

# NUJPhoto *Update*

Issue : 3  
1 November 2005

Welcome to **NUJPhoto Update** the monthly bulletin keeping NUJ photographers informed of action taken by their union following debates on the NUJPhoto email list.

**Other features** on **NUJPhoto Update** include listings of forthcoming events, training programmes and meetings.

Also, in this month's **NUJPhoto Update interview** NUJ General Secretary **Jeremy Dear** tells Pete Jenkins of his commitment to action on behalf of a growing union membership.

## **OCTOBER ISSUES**

The third **NUJ Photographers Sub Committee** meeting was held in London on October 11th. Issues discussed included updating the Union's Legal Rights Guide, the Adobe Photographers Directory, Press Cards, TUC and Flash Photography, Labour Party Conference Access, and preparation for the Pay in the Media Summit.

The committee was told the NUJ's legal firm, Thompson's are to review the Union's **Legal Rights Guide** in light of possible over zealous use of the Prevention of Terrorism Act against photographers. A regularly updated Legal Rights Guide should be available on the new NUJ web site from January.

Freelance Organiser John Toner advised the Committee that he was chasing Adobe for a meeting to discuss inclusion of the NUJ in the listing of Member Associations in the **Adobe Photographers Directory**. If this goes ahead NUJ photographers could register to have a seven-shot portfolio, biography and contact details viewable through a free search

service in the Adobe Bridge software, or on line at [www.adobe.com](http://www.adobe.com). The Association of Photographers (AOP) joined last week, and two UK photographers are currently listed.

John also advised the Committee that ACPO had arranged a poster to go to every police station in the country (including Sun Hill) showing what the **Press Card** looks like and instructing officers of the do's and don't's of dealing with Press Photographers.

It was hoped TUC support of the NUJ on the contentious issue of **Flash Photography during Union Conferences** would bring an end to objections from disabled members, there being no medical reasons why flash photographs cannot be taken.

Following the Photographers Sub Committee's discussion of the **denial of access** to some photographers to the floor for Tony Blair's speech during the Labour Party Conference in Brighton (and the successful mass walk out) NUJ General Secretary Jeremy Dear, who attended the Sub Committee meeting, raised the issue of press freedom and diversity with the NUJ Parliamentary Group.

In a letter to group secretary John McDonnell MP, Dear wrote "It is vital for democracy that press access is not the preserve only of the major media organisations, but that freelancers have the right to work and supply to more diverse media."

In preparation for the **NUJ Pay in the Media Summit** (19 November 2005) the Committee discussed photographers remuneration at length, agreeing to produce a document listing photographers overheads, especially in context of time spent on post production of digital images. Actual photography (behind the camera) now equated to something like 25% of a photographers time, with the rest taken up in travel and digital image processing. A subsequent request for information from **NUJPhoto** list members produced useful examples of fees and costs.

The third NUJ Photographers Sub Committee was Chaired by Kevin Cooper.

On-list eyebrows were raised by the discovery Getty Images CEO **Jonathan Klein** was to be a keynote speaker during World Press Photo's 50th anniversary celebrations in Amsterdam (7/8 October 2005).

"Jonathan ... has driven the consolidation of the visual content industry through some 30 acquisitions, their integration and the industry's migration from analogue to digital ... In recent years he has moved (Getty Images) on from its stock photography roots to the role of major participant in editorial imagery" said the WPP web site.

In response **NUJPhoto's** Pete Jenkins wrote "Getty's business practices of flooding the UK editorial market with low price imagery specifically to put competitors out of business, whilst at the same time not being able to replace the diversity, versatility and ability of individual contractors would not be tolerated in other sectors and is acknowledged as a dubious business practice. UK editorial photographers are suffering as a direct result of this man's business policies, and the quality of imagery being used is less as a result. Photographers are going out of business ... and all for the short term financial gain of the largest of our media outlets."

A transcript of Jonathan Klein's speech *The Picture of Truth - Building Trust in the Age of On-Demand Journalism* is being sought by **NUJPhoto Update**.

Concern over NUJ freelancers in the West Country losing work because of the new agency practice of giving **free photographs** to regional papers, who in exchange supplied images for the agencies to sell on to the nationals, brought the response that some contracts may require greater scrutiny.

Contracts were also important when publishers requested the **reuse of commissioned photographs**. Specifying single use in invoices and Terms and Conditions was always going to be the best way for photographers to be in a strong position. A reuse charge of 50% of the original fee was suggested. The photography section of the *NUJ Freelance Fees Guide* is at <http://media.gn.apc.org/feesguide/photo.html>

A freelance photographer's **full kit cost** is in the region of £22,000, which if broken down to two year's use (the life span of a modern digital camera) equates to the need to earn £50 a day, every day, to pay for the equipment alone. Picture desks must be made aware of this ongoing expense to professional digital photographers. It was not known if any newspapers had specific budgets for staff photographers. It appeared decisions were made on an item by item basis.

All North West and Ulster BT compatible **WiFi hot spots** are available on an Excel spread sheet or HTML from Bolton member Phil Taylor. For a copy email Phil at [philtaylorphoto@btinternet.com](mailto:philtaylorphoto@btinternet.com)

A debate on **flying with heavy camera gear** revealed an NUJ Press Card could help circumvent problems. With BA limits of 6KG hand luggage for economy passengers and 11KG for business passengers being so low dressing smart and not appearing overburdened might help if in a hurry, but best policy was to contact the airline press office in advance. Many airlines now had well established policies for dealing with TV crews, and do request those with special needs - be it those with heavy equipment, mobility problems, etc. - contact them in advance so check-in staff and cabin crews can make appropriate arrangements. The BA Press Office is contactable by Fax on 0208 738 9801.

However America may be a special case where the *Homeland Security Act of 2002* apparently deprives people, especially travellers at airports, of virtually all rights. Check for details at <http://www.whitehouse.gov/deptofhomeland/analysis/>.

Travellers to the Florida should also take care not to get into an argument after the National Rifle Association sponsored *Shoot First Law* took effect on 1 October 2005. See [http://www.sptimes.com/2005/09/29/State/The\\_shoot\\_first\\_state.shtml](http://www.sptimes.com/2005/09/29/State/The_shoot_first_state.shtml)

And while on the subject of guns, NUJ Photographers might be relieved to learn a busy President Bush found time last week "to save the American Firearms Industry from collapse" by signing "the most significant piece of pro-gun legislation in twenty years into law". Details on the NRA web site <http://www.nra.org/Article.aspx?id=4228>

Away from American celebrations, beneath the optimistic mantra "Everything fails Eventually" **NUJPhoto** discussed the best way to **archive images**. It was agreed backing up with multiple copies of CDs and DVDs every five years was the minimum one should do. But duplicating to hard drives and on-line archives may give better security and allow easier transfer of files to future media.

Quality purple dye disks were recommended (such as Piodata, Verbatim and Taiyo Yuden), with storage of duplicate disks at a separate secure location.

Jessica Bushey, research assistant at The University of British Columbia has produced a PDF on archival issues : [http://www.interpares.org/display\\_file.cfm?doc=ip2\\_digital\\_photo\\_recordkeeping\\_report.pdf](http://www.interpares.org/display_file.cfm?doc=ip2_digital_photo_recordkeeping_report.pdf). One of Jessica's concerns is the preservation of journalistic material for future generations so feed back on her work could benefit us all. Contact [jess@cajcreative.com](mailto:jess@cajcreative.com).

For more disk information see :  
Andy McFadden's CDR FAQ : <http://www.cdrfaq.org/faq07.html>  
CDR Zone : <http://www.cdr-zone.com/>

Archival stability is important for those **registering images** with the United States Copyright Office. As photographer's work gets ever wide exposure registration could provide worthwhile protection for NUJ members. A 2002 Peter Krogh tutorial on registering is at : <http://www.peterkrogh.com/copyright/main.html>

A photographer threatened with arrest under the Prevention of Terrorism Act for photographing Littlewoods on Worthing High Street, another accused of being a terrorist for photographing Ann Hathaway's Cottage, Austin Mitchell MP having all his images deleted by a police officer (who claimed not to know how to use the camera) together produced the biggest debate of October on the **Police Activity** thread.

Mitchell, who had photographed a queue outside the Labour Party Conference on a camera supplied by the Guardian was quoted as saying "This is security gone mad". Yet a week later (5 October 2005) at the British Embassy in Washington, Home Secretary Charles Clarke would assert "there can be no negotiation about the imposition of Sharia law; there can be

no negotiation about the suppression of equality between the sexes; there can be no negotiation about the ending of free speech. These values are fundamental to our civilization and are simply not up for negotiation."

Obviously unconvinced, and on the same day as the Littlewoods incident (10 October 2005) it was reported that LFB had resolved to organise speakers on civil liberties and press freedom for a future meeting. The position of the NUJ's all important Annual Delegate Meeting had also been reiterated : The threat of terrorism is increasingly used by the British Government to erode civil liberties and particularly freedom of speech, thus bringing journalists into conflict with the state and agencies of the state.

ADM believes that one of the fundamental purposes of the NUJ is to defend members threatened or penalised for going about their legitimate business.

Therefore the strongest possible representations must be made to the police whenever members are threatened; prompt legal backing must support members facing legal proceedings and the NUJ should campaign publicly with Liberty on the dangers.

Back on the **NUJPhoto** list the need for competent legal backing to put teeth into NUJ rhetoric was stressed, as was the point that Austin Mitchell could make a damages claim against the police for deleting his images if he could prove financial loss. Journalists, it was pointed out would be unlikely to tolerate police officers deleting written articles from their laptops.

Although a BBC survey confirmed an increase in numbers of people being **stopped and searched** since 7/7, Home Office minister Hazel Blears was quoted as saying powers would only be used when "there is a good reason to believe that there is genuinely a terrorist threat". The BBC article is at <http://news.bbc.co.uk/1/hi/uk/4365572.stm>

The *Police and Criminal Evidence Act 1984* allows officers to stop and search if they have "reasonable suspicion" that a criminal act is being committed. Under section 44 of the *Terrorism Act 2000* there is no such requirement. See <http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/>

A debate on **advice for street photography** produced the following advice : photographing almost anything from a public place is legal, as is photographing any person in a public place. Doing so only becomes an offence if you are breaching the peace (or worse) as you take the photographs.

Difficulties begin when photographs are published.

Publishing a picture editorially is not a problem, although logos and 'creations' cause occasional difficulties. The published image does become problematic if it is used to represent something it is not, or is used for advertising.

Places such as railway stations are regarded as being privately owned, even if used by members of the public, so obtaining permission would be sensible.

Best legal advice would be from the NUJ's Freelance Office where Freelance Organiser John Toner and newly installed Assistant Freelance Organiser Pamela Morton are there to advise members.

John and Pamela are on the **NUJPhoto** list.

Meanwhile over at the BBC, a new four-person team is now busy processing **free photographs** (or USG - User Generated Content) sent to the Corporation by eager citizen journalists.

Having admitted there may be a problem verifying amateur photographs\* the BBC Web Site were happy enough to ring a Norfolk Art College offering a Press Pass to students in exchange for free pictures - a practice they may have copied from regional newspapers. When notified Chris Wheal, Chair of the NUJ's Professional Training Committee, said "We are taking this up and taking it seriously". Within hours of the **BBC Commissioning Students for £0** post on **NUJPhoto** Chris had emailed members of his committee "We should make clear to our student members that this is not acceptable, and we should ask the NUS to issue similar guidance". NUJ broadcasting officers, and BBC chapels, must be contacted and the BBC should be asked by the union to issue a public statement he said. At the same time Jeremy Dear was discussing the issue with Broadcasting Officer, Paul McLoughlin and requesting details of similar incidents from list members.

A campaign with the slogan "EVERY SINGLE PICTURE YOU GIVE TO THE BBC IS WORTH MORE THAN YOUR LICENCE FEE - GET IT BACK!" was suggested.

The Photographers Sub Committee had already briefed Jeremy Dear on citizen journalism, and the matter will be discussed at NEC shortly. But an email or letter to each and all our NEC representatives on the issue of citizen journalism would focus attention greatly.

\*For the full *journalism.co.uk* article on the Beeb's use of USG see <http://www.journalism.co.uk/news/story1580.shtml>

The new **NUJ Online Freelance Fees Guide** is edging towards completion, so thank you to the many list members who have contributed.

And no we haven't forgotten the all important **Police Guidelines**. We are just waiting for some constabularies to respond to our communications.

## **AUTUMN EVENTS**

NEC Full Meeting : 4 & 5 Nov 05

DEADLINE for submitting motions for ADM 2006 : 7 Nov 05

## **AUTUMN TRAINING**

- Getting Started as a Freelance, £55 : 17 Nov 05
- Pitch and Deal, £65 : 18 Nov 05
- Freedom of Information Act, £ 55 : 21 Nov 05

To book, and for a full list of NUJ training courses see [http://www.nujtraining.org.uk/show\\_courses.phtml?category=calendar](http://www.nujtraining.org.uk/show_courses.phtml?category=calendar). All courses are in London.

## The NUJPhoto *Update* interview

### **JEREMY DEAR answers questions about his role as NUJ General Secretary, the strategic review, and the ongoing need to educate and organise. *Interview by Pete Jenkins.***

**PJ :** Hi Jeremy, thank you for agreeing to be interviewed for the benefit of NUJ members. We all know that you are the General Secretary of the National Union of Journalists, and that you lead the Union, but many of the members still don't fully understand the role of the General Secretary, or what you do on a day-to-day basis. Could you please outline what you would consider a typical day for you and the General Secretaries Office?

**JD:** There is no typical day as General Secretary – but I'll do my best! I have a dual role – as the union's spokesperson and senior full time official overseeing all the union's external work – campaigning, negotiations, industrial work, recruitment, lay democracy and much, much more besides. I am also the union's chief executive – so I am responsible for the direction of all staff, budgets, buildings, pensions, negotiations, (as management!), with the staff unions. In short – the buck for everything stops with me. I am elected by a ballot of the whole membership and employed by the NEC to serve the members and administer the union. But all that hides a myriad of daily tasks. I'll try briefly to give you a clue by a typical recent week.

I attended 3 branch meetings in three different cities to speak on current issues in the union, attended two sets of talks with management in places where we have a dispute, attended a picket line in Coventry, spoke to a group of students in Leicester, attended a meeting of the Development Committee, did two interviews with national media, oversaw the writing and production of a low pay campaign leaflet, has a meeting with John Toner about freelance issues and Barry Fitzpatrick about issues in newspapers and met MPs to brief them on current issues affecting the NUJ. On the Saturday I spoke at a conference organised by Amnesty International in London and then headed to Brighton for a TUC event. Each day I handle about 70-100 emails as well as dictate letters and handle correspondence.

My working week averaged 74 hours last year. It's a hard and stressful job but a fascinating and extremely rewarding one. I never know from one day to the next what I will have to handle. This week I've dealt with the closure of 10 BBC World Service language sections, meeting with members there, writing to 650 MPs, organising for an Early Day Motion to be tabled, doing media interviews about it, I've launched a new NUJ/Writers in Prison education scheme at Westminster Abbey, I've met with the chief executive of Johnston Press, organised and held a telephone conference with all our reps in Trinity Mirror who are facing up to 700 job losses, written to Lord Puttnam about creators rights and the BBC Creative Archive, met with Skillset to talk about training for freelancers, had negotiations with the staff unions, met with our new Equality Officer and Training and Education Officer to discuss their roles, had two meetings about the development of the NUJ website (we hope to launch a new site in January), met with MPs about the World Service, written a series of reports for the NEC meeting next weekend and drafted Parliamentary questions about the abuse of freelancers rights in the independent production sector and written a report (based largely on info provided through **NUJPhoto!**) on the way photographers are being prevented from carrying out their work either through anti-terrorism legislation or through simple ignorance of the police forces and authorities. I've also drafted a strategy paper for the Trinity Mirror Stop the Cuts campaign and helped issue three press releases and update web stories. Tomorrow I am attending an international conference and then having dinner in the evening with Holman Morris the Colombian journalist and on Sunday I will write and layout NUJ Mail ready to be distributed on Monday! I'm sure there are a million other things...

**PJ:** Before being elected as General Secretary, you had other full-time posts, and before working for the union full-time you were a lay officer, could you please tell us some more about your work with the union?

**JD:** Prior to being elected General Secretary I was the union's National Organiser for Newspapers and Agencies and was responsible also for both training and the union recognition campaign.

Before that I was president, vice-president and was an elected member of the National Executive for 7 years

representing the Midlands, sat on the Newspapers and Agencies Industrial Council for many years, was branch secretary and chair in Birmingham and prior to that was branch secretary in Mid-Essex. I was FoC and Deputy FoC at the Essex Chronicle Series. I joined the union as a student and have been an activist ever since. I have represented the union on many outside bodies – at the moment I sit on the TUC Executive and General Council but have variously sat on the board/executive of the National Council for the Training of Journalists, International News Safety Institute, EFJ Labour Rights Expert Group and local trades councils in Essex and Birmingham.

**PJ:** You are a member of the National Union of Journalists Jeremy, aren't you, and before you became a full-time Union official you worked in the media? Could you please tell us more about what you did, and which media organisations did you worked for?

**JD:** After doing my journalism course at Cardiff I worked as a trainee reporter on the Essex Chronicle Series based in Chelmsford. It was at the time of union de-recognition and we were one of the first newspapers at which the management simply tore up our agreements (literally!). Naturally we were outraged and did what any good trade unionist should – and walked out. Unfortunately it was the era of Thatcher's assault on the unions and the anti-union laws (most of which scandalously are still in place) and we were sacked after 24 hours. We fought a long and bitter battle for reinstatement and to uphold union negotiating rights. Ultimately like the miners, dockers, printers and many others we lost. But it taught me many valuable lessons about solidarity and organising – but it didn't help career-wise (at least not in journalism!).

Subsequently I worked as a freelance journalist for a number of years in Birmingham – selling stories to various local papers, some of the nationals and doing shifts on a series of education magazines. I edited one of their titles (I took over from Miles Barter – now the union's northern organiser!) After that I had a job as Publications Officer at Birmingham Trade Union Resource Centre, which produced leaflets, magazines, booklets on issues of trade union interest until council-funding cuts made its continuation impossible. When *The Big Issue* launched its regional editions I was asked if I

would head up the launch of the Midlands edition, and worked there as editor for three years before taking up full-time work with the NUJ.

**PJ:** Photographers regularly find that their own specialist difficulties are not understood by the rest of the union, and have been facing many of these problems for many years. The change from conventional film to digital media has altered our corner of the industry beyond recognition, and has indeed caused many photographer members severe financial difficulties, with rates either frozen or lowered, and our expenses rocketing. Neither our clients, or our writer colleagues seem to understand digital imaging, and this is causing photographers many problems. How do you think the union can help educate both colleagues and clients to the realities of 'Digital Imaging'?

**JD:** We need to do three things – educate, agitate and organise. We are getting better at education. I have been talking to John Toner this week about a major drive by myself and the President to get the freelance (and particularly the freelance photographers) message in to chapels and particularly to commissioning editors. I have pulled together all the material the union has produced recently setting out commissioning guidelines; material on copyright, material on rates, the freelance charter and so on as part of a mailing we will do to 550 Chapels and branches. We've also been putting material together for the new website which will make this material available in downloadable form for chapels. We are also reprinting an updated version of the *Frontline Photographers and the Law* leaflet and getting Louis Charalambous to update the briefings he has done on photographers rights. Education of both our freelance members and our staff members is essential.

But education isn't enough. We need to be much more aggressive in the way we take on companies. The freelance day of action was a good start but we need more high profile protests, more cases where we decide to pursue non-payers aggressively, and more test cases, which will set important precedents. We do a good job in winning unpaid monies but we need to shout about it more so every company knows it is not worth getting in to fight with us. That's the kind of attitude we've tried to get staff chapels to adopt that everything will be challenged in every way we can. Because

of the nature of freelancing that is of course more difficult – but it is not impossible. And we need to be more insistent with our staff members, that they have both a responsibility and self-interest in working with freelancers to challenge bad employers.

Finally we need to organise. If we only speak for a small number of photographers or freelancers or staff journalists then our voice is weak. The more we speak for the stronger our voice. And once we speak for the biggest number we need to make sure we all shout the same thing at the same time – not spend our time shouting at each other while the employers continue to get away with paying low rates and stealing members' rights. That voice also needs to be used constructively to make our case to the lawmakers both in domestic Parliaments and in the EU.

Sorry I haven't really answered the question, but whatever the issue I think that kind of approach is vital. As for the realities of digital imaging there is a huge job to be done. It was fascinating to sit in the photographers meetings discussing the ideas around a digital manifesto, of getting some idea of the huge costs involved in 'going digital', of the additional skills photographers have had to acquire – none of which is reflected in the price companies pay. Indeed in many cases I've heard employers say it must make it cheaper since you no longer have to buy so much film!

At the Freelance Conference and subsequently it was also shocking to hear the stories of the rates some companies are paying. Whilst the technology has moved on the rates are still Dickensian!

As well as the kind of education I spoke about earlier (which must be not just a one-off mailing but an ongoing commitment) we should pick one of the culprit companies and target them with a high-profile campaign. On low pay we've embarrassed a lot of these companies simply through concerted exposure of their big profits and low wages (and door-stepping them at major swanky industry events) – we can do the same with freelance rates. If the members of **NUJPhoto** want to come up with some key targets and supply information about rates and their failure to deal with the reality of digital imaging then we will launch a campaign against them.

**PJ:** The current Five Year Plan is well on its way to completion, 'New Media' have an organiser and an Industrial Council of their own. The current union structure seems incapable of assisting (freelance) photographer members beyond a certain amount of 'fire fighting'; what many photographers will want to know is, will we get our own organiser and Council, the only way that the bulk of photographer members feel that their specific problems will get tackled?

**JD:** Ah, the Five-Year Plan. To avoid accusations of Stalinism I called it a strategic review. Immediately it was dubbed the First Five Year Plan. Oh well.

I'm immensely proud of what we've achieved as a union over the last 4 years. In line with that plan we have increased staffing in every sector, seen 4 years of membership growth (a net gain of more than 1000 members this year), won recognition back in more than 150 workplaces, got 15,000 journalists negotiating rights back and have won every year around £3 million for freelance and staff members who are treated unfairly by companies. We have massively increased our profile, brought in a new copyright lawyer, set up a campaigns and communications department and reduced the union's historical debt at the same time. It's pretty good considering the problems most of the trade union movement faces.

The Plan was based on a massive consultation exercise and endorsement by ADM based on the core priorities for the union at that time, which according to members was trying to rebuild the collective strength of the union. We have made significant progress in achieving that.

Now we need a new consultation about the next stage – The Second Five Year Plan? I've always made it clear (from 3 years ago when Andrew Wiard first asked me the question) that if a case could be made then there should be a photographers organiser (or any organiser) then the union should appoint one as soon as resources allow. The case doesn't just have to be made to me but to ADM and the membership – we are a democratic union and the members decide. Photographers by the work they have done in the past couple of years – getting better organised, setting up **NUJPhoto**, organising lay member meetings, establishing the

Photographers Sub Committee of FIC – are making a stronger and stronger case. This year was the first time we set up a formal council for Wales after members there established ad-hoc arrangements, built up their work, carried out campaigns and made the case for a Council unanswerable. That was how the Scottish Council was set up which later became the Scottish Executive. The same is true of the New Media sector. In our union, structures and organisation have tended to come from activity. That's why I welcome the increased activity among photographers. That will help you make the case for an organiser and a council.

But I'm concerned at the idea in the question, which says that getting an organiser, and a council is "the only way the bulk of photographer members feel that their specific problems will get tackled". It didn't need either in the case of the photographers at Labour Party conference. I don't think that a council or an organiser is the only answer to all your problems. Members make up the union and their solidarity, activity and organisation is the key to improving conditions. Of course an organiser (and sometimes a council – but there is always a danger it just becomes another layer of expensive bureaucracy!) can help but they can't create something out of nothing.

As a final point can I thank you for asking me to be interviewed. It's very hard in a relatively short piece to let people know all the work the union is doing much of which, because it is not very sexy, does not get widely reported. If people want more information on any aspect of the union's work I'm happy to send them details or to come to any meetings to answer questions/discuss the way we can together tackle the issues photographers face.

**PJ:** Thank you Jeremy for taking the time to answer some questions and address members of **NUJPhoto**. It helps us all know a bit more about you and the way the National Union of Journalists works.

We hope you found the November edition of **NUJPhoto Update** a useful supplement to NUJPhoto, and that it will become a catalyst for further debate on list. NUJPhoto *Update* was produced by the moderators and list owner of NUJPhoto.

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