Deal with Act 2 of the news

“TRAUMA: it doesn’t just affect the front line,” was the theme of the NUJ safety conference on “the Northern Ireland experience”, held in Belfast on 30 September. It opened with a minute’s silence and moving tribute commemorating the life and work of Martin O’Hagan, murdered ten years ago because of his journalism.

Jim McDowell, editor of the Sunday World, said: “Martin O’Hagan was a smashing hack who invented the act of ‘door stepping,’ who excelled in exposing the underbelly, the bogey men of the para-mafia. He was always up for a scrap and always up for the truth.”

The tenth anniversary of Martin’s death “has been a hard week for all of us in Belfast” and McDowell thanked everyone for their support.

Eugene McGlone, president of the Irish Congress of Trade Unions, reflected that the situation for journalists in Northern Ireland remains grave: “there needs to be a connection of global solidarity amongst trade unions in campaigning for safety at work, to protect against industrial injury and death – but in the case of journalists you can’t protect against the unproteachable.

“All industrial accidents are avoidable, but what measures can be taken,” McGlone asked, “against someone taking a pot shot at you, when people are mentally ugly?”

Bruce Shapiro has spent many years working as a crime reporter in the US and is now director of the DART Centre for Journalism and Trauma (www.dartcenter.org). He said “Martin O’Hagan was the herald of a decade which has seen the murder and persecution of journalists with impunity. Journalists going from being the reporter to becoming the victim…in part this reflects the power of the internet. People can send a message by killing a journalist.”

“The story for the journalist doesn’t end when the ceasefire is signed,” Shapiro observed: “the survivors go on struggle with post-traumatic stress disorder, and this is Act two. Journalists have to cover Act two. There are situations in which legal systems can never deliver justice. In the case of atrocities the crime is too big, it has broken the contract too severely. We as journalists can step in when justice fails – and tell the truth.”

“But, he said, “Journalists have to deal with their trauma. It turns out we are a pretty resilient tribe – but when events are too big for us to process in the normal way then we suffer from disruptions of memory…Trauma is a press freedom issue.” The good news, Shapiro said, is that “there are psychological injuries that are preventable, through peer support and solidarity.”

Journalists at the conference were able to hear shared experiences in private workshop sessions.

And, Shapiro said, “there needs to be responsible news room management. Lessons from Belfast have helped inform DART’s approach around the world.”

It was extremely valuable to hear from journalists who covered the long years of the Troubles. As a trade union the NUJ now has the opportunity to learn from its members’ hard-gained knowledge and to implement processes to guard against and help heal traumas that are the inevitable result of working in a climate of conflict.

New lawsuit on not-so-orphan works

WE GO TO press in the calm before a storm – the “consultageddon” promised by HM Government on changes to copyright law recommended by the Hargreaves Review, suggested to David Cameron by a famous web search engine. It seems likely that a November lobby-storm will break as the government asks what uses of your work should be “exceptions” from copyright.

Everyone will, we predict, make demands like “free songs for agricultural fairs” and for Google to do what it pleases. The government will be asking what would be required for legislation allowing use of works whose author cannot be identified: and we’ll be telling them.

Meanwhile, the US Authors Guild, the Australian Society of Authors, the Union des écrivaines et des écrivains québécois (UNEQ), Fay Weldon and seven other authors have launched a lawsuit against the Hathi Trust and four university libraries.

Hathi has launched an interface to books scanned by Google. It planned later this month to start putting what it regards as “orphan” books online. When Hathi posted its list of the first 160 “candidate orphans”, the Authors Guild was able to speak to the wife of the literary agent of one author of an “orphan” book, after less than three minutes’ research. Hathi’s search had clearly been less than “diligent”, in the jargon.

The lawsuit asks the court to stop online publication of allegedly “orphan” books until legislation or the courts determine whether it’s legal. Hathi’s apparent motivation is to set a precedent, in the hope that their (probably) illegal action will later be legitimated by changes in US law.

Meanwhile in the Southern Dis...
NEW Guardian house agreement minimum rates for stock photos are included in this month’s Rate for the Job, but remember these are minimum rates – ask for more!

Thinking about work for a company you’ve not dealt with before? Simply look at the Rate for the Job to find out what companies in similar niches have paid. Then aim higher.

You can submit rates online, in confidence, at www.londonfreelance.org/rates – please give not only the basic rate (e.g. for PBS, First British Serial rights) but extra payments negotiated for extra uses, like the Web. These are shown as (eg) £400 + 100. Rates marked X are, in the editor’s fallible opinion, below par. Treat all rates as minima.

Broadcasting: Channel 4 News reporting day £136; BBC World Service – assistant producer day-shift producing promos £120 XX.

Photography: Financial Times day £130 XX; Guardian minimum shift (4 hours) in-house agreed total £171.85; £11.18; London Literature Festival (South Bank Centre), unauthorised full-page brochure usage, unauthorised cropping, plus mis-crediting of iconic 1986 “rooftop” image of Gilbert & George £0 + £500 XXXX; Daily Telegraph per pic, 1/4 page £150 X; Air Forces Monthly inside pages, up to a maximum of £80 per page, £20 XXXX; Axon, 5 hours corporate head shot, internal use, £480; Walks Through Britain’s History (book, print-run 200,000) half-page photo, worldwide print and e-book rights £250; Port Company features 250 Euro; Arthritis News £250; Preview feature all rights £180; Teaching Drama feature all rights £167, 250-word review @ £25 = £100 XX; Fest 250-word review @ £25 = £100; Clash magazine features, no exes, £0 XXXX; Independent on Sunday (Malta) feature £0 XXX.

Words, other: World of Interiors feature £500 XX; Al Jazeera online comment/article £US350.

The Rate for the Job

Freelance Fees

The NUJ has raised some of the more significant suggested rates in the Freelance Fees Guide. Evidence from your submissions to the Rate for the Job shows that rates per 1000 words for prominent newspaper stories have increased. Lower-profile magazines, however, are not keeping pace with inflation. Since the Fees Guide went online-only at www.londonfreelance.org/feesguide three years ago, it has been viewed three-quarters of a million times.

Interns’ revolt

Two production interns have filed a suit in US federal court in Manhattan against Fox Searchlight, who engaged them without pay on Black Swan. Alex Footman, described his duties as “preparing coffee for the office”: probably not as educational as required by US employment law.

The Gong

This month’s Gong – a wake-up call to late-paying clients – goes to Solent University, who finally paid an LFB member in mid-September – five months after an end-of-April teaching session. This is a slight improvement on the nearly six months it took the university to pay last year. Photo © Daveotchelle.

Do the right thing

The International Federation of Journalists (IFJ), of which the NUJ is a part, now has an author’s rights handbook for journalists online. Entitled The Right Thing, it covers authors’ rights and copyright law, guidelines for concluding contracts (including a contract checklist for freelance journalists), dealing with infringements and issues around digital media. You can get it as a pdf via www.ifj.org/en/pages/authorsrights.

FREELANCES working in magazines can join Mag-Net, a new email network, at www.londonfreelance.org/Mag-Net – this was the expressed wish of freelance members who attended a meeting at Headland House in September. They heard experienced editor Chris Wheal, photographer Jill Furmanovsky and writer Phil Sutcliffe give an overview of the magazine sector as a prelude to a wide-ranging discussion.

Issues raised included: how to find commissioning editors; marketing yourself via a website; social networking; and using directories.

Freelance Organiser John Toner said: “It was striking that those who attended considered it an evening well spent. I would encourage them to attend meetings of London Freelance Branch, which they will find equally worthwhile.”

Jill Furmanovsky, who founded photo syndication website rockarchive.com, reminded the freelances present that editors are able to use their discretion, and encouraged freelances to endeavour to keep their copyright, stressing that ownership of copyright is a key pension plan for photographers. While the fees Jill got for most for music magazine photography in the 1980s barely covered film and processing costs, she now earns four-figure sums for re-use of some of these photos.

Music magazine writer Phil Sutcliffe said freelances had “on the whole, a generous attitude to one another and enjoyed and benefitted from getting together in networks… which could not only break down isolation but help with negotiations.”

Veteran business-to-business (B2B) journalist Chris Wheal said that sector is healthy, paying better than consumer magazines and migrating online faster. He emphasised the importance of networking as a means of breaking into new markets – a point echoed by Jill, who was recently exchanging business cards at an event at the Hilton for movers and shakers from Hong Kong, definitely a market to watch.

Chris said he would rather go to a corporate hospitality event than wait phone to ring. While there’s no actual money in junkets, there are usually other journos there, so they result in work coming Chris’s way.

Sorting out an appropriate website and using social media tools to showcase what you do is vital, says Chris. NUJ Training’s “Build your own website” courses is on 12 October and its “Social Media for Journalists” course on 11 November, and both are repeated early next year. See www.nujtraining.org © Matt Salusbury / John Toner.

Mag-Net hopes to attract magazine freelances

ORPHANS’ PARENTS from p1

Trict Court of New York, Judge Deny Chin has set out steps towards trial of the original dispute over Google scanning library books and putting them online. Google formally maintains its actions are “fair use” – the ill-defined US legal doctrine on situations where copyrighted works can be used without permission – but was prepared to stump up around $125 million for the proposed settlement – up to US$60 for each author of a book registered with the US Register of Copyrights.

But in March Judge Chin ruled out that settlement proposal. The Authors Guild has until 11 December to submit arguments for the case becoming a “class action” in which individuals affected would not need to sign up or even be identified when the case starts. (This would include you, for example, if any of your work is digitised on Google Books.) The parties have until 30 March 2012 to produce evidence, which could lead to interesting disclosures.

Now that’s what we call a diligence: Photo by “Filzstift”
**Whistleblowing in the wind**

WHISTLEBLOWERS were the subject of September’s London Freelan-celand Branch meeting. How can we best deal with them, and protect them from retaliation? We heard from Cathy James of Public Con-Therefore, the Act, PIDA can override the most draconian confidentiality clause in a worker’s contract. “For the rea-sonable and honest worker who sees malpractice, there’s a legal route to get compensation for dismissal,” through PIDA (http://pidal1998. notlong.com) A Mr Watkinson, about whom Andrew has written, got £800,000 from the NHS in Cornwall after being dismissed for reporting that managers failed to consult on changes to the service.

But it was a hard fight to get com-petition due to him – “something needs be done about public sector organisations hiring lawyers to run rings around individual claimants,” Cathy says. She’s seen a recent 50 per cent drop in calls from financial sector workers. She suspects there’s been a clampdown on confidentiality clauses.

Cathy doesn’t know of anyone who’s publicly blown the whistle and kept their job. “I think the law has resulted in a change in the culture,” Cathy concludes: but “like measures against sex or race discrimination it takes time to have an effect.” Three-quarters of people surveyed weren’t aware of any whistleblowing law, or positively believed there is none.

Andrew, who has worked with many whistleblowers, says a journ-alist dealing with a whistleblower needs the humility to understand that their source is enduring something way beyond the journalist’s experience. “When you see someone die on the operating table it has a visceral effect… other people have much grittier lives than we do.” If you can’t deal with someone who’s on an emotional roller-coaster, “don’t do whistleblower stories.”

Sources working in hospitals who’ve been in contact with Andrew have suffered “constant character assassination” – managers would send daily letters and emails for their partners to see, lawyers serve threats to their home ad-dresses – they’re on headed notepaper and they seem important but “are still bullshit.” No wonder, then, that “people with moral judgement will soon be an endangered spe-cies.” Conscience “is being bred out of society.” And you have to get the whistleblower’s consent to go to others to corroborate the story. A friendly MP can be a whistleblower’s best friend – they can ask questions under Parliamentary privilege.

Cathy lobbies for the right to pub-lish data on what claims are being made, so we can see the extent of the issue. Andrew is fed up with going through official channels, and advises, “get the documents. Remove all identifying information. Source the story to someone else if need be. Publish it.”

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**Social media get canny**

WHAT HAPPENS when a journalist decides to share some of their work to the world though one of those “social media” websites? A headache, first; you’re enjoined to read dense legalese. So we read lots for you.

The owners have got canny. All the sites we checked – blogger.com, facebook.com, flickr.com, photo-bucket.com, picasaweb.com, twitpic.com and youtube.com – now say you retain all rights in works that you upload. This is not what we remember from a couple of years ago. We suspect changes followed user out-rage – and the suit and counter-suit between Daniel Morel and Agence France Presse over photos posted to Twitpic: see www. londonfreel-ance.org/lif/1101afp.html

You may be familiar with the “you keep copyright BUT…” manoeuvre: all these are similar. All require “a non-exclusive, transferable, royalty-free, worldwide licence to use any con-tent that you post on or in connec-tion with” their service. Fair enough, up to a point: the entire point of uploading something is to let others see it. Now for the devilish detail.

Facebook, Twitpic and Photobucket (owned by News International) drop in a mention that this licence is “sub-licensable”. Picascaweb (owned by Google) clearly “includes a right for Google to make such Content available to other companies, organiza-tions or individuals… for the provi-sion of syndicated services” Blogger, also owned by Google, does not. Yahoo! as owner of Flickr appears not to make sub-licensing a general condition. You can choose to allow licensing of photos through www. gettyimages.com/flickr — which is good… apart from wannabes under-cutting professional photogra-pher’s, a different discussion. Twitpic now has you grant a li-cence to all users of their services to display your work “within the functionality of the service”. Photobucket has you grant users a licence to “make derivative works” — so we won’t be going there again.

All require that you give permis-sion for them to modify your work: the lawyers probably justly insist to allow thumbnailing photos, but that’s not what it says.

All say they won’t be responsible for anything, really. Flickr:Blogger and Twitpic have explicit clauses making you “indemnify” them – that is, agree to bear the full cost of any lawsuit resulting from what you upload.

Several services once earned opprobrium by stripping out “meta-data” – the fields within an image file in which you can indicate ownership. We ran a few simple tests, and all now seem to preserve the basic “IPTC” information – except Face-book, which stripped out everything but copied the “copyright” line into the Facebook text database. Blogger stripped everything from a resized photo, but not the full-size version. Picascaweb and Flickr now by de-fault display an “all rights reserved” message alongside photos.

The conclusion? Building your own website seems like the only safe way to go. And, sorry, but you’ll still have to check the terms for yourself: they may well have changed since we looked on 30 September; and we deny all liability for missing anything. That’s catching.

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**Support James Fallah Williams**

Please take the time to look at and consider signing the petition for James Fallah Williams – the exiled journalist from Sierra Leone who reported on corruption there and is currently fighting deportation from the UK. See www.nuj.org.uk/innerPagenuj.html?docid=1851 for more.

**Some more rights**

If you work long-term through a temp agency, the new Agency Workers Regulations may confer on you the same rights enjoyed by employees recruited directly by the hiring company, such as holiday pay. See www. londonfreelance.org/lif/071 work.html for more on the rights as a worker you might in some cases possibly accrue if you do regular shifts. Also, the National Minimum Wage went up on 1 October to £6.08 an hour.
Defamation, regulation, celebration

IF IT’S October it must be libel. Reform of defamation (libel and slander) law will be examined in the LFB meeting on Monday 10 October. There’s currently a libel reform Bill before Parliament.

Speakers for the October meeting are libel lawyer Robert Dougan and freelance journalist and Index on Censorship news editor Padraig Reidy. Robert was lead lawyer on the right side in British Chiropractic Association v Simon Singh, which overturned libel damages the BCA had sought after a critical piece by Singh in the Guardian. Index on Censorship has been running a “Free speech is not for sale” campaign for reform of English libel law.

Regulating the press is the subject of the LFB meeting on Monday 14 November. The Press Complaints Commission (PCC) is on its way out, unmourned. Like it or not, there’s going to be some kind of replacement. What should that be? Lord Justice Leveson’s inquiry opened in September, slated to run for a year. This is going to be a major issue for all the media for that time. (See www.londonfreelance.org/fl/1105dm.html on the NUJ Delegate Meeting 2011 commitment to campaign for the PCC’s abolition.)

Professor Natalie Fenton, co-director of the Centre for the Study of Global Media and Democracy at Goldsmiths, University of London, is confirmed as our speaker. Watch this space (at www.londonfreelance.org/lfb/meetings) for more.

The LFB gathering on Monday 12 December will almost certainly take the form of an end-of-year festive party with some free food and drink. The venue is provisionally the NUJ’s HQ at Headland House in Gray’s Inn Road, 308-312 Gray’s Inn Rd, London WC1X 8DP. Watch the website for confirmation of details.

This issue went to press on 3 October. The deadline for the next print issue is 18 November.

LFB meetings (except, probably, in December) are 7pm to 9pm at Friends’ House, Euston Road, which is accessible to people who use wheelchairs. If you need the Branch to pay for care for a child or dependent so you can attend a meeting, call a Branch officer. For updates on meetings see the Branch calendar web page www.londonfreelance.org/lfb/meetings.

Volunteer minute-takers are needed for the LFB meetings throughout 2011 and beyond. For details of the NUJ London Photographers’ Branch meetings, see http://londonphotographers.org.

Alienated freelances unite!

PERHAPS, when you receive one of those contracts through which a publisher graciously offers to review a piece of work in media yet to be discovered and universes yet to be invented, your first thought is rarely “what would John Locke have made of this?”

It may not be immediately apparent, either, that your outrage probably implies a “natural law” approach to ownership rights, likely owing something in its implicit definition to the 17th-century philosopher Locke. It may be clearer, at least now it’s put this way, that the publishers you confront are applying a utilitarian neo-classical model to minimise transaction costs... It certainly feels as though something that is naturally yours is being taken away from you. But what is a “natural right”?

Guiseppina D’Agostino is familiar, as Director of the Osgoode Hall Law School at York University in Canada, with both the US/UK copyright regime, in which copyright is (merely) a property right, and the natural-rights-based Authors’ Rights law that broadly applies in neighbouring Quebec, founded (in theory) on the inalienable right to maintain a connection with your work.

She has written a most unusual book in economic terms we are more exploited than factory workers, who were eventually allowed to bargain collectively and still are, up to a point. Alienated from our labour, that’s us.

Copyright, contracts, created by Guiseppina D’Agostino (Edward Elgar: ISBN 1847201067) £79.95

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Want to try your hand at writing fiction? The Complete Creative Writing Course at the Groucho Club offers courses in creative writing and also in screenwriting and writing for children. Courses start in October. Cost: £295-£315 including VAT for six-three hour sessions. We also offer intermediate and advanced level courses at other venues. For full details go to www.writing-courses.org.uk or ring Maggie on 0207 503 6285.

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