

NUJPhoto *Update*

Issue : 4
7 December 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** **Tim Dawson** Chair of the NUJ's Freelance Industrial Council, tries to tell Pete Jenkins about his book, his on-off relationship with an A-list actress, and a little bit about the NEC's attitude towards 'Citizen Journalism' ...

NOVEMBER ISSUES

The BBC web site's bright idea (which it may have copied from local newspapers) of offering art students free press passes to pop concerts in exchange for free photos was one of the many issues in a paper presented to the NUJ's **Pay in the Media Conference** by the Photographers Sub Committee.

Another alarming case presented to the conference involved a year of weekend and holiday work for the *Coventry Evening Telegraph* in exchange for experience, a portfolio, and £60 towards expenses. Payment, the *Telegraph* claimed, was not possible without qualifications. When the trainee did get the required NTCJ qualifications her services were no longer required.

Although the BBC have apparently conceded not to reuse images from unsuspecting eager amateur photographers in a context outside the original request for submissions, the BBC web site was happy enough to request images from Bradford within hours of the shooting of two women police officers.

A further case was cited of the BBC describing a supplier as a 'member of the public' at the same time as producing a sweeping rights grabbing contract and freely syndicating his material without permission. Although the supplier's agent was an NUJ member the supplier was not, and the NUJ's executive decided not to represent him on the matter. One post suggested the BBC would struggle to explain in court that they had tried to rip someone off because they thought he was a member of the public !

In an interview on *journalism.co.uk* posted on 9 November, Peter Clifton, newly appointed head of *BBC News Interactive* said that 'User Generated Content' (USG) adds strength to the BBC's journalism - and is here to stay. Nothing we have done jeopardises freelancers. Our content relies on good journalists both at the BBC and freelance, he added.

On the issue of 'Citizen Journalism' it was suggested the NUJ should seek to get agreement with all media about the respect of copyright, payment for usage, for CJ supplied work to only be used when there was no professionally supplied alternative, and to study the issue in respect of health, safety and Code of Conduct issues.

'Citizen Journalism' was a key issue discussed at the **London Freelance Branch** meeting on 14 November. The BBC and CJ agency Scoopt pulled out, but speaker Jemima Kiss' own report for *journalism.co.uk* is at <http://www.journalism.co.uk/news/story1595.shtml>

Meanwhile over on the forum www.f8andbethere press photographers were angered at the continuing practice of regional newspapers requesting **free picture use in exchange for a by-line**, or help with press accreditation. Unsurprisingly Trinity Mirror appear to be the main culprit.

The **changing world of photography** was the lead in *Guardian Technology* on 24 November. The article is on-line at <http://technology.guardian.co.uk/weekly/story/0,16376,1648837,00.html>

Photographers income highlighted at the NUJ's **Pay in the Media** summit produced sympathetic reports in the *Press Gazette*, *Media Guardian* and the *British Journal of Photography*.

•http://www.pressgazette.co.uk/article/171105/could_they_survive_on_275_a_week

•<http://media.guardian.co.uk/presspublishing/story/0,7495,1645898,00.html>

•<http://www.bjp-online.com/public/showPage.html?page=306637>

At the summit, NUJ General Secretary Jeremy Dear referred to his strategy of 'Building Our Collective Strength', and the effect of low pay on freelances and photographers especially in context of equipment costs and 'Citizen Journalism'. The exploitation that is the reality of so-called work experience was stressed by Pete Jenkins.

The need for closer links between staff and freelances was also raised. Apparently finding ways how staff could support their freelance colleagues is to receive further attention.

Haynet/Haymarket requested signed copies of their **Confirmation of Copyright** forms before payment from one member, and cancelled a commission from another list member after he clarified his rights. It seems Haymarket are aware most photographers decline their copyright grabs and so settle for First British Serial Rights when challenged. Writers it seems have been less successful.

Emap Active and Emap Automotive also spent at least some of November attempting rights grabs.

Freelance Organiser John Toner called for information relating to apparent non or **late payment by stock library Alamy**. Alamy told John that they did check UK publications for usage but some photographers still insisted all due payments were either not made or needed chasing.

It was also pointed out that the Alamy contract did not specifically state that the company would immediately notify photographers if Alamy was taken over or sold to a third party. An official NUJ visit to Alamy's Oxfordshire offices was suggested.

That generally responsive and photographer-friendly Alamy was a far cry from Getty and Corbis (who had come to dominate the stock industry with a policy of predatory acquisition) was stressed. Instances of Getty selling in regions barred by agreement with the stock libraries they had acquired was also raised.

The NUJ's NEC launched **INFORMED** an email newsletter about key decisions taken by the NUJ National Executive. **INFORMED** is to be published after each NEC meeting as part of the union's new campaign 'to help members access the information they need'.

Skillset, the Sector Skills Council for the Audio Visual Industries, has invited photographers to have their say on Skillset's recommendations and **action points for the photo industry**. The recommendations identify "an urgent requirement to raise the level of digital skills". Please see, and make comments at www.skillset.org/photo/strategy

pdonline published a piece on a new law in the US giving photographers **copyright protection for un-taken photographs**
http://www.pdonline.com/pdn/newswire/article_display.jsp?vnu_content_id=1001479563

It appeared neither the AA or the RAC give 'affiliate discounts' to NUJ members.

Now ! Put your thinking caps on everyone because the NUJ want a unified submission for the **Government Inquiry into New Media and the Creative Industries**. Amongst issues to be investigated are the impact on creative industries of developments in digital technology and steps that should be taken to provide statutory protection to creators, such as photographers. The closing date for submissions to the inquiry is 19 January 2006. Your ideas will be needed sooner.

The NUJ will present its submission to :
Kenneth Fox, Clerk of the Culture, Media and Sport Committee, House of Commons, London SW1P 3JA
<mailto:cmscom@parliament.uk> or cmscom@parliament.uk
Tel : 0207 219 6188

Guidance on the preferred format for submissions is at <http://www.parliament.uk/commons/selcom/witguide.htm>

WHO IS YOUR NEC REPRESENTATIVE ?

President	TIM LEZARD
Vice President	CHRIS MORLEY
General Treasurer	ANITA HALPIN
Black members	ROTIMI SANKORE, ALEX PASCALL
Book	NICK BARDSLEY
Broadcasting	DIANA PEASEY
Freelance	JOYCE MCMILLAN
Magazines	MARTIN CLOAKE
Newspapers & Agencies	MICHELLE STANISTREET
Public Relations & Information	ANITA HALPIN
New Media	DONNACHA DELONG
Disabled Members	VALERIE SWEENEY, STEPHEN BROOKS
Continental Europe	MINDY RAN
East Anglia	JOHN BARSBY
London	NICK SERPELL, MOLLY COOPER, JIM CORRIGALL, TIM DAWSON, CHRIS MORLEY
Midlands of England	GERRY CARSON, KEVIN COOPER
Northern Ireland	ADAM MURRAY, GEORGE MACINTYRE
North East England	CHRIS FROST
North West England	CHRISTY LOFTUS, KEVIN MOORE, BARRY MCCALL
Republic of Ireland	JAMES DOHERTY, FRANK MORGAN, FORBES McFALL, PETER MURRAY
Scotland	JIM BOUMELHA, ADLI HAWWARI ANDY SMITH
South East England	TIM LEZARD
South West England	MEIC BIRTWISTLE, ANDY COLLINSON
Wales	

WINTER EVENTS

Slightly overtaken by events ... but there have been well organised high profile protests at the Bristol United Press in Bristol and the Guardian Media Group in Manchester and London this week. In Bristol the protest was against cuts and staff redundancies due to the Northcliffe 'Aim Higher' programme. In London and Manchester The Guardian Media Group were encouraged to reconsider the axing of *City Life*.

WINTER TRAINING

- Freedom of Information Act, £ 65 : 1 Feb 06
- Getting started as a Freelance, £ 55 : 10 Feb 06
- Adobe Photoshop, £ 205 : 11-12 Feb 06
- Pitch and Deal, £ 65 : 24 Feb 06
- Copyright for Journalists, £ 35 : 1 March 06

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

The NUJPhoto *Update* interview

**Non photographer TIM DAWSON answers questions about his role as Chair of the NUJ's Freelance Industrial Council, the Beeb's issuing of press passes to students and his admiration for Scottish photographers.
*Interview by Pete Jenkins.***

PJ : Hi Tim, thank you very much for agreeing to be interviewed for the benefit of **NUJPhoto** subscribers. We know that you are the Chair of the Freelance Industrial Council (FIC), and a member of the National Union of Journalist's National Executive Committee (NEC). Could you please tell us a little more about your work with those two bodies ?

TD : I have been a member of FIC since the mid-1990s and its chair since 1999. The great thing about FIC is that it is such a positive, can-do body. It has been enormously satisfying to me to play a small part in shaping real services that I hope are of use to freelancers, such as the On-line Directory and the new Fees Guide. The same is true of all the industrial work in which I have been involved. It might not be easy to persuade media houses to sit down with us and discuss freelance terms, but when we have managed it, I know that we are going to have an immediate impact on people's working lives.

I decided not to stand for the NEC for a long time, largely because I was content working on FIC alone – and I used to be a member of the Scottish Executive, which took up quite a bit of time. Nevertheless, I have come to enjoy the NEC, even though for much of the time, I am in a minority. It is certainly important for freelancers to have a strong voice on the NEC. I don't believe that staffers deliberately overlook freelance interests, but it is easily done inadvertently. I have tried to provide a strong counterbalance to that tendency, as well as representing my other constituents in London.

Will there be a chance to talk about my book soon ?

PJ: We know that you are not a photographer, what sort of journalism are you involved in ?

TD: I am a news reporter and feature writer. In my time, I have covered almost everything except sport. I currently work mainly for the *Sunday Times*, for whom I also edit pages. In the past I have worked for the American magazine *People Weekly*, writing about celebrities, *The New Statesman*, writing about politics and *Bicycling* (another US mag), writing about, er, bicycling.

PJ: You have been active in the union for a long time. Before your current terms at NEC and FIC, what other union positions did you hold ?

TD: I was vice chair of Edinburgh Freelance Branch for several years and have been on the London Freelance Branch committee for the past two years. And, as mentioned above, I was on the Scottish Executive and its predecessor for quite a while.

Now, about my new book ...

PJ: Although you are not a photographer you have been seen as a champion of the photographers cause. Indeed I understand you were involved from the start with *The Scotsman* copyright dispute. Can you please tell us more about it ?

TD: Does my not being a photographer need to be mentioned many more times ? I will be tempted to start cracking jokes about the attention span of lens-wielding colleagues in a moment.

The photographers in Edinburgh sought me out initially because they had an issue with a paper that was launched in Edinburgh called *Business AM*. I knew some of them through work and they knew that I have something to do with the NUJ. I would have tried to help them just as much, had they been casual subs or crossword setters. So far as I am concerned, we are all freelance journalists.

The negotiation with *Business AM* was concluded easily and quickly. It might not have been the best agreement ever, but it was a place from which to try and obtain improvements in subsequent years. Unfortunately the paper closed quite quickly, so that opportunity never arose.

As the photographers group came together, it quickly became obvious that there was a far more serious situation brewing at *The Scotsman*. Drew Farrell told the story of how that dispute progressed in a recent edition of *The Journalist*, so there is not much point in going over that ground again. What is worth saying, however, is that those photographers were enormously brave and astonishingly resourceful. Working with them was a remarkable experience.

Indeed, if you buy my new book, which also makes an excellent Christmas gift, oh, OK.

PJ: As a member of the NEC, can you tell us more about the NEC and its 'Citizen Journalism' policy? We know that it was more positively discussed at the last NEC, but it would be good to know where the union now stands on the matter.

TD: The NEC adopted a position of accepting that non-professional material will be used in TV and print media. The policy is that it should only be used where it 'has a unique character that is unavailable through conventional routes', and that it does not 'replace the work from professional journalists with work that has been supplied free or below market rate by members of the public'.

I argued that we should work to persuade media outlets to pay for all such contributions, to maintain a level playing field. I accept, however, that no matter how much the NUJ, or anyone else, pushed for such a position, we would probably be doing so in the face of industry practise.

The NUJ also agreed to continue work developing a Code of Practice for the use of 'Citizen Witness' material. This has now gone through development and policy committees (along with finance, these are the sub-committees of the NEC). I am sure that drafts of that code have been posted to this list.

The Code of Practice will now be presented for ratification to the next NEC, which is on 20 and 21 January.

Of course, it is a shame that we did not get to this position sooner, but it does show how easy it is for the NEC to adopt a line without giving much thought to its consequences – particularly in areas about which many members have not given much prior consideration. It shows just how important it is for NEC members to keep in touch with their constituents. But it is also important for ordinary members to seek out their NEC members and tell them what they think.

PJ: A lot of our on-list discussion in November centred around the BBC and the issuing of press passes in exchange for free student labour. We learned that this practice also extends to regional newspapers. What do you think we can do as a union, and as individuals, to discourage this practice amongst broadcasters, the media *and* students ?

TD: Try to persuade media houses that they will come unstuck eventually, if they continue to do this and try to educate students that unless they demand fair recompense for their work, then they are undermining conditions across the industry.

Perhaps we should start a direct mail campaign to commissioning editors.

“Picture yourself, in front of the judge, trying to explain how you allowed your paper to be in contempt of court. And as the sentence is handed down, you can’t get the question out of your head. Why, oh why did I accept copy from a student”.

Or for picture desks, something along these lines:

“How will you explain to your editor that the paper breached the celebrity’s privacy because the amateur snapper whose picture you published had not heard of, much less understood, the Ms Dynamite ruling. And whose budget will be slashed to pay the legal costs?”

PJ: The BBC 'Copyright Grab', in its many forms has also been discussed this month. It is not only the BBC that tries to get our copyright from us. How do we combat this, contrary as it seems to the 1988 Copyright Act, which was worked for so hard by members of this union (and others) ?

TD : I have been involved in negotiating with the BBC on copyright for at least five years, and believe that we have made some progress. Individuals must be persuaded to stand up for their rights and the NUJ must use this as the basis to persuade media houses that such practices are unacceptable. It is the same as with much other union work. We have to seek out areas to make small advances, and then use these, when they come, as building blocks.

Anyway, moving on to my new book ...

PJ: The Pay in the Media summit in London was preceded by some excellent media exposure in both *The Guardian* and *The Press Gazette*. The summit seemed to go well, and you took a very active part. Editorial pay seems to have stagnated for photographers for a decade, and indeed has been severely eroded by both inflation and the increase in overheads. As photographers - and in many cases freelances - how do we go forward and improve our lot?

TD: It depends, of course. *Q/Mojo* shows the way on monthly magazines. Get contributors together – probably on email. Co-ordinate demands. Negotiate. The US version of EPUK was the original inspiration for this kind of organisation, I believe. On more frequently published titles, I believe that we have to work with our staff colleagues. As I mentioned at the Pay in the Media summit, had the staff at *Scotsman Newspapers* supported the freelance photographers, the outcome would have been very different. But then the staff were not unionised and were cowed by a bullying management, so they can't really be blamed. We have to persuade staff that our interests intersect and really build a strong relationship between freelances and chapels.

On an individual basis, there is much in what Chris Wheal says – improving our skills, increasing the value we add and making ourselves more indispensable – should be part of what we are all trying to do.

Is that it ?

No questions about my on-off relationship with the A-list actress ? Nor a single mention of my new book – its in the shops for Christmas ! DON'T BRING THE CLOSING TITLES UP YET. Surely there is time for an anecdote about my children that will show me in a favourable light ? Or my charity work ! I have got so much more to say ! Just wait till my agent speaks with your booker – this is not what I was promised, at all.

PJ: Thanks Tim for spending the time to talk to us about your work. Now, as I know you have been desperate to tell us, we would like to know more about this book you have been alluding to ... Tim, Tim, come back we haven't finished !

As Tim leaves the pub in a blaze of bicycle clips and luminous 'Day-Glo' anorak with flashing lights, it looks like we will have to wait until the next FIC before we hear about his exploits in the flesh pots of London ...

We hope you found the December 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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