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VALUING THE RIGHTS OF FREELANCE JOURNALISTS

A report about the practices of freelance magazine and newspaper journalists outlining their rights position in commissioned articles.

Commissioned by:
Authors' Licensing and Collecting Society
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EXECUTIVE SUMMARY/ KEY FINDINGS

- Respondent overview: predominantly based in London and the South East, equal gender split, the majority were experienced journalists, with at least 21 years since their first job in journalism.
- The female freelancer respondents earn more than male freelancer respondents
- Most freelance journalists that responded to the survey are either the main breadwinner or contribute an equal share to the household income, and many have to support more dependents than the average UK worker and the average salaried journalist.
- Although most of the survey respondents are experienced freelance journalists, and publish frequently, it is clear that publishing contracts are not an integral part of the working practices of freelancers. The overwhelming majority of respondents (90% newspapers, 91% magazines) had written articles without a contract, while a significant majority (71% newspapers, 61% magazines) had no contract for most or all of the articles they produced in the last five years. However, where contracts are issued, a number of freelancers retain copyright in their works (49% newspapers, 35% magazines).
- Despite these significant levels of rights ownership amongst freelancers, the vast majority of respondents (87% newspapers, 90% magazines) are unaware of the extent to which publishers sub-license further uses of their articles.
- Only 13% of respondents had received any payments for further uses of their works under the NLA licensing scheme.
- Authors that write between 1-5 articles a year average a yearly income through freelance journalism of £945.42 (based on three writing assignments). Assuming that a person takes on eight assignments (group 6-10 articles per year) they would end up with £2521.13. Thirteen assignments (group 11-15) lead to £4096.84, eighteen (group 16-20) to £5672.54, 23 (group 21-25) to £7248.25 and 26 (group 26+) to £8193.68 (Table 9).
- 77% of freelancers said their writing income was not sufficient to support themselves (and their dependents when applicable) and are reliant upon other sources of income (78% of the respondents had second jobs).

1. INTRODUCTION

Print journalism has been in demise over the last decade, with new business models and digital formats offering both disruptions and opportunities to those who work in this sector. Journalists face uncertainties in an industry that is becoming increasingly digital and ever more global. *The Labour Force Survey 2012* (LFS12) estimates that there are 62,000 journalists working in the UK and that 45% are employed in the Publishing sector (newspapers, magazines, and journals) [10]. When compared with the National Training for the Council of Journalists' 2002 *Journalists at Work* report (JAW02), this indicates a slight decline in employed journalists in the last decade [4]. However, as outlined in JAW02, "Estimating the number of journalists in the UK using national data sources is problematic, as these are very limited and subject to a wide margin of error"[5]. What is clear, is that the LFS12 shows that there is a higher percentage (28%) of self-employed journalists than across other sectors of employment (14%), and a lower number of journalists on permanent contracts (68%) than in other professions in the UK (81%) [10]. This could be as a result of the large number of redundancies in the Journalism sector over the last decade [8]. Despite this, the number of people, according to UCAS, applying for Journalism degrees has risen by 1.4% in 2013, regardless of the rise in tuition fees and the precariousness of this industry.

It is under these circumstances that freelance magazine and newspaper journalists have been asked to consider their working practices, especially in relation to rights and remuneration. The Department for Culture, Media and Sport (DCMS) estimated that the Gross Value Added (GVA) of the Creative Industries was £71.4 billion in 2012 and accounted for 5.2% of the UK economy. The GVA of the publishing industry was estimated at £9.7 billion, which is an increase of 1.3% since 2008. The publishing industry appears to be thriving; however, there is much uncertainty for freelance writers within this industry.

The development of the publishing contract, between the publisher and the writer, is when the relevant rights are negotiated and licenced; and there is still a dividing opinion between writers and publishers about who controls what rights. Negotiations usually favour the publisher and it is not uncommon for the author to sign the contract without negotiating the terms, if they sign a contract at all. A recent study into writers' contracts, by the EU Policy Unit, has highlighted the need for fairer, and more straightforward, contracts that consider the impact of technological changes on contractual arrangements [2]. While this EU Policy Unit focused on authors of books, this is particularly pertinent for emerging journalists or freelancers (who undertake many different writing assignments each year, often with different publishers) due to many factors such as: inexperience, lack of information, lack of transparency in the publishing process, and journalists desire to get their work published.

In 2013, Dr Melanie Ramdarshan Bold from Loughborough University was appointed by the Authors' Licensing and Collecting Society to undertake an investigation into the practices of freelance magazine and newspaper journalists to establish their rights position in commissioned articles. This report provides an overview of the findings, which have been drawn from the delivery of the following research method.

2. METHODOLOGY

This report is based on data generated by an online, self-completion survey that was distributed in November 2013. The questionnaire was piloted with industry professionals and amendments were made before it was made available to freelance magazine and newspaper journalists across the UK. The survey was circulated to 1,250 writers that produce freelance articles for newspapers and magazines in the United Kingdom to find out more about their income, working practices, and the rights that they hold in the articles they are commissioned to write. The writers are self-employed and are commissioned to write articles for newspapers and magazines on an individual basis. They are not 'staff journalists' who would be paid a salary to write specifically for one publication under agreed contractual terms. The response rate was 21% (268 responses), which provides a reliable and robust basis for statistical analysis. This report has been supplemented, where possible, with additional data from industry reports.

3. SURVEY FINDINGS

3.1. PERSONAL PROFILE

Age	Count of Respondent
18-25	2
26-35	13
36-45	43
46-55	93
56-70	97
71+	20
Grand Total	268

TABLE 1: WHAT AGE ARE YOU?

The majority of the respondents are above 46 years of age (table 1). This correlates to findings from the JAW12 report, which shows that the majority of journalists are older than the average UK workforce [6]. Less than 1% of the respondents are aged between 18-25 and 5% are aged between 26-35 in comparison to UK workforce as a whole where 13% are under 25 and 11% are between 26-29 [10]. This could be because entry-level jobs in journalism require higher qualifications and also because the journalism workforce is highly educated (see 4.2), which means that many emerging journalists are entering the workforce after completing university degrees (age 21+).

Household size	Count of Respondent
1	50
2	124
3	34
4	44

5	9
6	5
7	1
10+	1
Grand Total	268

TABLE 2: HOUSEHOLD SIZE

The majority of the respondents live in household of one or two people (table 2). 19% of the respondents live in single person households, 46% in two person households and 25% in three and four person households. Nearly half (49%) are the main breadwinners in their households (table 3). More than half (56%) of respondents have no dependents. This is not only less than the UK national average (64%) but also less than other surveys of the journalism profession have indicated. For example the LFS12 estimates that 68% of journalists have no dependents, the JAW02 estimates 77%, and the JAW12 estimates 72% [10, 4, 6]. Over a third of respondents (37%) have either one or two dependents: this is more than the UK national average (32%), the LFS12 estimate of journalists with 1-2 dependents (29%), and the results of both the JAW02 (20%) and JAW12 (26%) reports [10, 4, 6]. This shows that most freelance journalists that responded to the survey are either the main breadwinner or contribute an equal share to the household income, and many have to support more dependents than the average UK worker and the average journalist.

Row Labels	Count of Respondent
Equal breadwinner	85
No	51
Yes	132
Grand Total	268

TABLE 3: ARE YOU THE MAIN BREADWINNER IN YOUR HOUSEHOLD?

The gender split of respondents is fairly distributed: male respondents (51%), female respondents (49%). This links to industry data, which shows that the gender divide is slightly more equal in journalism than the UK workforce as a whole: The LFS12 shows that the male/female split is 54/46 (%) across all employment in the UK and 52/48 (%) in the

Journalism sector [10]. While the JAW02 shows a fairer split - 51/49 (%) - than the JAW12 study a decade later - 57/42 (%), which shows a dominance of male journalists despite significantly more women enrolling in Journalism courses than men [3]. It could be speculated that female journalist may have fared worse in the spell of redundancies over the last decade, opting for self-employment, which may be why the gender split is equal in this study.

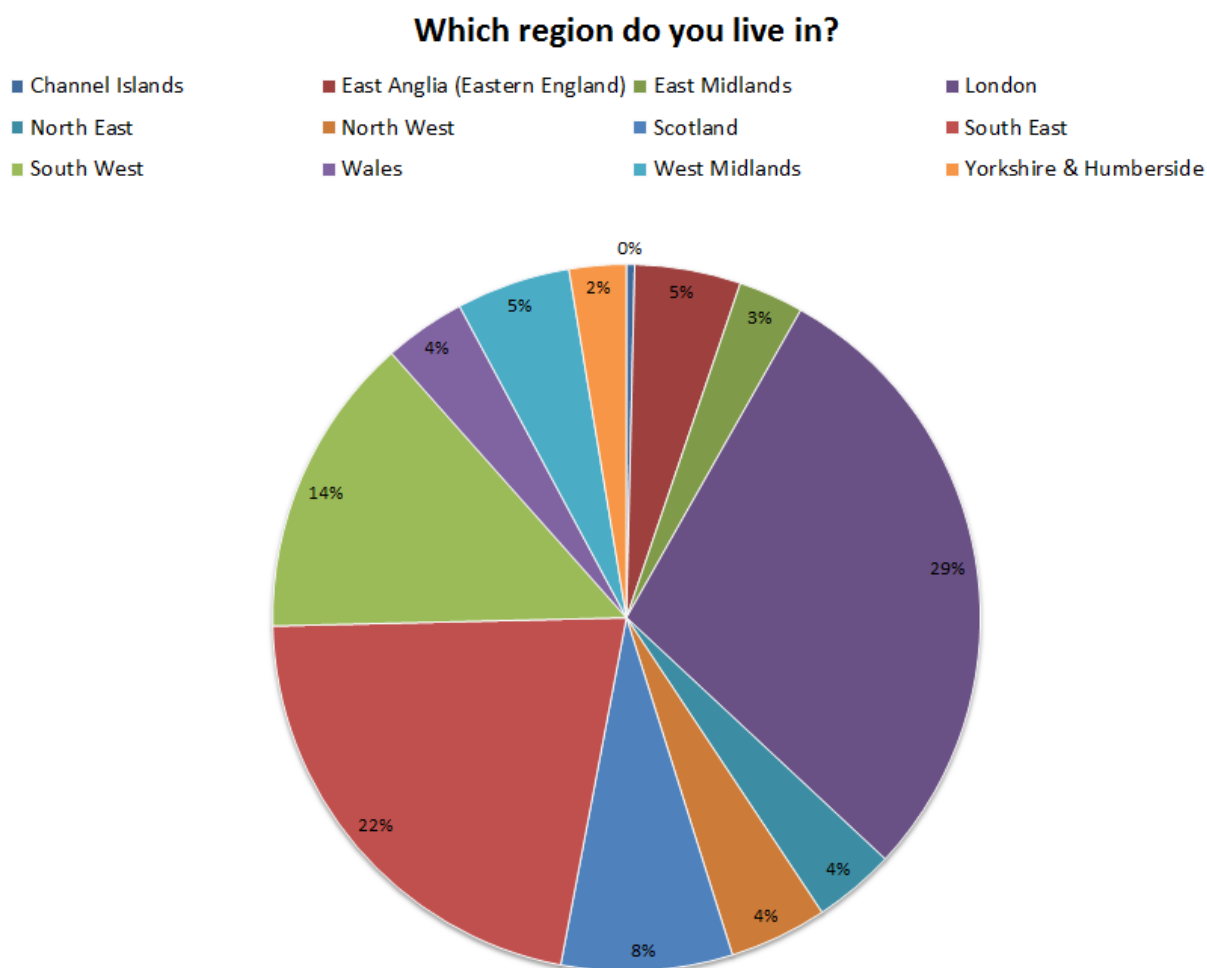


FIGURE 1: RESPONDENTS BY REGION (%)

Region	Count of Respondent
Channel Islands	1
East Anglia (Eastern England)	13
East Midlands	8

London	77
North East	10
North West	12
Scotland	21
South East	58
South West	37
Wales	10
West Midlands	14
Yorkshire & Humberside	7
Grand Total	268

TABLE 4: RESPONDENTS BY REGION (COUNT)

The media industries are concentrated in London and the South-East of England. This is confirmed by the survey data, which found that 29% of freelancers are based in London, 22% in the South-East and 14% in the South-West; overall, the majority of respondents are based in London/Southern England (64%). Over half (51%) of the respondents are based in London/South-East (Figure 1). This is significantly higher than LFS12 data, which shows that 29% of all employment is concentrated in London/South-East; however, it is lower than the LFS12 reports estimate of journalists based in London/South-East (60%). It does, however, correspond to the JAW12 report, which showed that 50% of their respondents were based in London/South-East [6].

4.2. EDUCATIONAL BACKGROUND

As outlined earlier, the number of people applying for Journalism degrees rose by 1.4% in 2013. In general, journalists are highly educated and it is less common for a journalist to enter the contemporary workplace without some kind of academic training. In fact, it is increasingly common for entry-level jobs in journalism to require, at least, an undergraduate degree [7]. The LFS12 report showed that significantly more (82%) journalists had a degree or a higher level qualification than people working in employment across the UK (38%); the JAW12 report found that 73% of journalists had a degree or higher qualification, which is lower than the LFS12 reports results but still significantly higher than the UK average [10, 6]. While this study did not explore whether the respondents had an undergraduate degree or

higher, it did investigate whether the journalists held a Journalism/Media-related qualification.

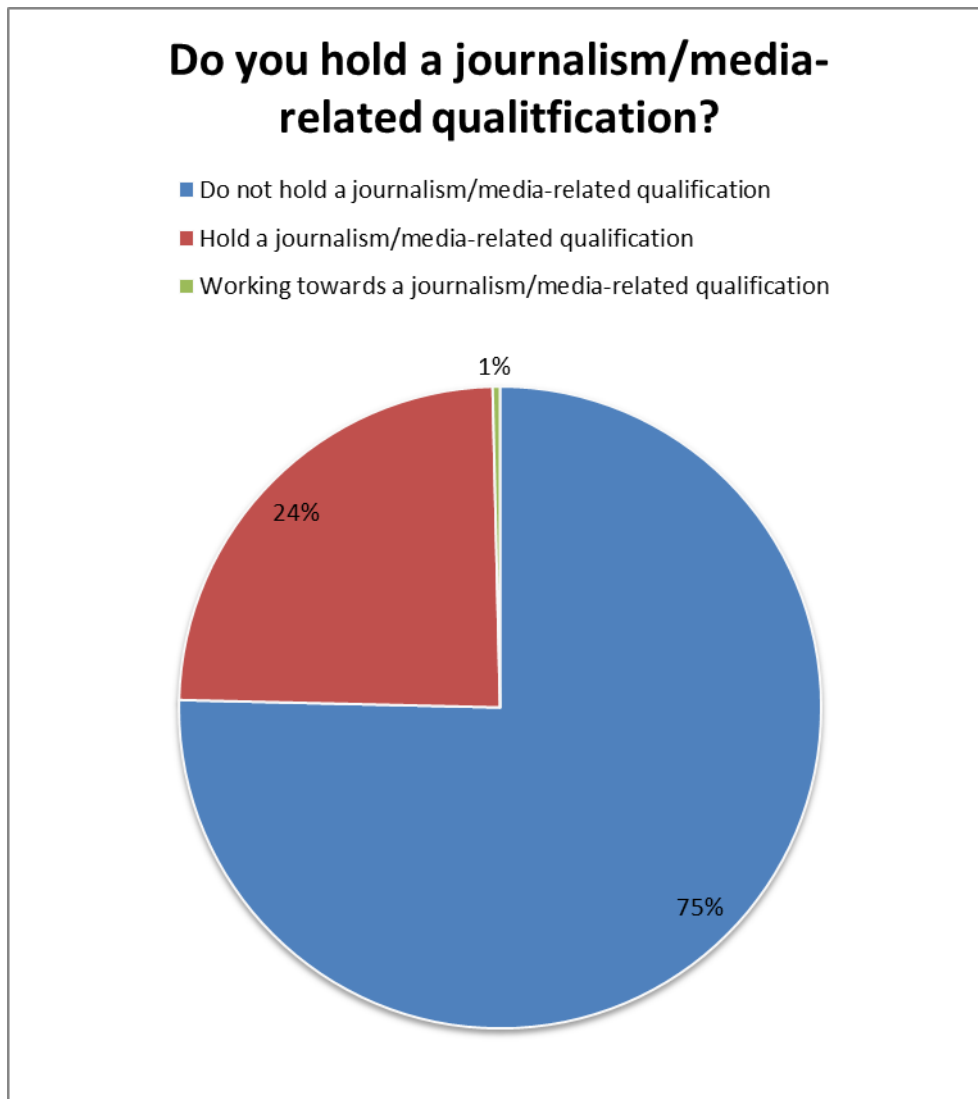


FIGURE 2: QUALIFICATIONS

24% of the respondents held a Journalism/Media-related qualification and 1% are working towards such a qualification (Figure 2). This is lower than results of the JAW12 survey, which found that 63% of their respondents had a Journalism qualification and 1% were working towards one [6]. This was a rise from the 2002 study, where 58% had Journalism qualifications [4]. However, it is important to stress that the JAW report also covers full-time staff journalists, who may be more likely to have Journalism qualifications.

Age Group	Do not hold a journalism/media-related qualification	Hold a journalism/media-related qualification	Working towards a journalism/media-related qualification
18-25	0.99%	0.00%	0.00%
26-35	3.47%	9.23%	0.00%
36-45	14.85%	20.00%	0.00%
46-55	33.17%	40.00%	0.00%
56-70	38.12%	29.23%	100.00%
71+	9.41%	1.54%	0.00%
	100.00%	100.00%	100.00%

TABLE 5: AGE AND QUALIFICATION

The older workforce (i.e. those 46+) are more likely to hold a Journalism/Media-related degree/qualification than their younger counterparts (Table 5). What is evident is that holding a Journalism qualification does not equate to gaining a higher income, in fact the respondents with qualifications actually make less money (Table 6). However, this could be due to the other respondents having formal and/or academic qualifications in the specific/specialist field that they write in, and/or the majority of the respondents with Journalism/Media-related degrees/qualifications falling outside of the peak earning age for freelance journalists (see 4.5).

	yes, hold a formal qualification	no, don't hold a formal qualification
Calculations based on number of responses	65	196
Average years as freelance journalist	14.86	18.26
Average length of assignment (h)	23.52	15.46
Median length of assignment	10.00	10
Average hourly income	£15.81	£19.20
average income per job	£371.80	£296.94
Full time equivalent salary (assuming 6 weeks annual leave, 3 week bank holidays)	£25,155.18	£30,552.24

and 37 hour week)		
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TABLE 6: QUALIFICATION AND INCOME

4.3. PROFESSIONAL LIFE

Experience	Percentage of respondents
Within last 2 years	0.75%
3 -- 5 years	5.22%
6 -- 10 years	10.07%
11 -- 15 years	13.06%
16 -- 20 years	11.94%
26+	42.16%

TABLE 7: YEARS SINCE FIRST JOB IN JOURNALISM

The majority of the respondents are experienced journalists, with at least 21 years since their first job in journalism (Table 7). The average number of years writing is 18. Additionally, the majority (97%) of respondents were the Authors' Licensing and Collecting Society (ALCS) members: out of these 56% were also members of the National Union of Journalists (NUJ), 1% were also members of the British Association of Journalists (BAJ) and 1% also members of the The Chartered Institute of Journalists (CIOJ).

The respondents predominantly wrote for magazines (46%) or magazines and newspapers (41%) rather than solely newspapers (2%). The majority of respondents actively publish freelance articles each year. 39% publish more than 26 articles each year and 28% publish less than 10 articles a year. The remaining 33% publish between 11 and 25 articles (Figure 3).

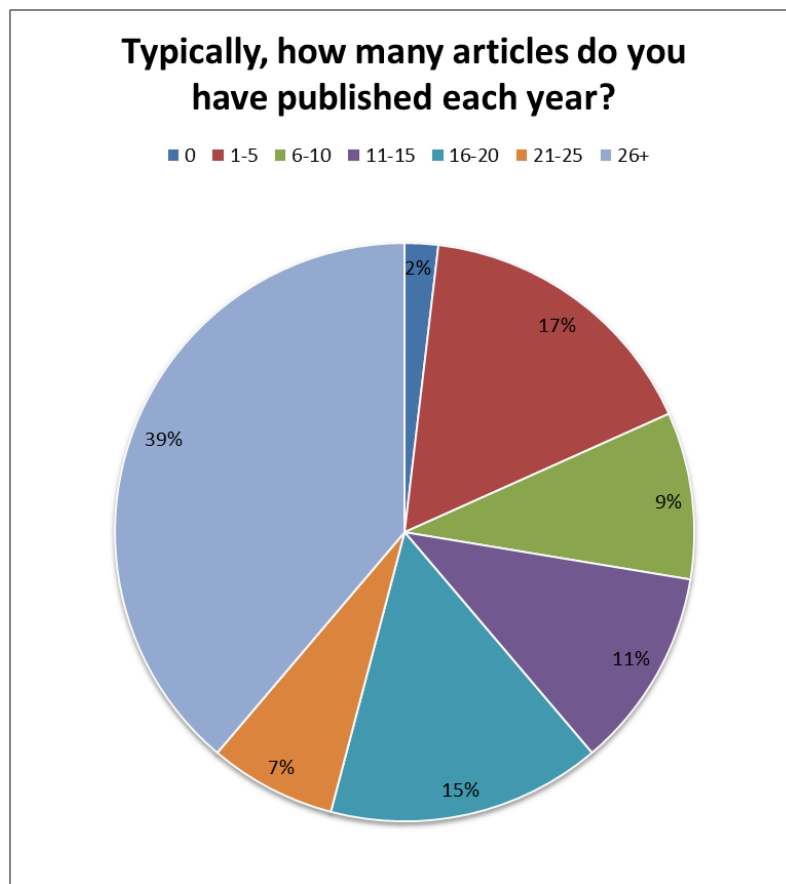


FIGURE 3: ARTICLES PER YEAR

4.4. INCOME SITUATION AND LIVELIHOODS

The compensation data from the 262 respondents shows that freelance journalists have an average work experience of 17.4 years. Their average hourly income is £17.99. On average freelance journalists work 17.52 hours per job and realise an average income per job of £315.14. Despite being on average less experienced women receive a higher average hourly salary (£18.96) than men (£17.05). This contradicts the JAW12 report, which shows that male journalists receive a higher salary than women journalists [6].

	Freelancers UK	Freelance Journalists
Average hourly income	£17.38	£17.99
Male	£22.50	£17.05
Female	£12.25	£18.96

TABLE 8: HOURLY SALARY BY GENDER COMPARED TO FREELANCERS UK

As described above, when asked about their last assignment respondents report that the average length of the job was 17.5 hours. However, the median is with 10 hours much

lower.¹ This suggests that some long term assignments significantly distort the average upwards and that the actual workload (per assignment) of most respondents is below the average of 17.5 hours. The described workload was matched by an average remuneration of £315.14; this equals an hourly salary of £17.99. 51% of the respondents state that they do not think that the remuneration they received was fair in light of what they delivered. Journalists that feel that remuneration was unfair earned on average £14.64 per hour whilst journalists that felt that they were paid fairly earned £23.65 per hour.

According to a 2014 report by Boox (Boox14) the national hourly average salary for freelance work is £17.38 [1]. Thus, what freelance journalists are being paid is, when compared to other sectors, normal. However, stark differences become visible in terms of gender equality. According to Boox14, female freelance journalists that write for newspapers and magazines earn significantly more per hour than the national average of female freelance workers (£12.25). Male freelancers, on average across all sectors, earn £22.50 per hour which is significantly higher than their female counterparts and also more than the male freelance journalists earn [1].

Freelancers and publishers agree a fee for their services and when looked at in retrospect 51% say they have not been paid fairly for their last assignment. The reasons why respondents believe that they have not been fairly compensated for their services vary widely. Many journalists outline that “fees have not gone up for years, meaning that fees go down when adjusted for inflation”; many add that this has been the case for the last 10 years. Others argue that in their perception fees are actually falling (particularly word[age] rates). Some outline that this is a particular problem in some cases where the bargaining power of the publisher vis-a-vis the freelance journalist leaves freelancers no choice but to accept the rates offered. Some argue that part of the problem they are facing in terms of unfair remuneration are colleagues that work for very little or nothing (some of them new to the profession). Responses to the survey suggest that this is possible since some freelance journalists state: “It’s low pay, but the only work I can get. The alternative is nothing.” Additionally, the inconsistent nature of freelance work means that “You don’t know what else they have commissioned, are planning, are about to run, have been told to do no more of, have too much in stock, happen to hate etc.” This might be related to freelance journalists finding that they have to pitch many ideas and write many articles until one of them leads to paid work. However, not all freelance work is irregular; there are cases where freelance journalists report doing regular work for a publisher. Even though the work being done is

¹ The median takes the middle value of a data range. It separates the lower half of the (numerical) data range from the higher half. Due to this characteristic the median is less influenced by outliers (compared to the mean).

regular and, thus, informed by “built-up expertise and knowledge” there are indications this is not reflected in the financial compensation received.

Many freelance journalists comment on the general relationship between financial remuneration and the amount of work being done. The payment received is “not representative of the time put in including research, writing up, plus the admin associated with getting it into print”. “Fees for freelance writing hardly relate to (a) the time I spend working, or (b) the experience and expertise that enable me to write”. One respondent says that the “problem lies in the research-intensity of the work”. Some say that the pay they receive when compared to the writing time is actually sufficient; however, they then add that it is not fair in terms of the background knowledge that needs accumulating before they can write an article on a specific topic. Some freelance journalists feel that the time spent on research for building up knowledge is something publishers do not want to pay for. Many state that this is a great concern, since it can take years to develop the expertise necessary to write in certain subject areas. The perception of freelance journalists that identify this as a problem is that the market rates they are able to achieve do not reflect the level of expertise they had to acquire. “I think the professional knowledge behind the article deserves better payment but that is simply not on offer”. There are a few statements that outline that the publisher did not reimburse travel costs (and other expenses) that were incurred in the process of researching and writing. However, some freelance journalists state that the publication they wrote for simply cannot afford to pay any more and, thus, accept the payment.

Even though these hourly income rates of freelance journalists (and the full time equivalent salary of £28,624.31) might look high, the actual income situation of freelance journalists is far less prosperous. When taking into account the actual amount of articles written by freelance journalists their income situation changes dramatically.

Articles written per year (calculations based on x amount of published articles)	Average yearly income from freelance journalism
1-5 (3)	£945.42
6-10 (8)	£2,521.13
11-15 (13)	£4,096.84
16-20 (18)	£5,672.54

21-25 (23)	£7,248.25
26+ (26)	£8,193.68

TABLE 9: YEARLY INCOME BY # OF ARTICLES

Authors that write between 1-5 articles a year average a yearly income through freelance journalism of £945.42 (based on three writing assignments). Assuming that a person takes on eight assignments (group 6-10 articles per year) they would end up with £2521.13. Thirteen assignments (group 11-15) lead to £4096.84, eighteen (group 16-20) to £5672.54, 23 (group 21-25) to £7248.25 and 26 (group 26+) to £8193.68 (Table 9).

The vast majority of freelance journalists earn below £8193.68 a year through their freelance work. Accordingly, 77% of these journalists say that their freelance work is not enough to support either themselves and/or their dependants if they have any. 78% of these journalists have one or more other income sources: this is significantly higher than the JAW12 report, which shows that 34% of their respondents also had other occupations; however, this also encompasses permanent, full-time employed journalists [6].

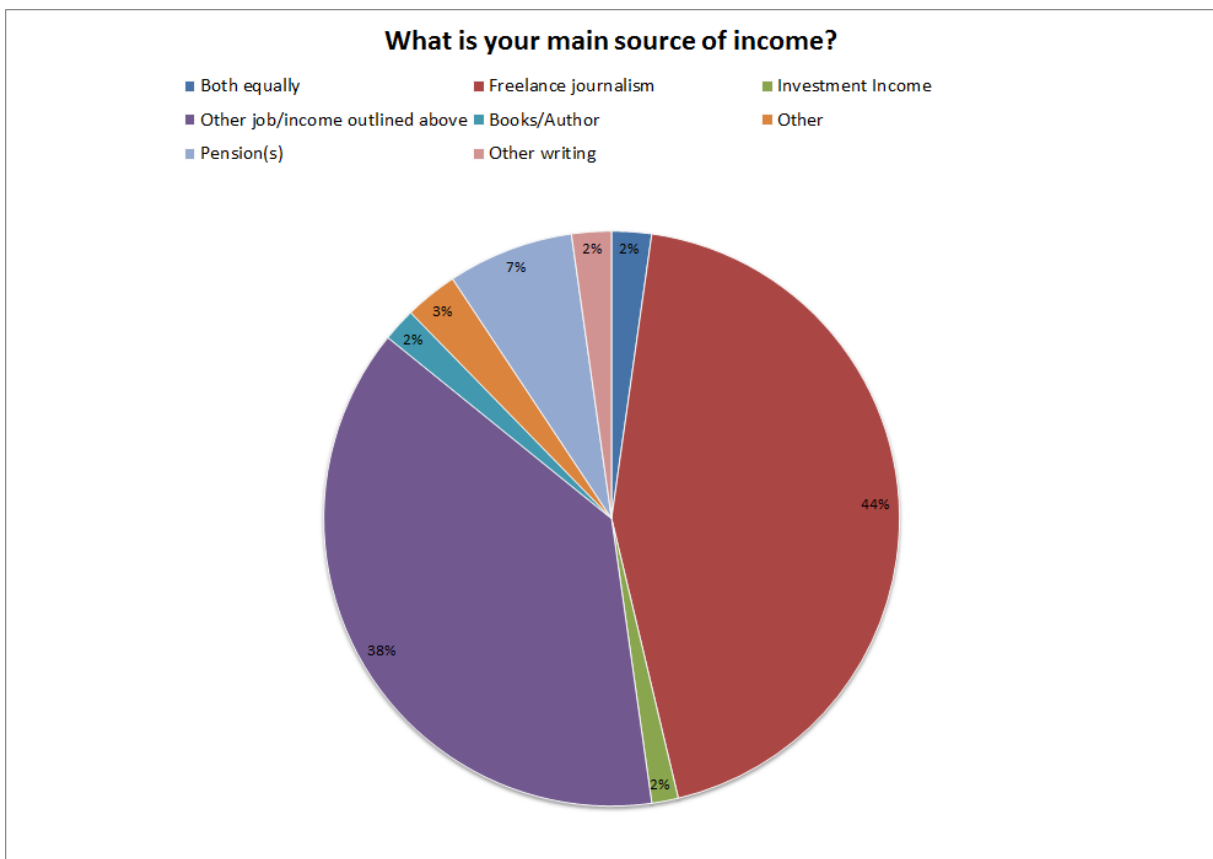


FIGURE 4: MAIN SOURCE OF INCOME

The ways in which freelance magazine/newspaper journalists supplement the income of this work are very diverse. 17% mention that they have additional income from pensions, 16%

work in part time jobs and 6% are in full-time employment; 14.12% of respondents are engaged in the writing of books. 38% of respondents state that this second income is their main source of income. Despite the low levels of income through freelance journalism, 44% indicate that this is their main source of income (Figure 4); however, out of these 60% typically write 26 articles or more.

Age bracket	18-25	26-35	36-45	46-55	56-70	71+
Calculations based on # responses	2	13	43	93	93	18
average years as freelance journalist	2.50	5.54	10.70	15.65	22.17	27.94
Average hourly income	£19.29	£19.85	£21.06	£18.63	£16.46	£15.70
average income per job	£135.00	£360.38	£285.49	£341.98	£317.17	£224.17
Full time equivalent salary	£30,683.57	£31,584.05	£33,501.06	£29,634.06	£26,192.12	£24,979.32

TABLE 10: SALARY BY AGE GROUP

The survey found that the peak earning age for freelance journalists was 36-45, with a steady decline after the age of 46 (Figure 5). This is slightly younger than the LFS12 data, which shows that 40-49 is the peak earning age for all employment across the UK [10].

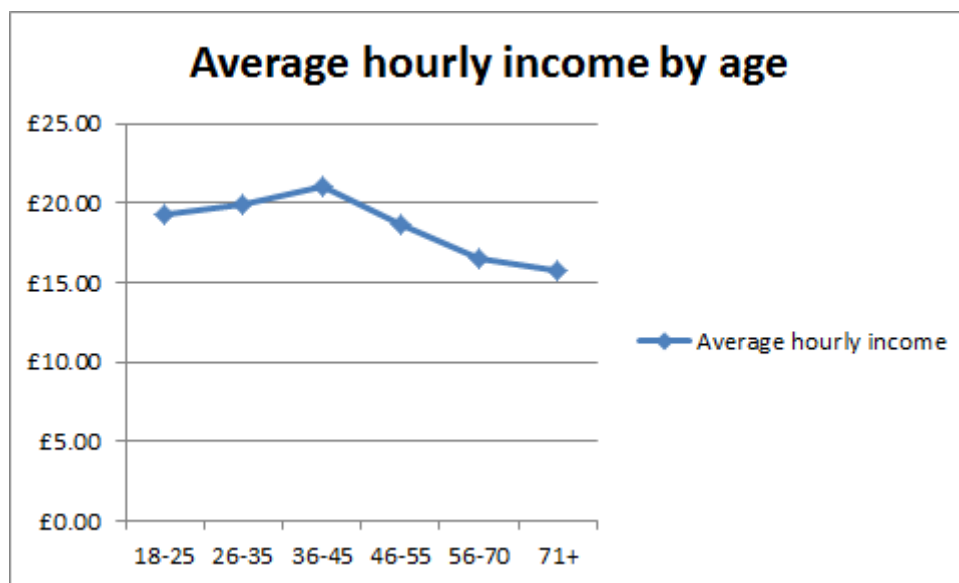


FIGURE 5: SALARY AT AGES (LINECHART)

4.6. Contracts

Working without a contract is commonplace for both magazine and newspaper freelancers, which means that freelancers often embark on writing assignments without any formal, written agreement. Magazine freelancers are slightly more likely to work without a contract than newspaper freelancers; however, more newspaper freelancers have written without a contract for most or all of their assignments in the last five years. Out of the respondents who had written articles for newspapers, 90% had previously worked without a contract, 8% had always worked with a contract and, 2% did not know if they had worked without a contract in the past (Table 11). Out of the respondents who had previously written articles for magazines, 91% had worked without a contract (Table 12). In the last five years, the majority (71%) of newspaper freelance respondents had worked without contracts for most or all of their freelance assignments (Figure 6). In the last five years, the majority (61%) of magazine freelance respondents had worked without contracts for most or all of their freelance assignments (Figure 7).

Newspapers: worked without contract	Count of respondents
Don't know	4
No	15
Yes	173
Grand Total	192

TABLE 11: HAVING WORKED WITHOUT A CONTRACT - NEWSPAPERS

Magazines: worked without a contract	Count of respondents
Don't know	3
No	21
Yes	234
Grand Total	258

TABLE 12: HAVING WORKED WITHOUT A CONTRACT - MAGAZINES

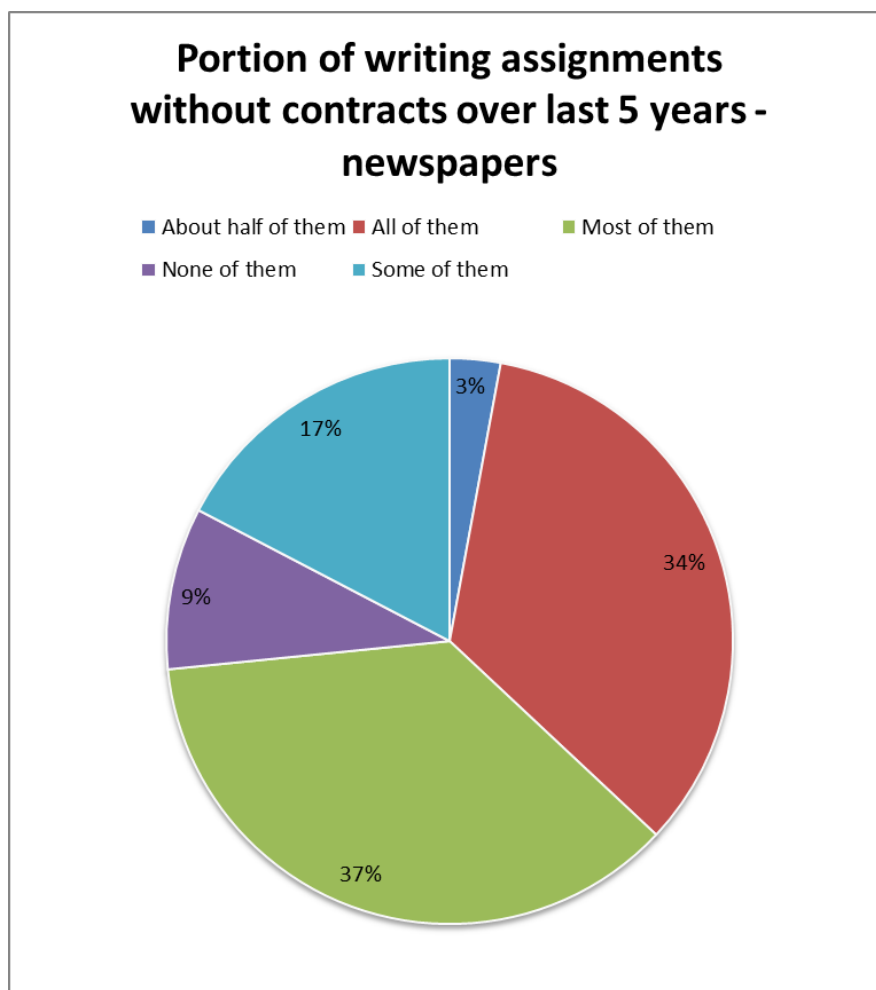


FIGURE 6: PORTION OF WRITING ASSIGNMENTS WITHOUT CONTRACTS OVER LAST 5 YEARS (NEWSPAPERS)

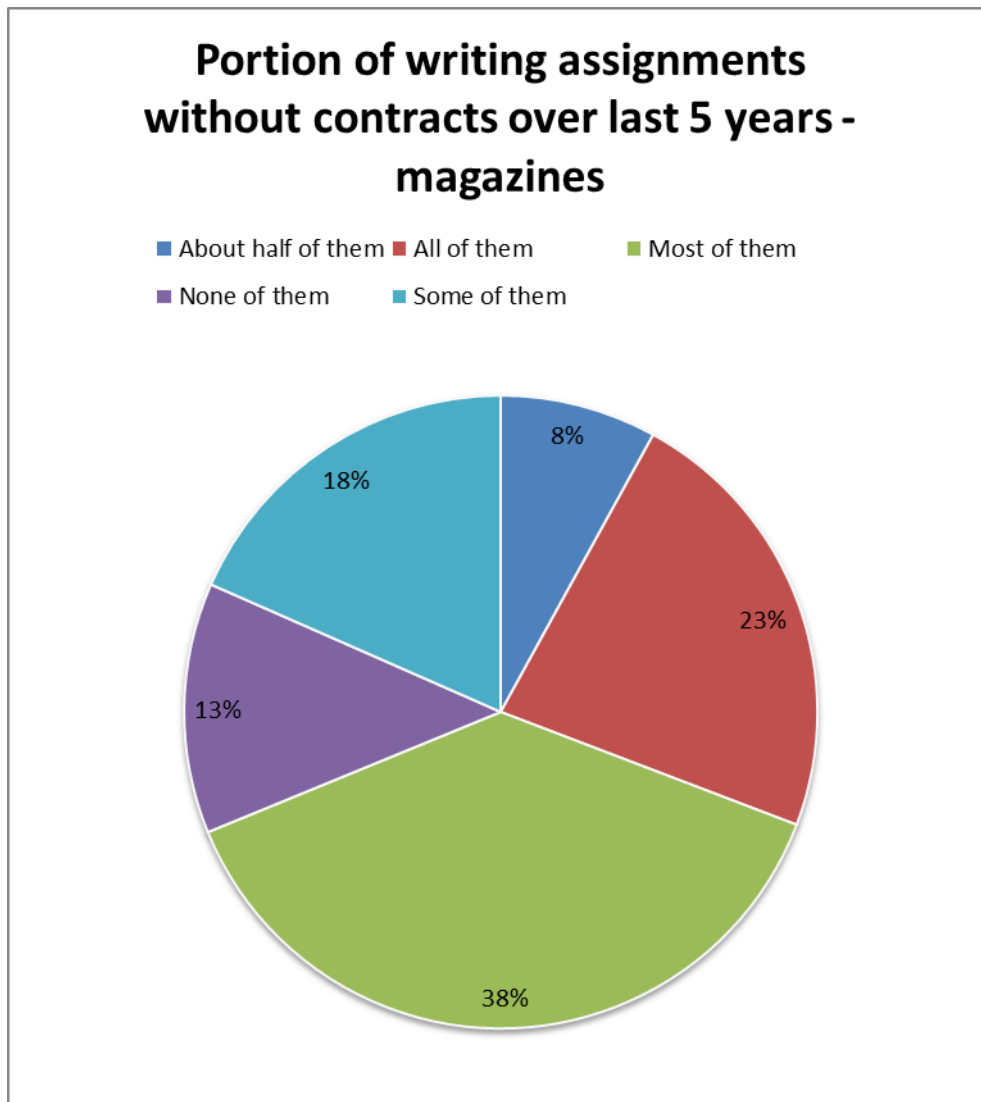


FIGURE 7: PORTION OF WRITING ASSIGNMENTS WITHOUT CONTRACTS OVER LAST 5 YEARS (MAGAZINES)

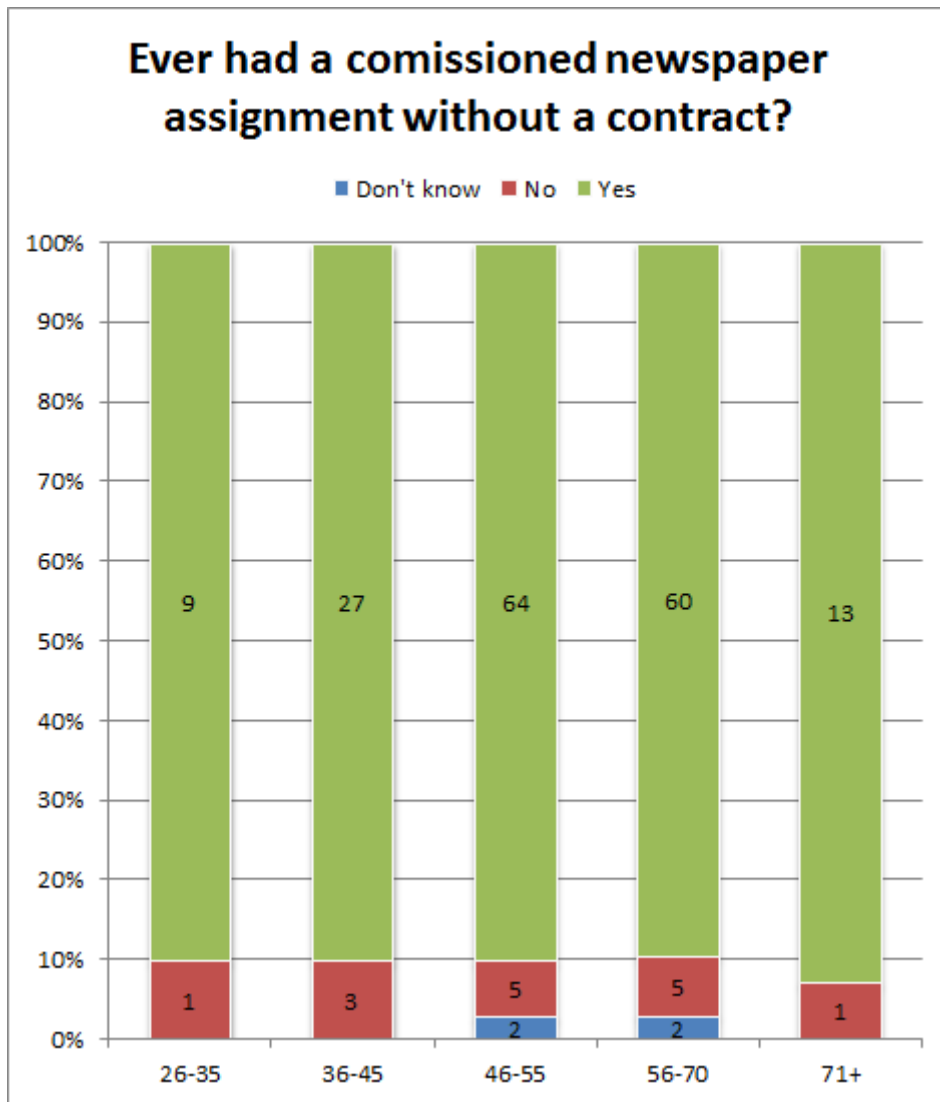


FIGURE 8: WRITTEN WITHOUT CONTRACT - BY AGE GROUPS (NEWSPAPERS)

Newspaper freelancers over the age of 71 were, very, slightly more likely to write without a contract than the other age groups. All (2) of the 18-25 year old magazine freelancers had written without a contract before, with the 36-45 year old age group being the second most likely group (Figure 8). However, there is not much variation between each age bracket, for both magazines and newspapers, with all ages likely to write without a contract.

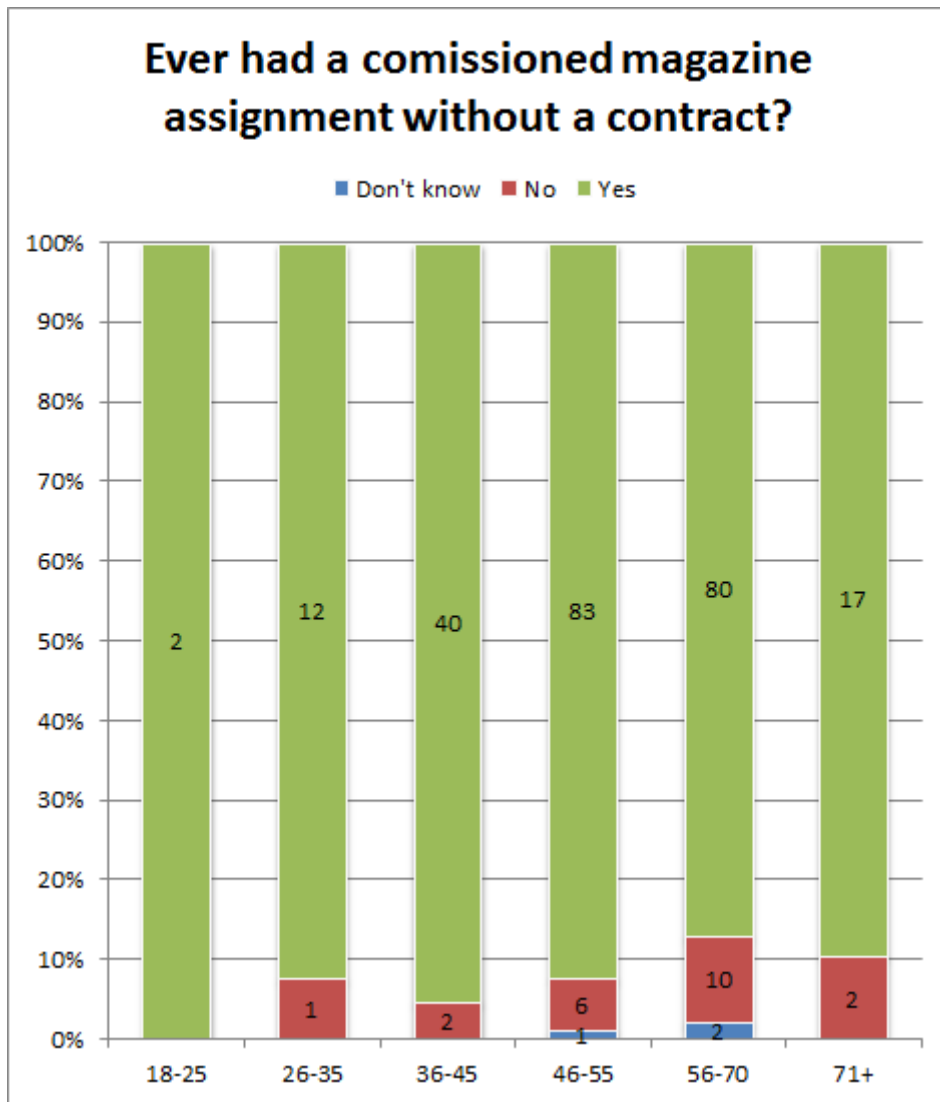


FIGURE 9: WRITTEN WITHOUT CONTRACT – BY AGE GROUP (MAGAZINES)

Men are slightly more likely than women, for both magazine and newspaper assignments, to write without a contract (Figure 10). Additionally, newspaper freelancers, with journalism/media-related degrees are slightly less likely to write without a contract than those with qualifications; however, magazine freelancers, with journalism/media-related degrees, are slightly less likely to work without contracts than those without these qualifications.

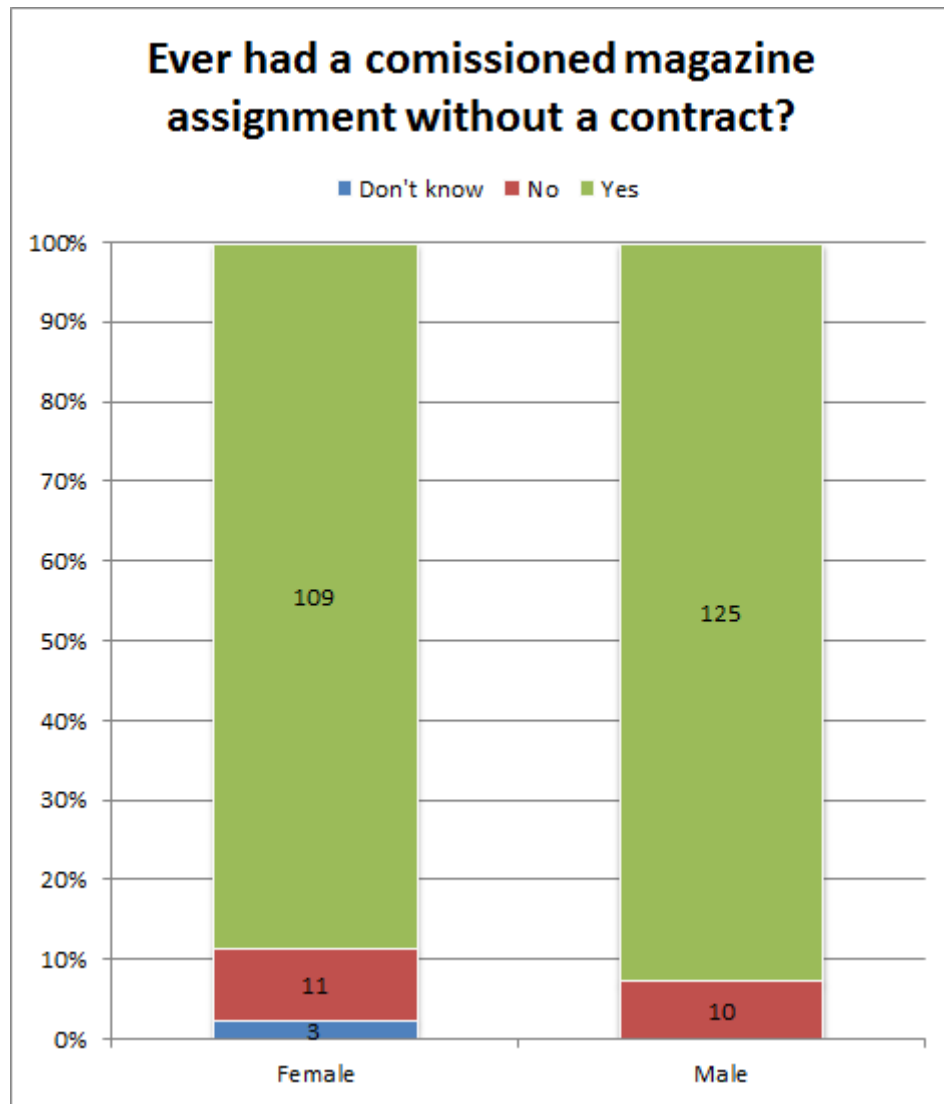


FIGURE 10: WRITING WITHOUT CONTRACTS AND GENDER (NEWSPAPERS)

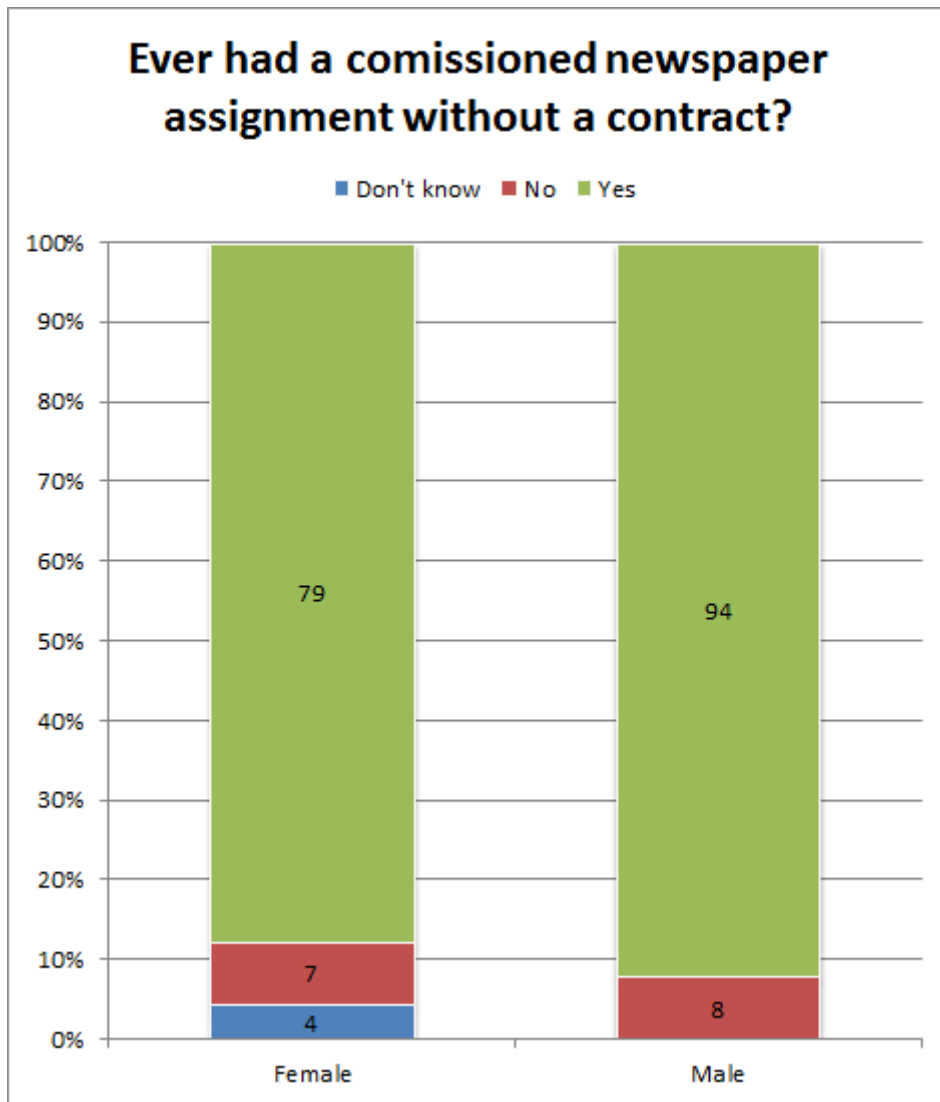


FIGURE 11: WRITING WITHOUT CONTRACTS AND GENDER (MAGAZINES)

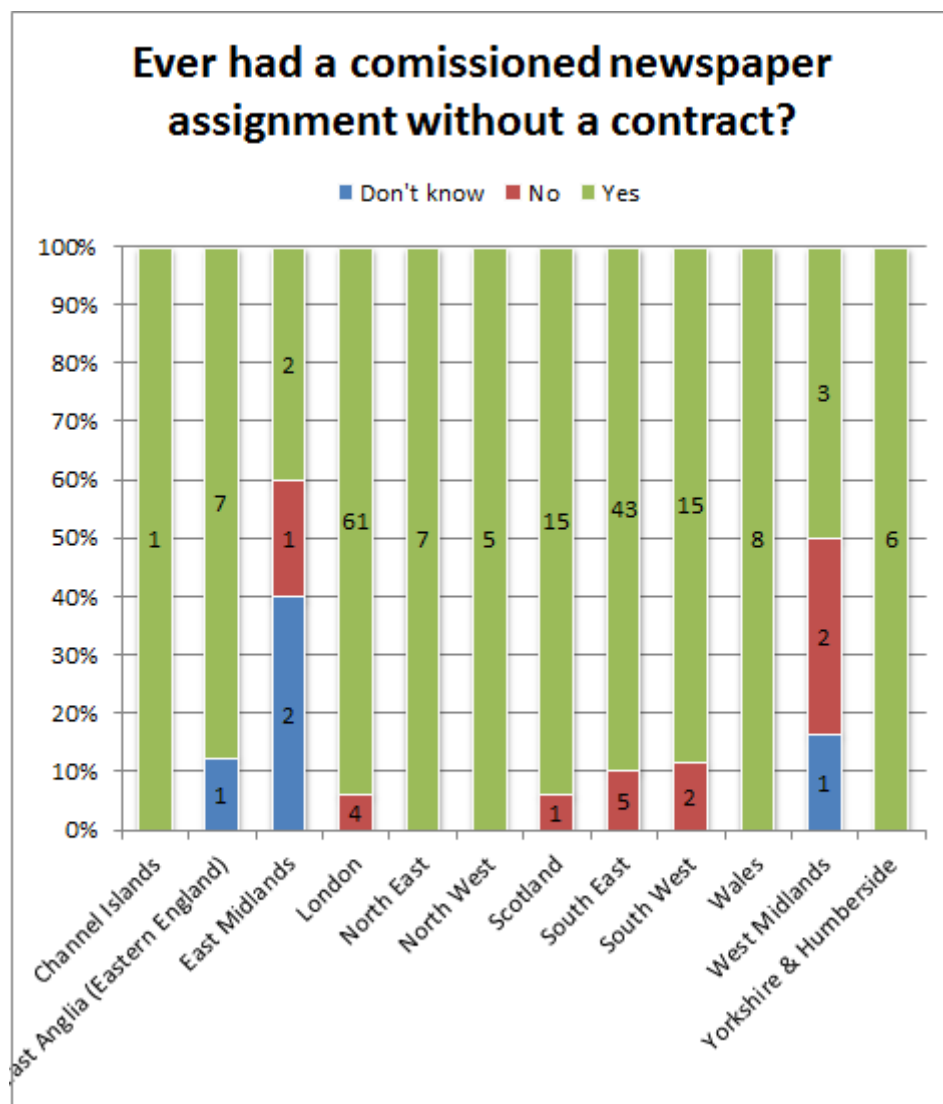


FIGURE 12: WRITING WITHOUT CONTRACTS BY REGION (NEWSPAPERS)

Geographic location seems to be a factor in determining whether freelancers work with/without contracts. Places where newspaper freelancers are less likely to sign contracts (100% of respondents based there had worked without contracts in the past): Channel Islands, North East, North West, Wales, Yorkshire and Humberside (Figure 12). Places where newspaper freelancers are more likely to sign contracts: West Midlands (i.e. over 30% of freelancers based in West Midlands had always written with a contract). Places where magazine freelancers are less likely to sign contracts (100% of respondents based there had worked without contracts in the past): Channel Islands, North West, Wales, Yorkshire and Humberside (Figure 13). Places where magazine freelancers are more likely to sign contracts: North East (i.e. 30% of freelancers based in North East had always written with a contract). The respondents based in the East Midlands were the least likely to know whether they had written without a contract before.

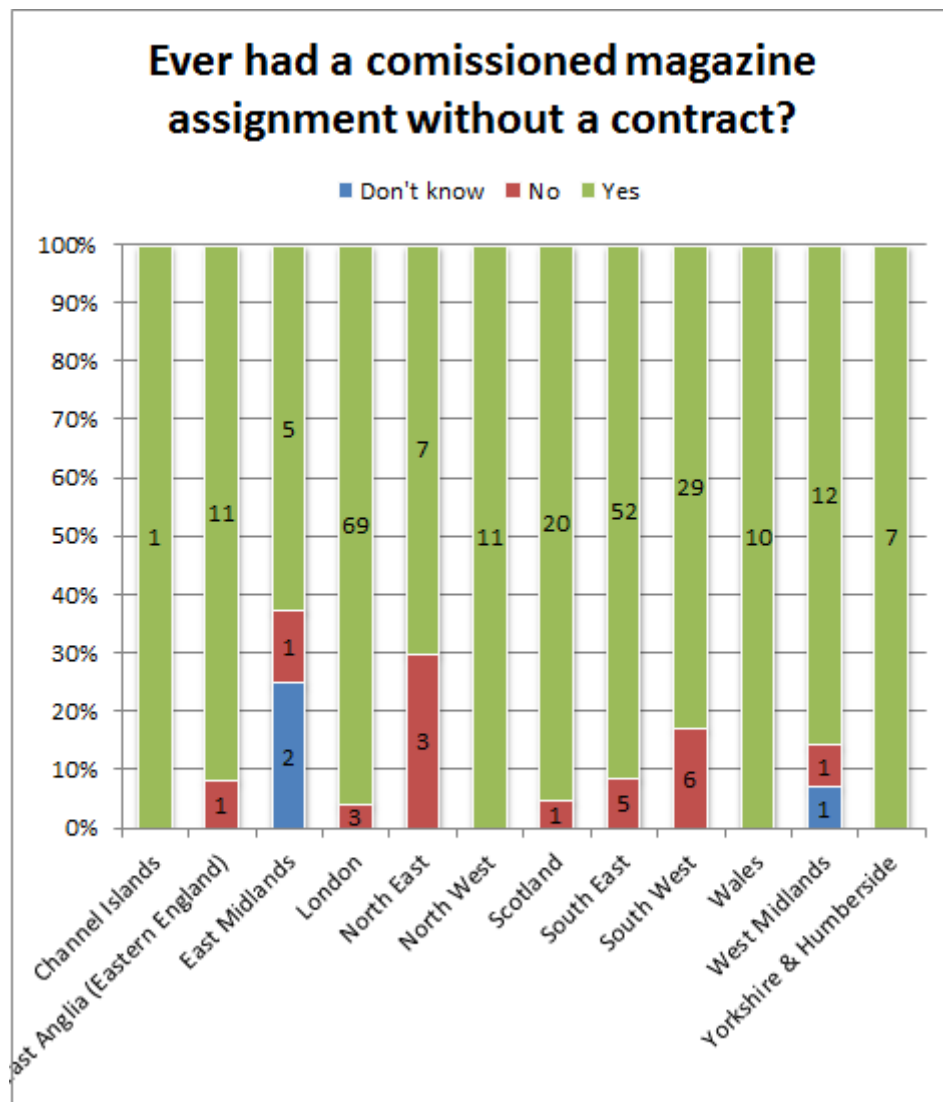


FIGURE 13: WRITING WITHOUT CONTRACTS BY REGION (MAGAZINES)

Freelancers for magazines are more likely to refuse to sign contracts that asked them to assign copyright and/or other rights than newspaper freelancers. Only 20% of writers who had previously written articles for newspapers and 37% who had previously written articles for magazines had refused to sign a contract that asked them to assign copyright and/or other rights. This could be because magazine publishers are more likely to renegotiate terms of contracts and drop demands for assignment of copyright (31%) than newspaper publishers (13%) when challenged by freelance writers.

	Newspapers		Magazines	
	Yes	No	Yes	No
Calculations based on # responses	28	105	81	130
average years as a freelance journalist	20.39	18.50	18.00	17.72
Average length of Assignment (h)	22.79	15.22	16.92	16.98
Average hourly income	£16.16	£20.80	£18.60	£20.73
average income per job	£368.21	£316.63	£314.65	£352.08
Full time equivalent salary	£25,710.36	£33,095.19	£29,587.61	£32,983.84

TABLE 13: REFUSAL TO SIGN CONTRACT AND INCOME SITUATION

Those freelancers that engaged in contract disputes earned significantly less than those who did not. For example, the average hourly income for newspaper freelancers who had engaged in contract disputes was £16.16 in comparison to £20.80 for those who had not. Equally, magazine freelancers, that had engaged in contract disputes, earned an average of £18.60 an hour in comparison to £20.73 for those who had not (Table 13).

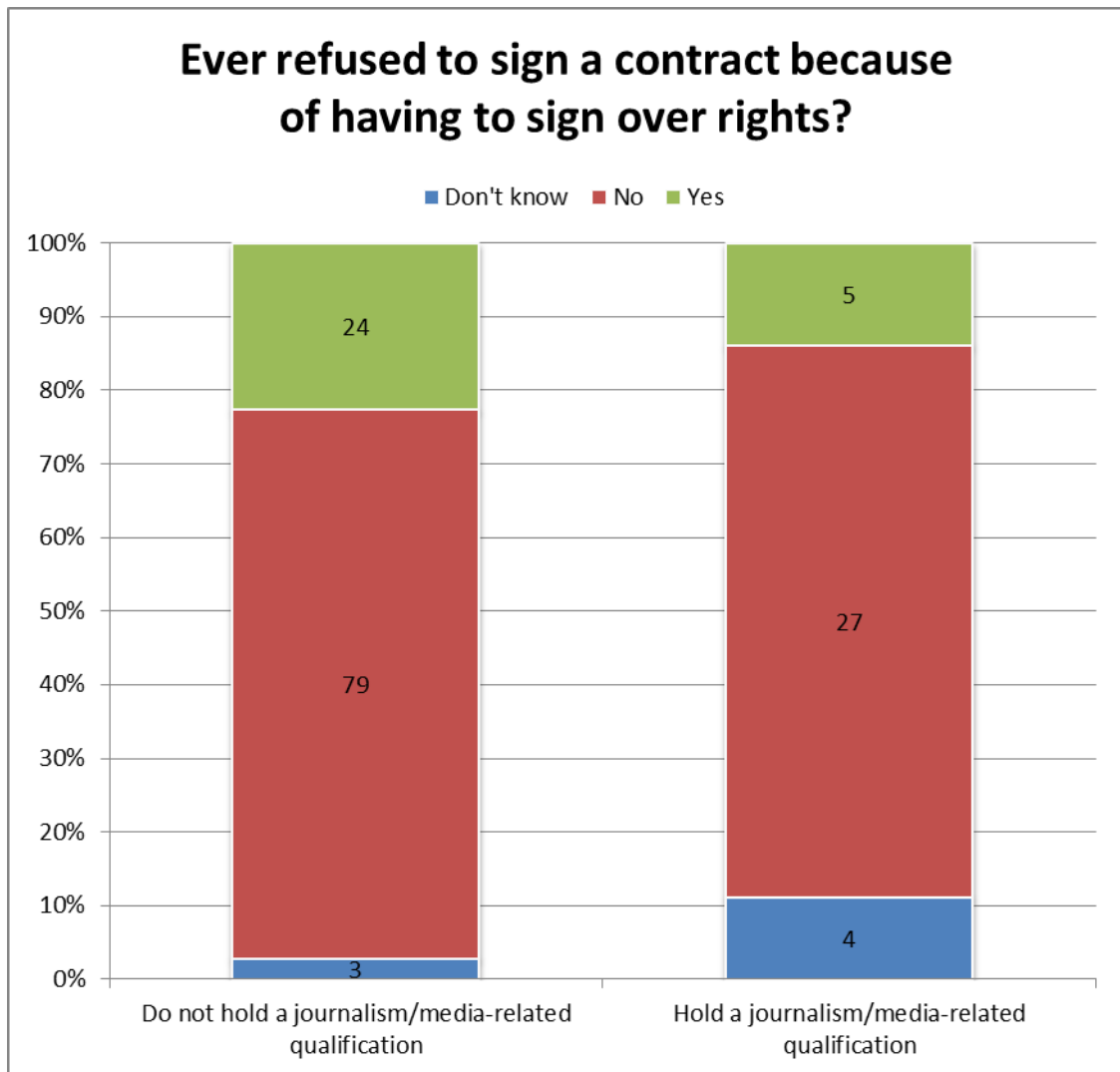


FIGURE 14: REFUSAL TO SIGN OVER RIGHTS BY QUALIFICATION (NEWSPAPERS)

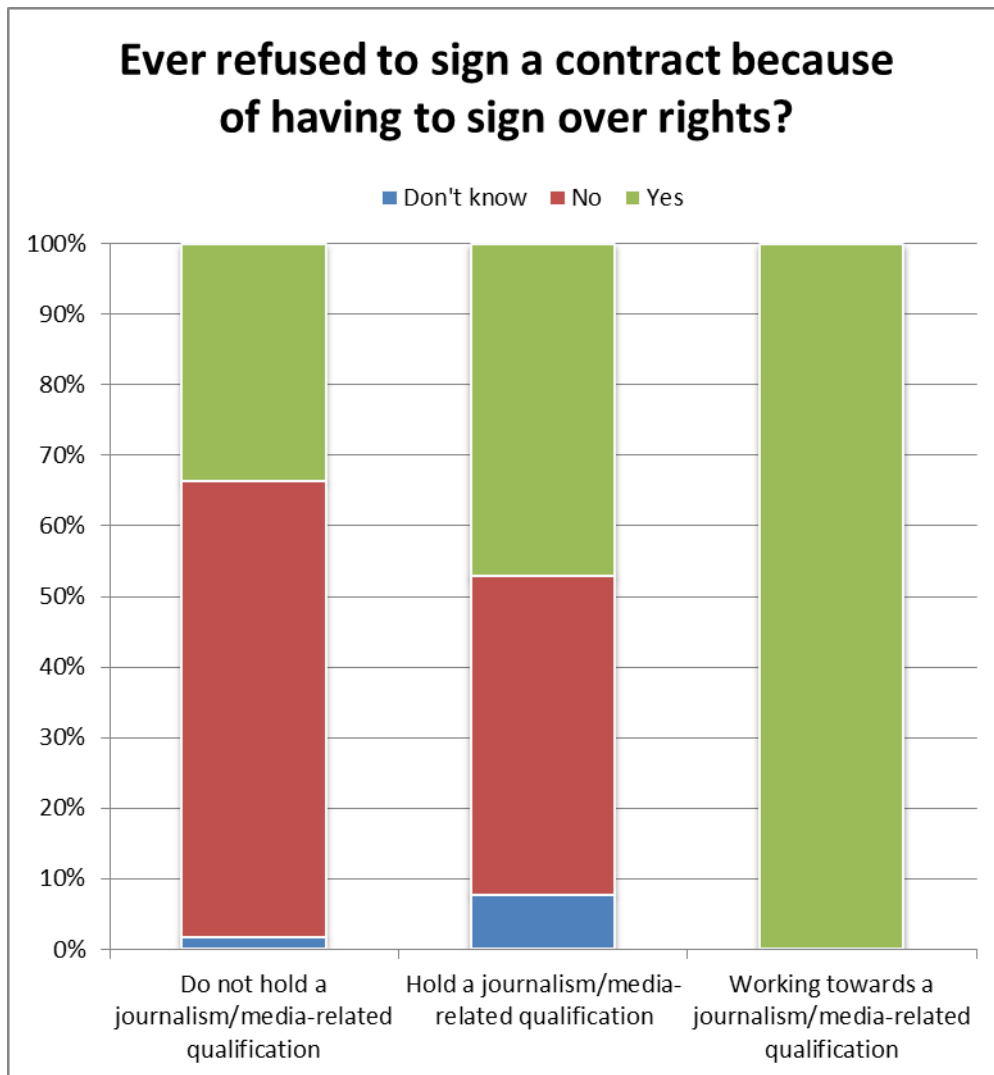


FIGURE 15: REFUSAL TO SIGN OVER RIGHTS BY QUALIFICATION (MAGAZINES)

4.6. RIGHTS EXPLOITATION

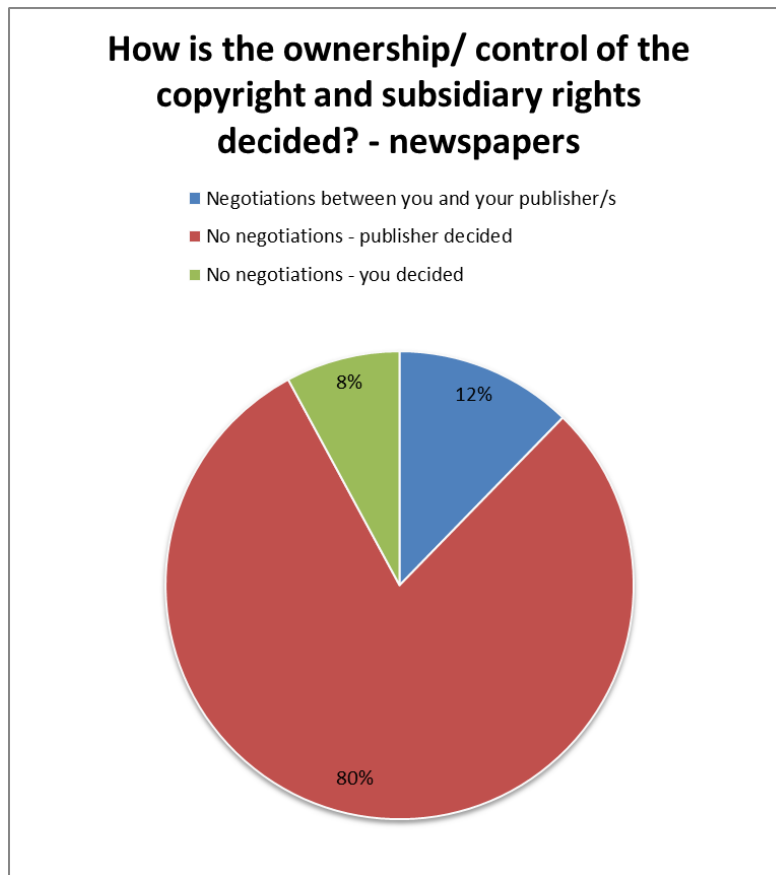


FIGURE 16: HOW IS OWNERSHIP DECIDED (NEWSPAPERS)?

Contracts may also deal with syndication (the right for another publisher to publish the work) and sub-licensing (the right for third parties to copy and re-use the work, such as media monitoring agencies sending ‘cuttings’ to their clients). The results of the survey reveal considerable ambiguity and lack of transparency around the exercise of syndication and sub-licensing rights. Publishers often do not inform writers of licensing deals. For 65% of the magazine freelancers (Figure 17) and 80% of the newspaper freelancers (Figure 16), the ownership/control of the copyright and subsidiary rights was decided by the publishers without any negotiation.

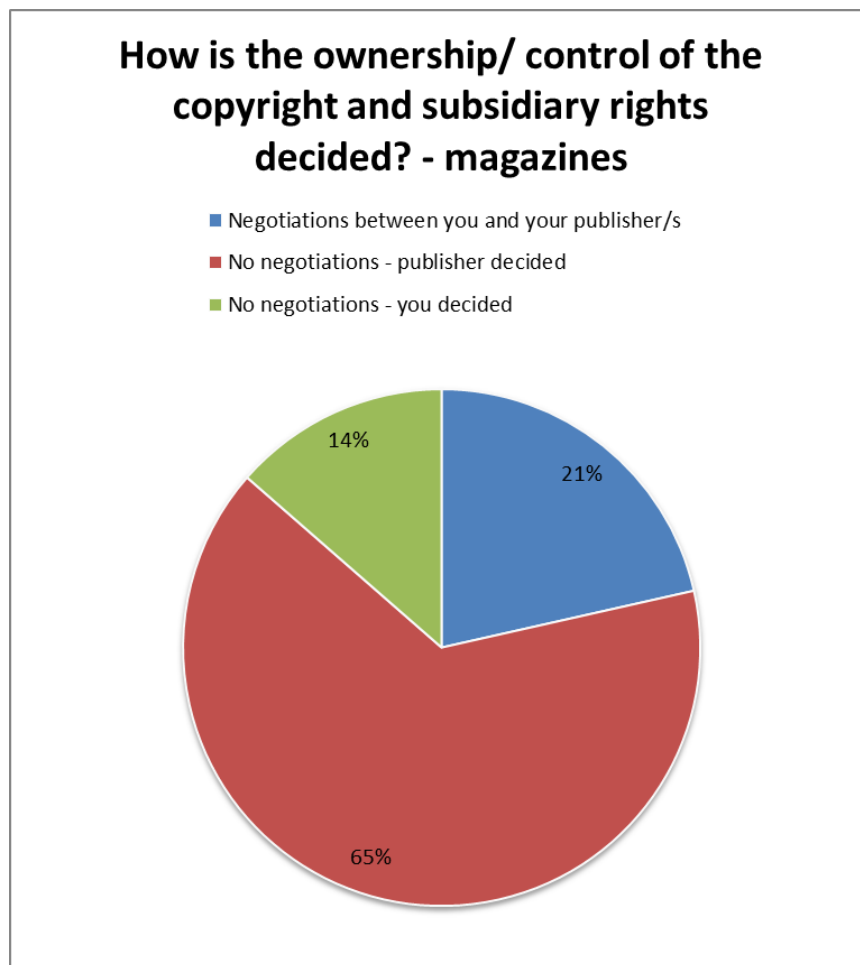


FIGURE 17: HOW IS OWNERSHIP DECIDED (MAGAZINES)?

Freelancers are often unaware of syndication rights. While 46% of newspaper freelancers said their contracts allowed their publisher to syndicate their work to other publications; 36% said they did not know. While 38% of magazine freelancers said that their contracts allowed their publisher to syndicate their work to other publications; 40% said they did not know (Table 14).

	Newspapers	Magazines
Don't know	35.97%	39.72%
No	17.99%	22.43%
Yes	46.04%	37.85%

TABLE 14: PUBLISHER ALLOWED TO SYNDICATE YOUR RIGHTS?

The number of 'don't know' answers indicates that both magazine and newspaper freelancers lack understanding/knowledge about the contents of the contracts, although newspaper freelancers seem to have a slightly better understanding. Additionally, 64% of magazine freelancers do not know if their contracts typically allow their publisher to sub-

license their rights, internationally, to third parties, and 60% do not know if this is allowed nationally (Table 15).

	Newspapers		Magazines	
	Internationally	Nationally	Internationally	Nationally
Don't know	67.35%	65.03%	63.59%	60.43%
No	13.61%	15.38%	21.84%	23.53%
Yes	19.05%	19.58%	14.56%	16.04%

TABLE 15: SUBLICENSING: NATIONALLY AND INTERNATIONALLY

Freelancers are also unaware of sub-licensing rights. 57% of newspaper freelancers said their publishers did not inform them of any sublicensing decisions; 30% said they didn't know. 59% of magazine freelancers said their publishers did not inform them of any sublicensing decisions; 31% said they did not know (Table 16).

	Newspapers	Magazines
Don't know	30.34%	31.07%
No	56.55%	58.74%
Varies	4.14%	1.94%
Yes	8.97%	8.25%

TABLE 16: DOES THE PUBLISHER INFORM YOU ABOUT SUBLICENSING DECISIONS?

For the 64% of the magazine freelancers, the ownership/control of the copyright and subsidiary rights was decided by the publishers, without any negotiation. This suggests that both magazine and newspaper freelancers do not benefit from the syndication and sub-licensing of rights. Despite this, 50% of newspaper freelancers and 52% of magazine freelancers owned the copyright for their last assignment; however, 26% (of newspaper freelancers) and 20% (of magazine freelancers) did not know who owned the copyright (Table 17).

	Newspapers	Magazines
Don't know	25.99%	19.61%
Publisher	24.29%	28.63%
You	49.72%	51.76%

TABLE 17: WHO OWNS THE RIGHTS TO YOUR LAST PIECE OF COMMISSIONED WORK?

NLA media access - originally the Newspaper Licensing Agency (NLA) - is a rights management agency, which is privately owned by eight UK national newspaper publishers². It enables organisations to reproduce (print and digital) work through non-exclusive licences, whilst ensuring that the relevant publishers are recompensed. In 2012, NLA media access earned £30 million from their database and licence fees and paid £24 million of this to the rights holders. The *NLA Annual Review 2012* estimated that the amount of royalties paid to publishers in 2012 was the equivalent of 1000 journalists' salaries [9]. Despite this only 13% of the survey respondents had received NLA payments.

5. CONCLUSIONS: DO FREELANCERS GET VALUE FOR THEIR RIGHTS?

When taking the findings of this report as a whole it can be concluded that freelance journalists seem to find themselves in a difficult position vis-a-vis magazine and newspaper publishers. The workforce available to publishers through the freelance market is on the whole experienced, based in the South where the industry is centred, and prepared to work without contracts. Even though freelancers' average hourly salary is above national average the sporadic nature of the income they are able to generate through journalism assignments does not suffice to support themselves and their dependants; most of them need to substitute their income with second jobs and/or other income sources.

Additionally, freelance journalists report that they feel that they do not get recognition for background research and training that is necessary to get them into a position that allows them to write articles on certain issues. The professional development freelancers' need, that ultimately enables them to write articles, is their own responsibility rather than being a shared responsibility with the publisher that employs them. Freelancers usually recover some of those costs through higher hourly salaries that they realise per hour spent writing (compared to staff journalists); however, their viewpoint is that the actual salaries paid do not cover those expenses they incurred for professional development. In their own views this is the case because the supply side in the market outweighs the demand, which leads to low remuneration.

Evidence suggest that when freelance journalists refuse to sign contracts that they are at the shorter end of the stick. Firstly, their refusal does not lead to an improvement of their position since in most cases their clients refuse to drop the demands that led to the refusal. Secondly, on the whole it seems that the freelance journalists that have in the past refused to sign contracts earn a lower average salary per hour than their colleagues that have never

² Associated Newspapers, Financial Times, Guardian Media Group, Independent News & Media, Northern and Shell, News International, Daily Telegraph, Trinity Mirror

refused to sign a contract. With the data gathered in this survey it is impossible to tell if this is an indicator for a causal relationship but there seems to be a significant quantifiable correlation.

In the absence of a written contract, publishers only acquire the right to publish the work. Copyright remains with the journalist meaning that they have the right to license any further uses of their work. However, part of the weak financial position many freelance journalists find themselves in seems to be caused by their inability to fully exploit the rights they hold in their work. Freelance journalists typically retain the rights to license further uses of their work as most retain their copyright; either through a lack of contract or through no assignment of copyright to the publisher in their contracts. However, due to a lack of clear terms with their publishers, freelance journalists are still unlikely to receive value for their rights.

6. RECOMMENDATIONS

When looking at what to do about the situation that freelance magazine and newspaper journalists find themselves in it needs to be recognised that this survey gathered the perspectives of the journalists themselves. From a labour market perspective this reflects only half the picture. The demand side, the publishers, need to be considered as equally important when considering ways of improving the position of freelance journalists.

However, from the conclusions above a range of recommendations can be derived. Firstly, industry bodies that work in the interest of freelance journalists should consider improving journalists' knowledge about their rights and the way they can exploit them. Freelance journalists need to be enabled to make higher returns and generate more income per writing assignment to get them into a position where freelance journalism can deliver livelihoods for individuals and families.

Secondly, the same institutions should consider awareness raising campaigns that make journalists collectively aware of the dilemma they find themselves in. As long as a majority of them are prepared to work on what they themselves consider "unfair" remuneration the current inequality of bargaining between freelancers and publishers is likely to persist. .

Thirdly, representatives of freelance journalists and magazine & newspaper publishers should engage in a constructive dialogue that addresses some of the underlying issues that impact freelance journalists' lives. This is obviously in the interests of freelance journalists. However, publishers might also recognise that in the long-term they have an interest in being able to draw on a well-trained and reliable workforce. In an increasingly turbulent market environment that is characterised by increasing competitive pressures across media

channels and geographical boundaries managing human capital is crucial. Since freelance journalists are not employed by individual publishers such management needs to occur at the sector level to maintain UK based publishers' international competitive position. Traditional publishing houses, that are unlikely to hold competitive advantages by presenting information in innovative formats, are especially dependent on delivering high quality content; this sort of content is unlikely to come from individuals that struggle to support themselves and their families and feel that they are not getting a return for improving their background knowledge and skills development.

Finally, the same collaboration should consider the practice of freelance journalists working "without contracts". In reality most journalists will work under the terms of some sort of agreement; be it verbal, implied or written. Since written contracts are often not exchanged significant insecurity exists for both parties (publisher and journalist). When disputing working relationships it is difficult to establish the respective position that both parties find themselves in. It is impossible, based on the data here gathered, to suggest a possible improvement of this situation but it needs to be highlighted that processes of engagement between publishers and journalists should address this situation and consider taking corrective measures.

BIBLIOGRAPHY

1. Boox. 2010. *The Boox Report: Analysis of the UK's self-employed workforce*. Available at: http://campaigns.boox.co.uk/the-boox-report/?gclid=CK_1_fOW7bwCFYjLtAod7XsAgA
2. EU Policy Unit. 2014. *Contractual arrangements applicable to creators: law and practice of selected Member States Study*. Available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493041/IPOL-JURI_ET\(2014\)493041_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493041/IPOL-JURI_ET(2014)493041_EN.pdf)
3. Franks, Suzanne. 2013. *Women and Journalism*. London: I.B.Tauris
4. Journalism Training Forum. 2002. *Journalists at Work Report, 2002*. Available at: http://www.skillset.org/uploads/pdf/asset_262.pdf?1
5. Journalism Training Forum. 2002. *Journalists at Work Report, 2002*, page 17. Available at: http://www.skillset.org/uploads/pdf/asset_262.pdf?1
6. Journalism Training Forum. 2012. *Journalists at Work Report, 2012*. Available at: http://www.nctj.com/downloadlibrary/jaw_final_higher_2.pdf
7. Milburn, Alan. 2012. *Fair Access to Professional Careers report 2012*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61090/IR_FairAccess_acc2.pdf
8. Nel, François. 2010. *Laid Off What do UK journalists do next?* Available at: <http://www.journalism.co.uk/uploads/laidoffreport.pdf>
9. NLA Media Access. 2012. *NLA Media Access Annual Review*. Available at: http://www.nlamediaaccess.com/uploads/public/Publishers/NLA_Annual_Review_2012.pdf
10. Office for National Statistics. 2012. *The Labour Force Survey, 2012*. Available at: <http://www.ons.gov.uk/ons/guide-method/method-quality/specific/labour-market/labour-market-statistics/index.html>