

Photojournalists

An endangered species in Europe?

BY DAVID MCCAIRLEY • EDITED BY NICK MCGOWAN-LOWE • JUNE 2009



European Federation of Journalists

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Executive Summary

Photojournalists face radical challenges to their profession on many fronts, whether economic, legal or social. These challenges are exacerbated by the advent of digital technology, increasing restrictions on photography, the erosion of authors' rights and falling levels of pay.

This affects the living standards and quality of employment of photojournalists, and has a harmful effect on professional standards, journalistic ethics and accountability: all of which are essential prerequisites for the functioning of an open and democratic society.

My conclusions are as follows:

- ▶ **Better representation:** Unions should ensure that photojournalists are well represented within union structures and decision-making.
- ▶ **Best practice:** Member unions should aim to promote and disseminate best practice and fair contracts.
- ▶ **Authors' rights:** Authors' rights – both moral and economic – must be publicised and fought for.
- ▶ **Networking** and associated collegiate activities among photojournalists should be facilitated and encouraged.
- ▶ **Equal opportunities:** Policies aimed at increasing the representation of minority and other groups that experience discrimination should continue to be implemented. Unions should ensure equal access and equal treatment for both male and female photojournalists.
- ▶ **On multi-skilling:** Member unions should lobby for and negotiate enhanced rates for increased tasks in journalistic work and increase awareness that further training is a precondition for additional tasks.
- ▶ **On access to public spaces,** anti-terrorism legislation and interaction with state authorities: Member unions and the EFJ should continue to promote the EFJ *Guidelines for Photographers' accreditation to Major Events*.¹
- ▶ **Press cards:** To press for greater press card recognition by police and other public institutions, and clarification of what rules are applied.
- ▶ **Public-Order Reporting Guidelines:** The EFJ should establish Europe-wide internal guidelines on how to work alongside the police and other official bodies in times of conflict and at public-order events.
- ▶ **Education and training:** To increase and encourage an awareness of the role of continuing education among members and purchasers of photojournalism; and to establish Europe-wide standards of training or education for journalists at all levels, including editorial and purchasing staff.

The immediate future cannot be seen as particularly hopeful. The difficulties reported here by the EFJ's member unions are only likely to increase in coming years. What is required is a coherent and unified approach from bodies representing photojournalists to uphold journalistic standards and campaign for recognition of the democratic role of trained and responsible photojournalists.

¹ See these in PDF form at: <http://www.ifj.org/assets/docs/213/158/66f05d5-bb0599e.pdf>

1 Introduction

Photojournalism matters. It matters not simply as an industry and profession, but as a critical ethical foundation of our cultural and political life. The freedom and transmission of information is a fundamental element in the democratic ideal: a building block of the open society, a witness in the unfolding of history.

However, photojournalism has entered a critical phase of its relatively short history, and faces a range of economic, social and political challenges.

The response of the European Federation of Journalists (EFJ/IFJ) has been to start a process of examination of photojournalists' working conditions, enabling a discussion of what examples of existing best practice, and to define strategies to help photographers working in the media survive and defend the quality of their work.

The "Photojournalists: An Endangered Species in Europe?" project, supported by the European Commission, was established to examine current best practice and to improve the working conditions of European photojournalists. The project falls into two main sections:

- ▶ Firstly, a survey was conducted among the EFJ's member unions, which assessed current working conditions for photojournalists, including best practices on

training needs, collective agreements, unfair contracts, social security systems, authors' moral and economic rights, and orphan works. A copy of the survey can be found in the appendix of this report, and the results are discussed in the next two chapters.

- ▶ Secondly the EFJ held a two-day seminar in Paris in December 2008 that brought together photojournalists, their union representatives, and media employers to discuss the current state of the photojournalism industry.

It was in this arena that an exchange of ideas and information was begun: a process which, it is hoped, will inform the continuing debate on the future of photojournalism, create strategies and find areas of co-operation that will preserve and enhance the working conditions and quality of the work of professional photojournalists.

The effect of the digital era

The advent of the digital era should, in theory, be ushering in a golden age for photojournalism. There are more images being taken, by more people, and it is easier than could ever have been imagined to publish those images digitally through the internet. So why then do



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photojournalists feel themselves to be under pressure, to the point of asking whether there is a future for the profession at all?²

The present reality facing today's photojournalist is that obstacles and competition are increasing, while the rates for publication have in real terms been falling for many years. In addition, streamlined digital processes have enabled expenses to be cut and new tasks incorporated into the standard fee. Whereas once the photographer acted as a manager of post-production and processing, charging a mark-up on these services, the photographer is now generally expected to both incorporate these services into their diminishing job or day rate.

The new democracy of photography

In recent years, the ability to produce images has been democratised, and it is now easier than ever to produce photographs to the standard necessary for reproduction.

A large number of those in Western societies carry a digital camera in the form of a camera-phone. Images captured can be distributed instantaneously, and commercial operations such as Demotix³ already exist to encourage images shot by amateur photographers into the professional news market. Online image banks such as Flickr are populated with photographs taken by amateur photographers. Microstock – the selling of royalty-free stock photography at very low rates – has transformed the market areas previously dominated by giant agencies and professional libraries. The ability to provide news images is no longer restricted to professional photojournalists.

The emergence of these “citizen journalists” (amateur photographers who submit their images to professional news outlets) and “crowd sourcing” (when publishers invite images to be submitted from members of the public for commercial use) form a formidable challenge to the position of the professional photojournalist.

Editors can find images for publication from a wide variety of sources on the internet before having to consider using the skills and relative expense of a professional photographer. Other publications have been quick to see the possibilities in sourcing their images from members of

the public and many actively encourage readers to supply photographs of news and other events for publication, both in print and online.

Editorial budget cuts – whether through economic necessity or publishers' greed – have been a significant catalyst in this shift. Payment for this user-generated material is rarely offered, or when offered is far below commercial rates. Members of the public are often unaware of the true value of their intellectual property, and the media organisations making profits from their ignorance are not forthcoming in informing them. The supply of these images further undermines the market value of professional news imagery.

The effect of stock photography on the editorial market

The state of the stock photography market has an immediate and direct impact on the photojournalism industry. Many photojournalists use stock sales as a replacement or supplementary income. Equally, for a picture editor, stock library images can, in some cases, be a substitute to commissioned editorial work. Where a publication has the choice of commissioning new photography, or using library pictures, a picture editor will be influenced by the relative prices of both. Fewer picture editors will now commission a relatively expensive photographer to shoot an assignment if a cheap or free alternative exists in a picture library.

The majority of stock photography sales are traditionally conducted through an agency. However, placing an intermediary – the stock agency – between the photographer and the consumer inevitably results in a loss of control over the resale of the photographs (especially in regards to pricing) and this loss of control can lead to friction between photographer and stock library. Anecdotally, at the time of this report, there are few photographers who feel that their stock agency is selling their work for what they believe to be its true worth.

However, the issue is a complex and inter-linked one. The stock agency operates in an industry which tends towards the economic ideal where at any time, all buyers and sellers have a chance to learn the other prices in the market

² See “The professional future of photographers: Research carried out for the Danish Union of Journalists between February and May 2007” in appendix C of this report which drew the same conclusion, namely: “Photographers are faced with a amazing paradox: although demand for both moving pictures and stills has never been greater, a large – and growing – number of photographers are finding that their position on the labour market has been weakened and their professional future looks uncertain.”

³ See <http://www.demotix.com>, which, at the time of writing claims to have 5,000 professional and amateur contributors.

Copyright is an unfamiliar idea to the average consumer who sees nothing wrong with sharing digital files over the internet with their peers.

place. This leads to greater competition, particularly in the area of price.

Such a situation leads inevitably to two outcomes. Firstly, faced with falling profit-margins, but a desire to keep the same level of total profit, picture libraries begin to push for either a reduction in the percentage paid to contributing photographers, or seek a greater volume of sales through bulk-buying or subscription deals.

Secondly, it is clear that some major picture libraries (such as the perennially unprofitable Corbis) have chosen to pursue overall market share through aggressive price-cutting as an objective, at the expense of year-on-year profit. Agencies and photographers may share the revenue from the sale of images, but that does not mean that the best interests of the agency are necessarily also the best interests of the photographer – or of the industry as a whole. Corbis may have a billionaire benefactor; individual photographers do not.

Multi-tasking and multi-skilling

In response to these pressures, the traditional media industry has sought to change the working conditions of those full time photojournalists it still retains, particularly in regards to multi-skilling and multi-tasking. The traditional boundaries between different forms of newsgathering are changing as a result of budget cuts and technological advances.

The issue is two-fold. Firstly, instead of sending both a journalist and a photographer on an assignment, many newspapers ask one journalist provide both news and words. (It is also notable that writers are asked to provide images far more often than photojournalists are asked to provide words)⁴

Secondly, it seems clear that within a short period of time the stills photographer will be able – and be required to – take video footage as part of covering a story⁵, just as writers are already being asked to write different versions of copy for print and web editions. The technology has existed for several years, and photographers using professional digital cameras will often find the capability to shoot video has been included when they upgrade their existing camera equipment.

The prevalence of multi-tasking has brought with it an erosion of professional standards. The need for change appears to be faster than the need to include additional training. This trend will only continue with the emergence of convergent technologies.

Authors' rights

The defence of photojournalists' rights often centres on copyright issues. Here too there is a sustained attack, whether from publishers wanting to acquire greater rights from photographers for no extra payment⁶, or the general public who are often unaware or undeterred of any legal restriction on the use of images they find. Copyright is an unfamiliar idea to the average consumer who sees nothing wrong with sharing digital files over the internet with their peers.

News organisations frequently ask readers to supply news pictures, but offer little or nothing in return for their intellectual property. Potential legislation allowing copyright exemptions for “orphan works” looks likely to make this situation worse, if laws are passed which allow ‘orphaned’ photographs to be published, especially if that is allowed at a rate below the market value of other images.

As well as being suppliers of intellectual property, members of the public are also con-

⁴ A recent example of this can be seen at the Belgian newspaper *Het Nieuwsblad*, which announced in 2009 that it would now rely on regional writers to supply images for publication, dismissing 35 regional photographers.

⁵ The June 2009 edition of *Esquire* features a photographic-quality cover image which was taken from a video still: see <http://www.niemanlab.org/2009/05/frame-grabbing-the-art-of-drawing-great-photography-from-video/> See also http://www.pdnonline.com/pdn/eseach/article_display.jsp?vnu_content_id=1002765131 for how video is used in US newspapers such as the Dallas Morning News and the Detroit Free Press.

⁶ 93% of respondents to a March 2009 survey by the British Photographic Council survey said they had come under pressure to supply a more extensive licence to use their work for no extra money, with 76% saying they had suffered a fall in income as a result. Source: <http://www.british-photographic-council.org/survey/>

sumers. However, at present there are very few satisfactory models to persuade the consumer to pay for intellectual property distributed electronically. For every pay-for-use iTunes Store, there are numerous free-for-use Pirate Bays or other peer-to-peer file-sharing websites.

In news reporting, internet publishing will continue to become more prevalent at the expense of conventional print editions. As print advertising revenues and circulation figures drop, the revenue available to photographers will also fall.

Restrictions on photography

The work of photojournalists has become subject to increased restrictions from both state and private bodies. Following recent terrorist incidents, state authorities have sought to limit and control the taking of photographs citing “security” reasons, often detaining or harassing journalists under powers granted by vague and ill-conceived legislation.⁷

These state measures come alongside an increasing level of private interference to photographers, such as restrictions on shooting on private property (even privately-owned areas which are open to the public, such as a shopping centre) and the attempts of property owners to extend ownership of copyright of buildings and public works of art – such as the lighting of the Eiffel

Tower.⁸ It is clear that the ability of the photojournalist to operate freely is coming under increasing challenge, to the extent that street photography is in danger of being outlawed entirely.

For over 150 years photojournalism has survived and thrived on new opportunities and challenges. Technological innovations, from the invention of flash powder to the advent of digital, have directed the course of photojournalism. Newspapers and other media organisations have acted as the unofficial patrons of photojournalism, giving an economic impetus to the industry. State and other organisations have tried – and have mostly failed – to dictate what the public has a right to see.

The future of photojournalism combines these existing issues with a more pressing question. Leaving aside technological advances, the role of a photojournalist in 2009 is not so different from that of the photojournalist of 1999 or 1989. However, will we be able to say the same in ten years time? Will photojournalism still be the job of a skilled, dedicated professional, or just one part of a wider job which also includes writing, editing and recording video? Will the patrons of photojournalism be news organisations or art galleries? Until we can be sure of the changing ways in which news information is disseminated and read in the future, these questions will continue to create instability in the industry.

⁷ Amendments to the UK Counter Terrorism Act, which came into force in the UK in February 2009, contain the threat of arrest and imprisonment for anyone who takes pictures of police officers or other public servants which are “likely to be useful to a person committing or preparing an act of terrorism”. The EFJ and the NUJ, both of whom have condemned the legislation, are concerned that the law will be used to stop photographers doing legitimate work.

⁸ See http://www.tour-eiffel.fr/teiffel/uk/pratique/faq/index.html?id=2_10

contracts copy expensive
demand different
equipment events
freelance freely frequent given grabbing heavy house
journalists lack level lower making
increased internet journalism market material media money multi-media music needs
managing managements
newspapers officials pay payment photo photo-reporters
photographers photography pictures police price
systems professional public publishers quality re-
rights semi-
restrictive

2 The Survey

The survey was intended to provide information on the present situation of the photojournalism industry in Europe, and the responses currently being made by representative unions in Europe.

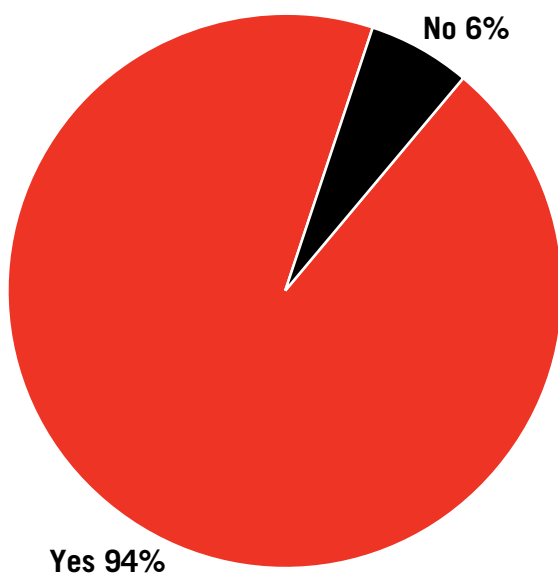
The survey was divided into three sections:

- 1 General
- 2 Social conditions
- 3 Legal and professional conditions

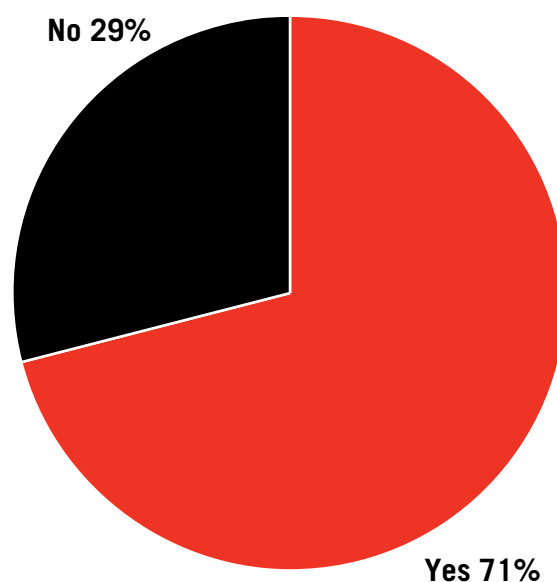
A graphical representation of the survey response appears on the following pages. The full survey questions can be seen in the appendix.

GENERAL	Does your union represent PJs?			Are PJs represented in your decision making bodies (boards, steering committees)?	Does your union undertake any specific recruitment activities for PJs?
		Presence of photojournalism	Approx. Gender ratio (m/f)		
Belgium	Yes	Around 6%	85-75 to 15-25	Yes	No
Croatia	Yes	Decreasing	93/7	Yes	No
Cyprus	Yes	Increasing	Large majority male	No	No
Denmark	Yes	Increasing (from 8%)	83/17	Yes	Yes
Finland	Yes	Increasing	70/30	Yes	No
France	Yes	Increasing (from 5%)	70/30	Yes	Yes
Germany	Yes	Decreasing	65/35	Yes	Yes
Greece	No			No	No
Italy	Yes	Decreasing	99/1	No	Yes
Lithuania	Yes	Increasing	Majority male	Yes	Yes
Poland	Yes	Around 10%	09-Jan	Yes	No
Portugal	Yes		89/11 male	Yes	No
Slovakia	Yes			No	No
Spain	Yes	Increasing	70/30 male	No	No
Sweden	Yes	Decreasing (895 members)	75/25	Yes	No
Switzerland	Yes	Increasing (from 13%)		Yes	No
UK	Yes	Decreasing	66/34	Yes	Yes
Total affirmatives (out of 17)	16			12	6

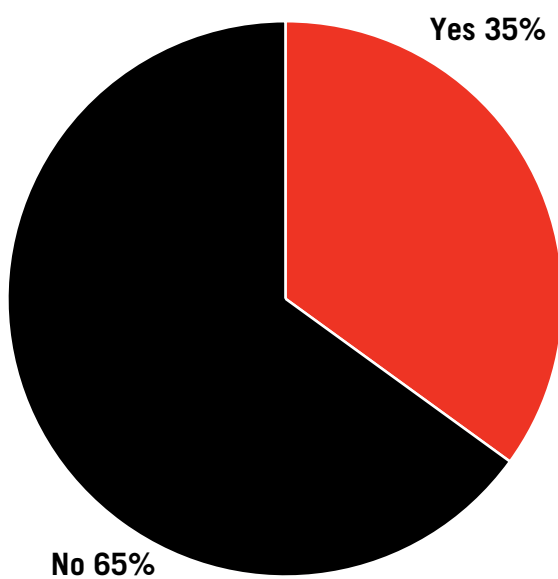
1.1 Does your union represent photojournalists?



1.2 Are photojournalists represented in your decision making bodies (boards, steering committees)?



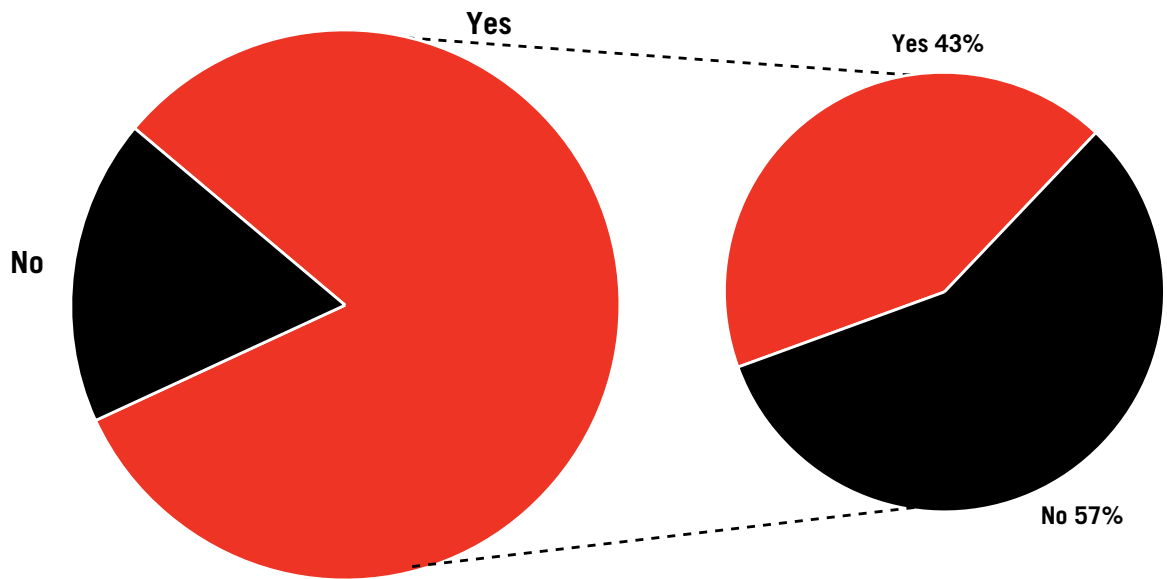
1.3 Does your union undertake any specific recruitment activities for photojournalists?



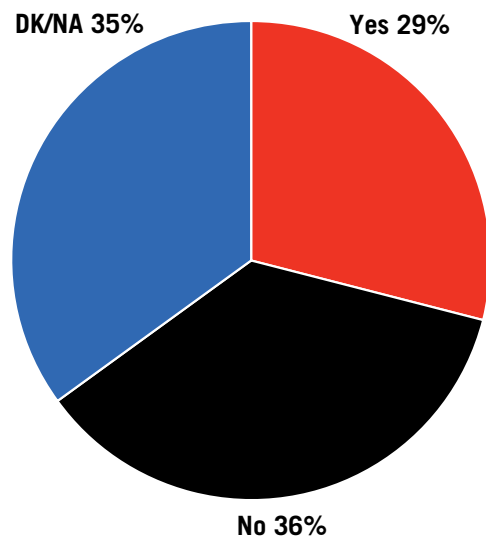
2. Social Conditions for Staff and Freelance Photojournalists

	Are PJs covered by the National or company journalists' contract?		Individual Contracts: Does your union provide model/sample contracts for PJs	Fees		Social Security Systems: are there any health and safety insurances for PJs?	Do employers cover the costs of digital equipment (camera, laptop etc.)?
		Freelances included?		Does your union provide fees' recommendations?	Is there more than one fees' recommendation in your country?		
Belgium	Yes	No	No	Yes	Yes	Yes	Yes
Croatia	Yes	Yes	No	Yes	No	Yes (full time)	Yes
Cyprus	Yes	No	*	No	*	Yes	No
Denmark	Yes	Yes	Yes	Yes	No	Yes	Yes
Finland	Yes	No	Yes	Yes	Yes	Yes	Yes
France	Yes	No	No	Yes	No	Yes	Yes
Germany	Yes	Yes	*	Yes	No	Yes	No
Greece	Yes	Yes	*	No		Yes	Yes
Italy	Yes	Yes	Yes	No	Yes	Yes	Yes
Lithuania	No	*	*	No	No	No	Yes
Poland	Yes	No	Yes	Yes	Yes	Yes	No
Portugal	Yes	No	No	No	*	No	Yes
Slovakia	No	*	*	Yes	*	Yes	*
Spain	Yes	No	No	*	Yes	Yes	No
Sweden	Yes	No	Yes	Yes	Yes	Yes	Yes
Switzerland	Yes	Yes	No	Yes	No	Yes	*
UK	No	*	*	*	*	*	*
Total affirmatives (out of 17)	14	6	5	10	6	14	10

2.1 Are photojournalists covered by the National or company journalists' contract or covered by collective agreements? And if yes, are freelancers included?

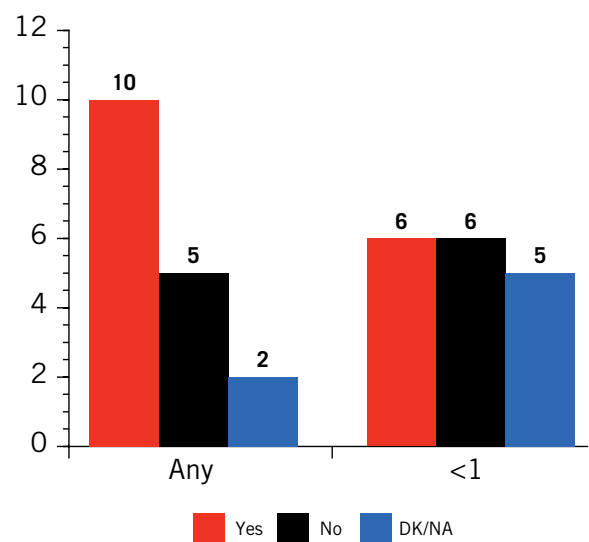


2.2 Individual Contracts: Does your union provide model/sample contracts for photojournalists?

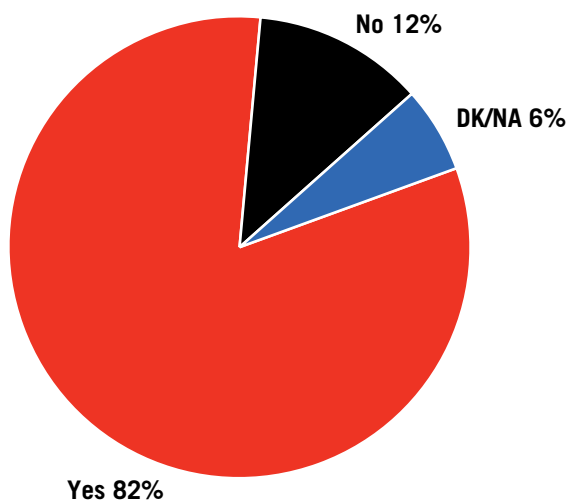


2.3 Fees: Does your union provide fees' recommendations?

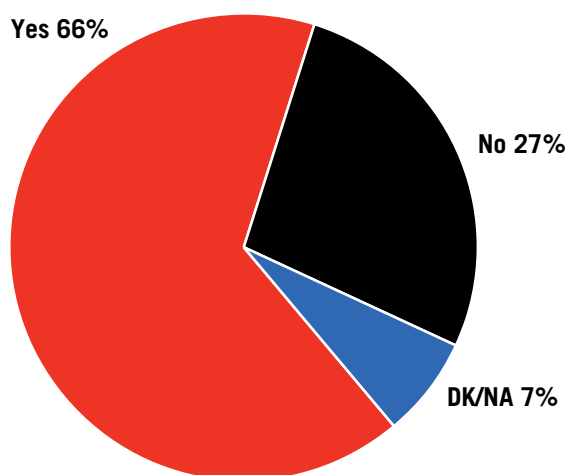
2.3.1 Are there more than one fees' recommendation in your country ?



2.4 Social Security Systems: are there any health and safety insurances for photojournalists?



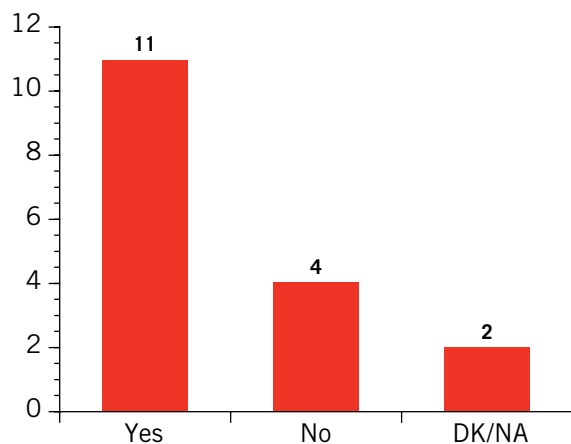
2.5 Do employers cover the costs of digital equipment (camera, laptop etc.)?



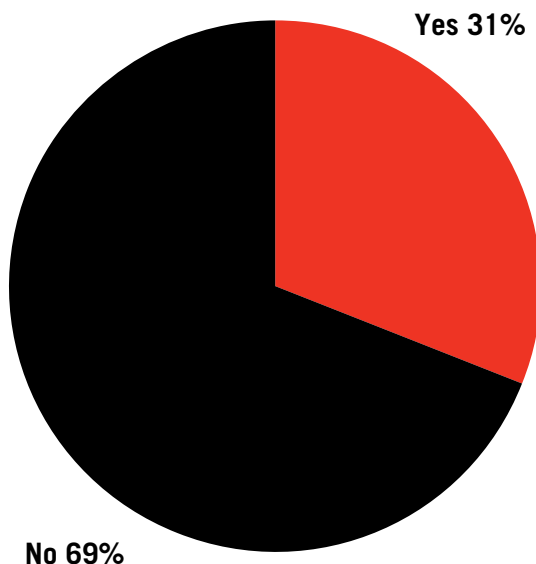
Author's Rights (moral and economic rights)

	Are photographers' moral rights enforced in your country?	Has your union adopted any specific policy concerning pictures modifications?	Do photographers receive any remuneration when their work is being reused in different format	Do photographers receive any fees for reprography?	Are amateur photographers' authors' rights enforced in your country?
Belgium	Yes	No	Yes	Yes	Yes
Croatia	No	No	No	Yes	No
Cyprus	No	Yes	*	No	No
Denmark	*	Yes	Yes	Yes	Yes
Finland	Yes	No	Yes	Yes	*
France	Yes	No	Yes	Yes	Yes
Germany	No	Yes	Yes	Yes	Yes
Greece	Yes	No	No	Yes	Yes
Italy	*	No	*	No	Yes
Lithuania	Yes	No	Yes	No	No
Poland	No	No	No	Yes	Yes
Portugal	Yes	No	Yes	No	Yes
Slovakia	Yes	No	No	Yes	Yes
Spain	Yes	No	No	No	No
Sweden	Yes	Yes	Yes	Yes	Yes
Switzerland	Yes	Yes	Yes	Yes	Yes
UK	No	*	Yes	Yes	No
Total affirmative (out of 17)	10	5	10	12	11

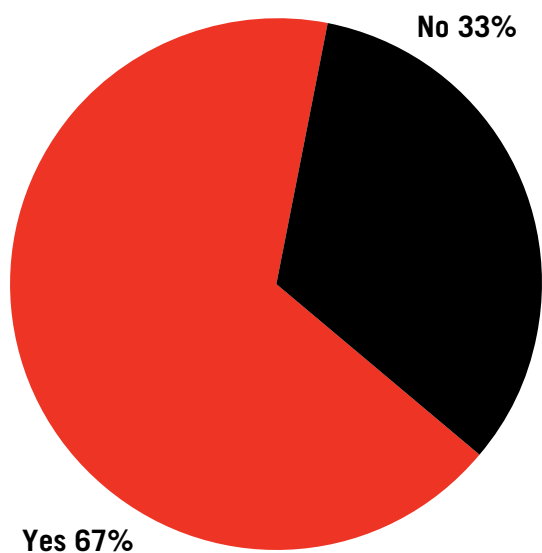
3.1.1 Are photographers' moral rights enforced in your country (right to be named, to oppose modifications)?



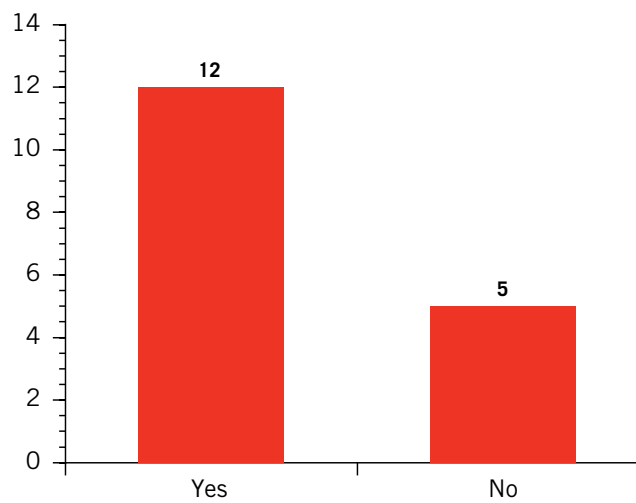
3.1.2 Has your union adopted any specific policy concerning pictures modifications (for example, in the code of ethics)?



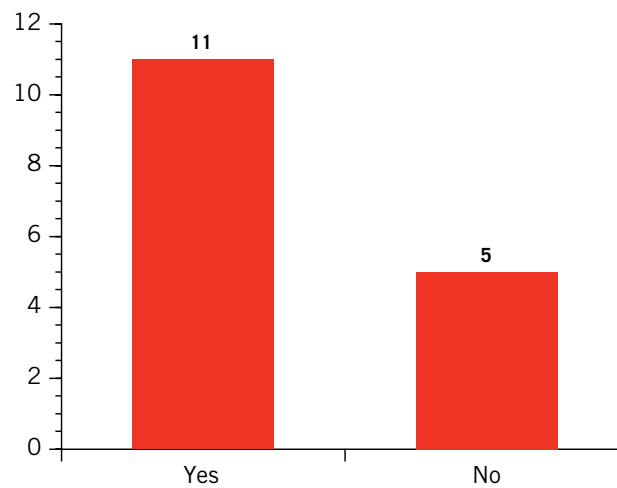
3.1.3. Do photographers receive any remuneration when their work is being reused in different format (internet, archives, other media)?



3.1.4 Do photographers receive any fees for reprography (via collecting societies or other bodies)?



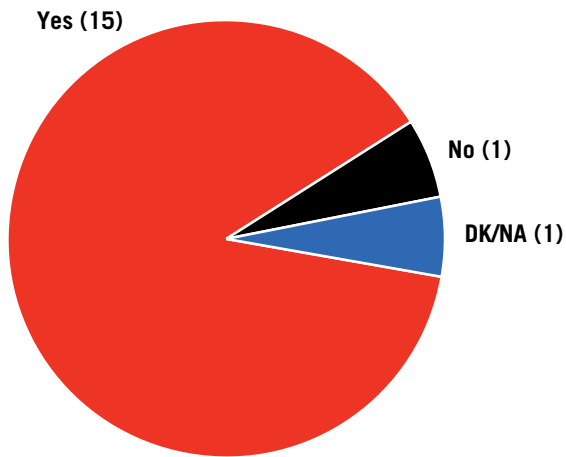
3.1.5 Are amateur photographers' authors' rights (economic and moral rights) enforced in your country?



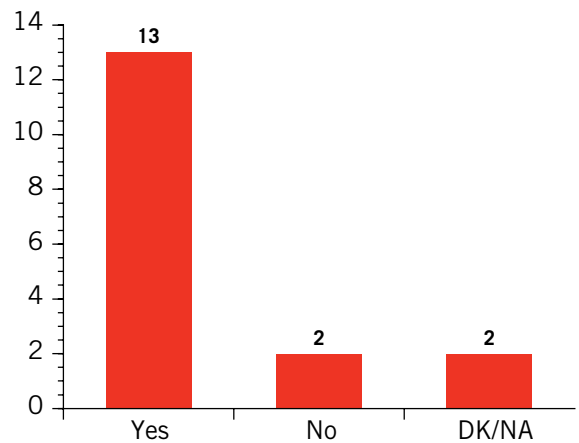
Other Legal Conditions: Legal restrictions

	Are there any legal restrictions to the exercise of the profession?	Access to major events throughout Europe		Do you consider that anti-terrorist legislation is impeding the freedom to work of PJs?
		Have you faced problems regarding access of PJs to major public events in your country?	Are you aware of the EFJ photographers' guidelines	
Belgium	Yes	Yes	No	No
Croatia	Yes	Yes	No	Yes
Cyprus	Yes	Yes	Yes	Yes
Denmark	Yes	Yes	Yes	Yes
Finland	No	Yes	Yes	No
France	Yes	Yes	Yes	No
Germany	Yes	Yes	Yes	Yes
Greece	Yes	Yes	*	Yes
Italy	Yes	Yes	Yes	No
Lithuania	Yes	Yes	No	Yes
Poland	Yes	No	Yes	No
Portugal	Yes	Yes	Yes	Yes
Slovakia	*	*	Yes	*
Spain	Yes	No	No	Yes
Sweden	Yes	Yes	Yes	Yes
Switzerland	Yes	Yes	No	Yes
UK	Yes	*	No	Yes
Total affirmative (out of 17)	15	13	10	11

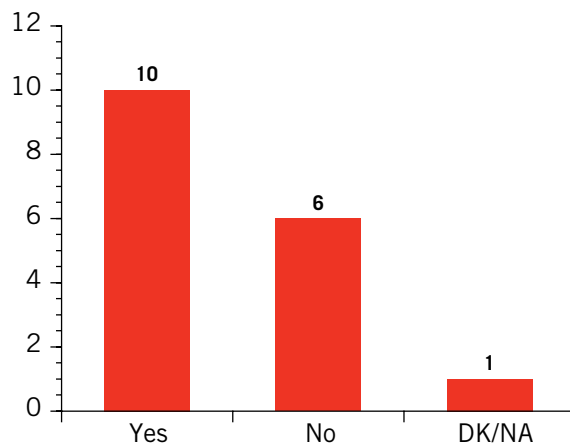
3.2 Are there any legal restrictions to the exercise of the profession (privacy, public persons, public building and monuments, coverage of court proceedings)?



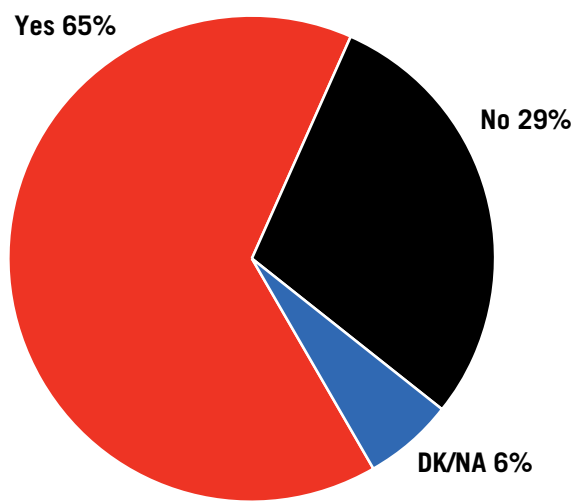
3.2.1 Have you faced problems regarding access of photojournalists to major public events in your country?



3.2.2 Are you aware of the EFJ photographers' guidelines?



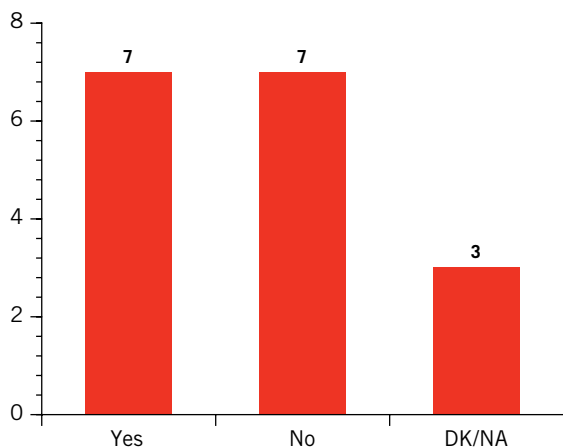
3.4 Do you consider that anti-terrorist legislation is impeding the freedom to work of photojournalists?



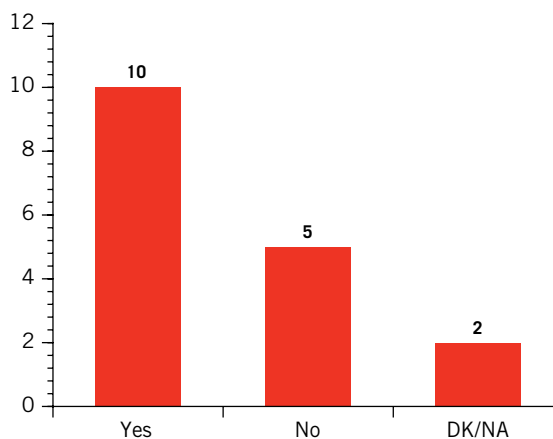
Training and Further Training

	Does your union provide for any specific training for photojournalists?	Is there a special training or diploma for staff press picture editors?	Do PJs in your country also exercise PR photography / commercial photography like business portraits, advertising photography, wedding and event photography?	How many of them?
Belgium	No	*	No	
Croatia	Yes	Yes	Yes	20 -30%
Cyprus	No	No	Yes	*
Denmark	Yes	Yes	No	*
Finland	Yes	No	Yes	*
France	No	No	Yes	*
Germany	*	No	Yes	20%
Greece	Yes	Yes	Yes	90%
Italy	No	No	Yes	> 80%
Lithuania	Yes	No	Yes	40%
Poland	*	No	No	*
Portugal	No	Yes	No	*
Slovakia	No	Yes	*	*
Spain	Yes	No	Yes	40%
Sweden	Yes	No	Yes	*
Switzerland	No	No	Yes	20-40%
UK	*	*	Yes	*
Total affirmative	7	5	12	*

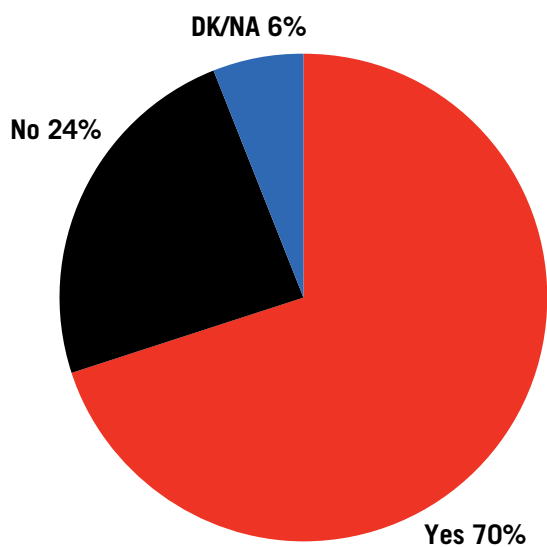
3.5.1 Does your union provide for any specific training for photojournalists?



3.5.3 Is there a special training or diploma for staff press picture editors?



3.5.4 Do photojournalists in your country also exercise PR photography / commercial photography like business portraits, advertising photography, wedding and event photography?





3 Analysis of the survey results

General section

As might be expected the overwhelming majority of unions consulted represent photojournalists as members, with the sole exception of Greece. The percentage of photojournalists in those unions ranges from 6% to 13% of total membership.

Female photographers form a significant but minority group in all cases, with the male-to-female ratio varying from a 65-to-35 ratio in the UK to a remarkable 99-to-1 ratio in Italy. This imbalance seems to mirror the gender imbalance in the news, but without statistics showing the actual gender split in each industry sector, it is not possible to say whether women are under-represented in each union membership. However, an industry and union organisation whose *raison d'être* is the pursuit of democratic ideals should not become complacent over issues such as these.

The presence of photojournalists is increasing and decreasing in roughly equal numbers across the different countries surveyed, and there does not seem to be an overall trend. Clearly there are factors pushing in both directions, including redundancies and workers leaving the sector against increased recruitment.

The question concerning the involvement of photographers in union decision-making shows a surprisingly large “no” response (36%). This result seems to be due to the lack of specific elected positions reserved for photojournalists, rather than individuals being deliberately excluded.

The question as to whether representative posts or officer posts should be reserved for photographers is open to debate. While photojournalists' issues need not necessarily be represented by a photographer, it might be argued that ring-fenced posts for photojournalists might raise the profile of the issues and guarantee their concerns are addressed by the union organisations, especially where a union already has similar positions for other industry sectors.

There was a clear and equal split for the question of specific recruitment for photojournalists. Clearly in the “no” cases, photojournalists were not specifically targeted, rather than being actively excluded from membership recruitment initiatives. Specifically targeting membership drives photojournalists might pay dividends in increasing membership, especially for those photojournalists in sectors that may not have traditionally been seen as the province of a trade union. This is especially the case now that technological and commercial convergence is blurring the boundaries between journalism and other sectors.

Problems facing photojournalists, by country

The edited responses to the question “What are the main problems facing photojournalists today?” were as follows:

Belgium

- ▶ Low rates for the independents.
- ▶ Photojournalists are in a precarious position and suffer from low status.
- ▶ Competition from amateur photographers.
- ▶ Multi-skilling and technological advances have led to journalists taking photographs and photojournalists writing and producing video.

Croatia

- ▶ The market is not specific and defined.
- ▶ There is no specialized agency to manage photojournalists' works.
- ▶ Prices are very different in various publishing houses.
- ▶ Low rates.
- ▶ Equipment is expensive.

Cyprus

- ▶ Low rates.
- ▶ Lack of social security,
- ▶ Limited chances for employment.
- ▶ Non-recognition and respect of authors' rights.
- ▶ Need for professional training.

Denmark

- ▶ Maintaining high quality.
- ▶ Difficulty in upholding prices at a professional level for re-use (and authors' rights in general).
- ▶ To ensure that multi-functionalism and multi-media, 'citizen-journalist' and other similar initiatives are handled by agreement in the work-place (or by the union on behalf of freelances).
- ▶ Convincing the media that cutting down on quality photojournalism will result in lower circulation and readership.
- ▶ Bad practices coming in from countries with less favourable labour traditions for collective bargaining.
- ▶ Digital photo equipment making it easier for non-professionals to edge in on the market.

France

- ▶ Photojournalists are little-recognised and accorded low status by press management.
- ▶ Most regional photojournalists are *pigiste*, and often spend many years in precarious situations before their rights are recognised.
- ▶ Those photojournalists who are staff with news agencies are also now in crisis.
- ▶ Materials are expensive and not provided by employers.
- ▶ Regional papers are cutting regional photojournalists, which is symptomatic of poor treatment they get in general.
- ▶ Newspaper management requires writers to take photos with little or no extra pay.
- ▶ Competition with citizen journalists.
- ▶ No bylines.

- ▶ National dailies have almost no staff photojournalists.

Finland

- ▶ Unfair agreements, demanding all or very broad rights. The media houses began first to demand these from writers, but now more and more even from photographers.
- ▶ Low rates – mainly due to the huge supply of images from image banks and amateur or semi-professional photojournalists.
- ▶ Freelance photojournalists being paid less than what is set out in the collective agreements.

Germany

- ▶ Images supplied for free or below market rates by citizen-journalists and similar semi-professional photographers.
- ▶ Low rates.
- ▶ Copyright/ authors rights buy out contracts.
- ▶ Multilevel use by publishers without extra pay.
- ▶ Competition by freelances who used to submit only written reports and now deliver also additional pictures.
- ▶ Competition by staff journalists who take pictures themselves.
- ▶ Being circumvented by publishers who use micro stock sites.
- ▶ High-tech-equipment, paid by the colleagues by themselves.
- ▶ Free-for-use images or other content supplied by public relations or advertising.
- ▶ Writers being asked to take photographs.
- ▶ Total buy-out of rights, including video or audio files.

Greece

- ▶ Low rates
- ▶ Expensive equipment
- ▶ No remuneration for photos reused in different formats.

Italy

- ▶ Violation of the freedom of individual photo-reporters while exercising their profession

– in other words, illegitimate prohibitions, threats and beatings.

Lithuania

- ▶ Low rates
- ▶ Unemployment.
- ▶ Expensive equipment for those who try to work as freelancers.

Portugal

- ▶ Expensive equipment.
- ▶ Low rates.

Poland

- ▶ Low rates.
- ▶ Competition from “citizen journalists”.
- ▶ Problems over copyright issues.

Sweden

- ▶ Getting proper payment.
- ▶ Large numbers of professional and semi-professional journalists working for less and less money lowering the understanding of buyers of what quality photography costs to produce.
- ▶ Fewer “bread and butter jobs”, resulting in less money for freelance journalists to spend on larger, time consuming stories.
- ▶ Quality is less valued when some editors do not have enough skills or interest in photojournalism (“any picture that is cheap enough is good enough”).
- ▶ Maintaining authors’ rights.
- ▶ Publications demand unlimited rights to material as a condition for working for them.
- ▶ “Serious” photojournalism is falling in demand as publications tend to increase their “lighter” material.

Switzerland

- ▶ Expensive equipment
- ▶ Lack of expenses.
- ▶ Low rates.
- ▶ Free newspapers often use non-professionals.

- ▶ No apprenticeships for photojournalists at larger newspapers.
- ▶ Authors’ rights of photojournalists are regularly violated; editors try to take most authors’ rights
- ▶ Photographers suffer from time pressures and thus loss of quality.

UK

- ▶ Low rates.
- ▶ Freelance work declining due to cutbacks in editorial budgets
- ▶ Expensive equipment and software which needs more frequent updating than film-based photography.
- ▶ Lack of respect for author’s copyright from both businesses and the public.
- ▶ Businesses and publishers often want to have extensive rights or complete copyright in work supplied and do not want to pay for re-use.
- ▶ The public are often unaware of copyright, and there is a culture or belief that content found on the internet could or should be freely reproduced.
- ▶ Problems with police and officials over right to photograph in public or at public events.
- ▶ Increased use of restrictive or rights grabbing contracts given to photographers by music artists and managements at concerts.

Slovakia

- ▶ Photojournalists – particularly those working for press agencies – are asked to produce large quantities of photos (often they have to cover 2-3 events per day)
- ▶ Staff photographers are the often the first to be fired when newspapers look to cut costs.

Spain

- ▶ Expensive equipment.
- ▶ Competition with citizen journalists.
- ▶ Media companies entrust to freelance photojournalists the work that the staff photojournalists don’t want to do and force them to be always available if something arises.

Analysis

Breaking these comments down the main issues that emerge are as follows:

Low rates	25%
Competition from non-professionals	17%
Authors' rights	17%
Expensive equipment	12%
Lack of status	5%
Lack of professional training	4%
Rights of access	4%
Lack of social security	4%
Quality of work	4%

Three of the four most common concerns as reported by the survey – low rates, competition from non professionals, and expensive equipment – are primarily economic concerns, and authors rights have a significant economic element.

The rate paid for photojournalism has been falling in real (and often uncorrected) terms, and has become the major challenge facing prospective photojournalists.

Given the impact of non-professional sources of photography, it is easy to suggest a link between the increasing supply of free or cheap imagery, and declining income for professional photojournalists.

The cost of professional equipment is clearly a problem, especially when considered relative to declining levels of pay. The rapid quality developments in digital photography require a more frequent updating of equipment⁹, and a wider range of skills (such as post production) included as part of the overall fee.

Interference in the activity of photojournalists by security authorities, or by private organizations for commercial or privacy ranked relatively low in the survey despite the issue having a high profile in the UK. Whether this is due to a different set of social factors in the UK or differing working practices elsewhere is open to question.

Lack of status, lack of training, and the quality and type of work being published rank less highly among those surveyed than the overwhelming financial concerns. It is clear from the sessions held during the Paris conference that these concerns and attempts to address them are an essential part of an overall approach to ensuring the continued development of photojournalism in the future.

Social conditions

Almost 80% of respondent unions reported that photojournalists were covered by national agreements. In a market where most members are employed by media outlets under national agreements, it is clear this provides good possibilities for collective negotiation and thus effective representation of photographers' interests.

However, less than 40% of unions said the same representation extended to the freelance sector. This has serious implications in a global market with an increasing freelance sector, especially when the percentage of staff is declining.

The exclusion of freelance work from national agreements can present a barrier to effective union representation, at least in terms of financial considerations and can lead to the erosion of overall rates of pay. However, the example of countries such as Denmark shows that collective agreements can be negotiated which include freelances.¹⁰

At the very least, unrestrained market forces will lower rates to a point where expected standards of social care, journalistic standards and professional status will be increasingly hard to sustain. It seems clear that the status and representation of freelance workers constitutes a major challenge.

Not all member unions offer model contracts or recommended fees for photojournalists. Model contracts are offered by less than half of unions and while more than 60% offer fee recommendations, most of these exist in tandem with the recommendations of other organizations in the same country.

⁹ A simple but illustrative example of the speed at which digital equipment becomes obsolete can be seen by the release dates of Nikon's professional-specification camera bodies. The four most recent Nikon film SLR bodies – the F3 (released 1980), F4 (1988), F5 (1996) and F6 (2004) - were released at eight year intervals. However, the equivalent professional-specification digital camera bodies were released at three or four year intervals, with the D1-series (released in 1999), D2-series (2003) and D3-series (2006). The rate of change for digital equipment is even more rapid than it might appear from these figures, since intermediate models – the Nikon D1X, D2X and D3X - were also released, all of which had significant quality and performance increments on their predecessors. Taking this into account, these admittedly crude calculations suggest that the lifespan of digital photographic equipment is about a fifth of that of film equipment.

¹⁰ See, for example, IFJ August 2007: "Bargaining Victory Ends Six-month Battle for Freelance Union Rights in Denmark": <http://www.ifj.org/en/articles/bargaining-victory-ends-six-month-battle-for-freelance-union-rights-in-denmark>

This situation seems to be one which would benefit from increased and clearer guidelines for those who purchase photography services. A clear delineation of good practice for the commission or employment of photojournalists would enable all interested parties to be clear about what constitutes acceptable level of remunerations and terms and conditions. This could be used for unions to differentiate between employers who conform to accepted standards and make recommendations to members on this basis. However, this may create difficulties by alienating union members who already work for these employers, or who feel that they have no alternative but to accept the rates on offer – especially since such members may be most in need of union assistance.

In keeping with the ideal of the European open market it might be useful to consider the possibility of establishing pan-European working conditions benchmarks that can be referred to during contract negotiations.

The overwhelming majority of respondents reported that photojournalists had health and safety insurance. However this appears to refer mainly to staff journalists and freelance photojournalists may not benefit from these schemes, with the exception of the *Pigiste* scheme in France. Freelance photojournalists would generally have to rely on private insurance or the statutory level of unemployment benefit or other social security which can vary considerably from state to state.

The EU is pushing for harmonisation and rationalisation of the systems in place in member countries including increasing involvement of the private sector. At present the situation varies between countries and even within regions of the same country.

For example the Swiss social security system does not include freelances, and the quality of support is worse in the German and Italian parts of Switzerland, since there are no applicable collective agreements. However, some private schemes can be used by freelances to cover accidents or sickness. In general, provision for freelance workers is poor and individuals are expected to make private provisions or fall back on basic state aid.

In Germany, the 1981 Artists' Social Security Act (*Künstler-Sozialversicherungsgesetz*, or

KSVG) provides health insurance and a state pension to self-employed creators.¹¹ The scheme means a freelance pays only 50% of total contributions, with 20% paid by the government and the remainder paid by organisations which use self-employed creators, such as publishers, newspapers or PR agencies.

The French *Pige* system

In France the trade unions fought a long and hard battle for the creation of the *Pige* system, where freelances are treated as *de facto* employees, are taxed at source, and their employer becomes liable for their state contributions.

Under the *Pige* system, a freelance photographer is an employee within the meaning of the law. They gain the benefit of rights normally only available to staff employees, such as paid leave, unemployment insurance, training, 'thirteenth month', and a right to the 'conscience clause'.

However, these rights are not always respected and the law is sometimes contradictory. Freelance photojournalists in France who are not covered by the *Pige* system can find their livelihoods to be extremely precarious.

Nevertheless, the *Pigiste* system may be a pointer to one method of operating collective agreements across the rest of Europe where freelances are being used instead of staff.

There is clearly here a great need for unions to lobby and campaign for greater provision for social security for those who are not accounted for under existing schemes.

Fewer employers appear to be providing photographic equipment such as cameras or laptops, in keeping with the rise of freelance agreements in the working place.

Legal and professional conditions

Authors' rights

Photographers' rights are an integral part of copyright law and are internationally protected by the Berne Convention. In general, the author is the person whose creativity led to the protected work being created, although the exact definition varies from country to country.

Authors' rights have two parts, the details of which vary from country to country.¹² The econom-

¹¹ More detail on the *Künstler-Sozialversicherungsgesetz* can be seen at http://portal.unesco.org/culture/en/ev.php-URL_ID=34252

¹² The presentation given at the 2007 Paris conference by Mike Holderness, Chair, European Federation of Journalists Authors' Rights Expert Group gives an excellent overview of this. It can be seen at <http://www.londonfreelance.org/ar/paris/>

ic right is a time-limited property right, which can usually be transferred by the author to other people in the same way as any other property (although some countries require that the transfer must be in the form of a written contract). This right allows the author to profit financially from their creation, and includes the exclusive right to authorise the reproduction of the work in any form.¹³

The moral right of an author is based on the view that a creative work is in an expression of the author's personality: the moral rights are therefore personal to the author, and usually cannot be transferred to another person except by inheritance when the author dies. The moral rights include the right to be identified as the author of the work and the right to object to any distortion or mutilation of the work which would be prejudicial to his or her honour or reputation.¹⁴ In many countries, the moral rights of an author are perpetual.

The enforcement of photographers' moral rights varies considerably within the sample with eight unions out of 12 saying that these rights were enforced. However, far fewer – less than 30% – had a distinct policy in regard to photographic image manipulation.¹⁵

The UK's National Union of Journalists (NUJ) is one of the unions which had such a clause with regard to acceptable image manipulation. The 2006 Code of Conduct¹⁶ contained this clause:

12. No journalist shall knowingly cause or allow the publication or broadcast of a photograph that has been manipulated unless that photograph is clearly labelled as such. Manipulation does not include normal dodging, burning, colour balancing, spotting, contrast adjustment, cropping and obvious masking for legal and safety reasons.

The clause was removed in April 2007 as it was 'felt that it is the only instance when a specific technique is referred to in the Code, which sets out general principles and not specifics'.¹⁷ However, some photographers in the union have

voiced concern that by removing the clause, the union is 'diluting' the effectiveness of the code.¹⁸

All respondents to the survey referred to challenges such as legal threats, employers' demands for complete assignment of rights, media monopolies, technological threats, and the developing problems arising out of digital technologies (for example the use by Google of copyright-protected works).

Under German copyright law ('*Urhebergesetz*', or '*UrhG*'), copyright is not transferable except by inheritance, and primary and secondary uses are distinguished and supported by the German authors' rights legislation. This system has been suggested as a model of good practice as best for authors in promoting fair contracts and collective agreements.

The German *Urhebervertragsrecht* (copyright contract law) standardises the use of works under German copyright law. It is in the area of civil or private law, the relationship between the author of a work and its contractors, and provides for remuneration mainly through the granting of licenses in license contracts.

It sets out a right to fair contracts encouraging collective (minimum terms) agreements. If publishers refuse to negotiate, then an independent tribunal can rewrite the contract for fairness.

Fees for reuse

In 75% of countries surveyed, photographers are entitled to be paid when their work is reused in a different format – such as the internet or other media. However, in these countries there are reports of these rights being eroded and surrendered under economic pressure from media purchasers. In short, due to market pressures, photographers may feel pressured to settle for less than they could or should be entitled.¹⁹

Fees for reprography, distributed via collecting societies or other similar bodies, are reported as being collected and distributed in nine out of thirteen countries

¹³ Art. 9, Berne Convention. http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html

¹⁴ Art. 6bis, Berne Convention, *ibid*.

¹⁵ Reuters' own guidelines to acceptable image manipulation may serve as a useful guide to member unions. Their guidelines – plus an overview of the Hajj controversy, can be read in Appendix F ("Reuters and image manipulation") of this report

¹⁶ See <http://www.nuj.org.uk/innerPagenuj.html?docid=174> for the current code of conduct

¹⁷ Tim Gopsill, servicing officer of the NUJ's Ethics Council, quoted in the British Journal of Photography on 27 June 2007. Note that the original source misspells his name. Online story: <http://www.bjp-online.com/public/showPage.html?page=455150>

¹⁸ See <http://www.bjp-online.com/public/showPage.html?page=455150>

¹⁹ A March 2009 survey by the British Photographic Council found that 93% of UK photographers surveyed have come under pressure to hand over greater rights to clients for no increase in the fee. See <http://british-photographic-council.org/survey>

Photography in public places

The survey shows a clear problem of restrictions to photojournalistic activities by governmental or private organisations. Although not all respondents reported this as a problem, only Finland reported that there were no legal restrictions to gaining access to news-worthy events, buildings, or private activities.

All of the unions surveyed reported difficulties in attending major public events in their country with 70% believing that anti-terrorist legislation was having an adverse effect on photojournalistic activity.

These figures show that photojournalists are having to operate in an increasingly illiberal environment throughout the continent. It is evident that the freedom of the press is in danger being compromised on a huge scale due to legislation ostensibly to protect the public against terrorism. The idea that the legitimate pursuit of journalistic goals in some way will compromise that safety is one which needs to be confronted and opposed at every possible juncture. National unions already have their own campaigns and these would usefully be augmented and supplemented by action at the European level.

There is already widespread evidence of state interference with legitimate journalistic activity. One notable example shown at the Paris Conference in December 2008 is the short film "Collateral Damage" which was produced by Jason N. Parkinson in association with the NUJ²⁰, which depicts the surveillance of journalists by police in the UK.

In April 2009, during protests surrounding the G20 meeting, the Metropolitan Police, who are responsible for the policing of London, were widely criticised for their control of journalists, and were accused of committing assaults upon news-gatherers. Separately to this, official police statements regarding the death of a member of the public during the protests were proven to be misleading or false through the publication of stills or video footage taken by photojournalists or members of the public. A statement released by the Metropolitan Police stating that Ian Tomlinson's death was due to natural causes was undermined when video footage showing

him being assaulted by a police officer in an apparently unprovoked attack was published by the Guardian newspaper.²¹

In Greece in July 2008, the French SIPA photographer Olivier Jobard was first handcuffed, then assaulted and finally arrested by port authorities attempting to prevent him documenting Afghan refugees attempting to sail to Italy. His camera was then destroyed.²²

Training

Half of unions surveyed provided training specifically for photojournalists specifically, and most offered training which would be of benefit to photojournalists. Only three – Greece, Croatia and Denmark – offer training to picture editors, with Germany offering workshops and training for photojournalists.

The example of Denmark outlines the importance of training and further training for the future of photojournalists showing how their situation has improved thanks to training. The emphasis is that photojournalism is primarily a journalistic and not a technical discipline.

Additionally mid-career training is offered to editorial staff and financed through copyright revenues. Some of this money funds a seminar each year for Danish photographers' groups which is used to continue to spread this message.

Other commercial activities

The final question of the survey referred to whether photojournalists also exercised other forms of commercial activity such as commercial photography such as weddings or public-relations photography. Here we see the full range of economic activity models ranging from Belgium where no such activity is reported to Greece where the commercial activity is reported at 90%.

The question asks whether photojournalists are able to survive without non-journalistic income. In countries such as Belgium, there are legal restrictions as to the types of other photographic work a photojournalist can undertake. In other, more deregulated, economies such as the UK it would be rare to find a photojournalist who did not supplement their income in this way.

²⁰ See "NUJ release video showing police treatment of journalists" <http://blogs.journalism.co.uk/editors/tag/press-freedom-collateral-damage/>

²¹ For more detail of the circumstances surrounding the death of Ian Tomlinson, see appendix G.

²² See "Medecin de Monde's photographer attacked and now denied the right to photograph" -http://www.medecinsdumonde.org/gb/presse/communiqués_de_presse/un_photographe_mandaté_par_mdm_brutalisé_et_aujourd'hui_interdit_de_reportage



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4

The challenges facing photojournalism

Despite the crucial role that photojournalism plays in our cultural and political lives it seems unlikely that rates for photojournalism will increase. The impact of the internet age on the traditional media has yet to fully be realised, but until a workable model for revenue generation from online news publishing is found, there will probably continue to be a downward pressure on rates paid to photojournalists.

The traditional model of staff photojournalists benefiting from collective bargaining, fixed conditions of employment and binding agreements on remuneration is likely to come under increasing stress, with an increasing number of staff photojournalists becoming freelance, although there may be countries where this will be resisted due to strong cultural traditions.

It seems probable that because of financial pressures, technological advances, and increasing availability, publications will continue to increase their use of user-generated content and stock photography sourced from Getty Images and Corbis, the two dominant picture libraries. Flickr²³, microstock agencies and other sources of cheap or free imagery are likely to continue to supply images to news publications, leading to an inevitable downward pressure on pricing.

Although the internet offers an almost infinite number of new publishing opportunities, the market for photojournalism seems likely to continue to diminish. In May 2009, Jean-Francois Leroy, founder and director of the Visa pour l'Image photojournalism festival attacked this decline, blaming the availability of cheap stock photography and photo-sharing websites. "This

year, I can count less than a dozen photographers who have gone on a magazine assignment to do a real news report, allowing the photographer to make a living from his work and pay his bills at the end of the month", said Leroy.²⁴

Even high-end photojournalists have admitted there is a severe downturn in the market for their work. Anthony Suau, winner of the 2009 World Press Photo and a contract photographer for Time for 20 years, said in February 2009 that he had received only one commission in the previous two months, and that he may have to move out of the industry. "If the situation continues like it has in the last two months, down the road I would be in danger" said Suau. "Do I have to get another job to do something? I don't know. I may have to do something else besides photography." Suau said he had to persuade *Time* to publish this series of images, and even after that, the image which would eventually win the World Press Photo was only published in the web edition.²⁵

Simon Norfolk, a former photojournalist who became one of the world's leading landscape photographers, stuck a similarly pessimistic note in a piece for the World Press Photo Education Department in December 2008. "My advice? Get re-skilled. Keep your photographic aspirations but try to get a trade like film editing, web-design or accounting", wrote Norfolk. "Soon we'll all be amateur photographers with real money-making jobs on the side that we don't tell our colleagues about. We need to get over the snobbery attached to that."²⁶

Nigel Dickinson, a Paris-based photojournalist who exhibited some of his work at the Paris conference in December 2008

²³ See <http://www.flickr.com/photos/>

²⁴ See *British Journal of Photography*, 27 May 2009: "Visa founder lambasts agencies": <http://www.bjp-online.com/public/showPage.html?page=859485>

²⁵ See *PDN Online*, 13 February 2009: "World Press Photo Winner Struggling To Find work": http://www.pdnonline.com/pdn/content_display/photo-news/photojournalism/e316a1d515f274b8d4ec3fff05a9dcf0b5d?pn=1

²⁶ See *World Press Photo Education*, December 2008: Ask the Experts: http://www.enterworldpressphoto.org/ask_08.php

Picture editors are so inundated with proposals, mostly coming in by e-mail, that they don't bother, and probably don't have the time to even answer a polite no to projects which don't past the first hurdle.

shares this outlook. "Assignments are in short supply in the high end of the glossy magazine market. Stock sales are even further down. Vanity Fair in Germany has closed, Newsweek USA is become a monthly, GEO France which used to sell hundreds of thousands is down to around 35,000. Picture editors are so inundated with proposals, mostly coming in by e-mail, that they don't bother, and probably don't have the time to even answer a polite no to projects which don't past the first hurdle. It's almost as if we are like the Victorian gentlemen artists at leisure, going of to shoot stories for our own enjoyment rather than earning a living."²⁷

Due to technological convergence more demands are likely to made on the working photojournalist. The very definition of the photojournalism may change as other journalists are increasingly asked to take pictures and video. If media outlets can get away with employing one person to do many jobs then it is likely they will. Multi-tasking and multi-skilling are set to redefine the working life of the photojournalist.

The result of these pressures is that there will be fewer photojournalists working as full time professionals, with those that remain being under greater pressure to produce more work at the same rates of pay or less.

The dangers inherent in this situation are that while photojournalists will become more skilled, they will also become more isolated from their peers and the support structures of the conventional workplace. This will have implications for morale, support from peers, health and safety, maintenance of journalistic standards, equal opportunities, political

awareness (in the broadest sense) and collective bargaining. These are values which have sustained and inspired the collective labour movement throughout its history and one which will need to be fought for .

Photojournalists are at the cutting edge of personal and political freedoms in contemporary societies. As such by the nature of their activities they are likely to come in to conflict with bodies dedicated to the purpose of social control, whether of the state (such as the police or army) or the private sector (such as security guards).

The principle of freedom of information is under threat from a variety of directions. Anti-terrorism regulations, rights to privacy and the establishment of rights of copyright on, for example buildings or works of art are increasingly used to restrain the legitimate pursuit of journalistic goals.

The fight to maintain journalistic freedoms is a struggle that demands continual vigilance. Anti-liberal measures are the first recourse of all establishment organizations, whether governmental or private.

Authors' rights are likely to continue to be a major area of conflict between photographers and media outlets. Attempts to increase the use of rights buyouts, royalty-free images and such measures as the introduction of legislation over "orphan works" are likely to continue and may become industry standards unless vigorously resisted. Photographers maintain their income by being able to control the use of their images. The ability for an author to be associated with their work is also essential to the veracity and authenticity of photojournalism.

²⁷ See the appendix of this report for the full text

5 The way forward

What then is to be done? The results of the survey and the results of the Paris conference show that there are steps that can be made towards preserving and enhancing the conditions and status of photojournalists. The need is to share and disseminate good practice, challenge restrictions on news reporting, and work against unfair contracts across a European – and, indeed, global – stage.

Representation

Photojournalists need to be brought as far as possible into the sphere of union representation. Without this, individual photographers will remain at the mercy of the market place and thus unable to maintain journalistic and social standards and working conditions.

To achieve this, member unions should:

- ▶ Increase recruitment of photojournalists, especially freelances
- ▶ Consider the representation of photojournalists in union structures and decision making processes.
- ▶ Examine the specific needs of freelance workers and whether traditional union activities serve their interests.
- ▶ Explore possible co-operation and joint working with other bodies representing photojournalists, such as other trade associations
- ▶ The EFJ and its member unions should campaign against any legal obstacles of the right of trade unions to organise freelance journalists, as is the case in countries such as Turkey, Serbia and Poland



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Best practice

Member unions should aim to promote and disseminate best practice and fair contracts. They should achieve this through:

- ▶ Co-operation and co-ordination with member unions and other representative organisations to ensure that examples of fair rates and contracts are available on both national and Europe-wide levels.
- ▶ Ensuring that these examples are disseminated to individual members and media outlets.
- ▶ Campaign to communicate the advantages of these standards and working conditions in terms of good journalistic practice.

On authors' rights

The EFJ and member unions should:

- ▶ Increase awareness on the importance to respect economic rights and moral rights in each and every use of photographs, including in online versions, digital and traditional archives, libraries and databases

- ▶ Campaign to ensure that no legislation on “orphan works” is passed that weakens the fundamental principles of authors’ rights, including photographers’ rights as authors of their work.
- ▶ Consider the question of if and when collective licensing of photographs might be appropriate, especially in relation to current proposals to digitize holdings of books, newspapers and magazines.

Networking among and with photojournalists

- ▶ Counteract the isolation of freelance workers by encouraging meetings, self-help groups, networks, competitions and continued interaction through online, local and international forums.

Equal opportunities

- ▶ To increase recruitment of male and female photojournalists and establish better structures for the support of groups that suffer discrimination.
- ▶ To continue to support the position of women within the constituent union organisations.
- ▶ That the working conditions of female photojournalists should be carefully scrutinized to ensure that they receive equal treatment in both their profession and in the union.
- ▶ That fair gender portrayal is reinforced in press photography and that dialogue on this issue is increased in the unions.

Multi-skilling

On convergence and the move to multi-skilled journalists, the EFJ and its member unions should:

- ▶ Continue to lobby for and negotiate enhanced rates for additional tasks in journalistic work

- ▶ Increase awareness that further training is a precondition for multi-skilling.

Photography in public places

In regards to access to public spaces, anti-terrorism legislation and interaction with state and private-sector security officials, the EFJ and its member unions should:

- ▶ Promote the Guidelines for Photographers’ Accreditation to Major Events²⁸ as adopted at the EFJ General Meeting in 2007
- ▶ Include the need for freelance photographers to access ‘media pools’
- ▶ To campaign for the right to photograph in public spaces, including streets, at public demonstrations and in shopping centres.
- ▶ To press for press card recognition by police and other public institutions and clarification of what rules are applied.
- ▶ To work towards the establishment of Europe-wide internal guidelines on how to work with the police and other official bodies in times of conflict.

Further Training and Education

- ▶ To increase and encourage an awareness of the role of continuing education among both photographers and purchasers of photojournalism.
- ▶ To establish Europe-wide standards of education for journalists at all level including editorial and purchasing staff.

The future for photojournalism cannot be seen as particularly hopeful. What remains is for photojournalists to respond on collective basis to these challenges. For only by a multi-national, concerted effort of solidarity can the high standards and ethics of photojournalism be maintained and advanced.

²⁸ See these in PDF form at: <http://www.ifj.org/assets/docs/213/158/66f05d5-bb0599e.pdf> <http://www.ifj.org/en/articles/efj-condemns-rugby-world-cup-plan-to-control-photographers>



APPENDICES

APPENDIX A: The survey as sent October 2008

1. GENERAL

1.1 Does your union represent photojournalists?

Yes No

If yes, what is the percentage of photojournalists in your membership: _____

Increasing Decreasing

Male-Female ratio: _____

1.2 Are photojournalists represented in your decision-making bodies (boards, steering committees)?

Yes No

Explain: _____

1.3 What are the main challenges they face? (For example, expensive equipment, competition with citizen journalists, low fees etc...) Explain Competition with citizen journalists _____

1.4 Does your union undertake any specific recruitment activities for photojournalists?

Yes No

Explain: _____

2. SOCIAL CONDITIONS FOR STAFF AND FREELANCE PHOTOJOURNALISTS

2.1 Are photojournalists covered by the National or company journalists' contract?

Yes No

Or, are there any collective agreements covering photojournalists in your country?

Yes No

If so, please specify and possibly attach an agreement or a summary of major aspects including working time, use of equipment, salary etc.: _____

Does it also apply to freelances?

Yes No

2.2 Individual Contracts: Does your union provide model/sample contracts for photojournalists?

- Yes No

2.3 Fees: Does your union provide fees' recommendations?

- Yes No

2.3.1 Are there more than one fees' recommendation in your country ?

- Yes No

2.4 Social Security Systems: are there any health and safety insurances for photojournalists?

- Yes No

2.5 Do employers cover the costs of digital equipment (camera, laptop etc.)?

- Yes No

Staff photojournalists

- Some employers, please indicate your rough estimate _____ %

- Some equipment, please tell us which _____

- No

Freelance photographers

- Yes

- Some employers, please indicate your rough estimate _____ %

- Some equipment, please tell us which _____

- No

3. LEGAL AND PROFESSIONAL CONDITIONS

3.1 AUTHORS' RIGHTS (MORAL AND ECONOMIC RIGHTS)

3.1.1 Are photographers' moral rights enforced in your country (right to be named, to oppose modifications)?

- Yes No

3.1.2 Has your union adopted any specific policy concerning pictures modifications (for example, in the code of ethics)?

- Yes No

3.1.3 Do photographers receive any remuneration when their work is being reused in different format (internet, archives, other media)?

- Yes No

3.1.4 Do photographers receive any fees for reprography (via collecting societies or other bodies)?

Yes No

3.1.5 Are amateur photographers' authors' rights (economic and moral rights) enforced in your country?

Yes No

3.2 Are they any legal restrictions to the exercise of the profession (privacy, public persons, public building and monuments, coverage of court proceedings...)?

Yes No

Are they justified?

Yes No

3.3 ACCESS TO MAJOR EVENTS THROUGHOUT EUROPE

3.3.1 Have you faced problems regarding access of photojournalists to major public events in your country?

Yes No

3.3.2 Are you aware of the EFJ photographers' guidelines (see link below)?

<http://europe.ifj.org/en/articles/efj-issues-photographer-guidelines-to-fight-restrictions-on-photojournalists->

Yes No

If yes, have they been of any use?

Yes No

3.4 Do you consider that anti-terrorist legislation is impeding the freedom to work of photojournalists?

Yes No

3.5 TRAINING AND FURTHER TRAINING

3.5.1 Does your union provide for any specific training for photojournalists?

Yes No

3.5.2 How is such training financed and to whom are they offered? Explain: _____

3.5.3 Is there a special training or diploma for staff press picture editors?

Yes No

3.5.4 Do photojournalists in your country also exercise PR photography / commercial photography like business portraits, advertising photography, wedding and event photography?

Yes, estimate of percent: _____ %

No

APPENDIX B: EFJ Media Release, 16 December 2008

EFJ Concerned about State of Photo Journalism in Europe

The European Federation of Journalists (EFJ), the regional group of the International Federation of Journalists (IFJ), today expressed great concern about the state of photo journalism in Europe following an EFJ seminar in Paris this weekend.

“The importance of a photo, an image which tells a story and is an irreplaceable part of journalism, must be protected and treated as any other editorial creative work”, said Arne König, EFJ President, who participated in the meeting on “Photojournalists: An endangered species in Europe. “Threats to photo journalism come from all sides including a collapse in market prices, an unprecedented increase in competition with amateur photographers, the need for strong enforcement of photographer’s authors’ rights, the availability of free pictures on the Internet, and finally increased restrictions on photography in public spaces and during public events, such as demonstrations on the street.”

At a time when images and pictures form a growing part of our cultural and media environment, photojournalists are facing a crisis of survival. The recognition of fair contracts is essential to ensuring a safe future for professional photojournalism.

The meeting adopted a set of conclusions, which included a better integration of

photojournalists into EFJ policies.

“We are in solidarity with our photojournalists’ colleagues and believe that an increasing lack of respect for their professionalism, also with regard to the respect of authors’ rights, increasingly important when it comes to digitalisation of pictures, has negative consequences for the whole media industry.” König added. “We cannot just stand and watch while corporate greed is putting journalism and quality news at risk. Instead we need further training, fair contracts and respect for their authors’ rights on every media’s agenda”

A survey on the working conditions of photojournalists in Europe is being finalised and will be released in the coming months.

The meeting also expressed great concern about the state of French media highlighting in particular the following: the talks of the “Etats généraux de la presse écrite” which have been largely criticized by the trade unions for their lack of respect for professional concerns, the plan to “modernise” the statutes of Agence France Presse to make it a joint stock-company, and the draft law on public broadcasting which fails to provide financial guarantees to compensate for the loss of revenue once advertising is suppressed in 2009.

APPENDIX C: “The professional future of photographers”

Research carried out for the Danish Union of Journalists between February and May 2007

Once a photographer, always a photographer. Equipped with a strong professionalism and sense of quality, but with a certain disinclination to go beyond the traditional role of the photographer as “the person who presses the button”. This is the picture that emerges of advertising, press and television photographers in 2007.

At the same time, the media market is experiencing a period of violent change and there is much to suggest that demand for photographers as purely technical subcontractors will decline considerably. There will be a growing need for visual skills in media jobs, but these skills will be expressed in a different way to before.

Broadly speaking, instead of knowing everything about the equipment, photographers will have to know everything about how to use it to create striking, interesting, germane and relevant images – and be able more than ever before to work in the teams that are being used increasingly in the communicative process.

Photographers no longer enjoy the security of a “technical monopoly”. Instead they will have to go out and fight for the still virgin territory where the visual specialism will be enacted and developed in future.

This, in brief, is the conclusion of the report entitled “The professional future of photographers”, which UPDATE is publishing as the result of research carried out for the Danish Union of Journalists between February and May 2007.

The research was prompted by the changes being experienced by the media industry as a result of technical, market-related and social development. One of the occupational groups to find itself in the front line is that of photographers – advertising photographers, press photographers and television photographers.

Photographers are faced with a amazing paradox: although demand for both moving pictures and stills has never been greater, a large – and growing – number of photographers are finding that their position on the labour market

has been weakened and their professional future looks uncertain.

The report is intended to highlight the development trends that will be of greatest importance to the future opportunities for photographers on the labour market and make some suggestions as to what photographers themselves, the Danish Union of Journalists and others can do to prepare photographers as well as possible for the future media market.

As part of the work on the report around 1100 photographers were asked about their current work and what they would like in the way of professional development. Replies were received from 575.

In addition, 16 interviews were carried out with key figures in and around the “markets” for images. Finally, use was made of a wide range of source material in the form of books, reports and articles on images and the work of photographers.

Although there are many differences between the work of advertising, press and television photographers, they have a number of challenges in common: Their “markets” for images are under pressure from various quarters:

- ▶ Technical development has made it easier to operate photographic equipment, which in principle makes far more people photographers. This threatens photographers in all three areas.
- ▶ Digitalisation has made storage and reuse of images much easier and cheaper. This represents both a threat and an opportunity for stills photographers.
- ▶ The Internet has made it easy to send and receive images, and as most people now have a camera on them, soon to be joined by a camcorder, many ordinary people will be able to deliver photos from news events. In principle this threatens photographers in the news media.

Work on the report revealed the following main differences and similarities between the three areas of photography:

- ▶ Convergence is winning out – particularly in the news media. In this area more and more photographers will become multifunctional, apart from specialists in their field.
- ▶ Advertising photographers and, more especially, press photographers are not generally involved much in planning and developing ideas. In the area of television photographers are more involved in teamwork. In all three areas photographers will be involved directly in the central creative process to an increasing extent.
- ▶ Stills photographers in particular are required to see themselves as a team player more than before.
- ▶ A relatively large number of stills photographers are finding that their professional development opportunities are limited.
- ▶ Stills photographers in particular plainly see themselves as photographers with a capital “P”. Only a few of them express a wish to develop their visual skills in new professional directions.
- ▶ Press photographers feel themselves less valued by their professional environment than the other two groups.
- ▶ In all three groups the answers show considerable pressure of work, which in some cases crosses over into definite stress.
- ▶ In all three areas photographers will have to supply highly qualified special services rather than “bread-and-butter” work, which other people will be able to do more easily and cheaply.
- ▶ Some photographers will have to become multifunctional generalists, while others will benefit from further specialisation. All of them, however, will have to move away from the middle ground, where other people want and are able to do photographic work of a certain quality.

Hitherto the work of many photographers has been marked by separation of the conception of the visual work and its performance. Photographers have been seen as technical subcontractors, and this has clearly rubbed off on photographers’ self-image.

There seems to be great potential for media businesses in being able to involve and exploit

the visual skills of photographers to a far greater extent than before. Many photographers can develop into far more central media employees than they are today. This will, however, require a great deal of effort on their part, as well as on the part of their union, institutions providing further training and, not least, the managers of media companies.

What can photographers do?

All photographers will have ask themselves at least one – and perhaps both – of these two questions:

- ▶ Is my professional knowledge so specialised and do I deliver images of such a high quality that my work cannot be done by others?
- ▶ Do I have the abilities and skills for my pictorial knowledge to be deployed in new ways – beyond “pressing the button”, and can I actively involve myself in the teamwork that is becoming the preferred way of working in media concerns?

As previously mentioned, it is no longer possible to ensure a working future purely on the basis of a technical monopoly. So what sort of photographer do I want to be? The report mentions lots of new positions where a pictorial core competence can be used in new ways. Photographers will actively have to seek some of these new positions based on what they believe their strengths are and the areas where they need to improve.

What can institutions providing further training do?

The report mentions a number of areas where there is a need for programmes at masterclass level. This is true of core areas such as lighting, photographic technique and picture editing. Advertising photographers in particular express the need to build on many years of practical experience.

There also appears to be a need for photographers in all three areas to supplement their core knowledge with conceptual skills that will enable them to develop and implement their own content processes, while making them more attractive and active employees when it comes to teamwork with other professions. Further training that initiates and supports such development would be a welcome addition to existing offerings.

What can media managers do?

“Are editorial bosses aware of the goldmine of skills that is left unexploited in their photography departments?” is the question asked by a photographer in a comment made in the questionnaire.

This report points to a number of areas where photographers’ skills could, to a large extent, be used in new ways. Media managers who want to inspire, encourage and demand something more are a vital element in the positive development of both media products and the employees who produce them. This applies not least to photographers.

What can the Danish Union of Journalists do?

As the labour market changes, most trade unions are progressing towards a new identity and *raison d’être*. The situation and challenges being faced by photographers are a clear example of a group of members who need help with more than “just” pay issues and terms of employment in the traditional sense.

This will challenge the role and identity assumed by a trade union in the traditional

sense, both in terms of what it stands for *in itself* and with regard to establishing working relationships and networks with other organisations and businesses.

The Danish Union of Journalists is already among the trade unions to have indicated in the clearest way possible that it wants to work more broadly than before, with DJ Training & Skills being an unequivocal expression of its intentions.

Among other things the report calls on the Danish Union of Journalists to

- ▶ Develop a professional environment for advertising photographers, who in some ways feel “professionally homeless” after moving to the Danish Union of Journalists
- ▶ Provide professional and financial support for the change process that photographers will experience in the next few years
- ▶ Develop supplementary offerings for freelance photographers
- ▶ Assist the photographer profession towards new self-knowledge at the attitude level as active, creative partners in the processes in which they are involved.

APPENDIX D: The Conclusions of the Paris Conference

At a time when images and pictures are increasingly an important part of our cultural and media environment, photojournalists are under increasing threat and in fact facing a crisis of survival. The recognition of fair contracts is an essential battle ground to ensure a safe future for professional photo journalism.

In the past years the profession had to face crucial changes including a drastic drop in pictures' selling prizes, an unprecedented increase of competition with amateur and citizens' photographs and the availability of free pictures on the Internet.

At the same time, many photojournalists are working increasingly isolated and need to be better integrated into mainstream union policy.

The meeting expressed further great concern about increasing difficulties photojournalists are facing regarding access to public spaces and surveillance by police due to restrictive laws including anti-terrorism legislation in Europe.

The meeting representing about 50 participants from 20 European countries agreed the following:

- 1 That the EFJ should “mainstream” photo journalism in all its activities, including in the IFJ Ethical Journalism Initiative, which has been launched this year, and should aim at a better representation of photojournalists in its expert groups. This also includes the EFJ yearly 5 November Stand-Up for Journalism Day. For example, member unions could promote codes of ethics for photo journalism at national level;
- 2 That the EFJ/IFJ should lead a campaign in cooperation with national unions and other creators' associations on fair contracts, which is a condition for quality and professional standards for photo journalism;
- 3 That the EFJ and its member unions should promote existing best practices in working conditions for photojournalists;
- 4 That the EFJ and IFJ should demand for media employers' insurance when photojournalists go on dangerous assignments;
- 5 That member unions should promote

networking among and with photojournalists, increase recruitment of men and women photojournalists, establish better structures for dialogue where they do not exist and collective work at national union level;

On Authors' Rights:

- 1 That the EFJ and its member unions will raise awareness on the importance to respect economic rights and moral rights in each and every use of photographs, including in the reproduction of photographs in online version of newspapers and magazines, archives, libraries and photographs data bases;
- 2 That the EFJ and its member unions will campaign to ensure that no legislation on “orphaned works” is passed that weakens the fundamental principles of authors' rights, including photographers' rights as “authors” of their photos;
- 3 That all member unions urgently consider the question of when and whether collective licensing of photographs (and other journalistic works) is appropriate, particularly considering the proposals by museums, libraries and the Google corporation to digitize holdings of books, newspapers and magazines and make them available to the public online; and requests all member unions to report their views on this to the EFJ;

On multi-convergence and the multi-skilled journalists:

- 1 That EFJ member unions should demand in collective agreements and individual contracts enhanced rates for increased tasks in journalistic work;
- 2 That further training is a precondition for taking over additional skills.

On access to public spaces and anti terrorism law and interaction with law offices:

- 1 That EFJ member unions should promote the Guidelines for Photographers' Accreditation to Major Events, adopted at the EFJ General Meeting in 2007, which should be adopted in

each national framework

- 2 That the EFJ and its affiliates promote the need for freelance photographers to access pools
 - 3 That the EFJ Steering Committee should deal with the increasing problem of journalists' lack to access to public spaces, including streets, public demonstrations, shopping centers etc. – possibly by organising a seminar on the issue -and
- that EFJ member unions should ask their governments in how far press cards are recognised by police and other public institutions and what rules are applied;
- 4 That each member union should elaborate internal guidelines on how to behave with the police in times of conflict and that the EFJ should include these guidelines in a data base and mandate a lawyer to follow these issues
 - 5 That the EFJ should organise a seminar around this theme involving European politicians and make publicity around these practices

APPENDIX E: Statement by Nigel Dickinson

“Assignments are in short supply in the high end of the glossy magazine market. Stock sales are even further down. Vanity Fair in Germany has closed, Newsweek USA is become a monthly, GEO France which used to sell hundreds of thousands is down to around 35,000.

“Picture editors are so inundated with proposals, mostly coming in by e-mail, that they don’t bother, and probably don’t have the time to even answer a polite no to projects which don’t past the first hurdle. All this leaves editors with less confidence, less money, reduced advertising revenues, and

photographers seeking other ways of showing their work. This leaves many of us with the choice of self-funding our projects rather than working with guarantees.

“Unfortunately the most common ways to show work these days are on some very good internet sites, but it means that largely we are not getting paid for our work anymore. It’s almost as if we are like the Victorian gentlemen artists at leisure, going of to shoot stories for our own enjoyment rather than earning a living.”

– *Nigel Dickinson, photojournalist, Paris, France.*

APPENDIX F: Reuters and image manipulation

On 5th August 2006 Reuters released photographs taken by stringer Adnan Hajj showing the aftermath of an Israeli Defence Forces attack on Beirut on its news feed. However, Reuters withdrew the photographs (by means of a “kill” notice) after blog commentators pointed out evidence of image manipulation, with repeating patterns caused by using the Photoshop “clone” tool to add more smoke to the image.

Hajj denied manipulating either this image, or a subsequent image discovered by bloggers showing an Israeli F-16 bomber where similar use of the “clone” tool had increased the number of flares being dropped from two to three.

Reuters ended their relationship with Hajj following an internal investigation, and subsequently removed all 920 of his images from their archive. On January 18, 2007 Reuters reported that an internal investigation into the photo-manipulation had led to internal changes, including the sacking of a photo editor.

Reuters’ guidelines on digital manipulation, which were updated following the Hajj incident, state that materially altering a picture in Photoshop or any other image editing software will lead to dismissal, and that no additions or deletions should be made to the subject matter of the original image, where it changes the original content and journalistic integrity of an image.

There should be no excessive lightening, darkening or blurring of the image and no excessive colour manipulation.

Reuters guidelines, updated following the Hajj

incident, say that acceptable changes to images using Photoshop or other editing software are:

- ▶ Cropping
- ▶ Adjustment of Levels to histogram limits
- ▶ Minor colour correction
- ▶ Sharpening at 300%, 0.3, 0
- ▶ Careful use of lasso tool
- ▶ Subtle use of burn tool
- ▶ Adjustment of highlights and shadows
- ▶ Eye dropper to check/set gray

Those regarded as unacceptable are:

- ▶ Additions or deletions to image
- ▶ Cloning & Healing tool (except dust)
- ▶ Airbrush, brush, paint
- ▶ Selective area sharpening
- ▶ Excessive lightening/darkening
- ▶ Excessive colour tone change
- ▶ Auto levels
- ▶ Blurring
- ▶ Eraser tool
- ▶ Quick Mask
- ▶ In-camera sharpening
- ▶ In-camera saturation styles

APPENDIX G: London G-20 protests and the death of Ian Tomlinson

In London, the importance of allowing the press to freely report on public order events was shown by the death of Ian Tomlinson during the 2009 G-20 protests in London on 1st April 2009. The Metropolitan Police originally reported that his death was unconnected with the protests, and said that protesters threw a barrage of glass bottles at police medics who were attending to him. An official post-mortem stated that Tomlinson died of a heart attack because of coronary artery disease, and so had died of natural causes.

However, this official sequence of events was shown to be false following the publication of video and stills footage – much of it shot by members of the public – obtained by the *Guardian* newspaper.²⁹

Tomlinson was shown to have fallen heavily forwards after being assaulted by a police officer in an apparently unprovoked attack: at the time of the assault Tomlinson was walking

away from police lines with his hands in his pockets. The emergence of the footage led to a second, independent, post-mortem, which stated the cause of death was due to abdominal haemorrhage, possibly as a consequence of the assault. Further video footage showed that police medics attending to Tomlinson had just one item thrown at them, and it was protesters near the incident who urged others to stop throwing any more.

The events surrounding Ian Tomlinson's death came just two months after the introduction of legislation which made photographing or videoing police officers a potentially criminal offence. Under Section 76 of the Counter-Terrorism Act 2008 (UK) eliciting, publishing, or communicating information about police officers that is "likely to be useful to a person committing or preparing an act of terrorism" is an offence carrying a maximum jail term of 10 years.³⁰

²⁹ For more, see the Guardian's coverage of the Ian Tomlinson incident: <http://www.guardian.co.uk/uk/g20-police-assault-ian-tomlinson>

³⁰ See "Photographers fear they are target of new terror law", *The Guardian*, 12 February 2009: <http://www.guardian.co.uk/media/2009/feb/12/photographers-anti-terror-laws>



The International Federation of Journalists (IFJ) is a non-governmental, non-profit organisation that promotes coordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists. The IFJ mandate covers both professional and industrial interests of journalists.