

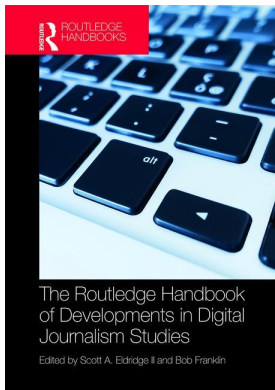
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PRECARIOUS E-LANCERS

Freelance journalists' rights, contracts, labor organizing, and digital resistance

Errol Salamon

Freelance journalists are self-employed workers that print journalism companies have long contracted to do short-term assignments or piece work (Bibby, 2014: 11–12; Cohen, 2016; Salamon, 2016a). Yet between 1994 and 1996, companies in the United States, the United Kingdom, and Canada pioneered a new type of contract for freelance contributors. This contract has typically demanded that freelancers waive their moral rights and assign their copyrights to the company – rights that by default are theirs, as enshrined in copyright legislation (Salamon, 2016a: 986). The International Federation of Journalists (IFJ, 2016) explains that in general, these contracts demand that freelance contributors

assign to the publisher a worldwide, exclusive right to use, reproduce, display, modify, and distribute [their] work in all types of platform, known or future [and] allow the publisher to transfer [their] works to third parties without additional payment to the author and exploit [their] works in any way the publisher deems necessary.

With these contracts, corporations have thus had the potential to increase revenues and profits while decreasing the potential for freelance contributors to resell their work and maximize their income. In response, freelance journalists have taken collective action, adopting three key tactics to resist rights-grabbing contracts: class-action lawsuits, boycotts, and strikes. They have used digital communications as a tool to facilitate the two latter tactics. In this chapter, I outline a history of these contracts and the digital resistance of freelancers' labor organizations, situating them within a broader political economy of print journalism, freelance employment, and labor organizing in a digital age.

Long underrepresented in studies on the political economy of journalism, scholars have built a burgeoning body of literature on freelance journalism and labor organizing in recent years. Researchers have considered the professional role perceptions, labor process, and working conditions of freelance journalists (Cohen, 2016; McKercher, 2014; Salamon, 2016a). On the one hand, journalists may willingly choose freelancing to gain relative control over the labor process, with more autonomy, flexible employment relationships, and increased job satisfaction. On the other hand, they may earn relatively low incomes, lack social security benefits and access to ongoing labor protections, lose control over their work, and feel forced to accept freelance contracts if they are unable to secure stable employment – “forced lancing” (Bittner, 2011: 13) by “reluctant freelancers” (Bibby, 2014: 16).

Corresponding to these markers of precarity – nonstandard, insecure, and underpaid work – Malone and Laubacher (1998) described the growth of a ‘new economy’ starting in the 1990s, mediated by digital communications. They called it an ‘e-lance economy’, the fundamental unit of which was the ‘individual’. In this e-lance economy, freelancers carry out tasks autonomously: “These electronically connected freelancers – e-lancers – join together into fluid and temporary networks to produce and sell goods and services. When the job is done . . . the network dissolves, and its members become independent agents again”. Conversely, Salamon (2016a: 995) has developed the concept of ‘e-lancer resistance’, arguing electronically connected ‘e-lancers’ form temporary networks to not only sell goods and services but also to resist company demands.

Expanding on the concept of e-lancer resistance, this chapter considers the concept of alternative communication to examine how freelancers struggle to resist rights-grabbing contracts in the US, Canada, and the UK. I focus on how digital communications tools can be understood as a form of alternative communication that freelance journalists’ labor organizations use as campaigning tools to communicate freelancers’ struggles to the public and pressure print media corporations to rescind rights-grabbing contracts. By surveying freelance labor organizations’ email lists, websites, and social media campaigns in the three countries, I demonstrate evidence of what Bettig (1996: 235, 238) describes as freelance journalists’ “industrial struggles over copyrights” with print media companies to (1) maintain control of their works and (2) protect employment conditions in journalism by relying on digital communications to “resist the law of copyright”. As alternative communication practices, freelance journalists’ digital communications campaigns bring together “forms of communication” and “cultural phenomena with [freelance workers’] experiences of struggle” (Mattelart, 1980: xviii).

This chapter adopts a radical political economy of communication approach to intellectual property. This approach draws attention to three key tendencies: first, the economic structure of the print media industries and the trend toward ownership concentration (Bettig, 1996: 33; Bettig, 1997: 139); second, the effects of the logic of capital on ownership and control of copyrights; and third, the “contradictions and forms of resistance” within the print media industries (Bettig, 1996: 33). This chapter contributes primarily to research in the third category. To set the scene, I first briefly describe the state of print journalism industries in a digital economy, foregrounding ownership and control of electronic copyrights, and outline the employment conditions and labor organizations of freelance journalists. I then examine freelance contributors’ digital resistance campaigns, situating them within their broader economic structures by linking them to the corporate profiles of the print media companies with which freelance journalists have been in dispute. Accordingly, I consider each company’s ‘political profile’ (e.g., corporate ownership and labor) and ‘economic profile’ (e.g., financial data, market share, and corporate properties) (Birkinbine et al., 2016: 6–7). I rely on print journalism industry reports, documentary sources from print journalism companies and journalists’ labor organizations, and a critical review of the published body of literature on freelance journalism labor. Conducting a labor union standpoint analysis (Salamon, 2017b), I identify common themes stemming from the digital resistance campaigns that help to articulate why and how these campaigns communicate freelance journalists’ struggles.

Print journalism industries and employment conditions in a digital economy

Newspaper and magazine companies have relied on advertising and circulation revenues since the nineteenth century (Bibby, 2014: 2), but revenues decreased consistently in the twenty-first century: from \$215,331 million in 2008 to \$129,873 million in 2017 in the global newspaper industry (IBSISWorld, 2017: 25) and from \$99,710 million in 2007 to \$83,679 million in 2016 in the

global magazine industry (IBSISWorld, 2016: 26). Some researchers have concluded that print journalism is in crisis due to this downward economic trend and to the growth of a digital economy since the World Wide Web was popularized after 1993 (Gasher et al., 2016; Siles and Boczkowski, 2012). However, others have not been ready to make such “catastrophic claims” (Winseck, 2011: 45) about the “the death of the newspaper” (OECD, 2010: 6), calling it a “myth” because print media ownership groups are still profitable (Edge, 2014). The average profit margin was 7.8% in 2012 for the global newspaper industry and increased to an estimated 8.2% in 2017 (IBSISWorld, 2017: 16). The profit margin was 9.1% for the global magazine industry in 2011 and increased to 11.4% in 2016 (IBSISWorld, 2016: 17). Nevertheless, in efforts to reduce organizational spending, print media companies have incorporated web and mobile platforms, shortened print publication cycles, reduced in-house local, regional, or foreign reporting, or closed publications altogether (Salamon, 2016a: 981). Coinciding with these trends, print media companies have attempted to tighten their long-standing control over copyright of journalistic content, while benefiting from freelance employment relationships.

By 1993, freelance journalists had discovered that print media publications had been reproducing their works *en masse* in electronic databases without providing them with additional compensation (Salamon, 2016a: 985–986). Cvetkovski (2013: 22) views this “corporate ownership of copyright” as an “entrepreneurial copyright”, the intent of which is to “preserve and protect copyright embedded in a particular product for as long as possible if it is deemed commercially viable”. Bettig (1996: 97) explains, “copyright owners benefit from long-term legal protection that allows them to recycle their properties through existing as well as emergent media forms and to continue earning royalties”.

In response, Jonathan Tasini, president of the U.S.-based National Writers Union (NWU), filed a class-action lawsuit in 1993 on behalf of 10 freelance writers against five publishing companies, including the New York Times Co. and Time Warner (*Tasini v. New York Times*) (Salamon, 2016a: 986). In 2005, Tasini won a settlement of \$18 million. In Canada, Heather Robertson launched a class-action lawsuit in 1996 with the support of the Professional Writers Association of Canada (PWAC) against the *Globe and Mail*, a Thomson-owned daily newspaper (*Robertson v. Thomson Corp.*). The company had published Robertson’s works in three electronic databases without her consent (Cohen, 2016: 108). In 2009, Robertson won a settlement of \$11 million. Robertson launched a second class-action lawsuit in 2003 against five electronic publishing and print media companies, obtaining a settlement of \$7.9 million in 2011 (*Robertson v. ProQuest, CEDROM, Toronto Star Newspapers, Rogers and CanWest*).

While these freelance journalists won, research suggests that their class-action lawsuits led media companies to introduce rights-grabbing contracts (Salamon, 2016a: 986). By 1994 in the US, Condé Nast, Time Inc., Readers Digest Association, and Hearst were demanding that their freelance contributors sign written contracts that would assign their copyrights to the companies without providing the contributors with additional royalties. In the UK, EMAP (now Ascential) introduced a contract in January 1995 that demanded that freelance contributors to assign their copyrights to the publishing company. Canada’s *Globe and Mail* asked numerous freelancers sign written contracts starting in February 1996, which the company revised in December 1996 to expand the scope of its electronic rights clause: “for perpetual inclusion in the internal and commercially available databases and other storage media (electronic and otherwise) of The Globe or its assignees and products (electronic and otherwise) derived therefrom” (cited in D’Agostino, 2005: 189). Publishing companies arguably introduced these contracts to prevent further class-action lawsuits.

Since the turn of the twenty-first century, researchers have used the concept of ‘precarity’ to describe employment conditions and workers’ labor organizing responses to broader economic trends (Bibby, 2014: 8; Cohen, 2016; Walters et al., 2006: vi). Research suggests that there are three key markers of precarity in print journalism industries. The first marker is a decrease in total

number of jobs. The second is a relative increase in ‘atypical work’ or nonstandard employment relationships, which refers to employment that is “not permanent and/or full-time” (Walters et al., 2006: 6). Freelancing is one subcategory of atypical work, which also includes subcontracted, casual, or temporary work (Bibby, 2014: 11–12; Cushion, 2007: 122). The third marker is relatively low pay and “earning low income” (LCO, 2012: 11, 27). These markers of precarity are interrelated. As the OECD (2015: 135) puts it, “non-standard jobs tend to pay lower wages than standard jobs, especially at the bottom of the earnings distribution”. Between 1995 and 2013, more than half of all jobs that were created in OECD countries were nonstandard jobs (OECD, 2015: 29–30). By 2013, nonstandard work represented about one-third of total employment in OECD countries. Between 1985 and 2013, income inequality increased by about 10% in 17 of 22 OECD countries (OECD, 2015: 23).

Under such precarious employment conditions, journalism faces what Cohen (2016: 22) calls a “precarity penalty”: “The current organization of freelance work inserts individuals into competitive and unequal social relations and infuses their work and their lives with insecurity”. In effect, workers may feel pressured to produce journalistic works that can be not only “sold” but also “produced quickly, making the small fees paid per word, per article, or per hour worth a freelancer’s time” (Cohen, 2016: 22). According to a 2006 survey of 41 IFJ member organizations in 38 countries, about 75% of journalists thought that their employment conditions impacted journalistic content (Walters et al., 2006: 4). Bibby (2014: 30) suggests, then, that “more precarious employment conditions will direct[ly] affect the quality of journalism” and “the cultural and democratic life of the societies [journalists] serve”.

Freelance journalists’ labor union organizing

In addition to signifying the employment conditions mentioned earlier, precarity refers to the “potentialities that spring from workers’ own refusal of labor” to exert control over their employment conditions (Neilson and Rossiter, 2005). In other words, precarity captures both corporate “restructuring” and worker “recomposition” (Dyer-Witheford, 1999: 66). In this sense, precarious work leads workers to adopt refusal tactics, disrupting the process of normalizing precarity with a “process of recomposing work and life” (Lorey, 2010). To facilitate this process, journalistic workers have long formed or joined labor organizations. Trade unions have advocated for higher wages as well as stable and permanent employment, helping journalistic workers secure ongoing labor protection. However, unions have struggled to organize freelance journalists and bargain collectively due to barriers in labor legislation (in the US and Canada) and because freelancers tend to work for multiple employers, dispersed across geographical space (Salamon, 2016a: 984). While trade unions have experimented with ways to represent freelance workers, freelance workers have also established ‘alt-labor’ organizations. According to Cohen (2016: 185), alt-labor organizations “mobilize and represent workers who under law cannot access trade unions for the purpose of collective bargaining”.

In the UK, the National Union of Journalists (NUJ) has been open to freelance journalists since it was formed in 1907 (Bohère, 1984: 151; Cohen, 2016: 183–184) and established a special freelance branch in 1951. By 1973, the NUJ had secured agreements on freelance rates with publishers, among them the *Manchester Evening News*. The NUJ included a special section in such agreements for freelance journalists that outlined minimum pay rates at the national level, but the rate increases were not linked to increases in the minimum pay rates of staff journalists. The NUJ’s freelance members went on strike against IPC Media (now Time Inc. UK) over pay rates in 1981, becoming the union’s only freelance journalists’ strike. IPC employees who were NUJ members refused to take the freelance work, helping the freelance members win a pay rate increase of more than 20%. In recent years, the NUJ has secured collective agreements that cover the use of freelance contributors’ works as casual workers on employers’ premises as well as an agreement with the Guardian

Media Group that stipulates minimum pay rates for freelance contributors (Bibby, 2014: 18). The NUJ's recent membership data provide further evidence of two of the key markers of precarity, as mentioned earlier: a decrease in the total number of members and an increase in the proportion of freelance members (Bibby, 2014: 13). Between 2005 and 2012, the NUJ's total number of full members decreased from 28,678 to 26,521. Over this period, total freelance members increased from 6,985 to 7,334, accounting for 24.3% of members in 2005 and 27.6% of members in 2012.

Freelance workers in Canada and the US have also joined trade unions. For instance, the Canadian Media Guild (CMG) represents print, broadcast, and online media workers and was originally known as the Canadian Wire Service Guild when it was formed in 1949 (CMG, 2017). The CMG is the 6,000-member union Local 30213 of the Communications Workers of America (CWA) Canada. The local established the CMG Freelance Branch in 1998 due to the "increasing amount of freelance and temporary media employment" (CMG, 1999). The CMG Freelance Branch's aim is "to improve the terms and conditions of such work, not only for the sake of freelancers, but also to protect regular employees from being undercut" (CMG, 1999). The Freelance Branch represents 600 freelance workers at the Canadian Broadcasting Corporation, the country's public broadcaster, and they are the only freelance journalism workers in Canada to be covered by a collective agreement (Cohen, 2016: 217, 221–222). In 2014, the Freelance Branch launched a "paid membership" program for non-CBC independent freelancer members for whom the union cannot bargain collectively, and by July 2017, CMG Freelance had 183 "paid subscribers" (CMG Freelance, 2017). The CMG advocates for freelance workers' rights and offers members advice on negotiating contracts, holds workshops and social events, provides access to online training and webinars, and offers group health insurance benefits.

In the US, there are two types of unions for freelance journalists. First, the NWU, an all-writers' union, was formed in 1981. At the "Why a Union?" workshop during the Nation Institute's Writers' Congress, 3,000 writers endorsed a proposal to "create a union for writers in all genres to actively press for better pay and treatment" (NWU, 2017). Writers initially organized eight local chapters across the US, and there are now 13 chapters (Cohen, 2016: 178; NWU, 2017). Later in 1981, the Washington, DC, local made agreements with *Black Film Review* and *Musician* magazine, becoming the union's first and second agreements on freelance terms. In 1983, the NWU was officially chartered, with members ratifying a constitution that guaranteed local chapter autonomy. In 1991, NWU joined the United Auto Workers (UAW) because it was "known for its progressive history and its commitment to organizing non-traditional workers such as lawyers and graduate students" (NWU, 2017). The NWU became UAW Local 1981. One year later, the union launched health and libel insurance plans, which led to a 20% increase in membership (NWU, 2017). In 1995, two years after launching Tasini's copyright class-action lawsuit, the NWU published a *Guide to Electronic Rights*. After winning the lawsuit in 2001, the union's membership increased to 7,300. In addition to regularly holding conferences and events, the NWU has offered its members webinars since 2010 on topics such as negotiating contracts and protecting copyright.

Second, two traditional journalists' unions in the US have bargaining units for freelance workers: first, the Pacific Media Workers Guild (PMWG) – NewsGuild Local 39521 of the CWA, which was chartered as the Newspaper Guild of Northern California in 1936 (PMWG, 2017), and second, the Chicago News Guild (CNG) – NewsGuild Local 34071 of the CWA, which was chartered as the Chicago Newspaper Guild in 1936 (Kritzberg, 1973: 412). In 2009, the PMWG established a unit called Guild Freelancers (Cohen, 2016: 182; PMWG, 2011). The Guild Freelancers' aims are to provide freelance journalists with services and referrals and "build solidarity between staff journalists and freelancers" (PMWG, 2011). The unit advocates for freelance workers, issues press credentials, provides contract advice, assists with grievances, and offers professional development and benefits. In 2013, the CNG formed a bargaining unit called Working Journalists to support freelance media professionals after the Sun-Times Media Group laid off

photojournalists (Cohen, 2016: 182; CNG, 2017). Working Journalists offers press credentials, payment collection assistance, networking opportunities, and professional development.

E-lancers' digital communications campaigns to resist rights-grabbing contracts

Through their collective organizations, freelance journalists have used digital communications to facilitate two tactics to resist rights-grabbing contracts: boycotts and strikes (Salamon, 2016a). Freelance journalists' organizations have exploited digital communications to recruit and organize freelancers (Bibby, 2014: 22). These tools illuminate what Dyer-Witheford (1999: 72) describes as the contradictory forces that shape digital technologies: the "interaction between business's drive to extend commodification and democratic aspirations for free and universal communication". As publishing companies have used digital technologies to exploit freelancers' works and expand capital, some freelance workers report that new technologies such as social media have made it easier to find freelance work (Edelman Intelligence, 2016: 44). Yet the campaigns of journalists' organizations also draw attention to the "process of deconstructing and reconstructing technologies as itself part of the movement of the struggle against capital" (Dyer-Witheford, 1999: 72).

While boycotts and strikes are not new tactics, digital communications have created opportunities for workers to broaden the "scope and focus of collective action", launching single-issue campaigns and "cyber-picketing" (Diamond and Freeman, 2002: 592). Workers may conduct this 'e-disruption' over issues such as pay rates via email campaigns and host these campaigns on a website with a distinct organizational identity that is separate from an individual established trade union. These distinct organizational identities are evidence of "alt-labor" (Cohen, 2016: 185) or "alternative institutions of interest representation" (Saundry et al., 2007: 178–179, 181). In doing so, workers form "virtual unions": "minority unions that exist on the web but lack company recognition" (Diamond and Freeman, 2002: 579). Virtual unions are examples of "temporary labor convergence", a short-term and micro-level campaigning tactic that trade unions adopt to organize journalistic workers, mobilizing massive community support (Salamon, 2017b). However, these temporary virtual unions must struggle to translate temporary digital convergence into "offline actions" (Fowler and Hagar, 2013: 224).

As print journalism companies have issued new contracts, attempting to secure tighter control over freelance contributors' digital rights and exploit them for additional profit, freelance journalists have created online bulletin boards and email lists to discuss these contracts and resist them (Salamon, 2016a: 989). These "informal channels of communication", Cohen (2016: 177) explains, "are a low-effort way to break the isolation of working alone and to gain a sense of community. They are also useful for advice on stories, contracts, and careers". In the UK, freelance journalists pioneered a digital communications tool to organize workers even before the Mosaic web browser helped to popularize the internet in 1993 (Salamon, 2016b). In 1992, the Freelance Branch of the NUJ launched a digital communications network called NUJnet, which initially attracted hundreds of users. According to NUJnet co-creator Mike Holderness, the union created NUJnet to help alleviate freelance isolation and give union members direct and rapid access to union representatives. NUJnet provided subscribers with email service and access to 15 private bulletin boards for advice and discussion, as well as access to commercial bulletin boards and online databases. One bulletin board provided news of labor conflicts, while another bulletin board became a platform for NUJnet members to discuss the emerging issue of digital copyright and rights-grabbing contracts. Members also participated in international cyber actions in support of press freedom. Freelance workers could thus also use digital communications "to develop a collective critique about the condition of freelance writing [and photography] as an occupation and for recognizing and naming the power relations that structure the industry" (Cohen, 2016: 177).

In Canada and the US, freelance workers developed digital communications tools in the late 1990s. In Canada, the CMG launched an email newsletter in 1999 to communicate information to its members, complementing the union's website and print publications (Salamon, 2016b). Around this time, Toronto-based freelance writers David Hayes, Alex Gillis, and Jess Ross created the "Toronto Freelance Editors and Writers" email list to build a community support group. The email list currently has more than 900 members. In the US, the NWU launched its first online "Member Networking Directory" in 1999, connecting members across the US; 440 members have uploaded short biographies and contact information (NWU, 2017). Starting in 2005, the NWU committed to using the internet as the primary mode of communicating with its members, issuing regular e-bulletins, and later the *NWU'sletter*, the union's current e-newsletter. Accordingly, with the advent of digital communications, "[f]reelancers with common interests and problems could communicate freely, cheaply and in far greater numbers than would ever make it to a formal meeting" (Sutcliffe et al., 2000: 23).

Yet, as suggested earlier, freelance workers have formed digital networks to not only "spread information rapidly" but also "inspire resistance" (Sutcliffe et al., 2000: 24). By 1999, freelance journalists were using digital communications tools to facilitate contract boycotts and strikes in the US and Scotland (Bittner, 2011: 16). In the US, freelance photojournalists in the San Francisco Bay Area at the McGraw-Hill-owned *Business Week* (now *Bloomberg Businessweek*) launched an alt-labor organization – an email list and online discussion group in April 1999 called "Editorial Photographers" (EP) to boycott rights-grabbing contracts and what they considered to be underpaid work (Salamon, 2016a: 989). While *Business Week* was imposing rights-grabbing contracts, McGraw-Hill generated nearly \$4 million in revenues and \$0.8 million profits in 1999, increasing from \$3.5 million and \$0.6 million, respectively, in 1997 to \$3.7 million and \$0.7 million, respectively, in 1998 (McGraw-Hill Companies Inc., 2000: 3–4). At the time of the contract dispute, McGraw-Hill had 16,376 employees. McGraw-Hill was the 12th-biggest magazine publisher in the US in 1996, with 1.9% of total industry revenue share, but it became the seventh-biggest publisher by 2001, obtaining 2.7% of total revenues (Noam, 2016a: 506–508). The e-disruption helped the *Business Week* photojournalists to secure a satisfying pay increase and additional compensation so that the company could reprint their photographs in foreign and online editions of the publication and in advertisements (Salamon, 2016a: 989).

In Scotland, about 40 freelance photographers formed an alt-labor organization in November 2000 called the Scottish Newspapers' Association of Photographers (SNAP) to organize a campaign to resist a rights-grabbing contract at *Business a.m.*, a Bonnier Group-owned daily newspaper (Salamon, 2016a: 990). Founded in 1804, the Swedish-based Bonnier Group launched *Business a.m.* in September 2000 with 70 staff journalists (Doward, 2000). Bonnier Group operated magazines, books, television and radio stations, newspapers, and film production in 17 European countries. Although Bonnier Group was imposing rights-grabbing contracts, as mentioned earlier (Salamon, 2016a: 990), the company's global revenues, profits, and number of employees had increased: the company generated 16.8 billion (SEK) in revenues in 2000, an increase from 14.8 billion (SEK) in 1999; it made 1.1 billion (SEK) in profits in 2000, an increase from 807 million (SEK) in 1999; and it had 10,700 employees in 2000, an increase from 9,000 in 1999 (Bonnier AB, 2000, 2001). If contributors signed the contract, Bonnier Group would have been able to reuse their photographs without providing them with additional compensation (Salamon, 2016a: 990). In response, the SNAP created an email list to organize this campaign, exchanging information and discussing ways to improve their employment conditions. After campaigning for five months, Bonnier Group amended the contract, protecting contributors' copyrights and guaranteeing them a reprint fee.

Since the turn of the twenty-first century, freelance journalists have also been using social media to resist rights-grabbing contracts in the UK and Canada. In the UK, 200 freelance writers and photographers went on strike in April 2010 at three Bauer Media-owned music magazines:

Kerrang!, *Q*, and *Mojo* (Salamon, 2016a: 990–991). The German-based Bauer Media Group acquired the magazines from EMAP in 2008 (Bauer Media Group, 2016; Noam, 2016b: 1116–1119). Bauer Media also had interests in magazines, digital media outlets, and television and radio stations in the UK, Germany, and Russia, among other countries. Bauer Media was the fourth-biggest magazine publisher in the world in 2011, generating \$2.9 billion in global revenues. Since then, Bauer Media's global revenues have totaled about \$2.7 billion in 2013 and 2015, while the company's global workforce increased by 6.5% to 11,500 employees between 2014 and 2015. Bauer Media was the second-biggest magazine publisher in the UK in 2008, obtaining 20% of the country's total industry revenues, and it became the country's biggest magazine publisher in 2011, with 26% of revenues (Iosifidis, 2016: 432). By signing the magazine contracts, the freelance contributors would waive their moral rights and the company would be able to reuse the contributors' works on all media platforms without having to pay them additional compensation (Salamon, 2016a: 990–991). In response, the freelance contributors temporarily converged, creating a Twitter account called Bauer Contract Help. They used Twitter to communicate news and signs of support for the resistance and called on Bauer Media to rescind the contract. However, Bauer Media reinforced the terms of the contract in June 2010, so the freelance contributors terminated their strike.

In Canada, journalists' labor organizations launched two separate social media campaigns in 2009 and 2013 to resist the freelance contributors' contracts of publishing conglomerate TC Transcontinental. Founded in 1976, by 2009, TC Transcontinental operated magazines, newspapers, and printing facilities in Canada, the US, and Mexico with 12,500 employees, and about 9,000 employees in 2013 (TC Transcontinental, 2016). TC Media, the company's newspaper and magazine division, generated \$607 million in revenues and a \$93.3 million profit in 2009, compared to \$712 million and \$40 million, respectively, in 2013 (TC Transcontinental, 2010: 49; Salamon, 2015: 445). TC Media was the second-biggest magazine publisher in Canada, with 6.2% of total industry revenues in 2008 and 2010, while Rogers was the biggest company, with 6.3% of market share (Winseck, 2016).

In September 2009, the “Bad Writing Contracts” coalition of 14 writers' organizations converged to resist TC Transcontinental's new author master agreement (Salamon, 2016a: 991–992; Salamon, 2017a). The organizations included the PWAC and the Canadian Writers Group (a writers' agency that partnered with the CMG at the time). By signing the publishing contracts, freelance contributors would assign their copyrights to the company and waive their moral rights that give contributors the right of attribution and protect the integrity of their works. The writers' coalition sought a contract that would give them a fair share of the revenue that the company generated from their works. To raise awareness and communicate information about the campaign, the coalition launched a website, Twitter account, and Facebook group.

To resist another TC Transcontinental agreement in February 2013, the CMG and L'association des journalistes indépendants du Québec launched the #nesignezpas (#dontsign) hashtag campaign and a Facebook group called “Back Off, Elle Canada and Canadian Living Publisher” (Salamon, 2016a: 992; Salamon, 2017a). Campaign organizers also created a private and invitation-only Facebook group to organize freelance journalists who feared company retribution. By September 2013, TC Media released a revised contract in the province of Quebec. While labor organizers attributed the campaign's success in large part to the use of digital communications tools, they also recognized the limits of using social media as a broadcasting tool in a public digital space. Still, the #nesignezpas, EP, and SNAP campaigns are noteworthy because they illuminate the potential to link temporary labor convergence and online actions to “offline actions” and organizational change (Fowler and Hagar, 2013: 224). Such digital communications campaigns have been important for journalists' unions, giving them the potential to “bypass official media ‘gatekeepers’” and making them “less dependent on mass media in building ties to the public” (Drew, 2013: 115, 118).

Conclusion

In a digital economy, big print journalism conglomerates in the US, UK, and Canada have continued to generate revenues and remain profitable. Big corporations such as McGraw-Hill, Bonnier, Bauer Media, and TC Transcontinental have issued contracts to freelance contributors that have served as an instrument of corporate control and wealth generation in the cycle of capital accumulation. With these contracts, media companies have the potential to sustain their control and ownership of freelance contributors' rights and to make more profit. In adopting this corporate strategy, these companies have devalued the labor of their freelance contributors, limiting their potential to resell their works to other publishers and supplement their income.

As low-paid and nonstandard journalistic work has become commonplace, freelance journalists have used digital communications tools to resist rights-grabbing contracts. Through their websites, email lists, and social media campaigns, freelance journalists' traditional and alt-labor organizations have attempted to resist the law of copyright (Bettig, 1996). The research conducted for this chapter suggests that the digital communications campaigns of journalists' organizations are evidence of alternative communication practices (Mattelart, 1980). An alternative communication practice helps us understand how journalists' organizations use digital technologies to *express and circulate e-lancers' experiences of struggle*. As Mattelart (1980: xviii) would express it, these campaigns bring together "forms of communication" and "cultural phenomena with [freelancers'] experience of struggle". While there is only some evidence that digital communications campaigns can help e-lancers secure fair contracts, the research demonstrates these campaigns could at least create the conditions for "publicization", showing how e-lancers could gain visibility in their struggles over rights (Salamon, 2017a: 993). In this context, journalists' organizations may be more successful if they use digital technologies as one part of broader organizing initiatives rather than foregrounding them in efforts to resist rights-grabbing contracts. As Cushion (2007: 127) puts it: "The role of unions, in different countries, is critical to ensuring journalists are paid a fair and rewarding salary". In a digital economy, there may be a greater urgency for such "collective agency amongst journalists, as employers are acting unilaterally to cut costs and undermine employment rights" (Cushion, 2007: 128).

This urgency, in turn, justifies the need for and value of conducting more labor union standpoint research in digital journalism studies (Salamon, 2017b). More research on freelance journalists' rights, labor organizing, and resistance could help radical political economy scholars understand how copyright ownership and control serve as a key corporate strategy in digital journalism. More of this research could also help scholars uncover how freelance journalists and their labor organizations could gain relative control through collective action over the works that they produce (Cohen, 2016; Salamon, 2016a: 994). In this way, the concept of the precarious e-lancer articulates how journalists' labor organizations not only *form temporary networks* to sell goods and services (Malone and Laubacher, 1998) and resist company demands (Salamon, 2016a) but also *develop long-term labor convergence strategies* to organize and protect freelance contributors (Salamon, 2017b). Yet Cohen (2016: 22) reminds us that "collective organization in media industries is not just about protecting individual workers, but also about ongoing efforts to democratize journalism".

Further reading

This chapter has benefited significantly from Nicole S. Cohen's (2016) *Writers' Rights: Freelance Journalism in a Digital Age*. Errol Salamon's (2016a) "E-lancer Resistance: Precarious Freelance Journalists Use Digital Communications to Refuse Rights-Grabbing Contracts" further explores the devaluation of freelance journalism labor and freelance workers' collective action to defend their rights in digital journalism in North America and western Europe. Additionally, Cohen's

(2016) book, Salamon's (2016a) work, and Catherine McKercher's (2014) "Precarious Times, Precarious Work: A Feminist Political Economy of Freelance Journalists in Canada and the United States" explore the gendered nature of freelance digital journalism. Andrew Bibby's (2014) *Employment Relationships in the Media Industry* offers an accessible report on atypical media employment more broadly for digital journalism scholars. Finally, Mark Spilbury's (2016) *Report for the National Council for the Training of Journalists* explores the state of freelance journalism in the UK, while Edelman Intelligence's (2017) *Freelancing in America* and Contently's (Baker, 2016) recent study analyze the state of freelancing in the US for creative workers, including journalists.

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