

Of Journalists and Money: The Employment of Journalists in Romania and its Influence on Media Freedom and Quality

IOANA AVĂDANI

Center for Independent Journalism Bucharest, Romania

This article considers media freedom and independence in Romania from the perspective of the work relationship and describes the complex dynamics that exist between media employers, journalists, and political actors. It considers the various employment practices that have been introduced following the economic downturn in 2009 and how journalists themselves have responded to the increasingly challenging media environment in Romania.

Keywords: employment contracts, Romanian journalism, media freedom, political instrumentalization

This article considers media freedom and independence in Romania from the perspective of the work relationship and describes the complex dynamics that exist between media employers, journalists, and political actors. The economic component of this relationship is seen by some authors as central to the development of today's journalism profession. Jean Chalaby notes that journalism—as we know—it was born only when newspapers were able to sustain themselves economically: "Financial independence contributed to depoliticizing journalists' discursive practice and encouraged the development of a journalism of information based on the discursive norms of neutrality and objectivity" (Chalaby, 1996, p. 320). However, Romanian journalists today largely perceive economic pressure as detrimental to the quality of journalism. Indeed, several research projects have revealed that a majority of Romanian journalists consider economic pressures to be the second most noxious factor for the profession (Center for Independent Journalism, Media Monitoring Agency, 2009, p. 43; MediaAct, 2012).

Consideration is also given to the way in which political parallelism has prevented the Romanian media from developing on sound economic lines, thinned the fabric of the journalistic profession, and affected the quality of reporting and left the media sector unprepared to cope with the economic crisis and the disruptive effects of new technologies. The article explores how political actors with weak democratic reflexes directly interfered in the processes that shape the framework governing employment relations, weakening social partners and consolidating their control over the media.

Ioana Avădani: ioana@cji.ro

Date Submitted: 2016-06-13

Copyright © 2017 (Ioana Avădani). Licensed under the Creative Commons Attribution Non-commercial No Derivatives (by-nc-nd). Available at <http://ijoc.org>.

Finally, the article describes how the structure and funding of media organizations has developed over time in Romania, drawing on the work of Roger G. Picard (2002). Picard, in his study on the economics of media companies, identified various ownership structures that influence the way in which the media are funded, including sole proprietorships, partnerships, limited liability companies, including those that are publicly listed and not-for-profit/noncommercial firms (such as public media companies) (Picard, 2002, pp. 1, 11–17). In the Romanian context, the state-funded, state-controlled media of the Communist times have given way to new commercial variants, and the paper explores the new financing variations that have appeared as a result of the apparent atomization of the journalistic profession, prompting reflection on whether there are alternative structures that should be explored.

The first section of this article briefly reviews the development of the Romanian media ecosystem, closely linked to the political evolution of the country. The second and third sections consider the legal framework for employment relationships in Romanian newsrooms, the various employment regimes applicable, and the resulting influence on salary levels. The fourth section analyzes the impact on these different regimes of economic and political forces, and the consequent implications for the journalistic profession. The fifth and final section explores alternative forms of payment for journalists and their limitations.

A Short Overview of the Media in Romania

Freedom of expression and its corollary media freedom have long been considered two of the main gains derived from the introduction of democracy in Romania after the fall of Communism. Despite the economic and political pressures explored in this article, the media are still considered one of the most trusted institutions in Romania, with a trust quota of around 60%, though down from 70% a few years ago (European Commission, 2012, p. 17). The media system in Romania is classed under the Mediterranean, or polarized pluralist, model by Hallin and Mancini and is characterized by high political parallelism and weak professionalization (Hallin & Mancini, 2004).

The professional media in Romania had a difficult start. Used as a Communist propaganda tool, Romanian media were heavily controlled by the party–state, and journalism was more of a political qualification than an established profession. What followed after December 1989 was not marked by more concern for professionalism—in journalism and business alike. As Romanian journalist Ștefan Căndea wrote:

During the early years of Romania’s transition from Communism to democracy, media owners were either well-connected business entrepreneurs or former journalists who had worked within the Communist propaganda machine. They transferred their competencies and the rules from their previous professions into these new ones . . . [and] . . . when these reporters became financially successful (profiting through their unethical practices), they unfortunately became the models for generations of young journalists to follow. (Căndea, 2011, para.7)

Since the fall of Communism, the Romanian media market has grown organically, with little attention to strategic development, the goals to be attained and benefits to be counted. The first years after the collapse of the Communist regime in December 1989 saw a proliferation of media outlets, appearing and disappearing erratically. The adoption of the Audiovisual Law in 1992 and the Law of the Public Broadcast Services (PBS) in 1994 created the first legal framework for what proved to be a rapidly developing broadcast sector. Although print and online media are not regulated by specific legislation, they do have to abide by general legislation relating to matters such as the protection of privacy and reputation. In 1993, Romania joined the Council of Europe and signed the association agreement with the EU leading to a degree of legislative harmonization, which brought Romanian legislation more into line with EU standards, including in the audiovisual field.

But despite this harmonization, the governments led by the Social Democratic Party (2002–2004) promoted a clear policy of controlling the media, using, in particular, economic leverage. The situation for the media worsened again, and in 2004 the European Commission's regular report on the harmonization progress stated:

Journalists' reporting can often be influenced by financial inducements leading to self-censorship. Against this background, the state has tolerated the accumulation of significant arrears by a number of the largest media companies, including most major private TV stations. Such a situation may compromise editorial independence, and media-monitoring studies have observed that the TV news is notably less critical of the government than the written press. . . . This is a disturbing trend. (Commission of the European Communities, 2004, p. 26)

Elections in November 2004 brought a new coalition government, consisting of the National Liberal Party and the Democratic Party (Democrat Liberal Party since 2007), which abandoned the discretionary practices in state advertising allocation, leading to a time of relative calm and growth for the media sector. In January 2007, Romania became a fully-fledged EU member, easing compliance pressure on the authorities. Growing tensions between the Parliament and the president led, however, to polarization of the media, and local and general elections in 2008, together with the presidential election in 2009, pushed polarization to the point where the media could no longer only be seen as supporters of, but rather actors in, the political process. Political instrumentalization overlapped with the negative effects of the economic crisis that hit Romania in 2009. These factors stimulated a "dumbing down" syndrome, characterized by an ever-lower quality of media content (Mediadem, 2012, p. 95). Despite this, the media continue to be perceived as the main source of information and tool for influence, leading to ever stronger efforts to own and control them.

Before continuing, it should be noted that the erosion of media freedoms and reduction in the quality of journalism cannot entirely be blamed on economic and employment factors in Romania, the focus of this article. At the very least, some mention needs to be made of the historically low level of journalistic quality and the shaky, negotiable status of media freedoms in the country since 1989 (Center for Independent Journalism, Media Monitoring Agency, 2009, p. 55). Though not the focus of this article, this does raise the question whether Romania's (political) culture and history prevent international

journalistic values from being easily incorporated into its media culture, suggesting scope for further research.

The "Gossamer Umbrella": The Collective Work Contract for the Media Sector

There is no single accepted definition of "journalist" in Romania. An analysis of various relevant sources, such as the laws relating to public radio and television, the collective work contract, various journalists' codes, and the accreditation procedures implemented by the public institutions,¹ lead to two major conclusions regarding who can be considered a journalist. The first is that new media have yet to have an impact on this debate, as the current definitions, at least those used in the legal documents, fall short of including online journalism activities. The second is that most definitions are employment based, still linked to forms of "traditional media" and a business model under which a media company employs a staff of full-time journalists. From this perspective, it is clearly important to analyze the various employment practices operating in the Romanian media.

There is no "official" figure for the number of journalists practicing in Romania, though the Federation of the Journalist's Trade Unions (Federatia Română a Jurnaliștilor Mediasind) claimed to have "over 9,000 members" out of a total of 22,000 journalists when the first collective work contract in the media sector was negotiated in 2006–2007.² This contract has been extended regularly, with minor adjustments. It came to an end, however, in 2014 when the "media branch" was incorporated into the "culture branch." Journalists must now negotiate their collective contract together with ballerinas, museum custodians, and actors working for the municipal theaters who face very different challenges. The collective work contract is endorsed by the Labor Ministry and has the force of a law. It is applicable to all employers and employees in the mass media, irrespective of their participation or representation in the negotiations. Under the contract, "employee" is defined as "a person working under an individual work contract with a media outlet or exercising the profession independently, self-employed as per the law and whose main source of revenue derives from producing journalistic products or delivering journalistic services" (Mediasind, 2006, Definition section 5). The contract regulates the maximum working time and compensation for overtime, nighttime, and weekend work. It also regulates holidays.

The salaries of journalists are calculated starting from the minimum national wage. Thus, the minimum salary for a journalist is set at 120% of the minimum national wage. A series of multiplication factors are then applied to this minimum level based on qualifications and the complexity of the tasks required of the journalist (dangerous or difficult conditions, etc.). The contract also regulates the types of bonuses a journalist can get.

The collective contract for the sector forms the legal basis for any other contract —collective or individual—in the mass-media field. As a result the "collective contract at unit level" (compulsory for any

¹ Accreditation provides the clearance needed to physically access the premises of a public institution on a regular basis.

² Mediasind leader Cristi Godinac, quoted by *Financiarul* newspaper, 2010, at <http://www.mediasind.ro/news/financiarulpeste60deziarelocaleaufostinchiseindoianidecriza>

unit with more than 21 employees) and the individual contract for all employees are based on this contract. Because of its general applicability the collective sectoral contract deserves further consideration. First, it treats journalists as employees, even though it mentions in its definition section that some journalists may be "self-employed." It is thus unclear how this contract can be used in court by persons who are "self-employed." Secondly, two of the "bonuses" it mentions have been systematically used as alternative forms of payment for journalists: additional money for fulfilling article quotas and commission for advertising/sponsorship contracts attracted by the journalist. As questionable as these "bonuses" are from the point of view of journalism ethics, they are legal by virtue of the collective work contract. Last, but not least, while legally applicable to all media and journalists, the contract is in practice virtually unknown in the Romanian media. It is obvious why employers prefer to ignore it, as it establishes requirements that are hard for most of them to fulfill. It is less clear why journalists ignore its existence too and are generally oblivious of their labor rights. But even where they are aware of the collective contract, they tend to accept weaker terms out of fear of losing their jobs.

From Law to Practice: Forms of Payment for Journalists

Individual Work Contracts

Individual contracts must be signed by all employees, at the moment of their hiring. Contracts may provide for full- or part-time employment (minimum two hours per day). As in most countries, the employer and employee share the tax burden. The tax burden is composed of a tax on revenues, plus various contributions to state budgets for pensions, health and unemployment. Consequently, for each monetary unit allocated to salary, the employee cashes in just 55%.

The high costs of labor pushed both employers and employees to agree forms of cost minimization. Several of these formulae are widely used:

- minimum wage + quota of articles ("acord redactional")
- minimum wage + intellectual property rights
- salary + "success bonuses" ("pay per click") or commission from advertising or sponsorship contracts
- minimum wage + "black" cash (payments not registered as such)

Any combination of the above-mentioned formulae may be found in newsrooms across the country. While each of these arrangements minimizes the taxes paid to the state, they also expose journalists to weaker social protection.

The "minimum wage + intellectual property rights" formula for payment has long been employed on a large scale in the Romanian media. Under the fiscal legislation for intellectual property rights, the tax burden stays solely with the "creator": a 10% to 16% tax on revenue, plus 15% contributions to social security and health care if not employed already, with an optional unemployment tax. Although the tax burden on the employee under this arrangement is close to that for a full-time contract, it eliminates the employer's share of the tax liability completely. It should be noted that the "minimum salary" used in this

type of payment is the minimum national wage (700 RON, approximately 160 Euro), not the wage provided by the collective sectoral work contract. In some cases, especially during the economic crisis, the fixed part of the revenue was dropped and the equivalent sum was paid as intellectual property rights. Basically, journalists under this type of employment are being paid as "creative" unqualified personnel.

As convenient as it may be to both employers and employees to lighten taxation, it provides inadequate protection when employers wish to fire journalists or reduce their income. There have, for example, been cases where employers cut off all intellectual property rights payments and left journalists covered by just the national minimum wage, in an attempt to force them to leave, thus avoiding having to provide a severance package. Similarly, if journalists do not have an employment contract and are paid exclusively as "creators," they enjoy weaker social protection and are not necessarily entitled to severance compensation. As most Romanian journalists are young, the average age being 32.5 years (Center for Independent Journalism, Media Monitoring Agency, 2009), these terms are rarely of concern to them, which makes them likely to accept contractual terms that provide immediate benefits but come with long-term risks.

Other forms of employment are similarly problematic. The "article quota" stimulates journalists to deliver as much material as possible, in the hope of increasing their income, irrespective of the editorial qualities of the content produced. This type of "pay per article" system fostered "no-news-type" stories, with journalists sometimes required to produce up to 10 outputs a day in order to reach the average salary. The similar pay-per-click system, which awards journalists for the "success" of their online materials, enhanced the effects of the "audience race" that has been undermining the broadcast sector for years. A quick analysis of the "most watched" or "most shared" materials on various sites indicates the public's preference for tabloid-like articles, not investigative or quality journalism, increasing journalists' (and editors') appetite for such stories, or for serious stories to be edited to be more sensational, or dumbed down, to look like the tabloid variants.

One example of how difficult it is to come up with a realistic and fair payment scheme for media employees is described by editor-in-chief Cătălin Moraru.³ His daily, *Monitorul de Botoșani* is the number one newspaper in the county of Botoșani (NE Romania). The county has approx. 452,000 inhabitants and is one of the poorest regions in Romania. Employees' payment packages consist of a complex formula of salaries, combining fixed sums with various other stimuli. Desk editors have fixed salaries, and when they personally write articles, as writing is not part of their job description, they are paid separately through intellectual property rights. Reporters and senior reporters (*redactori*) have fixed salaries, varying according to expertise and experience. On top of this, they receive fees for the articles they produce, which vary based on their journalistic value and difficulty as evaluated by the editor in chief. As Moraru points out in an interview undertaken for this research project, "one glamorous article, very spectacular and all that, may be easier to write than a painstaking investigation that required weeks of mud racking and verification, I know this much." Other fees are received for articles, pictures and videos the journalists' post on the news website (more clicks equals more money). Up to 20 to 30% of the reporters' income now derives from their online content. Layout specialists and the copy editors are simply paid per

³ Moraru was interviewed for this article in January–March 2013.

page. The "grammar ombudsman," who reviews the newspaper every other day after publication to spot errors that consistently evade the copy editors, receives US\$50/35 Euro per month. Photojournalists have fixed salaries and receive bonuses for exceptionally good pictures.

This formula is the result of years of unsatisfactory experiments, which interestingly tried to apply several different systems of payment that are currently in use in the media sector. The system of fixed salaries provided journalists with a steady income, but morale decreased, leading to a loss of competitiveness within the newsroom and on the field, according to Moraru. To stimulate professional competition, *Monitorul* introduced the pay-per-article system. But staff then complained over the lack of predictability of their incomes. This led to the introduction of the "article quota" system, requiring journalists to write a certain number of articles per month. "I found myself submerged in zillions of 'stories,' with zero newsworthiness. But the people were proud that they had 'delivered,'" said Moraru. They eventually settled for a combination of fixed guaranteed revenues and variable bonuses and prizes for both quantitative and qualitative output. As a result, Moraru notes that his reporters are now telling him "don't push me, I have not finished my article yet, I cannot publish it as it is," which makes him proud "because they know best when an article is ready, they don't rush to publish it just to meet the quota." Moraru also points out that it is natural for people to want stability in their flow of revenues and that "we give them a guaranteed sum which is, give or take, 40% or 50% of their monthly revenue." Moreover, all of his staff are able to perform more than one task and they are compensated for everything that is not in their job description. "It's not a perfect system, I know, but it works efficiently," concludes Moraru (personal communication, January–March 2003). All in all, the monthly net income for full-time employees of *Monitorul de Botoșani* varies from 1,000 to 2,300 RON (230 to 530 Euro). The average net salary in Romania in December 2012 stood at 1,697 Ron (or approximately 400 Euro).

Another approach to balancing fairness and efficiency with a reduced budget was described by an employee (who required anonymity) working for a regional newspaper with a dominant position in its market. According to this source, there was a fixed sum for all salaries in the newsroom. This total sum was divided into a number of points, so that one point was worth somewhere between 60 to 100 RON (14 to 23 Euro). Each article received a certain number of points. The smallest note or announcement was worth 0.05 to 0.1 point. There was no maximum to the available points, but regularly the opening article of the newspaper was awarded 3 to 4 points. The number of points was based on the importance of the topic, whether the report contained exclusive material, its complexity, was well done, and/or where in the paper the story appeared. The average salary was about 1,000 RON (230 Euro), and if one journalist obtained points worth 1,500 RON, someone else would see a decrease in their pay for that month. There was a bonus for the best opening article of the month of 250 RON (57 Euro), as well as a similar bonus for the person with the highest number of points that month. "As a rule, in order to maintain my salary, I had to write some 100 articles per month, but some colleagues were delivering as low as 50," the journalist noted (personal communication, February 15, 2013).

Combining salaries and bonuses for attracting sponsorships/advertising is illustrated by a case involving public television. In April 2011, the Committee of Directors of the public television TVR awarded a bonus to TV anchor Marina Almașan, a presenter of two programs. The bonus represented a commission

on the sponsorship contracts she attracted for those programs. In response, journalist Cătălin Tolontan, editor in chief of the sports newspaper *Gazeta Sporturilor*, wrote in his blog:

Nowhere, in any TV or newspaper newsroom, can such a contract be acceptable, for one very simple reason: [if journalists] are used for advertising or sponsorship contracts, an obvious conflict of interest would arise as they would give preference to reporting on topics, people and companies that, directly or indirectly, give them money. (Tolo.ro, May 6, 2011, "Marina Almășan-Bonus of the Money from the Sponsors She Attracted")

The decision of the executive board of public TV, however, was fully legal, and even an established practice, as it has been enshrined in Article 5 of the Sponsorship Code of the public institution since its adoption in 2001. This TVR practice has also been publicly criticized by press freedom organizations and TVR promised to revise it, though not in a formal statement. No such commissions were requested or approved in 2012, according to TVR management, interviewed for this report.

The Slow Dissolution of the Profession: "Business to Business" Journalism

Rather than rely on modified employment contracts, some companies have asked, or encouraged, their journalists to register as self-employed ("persoană fizică autorizată"; PFA) or to open small companies specializing in providing editorial content, to minimize their tax burden. The contractual relationship is thus no longer one of employment, but a business-to-business one. This reduces the tax burden to a 16% tax on revenues that has to be paid by the PFA, with no tax-burden for the recipient of services. The PFA has the liberty to pay their own social security taxes to the state, though, as mentioned above, many journalists are young and social security is not at the forefront of their minds.

In reality, however, these journalists still work in a newsroom environment, are part of an editorial hierarchy, and must comply with the requirements of the newsroom. At the same time, they do not enjoy the social or legal protection of the company for which they work and their contracts can be easily terminated. It is notable that as a result genuine freelance journalists have difficulty placing their independent work with established newsrooms and can barely earn a living if they do not work for international outlets.

Salary Levels and Their Effect on Journalism

It is commonly understood in Romania that "one does not join journalism for the money." Still, the level of income for journalists varies greatly from a few hundred Euros to thousands of Euros per month. As a rule, salaries for print journalists are lower, up to 50% less, than those of TV reporters while journalists with the local media are paid less than those in the capital. As the profession is strongly feminized (up 60% of entry-level reporters are women), there are no reported generalized gender disparities in the level of salaries.⁴

⁴ The overall gender disparity in Romania stays at 13% in favor of men, below the EU average of 16.4%, according to EU data (see http://europa.eu/rapid/press-release_IP-12-211_en.htm).

Based on discussions with individual journalists and newsrooms heads undertaken for this research project, it appeared that the lowest level for a full-time employed journalist was the national minimum monthly wage of 700 RON (160 Euro), but with supplements, it went up to 1,000 RON (230 Euro). The average income for a print journalist was 400 to 500 Euro per month. For a TV station, the entry-level salary was 1,500 RON (340 Euro) per month, rising as high as 5,000 RON (1,150 Euro) for a special or investigative reporter. As for the highest levels, these are unfortunately a matter of speculation. In February 2013, *Libertatea Daily*, one of the most read tabloids, advanced figures varying between 5,000 to 15,000 Euros per month as salaries for some very reputed TV anchors (Libertatea, 2013).

Economic and Political Influences on the Employment of Journalists

Even if journalists are not in their trade for the money, their economic situation has a serious impact on the practice of journalism in Romania. Their terms of employment have been affected by both economic and political factors

Market Influences

Between 2006 and 2008, Romania experienced a time of apparent economic prosperity that fed through into the media sector. New players invested in what looked like long-term media commitments. In April 2006, Sorin Ovidiu Vîntu, a controversial businessman, created the Realitatea-Cațavencu group by means of a number of takeovers. The group held a portfolio of media interests consisting of popular TV channels, popular weekly and quality daily publications, and glossy and niche magazines. In order to strengthen his editorial personnel, Vîntu recruited broadly, offering very attractive salaries and guaranteeing editorial freedom, convincing scores of reputed journalists to join his new projects. Similarly, in September 2006, Dinu Patriciu, considered to be "the richest Romanian" (*Forbes Magazine* estimated his wealth at 1.5 billion USD for 2012⁵) took over the *Adevărul* newspaper, creating Adevărul Holding and another media conglomerate. In the following years, Patriciu embarked on an ambitious program of media expansion, launching 39 free evening newspapers (*Adevărul de seară*), almost one in each county in Romania, in addition to the national *Adevărul*. To staff such a complex operation, he attracted respected journalists to work for the *Adevărul* national edition and the best available reporters for the local editions. Attractive salaries were part of the package. According to journalist Cătălin Tolontan, over five years (2006–2011), Adevărul Holding spent US\$200 million, an average of US\$100,000 a day.⁶ The local media felt the actions of Patriciu "cannibalized" the local markets in more ways than one. He attracted the best local journalists, and in offering a free, easy-to-read newspaper to an impoverished population, ruined business for the paid quality newspapers on the local markets. Patriciu made a point that his newspapers should "not . . . deal with politics" and, as a result, media oversight of the local authorities was weakened.

⁵ See <http://www.forbes.com/profile/dinu-patriciu/> and <http://www.gandul.info/financiar/averea-lui-dinu-patriciu-unul-dintre-cei-mai-bogati-oameni-din-romania-13112005>

⁶ Cătălin Tolontan's blog, available at <http://www.tolo.ro/2012/03/28/patriciu-a-cheltuit-100-000-de-dolari-pe-zi-cu-trustul-adevarul/>

Given these financial opportunities, a lot of journalists changed their jobs and enjoyed pay raises, making various financial commitments to mortgages, loans, and tuition fees for their children. By 2009, however, the unsustainable payment system had reached its limits and cutbacks and layoffs started. In July 2009, Realitatea-Cașavencu announced salary cuts from 10% (for lower salaries) up to 50% (for the higher salaries).⁷ According to Vintu's own estimates, the group registered losses worth 25 million Euro in 2009 alone.⁸ In April 2011, Vintu and his two children sold their shares in the Realitatea-Cașavencu group, but then bought them back in 2012. In October 2011, Adevărul Holding suspended printing all 39 evening local papers, changing them to online only publications. In July 2012, salary cuts as high as 30% were announced, with delays in payments already public knowledge. In October 2012, Patriciu sold the Adevărul Holding, together with some other valuables and personal assets (such as his yacht).⁹

Unfortunately, these were not stand-alone cases. The economic crisis drastically reduced advertising revenues, with some media analysts suggesting revenues had fallen by up to 45% (Initiative Media, 2012). By 2012, most of the major media companies, including international players such as Ringier and Sanoma, announced wage cuts of up to 25%. The only staff who were relatively safe from the crisis were those working for the public service media. The staff there only lost some of their benefits: food stamps, holiday bonuses, a 13th month, while their salaries remained untouched.

Figure 1 shows the evolution of the number of journalists publishing in three major newspapers in Romania. The media data blog NewsKeeper¹⁰ tracked the number of signatories of articles in the online versions of the major newspapers. While the numbers may not be perfectly accurate as print and online editions may differ and one person may use multiple aliases, the reduction in contributors is clear and suggests the number of journalists contributing during this period was reduced by nearly 50%.

⁷ Iulian Comanescu's blog, available at <http://www.comanescu.ro/reduceri-de-salarii-cu-pana-la-50-la-realitatea.html>.

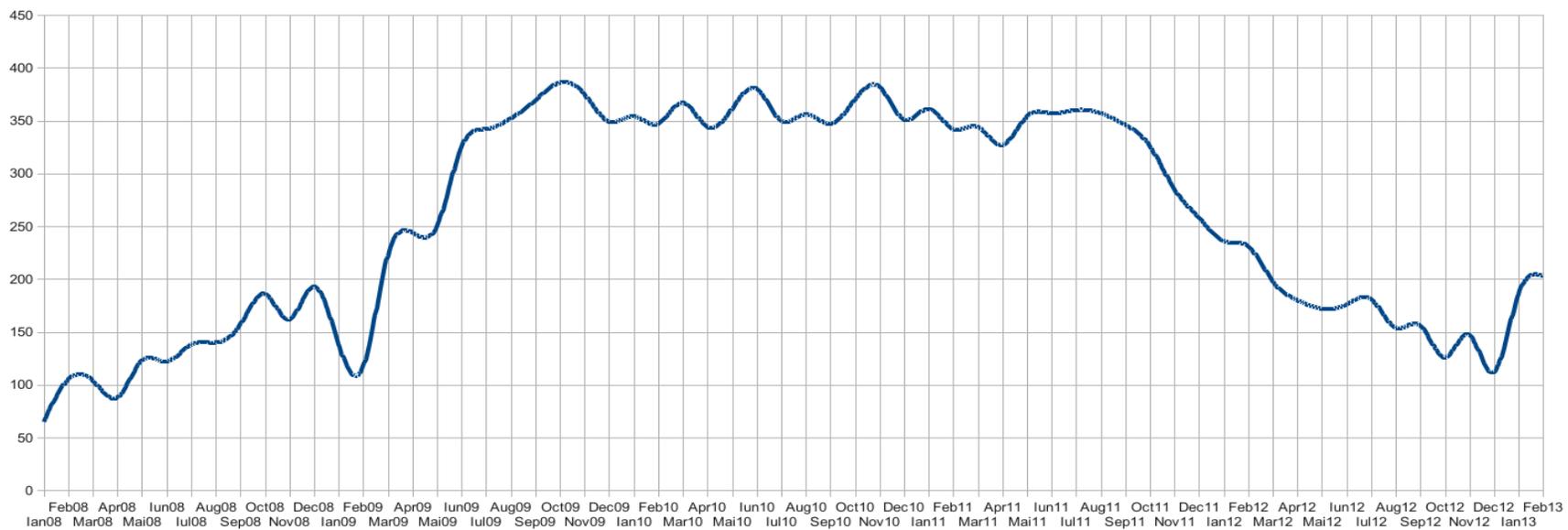
⁸ Mediafax, available at <http://www.mediafax.ro/cultura-media/vantu-estimeaza-la-25-de-milioane-de-euro-pierderile-realitatea-catavencu-pe-2009-4554873>.

⁹ For more information on the Adevărul holding, see (<http://www.paginademedia.ro/2012/09/interviu-exclusiv-cristi-burci-viitorul-patron-adevarul-am-semnat-un-head-of-terms-peter-imre-ramane-la-conducere/>). See further (<http://stirileprotv.ro/stiri/actualitate/dinu-patriciu-isi-vinde-yachtul-considerat-un-paradis-plutitor-pentru-44-de-milioane-de-euro.html>).

¹⁰ NewsKeeper, 2013, at <http://blog.newskeeper.ro/2013/03/cum-evoluta-numarul-de-jurnalisti-care.html>.

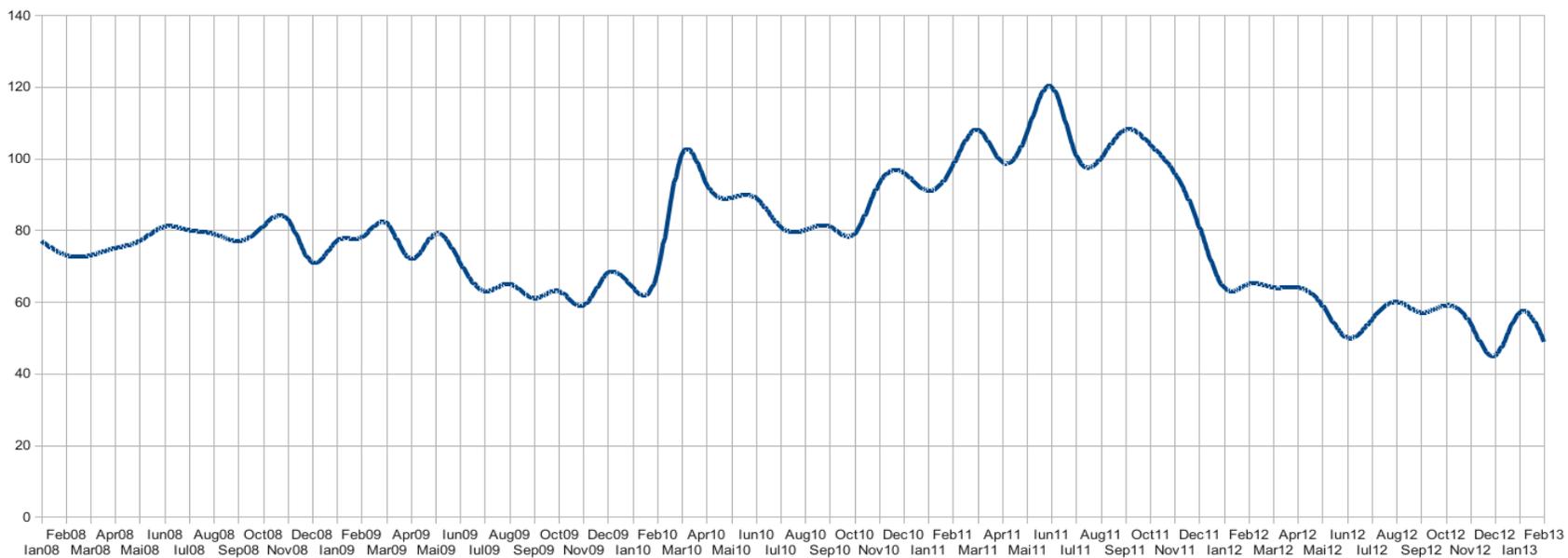
Numarul autorilor care au scris pentru Adevarul

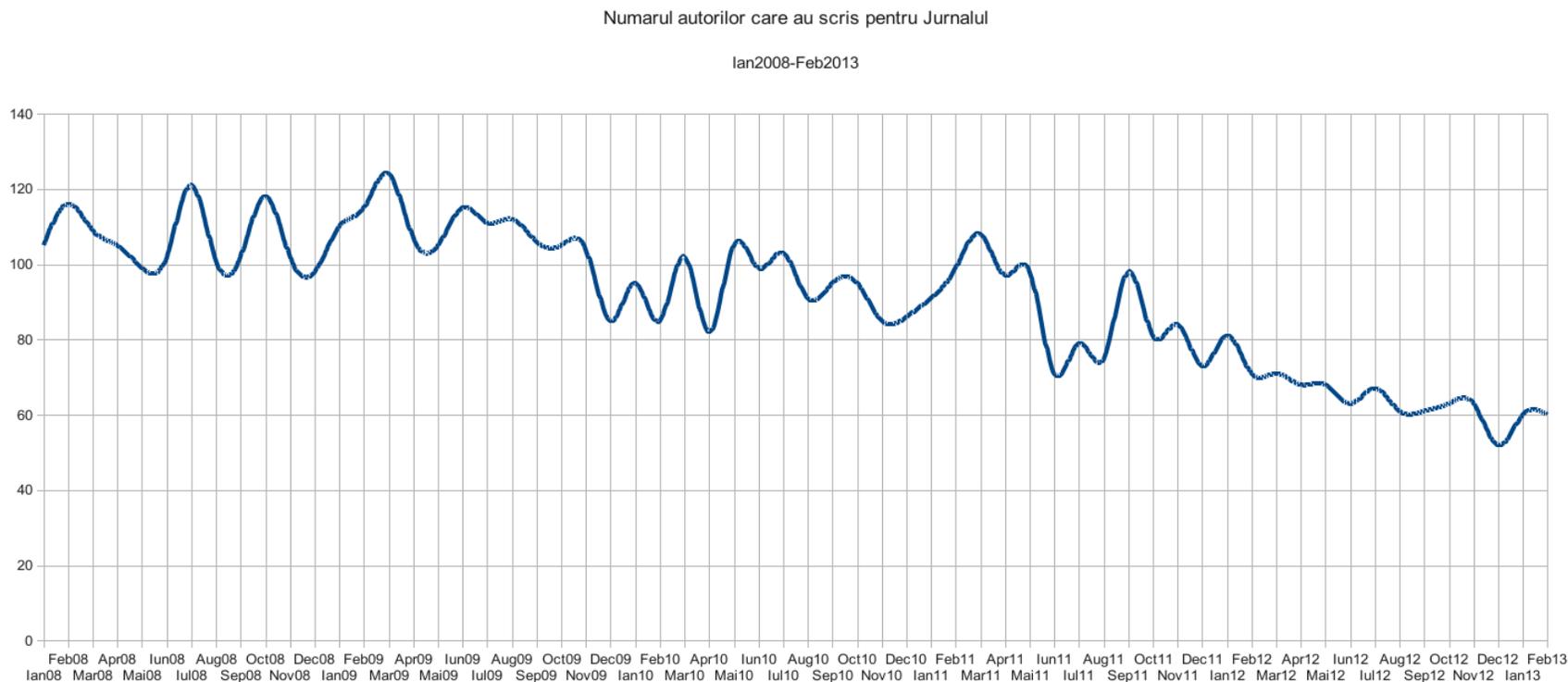
Ian2008-Feb2013



Numarul autorilor care au scris pentru Romania Libera

Ian2008-Feb2013





Figures 1. Dynamics of the number of signatures in Romanian newspapers, 2008–2012: Adevărul, România Liberă, Jurnalul Național. Source: NewsKeeper.

By comparison, Figure 2 perfectly illustrates the moment the daily *Gândul* moved to an online only presence in April 2011, with a massive growth in authors and a steady turnout ever since.

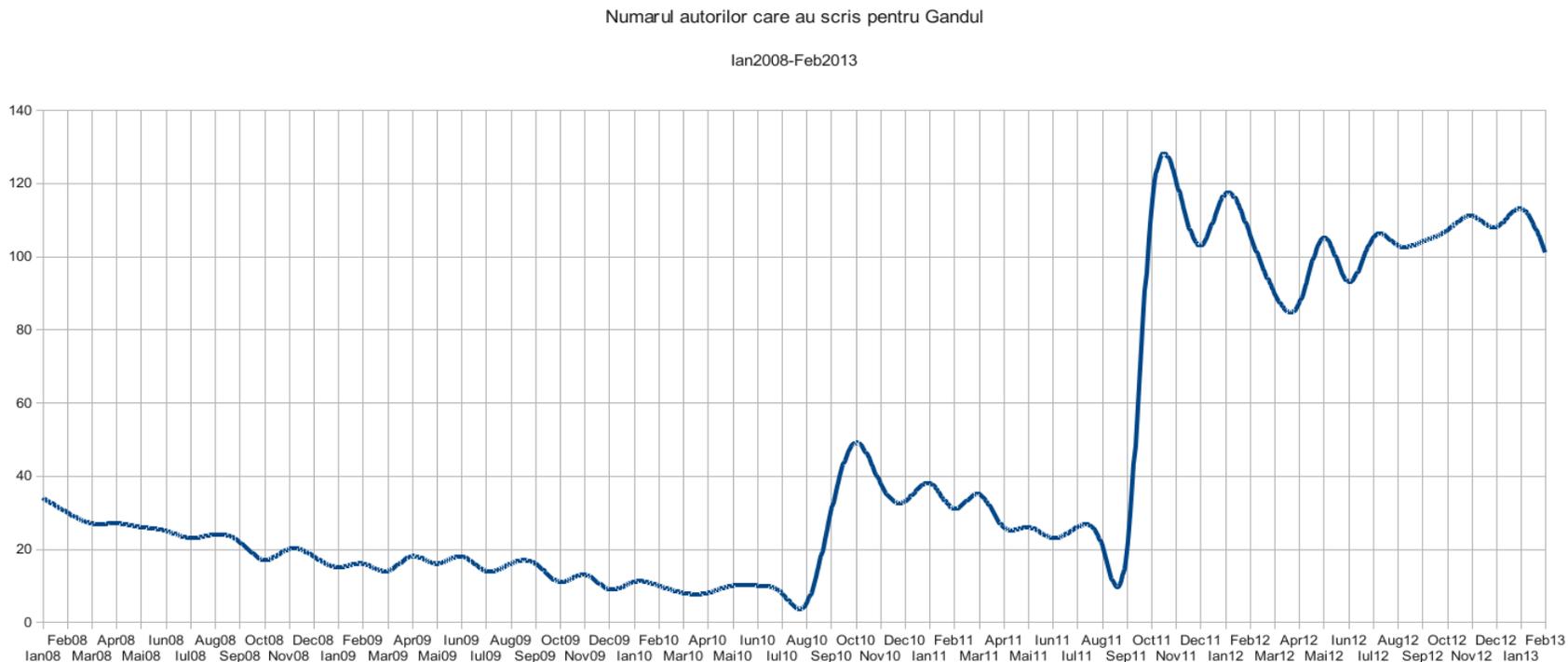


Figure 2. The number of authors in Gândul daily, 2008–2012. Source: NewsKeeper.

The precarious economic situation of the media sector puts journalists in a very difficult position. The effects of the media bubble in 2006-2008 and the rude awakening that followed, as well as the prolonged economic crisis, reduces journalists to basic Maslowian needs. If they do not comply with the newsrooms' rules or the requirements of the management, if they don't accept whatever is offered to them, they risk losing their jobs and homes, jeopardizing their family. As the Media Sustainability Index report puts it, "pressure on journalists now does not come from unsustainably high salaries, but from the fear of not getting paid at all" (International Research and Exchange Board, 2012, p. 120).

Political Influence

The year 2012 was a troubled one for Romania politically, seeing violent street protests, three successive governments, a presidential impeachment procedure invalidated by a referendum, and local and general elections. The media followed the polarization of society and aligned themselves along a rather simplistic fault line: They were either "for" or (more numerous) "against" president Traian Băsescu. There remained few balanced, neutral voices, particularly in the television sector, the main source of information for the public.

The international community was quite outspoken when it came to violations of journalistic standards in Romania. Thus, the report of the Organization for the Security and Cooperation in Europe (OSCE) observers for the general elections states that

more media prefer to become an instrument at the disposal of political parties, rather than play a critical and analytical watch-dog role . . . due to the troublesome financial situation in the media market during the last several years and their resulting vulnerability to political interests. (OSCE, 2013, p. 16)

The report named Antena 3, B1, and OTV as the most biased in terms of political reporting, whereas Digi 24 and the public TVR were considered more moderated and balanced. A European Commission report, issued as part of the Co-operation and Verification Mechanism (CVM), also mentioned the negative impact that the media have had on the rule of law, especially on the judiciary: "There have been numerous examples of the media exercising pressure on the judiciary, as well as particular doubts whether the National Audiovisual Council is proving an effective watchdog" (European Commission, 2013, p. 4). These reports marked the climax of a trend that started as early as 2006.

Just two years into his mandate, President Traian Băsescu openly accused the media "moguls" who, in his view, had ruined the Romanian media and wanted to capture the state for their personal interests. The president had no qualms in confronting the journalists, especially moderators of current-affairs talk shows who were the usual springboards for attacks against political opponents.¹¹ His statements triggered a perception, now apparently prevalent in public discourse today, that *journalists are*

¹¹ Traian Băsescu in a press conference (video available at <http://www.youtube.com/watch?v=mI3fh6jolXc>).

paid to do whatever their employer has asked them to do. This approach ignores any consideration of professionalism or journalistic standards, making "employment" or "payment" (and the subsequent "loyalty" or "obedience") the defining elements of journalism. Journalists are no longer perceived as working *with* this or that outlet, but working *for* the owners or, even worse, for the political patron of the media owners.

In 2009, a political dispute occurred that directly concerned the employment conditions of journalists. Cartel Alfa, an important confederation of trade unions close to the government, asked for an increase in the intellectual property tax and the introduction of taxation thresholds.¹² The trade union leaders claimed to have the protection of employees and the elimination of fiscal evasion in mind. Analyzing the suggested thresholds against the real revenues of media personnel, however, it was apparent that TV stars and talk-show moderators were the real targets, as they were the only ones who would have been affected by this supertaxation. The journalists' union Mediasind, the only union acknowledged to be "representative" for the sector, is not part of Cartel Alfa and did not support their claims. In June and again in September 2010, the government adopted changes to the intellectual property tax, adding contributions for social security and health care equaling those applicable to the regular employment contracts, but the proposed higher taxation was not implemented.

In yet another move against the intellectual property contracts, in June 2011, the National Agency for Fiscal Administration (Agenția Națională de Administrare Fiscală; ANAF) started a widespread initiative meant to recoup allegedly overdue VAT payments from the five previous years. They targeted "authors" (journalists, writers, artists) who made more than 35,000 Euro annually. The decision triggered an outcry among those concerned, who claimed that this retrospective move was purely political and meant to further hit media companies and journalists. Twenty-nine sued ANAF, and in May 2012 the Bucharest Court of Appeal ruled in their favor. There was then an appeal in relation to this decision by ANAF and a final ruling. "(The tax review) was a measure adopted by the former leadership of ANAF, aimed specifically at journalists," Victor Ponta, the new (Social-Democrat) Prime Minister was quoted as saying.¹³ All these political statements and legal moves demonstrate how deeply rooted is the perception, and in some cases, the conviction, that a media owner "buys out" journalists' work, and that by targeting journalists one can hurt the owners.

The Power Game: The Future of Employment in the Field of Journalism

On paper, the collective sectoral work contract is quite detailed and generous when it comes to journalists' labor rights. It deals not only with salary levels and bonuses but also states precise rules for working arrangements and representation rights. In addition, it contains the valuable "conscience clause"

¹² Bogdan Hossu, Cartel Alfa leader, quoted by Realitatea TV (available at http://www.realitatea.net/sindicalistii-propun-impozitarea-drepturilor-de-autor-cu-16prc-40prc-in-functie-de-venit_712955.html).

¹³ Victor Ponta, 2012, quoted by Ziare.com (available at <http://www.ziare.com/victor-ponta/premier/ponta-modifica-legea-drepturilor-de-autor-a-fost-un-atac-impotriva-jurnalistilor-1166964>).

that allows journalists not to cover topics contrary to their own convictions and the freedom to leave a company whose editorial line has changed, contradictory to their convictions.

But if journalists are entitled to such comprehensive legal protection, why are they in such a precarious position? One possible answer lies in the inherent imbalance of power between the parties in the media sector. According to Romanian legislation, a sectoral work contract has to be negotiated among the representative social partners—trade unions and employers' associations (or *patronat*). This means that unions partaking in the negotiations have to be registered under specific legislation.¹⁴ In addition, under Law 130/1996 on the collective work contract,¹⁵ the parties negotiating a sectoral contract have to meet some quantitative criteria: (1) the employers' associations have to represent companies employing a minimum 10% of the total number of the employees in the given sector, and (2) the trade unions must have a membership of at least 7% of the employees of the given sector. For both parties, the level of representation is established by court order. In the past, the big employers did not participate in the negotiations, facilitating the adoption of favorable provisions for the journalists. But this is also the reason why there has been only weak implementation of the contractual terms.

In 2011, the complete body of legislation pertaining to labor rights, employers' associations, trade unions and work contracts was modified and gathered in a package called the Code of Social Dialogue. The new Code changes some of the rules and limits the privileges the trade unions previously enjoyed. More critically, it eliminates the "national collective work contract," which served as a basis for the sectoral, unit and individual contracts. The highest level for any collective contract is now the "sector." This limits the negotiation power of the big national confederations, both employers' and employees' and fragments the labor rights framework.

Another move that further affected the negotiating power of both employers and employees was the government restructuring, as noted above, in December 2011, of the "sectors" of the national economy. Until then, the mass media were acknowledged to be a separate sector, but as of late 2011, the media have been included in the "culture and mass-media" sector, together with the book publishing industry, translators, theaters, libraries, museums and show business. This poses new challenges for both trade unions and owners, which now have to accommodate interests alien to the media sector during negotiations.

Thus, the same state actors that accused the media of playing games of influence drastically reduced the possibility of a fair labor arrangement for media workers. This may be seen as demonstrating the fact that instead of fostering more balanced and fair media, the political actors' intention has been to weaken them.

¹⁴ At the time of the first negotiation of the media sectoral contract, the relevant laws were Law 356/2001 for the employers' association and Law 54/2003 for the trade unions.

¹⁵ Law 130/1996 (Legea contractului de munca; available at http://legislatie.resurse-pentru-democratie.org/130_1996.php).

Free Operators and Nonprofit Journalism

Romanian journalists are caught between a rock and a hard place. They are offered work conditions that trade unions refer to as “slave-like” and, to keep those jobs, they have to compromise their editorial standards. This has led some to try new ways of practicing journalism, with varying degrees of success. But, irrespective of their momentary success, their sustainability is questionable, as is the degree of legal and labor protection these “free operators” enjoy.

The Lone Ranger

On March 11, 2013, journalist Viorel Ilișoi wrote the following on his Facebook wall:

I have made a decision: I will become self-employed. I will work for my own website, which will have a one euro per month subscription fee. This money will secure my bread, the lubricant for my bike, the cat’s food and, maybe, a book every now and then—but above all it will secure the freedom to write whatever I want and how I want. . . . Wake me up!¹⁶

That very day, Ilișoi announced that he “celebrated” three months of overdue salary from his newspaper, *Jurnalul National* (part of the media conglomerate controlled by Dan Voiculescu). He had been rejected by all other newspapers he approached. Ilișoi has a longstanding career in print journalism and excelled in reportage writing, for which he received various prizes. Ilișoi is just one of the Romanian journalists who left (or were “let go by”) the established media, in search of a better place to do the kind of journalism they were looking for—or simply to earn a living. Some journalists started blogs; others combined blogging with PR activities.

Blogging is popular in Romania, with some 66,349 blogs kept by Romanians, out of which 6,123 are updated at least weekly.¹⁷ But the impact of blogging on public debate is rather limited. According to the Mapping Digital Media report, “bloggers seldom have the expertise, and almost never the means, to carry out solidly documented investigative journalism. Sometimes Romanian blogs feed journalists with scoops, but their role is restricted to that” (Open Society Foundations [OSF], 2010, p. 40). Still, blogs provide popular reading (and writing) material, as they provide a social currency appreciated by Romanians: opinion. This is consistent with the polarized pluralist model to which the media market in Romania belongs and in which “the style of journalism tends to give substantial emphasis to commentary” (Hallin & Mancini, 2004, p. 98). The most successful blogs attract advertising, and bloggers are very high in demand as fast-moving consumer goods (especially food products, cosmetics, and IT products) rely on their influence. Still, there is no known fully financially sustainable blog to the date. Advertising rates are, understandably, not publicly disclosed, but from the discussion among bloggers one gathers they are

¹⁶ Viorel Ilișoi on his Facebook page (available at <https://www.facebook.com/viorel.ilisoi?sk=wall>).

¹⁷ According to Zelist (available at <http://www.zelist.ro/blogosfera>).

rather small: from a couple of euro per advertorial to less than 100 Euro for a month of participation in a promotional campaign.¹⁸

Ilişoi's idea of launching subscriptions for his own site goes against the general culture that "Internet content is free." Newspapers that tried to introduce a paywall are only slowly building a paying audience. His expectations of being able to make a living out of his journalistic work have not yet been realized.

Project-Based Journalism

With all the constraints imposed by owners, business interests, and market pressures, the first form of journalism to disappear from the television screen and, subsequently, from newspapers, was investigative journalism. This form of journalism is rarely undertaken these days, as it is both expensive and politically sensitive.

When this happened, the Internet became the forum of choice for the publication of investigative reports. It is still relatively easy to publish information online and keep political and economic influence at bay. Although online publishing is not an issue, the funding for this type of investigation can be, as investigative reporting requires significant resources. A solution was offered by various donors from the nonprofit sector, who took to heart the value of investigative reporting in fulfilling the monitoring function journalists have within society. As a result, the project-based reporting model developed, under which the costs of investigation (including salary) are covered by grants and the results are freely accessible for all who are interested. This model extends to topics that are not "appealing" for the established media, such as the situation of the Roma, health and environment policies, or diversity issues. Such projects are now conducted by the Romanian Center for Investigative Journalism (Centrul Roman pentru Jurnalism de Investigatie; CRJI), the Balkan Investigative Reporting Network (BIRN), Center for Independent Journalism (CIJ), or the Romanian Soros Foundation.

It seems, though, that this model has reached its limits. A report released by the Center for International Media Assistance (CIMA) in 2012 noted that there were 106 organizations promoting investigative journalism (including reporting centers, training institutes, professional associations, grant-making groups, and online networks), but that

few nonprofit investigative journalism organizations . . . have adequate sustainability plans. To survive in a competitive and poorly funded environment, many will need to diversify and become more entrepreneurial, drawing revenue from various sources and activities. (CIMA, 2012, p. 2)

Asking these centers to become "more entrepreneurial" may prove tricky, however, as it could force them into the same market philosophy they tried to avoid. Only this time around, they will not have large audiences to bank on and they will not have companies structured around profit centers that can

¹⁸ According to Buculesei.eu (available at <http://buculesei.eu/preturi-pentru-linkuri-si-advertoriale/>).

support this expensive form of reporting. In a way, they are asked to replicate the traditional business model of the media, but on a smaller scale, which may prove to be even more difficult.

The Good Samaritans

There is yet another category of journalists who were not ready to leave the media field despite all the hardships. Their form of engagement is close to the definition of "participatory journalism" as formulated by Shayne Bowman and Chris Willis:

The act of a citizen, or group of citizens, playing an active role in the process of collecting, reporting, analyzing and disseminating news and information. The intent of this participation is to provide independent, reliable, accurate, wide-ranging and relevant information that a democracy requires. (Bowman & Willis, 2003, p. 9)

The journalists pursuing this style of journalism mostly come from the professional, established media to conduct nonprofit operations as a "hobby." What differentiates them from the other categories of free operators, is their commitment to invest their own (limited) resources in providing something that their local markets do not provide, respecting the journalistic standards they once applied as employees. The small scale of their efforts distinguishes them from the real media entrepreneurs, whereas their publications, providing hard news and civic oversight, distinguish them from regular bloggers specialized in commentaries and opinion pieces based on curated content. Without the backing of major institutions, however, lone practitioners can be particularly vulnerable to pressure from law suits brought by industry or political actors.

An interesting example of this style of journalism is illustrated by three journalists, Acârnuțesei, Petrovai, and Radici, who all found themselves unemployed in 2009. The newspaper that Petrovai and Radici worked for moved online, and all but one staff member was made redundant, while Acârnuțesei was forced to take unlimited leave of absence from her TV station. In July 2009, they launched their own newspaper, *Ziarul Hunedoreanului*, providing information for the local population. According to Acârnuțesei, they worked at home, at their parents', and in cafes, and they joined with two partners to attract the required funds. The newspaper quickly became number one in the local market, and its influence on the public made it appealing to local politicians. In 2011, the two partners decided to sell their shares in the newspaper to a leading local politician, one frequently criticized for his management. It was just months before the local and general elections. As Acârnuțesei explained in an interview for this research, "He told us 'I want to use this newspaper,' and that was it." They had no other option but to sell, leave and start anew (Acârnuțesei, personal communication, January 20, 2013).

So they launched an online publication, doing what they do best: hard-news journalism. For a while, they lived from the money they got from selling their shares in the newspaper and the little advertising their website attracted. But as time went by the website did not create enough revenue to cover their salaries, with the money that was left they bought a little pastry shop. They thus ended up balancing selling pastries with independent journalism. As Acârnuțesei noted, who worked as an

independent producer for a local television station, "At least we have a chance to be the uncompromising journalists we want to be" (Acârnușei, personal communication, January 20, 2013).

Another example is provided by Cătălin Nistor, who graduated in 2001 from the Roma Mainstream Media Internship Program, which seeks to bring young Roma into mainstream newsrooms. During his internship year, Nistor worked for the *Evenimentul Zilei*, then one of the largest Romanian newspapers, and left to become the editor in chief of a local radio station, Radio Delta. In 2005, he changed track to pursue a musical career, but in 2012 he reconnected with his old passion and started his own online publication, aimed at the local community in his native Ocna Mureș (12,000 inhabitants). He keeps a vigilant eye on the local authorities and contextualizes the news stories he gathers from national publications. For the local council, Nistor is a painful disturbance. When the mayor introduced a new "accreditation regulation," Nistor fought it, as it denied online publications access to the same information as traditional media. He managed to invalidate the document and subsequently gained in court the right to be accredited as a journalist (decision 12041/CAF/2012). It was the first time a Romanian online activist sought a court's recognition of his status as "journalist." In 2012, readers voted Cătălin Nistor "the good governance journalist of the year" in a contest organized by Clean Romania Alliance (Alianța pentru o Românie Curată), comprising NGOs active in transparency and accountability. As Nistor noted in the interview for this research, "I make my money elsewhere. A couple of hundred Euros for the site, we can find. I do journalism because I don't know better" (C. Nistor, personal communication, March 15, 2013).

Conclusion

Analyzing the way in which Romanian journalists are employed and paid reveals a systemic weakness in the entire media ecosystem. With the fall of the previous Communist regime in the early 1990s, the Romanian media have been exposed in the space of just 20 years to explosive growth, political instrumentalization, and economic recession, leaving them little scope to plan or develop independently of external influences. Weaknesses in the democratic system distorted the budding media sector.

State and political actors have the upper hand in policy formulation in Romania, and they have used their power to shape the legal framework to restrict the freedom of social partners in the media field. Both employers' association and trade unions are relatively weak, which hampers the prospect of meaningful negotiations and the adoption of a realistic, generally accepted, collective work contract. While correctly identifying that the relationship between employers and employees is problematic, the political actors in Romania have not worked to correct the imbalance between the rights and obligations of journalists, but have rather used their power to consolidate and instrumentalize the media.

Large but relatively poor, the Romanian market witnessed in the mid-2000s a concentration process that nevertheless had some positive influence on the media. This was unfortunately followed by the economic crisis and the atomization of some of the big emerging media companies, leaving the market even more impoverished and journalists even more vulnerable. There are currently no viable business models at work in the Romanian media, but this is a trend that is globally shared. In addition, the level of management skills in most Romanian media operations (excluding some of the biggest) is painfully low and the commitment of media owners to press freedom is weak.

Against this background, the "rejuvenation" of the Romanian media seems to rely more on small-scale individual initiatives than a focused attempt at changing the traditional media. With the fabric of the profession so thinned, Romanian journalism needs, sooner rather than later, to reinvent itself. The core values of journalism have to be reassessed and consolidated. State and political actors, who have the upper hand in media policies, should live up to the demands and responsibilities of power that they have reserved for themselves. They should work with all stakeholders, in a transparent and responsible manner, to stimulate solutions for the preservation of the media, journalism, and journalists themselves as agents of the public interest.

References

- Bowman, S., & Willis, C. (2003). *We media: How audiences are shaping the future of news and information*. Retrieved from http://www.hypergene.net/wemedia/download/we_media.pdf
- Cândeia, S. (2011). Abandoning a broken model of journalism. *Nieman Reports*. Retrieved from <http://niemanreports.org/articles/abandoning-a-broken-model-of-journalism>
- Chalaby, J. (1996). Journalism as an Anglo-American invention: A comparison of the development of French and Anglo-American journalism, 1830–1920s. *European Journal of Communication*, *xi*(3), 303–326.
- Commission of the European Communities (2004). *Regular report on Romania's progress towards accession*. Retrieved from the European Commission website: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_ro_2004_en.pdf
- Center for Independent Journalism, Media Monitoring Agency. (2009). *Media self-regulation at work*. Retrieved from <http://www.cji.ro/wp-content/uploads/2013/03/Autoreglementarea-presei-in-Romania.pdf>
- Center for International Media Assistance (CIMA). (2012). *Global investigative journalism: Strategies for support*. Retrieved from <http://issuu.com/cima-publications/docs/global-investigative-journalism>
- European Commission. (2012). *Standard Eurobarometer: National report Romania*. Retrieved from European Commission website: http://ec.europa.eu/public_opinion/archives/eb/eb78/eb78_ro_ro_nat.pdf
- European Commission. (2013). *Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism*. Retrieved from European Commission website: http://ec.europa.eu/cvm/docs/com_2013_47_en.pdf
- Hallin, D. C., & Mancini, P. (2004). *Comparing media systems: Three models of media and politics*. Cambridge, UK: Cambridge University Press.

- Initiative Media. (2012). *Media factbook*. Retrieved from <http://www.mediafactbook.ro/preview>
- International Research and Exchange Board. (2012). *Media sustainability index*. Retrieved from <http://irex.org/projects/media-sustainability-index-msi>
- Libertatea. (2013). *Vrei să știi cât câștigă Badea, Gâdea și Ciutacu?* [Do you want to know how much Badea, Gadea, and Ciutacu make?] Retrieved from <http://www.libertatea.ro/detalii/articol/mircea-badea-ciutacu-gadea-salarii-433938.html>
- MediaAct. (2012). *Media accountability and transparency across Europe*. Report retrieved from <http://www.mediaact.eu/>
- Mediadem. (2012). *Policy report addressing state and non-state actors involved in the design and implementation of media policies supportive of media freedom and independence, the European Union and the Council of Europe*. Retrieved from <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/11/D4.1.pdf>
- Mediasind. (2006). *Collective work contract for the mass-media sector (Contractul colectiv pe ramura mass-media)*. Retrieved from <http://www.mediasind.ro/drepturi-jurnalisti>
- Open Society Foundations (OSF). (2010). *Mapping digital media: Romania*. Retrieved from <http://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-romania-20130605.pdf>
- Organization for the Security and Cooperation in Europe (OSCE). (2013). *Romania parliamentary elections, OSCE/ODIHR election expert team final report*. Retrieved from <http://www.osce.org/odihr/elections/98757>
- Picard, R. G. (2002). *The economics and financing of media companies*. New York, NY: Fordham University Press.
- Tolontan, C. (2011, May 6). *Marina Almasan premiata cu banii atrasi de la sponsori* [Marina Almasan awarded from the money she attracted from sponsors]. Retrieved from <http://www.tolo.ro/2011/05/06/marina-almasan-premiata-din-banii-atrasi-de-la-sponsori/>