

Romania

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I. Abstract

This report is based on 27 interviews and 80 completed questionnaires from journalists and managers working in radio, television, print press, press agencies and online press. The most important law is the Labor Code passed in 2003. There is also a collective labor agreement in force in the media sector, but it is not strictly observed. Most journalists thought they were underpaid for the work they did. Duties should be clearly indicated and defined in a job description attached to a contract, but in practice, many journalists are obliged to perform activities not listed. The most frequent labor violations are vacations that are too short and work weeks that are longer 40 hours but for which they do not receive the compensation they are entitled to. Also, to avoid taxation, private employers outside Bucharest frequently use two contracts: one for the minimum wage and a side agreement (or agreements) for the rest of the salary on which no benefits are paid. This is not good for employees in the long run as it affects their health and pension benefits and may preclude them from getting bank loans. Employers can also rescind the side agreements without dismissing the employee thereby drastically reducing wages. Direct censorship is rare, but indirect censorship exists. Conscience clauses are rarely included in contracts. Freelance journalists are a relatively new concept; they generally do investigative work or work for international organizations. They are responsible for paying all their own social insurance and pension contributions. Trade unions are powerful and efficient in public media, but membership is low in private institutions, and employers have been known to dismiss employees who join them. While journalists' knowledge of their rights has improved, their lack of solidarity perpetuates employer abuses of their working hours and copyrights.

II. Overview

For this study, 27 interviews were conducted with journalists and managers working in radio, television, print press, press agencies and online press, and 80 questionnaires were analyzed. A significant recent event in Romania was the publication of the *Employee Rights Guide for Journalists* in 2005 as part of the project FreeEx Romania: Press Economic Issues. The project was coordinated by the Press Monitoring Agency, the Center for Independent Journalism and the Association for the Protection and Promotion of Free Expression and was financed by the European Union. The guide aims to improve the knowledge of journalists regarding the rights guaranteed them in labor legislation and to define their relationship with their employers. It explains how journalists can establish unions when they feel the need to do so. The protection granted by a trade union or professional organization should contribute to strengthening professionalism and to including conscience clauses in contracts with employers in order to improve the quality of Romanian journalism. Since the guide appeared when the first collective labor agreement in the media sector was under negotiation (2005–2006), another purpose for its publication was for journalists to be aware of the necessity to be actively involved in

their professional community and to understand the benefits of belonging to a trade union.

A collective labor agreement for media was negotiated and signed by representatives from trade unions and from employers' organizations. The trade unions were represented by MEDIASIND while employers' organizations were represented by The National Union of Romanian Employers and Romanian Media Employers (ROMEDIA).

III. Legislation Regulating Labor Relations in the Media

The most important law is the Labor Code passed in 2003. The Code contains 13 chapters: General Provisions, Individual Labor Contracts, Working and Rest Time, Remuneration, Labor Health and Security, Professional Organizations, Social Dialogue, Collective Labor Agreements, Labor Conflicts, Labor Inspection, Legal Liability, Labor Jurisdiction Final and Transitory Provisions. The new Code sought to regulate all the basic provisions in individual labor agreements for all categories of employees and employers as comprehensively as possible. Provisions in European legislation were taken into consideration when the Code was drafted, so it is completely harmonized with the *acquis communautaire*.

In addition to regulating in detail entering into, executing, cancelling, amending and terminating individual labor contracts, there are chapters regulating collective labor relations in principle from which secondary legislation has been drafted that regulates collective labor relations in detail. Examples include Law 54/2003 regarding trade unions, Law 130/1999, as republished, regarding collective labor agreements and Law 168/1998, as republished, regarding labor conflicts.

The Code addresses new types of employment including those with limited contracts, temporary labor, part-time work, working at home and on-site apprenticeships. It also added clauses on mobility, lack of competition and confidentiality to individual agreements and specified damages to be awarded if parties failed to comply.

In accordance with European norms and with international labor laws, the Labor Code strictly regulates terminating labor agreements in a specific chapter on dismissal. Employees cannot be arbitrarily dismissed, but the economic interests of the employer are also protected. In organizations without trade unions, employees have the right to be collectively represented by members of their choosing who are protected under the law just as trade union leaders are by International Labor Organisation (ILO) legislation.

Sanctions for journalists are strictly regulated by the Labor Code. In principle, no disciplinary sanctions may be applied without an investigation during which the journalist can defend his/her actions or statements; that defense must be considered in the final decision. The law establishes what sanctions may be applied if disciplinary regulations are violated:

- a) warning in writing;

- b) suspension of the individual labor contract for a period that may not exceed 10 working days;
- c) demotion with a corresponding decrease in remuneration for a period that may not exceed 60 days;
- d) reduction in base salary of 5–10% for 1–3 months;
- e) reduction in base salary of 5–10% and/or of the management allowance for a period of 1–3 months;
- f) cancellation of the individual labor agreement.

Moreover, the law on employers' liability offers greater protection to journalists. The law stipulates that no salary may be withheld without either the approval of the journalist or a court order to that effect. Therefore, if a journalist causes material damage to the employer, according to the law the employer may not withhold any salary to cover the cost of that damage without either permission in writing from the journalist or a court decision on the value of the damage incurred and the means by which it shall be covered (usually in small amounts withheld monthly from the salary). Furthermore, the employer is liable to indemnify an employee who incurs material or moral damage while performing the obligations stipulated in the labor contract or in respect thereof.

As stated previously, in 2005, a collective labor agreement for 2005–2006 was negotiated and executed for the first time in the media sector which was one of the few sectors that did not have such an agreement. Negotiations for this agreement started with the minimum rights established by the Labor Code and other subsequent legislation. In 2006, a new collective labor agreement was concluded for 2007–2008. The provisions are binding on all employees in media. Negotiating a collective labor agreement is mandatory for companies with more than 21 employees; however, no clause in an agreement may contain any provisions contrary to or offer less protection than the minimum established for the sector by the Labor Code.

The normal duration of the working day is 8 hours or 40 hours per week. Maximum working hours shall not exceed 48 per week, including overtime. A lunch break and rest time during the working day must be at least 30 minutes long and are to be included as paid working time. The right to perform work after hours and within limits that protect the employee's health and security and the right to vacation are guaranteed under the law and cannot be waived. Employers and employees may establish more favorable agreements on working hours and vacations in the collective labor agreements in light of industry norms.

For journalists, working hours include activities both in the office and outside of it including:

- performing basic duties;
- attending meetings and press conferences;
- covering sporting, cultural and entertainment events;
- finding sources and information;
- traveling to events;

- investigating and researching.

Overtime work and work on free days and legal holidays shall be compensated at the rate of 100% of the basic salary. Employees who work a minimum of three hours during the night shall benefit either from a reduced work day of seven hours without any decrease in salary or from a 25% increase in the basic salary for each hour worked at night.

The vacation time allotted to each employee is subject to the length of service and shall be between 21 and 27 working days.

The collective labor agreement for the media sector stipulates that the minimum salary for employees is the equivalent of the national minimum gross salary plus 25%. The national minimum monthly wage established by the national collective labor agreement for 2007 is 440 lei, i.e. 2.59 lei/hour. The minimum monthly wage in the media sector (at least for 2007) is therefore 550 lei.

Remuneration must be negotiated in collective agreements for each company according to the duties specified in job descriptions and to the level of professional training. Also, employees in media are entitled to the following salary increments by law:

- length of service: 5–25%;
- special working conditions: 10%;
- overtime: 100%;
- work on free days and legal holidays: 100%;
- night work: 25%;
- fidelity: 25%;
- danger pay: 200%;
- relocation: 5% .

If the salary is based on output and the employer fails to publish/broadcast any material whose form and content was accepted, the journalist shall receive full pay for the product. This does not apply if the product was not accepted.

In all cases where an individual labor contract is terminated for reasons not imputable to the employee, the employer must provide 20 working days notice. If the employee does not receive 20-days notice, he/she has the right to compensation equal to one month's basic salary payable on the termination date of the agreement. During the 20-day period, an employee has the right to be absent 4 hours/day to find another job without any cut in salary or loss of other rights.

Journalists have the right to do the following without suffering any consequences whatsoever:

- to refuse to write, to prepare or to participate the preparation of an article whose content contradicts actual legislation or the moral obligations of a professional journalist (conscience clause);

- to refuse to disclose information sources;
- to freely and publicly express personal opinions in respect of events or persons while at the same time observing the moral obligations of journalists.

A journalist has the right to refuse to sign an article that was amended by an editor, final reviser, or by any other person on the editorial staff if it differs from the initial version submitted by the journalist or if the edited text is contrary to the opinions and beliefs of the journalist. If an editor significantly revises material and the journalist is unable to advise the audience that this has occurred, the editor may publish/broadcast such material only without the journalist's signature. A journalist also has the right to request the publication/broadcast of material without a signature if he/she has objective reasons for that request.

Starting in 2006, the collective labor agreement for media included a moral code for journalists as an annex. Journalists must observe this code, and employers may use provisions in it to their benefit by citing a breach of the code as justification for disciplinary sanctions or even dismissal. The defense a journalist can mount against such accusations is very limited taking into consideration that the provisions of the code are very general and vague such as, “the journalist is liable to state the truth,” when the “truth” can be established subject to the editorial policy of the media institution.

Romania has created special sections/panels for resolving labor conflicts. Under the new regulations, such trials are presided over by a panel of two judges and are conducted by two legal assistants, one representing the employer and one the trade union. The main purpose of such panels is to quickly resolve disputes.

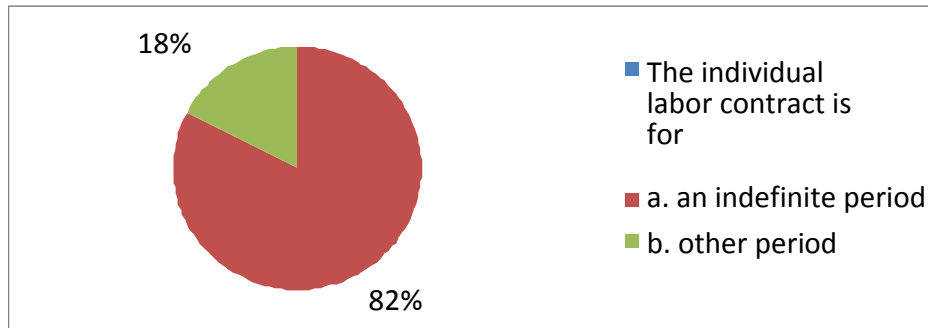
IV. The Implementation of the Legislation in Practice

Although the legal framework offers a great deal of protection to journalists, in practice its application differs from one media institution to another.

Journalists Typically Hired

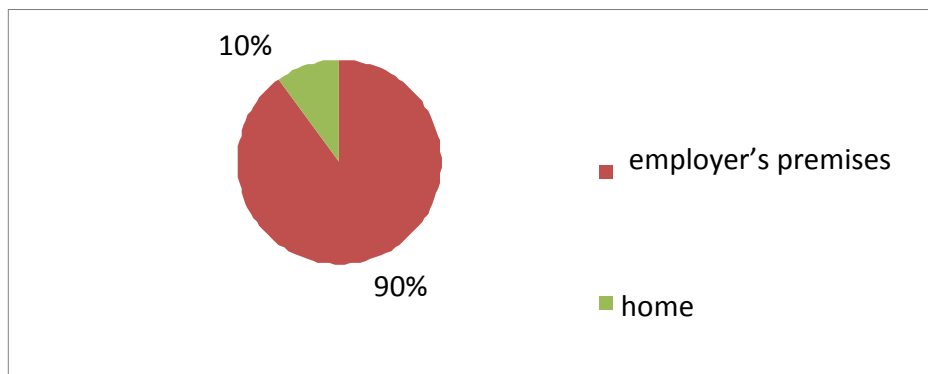
Usually, individual labor contracts follow the standard government model. Most are concluded for an indefinite period (Figure 1).

Figure 1: Length of Journalists' Contracts



Journalists generally work on the employer's premises (Figure 2).

Figure 2: Where Journalists Work



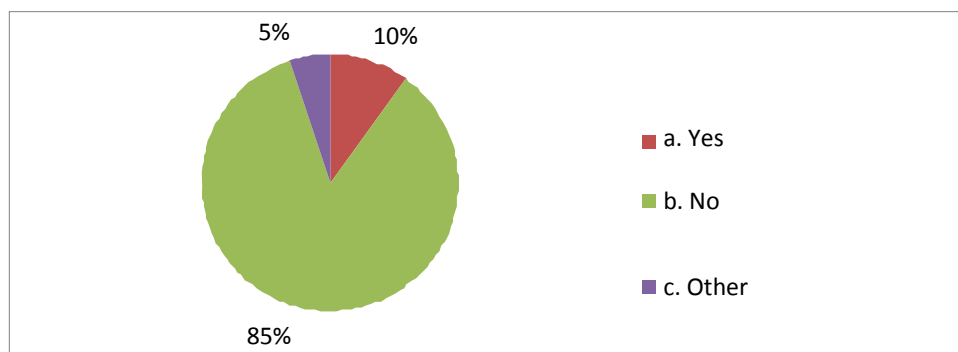
The duties of a journalist are included in the job description that is attached to the contract. Normally, these duties must be clearly indicated and defined. In practice, however, many journalists are obliged to perform other activities. There was a case in one company in which journalists were obliged in turn to make final copy edits of the publication although this duty was not mentioned in their job descriptions. The final copy editor is the person who makes all grammatical corrections. Clearly, not all journalists have the necessary resources to do that, so in order not to be sanctioned for errors, journalists who could make final copy edits agreed to do this task for their colleagues in return for payment.

Another abuse committed by employers is making continued employment contingent on obtaining advertising clients, another task not specified in the job description. In certain cases, the employer further stipulates that the client must be of a value sufficient to cover the salary and taxes of the journalist.

Equally detrimental to employees is that fact that many employers are turning the confidentiality clause into a non-competitive clause by not allowing journalists to collaborate or work with any other publication while under contract and for up to five years following the termination of the contract. Such agreements were also entered into with journalists without contracts who had only copyright agreements or service agreements. In all cases, such agreements create obligations for the employees only and not for the employers, and they provide only for damages payable by the employee for breaching the contract. In the labor agreement of one commercial television station, the talented journalists or “stars” of that respective channel have a contract clause whereby they are liable to pay the employer a huge amount if they wish to rescind the agreement prior to the normal termination date. One journalist said that, “[Lack of a clear definition in the labor agreement or in internal regulations of an exclusivity clause gives birth to abuses from the employer.](#)”

Although there is a conscience clause in the collective labor agreement, it is included in only a few individual labor contracts (Figure 3).

Figure 3: Does Your Contract have a Conscience Clause?



In many cases, salaries have at least two components: revenues stipulated in the contract (salary) and those pursuant to a copyright agreement (copyright allowance). In most cases, a journalist’s basic salary is 130 lei per week (the equivalent of 45 euros), which is slightly above the average salary in the country. To supplement that salary, copyright agreements are entered into. Basically this is due to a practice in media companies in which employers try to avoid paying taxes to the state. A journalist may therefore enter into several agreements for the same activity: a contract and “side” agreements. For example, behind any commercial television station there are two or more companies controlled by the same shareholders. The reporter works for television station “X” under an individual contract with one company— usually for the minimum wage—and at the same time also enters into another agreement —a copyright or civil contract—with the second company for the balance of his/her salary. Usually these copyright agreements have very general clauses with rights in favor of the employer. For example, many agreements can be terminated on the initiative of the employer without any reason and

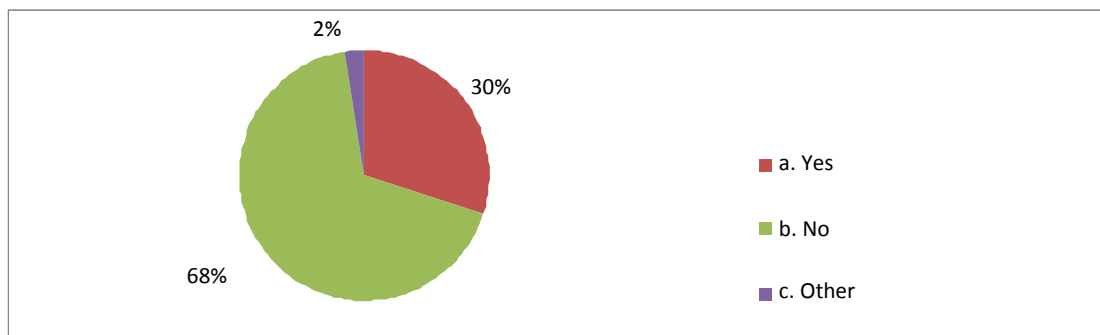
without prior notification. Few copyright agreements involve genuine negotiations and few provide for the salary increments due to employees.

Apparently, everything is legal and both parties are contented: the employer pays less tax and the employee has a decent income. Very few journalists, however, understand that the income from side agreements does not offer them any social insurance, health insurance or pension benefits. “Journalists working in the private sector are deprived of pension rights as long as in the labor book only the minimum salary is recorded. Moreover, for this reason, they may not be granted bank loans.”

Moreover, this practice is a genuine weapon with which to discipline journalists. There was one case in a television station where reporters and camera operators objected to their working conditions (e.g., extended hours and dismissals. These protesters were immediately dismissed and their copyright agreements were rescinded. Following trade union intervention, the employer cancelled the dismissals keeping their contracts in force but refused to conclude new copyright agreements. The protestors then resigned as their salaries had been effectively reduced by two thirds.

Most journalists said their salaries were inadequate, so many take additional jobs in order to ensure a decent living standard (Figure 4).

Figure 4: Is your Salary Appropriate for the Work You Do?

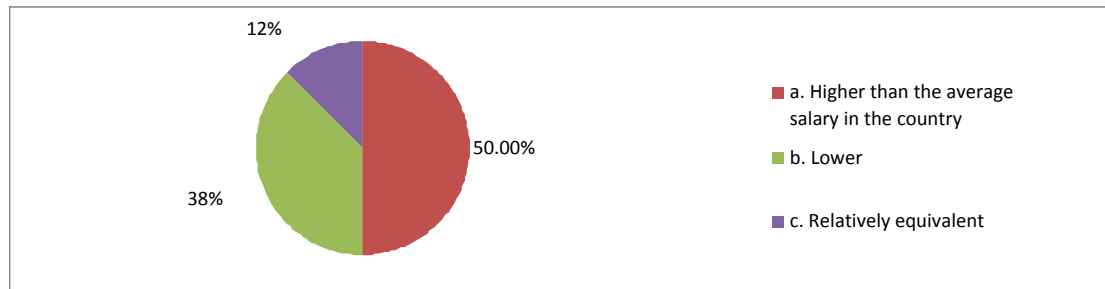


There are two categories of journalists from the remuneration point of view: the mob, paid with minimum salaries recorded in the labor book, and the aristocrats who receive indecently huge salaries compared with the former category, but also compared with the quality and quantity of the work they perform. Their salaries are justified only because the aristocracy is formed of the employer's agents in the organization, those who impose the view point of the employer in choosing and writing on topics. This circumstance also leads to another major problem in the Romanian media, irrespective of distribution, that negatively affects the level of professionalism: low salaries invite low levels of professionalism and compliance with the owner's interests to the detriment of any public interest in correct information. It is a vicious circle that cannot be broken.

Exceptions to the dual payment scheme are journalists employed with public media outlets (ROMPRESS, Romanian Radio, Rador, TVR) as well as the journalists working

for commercial television stations or big newspapers in Bucharest. In general, journalists working in Bucharest enjoy higher salaries (Figure 5).

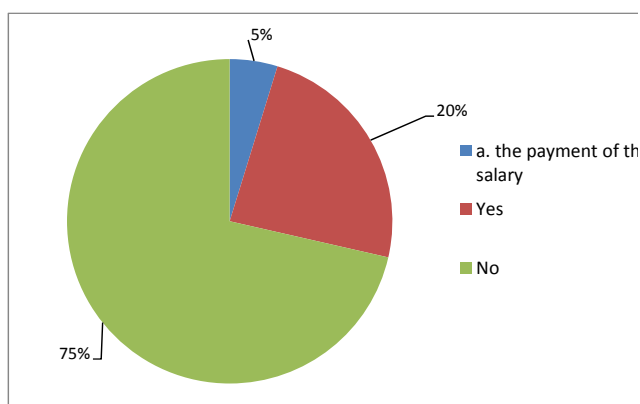
Figure 5: The Salaries of Journalists Working in Bucharest relative to the National Average

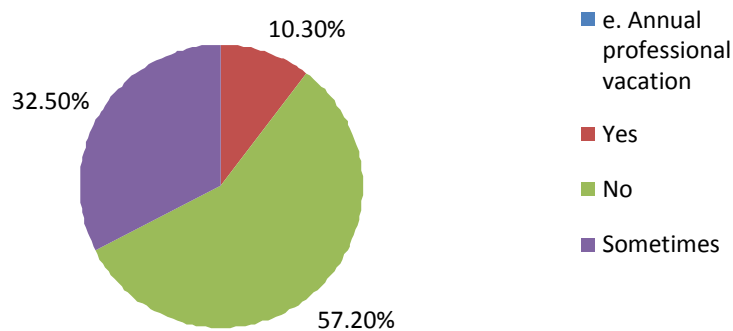
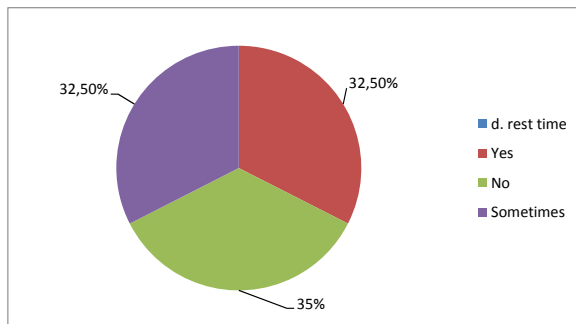
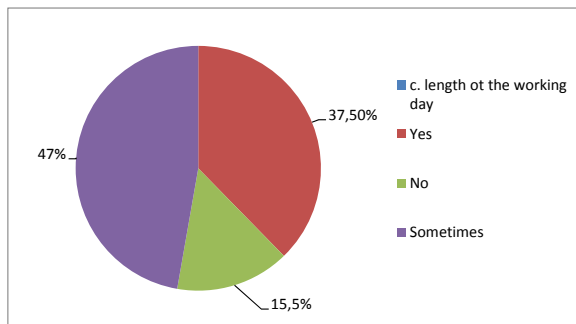
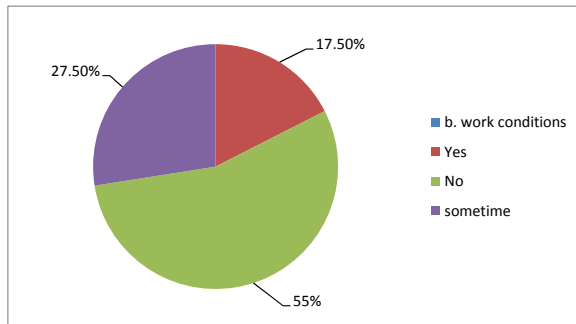


When asked about violations of their rights, most journalists said they occurred in terms of length of working day and rest time and not so much for payment of salaries or working conditions (Figure 6).

Journalists are among those professionals whose rights are severely breached. Since I've been working in the media, although I have the right to a 25-day holiday, I have never been allowed to take more than 20 days. Moreover, more than half of my salary is earned illegally. Nobody speaks about medical leave and holidays or official feast bonuses not to mention overtime payment. The problem is that most editorial offices in the country are staffed by people with no power over employers. The paradox is that we stigmatize those failing to observe other people's rights, but we are unable to defend ours. This is why after 10 years in the media, and I've done a lot, from reporter to producer, I am thinking very seriously of leaving. I want to be respected as a human being and as a professional!

Figure 6: Does Your Employer frequently Violate your Rights?

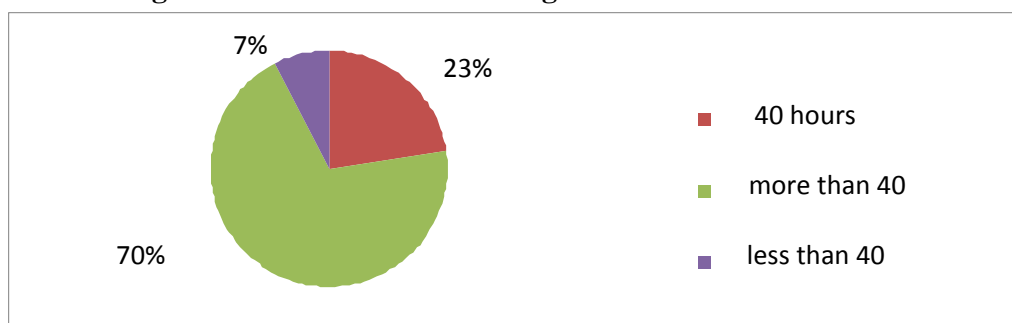




The best situation for journalists is in public institutions where the Labor Code is observed, but even in these institutions there are cases in which journalists work more than eight hours in order to finish the activities of the day. It is also possible that a journalist may leave before the compulsory eight hours are completed, so the employer

and employees agree on a flexible working program. In a radio station belonging to a multinational company, however, no journalist could work more or less than eight hours. The schedule was conceived in such a way that if someone left early the show could not be broadcast, and if someone wanted to stay overtime it wasn't possible because the second shift journalist had arrived so there was no physical space available. In most private mass media institutions, journalists cannot work according to a strict schedule, as it is almost impossible for them or for photographers to let their employers know that eight hours have elapsed and they are finishing at that very moment, so most work more than 40 hours a week (Figure 7).

Figure 7: What is the Real Length of Your Work Week?



During the discussions, one journalist complained, “Overtime work or work under difficult conditions is not compensated. Our leaders have abusive behavior and make absurd requests regarding topics.” Another journalist said that the most inconvenient thing is, “...the exploitation of journalists who are forced to work more than 40 hours per week without any payment for overtime. Rest time is merely observed. Journalists receive leave only on paper, but in fact they benefit only partially.” There was a case where, following a labor inspection, an employer was obliged to pay each employee for two extra hours per day when it was proved that that employees had worked overtime.

There were many cases in which after the termination of a contract a journalist went to court to get payment for extra hours, for night work or length of service increments. In majority of cases, the court decided in favor of the journalists and the companies had to pay three years of retroactive salary rights pursuant to the collective labor agreement.

In a discussion with a representative of a commercial television station about the real work time for journalists, he admitted that journalists work between 12 and 14 hours per day and even during the night, but as compensation he allows them to take one or two days off every two to three weeks to pay bills and fulfill other obligations that can be done only during normal working hours (9:00–15:00).

Regarding rest time, the legal provisions are also breached as in most cases journalists work sporadically on Saturdays and Sundays. Moreover, the salary increment stipulated by the Labor Code is not paid. Practically speaking, Saturday and Sunday work is

deemed normal for journalists which is a flagrant breach of the Code. The same is true for legal holidays. Again, journalists do not get compensatory time off in the 30 days following the legal holiday nor are they paid double time.

Even annual vacation leave is not always observed. Frequently holiday leave is stipulated in the contract as the minimum in the Labor Code. i.e., 20 working days and not 21 working days as stipulated by the national collective labor agreement that applies to all media employees in the country.

Another serious issue is that journalists fail to take the entire vacation leave stipulated in their contracts. Usually they take 10–15 days of leave and are promised the balance as soon as possible. In practice, however, these promises are not kept and they are not paid for unused days. In fact, the Labor Code stipulates that only if the contract is terminated can monetary compensation be offered for leave not taken.

Regarding disciplinary sanctions, in public institutions those stipulated by law are closely observed, and there are disciplinary commissions that include one trade union representative. As the law is very strict and makes sanctions difficult, public institutions often resort to changing journalists' duties to unimportant one or to ones that are difficult to fulfill to punish them. Another way to get rid of a journalist is the apparently legal tactic of terminating the contract because of staff restructuring. Although such dismissals are possible, the Labor Code stipulates that staff restructuring should have a "real and serious cause." In many cases when journalists challenged staff restructuring in court, they won the cases and the court obliged the employers to re-employ them and to pay their back salaries.

Commercial television stations and major newspapers notify journalists in an official letter about any sanctions to be applied. In this way, the journalists can challenge the sanction in court. Nevertheless, sanctions in the form of withholding salary are frequent, and there were even cases when the sanction was dismissal without cause. Unfortunately, the majority of journalists accept salary withholding as a normal sanction without receiving any official letter in this respect.

Although the law offers increased protection to journalists who have contracts with their employers, it was found that journalists are reluctant to go to court to protect their rights. The fewest abuses were found in public institutions in which trade unions are active. In most cases, journalists claimed their rights only upon terminating their contracts and did not protest as long as they were employed. Even though the law has eliminated the possibility for an employer to withhold money from the salary in order to recover damages caused by a journalist, this still happens in media organizations. Employers have also been known to deduct the value of damaged equipment from employees' salaries even if the damage was not their fault. A similarly unlawful procedure is forcing employees to sign notarized guarantees for the equipment they need to do their jobs. This cannot be required of journalists with contracts.

Ultimately, the employer is responsible for damages caused by the journalist. When the institution is obliged by court decision to pay indemnities to third parties due to the publication of injurious material by the journalist, in most cases journalists are not liable to refund the amounts paid though there have been cases when journalists were obliged to pay and cases when the institution failed not only to support a journalist sued for calumny but in addition made statements against him/her.

As for labor disputes, only a few isolated cases of protests have been recorded, and no media strikes have yet occurred. Probably the lack of group solidarity and the failure of the small protests of some journalists to get results have caused a lack of trust or even fear to resort to protests when the rights granted by labor legislation are breached. Employers' techniques to suppress revolt vary from termination of contracts to rescinding copyright agreements to attempts to corrupt the journalists' leaders.

A case in point occurred in a commercial television station when the news reporters' trade union protested against the intention of the employer to re-organize the department. The employer's reaction was to terminate the reporters' contracts and to rescind their copyright agreements. After pressure and talks between the trade union and management, the employer cancelled the dismissal decisions but refused to reinstate the copyright agreements thereby greatly reducing the reporters' salaries. They were thus forced to find new jobs. It is clear that after witnessing the results of that small revolt, no other journalists in that station will protest a breach of his/her rights.

There have been, however, cases when journalists have made a mass protest against the abuses of the employer and have all left the company and subsequently established a new media institution.

In the interviews, journalists enumerated the most serious problems they face as the following.

- a) Employers interfere in the decisions of the editorial staff and exert strong pressures from outside interests (political, commercial). There is a lack of communication between employers and journalists in respect of the editorial line. Moreover, there is a lack of communication with the marketing department about readers' profiles, public trends and what is expected. Journalists are merely told what to write with the justification that, "this is what people ask, for," "this is read," or "we know better what is of interest."
- b) The most serious problem is that leaders do not consult editorial teams when programming schedules are drafted. All sorts of major decisions regarding editorial policy or of interest to the company are made without consulting the employees.
- c) There are strict divisions between the management of media companies and editorial offices, and the administrative hierarchy is complicated and excessive. Criteria that are not appropriate are used to evaluate employees.

- d) There is no incentive system for editors who are instead encourage to remain anonymous which is very frustrating for professionals. The most “burning” sanction is the total indifference toward everything they do, good or bad.
- e) Part-time employees often work full time. There is a lack of trade unions, salaries are small, there is censorship under a threat of dismissal and there is no conscience clause.
- f) There is a lack of professional training for working journalists.
- g) Professional performance evaluations and salaries levels are subjective. Promotions are also often awarded on subjective criteria.
- h) The lack of real competition in the market gives employers a monopoly so they can set low salaries and harass employees who quit.
- i) Loyalty based on personal relationships or patronage is often rewarded over competence. Decisions on programming and salaries are also made based on friendship, kinship or personal relations rather than on professional criteria and competence.
- j) Initially, women are relatively better off than men in matters regarding remuneration and assignments. The ratio of women to men in the media is overwhelmingly in favor of women in entry-level jobs, but this ratio changes in middle management where men dominate which indicates serious, systematic discrimination against women.

Atypically Hired Journalists (Freelancers)

Freelancers are a relatively new phenomenon in Romanian media. Investigative journalists in particular choose to work without a contract with an employer. Romanian freelance journalists also frequently work on projects financed by international funds and belong to the Global Investigative Journalism Network or to another similar international organization. Some freelancers are involved in training students and journalists in Romania and elsewhere.

Although most of their revenue is from foreign-financed projects, freelancers also collaborate with certain major media institutions in Romania under civil or copyright agreements. They in effect sell their completed products to the media institution. Generally, freelancers choose what they write about and do not work on the premises of the employer. The journalist's sole obligation is to hand over the material on the date specified and under the conditions established by the agreement. In this case, the freelance journalist has neither the rights nor the obligations of a journalist working on an individual contract.

Likewise, the freelancer does not receive health insurance, unemployment benefits, or pension contributions from the employer. Instead the freelancer is obliged by law to enter

into individual agreements with the relevant authorities and to pay them directly. Freelancers must also declare their incomes with the fiscal authorities and pay income tax.

The major drawback for atypically hired journalists is the lack of copyright protection. Frequently freelancers sell articles and assign the copyright to the buyer for a limited period, but the material is often copied by the buyer without authorization. Such breaches of copyright are usually not challenged as the journalists have neither the time nor the desire to go to court.

Freelancers do not have the right to organize a trade union. According to the law, affiliation with a trade union is possible only for journalists who have entered into an individual labor contract. Freelancers may, on the other hand, organize professional associations such as non-government organizations (NGOs).

Journalism students and young journalists can also be atypically hired. Most of the important media institutions regularly employ students on probation for one to three months without remuneration. Many are subsequently hired by the organization when their probationary periods are completed. One radio station sponsors a contest every summer and offers five scholarships and eventual employment to journalism students.

In the print media especially, many journalists between 18 and 30 years old are employed as they are better able to cope with the intense work and demanding hours. Many of them are also employed on probation for one to three or more months without a contract or a salary though they receive a small stipend. In one case a journalist started work at the age of 14 which is two years younger than the legal age for employment. Despite the fact that the employers published numerous articles by the journalist during their two years of collaboration, they refused to offer a contract and instead promised employment after graduation. This is a violation of the journalist's rights as there was a legal labor relationship.

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

At present there is no direct censorship in mass-media institutions, and cases in which material proposed by a journalist is rejected by the editor-in-chief or by another representative of the employer because it contradicts the editorial policy of the institution are rare. Before accepting employment, journalists acquaint themselves with the editorial policy of the employer. Although it may not be definitively stated, it can be gleaned from the nature of the publications or broadcasts produced. More information on editorial policy is available on the Web site created in 2006 (www.mediaindex.ro) that lists the owners of media institutions and their economic interests.

Though direct censorship does not exist, indirect censorship does. This occurs when pressure from interest groups succeeds in removing a show from the broadcast line up, or when a journalist from the capital is "promoted" to a regional post, or when contracts are terminated or when offices are restructured and positions are eliminated. Although the

employer does not directly state that the material produced by the journalist or the journalist's behavior prejudiced the interests of the institution or of groups connected with the institution, the employer's actions suggest that this was the case.

The journalist is obliged (or worse decides by himself in consideration for minor favors) to create material that does not match reality or that presents only certain aspects thereof. Censorship and the interference of certain interest groups appear often in editorial policy (censorship based on business partnerships). A tendency of political groups to dictate editorial policy has been noticed. Moreover, employers may censor—directly or indirectly—when subjects affect their business interests. In certain media institutions, more journalists seem to make moral compromises for material favors. In the private sector, journalists are compelled to create material in compliance with the interests of the owners. It is most serious that some agree to distort reality. In private organizations, labor agreements fail to protect journalists who are sometimes made redundant without explanation even if they haven't done anything wrong.

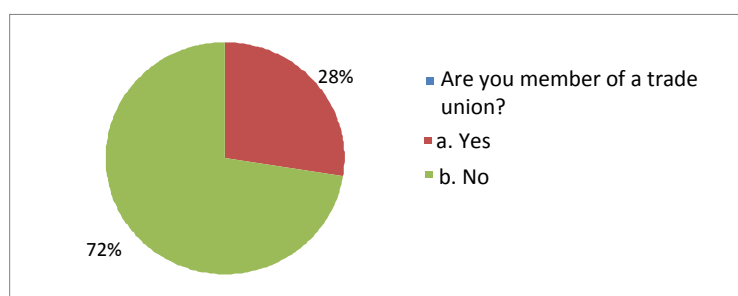
Indirect censorship is harder on journalists working regionally because when an influential person in the region decides a journalist is undesirable, no outlet in the region will offer him/her employment.

Regarding public institutions, their activities are regulated by the law passed by Parliament that stipulates that journalists must be impartial. However, there have been cases—especially during or before election campaigns—when public television and radio stations were accused of directly or indirectly favoring a certain political group.

VI. Journalists' Trade Unions: Existence and Effectiveness

Trade union membership among the media employees surveyed was low (Figure 8).

Figure 8: Trade Union Membership in the Media



Though various media trade unions exist, very few represent journalists; rather, the majority represent employees performing auxiliary jobs like stenographers, drivers or electricians. Only the trade unions in Romanian Radio Broadcasting and Romanian Television (public stations) really represent journalists; these trade unions are indeed both powerful and efficient. Consequently, these trade unions have for many years negotiated collective labor agreements that offer rights and protection against employer abuse.

Journalists' reluctance to join or to set up trade unions is based on the following:

- the opposition of employers to such associations;
- lack of trust in the persons appointed to manage the trade unions (they could become tools of the employer) and lack of confidence in the union's efficiency;
- lack of solidarity among journalists;
- the concept that journalism is independent and journalists must compete.

The opposition of employers has taken various forms from dismissal to restructuring departments and downgrading positions and offering lower salaries. Unions are therefore sometime established in secret. There was a case when an employer found out about the existence of the trade union six months after it had been established. Its members were threatened with dismissal if they did not voluntarily resign their memberships. The departments of those who refused were subsequently restructured and their jobs were made redundant. When the trade union federation with which this trade union was affiliated intervened, the conflict was resolved and the trade union was accepted by the employer.

Journalists are aware, however, that they have little chance of succeeding on their own in making employers observe all their rights and that chances of success are greater when their rights are defended by a well organized trade union. A possible solution identified during the interviews with journalists is to setup a regional trade union (e.g., in a city) and affiliate it with the trade union federation for media. This would be preferable to setting up trade unions in individual companies as it would offer more anonymity, and managers would not have to negotiate directly with their own employees.

In the opinion of most of the journalists surveyed, the greatest support trade unions could offer would be free legal assistance, during both individual negotiations with employers and potential labor disputes, and financial assistance especially when journalists are fired because of membership in a trade union.

Trade union activity is feeble, though it becomes more intense during elections. At the moment, we hear of trade unions on Christmas and Easter. The unions should act and should have a clear, unified opinion. The unions should find a way to force employers to observe the rights of employees. The creation of an internal body of journalists is necessary in order to promote professionalism and to sanction moral transgressions.

VII. Conclusions and Recommendations

Journalists' knowledge of their legal rights has improved in recent years, and journalists have started to use the law to defend their professional interests with their employers, including going to court. Journalists' salaries have also grown not only due to the growth of the economy in general but also due to the efforts of NGOs and of trade unions. The collective labor agreement in force provides journalists with a legal framework to defend their rights with employers. Journalists more frequently request trade union intervention

when their rights are breached and are often successful in getting favorable court decisions.

Trade unions should make their presence felt more and should be more involved in defending journalists' rights. It is true that a first step was made with the collective labor agreement, but efforts must be accelerated and new solutions must be found to ensure the greater application and observance thereof. In this respect, the trade unions should have direct communications with their members and should react strongly against any abuse by employers that has a negative influence on the work of journalists. It would be useful for unions to organize courses and seminars for journalists presenting not only their rights but also the means to defend those rights.

The current trend of media institutions is to downsize which does not improve journalists' working conditions. The most burning issue for journalists is that of actual working time. The long work weeks and the stress of their jobs drive many from the profession. Furthermore, the only really secure jobs are in the public sector.

It would be useful to include a course on labor laws in the curriculum for journalism students so they are aware of their rights and obligations. The Press Monitoring Agency organized such a seminar for journalism students during which the young journalists expressed their fears that if they demanded their rights they would lose their jobs and have trouble finding others considering that media institutions are downsizing and employers are organized.

The lack of solidarity among journalists and the currently weak trade unions mean it will be some time before a Romanian journalist can work under normal conditions with a decent salary and a personal life outside of office hours.

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