 billion
2	United States	\$47.32 billion
3	Japan	\$21.78 billion
4	South Korea	\$8.26 billion
5	Germany	\$5.73 billion
6	United Kingdom	\$5.73 billion
7	France	\$4.34 billion
8	Canada	\$3.68 billion
9	Italy	\$3.15 billion
10	Brazil	\$2.53 billion

Source: NewZoo, “Top 10 Countries/Markets by Game Revenues” NewZoo (2021)

Employment Footprint

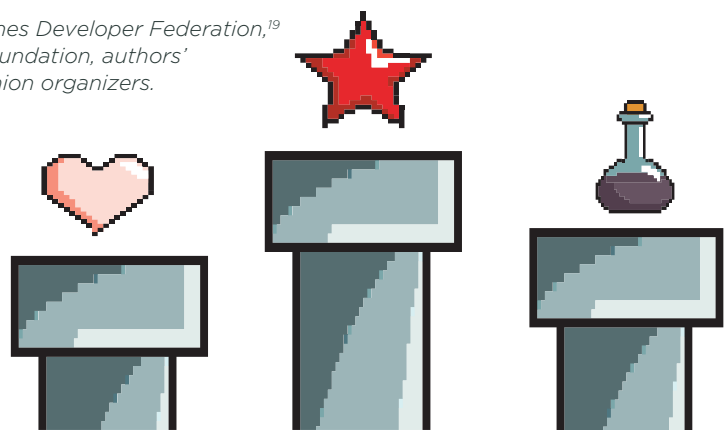
Figure 2 below groups the largest video game markets by the estimated size of their workforces.

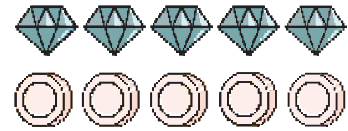
Although global employment statistics for the video game industry do not exist, national and regional studies suggest that a substantial number of video game workers are employed outside of the top 10 markets by revenue.

FIGURE 2
Workforce Estimates for the Select Markets in the Video Game Industry, 2021

Workforce > 100,000	
China	United States
Workforce > 50,000	
France	Germany
India	Japan
Ukraine	United Kingdom
Workforce > 10,000	
South Korea	
Workforce > 5,000	
Poland	Romania
Spain	Sweden
Workforce < 5,000	
Belgium	Brazil
Bulgaria	Croatia
Czech Republic	Denmark
Finland	Ireland
Italy	Netherlands
Portugal	Serbia
Turkey	

Sources: European Games Developer Federation,¹⁹ Interactive Software Foundation, authors' interviews with labor union organizers.





Consumer Habits

The gaming industry's growth in the past decade has occurred alongside significant changes in the way that people play games. In 2012, for example, most people played video games on consoles, handheld devices, and personal computers (PCs).²⁰ Today, smartphones and tablets have overtaken consoles and PCs as gaming's primary and most profitable medium.²¹ According to NewZoo, a market research firm specializing in gaming, 52 percent of the industry's revenue – or roughly US\$90 billion – came from mobile games in 2021.²² For workers, mobile video game development may present the possibility of more regular, reliable employment, and fewer instances of overtime or "crunch," which often occur in the production of console-based titles.²³

Video Game Players

Global

There were an estimated 3.24 billion video game players worldwide in 2021, which would imply that about 41 percent of the world's population plays video games.²⁴ Nearly half of these gamers, 1.48 billion, lived in Asia; about 22 percent, 715 million, were in Europe; an estimated 15 percent lived in Latin America; and about 10 percent lived in North America.²⁵ The average age of a video game player, globally, is estimated to be about 35 years old.²⁶ Experts credit the rise of mobile phone games with the increase in the average age of video game players as well as the total number of gamers over the past decade.²⁷

United States

The Entertainment Software Association's (ESA) 2021 report estimated that 226.6 million people in the U.S., or 68 percent of the population, play video games.²⁸ The average age of a player in the U.S. was 31, and 38 percent of players were between 18-34 years old, while 26 percent were 35-54 and 16 percent were over 55. The 2021 ESA report found that 55 percent of video game players were men and 45 percent were women.²⁹

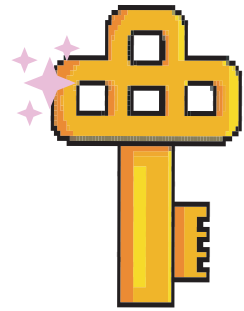
In addition to citing reasons for playing such as wanting to unwind and decompress or wanting to solve problems and think logically, gamers surveyed by ESA reported a range of social benefits from playing video games. Seventy-eight percent said they felt games introduced players to new friendships and relationships; 53 percent said video games have helped them stay connected to friends and family; and 42 percent said they had met a good friend, spouse, or significant other through video games.³⁰

Snapshot Profiles of Key Video Game Companies

This section provides brief profiles of major video game companies, all of which can be described as “AAA” companies. AAA is an informal classification used to designate mid-sized or major companies with larger development and marketing budgets than other tiers of game companies. AAA game companies have the largest company-level workforces in the industry.

Some of the largest video game companies are publishers as well as developers. A video game publisher is responsible for the marketing and selling of a finished video game and may also be responsible for funding a game’s development. A game developer is responsible for the design, programming, and overall development of the game.³¹ The idea for a game may originate with a publisher, which then hands off the idea to an in-house (first party) or third-party developer and provides funding and guidance for the game’s development. Alternatively, a game may be produced by an independent or third-party developer and later pitched to publisher. In other cases, a developer may decide to self-publish. Many of the largest AAA companies are publishers whose games are developed by in-house development teams or by studios owned by the publisher, or by “second-party” developers that sign contracts exclusively with a particular publisher.³²

Many games produced by AAA companies are produced by a network of the company’s studios, which may be located all around the world. When multiple studios are working on a game, a “lead studio” drives the development of the game and oversees the production process. Such projects typically have a “collaboration team” that ensures continuity in the process, such as by ensuring that all studios working on the game are using the same software tools and by coordinating schedules and deadlines across studios.³³ For example, the Montreal office of France-based Ubisoft led the development of the game *Far Cry Primal*, while Ubisoft Toronto designed parts of game world, Ubisoft Shanghai designed several side missions, and Ubisoft Kiev created the PC version of the game. Engaging studios in different time zones in the production process meant that work on the game could be carried out around the clock.³⁴



In the past several years, there has been a trend towards consolidation in the video game industry. While AAA companies and publishers continue to work with outside studios, major companies have increasingly been purchasing studios and bringing them in-house.³⁵ However, in other cases, workers at acquired studios may be reassigned from ongoing projects at their home studio to larger projects at the parent company, which in some cases results in the indefinite suspension or cancellation of games that were in development at the home studio at the time of acquisition.³⁶ Sequels to the purchased studio's existing games may then be limited to the parent company's platforms, rather than sold to a variety of publishers. Experts have worried that consolidation may decrease access to individual games, lead to more homogenous games, and decrease creativity in the industry.³⁷

TENCENT

Tencent Holdings Ltd., ("Tencent") is a conglomerate with a vast portfolio of subsidiaries and international investments.⁴⁰ The developer and publisher of popular mobile games like *Honor of Kings* and *PUBG Mobile*, Tencent's footprint in the global gaming industry has grown significantly in the past decade.⁴¹ In 2011, for example, Tencent bought Riot Games, the developer of *League of Legends*.⁴² The next year, Tencent purchased a significant stake in Epic Games, the company behind Fortnite and the Unreal Engine (a prominent game development software).⁴³ In addition to its sizable acquisitions and investments, Tencent also has smaller stakes in leading video game companies (e.g., Ubisoft, Activision Blizzard and Paradox Interactive).⁴⁴

HQ: Shenzen, China
Company Type: Public
Gaming Revenue: US\$27B (2021) -8% YoY ³⁸
Global Headcount: 110,000+ ³⁹
Key Output: Mobile Games

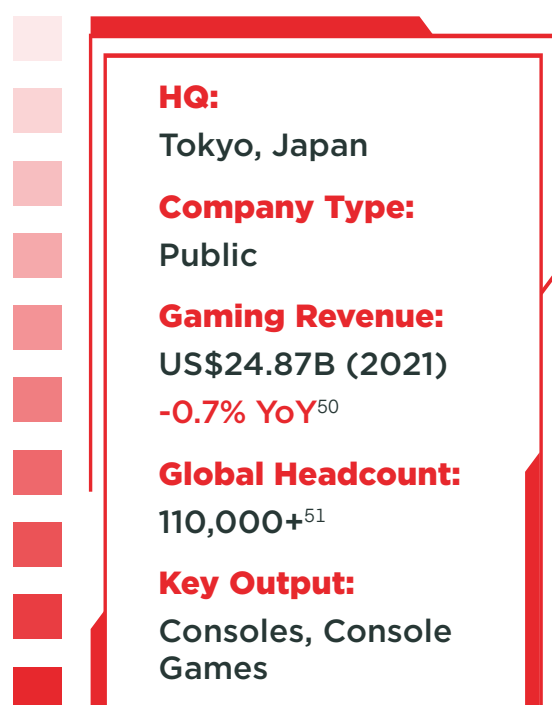


Key Recent Developments

Chinese technology firms have been the focus of increased regulatory scrutiny in recent years.⁴⁵ Tencent is no exception. In 2021, the Chinese government blocked Tencent's plan to merge Huya and DouYu, which are China's two largest video game streaming services.⁴⁶ More recently, in 2022, *The Wall Street Journal* reported that Tencent was "facing a potential record fine for violations of [...] central bank regulations" related to money laundering.⁴⁷

Labor Issues

Tencent's rise in the gaming industry has been accompanied by media coverage scrutinizing working conditions inside the company and its subsidiaries.⁴⁸ Since at least 2018, for example, workers at Riot Games in the U.S. have been speaking out about discrimination on the job, sexual harassment, and forced arbitration. In 2021, after negative press coverage, state investigations, and employee walkouts, Riot Games and Tencent paid US\$100 million to settle a class action lawsuit stemming from these issues.⁴⁹



HQ:
Tokyo, Japan

Company Type:
Public

Gaming Revenue:
US\$24.87B (2021)
-0.7% YoY⁵⁰

Global Headcount:
110,000+⁵¹

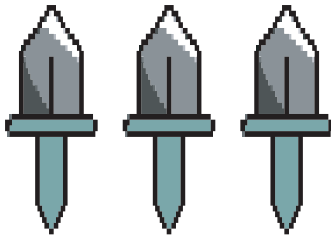
Key Output:
Consoles, Console Games

SONY

Sony Group Corporation ("Sony") is the largest of the "Big Three" gaming companies (i.e., Sony, Microsoft, and Nintendo). The company is known for its PlayStation consoles and for franchises like *Gran Turismo*, *The Last of Us*, and *Uncharted*.

Key Recent Developments

Sony has made several recent acquisitions and investments in the video game industry. First, in January 2022, Sony announced it would be acquiring Bungie for US\$3.6 billion.⁵² Then, in March, Sony announced it would be purchasing Haven Studios.⁵³ Finally, on April 11, Epic Games announced that Sony had made a US\$1 billion investment in the company.⁵⁴



Labor Issues

Although mandatory overtime is an industry-wide problem, “crunching” at Naughty Dog (U.S.) – one of Sony’s more prominent game development studios – is considered particularly egregious.⁵⁵

MICROSOFT

Primarily known for its Windows operating system and Office programs, Microsoft Corporation (“Microsoft”) is one of the world’s leading game developers and publishers. The parent of the popular Xbox console and more than 20 game development studios, including Bethesda (*The Elder Scrolls, Fallout*), Id Studios (*Doom*), Mojang Studios (*Minecraft*), and 343 Industries (*Halo*).⁵⁸

Key Recent Developments

In early 2022, Microsoft announced plans to acquire Activision Blizzard for \$68.7 billion.⁵⁹ The merger is currently under review by multiple regulatory agencies, including the U.S. Federal Trade Commission (FTC).⁶⁰ In addition to evaluating the deal’s implications for consumers and Microsoft’s competitors, the FTC is reportedly planning to consider the merger’s ramifications for Activision’s employees and video game developers industry-wide in its decision-making process.⁶¹

Labor Issues

After Microsoft announced its plans to acquire Activision Blizzard, workers forming a union at one of Activision Blizzard’s subsidiaries asked Microsoft to encourage the company to voluntarily recognize their union, which Microsoft did not do.⁶² For further information, see Activision Blizzard profile on the next page.

HQ:
Redmond, USA

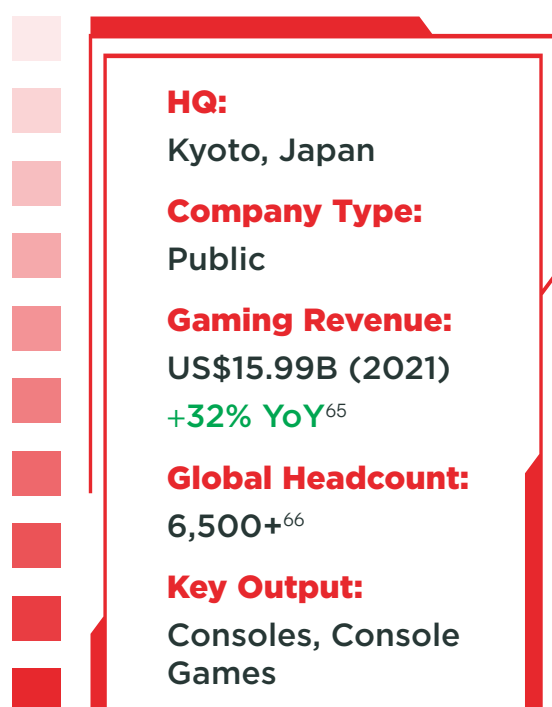
Company Type:
Public

Gaming Revenue:
US\$15.4B (2021)
+33% YoY⁵⁶

Global Headcount:
181,000+⁵⁷

Key Output:
Consoles, Console
and PC Games

However, in June 2022, Microsoft announced a set of “principles” around working with labor that state the company will “work collaboratively” with workers seeking to organize.⁶³ Unions have called Microsoft’s announcement “encouraging” while adding that in order to make these principles meaningful, Microsoft must integrate them into its day-to-day business operations and contractor standards.”⁶⁴



HQ:
Kyoto, Japan

Company Type:
Public

Gaming Revenue:
US\$15.99B (2021)
+32% YoY⁶⁵

Global Headcount:
6,500+⁶⁶

Key Output:
Consoles, Console Games

NINTENDO

Founded in 1889 as a playing card company, today, Nintendo Co., Ltd., (“Nintendo”) is a video game developer and publisher known for classic IPs (e.g., *Super Mario*, *The Legend of Zelda*, and *Pokémon*) and for its consoles (e.g., the Switch).⁶⁷

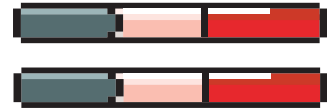
Key Recent Developments

When asked about acquisitions in an early 2022 investors’ meeting, Nintendo’s President Shuntaro Furukawa signaled that the company was not interested in contributing to the wave of consolidation impacting the industry.⁶⁸ In April 2022, the company announced a substantial new investment in research and development capabilities. To this

end, the company has purchased land near its headquarters in Kyoto, Japan, which will become the site for “Corporate Headquarters Development Center, Building No. 2.”⁶⁹

Labor Issues

In recent years, Nintendo has faced allegations of forced labor in its supply chain. Most recently, in 2021, Nintendo was accused of manufacturing products in factories that employ coerced workers from China’s Uyghur population.⁷⁰ In the U.S., Nintendo is the subject of a legal complaint filed in April 2022 that alleges that the company violated a contractor’s freedom of association rights by terminating them.⁷¹



ACTIVISION-BLIZZARD

Founded in 2008 following the merger of Activision and Vivendi Games, Activision Blizzard, Inc., (“Activision Blizzard”) is the American video game developer and publisher behind games like *World of Warcraft*, *Candy Crush*, and *Call of Duty*.

Key Recent Developments

In early 2022, Microsoft announced plans to acquire Activision Blizzard for \$68.7 billion (for the further information, see Microsoft profile on page 8.) Labor organizations, including UNI, have expressed concerns about the proposed merger, which would further consolidate the industry and weaken workers’ collective bargaining power in the sector.”⁷⁴

Labor Issues

In recent years, workers at Activision Blizzard and its affiliated studios have organized to hold the company and its executive leadership accountable for their failure to address issues like discrimination, rampant sexual harassment, and unfair layoffs. In 2021, more than 1,500 Activision Blizzard workers staged a walkout in response to a toxic workplace culture rife with sexual harassment and gender discrimination.⁷⁵ In early 2022, Quality Assurance (QA) Testers at Raven Software, which works on the *Call of Duty* franchise, announced they were forming a union with the Communication Workers of America (CWA) after more than a dozen workers were laid off during “restructuring.”⁷⁶ Raven QA workers won their union election in May 2022 – the highest-profile successful organizing effort at a U.S. video game company to date.⁷⁷

HQ:

Santa Monica, USA

Company Type:

Public

Gaming Revenue:

US\$8.8B (2021)

+32% YoY⁷²

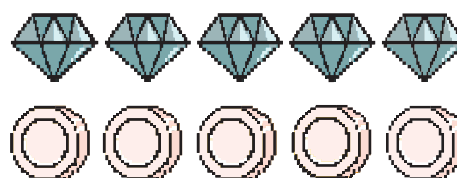
Global Headcount:

9,800+⁷³

Key Output:

Console, PC, and
Mobile Games





UBISOFT

HQ:
Montreuil, France

Company Type:
Public

Gaming Revenue:
US\$2.7B (2021)
+46.1% YoY⁷⁸

Global Headcount:
19,000+⁷⁹

Key Output:
Console and PC Games

Ubisoft Entertainment SA (“Ubisoft”) is one of Europe’s largest video game companies.⁸⁰ Ubisoft was founded in the 1980s by the Guillemot brothers, who continue to run the company as its highest-ranking executive officers today.⁸¹ The Guillemot family also currently owns 22 percent of net voting shares at the company.⁸¹ Ubisoft is the publisher of the *Assassin’s Creed* series, the *Far Cry* franchise, and *Watchdogs*.

Key Recent Developments

In a call in early 2022, Ubisoft’s CEO Yves Guillemot indicated that he was becoming more open to the idea of an acquisition amidst broader consolidation in the industry.⁸³ However, the Guillemot family is reportedly con-

cerned about retaining control over the company and ensuring that it does not become the target of a buyout. Recent reports suggest the Guillemot family is considering partnering with a private equity firm in order to prevent the sale of Ubisoft.⁸⁴

Labor Issues

In summer 2020, workers at Ubisoft started organizing and speaking out about discrimination, sexual harassment, and misconduct at the company.⁸⁵ Ubisoft’s executive leadership responded by announcing some company-wide reforms, surveying workers about their experiences at Ubisoft, and firing some of the officers and managers who were the subject of serious allegations of wrongdoing.⁸⁶ The results of Ubisoft’s survey, which were published online, revealed that “one in four respondents said that they had either witnessed or experienced workplace misconduct themselves in the past two years, and one in five said that they didn’t feel ‘fully respected or safe in the work environment.’”⁸⁷

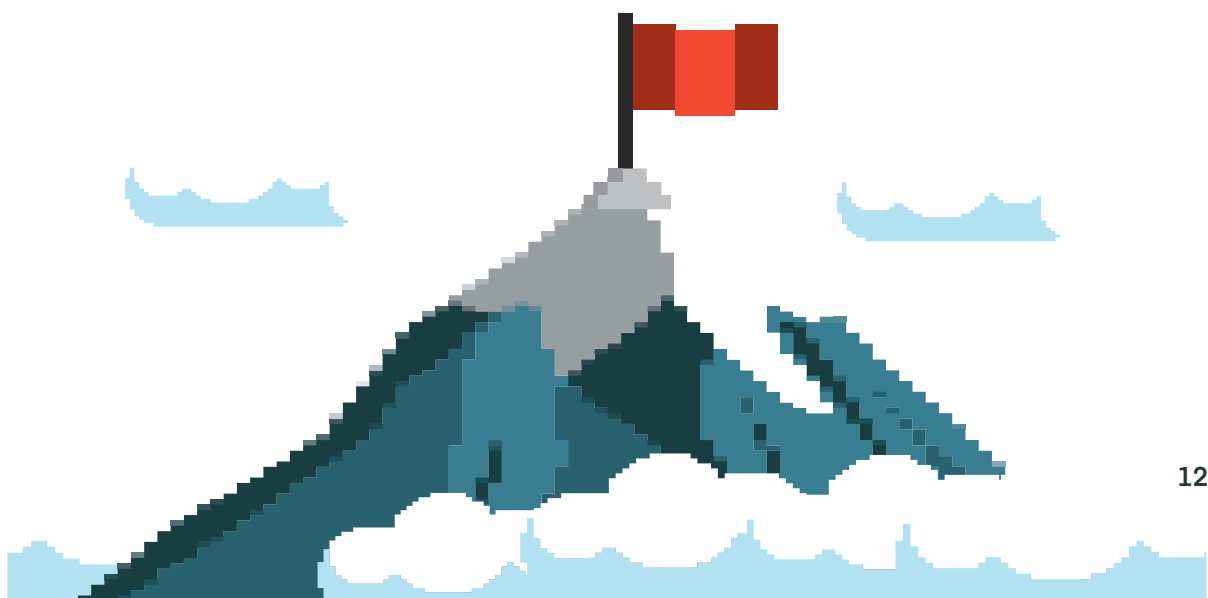
Video Game Development Process and Key Roles

Making a video game requires many different types of workers. “Game developer” can be understood as an umbrella term that captures many specialties. Roles and responsibilities within the game development process typically fall primarily within design, programming, and art. However, post-production processes such as quality assurance and localization also involve a range of important roles within game development. A game’s publisher is responsible for marketing and selling the game, as well as other post-production processes such as writing an instruction manual and designing a game’s box.

Depending on the size of the studio in which they work, a game developer may have multiple roles and specialties. Smaller studios, for example, might have one worker performing multiple tasks in game design. Larger studios might have multiple workers specialized in individual tasks and areas of game design.

The remainder of this section provides an overview of the three core stages of the typical video game development process, including the key worker categories involved in each.

Although working conditions vary by company, and workers face challenges throughout the production process, many of the most exploited workers in the video game industry are found in the post-production stage of game development. Outsourcing and independent contractor employment models are, for example, prevalent in post-production processes such as quality assurance and localization.⁸⁸



The Three Key Stages of Video Game Production

Pre-production

Pre-production lays the foundation upon which a title is built. In this phase, typically, **designers** outline a game concept with the help of **artists** and **programmers**.

Lead designers also might select features, such as an innovative gameplay element or powerful graphics, that make the game unique. The designers ultimately compile the core ideas for a title in some form of game design document. From this document, programmers create a prototype game. Many game studios use the prototype to secure financing from publishers. Once the game receives funding, programmers begin building its technological framework. Meanwhile, artists create concept art, such as character illustrations, that help designers visualize the game. Prototype completion signals the beginning of the production phase of development.⁸⁸

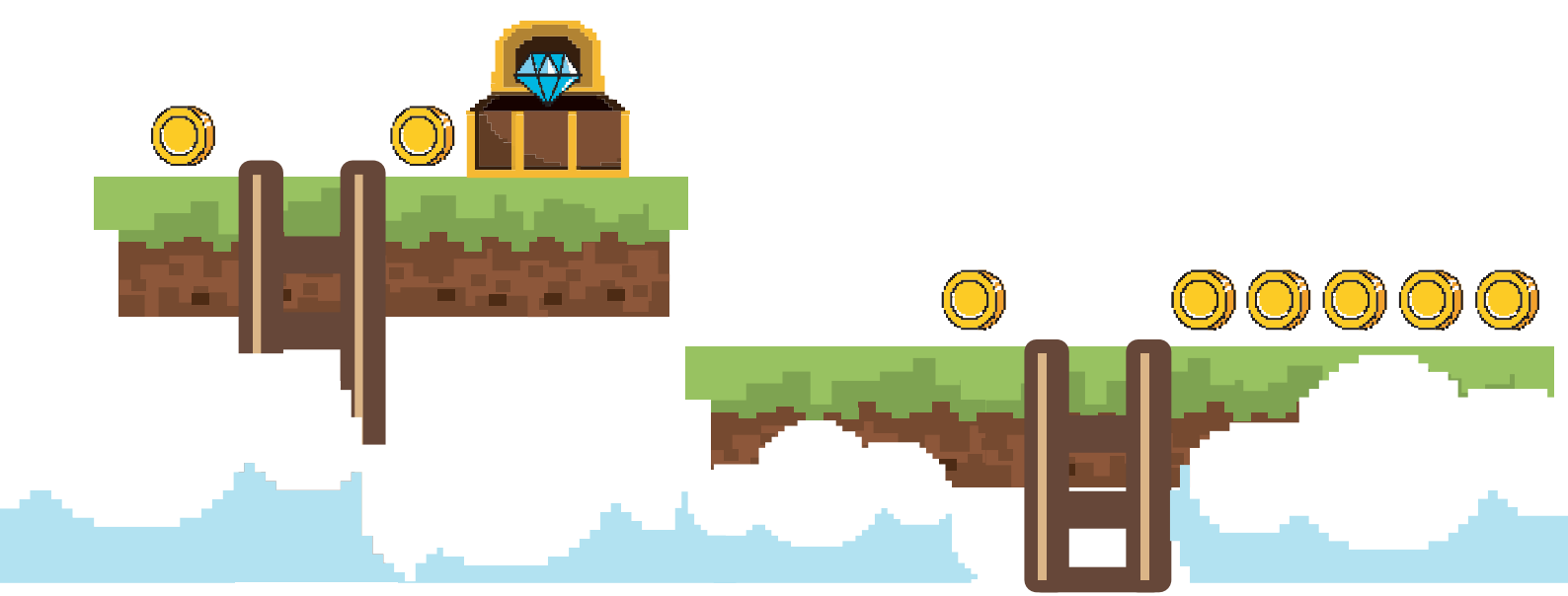
Production

In the production phase, teams of **designers**, **artists**, and **programmers** use the design document as a guide to create the game. The teams collaborate to make the most of each other's expertise.

Artists use concept art to create textures, models, and animations for the characters, levels, objects, and environments that will populate the game world. Programmers finalize the game engine – a video game's physics and graphics systems. They also write the code that dictates everything from the game's rules to how its visual elements are displayed on the screen.

Programmers finalize the game engine, a video game's physics and graphics systems. They also write the code that dictates everything from the game's rules to how its visual elements are displayed on the screen.

Designers meet with workers from the other departments to ensure that the game's design document is being followed. Feedback during production helps the designers revise the document as needed – for example, to improve a game's mechanics or remove an unfeasible feature.⁹⁰



Post-production

Much of post-production focuses on playing the game to test it for errors, and on eliminating any unwanted elements. **Quality assurance testers** play the game and attempt gameplay and moves that development staff may not have considered. As the game testers find bugs, they document the errors and assign them to a **programmer**, **designer**, or **artist** to fix. Dealing with bugs and issues can make postproduction time-consuming, and this stage may take as long as production. This is especially true for more complex, big budget titles.

The post-production process also typically involves **localization** workers. Localization is the process of modifying game content for a specific regional or local audience. Localization ensures a game can be marketed internationally, and that its content appeals, and does not offend, national or regional sensibilities. Localization workers are mostly **translators**, but the process can also involve a range of experts in different subjects, such as cultural history, marketing, and international law.



Even after a game is released, games often need “patches” which are frequent updates that might include bug fixes, tweaks to the game’s balance, and new content. A game’s success might also persuade a studio to develop an “expansion pack” or other downloadable content that is usually sold separately as an addition to the original game. **Designers, programmers** and **artists** can thus often remain engaged in the post-production process long after the initial release of a game.⁹¹

Survey of Video Game Workers

In partnership with UNI, the Strategic Organizing Center (SOC) conducted an online survey of video game workers in May 2022 to better understand their working conditions and the challenges they face in the workplace. The survey was sent to a wide variety of video game worker organizations around the world, and the SOC and UNI used digital advertising on social media platforms to distribute the survey to likely video game workers. Through this survey, the SOC and UNI identified 512 respondents who self-identified as being currently employed in the video game industry.⁹²

Overview

Respondents reported working in 29 different countries, including 21 European countries. In total, 310 (61%) work in North America, 183 (36%) work in Europe, and 19 (4%) work in Australia or Asia.

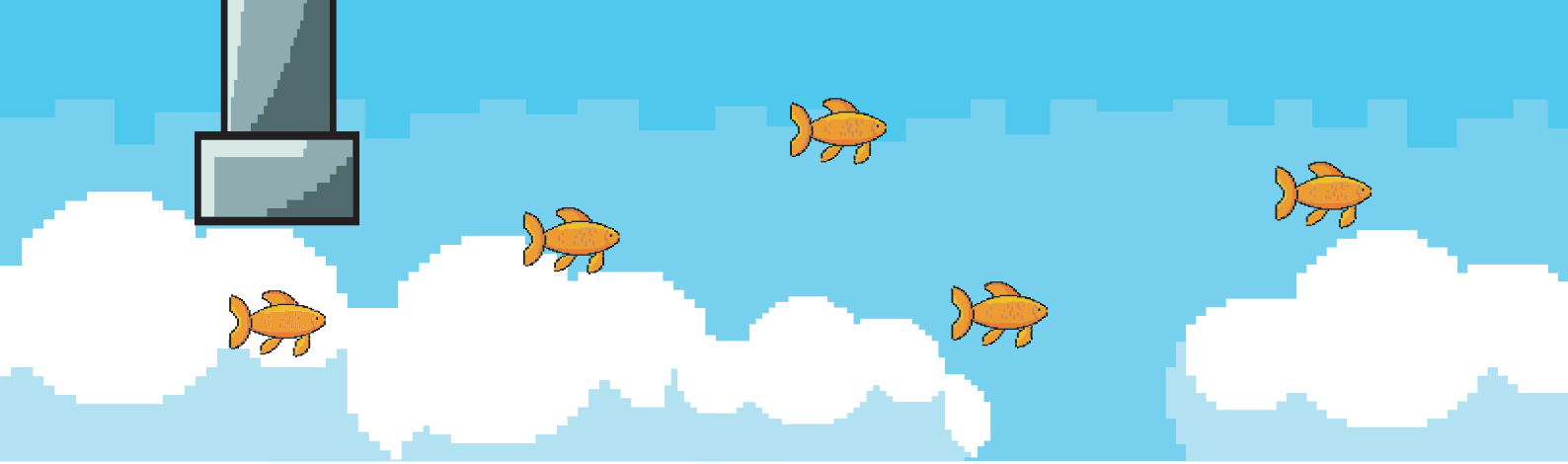
Most respondents work for either an AAA company—195 workers, or 39 percent of respondents—or an indie company—187 workers (37%). Other respondents work at other types of firms that include middleware companies (5%), localization firms (4%), and mobile game companies (4%). Nearly three-quarters of respondents (71%) are employees of a company, while just under a quarter (23%) are freelancers.

Eighty-three percent of survey respondents reported one or more problems in their workplace.

The majority of respondents are either programmers (27%), designers (18%), or artist/technical artists (17%). Other commonly-reported job titles included testers (8%) and developers (7%).

Workplace Issues

Eighty-three percent of survey respondents answering questions about workplace issues identified one or more problems in their workplace, and among those respondents, 75 percent identified three or more problems. Respondents at some types of firm were even more likely to report workplace problems – 79 percent of those at mobile game firms, and 100 percent of those at localization firms.⁹³

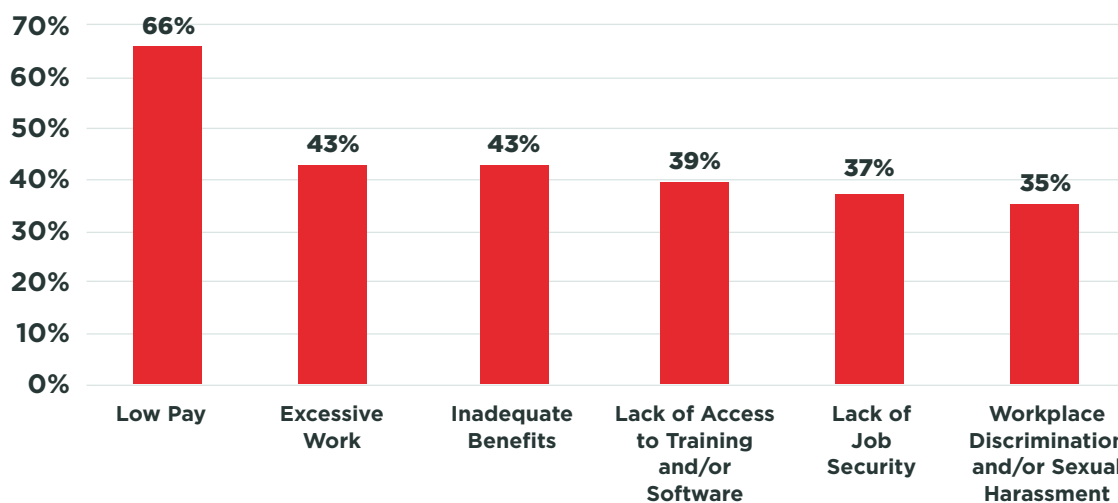


The top issues among respondents reporting workplace problems were **low pay** (66%), **excessive work demands** and/or working hours (43%), and **inadequate benefits** (43%), as shown in Figure 3.⁹⁴ Other issues included lack of access to training, software, and/or other necessary materials (39%), lack of job security (37%), and workplace discrimination and/or sexual harassment (35%).⁹⁵

FIGURE 3

Top Workplace Issues Identified By Video Game Workers, May 2022

Note: Ranked by percentage of workers reporting one or more problems in their workplace who selected each issue.



Low Pay

Low pay was the most commonly-cited issue among respondents reporting one or more workplace problems—66 percent of respondents reported this issue. Among those working in Europe, this rate was even higher, at 77 percent.

Workers at mobile game and localization firms were more likely than other workers to report facing low pay—73 percent of respondents at mobile game firms and 94 percent of workers at localization firms identified low pay as an issue. Testers and translators were among the job titles reporting the highest rates of dissatisfaction with pay: 83 percent of testers and 100 percent of translators identified low pay as a problem in their workplace.

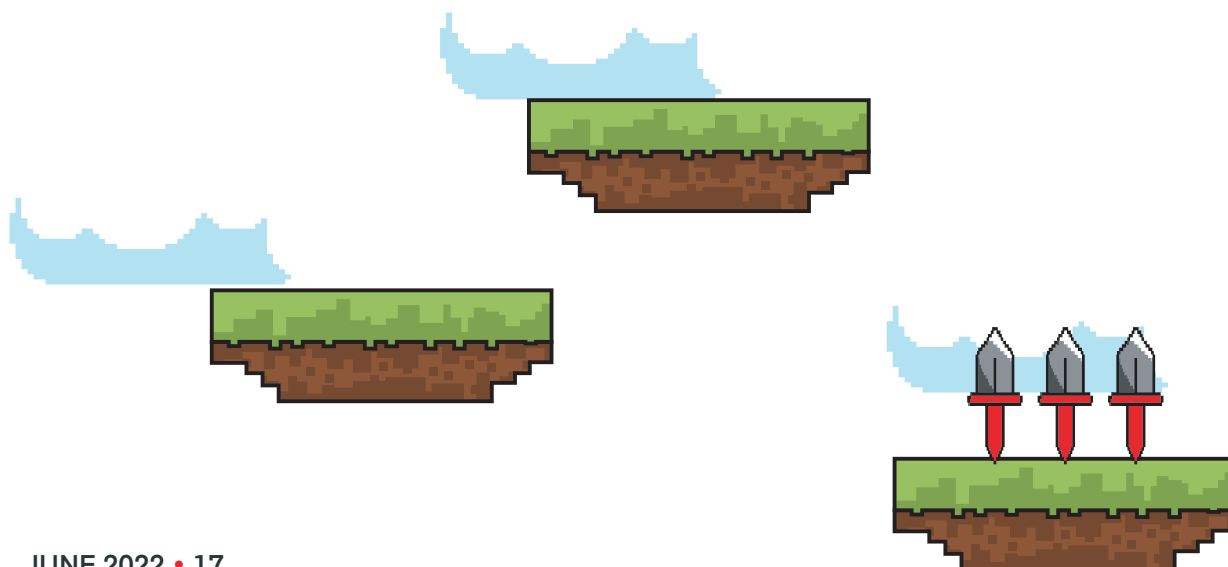
Excessive Working Hours

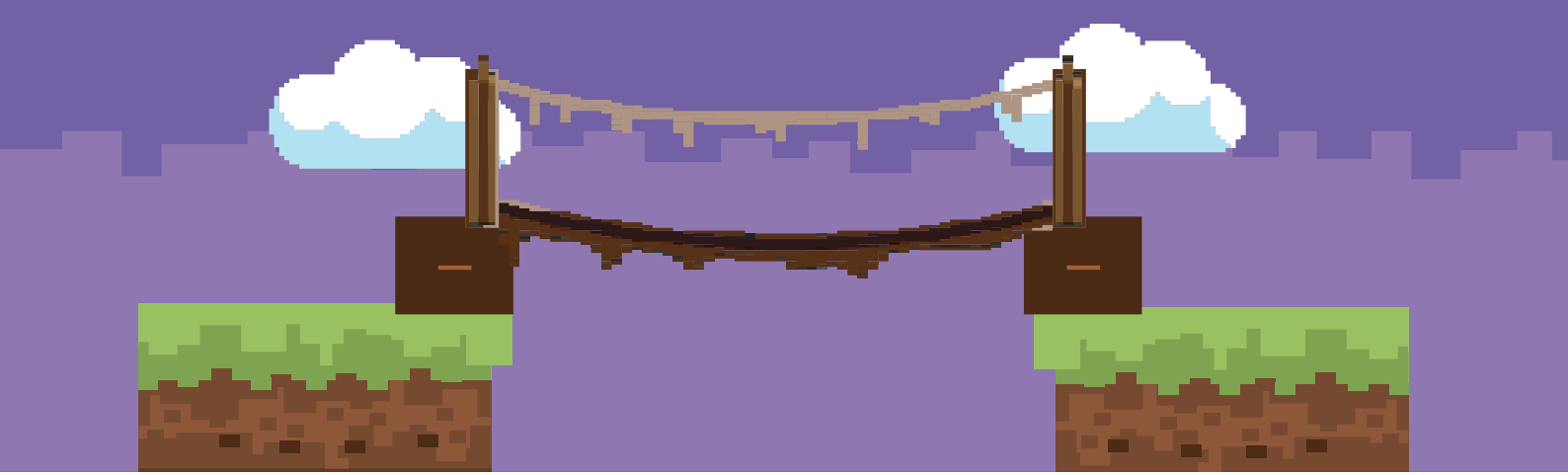
Among all participants identifying one or more workplace issue, 43 percent identified excessive work demands and/or working hours as a problem. This number was higher for those working in North America (45%). Respondents at localization and AAA firms were among the most likely to report excessive working hours: more than four in 10 at localization firms (44%) and nearly half of those at AAA firms (47%). Programmers (47%), producers (55%), and translators (63%) were the workers most likely to report excessive work demands or hours.

Gender Discrimination and Sexual Harassment

Significant numbers of female and non-binary respondents reported that gender discrimination is an issue in their workplace. Nearly half of women (46%) and 43 percent of non-binary respondents who identified issues in their workplaces reported that gender discrimination is a problem. Even higher percentages did so at AAA companies, where more than half of women (59 percent) and nearly half of non-binary respondents (47 percent) said that gender discrimination is a problem in their workplaces.

Substantial numbers of non-men also reported that sexual harassment is a problem in their workplace. Nearly a quarter of women (24%) and non-binary respondents (23%) reported sexual harassment as an issue. At AAA companies, these numbers were even higher: four in 10 women (40%) and 27 percent of non-binary respondents said sexual harassment is a problem.





Racial Discrimination

While 17 percent of all respondents identifying one or more workplace problems stated that racial discrimination is an issue, non-white respondents were far more likely to do so. Seventeen percent of white respondents identifying one or more workplace issues stated that racial discrimination is a problem in the workplace, but 28 percent of non-white respondents did so.

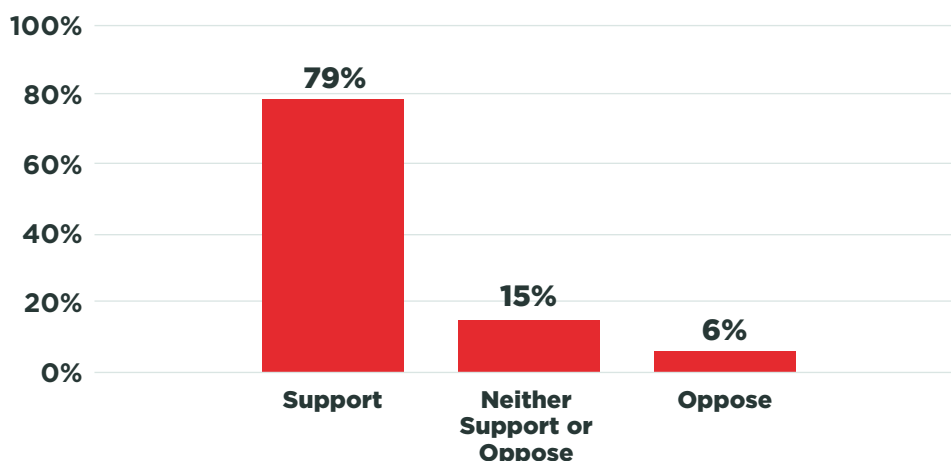
Union Support

The vast majority of respondents expressed support for unionizing their workplace. Of the respondents answering the question, "Would you support forming a union at your workplace?" 79 percent said they would "definitely" or "somewhat" support a union, while only 6 percent said they would "definitely" or "somewhat" oppose a union, as shown in Figure 4. Among union supporters, 76 percent were strong supporters who said they would "definitely" support forming a union at their workplace. Support for unions was even higher among respondents working in Europe, where 85 percent of respondents said they would support a union, while less than 1 percent said they would oppose one. Union support was also especially high among respondents who work at localization firms, where 94% said they would support a union, and among respondents who are translators (93%), writers (92%), developers (86%), and testers (84%).

FIGURE 4

Union Support among Survey Respondents, May 2022

Response to the question, "Would you support forming a union at your workplace?"



Legal Reform

This section of the report identifies several areas where legal reform could benefit video game workers. In each case, the area of legal reform in question is relevant to a range of jurisdictions in which video game workers are employed.

Screening for the labor market impact of mergers

As of February 2022, there have been 584 acquisition deals involving video game companies since the start of 2020.⁹⁶ By comparison, there were fewer than half as many—269—in the two years preceding 2020.⁹⁷ One of the results of increasing merger and acquisition activity is that the video game industry is increasingly concentrated.⁹⁸ An oligopoly of eight conglomerates increasingly dominate the market: Tencent, Sony PlayStation, Microsoft Xbox, Nintendo, Activision Blizzard, Electronic Arts, Take-Two Interactive, and Ubisoft.⁹⁹ Additionally, Microsoft currently intends to purchase Activision Blizzard for US\$68.7 billion, which, if cleared by regulators, would be the largest video game merger in history. Labor organizations, including UNI, have expressed concerns that mergers – including the Microsoft-Activision Blizzard proposal – leave workers with fewer employment alternatives, suppress wages, and reduce workers' collective power.¹⁰⁰

Increasing consolidation creates the risk that a small number of employers will come to dominate the market, and that the remaining firms will exercise outsized influence over the working conditions of video game workers. Consolidation within the localization sub-sector of the industry should serve as a warning sign in this regard. Through acquisitions, two large companies—Lionbridge and Keywords Studios—have come to dominate this sub-sector, and thus also the hiring of localization workers.¹⁰¹ This has contributed to poor working conditions; at Lionbridge, workers are organizing to attempt to improve their workplaces.¹⁰²

One option for addressing the potential adverse labor impacts of increasing consolidation is to support merger review standards that screen acquisitions for their labor market effects. With few exceptions,¹⁰³ this has generally not been the case under status quo antitrust law worldwide. In the U.S., however, there have been recent, encouraging signs that the country's two antitrust enforcers—the Federal Trade Commission and Department of Justice—are beginning to consider such screens as important elements of future merger review guidelines.¹⁰⁴

Reforming the use of non-disclosure agreements (NDAs)

Game companies have used NDAs to protect trade secrets, with large companies threatening some of the lowest-paid workers in operations such as game testing with legal repercussions for breaking NDAs.¹⁰⁵ Beyond their intellectual property protection usage, NDAs have also been used by video game companies to cover up instances of suspected sexual harassment of female employees.¹⁰⁶

Some legislation has been introduced to address the misuse of NDAs in this manner. In 2018, for example, California passed the Silenced No More Act, which prohibits the use of NDA clauses in severance agreements.¹⁰⁷ In Canada, Lynne Lund, a Green Party Member, has pushed for the introduction of legislation that would give victims of sexual misconduct the right to speak out even if they have previously signed an NDA.¹⁰⁸ In June 2021, an amendment to Ireland's Employment Equality Act reached the critical third stage in Ireland's second chamber.¹⁰⁹ The bill is intended to increase workplace protections across many sectors in Ireland and inspire other jurisdictions to follow suit.

Limiting use of non-compete agreements

These agreements are restrictive employment covenants that limit a worker's ability to switch jobs, and thus can disincentivize workers from leaving an employer, even when working conditions are poor.

Given the extensive exposure to trade secrets in the video game industry, non-competes are used widely. In the EU, there is no supranational rule governing the use of non-competes by employers. Even in member state markets where employment law is strong, non-competes are often legal even when applied to non-executive video game workers.¹¹⁰ In some jurisdictions, such as France, non-compete agreements can also be governed through collective bargaining agreements.¹¹¹

There are some signs that there may be increased scrutiny of non-compete agreements imminently at the EU level. In October 2021, the EU competition commissioner alluded to an increased focus on enforcement against non-compete agreements on the basis that they "restrict talent from moving where it serves the economy best... [and are] effectively... a promise not to innovate."¹¹² Additionally, as the labor market in many countries has stagnated following the COVID-19 pandemic, it is likely that the effective enforcement of competition law breaches relating to employees will become increasingly relevant to governments and regulators as a tool to free up labor markets and increase innovation.

In the U.S., similarly, the Biden administration has recently encouraged the Federal Trade Commission to develop rules to “curtail the unfair use of non-compete clauses” by employers.¹¹³

Increasing access to employment rights for contractors

The video game industry has traditionally relied heavily on independent contractors. While video game developers can be engaged as independent contractors, a significant concentration of contingent employment is currently found in the localization sub-sector of the industry. Dominant employers such as Lionbridge hire workers almost exclusively as independent contractors.¹¹⁴ Under this employment model, workers are usually bereft of fundamental labor rights, often including the freedom to associate.

In recent years, a number of governmental authorities have looked to expand the definition of “employee” to include numerous working arrangements previously classified as “independent contractor” relationships. California’s recently enacted AB 5 bill stands as a particularly strong example of this trend.¹¹⁵ In December 2021, the European Commission also launched a legislative proposal to reform conditions for many independent contractors in the EU.¹¹⁶ It is unclear to what extent this latter proposal will capture independent contractors within the video game industry.

Regulating crediting practices

Video game employers have often taken a punitive approach to including workers in a title’s credits, withholding inclusion if an employee decides to leave before a title is finished. This can result in employees who have worked for years on a title not being appropriately recognized for their contributions. This employer practice leaves a flawed record of authorship, and compromises the ability of workers to prove they have worked on a game when promoting their work experience to other prospective employers. One of many egregious examples of game crediting censorship allegedly took place in 2011, when over 130 workers on Rockstar’s *LA Noire* were not included in the game’s credits.¹¹⁷ Despite this and other examples, there is currently no legal regulation of crediting practices in video games, or indeed identified legislative proposals. Currently, only voluntary guidelines exist, such as those authored by the International Game Developers Association (IDGA).¹¹⁸

Further Reading and Additional Resources

News Sites

Kotaku: kotaku.com

Games Industry: gamesindustry.biz

Screenrant: screenrant.com/gaming

Polygon: polygon.com

Inverse: inverse.com

Rock Paper Shotgun: rockpapershotgun.com

Eurogamer: eurogamer.net

The Gamer: thegamer.com

Game Developer: gamedeveloper.com

Twitter accounts

A Better ABK (Activision Blizzard King), US: @ABetterABK

A Better Ubisoft, France: @ABetterUbisoft

Collective Action in Tech: @Tech_Actions

CWA Campaign to Organize Digital Employees (CODE), US: @CODE_CWA

Game Developers Conference: @Official_GDC

Game Makers of Finland: @GamemakersFin

Game Worker Solidarity: @GWSolidarity

Game Workers Alliance, Raven Software, US: @WeAreGWA

Game Workers Australia: @GameWorkersAU

Game Workers Unite, Ireland: @GWU_Ireland

Solidaires Informatique Jeu Vidéo, France: @SolInfoJeuVideo

Syndicat des Travailleurs et Travailleuses du Jeu Vidéo, France: @STJV_FR

United Tech and Allied Workers, UK: @UTAW_UK

Ver.di, Vereinte Dienstleistungsgewerkschaft, Germany: @_Verdi

Vodeo Workers United, US: @Vodeoworkers

Unions

BECTU, UK: bectu.org.uk

CCOO, Spain: ccoo.es

CWA Campaign to Organize Digital Employees (CODE), US: code-cwa.org

EL og IT, Norway: elogit.no

FSU, Ireland: gwuireland.org

Game Makers of Finland: peliala.fi/en

ICTJ, Japan: joho.or.jp/english

LIV, Iceland: andssamband.is/en

Novi Sindikat, Croatia: novisindikat.hr

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Prosa, Denmark: prosa.dk/english

Prospect UK, Tech Workers: prospect.org.uk/tech-workers

SITT, Romania: sitt.ro

Sveriges Ingenjörer, Sweden: sverigesingenjorer.se

Syndicom, Switzerland: syndicom.ch

UGT, Spain: ugt.es

Unionen, Sweden: unionen.se/in-english

UNITE, UK: unitetheunion.org

Ver.Di, Germany: verdi.de

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International Game Developers Association

2021 Developer Satisfaction Survey COVID-19 Report, July 31, 2021

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Schreier, Jason

Press Reset: Ruin and Recovery in the Video Game Industry

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Schreier, Jason

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Endnotes

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