

Serbia

By Lidija Kuzundzic and Dejan Kozul

I. Abstract

The sample for this research was comprised of typically employed journalists and freelancers in the print media, radio, television, news agencies and on-line media. Questionnaires were filled out by 122 participants from 101 media outlets, trade unions and journalism associations. In addition, 30 interviews were conducted with representatives of all media types. This study also included an analysis of the legislative framework and surveys in Serbia, a comparative analysis of local legislation and the best practices and regulations in the European Union (EU) and a comparative analysis of data from previous surveys, polls and information collected.

Although legislation is mostly harmonized with EU standards, violations are frequent and enforcement of the law is hindered by the lack of transparency in media ownership as well as the judicial system's disinterest and inefficiency in prosecuting those who violate the law and the basic principles of the journalistic profession.

A total of 28% of participants did not have any kind of contract with their employers, but 60% said individual employment contracts did not protect employees from unjustified punishment or dismissals. One of the greatest problems is the fact that contracts usually specify that the base salary of journalists is the minimum wage. The rest of the salary is often paid in cash which means that no social and health insurance benefits are paid on this amount. More than half the participants worked longer than 40 hours per week, and 44% felt that their author's rights were not protected. Most of the participants (52%) claimed that censorship or self-censorship affected their work to a certain degree.

Most of the participants were not members of any trade union, and only 8% thought that union membership would protect their rights. There is no single collective agreement for all the media in Serbia. According to the information from trade unions and professional associations, most media outlets (especially private ones) do not have any collective agreements. There are only a few cases in which collective agreements provide a greater degree of protection than the Labor Law.

II Overview

The sample for this research was comprised of typically employed journalists and freelancers in the print media, radio, television, news agencies and on-line media. Questionnaires were filled out by 122 participants from 101 media outlets, trade unions and journalism associations. The following selection criteria were taken into account in defining the sample:

- type of the media outlet

- participants' employment status (typically employed or freelance)
- geographical distribution and reach of the media outlet (national or local)

To provide a comprehensive overview, journalists' and photographers' organizations/associations and media trade unions were included in the research sample. The selection was made according to the following criteria:

- number of members of the organization/trade union/association
- type of activity/support offered by the organization/trade union/association to its members in the area of employees' rights and status

Participants were classified into two basic groups. The first and largest group is comprised of the media outlets. Participants were classified into subgroups according to media type:

- print media—64 participants from 50 media outlets
- radio—24 participants from 21 media outlets
- TV—18 participants from 17 media outlets
- news agencies—6 participants from 4 agencies
- on-line media—5 participants from 5 media outlets

Table 1 shows the geographical reach of the media group.

Table 1: Geographical Reach of Media Outlets and Organizations

%	national	local
PRINT MEDIA	74%	26%
TV	24%	76%
RADIO	40%	60%
NEWS AGENCIES	75%	25%
ON-LINE	100%	0%
TRADE UNIONS	100%	0%
ASSOCIATIONS	100%	0%
total	62%	38%

The second group, consisting of the national non-government organizations (NGOs), was divided into following subgroups:

- Trade unions – 2 representatives
- Associations – 3 representatives from both journalists' associations and the photographers' association

The interview sample consisted of 30 participants, all of whom accepted our invitation to be interviewed. The sample breakdown is as follows:

- 4 journalists from the print media
- 3 TV journalists
- 4 radio journalists
- 3 news agency journalists
- 2 on-line journalists
- 2 trade union representatives
- 2 representatives from journalists' associations
- 10 freelance contributors and freelance journalists

Researchers conducted personal, focused, centered interviews to allow interviewees to express their observations, opinions and proposals as freely as possible to achieve the most comprehensive overview of labor relations in the media. This study also included an analysis of the legislative framework and surveys in Serbia, a comparative analysis of local legislation with the best practices and regulations in the EU and a comparative analysis of data from previous surveys, polls and information collected in this research.

III. Legislation Regulating Labor Relations in the Media

The right to work is a basic right of citizens and is guaranteed by international charters and standards,¹ the Constitution of the Republic of Serbia and the Labor Law. Several other laws are relevant for the media, namely the Public Information Law,² the Broadcasting Law³ and the Law on Advertising.⁴

Certain areas related to journalism specifically regarding labor rights and obligations of employees in the media are defined by collective agreements, employment contracts and rulebooks on organizing media companies while the members of professional associations and trade unions are also bound by the provisions of the Serbian Journalists' Code⁵ and its statutes.⁶

¹ The right to work is a basic right of a citizen and is guaranteed by international documents and standards, especially: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights¹, the International Covenant on Economic and Cultural Rights, the European Convention on Human Rights¹ and the European Social Charter Resolution 1003 of the Council of Europe¹ defines the ethical principles of the journalistic profession at the level of European Union in a manner described in the feasibility study "*Establishment of Self-Regulatory Body – Print Media Council in Serbia.*" Also, functioning of the media is defined by numerous declarations, conventions and recommendations by the Council of Ministers of the European Union¹ pertaining to the freedom of expression, media freedom, right to privacy, pluralism, media concentration, transparency, media ownership etc.

² The Public Information Law (adopted in 2003)

http://www.parlament.sr.gov.yu/content/lat/akta/akta_detalji.asp?t=Z&Id=84#

³ The Broadcasting Law (adopted in 2002)

http://www.parlament.sr.gov.yu/content/lat/akta/akta_detalji.asp?Id=45&t=Z

⁴ The Law on Advertising (adopted in 2005)

http://www.parlament.sr.gov.yu/content/lat/akta/akta_detalji.asp?Id=274&t=Z

⁵ Serbian Journalists' Code (adopted in 2006), <http://www.nuns.org.yu>.

⁶ Statute of NUNS <http://www.nuns.org.yu/dokumenta/index.jsp> and Statute of UNS http://www.unsonline.org/index.php?page_id=53

Although the legislation itself is mostly harmonized with EU standards, violations are frequent. The reasons lie in the attitude that the interests of the owners, political parties and economic groups are more important than truth in reporting. Additionally, enforcement of the law is hindered by the lack of transparency in media ownership as well as the judicial system's disinterest and inefficiency in prosecuting those who violate the law and the basic principles of the journalistic profession.

The Constitution of the Republic of Serbia guarantees human and minority rights and freedoms.⁷ The following is explicitly guaranteed:

- right to work—Article 60
- right to organize a strike—Article 61
- right to associate—Article 55
- freedom of expression—Article 46
- freedom of the media—Article 50
- right to be informed—Article 51

Article 21 of the Constitution forbids any form of discrimination. Participants were asked the following question, “Does your employer violate your rights against discrimination (e.g., sexual, national, racial)?” Around 8% said “no”, 18% felt some form of discrimination, whereas 74% of the respondents did not answer the question. Discrimination appears to be hidden (journalists who did not answer the question during the survey, admitted to feeling various forms of discrimination). During the interviews, most of the participants recognized discrimination on the basis of sex, age, financial status, education, professional skills or political affiliation, but they seemed unwilling to discuss it.

The Labor Law⁸ regulates rights, obligations and duties related to work and employment. This law pertains to workers⁹ in the territory of Serbia employed by a domestic or foreign physical or legal person as well as to employees forming an association to work abroad. This law does not have provisions dealing specifically with journalists nor with the status of freelance journalists and freelance contributors in the media. They don't even have a legal possibility to form trade unions because the Labor Law takes into consideration only typically employed persons.¹⁰

The law also defines criteria for terminating employment.¹¹ The employer is required to deliver a written warning to the employee and the relevant trade union (if the employee is a member of the union) and must give the employee at least five working days to respond

⁷ The Constitution of the Republic of Serbia, adopted on November 8, 2006, http://www.parlament.sr.gov.yu/content/lat/akta/ustav/ustav_1.asp

⁸ Adopted in 2006

⁹ “For the purpose of this law, an employee is a physical person employed by the employer.” Article 5 paragraph 1, Labor Law, *Official Gazette of the Republic of Serbia*, issues 70/01 and 73/01.

¹⁰ “Trade unions, for the purpose of this law, are autonomous, democratic and independent organizations of employees, freely associated in order to represent, improve and protect their professional, labor, economic, social, cultural and other collective and individual interests.” Article 6 paragraph 2. Ibid.

¹¹ Article 176. Ibid.

to the claims made in the warning.¹² The decision about dismissal must cite a justifiable cause for termination of employment. Dismissal cannot be justified by a temporary inability to work, maternity leave, military service, affiliation with a political organization or a trade union, ethnicity, social origin, religion or any other personal characteristic of the employee¹³ although it often happens in practice.

Additional protection from dismissal is given to the members of employees' councils, staff representatives on managerial and supervisory boards, to presidents and to appointed and elected representatives of trade unions.¹⁴ If employment is terminated, the employer is obliged to pay all outstanding salaries, benefits and other income due,¹⁵ and the period of notice cannot be fewer than 30 days.

If it turns out that the dismissal was against the law, the employee has the right to get the job back if desired. The law stipulates that the employer can be punished by a fine in the amount of 1,000–5,000,000 dinars (60–12,000 euros) for violations of the law.

The Labor Law specifies that rights, obligations and duties related to employment are also regulated by collective agreements, employment contracts and statutes. These contracts may not contain provisions that grant employees less protection of their rights or less favorable work conditions than the Labor Law does. Still, it often happens in practice. Also, this kind of contract must be signed by the employer and by representatives of all trade unions in the media outlet. This is not always the case.

There is no single collective agreement for all the media in Serbia. According to the information from trade unions and professional associations, most media outlets (especially private ones) do not have any collective agreements. There are only a few cases in which collective agreements provide a greater degree of protection than the Labor Law, while changes in the ownership structure of the media usually result in violations of the collective agreement or in the employer pressuring trade unions into modifying the existing agreement and making it less favorable for employees.

Work statutes or employment contracts as the law stipulates regulate rights, obligations and duties related to employment as follow:

- if there is no trade union in the company or if there isn't any representative trade union or if no contract of association was concluded in accordance with the Law;
- if no participants in the collective agreement initiate negotiations for conclusion of a collective agreement;
- if participants fail to agree on a collective agreement within 60 days after the beginning of negotiations;
- if the trade union within 15 days after the delivery of the invitation for negotiations on the conclusion of a collective agreement does not accept the employer's initiative.

¹² Article 179-181. Ibid.

¹³ Article 183. Ibid.

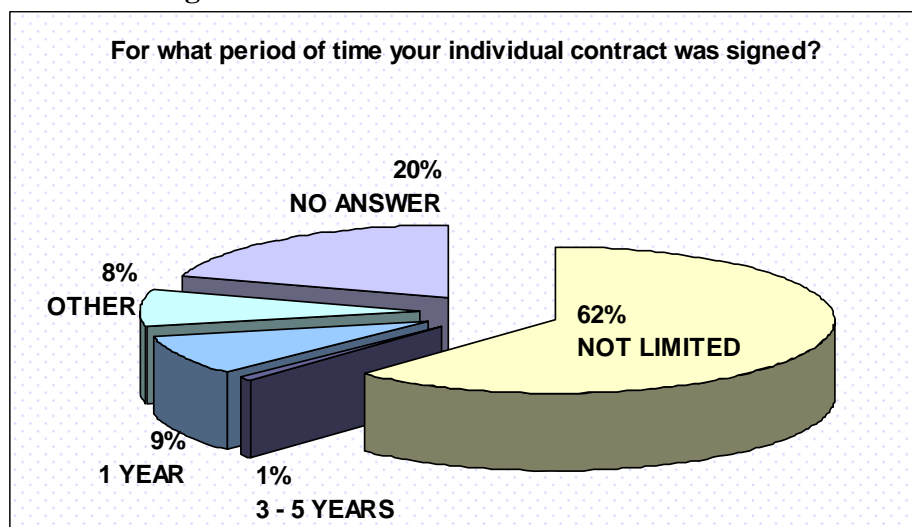
¹⁴ Article 188. Ibid.

¹⁵ Article 186. Ibid.

The work statute is prepared by the managerial board or by the director if the employer does not have a board. If the employer does not have the status of a legal person, the work statute is prepared by the employer or a person authorized by the employer. Employment contracts can be concluded for a fixed term (most often 3, 6 or 12 months) or permanently and must be made in a written form before the start of employment.

The legal framework also envisions the possibility of a period of probationary work that cannot last longer than six months. Employers most frequently violate the law by using this form of employment instead of concluding a contract for employment.

Figure 1: Period of Time of Individual Contracts



Of the journalists surveyed, 62% of those with contracts said they were for an indefinite period of time (Figure 1). The Labor Law states that temporary employment must become permanent employment if the employee continues working for at least five working days after the expiration of the contract for temporary employment.

To what degree do individual employment contracts protect employees from unjustified punishment or dismissals? Around 60% of participants said they don't, 26% considered themselves protected, 6% gave different answers (e.g., they felt unprotected because judicial proceedings usually last for years), while 6% didn't answer.

IV. Implementation of the Legislation in Practice

Although the Labor Law offers good solutions for typically hired employees as well as freelance workers, during the interviews with participants it was obvious that not a single media outlet fulfils its obligations as specified by the law. It was disturbing that 28% of participants did not have any kind of contract with their employers (Table 2). In these

cases money is usually paid to someone else's account or is disbursed in cash. Many journalists prefer this arrangement because sometimes even contracts are not a guarantee that money will actually be paid. "Working conditions are satisfactory, and I like this kind of arrangement," says a camera man at a private TV station who's been working as a freelancer for years. He added, "There were cases when I had a contract with a TV station but had to wait more than a year to be paid for my work. In the end, I had to go to court."

Table 2: Do You Have an Individual Contract?

%	Yes	No
PRINT	67%	33%
TV	72%	28%
RADIO	83%	17%
NEWS AGENCIES	50%	50%
ON-LINE	100%	0%
TRADE UNIONS	100%	0%
ASSOCIATIONS	67%	33%
total	72%	28%

Generally speaking, media workers were not aware of the rights that the Law provides. For a country in transition like Serbia, when it comes to labor rights, we can say that they are still in an early phase. Laws exist but are ignored. Even media professionals themselves are not concerned with this situation. Attempts to achieve improvements usually led to dismissals as is illustrated by the following statement given by a former daily newspaper journalist:

At the moment I'm in the middle of a court dispute with my former employer where I worked for four years. I was dismissed as an example to others because I dared to demand payment of social and health insurance contributions and outstanding salaries in violation of formal provisions of the law (e.g., a statement, required periods). This dispute is already in its third year, and there is still no end in sight.

The existence and quality of individual employment contracts, except in the case of large media companies that have their own trade unions (mostly public service media that haven't been privatized yet), are only a formality. There are no media outlets that have included specific job descriptions into their employment contracts. Contracts are usually standardized. They specify working hours in a week (40), but fail to mention overtime work or author's rights (Table 3).

Table 3: Are Your Author's Rights Protected?

%	Yes	no	as a rule, yes	as a rule, no	I do not know
PRINT	9%	34%	30%	17%	9%
TV	6%	44%	27%	0%	22%
RADIO	33%	25%	8%	8%	25%
NEWS AGENCIES	50%	17%	17%	0%	17%
ON-LINE	20%	0%	0%	40%	40%
TRADE UNIONS	0%	0%	0%	50%	50%
ASSOCIATIONS	0%	67%	0%	33%	0%
total	16%	32%	22%	14%	16%

Research proved that more than half the participants worked longer than the specified work time, while 44% of them felt that their author's rights were not protected. Due to the nature of the profession, it is difficult to calculate the number of working hours. A fairly small number of employees (17% of typically hired employees, 21% of all employees) replied that their weekly work time was exactly as specified while most of them (52%) worked more than 40 hours (Table 4).

Table 4: How Many Hours Do You Work per Week?

%	40	more than 40	fewer than 40	no answer
PRINT	23%	48%	27%	2%
TV	17%	72%	11%	0%
RADIO	33%	54%	13%	0%
NEWS AGENCIES	50%	33%	17%	0%
ON-LINE	0%	60%	40%	0%
TRADE UNIONS	50%	0%	50%	0%
ASSOCIATIONS	33%	67%	0%	0%
Total	26%	52%	21%	1%

One of the greatest problems is the fact that contracts usually specify that the amount of the base salary of journalists is the minimum wage allowed in the country, i.e., 11,500 dinars (140 euros). Although many journalists are required to have a university degree, most of them are registered as workers with only a primary or high school education. When that is the case, employers pay less tax and insurance and nobody is regulating it.

The rest of the salary is most often paid in cash which means that no social and health insurance benefits are paid on this amount. The situation is even worse because it often

happens that even the minimum wage is not paid regularly as was the case for a journalist from a private daily newspaper.

Since 2003, when I was hired, I was paid only pension insurance until the first quarter of 2005. Regarding social insurance, we haven't been paid anything since January and even our health cards are not valid any more. If we get sick, we have to pay for it ourselves.

Individuals can discover the fraud only after they are dismissed or leave the company as happened to another daily newspaper journalist.

We cannot find out whether the employer is really paying our social and health insurance. There were cases when people discovered only after leaving their companies that they had been cheated for years. If the employers decide to pay these amounts, it's usually reserved only for the people who are close to them.

This practice is widespread in our media. The Independent Journalists' Association of Serbia (IJAS) made several requests to the Ministry of Labor demanding increased numbers of inspections in the media in order to solve this problem. A source from the Association reported as follows:

They told us in the Ministry that they are not able to solve the problem. They were sending inspectors, but the situation is unchanged. They suspect that media outlets find out the schedule of inspections and remove the people who are working without a contract.

The situation is better in the media with foreign capital. These publishers are major players in Europe, and this kind of violation of the law is unacceptable to them. A participant from an NGO dealing with the media says:

I have to admit that the situation is better in the media with foreign capital, especially WAZ or Ringier. These are serious investors who carefully analyze their purchases and their obligations. Domestic investors just buy a media outlet at an auction, pay what's due to the government, and that's it. Foreign companies factor in such things like investment plans and collective agreements. Of course, they are also more advanced developmentally.

Public service media, new media and independent media, on the other hand, tend to pay better salaries and benefits. Public media are funded from the government budget, and public service media (Public Service Broadcasters of Serbia and Vojvodina) are funded by TV licence fees. Since the money for salaries is guaranteed in advance, it is not necessary for them to register only minimum wages. New media have managed to attract employees only by fulfilling all legal requirements and paying salaries that are mostly above the national average of 27,700 dinars (340 euros). This situation was confirmed by a journalist who works in one of the newly established private TV stations that won a national frequency. The main problem of the independent media is that they are tightly controlled by the government. Inspections are more frequent than elsewhere, and the slightest mistake can discredit them.

Our payments are always done to regular accounts, and vacations must be announced in advance. All formalities are covered. We have to operate this way because it is very important for independent media to work in accordance with the law. Otherwise, that would make us a target for attacks.

On-line media constitute a separate group when it comes to contracts and payments. This type of media is underdeveloped in our country and incapable of attracting many advertisers. Since they have small revenues and large support costs, they are often unable to meet their contractual obligations. They don't have many employees aside from their owners. Journalists work on a voluntary basis waiting for this kind of media to achieve the status it has in more developed countries.

According to information from the Independent Journalists' Association of Serbia (IJAS), almost 60% of their members (around 2,600) are not regularly employed. The situation in JAS is similar as 40% of their members (around 3,000) are not either. Those without regular contracts are either freelance contributors, whose duties and obligations are not different from typically hired employees, or temporary workers who are often called freelancers. In most cases, these people are young journalists acquiring necessary skills. When hiring new, young workers, media companies usually put them on probation for a month.

Many media outlets require their workers to serve for a trial period that can last for several months during which time contributors perform the same amount of work as regular employees. These young workers are not aware of their rights, which makes them a perfect target for exploitation. A long-time freelance worker says:

Freelance workers in my TV station are horribly paid. Their only benefits are a mobile phone and a number they can use for work. The pay is so low that they are often forced to pay a part of their phone bills which are sometimes larger than their pay. This is absurd, and it will scare young people away from the profession.

Generally speaking, freelance contributors are paid less than regular employees. Legislation is one of the problems because the same net salary is taxed almost 100% more. Even experienced journalists have similar problems like the one noted by a journalist in a weekly newspaper:

While the average salary in Serbia amounts to 340 euros, freelance workers receive 8,000 dinars (less than 100 euros) for a month's work and several articles in each issue.

Freelancers have seen some improvements in the last two or three years as the number of media companies that do not offer contracts has decreased, especially in Belgrade. Nevertheless, social and health insurance contributions are one of their greatest problems. As is the case with regular employees, they are paid a minimal wage and the rest of the money is paid in cash, but freelance workers do not have health insurance unless they are registered with the Employment Bureau, so they must pay for health services. Unless they have some kind of verbal agreement with their employers, they are not able to take annual leave. Companies that allow them vacations usually allow shorter ones, and they

are unpaid because they are not productive during this period. Women are especially affected by this as one of our participants describes:

Women have many temporary assignments. When they get pregnant they lose everything. Journalists are generally underpaid which is a form of systematic discrimination. I have been thinking about doing all these jobs while pregnant. That's physically impossible.

Freelance workers are especially vulnerable to the employer's right to refuse to publish/broadcast an article/photograph/report. These are often commissioned research projects that may be offered to various parties as one informant explained:

You do a job without a contract because you think everything will be all right. Then they explicitly tell you that they are satisfied, but they don't publish the article. And they don't pay you, explaining that it's their policy not to pay for unpublished articles. It is entirely possible that they gave the same assignment to several journalists and then chose the best article. That's nothing more than slavery or prostitution.

The only advantage of freelancing is the possibility of working for several different companies though some regular employees are allowed to do the same provided they don't publish their work in competing media outlets. Due to low salaries, many media employees need the extra income.

Freelancers are also victims of discrimination in society. Although many of them have regular salaries just like typically hired employees, they are not allowed to enjoy the benefits offered by commercial banks like applying for loans. Many freelance workers are also concerned about periods when they are unable to pay their social and health insurance contributions.

V. Censorship and Self-censorship as an Effect of Labor Relations

When asked the question, "Do you feel that your work relations impose a degree of censorship or self-censorship on you?" most of the participants (52%) claimed that censorship or self-censorship affected their work to a certain degree. Around 45% gave a negative response, while 3% offered no answer (Table 5). Table 5 also breaks responses down by type of media.

Table 5: Censorship and Self-censorship by Media Type

%	yes	no	sometimes	no answer
PRINT	25%	42%	27%	6%
TV	28%	56%	17%	0%
RADIO	21%	25%	54%	0%
NEWS AGENCIES	17%	73%	0%	0%
ON-LINE	0%	80%	20%	0%
TRADE UNIONS	50%	50%	0%	0%
ASSOCIATIONS	0%	67%	33%	0%
total	23%	45%	29%	3%

Privatization in Serbia is still incomplete. Many media outlets, especially those in the provinces, still depend on municipal budgets, i.e., on political-managerial agencies of local governments. Most of them do not have the large volume of advertisers available in the commercial media, so marketing revenues are negligible. An experienced journalist from a local public TV station claims that actual marketing is almost non-existent in his station and describes the current situation:

One of the duties of the marketing department is to follow the president of the municipality around each time he decides to visit a pig breeder. It doesn't matter if the visit happens after regular working hours or not; you have to run a story on it. And it's always the top story in our news, regardless of its utter irrelevance. Such pressure is humiliating to our profession and negatively impacts the quality of information available to the public.

Aware of this fact, local politicians do everything in their power to use the media for political purposes. Every change in local government results in changes in the top-level management of the media outlet. New editors are hired, often without any previous experience in journalism. Their main professional quality is affiliation with ruling political parties as another journalist from a local TV station recounts:

Editorial positions are reserved for active party members in ruling coalitions at the municipal level. Political selection and obedience are more important than competence.

Journalists in public service media who are critical of the government have been fired or prosecuted. Although in the spring of 2006, the Republic Broadcasting Agency revoked the license of BK TV that was blatantly using the media in favor of the owner's political party, this phenomenon is still widespread in Serbia. Freedom of expression is most obviously infringed during election campaigns when the media are openly biased in favor of the ruling parties.

There are other, more subtle ways to pressure public service journalists as described by an NGO employee:

You are not allowed to advance professionally, regardless of your skills. The editor, who was chosen for his obedience, would give you more difficult assignments, reduce your salary or place you in an unsatisfactory workplace. Very soon, we will reach a situation when editors will be unable to differentiate between good and substandard work.

Investigative journalism is very rare in Serbian media. Almost no one does research unless it is a part of a political directive. The profession is reduced to the simple transfer of information, a lot of which is irrelevant. The print media do more research, but it's still tied to political pressures. The low level of journalists' general education is also a problem according to the same NGO source:

Journalists are often incapable of finding information and worse yet, they don't know how to use it. Although their basic literacy is unsatisfactory (even incorrect terms are often used), such journalists are considered adequate for the public service media. Some people were removed from their positions after October 5, but they came back with a vengeance. We have

the same editors as during Milosevic's rule, and they are exerting the same kind of censorship. They are perfectly aligned with the owners and precisely follow their orders. The same situation prevails in all media outlets. There are no independent media.

The prevailing type of pressure in the private media is owners interfering with the editorial policy. Owners often require journalists not to make negative reports on their clients and explicitly forbid the mention of people or companies opposed to the owner. As a journalist from a private TV station says, "Today, censorship is carried out by an unnamed group of businessmen. If you mention a tycoon in your report, his public relations service will react."

During the interviews, TV journalists recounted directions to modify a marketing spot and disguise it as editorial content to satisfy clients' interests without violating the Law on Public Information which specifies the time allowed for advertising and marketing during news programs. These situations often cause conflicts between journalists and owners as pointed out by one of the journalists from a private daily newspaper, "That's a text book example of a violation of journalistic ethics that occurs regularly with marketing texts camouflaged as journalistic articles."

This phenomenon is also present in newspapers with large circulations. One of the journalists says that his daily newspaper is full of advertising text in a journalistic form. There are also media outlets whose owners engage in additional business activities. Their journalists point out that in these cases owners use the media for promoting these businesses.

The personal interests of employers and sometimes of editors often have higher priority than the journalistic code of ethics. Owners do not hesitate to use the media to settle an old score with someone. This is confirmed by a participant from an NGO:

The employer called in my editor-in-chief (who's now got his own newspaper) and asked him: 'How could you allow this person to show up in the paper?' The editor asked him why, and the owner said: 'Do you know that this woman owes me 10,000 marks?' My editor said he didn't know, and what had that got to do with anything? Then the employer said sarcastically, 'OK, then give me a list of all people who owe you money and who are not allowed to show up in your paper.'

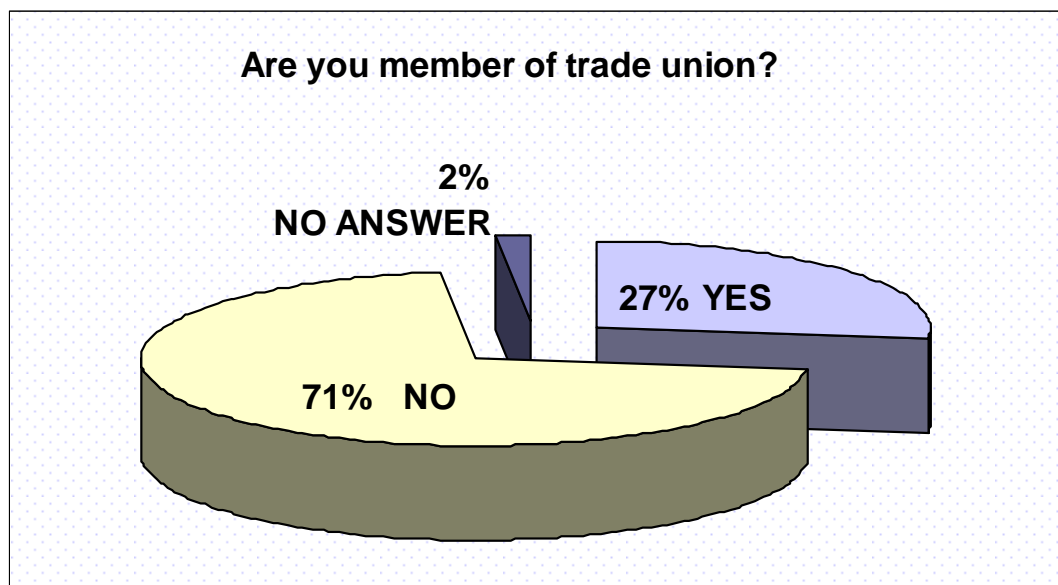
Serbia has not been immune to the problems characteristic of all countries in transition, i.e., political and economic interests are often intertwined in the media especially in the provinces. This is the case in one of the local TV stations:

The owner used to be very close to a local ruling party. He's now distanced from them and has a very good relationship with a party from the other end of the political spectrum which is now ruling the town. He's connected to the city's Urban Planning Office that's funding the station, so we often have to report on the activities of the director of the office, even if he's only opening a street section or something like that. And he cooperates with the health secretariat because his additional business is centered around pharmacies and medicines.

VI. Journalists' Trade Unions: Existence and Effectiveness

Existing information about the number of journalists in journalism trade unions is incomplete. It is estimated that around 6,000 journalists belong to the Independent Media Union,¹⁶ while the Trade Union of Serbian Journalists has fewer than 1,000 members.¹⁷ Most of the participants were not members of any trade union as is shown in Figure 2.

Figure 2: Trade Union Membership of Survey Participants



Journalists are deeply divided over their affiliation not only with journalists' associations but with trade unions as well. The Independent Media Union is close to the Independent Journalists' Association of Serbia (NUNS). This division, which has political connotations, adversely affects the position of journalists and the protection of their rights. Trade unions don't have the influence necessary to coerce owners and employers into adopting a single (nationwide) collective contract. The lack of a strong trade union is of a great advantage to employers, journalists believe since they are most often left on their own.

Certain private media owners feel so empowered by the lack of strong trade unions and by the inadequate enforcement of laws and regulations that they often threaten journalists with dismissal at the slightest hint of a desire to form such organizations. In the words of a participant from a local private media outlet, "The owner clearly said that everyone who tries to form a trade union will be fired." Nevertheless, his opinion of the existing trade unions is unfavorable because as he says, "The existing unions are not successful in carrying out their missions. They don't have a special union section nor any idea how to

¹⁶ The Independent Media Union was established in 1991.

¹⁷ The Trade Union of Serbian Journalists was established in 2002.

deal with journalism and the media which have their own specifics.”

Previous experience proves that trade unions are successful in protecting the labor rights of journalists mostly in the public service media. Unfortunately, freedom to form trade unions is guaranteed only to typically hired employees.¹⁸ Freelance workers are excluded from any type of agreement achieved in a media outlet. A journalist from a weekly newspaper described the situation:

This is completely absurd, especially having in mind that most of the people working in editorial offices are hired as freelancers and are exploited. Freelance and part-time workers are precisely those who are most in need of such protection in assignments performed with a contract or after a verbal agreement. That's where I need protection from trade unions.

Trade unions have had and still have an important role in public service media that have been or will be privatized. Collective contracts with municipalities signed before the change of ownership require the new owners to accept them. That has often been difficult as confirmed by a member of a trade union who's now struggling to successfully negotiate with the municipality and conclude a collective agreement:

A trade union in our media company was formed at the end of March 2006. At the moment, more than half the employees are members of the union. Until recently, we have had 45 employees and 27 members. Now we have the same number of employees, but only 22 members. Several important members left the radio because of constant pressure. We are often threatened with dismissal, and they keep telling us that everyone who works in the station will be fired after privatization.

Another participant claims:

At the moment when the last individual contracts were being signed, a trade union didn't even exist. We know that individuals were given salaries outside the Labor Law. We have managed to force a pay raise and were promised a collective contract, but a year has passed and it hasn't happened yet. Up to the moment when a representative office of the Independent Media Union was formed, everybody was saying that buyers were lining up to buy the radio. Those alleged buyers were mostly people who had no connection with the media whatsoever. After the trade union was established, rumors about purchase ceased, and then everyone talked about how nobody would want to buy us.

Trade unions have a negligible influence within private media outlets. In the words of one participant:

Unfortunately, it's (influence) is at a very low level. Most of us, especially older ones, are members of the Independent Media Union and the only thing they have achieved for us is the fact that for national holidays we get paid 150% of the usual daily wage. Generally, most people are not aware of the importance of the trade union, but it's the union's fault

¹⁸ “Employees have a right to freely organize trade unions, without approval, after a registration.“, Article 206, Labor Law of the Republic of Serbia.

as well because they do not represent nor stimulate the newspaper in any way.

In one case, a journalist lost her job despite the fact that the legal criteria for regular employment were met ¹⁹ in accordance with the employment contract that had already been concluded several times.²⁰ When the participant tried to protect her rights, the blame was put on her:

After the Managing Board was informed about the situation they said, ‘What are we going to do? Her position is in the statute, and we can't fire her because she'll sue us.’ Then they reduced my salary. I had no choice at all. The company's legal counselor said that it was possible to ignore this, but that the same situation would happen again after six months. The law was violated as well as their own statute that explicitly stated that my position was professional—which the legal counselor interpreted as regular employment. The president refused to hire me because she had never agreed to conclude a contract for regular employment with me. I was told to quit my job and find some way to work. I was offered an alternative in another association where I would have worked in the trade union. After that, they would have hired me again after the expiry of the contract. So they wanted to play something like ping-pong with me every six months. It all seemed too uncertain to me. I doubted that it could work properly. I was told again that my position would be canceled if I didn't quit. So I decided that it was better to be a technological surplus than to quit because I wouldn't get any severance pay or even a few months' allowance from the employment bureau. Then the board discontinued my position.

The degree of dissatisfaction with trade unions' efficiency in protecting the rights of journalists is shown in the Table 6. Only 8% of respondents thought membership would protect their rights while 57% did not answer the question.

Table 6: If You're a Member Will the Union Efficiently Protect Your Rights?

%	Yes	no	Sometimes	other	no answer
PRINT	8%	17%	8%	8%	59%
TV	6%	17%	17%	0%	61%
RADIO	13%	33%	4%	8%	42%
NEWS AGENCIES	17%	0%	17%	0%	66%
ON-LINE	0%	20%	0%	0%	80%
TRADE UNIONS	0%	0%	0%	50%	50%
ASSOCIATIONS	0%	33%	0%	0%	67%
total	8%	20%	8%	7%	57%

The mistrust was exacerbated by several cases when trade unions sabotaged good individual contracts. A participant from a daily newspaper claims:

¹⁹ “Temporary employment shall become permanent employment if the employee continues working at least for five workdays after the expiry of the contract on temporary employment.”, Article 37 paragraph 4 Labor Law of the Republic of Serbia.

²⁰ New employment contract was prepared every 6 or 12 months in this case.

We were receiving canteen coupons. Then the trade union protested because we could not choose a place to eat. They wanted us to receive money instead of coupons so that we could choose where to eat. Now we don't have coupons, no canteen, and no public transportation tickets either.

Aware of their own mistakes and the general situation in journalism, one of the trade unions representatives came to the following conclusion:

I am not satisfied with what we've done, but taking into account the previous situation, we have achieved a lot. We have started from scratch and how we have something that we should have had before the beginning of our activities. Journalists are still not aware of the role of trade unions—they often fail to see the difference between professional and legal issues. They demand that we intervene in the sphere of their professional rights, which we are not allowed to do.

VII. Conclusions and Recommendations

The results of the research have shown a great degree of dissatisfaction with journalists' socio-economic position, with the inadequate enforcement of legal provisions and measures and with frequent violations of their basic labor rights by media owners and employers.

Young journalists and freelancers proved to be the most threatened categories of workers. Unlike their regularly employed colleagues, they are usually paid less for the same amount of work, often without health insurance benefits, paid travel expenses and even a work contract. With the goal of achieving better protection and exercising the right to work as a fundamental civil right of media workers in Serbia, the following measures are recommended.

- Create a single register of freelance contributors and freelancers (a database with several levels of authorization) to be updated regularly. In order to make this register useful, it must contain not only basic data about journalists, photographers etc., but also data that would give users a general idea about working conditions in specific media companies (average pay, actual duration of probationary work,²¹ benefits etc.). Professional journalists' associations or media photographers' associations might be the implementers of such a project.
- Organize an intensive lobbying (marketing) campaign to raise the level of awareness and education of media workers (especially freelancers) about protecting their rights (including authors' rights) and the actual situation in the media. Faculties should be included in the campaign, especially the Faculty of Political Science, as well as other faculties that are in any way connected with journalism.

²¹ The Danish Journalists' Association has proven to be efficient and economical. The Trade Union of Serbian Journalists was established in 2002.

- Convince colleagues and the public about the benefits of trade unions and inform them about the situation in the media. The underlying intention is to create a powerful trade union capable of coercing owners and employers into signing a single collective agreement that would offer a greater level of protection to media employees than is provided the Labor Law. Such a union would also be able to secure work contracts that would substantially protect the interests of freelancers and provide them with the same benefits as permanently employed journalists. This idea could be propagated by trade unions, professional associations, NGOs and institutions active in the education of journalists, photographers or political analysts.
- Put greater pressure on labor inspectors and other similar services in order to improve the implementation of existing legal solutions.
- Modify existing legislation to a) ensure the transparency of media ownership and remove the inability to identify the owner as an excuse for inadequate enforcement of existing laws and b) provide trade union protection to freelancers.
- Establish a Media Council within the Ministry of Culture and the Media. Although both associations managed to agree on the Journalists' Code, only this Council would have the influence to ensure adherence to the Code. In this way, pressures on journalists by editors and employers to violate the Code will be diminished. Within the Council, it will be necessary to create separate councils for print and electronic media in order to allow better control.

VIII. Additional Reading

No surveys have been conducted in Serbia that exclusively focused on the socioeconomic status or protection of journalists and other media workers as part of labor laws. The following studies by the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ) were used during the preparation of this report:

- Working Time in Journalism (journalistic sector)²²
- European Best Practice Survey: Working Conditions of Journalists in the Print Media²³
- Freelance Journalists in the European Media Industry²⁴

The first systematic research analysing among other issues the material position of journalists was done in July 2002. The Independent Journalists' Association of Serbia in cooperation with the Strategic Marketing Agency, conducted the survey “The Position of

²² Klehm, Michael, research: *Working Time in Journalism: A Comparative Analysis by EFJ Unions*, EFJ, Brussels, Belgium, January 2001

²³ Klehm, Michael, *European Best Practice Survey: Working Conditions of Journalists*, IFJ/EFJ, Brussels, Belgium, January 2002, <http://www.ifj.org/default.asp?index=3279&Language=EN>

²⁴ Nies, Gerd & Pedestini, Roberto, *Freelance Journalists in the European Media Industry*, EFJ, Brussels, Belgium, October 2003, <http://www.ifj-europe.org/pdfs/FinalReportFreelance.pdf>

Journalists in Serbia in 2002” In 2003, the Media Center Belgrade conducted a poll “Position of Journalists in 2003—Business, Politics, Ethics and Journalism.” The latest research “Journalists and Journalism as Seen by Citizens of Serbia” was presented to the public in July 2007.