

Diversity and Equity from Below: Media Worker Unions and Collective Bargaining¹

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Abstract

This article examines how media workers tackle equity and diversity from below via collective bargaining. In a review of 69 contracts negotiated during the new media union movement's most active years (2015–2022), we find that collective bargaining is a vital strategy for meaningfully addressing equity and diversity in media. Collective agreements directly address structural causes of inequity in media organizations, articulate solutions, outline specific ways management must remedy problems, and include mechanisms to monitor progress and hold employers to account. Notably, in the contracts we analyze, language on racial, gender, and sexual equity is explicit and implicit. Some clauses directly address equity, such as discrimination and sexual harassment, and others do so indirectly, via salary minimums and flexible leaves, for example. Although individual contracts vary in their attention to equity and diversity, we argue that overall media workers' commitment to equity is diffuse throughout our corpus of contracts. Negotiated contracts to date establish and encode equitable workplace protections that challenge the conception of a generic, white, male media worker that has historically influenced union bargaining priorities and shaped newsroom experiences. These findings are significant because they demonstrate that worker-led, collective processes of unionization and bargaining can materially and meaningfully address equity and diversity in media.

Keywords: media unions, collective bargaining, diversity, equity, labor.

How can media and cultural work be made more equitable and diverse? This question persists among media industry researchers.³ In Canada and the United States, journalism is a particularly contested site of struggle around racial, gender, and sexual diversity and equity in newsroom composition, occupational practices, and editorial content.⁴ Women, BIPOC,⁵ and 2SLGBTQ+⁶ workers are underrepresented to varying degrees, are underpaid compared to white male counterparts, and face systemic sexism and racism at work.⁷ White men continue to dominate management and leadership and retain undue influence over hiring, business, and editorial decisions, while women and BIPOC journalists occupy more precarious employment and face disproportionate harassment and online abuse.⁸ Such inequities and underrepresentation reinforce ongoing hegemonic whiteness in the content published.⁹

Collective responses to these issues are less studied.¹⁰ Researchers show how women, BIPOC, and other marginalized media workers respond to racism, sexism, and exclusion via informal strategies such as finding allies at work and engaging in mentorship, and via whisper networks.¹¹ More formalized efforts include joining associations and advocacy groups or leaving the industry altogether.¹² In this article, we consider unionization as a collective response to equity and diversity in journalism.¹³ Empirical research demonstrates that unions are a vital way to address sexism, racism, and other forms of oppression.¹⁴ Once a union is certified, workers collectively bargain with employers to set the terms of their working conditions. This article is a case study of journalists and media workers in the United States and Canada who certified new bargaining units between 2015 and 2022 and the collective bargaining agreements (CBAs) they negotiated during this period.

Since 2015, media workers have unionized around 200 newspapers, magazines, digital sites, podcast companies, and radio stations in North America, primarily joining the Writers Guild of America, East; locals of The NewsGuild (Communication Workers of America and its Canadian branch, CWA-Canada); and SAG-AFTRA.¹⁵ This renewed push to unionize began with digital media workers to address changing conditions as media startups scaled up.¹⁶ As unionization spread, workers organized to address precarious employment, inadequate benefits, intense workloads, job security, layoffs, corporate concentration, technological change, and pandemic-related challenges such as remote work.¹⁷ Notably, almost all union drives foregrounded racial and gender equity in campaigns and bargaining.¹⁸ For example, announcing their union drive in 2015, HuffPost workers wrote:

HuffPost has taken a strong editorial stance in favor of diversity, but this diversity is not reflected among the staff. We would like to formalize our commitment to inclusivity in hiring, and keep HuffPost accountable to that commitment. A union is a formal mechanism to advocate for each other and to address systemic issues at the company on an ongoing basis.¹⁹

And Sports Illustrated Union wrote in 2020:

We must prioritize diversity by establishing inclusive hiring practices and paths to advancement for women and people of color. We must conduct a company-wide gender and race pay equity study, followed by immediate correction of any unjust pay disparities. And we must implement stronger anti-harassment training and policies to secure a safe work environment for all.²⁰

CBAs illuminate how workers collectively enact these commitments.

In a review of sixty-nine contracts negotiated during the new media union movement's active first years (2015–2022), we find that collective bargaining is a vital strategy for addressing equity and diversity in media. CBAs directly confront structural causes of inequity in media organizations, articulate solutions, and outline specific ways management must remedy problems and mechanisms to monitor progress and hold employers to account. Notably, in the contracts we analyzed, language on racial, gender, and sexual equity is explicit and implicit. Some clauses directly address equity, such as discrimination and sexual harassment, and others do so indirectly, via salary minimums and flexible leaves, for example. Thus, while individual contracts vary in their attention to gender and racial equity and diversity, we argue that overall, media workers' commitment to equity is diffuse throughout our corpus of contracts. Negotiated contracts to date establish and encode equitable workplace protections that challenge the concept of the "generic worker"²¹—in this case, the white, male media worker who has historically influenced union bargaining priorities and newsroom experiences. These findings are significant because they demonstrate that equity and diversity are labor issues, not extra-class interests,²² and show how worker-led, collective processes of unionization and bargaining can materially and meaningfully address equity and diversity in media.²³

First, we contextualize our case study and then outline our theoretical frame, methods, and terminology. In what constitutes the bulk and primary contribution of the article, we present our empirical findings in two sections: explicit and implicit contract gains. We conclude by identifying limitations and possibilities that media union CBAs represent and indicate future research directions.

Media Unions, Diversity, and Equity in Context

As the journalism industry faces challenges from rapid technological and economic transformations that have shrunk newsrooms and worsened working conditions,²⁴ the expansion of digital media has enabled those long excluded to participate. More women, BIPOC, 2SLGBTQ+, and young workers are entering journalism in a time of tumult and generalized insecurity in the industry and occupation.²⁵ As Callison and Young argue, while the contemporary journalism crisis has been discussed primarily in economic terms, journalism has long faced a deep crisis of inequity and injustice, with racism, sexism, and colonialism dominating logics of journalistic production, content, and newsroom composition.²⁶

As a worker-led response to these intersecting crises, in the mid-2000s, nonunionized media workers began organizing. Journalists in North America unionized in a sustained, albeit uneven manner in the 1930s,²⁷ but in recent decades, unions weren't organizing new workers. Notably, workers themselves initiated the recent surge of organizing, and equity has been a core motivator, demonstrated by public statements expressing a collective desire to transform the white, cisgender male-dominance of journalism and media to better represent communities and support workers.²⁸ Researchers and workers alike have critiqued media companies' top-down diversity efforts aimed at increasing the representation of BIPOC workers as superficial and self-serving,²⁹ but little research has examined collective bargaining as a strategy for addressing diversity and equity.

Historically, via collective bargaining, early newsworker unions improved basic material conditions and wages, especially for the lowest paid.³⁰ Yet Ayers describes the American Newspaper Guild's "racial record" in the 1930s as "indifferent." While the union committed to helping Black workers find employment at "white newspapers," this wasn't a feasible goal, and by the mid-1950s, Black workers experienced decades of "drastic underrepresentation."³¹ Mari finds that the Guild "sometimes advocated" for women and "minorities" who had the opportunity to enter predominantly white, male newsrooms.³² It contested an "unwritten law" that women were fired if they married, pushing for reinstatement and pay equity for some women reporters.³³ Drolet notes that the Ottawa Newspaper Guild began addressing gender parity in wages in the 1960s, but progress was slow. In the 1970s, the union addressed "minority rights" via conferences and a report on how to recruit, train, and support women and "minority group" employees. It introduced gender neutral language into contracts (from "women's editor" to "lifestyle editor;" from "office boys" to "office persons") and won benefits for pregnant women.³⁴ In the mid-1980s, the guild began advocating for language on pay equity and sexual harassment. As Freeman argues, while the American Newspaper Guild and its locals "could be slow in supporting its female members until challenged by the women themselves," contracts at various Canadian media outlets included equal pay, in part due to federal pay equity legislation but also thanks to feminist activism "inside and outside industry."³⁵ Still, conditions weren't improved for women with children, "especially those who aspired to senior management," nor was diversity improved.³⁶ In his assessment of twenty-two WGAE (Writers Guild of America, East) digital media contracts, Salamon identifies a range of clauses that, as we discuss below, address equity, including antidiscrimination and harassment language, just cause, protections for temporary workers, workload, leaves, benefits, and pay.³⁷

As feminist labor researchers have argued, historically, unions have contributed to inequities and discrimination in the labor market via inattention to race and gender in bargaining.³⁸ Race and gender were sidelined to prioritize the needs of men, or the "dominant workers in a particular workplace or industry."³⁹ Union members have engaged in activism to push equity issues onto the bargaining agenda but often in a contained way—adding maternity leave, for example—rather than integrating "broader equality dimensions into all bargaining content and activity."⁴⁰ Scholars argue that unions are vital for equity but must operate from an understanding that gender and racial equity is deeply linked to class and that all aspects of bargaining must address equity.⁴¹ This research, alongside resources from unions and activists, shares best practices for incorporating women's issues and, later, racial justice and diversity onto bargaining agendas.⁴² As we demonstrate below, in this context, media unions have made remarkable gains around gender, race, and sexual equity, not only in specific clauses but also in generalized commitments diffuse through the corpus of CBAs.

Our analysis draws on the critical political economy of communication's labor standpoint, which emphasizes the agency and organization of workers in the study of media industries, and Marxist intersectional feminist theory, which retains structural analysis of class in intersectional theorizing.⁴³ Intersectionality does not separate analytic categories of race, gender, or class to explain systemic and structural power, instead it positions race, gender, and class

as mutually constitutive.⁴⁴ An intersectional lens on labor research challenges an assumption of the white working class as the “dominant lens through which one views worker organization.”⁴⁵ This enables us to identify gains that seem to rely on such an assumption (implementing salary scales, e.g.) as gains that in fact implicitly address equity and diversity by improving the conditions of workers with the least power in the workplace due to intersecting social and class locations.

Methodology

We collected sixty-nine CBAs, including first, second, and third contracts. Many CBAs are available on union websites, others we obtained directly from unions (see Appendix A). We included as many CBAs as we could procure that were negotiated by unions certified between 2015, when the wave of digital media unionization began, and summer 2022. We coded CBAs in qualitative software to collect instances of the clauses we discuss below. We selected codes based on an initial read of contracts to identify language that implicitly and explicitly addresses gender, race, and sexual equity and diversity. Our choices were informed by the literature reviewed, a survey of union materials on best practices and sample language, and background discussions with union staff and journalist-organizers. Our discussion below is not a comparative analysis or a quantitative assessment but rather an identification from the contracts we collected of strong language and model clauses addressing racial, gender, and sexual diversity. Our aim is to show specifically and generally what’s possible for media workers to achieve via collective bargaining.

Finally, a note on terminology: we recognize that diversity is a contested term that has been mobilized by a range of corporate actors and institutions, including media companies, primarily to increase their public image via paying lip service to racial, gender, and ethnic inequalities without meaningfully addressing structural racism and sexism.⁴⁶ Douglas characterizes institutional diversity efforts as forms of “inconsistent inclusion,” whereby efforts are “measured quantitatively not qualitatively” and therefore do not meaningfully address the racism media workers experience.⁴⁷ Saha argues that representation often serves as a postracial “veneer” that “dehistoricizes and removes the question of race altogether.”⁴⁸ Binyam describes media outlets’ top-down diversity initiatives as more of a “branding principle” meant to appease workers and publics.⁴⁹ Still, as she notes, this is the imperfect term that workers and unions use to do the work of addressing structural racism, sexism, and other forms of marginalization and oppression. So, we use the term with reservation and in the specific context of worker-led initiatives aimed at material change in media industries. By equity, we refer to structural and material justice where the needs of the most marginalized workers are met. As Harvey writes, “Equity is attuned to the historical and ongoing disadvantages faced by those groups of people who have been excluded and underrepresented,”⁵⁰ an ethic we find in the contracts we examine. And while our research set out to examine racial and gender equity, the contracts we studied required that we broaden our lens to include sexuality and ability and emphasize that all forms of oppression intersect.

What Have Workers Won?

Explicit Gains

Contracts have explicit antidiscrimination statements that enshrine protection against discrimination based on race, gender, sexuality, disability, and immigration status. Such statements are effective ways to “encourage diversity and combat bias in the workplace” and set the tone for the whole contract.⁵¹ Many statements are comprehensive: Thrillist Union’s CBA lists thirty-eight categories of protection, including race and gender identity, housing, and immigration status.⁵²

CBAs address the whiteness of newsrooms via hiring and recruitment clauses that contain detailed processes to increase the numbers of BIPOC journalists in newsrooms. At minimum, contracts contain statements committing to increase diversity. Some align diversity with business goals and others speak to an organization’s mission. For example, at Crosscut, “Diversity enhances the relevance and substance of our work and is essential in fulfilling our mission to inspire a smarter world.”⁵³ At the *Seattle Times*,

Having a diverse staff is an important step toward richer, more inclusive and better journalism. People from all walks of life must see themselves in our content and be able to relate to it. It is essential to achieving our journalistic mission.⁵⁴

The Intercept Union’s CBA commits to increasing by 50 percent the number of newsroom workers of color, Pitchfork Union’s CBA commits to a 50 percent increase of workers from underrepresented groups, and some Canadian unions’ CBAs commit to increasing the numbers of Indigenous workers.

CBAs contain specific recruitment criteria to end informal practices such as hiring via personal connections.⁵⁵ Open positions must be publicly posted and circulated among organizations that represent workers historically marginalized in journalism, including the National Association of Black Journalists, the Association of LGBTQ+ Journalists, and the Trans Journalists Association. Several contracts commit funding for employees to attend conferences to expand contributor networks.

The strongest contractual language specifies the number of candidates from underrepresented groups that must be interviewed for open positions. *Wired* includes women, while Bustle Digital Group’s CBA specifies “BIPOC individuals, those identifying as LGBTQ+, and people with disabilities.”⁵⁶ ThinkProgress includes “people from lower-income socioeconomic backgrounds” and *Jewish Currents* includes Palestinians and Jews of color. HuffPost must “make all reasonable efforts” to ensure that at least three applicants who proceed past initial screening to an interview are from “traditionally underrepresented groups” and that, in aggregate over a calendar year, at least 35 percent of applicants who advance to hiring manager interviews “are from traditionally underrepresented groups.”⁵⁷ Vox Union’s CBA sets a goal that at least 50 percent of the candidate pool after the recruiter phone interview process must be people from “groups traditionally underrepresented at Vox Media (e.g., BIPOC, those identifying as LGBTQ+, people with disabilities, and military veterans).” At Vox’s sports vertical SBNation.com, this group includes women. If two candidates under consideration at

the *National Post* have the same “skill, ability, and experience” but one is a “BIPOC/Diversity candidate,” the latter should be selected.⁵⁸ Several contracts commit to extending diversity and recruitment to freelancers and sources.

Most contracts establish a diversity committee, comprising staff and managers. Committees that include union members and serve a monitoring role have been shown to improve equity and “increase minority representation at organizations,” especially at the management level.⁵⁹ Committees’ tasks vary. They ensure management shares newsroom demographic information; participate in recruitment and hiring; organize anti-racism, sexual harassment, and diversity trainings; make recommendations to address attrition of workers of color; and improve diversity in editorial content. Some contracts allocate an annual budget to the diversity committee—\$88,000 at *The Ringer*, for example. In many contracts, the diversity committee plays an active role in recruitment and improving hiring processes.

Contracts include statements on pay equity or ensuring workers receive equal pay for doing the same or similar jobs, and some include race as a metric. Pay equity can address how “structural racism and sexism can negatively impact . . . earnings.”⁶⁰ Unionized journalists have published reports on pay differentials in their bargaining units, finding large and widening pay gaps between journalists of color and white workers, often in the range of tens of thousands of dollars.⁶¹ Contracts contain a specific language to address pay inequity. At *NowThis*, the employer must analyze pay data and discuss findings with the diversity committee. *Bustle Digital Group* must correct differences of \$6,000 for workers in the same title and geographic location. The *Idaho Statesman* must “create a one-time pay equity fund of \$17,000 to raise the base salaries of bargaining unit employees.”⁶² Several CBAs stipulate a deadline for employers to conduct an independent pay equity study and outline processes to address inequities, as reviews alone don’t result in widespread pay increases and must be coupled with mechanisms for salary adjustments.⁶³

CBAs establish benefits that specifically support women, queer, and trans workers. The *Island Packet* union’s CBA commits to “diversity and equal employment” via extending health coverage to domestic partners, same-sex spouses, and legal dependents.⁶⁴ Many contracts include parental and family leave, especially vital in the United States, which has no national paid (and often no unpaid) parental leave.⁶⁵ Maternity, parental, and family leaves are important for addressing “unexplained structural inequalities” such as the “risk associated with the potential loss of income due to care obligations.”⁶⁶ Contracts extend paid leave to workers who birth, adopt, or foster a child, at minimum for 4 weeks and up to 6 months at the *Seattle Times*. Many contracts contain separate provisions for leaves for non-birthing parents and state that leave is gender neutral. *MinnPost* uses inclusive language (“birthing person health leave”) and extends the policy to stillbirths. In Canada, which has paid parental leave for up to 18 months via federal Employment Insurance, contracts provide payment top-ups. Some contracts provide a flexible work schedule post-parental leave.

Several contracts provide for lactating workers. Most require employers to make private space available that is not a toilet stall, on the same floor as an employee’s workspace, and ensure reasonable time off for pumping that doesn’t count toward regular breaks. FT Specialist Guild’s CBA includes a sentence on nondiscrimination for exercising these rights, and

Chalkbeat Guild's CBA states that if companies can't provide accommodations, employees can work from home. Several contracts contain some provisions for childcare support. A few contracts contain detailed gender-neutral paid pregnancy loss leave for workers to care for themselves or a partner after a pregnancy loss or abortion. FT Specialist Guild's CBA provides healthcare for reproductive rights, including abortion. Contracts also grant leave for school-related events (e.g., 40 hours of paid leave for parents, guardians, aunts, and uncles at *Sports Illustrated*).

Some contracts contain a form of safe leave, "which covers needs when a worker or their loved one is a victim of sexual or domestic violence, such as seeking a restraining order or relocating to safety."⁶⁷ Some contracts enable the use of accrued sick leave or unlimited paid time off, but stronger language provides separate paid safe leave (up to 10 days). The *National Post* provides accommodations, a union-appointed anti-domestic violence advocate, and "reasonable" paid time off. Longview NewsGuild's CBA includes an expansive definition: "For purposes of leave related to domestic violence, sexual assault, or stalking, a family member is any individual whose relationship can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom you have a dating relationship."⁶⁸ NowThis Union's CBA acknowledges that employees working from home can face increased health and safety risks, including a heightened chance of "a domestic-violence incident occurring, potentially due to economic hardship, changed family demands at the household level, and forced confinement to the home."⁶⁹ Such clauses acknowledge how domestic violence significantly affects a person's immediate work life and career development.⁷⁰

Many contracts address the needs of trans workers. CBAs commit employers to enshrining rights to use any pronouns and to be recognized as such; replacing trans employee's names in publicly available content and documents such as bylines and directories; revising personnel forms to include a variety of gender pronouns; establishing gender-neutral bathrooms; providing general training on gender identity and time off for medical appointments; adhering to the World Professional Association for Transgender Health standards in benefits; and reimbursing travel costs for gender-affirming health care.

CBA accommodations for employees with disabilities range from statements committing to nondiscrimination and equal employment opportunities to lists of specific accessibility-related tools and technologies companies must provide, such as, adapted work schedules, alternative ways to participate in meetings, and transcriptions or closed captioning of company-wide meetings.

Contracts add Juneteenth, which marks the end of slavery in the United States, as a paid holiday. Some add Native American Heritage Day or Indigenous People's Day, and the *National Observer* union's CBA adds the National Day for Truth and Reconciliation, which recognizes the legacy of the Canadian residential school system. The Real News Network adds Cesar Chavez Day, which celebrates the labor and civil rights activist. Contracts stipulate that anti-harassment, bias and inclusion, anti-oppression, anti-discrimination, and anti-racism trainings must be held. Several contracts address immigration status, protecting workers by not requiring unnecessary documentation. Some outline processes for visa and Green Card sponsorship, and several ensure 3–5 paid days off without consequences to deal with immigration.

Typically, union contracts protect seniority, or length of service, during layoffs by ensuring workers' tenure is considered in determining order of layoffs. Yet there's a risk that a "last-in-first-out" principle detrimentally affects women and BIPOC journalists, who are more likely to be newer entrants into the labor market and in media workplaces.⁷¹ Scholars advocate for "creative alternatives" to protect seniority while recognizing the disproportionate burden borne by marginalized workers.⁷² Some CBAs explicitly link seniority to diversity, ensuring tenure is not the only determining factor. The New Yorker Union's CBA states that "employee(s) may be excepted from inverse order of seniority as specified . . . if their layoff would adversely impact the diversity goals of The New Yorker . . ."⁷³ Some digital outlets have no seniority clauses in their contracts. Four contracts (three of which are Canadian) include bumping rights, which enable workers slated for layoff to instead "bump" or take the role of someone with less seniority. This ensures that management cannot target certain workers for layoff and for the union to have some leverage in negotiations. Some digital outlets' contracts contain no seniority clauses.

Most contracts have detailed policies to prevent and address sexual harassment, including definitions of what constitutes harassment, language that requires companies to enforce their policies, "protocols to guide behaviour,"⁷⁴ and formalized processes for facilitating complaints or appeals. Contracts ensure the right to a safe workplace and guarantee no retaliation. Contracts stipulate that complaints must be investigated in a timely manner and remain confidential. Many ban the use of nondisclosure agreements in the case of harassment complaints.

Finally, contracts stipulate that management must collect and provide the union with data on workers' position, salary, start date, gender, and race—key metrics the union needs to assess hiring and other diversity efforts. Two contracts require the company to publish diversity statistics online and two must participate in the American Society of News Editors' Newsroom Employment Diversity Survey, which has seen declining newsroom participation.⁷⁵

Implicit Gains

Implicit language addresses issues such as wages, benefits, and working conditions not intended to specifically remedy the experiences of workers of color, women, or queer workers but which are deeply connected to equity. All contracts contain a "just cause" clause, which ensures workers can't be fired without reason and due process. This especially protects marginalized journalists, who may feel too precarious to speak out about injustices or editorial issues.⁷⁶

Contracts establish transparent salary scales, organized by job title, setting a minimum floor of \$60,000 in digital media and in the \$40,000–\$50,000 range for smaller outlets and newspapers, and contracts include schedules for across-the-board raises. Minimum salaries organized on transparent scales that include raise schedules are vital for racial and gender equity. They narrow pay gaps and ensure more equitable wages, especially for workers of color.⁷⁷

Contracts outline clear paths to promotion and career development in an occupation where such processes have been opaque. Contracts stipulate how and when workers should receive

formal evaluations and give timeframes for delivering written feedback. For example, after 3 years in an entry-level role at *The Ringer*, workers must be considered for promotion. If denied, the employer must demonstrate why and outline what the employee must do to be promoted in the next cycle. Furthermore, “management’s explanation shall not be arbitrary or capricious.”⁷⁸ Some contracts establish formal mentorship programs, which can address isolation and career development for journalists of color.⁷⁹

Contracts contain various commitments to permanent employment and outline the circumstances under which contingent or part-time work is permitted. The strongest language automatically converts temporary and contract positions into full-time after a certain period (usually 6 or 12 months), which extends job security to the most precariously employed, who are often BIPOC workers. Some contracts state that interns, historically unwaged or given school credit, must be paid (ranging from state minimum wage to CDN \$18.40 at the *National Observer*), and some grant paid vacation and convert interns to full-time staff after a defined period.

Several clauses enable flexible work arrangements, a compressed week, or job-sharing without losing pay or eliminating jobs. Many contracts enable workers to request to work remotely or ensure the union can negotiate return-to-office policies. Contracts grant broad, flexible use of sick days and personal and emergency leave for self-care and mental health or to care for others, typically from 5 to 10 days (2 weeks at *Jacobin* and 20 days per year at *Jewish Currents*) and without retaliation. In a solidaristic clause, CrossCut workers can donate unused paid time off to an emergency leave bank, “designed to support employees during times of personal need due to serious health conditions.”⁸⁰ At Talking Points Memo, workers don’t need to disclose reasons for using sick leave under 2 days. Research shows that leaves are equitable when available for a variety of needs so that workers don’t feel penalized if they need time off work for caregiving, medical appointments, or reproductive health services, for example. Broad, flexible leaves that workers have autonomy to use when needed contribute to “reducing structural inequalities” at work and improving equity, along with normalizing care labor.⁸¹

CBAs extend equity via bereavement leave policies. Most U.S. workers are granted 3 days for bereavement leave, limited to “immediate family,” which can “provoke painful conflicts over which relationships warrant time off to grieve.” As Baker writes, “needing to prove one’s closeness to the deceased can be traumatizing or, for queer people in unsafe workplaces dealing with the loss of a partner or a member of their chosen family, even dangerous.”⁸² Media union CBAs contain expansive definitions of family and friends that recognize social supports outside of heteronormative and nuclear families, and several provide 5 or 10 days of paid bereavement leave. *Jacobin* uses the term “loved ones” instead of family, and *Rewire*. News includes pets.

Other clauses that promote equity include expense reimbursements that stipulate a deadline for employers to reimburse employees for work-related expenses (between 14 and 90 days); a safe ride home when on assignment past 9 pm; and a clause in *Thrillist* Union’s CBA entitling employees to their own hotel rooms when traveling for work. *Jewish Currents* commits to scheduling meetings only between 9 am and 5 pm.

Contracts extend workplace health and safety protections online, committing to prevent online and digital harassment and support workers who receive abusive comments, threats of violence, hate speech, doxing by nonemployees, and other forms of digital violence. Research shows that newsroom social media policies have not been effective in preventing online harassment or supporting journalists who face online hate, disproportionately experienced by women and people of color.⁸³ CBAs commit employers to directly addressing online harassment and enforcing community standards on social media and websites. Contracts make explicit that workers experiencing harassment have employers' support (in some cases, even after the worker has gone on leave or been laid off); commit to provide training in online security and anti-harassment measures; provide mechanisms for reporting threats; enable workers to take breaks from social media-related work; and offer counseling and access to identity theft insurance and money for doxing protection services. Some contracts extend protection to nonemployees whose names are published by the outlet, and some companies will block "serial harassers" from social media by request.

Finally, contracts include detailed grievance procedures that outline how workers can address contract violations and how the company must respond. Grievance clauses ensure vulnerable workers have protection if workplace problems arise and affirm that the provisions in the contract can be enforced.

Possibilities and Limitations of Collective Bargaining for Equity

As our findings show, collective bargaining is vital for meaningfully addressing equity and diversity in journalism and digital media, demonstrating that workers collectively have strategies for remedying ongoing challenges of racism, sexism, exclusion, and marginalization in the industry. Although individual contracts vary in their attention to equity and diversity, we argue that overall, media workers' commitment to equity is diffuse throughout our corpus of contracts. CBAs reflect the ongoing, systemic challenges faced by women, BIPOC, and 2SLGBTQ+ workers in journalism and digital media and demonstrate that structurally improving diversity and equity is a priority for media workers in collective bargaining and something that must be addressed throughout the contract, and not just explicitly. CBAs communicate that media remains white- and male-dominated and that workers are committed to including BIPOC and others historically excluded via transparent processes that account for their exclusion, and to support them in all aspects of their work, including in the many instances where work extends into the rest of life. Such communication delineates a worker-led ethos of diversity that extends beyond traditional approaches, such as quotas, which Banks argues is a "crude (but potentially effective) way"⁸⁴ of empirically addressing diversity. The CBAs we examined develop a broad, bottom-up conception of diversity by integrating clauses that take an expansive and sustained approach to tackling structural inequalities: by enabling people to not only enter the industry but also thrive due to collectively developed protection. CBAs demonstrate via attention to transparency, accountability, and

process how unions enable a bottom-up mechanism for workers to exercise collective power around equity issues. CBAs curb the arbitrariness by which many workplace decisions are made. Equity initiatives and practices that might otherwise be deprioritized by management are encoded into a legally binding document. The creation of internal, worker-led structures, such as diversity committees, helps workers enforce contracts and hold management accountable. CBAs use specific language with definitions, parameters, and outcomes, leaving little room for misinterpretation and providing ways for employees to concretely understand how, for example, to file grievances. And finally, CBAs firmly position the fight for equity and diversity as a labor issue rather than an extra-class interest.⁸⁵

Our case study of media union CBAs finds that principles of equity permeate contracts in a manner that ensures all workers, regardless of gender, race, or sexual identity, will benefit from bargaining, and that CBAs are intended to contribute to “eliminating structural inequalities” and facilitating all workers’ full participation.⁸⁶ Our identification of explicit and implicit clauses is a useful analytic tool, but it also affirms that workers themselves take an intersectional approach to collective bargaining that understands gender, race, class, ability, and sexuality as being in a “mutually constructing and reciprocally determining relationship.”⁸⁷ An intersectional approach to unionization and collective bargaining, as Lee and Tapia write, measures justice “based on the conditions of the most vulnerable members of the working class rather than the most privileged.”⁸⁸ We find ample evidence of this in media union CBAs: a commitment to addressing all aspects of workers’ experiences, including how much they are paid, what pronouns colleagues use, and how they can access time away from work and be able to address extra-work responsibilities, such as care. Such an approach “widens the reach of the industrial relationship by recognizing the intersection of the private and work domain.”⁸⁹

Blackett and Shepherd argue that “an integrated approach that does not limit equality-enhancing provisions to special treatment for particular groups” can enhance solidarity, but it remains important to be “attentive to the specificity of individual experience of inequality and to name those inequalities in group-based terms, when necessary.”⁹⁰ The contracts we examined do both, to varying degrees: recognize specific factors that disadvantage certain workers yet ensure that equity is integrated throughout the entire contract. This is especially important in the current moment of ongoing flux and transformation, where BIPOC and 2SLGBTQ+ workers and women continue to experience the most precarity and marginalization in an already precarious industry.⁹¹

We recognize several limitations that are fruitful areas for future research. First, not all gains we outlined are in all the CBAs we examined. There are differences between CBAs based on several factors, including medium (especially between digital sites and newspapers), ownership model, outlet size, and parent union. And because unions build on initial gains over time, we see variations between first and third contracts. Our aim was to identify the range of clauses possible, but more comparative research on media union CBAs is needed to consider such variables. More research is also needed to understand the dynamics between parent union and worker priorities and how these are negotiated internally during collective bargaining. We also acknowledge the specificities and particularities of media and journalism unions, which have different industrial logics and mechanisms for collective bargaining from those in other screen-based industries.⁹²

It is also vital to note that “good contracts, like organizing victories, don’t just happen.”⁹³ Indeed, the CBAs we examined were the result of a great deal of worker-led organizing.⁹⁴ These CBAs can be better understood via a deeper engagement with the dynamics and mechanisms of this current movement of media worker unionization, which is beyond the scope of this article. Contracts can take years to negotiate, as management resists at the bargaining table, and media unions have held walk-outs, strikes, and engaged in other collective pressure tactics to win contracts.⁹⁵ Our future research examines these processes.

Finally, it’s not possible to understand how CBAs shape workers’ experiences just by reading these documents. While much of the language we identify can and should be considered a victory for media workers and unions more generally, nothing is guaranteed, and contracts leave many important sources of inequity out. For example, while unions can negotiate salary minimums, management can still use an opaque process of meting out merit pay to maintain or widen pay gaps. We need to better understand how these contracts, which are living documents, are enforced by the union and understood by workers. And while Assman’s research shows that unions and CBAs have brought material improvement to journalists’ lives, she also notes that workers don’t necessarily know what provisions are in their CBA and need to be encouraged to use their benefits. In general, the efficacy of CBAs depends on how secure workers feel to identify when contract provisions are denied or language violated, and unions’ capacities to file grievances and enforce contracts. This limitation emphasizes the larger argument we make in this article: that a series of intersecting clauses that include recruitment and hiring provisions, just cause protection, benefits, and equitable pay, for example, are required to ensure that CBAs can not only protect workers but also empower them to further address equity and diversity in their workplaces via structural processes and practices. This can be a challenge in the current climate, especially. In a political economic climate of fear and uncertainty and rising backlash against even surface commitments to equity and diversity, especially in the United States, bargaining commitments to diversity and equity can be deprioritized as unions must make choices in the face of existential threats to their livelihoods. Methodologically, further empirical research with media workers and union members is needed to understand how CBAs are enforced, how they shape individuals’ experiences at work, and if and how they contribute to real change in terms of diversity and equity in media industries. Nonetheless, we see the concretization of equity clauses in collectively bargained contracts as a vital, bottom-up way to address diversity and equity in media industries, and media worker CBAs in particular a communiqué of possibility.

¹ Nicole Cohen is Associate Professor at the Institute of Communication, Culture, Information and Technology at the University of Toronto.

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- ⁵ BIPOC is an acronym for Black, Indigenous, and people of color. We acknowledge that umbrella terms don't capture the nuance of lived experience, and so, while we use BIPOC throughout this article, we also, when possible, use specific terms that are used in the CBAs or research we reference.
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Appendix A: Contracts

Union	Parent Union
1. American Prospect Union	Washington-Baltimore NewsGuild (NewsGuild-CWA)
2. Ars Union	NewsGuild of New York (NewsGuild-CWA)
3. Bustle Digital Group Union	Writers Guild of America, East
4. Montana NewsGuild	Denver NewsGuild (NewsGuild-CWA)
5. BuzzFeed Canada Union	Canadian Media Guild (Communication Workers of America-Canada)
6. BuzzFeed News Union	NewsGuild of New York (NewsGuild-CWA)
7. Canadaland Union	Communication Workers of America-Canada
8. Casper News Guild	Denver NewsGuild (NewsGuild-CWA)
9. CBSN Union	Writers Guild of America, East
10. Center for Public Integrity Union	Washington-Baltimore NewsGuild (NewsGuild-CWA)
11. The Chalkbeat Guild	Writers Guild of America, East
12. Blue Ridge Guild	Washington-Baltimore NewsGuild (NewsGuild-CWA)
13. CrossCut and KCTS 9 union	Pacific Northwest Newspaper Guild (NewsGuild-CWA)
14. Fast Company Union	Writers Guild of America, East
15. FT Specialist Guild	Writers Guild of America, East
16. Future Union	Writers Guild of America, East
17. Gawker Union	Writers Guild of America, East
18. Gimlet Union	Writers Guild of America, East
19. Gizmodo Media Group Union	Writers Guild of America, East
20. Guardian US Union	NewsGuild of New York (NewsGuild-CWA)
21. Hearst Magazines Media Union	Writers Guild of America, East
22. HuffPost Union	Writers Guild of America, East
23. Idaho NewsGuild	Washington-Baltimore NewsGuild (NewsGuild-CWA)
24. Inside Higher Ed Union	Washington-Baltimore NewsGuild (NewsGuild-CWA)
25. The Intercept Union	Writers Guild of America, East
26. Packet/Gazette Guild	Washington-Baltimore NewsGuild (NewsGuild-CWA)
27. Jacobin Union	NewsGuild of New York (NewsGuild-CWA)
28. Jewish Currents Union	Writers Guild of America, East
29. KUOW Union	SAG-AFTRA
30. Ledger NewsGuild	Communication Workers of America
31. Law360 Union	NewsGuild of New York (NewsGuild-CWA)
32. Longview NewsGuild	Pacific Northwest Newspaper Guild (NewsGuild-CWA)
33. Voice Media Guild	NewsGuild-CWA

Union	Parent Union
34. MinnPost Union	Minnesota Newspaper and Communication Guild (NewsGuild-CWA)
35. MTV News Union	Writers Guild of America, East
36. National Observer Union	Canadian Media Guild (CWA-Canada)
37. National Post Union	Unifor
38. The New Republic Union	NewsGuild of New York (NewsGuild-CWA)
39. New York Union	NewsGuild of New York (NewsGuild-CWA)
40. The New Yorker Union	NewsGuild of New York (NewsGuild-CWA)
41. NowThis Union	Writers Guild of America, East
42. Omaha World-Herald Guild	NewsGuild-CWA
43. Pitchfork Union	NewsGuild of New York (NewsGuild-CWA)
44. The Onion Union	Writers Guild of America, East
45. Quartz Union	NewsGuild of New York (NewsGuild-CWA)
46. Timesland News Guild	Washington-Baltimore NewsGuild (NewsGuild-CWA)
47. Raw Story Union	Washington-Baltimore NewsGuild (NewsGuild-CWA)
48. Rewire.News Union	Washington-Baltimore NewsGuild (NewsGuild-CWA)
49. The Ringer Union	Writers Guild of America, East
50. The Real News Network Union	Washington-Baltimore NewsGuild (NewsGuild-CWA)
51. Salon Union	Writers Guild of America, East
52. Sarasota Newspaper Guild	Communication Workers of America
53. Seattle Times Union	Pacific Northwest Newspaper Guild (NewsGuild-CWA)
54. Slate Union	Writers Guild of America, East
55. Sports Illustrated Union	NewsGuild of New York (NewsGuild-CWA)
56. Southern Illinoisan News Guild	NewsGuild-CWA
57. The State News Guild	Washington-Baltimore NewsGuild (NewsGuild-CWA)
58. StoryCorps Union	Communications Workers of America
59. Talking Points Memo Union	Writers Guild of America, East
60. ThinkProgress Union	Writers Guild of America, East
61. Thrillist Union	Writers Guild of America, East
62. Time Union	NewsGuild of New York (NewsGuild-CWA)
63. Vice Media Union	Canadian Media Guild (CWA-Canada)
64. Vice Union	Writers Guild of America, East
65. Vox Media Union	Writers Guild of America, East
66. Washington State NewsGuild	Pacific Northwest Newspaper Guild (NewsGuild-CWA)
67. Wired Union	NewsGuild of New York (NewsGuild-CWA)
68. Wirecutter Union	NewsGuild of New York (NewsGuild-CWA)
69. Ziff Davis Creators Guild	NewsGuild of New York (NewsGuild-CWA)

Appendix B: What Have Workers Won?

Sample Explicit Gains	Sample Implicit Gains
Anti-discrimination statements	Just cause
Commitment to hiring underrepresented workers	Salary minimums and transparency
Recruitment criteria and innovations in hiring	Paths to promotion and career development
Freelance diversity	Performance review processes
Establishing and funding a diversity committee	Mentorship programs
Pay equity commitments and provisions	Commitments to permanent employment
Equitable health coverage	Payment for interns
Healthcare for trans workers	Flexible work arrangements
Parental leave, family leave	Flexible sick and emergency leave
School-related leave	Bereavement leave
Pregnancy-loss leave	Expense reimbursement
Safe leave and related protections	Safe ride home
Supports for lactating workers	Addressing online harassment and abuse
Childcare support	Grievance procedures
Reproductive healthcare/abortion	
Pronoun rights	
Gender-neutral bathrooms	
Accessibility provisions and accommodations	
Paid holidays (Juneteenth, National Day for Truth and Reconciliation, etc.)	
Anti-harassment and anti-oppression trainings	
Protections for immigration status	
Seniority considerations	
Sexual harassment policies and protections	
Diversity-related data collection	