

# Chapter 69

## So Into It They Forget What Time It Is?

### Video Game Designers and Unpaid Overtime

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#### ABSTRACT

*This chapter draws on 53 interviews from a case study led in Montreal in 2008 to demonstrate the existence of Unlimited and Unpaid Overtime (UUO) among video game developers and illustrate an emerging workplace regulation model of working time in the videogame industry. It brings to light a sophisticated and efficient system of rewards and sanctions, both material and symbolic, that drives professional workers in these trades to adopt a “free unlimited overtime” behavior despite the Act Respecting Labour Standards. Efficiency of this system is rooted in combined Project Management (PM) as an organisation mode and high international mobility of the workforce that both makes portfolio and reputation utterly important. This chapter focuses on (de)regulation of working time only, but it opens a path to theoretically account for (de)regulation of work among an expanding workforce: the “new professionals” in knowledge work.*

#### INTRODUCTION

The video game industry is a booming, prosperous multinational business dominated by a few big console manufacturers (Microsoft, Sony, Nintendo) and a handful of large video game publishers (Electronic Arts, Activision, Konami,

Ubisoft, THQ) that exert significant control over downstream companies, particularly game design studios. Some of the industry giants have their own game design studios and/or buy games developed by smaller studios (Dyer-Witheford & de Peuter, 2009). Private research consultants are all forecasting strong growth for the industry in the West (Androvich, 2008), despite latent threats of outsourcing to countries with lower labour

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costs (Dyer-Witheford & de Peuter, 2009; Dyer-Witheford, 2005). It is even thought that the video game industry will soon dwarf all other entertainment sectors in terms of revenue (Fahey, 2005).

The situation is the same in Canada<sup>1</sup>, where game studio revenue is exceeded only by that of the film and television industry and book publishing (Dyer-Witheford, 2005). Canada ranks sixth internationally in the video game industry, and its two main production hubs are Montreal and Vancouver. In Quebec, 25 of 39 studios are in Montreal and account for 81% of the jobs, which makes the city the main game development centre, with a total of 8,000 jobs forecast for 2011 (Dumais, 2009, p. 10). The Government of Canada is very generous in its support for the industry, and the Government of Quebec even more so, primarily through tax breaks for Montreal's Cité du multimédia, where up to a quarter of game production costs are said to be funded by government. Elsewhere in Canada, studios can also take advantage of federal tax exemptions for research and development (Alliance Numerique, 2003, 2008).

For many years, the problem of the long working hours that are typical of the industry has been played down in favour of an idealized image of a work-as-play ethos (Deuze, Bowen, & Allen, 2007; Dyer-Witheford, 2002, 2005) or 'playbour' (Kuchlich, 2005). Overwork is far from a rare phenomenon, however (De Peuter & Dyer-Witheford, 2005; Dyer-Witheford & Sharman, 2005, p. 203-204; Dyer-Witheford & De Peuter, 2006, p. 607-612). Overtime hours, meaning those that exceed the number specified in the employment contract, are referred to as 'crunch time.' In theory, designers are asked to work on evenings and weekends only during the days or weeks leading up to the shipping date for the game or a production milestone (IGDA, 2004, p. 13). In practice, however, overtime is more often the rule than the exception, according to the results of an on-line survey of 994 members of the International Game Developers Association (IGDA, 2004), amounting to 10% of its members in 2005 (IGDA, 2005).

Unpaid overtime is widespread in this industry. In the United States and elsewhere, video game designers are exempted from the legislative provisions governing payment for overtime hours:

*Non-compensation of overtime hours. Nearly all game developers in the US are under "exempt" status, meaning that their overtime is uncompensated. Developers elsewhere must often work under similar conditions (IGDA, 2004, p. 49).*

In Quebec, this noteworthy devastating trend is a significant drag on the industry: 70% of studios encounter recruitment problems (Dumais, 2009, p. 4) and retaining creative staff is a real issue (IGDA, 2004, p. 21; Chung, 2005).

In this chapter, we report on the working hours in the Quebec industry as reflected in the comments of 53 designers working in major on-line and console video game studios in Montreal, and on compensation for those hours. We then describe the legal framework that applies in Quebec, and how Quebec studios manage overtime within this framework. Afterwards, we compare the local industry with the industry as a whole in the West and report on our respondents' dissatisfaction with the local situation, which is comparable to that of the industry as a whole. The resulting portrait immediately raises the question: When overtime is not paid, in violation of the applicable statutory framework, how do companies get these in some respects unhappy developers to work so many hours of unpaid overtime? We put forward an explanation that is based on the existence of an informal, albeit highly effective system of rewards and punishments that relies primarily on the importance attached to reputation in an industry resolutely focused on creation and innovation.

## **Professional Group Studied**

The qualifications of the people who work in this sector vary widely. The core of the industry consists of highly skilled game designers who have

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