Counter-contract cunning

THE UNION’s policy-making conference – its Delegate Meeting – brings together activists (and semi-activists) from all over the UK and Ireland, and many from continental Europe, too: see report on page 4. For freelances, the opportunity to meet and compare notes with others who spend large amounts of their working lives working alone is especially rewarding – made the more so by the special Freelance Sector Conference that takes place before the main meeting begins.

This year’s conference was mostly about contracts. Freelance organiser John Toner kicked off with a discussion of what does or does not constitute one. It doesn’t have to be written, but it helps – and the key points are:

- what’s needed
- when it’s needed
- how much you will be paid.

It’s important to be clear on all these points – especially if there are likely to be conditions you don’t want to agree to. Some journalists – including many photographers – include their terms and conditions (especially important when it comes to not giving up copyright) on their websites, but it’s a good idea to remind the client before you start work. You can’t assume they’ve been read – and challenging a client at the point of invoicing is too late.

NEC member Phil Sutcliffe went on to look at several existing contracts with more or less (mostly less) acceptable terms – and pointed out things to be wary of. These include the inevitable attempts at copyright grabs and the (erroneous) belief among publishers that writers must sign away their moral rights (to be acknowledged as author, and not to have your copy given “derogatory treatment” – such as being distorted or made inaccurate).

Watch out, too, he said, for anything that involves “undertaking”, “warranting” or in any similar way asking you to carry all the costs of any court case – anything from libel to copyright infringement – that arises from your work. Some clients ask you to guarantee that you haven’t broken any law of any kind anywhere in the world. Think about it.

Phil advises negotiating – asking what the client really wants: many commissioning editors have no idea why their standards contracts make the demands they do, and you can sometimes get less onerous conditions. If they want more than one use, or they want more work than they originally asked for – ask for more money and more time. Then there’s the growing phenomenon of being asked to work for free and material being “stolen” for other uses, such as a website. (Invoice for this!)

Freelances are rarely in a negotiating position that’s as strong as a media company – but should still try to get the best deal possible.

There are links to more detailed advice online at www.londonfreelance.org/fl/1405fsc.html

Is it ‘impolite’ to ask about money?

A MEMBER reports a recent exchange with a paid intern (on London living wage) at their regular place of work. Shortly before she left for a better-paid job, said intern said it was now considered “impolite” to ask about money, such as whether there is any. Our correspondent, together with a staff colleague who was also a NUJ member, told their intern to go into Interview 2 ready to open with: “We need to talk about money.” They also forwarded her the Freelance article on what to say to clients: “We need to talk about money.” They also forwarded her the Freelance article on Vince Cable reading out the HMRC helpline number through which people can shop their “employer” for breaking the National Minimum Wage Act; see www.londonfreelance.org/fl/1307inten.html. She emailed her colleagues immediately before going into the interview, “Plan – accept internship, learn everything, leave, call in HMRC and get back pay!” or words to that effect. We had trained her well!

In the event the market research gg for which she was interviewed turned out to be a (well-) paid one, and the office where she now works is above ground level and even has proper windows, which is an improvement on the basement office where our correspondent regularly works.

First, Do No Harm – conference on NHS reporting

Alan Taman, who spoke at the February London Freelance Branch meeting on reporting the National Health Service, is involved in organising a conference, “First, Do No Harm – why freelances make a difference, and need to”, it’s in Coventry on 14-16 May and the fee for freelances is £60 for 3 days. See www.londonfreelance.org/fl/1403harm.html for full details.