



European Federation of Journalists

**Freelance Journalists in the
European Media Industry**

Report

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Preface

The following study is built on previous EFJ and IFJ reports and surveys regarding the social and legal position of freelance journalists in Europe and world-wide. 'The Future is Freelance' was the title of an EFJ seminar organised in Berlin in 1994, and almost ten years later this title has regrettably prophetic value. This report suggests that in a changing media landscape the use of freelance work in journalism is dramatically increasing. The "golden age" of the traditional reporter 'embedded' in a secure and stable working environment is being gradually replaced by a new work form in which journalistic work or content production is increasingly out-sourced by media employers. The changing market is characterised by concentration of ownership and media employers defining journalism primarily as an economic activity.

In several Central and Eastern European countries, freelancing is by now the major work form in journalism.

We do have to adapt to this scenario. Unions, journalists, employers as well as national and European social policy makers must find solutions that guarantee decent working conditions, basic social security and quality.

Not only the profession of journalism but the reliability of information is at risk. Politicians and civil society should be made aware of this potential danger and take appropriate measures.

This report provides policy suggestions for improving the situation of freelance journalists.

We would like to particularly thank the two researchers, Roberto Pedersini and Gerd Nies for their diligent and deep analysis. Both have a background in labour law research. Gerd Nies as a former freelance organiser within ver.di and former negotiator for IG Medien can speak with the authority of long trade union experience in the media and Roberto Pedersini has conducted several studies on the issue of economically dependent workers (*see footnote 1*).

I would also like to thank the EFJ Freelance Expert Group, especially both chairs, Arne König and Michael Hirschler for their important input and hope that this study will foster consciousness for the need to work together in this important issue— staff and freelance journalists; unions and employers; governments and parliaments.

*Renate Schroeder
European Director
Brussels, October 2003*

Introduction: The Issue

The issue of freelance journalists in the European media industry is attracting increasing attention by all the actors involved, and especially the trade unions. This is due to the fact that it represents one of the main challenges both to the traditional organisational forms, which largely have relied on long-term employment relationships and open-ended contracts. This issue also represents a challenge to the existing regulatory framework for labour, which was based on the assumed prevalence of those stable employment relationships. Now the picture has changed and there is growing evidence that freelance work is becoming a prominent feature of the media industry, and among journalists. This transformation will probably have important consequences: if the media depends more and more on the contribution of freelance journalists, there will be relevant changes in the organisation of press work, with possible impacts on the contents of the employment relationship, as well as in trade union representation and collective bargaining. The challenges involved in this change will not affect the unions alone, but also the media sector as a whole and the standard ways to manage a media company and, along with it, the quality and independence of the media.

The diffusion of forms of employment, which stands mid-way between dependent employment and self-employment, is not limited to journalists and the media industry. In fact, it has attracted the attention of different actors - researchers, social partners and public authorities - and has been the object of different analyses¹. One of the main starting points of all these research and analytical efforts is the growing awareness that an increasing share of self-employment is characterised by lower levels of protections than dependent employment (both in terms of legal regulation and collective bargaining coverage). However, self-employed workers do not benefit from the higher levels of bargaining power and compensations which are typically attached to the traditional professions, thanks to specific knowledge, high skills and, in certain cases, regulations which provide both some sort of certification of such skills and limit access to the profession.

Some sort of 'unregulated (and unprotected) dependent employment', which has been always recognised in the informal sector, especially in the southern hemisphere, is extending its reach, though under very different circumstances and with far less dramatic features, to the formal sectors of economically advanced countries, including Europe. This can happen through various means, such as labour market reform, industrial restructuring, as well as the scope of subcontracting and contractual relationships, and, in certain activities, the growth of new professions

¹ Pedersini, R. (2002), *'Economically dependent workers', employment law and industrial relations*, European Foundation for the Improvement of the Living and working conditions, European Industrial Relations Observatory, <http://www.eiro.eurofound.eu.int/2002/05/study/TN0205101S.html>; ILO (2003), *The scope of the employment relationship*, International Labour Conference, Report V, 91st Session 2003; Perulli, A. (2003), *Economically dependent/quasi-subordinate (parasubordinate) employment: legal, social and economic aspects*, study prepared for the European Commission, Directorate-General for Employment and Social Affairs.

characterised by high levels of technical skills, like in the case of Information and Communication Technologies (ICTs).

As it has been already recognised, this picture contains very different occupational situations, in terms of skill levels, bargaining power, remuneration, and so forth. Of course, the main concerns refer to the components of such a heterogeneous group which are less equipped to cope with an independent position on the labour market and with a direct relationship with the employer, due to their lower skill endowment and, consequently, bargaining power. It is a situation, which has been sometimes termed as 'economically dependent'. According to a European Industrial Relations Observatory (EIRO) study, 'economically dependent workers' share characteristics of both self-employed workers and employees since:

- (1) They are formally self-employed (they usually have a sort of 'service contract' with the employer); and
- (2) They depend on a single employer for their income (or large part of it). In some cases, economically dependent workers may also be similar to employees from other points of view:
 - Lack of a clear organisational separation – i.e. they work on the employer's premises and/or use the employer's equipment;
 - No clear distinction of task – i.e. they perform the same tasks as some of the existing employees, or tasks which were formerly carried out by employees and later contracted out to 'collaborators'; and
 - The 'service' they sell individually to employers falls outside the traditional scope of 'professional services' – i.e. the tasks are simple, do not require specific skills and no professional knowledge or competence is needed².

The position of journalists in this debate is quite peculiar. Actually, journalists have always been characterised by a high degree of independence, autonomy and professional skills: all features which are distinctive of many true self-employment positions. And in fact, freelance work has always been present among journalists, though with varying importance in different countries and usually as a minority share in overall employment. However, there are a series of points that need to be stressed before going on with our analysis.

Firstly, as just mentioned, this form of employment relationship involved a limited number of all journalists: generally those who both chose to be self-employed and were experienced enough to be confident of their ability to gain better conditions as freelancers than as employees.

This type of situation has changed as media companies have increasingly become more reliant on freelance journalism, implementing a strategy characterised by transnational media expansion, de-verticalisation and de-concentration of firms and flexibilisation of organisational structures in order to quickly adjust to volatile and ever-changing demands. Thus, if freelance contractual arrangements extend to a greater number of press workers and to journalists who do not show the above-mentioned combined features - such as young people who are starting to work as journalists or older journalists made redundant in reorganisation processes - some

² Pedersini, *'Economically dependent workers'*, p. 1.

questions arise about the ways in which it can be possible to provide these workers with some basic protections.

Secondly, the traditional presence of self-employment in journalism provides a ready-to-use contractual form to accommodate the new propensity of employers for non-dependent employment relationships. This set-up functions for both cost-related and organisational reasons, as well as providing a relatively socially acceptable solution, which does not require the introduction of totally new employment forms which may be perceived as greatly disruptive to existing arrangements. Yet, it is not the presence of self-employment, but its widespread use and extension to a large array of individual situations, which could make the existing labour regulation and protections for journalists ineffective.

Thirdly, in such a sensitive activity as journalism, it is actually the stability of the employment relationship, together with the related economic stability, which can contribute significantly to the effectiveness of independence and autonomy in the exercise of this profession. Therefore, it is important to guarantee a regulatory framework, which grants all journalists, including freelancers, a set of basic rights and protections.

From a regulatory point of view, the growth of freelance positions signifies a shift towards market mechanisms and, therefore, an increasing importance of individual bargaining power. What should be the bargaining power of an individual freelance journalist vis-à-vis the publisher? In terms of representation and collective bargaining, freelance journalists are less likely to be members of unions and are usually covered to a far less extent by the terms of collective bargaining. How can unions cope with these situations? As for working and economic conditions, freelancers are generally in a disadvantaged position compared with employed journalists. Apart from any considerations of fairness, this contradicts the expectations of receiving higher wages, since freelance journalists bear the economic risk of their activity.

Moreover, owing to the characteristics of journalism (independence, autonomy, professional skills), it is particularly difficult to distinguish between *free*, *false* or *forced* self-employed journalists. *False freelancers* can go to court to have their dependent employment situation recognised. However, aside from the direct costs, difficulties and uncertainty of such an action, there might be important consequences for the journalist's career prospects, especially if the court rejects his or her request. For this reason, a collective solution, if viable, could be much more effective than case-by-case interventions. *Forced freelancers* represent an even more difficult case for individual protection and necessitate an institutional response.

The basic fact is that the diffusion of freelance work in journalism makes the existing regulatory framework unsuitable to guarantee independence, autonomy, decent living and appropriate levels of protection for journalists. As a consequence, an important objective would be to achieve the following: legal intervention to provide basic rights and social protection measures to support the bargaining power of journalists, both individually and collectively, in order to provide the media sector

with a proper degree of stability and regulation which would positively affect both working conditions and the quality and efficiency of the media services.

1. The EFJ Project

A first and relevant indicator of the growing importance of the issue surrounding the regulation of freelance work in journalism is the great attention that has been attached to it by journalists' trade unions in recent years. Owing to the lack of detailed information on this topic, the first efforts have been directed to the collection of data and information, both quantitative and qualitative, regarding the diffusion and working conditions of freelancers in journalism on a national and transnational basis³. At the same time, there have been different initiatives aimed at providing information and specific services to freelancers, as well as efforts to organise freelancers and strengthen representation and collective bargaining.

This project is actually part of these efforts and, with the support of the European Commission, aims to increase the knowledge and awareness of the working conditions of freelance journalists. It is meant to provide social partners, European and national institutions, the public at large and the journalists themselves with some basic data and reflections on the present situation of freelance journalists in Europe and future possible developments, with a special attention given to institutional and regulatory aspects.

As in previous initiatives, the first challenge this study addresses is the structural lack of information on freelance work in the media sector. In fact, there are limited available statistics that can be used to analyse the issue, and more to the point there is no comparable data. As previously mentioned, trade unions are in the forefront of this effort and have conducted several surveys trying to collect data both at national and at international level. However, given the scarcity of relevant data in official statistics, it is always quite hard to collect information, not least for the cost that this might involve. As a consequence, trade unions themselves are the main source of information on this topic and this study is no exception, as unions provided their own data and tried to collect the scattered information that exists on the topic.

In the framework of this project, two questionnaires were submitted to national journalists' trade unions. The first one tried to investigate the relevance of the issue of freelance journalists in terms of diffusion, rate of growth, economic conditions, welfare protections and pension schemes. The second one was focused on the priority given to this issue by trade unions, the actions taken to address it, the role of freelancers in the unions and representation and bargaining mechanisms that involve freelancers. Finally, for two countries (Germany and Italy), a broader set of data was collected and a series of interviews with freelance journalists and other relevant actors were carried out, in order to provide two more in-depth analyses of the situation of freelance journalists. The two countries were selected both for

³ European Federation of Journalists (1997), *Survey on Social Status of Freelance Journalists in Europe*, research by the Freelance Expert Group (FREG).

organisational reasons and since they represent two interesting cases in terms of the diffusion of freelance journalism and of the existing regulatory framework.

A first result that emerges from this project is a demand for a renewed commitment to collect data and information on freelance workers and monitor their working conditions, in order to ensure a proper basis for the interventions, which are needed. With certain limitations, we believe that this project was able to collect relevant data and provide significant insights into the issue of freelance work in journalism, which could be of some help in the debate over new forms of (self-) employment in the whole media industry and in other sectors too.

2. Freelance Journalists in Europe: An Overview

The number of freelance journalists has been increasing steadily in recent years, usually at a faster rate than staff journalists as a whole. Even if it is not the object of this report, we will outline two of the main reasons that can explain the growth of freelance work in journalism. First of all, the media sector has been affected by the more general process of industrial restructuring, which put special attention on cost effectiveness and the implementation of new organisational forms to increase a firm's responsiveness, adaptability and, as an outcome, competitiveness. This process involved downsizing and the diffusion of new employment relationships not based on open-ended contracts, but on shorter term or independent work contracts, which are both less expensive and more adaptable to market fluctuations.

Second, the development of new ICTs has found an almost natural, rapid and broad application in the media sector, since it produces, treats and disseminates information. In particular, ICTs have allowed for the re-engineering of production processes, they have amplified the possibility to work autonomously and at a distance from the firm premises, including for journalists, and they have made it possible to create new products (like electronic newspapers), which can utilise the traditional journalists' skills in totally different environments. The economic and technological transformations have produced both more demand and more opportunities for freelance work in the media industry, and the work of journalists has been remarkably affected by the impacts of the combined trends.

So far, a significant share of journalists, often around 20% or more, are employed through freelance contracts in all countries, including candidate countries. In the cases of Greece and Hungary, they reportedly represent the majority of journalists.

To summarise the results of our project, we are saying that freelance journalists present a series of weaknesses in comparison to employed journalists:

- a) Wage levels are usually lower, even if their work typically involves a great deal of professional skills;
- b) In many cases contractual rights of freelancers are not implemented. Even the contract might be missing, since service contracts are often concluded as 'gentlemen's agreements'. This situation is usually a consequence of their weak bargaining position with respect to the employer;

- c) Job security is limited - there are no protections against dismissals and few costs involved in firing (for instance, there is no severance payment);
- d) Representation of freelancers is widespread, however it can be difficult to organise collective action, essentially because of their dispersion across different employers and of the high individual costs (direct and indirect alike) of conflict;
- e) Welfare protection is often lacking. When there is some sort of coverage, conditions are usually less favourable than those for employees, since the formal and typical reference is self-employment, which carries the assumption that these kind of workers can afford to look after their own welfare protection schemes, above a statutory minimum level.

However, there are not only drawbacks for journalists who work as freelancers. In fact, many do choose to become freelance journalists, in spite of all the difficulties, since this employment arrangement can better meet their expectations in terms of the organisation of work and working time, including more scope for conciliation of work and other activities, of professional independence and personal interests. Of course, the positive elements of freelance work would become much more significant, even from an individual point of view, if such employment relationships were characterised by at least a basic set of rights and guarantees. In other words, the viability (and social sustainability) of the development of freelance work seems to rest on the introduction of rules that change the existing balance between costs and gains in favour of the latter.

Another important aspect is the preference to avoid the classification of freelance workers as self-employed. In fact, there are at least two other options that have been followed as far as the legal status of freelance workers is concerned.

First of all, the freelance employment relationship could be defined as a third status, mid-way between self-employment and dependent employment. This is the case in Germany and Italy. In Germany, the status of 'dependent freelancer' was defined in a manner which is very close to the concept of 'economically dependent workers', while in Italy a formal employment relationship has emerged: the so-called 'coordinated and continuous collaboration contract'. In both these cases some aspects of protection are connected to the new status. Typically these include a certain pension coverage, to which other protections may be added later, as happened in Italy for health and safety insurance and maternity allowance.

Secondly, freelance work can be legally regarded as dependent employment, by way of an assumption of subordination, as it happens in France for the so-called 'pigiste', that is the journalists who are paid 'by the piece' (article, photo, and so forth). In fact, the labour code (law 761-2) extends to 'pigistes' a wide set of protections which apply to employees in case of illness, maternity, industrial accidents, unemployment, retirement, dismissal, (including severance pay), the provision of paid leave and training, and the application of the journalists' collective agreement. Of course, the latter choice makes the regulatory framework of 'pigistes' the same as that for employees, at least in principle, since problems of enforcement do arise in the individual cases.

While the first option has so far proved rather weak, in terms of the levels and the effectiveness of the protection that it usually involves, the second option could present a rigid structure, as it simply extends the conditions of employees to freelancers (establishing a similar identification, but opposite in content, as the one between freelancers and self-employed) and it can hinder the viability of certain kinds of firm reorganisation and provoke high pressures to circumvent such a regulation. The 'pigiste system' probably provides the highest possible level of protection for freelancers. However, the establishment of a general set of basic rights which apply to all workers, regardless of their formal employment status, represents a further possibility which has been debated, so far, especially in Italy, in the framework of the discussion on the so-called 'Jobs' Statute'. On top of these basic protections, specific regulations refer only to employees. The general application of basic protections would help find a fair solution and overcome the possible problems of enforcement, while at the same time allowing a certain degree of adaptability to the specific situation of freelancers.

2.1 *The diffusion of freelance work in journalism*

According to the information collected through our surveys, in eighteen European countries, there are some 100,000 freelance journalists, which represent more than a quarter of all journalists.

Table 1. Number of journalists and freelance journalists in 18 European countries

<i>Country</i>	<i>Total number of journalists</i>	<i>Freelance journalists</i>
Belgium	4,500	950
Croatia	6,000	2,000
Denmark	12,000	2,000
Estonia	2,000	400
Finland	13,257	1,414
France	34,784	6,230*
Germany	75,000	40,000
Greece	12,000	7,500
Hungary	9,000	5,400
Iceland	660	100
Italy	27,114	12,918
Luxembourg	320	30
Norway	9,000	800
Portugal	5,000	250
Slovenia	1,448	209
Spain	20,000	5,000
Sweden	20,000	3,000
Switzerland	12,000	4,000
United Kingdom	70,000	11,000
<i>Total</i> <i>(% of total)</i>	<i>334,083</i>	<i>103,201</i> <i>(30,89)</i>

Source: EFJ surveys, different years, last available

* This number corresponds to professional journalists who, as for French law, must be paid accordingly to the ordinary wage system ('à la pige'). In France, the number of formally independent workers is very small.

Self-employment (the employment form to which freelance work legally belongs to) is far more present in journalism than in other activities. This is due to its already mentioned specific occupational features, like independence, autonomy and high professional skills. The growth in freelance work, which has been reported in many countries, could then be linked to a broader tendency towards self-employment. However, after a decade in which self-employment seemed to increase its share out of total employment, in the 1990s there was an almost generalised reduction in the number of independent workers. Between 1995 and 2001, the share of self-employment in total non-agricultural civil employment rose slightly only in the Netherlands, Germany, Austria and in some of the candidate countries. Therefore, the impact of competitive pressure, of new organisational forms and of the application of ICTs on the composition of employment in terms of occupational status seems to be far from generalised. Rather, it is probably concentrated in some sectors and activities, and one of the main examples seems to be the media industry, and journalism in particular.

Table 2. Share of self-employment (SE) out of total non-agricultural civil employment and of freelance journalists (FJ) out of total journalists, and recent trends

<i>Country</i>	<i>SE (%)</i>	<i>FJ (%)</i>	<i>Change in SE share 2001/1995</i>	<i>Change in FJ share 2003/1995</i>
Austria	7.8		0.6	
Belgium	13.8	21.1	-0.0	
Czech Republic	14.6		3.1	
Denmark	6.9	16.7	0.0	7.5
Estonia		20.0		
Finland	9.3	10.7	-0.9	-1.9
France	6.8	17.9	-1.1	
Germany	9.5	35.7	0.7	7.7
Greece	25.0	62.5	-2.8	
Hungary	12.1	60.0	-4.6	
Iceland	13.9	17.9	-1.7	
Ireland	12.7		-0.8	
Italy*	22.8	47.6	-0.4	10.3
Luxembourg	5.1	9.4	-1.2	
Netherlands	9.8		0.1	
Norway	4.8	8.9	-1.0	-2.9
Poland	11.9		0.5	
Portugal	17.4	5.0	-1.9	
Slovak Republic	8.3		1.6	
Slovenia	0.1	14.4	0.0	6.1
Spain	15.9	25.0	-2.6	

Sweden	8.6	15.0	-0.7	5.3
Switzerland		33.3	-	
Turkey	23.0		-2.4	
United Kingdom	10.8	15.7	-1.4	1.9

Source: EFJ surveys.

* Data for Italy refer to 1998 and 2002.

For the subset of countries for which it was possible to collect data, the number of freelance journalists has increased remarkably in recent years, at a significantly faster rate than dependent journalists. The only exceptions are Finland and Norway where the growth of journalists was due essentially to dependent work, while the number of freelance journalists actually decreased. In Germany and Slovenia, the growth of freelance work seems to be connected to some sort of substitution between freelance work and dependent employment. In the majority of cases, as it can be seen from table 3, the rate of growth of freelance work is generally much higher than that of dependent journalists and often as high as four times more. This difference in the rate of growth does not seem to be due to the marginal role of freelance work in the first place, since already in 1995 freelance journalists represented some 22% (as a weighed average, or 21% as a simple average) of all journalists in the eight relevant countries.

Table 3. Percentage of freelance journalists (FJ) out of total journalists and rate of variation of freelance and dependent journalists (DJ)

Country	FL 2003 (%)	FL 1995 (%)	Variation in FJ 2003/1995 (%)	Variation in DJ 2003/1995 (%)
Denmark	16,7	9,1	185,7	43,4
Finland	10,7	12,6	21,2	46,3
Germany	35,7	28,0	45,0	1,6
Italy*	47,6	37,3	90,1	24,4
Norway	8,9	11,8	23,1	69,1
Slovenia	14,4	8,4	69,9	-8,1
Sweden	11,9	9,7	26,7	0,7
United Kingdom	15,7	13,8	22,2	5,4
<i>Total</i>	<i>26,9</i>	<i>21,9</i>	<i>38,1</i>	<i>4,9</i>
(Number)	(71.341)	(51.650)		

Source: EFJ surveys * Data for Italy refer to 1998 and 2002.

2.2 Pay and welfare protections

From an economic point of view, freelance journalists receive a smaller level of pay than the average journalist, and in a number of cases even lower than the national average. The only exception is the UK, where the image of professional journalists, who can obtain some sort of remuneration for bearing the economic risk of an independent activity is partly met. However, in all the other cases there is no compensation for the lower protection levels and higher expenses that a freelance journalist must incur. Moreover, in some countries (Italy, Norway and Sweden) the reported wage of freelancers is significantly lower than the average national wage, stressing the precariousness of their situations.

Table 4. Average annual gross wage of freelance journalists (FJ)

Country	FJ average annual gross wage as a percentage of average wage	FJ average annual gross wage as a percentage of journalists' average wage
Denmark	131	91
Finland	147	85
Germany	104	80
Italy	42	22
Norway	73	56
Sweden	79	70
United Kingdom	114	100

Source: EFJ surveys

From these figures, it is possible to conclude that the income situation of freelancers is - to say the least - unsatisfactory, sometimes even dramatically low. In fact, if we consider the level of economic compensation together with the market situation, which increasingly shows the emergence of a limited number of large media firms,

we can certainly affirm that freelance journalists are very likely to be among so-called 'economically dependent workers'. This is even more true if we take into consideration the high heterogeneity of self-employment relations - some freelance journalists do correspond to the image of a high professional, with considerable skills, experience, bargaining power and a consequently high income. However, an increasing number of low-income and sometimes under-employed workers are being hired as freelancers, resulting in a quite low average income. Freelancers, in principle, should have a higher income than employees, in order to be able to balance the higher costs and the risks involved in carrying out an entrepreneurial activity. Therefore, the difficult situation of the majority of freelancers is absolutely evident.

In general, social security and welfare systems do not cover freelancers' risks adequately. Since they are formally treated as self-employed workers, existing provisions do not take into account their specific conditions, as far as low job security and income levels are concerned. This is particularly true when the welfare systems are centred around occupational situations and are mainly designed to meet the needs of workers with standard employment relationships, as in the case of southern European and, to some extent, also central European countries. The situation is significantly different in northern Europe, where welfare protections are conceived more as citizenship rights and coverage is provided in an universalistic manner.

In most cases, national health services or similar universalistic welfare programmes ensure coverage in case of illness. However, statutory sick pay is provided for only in Finland and - with restrictions - in Norway. Moreover, it is generally available only if the self-employed worker is willing (and able) to stipulate (and pay) adequate insurance, which results in the level of actual protection being far lower than in case of employees. In France and Germany health insurance, including some form of sick pay coverage, is available only thanks to the recognition of a special legal status: of 'pigiste' in France and of 'arbeitnehmerähnlich' (socially in need of protection and therefore 'comparable to employee') in Germany. In Germany such coverage may be ensured through participation to the cultural sector special insurance KSV (*Künstlersozialversicherung*). Other basic provisions like maternity pay and holiday pay are available for freelancers in a number of countries, including France, Germany, Sweden and UK. In Germany, basic holiday pay is provided by law for freelancers considered 'arbeitnehmerähnlich', while in some countries it is included in collective agreements which cover freelancers.

The risk of unemployment is rarely covered, since self-employment was traditionally considered outside the scope of such risks. However, the precariousness of many freelance collaborations and the common experience of spells of employment followed by spells of unemployment (or under-employment) highlight a particularly vulnerable element of the working conditions of many self-employed journalists. Where, as in Finland or Sweden, freelancers might have access to unemployment benefits, this generally requires the willingness to accept jobs in sectors and occupations other than journalism. Only in Denmark, freelancers can join an unemployment insurance scheme which entitles to cash benefits, vocational training and continuing education.

When the level of protection is linked to income, the position of freelance journalists can be critical. In fact, the low-income levels freelance journalists show on average cannot contribute to private insurance schemes or even significantly increase provisions over the statutory minimum. This applies particularly to pensions schemes, which are almost everywhere linked to income levels, be they in the form of general or occupational programmes. Furthermore, pension reforms, which are under way in these years in many countries, are implementing this correspondence even more strictly. Even if welfare systems include freelance journalists in pension schemes, they generally guarantee only minimum level of protections. Higher pensions require relevant contributions and in almost all cases these payments have to be made by freelancers alone, whereas employed journalists have part of their contributions covered by the employers. In Germany, the system of the KSV provides for equal payments by the freelancers and the employers, or the state; the problem is that it covers only a part of all freelance journalists. Moreover, freelancers are not always granted access to sectoral pensions schemes devised for employed journalists or, again, enjoy lower protections. Given the above mentioned situations, poverty in old-age seems to be a realistic perspective for journalists.

For this reason, efforts to support the income of freelance workers and/or associate the employers in financing their welfare protections are two important steps that should be taken. To achieve the first objective (income support) a stronger role of collective bargaining can be important, as well as measures to increase job security, both through the support of journalists' employability and the definition of basic unemployment benefit schemes. The second intervention (sharing the costs of freelancers' welfare) is justified by the fact that the reorganisation processes, which involve a substantial utilisation of freelance work structurally, shift quotas of economic risks from the employer to the self-employed workers. This is acceptable when self-employment corresponds to a genuine entrepreneurial activity which is adequately paid; if this is not the case, as it seems to be in many circumstances that involve freelance journalists, new ways to settle a fair balance between a firm's adaptability and worker's welfare must be defined.

Moreover, the access to any welfare schemes designed for journalists should be open to freelance journalists too, in order to avoid unjustifiable differences. There are in fact schemes established either unilaterally by unions (or on another associational basis) or through collective bargaining. While the first ones are already open to freelancers (but a better consideration of their economic situation would be helpful), as they are part of the relevant unions or associations, the extension of the second ones requires a fuller involvement of freelancers in the unions and in collective bargaining.

2.3 Self-employment: Choice or Fate?

No transnational or even national comparable surveys exist to give an answer to the question why journalists choose self-employment. In general, the main reason seems to be the recent transformations of the labour markets, which resulted in a limited offer of jobs for journalists in regular employment. A second possibility is the increasing importance of freelance work as an entry-port to journalism for young

people, even if the data we have collected suggest that the shift to self-employment is structural rather than linked to the emergence of a new 'selection mechanism' which eventually leads to permanent employment. Besides, increased difficulties in finding a job during the recent economic slow-down might have supported a choice for self-employment, even in the case of highly qualified persons, including journalists.

However, even if all these reasons had a significant impact on their choice and we cannot neglect the diffusion of forced and false self-employment, it is possible to argue that the majority of freelancers made a deliberate choice, or at least they present their choice to be a freelance as a voluntary option. In the few countries for which we could have access to surveys which included questions related to this theme, at least two thirds of freelancers affirm their choice was deliberate and the percentage of freelance journalists who actively strive for regular full-time employment is even less than a third. For instance, this is the case of a survey carried out in the German-speaking part of Switzerland⁴: only 20% of the interviewees was interested in regular employment, and 15% emphasised freelance journalism as a possibility to start a career as journalist. For 10% of them, the reason for taking up a freelance contract was the loss of a job as an employed journalist. On average, independence in the job, better possibilities to combine job and other obligations or interests, and greater versatility in the job are considered the main advantages of a freelance post. A survey, which was conducted in Germany, brought similar results⁵.

These surveys also show that freelancers often seek long term cooperation with a restricted number of employers and many of them consider themselves as permanent employed freelancers, somehow in between employee and self-employment. What they aim at is improvement of their situation as a freelancer in terms of income chances and security rather than dependent employment. It can be supposed that the situation should not be too different in other countries - and unions' experiences show that a prerequisite for successful campaigning amongst freelancers is addressing them as freelancers and not as would-be-employees.

2.4 Union Representation and Collective Bargaining

All the unions - some of them general unions, other occupational unions for journalists - which have participated in the EFJ survey include freelance journalists in their membership, and this is no surprise since freelance work is a traditional feature of journalism. Actually, freelance journalists represent an average of 20% of all union members (but freelancers are a third of all members of the 16 unions taken into consideration). The union density of freelancers is quite high, as for employed journalists, and in some cases is even higher than that of employees. The simple average of national union densities shows a level of almost 50% for all journalists and specific densities of 53% for employees and 41% for freelancers. This proves the capacity of trade unions in attracting freelance journalists and also the

⁴ *Umfrage zu den rechtstaatsächlichen Verhältnissen der freien Journalistinnen und Journalisten in der Deutschschweiz*, carried out by Comedia and Swiss Federation of Journalists in 1996.

⁵ See Annex I

identification of self-employed journalists within the category as a whole. However, with a few exceptions, the share of freelance journalists with membership is usually lower than their share among journalists, which means there is a certain degree of under-representation of self-employed journalists. This situation is particularly evident in the cases of Greece, Switzerland, Croatia and Estonia, while on average it amounts to some 6%.

Table 5. Indicators of trade union representation of freelance journalists: membership, share in membership, specific union density (UD) and a representation index (Rindex)

<i>Country</i>	<i>Total union members</i>	<i>FJ union members</i>	<i>Share of FJ in membership</i>	<i>Total UD</i>	<i>UD FJ</i>	<i>UD DJ</i>	<i>Rindex*</i>
Belgium	3,500	800	22.9	77.8	84.2	76.1	1.7
Bulgaria	850	370	43.5	-	12.3	-	-
Croatia	3,000	400	13.3	50.0	20.0	65.0	-20.0
Denmark**	12,000	2,000	16.7	-	-	-	0.0
Estonia	640	20	3.1	32.0	5.0	38.8	-16.9
France***	500	50	10.0	1.4	0.8	1.6	-7.9
Germany	65,000	30,000	46.2	58.0	75.0	48.6	10.4
Greece	800	100	12.5	6.7	1.3	15.6	-50.0
Hungary	7,000	4,000	57.1	77.8	74.1	83.3	-2.9
Iceland	580	50	8.6	87.9	50.0	94.6	-6.5
Italy****	23,647	8,033	34.0	32.9	16.0	71.8	-13.6
Luxembourg	165	20	12.1	51.6	66.7	50.0	2.7
Norway	8,500	700	8.2	94.4	87.5	95.1	-0.7
Slovenia	700	100	20.0	48,3	47,8	48,4	-0,1
Sweden	16,500	1,900	11.5	82,5	63,3	85,9	-3.5
Switzerland	2,000	60	3.0	16.7	1.5	24.3	-30.3
<i>Total</i>	<i>145,382</i>	<i>48,603</i>	<i>19.8</i>	<i>51.3</i>	<i>40.4</i>	<i>57.1</i>	<i>-7,6</i>

Source: EFJ surveys, different years, latest available

* Rindex = share in membership - share in employment. If negative means under-representation.

** Data on journalists are limited to those who are union members. Unionisation rate is not known.

*** Data include only affiliates to USJ-CFDT.

**** Data refer to journalists as registered in the professional order (ordine professionale). Non professional registered journalists are assumed to be freelancers for the calculation of union density.

The second survey carried out in the framework of the EFJ (that on unions and freelance journalists), shows that the freelance issue is considered of great importance by European trade unions. For ten organisations out of eighteen⁶,

⁶ They are the journalists' unions which operate in seventeen European countries: Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Greece, Hungary, Iceland, Italy, Luxembourg, Norway, Portugal, Slovenia, Slovenia, Sweden, and Switzerland. The organisations which responded to the questionnaire are actually 18, since we collected two questionnaires from Slovenia: one from the union and second one from the professional association.

freelance journalists represent a prominent issue, while in only one case (Bulgaria) freelancers are not considered to be an important issue at all. Apart from the case of Bulgaria, however, the issue of freelance journalism seems to be particularly relevant in some of the central European candidate countries, where three connected trends are seemingly at play: the share of self-employed journalists is significant, unionisation rate among freelancers is either very high or very low (showing either organisational strength or structural under-representation) and the unions are operating actively to address the issue of freelance work. In particular, the attention to freelance work in journalism seems to be remarkable in Hungary and Slovenia. From this point of view, the regulation of freelance work could be an important topic to be addressed jointly in transnational cooperation.

Table 6. Relevance of the freelance issue in Europe

	<i>No. of responses</i>	<i>Percentage of valid cases</i>
Prominent issue	10	58.8
To some extent	6	35.3
None	1	5.9
Missing	1	-
<i>Total</i>	<i>18</i>	<i>100,0</i>

Source: EFJ surveys

Of course, this attention to the freelance issue is reflected in a number of initiatives which the unions are carrying out. These include:

1. **Surveys and workshops** to increase the knowledge of freelance journalists' situation and working conditions. They were or are being carried out in countries such as Portugal, Slovenia, Spain, and Sweden.
2. **Awareness-raising campaigns** to support freelancers' demands in the public debate or targeted to journalists and freelance journalists to inform them of existing rules and the opportunities to obtain protection and representation (recommendations, booklets, handbooks, etc.).
3. **Lobbying activities** to have a certain status or some specific rights and protections recognised.
4. **Organisational transformations** to provide specific forums or representation room for freelance journalists (seats in national committees, freelance groups, etc.).
5. **Special services for freelancers:** fiscal and financial advice and services, advice on author's rights training opportunities, assistance in individual disputes (such as the recognition of the employee status), internet-based information services.
6. **Collective bargaining** on working conditions, terms of payments, guidelines for individual contracts, etc.

The areas of greater concern for the unions are wage levels, which was mentioned by almost 80% of the interviewees, working conditions (67%) and job security (44%). This is a picture that reflects the weaknesses generally attached to the position of 'economically dependent workers'.

Table 7. Areas of unions' concerns in relation to freelance journalists

<i>Area of concern</i>	<i>No. of responses</i>	<i>Percentage of responses</i>	<i>Percentage of cases</i>
Wage levels	14	26.9	77.8
Working conditions	12	23.1	66.7
Job security	8	15.4	44.4
Health and safety	6	11.5	33.3
Pension coverage	4	7.7	22.2
Unemployment benefits	4	7.7	22.2
Copyrights	2	3.8	11.1
Union representation	2	3.8	11.1

Source: EFJ surveys

As for collective bargaining, union action has succeeded in gaining coverage in a number of countries (table 8). There are twelve countries out of twenty-one in which some sort of collective bargaining on freelance journalists takes place, even if the content and depth of such bargaining is usually quite limited (for instance, some guidelines for the conclusion of individual freelance contracts can be set out, as happened in Italy with the 2001-2005 national agreement). The bargaining level, which is mostly present, is the sectoral one (seven cases: Belgium, Denmark, France, Germany, Italy, Norway and Sweden), followed by local negotiations (Denmark, Finland, France, Slovenia and UK) and national intersectoral bargaining (France, Slovenia and Switzerland).

Table 8. Collective bargaining on freelance journalists

<i>Country</i>	<i>Collective bargaining</i>	<i>Sectors covered by collective bargaining**</i>			<i>Content</i>		
		<i>Public broadcast</i>	<i>Press</i>	<i>Other media</i>	<i>Basic provisions</i>	<i>Rates</i>	<i>Others</i>
	<i>Presence</i>						
Belgium	Yes		Xy			x	
Bulgaria	No						
Croatia	Yes*						
Cyprus	No						
Denmark	Yes	xy	xy		x	x	x
Estonia	No						
Finland	Yes	xy	xy		x		
France	Yes	xy	xy	xy			x
Germany	Yes	XY	xy	xy	x	x	x
Greece	No						
Hungary	No						
Iceland	No						
Italy	Yes	Xy	Xy	Xy	x		x
Luxembourg	No						

Norway	Yes	XY	xY	x	x	x	x
Portugal	No						
Slovenia	Yes*						
Spain	No						
Sweden	Yes	Xy	Xy		x		
Switzerland	Yes	XY	XY		x	x	x
UK	Yes	xy	xy				

Source: EFJ surveys

* negotiations presently under way.

** *Legend:* x = low coverage; X = high coverage; y = narrow regulation; Y = broad regulation.

The sector that is mostly covered by collective agreements, which concern freelancers is probably public broadcast. Collective agreements in this sector present a rather vast range of contents - from employment terms, rates, copyright, sick pay and holiday pay, notice periods and severance pay in the German public broadcast collective agreements to rates and copyright in Denmark. On the other hand, collective agreements at private media companies are rare everywhere. Sectoral agreements for press often include only very basic contractual regulations for freelancers (as in Finland, Italy and Sweden); some authors' rights recognition (like in France, Denmark and Norway); and rarely they set minimum rates (for instance, in Germany). Moreover, coverage does not extend to all or even most firms and provisions are often reported to be disregarded in practice, as it happens in Germany.

Even in countries with strong union traditions and a long history of freelancers in journalism, collective bargaining for freelancers is subject to restrictions - be they legal or in practice, or both. In Germany, for instance, collective bargaining is legally limited to employees and 'arbeitnehmerähnliche', which is freelancers that are defined as economically dependent and similarly in need of protection - a provision that excludes a large portion of freelancers. Collective bargaining for freelancers in former socialist countries and in southern Europe often does not exist or even is not legal⁷.

Moreover, competition law and authorities hinder collective bargaining in many countries, considering agreements or even recommendations in breach of competition law. This is because freelancers are - in part - regarded as entrepreneurs, neglecting their weak bargaining power, especially in consideration of the relatively narrow market of media houses, which is affected by strong and continuing concentration processes in most countries. This attitude also neglects the fact that, for many traditional professions, state or quasi-state regulations, as well as self-regulation of professional orders, are long accepted facts.

Special conditions for freelancers often exist in public broadcasting, where freelancers generally receive a greater degree of protection, better integration and are well- or better- paid than freelancers elsewhere. Moreover, they are more

⁷ The nine countries in which no bargaining activity for freelancers was reported are: Bulgaria, Cyprus, Estonia, Greece, Hungary, Iceland, Luxembourg, Portugal and Spain.

frequently organised in unions and covered by collective bargaining, which are effectively enforced. At public broadcast companies, freelancers can often count on continuous employment, even though many precautions are taken to avoid standard open-ended employment contracts, and in some cases there exist special provisions regarding pension and social security.

It should be stressed, however, that even where the number of organised freelancers is high, contractual force of unions in collective bargaining is low. One of the main reasons for this weakness is that strike action is particularly difficult in the case of freelancers, owing to the 'free riding' problem: the individual cost of striking in terms of lower income and possible negative consequences is rather high. Besides, organising actions is more difficult or even unlikely, since freelancers are less integrated in stable relationships in the workplace and there is a high interchangeability among freelancers (and no limits apply to the substitution of freelancers on strike by other freelancers): all this makes a strike less likely and - if freelancers succeed in organising a strike - probably less effective.

For these reasons, solidarity between employed journalists and freelancers as well as joint action seem to be crucial to exert enough pressure and gain effective regulation for freelance journalists. As the experience with false freelancers in Belgium shows, this solidarity needs not to be based on altruism alone, but it can actually rest on common interests: while freelancers demand better working conditions, employed journalists may want to safeguard their own protections from being eroded by the diffusion of freelance work contracts. On these premises, successful actions were organised at company-level in Belgium, with a view to eliminate false freelancers from journalism.

3. Conclusions

Freelancers constitute an important part of media and play a major role for freedom and quality of the press and media. In order to effectively play this role, however, freelancers need to strengthen their position, while their freelance-status should be recognised as a special form of self-employment. They must not neglect their need for protection and their efforts should be focused on establishing minimum conditions, improving social security, and ensuring the possibility of collective bargaining. The achievement of these goals requires the joint commitment of all journalists, trade unions, public authorities and employers.

An underlying issue is, of course, the definition of the employment status that should be attached to freelancers. As mentioned above, there are at least three solutions: 1) establishing a new legal definition (as happened in Germany and Italy, for instance); 2) attracting freelancers in the regulatory framework which refers to employees (as in France, thanks to the rules on 'pigiste'); 3) setting up a general framework of basic rights which apply to all workers. Of course, there is a fourth option: confirming the common assumption that freelancers are part of self-employed entrepreneurs. However, we believe that our analysis has proved that this latter choice is far from satisfactory, for all the actors involved. As a consequence, we remain with the three previous options; it is the task of public authorities and

social actors to find the most suitable way to address the problems raised by the present working conditions of freelance journalists.

Whatever the legal status attached to freelancers will be, it will have, in our opinion, to provide a strong basis for the implementation of a regulatory framework which should include the following elements:

- **Introduction of basic welfare and pension protections.**

Freelancers cannot afford adequate welfare and pension schemes, without backing by a system of social security. The gaps in the social security systems must be filled, especially in countries with social security systems centred on dependent employment, where it is either difficult or even impossible for freelancers to be covered by social security. Basic old-age protection is insufficient in many cases, as the average freelancers' income only entitles them to minimum pensions.

- **Introduction of basic job security.**

One of the main risks that face freelancers remains unemployment or under-employment. Freelancers should be covered by unemployment benefits and should be granted full access to employment services, including specific training opportunities. Freelancers usually depend on a small number of employers, or even one single employer. If freelance work is carried out in the framework of a long-lasting relationship, some sort of job security should be provided by introducing a notice period and a severance pay. These elements, far from being rigid, would act as an essential resource to support genuine independence and entrepreneurial activity.

- **Introduction of basic rights.**

In order to assure decent living and working conditions, health and safety coverage, provisions for maternity leave, for illness (including sick-pay), and paid holidays must be assured for all workers, including freelancers.

- **Ensuring fair contractual terms and fair payment.**

Treating freelancers as entrepreneurs in the majority of cases does not correspond to reality. Different steps should be taken to make progress in this field: one would be to ensure or strengthen the possibilities for juridical control of unfair conditions (following, perhaps, the example of consumer protection legislation); another would be strengthening authors' rights, especially regarding fair compensation for multiple exploitation; still another one would be fixing minimum fees - and in this case the support of collective bargaining is indispensable.

- **Trade union representation.**

Unions generally have acknowledged that freelancers are an essential and indispensable part of journalism and that employed and self-employed journalists have many problems in common - and in many cases employers considers them as interchangeable - therefore solidarity as a base of union action has to include employed, as well as self-employed journalists.

Many unions accept the fact that freelancers are not entirely similar to employees, but need particular contracts and regulations. In fact many steps have been taken in order to provide specific services, which meet the needs of freelancers in terms of fiscal, financial and even business advice. Freelancers need new ways of organising too. In this field, the use of internet-based instruments has already proved powerful in connecting dispersed freelancers, in order to provide information, receive feedback and suggestions and organise initiatives. Moreover, most unions strive for collective bargaining to improve contractual conditions of freelancers and some have already achieved remarkable progress.

It should be ensured, however, that freelancers have a visible role in unions, have the possibility to address their specific problems and look for solutions. This will also require adequate structures and representation for freelancers in the national unions, as company-based initiatives alone might not be enough to improve the working conditions of freelancers on a large scale.

Collective bargaining for freelancers is still limited in many countries, for different reasons. First, it can be restricted to freelancers who are considered especially in need of protection (like in Germany). This leads to a distinction which usually has no justification in reality and relies on evidence which is difficult to collect and often ambiguous. Second, collective bargaining may be considered illegal, because freelancers are treated as entrepreneurs. In fact, in some countries competition authorities are intervening against collective bargaining or even against recommendations on fees. It should be ensured that 'dependent self-employment', as in journalism, is not subject to competition law. Third, even where collective bargaining is possible, it is still of limited effectiveness, because freelancers and unions cannot ensure sufficient pressure on employers. As data on union affiliation clearly shows, this is not due to a lack of solidarity or willingness to join unions on the part of freelancers, rather it is the consequence of the freelancers' situation as self-employed workers, their lack of integration in the working process, their dispersed presence in offices and at homes, the problem of coordinating their action, their weak bargaining position and the high individual costs of conflict. To overcome these difficulties, solidarity between salaried journalists and freelancers and joint action may be crucial for the development of collective bargaining activity, as the example of company-level negotiations on eliminating false freelancers in Belgium show. Furthermore, if the right and freedom of association for working people requires a system of fair and effective collective negotiation (as, for instance, the German Constitutional Court maintains), collective bargaining for freelancers has to be strengthened - and the introduction of compulsory arbitration in case of disputes should be considered.

Finally, European cooperation can help strengthen trade union initiatives in the field of freelance work and discussion of national experiences can greatly contribute to defining strategies for action. Journalists' unions should also seek cooperation on freelance issues in other sectors, especially in the media and new-media, as well as in the ICT sector, where self-employment is quite

common and problems of many non-journalist professions are quite similar (and sometimes even more pressing).

In introducing regulatory changes, however, an important fact should be taken into account: experience in many countries show that interventions aimed to improve the working conditions of freelance workers may lead to the emergence of new practices to circumvent regulations and, as an unexpected negative effect, even a worsening of the working situations which the measures were meant to improve. Therefore, careful attention must be paid to the implementation of possible measures and to the effective enforcement of regulation with the help of monitoring mechanisms to avoid contradictory impacts.

Comments are welcome.

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Annex I

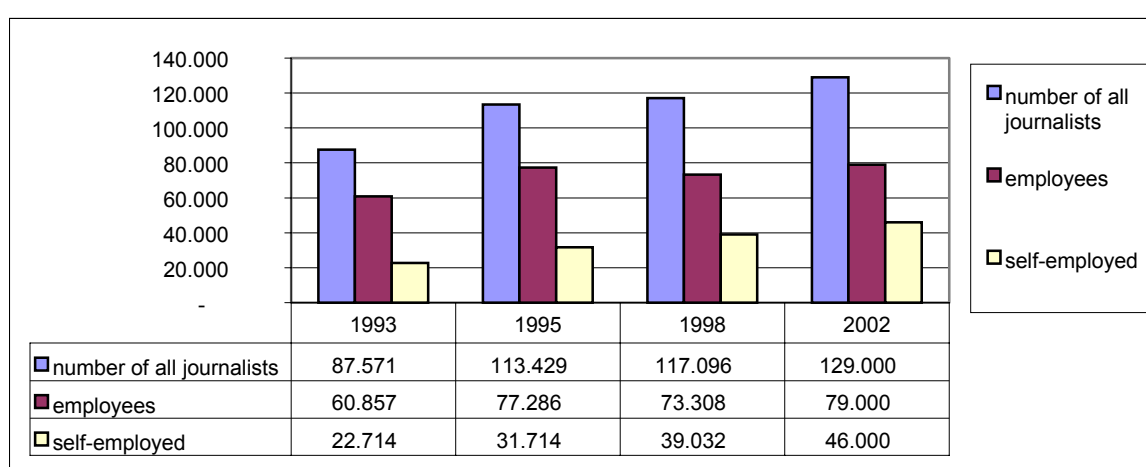
Germany

1.1.1 Figures

Journalism as well as the conditions and circumstances of journalists' work have been changing over the last decade.

The total number of journalists continued to rise, but the number of employed journalists is more or less the same as in the mid-nineties, whereas the number of self-employed increased by 50 %. Never before has the number of freelancers in journalism and the percentage of freelancers as a proportion of all journalists been as high as today:

Chart 1: number of journalists:^{8, 9} employed and self-employed:



Source: mikrozensus

The numbers provided by KSV ("Künstlersozialversicherung"), the social security branch for all freelancers in media and the arts show the same tendency with an even higher growth. Insurance with KSV is obligatory for freelancers, but effected only by registration. So increase in KSV-membership has been higher over the years due to increasing acceptance – the numbers, however, also confirm the continuous increase in freelancers. According to KSV data, the number of freelance journalists increased by almost 150% from '92 to 2002:

Chart 2: freelance journalists, registered at social security for freelancers (KSV)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
	12.157	13.995	15.726	17.929	21.353	23.008	24.675	25.914	26.935	28.305	30.148

source. KSV, <http://www.kuenstlersozialkasse.de>

⁸ These numbers include authors and editors and do not include photographers; exact statistics with only journalists are not available. The numbers, however, correspond with union estimates based on experience of occupational development in the sector.

⁹ Here and in the following freelancers comprise only self-employed workers without employees; the total number of journalists is higher than the sum of employed journalists and freelancers, besides self-employed with employees, the total number of journalists includes persons who give journalist as their profession but have no regular work in journalism.

The development of freelance work in journalism can be considered as characteristic for a significant part of the German labour market.

Whereas the number of self-employed in some traditional sectors of self employment like the crafts or small trades tend to go down, the overall number of self-employed in Germany is rising slightly and the amount and percentage of self-employment is continuously increasing in media, new technology and services.

The number of self-employed, including all traditional forms of self-employment, has increased by 45% from 1978 to now, self-employment in so-called 'independent professions' (freie Berufe) has increased in the same time by 150%¹⁰. The largest category of self-employed in independent professions now is freelancers in media and the arts with some estimated 160.000 freelancers, the largest group among them being journalists.¹¹

According to OECD data, based on mikrozensus, the rate of self-employment (self employed without employees, without agricultural sector) in Germany was at 8,8% in 1995 and rose to 9.2% in 2001.

Source: <http://www1.oecd.org>, Labour market statistics

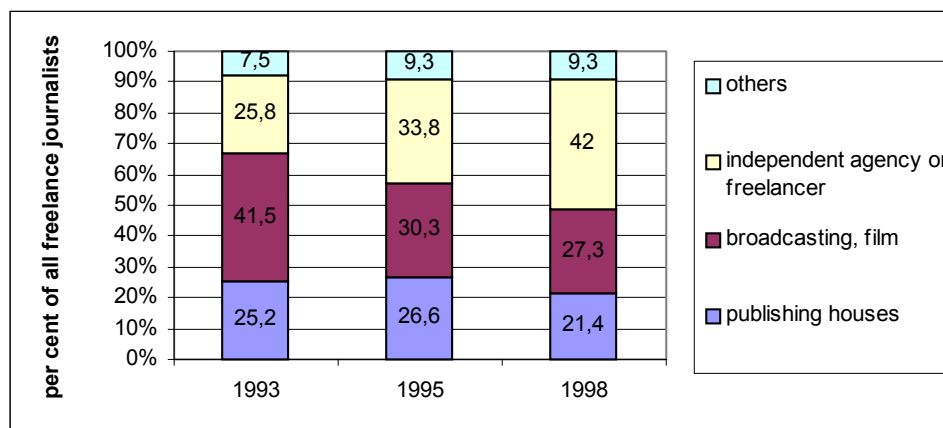
It rose well over average in transports, financial services, education, the software industry, publishing houses, film industries and broadcasting.

Source: Mikrozensus 1993, 1995, 1998, 2002

The category in mikrozensus data showing the highest increase, in fact, is independent journalism.

Looking at where freelance journalists work, it can be seen that the percentage of freelance journalists working in the traditional sectors– publishing and broadcasting – is going down, whereas the percentage of 'independent' freelancers or freelancers working in agencies as well as the percentage working in other sectors – from industry to trading to telecommunications and publicity – is going up.

Chart 3: per cent of freelancers working in main sectors:



source:

Mikrozensus

Statistics show that freelancers working in publishing houses or at broadcasting companies did not really decrease in numbers – but a growing number of freelancers went into independent work¹² or other sectors: the number of freelancers in press and radio/TV seems to be stable.

¹⁰ Source: IFB, „Institut fuer freie Berufe, Nürnberg“

[http://www.ifb.uni-erlangen.de/statistik/Selbstaendige%20insgesamt%20\(ohne%20Selbstaendige%20in%20FB\).htm](http://www.ifb.uni-erlangen.de/statistik/Selbstaendige%20insgesamt%20(ohne%20Selbstaendige%20in%20FB).htm)

¹¹ Source: IFB, „Institut fuer freie Berufe, Nürnberg“ www.ifb.uni-erlangen.de/statistik/statistik1_zehlstruk.htm and „Bericht der Bundesregierung ueber die soziale Lage der Kuenstlerinnen und Kuenstler in Deutschland“ 2000

¹² many of those not belonging to a sector but declaring themselves independent will certainly be working mainly for broadcasters and the press – but the relationship to main sectors has probably loosened compared to Mikrozensus surveys in previous years.

Chart 4: Number of freelancers working in main branches			
	1993	1995	1998
Publishing houses	5.724	8.436	8.346
Broadcasting, film, culture	9.426	9.609	10.647
Independent agency or freelancer	5.860	10.719	16.380
Others	1.704	2.949	3.627

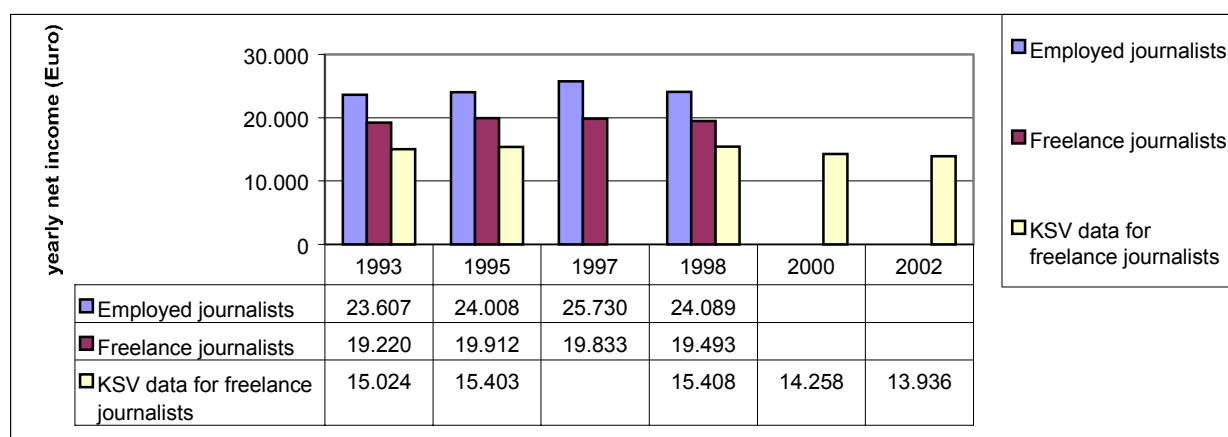
Source: mikrozensus '93, '95, '98¹³

3.1.1 Income

The income chances of self-employed are in an inverse ratio to the – seemingly - increasing attractiveness of self-employment. This is specially true for freelance journalism.

According to KSK-based data¹⁴ the average net income of freelance journalists decreased by more than 10% in 7 years ('02 compared with '95).

Chart 6: Income of employed and freelance journalists:



source: KSV, <http://www.kuenstlersozialkasse.de> and mikrozensus

Detailed mikrozensus data is available only until '98.

Freelance income is well below average income now with approx. 19,000 euros per year in 1998.

Unions surveys and experience say, in accordance with KSV data, that freelance income in journalism is falling. A recent survey performed by IFB Nürnberg for BJV, the Bavarian branch of DJV, show a gross income in 2001 of 24,100 euros and a tendency to decrease even further.

If freelance income increased slightly more than income of employed journalists from '93 to '95, the gap has increased since then, and even if exact figures are not available for the moment, it can be presumed that the gap is becoming larger.

Compared with other freelance professions freelance journalism ranks the bottom of the income scale – again in '95 the net income of doctors was close to five times, of

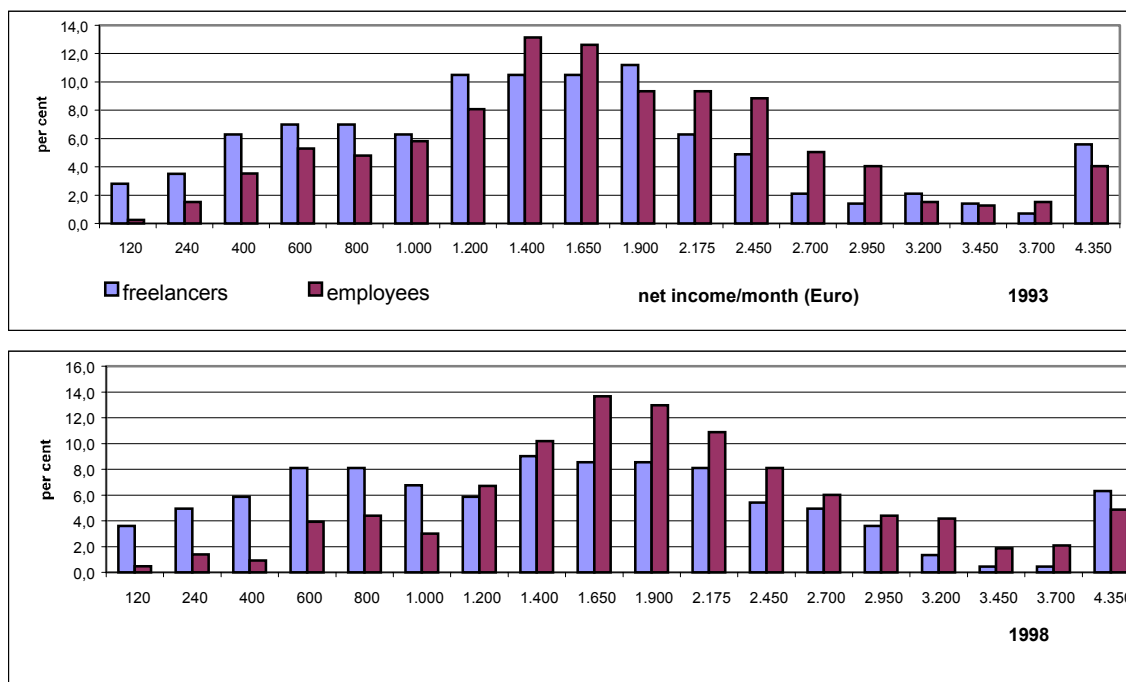
¹³ Numbers of 2000 and 2002 not available

¹⁴ Indications of income by KSV are based on declaration of KSV-members; Income in Mikrozensus is based on information by respondent. As declaration to KSV determine contribution, Mikrozensus income numbers are likely to be more credible. However, the tendency shown in KSV data seems representative

lawyers 3.5 times and of engineers more than twice as high as freelance journalists' income.¹⁵

Looking at income distribution, a rising percentage of freelancers can be found in income categories below average, whereas the income distribution of employed journalists clearly shifted towards a higher income bracket over the years.

Chart 7: Distribution of net income¹⁶



source: calculations based on mikrozensus

Considering that in the same period the number of freelance journalists increased, it is obvious that most 'newcomers' in freelance journalism have found less favorable conditions and remained in lower income brackets.

The difference in income between employed and freelance journalists is considerable; and the difference does not take into account that net income for regular employed includes statutory social security and legal work protection like statutory sick pay, maternity pay, holiday pay, whereas self-employed people do not or only partly participate in the social security system and are only in small part entitled to sick pay or holiday pay.

Even considering some advantages in the tax system for the self-employed, a freelance should at least earn 30% to 50% more in order to be able to build up comparable old age and sickness security and to achieve comparable net income for living.

Freelance journalists in Germany are further away from this point than ever.

The income situation for freelancers, however, largely differs according to the main sector the freelancer is working in: income generally is highest in broadcasting – public as well as private – and lowest in newspapers and online media:

¹⁵ Source: mikrozensus 1995; IFB study of freelance journalists in Bavaria

¹⁶ numbers of Mikrozensus in DM, here converted into euros and rounded off

The above-mentioned of IFB study of freelancers in Bavaria shows the following **average yearly** gross income in 2001 according to freelancer's main employer:

Type of Media	Euros
Newspapers	13,920.51
Public broadcasters	25,127.06
Private broadcasters	25,405.72
Special interest magazines	29,478.69
Periodic press	23,162.16
Online media	13,840.23
Others	21,292.86

Only working for film/video or broadcasting companies or for special interest magazines, freelancers can come near a level of income that covers freelancers' risks and is comparable to employees' income.

Wages for freelancers are generally settled by collective agreements in public (and partly in private) broadcasting as well as with at newspaper publishers. With newspapers, however, wages settled by collective agreements are widely disregarded by press owners.

In public broadcasting corporations there is a broad spectrum of working conditions agreed on in collective agreements: although differing from company to company, it generally includes holiday, sickness and maternity pay, fees and terms of notice if the corporation does not intend to continue cooperation (with a sort of severance pay in some companies for long-term freelancers).

Freelancers in public broadcasting corporations (as well as self-employed in the film industry) take part in a special pension scheme with contributions paid by freelancers and employers.

Newspaper collective agreements settle wage per line, holiday, sickness and maternity pay. This, however, applies only to those legally considered as 'economically dependent and socially in need of protection' (arbeitnehmerähnlich) and experience and effective pay in newspapers show that most freelancers do not dare to claim collective agreement pay.

It is obvious that press and broadcasting managers cut freelance fees in many cases, as confirmed by the editor in chief of the 'Süddeutsche Zeitung' and press freelancer and that the budget for freelance fees was cut in almost all press and broadcasting houses¹⁷.

3.1.2 Legal Framework

Freelance journalistic work is not regulated by any specific legal rules, a few basic working conditions like holiday pay, sick pay and maternity leave for the so-called 'comparable to employees' (arbeitnehmerähnlich) and the possibility of collective bargaining for this category exist.

According to the legal definition, this category includes freelancers and the self-employed who are economically dependent, in the sense that at least one third of their income depends on one employer, does not exceed a certain (not legally defined) limit and can therefore be considered socially in equal need of protection.

The possibility of collective bargaining for this group was introduced in the law on collective bargaining (Tarifvertragsgesetz) in 1974, thus striving for more

¹⁷ See interviews on the website (only in German)

acceptance of the freelance status, meeting needs of the broadcasting sector, where from the beginning the borderline between employed and self-employed was delicate.

Where these provisions do not apply, freelancers are subject to general civil law regulations on contract, as are all freelancers not considered 'arbeitnehmerähnlich'. In practice, this means they are exclusively subject to negotiated contract terms, terms generally put down by the employer. Only 'unfair' conditions can be contested.

Important for freelance journalists, regardless of whether they are 'arbeitnehmerähnlich' or not, is a new law on authors' rights, introducing the obligation of fair participation of the author in the exploitation of rights and the possibility of collective negotiations regarding authors' rights compensation. This law is aimed first and foremost at authors' and translators' situation, but is of importance also for journalists, perhaps making a new impact on collective bargaining.

In 1998, the new red-green coalition government passed a new law on false self-employment aimed at including false self-employed people in the social security system. This law was highly controversial and unpopular to the self-employed employers, because it obliged both to contribute to the social security system.

The importance for freelance journalists is limited because most of the false self-employed were already included in the social security system by way of KSV (see below). Nevertheless, false self-employment is an issue for freelancers especially because of the missing legal protection against arbitrary termination of long-term cooperation with freelancers.

3.1.3 Social Security and Dependency

Self-employed people in traditional self-employment professions, like doctors, lawyers or architects, craft skill professions or farmers are subject to specific professional regulations, generally including fees and social security.

For 'new' self-employed, social security does not apply: the German social security system is based on dependent work, with contributions half paid by the employee and half by the employer. This social security system – obligatory up to a certain income level – provides health insurance (including sick pay), pension and unemployment benefit.

A 1981 law introduced a specific branch of the legal social security system for self-employed people in the media and cultural sector who do creative work ("Künstlersozialversicherung" KSV). KSV-insurance is obligatory, with contribution paid half by the self-employed and half by employers and government subsidy, providing pension coverage and health insurance. This applies to freelancers in creative professions like authors, journalists, actors, artists, musicians etc. Today, some 125,000 freelancers are members of KSV, one quarter of them are journalists. Membership in KSV requires registration. Not all freelance journalists do register in KSV. Most of them, however, could do so.

According to the above-mentioned survey on freelance journalism in Bavaria, less than two thirds are insured in the social security system (including KSV). Mikrozensus data suggests that in 1998 out of 34,000 reported freelance journalists, 26,500 or 77% were in some way protected by the social security pension scheme (including KSV). According to the mediafon study, 70% are insured with KSV.

The reasons for being excluded can be diverse – being a newcomer, not having gained enough income, working outside ‘classical’ sectors of journalistic professions, or even negligence on the part of freelancers. It is possible that those not included in social security might be members of KSV in later years, thus not excluded forever. Anyhow – periods in which freelancers do not have insurance coverage will have an effect on their pension later, as low average income reported by KSV (which is the basis of pension calculation) will have too.

So overall, freelancers’ pension scheme in most cases will not be enough to provide for a sufficient pension¹⁸ – freelancers count on being able to build up reserves – but many do not achieve income that allows them to do so.

The situation is better for freelancers working for the film industry and broadcasting who are members of a special pension fund with contributions paid by freelancers and employers.

Not included in KSV social insurance is unemployment benefit; the risk of not getting work or not getting enough work is and remains the main risk for freelancers, a risk increased by the fact that no prior notice is required when the employer no longer wants to cooperate. Freelancers in fact can be left without income from one day to the next.

On the whole, freelancers in journalism are in an intermediate situation between classical professions of self-employment and regular employment, having the advantage to determine their own working hours and – the volume and chance of finding a balance between work and private life – a reason still valid for many freelancers.

However, they neither have the protection and social security of regular employees, nor the income chances and protection of classic self-employment professions.

They are also in between those categories in terms of independence: certainly not as dependent on their employer as a regular dependent employee – but not independent in the sense of being able to negotiate contracts and terms on an equal level.

Thus also the antagonism of employed status and self-employment does not really correspond.¹⁹

¹⁸ see Karin Gottschall, WSI Mitteilungen, 2000, p. 804-810

¹⁹ see Karin Gottschall, Koelner Zeitschrift fuer Soziologie und Sozialpsychologie, 1999, p. 635-654

chart 8: forms of employment

Modes of Regulation Dimensions	4. Classical profession (e.g. doctors, lawyers) institutional regulation self-	Self-employed in cultural professions (e.g. journalists) individual: negotiation in networks collective: hybrid regulation type	Standard Employment relationship (e.g. ind. Workers) corporate regulation
Access to professional/occupational group (how to enter)	Control of access: State-regulated professional Education and accreditation	Manifold training opportunities e.g. private vocational schools	Access through state-regulated system of vocational training
level of skill and quality of services (how to meet and keep standards)	Self regulation By professional associations and Chambers	Voluntary professional associations with little regulatory power	State-regulated system of occupations
Income and market position (how to achieve)	State-guaranteed monopoly Of rendering professional services Control of quality and prices	Competition with other occupational groups Individual social & cultural capital	Income secured by wage agreements, length of job tenure, occupational level
Social security (what kind of provisions)	Private provisions Enabled by high incomes	Special branch of social insurance (KSV)	Social security system

Figure from Karin Gottschall, „New Forms of Employment in Germany“, March 2002, Wayne State University, Occasional paper Series, number 8, www.culma.wayne.edu

The above figure is to show the differences between the indicated types – although it still seems to extenuate some points: social security for classic professions to a large extent is regulated by compulsory pension provisions that offer far better conditions than the social security system (e.g. lawyers’ pension scheme); also the income situation is often state or quasi-state regulated, as for lawyers and doctors, guaranteeing these professions an income well over average and far over freelance journalists’ income.

4.1.1 Needs and Problems

Freelancers choose a freelance career because it might be a good entrance to the journalist profession, and because they seek independence in work and profession. They also choose a freelance career because a job as employee in journalism is not available.

Whether the decision is forced by circumstances or is deliberate cannot really be measured, valid surveys on this are not available.

According to managers, the process of substituting employment by self-employment in press and radio/TV has several reasons:

- Self employment is more flexible: the employer does not have to consider much the change in the amount of work he wants to invest in his product,
- It is more flexible also in terms of changing profiles (the German high labour court even considers free employment legal because of the need for alternation in program);

- It reduces fixed costs and the cost of direct labour force and can more easily be `adjusted`;
 - It is generally cheaper than employed labour force;
 - There is a sufficient supply of freelance labour force available.
- (see interview with newspaper and TV directors on the website, German only)

According to freelancers themselves, the reasons for seeking a freelance job are:

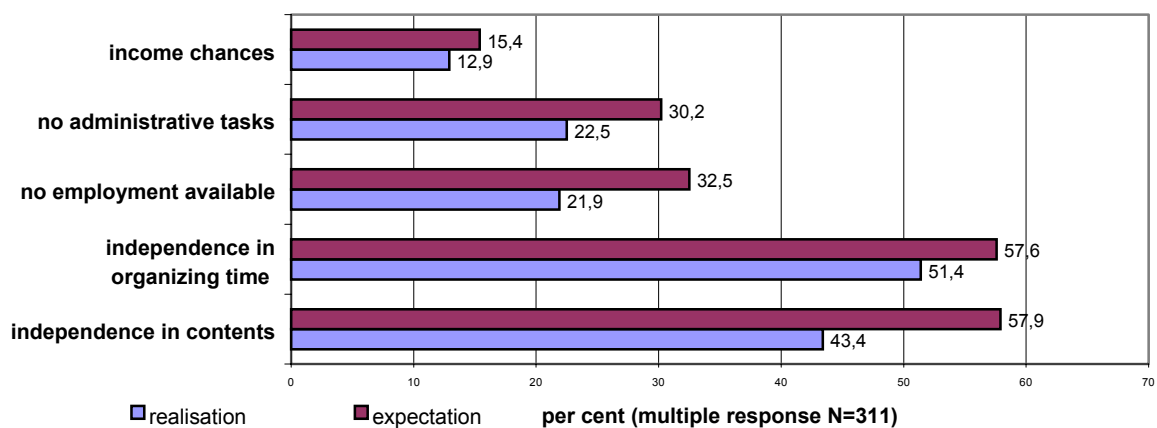
- Independence in organizing time and work;
- Opportunity to start a career in journalism;
- Prospect of Income;
- No job in full employment available.

See survey „Arbeitsbedingungen Freier Journalisten“, Dr.B. Grass, 1998, DJV and interviews in appendix

Generally there is a mixture of reasons involved and for just about one third to half of freelance journalists the choice was at least co-determined by the fact that full employment in journalism was not available.

A survey conducted for `mediafon`, a network-based advisory service for freelancers in media (installed and operated by ver.di as a service for members and non-members) gave a similar response, and compared it with experience made as a freelancer – giving evidence that the main reasons for choice were unchanged and still valid, but also that positive expectations (like independence in time and contents) fell behind in reality.

Chart 5: Reasons for self-employment: expectation and realization



mediafon-NutzerInnenbefragung 2001/2002

A 1998 survey realized by the DJV including freelancers all over Germany says 17.7% chose freelance journalism, forced by the employment situation of media companies, 27% say this situation played a role, but nonetheless consider their choice to be deliberate. 49% of all are convinced of their freelance status, only 38% of freelancers in the eastern part of Germany (where the economic situation is worse and unemployment higher than in West Germany).

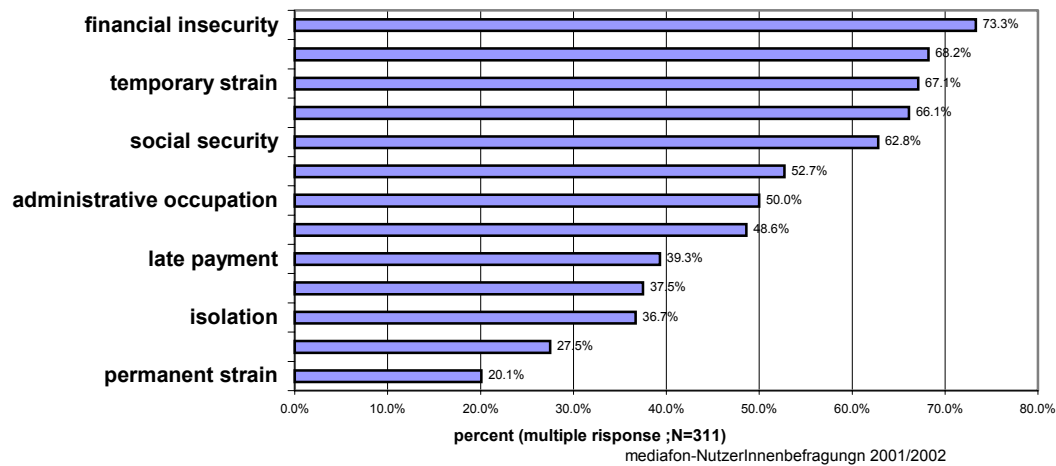
One quarter, though considering journalism to be their main profession, also does another job to earn their living.

About half the respondents work more than 46 hours a week (a third more than 50 hours), about 45% regularly or often work at weekends or at night.

More than 40% complain about growing stress, working hours and employers' expectations but as many are convinced that their job now is more interesting than in the past.

Mediafon study gave a similar result on burdens of freelance work:

chart 9: burdens



Nonetheless, independence in organizing time was a valid argument for more than half of all freelancers and independence in contents for 40%, even after some years of freelance experience.

The answers show that generally spoken a freelance career is a choice considered interesting and promising, that the majority deliberately choose self-employment.

On the other hand, the conditions and security of work are felt as (and in fact are) oppressive.

4.1.2 Representation and Unions

Unions only became attractive to freelancers when they began to regard the choice to work as freelance as deliberate, and no longer considered freelancers false-employed or waiting-to-be-employed. The acceptance of the freelance status and the determination to improve freelancers' conditions as freelancers (and not by making them employees) was the main reasons for freelancers joining trade unions. The high rate of union members amongst freelancers underlines that freelancers seek solidarity and support improving working conditions.

Freelancers are members in ver.di and DJV.

DJV is a union for journalists only, regardless of legal employment status.

Ver.di offers membership for freelancers and self-employed in all professions who are considered economically dependent. Freelance journalists in radio/TV and press form the largest group.

Ver.di and DJV generally negotiate together collective agreements for freelancers. Legally, collective bargaining for freelancers is restricted to those considered socially and economically dependent like an employee (see above).

Even if in theory collective agreements could be negotiated in other sectors as well, in practice it applies mainly to public broadcasting.

In public broadcasting corporations collective agreements for holiday pay, sickness pay and maternity leave generally exist as well as regulations on the period of notice when employers want to end the cooperation, with periods of up to 12 months, depending on the length of cooperation. Generally, also the fees to be paid are

included in collective agreements and an increase in fee is regularly negotiated together with negotiations about wage increases of employees.

These agreements apply to freelancers who have already been working for a certain period (generally at least for half a year) and for a certain amount of days (minimum days per half year) besides general legal requirements (1/3 of income in corporation and income below limit)

The number of freelance journalists who are members of one of the two unions is considerable and – even if exact numbers are not available – amounts to something like two thirds of all freelance journalists.

Both unions give freelancers the possibility to have special contact and communication and offer a special service for freelancers. Ver.di has installed an advisory service network (mediafon), available also for non-members, and both offer individual advice and legal support. In both unions, specific freelance officers are responsible for organizing work and service for freelancers and freelancers are represented in a central steering committee.

Legal representation for freelancers (like works councils) does not exist, although in some companies freelance union groups exist, and in situations of conflict involving freelancers, works councils in some companies have been known to fight for freelancers' rights, in some cases achieving results like employment for the false self-employed or compensation if cooperation is ended.

Gerd Nies, September 2003.

Annex II

Freelance Journalists in Italy

In Italy, there is a specific set of regulations, which applies to journalists including freelancers. In recent years, some changes have been introduced in this regulatory framework to take into consideration the situation of freelancers, especially as far as access to the profession and pension coverage are concerned. The presence of self-employed journalists is a traditional feature of Italian journalism. However, the characteristics of freelance employment relationships have been changing recently, and the diffusion of this kind of employment has been increasing.

A first important aspect of journalism in Italy is its inclusion in the professions regulated by law and for which a specific "order" (*ordine*) and a public register (*albo*) were set up. This regulation aims mainly at supporting the quality and independence of journalist's work, by establishing a body, which can autonomously "certify" the professional skills of journalists and enforce the deontological rules of the profession. A person can enrol in the register for journalists either by passing a so-called "state exam" or by proving to be working continuously, though not exclusively, as a journalist. In the first case, the journalist will be registered in the list of "professional journalists"; in the second one, he or she will be included in the list of "non-professional journalists" (*publicists*). Professional journalists can be either dependent employees or freelancers, while *publicists* are usually freelancers, though they could have a dependent employment relationship. Many non professional journalists have their main job in an occupation other than journalism: this might be the case, for instance, of an expert in labour law who regularly writes articles for a business newspaper, but has his or her main occupation in university or in a labour law firm.

In order, to be entitled to participate in the state exam, a person must fulfil a traineeship of at least 18 months, which represents the first step in the professional journalist career. This requirement was usually met by way of a formal apprenticeship contract, regulated by the national collective agreement. In recent years, new rules have been introduced which allow the board to certify the completion of the traineeship even in case of freelance contracts, whereby the journalist must prove he or she has been working continuously and prevalently as a journalist for the same 18-month period.

Persons do not need to be registered journalists to write, from time to time, articles for newspapers or magazines or to prepare any other journalistic pieces of work, as it is guaranteed by the Italian Constitution through its Article on freedom of expression (Article 21). However, every person who works continuously as a journalist must register. Besides, the registration may be relevant to the journalists as it represents a "certification" of his or her professional identity and because it carries a set of protections with it, in terms of collective rules and welfare benefits. Moreover, the law requires that the directors of newspapers and magazines must be registered journalists.

As for welfare protection, another important element of the regulatory framework is the presence of a specific mandatory pension scheme, which covers all registered journalists who are dependent employees, including journalists with an

apprenticeship, and replaces in all respects the general pension scheme provided by Inps. This coverage, which is guaranteed by Inpgi, grants higher protection than the general schemes, especially in terms of unemployment benefits. Inpgi provides different mandatory welfare services: pension schemes, unemployment benefits, a wages guarantee fund, a severance pay guarantee fund and an industrial accident insurance. Since 1996, in accordance with the pension reform, a new "separate" fund has been set up especially for self-employed journalists. This second fund (usually called "Inpgi2") is intended for all kinds of freelance journalists: traditional self-employed journalists, casual workers and journalists employed through "continuous and coordinated collaboration contracts". The protection granted by this fund is not the same as the one envisaged for employed workers. It is limited to pension coverage and maternity allowance.

There are two other complement welfare protection schemes for journalists in Italy: a supplementary health insurance, Casagit, which was set up in the 1970s by the FNSI, the journalists' union, Inpgi and the board and was included in the collective agreement at the beginning of the 1980s; and a complementary pension scheme, which was introduced by collective bargaining in the 1990s. While freelance journalists can join Casagit, the complementary pension scheme is reserved to employed journalists. Self-employed journalists, who decide to join Casagit have to pay a fixed contribution which corresponds to a figurative annual gross pay of some EUR 60,000 and is much higher than the average income of freelance journalists in Italy (about EUR 12,000). Casagit also offers a scheme intended for the journalists who are covered by Inpgi2, which requires the payment of a reduced contribution (around 50% of the ordinary one) and provides a limited coverage.

In order to appreciate the diffusion of freelance work in journalism it is possible to look at data regarding the separate fund of Inpgi; in fact, since there is no direct relationship between the status of professional and non-professional journalists and freelance work, the most accurate data would come from the mandatory registration of all self-employed journalists into Inpgi2. In June 2003, there have been some 16,000 journalists registered into Inpgi2, which represent 22% of all journalists listed in the public register. There have not been any significant variations between professional and non-professional journalists, as the respective percentages are 21.4% for the former and 22.8% for the latter.

As it can be seen from table 1 below, the number of journalists, both professional and non-professional, has been constantly increasing since the mid-1990s. The number of trainees seems to be more erratic, but it shows a growing trend, actually the highest increase among all different categories of the profession since 1998. If we look at data for freelancers, we can note a much bigger increase over the period 1998-2002. If we do not consider the first two years of operation of the special pension fund for self-employed journalists, in order to take into account the start-up phase, the growth in the number of freelance journalists has been about 90%. Provisional data for mid-2003 show a hike of 135.5% compared with 1998. Non-professional journalists represent the larger part of freelancers (67.3% in 2002), but the share of professional journalists has been constantly increasing and it now stands at more than a quarter of all freelancers.

Table 1. Employed and freelance journalists according to status in the professions

<i>Year</i>	<i>PJ</i>	<i>NPJ</i>	<i>T</i>	<i>Total</i>	<i>FL PJ</i>	<i>FL NPJ</i>	<i>FL T</i>	<i>Total FL</i>
1996	16,788	44,669	1,389	62,846	-	-	-	2,616
1997	17,629	44,291	1,239	63,159	-	-	-	3,338
1998	18,172	46,421	1,432	66,025	1,690	4,868	238	6,796
1999	18,438	47,652	1,536	67,626	2,057	5,673	305	8,035
2000	19,006	49,188	1,930	70,124	2,547	6,624	447	9,618
2001	19,190	50,132	2,543	71,865	3,115	7,829	526	11,470
2002	20,238	50,676	1,807	72,721	3,733	8,694	491	12,918
<i>2003 (June)*</i>	<i>20,238</i>	<i>50,676</i>	<i>1,807</i>	<i>72,721</i>	<i>4,329</i>	<i>11,579</i>	<i>94</i>	<i>16,002</i>
% Change 1998/2002	11.4	9.2	26.2	10.1	120.9	78.6	106.3	90.1

Source: Consiglio nazionale Ordine dei giornalisti; Istituto nazionale di previdenza dei giornalisti italiani (Inpgi).

Legend: PJ: professional journalists; NPJ: non professional journalists; T: trainees; FL: freelancers

* Data on registered journalists refer to 31 December 2002, data on FL are provisional.

Freelance jobs seem to be increasingly important for all categories of journalism and also as a formal entry-port into journalism, since more than 25% of all trainees appeared to have a freelance post in 2002 (table 2).

Table 2. Percentage of freelancers among journalists (status, total and total rate of variation)

<i>Year</i>	<i>% FL/PJ</i>	<i>% FL/NPJ</i>	<i>% FL/Trainees</i>	<i>% FL Total</i>	<i>% change total FL over previous year</i>
1996	-	-	-	4.2	-
1997	-	-	-	5.3	27.6
1998	9.3	10.5	16.6	10.3	103.6
1999	11.2	11.9	19.9	11.9	18.2
2000	13.4	13.5	23.2	13.7	19.7
2001	16.2	15.6	20.7	16.0	19.3
2002	18.4	17.2	27.2	17.8	12.6
<i>2003 (June)*</i>	<i>21.4</i>	<i>22.8</i>	<i>5.2</i>	<i>22.0</i>	<i>23.9</i>
% Change 1998/2002	98.3	63.6	63.5	72.6	-

Source: own calculations on data of the Consiglio nazionale Ordine dei giornalisti and Inpgi.

Legend: PJ: professional journalists; NPJ: non professional journalists; FL: freelancers

* Data on registered journalists refer to 31 December 2002, data on FL are provisional.

In order to identify more precisely the extent of freelance work in journalism in Italy, we can refer to active workers who are journalists as their main profession. To do so, we can limit ourselves to analysing pension fund data. In fact, registered professional journalists include retired journalists as well, while, as stated above, registered non-professional journalists include persons having their main occupation in activities other than journalism. Therefore, we can consider employed journalists enrolled in the Inpgi1 pension fund and self-employed journalists enrolled in the Inpgi2 mandatory pension scheme. This might to some extent overestimate the number of freelancers, as being enrolled does not necessarily mean that a person is actually contributing to the fund (that is, actually working as a journalist); however, it allows to avoid a possibly more significant underestimation caused by taking into account retired workers, as well as all those who have a different main occupation.

Worth noticing is the sharp increase in the number of journalists over the latest five years (table 3): since 1998, the number of active journalists grew by nearly 50%. This positive trend involves both employed and freelance journalists, though freelancers grew by a far higher percentage: 90% compared with 24%. In 2002, employed journalists were some 14,000, while freelancers almost 13,000. Therefore, freelance journalists appear to be at present around a half of all journalists in Italy.

In fact, their share has been constantly increasing in the latest five years, from 37% in 1998 to 48% in 2002.²⁰

²⁰ The FNSI estimates that there are about 14.000 employed journalists and about 16.000 freelance journalists. However, given the difficulty of clear definitions regarding freelance work of journalists, the FNSI agrees that it is very difficult to come up with exact figures.

Table 3. Employed, retired and freelance journalists: pension funds data

<i>Year</i>	Employed (a)	Retired (b)	Freelancers (c)	All active (a+c)	% FL (c/a+c)
1998	11,411	4,892	6,796	18,207	37.3
1999	11,855	4,931	8,035	19,890	40.4
2000	12,417	5,023	9,618	22,035	43.6
2001	13,758	5,131	11,470	25,228	45.5
2002	14,196	5,226	12,918	27,114	47.6
% Change 1998/2002	24.4	6.8	90.1	48.9	27.6

Source: Inpgi.

Note: employed and retired journalists are those enrolled in the Inpgi1 pension fund, while freelancers are considered all journalists enrolled in the Inpgi2 pension fund.

Union membership among journalists is quite widespread, especially among professional journalists. As table 4 shows, in 2001 there were 23,647 members of the FNSI. With respect to data on journalists registered in the *ordine*, this represents a union density of more than 70% for professional journalists (and trainees) and of 16% for non-professional journalists. Since 1996, the number of union members has decreased significantly (-12%); while membership among professional journalists has been stable (+5%), non-professional members decreased sharply by a third. Given the increase in the total number of journalists, this heterogeneous picture turns into a homogenous negative trend regarding unionisation rates. In fact, union density has decreased by some 10% for every group, which represents a relative reduction of 12% and 41% for professional and non-professional journalists respectively, compared with the initial levels.

In order to improve the assessment of the freelance issue in Italy, it would be useful to distinguish, both in the registration to the *ordine* and in union membership, between employed, freelance, and retired journalists and those who have their main occupation in a sector other than journalism.

Table 4. Union membership and density

<i>Year</i>	<i>Journalists</i>			<i>Union members</i>			<i>Union density</i>		
	<i>PJ+T</i>	<i>NPJ</i>	<i>Total</i>	<i>PJ+T</i>	<i>NPJ</i>	<i>Total</i>	<i>PJ+T</i>	<i>NPJ</i>	<i>Total</i>
1996	18,17	44,66	62,84	14,84	12,055	26,89	81.7	27.0	42.8
	7	9	6	2		7			
1997	18,86	44,29	63,15	14,94	11,416	26,35	79.2	25.8	41.7
	8	1	9	1		7			
1998	19,60	46,42	66,02	15,15	10,357	25,50	77.3	22.3	38.6
	4	1	5	1		8			
1999	19,97	47,65	67,62	15,72	9,035	24,76	78.7	19.0	36.6
	4	2	6	5		0			
2000	20,93	49,18	70,12	15,20	8,264	23,46	72.6	16.8	33.5
	6	8	4	2		6			
2001	21,73	50,13	71,86	15,61	8,033	23,64	71.8	16.0	32.9
	3	2	5	4		7			

% 1998/2001	Change	19.6	12.2	14.4	5.2	-33.4	-12.1	-12.0	-40.6	-23.1
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Source: Consiglio nazionale Ordine dei giornalisti; Federazione nazionale Della Stampa Italiana (FNSI).

Legend: PJ: professional journalists; NPJ: non-professional journalists; T: trainees.

Even if there is scope for improvement in data collection on freelancers, in Italy, the importance of the freelance issue has been recognised by the journalists' union since the early 1990s and it was put forward in the 1995 national collective bargaining platform of demands. Eventually, the 2001-2005 collective agreement included, as an annex, the definition of some basic requirements for freelance contracts. First, employment contracts established as continuous and coordinated collaborations will have to be concluded in written form. The contract-letter will have to include: the starting date of the employment relationship, the duration, the kind of service the journalist has to provide, the compensation and the form and timing of payments. Second, the compensation must be proportionate to the quantity and quality of the services provided and the payment must take place within 60 days from the publication of the articles. Costs must be born by the journalists, with the exceptions of expenses that have been authorised in advance. Third, in general, no modifications can be made to the articles and services that bear the author's signature. The editorial director can only introduce the changes requested by the nature and objectives of the newspaper or magazines. Broader modifications are allowed in case the article does not show the name of the author. Four, a joint committee has been established to act as a counselling and conciliation body in case of disputes over the application of the agreement. A similar agreement has been concluded in December 2001 for local radios and televisions. There are two significant differences between these collective agreements: as for the amount of compensation, the latter accord states that compensation is "freely agreed by the parties"; then, it stipulates that the employer must guarantee an insurance coverage for damages the journalist might have to pay, as a result of legal suits connected to the articles prepared in the framework of the collaboration contract.

Other significant recognitions have been the provisions of special services devoted to freelance journalists and the inclusion of freelance representatives in the national bargaining committee.

Roberto Pedersini, September 2003.