



The Leadership Role Of Creative Guilds And Trade Union To Sustain The Malaysia's Creative Industry

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Abstract

The existence of the *Dasar Industri Kreatif Negara* (DIKN) in 2009, with the mission to govern the creative and cultural industry systematically, would change the landscape of the practice and way forward of the creative practitioners, with little production of content in the creative industry, but with so many establishments of creative guilds that are acknowledged by the National Film Development Corporation Malaysia (FINAS) and not to mention the establishments of Trade Unions by the Department of Human resource. This has perplexed the creative industry players by the distinctive functions and features of a guild and union, for they know both parties were established to protect them. This study's objective is to understand the effects of leadership roles in trade unions and creative guilds that hold the potential to elevate the creative industry's well-being. This study will qualitatively interview two (2) leaders of *Kesatuan Sekerja Kakitangan Sistem Televisyen Malaysia Berhad* (STMB) and *Akademi PROFIMA*. The impact of this study is expected to provide in-depth literacy of the leadership roles of trade unions and creative guilds that would provide service and protection to the creative industry players.

Keywords: *guilds, trade union, creative industry, leadership role*

1. Introduction

Malaysia is a robust country with cultural diversity that would eventually contribute to the cultural and creative industry. The nation's diverse cultural background has affected economic progression and mobility, especially in the creative and cultural industry. Even though Islam governs Malaysia as the official religion, other religions are also allowed to be practiced that derive from other races, such as the Chinese and Indians. That said, the cultural and creative sector has led to an ecosystem that provides job opportunities to fellow countrymen engaged in the activities. According to UNIDO (2013), creative industries include activities that relate to advertising, arts, architecture, design, musical and visual production, fashion design, community-based-tourism services, and many other creative activities. In efforts to govern Malaysia's creative industry sector, the *Dasar Industri Kreatif Negara* (DIKN) was established in 2009, expressing the government's new direction, which was to empower the creative industry as an ecosystem based on the development of the creativity and innovation that would contribute to a higher economic income and also elevate the cultural identity of Malaysia (Barker and Lee, 2017). As stated in the 10th Strategic Plan within the DIKN, it is to nurture appreciation and positive perceptions in the Malaysian citizens of the creative industry and that it is at par with many other industries. Item No. 45 of the DIKN's strategic plan also stated that the measures taken to govern the career and welfare of the creative industry players were given to various appointed agencies.

The National Film Development Corporation Malaysia (FINAS) is the body responsible for promoting and facilitating national films. It was established in 1981 and the legislative statutory of the FINAS Act 1981 (Alavi and Azmi, 2019). The Performance Management and Delivery Unit (PEMANDU) report recognises the creative industry as part of the National Key Economic Area (NKEA). Other new initiatives were then added, such as appointing entities named the Creative Content Industry Guild Malaysia (CCIG) and Creative Content Association Malaysia (CCAM). These guilds were appointed and carried tasks of certification such as:

- I. Experience
- II. Contribution
- III. Skills
- IV. Achievement



Today, more than thirty (30) guilds have been established and identified by FINAS and are listed on their website, and each of these guilds carries different roles and missions. Among the prominent guilds that keep the welfare and rights of freelancers in the creative industry, mainly the film and drama industry is the *Persatuan Pekerja Profesional Filem Malaysia* (PROFIMA). Those who work in the content industry television working that is signed under a company with a designated employee may be registered and be part of a workers' union. This study will explore the *Kesatuan Sekerja Kakitangan Sistem Televisyen Malaysia Berhad* (STMB). Given the nature of the gig economy, which is temporary, flexible, and doesn't require any attachment to the assigned workers, many companies tend to hire part-timers or freelancers to complete any of the tasks (Texas Workforce Investment Council, 2017). As much as other industry sectors are being affected by the recession, the creative industries were also not exempted from facing such economic hurdles that would eventually increase in unemployment (Walzer, 2020). During these low times during the economic downturn, especially the aftermath of the COVID-19 pandemic, the role of the creative guilds and trade unions is significant in helping develop the industry players so that they have the power to endure and sustain their careers. The objective of this study is to understand the effects of the leadership role of the creative guilds and trade unions that would provide sustainable career advancement and job security for creative industry practitioners. This study was conducted using the qualitative method, where a one-hour focus group discussion (FGD) was conducted with two (2) informants which is the president of *Kesatuan Sekerja Kakitangan Sistem Televisyen Malaysia Berhad* (STMB) and the vice president of *Akademi PROFIMA*. The session was recorded in a webinar form and broadcast live on Facebook platforms for an hour.

2. Literature Review

Malaysia's creative industry ecosystem is blessed with diversity that provides a variety of choices for creative content consumption. Let's explore the historical movement of the national film in Malaysia, showcasing local Malays' talents as directors. To commemorate the support from the Malaysian government towards the development of the film industry, the late Tan Sri Datuk Dr. Jins Shamsudin, who passed away in 2017, proposed that there is a must to establish a government entity to be the caretaker of the industry (Fatimah and Nur Afifah, 2020).

Creative Industry Economic Ecosystem

Film and drama production draws a wide range of involvement from many other compartments in the creative industry. According to Gammeltoft et al. (2017), the SPI analysis conducted on film and drama production indicates that these content creation industries would involve many other sub-sectors in and out of the creative industry. As this nature being practiced is understood, the researchers Gammeltoft et al. (2017) stated that the correlation between each of the activities of the sub-sectors of the creative industry would create an economic ecosystem. The term '*Creative Industry Ripple Effect*' was derived from analyzing the additional economic value of the industry on which the money is spent. Gammeltoft et al. (2017) stated that the film and drama industry uses a broader range of resources from other subsectors in the creative industry. This is because to be able to produce content of film or drama, the budgeting of the whole content produced usually would come from other sectors in the creative industry such as design production, music, publishing, advertising, crafts, and not to mention architecture. As the study conducted by researchers Gammeltoft et al. (2017) was done in Europe, the results indicated that 38% of film and 47% of drama expenditure involves another sector of activities as stated in the pie chart below:

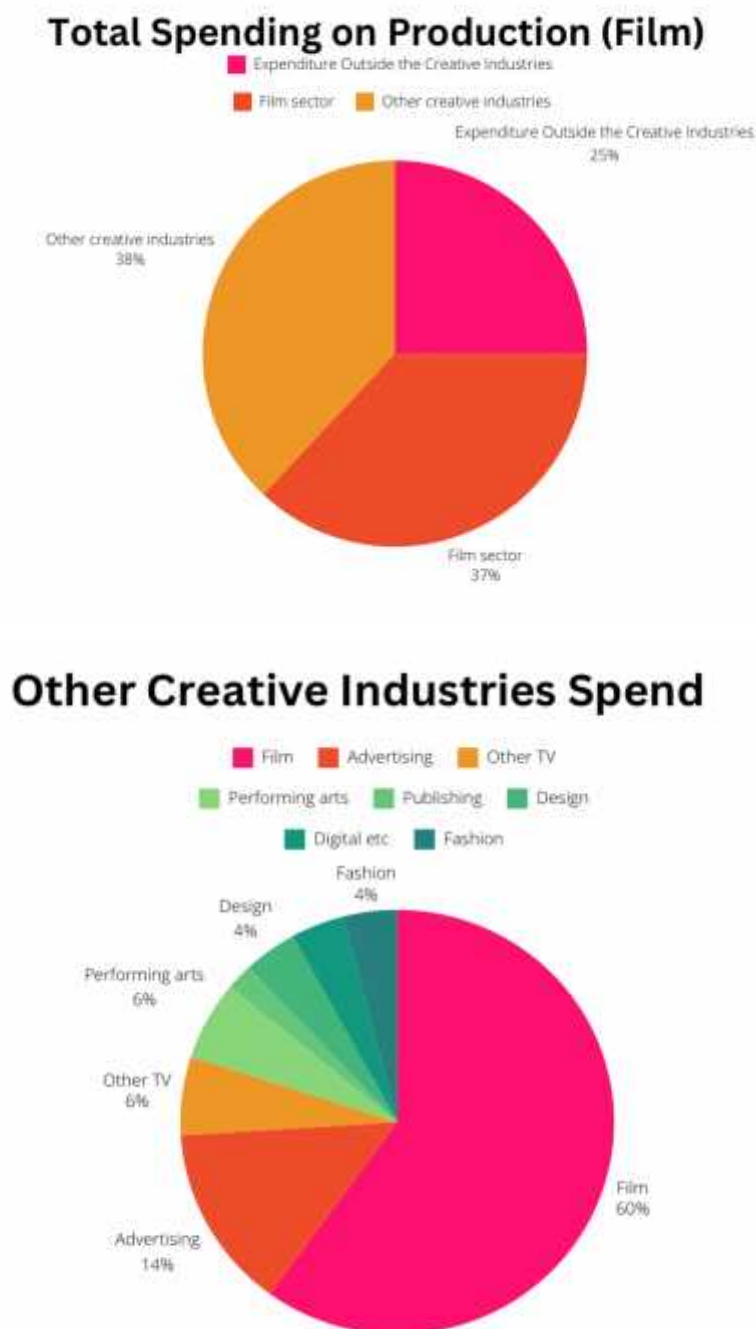
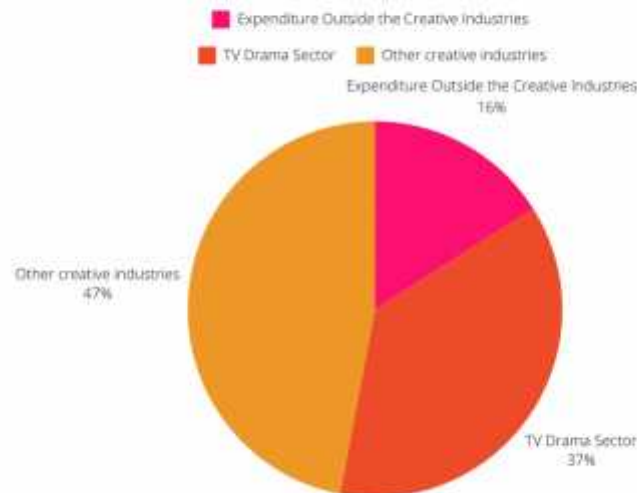


Figure 1: The pie chart below demonstrates “The Creative Industries Ripple Effect of Film Productions.”
 Source: *How Film and Television Drama Productions Grow the Creative Industries, Olsberg SPI (2017)*

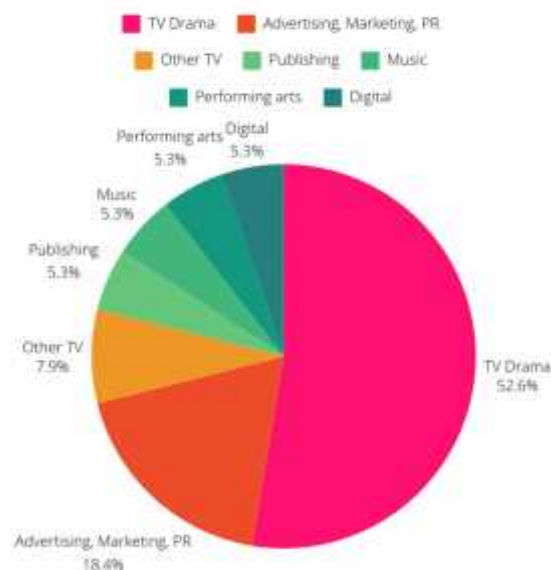


Figure 2: The pie chart below demonstrates “The Creative Industries Ripple Effect of Television Drama Productions.”

Total Spending on Production (TV Drama)



Other Creative Industries Spend



Source: How Film and Television Drama Productions Grow the Creative Industries, Olsberg SPI (2017)

In their paper, Bourreau, Gensollen, and Perani (2003) stated that the more successful a television program or film, the more it costs. There was also a correlation between drawing an audience and production costs. Spence and Owen (1977) stated in their study that necessary measures should be taken to increase production budgets to attract more audiences.

Development of Malaysia’s Film Industry

Fatimah and Nur Afifah (2020) stated that only in 1933 was the involvement of Malays as film stars. The involvement of local Malays as actors was deemed the beginning of a milestone in the local film industry in Malaysia. However, during those days, the involvement of local production workers was limited due to the domination of foreigners whose



experience and knowledge were sophisticated. The budget to produce during those days was also very high, and chances of local investors being part of the business were slim. Initially, the film industry in Malaysia in the golden days of cinema was developed by industry practitioners from mainland India and China. Today, the film industry is governed by the National Film Development Corporation Malaysia (FINAS), which is important in empowering and elevating Malaysia's homegrown film industry (Herwina and Zarith, 2012; Ahmad, 2000). A study by Stiglitz (2002) stated that local film development has limited power to compete with foreign products that flood into the local market. However, Stiglitz's (2002) study of the Jamaican milk industry discovered that when the market opened up to international importers, the local product purchasing power declined. The main challenge in the Malaysian film industry is to counter the influx of foreign films that come into audiences' viewing. In Malaysia, foreign films were welcomed to be sold and screened in the local market. But they are to meet these minimal requirements which were (Herwina and Zarith, 2012):

1. The films are to be approved by the Malaysian Film Censorship Board.
2. Provide subtitles in the Malay language

'Skim Wajib Tayang' by National Film Development Corporation Malaysia (FINAS).

Malaysia, however, has taken legislative measures to continually support local film producers to sustain the film industry by the 'Skim Wajib Tayang' stipulated under FINAS. The 'Skim Wajib Tayang' was deemed as a lifeline to the local film producers where it is compulsory for cinemas to screen local films according to these requirements:

Table 1: The table below explains the criteria of the 'Skim Wajib Tayang'

Criteria	Explanation
Criteria 1	Films must be screened for fourteen (14) consecutive days in the biggest hall of the cinema.
Criteria 2 & 3	However, the film's screening may be switched to a smaller hall IF the percentage (%) of the audience in the hall is 30% less than the number of seats for four (4) consecutive days.
Criteria 4	The number of viewers is only fifteen (15%) of the number of seats in the cinema after three (3) consecutive days of the screening.
Criteria 5	If the viewing of the film is less than 15%
Criteria 6	The cinema owners must adhere to a report of any changes in the hall or revoke any films that the committee in FINAS approves within 2 days of the change.

Source: National Film Development Corporation Malaysia (FINAS) official website

For developing countries such as Malaysia, the government's role is essential to boost the film industry's well-being so that the industry can stay afloat, for the effects of globalisation bring positive impacts and negative downturns. (Lee, 2008); Jin, 2006) supports this in their study that the success of the local film industry is due to government support. FINAS was responsible for empowering, facilitating, and protecting the development of the film industry in Malaysia. The mission of FINAS is as stated below:

- i. To position Malaysia as THE destination for local and film productions from abroad
- ii. To increase the film services and facilities
- iii. To provide relevant upskilling and reskilling training to the industry players
- iv. To enhance the love and spirit of national films

Creative Guilds and Trade Unions in Malaysia

We have discussed the Malaysian government's support and initiatives to sustain the creative industry to different heights. Let's discuss how the appointed and recognised creative guilds by FINAS would be the core of this study. The following tabulated information is the list of film guilds in Malaysia.

Table 2: The table below indicates the list of film guilds and associations in Malaysia.

No.	Guild/ Association
1.	Creative Content Association of Malaysia (CCAM)
2.	Creative Content Industry Guild (CCIG)
3.	Film Directors Associations Of Malaysia (FDAM)
4.	KDM Film & Music Activist Association Sabah (KDMFM)



5.	Malaysia Film Club
6.	<i>Malaysia Karyawan Hiburan Tanah Air (MAHKOTA)</i>
7.	<i>Persatuan Animasi Malaysia (ANIMASI)</i>
8.	<i>Persatuan Artis Cina Malaysia (AMCA)</i>
9.	<i>Persatuan Belia Kreatif Filem Sabah</i>
10.	<i>Persatuan Dokumentari Malaysia (MYDO)</i>
11.	<i>Persatuan Dokumentari Malaysia (MYDocs)</i>
12.	<i>Persatuan Filem Cina Malaysia</i>
13.	<i>Persatuan Industri Rakaman India Malaysia (IRIM)</i>
14.	<i>Persatuan Karyawan Malaysia (KARYAWAN)</i>
15.	<i>Persatuan Kebajikan Artis Veteran (PKAVM)</i>
16.	<i>Persatuan Kebajikan Penghibur-penghibur India Malaysia (MIEWA)</i>
17.	<i>Persatuan Pemamer Filem Malaysia (MAFE)</i>
18.	<i>Persatuan Penerbit Filem Malaysia (PFM)</i>
19.	<i>Persatuan Penerbit Film Iklan Malaysia (PPFIM)</i>
20.	<i>Persatuan Penerbit Televisyen Malaysia (PVTM)</i>
21.	<i>Persatuan Penggiat Perfileman Sabah (FILEM'S)</i>
22.	<i>Persatuan Pengusaha TV dan Filem Cina Kuala Lumpur dan Selangor (KLCTFA)</i>
23.	<i>Persatuan Penyanyi Pemuzik dan Pencipta Lagu Tanah Air (PAPITA)</i>
24.	<i>Persatuan Penyiar Kebangsaan Malaysia (PENYIAR)</i>
25.	<i>Persatuan Perfileman Dayak Sarawak</i>
26.	<i>Persatuan Pos-Produksi & Animas (POSTAM)</i>
27.	<i>Persatuan Rumpun Artist Sabah (PARAS)</i>
28.	<i>Persatuan Seni Pentas India Kuala Lumpur</i>
29.	<i>Persatuan Seniman Malaysia (SENIMAN)</i>
30.	<i>Pertubuhan Artis-arti India Kuala Lumpur</i>
31.	Professional Filmworkers Association of Malaysia
32.	The Federation of Film Professionals Association of Malaysia

Source: *Film in Malaysia (FIMO)*, FINAS website

Persatuan Pekerja Filem Malaysia (PROFIMA) is one of many registered associations in Malaysia, representing 23,000 registered members and 7,000 active members who practice in the field (PROFIMA.com). There are about twenty-four (24) types of jobs listed in PROFIMA, which has almost 103 focus areas as a guild that has been in operation for more than 30 years and has always been committed to assisting the struggles of the film crew. PROFIMA listed in their 'rate card' the range of salary prices of the crew members hired in production. The twenty-four (24) types of jobs listed in PROFIMA are as listed below:

Table 3: The list below indicates the price for Television Commercial rate of price for the crew.

No.	Type of Job	Price range per day
1.	Production Department: i. Driver ii. Handyman/ Runner iii. Assistant Transport Manager iv. Transport manager v. Production Assistant vi. Co-ordinator vii. Location manager viii. Continuity ix. Second assistant director x. First assistant director xi. Line Producer xii. Producer	RM 200.00-RM 2,500.00
2.	Stunt department i. Stunt coordinator ii. Stunt crew iii. Assistant stunt coordinator iv. Stunt double	RM 1,500.00-RM6,000.00



	v. Body burning vi. Rigging team	
3.	Makeup Department i. Makeup artist ii. Assistant iii. Make-up SFX iv. Hairstylist v. Assistant hairstylist	RM 1,000.00-RM 2,000.00
4.	Art Department i. Production designer ii. Art director iii. Assistant Art Director iv. Property Master v. Propman 1 vi. Propman 2 vii. Set Dresser viii. Foreman/ Runner ix. Costume designer x. Wardrobe Supervisor xi. Assistant wardrobe	RM 300.00-RM 3,000.00
5.	Electrical i. Gaffer ii. Gaffer Best Boy iii. Lighting man iv. Electrician v. Generator operator vi. Rigging lighting crew	RM 300.00-RM 800.00
6.	Grip i. Key grip ii. Best boy grip iii. Grip crew	RM 500.00-800.00
7.	Audio department i. Sound engineering/ recordist ii. Assistant soundman iii. Boom man	RM 400.00-RM 700.00

Source: *PROFIMA Rate Card*

Freelancers also contribute to the economy, which has a specific term for the gig economy. Shifts and changes in the economic landscape have contributed to the gig economy section, which it relies on the advancement of technology. The gig economy's distinctive features would attract young adults to be part of the movement, which carries flexible working hours, no training costs, and not many high-level requirements to be part of it (Texas Workforce Investment Council, 2017). However, to execute these assigned tasks, one must be able to secure one's job with many tools, and the most common way is by contract production. According to rocketlawyer.com, there are many types of documents for freelancers to understand and identify. These are the types of contract documents suggested by rocketlawyer.com according to various fields in the creative industry:

- I. Photography contract
- II. Model contract
- III. Graphic contract
- IV. Talent management contract
- V. Web development contract
- VI. Writing contract
- VII. Music publishing contract
- VIII. Personal appearance agreement
- IX. Wedding photography contract
- X. Bid proposal
- XI. Videography contract
- XII. Recording agreement



- XIII. Musician contract
- XIV. Editor contract
- XV. Artis-Agent agreement
- XVI. Freelance Writer contract
- XVII. Movie production contract
- XVIII. Technical writing contract
- XIX. Event photography contract

As all the recognised film or creative guilds by FINAS have their own role and mission, there are also other organisations that are known as trade unions. Banks and Hesmondhalgh (2016) stated that trade unions have played a great role in the very workers in the mission to improve their quality of life, defend their rights, and promote social justice in their careers. Goh, Ooi, and Ahmad (2023) in a blog post indicated that trade unions play indicative roles in improving workers' rights pay and working conditions. Trade unions exist across many fields of jobs and fields within the workforce. Let's look at the list of unions registered in Malaysia that is stipulated under the Malaysian Trade Act 1959.

Table 4: The table below indicates the list of registered unions in Malaysia and listed in the tradeunion.org.my

No.	Name of union
1.	<i>Kesatuan eksekutif Airod</i>
2.	<i>Kesatuan Kebangsaan Guru-guru Agama Barat (KKGAMB)</i>
3.	<i>Kesatuan Kebangsaan Pekerja-pekerja Perusahaan Petroleum & Kimia, Semenanjung Malaysia</i>
4.	<i>Kesatuan Pekerja Bomba dan Penyelamat Semenanjung</i>
5.	<i>Kesatuan Pekerja-pekerja Airod Sdn Bhd</i>
6.	<i>Kesatuan Pekerja-pekerja Dewan Bahasa dan Pustaka</i>
7.	<i>Kesatuan Pekerja-pekerja Dewan Bandaraya</i>
8.	<i>Kesatuan Pekerja-pekerja FELDA</i>
9.	<i>Kesatuan Pekerja-pekerja Kelab Semenanjung Malaysia</i>
10.	<i>Kesatuan Pekerja-pekerja Pakaian Seragam POS Malaysia Berhad Semenanjung Malaysia</i>
11.	<i>Persatuan Pekerja-pekerja Perkeranian POS Malaysia Sdn Bhd</i>
12.	<i>Kesatuan Pekerja-pekerja PERODUA</i>
13.	<i>Kesatuan Pekerja-pekerja Proton PONS (Non-Executive)</i>
14.	<i>Kesatuan Pekerja-pekerja Proton Tanjung Malim Sdn Bhd</i>
15.	<i>Kesatuan Pekerja-pekerja Rapid Bus</i>
16.	<i>Kesatuan Pekerja-pekerja SESB</i>
17.	<i>Kesatuan Kebangsaan Pekerja-pekerja Telekomunikasi Semenanjung Malaysia</i>
18.	<i>Kesatuan Pekerja-pekerja Tourism Malaysia</i>
19.	<i>Kesatuan Pekerja-pekerja UNISEM</i>
20.	<i>Kesatuan Pekerja Swasta Hospital Kerajaan</i>
21.	<i>Kesatuan Pembantu Pertanian Semennanjung Malaysia Cawangan Selangor</i>
22.	<i>Kesatuan Perkhidmatan Perguruan Kebangsaan Semenanjung Malaysia</i>
23.	<i>Kesatuan Sekerja Kakitangan MAIK (Majlis Agama Islam dan Adat Istiadat Melayu Kelantan)</i>
24.	<i>Kesatuan Sekerja Kakitangan Makmal Malaysia</i>
25.	<i>Kesatuan Sekerja Kakitangan Sistem Televisyen Malaysia Bhd (STMB)</i>
26.	<i>Kongres Kesatuan Pekerja-pekerja di Dalam Perkhidmatan Awam</i>
27.	<i>National Union Flight Attendants Malaysia</i>
28.	<i>National Union of Journalists Malaysia</i>

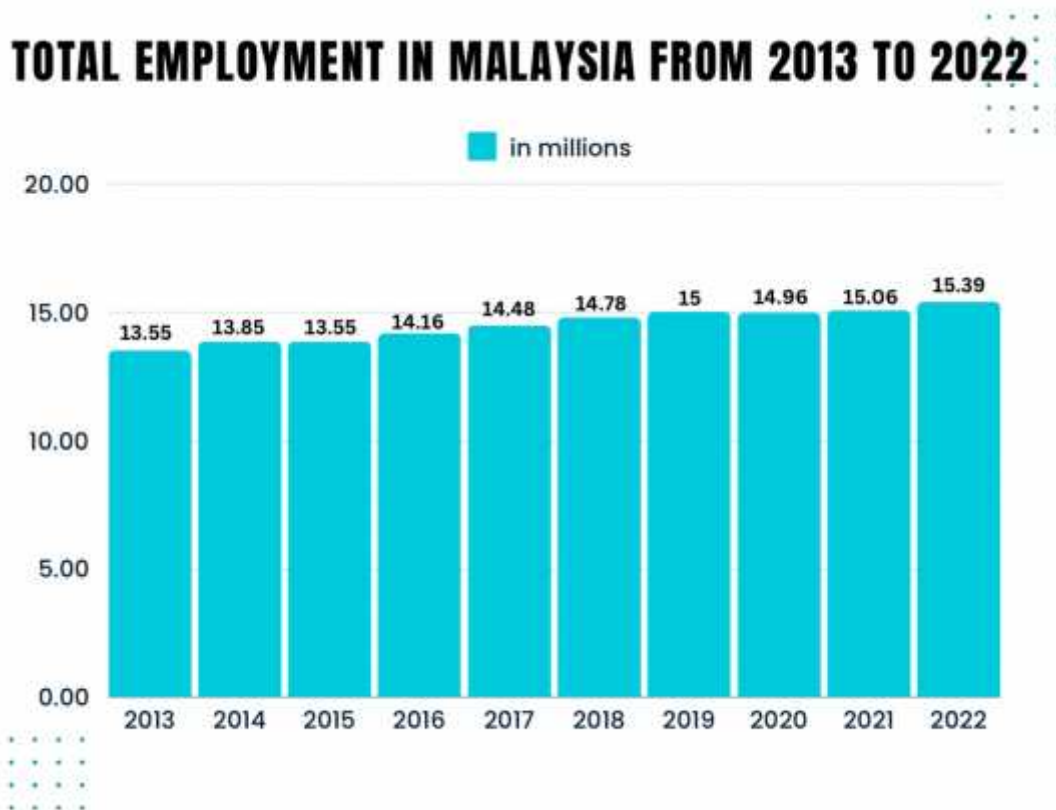
Source: www.tradeunion.org.my

Historically in Malaysia, organised labour movement existed way before the years of the Malaya independence when the public and private sector workers in 1920 formed the General Labour Unions (GLU) (Goh, Ooi and Ahmad, 2023). While guilds and association roles are unclear and would differ in the mission and vision of establishments, union roles and functionality are much more clear and significant. Empirical research suggests that although decades have passed since the earliest establishment of trade unions, the statistics of workers registered with unions are declining despite high workforce entry. According to a report written in 2022 by the Department of Union Malaysia, the Ministry of Human Resource stated that the existence of unions registered with MoHR is increasing. Still, the number of registered union members per individual is insignificant due to workers' lack of awareness of being part of unions. In 2022, 759



unions were registered, with several registered members of 954,992. The total workforce of employment in 2022 was 15.39 million people, with a 69.3% employment percentage from the whole population of Malaysia.

Figure 3: The figure below indicates the total employment of Malaysians from the year 2013-2022.



Source: www.statista.com

Table 5: The following table indicates the number of trade unions and membership in Malaysia from 2018-2022.

Year	2018	2019	2020	2021	2022
Number of trade unions	751	762	770	747	759
Membership	930,734	948,772	956,542	940,914	954,992

Source: *Department of Trade Union Affairs, 2018-2022.*

Referring to Figure 1 and Table 5 above, only 6.2% of the total workforce in Malaysia is registered with trade unions. This number is an alarming statistic due to the benefits of being part of trade unions, which mostly provide collective action and bargaining powers between the trade union and employers Banks and Hesmondhalgh (2016). A trade union by definition, according to the Trade Union Law 1959, is a formal and registered association that would be the voice and counterpart between the employer and employees. Strong trade unions will be able to negotiate effectively on any raised issues with the employees. Goh, Ooi, and Ahmad (2023) in their blog entry of centre.my according to Trade Union Law 1959 stated that trade unions will be able to practice two (2) fundamental labour rights:

- I. The right to express work-related grievances without fear of retribution
- II. And the right to bargain collectively with the employers for better working conditions.

According to the Department of Trade Union Affairs report, 2018-2022, unions are divided into three (3) divisions: the government, private and statutory bodies. How would a union protect workers? Firstly, according to the Trade Union Law 1959, trade unions have the power to represent the workers and combat any exploitation in a working environment. For example, the Kesatuan Sekerja Kakitangan Sistem Televisyen Malaysia (STMB) protested the unlawful notice of termination of the staff in Media Prima Bhd (Sinar Harian, 2018). The President of STMB, Khairuzzaman Mohammad, stated that the notice of staff termination was not discussed prior with fellow workers,



which is against the Code of Conduct for Industrial Harmony 1975. A total of 190 technical workers were being laid off, and 43 people from the news and administration office.

Secondly, the union can provide access for the members to childcare support, cost of living allowances, and inquiring skills training. This second access is significant for a sustainable career and worker job security. Quality of life is often related to the well-being of job satisfaction and personal relationships (Theofilou, 2013; Diener et. al.,1999). Last but not least, the third power that trade unions have access to is to engage in collective bargaining with employers on behalf of the employees for better rights, pay, and employee benefits that would increase a worker's productivity at work. Yuet and Ma (2018) stated that a company requires a unique approach to motivate creative workers, not just any approach practiced in other companies. (Yuet and Ma, 2018; Dewett, 2007) indicated that intrinsic motivation is more effective than extrinsic rewards in the creative industry ecosystem. As a summary of the literature review discussed above, it is clearly understood that advancing the creative industry in a country requires support from all layers of agencies, individuals, and not only from the government.

3. Methodology

This study is a qualitative method where a focus group discussion (FGD) with two (2) informants. The FGD session was conducted in a webinar-like format, and the interview session was broadcast live on Facebook with the consent of the fellow informants. The purpose of broadcasting the content of the interviews is to amplify the knowledge-sharing session between the moderator and the panels of the issue being discussed which was 'The Role and Differences Between Union and Creative Guilds in Malaysia'. Throughout this study, the informants will later be labeled as panels (Y). Based on the literature review, semi-structured questionnaires were curated before the interview and handed out to the panels for early preparation. The video was then transcribed verbatim using Microsoft Word and analysed using the Computer Assisted Qualitative Data Analysis Software (CAQDAS), which is ATLAS.ti. The researcher has two (2) years of experience conducting data analysis and is a literature review manager who provides secure online cloud storage and a structured data analysis procedure that adheres to the data analysis protocols. The data were then analysed using thematic analysis, a common approach in qualitative methods.

Table 6: The tabulated data below indicates the matrix profiling of the panels interviewed in the focus group discussion (FGD).

No.	Panel (Y)/ Designation	Years of Industry Experience	Industry background	Gender
1.	Y1/ President of Kesatuan Sistem Televisyen Malaysia Berhad (STMB)	>20 years	Media	Male
2.	Y2/ Vice President of Akademi PROFIMA	>20 years	Film Production	Male
3.	Moderator (Researcher)	>10 years	Broadcast journalist	Female

This study is also among the early efforts of the researcher to study and observe the contents of webinars as a qualitative method. The worldwide lockdown in 2020-2021 has left us with a great change of lifestyle and social norms that would disrupt many daily activities down the supply chain (Wen et. al., 2020; Carnevale and Hatak, 2020). Due to this, many activities involving human reactions were conducted via online platforms to ensure activities could resume.

4. Results and Discussion

The qualitative data were analysed and 110 codes extracted from the focus group discussion (FGD), four (6) code groups, and three (3) themes. According to the focus group discussion interview, several issues were discussed: the industry practitioners' lack of awareness of the functions of associations such as unions and guilds and the limitations of what a guild can do compared to trade unions.

Table 7: The tabulated data below are the extracted codes from the focus group discussion (FGD), about 110 codes.

Media	Union	Leadership	PROFIMA	Role of guilds
Well-being	Salary	Bigger mission	Mindset	Negotiation
Allowances	Membership	Graduates	Workforce	students
Freelancers	employees	Students	Freelancers	Employees
Role of union	Sustainable wealth	COVID-19	Employers	Salary increment



Beneficial returns	Fringe benefit	Eye opener	Progressive salary	Minimum wage
Differentiation of location	Mindset changed	Project basis	Mutual understanding	Contract
Producer	Production producer	Production House	Production crew	Defend
Protection	Legal advice	Discussion	TV station	Workers
Recession	Job security	Future security	Real problem	Legislative
Ethics	Creative industry	Small industry	Production business	Film
Scriptwriter	Business in the creative industry	Business	Learn from below	Production workers
Small budget	Expensive payment for artists	Digitisation in film	Globalisation	Education
FINAS	Guidelines	Policy	SOP	Welfare
Demand	Union law	Human resource act	Business act	Media workers
Differences between unions and guilds	Guilds	Thoroughness	Human resource department	Unpaid job
Betrayed	Gig economy	e-hailing	Government policy	Benefits
Personal branding	Social media followers	Contract term	Funds	Audience preferences
Artistic content	FDAM	Social media	Mainstream	Yearly budget by government
Grants	Non-industry	GAFIMA	Career pathway	Sustainability
Workers in creative production	Term of members in PROFIMA	Income of guilds	Benefits of joining guilds	Consortium
CMO	Royalties and remuneration	Royalty	American guilds	Reluctant to read contract
Awareness	Matured industry			

From the codes extracted in the focus discussion (FGD), six (6) code groups were identified as listed in the table below:

Table 8: The code groups labeled as (CG) are listed below.

Code Group (CG)	Explanation
CG 1	Lack of awareness of the roles of guilds and trade unions among the creative industry practitioners.
CG 2	Limitation of the power of guilds in terms of legislative orders and guidelines to protect the members.
CG 3	Guidelines and SOPs for guilds.
CG 4	The attitude of the industry practitioners in managing their career.
CG 5	Freelancers Vs. Hired Workers.
CG 6	Guilds and union leaders must unite.

The code groups above were later themed into three (3) themes, which are:

- I. The importance of nurturing awareness of the benefits of being part of any registered guild and union for career stability and security by the dedicated leaders of guilds and trade unions.
- II. Creating guidelines and standard operation procedures (SOP) by FINAS for the creative guilds to adhere to and refer to for further actions.
- III. Leaders from trade unions and guilds must work hand-in-hand to enable a greater cause for the sustainability of the creative workers.



The discussion and excerpt quotes are as written below:

CG 1: Lack of awareness of the roles of guilds and trade unions among the creative industry practitioners.

“There was once an incident when a freelancer who was a PROFIMA member encountered a situation where he wasn’t paid after the commissioned job was completed. So he went to the Human Resources Department to resolve his breach of contract issue, but his appeals were rejected because he was a freelancer. Then, he did his own investigation and discovered that the company did not exist. It was known that the contract that he discovered was signed with a company that does not exist.”

“OK, when we talk about union. Usually, these workers will think of salary... money... but they must know that the union’s objective is much more than that. Trade unions are established for sustainability and job security for the workers.”

Excerpt Y1

Excerpt Y1 stated that throughout his union leadership experience, many senior-level workers and freelancers did not have formal education or knowledge and mostly would complete *Sijil Pelajaran Malaysia* (SPM) and the chances of facing legal issues were very high. This is because of an inadequate ability to acquire comprehension of legislative guidelines and standard operating procedures (SOP).

“Malaysia’s creative industry practitioners have little awareness and would care less about reading their contracts. Some are good and would read their contract upon signing. But if there are good workers like that, there would always be nay-sayers that would demotivate them at the end of the day.”

Excerpt Y2

Excerpt Y2 stated that industry practitioners tend not to read their contracts beforehand and sign the non-disclosure agreement. Reading contracts is a daunting procedure, and most parties would just focus on the amount of written money rather than understanding other conditions.

CG 2: Limitation of the power of guilds in terms of legislative orders and guidelines to protect the members.

“PROFIMA, as the industry practitioners know, functions as an association that would help registered freelancers with no employers and work on a project basis. What PROFIMA can do is help provide advice for freelancers on how to address any issues raised. However, since PROFIMA is only an association, the power and access are limited and not the same as a union.”

Excerpt Y2

Excerpt Y2 stated that guilds and associations' power and access are relatively small and limited due to the lack of legislative guidelines or standard procedures for them to adhere to compared to trade unions, which have many laws and guidelines. Some examples trade unions must follow are the Trade Union Act of 1959 and the Employment Act of 1955.

“There has been a lot of roundtable discussion between the Union and creative guilds, and the two are inseparable, especially in the media scenery. If our staff in Media Prima resigns, they might register as freelancers in PROFIMA. This happened during the recession period of 2020. Since the union has its own legislative acts to be used as guidelines, it is hoped that there would be guidelines or SOPs being done or proposed by FINAS from a collective discussion with other guilds on how to protect the freelancers with no employers to protect them.”

Excerpt Y1

Excerpt Y1 stated that trade unions and guilds within the creative industry are tangible to one another. Due to the coexistence manner of both entities in the industry, the direction and mission to ensure the industry player's well-being is very much needed. Constructed and firm leadership between the guilds and trade unions would have the potential to align the mission and objective of empowering the industry. Excerpt Y1 also added a lot of efforts have been made since 2005 to align the way forward between the union and PROFIMA. Still, it always meets a dead end when the leadership in FINAS changes occasionally.

“Union and PROFIMA have always been discussing the way forward of the guilds and trade unions, but every time we discuss and come to a mutual understanding, FINAS’s leadership would change, leaving us industry practitioners to square one.”



Excerpt Y1

CG 3: Guidelines and SOP's for guilds.

"I hope that FINAS will again oversee the career pathway for these industry players after their younger days and towards retirement age. Let's say, lighting man, audio man, script-writers and all. Where do they go? And also PROFIMA... FINAS needs to support them in an all-out manner. This is where FINAS can provide SOP and guidelines for the industry players."

Excerpt Y1

Excerpt Y1 again strengthened a lot on a centralised guideline that would help freelancers practice in the industry without facing unnecessary hurdles such as contract or agreement breaches and work oppression, a never-ending situation in the industry.

CG 4: Attitude of the industry practitioners in managing their careers.

"Sometimes these industry practitioners... It's unfair to say all of these artists or practitioners freelancers are poor. They are very, very rich. But they have to remember to be able to have adequate savings and invest their earnings to be able to sustain."

"During that time in the television era, every station produced their content. We have films such as Lurah Dendam.. We did it on our own. However, as time passed, we gave content creation jobs to production houses. This is when freelancers have the chance to work together. So, like you said, why are these creative people poor? Not all, I would say. Some even became billionaires. However, the bottom line is that the opportunity to gain wealth exists. But still, there are a lot living in poverty because of the unclear career path. If they could see what they would become in the next 20 years, surely none of this would happen. FINAS needs to take this matter seriously and provide support."

Excerpt Y1

"Associations are being established just for a certain group of people and would not benefit all members. It depends on who manages the association."

Excerpt Y2

Excerpt Y1 stated that not all practitioners in the creative industry were deemed poor and penniless for being unable to earn money. Excerpt Y1 added that there was once a time in Malaysia's television industry when every television station produced its own program. There were established productions during the time, but not as happening and soaring upwards as it is today. As time passed, television stations started to share their wealth and opportunities to be part of content creation. This was the starting point when production houses and businesses were booming. According to Hans Abbing, the writer of the book, *Why Are Artists Poor? The Exceptional Economy of the Arts* states that many creative industry artists earn so little, yet there is still no shortage of aspiring young artists coming on board the industry. Even with such low pay and haggling between buyers and producers, these artists would still continue to produce and be part of the industry. Hans Abbing is an economist, painter, and photographer who comprehends the creative scenery and how the industry has the potential to contribute to the economy.

CG 5: Freelancers Vs. Hired Workers.

"Freelancers are those who work on a project basis and do not have a fixed employee. Their job and working environment would differ from time to time. And their payments are being paid upon agreement as stated in the contract."

Excerpt Y1

"Hired workers are hired to work in a company and execute the work given. They are also to be registered under the union. And in PROFIMA, we do have legal advisors. But not as much as what it can do for trade unions. Trade unions are always strong and at an advantage compared to associations or guilds. Because trade unions fight for workers, and for us freelancers, no matter how hard we want to protect, there will always be loopholes that will be out of our control."

Excerpt Y2

Excerpt Y1 stated that the freelancers have chosen their career path to work with a fixed employer. Excerpt Y2 stated that the role of guilds and unions in some way is similar: protecting workers in the media and creative industry.



According to Kitching and Smallbone (2012), freelance status is not a legal term defined by the United Kingdom constitutions or common law but rather a layman's term for end-users of labor services. Freelance is also a synonym and is more common in creative and media occupations (Kitching and Smallbone, 2012; Storey et al., 2005; Holgate and Mckay, 2009; Moeran, 2009).

CG 6: Guilds and union leaders must unite.

"I think guilds and trade unions should be working together because trade unions have a lot of legislative guidelines that can be referred to if any exploitation were to happen. Guilds may benchmark how unions manage the members and issues raised. It is to be noted that if the workers work with a company, they would be registered with the union. Once employees resign and work as freelancers, they register themselves with PROFIMA. The circle goes on and on."

Excerpt Y1

From the discussion with the fellow panels, it is understood that they have an adequate understanding of how the creative guilds and unions' leadership roles greatly impact the governance and direction of the creative industry. Let's look at the media industry scenario. Banks and Hesmondhalgh (2016) state that the media industry has been dominated and highly unionised for many years. The revolution of industrialisation culture in the twentieth century has created more opportunities for laborers in the creative industry than threats. Banks and Hesmondhalgh (2016) also added that the co-existence of guilds and trade unions would indicate some complications and tricky issues regarding the distinctive features of workers, such as freelancers or hired workers. The situation would get even more complicated when terms such as below-the-line and above-the-line would suggest hierarchy in a creative production team or process. In some situations, the below-the-line workers are those from the craft and technical team, while the above-the-line would indicate those working on creativity and content creation output. The technical team's pay is usually lower than the creative team's. This situation would imply in the film and drama sectors. However, in the media industry, some technical workers have decent incomes and get paid better than those on the editorial team.

5. Conclusion and Future Recommendation

In conclusion, the panels interviewed in this study have an adequate understanding of how guilds and unions have the power and access to provide protection and be the authorised entity for the creative and media industry. The study interviewed two (2) panels from the leadership line of *Kesatuan Sistem Televisyen Malaysia Berhad (STMB)* and *Akademi PROFIMA*. From the study, 110 codes were extracted from the focus group discussion (FGD) and were grouped into six (6) code groups. The code groups were then themed into three (3). As the objective of this study is to understand the effects of the leadership role of the creative guilds and trade unions that would provide sustainable career advancement and job security for the creative industry practitioners, the informants or panel's answers to the questions given have provided an in-depth insight on the discussed topic of the leadership role of creative guilds and trade union to sustain Malaysia's creative industry. The findings from the focus group discussion (FGD) led to the discovery of three (3) themes, as stated below.

- I. The importance of nurturing awareness of the benefits of being part of any registered guild and union for career stability and security by the dedicated leaders of guilds and trade unions.
As the main topic in the focus group discussion (FGD) was about how leadership in guilds and trade unions has the power to enhance career stability among the industry players, much needs to be done to elevate the industry's well-being. This is because the establishments of these entities are not just to discuss their pay and salary over the work being done, but also to find ways to sustain their career so that they would last longer and would not only be active in their youths.
- II. Creating guidelines and standard operation procedures (SOP) by FINAS for the creative guilds to adhere to and refer to for further actions.
Since the power and access of these guilds are limited to protect the freelancers in performing their work, it is assumed that FINAS initiates some guidelines. Since FINAS is the caretaker of the film industry in Malaysia, there are no other governmental agencies or bodies that have the authority to be the spear header of the enhancement of the film industry, which would consist of many other sectors in and out of the creative industry as the "Ripple Effect" theory proposed by scholars Gammeltoft et al. (2017).
- III. Leaders from trade unions and guilds must work hand-in-hand to enable a greater cause for the sustainability of the creative workers.



To meet certain mutual consent and way forward between the many guilds established, all of the leaders that have the power to influence and penetrate new ideas into their circle of leadership should be able to put aside all their personal agendas and start thinking in a broader perspective by working together with others, especially from the legislative bodies.

For further recommendation, this study is hoped to be expanded and enhanced quantitatively to collect more collective ideas and thoughts and propose a guideline for the guilds to refer to. The data from this study of qualitative methods would be the preliminary finding that would be the foundation for further studies related to leadership in the creative and media industry for years to come.

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