Immersive Theater’s Non-Traditional Approach Generates Traditional Exploitation

A Case Study by Anne Gartlan
November 2016

The development of this case study was made possible through the support of the State of New York. The opinions, findings and/or interpretations of data contained herein are the responsibility of the authors and do not necessarily represent the opinions, interpretations or policy of the State of New York or of the ILR School, Cornell University.
Is the passive audience dead...you begin to wonder? These fourth-wall-blurring productions — large or small, loosely organized or tightly choreographed, presented for audiences of hundreds or audiences of one — suggest that this could one day be true.


The impersonal nature of the digital era makes immersive theater particularly relevant for audiences.

Annie Saunders, Artistic Director, Wilderness 2015

Now, ‘immersive’ is so hot in America it’s used as a marketing tool, even if it may not apply.

Jonathan Mandell, Howlround.com, February 9, 2016

Introduction

For the last several decades, immersive theater experiences have been springing up all over the UK, New York, Los Angeles, Boston, Las Vegas, Australia, Japan, Moscow, Holland, and Bay Area, CA. Some titles represent ‘the hottest ticket in town’, and have been the subject of endless cocktail conversations, reviews, blogs and articles.

Is ‘Immersive’ the hot thing right now? Is it here to stay alongside traditional theater? If so, what kind of jobs and opportunities does it create, and is it worth a second look by the arts and entertainment unions involved with live theater? This case study on immersive theater is part of a larger research project by the Cornell Worker Institute focusing on young creative workers in New York City, early in their careers. To develop this case study, we asked young workers what working in immersive theater is like for them, and about their relationships to the arts and entertainment (A&E) unions in New York.

We found that a lot of immersive theater is being produced in Manhattan, Brooklyn or Queens, and often involves primarily, but not exclusively, non-union performers and crew. There are certainly exceptions performed in Equity houses and this is discussed later. We have interviewed workers and held focus groups with union and non-union performers and directors, and met with various union staff and industry professionals to get a greater understanding of this world. We have omitted names and identifiable

1 Quoted by Charles McNulty, Los Angeles Times, March 5, 2015
details where requested to preserve the anonymity of our interviewees, many of whom expressed clear fear of employer retribution, should names or attributable quotes be used.

We will examine cultural changes that have spurred the popularity of immersive theater, and we will use the experience of several performers and incubators (defined as creative people who ‘make a project happen’) in current, and very recent high profile productions, to highlight what working in immersive theater in the greater NY area is like.

What is Immersive Theater?

Traditional theater asks its audience to sit in their seats, to passively watch the actions onstage, obey the rules of decorum, and exhibit their reactions only by applauding, crying or laughing (including the occasional guffaw for the right show). Whatever action the play or musical involves, it happens behind a ‘fourth wall’ that the audience imagines exists within the proscenium arch. Erick Neher in the Hudson Review wrote:

*The rise and eventual triumph of Naturalism, popularized in the works of Ibsen, Chekov and many others, enabled the concept of the ‘Fourth Wall’: the invisible barrier at the proscenium that separated the actors from the audience, facilitating the pretense that neither could see the other; that the stage action was happening without reference to its observers.*

In immersive theater, there is no ‘fourth wall’. Instead, the audience is invited to move around the theater space (perhaps some non-traditional venue like an abandoned warehouse or subway tunnel or private home), examine props, open doors, talk to and engage the performers/characters, perhaps wear costumes, perhaps assume a character themselves. Their character might even have a say in the outcome of the story and thus share in the consequence of their actions...even if only until the show is over. Theater makers invite the audience to be an active participant in the experience. And audiences have demonstrated a hunger to be such active participants. That hunger may also extend to enjoying one's experience along with dinner and adult beverages served by performers-turned-wait staff, eg., as was part of the cachet of the wildly popular show, *Queen of the Night*.

While there have been flirtations with the form of immersive theater over most of the 20th century, recently the form has blossomed into long-running hits in New York, London and internationally. It has been said that “we are having an immersive moment”, but this increasingly popular genre is proving to be more than a fad. Actually, there is nothing ‘new’ about immersive theater; it has been around as long as theater. Many references exist to even earlier forms of it, involving shamans, rain dances and haunted houses. From what we know of Greek theater that grew out of festivals for the harvest or honoring the god of wine, these events were fairly raucous, involving the audience fully. Group interactive gaming and corporate training experiences are also established precursors of current immersive theater, but the recent explosion of successful productions indicates a new trend in legitimate theater performance.

---

The form has come and gone in the theater scene over the last century. A stage production in 1900 of the play, *The Mystery of Edwin Drood* (based on the novel by Charles Dickens), asked the audience to vote at intermission as to who they thought was the murderer. The audience voted to determine which of seven possible endings was to be performed in the second act.⁵

**Video Gaming and Interactive Media Create a New Audience for Theater**

What has changed in our time is the audience. While the audiences of Broadway and Off-Broadway tend to be graying,⁶ for those attending immersive productions, it is clear there are fewer Baby Boomers in the audience and more Millennials and Gen-X’ers. For these younger theater-goers, their expectations of entertainment and leisure have been influenced by their experiences with interactive media. Anyone born 1980 or later will likely not remember a time in their lives that didn’t include computer technology. They grew up as the internet grew up and are known as ‘digital natives’ (as in ‘native speakers’), which makes the rest of us born before 1980… ‘digital immigrants’. Education writer Marc Prensky coined these terms of distinction in a 2001 essay in which he argues that:

> ...digital natives think and process information fundamentally differently from their predecessors... The American education system as it currently stands -- built and administrated by digital immigrants who stubbornly oppose new or digital forms of education -- is ill-equipped to deal with this difference. They [digital natives] have spent their entire lives surrounded by and using computers, videogames, digital music players, video cams, cell phones, and all the other toys and tools of the digital age.⁷

Prensky wrote this in 2001, well before digital natives met the iPhone (premiering in 2007), online gaming tournaments, Facebook, Instagram, and instant text messaging.

As the internet went from static (think banner ads) to interactive (think click-throughs to shop, uploading/downloading files, posting on blogs, etc.), children grew up interacting with their technology. This created expectations of interactivity throughout their world. The iPhone elevated expectations of not just interactivity, but of technology integrated seamlessly in the palm of their hand… that everything in their world will operate interactively. This shapes the type of art and entertainment they want to consume, and the type of art and entertainment they will then create.

An enormous component of the entertainment consumed by Millennials is video games, which makes the gamer their own storyteller. Today video games represent one of the fastest growing sectors of the

---

⁵ www.theawl.com - How Immersive Theater Changed Entertainment Forever

⁶ In this author’s own experience attending Sleep No More, which is referred to as the grand-daddy of (recent) immersive theater, I noticed that the audience’s enthusiasm was distinctly generational. Perhaps I was over-dressed and over-heated, but I am fairly certain it was the youngsters in the audience feverishly chasing the character Hecate out of the nightclub, down the hallway and up the stairs. Not me. And that sheds light on why immersive theater grows now in popularity.

entertainment industry. Immersive theater has been referred to as ‘video games for theater’. Thomas McMullan writing for The Guardian (UK) draws a parallel between methods of storytelling shared by both:

In Rift’s [an immersive theater company in the UK, ed.] 2013 adaptation of Kafka’s The Trial, the audience members were cast as protagonists and squeezed around a transformed Shoreditch Town Hall. Given some agency over where to go, the audience were presented with an impression of freedom but were ultimately, like Josef K in Kafka’s tale, led inexorably to an execution site. It was a structure directly inspired by [video] games.\(^8\)

Felix Barrett is the maestro of one of the best-known company names in immersive theatre, Punchdrunk in London, founded in 2000. They were the original creators of Sleep No More and helped bring the show to New York. Barrett explains how they dreamed up their newest production, The Drowned Man: A Hollywood Fable, based on Georg Büchner’s 1836 play, Woyzeck. According to Barrett, Büchner wrote 23-plus scenes with no specified order, and Büchner died before the play’s completion. Using these scenes, Barrett constructed the theater piece like a video game, where the player (audience member) has agency over which ‘path’ the story, and they, will take. Barrett explains:

There are so many hypotheses about the order with which they [the scenes] are supposed to be digested and no definitive conclusion, so that led me to experiment with the idea of why not let the audience choose their route through the scenes and craft their own narrative and interpretation of the play?\(^9\)

César Alvarez is the creator of the immersive musical The Universe is a Small Hat, developed with The Civilians R&D Group and produced in Manhattan in 2015. Alvarez is one of a new generation of innovators working in immersive theater, and he connects his approach to gaming in a broader sense:

What I’m trying to do is say, OK, let’s create the immersive world, but when you walk into the world, you’re going to be part of a very sophisticated system of play that can allow you to actually experience the consequences of your decisions... which is how gaming works — which is how sports work.\(^10\)

Additional background on the development of the current phase of immersive theater can be found in Appendix A.

---


The Immersive Scene in New York

In January 2016, the New York Times published an article by Sara Lyall, “Starring Me! A Surreal Dive into Immersive Theater!” in which she shares the range of the immersive offerings in production in the city at that moment: from Take Care at The Flea performed by their resident company of interns, The Bats, about hurricanes, and Broken Bone Bathtub in which audiences of six to eight people help the show’s creator and performer, Siobhan O’Loughlin, take a bath, up to the granddaddy immersive piece Sleep No More, based on Macbeth, and Then She Fell, inspired by Alice in Wonderland.11

Some traditional theater world observers believe that immersive theater is either Tony ‘n Tina’s Wedding or some funky downtown fringe piece ‘in development’. Many Boomers have never even heard of it. Granted some productions are on extremely low-budgets, made possible only by grants and sweat equity. Others are so successful, they’re considered tourist attractions and have had multiple-year runs. And those productions charge significant ticket prices for the experience. According to their respective websites, each has a range of prices you will pay for the experience they offer: Sleep No More: $86.50 - $255; Queen of the Night: $125 - $175, including dinner topping out at $500 for special perks in the areas of food & liquor12; Then She Fell: $95 - $135; The Grand Paradise: $60 - $150; Play/Date: $55 - $95

Immersive theater is no longer just a fringe experimental art form. It is generating major profits for the successful producers of the best-known shows. Randy Weiner is the dominant producer of immersive theater in New York. He is an American playwright, producer, theater and nightclub owner. Weiner co-wrote the Off-Broadway musical The Donkey Show and, as one-third of the production company Emursive, LLC, produced the Drama Desk Award winning New York premiere of Punchdrunk’s Sleep No More. He is co-owner of NYC “theater of varieties”, The Box and The Box Soho. He’s also is the creator of Queen of the Night at the Paramount Hotel in NYC, and recently served as the dramaturg for Cirque du Soleil’s Amaluna.13 Weiner’s Emursive is only one of a number of increasingly successful producers and production entities behind this new phenomenon. Forbes Magazine reports the budget for Sleep No More as between $5-10 million.14

Additional background on business aspects of immersive theater is available in Appendix B.

What is Working in Immersive Theater Like?

In addition to its appeal to younger theater-goers, immersive theater has unique appeal to the younger performer. A twenty-something actor/dancer we spoke to commented:

---
11 http://www.nytimes.com/2016/01/08/theater/starring-me-a-surreal-dive-into-immersive-theater.html?_r=0
12 By the time this article came out in Jan. 2016, Queen of the Night was already closed...though their website states that it will reopen in a new location sometime in 2016. http://queenofthenightnyc.com
14 http://www.forbes.com/sites/hollieslade/2014/03/19/meet-emursive-the-company-behind-sleep-no-more-the-off-broadway-production-thats-been-sold-out-for-three-years/#3126d5af3e2e Hollie Slade
We do the work because it allows you to communicate with the audience in a way that’s not available with the proscenium theater. It allows you to build experiences and really have a truly intimate communication with them. People are hungry to do the work. People are hungry to see the work.

As different as all of the plays cited in Sara Lyall’s NY Times article are, one thing all of those shows have in common is that they are all produced and performed without the protections of a union contract, on- or off-stage. The casts are by and large not members of the live performance union, Actors Equity Association (AEA), although some are. Generally they are young actors and dancers, early in their careers. Some are members of SAG-AFTRA (Screen Actors Guild-American Federation of Television and Radio Artists), the union with jurisdiction over recorded media. The directors are not represented by Stage Directors and Choreographers (SDC). The designers are not represented by United Scenic Artists (USA). The stage crews are unrepresented by IATSE Local One in even the biggest shows. In fact, some crews are unpaid volunteer laborers known as ‘interns’.

Given the steep ticket price for some of the shows cited and their box office success, and in one case, given its budget, we thought it important to take a look behind the curtain, into the wages and working conditions that exist at various immersive shows. It seems that it takes more to be successful in immersive theater than just going against current trends. [See Appendix B for Weiner’s theories, for example.] In some cases, there is a failure to maintain industry standards in order to secure return on investment, which translates into making profit at the expense of artists and other workers. We researched and interviewed individuals currently or formerly involved in Queen of the Night, Sleep No More and The Grand Paradise, making those productions the focus of our study. While these are only three of the many immersive productions in New York, the conditions and experiences we encountered in researching these three are emblematic of the conditions in this sector.

Pay Practices in Immersive Theater in New York City

Sometimes the workers aren’t paid at all...

At the very bottom of the pay scale, of course, is working for free. And these practices are highly controversial. Sleep No More (SNM) ‘hires’ unpaid interns, a practice well-known in the non-profit theater world. However, the clear for-profit status of this production produced by the well-heeled Emursive makes this practice questionable at best. This is a practice that has gone on since before the show opened and, according to our interviewees, continues.

In 2013, Christopher Zara, the Deputy Editor for Media & Culture for the International Business Times (IBT), wrote a series of articles about unpaid interns in immersive theater in New York. He reported a job listing on Glassdoor.com advertising for an intern to make a part-time commitment, but then goes on to list 10-plus-hour workdays lasting until 2:30 am on weekends. He quoted the listing:

---

5 Our interviewees told us that Equity members were told by the union that they were permitted to work in Sleep No More, but that they would not have AEA’s protections.
Interns are required to learn a minimum of four production tracks, including preshow and post-show assignments. These tasks include helping with prop preset, changeover, and running show tracks, which place them in specific scenes to supervise and ensure safety of both the performers and audience.\textsuperscript{16}

This would mean that important aspects of security for the show are in the hands of unpaid workers. Rick Criswell, general manager for SNM at the time, responded to IBT regarding the same article by saying “the show takes wage and hour laws very seriously, and that the training interns receive is for the benefit of the interns.” He went on to say:

\textit{It is an enormous honor and privilege to be a part of the ‘Sleep No More’ family, even if only for a short time. Learning firsthand in our creative environment from the incredibly talented team involved in this one-of-a-kind piece of art is an opportunity that is not available anywhere else in the world. We are proud of our program and feel equally honored to have the opportunity to educate those who would choose to learn from us.}\textsuperscript{17}

We were told interns were kept in a separate room from the actors, and they restored the set and props between shows. A young actress posted on her blog in 2013 that she had just been ‘hired’ to be an intern for three months, on a 55-hour, seven-day-a-week schedule at SNM:

\textit{As a stage management intern, it’ll be my job to run props up and down the six floors, move audience members out of the way of choreography, and do rapid problem solving. Before and after the show will be the standard paperwork and preset duties. My hours will be from 4-11 PM Sunday-Thursday and 4PM-3AM Friday and Saturday.}

\textit{I have no idea how I’m going to be able to afford it. It’s an unpaid internship without housing and before I even get there for the summer, they’re requiring me to visit to make sure it’s what I really want.}\textsuperscript{18}

I held extensive conversations with a former unpaid intern at SNM who courageously spoke on the record to both Zara at IBT in 2013\textsuperscript{19} and to this researcher in 2016. Austin Federa is from Massachusetts and worked at the Oberon Theater in Boston in 2009. Oberon is the second stage for the American Repertory Theater (ART) in Boston. SNM had its first American premier at ART. Oberon is home to the long-running, highly successful, immersive play The Donkey Show, based loosely on Shakespeare’s \textit{A Midsummer Night’s Dream}. The show is the creation of Diane Paulus, ART’s award-winning artistic director, who is married to Randy Weiner.

\textsuperscript{16} http://www.ibtimes.com/sleep-no-more-internship-post-flouts-fair-wage-laws-unpaid-laborers-asked-work-10-hour-days-1493776
\textsuperscript{17} Ibid.
\textsuperscript{18} https://prosceniumarchedeyebrow.wordpress.com/2013/02/09/sleep-no-more/
\textsuperscript{19} http://www.ibtimes.com/former-sleep-no-more-interns-say-immersive-nyc-megahit-offers-little-educational-benefit-1499418
Federa says he sought out being an intern for SNM in NYC in the fall of 2010 (before SNM opened March 2011) and worked there during his entire sophomore year at Sarah Lawrence College, through June 2011. The 2013 article in IBT created quite a stir on theater blogs like Broadwayworld.com and SMNetwork.org for stage managers. But the conversation never seemed to have reached any higher level of discussion on the Internet. Zara, who first broke the story, confirmed the surprising lack of press response to his articles in our conversation. The situation also did not spark the same level of legal action reflected in the many lawsuits filed at the time by unpaid interns in the entertainment industry. Multiple suits claiming that they should have been paid as employees were filed against major employers such as Hearst and Fox Searchlight. In the summer of 2016, a federal judge in Manhattan ruled that interns working on two of the films produced by Fox Searchlight were essentially regular employees and should have been paid. It is too early to assess the effect of that ruling as it relates to unpaid interns in immersive theater in New York.

The trend toward unpaid interns grew after the economic downturn of 2008. It should be noted that Sleep No More opened on March 7, 2011. In 2010, the US Department of Labor published criteria that they would use in determining valid use of interns:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;

2. The internship experience is for the benefit of the intern;

3. The intern does not displace regular employees, but works under close supervision of existing staff;

4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;

5. The intern is not necessarily entitled to a job at the conclusion of the internship; and,

6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

Federa points out that SNM was co-produced by Punchdrunk and Emursive, and that the two companies had different relationships with the interns. When the warehouse that was to become The McKittrick Hotel was being transformed by Emursive into a theater space, many of the interns were working alongside hired contractors. Federa said it wasn’t artistic work; it was more like construction work. Federa noted that his unpaid duties included:

Disassembling, gutting the space, demolition work that would have been work you would have hired someone to do. On the 3rd floor with the shops, we laid the cement, we built the brick walls for the garden, all that sort of thing. So that’s when it crosses over.

Federa observed that the work the interns were doing should have been done by professional contractors paid by Emursive and that this part of their work was of no educational value unless he was expected to eventually pursue work in the construction trades.

In contrast, Federa acknowledges that there was valuable experience provided, for example, when working with the prop master from Punchdrunk. There were notes to be created that would be left in drawers on the set for the audience to discover. The notes elaborated on a back-story of the character Duncan, and the interns were encouraged to be creative in writing them. When the interns were working with members and staff of Punchdrunk, Federa felt he learned a great deal.

Federa eventually moved from an internship to a paid position, working as a ‘Steward’ after the show opened. A Steward in SNM is a silent usher, dressed all in black, including a black mask; the position paid $25-30/night, for approximately a 5-hour shift. He explained:

The role of the Stewards – we were lookouts more than anything else… to stand by the rigging equipment in the ballroom, so that if anyone touched it, they could call the rigging guys to come down and check it, to make sure it was still safe to do the hanging [scene] at the end.

Initially, the Fire Marshall required a certain number of people trained with fire extinguishers to be at certain places throughout the show, and the show’s producers could not accomplish that without going through a private security contractor. Eventually, the producers got the Stewards certified through the Fire Marshall to use the extinguishers, and then they switched out the security personnel (who presumably made at least minimum wage) for the lower-paid Stewards.

As part of his internship, Federa created an interactive game called In Real Life that was introduced in 2011 through SNM’s Facebook page. He ran an entire viral campaign with the game. As stated in Appendix B, their marketing is not traditional; it is all online, through social media, and by word of mouth. The game posed riddles that could only be solved collaboratively by the players who had attended the play (there were about 4,000 of them) and the game led to real life meet-ups in Boston and Central Park. This approach was consistent with Punchdrunk’s theory about how best to market their brand: tap into the interests and curiosity of their core audience through social media ‘and the audience will come to you’. The social media buzz the game created was of significant benefit to the marketing of SNM, according to Federa. He felt that the efforts of the interns, and this example in particular, accrued benefit directly to Emursive.

The space is not being built out any longer, but actors at SNM reported that as of this writing, the current interns are performing work that should be done (and was originally done) by paid production assistants. In fact, Zara from IBT reported that after his articles appeared in 2013, he got a number of calls and letters from people working at SNM asking him ‘to keep it up’. Those contacts reported to Zara that around that time, the producers started giving interns the work that production assistants used to get paid to do.
We have been unable to find a current intern willing to speak on the record. Perhaps this is due to the non-disclosure agreements anyone who works on SNM is required to sign. This curtails any leaks about the play’s story and production from insiders, and it enhances the mystique of the show the producers seek to preserve. It doesn’t prevent any number of blogs from offering tips on seeing the show, which is actually very much part of the SNM marketing plan. But it also prevents exposure of the questionable labor practices by the employers.

Unpaid internships are not universal in immersive theater. Third Rail Projects uses paid interns, and according to their website, an internship runs three months and pays $10/hour.

**Low compensation and brutal hours seem to be the norm**

Paid positions in immersive theater do exist, though at far lower compensation than unionized Broadway and Off-Broadway shows with comparable ticket prices. *Queen of the Night* (*QTN*) paid one of our interviewees $800/week to be a ‘Butler’ who danced and interacted with the audience. *QTN*’s base ticket price was $125, comparable to many Broadway shows at that time on the same block of West 46th Street in NYC, where producers are paying more than twice that for non-stars, and also funding benefits like healthcare and pension. And for these long-running shows, the original investment was long-ago recouped, so there is even less rationale for these low rates of compensation.

Third Rail Projects, creator of *Then She Fell* (*TSF*) and *The Grand Paradise* (*TGP*) has been hailed as one of the foremost companies creating site-specific, immersive and experiential dance-theater. This company has a large number of individual and institutional financial backers listed on their website. It is led by Artistic Directors Zach Morris, Tom Pearson, and Jennine Willett, and the company refers to itself as “working collaboratively”. One of the performers in a Third Rail production whom we interviewed reported that the collaboration exists in the creative end, but not in the business end.

> The way that they build work, the way they intake on the work, there’s lots of forums for checking in and voicing your opinion. I would categorize it as collaborative, but it’s overseen by the board and it has a very deliberate hierarchy. So everything that happens has to be approved by all three of the Artistic Directors.

When asked if ‘the co-op’ extended to any of the financial arrangements, the response was, “No, you are definitely an employee. We got W-2’s.” While misclassification of employees as independent contractors is a common practice in entertainment, we found that for *SNM*, *Queen*, and *Grand Paradise* the actors and dancers are paid on W-2s. This situation is positive in that the employers are acknowledging the employee status of the people working for them. At the same time it raises questions about intellectual property, discussed in a later section.

---


26 [http://thirdrailprojects.com/opportunities/](http://thirdrailprojects.com/opportunities/)

27 [http://thirdrailprojects.com/about/](http://thirdrailprojects.com/about/)
Actors in TGP receive $90 per show, performing Thursday thru Sunday, with two performances each on Friday and Saturday nights. The call time (the time a performer must report to the theater) is 5:30 for a 7pm show, which runs about two hours without intermission. Then there is a 1-1/2 hour break before the second show. Total pay for the night would be $180 for a 7-hour ‘day’. For the six shows in a week, an actor would make $540 weekly. Performers at TSF and TGP are paid per show...like shifts in a restaurant. If the show is cancelled, the actors don’t get paid. The actor is free to work on the dark days, however it would have to be something recorded like a TV show or commercial that coincidentally shoots on the dark days. Or it would be work outside of the A&E field. The actor would be unavailable to work another show.

One of our interviewees from Sleep No More (SNM) was paid $212 per show, as a lead ‘on the higher end’ of a sliding scale per show fee. At six shows per week, that came to $1,272. Whereas this pay scale is more in line with Actors’ Equity scale for Off-Broadway, there are no benefits added, such as pension and healthcare. The show is double cast, as there are twelve performances a week; actors will also rotate roles among the cast. So now there are 60 performers involved. The show loops every hour, and is considered extremely demanding. For example, the much-photographed bathtub scene is performed three times per show. An actor confided:

*Once you are onstage, you are never off. If you have to pee, you have to be very strategic. Macbeth can’t pee. The Stewards are bodyguards and lookouts to cover for you with the audience.*

We were told by people who have worked at SNM, that Emursive LLC has a business structure that enables them to violate wage and overtime standards. Emulsive is the umbrella production company for Punchdrunk’s SNM and “The McKittrick Hotel” (the name given to the performance space), and they’ve created separate, subsidiary companies for those two, plus separate subsidiaries to run The Heath Restaurant, Mandalay Bar, and Gallow Green rooftop bar, their event space for themed dance parties or festivals.\(^{28}\)

Recently, Gallow Green hosted “The Mad Hatters Ball.” When the actors perform in SNM on Saturday night for one arm of Emursive, and then perform at one of the special event parties on that same Saturday night at The McKittrick for the Gallow Green arm of Emulsive, the pay is separate, the turnaround can be brutal, and the money is worse. For example, an actor performs in SNM starting at 7pm (call is at least 6:00). The actor then starts again at 10pm to get ready for the party, where they work until 2am, only to return on Sunday at 1pm for the matinee. In union circles, that would be known as a violation of the 12-hour minimum turnaround rule. The inside joke among cast members is that “to work there is to -- sleep no more”, as SNM runs 7 days a week, with a matinee on Sunday.

The existence of separate “employers” within the same venue also would also enable the employer to avoid paying overtime. ‘Pay’ from Gallow Green for the Saturday night party event includes a $50 rehearsal fee, plus two comps for the party (ie., NO pay for the actual work). That’s it. Yet according to

\(^{28}\) A list of the six trademark applications indicating different business entities can be found here: [http://www.tmfile.com/owner/em/emulsive-llc12.php](http://www.tmfile.com/owner/em/emulsive-llc12.php)
our interviewees, monies paid from SNM and Gallow Green for all of the work done on Saturday night and into Sunday morning arrive on a single paycheck.29

Shadow corporations were not the only approach used by employers to reduce pay and costs. A performer in Queen of the Night reported that producers adjusted the calendar to eliminate holiday pay:

In the second year, all the major holidays fell on a Thursday, so THAT became the Dark Day. If there was a snowstorm we got paid, but not for holidays. After the first of the subsequent year, they changed BACK to which was the Dark Day. [Note: This meant salaried performers had no regular day off on the weeks where there was a holiday, and they got no holiday pay.-ed.]

Encountering a unique and creative definition of “negotiation”...

Paid performers in SNM have additional concerns. When interviewed, they reported that to ‘negotiate’ one’s next 6-month contract, there is a 3-4 tier process. Actors meet Staff Person A to tell them which roles they want to play, or no longer play. The actor then meets with Staff Person B, to address what money they think is appropriate to receive. Staff Persons A & B then meet to discuss each actor’s contract, and they in turn, ‘negotiate’ with the producers at Emursive ‘on the actor’s behalf’. This begs the question....WHO do Staff Persons A&B work for, actually? One actor involved in this process said:

And so what kind of negotiation is this?? The show is largely made up of dancers with no agent representation, who are mostly glad to have a job at all.

Contracts are signed for 6-month stretches, though there are out-clauses: 2 days for actors and 2 weeks for dancers. One actor reported:

A year after Christopher Zara’s articles about the unpaid interns at SNM were published in 2013, Zara received an anonymous email which seemed to corroborate the concerns we heard about overtime avoidance at SNM. When Zara responded to the email, the sender did not write back. When I contacted him for comment on the labor practices in immersive theater, Zara forwarded the text of the email to this author:

Recently, they have been avoiding overtime and other benefits for employees by setting up several companies and paying these employees through various channels. There are two things happening.

1-the restaurant (Heath) and rooftop (Gallow Green) use the same front of house employees for coat check and stewarding with the same GM, same manager, one schedule, but pay them separately from the “show” company.

2-they recently set-up yet another company for SNM... “special events.” These include the Halloween parties, New Year’s Eve, etc. The same employees work the show and then into the special event and are not being paid overtime. They purposefully schedule these employees over 40 hours saying it’s ‘all hands on deck’. They are now saying the show is one company and the special event is another company even though the employees are doing the same exact job and scheduled for the entire night/shift. This only recently started and, in the past, these events were not separate from the show itself. These employees have also not filled in any other forms for these new companies and were not informed of these changes until they were questioning management about overtime.

People have asked management about the legality of these practices with either no response or a short ‘because it’s a separate company running a different event’ sort of response.

We believe this is absolutely illegal and just shows yet another one of the company’s very shady sides. Not sure what you would like to do with this information but thought we would pass it along.
Because the cast was generally pissed off at Emursive, cast members stopped signing and returning their contracts. The NDA [non-disclosure agreement] was part of that as well. And staff doesn’t chase them down for the NDA’s. I’m not even sure why they [the cast] do it… a small rebellious act...

Another actor who worked for SNM recalled:

*I always met with the company manager and the business manager and the rehearsal director, and they would do intake about what you were interested in. Then they come back and say ‘this is what we want to offer you’. My experience was that they checked in with you as to what you wanted, and they would come back with ‘what you’re gonna do, if you’re gonna stay.’* 

*Had I been older, I might have been able to handle it a different way. But there was no one to tell me differently. And that story runs rampant over there. At SNM, they had a very shady way of dealing, like telling you things in the back rooms, and coming out and being very totalitarian.*

**Substandard Working Conditions in Immersive**

*Queen of the Night* held rehearsals in an office building on Park Avenue in midtown NYC. Dancers were dancing on cement floors for rehearsal, which can be very damaging to dancers’ bones. Dancers who we interviewed reported that these days were very long days. For *The Grand Paradise*, Third Rail Projects converted a warehouse into a theater and there was a lot of residual debris in the space. We interviewed two original cast members who reported that they were working in a construction zone, cleaning and sweeping for the first part of every rehearsal.

In 2013, a restaurant called The Heath was built in The McKittrick Hotel, and in the restaurant, there was a pre-show immersive dinner-theater-type of experience for ‘Special Guests’ of SNM (who bought premium tickets), on the premise of ‘celebrating the return of Macbeth’. A performer from this pre-show who we interviewed reported:

*We’d be rehearsing during the day, and then performing at night. A director--a member of the creative team-- would come in the next day and say, ‘last night was shit’, strip the whole thing, redesign the show in the rehearsal and [we’d] perform it that night. And this went on for 3-4 months. The show at The Heath was a trial by fire.*

The actor had a similar issue at *The Grand Paradise (TGP)*, where the show had been running for more than three months in front of a paying audience, and then ‘they came in and made big changes’. This erratic way of working is counter to traditional theater and is particularly hard on performers and crew. The interviewees expressed that it compromised the quality of the show, created a stressful work environment and demonstrated a lack of respect for them as artists and workers. One actor who had performed in both *Sleep No More* and *The Grand Paradise* said:
What was common to both scenarios was the creatives having disagreements and not being able to solve it outside the rehearsal situation. You’re told to do one thing, and the next person comes in and subverts that.

Because the hours and conditions in these productions are not set by union contract, this way of working can mean uncompensated hours of extra or last-minute rehearsal, few or no breaks, and no recognition for contributions to the creative process.

Immersive theater in New York attracts a somewhat distinct community of actors and dancers. Performers often move from one big show to another and back again. One such actor/dancer explained:

A lot of SNM people are in TGP. They speak of SNM with disdain for the producers and how cheap they were, how dangerous the working conditions are. The dancers have hurt their bodies, and they only get a little PT [physical therapy]. But then people who speak poorly of it, go back. People right out of college get cast... Dancers are just so thankful to have a job. Employers prey on that.

‘The McKittrick Hotel’ was created out of old warehouse space on West 27th Street in New York City. According to Randy Weiner in a 2012 interview, the 100,000 square foot space was closed in 1939 and had not been occupied until its current reincarnation. A building closed for 70 years can easily create hazards and substandard conditions for performers, and would require significant upgrades. Below are comments from various interviewees about the working conditions at SNM:

It’s an old building and the heat often doesn’t work. Pipes have burst and flooded the main floor where the banquet is held at the end of the show. So they had to reroute the audience.

You’re crammed in a dressing room. If you play a part requiring stage blood, you must use a shared sink to get off what you can, before your subway ride home. Recently, showers have been installed... after how many years?

Sanitation is NOT the best. There is a cleaning crew every night at SNM, however when it comes to sanitation, the site/set/props look quite different with the lights on, than off. There isn’t a chance to do a deep clean. And with the physicality of the show, there is no chance for repairs. If you bang against a wall every show, eventually there will be damage.

Weirdness happens when they know the Fire Marshall is coming for an inspection. Doors that weren’t open, are all opened. And curtains in the way of egress are lifted... Only to be returned to ‘normal’ after the fire inspection.

Certain minor dancer injuries occur and while some PT is provided, it isn’t sufficient.

---

Over-exposure to the theatrical haze material has been blamed for some breathing difficulties among those cast member who work large numbers of shows per week... like six shows.

Actors at The Grand Paradise had this to say about working conditions, in addition to reporting the need to sweep construction debris before rehearsal:

There are no dressing rooms. Rather, we are given a 2’x 3’ box’. It’s called an ‘artist support space’. Not the best place to get dressed.

‘Dressing room’ is far too generous of a term. Yeah, every bit of that space is used for performance, so yeah, it’s just like a little closet where we store our stuff, but people use the whole space as the dressing room. Very communal. It’s just a little hallway of cubbies where you can put your stuff.

Cost cutting can undermine artistic quality

Actors at Queen of the Night reported concerns about the qualitative integrity of the show when employers are focusing on the bottom line. Here are some of their comments:

At the start, there were 35 performers in Queen. Great performers; circus folks from Les 7 Doigts de la Main [7 Fingers] in Montreal. By the end, during the last six months, the producers didn’t want to pay to house the circus performers who subsequently left the show. The cast was cut down to 20-23 and all of the circus-performer segments were different. Fire breathers instead of aerialists. The show felt like a photocopy of a photocopy of a photocopy.

For the audience it’s good, but for the cast it’s very scattered. While you’re trying to invest in your character, you repeat a solo 6 times in a half an hour. You can’t gauge how your performance is landing. The show is rehearsed to the ground.

Intellectual Property Concerns

The rehearsal process and performance for any of these immersive shows involves a great deal of improvisation. Performers felt that they had created significant aspects of the work. Material/work/scenes/sequences of action/characters that they created during the rehearsal process remained in the shows and lived on in the productions, yet they received little credit and no compensation for it. For example, we were told that a performer who was in the original SNM played a significant role in its creation. “(T)hey locked her in a room for a week,” during which time she was required to create her character and the meat of the scenes. When she left the show, someone else was performing her work. A performer reported on what happened to another one of their colleagues at SNM:

...during SNM, a fellow cast member wrote some text for a scene, that they used. Then there was a big party for investors and something she wrote was used that night to raise money. She raised a fuss and hired a lawyer, and ...the producers simply waited for her contract to expire.
Many of the actors have been in both TGP and SNM. They report ever-growing discontent from performers over what they see as a failure to respect their contributions to the final product, and to compensate them for those contributions. On one occasion at TGP, compensation for a creative contribution to the show was promised, but never materialized. Speaking of the content they created in TGP, an actor/dancer we interviewed said:

I developed that content... and monetarily, I will never see any return on that. In the literature [program, ed.] it states that ‘this show, the content was developed by the Artistic Directors, in collaboration with all of the members of the Original Cast’, and that’s as far as you’ll see it go. That question and battle is happening in the commercial world too....for example with Hamilton. We’re down the pipeline, because we’re so new and we’re so under-represented, but it’s good to see it happening on the public stage.

In this work, there is no option. [They say] ‘You take the contract, or we get someone else’. There’s not a lot of precedent for this. If we unionize, it wouldn’t be for our work. It would be for our salary, and our working conditions. I’m not just an actor, I created a lot of this content. It’s a perceptive change. A total shift is happening. It’s gonna take some battles... 31

Immersive and devised theater are both newer forms that raise these IP ownership issues. Workers, particularly if they are not working under a union contract, are often uninformed about their rights and/or fearful of raising the issue with their employers. And those fears are not unfounded. One interviewee went on to another non-union immersive theater project where the producer/director acknowledged on the show’s website that, “All material has been collectively created and devised by cast and director.”

This young actor recontacted us months after our initial conversation with him and recounted his unfortunate experience on this production:

With the team, I devised and helped create the story, created and wrote and choreographed my role within the piece. Although we began rehearsal in August 2016, we received contracts for our work just two weeks ago...a few days before opening, contracts that included provisions to release all of our intellectual property to the producers, without promise of compensation beyond the performance period of [one week initial run]. When I questioned those provisions, I was promptly fired, six days before the first preview.

Why Is There So Little Union Presence In Immersive Theater?

As stated earlier, none of the current (2016) major immersive shows running in New York benefit from the protections of A&I unions. The unions report that lack of coverage does not mean they have not tried to organize the work. Resistance from employers has taken the form of: “We are circus”...”We are

3 Performers in these immersive blockbusters seem woefully uninformed about their rights and the protections provided by a union contract. AEA has contracts that could have covered the developmental part of rehearsals for these shows and protected the intellectual property contributions of the actors.
dance”...“We are non-jurisdictional”... and/or “We just don’t want to talk to you because... well, we just don’t.” According to a staff member at AEA, the union has represented a number of immersive projects. Several successful shows, for instance, Here Lies Love32 and Natasha, Pierre and the Great Comet of 1812, have been produced under union contract at the various stages in their development. Both were covered by AEA contracts at their respective Equity theaters. Tony ’n Tina’s Wedding ran Off-Broadway for 22 years (1988-2010) on an AEA Special Cabaret Contract, according to a former cast member.

Natasha, Pierre and the Great Comet of 1812 began its life at Ars Nova under an AEA Letter of Agreement; then it moved to pop-up venue Kazino in the Theater District. Directed there by Rachel Chavkin, the production was staged immersively in a Russian-style dinner club, with the action happening all around the audience. The next step of this show's evolution, as The Great Comet of 1812, opened in the fall of 2016 on an AEA Broadway Production contract, retaining many immersive elements.33

AEA is covering a new show that opened in Las Vegas in June 2016, called BAZ: Star Crossed Love,34 based on the work of Baz Lurhman.

All of the performers interviewed for this study expressed a clear preference for working under a union contract. They expressed great frustration at the employers’ recalcitrance, stinginess, and general lack of respect for their effort, contribution, and well-being. They expressed their disappointment that Equity had been unable to work out agreements with their employers, as so many of them are without any representation or protections, except what they can bargain for themselves. They seemed completely unaware of labor protections in law and regulations.

Actors in The Grand Paradise say the union was never mentioned around their theater. One actor we interviewed who performs in Queen of the Night is in SAG-AFTRA but not in AEA. He was unaware that AEA had issued a ‘Do Not Work’ (DNW) order in August 2013 to their members against the production after talks of coverage with production company Variety Worldwide and Randy Weiner broke down.35 The DNW order extends to members of all other performing unions by virtue of all of their memberships in the 4A’s.36

The degree of an actor’s caution about standing up to an employer is usually a function of their clout in the industry. One actor spoke about that caution:

---

32 Here Lies Love, a disco poperetta about Imelda Marcos based on the album by David Byrne and Fatboy Slim, ran at the Public Theater in 2013 and 2014.
34 This description comes from the show’s website: “What would happen if musical theater married a rock concert and went to a nightclub? Well, we aren't exactly sure but we are pretty positive that it would be a helluva lot like the immersive entertainment spectacle that is BAZ Star Crossed Love.” https://www.vegas.com/shows/musicals/baz-star-crossed-love/?utm_source=google&utm_medium=cpc&utm_campaign=Dynaonic+Search+Ads&utm_term=+inurl%3A+Ashows&utm_content=sURGIRz_dC%7Cpcridd%7C6210023144%7Cpckw%7C_inurl%3A+Ashows%7Cpm%7Cid=CKK7t8ms0CFU9gQodJ90LiQ
35 http://www.actorsequity.org/newsmedia/TakeAction/Feb14.4As.asp
36 Associated Actors and Artists of America is a federation of arts and entertainment performers unions now administered by The Department of Professional Department of Employees, AFL-CIO.
Immersive theater creatives [performers] have been feeling like they aren’t paid well. But anyone who’s ever spoken about getting paid poorly knows that there are 20 hungry people out there to take the jobs.

According to a staff member of AEA interviewed for this project, the original Punchdrunk production of *Sleep No More* in London in 2003 was non-union. A 2016 job posting for their Enrichment Program on the Punchdrunk website in the UK says that ‘they pay in accordance with ITC Rates’. ITC is the Independent Theater Community association in the UK.37 A member of the original SNM cast whom we interviewed reported that when SNM opened in NYC in 2011, several of the lead performers were here in the US on visas. AEA is very protective of US jobs for US actors and dancers, and has significant restrictions for foreign performers, which likely would have made these non-American performers a topic of negotiation with Equity, had the union been successful in organizing the production.

AEA made outreach to Emursive early on, but AEA staff noted they were uncooperative, which was not surprising, given their non-union history. An ongoing problem for AEA, and other A&E unions, is a position taken by the employers who tell workers that “the work is ‘non-jurisdictional,’ and therefore the worker shouldn’t even attempt to secure a union contract.” Unions maintain that the union, not the employer, is the entity to say whether the work is within their jurisdiction or not. Because an employer refuses to become signatory to a union contract does not make the work itself “non-jurisdictional.” Some of the original performers in *SNM* did not want to take the employer’s argument for an answer. A member of the original SNM cast who we interviewed said:

> There are some Equity performers in the show. In the beginning, we had numerous cast meetings off the premises to seek cast representation, to get unionized. In the beginning, the desire to be AEA I felt was very, very strong. People were sent anonymous emails and told ‘to stop this crap’. The cast was quite young and can get taken advantage of... Firing was threatened.

Another member of the original cast said:

> What I heard from the lady who was spearheading this cast-end of the contract negotiation effort was that if they unionized the show... and they went to more than one union... The producers would fire everyone.

During the interview, we explained to this actor that firing an employee for seeking union representation was illegal, an unfair labor practice, though they would have to sue for re-instatement. The actor reflected the dilemma faced by many of his colleagues when he said poignantly:

> But that’s the hard thing, when you’re at the edge of this new genre that is developing, you wonder if you go with this [genre]? Or is it more important that we have a union? That’s the question we have to ask ourselves... How important it was to be PART of this change that was happening, given the conditions that they are, versus what’s the fight you’re trying to fight here? Are you trying to change the culture? Are you trying to change the conversation of what performance, experience

---

and communication can be in this field? Or are you trying to protect your interests? Where do you sacrifice?

It is not just the performers’ union that is concerned with this burgeoning creative form. A staff member of the Stage Directors and Choreographers noted that companies that have been around a long time, working in the non-traditional fringe, have been expanding into the mainstream and it would be good if those directors were members. She explained:

Some have joined. I think they joined for the sense of community they get and knowing that their property rights would be protected. This is really important for devised theater. They wanted to be part of the SDC family.

Devised theater is often compared with immersive theater, and both forms reflect the problems created when traditional practices of labor relations are challenged by an emerging artistic form that eventually becomes mainstream and profitable. Devised theater is a form of theater created through collaboration on a script by writers and/or performers. A good example is The Laramie Project (TLP). Productions of TLP have created an enormous number of Equity jobs. The developmental period for TLP was a year and a half, involving many trips to Laramie, WY by the writers. Two of those writers then turned their focus to the rehearsal process. Obviously, this is far longer a process than permitted under any Equity contract. The issue for developers of a lot of devised theater is that there is a part of the rehearsal period that is research, writing and development. It is a founding principle of AEA that rehearsal must be covered. Both devised and immersive theater pose major challenges to Equity traditions and standard practices.

What Happens When Innovative Theater Encounters Union Standards?

New York is a laboratory of innovative forms, experimentation and creative ferment for theater. Young people flock to the area to build careers and pursue their dreams. A huge amount of theater work is so low-budget and marginal that it cannot sustain union standards. But what happens when these experimental forms go mainstream? Business models evolve to serve the producers and owners of the venues and productions, but sometimes they deliberately skirt the protections that unions provide and that sustain creative and craft people as they try to make a life in an industry that is a major driver of New York’s economy.

Equity is certainly not the only union challenged by changing or non-traditional work models. Flexibility and creative thinking are needed by unions both above and below the line, especially as these forms move more firmly into the mainstream of American theater. If the principle is to protect the working actors, crew members and production personnel, and the practices generated by new kinds of work are different,

---

38 In October 1998, a gay student named Matthew Shepard was murdered in Laramie, Wyoming. Five weeks later, Moisés Kaufman and fellow members of the Tectonic Theater Project went to Laramie and conducted more than 200 interviews with people of the town. From these interviews, they wrote the play The Laramie Project (TLP), a chronicle of the life of the town of Laramie in the year after the murder. It is one of the most performed plays in America today. http://www.tectonictheaterproject.org/Tectonic.html
how can the unions adapt? One example of flexibility might be in devised theater. A question for AEA in covering it might be: Can the first part of development, even though it involves some features that resemble rehearsal, not be covered or covered differently, allowing standard coverage to begin with the second part that is primarily traditional rehearsal? Could this be a creative and successful approach to covering the work and protecting the workers, consistent with Equity principles?

As part of our research we spoke with a number of individuals we have termed “incubators.” We defined incubators as creative professionals who function either individually or in a non-profit context as producers of theater, films, music, etc. These incubators occupy the space between small, marginal, experimental theater that young people—and some less young—come to New York knowing they will be doing, often for free, and the commercially successful productions described in this case study that seem to have questionable regard for standards or labor rights. Most of the incubators we interviewed work with the unions, and most expressed strong desire to keep doing so. How are these incubators faring with the unions? Are there any promising signs that these innovative spaces and forms can be protected with union contracts?

We spoke with incubators who continue to work with AEA in the development of new projects. Speaking to one such incubator who runs a respected Off-Off Broadway entity, he shared real concerns about that process:

> We have NO desire to skirt the union, but the way we work, we have to work outside the lines of Equity. That’s the problem with our development work. PLEASE, what contract can we be on?? I don’t need Equity to tell me how to develop a play! Just tell me how much I have to pay! And I [agree I] should have to pay them [the actors] a living wage.

His experiences varied among the different A&E unions representing his workforce:

> Designers are very interested in joining [a union]. United Scenic Artists [USA-IATSE Local 829] has a much more supportive environment. USA has no rules. You can work non-union. There’s no CBA [Collective Bargaining Agreement]. They use a project-only agreement, benefits-only agreement. It’s a one-page document, with no referenced CBA.

> SDC [Stage Directors and Choreographers] is more responsive and we’ve had a relationship with a rep there. I wanted to increase the money the contract paid so we are eligible for awards. SDC wrote a side letter with all of these accommodations. Their language has changed over the last 3-4 years. They are adaptive and very flexible.

Another incubator whose non-profit theater struggles constantly with budgets and is known for creating cutting-edge work was very concerned about an immersive project they had in development because it had a very large cast:

> I have this project that can blow up what theater can be, but I can’t afford a $100,000/week payroll. Can there be principals and atmosphere? I’m afraid AEA will say NO. If so, with lawyers, I’ll have to figure out a response. I could ask for a concession, but who makes the case to a committee? Staff. Staff can be full of bias.
If the project doesn’t fit in one of their boxes, they don’t have the flexible spirit to try to make it fit. But then my next show could just be a straight play and I just cannot blow up my relationship with AEA. I would have to have my arguments about how immersive theater isn’t their jurisdiction. And if I lost that fight, I would owe back wages and fines and put so much at risk. I’d much rather tell AEA I want to pay my actors, but I can’t do that [pay $100/week] for 50, and that’s what this project requires. We have everything to lose and AEA has nothing to lose. AEA will punish the producer AND the actors...

Immersive theater is not the only area of concern for incubators. One well-known Off-Broadway incubator complained that he had a successful non-traditional show that could have had a future life and provided more union jobs, but because two unions would not work together for a compromise, he had to close the show. He observed:

This is why the show never had another life. Everyone wanted [it] to move... [Union] rules made it impossible and it didn’t happen. So everyone lost the work.

This incubator was far from alone in their concern about AEA rules. Another frustrated incubator spoke about doing a show on an AEA “mini-contract” and finding out later on that the union had a problem with the process. The situation resulted in huge additional expenses borne by the small, non-profit theater that they were told about only after the show closed. This incubator went on:

Sometimes I feel like we’re penalized in ways that hurt small theaters more. I think in a LORT D contract you can mix professionals and non-professionals, but that’s exactly what they wouldn’t let me do in [production name withheld], even though it was a much smaller contract and we’re a much smaller theater. I also feel that sometimes the union makes a decision that seems inflexible because they are terrified of setting a precedent and then having it used for other situations.

The irony is that we would never have done [XYZ] if we had known the pitfalls with the union, but looking back, it was incredibly important to do and well-received.

So it was through inadvertently violating the union structures that we did it, but then having to compromise and eventually cave in to the union’s pressure, resulted in a really difficult process in putting on the work.

In addition to the contract issues, the lack of cooperation and coordination among the multiple unions most incubators deal with was clearly a hindrance to developing new work. One question we heard often, but could not answer: “Why don’t unions collaborate among each other to make this easier?”

An AEA leader shared with us that they are instituting a Developing Theater Workgroup among staff to create strategies to address these concerns, like developing contracts that make sense for theaters as well as the actors they represent, and they believe they’ve had some successes.

---

39 LORT (League of Resident Theaters) administers the primary national not-for-profit collective bargaining agreements with Actors’ Equity Association (AEA), the Stage Directors and Choreographers Society (SDC), and United Scenic Artists (USA). Different designations (LORT A,B,C, etc.) refer to theater size and are generally reflective of differences in contract terms.
Joint efforts to analyze these challenges and share strategies among the A&E unions are rare but are occurring. One example is the NYS AFL-CIO, which has been instrumental in its support of this research. COBUG (Coalition of Broadway Unions and Guilds) is a formation that brings unions together that work on Broadway, and their success in coordinating around issues in collective bargaining raises the possibility that they could coordinate in the future around these emerging forms.

**Conclusion**

A filmed version of an immersive theater piece advertising Heineken Beer can be seen on YouTube. In *Guest of Honor*, filmed March 3, 2014 at The McKittrick Hotel, audience members are plucked onto center stage from the bar gathering, and we watch them have their own private, intimate, immersive theater experience... while enjoying Heineken. This is a piece of sponsored entertainment, demonstrating how the advertising world has tapped into the generational appeal of this new form. Its explosive cultural appeal to younger viewers, and its power as a vehicle for advertising makes it clear that immersive theater is here to stay.

These larger, long-running, profitable shows should have union representation and protections for their workers. These would include the same protections for actors, dancers and stage managers and backstage workers customary in the New York theater world. The employers' failure to uphold minimum worker safety standards, labor standards and protections is within the jurisdiction of the NY State Department of Labor to investigate.

Storytelling is inherent in the human experience. The new forms it takes will reflect the tastes and demands of the next generation, as the current generation of theatergoers ages out and the digital natives take charge. We do not contend that immersive will replace all traditional theater where the audience simply watches and listens, but a new generation of creative workers will continue to push the envelope consistent with their experiences, upbringing and curiosity. Theater is a labor intensive enterprise, even when the audience is immersed in creating its meaning. Those workers deserve the same protections and have the same right to representation as their predecessors. Just because they are younger, and this art form is predicated on its appeal to younger theatergoers hungry for an interactive experience, does not justify their exploitation.
Appendix A

Experimenting with immersive theater form

Lyn Gardner of The Guardian (UK) speaks to how gaming has affected audience behavior that is guided by past experience and generational culture:

"I recently had a conversation with one of the people involved in the Hide and Seek/Punchdrunk collaboration on the prototype of a piece called The Last Will, a hybrid of theatre and gaming, who commented that those like myself who came from a theatrical background arrived in the space and waited for something to happen, while the gamers immediately started pulling the set apart looking for clues [in one instance, so thoroughly that he had to be stopped]."

César Alvarez is the 2016 Lortel Award winner for Best Musical for Futurity and is the creator of the immersive musical The Universe is a Small Hat. The show’s website describes “the story of a techno-Utopian space colony leaving Earth to form a new, more rational civilization.” The piece is designed as an immersive 75-player narrative game. Audience members are enlisted as colonists, given specific occupations on the ship, and responsible for their own fate within the story.

Alvarez spent two years developing the piece with audience members who were invited to “Come out and play.” In an 2010 interview, Alvarez shares his insight:

"Pretty much anyone who was a kid during the advent of the Internet has learned how to tell themselves stories and investigate the world through choice and through open-ended content stream... While I think that [traditional theater, ed.] will never go away — I think there is a very big wave of interest in, ‘How do we tell stories that allow for the kind of choice-making that we experience in our day-to-day lives and in our social networks?’

...now we learn to think non-linearly and it’s really exciting — there’s a story but there’s no one angle to explain the story, and I think what we’re trying to do is find a theatrical language that allows for an exploration of humanity with a different level of agency.

41 www.theuniverseisasmallhat.com
Appendix B

**Immersive theater is an increasingly lucrative corner of the theater world.**

Speaking with Jim McCarthy of Sellingout.com, Emursive co-owner Randy Weiner explains his theories for making live entertainment that will motivate people to get dressed, leave the house and attend, and he believes that the work must be ‘deeply different’ from other Broadway shows that he sees as all basically the same. Weiner addresses his artistic intent:

> Frankly, as a person who makes “immersive” shows, I get a little annoyed by the whole concept of an immersive theater trend. Immersive theater is such a massively broad categorization. When the press reduces it to a monolithic trend, that doesn’t really make sense to me. The beauty of immersive theater is that nothing about the audience-performer relationship is taken for granted. So immersive experience can be completely different and original. To me, by definition, making things that are different and original is the opposite of a trend. I consider it my job to work in the opposite direction of trends. So if immersive is now a trend, I need to start thinking about going back to proscenium shows. That sounds like a flippant joke, but I’m actually serious.42

Weiner is certainly also looking at the business side of the producing equation and he points out that he has had financial success by going against the mainstream:

> Potential investors often don’t agree with me. They would look at shows I proposed and say this is a crazy investment. You’re not doing a normal show in a normal space. I would argue that they had it exactly backwards, a normal show in a normal place is a crazy investment, too much competition, only 20% earn back their investment. I do different experiences in different spaces. No competition, and with my shows only 20% do not earn back their investment.43

Forbes Magazine has done a number of features on Weiner and SNM, including an article marking the 3rd anniversary of its opening. The headline was “...The Off-Broadway Production That’s Been Sold Out for Three Years”. Emursive has chosen not to do formal, traditional marketing, but rather to rely solely on social media and word-of-mouth. This is to retain part of the show’s mystique, or gimmick, if you will. So when the budget for the show was cited in Forbes, one must remember that it includes minimal marketing dollars. Hollie Slade reports:

> ...it’s actually been a gargantuan business undertaking – reportedly the highest costing Off-Broadway show in history at somewhere between the $5 and $10 million mark.44

---

43 http://www.forbes.com/sites/dansimon/2015/10/12/a-man-for-all-seasons-randy-weiner-entertains-the-world/5/#5966f9a7692a Dan Simon, October 12, 2015
44 http://www.forbes.com/sites/hollieslade/2014/03/19/meet-emursive-the-company-behind-sleep-no-more-the-off-broadway-production-thats-been-sold-out-for-three-years/#3126d5af3e2e Hollie Slade
Submersive: An Immersive Theater Unconference was held in Los Angeles on September 6, 2014, and was the first of its kind. One of its objectives was to make the immersive theater experience a year-round feature of LA’s performing arts landscape and put the city on the international immersive entertainment map. Bill Raden for LA Weekly reported:

That may be about to happen. The big buzz of the gathering was news that Hollywood producers Parkes/MacDonald Productions and global event producer Control Room had secured the old Red Car station under downtown’s Metro 417 apartments for the creation of a multi-million dollar theater experience by Felix Barrett of the British theater company Punchdrunk, the company responsible for New York’s runaway immersive/site-specific/interactive show, Sleep No More.\(^4\)

Even conversation of such an undertaking certainly suggests that there is money being made in immersive, and certainly by Emursive as the role model. On November 24, 2014, Colin Mitchell reported on www.losangeles.bitter-lemons.com that the plans ‘have been shuttered and put on ‘indefinite hold’ until ‘pending conversations’ can be had to determine the project’s ‘viability.’”\(^4\)
