17. Making It in a Freelance World

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The numbers of self-employed workers in media are growing globally. While digital technologies have made it easier to work as a freelancer, it has become more difficult to earn a decent living. This chapter surveys the range of ways that freelancers in media and cultural sectors are collectively working to protect their rights and improve their conditions.

Introduction

In October 2017, 48 American freelancers who contribute to *Ebony* and *Jet*, a pair of lifestyle magazines for African-American readers, filed a lawsuit against Ebony Media and the private equity group that owns the magazines, claiming that together freelancers were owed US\$80,000 in unpaid fees. The group of freelancers included writers, photographers, graphic designers, and videographers who were each owed hundreds or thousands of dollars; money offered in exchange for articles and images but never paid (Channick, 2017). In the months leading up to the lawsuit, freelancers took their complaints to social media, using the Twitter hashtag #EbonyOwes to drum up public support, alerting many to a not-so-secret reality of freelance life: that when companies struggle financially, or when editors forget to file invoices, or when payroll departments are slow to process payments, it is individual freelancers who pay. In the Netherlands, similar action was prompted in 2015 with the Twitter hashtag #tegendebakker, and freelancers worldwide often share experiences of not being paid adequately using #freelance.

Waiting weeks, months, and even years to be paid for articles, photographs, and other pieces of work is a persistent reality for freelance media and cultural workers. 'When you are a freelancer, getting paid for the work you do becomes a second job in and of itself', writes an American freelance journalist. 'You're sending countless emails to dozens of people over weeks, months, and (in some cases...) years just to get paid for the labour you did' (Chamseddine, 2017). Such firsthand accounts from freelancers working in media and cultural industries trouble the notion that freelancing means an easy life of sleeping in, working from home in your pajamas, going for a jog in the middle of the day, and plugging in to work only if and when one wants. While most freelancers do have freedom from the constraints of a nine-to-five life in the sense that they do not go to the same office each day, and many are able to pick and choose the projects they take on, for the vast majority of

media freelancers, life is characterized by hustle: long hours, constantly pitching ideas and perpetually seeking future work, producing work as quickly as one can to make low pay per project worth it, juggling multiple projects, chasing late payments, self-promoting, and negotiating what one freelancer calls 'the dual pressure to appear productive and successful while also available for hire' (Cagle, 2014; Vallas & Christin, 2017). As many aspiring and emerging media workers are learning, while digital technologies have made it easier for almost anyone to work as a freelancer, it has become more difficult than ever to earn a decent living.

This chapter discusses freelancers' conditions and surveys the range of ways that individual freelancers in media and cultural sectors are collectively working to call attention to power dynamics and social relations of labour in media and cultural work. As media work becomes increasingly fragmented, technologically mediated, and precarious, freelance media workers are proving that the most effective way to protect their rights is by acting together for change.

The realities of freelance work

While commentators and pundits still embrace the notion that 'everybody's going freelance' (Baer, 2013) and celebrate terms such as 'independent worker', 'microentrepreneur', and 'free agent', freelance media workers are drawing attention to the complex and often contradictory material realities of freelance work. Through articles, blog posts, and social media posts, freelancers outline the precarious nature of their employment status and the effects precarity has on their work and lives (for an in-depth review, see Cohen, 2016). Precarious employment is defined as 'work for remuneration characterized by uncertainty, low income, and limited social benefits and statutory entitlements' (Vosko, 2010, p. 2). As self-employed workers, freelancers do not legally have access to unions that could collectively bargain on their behalf (for minimum wage scales, for example) or to protections under labour law, nor can they access social benefits such as healthcare, employment insurance, or parental leave – typically, such access is provided through an employment relationship.

Because freelancers are paid per piece of work they successfully produce – or, in the case of writers, per word published – they generally earn much lower income than employed workers doing similar work (McKercher, 2009) and work long hours. As independent contractors, freelancers do not work for a single company, but rather sell discrete pieces of work to a range of companies: an article, an image, a design, or a website, for example. They negotiate their own fees per project, if they can negotiate at all – only twenty per cent of the 200 freelance writers I have surveyed are able to set their own rates of pay most of the time; generally, fees and rates for work are set by the company (Cohen, 2016, p. 94). This means

freelancers themselves are responsible for finding and securing work, never knowing where their next project or pay cheque will come from. For many, the persistent and underlying precarity of self-employment manifests as a sense of anxiety or insecurity about uncertain futures, social isolation, income instability, and a lack of access to mentorship or training, which can inhibit career development (Lewchuk *et al.*, 2014).

Despite such conditions, numbers of self-employed workers globally are growing. In Canada, 2.9 million people are self-employed, with growth each year (Statistics Canada, 2017). In the United States, 15 million people were self-employed in 2015 – 10.1 per cent of the workforce (Hipple & Hammond, 2016). In Europe, 30.6 million were self-employed in 2016, 14 per cent of the workforce (Eurostat, n.d.). These numbers tend to be higher in the media, cultural and creative industries, which are known for project-based work and historical reliance on freelance, contract, and part-time workers (Murdock, 2003).

Although working freelance can be a deliberate choice as well as something one is forced to do due to lack of employment opportunities, a freelance life does not offer everyone equal opportunities. As Melissa Gregg (2008) argues, under neo-liberalism, women in the US are frequently given the 'choice' to work freelance as a way to balance work and family in lieu of states developing social solutions to gendered divisions of social reproductive labour, such as childcare policies. Studies have also found that female media freelancers are paid less than men, per project, but also overall (HoneyBook, 2017). Some people embrace the 'independence, flexibility, self-direction, and agency' that one can potentially access as a freelancer (Perlin, 2012). Others freelance because it is the only form of employment available to them in the industry in which they've trained to work. As a freelance journalist told me, 'After graduating from university and then a college course, I thought I would freelance "until something else came along", but there has been more and more freelance work and fewer other options' (Cohen, 2016, p. 84).

It is impossible, however, to assess people's motivations to work freelance without understanding the broader context that shapes people's abilities to decide what form their employment will take. The confluence of neo-liberal globalization, accelerating speed of production and expansion in digitally networked media industries, volatile markets for advertising and traditional revenue streams in media, unprecedented amounts of content created daily on a global scale, and a desire by media corporations to remain agile and flexible, have resulted in a shrinking core of permanent staff and an expanding periphery of freelancers, part-time workers, interns, and temporary employees globally (Deuze, 2007; Winseck, 2010). Media firms in particular are able to outsource work to freelancers and contractors, as there is a surplus of highly skilled, trained professionals ready

to work for often low pay, what Graham Murdock (2003, p. 22) calls the 'reserve army' of cultural labour. Precarious forms of employment such as freelance have obvious benefits for companies, including lower labour costs, no responsibility for training, overhead or benefits, and offloaded risk to a legion of skilled workers hustling to sell their works. Overall, what has historically been a way for media and cultural workers to gain autonomy over their craft and control over their working conditions has become a way for companies to lower the costs of media and cultural production and transfer the risk and insecurity of production onto individual workers.

To counter such pressures, freelance media and cultural workers are increasingly speaking out about their working conditions and experimenting with collective and collaborative methods to address challenges they face. They are presenting ways to make freelance work more equitable and fair. Twitter hashtag campaigns are just one example of how individual freelancers and collective organizations such as unions and professional associations are using a variety of strategies to publicize, organize, and ultimately transform their working conditions.

Collective response

Freelance cultural workers such as actors, directors, and screenwriters have been unionized for decades under a system of voluntary recognition, where employer associations have agreed to collectively bargain for minimum wage scales and other worker protections (Gray & Seeber, 1996). Key to these arrangements is that freelancers for film and television, for example, work collaboratively on set and therefore could, if needed, shut down production by collectively walking off the job (Haiven, 2006). An individual media freelancer, working from home or a coworking space, does not have such leverage. Freelancers work alone, often do not know other freelancers, and, especially those at the beginning of their careers, do not know how much they should be paid for their work.

Freelancers exist in what organizer Joel Dullroy (2013, p. 3) calls 'a grey zone of employment activity, outside the protections of long-established labour regulations' in most Western states. Legally classified as self-employed workers or independent contractors (despite the fact that many are economically dependent on one organization and therefore misclassified as freelancers), freelancers exist 'outside the ambit of labour protection and collective bargaining' and are positioned as entrepreneurs or small business owners who do not require legal protection (Fudge, 2003, pp. 36-37). So, freelancers have had to find creative and experimental ways to address work-related challenges outside official legal regimes, including visibility projects, organized campaigns, and collective organizations.



Visibility projects

Online visibility projects are advocacy campaigns and collective efforts to improve freelancers' conditions. Freelance journalists, for example, have created websites and digital lists to publicize information on how much publications pay. Media outlets never advertise their pay rates publicly, and freelancers often have no idea how much they should be paid for their work. The website *Who Pays Writers?* calls itself 'an anonymous, crowdsourced list of which publications pay freelance writers, and how much'. It launched in 2012 as a Tumblr, born from freelancer Manjula Martin's discussion with friends about why writers don't know how much other writers are paid. Martin realized that secrecy about pay only benefits those who sign the cheques, and *Who Pays Writers?* was born (Cohen, 2016, p. 163).

Other visibility projects offer collective moral support for refusing low-paid gigs. Freelancers use the popular Twitter hashtag #dontworkforfree to publicize and deride postings for unpaid work, to express anger at being repeatedly asked to work for no pay, and to encourage other cultural workers to refuse unpaid work. A US-based freelancer anonymously tweets from the handle @crapwritinggigs, broadcasting snarky jabs at online freelance ads. Other cultural workers have written attention-grabbing blog posts decrying the incessant request to work for free, including journalists, actors, bloggers, and visual artists.

A particularly bold tactic has been to name-and-shame companies and individuals requesting unpaid work. Groups like the Musicians Union and the Canadian Intern Association create 'walls of shame' to publicly (and anonymously) call-out companies and engagers asking professionals to work for free, bringing negative publicity to their business. Many times, the tactic works: the Canadian Intern Association reports a 50 per cent success rate; half the postings on its Wall of Shame end up converted to paid internships (Brophy, Cohen, & de Peuter, 2015).

Visibility projects are cathartic, but they are also examples of counter-publicity, whereby media makers create media texts and appropriate communicative technologies as tools to publicize their labour conditions. Counter-publicity serves to undercut freelancers' sense of individual frustration and isolation and plays a vital role in developing a collective response to labour pressures. Visibility projects are also acts of solidarity that can counter the competitiveness and individualization fostered among freelancers competing for work, a dynamic that often lowers wages.

Organized campaigns

Many individuals fear putting their names on blogs and social media posts or other public complaints about their industry, as most media freelancers rely on their reputation to secure future work. No one wants to be marked as 'difficult to



work with' in tight-knit, competitive industries built on reputation and social ties. And so, vital to the improvement of freelancers' working conditions are campaigns organized by collectives, professional associations, and unions, in which freelancers can participate anonymously. Much like counter-publicity, campaigns draw attention to work-related challenges, but they also advocate for specific changes in policy or behaviour, from companies or governments, to improve security and benefits for freelancers.

The Musician's Union, a global organization of working musicians, for instance, runs the Work Not Play campaign to draw attention to the precarious conditions most of its 30,000 members navigate. Most musicians have to work non-musicrelated jobs to pay their bills, and musicians face intensifying pressure to work for free, from charity gigs to spectacular and well-financed events like the Olympics. The campaign aims to educate people who hire musicians as well as fans about the fact that playing music is work, not just a hobby, and should be paid as such. Similarly, the Writers' Guild of Great Britain (WGGB), which represents writers in TV, film, books, radio, theatre, comedy, animation, and video games, is running its Free is NOT an Option campaign, also to tackle the incessant request that writers work for free. In a membership survey, the WGGB (2015) found that 87 per cent of respondents working in film and TV report an increase in requests to work for no pay. The campaign includes guidelines for freelance writers on what is reasonable to do for no pay, and involves lobbying the government to generate support. The Dutch Association for Journalists and the freelancers' collective De Coöperatie started similar campaigns in 2017. These campaigns are vital for challenging the 'do-what-you-love' mentality often used to convince freelance media and cultural workers that if they truly care (or are 'passionate') about the work they do, then they should not expect payment (Tokumitsu, 2015).

Despite its towering title, the Freelancers' Rights Movement, launched in 2014, was, in effect, a public online campaign aimed at illuminating the growing freelance workforce in Europe (in media work and beyond) and raising awareness about challenges these workers face. The campaign has several demands, expressed emphatically on its website: 'recognise freelancers! give us access! count us! give us a voice! treat us fairly!'. The goal of the campaign was to draw attention to the fact that freelancers and self-employed workers are left out of policy, social security, and government representation in the European Union, and to lobby governments to expand policies and social protections to cover freelancers.

More specific campaigns have targeted companies on particular issues and prove that when acting together, freelancers are able to improve their conditions. Contracts for copyright in particular have spurred initiatives by photographers, visual artists (CARFAC, 2016), and writers. In the digital era, publishers are issuing contracts that demand for escalating rights to freelancers' work in a range of digital

formats for a one-time, small, bundled, upfront payment, rather than paying them for each discreet use of their work over time. This is how media companies exploit workers (Cohen, 2016), and individuals often have no leverage when negotiating contracts. Organized campaigns have been a vital way freelancers can resist. In 2013, for example, Canadian freelance journalists were angry about a restrictive copyright contract presented by magazine publishing giant tc Media. The new contract would require freelancers to sign away their moral rights (or, the right to be recognized as the author of an article) and 'grant tc Media full copyright across all of its brands, in all languages, on all platforms, for eternity [...] applied to all current and yet to-be invented media forms where writers' works appeared' (Salamon, 2016). The campaign was initiated by L'Association des journalistes indépendants du Québec and was run in coalition with four journalist and writers' associations. The groups used social media to mobilize freelancers and concerned Canadians, using the hashtag #nesignezpas (don't sign) to publicize the bad contract. The pressure worked: tc Media amended the contract, demonstrating that online tools can be used in conjunction with organization to mobilize a disparate group (Salamon, 2016).

Collective organizations

Many campaigns are successful because they have been organized and run by collective organizations representing freelancers. Although freelance media and cultural workers are often assumed to be 'lone wolves' and highly individualistic, freelance media and cultural workers of all stripes have long histories of forming and joining collective organizations, from professional associations to more labour-oriented organizations such as guilds. Freelancers join groups for many reasons: to access health benefits, to temper endemic isolation, to develop skills and receive training, to meet others, and to find work. Many organizations will track down engagers that do not pay (a form of wage theft) and can advise on worrisome contracts and pay rates. While most freelancer organizations are unable to collectively bargain, which would go the furthest to standardize and make equitable fees, contracts, and working conditions, they are experimenting with a range of ways to represent freelancers.

The Brooklyn-based Freelancers Union has been the most visible in advocating for freelancers. The union began as a way to provide American freelancers with health insurance in the form of affordable group benefits, offering members advice, supports, and services, such as a tool for generating a contract, forums for freelancers to connect, corporate discounts, health clinics, and yoga classes. The Freelancers Union has lobbied policymakers for laws to better protect freelancers in New York State, including getting tax reform passed so that those who earn under

US\$100,000 do not have to pay business and personal revenue tax (Abrahamian, 2012). The organization led the passage of the 2017 *Freelance Isn't Free Act* in the City of New York, which now requires engagers to provide signed contracts to all freelancers and specify deadlines for payment. The bill ensures that the Department of Consumer Affairs can now enforce the provision and use of contracts and can penalize companies that break the rules with fines or jail – guarantees that have until now only been available to employees.

The National Writers Union (NWU), which supported *Ebony* freelancers with their lawsuit, is a local of the United Autoworkers Union, and is rooted in a tradition of solidarity with the labour movement. The union has negotiated contracts with several media outlets to protect freelance journalists' rights, provides grievance services, and contract advice, and has led lawsuits against the *New York Times* to defend freelancers' copyrights to electronic rights and against Google over Google Books. The NWU offers group benefits, engages in advocacy, and has won some important victories for its members.

Less formally, groups like the Internet Creators Guild are developing tools for advocating on behalf of 'online creators', mostly those who create content for YouTube, including basic information sharing and guidance on how to get paid for online work. Models, visual artists, and graphic designers have established organizations with similar goals.

Canada has long history of active professional associations that represent media and cultural freelancers, including poets, editors, playwrights, and journalists, but over the past decade more union-oriented organizations have emerged to better protect freelancers by fostering a worker-based – rather than an entrepreneurial or professional-based – identity. The Canadian Freelance Union, founded in 2009, is local of Unifor, Canada's largest private sector union. It recently launched its first-ever freelance organizing drive and is gaining momentum among young freelance media workers. The Canadian Media Guild launched a Freelance Branch and its parent union, the Communication Workers of America-Canada, runs an Associate Member's Program, which offers training in skills and labour rights to emerging media workers, freelancers, and interns – membership totals 1,000 across the country (membership is free). While relatively new experiments, these collective efforts hold great promise in enabling freelancers to access benefits, share information, receive legal counsel, and fight bad contracts.

In Europe, the European Freelancers Movement is connected to organizations that represent freelancers in eleven countries, including France, Germany, Italy, Belgium, Croatia, the Netherlands, Poland, Romania, Spain, and the United Kingdom, linked under the banner of the European Forum of Independent Professionals, a not-for-profit organization (founded in 2010) that does research and engages in advocacy in at the European Union level. Other emergent experiments include

cooperative cultural collectives and web-based organizations that produce and help freelancers sell their works for fair pay.

Supporting freelance work

The collective initiatives outlined in this chapter are just some examples of how freelance media and cultural workers are coming together to develop infrastructures to support independent work. Because freelancers generally have no single employer to which they can direct demands for better payment or improved treatment, they are organizing to combine resources to support each other. The most concrete of these efforts, collective organizations, are places freelancers can access services they lack, including health insurance and benefits. In fact, gaining access to services such as health benefits has been a main driver of the development of freelance organizations. Most freelance professional associations are attractive to freelancers because of access to group benefits. In this way, many organizations are effectively service organizations, offering freelancers services in exchange for fees. This can be limiting, as a more solidaristic identity and politicized understanding of the labour politics of freelance work is needed among freelancers to achieve more lasting change to many of the challenges freelancers face (see Cohen, 2016).

Some organizations go beyond a service mentality: the Netherlands' Broodfonds (bread fund) consists of small groups of people who pay into a 'mutual sickness fund [...] based on how much they would like to receive if they fall ill' (Dullroy, 2015; see broodfonds.nl). In 2017, the Broodfonds had 13,266 participants organized into 304 small groups to reinforce a sense of community, and payments are referred to as 'gifts'. This is an example of a bottom-up safety net vital to surviving in a freelance world.

What freelancers' groups and campaigns have made clear is that the legal and policy regimes underpinning labour law in most Western states needs to be transformed in an era of precarious employment, where growing numbers of people work outside of regulated employment relationships, including workers in media and cultural industries. Leah Vosko (2010) has argued that the new world of work needs to adopt a 'beyond employment' model of social protection that would provide every person, 'regardless of their labour force status', with labour and social protections 'from birth to death, in periods of training, employment, self-employment, and work outside the labour force, including voluntary work and unpaid caregiving' (*Ibid.*, p. 219). Such a broad vision makes clear the big-picture thinking needed to improve the working lives of freelance media and cultural workers, and meaningfully goes beyond arguments that individuals must simply be better entrepreneurs and hustlers.

Conclusion

Organizing freelancers collectively is challenging. Most are contracted under highly individual terms, work in physical isolation from one another, and generally have different mindsets about how to address work-related challenges. Yet, collective organizing is vital. Increased competition globally pushes wages down and draws individuals into highly exploitative working relationships. Companies have much greater power than individual freelancers and are able to impose unfair contracts without much pushback. Faced with a complex, opaque contracts for assignments, most freelancers would prefer just to sign than ask questions and risk losing work. Low wages, a lack of security, and extended periods of unpaid work mean that freelancing as a form of employment is unaffordable to many, especially those who do not have a financially supportive spouse or family. If freelancing is the only entry point to many media and cultural sectors, labour dynamics limit who is able to work in media and culture, creating divisions based on gender, race, and class, and risking the creation of homogenous media content.

Overall, it is vital to ask who benefits from a growth in freelance work. Freelancing has a contradictory nature: it can be simultaneously risky and rewarding, precarious and satisfying. For companies, relinquishing immediate control over employees – transforming full-time work into self-employment, freelance, casual, or temporary work – can be both profitable as well as increase logistical and managerial complexity. A more fundamental critique would point to the exploitative potential freelance labour has for capital to increase the extraction of surplus value from workers. Deepening precarity is experienced as highly individualized, and so freelancers are told that solutions are individual, too: work harder, take on more clients, or sleep less. But as the growing number of collective organizations, campaigns, and visibility projects show, the best way to make it in a freelance world is together, not alone.

Further reading

- Case: The working conditions and labour requirements for 'making it' as a freelance online content creator – Duffy (p. 375)
- Context: Three important developments regarding media work and the skills needed to find employment in the dynamic field of media – O'Donnell & Zion (p. 223)
- Contrast: How social inequalities in media work arise and what might be done to tackle them – Eikhof & Marsden (p. 247)

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