

THE DUALITY OF AMERICA'S TALK SHOW SWEETHEART: DREW BARRYMORE'S DECISION TO RETURN DAYTIME SHOW TO AIR AMID WRITERS' STRIKE

DEVEENA BHARAT

Wilfrid Laurier University

DESTYNIE SEWELL

University of Nebraska – Omaha

PRESCOTT C. ENSIGN

Wilfrid Laurier University

Just a few months prior, Drew Barrymore had been widely regarded as America's talk show sweetheart — lauded as an authentic, kind, and in-touch television personality. Barrymore was dubbed the “*millennial Oprah*” for her intimate interviews (Valdez 2023). However, amid the then-ongoing writers' strike, Barrymore announced on September 10, 2023, that *The Drew Barrymore Show* was returning to air for its fourth season without its three unionized writers (Abad-Santos 2023). On Instagram, she said:

“I am also making the choice to come back for the first time in this strike for our show, that may have my name on it, but this is bigger than just me. I own this choice,”

“We are in compliance with not discussing or promoting film and television that is struck of any kind. We launched live during a global pandemic. Our show was built for sensitive times and has only functioned through what the real world is going through in real-time. I want to be there to provide what writers do so well, which is a way to bring us together or help us make sense of the human experience” (Acuna 2023).

In this context, ‘*struck work*’ meant any work produced during the Writers Guild of America (WGA) strike that violated the strike rules, such as using pre-written content by WGA writers (Wagmeister 2023).

It was estimated that the WGA was comprised of approximately 30,000 WGA members of whom 25,000 were affiliated with the WGA West and 5,000 affiliated with WGA East. Although the West and East guilds were two separate unions, they operated in unison and writers were free to move from one guild to the other. Fewer than half of the WGA membership were current members, that is, had worked enough hours to qualify in the past three years and paid their full dues (Robb 2023).

Exhibit 1. Members of the Writers Guild of America on Strike

Source: <https://www.flickr.com/photos/UFCW770/52992516548/>



Barrymore immediately received widespread backlash not only from writers on strike, but seemingly from her long-time fans as well. In a September 10 social media post, one individual commented:

"Writers made you your career. They gave you lines. You wouldn't have gotten where you are without them. I always thought of you as someone with great empathy. Not anymore. Not if you do this" (Lowe 2023).

Barrymore issued an apology (<https://www.youtube.com/watch?v=8WMFdHQIFck>) six days later, but stated that the show would continue despite the criticism. In a now-deleted video, she stated, “I know there is just nothing I can do that will make this okay to those that it is not okay with. I fully accept that. I fully understand that” (Ali 2023).

The host’s attempt to justify her actions were received poorly, resulting in an even harsher social media backlash. As a result, Barrymore announced that the show would not return to TV until the end of the strike (McKay 2023). With ratings 70% greater than in the previous year, the show had been renewed in January 2023 for the following season, 2023-2024 (Schneider 2023). This would be the fourth season, broadcast on hundreds of CBS stations across the United States. If an opportunity was not seized to get the show back on the air, it seemed as if a critical window might close. Viewers might move on.

Barrymore’s change in stance did not elicit sympathy from the three WGA writers on her show. After the writers’ strike came to an end and the show began production, the writers declined to return to the show. Eric Haywood, a writer, director, WGA West board member, and 2023 Negotiating Committee member, outlined the magnitude of the writers’ decision not to return:

“I think the Drew Barrymore writers choosing to not go back to what is basically a guaranteed paycheck after five months on the picket line was a phenomenal act of courage, [...] workers are really ready to demand what they feel they deserve” (Zornosa 2023).

However, the issue of *The Drew Barrymore Show* returning to air amid the writers’ strike was not so black and white. By not returning to air, Barrymore faced potential legal repercussions from Paramount Global for not following through on her contractual duties of hosting the show as it was a nationally syndicated daytime talk show (i.e., under contract to produce a certain number of episodes for hundreds of local stations through each TV season) (Adalian & VanArendonk 2023). There were also employees not represented by the WGA whose jobs were being put on hold, including production workers (Bushard 2023). Not everyone in the

entertainment industry was free of financial worries; pay cheques mattered for most and not working was a real concern.

With that being said, did Barrymore make the right decision when she initially announced her eponymous show's return? Should she have stood in solidarity with her writers despite the personal legal ramifications of not returning to air and the non-striking workers whose jobs were on the line, or did she make the right choice in trying to fulfill her contractual obligations? And how could Barrymore have handled her conflicting obligations to both parties (the writers and Paramount Global) in a way that kept her image — and conscience — clean?

Background on Drew Barrymore

Drew Barrymore was born to actors Jaid and John Drew Barrymore in 1975. Barrymore did not have a significant relationship with her father, who divorced her mother when she was nine (Stump 2018). Fitting for a child born into a Hollywood dynasty, Barrymore's career in acting began at just 11 months old when she was cast in a dog food commercial (Hattenstone 2015). By age seven, Barrymore was a household name — her big break was in the blockbuster movie *E.T. the Extra-Terrestrial* (IMDb n.d.).

By then, her childhood had seemingly been cut short and her personal life had already begun a downward spiral. Barrymore had been public about her childhood substance abuse, with her mother taking her to notorious New York nightclub *Studio 54* instead of school; she began smoking marijuana by age 10, developed an alcohol problem by age 11, and started using cocaine by age 12 (Sharf 2023). Her cocaine consumption led to her being blacklisted in Hollywood at just 12 years old. Barrymore was checked into rehab by her mother as a teenager due to her alcohol and drug use, then put in a mental institution due to suicide attempts (Stump 2018). In her 2015 memoir, *Wildflower*, Barrymore said, "When people found out [about her substance abuse and being institutionalized], they just wrote me off as damaged

goods, and I sadly understood that” (Barrymore 2015).

At age 14, Barrymore emancipated herself from her parents. She moved into her own apartment in West Hollywood and frequented an old laundromat and bookstore instead of attending high school (Syme 2022). Barrymore outlined the reasons for her emancipation in *Wildflower*:

“I was never unprofessional, but I was on a hiatus from being employable. And when I turned 14 and wanted to start my life over, I wanted to do things on my own terms. On the day of my hearing, my mother was there in full support of my emancipation, which would mean me living on my own” (Barrymore 2015).

Despite – or perhaps because of – her tumultuous upbringing and ostracization in Hollywood, Barrymore did not give up on her acting career. At 17, she landed a role in the film *Poison Ivy*, which marked her successful return to the acting world and by 2023 had been in nearly 60 films. She started her own production company, Flower Films, in 1995 when she was 20 years old. Flower Films released hugely successful projects, including Hollywood classics such as the *Charlie’s Angels* franchise, *He’s Just Not That into You*, and *Donnie Darko* (Atkinson 2020).

Barrymore went on to have three marriages. She was married to film producer Jeremy Thomas from 1994 to 1995, actor Tom Green from 2001 to 2002, and finally actor Will Kopelman from 2012 to 2016, with whom she shared two daughters, Olive and Frankie (Murphy 2022).

Barrymore’s most recent project was launching her daytime talk show, *The Drew Barrymore Show*, at the height of the pandemic in the fall of 2020 (Syme 2022). *“I know I’m making a show for other people,”* Barrymore said during an interview, outlining her purpose for starting the show. *“So, whether they’re right here in this room or watching, hopefully, somewhere, then this is for them, for sure. I’m not doing this for myself!”* (Falcon and Ross 2020).

The 2023 Writers' Guild of America Strike

A writers' strike had been looming since February of 2023 when the *Los Angeles Times* reported that both writers and studios were readying themselves for a potential walkout (Sakoui 2023). The WGA put a “*pattern of demands*” — a loose outline that would guide the union’s position in future negotiations with major studios — up for a vote by WGA members on February 27, citing complaints about writers’ compensation (Maddaus 2023a). The WGA also demanded higher streaming and international use residuals, better streaming data transparency, limits on AI-generated content, mandatory staffing levels for writers’ rooms, improved health and pension benefits, and stronger diversity, equity, and inclusion protections (Writers Guild of America 2023). On March 7, the WGA announced that 98.4% of members had voted in favor of the pattern of demands. The negotiations between the WGA and the Alliance of Motion Picture and Television Producers (AMPTP), an association of Hollywood’s largest studios and production companies, were slated to begin on March 20, marking the start of the writers’ strike (Maddaus 2023b).

The WGA released a report titled “*Writers Are Not Keeping Up*” on March 14th, highlighting how the rise of streaming (where half of the striking writers worked) had stripped them of salary and job stability (WGA 2023).

“While company profits have remained high and spending on content has grown, writers are falling behind. The companies have used the transition to streaming to cut writer pay and separate writing from production, worsening working conditions for series writers at all levels. On TV staffs, more writers are working at minimum regardless of experience, often for fewer weeks, ... while showrunners are left without a writing staff to complete the season” (WGA 2023).

In effect, the report argued the studios and production companies that employed writers were maximizing their profits by cutting costs, namely, compensation for writers. The report went on to state that while series budgets had ballooned over the last 10 years, salaries of writer-

producers had lagged far behind — the median weekly writer-producer pay had declined by 4% in the prior decade, amounting to a decline of 23% when adjusted for inflation (WGA 2023).

A key issue highlighted by the report was the increase in TV writers working for the “*minimum basic agreement*” over the last decade, which suggested that more and more seasoned writers were being paid the lowest amount possible despite their years of experience:

“In the 2013-14 season, 33% of all TV series writers were paid minimum; now half are working at minimum. Increasing numbers of seasoned writers, including showrunners, are now paid no [fixed additional amount paid on top of the minimum wages] for their years of experience” (WGA 2023).

The report also raised the problem of shortened TV series (WGA 2023). Traditionally, a network television show would run for approximately 24 episodes a season; the norm became 8-13 episodes per season (Malinsky and Holman 2023). With most writers being paid per episode produced, writers’ pay was seeing a dramatic decrease — they were being paid far less per season for roughly the same amount of work — “*The reality is, it’s hard to enough to get one job per season, much less two*” (Jamin 2023).

The WGA’s demands to combat these issues included: increased minimum pay and residuals (i.e., additional compensation paid to writers credited on the project for the reuse of their work) (Writers Guild of America West 2022), appropriate contributions to health plans and pensions, proper compensation for TV series writing from pre-production to post-production, improved standards, and overall protections for writers (Frank 2023).

On September 24, 2023, the WGA and AMPTP announced that an agreement had been reached. On September 26, the union’s leadership declared that they had voted to end the strike, subsequently recommending that WGA members vote in favor of ratifying the contract

(i.e., the striking writers accept the terms and conditions negotiated by the two respective parties, thereby making the new contract legally enforceable).

The strike officially ended on September 27, 2023 after 148 days (Wilkinson and Stewart 2023). The WGA had gone on strike eight times since its formation in 1933. The longest strike had been in 1988 which lasted 153 days and in 2007-2008 there had been a 100-day strike. The union was largely successful in its striking efforts, with the resulting memorandum of agreement between the WGA and AMPTP outlining increases to writers' minimum wage, compensation, pensions, and health fund rates. Writers also gained improvements to the duration of contracts and the size of writing teams (which had both been dwindling rapidly in recent years due to studios and production companies trying to cut costs), increased residuals, and protection against writing positions being reduced or eliminated due to the use of generative artificial intelligence (which allowed studios and production companies to save additional money on salaries).

“A writer can choose to use AI when performing writing services [...] but the company can't require the writer to use AI software (e.g., ChatGPT) when performing writing services” (Wilkinson and Stewart 2023).

Nationally Syndicated Daytime Talk Shows

Nationally syndicated daytime talk shows such as *The Drew Barrymore Show* were under contract to produce a certain number of episodes for more than 200 local stations through each TV season. Local stations, as well as advertisers, expected original content from hosts like Barrymore for the shows they paid large license fees to carry (Wagmeister 2023).

This was in contrast to network talk shows like *The Tonight Show Starring Jimmy Fallon*, which had a permanent spot on a single network's roster and whose only client was the network itself. If Barrymore did not fulfill her contractual obligations (typically to deliver 25 to 40 weeks of new episodes) to her station partners, she could lose her show. And Barrymore would not be the only one losing her job if *The Drew Barrymore Show* were axed — each daytime talk show employed between 150 and 200 staffers, with unionized writers making up just two to four members of the team. By not returning the show to air, hundreds of production workers would continue to be without work despite not being subject to any of the potential benefits that the striking writers might receive if successful (Wagmeister 2023).

Statements from affected daytime talk show staffers illustrated the gravity of the situation and their frustration with effectively being collateral damage; one shared:

"If even one major station group pulls out and says they're not going to run our show, even if they have repeats, that affects ratings and advertising. It affects everything. Why would we risk letting a show die and letting people lose their jobs permanently if we can do a show without violating rules?"

The strike doesn't look like it's anywhere close to being settled. The two sides can't even agree who owes who the next offer. Are we supposed to wait around forever?" (Wagmeister 2023).

At the time that this statement was made (September 16), there was no end to the strike in sight; the WGA strike did end just 11 days later.

The Other Side: Crossing the Picket Line

Barrymore's decision to return to air fell within a grey area — technically, it was allowed if the show did not use any pre-written content. However, avoiding pre-written content on the show would have been nearly impossible. This included any monologues, interview questions, etc., all of which were traditionally written before taping. If any content were pre-written, then that would constitute “crossing the picket line” (Zornosa 2023).

Nationally syndicated daytime talk show hosts were cleared to perform their hosting duties under the Network Television Code of the Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA). Although hosts like Barrymore were members of SAG-AFTRA, performing their hosting duties was not in violation of the WGA and SAG-AFTRA strike rules as their work was covered under a different contract than that of the writers and actors on strike (Wagmeister and Bell 2023). However, members from different unions often stood in solidarity with one another. Barrymore herself withdrew from a previous commitment of hosting the MTV awards on May 4, 2023 in support for the WGA (Access Hollywood 2023).

Barrymore's decision to return to air was defended by SAG-AFTRA; a representative of the union told *Variety*, “The Drew Barrymore Show is produced under the Network Television Code which is a separate contract and is not struck. It is permissible work and Drew's role as host does not violate the current [WGA and SAG-AFTRA] strike rules” (Tingley and Maas 2023). At the time, SAG-AFTRA members were also on strike, with actors seeking better pay and working conditions, among other demands (Lowe and Williams 2023).

The WGA disagreed with the above statement. A spokesperson for the WGA said in a statement to *Variety*, “Drew Barrymore should not be on the air while her writers are on strike fighting for a fair deal. In reality, shows like this cannot operate without writing, and that is struck work” (Wagmeister 2023). Late-night talk show host Bill Maher announced the re-

starting of his show *Real Time* without its usual scripted segments (Exhibit 2). He too was vilified and called a scab, with novelist Stephen King sending strong criticism. Maher reversed course days later (Exhibit 3).

Exhibit 2. Instagram Post from Bill Maher

Source: <https://www.instagram.com/p/CxJxjZcpimP/>

billmaher Real Time is coming back, unfortunately, sans writers or writing. It has been five months, and it is time to bring people back to work. The writers have important issues that I sympathize with, and hope they are addressed to their satisfaction, but they are not the only people with issues, problems, and concerns. Despite some assistance from me, much of the staff is struggling mightily. We all were hopeful this would come to an end after Labor Day, but that day has come and gone, and there still seems to be nothing happening. I love my writers, I am one of them, but I'm not prepared to lose an entire year and see so many below-the-line people suffer so much. I will honor the spirit of the strike by not doing a monologue, desk piece, New Rules or editorial, the written pieces that I am so proud of on Real Time. And I'll say it upfront to the audience: the show I will be doing without my writers will not be as good as our normal show, full stop. But the heart of the show is an off-the-cuff panel discussion that aims to cut through the [redacted] and predictable partisanship, and that will continue. The show will not disappoint.

© Bill Maher/Instagram

Exhibit 3. Tweet from Bill Maher

Source:

https://x.com/billmaher/status/1703801159096713583?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1703801159096713583%7Ctwgr%5Ed7b31aa814afbe52c83b1ba843636034eaa402b1%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fpublish.twitter.com%2F%3Fquery%3Dhttps3A2F2Ftwitter.com2Fbillmaher2Fstatus2F1703801159096713583widget%3DTweet



Bill Maher ✓
@billmaher

My decision to return to work was made when it seemed nothing was happening and there was no end in sight to this strike. Now that both sides have agreed to go back to the negotiating table I'm going to delay the return of Real Time, for now, and hope they can finally get this done.

12:00 PM · Sep 18, 2023 · **4.7M** Views

Drew Barrymore posted an emotional and apologetic video explaining her talk show's return amid the writers' strike and later removed it due to social media backlash. She also shared a statement (Exhibit 4):

Exhibit 4. Instagram Post from Drew Barrymore

Source: <https://globalnews.ca/video/9964145/drew-barrymore-makes-emotional-apology-for-resuming-talk-show-but-will-continue/>

I made a choice to walk away from the MTV, film and television awards because I was the host and it had a direct conflict with what the strike was dealing with which was studios, streamers, film, and television. It was also in the first week of the strike and so I did what I thought was the appropriate thing at the time to stand in solidarity with the writers. And to be clear, our talk show actually wrapped on April 20th so we never had to shut down the show. However, I am also making the choice to come back for the first time in this strike for our show, that may have my name on it but this is bigger than just me.

I own this choice. We are in compliance with not discussing or promoting film and television that is struck of any kind. We launched live in a global pandemic. Our show was built for sensitive times and has only functioned through what the real world is going through in real time. I want to be there to provide what writers do so well, which is a way to bring us together or help us make sense of the human experience. I hope for a resolve for everyone as soon as possible. We have navigated difficult times since we first came on air. And so I take a step forward to start season 4 once again with an astute humility.

© Instagram

Kelly Clarkson had pre-taped shows in advance for her namesake show, so it was not affected at the end of the previous season. Regarding the upcoming season of *The Kelly Clarkson Show*, no announcement had been made, thus avoiding backlash from the WGA. On the same day as Barrymore, Jennifer Hudson announced that her eponymous show would return without writers (Wagmeister and Bell 2023). Daytime shows *Live with Kelly and Mark* as well as *The*

View remained in production throughout the 140+ day WGA strike and continued to air uninterrupted (Richardson 2023). Like others, *The Talk* went dark in May as a result of the writers' strike but was planning to return to air as much of the content was ad-libbed and had only one writer on its staff of 150 employees (White 2023). Approximately 50 writers showed up to picket a rehearsal show for *The Talk* (Kilkenny 2023).

Exhibit 5. WCA picket at "The Talk" in Front of CBS Studios

Source: *The Hollywood Reporter*, <https://www.hollywoodreporter.com/business/business-news/writers-guild-pickets-the-talk-that-work-being-done-is-scabbing-1235590129/>



Exhibit 6. Drew Barrymore Signing Autograph at the Toronto Film Festival

Source: Wikipedia Commons, [https://commons.wikimedia.org/wiki/File:Miss_You_Already_14_\(20764903684\).jpg](https://commons.wikimedia.org/wiki/File:Miss_You_Already_14_(20764903684).jpg)



Exhibit 7. WGA Strike in Los Angeles

Source: Variety, <https://variety.com/2023/tv/news/writers-strike-julie-plec-beau-willimon-wga-negotiations-1235632219/>



Exhibit 8. UFW in Solidarity with WGA and SAG-AFTRA Strike

Source: Wikipedia Commons, [https://commons.wikimedia.org/wiki/File:UFW770_in_Solidarity_with_WGA,_SAG-AFTRA_%26_Starbucks_Workers_United_\(53077785416\).jpg](https://commons.wikimedia.org/wiki/File:UFW770_in_Solidarity_with_WGA,_SAG-AFTRA_%26_Starbucks_Workers_United_(53077785416).jpg)



The Verdict: Was the Decision to Return to Air Right or Wrong?

Contentions aside, Barrymore's decision to return to air amid the WGA strike was not clear cut. She not only had to consider the writers' strike, but also her contractual obligations, potential legal trouble for not performing her hosting duties, the livelihoods of non-striking employees on the show, and the feelings of her long-time fans.

With all of this in mind, were Barrymore's actions in the right or wrong? How could she have better managed the public's opinions of her decision? And who came first — the striking writers, or herself?



DEVEENA BHARAT obtained a Bachelor of Science in Computer Science as well as an Honours Bachelor of Business Administration, both from Wilfrid Laurier University and has completed three certifications from the Corporate Finance Institute. She has served in volunteer roles for Habitat for Humanity and held leadership roles while in university as ambassador, director, consultant and vice president (2x). She has experience working as an analyst at StandUp Ventures, a product and operations intern at MintList, an investment associate at Front Row Ventures, and presently as an operations associate at Mantle.



DESTYNI SEWELL is an Assistant Professor of Business Law in the College of Business Administration, University of Nebraska - Omaha. She holds a J.D. from Creighton University's College of Law and is licensed to practice law in Nebraska and Iowa. She worked for the U.S. Department of Veteran Affairs as a Human Resources Manager, as a contract specialist for the U.S. Air Force, a law clerk for Blue Cross Blue Shield of Nebraska, and as an Attorney/Guardian ad Litem for juveniles through the law firm Thomas G. Incontro, P.C., L.L.O. with the Department of Health and Human Services, medical experts, and other collateral sources to investigate facts, participate in negotiations, and make recommendations in court. Her research interests include civil rights and discrimination, technology and space law, as well as fintech law.



PRESCOTT C. ENSIGN is a Professor of Strategic Management at the Lazaridis School of Business and Economics, Wilfrid Laurier University. His PhD is from École des Hautes Études Commerciales, Université de Montréal. He has served on the faculties of state universities in California and Ohio as well as several in Canada. He is a recipient of a Fulbright Scholarship and has received recognition for his teaching and research. Recent publications focus on applied business ethics; Indigenous entrepreneurship; social enterprises and innovation; and economic and social development in rural and remote areas. The latter includes on-going research on the impact of federal and provincial policies on the survival of Canada's 60+ short line freight railways serving rural and remote enterprises and communities.



Appendix. Contracts and Labor Law: What the Decision-Maker Should Know

Labor Unions: Unions emerged as a response to workplaces where employers held all the power over wages, hours, and conditions. Historically, without protection, workers faced unsafe environments, unstable employment, and exploitation. Collective organizing offered a way to shift that balance. Through unions, workers gained the legal right to bargain as a group and, when necessary, to take collective action, including strikes, to advocate for fair treatment.

In the United States, the right to organize and bargain collectively was protected under the National Labor Relations Act (NLRA) of 1935, codified at 29 U.S.C. §§151–169 (<https://www.law.cornell.edu/uscode/text/29/chapter-7/subchapter-II>). The NLRA established the legal framework for labor relations in the private sector, meaning workplaces that were not run by the government. For example, it covered employees at companies like Amazon or Starbucks, but not public schoolteachers or other state, federal, or local state employees, who fell under different laws (National Labor Relations Board, n.d.). The NLRA prohibited employers from interfering with employees' rights to self-organize,¹ required good faith bargaining with elected union representatives,² and protected employees' lawful right to strike³ and picket⁴ in support of their bargaining goals. Additionally, as the NLRA only required that both sides bargained in good faith, it did not compel the parties to reach any agreement. Further, union members, non-union workers, and even audience members who engaged in protected concerted activities in support of labor actions, such as standing in picketing lines, were afforded legal protections.⁵

¹ 29 U.S.C. §157, <https://www.law.cornell.edu/uscode/text/29/157>.

² 29 U.S.C. §158(d), <https://www.law.cornell.edu/uscode/text/29/158>.

³ 29 U.S.C. §157 & 29 U.S.C. §163, <https://www.law.cornell.edu/uscode/text/29/157>, <https://www.law.cornell.edu/uscode/text/29/163>.

⁴ 29 U.S.C. §158(b)(7), <https://www.law.cornell.edu/uscode/text/29/158>.

⁵ 29 U.S.C. §158(a)(1), <https://www.law.cornell.edu/uscode/text/29/158>.

Drew Barrymore

Labor Contracts: Labor contracts, also known as collective bargaining agreements, were formal agreements between employers and labor unions. These agreements outlined the rights, responsibilities, and working conditions for unionized employees. They typically addressed wages, hours, benefits, grievance procedures, and other terms of employment. Labor contracts were legally binding and were the result of a negotiation process designed to balance the interests of both workers and management. Under U.S. labor law, unions acted as the exclusive bargaining representative for all employees in the unit, and depending on the agreement, for non-union members performing union-covered work, regardless of union membership. - As a result, individual priorities may have differed from those of the union, especially for employees with minority views or distinct roles.

Labor contracts, such as the Minimum Basic Agreement (Writers Guild of America 2020), between the Writers Guild of America and production studios, or the 2011-2014 AFTRA National Code of Fair Practice for Network Television Broadcasting (American Federation of Television and Radio Artists 2011), covered not only union members but also the types of work that were typically performed by union members. Therefore, employers like production studios may be subject to multiple union agreements (i.e., WGA and SAG-AFTRA) at the same time, depending on the roles involved and the nature of the production.

Compliance Clauses: Compliance was required with labor agreement rules and regulations, such as forbidding employers from unilaterally changing working conditions or replacing striking workers in a way that undermined the union. These clauses ensured that employers adhered to agreements with organizations like the WGA and SAG-AFTRA and not find creative loopholes to avert contractual obligations.⁶ Thus, attempts to resume production of *The Drew Barrymore Show* without its WGA writers could be viewed as a potential violation depending on how substitute work was handled.

⁶ Compliance clauses can be found in Article 4 of the WGA Minimum Basic Agreement, <https://www.wga.org/uploadedfiles/contracts/mba20.pdf>.
Drew Barrymore

Force Majeure Clause: A contract provision that excused a party from fulfilling obligations when unexpected events occurred that were beyond their control and made performance nearly impossible. Typical examples included natural disasters like floods, tornadoes, or earthquakes (“*force majeure*” or “*act of God*”); war or government actions (such as new laws); and strikes or labor disputes. Explicitly listing “*labor disputes*” in the force majeure clause allowed a party to delay or cancel performance if a strike or similar disruption prevented them from meeting their contractual duties. When a contract was silent (intentional or not) on important terms, such as what constituted a *force majeure*, courts deferred to industry norms.⁷

Suspension Clause: A suspension clause permitted a party to pause its contractual obligations temporarily under specific conditions, such as a labor strike or another disruption that halted normal operations. This might include the employer’s temporary withholding of payroll or other performance obligations for all employees, depending on the contracts. Suspension clauses often appeared alongside or within *force majeure* provisions. Such clauses could be used by studios to navigate interruptions in production while preserving the right to resume once the disruption ended. However, they did not eliminate the contract entirely and typically included time limits or conditions under which suspension must either end or be reevaluated.

Termination Clause: Termination clauses specified the conditions under which a contract could be ended by either party, *e.g.*, a work stoppage that had lasted beyond the agreed to temporary suspension duration period. Courts used industry standards or deemed what was reasonable if no duration was stated in the contract. Thus, production companies could terminate all contracts, including employment and supplier contracts, if production had been suspended too long.

⁷ Force majeure language can be found in Article 26 of the WGA Minimum Basic Agreement; however, it is silent on what exactly constitutes a force majeure and defers to the writers’ individual employment contracts with their respective networks for definitions.

Drew Barrymore

Talent Agreement Performance Obligations: Talent agreements outlined the host's responsibilities, including minimum episode commitments, promotional duties, and conduct requirements. These obligations were covered under SAG-AFTRA union rules (American Federation of Television and Radio Artists 2011). While these agreements typically included a *force majeure* clause that allowed the host to avoid fulfilling all obligations, personal considerations such as individual circumstances or stakeholder pressure may influence whether the host decided to invoke the clause.



References

- Abad-Santos, A. (2023, September 19). Drew Barrymore, tried to live, laugh, scab her way across the picket line. It didn't work. *Vox*.
<https://www.vox.com/culture/2023/9/19/23880858/drew-barrymore-show-writers-strike-backlash-apology>.
- Access Hollywood (2023, May 4). Drew Barrymore drops out of hosting 2023 MTV Movie & TV awards over WGA strike. YouTube. https://www.youtube.com/watch?v=J3-4_OcJVBA.
- Acuna, K. (2023, September 18) 'The Drew Barrymore Show' is no longer returning to TV amid the SAG and WGA strikes – here's what's going on. *Insider*.
<https://www.insider.com/explained-drew-barrymore-show-strike-controversy-2023-9>.
- Adalian, J. & K. VanArendonk (2023, September 14). The backlash came for Drew Barrymore. *Vulture*. <https://www.vulture.com/2023/09/why-did-drew-barrymore-cross-the-picket-line.html>.
- Ali, Y. (2023, September 15). X. <https://twitter.com/yashar/status/1702743340175991155>.
- American Federation of Television and Radio Artists. (2011). AFTRA National Code of Fair Practice for Network Television Broadcasting (2011–2014).
https://www.sagaftra.org/sites/default/files/2011-2014_aftranationalcode_of_fairpractice_for_networktelevisionbroadcasting_0.pdf.
- Atkinson, J. (2020, December 25). I was hooked on cocaine aged 12 — I know how lucky I am, says Drew Barrymore. *The Sun*. <https://www.thesun.co.uk/tvandshowbiz/12838162/drew-barrymore-drug-addiction-aged-12/>.
- Barrymore, D. (2015, October 25). Drew Barrymore: The day I divorced my mother – extract. *The Guardian*. <https://www.theguardian.com/culture/2015/oct/25/drew-barrymore-the-day-i-divorced-my-mother>.
- Bushard, B. (2023, October 4). 'Drew Barrymore Show' writers refuse to return after WGA strike ends, report says. *Forbes*. <https://www.forbes.com/sites/brianbushard/2023/10/04/drew-barrymore-show-writers-refuse-to-return-after-wga-strike-ends-report-says/?sh=ae3ca1f305ce>.
- Falcon, G. & C. Ross (2020, September 13). A new role for Drew Barrymore. *CBS News*.
<https://www.cbsnews.com/news/a-new-role-for-drew-barrymore/>.
- Frank, J.P. (2023, November 9). Actors and writers strike 2023, explained: SAG strike ended! *Vulture*. <https://www.vulture.com/article/wga-strike-2023.html>.
- Hattenstone, S. (2015, October 25). Drew Barrymore: 'My mother locked me up in an institution at 13. Boo hoo! I needed it.' *The Guardian*.
<https://www.theguardian.com/culture/2015/oct/25/drew-barrymore-mother-locked-up-in-institution-interview>.
- IMDb (n.d.). Drew Barrymore. *IMDb*. <https://www.imdb.com/name/nm0000106/>.
- Jamin, M. (2023, May 3). Thousands of TV and film writers are striking. Here's why we had to. *The Guardian*. <https://www.theguardian.com/commentisfree/2023/may/03/why-hollywood-writers-are-striking>.
- Kilkenny, K. (2023, September 13). Writers guild pickets 'The Talk': "That work being done is scabbing" *The Hollywood Reporter*.

<https://www.hollywoodreporter.com/business/business-news/writers-guild-pickets-the-talk-that-work-being-done-is-scabbing-1235590129/>.

- Lowe, L. (2023, September 12/15). Why Drew Barrymore's talk show's return is causing controversy. *The Today Show*. <https://www.today.com/popculture/drew-barrymore-talk-show-return-strike-controversy-rcna104671>.
- Lowe, L. & C. Williams (2023, July 13). The SAG-AFTRA strike in Hollywood, explained. *The Today Show*. <https://www.today.com/popculture/hollywood-actors-sag-strike-2023-explained-rcna94122>.
- Maddaus, G. (2023a, February 27). WGA seeks approval of 'pattern of demands' for upcoming studio negotiations. *Variety*. <https://variety.com/2023/tv/news/wga-pattern-of-demands-1235537514/>.
- Maddaus, G. (2023b, March 7). WGA members vote to approve demands for upcoming talks. *Variety*. <https://variety.com/2023/biz/news/wga-members-approve-pattern-demands-1235546075/>.
- Malinsky, G. & S. Holman (2023, May 13). TV and film writers are striking 'about a systemic problem.' *CNBC*. <https://www.cbc.com/2023/05/13/why-are-tv-and-film-writers-striking.html>.
- McKay, R. (2023, September 17). Drew Barrymore to pause show until Hollywood writers' strike ends. *Reuters*. <https://www.reuters.com/world/us/drew-barrymore-pause-show-until-hollywood-writers-strike-ends-2023-09-17/>.
- Murphy, N. (2022, December 22). Drew Barrymore's candid confession on marriage: 'I can't take it again.' *HELLO! Magazine*. <https://www.hellomagazine.com/brides/20221222160240/drew-barrymore-candid-confession-never-marry-again/>.
- National Labor Relations Board. (n.d.). Are You Covered? <https://www.nlr.gov/about-nlr/rights-we-protect/the-law/employees/are-you-covered>.
- Richardson, K. (2023, September 13). 'The View' is still airing and striking writers want answers. *Rolling Stone*. <https://www.rollingstone.com/tv-movies/tv-movie-features/the-view-writers-strike-picketing-abc-whoopi-goldberg-snl-drew-barrymore-show-1234824521/>.
- Robb, D. (2023, July 18). WGA West members paid record dues in year preceding strike, financial report shows. *Deadline*. <https://deadline.com/2023/07/writers-guild-west-record-dues-paid-2023-annual-report-1235439804/>.
- Sakoui, A. (2023, February 15). What do Hollywood writers want? Here are the key issues. *Los Angeles Times*. <https://www.latimes.com/entertainment-arts/business/story/2023-02-15/with-hollywood-fears-of-a-strike-writers-gather-to-weigh-issues-what-are-they-after>.
- Schneider, M. (2023, January 17). 'The Drew Barrymore Show' renewed for 2023-2024 season. *Variety*. <https://variety.com/2023/tv/news/the-drew-barrymore-show-renewed-2023-2024-tv-season-1235491281/>.
- Sharf, Z. (2023, June 6). Steven Spielberg 'felt helpless' watching Drew Barrymore being 'robbed of her childhood' while making 'E.T.,' but 'I wasn't her dad.' *Variety*. <https://variety.com/2023/film/news/steven-spielberg-helpless-drew-barrymore-et-robbed-childhood-1235634964/>.

- Stump, S. (2018, September 14). Drew Barrymore opens up about her cocaine use, rocky relationship with mom. *The Today Show*. <https://www.today.com/popculture/drew-barrymore-opens-about-her-cocaine-use-relationship-mom-t137463>.
- Syme, R. 2022 (September 13). How Drew Barrymore became a bizarre fixture of daytime TV. *The New Yorker*. <https://www.newyorker.com/culture/on-television/how-drew-barrymore-became-a-bizarro-fixture-of-daytime-tv>.
- Tingley, A. & J. Maas (2023, September 11). ‘Drew Barrymore’ protesters slam show, audience members kicked out. *Variety*. <https://variety.com/2023/tv/news/drew-barrymore-show-protesters-audience-members-kicked-out-1235719924/>.
- Valdez, J. (2023, April 13). Fans praise Drew Barrymore for emotional, empathetic interviews. *Los Angeles Times*. <https://www.latimes.com/entertainment-arts/tv/story/2023-04-13/the-millennial-oprah-fans-praise-drew-barrymore-for-emotional-empathetic-interviews>.
- Wagmeister, E. (2023, September 16). Drew Barrymore had a simpler way out of this mess: Daytime hosts could lose their shows if they don’t work during a strike. *Variety*. <https://variety.com/2023/tv/news/drew-barrymore-daytime-talk-shows-wga-strike-1235725462/>.
- Wagmeister, E. & B. Bell (2023, September 11). ‘The Jennifer Hudson Show’ and ‘The Talk’ set to return amid WGA and SAG-AFTRA strikes. *Variety*. <https://variety.com/2023/tv/news/the-talk-return-wga-strike-1235720254/>.
- White, P. (2023, September 13). CBS’ ‘The Talk’ set to return to filming as daytime shows face scrutiny amid strikes – update. *Deadline*. <https://deadline.com/2023/09/cbs-the-talk-return-filming-writers-strike-1235543186/>.
- WGA (2023). Writers are not keeping up. WGA Contract 2023. <https://www.wgacontract2023.org/updates/bulletins/writers-are-not-keeping-up>.
- Wilkinson, A. & E. Stewart (2023, September 28). Writers’ strike update: What to know about the WGA’s tentative deal. *Vox*. <https://www.vox.com/culture/2023/9/24/23888673/wga-strike-end-sag-aftra-contract>.
- Writers Guild of America. (2023, May 1). WGA proposals – Status as of May 1, 2023 [PDF]. Writers Guild of America West. https://www.wga.org/uploadedfiles/members/member_info/contract-2023/WGA_proposals.pdf.
- Writers Guild of America. (2020). Theatrical and television basic agreement (2020–2023). <https://www.wga.org/uploadedfiles/contracts/mba20.pdf>.
- Writers Guild of America West (2022, March). Residuals survival guide. *Writers Guild of America West*. <https://www.wga.org/members/finances/residuals/residuals-survival-guide>.
- Zornosa, L. (2023, October 6). *Drew Barrymore Show* writers refusing to return signals a new era in Hollywood. *Time*. <https://time.com/6321376/drew-barrymore-show-writers-refuse-return/>.