



EQUAL RIGHTS FOR JOURNALISTS

AN ANALYSIS FROM THE THESSALONIKI CONFERENCE

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Foreword

Stronger Together: Learning the lessons of Europe's journalists' unions

This publication is all about sharing. It is about pooling our expertise and experience as we battle the twin storms of economic crisis and structural change that are currently battering our industry.

The challenges facing journalists' unions across Europe are not always the same, but there are common threads: job losses and attempts to undermine established working conditions; changing employment practices that are making harder for journalists to organise, to speak with a collective voice and to stand up for their working rights.

The European Federation of Journalists has a role to play in meeting these challenges, but that does not mean all the answers can be found in an office in Brussels. The EFJ's strength can be found in its affiliates and their campaigns for fair treatment, for decent pay and conditions and for a media industry that truly values journalists and their work.

Our role is therefore to spread knowledge and understanding of how journalists' unions are standing up for their members' rights – and to learn from their experiences: what worked, what could have been better?

That sharing of knowledge was the objective of a two-day conference in Thessaloniki in April 2012. Participants heard first-hand of examples of campaigns and actions undertaken by our colleagues across the continent. Now, with this publication, we are pulling together those case studies and the ideas discussed at the conference to bring them to a wider audience within the EFJ family.

We hope that the examples and the conclusions put forward in this document will help inspire our affiliates and spark new ideas for ways in which they can take action to defend labour rights for all journalists in Europe.

Stephen Pearse
EFJ General Secretary



Focus on Greece

Austerity may hit all of us!

What “austerity” really means for Greek journalists:

- cuts in salary, suspension of raises
 - no seniority pay for as long as the unemployment rate remains higher than 10%
 - automatic abolition of collective agreements at end of agreement and no renewed negotiations
 - ‘facilitation’ of contract termination with reduced notice periods
 - temporary work can now be extended up to 36 months
 - proliferation of individual contracts
 - development of undeclared work
-

Greece as a laboratory for trade unions:

Crisis means austerity and deregulation: end of collective agreements, attacks on salary standards and authors’ rights. There is also a growth of undeclared employment, longer working hours and -of course- thousands of lay-offs. Greece is a case-country of the crisis where unions have to renew their work, if not to invent new tools. The old collective agreement expired in 2009 and a new one has yet to be signed. Online journalists are not covered by any collective agreement, which is not solely due to the reluctance of employers, but also to the outdated union statutes. Therefore, unions need to be original, innovative and flexible.

Moreover, new legislation tends to disregard labour laws and workers’ rights. For example, OMED (Greece’s Organisation of Mediation and Arbitration) was established by the law for «Free Collective Bargaining» (1876/1990) and its main purpose is to help the negotiating parties reach a mutually-acceptable solution. But now, new legislation bans salary raises higher than the national salary rise, based on the EU inflation rate, and this is only applicable to those cases that resorted to OMED during the past three-year-period (2010, 2011, 2012). This means that there is no autonomous collective bargaining power anymore. Also, the labour minister’s authority to declare collective agreements as mandatory has been abolished and employees from a same firm may receive different pay.

Another blow for workers is the law allowing associations comprising 3/5 of the total staff to negotiate instead of unions. This means that a group of people can negotiate outside of the traditionally-recognised union. Also, if these negotiations fail, there is no arbitration and there is simply no agreement.

The main tools are solidarity and struggle. In December 2011, the government wanted to abolish the collective agreement in public media; there was no other tool than strike and finally unions won the battle. The action in public TV is an example of both traditional and new union work: beyond being a strike, the action was also a broader political campaign to prevent journalists from being considered as civil servants.

Focus on Germany and Italy

Germany: strike is not dead ... but it must be creative!

In 2011, when negotiations with publishers of the daily press were at a dead end, unions started a country-wide action. They created a slogan on the value of journalism, they made videos, they made use of social media, they organised flash mobs. The unions also organised strikes in over 100 newspapers for many days (the equivalent of 4000 day/people in June 2011). The strike was successful against the employers except on the salary raise, but the collective agreement was defended without changes for newcomer or pensions, as proposed initially by employers. Freelances were among the people asking for strike and the unions asked the legislator to enforce rights of freelancers (lobby work) against unfair contracts. What about relations between strikers and non-strikers? It is an issue and the strike put a lot of pressure on newsrooms, but the non-strikers had 'good reasons' not to strike.



The strike days and the whole process represented a serious financial effort for unions and it affected the strike fund of unions. Even though the unions hired the services of public relations agencies, their role was quite marginal. The general message from German unions is: strike is not a matter of money but rather of fantasy and creativity. The strike action, led by both German journalists' unions, generated an extensive debate on the future and value of journalism among readers and the broader public.

Italy: Negotiation pays after all

Italy has a long tradition in negotiations (since 1911), but this has become a more formidable process in recent times. The collective agreement applies to all journalists, including those working online. It fixes minimum wages, working time, seniority, holiday, redundancy scheme, social security. It also includes standards on authors' rights (i.e. reuse or modification of the creation). The agreement is extended to companies that do not belong to the employers' organisations FIEG (in particular Murdoch's New Corp, which tried to make individual contracts, but failed).

Concerning freelance journalists, the union is pushing for basic standards based on working days and reimbursement of cost. A special bilateral committee has been set up between freelancers and employers to identify problems to solve.

The country's legislation facilitates social dialogue; for instance, there is a legal obligation to allow unions to issue press releases and the union makes more and more videos.

What if employers don't respect the CBA? In Italy the union contacts the FIEG and asks to 'remind' the rogue employer of his obligations. If still not enforced, then a formal complaint is filed. However, given the current crisis, journalists hesitate to denounce their employers because they fear for their jobs. The main challenge for the union is defending the rights of precarious workers and providing them with decent contracts.

INNOVATION IS THE KEY

What EFJ members do

Austria: it took one year to negotiate with the employer about renewal of contract and the inclusion of newcomers in the profession. This was supported by the freelancers. Now almost 100% of the staff are employed, with just a slight salary difference between 'new' and 'old' staff. The union is raising awareness among students. In Austria, journalists and media professionals are leaving the profession because they cannot make a living, and there are three times more students than jobs available. The union is considering warning young people about this risk, but is it the role of union to tell the youth that there is no bright future for them?

France: collective bargaining is linked to editorial independence and with political lobbying. If there are no good working conditions, then there is no independence for journalists. This should be developed and it is the role of the EFJ to develop this aspect. Unions in France defend working rights on the same level as editorial independence. They have also created a platform of political lobbying to defend editorial independence, which is part of the general trade union struggle. Fees for "pigistes" (Freelance journalists working under the special regime of the French law) is a delicate issue: the strategy of the union is to negotiate high fees in order to force employers to employ them properly with long-term contracts instead of making freelance contracts.

Ireland: journalists refer to their mission. In Ireland there is a parallel with the situation in Greece with the extension of austerity to public servants. However journalists are not protected from austerity simply because they play a certain role in society: they advocate this element among the public. The NUJ uses the legal argument that collective bargaining is a human right. In Ireland there is no strike fund, so industrial actions have a strong impact on the workers and their family.

Italy: political lobbying. The journalists' union lobbied the government and employers against a draft law on flexibility of the labour market. This

would be dramatic for journalists because it could be used against journalists for editorial reasons instead of strictly economic reasons.

Germany: unions build coalitions. Journalists' unions can seek joint campaigns with other movements like consumers' organisations defending quality media or public services. Around fifty companies stepped out of collective agreements and used work-for-hire workers who are paid about 20% less. Some 30 companies are doing social dumping by using outsourced workers. To fight against this, the union is naming and shaming because managers and owners are keen to protect their image. Some employers hired only young workers from an outsourcing agency that belongs to the same group: the union named and shamed them. Finally, collective agreements are important, but fees for freelancers are declining in the meanwhile and this needs to be addressed by unions, especially with the development of work-for-hire and total buy-out (one single pay-off and nothing more for the journalist).

In the Netherlands, the main challenge is freelancers (antitrust legislation) and authors' rights. Some freelance refuse the collective bargaining anyway. In the workplace, it's difficult to make the difference between freelancers and employed journalists. In the NL, journalists are not very keen on defending their own rights because it implies going public and be visible by viewers and readers, which is not well perceived by people who work in the media.

What about the EU level? Defend the law!

Social dialogue is still promoted by the European Union but they know that their policy is deleting precisely the tools for social dialogue (i.e. no obligations on countries to have employer's organisations to negotiate with). Law making means civilisation, and collective agreement is an extension of the law: this is a theoretical aspect that unions and journalists need to defend.

Freelances

What unions do to avoid *freelance* being the F word for their members

The case study of Denmark leading the battle

As Jens Rossen told the conference in Thessaloniki, the Union of Journalists in Denmark is organising journalists, as well as other media workers, such as cartoonists, TV subtitle writers, layouters and website developers. The union has a specific group for freelances (“Freelance Gruppen”), which was created over 30 years ago and currently comprises around 1800 members. <http://journalistforbundet.dk/DJ-in-English/>

However, since 2000 freelances have had the opportunity to organize in other groups of the union as well, giving them the opportunity to “mainstream” across the activities of the union. Today every fifth member of the union works as a freelance. It means that around 3000 members of the union are working as freelances or “fastlances”, “forcedlances” and other forms of precarious work. Today, 65 percent of all freelances work as independent contractors while the rest are considered employees.

The strategy of the Danish union has been developed through mutual inspiration between the unions in Denmark, Norway, Finland and Sweden. Thus, there are a lot of similarities in the strategies of the four countries: the main goal is to protect media staff against freelances undermining their collective agreements or working conditions, but also to establish a close co-operation between freelances, shop stewards and union staff, and of course to secure and improve freelances’ conditions.

What concrete outcomes for freelances?

In practice most shop stewards do keep their main focus on the staff colleagues, simply because they are around and the contact is daily, personal and direct. The contacts concerning freelances are more indirect and complicated.

Therefore the basic freelance strategy starts with education for shop stewards, such as:

- presenting goals and means in the union freelance strategy to the necessity of the co-operation between freelances, shop stewards and union staff persons.
- figuring out how much a freelance should be paid not to undermine the collective agreement or working conditions of the staff people.

The union had some results in covering freelances with collective agreements since officially freelances are called in when collective agreements are negotiated and renewed. Out of 80 collective agreements, 30 concern freelances and the principle in negotiating practice is to make the agreements as close to the single member as possible.

One of the agreements was made with the National Danish Broadcasting Company, DR, which could be considered an agreement for “fastlances” or “forcedlances” and setting conditions for media workers working freelance for DR, such as payment, authors’ rights, sickness benefits and maternity leave.

Another agreement is the so called “O-agreement” for journalists and photographers: these agreements concern work for organisations and primarily covers work for union magazines. It concerns payment per hour



PHOTO © DJV/ MICHAEL SCHAAB

or per week, respecting all the “invisible costs” for freelances like office rent, machinery, social costs and others. Besides it defines the use of the materials given over by the freelance in respect of authors’ rights.

Despite, these positive experiences, things are becoming difficult in Denmark:

- The average of the freelance salaries has never been falling as fast as right now. The decrease in income is primarily seen among freelances working for print media as newspapers and magazines, while we in other areas as tv production don’t face similar challenges;
- the number of freelances forced to operate as independent contractors are increasing while the number of freelances considered employees are decreasing. However we see more freelancers considered entrepreneurs developing new business;
- the Danish Union of Journalists in February 2010 lost a battle with Aller Media concerning the coverage of a collective agreement for freelances working for the magazines in the publishing houses. As a result, only 80 freelances out of 700 are covered by the new collective agreements since the Court ruled that no independent contractors were covered by the collective agreement.

Lobbying is key: the union must claim employers as well as legislation to follow the conventions of the ILO and give unions the right to organize and to negotiate on behalf of members whether they are employed or self-employed. The union should also raise awareness that the problem about low paid freelances undermining conditions of staff people is not a media problem only, and if your neighbour’s house is on fire your house will be burning very soon.

What can be done globally? The ILO can help confronting precarious work

The Deputy Director of the International Labour Standards Department Karen Curtis provided some hints to the meeting. There are many forms of precarious work, such as temporary work through agencies, sub-contracting, hidden employment relationships and casual short-term contracts, but a large range of standards and principles set by the ILO concern “workers” and not just employees.

In particular, the Employment Relationship Recommendation No. 198, 2006 states that:

- Labour law seeks to address what can be an unequal bargaining position between the parties to an employment relationship
- National policy on the basis of consultation with the social partners should provide guidance to the parties in the workplace to combat disguised employment relationships and establish responsibility
- Need to address uncertainty around the employment relationship to guarantee fair competition and effective worker protection



Karen Curtis

Unions can bring their issues to supervisory bodies and to the tripartite complaints mechanism of the ILO and a meaningful promotion of labour rights needs to directly address any gaps, in full consultation with relevant social partners. Unions can also promote the industrial/sectoral level bargaining with the extension to all relevant workers

“The evolving nature of work escapes the traditional dichotomy between subordinate and autonomous worker”, said Karen Curtis, “and labour law regulation tends to focus on those in a subordinate employment relationship. This is why collective voices accompanied by rights are essential to fill the gaps either by ensuring protection in legislation or by means of collective agreements”. Concretely, this means that also Freelances (“self-employed”) should have the right to join the union of their own choosing, including being represented by a national centre of workers and that collective bargaining mechanisms may be adapted to the particularities of the self-employed.

In fact the Labour standards departments of the ILO already identified the major organizing issues for journalists:

- Integrate online journalists into collective agreements or negotiate for specificities
- Organize new categories of media workers
- Combat competition laws/jurisprudence identifying freelancers as cartels at both national and regional level
- Propose legally binding bargaining mechanisms relevant to the particularities of the sector

However there also limits to ILO principles: to which unions should self-employment belong to? With which employers should they primarily bargain if they work in several places? Do they have the right to strike?

The EFJ and IFJ need a strategy to work with the ILO, in particular on discrimination between staff and freelance journalists. For the ILO, it’s two sides of the same coin since the ILO considers standards of work independently of their working relations.

WHAT SISTER UNIONS DO

A look at BECTU in the UK

The British union of technicians and administrative staff in the media and entertainment sector, BECTU, is facing the same issues as journalists' union. Sharon Elliott, its Communication's officer, shared her views with the conference.

BECTU focuses its work on the many people who work in precarious conditions among its 25,000 members. However, precarious work concerns a whole range of elements apart from the working contract: gender (See also The gender dimension of precarious work), ethnicity, disability or social background. In short, precarious means vulnerable and a recent trend is that unpaid work replaces paid entry roles (traineeships, apprenticeships).

According to the EU Working Time Directive of 1998, Freelances are 'workers' and have legal rights to holiday pay, health & safety protection & national minimum wage. Therefore the freelance agreement of the BBC in 2010 represented a breakthrough for drama workers and allowed the union to open the first pay talks for all members in 2011.

How to access members? BECTU primarily uses open networking events and fairs. The union also needs to provide career advice, business skills and training. The union also has set up a student register and organises talks at colleges/universities.

BECTU's response against precarious work is a Creative Toolkit (www.creativetoolkit.org.uk) which aims at

- Proving accessible space for new entrants to learn about employment rights
- Build confidence to enforce rights
- Highlight good practice/expose bad
- Let employers know that they will be challenged
- Use social media twitter @creativetoolkit

But the union also works on legal cases, is involved in new campaign groups and makes initiatives such as a Youth Forum to promote activism amongst young members.

<http://www.bectu.org.uk>



The gender dimension of precarious work in journalism

“Women journalists are more often in insecure working conditions and women journalists doing freelance or part-time work are the first to lose their job.”

– Kerstin Klamroth, IFJ Gender Council

Ms Klamroth presented the independent non-profit Wage Indicator (<http://www.ifj.org/assets/docs/196/153/728fdc4-8ae1999.pdf>), which aims for transparency of the labour market by sharing and comparing data through its network of national websites. The situation of women is still unsatisfactory despite international or national standards: women journalists are paid 17% less than male colleagues in Europe, 9% less in former Soviet Union countries and 4% less in South America. They receive less employment benefits (such as health insurance, pension, holiday allowance) and as a result, women journalists are less satisfied with their jobs and working conditions. Since women also have fewer chances to be promoted, the pay gap even increases with age!

Actions can be taken to tackle the gender pay gap:

- implementing pay audits
- increasing flexible working
- improving maternity/paternity rights
- removing barriers to building seniority and promotion
- making collective bargaining more gender aware.

But that's not all: trade unions can do concrete things such as:

- Create a hotline for woman journalists
- urge that discriminatory salaries must be corrected in addition to the regular local wage negotiations
- initiate discussions about 'market forces' versus equality - if discrimination occurred because of market forces, a plan should be drawn up to correct the unbalance.

PRESS



The challenge of Central and Eastern Europe

Collective agreements are still few and far between in the central and eastern parts of Europe, but improved networking between unions could give a boost to EFJ affiliates in these countries. Many face similar problems, including:

- An inability to bargain at a national level because there is nobody to bargain with
- Legal constraints which in practice limit the ability of the union to take industrial action
- Political and legal pressures limiting the ability of journalists to do their work freely
- The use by employers of forced freelancing arrangements and a reliance on new entrants lacking in training on professional standards.
- Limited resources because of low numbers of full fee-paying members.

Where collective agreements do exist they tend to be in public media, with few inroads made in the private sector. While some good deals with foreign employers do exist, in other cases employers that respect union rights in their home countries do not do so when operating in central and eastern Europe.

Unions in the region believe that the situation could be helped by building stronger cross-border links between unions with members working for the same employer and by sharing campaigning and negotiating expertise within the EFJ.



PHOTO © DJV, HANS-DIETER ERENBACH

IN SHORT

Things to do for unions

- coordinate industrial action with political or public campaigns to deliver pay increases and to prevent the erosion of collective agreements
- coordinate journalists' campaigns with sister unions to deliver higher profile and stronger activities;
- work with other unions, even in other countries, for best practices in strikes, especially when strikes did not take place for a long time. Successful strikes need experience and knowledge
- engage the public: strikes are useless for campaigns to the public against free media or for press freedom. There need to be messages, campaigns, education messages.
- collect examples of workplace organising to improve the pay and conditions of newer entrants recruited on poorer conditions than their colleagues
- work with freelances and deliver collective agreements covering the rights of freelance workers

Signs in photos above: "Our work is worth more!; Good work, good money!; We strike against further decline!"

APPENDIX 1

Conclusions of the meeting

The European Federation of Journalists' conference on Equal Rights for Journalists in Europe, held in Thessaloniki on 19-20 April 2012:

stands in solidarity with the EFJ affiliates in Greece, the location of this conference and the country facing some of the harshest consequences of Europe's economic crisis;

gives its wholehearted support to Greek journalists in their fight for fair conditions and the right to bargain collectively through their trade unions;

expresses grave concern that EFJ affiliates across Europe are facing crises that are threatening journalists' established terms and conditions and bringing inequality into media workplaces, including:

- waves of cutbacks across media organisations, leaving journalists without work and those who remain without the time and resources needed to deliver quality journalism
- the creation of two-tier editorial workforces through the use of individual contracts, 'false freelancing' arrangements and widening discrepancies between the rates paid to employed and freelance journalists
- attempts by employers to use the economic crisis as a cover for attacking existing collective agreements and working rights
- the persistence of a gender pay gap in our sector, which is of greater significance in times of economic difficulty when the most disadvantaged often pay the highest price;

highlights the fact that the undermining of journalists' working conditions also results in the undermining of editorial independence and journalism as a public good;

recognises the huge differences between the affiliates of the EFJ and expresses concern that many unions, particularly in Eastern and Central Europe, do not have the capacity or the conditions necessary to deliver and maintain strong collective agreements;



welcomes the fact that, despite the challenges, journalists are acting through their unions to defend and improve their terms and conditions and to fight for equal rights;

recalls the positive examples of trade unions delivering real improvements for journalists through industrial action, political lobbying and public campaigning, including:

- the coordination of industrial action with political or public campaigns to deliver pay increases and to prevent the erosion of collective agreements
- examples of workplace organising to improve the pay and conditions of newer entrants recruited on poorer conditions than their colleagues
- the delivery of collective agreements covering the rights of freelance workers
- the coordination of journalists' campaigns with sister unions to deliver higher profile and stronger activities;

notes that international conventions and European law establish collective bargaining as a fundamental right, and supports proposals to use these texts to challenge claims that competition law limits the ability of trade unions to represent all their members;

calls on the EFJ to:

- compile a group of case studies from the positive examples raised in the conference and highlight the cases to EFJ affiliates
- investigate ways in which the EFJ can further help its affiliates to share their experiences and improve links between EFJ affiliates dealing with the same owners
- analyse cases in which international labour standards are not properly applied within European countries and cooperate with the IFJ to develop a strategy to work with the ILO on these issues
- identify training needs within the EFJ affiliates related to collective bargaining and campaigning, and develop proposals to spread best practice.

Calls on those present at the conference to:

- report back to their organisation's leadership structure, highlighting lessons that have been learned and case studies of challenges and successes elsewhere in Europe;

Calls on EFJ affiliates to:

- assist with the sharing of expertise and knowledge on collective bargaining, including by completing the EFJ collective bargaining questionnaire
- assist women and men within their structures to take up the fight for gender equality
- use whatever opportunities are available to express solidarity with colleagues in other European countries in their fight for equal rights for journalists.

APPENDIX 2

List of participants

AUSTRIA

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SSNM

THE NETHERLANDS

Marc Visch

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ROMANIA

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APPENDIX 3

Contacts, links and resources

The European Federation of Journalists:

The European Federation of Journalists (EFJ) consists of journalists' trade unions and associations in Europe, in accordance with the provisions of the constitution International Federation of Journalists (IFJ).

The EFJ represent the interests of journalists' unions and their members. The EFJ has been created to represent the interests of journalists' unions and associations and their members within the industrial, economical, social, cultural, legal and political framework of Europe, particularly the European Union and the Council of Europe. It is a democratic organisation, independent of all ideological, political, governmental and religious bodies. It shall work in all parts of Europe to enforce trade unionist and professional matters and to protect and defend freedom of expression and information as well as journalists' rights, according to the European Convention on Human Rights, Article 10 (1).

The EFJ is Europe's largest organisation of journalists, representing around 300.000 journalists in over thirty countries.

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Other resources:

- EFJ "Database in progress" on collective agreements: <http://46.103.113.177/index.php?sid=86862>
- International Labour Organisation, Standards Department: <http://www.ilo.org/global/standards/lang--en/index.htm>
- European Trade Union Institute : <http://www.etui.org/Topics>
- European Foundation for the Improvement of Living and Working Conditions: <http://www.eurofound.europa.eu>
- EU publications and documents on Employment, social affairs and inclusion: <http://ec.europa.eu/social/main.jsp?langId=en&catId=22>

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