

A Guide to Negotiating Contracts

Negotiation is not a mystery. It's a skill that can be learned. Following are some basics on the art of the deal.

Don't Be Afraid to Negotiate

In an industry such as ours, where work is often scarce, writers may be reluctant to negotiate. Writers may feel they should just accept the contract and rates they are presented with lest they appear 'difficult' or 'ungrateful'. All writers have the right to negotiate a fair deal.

Be Flexible

The easiest way to fail at negotiation is to have a traditionalist win-lose mentality (I win, you lose). Modern negotiation is based more around the win-win model. It is not always possible for both sides to 'win' all the advantages they want in a negotiation but both should feel largely comfortable with the outcome. Any writer should have a bottom line, something they're not prepared to go below, but equally no writer should adhere to an unrealistic expectation.

Understand the Economic Realities of the Industry

The most common complaint the Guild hears from producers is that writers don't understand the economic realities of the local industry. These realities shift from production to production – a low-budget short film is produced on a different scale from a one hour drama series. Learn what is an achievable rate or conditions for the type of production you are working on.

Know Your Value

Many writers seriously undervalue themselves. Good writers know that their services are worth more than the average because of the skills they bring to a job. If you are bringing experience, skill or specialist knowledge to a production then that deserves to be appropriately rewarded. Knowing your value also includes understanding what your bottom line is and being prepared to say or refuse low paying work if necessary.

Be Clear

Clarity is vital in a successful negotiation. If one party doesn't understand your request how can they grant it? Understand exactly what you want and be prepared to accurately communicate that to the other party. Putting any requests in writing is a good way to help form your thoughts.

Trade Off Concessions for Demands

Good bargaining is about give and take. Ensure that you prioritise your wish list. What things are most important to you? Trade off your lesser wants for things that are most important to you.

Get an Agent/Lawyer

The easiest way to negotiate is to have someone else to do it for you. Writers may engage an agent or lawyer to negotiate the deal for them. There are very few agents in New Zealand and most writers will not be able to afford a lawyer. But if there is an opportunity to engage an agent, even if it is just to negotiate a single contract, writers should consider the benefits. The main advantage here is that the writer is not forced to discuss business with the producer, leaving them free to concentrate on creative issues. Also agents and lawyers are typically experienced in negotiation and it is always easier to negotiate on someone else's behalf than it is for oneself.

Upskill Yourself on Negotiation

There is an entire industry devoted to helping people improve negotiation skills. But a good place to start is with a basic primer on the subject like *Getting to Yes: Negotiating Agreement Without Giving In* by Roger Fisher, William L Ury and Bruce Patton.