

## Fair treatment for freelancers!

FREELANCE Organiser John Toner, speaking to an audience of employment lawyers, contractors and tax experts at the recent Professional Contractors Group (PCG) conference, highlighted how employment law fails to protect vulnerable workers, particularly freelancers who do most of their work for one client. For a longer report on John's speech see the NUJ website at [www.nuj.org.uk/innerPagenuj.html?docid=1254](http://www.nuj.org.uk/innerPagenuj.html?docid=1254)

## Reporting from forbidden zones

THERE is nowhere that journalists are forbidden, according to veteran filmmaker and writer James Brabazon, speaking at the May London Freelance Branch meeting about reporting from restricted countries. "The areas where people least want you to report are the most interesting to report from." He should know, Brabazon's journalism has taken him to over 60 countries, many of them conflict zones officially closed to journalists.

Brabazon, now series producer for Channel 4's *Unreported World*, said that the key to working in hostile environments is to plan around possible threats to getting the story: "More and more people are going to places that are life-threateningly dangerous without thinking about what could go wrong. What you can do is understand how that threat is

going to affect your objectives and how you mitigate those risks. Wherever you're going, at the point you write 'tourist' on your visa application form, because that's the easiest way to get one, you've signed your name to a lie. That makes you and the people you're working with vulnerable," said Brabazon.

Award-winning freelance journalist Ramita Navai, who has reported from Iran, Afghanistan and Iraqi Kurdistan, said there are opportune times when authorities allow journalists entry into difficult countries, such as during an election or natural disaster. Navai also said it's crucial to know your rights and she advised getting to know local journalists and authorities who can help in difficult situations.

Navai also said journalists must be mindful of cultural traditions: "In

some countries, if a man taps a woman on the shoulder, this will get the woman in trouble. It sounds very obvious but I've seen journalists make mistakes and these can get you in prison." Both emphasised that journalists have a duty of care to their contributors: "I'm still having bi-weekly conversations with a fixer I worked with in Egypt two years ago", Brabazon said: "The authorities at some point will decide that they want to use that film as a stick to beat him with, literally, not figuratively."

Navai said she's often asked if it's harder for women journalists in difficult countries; "You do have to take extra safety precautions, but actually, being a woman has its advantages. We get to report stories that men simply don't have access to."

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## Avoiding legal trouble

MEDIA law "isn't the tablets found by Moses, media law is politics", said senior media law lecturer and veteran print and broadcast journalist Tim Crooke, speaking at the April London Freelance Branch meeting.

Under the terms of one ruling on a reporting restrictions case that Tim fought, he can't even tell us whether he won. Court orders from judges delaying, censoring and otherwise restricting court reporting

have become standard practice, developing a cult of anonymity in court proceedings. Most witnesses to the shooting of Jean Charles de Menezes, for example, "will never be identified".

Tim says that journalists have lost all the power in the area of defamation as well. Libel lawyers' conditional fee arrangements (work on a "no win, no fee" basis) ensure that only the rich can access the libel laws. Few insurance companies approve underwriting cases where the legal costs of defending an action are at least ten times any damages you may have to pay. Tim recommended the NUJ's libel insurance policy (see [www.londonfreelance.org/fl/0812pii.html](http://www.londonfreelance.org/fl/0812pii.html)), which may "stop a powerful claimant from taking your mortgage and car," but he'd be surprised if the policy would "allow you to fight for truth".

Tim was impressed by the Branch's collective expertise on copyright law. A member asked whether you breach copyright by taking pictures of an art exhibition

opening that includes the works on the wall. "A couple of pictures on a wall with people drinking cheap wine is OK if it (the work of art) appears 'incidentally'." Tim advises photographers covering exhibitions to request permission from the exhibitor, stating what they're using the pictures for.

Could you get into copyright trouble for photographing or "street art" graffiti? "Ah, there's a MA in philosophy!", says Tim. Street art belongs to someone, but they're unlikely to sue – their art is evidence of their law-breaking.

Tim also advised that journalists "avoid doodles" in their contemporaneous notes. The BBC lost a very expensive libel case because the reporter had scrawled "bollocks" in the notebook for an interview, which the court ruled was "evidence of malice."

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- There's a longer report at [www.londonfreelance.org/fl/0906croc.html](http://www.londonfreelance.org/fl/0906croc.html)



Tim Crooke (left) explains

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### GOOGLE: WHAT TO DO from p3

"class action" lawsuit, you are deemed to be part of it unless you "opt out" of the legal process.

If you "opt out", US law presumes you will take Google on, on your own or by building your own coalition. The *Freelance* has not discovered any moves for such an "alternative settlement", nor the millions needed to launch our own.

As a German colleague put it, it seems "the way to challenge it is to stay in". The German writers' collecting society VG Wort is particularly active in encouraging members

to register their works as part of the legal settlement – and then negotiating future terms on their behalf. The NUJ is meeting with its UK equivalent, the Authors' Licensing and Collecting Society (ALCS) about applying similarly firm tactics.

If you stay in, your deadlines for informing the court about books that may be involved is **5 January 2010** and for saying that you do not want them to be available online is **5 April 2011** (subject to your contract with your publisher).

These dates may change. The *Freelance* predicts – on a finger-in-the-wind basis, so far – that

legal challenges to the fairness of the settlement will be presented to the next court hearing, which opens in New York on 7 October. The deadline for opting out or registering an objection is **4 September**.

And Google faces other challenges – especially a raft of investigations as a possible monopoly. These, too, could affect the settlement. Don't spend the \$60 yet! See [www.londonfreelance.org/fl/0906goog.html](http://www.londonfreelance.org/fl/0906goog.html)

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- The settlement website is [googlebooksettlement.com](http://googlebooksettlement.com)