Book Review: Employment Practices in the Digital Gaming Industry

By Phyllis W. Cheng

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Scott Bonds, et al., QUALITY OF LIFE IN THE GAME INDUSTRY: CHALLENGES AND BEST PRACTICES (IGDA Apr. 20, 2004), at http://www.igda.org/qol/whitepaper.php, 90 pages.

The 90-page white paper,[1] *Quality of Life in the Game Industry: Challenges and Best Practices*, was prepared by the International Game Developers Association's (IGDA) Quality of Life Committee, which represents a wide range of computer and video game development professions and companies. The authors include producers, corporate executives, designers, artists and writers of such diverse digital gaming enterprises as Electronic Arts (EA), Exertris, Zeitgeist Games, and Blue Fang Games.

The objective of the white paper is to address the long hours, high pressure and inherent instability in the video and computer game industry that make it difficult for industry employees to lead a balanced life. It attempts to identify solutions for balancing work and life demands.

The white paper is partly based on the results of the "Quality of Life Survey" commissioned by the IGDA in early 2004, which garnered nearly 1,000 responses from developers. The unscientific survey examined developers' attitude toward work, their internal pressures (salary, long hours, job instability), external pressures (family and relationships), inadequate staffing and work organization problems. Some of the findings from the survey include:

- 34.3 percent of developers expect to leave the industry within five years, and 51.2 percent within 10 years;
- Only 3.4 percent responded that their coworkers averaged 10 or more years of experience;
- Crunch time is omnipresent, during which respondents work 65 to 80 hours a week (35.2%). The average "crunch work week," mandatory overtime imposed in order to bring a team that has fallen behind sched-

ule back on track, exceeds 80 hours (13%). Overtime is often uncompensated (46.8%);

- 44 percent of developers claimed they could use more people or special skills on their projects;
- Spouses are likely to respond, "You work too much" (61.5%); "You are always stressed out" (43.5%); and "You don't make enough money" (35.6%);
- Contrary to expectations, more people responded that games were only one of many career options for them (34%) than responded that games were their only choice (32%).

The IGDA white paper explains how studios can adopt best practices to help alleviate some of the stress and allow for a more balanced life:

- Family friendly practices;
- A conscious effort to minimize overtime;
- Better communication between management and developers;
- Better contracts between individuals, studios and publishers;
- Better planning and budgeting;
- Better human resource management.

With the long hours demanded by the gaming industry, it is unfortunate that the white paper does not make reference to compliance with employment law, particularly wage and hour provisions regarding workdays, workweeks, breaks, overtime pay and any exemptions that may apply.

The long working hours in the gaming industry was also brought to light when a 2004 blog posted by the spouse of an EA employee made the working conditions known to the media. She compared working at EA to being incarcerated, commented that time off was for "good behavior," and described a typical workweek as stretching from 9 am to 10 pm, Monday through Saturday. The

blog post rallied a movement among employees against EA, which the blogger described as a "money factory."[2]

Today wage and hour violations comprise the leading employment actions in Silicon Valley. Recently, for example, a class action settlement was reached for employees in the gaming industry in *Hasty v. Electronic Arts, Inc.* (San Mateo County Super. Ct., Apr. 25, 2006, No. CIV444821).[3] The lawsuit sought to recover unpaid overtime compensation for current and former computer programmers employed in California by EA, the world's largest manufacturer of computer video games. The case was settled after the parties conducted formal and informal discovery, including numerous depositions and review of thousands of pages of company records. The settlement totaled $14.9 million for approximately 600 class members.

In conclusion, the white paper exposes problems associated with employee overtime in the gaming industry. Employment counsel are likely to find the survey and interview results useful when initiating or defending these wage and hour actions.[4] ⚖

ENDNOTES

1. A white paper is a short treatise whose purpose is to educate industry customers. *See* www.msdnaa.net/curriculum/glossary.aspx.
2. *See* http://ea-spouse.livejournal.com/274.html; http://www.gamespot.com/pages/news/story.php?sid=6148369&page=4 .
3. *See* complaint at http://www.schubert-reed.com/EA%20Programmers%20Complaint.pdf.
4. For more information on the racial-ethnic, gender, age, education and other demographic makeup of the gaming industry's workforce, see the IGDA's white paper, GAME DEVELOPER DEMOGRAPHICS: AN EXPLORATION OF WORKFORCE DIVERSITY (IGDA Oct. 2005), at http://www.igda.org/diversity/report.php, 26 pages.