

## How did we get here? The rise of AI and the labour movement in Hollywood

By JOSH O'KANE

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Before David Shore watched his daughter graduate from Boston University in May, the two of them made a pit stop at a picket line. Shore, showrunner for *The Good Doctor* and a native of London, Ont., had been on strike with the Writers Guild of America for the past three weeks and was a member of the guild's negotiating committee. It so happened that Warner Bros. Discovery CEO David Zaslav, one of the sources of the union's ire, was giving the class of 2023's commencement speech. With his daughter beside him in her cap and gown, Shore marched with his guild colleagues outside the ceremony before going inside.

His picket sign that day carried a calculated message. "I am a writer\*," he wrote, the asterisk drawing attention to a footnote: "Not written by ChatGPT."

Two months later, 160,000 members of the SAG-AFTRA actors' union joined 11,500 of Shore's colleagues on the picket lines. The strikes have coincided with the broad cultural reckoning over generative AI tools such as the text writer ChatGPT and image generator Dall-E. Both unions have both made AI protections a key component of their negotiations amid their effective shutdown of Hollywood: they want to safeguard their members from having their work and likenesses reused or co-opted for studios' profit.

"To go on strike is obviously a dramatic choice," said Shore, who also created the show *House* and has written and produced for *NYPD Blue* and *Due South*. "People suffer, and we did not take that responsibility lightly. The fact is, you don't want to wait until the last minute with AI."

Since flooding the consumer market late last year, companies the world over have been seeking ways to cut costs using generative AI models – which Hoover up information from anywhere they can, including the open internet, to remix and create endless new content at their users' desires. These services tend to mature rapidly as they ingest more data from users and new data sets, replicating human output with more accuracy over time. The artists and creative workers who make the world's entertainment, from authors to writers to actors to musicians, have become deeply concerned about having their work devalued or replaced.

Though jurisdictions such as the European Union are taking steps to force the makers of AI models to be transparent around the material, to conduct risk assessments and avoid copyright infringement, government tech regulation generally moves at a molasses-like pace. So unions are turning to their collective agreements to build in guardrails before precedents might be set for replacing their workers' creations.

As SAG-AFTRA prepared to strike, chief negotiator Duncan Crabtree-Ireland framed AI as a crucial negotiating point, claiming in a press conference just before striking that studios "proposed that our background performers should be able to be scanned, get one day's pay, and their companies should own that scan, their image, their likeness and should be able to use it for the rest of eternity on any project they want, with no consent and no compensation."

The Alliance of Motion Picture and Television Producers (AMPTP), the negotiating body for major studios – ranging from Apple to Netflix to Paramount to Warner Bros. Discovery – disputed this characterization in an e-mail to The Globe. The proposal, said the group’s communications consultant Scott Rowe, “only permits a company to use the digital replica of a background actor in the motion picture for which the background actor is employed,” while any further use requires consent and payment.

It may still be possible for actors to get further protections. The Directors Guild of America, for instance, secured language in a new collective agreement with Hollywood studios in June that guaranteed “that AI is not a person and that generative AI cannot replace the duties performed by members.”

Other unions are hoping to get similar guarantees. “If we allow AI to take over without our control, consent or compensation, there will be massive job losses for performers,” said Eleanor Noble, a long-time actor and voice actor in Montreal who is president of the 28,000 member Alliance of Canadian Cinema, Television and Radio Artists (ACTRA).

The English-language union, Canada’s biggest acting guild, has already negotiated some AI protections in its agreements with video-game studios, Noble said, but plans on making AI a key focus of its negotiations when its collective agreement with film and TV studios expires next year.

The Union of British Columbia Performers, an ACTRA division with a separate collective agreement, signed on to a contentious extension through 2025 with studios in July. It allowed a historic 5-per-cent raise in minimum compensation at the expense of negotiating any other terms until the extension ends. Though 78.5 per cent of members voted in favour, dozens of ACTRA members signed a letter before the vote discouraging B.C. actors from accepting the offer during the SAG-AFTRA strike.

The letter focused on solidarity, but signees such as Darcy Michael are worried about the absence of AI protections in the agreement. “AI doesn’t have childhood trauma; AI doesn’t understand what it means to fall in love; AI will never truly be able to create art like artists can,” said Michael, a prominent TikToker, comedian and actor who appeared on CTV’s *Spun Out*.

Numerous members of B.C. film unions also worried that the new extension to their existing agreement might mean the province could become a haven for studios to use AI to generate background actors using data from previous body scans. (Hollywood has a long history of reusing human expression; one man’s exasperated yell, dubbed the Wilhelm Scream, has been reused in dozens of popular movies since the 1950s.)

While many purportedly AI-generated commercials and movie trailers appearing online are clearly fake and deeply unsettling – think glitchy movements, over-contorted faces, unnatural movements, too many finger joints – generative AI models are maturing fast enough that it’s entirely possible that the services that made them could start churning out creative works that come much closer to the real thing.

The director Deepa Mehta said in an interview with The Globe that “the spontaneous performance of an actor, the surprise of a facial movement or delivery of a line, cannot be replicated by a machine.” While the Indian-Canadian filmmaker behind such acclaimed films as *Water*, *Fire* and *Bollywood* Hollywood has not yet been presented with the opportunity to use AI in her work, the very idea feels antithetical to the artistry of storytelling. “It’s not what people go to the movies to see.”

These developments are startling people across the screen sector. “I’ve had more discussions about budget in the last year than I had in the previous 15 years of running shows,” Shore said in an interview. When studios can save money, he said, “they seem to just not care of the quality of the product.”

Alex Levine, the president of the Writers Guild of Canada, said that without proper protections around the use of AI, it’d be very easy for “unscrupulous” companies and producers to generate a quick script, then pay screenwriters a pittance to polish it up. “And then in the dystopian near-future, the corporation owns the script, and pays you to be a gig worker,” said Levine, a coexecutive producer on Orphan Black who’s done writing and script work for numerous Stargate series.

The threat of AI extends not just to its use by studios, but by everyday people. The long-time video-game voice actor Ellen Dubin discovered this a few weeks ago when she found out that her voice had been stolen.

A fan of The Elder Scrolls V: Skyrim tipped her off that her voice was one of about two dozen that had been cloned using an AI-powered tool for use in a player-modified, pornographic extension of the game. She was stunned: when the Toronto-and-Los Angeles-based actor signed on to record vocals for the game more than a dozen years ago, having her voice reused for other purposes – and certainly not for such nefarious means – wasn’t something she’d considered.

Dubin shared evidence of the modification with The Globe, which is not sharing further details to respect her privacy. She had to contact the game-modification site, which eventually removed the infringing content. But the shock is still rippling through her brain: “How can we be protected and informed of this? We really have to get on this – yesterday.”