



RESEARCH STUDY

on

Journalists' Labor Rights





RESEARCH STUDY

on

Journalists' Labor Rights

**Factors impacting the violation of labor rights
and the obstacles that journalists face to
regain them through the court.**

May 2020

This research study was conducted in the context of the project “Support for independent media in Albania,” implemented by the Albanian Helsinki Committee with financial support through the Embassy of the United Kingdom in Tirana and the East West Management Institute through the USAID/Justice4All project.

Its contents are solely the responsibility of the Albanian Helsinki Committee and it does not necessarily reflect the views of the Government of the United Kingdom, the UK Embassy in Tirana, USAID, or the Government of the United States of America.



Prepared by:

Valbona Sulçe Kolgeci (MA) dhe Endrit Shabani (Msc, DPhil Oxon)

Author ©Albanian Helsinki Committee

Tel: +355 (0)4 223 3671

Mobile Office: 068 20 236 99

Email: office@ahc.org.al

Website: www.ahc.org.al

PO Box: 1752

Rr. Brigada e VIII

Pallati Tekno Projekt

Shkalla 2 Apt 10 Kati 6

Tirana, Albania

CONTENTS

Acronyms	5
Introduction.....	7
Executive Summary	10
Main Findings	11
Methodology	16
Chapter 1	23
1. Situation of respect for the journalists' labor rights	23
1.1. Highlighted violations	23
a. Failure to implement contracts and/or lack of contracts	26
b. Financial reward and other related factors	29
c. Respect for labor conditions	36
d. Unjust dismissals from work	42
e. Profession-related job security	45
1.2 Comparative analysis of the violation of journalists' labor rights	46
a. Type of media	46
b. City where media outlet or journalist are located ..	47
c. Sector and position in the media hierarchy	51
d. Journalists' job seniority and different approaches to them	54
e. Gender	56

Chapter 2	60
2.1 The media environment that allows the violation of journalists’ rights (market)	60
2.2 Obstacles to reacting publicly – Why journalists do not react publicly about the violation of their rights at work.	71
a. Institutional factors (media operators)	71
b. Economic and social factors	75
c. Psychological-cultural factors	79
2.3 Obstacles to regaining rights judicially	80
2.3.a Economic and social factors (society)	80
2.3.b Institutional factors (the state)	83
2.3.c Cultural environment and individual psychology (the individual)	89
 Chapter 3	 98
Recommendations	98
Political interventions	99
Legal interventions	100
For Oversight institutions	102
For Civil Society	103
Research Bibliography	105
Annex 1	109
Instruments	109
Enhanced interview journalists	110
Questionnaire	112
Instrument for Focus Group Media Journalists (print, online and audiovisual)	118

ACRONYMS

SILSS – State Inspectorate of Labor and Social Services

GDT – General Directory of Taxes

RTSH – Radio Televizioni Shqiptar
(Albanian Radio Television)

CMD – Council of Ministers Decision

ILO – International Labor Organization

MOM – Media Ownership Monitor

BIRN – Balkan Investigative Reporting Network

AJU – Albanian Journalists Union

CPD – Commissioner for Protection from Discrimination

UN – United Nations

INTRODUCTION

The right for information includes the right to collect, transmit and disseminate news everywhere and everytime without obstacles. As such, the right to being informed is an essential factor for encouraging peace and progress in the world. This UN concept of 1946 was reaffirmed two years later in article 19 of the Universal Declaration of Human Rights.¹ This definition entrusts media with a special role in order to highlight the importance of seeking information. This includes the need for a special group of guarantees that aim at ensuring that journalists will be able to fulfill their function.

Journalists continue to be central actors in the field of information and they make a primary contribution to the realization of the right to information. Therefore, the exercise of their profession in an environment that is free from censorship and exploitation remains crucial for the quality of democracy in a country. A survey of 2019 by the Department of Journalism and Communication at the University of Tirana confirmed that television remains the primary source of news for Albanians in spite of the growth of new media, such as online portals.² One year ago, the European Broadcasting Union had confirmed the same tendency in the consumption of news, although in terms of credibility, Albanians believe social media twice as much as an average European.³

1 UN Assembly. *Universal Declaration of Human Rights*. 302, no. 2, New York: UN, 1948

2 Department of Journalism, University of Tirana, *Survey, Where do Albanians inform themselves from? Tirana*

3 “Albanians give up on television, this is where they get most of their information.” *Express Newspaper*: June 03, 2019.

Since the fall of the dictatorship in 1991, Albania has constantly been categorized as a partially free country in the annual ranking by organizations working on the protection of human rights and freedoms.⁴ The country's media sector has seen robust developments with an upward trend with regard to technology and work tools. The figure of media workers has been increasing steadily, also through the opening of a large number of online media outlets, creating the idea of a pluralistic media market. However, continued problems in labor relations have eroded this environment and the first negative effects are beginning to show.

For the first time, we saw in 2019 a decline in the number of media workers, from 6200 to 5900 individuals. The main reason has to do with the closing down of several media outlets, but also with journalists leaving their profession due to dissatisfaction with the working conditions. There are reports of cuts in newsrooms and warnings of shutting down of local media outlets as a result of digitalization.^{5,6} Furthermore, some research studies⁷ during the years 2018-2019 showed that employment in the media sector remains problematic due to the lack of formal employment contracts, delays in the payment of salaries, and low salaries. On the other hand, although an upward trend, the number of journalists going to court or to institutions about violations of their rights, remains low, compared to the scale of the problem that is highlighted by research studies, including this one. Precisely to explore more deeply the causes for this situation and the factors that influence the continuation of a status quo that is harmful for journalists at their jobs, but with important implications for the

4 Freedom House, *Freedom in the World*. Washington D.C: Freedom House, 2019.

5 Open Society Foundation, *Online media landscape in Albania*. Tirana: OSFA, 2018.

6 Kabashi, Gëzim "Costs of digitalization shut down local television stations." *BIRN*, November 9, 2019.

7 Institute for Development Research Alternative, *The labor market in the media*. Tirana: Idra, 2019.

quality of democracy in the country, the Albanian Helsinki Committee undertook this quality survey on the journalists' labor rights, in the context of a project supported by the UK Government and USAID in Tirana.

The goal of the research is to analyze the causes for the violation of journalists' labor rights and cases at the national level. It is divided into three chapters. In the first chapter (Section 1.1), Valbona Sulçe presents the situation of respect for labor rights, based on violations found by previous research studies, part of which are confirmed by this research, as well as on new findings. Also, in the second part of this chapter (Section 1.2), Endrit Shabani provides a comparative analysis by type of media, social and economic status, sex, work experience, and the city the journalist works in.

The second chapter contains an analysis of factors that keep journalists from reacting publicly or judicially to demand respect for their labor rights. This chapter analyzes the media environment in Albania in order to look at how it creates the conditions for the violation of labor rights of media workers. In section 2.2 of this chapter, Valbona Sulçe has explored the institutional, economic, social, and psychological-cultural factors that stop journalists from protecting their labor rights publicly. Also, in the last part of the chapter (2.3), Endrit Shabani has analyzed the obstacles faced by journalists, from different aspects, trying to regain their labor rights in a judicial manner. To that end, he has explored the social reasons (society), institutional reasons (state), and the cultural and psychological context (individual) that impact the behavior of journalists in this regard.

The third chapter analyzes recommendations on necessary interventions to improve the standing of journalists, and to guarantee their labor rights. These recommendations are divided into political, legal, and institutional interventions.

Executive Summary

As noted above, this research study sought to highlight not only the violation of labor rights of journalists in the newsrooms of the media outlets they work at, but also the reasons why they do not react to protect these rights. That is why, initially, there was an analysis of the violations of different categories, to look at how different factors may influence the improvement or worsening of working conditions. These highlight the difference in working conditions depending on the type of media, the city where the journalist works, the section and position in the media outlet hierarchy, the age and seniority of the journalist, and lastly the sex of the journalist.

Secondly, we analyzed the factors that keep the journalists from reacting publicly to demand the protection of rights that are guaranteed by law. These include the institutional factors, social-economic factors, and cultural and psychological factors, which create an obstructive environment for the journalists to react publicly in protection of their labor rights.

Thirdly, we analyzed the obstacles that journalists encounter in trying to regain their rights in a judicial manner. These are divided into obstacles resulting from the social-economic factors, with the focus being on how the society functions; obstacles from institutional factors, with the focus being on the way in which public institutions function; and obstacles deriving from the work culture, with the focus being on the interaction of the individual with the working environment, the internalization of some social norms, and the internal trust or perception on certain actions.

The last chapter includes recommendations for some political and legal interventions in order to create a media environment where the journalist is free to exercise his/her profession, enjoying the rights guaranteed by law and, when these rights are violated, the journalist can have the mechanisms necessary for reinstating those rights.

Main Findings

This sub-section includes a summary of the main findings of this research study, while a detailed explanation of the findings and data sources used therein may be found in the following chapters of the research study.

How violations of labor rights vary by sex, age, or media type

- The study indicates that journalists of other districts often work in more difficult conditions than the journalists in Tirana. Their job and salary security are lower compared to their colleagues in the capital.
- Journalists of portals are reported more often to be working in conditions of informality (without employment contracts) and anonymity. The latter doesn't allow them to protect their copyright or create a personal professional profile and become an equal part of the community of professional journalists.
- Field journalists report that they feel unprotected from physical threats or judicial lawsuits coming from parties affected by their work. Some of them indicate that they need to find alternative means of protection because neither their media outlets nor state institutions offer any protection or support.
- Younger journalists more than experienced ones report that their employers address them in an insulting manner. They also feel unsupported by their colleagues when they have a conflict with their employer. As a result, they are less inclined to protect their rights by reacting publicly or by suing the employer in court.
- Journalists report of sexual harassment in their workplace, mostly toward women and girls. Female journalists also complain about disrespect for their maternity leave, which affects their life choices. Although 80% of them say that they

work 40 hours per week, they feel worse economically than their male colleagues.

Main reasons that allow the violation of the labor rights of journalists:

- The media sector is characterized by a high level of ownership concentration and many journalists feel that the market does not offer them better employment alternatives.
- The media business model relies on alternative sources and the majority of media outlets would not be able to sustain themselves fully from advertising. As a result, the employers' interests are often interconnected with the government. In this relationship between media owners and the government, journalists are at a weaker negotiating position, which makes them accept inappropriate working conditions.
- The relationship of the media with the government, as well as their threatening power weakens the work of state inspectorates, which do not succeed in guaranteeing the implementation of the law in media outlets. As a result, journalists feel unprotected by the state.
- The lack of journalists' trade unions within media entities and the indifference of public institutions toward proposals of journalists' associations about labor rights has left journalists unprotected in the face of abuse of their labor rights.
- It is reported that many media outlets are organized in a pyramid hierarchy, with recruitment done directly or under the supervision of the media owner, leaving little role for human resources departments. In this case, labor relations are less with the institution and more with the individual and the journalists' professional career is often dependent upon preferences, and (in some cases) the whims of owners.

What keeps journalists from publicly protecting their rights?

- Solidarity among journalists is very low. Often, journalists are divided along the lines of media outlets they work for, the beats they cover, their hierarchy, economic status, sex, age, and political preferences. As a result, many journalists do not react publicly because they fear they will not find support among colleagues.
- The lack of solidarity contributes to a lack of organization within newsrooms, or beyond (at the city or national levels). As a result, many journalists have no mechanisms through which to raise their voice and protect their rights.
- The lack of a trade union culture and the background of journalists' associations make journalists have a lack of confidence in these organizations. As a result, there is hesitation among journalists to collaborate with these associations in denouncing media owners who violate labor rights.
- Many journalists are not familiar with labor legislation and, therefore, are not aware of the entirety of legal violations they sustain in their work environment.
- Lack of information goes hand in hand with the culture of tolerance for violations and their acceptance as a normal part of their work.
- Fear of retaliation by the media owner, related to the loss of jobs, and the obstacle to participate in trade union-like organizations within newsrooms lead to a lack of public reaction by journalists for the protection of their rights.

What keeps journalists from seeking the reinstatement of their rights judicially?

Economic and social factors (society)

- Economic uncertainty and lack of better alternatives in the market place puts journalists in a weak negotiating position in front of media owners. As a result, many journalists prefer a job where their rights are violated “rather than regaining their rights through courts and then facing unemployment”.
- Journalists believe that media owners coordinate with one another, making them hesitate to start a judicial conflict with the employer, because they worry about the prospects of their media career.
- Journalists lack solidarity with one another to jointly sue employers, which would lower the social costs for each of them and increase the possibilities for winning.

Institutional factors (state)

- The average time of a judicial process is considered very long by journalists and many of them find it difficult from a financial standpoint to wait that long to obtain the requested remuneration.
- Trial costs are considered very high for those media workers who have minimal salaries. In these cases, not only is the trial too expensive to afford, but the expected benefit is so low that often it does not justify judicial expenses.
- Often, there is a lack of documentation that proves violations by employers. Many journalists work without employment contracts or with fictive contracts, while reports by inspectorates

do not accurately reflect the situation of violations. As a result, journalists hesitate to go to court although the employment contract is not the only proof of the existence of the labor relationship or the violations committed by the employers.

Cultural and psychological factors (individual)

- Many journalists have little information about the possibilities and manner of reinstatement of their rights through judicial ways. For this reason, they often hesitate to address the courts but find alternative ways to resolve disagreements with the employer.
- The social relationship with the employer and the stigma of trials makes many young journalists hesitate to sue the employer because they perceive it as “treason” or “ingratitude.”
- Many journalists have internalized hierarchy at work, where they assume an inferior position vis-à-vis the employer, tolerating the violation of their labor rights. Such tolerance often comes from the acceptance of abuse as a normal part of work as well.”
- Plans or desire for emigration deter many journalists from suing the employer because they think they will not be able to physically follow the judicial process but also because they see the *status quo* as something temporary.
- The majority of journalists have no confidence in the court. Many of them believe that the media owner may influence the court ruling. This perception is very widespread, although in many cases, journalists were the ones to win trials against employers. In these circumstances, the perception works as a self-fulfilling prophecy, discouraging journalists to address the court.

Methodology

The data of this study was generated through a mixture of research methods. To that end, we went through several phases, from drafting the research to the collection and analysis of data.

The purpose of this research study has been to provide answers to the following questions:

- To what extent are journalists' labor rights respected in Albania?
- How do journalists react when employers violate their rights?
- What obstacles do journalists encounter to publicly denounce their labor rights?
- What obstacles do journalists encounter to regain their labor rights judicially?
- How can the conditions be created to guarantee the respect for journalists' rights in Albania?

Sample, sampling, and access

In order to respond to the above questions, the study relied on data collected from the analysis of documents and the interviews with informed persons. The sampling of documents was done by analyzing previous research studies in this field, but also using the knowledge of experts involved in this research study.

The selection of persons involved in the study was done through a sampling strategy. In order to have as representative and as certain data as possible, the sample was built based on variables such as: place of residence, sex, age, type of media, and time spent in the respective city. A total of 70 persons from the 10 largest cities of Albania were included in the research study.

In the first phase of the research study, there were 19 enhanced face-to-face interviews and two focus groups with 17 journalists. In the second phase, 34 journalists in 10 cities of Albania were surveyed. The professions of persons involved in this research study were journalists, media owners, civil society representatives, state inspectors, and human resources employees. With regard to journalists, the purpose was to have them from different media outlets, such as televisions (national and local), private and state, radio, newspapers, and online portals.

The purpose was to have a spread of interviews that would be as equal as possible, but also considering factors such as the total population of the category (e.g., number of journalists of portals) or difficulty of access. However, due to its economic and political significance, Tirana saw more interviews than other cities.

The selection of interviewees was done through cooperation with different actors who nominated about 120 individuals, of which 60 were selected and contacted for interviews. By following the snowball technique, after every enhanced interview, the interviewee was invited to nominate another person who would be aware of the issues addressed in the research study. Interviewees contacted 15 individuals, of which we interviewed 10. At the conclusion of the research study, there were 7 refusals, which is a small number. In these cases, when the contacted person refused or was unable to conduct the interview, he/she was replaced with another person within the relevant category and city.

After the conclusion of semi-structured interviews, as will be explained in the following section, we conducted a questionnaire with local media journalists. The questionnaire was administered by journalist Anila Hoxha and was filled out by 34 journalists in 10 of Albania's 61 administrative units. With regard to sex, 55% of interviewees were women and girls. With regard to age, the majority

of them were young: 32% were in the 31-40 years old age group, 21% in the 26-30 years old age group. With regard to education, 76% of interviewed journalists completed university education, 29% of which also conducted graduate studies. Regarding seniority, 45% of the surveyed journalists said they have more than 10 years of experience and 28% of them said they had less than 5 years of experience.

Characteristics of the research sample							
Sex		Age-group		Education		Job seniority	
Male	45%	31- 40	37%	Post university studies	29%	Less than 5 years	28%
				Higher studies	47%	5 up to 10 years	26%
Female	55%	26-30	24%	High school	9%	More than 10 years	45%

Data collection and analysis

As discussed above, data collection went through several phases, from the drafting of instruments to their piloting to the conduct of interviews.

During the first phase, we analyzed relevant legislation and documents identified by previous studies and by the experts involved in the research study. Then, we drafted three instruments for data collection: a questionnaire for enhanced interviews, a guide for focus groups, and a structured questionnaire for a survey in the field.

In the second phase, instruments were discussed with other experts of the Albanian Helsinki Committee, whose comments helped improve them. The instruments were piloted with two journalists who are collaborators of the research and discussions with them highlighted the need to simplify and adjust the language used and to better clarify some of the questions.

During the third phase, we conducted field interviews. Half-structured face-to-face interviews and group interviews were conducted during December 2019 and January 2020. Surveys with journalists were conducted in the first three weeks of January 2020.

Upon completion of the enhanced interviews and group interviews, data were coded through the NVivo program and condensed into a list of limited categories. After that, the categories were used to generate the closed questions of the survey used with journalists through Albania.

The survey was programmed in a digital form and administered through a tablet linked with the central server, which allowed for the real-time reporting of the interview, start time and end time, as well as location. The interviewer traveled from Tirana to meet the surveyed journalists and conducted interviews in person, in premises appropriate for the journalist, so that he/she would not be interrupted during the interview or be concerned about the preservation of privacy and anonymity. One survey was completed in an average of 16 minutes.

Statistical data collected through the survey were processed in the SPSS program to conduct enhanced statistical univariate and bivariate analysis. The questionnaire data that confirmed the findings of enhanced interviews and focus groups were used to reach the research study's conclusions.

We also analyzed correlations based on demographic data of the

respondents as well as certain responses. As may be seen below, under section 1.2, these correlations created the possibility for more enhanced analysis by comparing responses by the respondents.

Data validity

In order to secure the validity and credibility of the findings of this research, we used the methods of triangulation and feedback validation.

First, as explained above, the research used methodological triangulation, which gave us the possibility to confirm the research findings through different research methods.

Second, in order to ensure the best possible representation of the findings, we carefully planned the research sample, seeking to guarantee a triangulation of resources. To that end, we made sure to take into consideration sex, type of media, age, job seniority, and professional experiences of the participants in the research study.

Third, in order to ensure the validity of results extracted from the survey, we aimed at securing the internal integrity of the survey. To that end, the questionnaire included verifying questions, which had the same content but were articulated in a different manner. After statistical analyses, the responses to these questions had an overall Pearson correlation of $r = 0.85$. Furthermore, we looked carefully at the order of questions as well as their compilation, particularly in the use of the Likert scale, with questions being alternated between agreement and disagreement, but also converting the agreement scale. For instance, in the first list of questions, the option “fully agree/always true” is on the left at number 1 and 2, while on the second list, “fully agree” is on the right of the questionnaire, at number 4 and 5.

Fourth, we used *feedback validation*, which consists in a preliminary evaluation that the actors involved in the research, as well as others with knowledge of the field, conducted on the research findings. To

that end, on February 12, 2020, we conducted at the Tirana Times library a round table with actors involved in the research study, as well as other media personalities to whom we presented the preliminary findings. The feedback from participants made it possible to confirm the accuracy of some findings but also to improve some important aspects of the research study.

Lastly, the final draft was analyzed in detail by an expert of constitutional law, who prepared a peer-review on all legal aspects of the research. The analysis helped with a final improvement of the research, increasing the credibility of the findings and, therefore, their possibility to generalize the situation of respect for journalists' labor rights in Albania.

Ethical considerations

During the research phases, researchers were guided by responsibility toward participants in the study and the obligation to not harm in any form the subjects involved directly or indirectly in it.

In this regard, we made sure that all participants in the study were fully informed about the purpose of the research were able to participate voluntarily in it. That is why we have taken and were able to take care so that none of the invited persons were nominated by senior media officials or any other person in a position of authority toward them.

We also took care so that the table with the list of interviewees was coded and anonymized. During enhanced interviews, we used audio recorders, obtaining prior permission from interviewees. In one instance, the interviewee refused to be taped so the researcher only kept notes during the interview. In another instance, the interviewer interrupted the taping himself because the interviewee was sharing sensitive personal information. In all other cases, the audio recordings were transcribed by the interviewee and were not shared with the other researcher or third parties.

In order to make sure that participants in the study would not be identified by their quotes, we only provided essential information on the quoted person, e.g. “audio-visual media journalist,” and not other data, such as “journalist of X television station.” Furthermore, in some cases, the sex of the quoted persons was changed precisely to make it difficult to identify them.

We demonstrated special care that no third parties mentioned in the research study would be harmed through the used quotes. For that reason, we omitted from the quotes all references of names, logos, or other references that would allow identification of a certain subject who could feel harmed by the contents of the quoted comment.

CHAPTER 1

1. Situation of respect for the journalists' labor rights

The political transition in Albania has been reflected also in the functioning and organization of the media. In the beginning of the '90s, the media mainly concentrated on the print media, which consisted of a large number of newspapers on sale. In the beginning of the 2000s, the first private television stations created, initiating a new market where the media was funded through advertising or alternative sources, but not directly by viewers as happened with the newspapers. This new market was accompanied by new problems in labor relations between journalists and media owners, which made it necessary to formalize this relationship.

1.1 Highlighted violations

In recent years, several research studies have highlighted numerous problems with regard to respect for journalists' labor rights,⁸ such as:

- Lack of employment contracts, or abuse with probation time, by not paying it or surpassing the timeframe envisaged by law.⁹

⁸ Institute for Research and Development Alternatives, *Media Overview in Albania*. Tirana, IDRA 2019.

⁹ Albanian Center for Quality Journalism and Citizens Channel, *Seeking just work conditions – Review of the future of young journalists and future journalists*. Tirana: Citizens Channel, 2019.

- Problems with salaries: such as delay of salary payments or irregular payments (outside the banking system, failure to pay social and health insurance, failure to pay overtime or work during the night, and withholding of salary as punishment).
- Disrespect of working conditions, such as deprivation of paid holidays, verbal abuse in working premises, and discrimination based on sex or political affiliation.
- Lack of security in the exercise of duties.
- Unjust dismissals from work.¹⁰

This research study reconfirms these findings and they are grouped into the following categories:

- a. Non-formalization of labor relations and/or failure to implement contracts
- a. Financial compensation and other related factors
- a. Respect for labor conditions
- a. Unjust dismissals from work
- a. Security at work due to threats because of duties.

SILSS said that during 2019 it conducted inspections nationwide on 47 private and public media subjects with 472 identified employees or an average of 10 employees per subject. The inspection found that only 2% of these employees lacked a contract.¹¹ However, research studies speak of a figure that is 15 times higher.¹² The main problems were: overtime work, manner of payment, length of annual leave, lack

¹⁰ Outlining the status of journalists and the situation of journalists associations and media organizations, Albanian Media Institute, Tirana, 2018

¹¹ Official response No. 249/1 to the Albanian Helsinki Committee, on 10.02.2020, by Arben Seferi Chief Inspector of the State Inspectorate of Labor and Social Services.

¹² Institute for Development and Research Alternatives, *Labor Market in the Media*. Tirana: IDRA, 2019

of hygiene-sanitary conditions and fire protection, for which relevant demands were made. For these 47 inspections, there was 1 “suspension” and 3 “warnings” of suspension as punishment.

The table below presents a summary of the inspections conducted during 2019 by regional branches:

Table 1. Inspections during 2019

Source: SILSS, 2020

Regional branches	Total inspections in media	Identified employees	Female employees
Berat	2	2	0
Dibër	0	0	0
Durrës	3	6	4
Elbasan	10	55	25
Fier	6	11	3
Gjirokastrë	4	48	17
Korcë	4	8	0
Kukës	2	15	5
Lezhë	0	0	0
Shkodër	5	36	7
Tiranë	5	224	79
Vlorë	6	47	16
Total	47	472	164

According to the Labor Inspectorate, about 9% of employees were found to be working over 40 hours per week and 1.2% for over 48 hours per week. 1.5 percent of identified employees were found to be taking paid annual leave of less than 28 calendar days.

a. Failure to implement contracts and/or lack of contracts

The issue of the lack of employment contracts was affirmed also by journalists interviewed for this study (16.67% stated that they do not have an employment contract while 13.33% said this was somewhat true). However, we notice that this concern appears to have been overcome for the larger/consolidated media outlets while portals and smaller outlets still lack them, though with a tendency toward formalization.

In principle, one should have an employment contract. Usually, the larger television stations have it and implement it accurately. When it comes to portals, newspapers, and smaller television stations, they don't have them. Or they have something formal with 7 known points. But the majority does not have an employment contract.

(journalist, portal)

There are national TV stations that have not had a contract for years.

(journalist, visual media)

We started work in December 2018 with the promise that we would have contracts and insurance at the start of the year. They were never done and therefore the show did not air. Then, we went into a negotiation process and a very bad and grave situation was created, if the other side had not withdrawn, it would have been a very good collective lawsuit.

(journalist, freelance)

One of the elements that emerged during enhanced interviews is the failure to implement employment contracts and the scarce guarantees it provides for non-dismissal from work. Thus, there may be more labor interviews in the media sector at present, but they do not contain

favorable conditions for employees. For instance, some sample contracts drafted in a unilateral manner, contained disproportionate clauses about the violation of the deadline for notification of dismissal from work, envisaging a penalty of 200,000 leks for the journalist. Although it was not enforced as a penalty, journalists explain that this clause mostly expressed a form of pressure to not leave when receiving better offers from competitor media outlets. In another case, the contract contained the obligation to not work for a competitive media outlet one year after departure from work, practically sentencing the journalist to one year of unemployment. There were cases when the contract was used as a pretext to not pay for work. A journalist was promised that she would continue to be paid after she notified the employer of moving to another media outlet until a replacement was found. After that happened, not only was she not paid, but she was even sued by the relevant media outlet for violation of the contract.

The contracts have an end or do not have one, but it makes no difference. In any case, we are equally unprotected. The work conditions are the same, holidays are not respected, there's always long hours.

(journalist, visual media)

Journalists are afraid that in case of conflict with supervisors, there is always a pretext to dismiss them, filling forms after the fact with reservations.

The working environment in journalism remains just as slippery even today. We have no security. The contract won't protect you. The moment you refuse to do a stand-up that harms someone else's business without any investigation, the director will say: What? You don't do as I say? And they go off and fill out the forms with reservations.

(journalist, visual media)

Even when you have a contract, you may be kicked out from work for poor performance. There is a sub-point in the contract that for every poor performance, you receive a warning.

(journalist, portal)

In general, I had contracts but for certain periods, for instance I used to sign a 1-year contract and was never asked to renew it and I did not show interest in renewing it either. You may call it negligence or I thought let's say I consulted them about it, but I want that job and there's nothing more to discuss. I am not the mutinous type, I'll accept things when I see I have no way out; today, I would consult the contract with a lawyer.

(journalist, visual media)

The form of the contract also leaves to be desired. Journalists state that the contract did not specify the basic elements of the labor relationship, such as the job description, hours of work, etc.

The job contract I signed specified that I would work as a journalist, or a crime reporting journalist, but it never specified things like the working hours, start or finish, etc. I often did things that were not for me to do as a journalist, not in my sector.

(journalist, visual media)

There are journalists who chose purposefully to not sign the contract in exchange for a stable salary and the payment of social insurance contributions regularly. In other cases, they were given no choice to negotiate their contract.

The television station I work at has a collective contract since 5-6 years and we chose to not sign it because we did not like it. It was distributed to us, we thought we could negotiate it with each, but that was not an option. It felt unilateral to

us and put the employer in a better standing starting with overtime, etc. It was just a proposal; there were those who signed it. Except for the people hired on probation, the contract is verbal.

(journalist, visual media)

Although I had a employment contract, it was not respected by the administrators. That was a circumstance reviewed in the judicial process for unjust dismissal from work.

(journalist, sued employer)

b. Financial reward and other related factors

1. Delays in salary payment

10% of journalists interviewed for this research said that salaries are delayed by over 5 days beyond the day stipulated in the contract, and 10% of them said that that is somewhat true. However, 53.3% said that there are no delays in salary payments.

According to the Albanian Journalists Union¹³, in 2019, 48% of media outlets saw delays of 2-6 months in the payment of salaries. Although this has been denounced many times, the delay of salary payment is a widespread practice that journalists appear to have accepted and, in some cases, they even say that this is a strategy by media outlets to discourage the departure of journalists.

The process of how we receive salaries has a one-month delay so journalists will not leave, at least where I work. There were cases when I would go and knock on their door when 2-3 days passed beyond the date.

(journalist, portal)

¹³ Interview with the chairman of the Albanian Journalists Union, Aleksandër Çipa, 07.01.2020

It is reported that in the majority of the larger media outlets, the payment of salaries has been stabilized, especially in the past two years. The delay of salary payments is also affirmed by journalists who are presently in search of a job.

At present, I am without a job. I have had several offers, but I'm not liking them. most television stations have problems with salaries. They delay salaries by 2-3 months. I cannot tolerate that. It makes no sense and it is insulting.

(journalist, visual media)

I have never accepted the delay of salary payment; I left the first month that the salary was delayed and now I work independently.

(journalist, portal)

2. Unpaid overtime

46.67% of interviewed journalists admit that the working hours go beyond 40 hours per week. Only 10% of them said that the hours are respected.

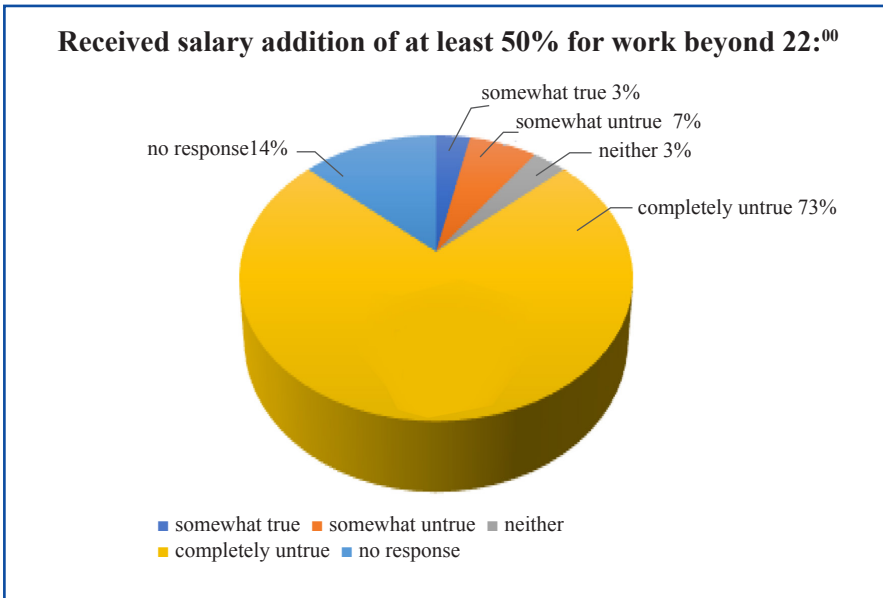
Unpaid overtime, although articulated as a concern, is generally accepted as a peculiarity of the profession. The motto “the journalist has no hours” is widely accepted and taken as a given at the moment you start your labor relationship.

Now, more of them fight for the salary. At the moment you agree on the salary, you'll accept these little drawbacks that have to do not only with the working hours; but now journalists don't stay on anymore for 8 hours, we used to.

(journalist, visual media)

Fig. 1. Payment of overtime hours

Source: Interview with journalists, January 2020



This is a practice admitted also by media administrators who consider overtime hours normal, depending on events of a day. An example for this was the November 26, 2019, when journalists worked long hours, but they were also rewarded. For the larger media outlets, this problem is considered resolved with the increase in staff numbers while journalists in the past did not use to have shifts. The human resources manager at a national television station says:

With television, it is well known, from the first day the journalist signs the contract and starts the labor relationship, he/she knows that he/she will be in the field, knows that they'll be working every kind of hours, what types of holidays they get the moment they accept these conditions; you can't get out of that. If later he/she may feel tired, these are points in

the contract they signed and accepted. I cannot say that they have extra long hours, everyone should bring at least one story per day, there are days when there are more than one. In fact, it is a bit difficult for journalists to have days off when they need them while an editor no longer has a life of his/her own because they need to be at work non-stop.

An entrepreneur of online media says that in her business, journalists work for 6 hours a day. It is her choice to publish a fixed number of stories per day in order for them to be of quality and for the staff to be comfortable in what they do.

3. Informality – failure to fully declare salaries in the bank

About 43% declared that they receive the salary fully in the bank while 23.33% said the opposite and 6.67% said that that is somewhat true.

The Albanian Journalists Union considers informality in the media sector the greatest problem of the labor market. A non-formalized economy creates the conditions for corruption and blackmail on state institutions to flourish while undermining the independence of the media and, with that, the independence of journalists.

High informality leads to a series of problems. Salary delays, lack of contracts, failure to pay social insurance contributions even in the form of not paying these to the state treasury, all derive from informality. After all, payment in cash penalizes journalists who cannot get the benefits fully when they retire or for instance when female journalists go on maternity leave, for instance.”

(journalists’ association)

Journalists are aware of these problems, but say that they are forced to accept this informality due to low salaries and the coverage of

monthly expenses. As per checking on whether their social and health insurance contributions are paid in the treasury, they leave that to indifference and excess trust in the employers.

This phenomenon is very widespread. I believe everyone has it, except for state institutions. There are also journalists who do not accept insurance at all and request to get all the money in cash because the salary is too low.

(journalist, portal)

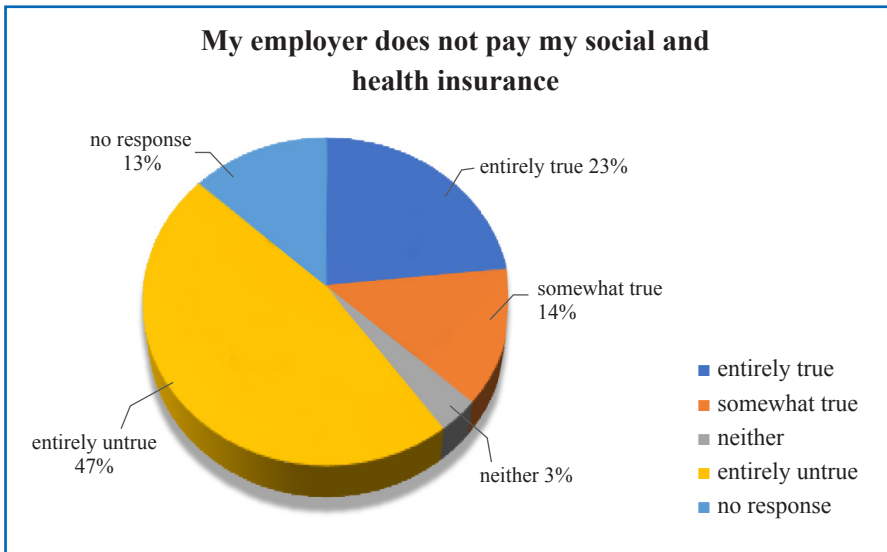
In 22 years, I have not seen one single case of the salary being declared fully in the bank. The insurance of journalists is out of the question; I'd say 80-90 percent of journalists have minimal salaries and their insurances are not paid.

(journalist, audiovisual media)

4. Failure to pay social and health insurance

About 23% of journalists say that their employers do not pay their social and health insurance. Together with 13.3% who say that this is somewhat true, assuming that this payment may be made irregularly, the figure goes up to about 36%, or 10% less than journalists who say that employers do pay these insurances (46.67%).

Fig. 2. Payment of social and health insurance
Source: Interviews with journalists, January 2020



One of them said that after leaving a media outlet, she discovered that her insurance had not been paid for 3 years in a row. Another journalist said that although there are 10 years of work in a media outlet in her labor records, she doesn't know whether insurance in her name has been paid.

I do not know how many of my years are insured. I was a television station during 2002-2003 and one couldn't even talk about insurance being paid. It was out of the question in the contract, it was all informal.

(journalist, visual media)

Journalists admit that verifying the payment of social insurance through an individual request is not widespread among them, based on the confidence that the company does pay them.

Regarding the payment of health insurance, generally there is a clearing contract with companies that do advertising on TV, e.g.,

covering their health insurance. In those cases when journalists had health problems that required surgery or extended cures, they received personal assistance from owners through permits or financial assistance.

5. Low payments/application of fines

Although the Labor Code does not allow it, fines are applied on employees in the media.

An audio technician may get 35,000 leks for 8 hours of work. And his eyes are under strain, and they impose fines on him for touching his mobile phone, 5,000 leks. They are super exploited and if you look at the recent years, most of the technicians have given it up; it's not worth sacrificing so much for such a little salary.

(journalist, visual media)

There are no written policies about salary increases in the media. This is done individually, upon proposal of the newsroom chief. The journalist's performance is measured through earning the trust of the supervisor, not through criteria based on merit and skill. 20% of interviewed journalists believe this, plus 20% who believe it somewhat, thus considerably surpassing the 13.3% who think that promotions are done based on skill and merit. There are journalists who report double the salary due to performance within a short period of time just as there are journalists who have had the same salary for years; in fact, in some cases, even reductions have been proposed.

Earning the trust is something important – for supervisors as well as for us. I have had very good experiences due to my performance and I have had salary increases; for instance, my salary has doubled from the moment I started here and I do not include here the yearend bonus, that's separate. Performance depends on the type of media. If you're a news-

based television station, accuracy and speed are a criterion just as the ability to maintain a live broadcast.” (journalist, visual media)

In our newsroom, we have a mixed group of journalists, but the young dominate. Whoever has over 10 years of work will have their salary revised. We do not have a written policy; when they deem it reasonable, the heads of departments seek salary increases. There is no performance evaluation.

(manager, human resources, audiovisual media)

In the public media, there is no competitive salary compared to other national media outlets. Journalists interviewed for this research think that the salary in the public TV “is very small given the public profile the institution has.”

c. Respect for labor conditions

1. Failure to give weekly or annual leave

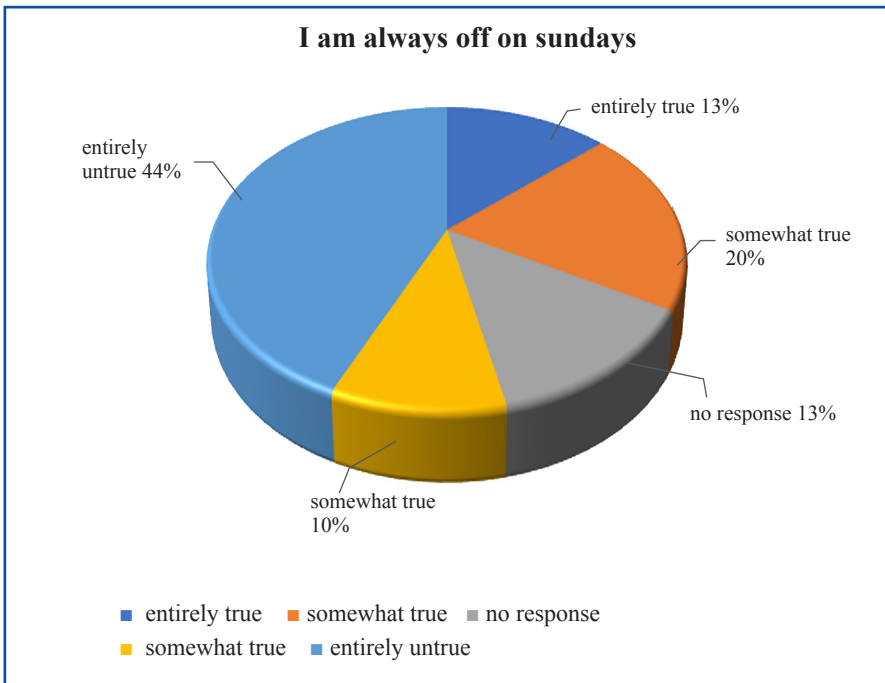
A considerable part of interviewed journalists, 43.3%, say that Sunday is not a day off, compared to 13.3% who confirm that it is. At this point, it should be clarified that the media is an exception of the general rule of the Labor Code, which envisages that the weekly days off should include Sunday, according to article 85, paragraph 2. This exception is made by a decision of the Council of Ministers Decision (CMD) No. 358, dated 25.03.1996, “On the regulation of working hours and days off for the broadcast and written media.” However, this CMD envisages that media workers should have at least 2 Sundays off every 4 weeks, and in no case less than one Sunday off every 3 weeks. Moreover, the CMD envisages that for work carried out on Sundays, the employee earns a salary addition of 25%, and an uninterrupted 24-hour break, in the preceding or succeeding week.

Meanwhile, article 87 of the Labor Code envisages that in case of work on the weekly day off, reward may be either an addition to the salary by no less than 25% or payable day off, equal to the length of time worked, plus an additional day off no less than the time worked.

However, based on individual interviews and focus groups, we noticed that work on a Sunday is a norm for a large part of journalists, thus violating all provisions envisaged above. In fact, this is so widespread that a considerable part of interviewed journalists viewed work on a Sunday as something normal in their profession, without any incentive to react publicly or judicially against the employer violating this right. This part will be discussed extensively under section 2.3.c.

Fig. 3. Work on Sundays

Source: Interviews with journalists, January 2020



Journalists say that they have worked out the part of weekends on a rotation with one another in order to be able to have two days off in one week, while national holidays are not recognized as days off.

Annual leave is one of the most reported violations during the enhanced interviews. Journalists say that days off in a week are not recognized although this is considered resolved in the larger media outlets.

Until 2 years ago, in our television, they did not give us a full month that we deserved according to the Labor Code and nobody dared say anything; even that is a lot.

(journalist, audiovisual media)

When I worked somewhere, after 13 years of work, I was able to get one month off; where I am now, I have two days per week off and that's an achievement for me.

(journalist, audiovisual media)

In regard to days off, due to the way that an informative television works, you cannot have national holidays, but they may be paid. Annual leave lasts for 2 weeks, everybody can get it and everybody does take it. The greatest challenge is December 31, nobody wants to be at work, but you accept it as there's nothing you can do; usually, it falls on the younger ones.

(journalist, audiovisual media)

2. Psychological abuse and undignified treatment at work

About 13% of journalists feel insulted by the tone of voice of their supervisors and just as many (13.33%) feel somewhat insulted. A majority of journalists think that the behavior of their supervisors is

within the boundaries of ethics (36.67% plus 23.33% who say they do not feel somewhat insulted).

The standing of a journalist within newsrooms has been reduced on a vertical line with the newsroom chief, who decides the editorial line in cooperation with the owners. Thus, journalists, mainly the younger ones, feel powerless to pretend dignified treatment as long as the labor relationship is one-way and unmonitored in terms of performance by other levels aside from the newsroom chief.

The market seeks cheap journalists that you can command, denigrate, scream to, that's the policy pursued now at television stations that I don't want to mention. Denigrating someone in front of you because that person doesn't have the power to disagree with what you are saying.

(journalist, visual media)

The owner began screaming from his own office where I asked to confront the issue about why I was not allowed to work, after guards had been ordered to stop me by force from entering the outlet's premises, although there was no written official decision about a dismissal. That is why I am in court with this owner.

(journalist, freelance)

3. Gender discrimination/ Sexual harassment in the workplace

The issue of gender discrimination and sexual harassment is one of the few issues on which journalists demonstrate low understanding and awareness. About 40% of them have not heard of cases of sexual harassment, very far from the 3.33% who say they know of such cases. Also, according to the AJU, these are sporadic and not widespread cases. The same percentage (3.33%) think that men are paid more

than women compared to 30% who say they are paid the same. Media managers do not agree that this happens in their institutions. However, the enhanced interviews showed that for women, this is a concern and for men, it is justified.

There is gender discrimination; I see it among the higher level people, editors, and leading officials. I don't know why they think that only men can fill this position; of course, there are capable men but there are also capable women.

(journalist, visual media)

I know of a case where a newspaper was looking for a reporter that had to be male, because girls get married and have obligations. In television, they prefer boys more, while girls work more but are paid less. Young reporters are mainly sent to difficult spots because they are quicker; we have very good girls and we have boys who are slower, but still support for boys is greater.”

(journalist, visual media)

Sexual harassment in the workplace caused debate among interviewees and, in some cases, showed lack of understanding of the term, mixing it with flirting or consensual desire for sexual relations. A majority of journalists agreed that these cases are not denounced either due to fear of losing the career and not finding support among colleagues or the family. One media was reported to have written regulations about this issue, which shows the steps to be followed if the incident happens.

Without exception, every journalist I know has told me that there is that initial harassment. When it comes to getting to host a show, this is pointed out (a request for sexual favors). They may ask to have coffee. Nothing wrong. I say with responsibility that I have seen messages on the phone when a

girl received messages from the editor up to 2 am with request: show me your breasts. Another one was doing an internship in a television station through acquaintances of her family. She got in contact with a host. When the harassment went too far, she blocked him and didn't go to the same station anymore; she was afraid to tell her family because they would not believe her. Now, she works in another media outlet.

(journalist)

Girls do not denounce, they are afraid to denounce. It comes down to the problems we discussed: do you have guarantees for your career? The idea of prejudice and the damage it causes for the future. If she doesn't want a career, she needs to take the issue to the owner or the police.

(journalist)

4. Physical environment and work equipment

When we talk about journalists' working conditions, we need to keep in mind that the Albanian media scene features strong contrasts. There are media outlets that have guaranteed to their journalists the physical working conditions in terms of commodity, level of technology, and logistics for realizing their profession. The local media outlets are the ones that suffer the most from technological backwardness and much more difficult working conditions due to lack of investment. There is a contrast also between national media outlets as well as between media outlets belonging to the same owner.

However, the journalists of smaller media outlets and of the districts complain that they are forced to play the role of the driver and cameraman because that is what can be afforded; in other newsrooms, working equipment is worn out. There are complaints also about hygiene conditions. Few newsrooms provide possibilities for cafeterias or relaxing premises in their workplaces.

The premises were so small that sometimes, to use the toilet, we had to wait in line, while the owner's office was twice as large as the newsroom.

(journalist, visual media)

d. Unjust dismissals from work

The Albanian Journalists' Union reports that for 2019, there were 68 judicial cases by journalists, mainly for unjust dismissals from work, refusal to give previous salaries, and failure to pay social insurance contributions. Unjust dismissals from work occur often, independently from the fact whether journalists take them to court or not. Journalists' associations say that there are unlawful reasons for the termination of labor relations in an unjust manner behind the departure of editors or news directors from their posts.

Why don't media publicize the real reasons for the departure of editors? Unfortunately, if you search, there is not even a news story (about their departure). This is censorship and lack of transparency toward independence of the media.

(journalists' association)

It is painful to see that after 18-19 years of work, journalists leave their jobs upon orders of the editor.

(journalist, visual media)

Dismissals from work occur even in cases when you have an employment contract. Motives are unfounded and everything evolves around the journalist's relationship with his/her supervisor, in this case, the newsroom editor. In cases when there are cuts, the procedure is not transparent and negotiation is individual. The below may also happen when journalists are proposed a salary cut if they want to keep their job:

The editor recommended that I accept a salary cut if I wanted to keep working in this media outlet. Otherwise, I would have to leave willingly, or by decision of the owner, which legally would have to be signed by the administrator. She also offered a proposal for a salary cut or a resignation text. I refused both. In these circumstances, she asked me to sign a letter that notified me that I would be dismissed from work. I certainly refused and asked that they mail it to me.”

(journalist, sued the owner)

In online media, there is a lack of hierarchy, which causes insecurity among employees with regard to their jobs.

“I feel uncertain in my job because the owner is a journalist and an editor and the news director.”

(journalist, portal)

In cases when journalists refuse to be involved in personal conflicts, “extortion” and blackmail, they have been targeted to be dismissed in the future. The owner makes the decision and the editors fill out the personnel file with reservations in order to legitimize the dismissal a posteriori in case of a court case.

They hoped that by filling my file with reprimands, they would have legal arguments for the dismissal, even after the notification of termination of employment. I have kept messages on my phone, e-mails and every other correspondence that I will use in court to defend myself.

(journalist, sued the employer)

There is also another opinion among the journalists of national media outlets that unjust dismissals from work are a declining problem because, in their opinion, the owners are aware that the courts find journalists to be right in the overwhelming majority of cases.

It is not easy to dismiss someone from work because the owners always lose. There are cases I know and the instructions given at every television station and media outlet are: beware that the Labor Code protects journalists, although we do not have a law on journalists. The Labor Code is very complete and it leaves no room for the owner to dismiss someone without reason. For instance, we have many young technicians, young journalists who are not always at their best. As editors, we have discussed about addressing this and after consultation with the lawyers, we have always said that we can't resolve this with fines because the Labor Code won't let you; all you can do is shout at them and that's it."

(editor, visual media)

Managers of media outlets also support this opinion. They say that labor relations have been formalized and abide by all legal regulations about employment in the media.

We always respect the deadline for dismissals. Depending on the years of work of the journalist, for instance, if he/she has over 5 years, advance notice is done 2-3 weeks earlier. There have also been cases when they have left before the deadline, if they received offers, resolving things through an agreement, we never enforced penalties. In cases when there was a disagreement, there is something wrong so we look at it with priority. We have a judicial process in the last year with a journalist who left work, which we won in the first instance court and now it is at the appeals court."

(human resources manager, visual media)

e. Profession-related job security

We find an increase of job-related threats, particularly for journalists covering the crime beat. Many of them reported insecurity in their jobs and being left without protection by newsrooms where they work because the latter consider it a personal problem. The fight against organized crime and corruption is considered of primary significance for the country, but if crime reporting journalists who cover criminality feel threatened to practice their profession, that violates the public's right to be informed about these issues.

No longer than one year ago, the country's most dangerous person threatened me. Today, another colleague has been threatened. It was the first time it happened at this level; I have resolved prior smaller things myself. At a media outlet where I have worked for 5 years, I have had people come to the door of my media outlet "for clarifications." I'm glad it was protected, fenced, and the supervisors told me "go out clarify them yourself." And I did so personally, through my acquaintances.

(journalist, visual media)

In one instance, I was sued in the High Court, although I was not even in the show in question and I was told by the legal office: defend yourself; we only represent the television station. I went into the archives, transcribed the materials, spent money for the lawyer, and showed up myself in the court.

(journalist, visual media)

In other cases, journalists say that state institutions do not take their denunciations seriously.

I have filed a denunciation on a threat I received from an Albanian inmate outside the country and the prosecutor told

me: "He is in prison, there's nothing he can do to you." The file is there, it remains, but I don't feel protected.

(journalist, audiovisual media)

1.2 Comparative analysis of the violation of journalists' labor rights

This research has highlighted that the violations described above are not experienced in the same form or with the same intensity by all media workers. In fact, we have seen a variation with regard to respect for labor rights, which has to do with the type of media outlet where they work, their position and hierarchy at work, the city where the media outlet is located, the sex or seniority of the journalist.

a. Type of media

According to research data, journalists of portals are more predisposed to work without contracts or to be paid with very small salaries. This mainly occurs due to the scarce incomes of these outlets, but also due to the type of work, which in some cases does not require engagement (in the field or office) to prepare news stories. On the other hand, journalists of portals suffer most often from the violation of their copyright because in most cases they are not allowed to use their byline in the materials they prepare.

Copyright is not respected. We only know the portal's owner and nobody knows that there are very good journalists there who write for that portal... I asked over at X media outlet "what is the criterion for the byline?" I was told "we don't have a tradition of using names." And I said, "How is there no tradition? So I don't put my name to my own work?!"

(experienced journalist, portal)

This forced anonymity makes it easier for the employer to dismiss the journalist from work while it makes it more difficult for the journalist to win his/her rights judicially as it is difficult to even prove an employment relationship.

A good part of journalists of portals have not surpassed the anonymity phase as they still do not use their byline. So, even if they are replaced, nobody will know.

(young journalist, portal)

Moreover, journalists of portals complain that they feel excluded from the community of journalists as they are not invited to media conferences and events, given that other journalists do not treat them as equals.

Journalists of online media outlets are inexistent, even in these meetings that take place... There is no status for online journalists; the community doesn't appreciate them. Most of them call them portals, but I consider myself a journalist.

(young journalist, portal)

b. City where media outlet or journalists are located

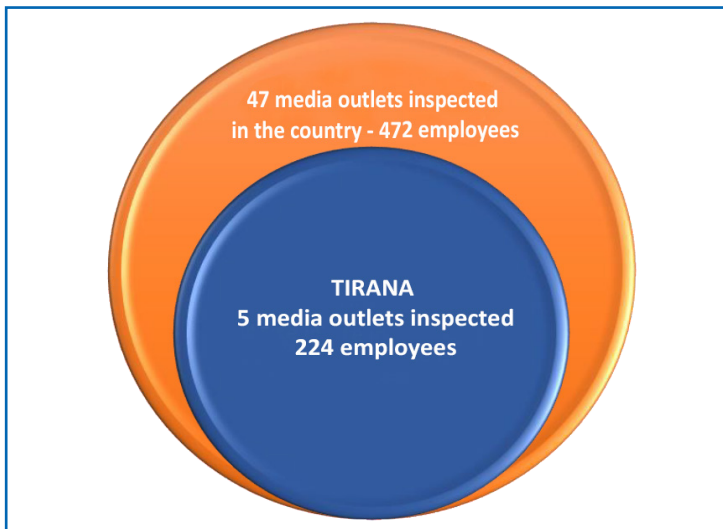
Data of this research suggest that there is a large difference with regard to working conditions in newsrooms of media outlets located in Tirana and those located in other cities of the country.

Working conditions change drastically as soon as you get out of the Tirana ring road. You cannot imagine the level of maltreatment on journalists in the districts or even correspondents of main media outlets. It is a pity!

(experienced journalist, audiovisual media)

Fig. 4. Total number of employees based on inspections, 2019

Source: SILSS, 2020



As presented above, the Labor Inspectorate (SILSS) reports that during 2019, it inspected 47 media outlets in the districts where it found a total of 472 employees. Meanwhile, only in Tirana, it found 224 employees in 5 inspections it conducted (SILSS, 2020).

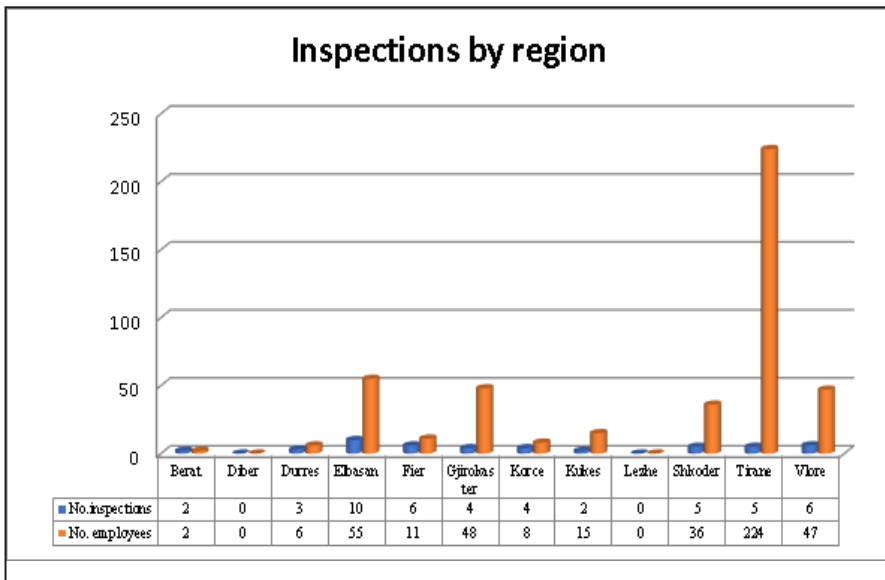
While the Inspectorate reports a normal situation, journalists interviewed for this research study presented an entirely different reality. They reported that there is a difference between journalists of local media outlets and correspondents of national media outlets based in Tirana. They noted that there is a difference between correspondents of the public media outlets and private ones. Just as there is a difference between journalists of local media outlets and correspondents of national media outlets based in Tirana.

With regard to correspondents of private media outlets, they report that most of them work in informal conditions, where there is a payment by story and not through the bank. Many of the correspondents

have to travel to Tirana in order to get their cash payment, which is a considerable expense for them. On the other hand, the Labor Inspectorate reports that it only found 4 informal employees throughout the country. However, it is interesting that in the city of Berat, the Inspectorate reports that it inspected 2 media outlets and found a total of 2 employees, while in Korça, it inspected 4 media outlets and found a total of 8 employees (SILSS, 2020). This shows that in these cities, the Inspectorate inspected only media outlets that have only one or two persons in their staff or that these inspections did not manage to find the number of informal employees working for these media outlets.

Fig. 5. Number of employees based on inspections by region, 2019

Source: SILSS, 2020



It is reported that one national private television station, which is an exception to the above rule, has assigned for its correspondents the legal minimal salary, although correspondents still have a basic minimum of stories to prepare per month. In all cases, the payment per

story varies between 500 and 1,000 leks, which journalists consider very low.

Journalists also complain that necessary expenses to prepare a story, such as travel to a site, is often not reimbursed fully. Moreover, they complain (with minor exceptions) that they get no extra payment for stories prepared during the evening/night.

Overtime hours are not paid because we are paid by story. However, it has happened this month to me that I had 3,000 leks added for a story I did during the night. It was a surprise because they have not done it before.

(correspondent, audiovisual media)

Furthermore, it is reported that working conditions for journalists of local media outlets are worse than in newsrooms in Tirana, including the salary level, job security, or formalization of the employment relationship.

In these circumstances, many of the journalists working outside Tirana are forced to do two jobs in order to afford a living. Some of them work for two media outlets while others work also in public institutions. The latter have major difficulties in doing their journalists' work because they also face the pressure of the head of the institution they work in.

I told journalist X: "The news is coming right to you. The destruction of monument X is happening right in front of your eyes! Why don't you write about it?" He told me, So that I lose my job at the municipality? I have a family to maintain." That is how they end up writing stories that praise the mayor. What can they do?

(experienced journalist, audiovisual media)

Also, journalists of local media outlets face a much smaller market.

for the most part of cities, there are just one or two local media outlets and so their alternatives for employment are very limited. Moreover, owners of local media outlets often are people with great influence in the city. As a result, journalists of local media outlets are under very great pressure because a conflict with the media owner will mean that they can lose not only the possibility of employment in another media outlet, but even in public institutions. That makes local media journalists much more vulnerable to abuse but also prone to tolerating such abuse.

c. Sector and position in the media hierarchy

As was discussed above, the research highlighted that crime beat journalists who work in the field are more exposed to additional threats that come from being faced with subjects denounced in the media. This threat may be physical, with their life being threatened, but also financial, whereby they face threats of judicial processes. Meanwhile, as discussed above, they complain that the media outlets they work for do not protect them against physical threats or judicial processes.

There has been one case of a life threat from prison, but nobody in my media outlet would protect me. I was not afraid to face up to anything, given the type of work I do; it may happen that we also make mistakes, but unintentionally. Yet, there is no protection, neither by the owner nor by the state.

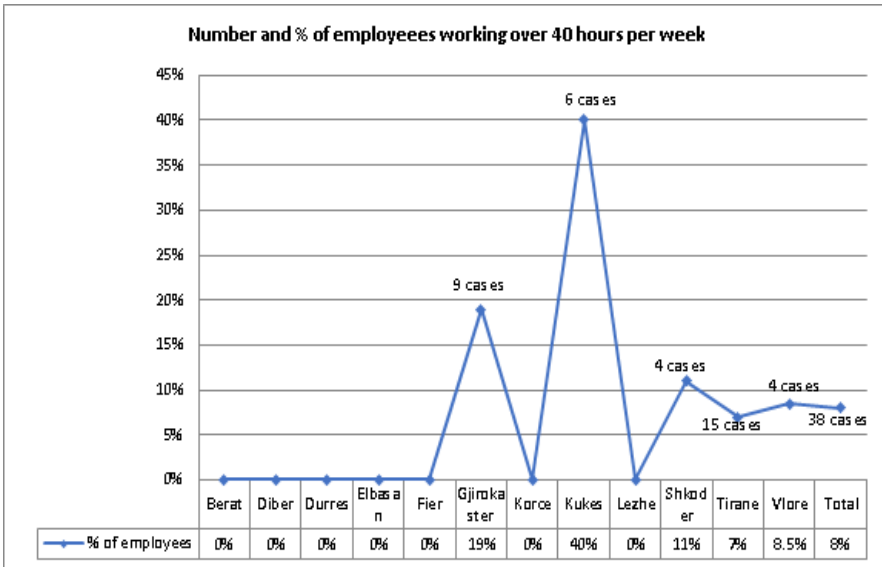
(crime reporting journalist, audiovisual media)

Also, these journalists are most predisposed to work longer hours or work during the night. The Labor Inspectorate reported that it found 9 cases of employees working during the night shift, and 42 cases of employees working beyond the 40-hour per week limit.¹⁴

¹⁴ Response no. 249/1 to the Albanian Helsinki Committee, on 10.02.2020, by Arben Seferi, Chief Inspector at the State Inspectorate of Labor and Social Services.

Fig. 6 Cases of journalists working over 40 hours per week

Source: SILSS, 2020



However, the interviewed journalists say that these figures are many times lower than the reality they see in their newsrooms. Field journalists report that in the majority of cases, hours beyond the legal hours or work during the night is not awarded by overtime payment, although the Labor Code (article 81) clearly states the obligation of the owner in this regard.

The research data indicate that in many cases the sector that the journalist covers also determines his/her role in the media outlet’s hierarchy. Thus, in many cases, the journalists who are exposed the most in the media (as show hosts or news anchors) have more negotiating power with the employer. As a result, it seems that they often manage to get salaries that are several times higher than other journalists as well as greater job security. Such security is noticed also in their self-confidence and the tendency to resolve conflicts with employers judicially.

Question: Would you yourself go to trial with the employer?

Answer: Yes, of course.

Question: What could stop you from suing him?

Answer: Nothing.

Question: You do not have any obstacle, such as needing to find a lawyer, spending time in court, etc.?

Answer: No, no. I'd do them all. I have no obstacle.

(show host)

Meanwhile, journalists considered to be lower in hierarchy are less inclined to resolve conflicts with media senior official judicially. As is discussed below, this hesitation is linked with some economic and social reasons. On the one hand, their salaries are so small that they cannot justify judicial expenses. On the other hand, many of them tend to overestimate the media owner and underestimate their own importance, which may be a reflection of the internalization of the hierarchic position, whereby they adapt psychologically to an imposed social hierarchy.

Question: What would you stop you from suing your employer?

Answer: What would stop me is if I knew that the current owner were a friend with the owner I was going to sue. Even if I won the trial, I would not be able to find a job because owners know one another.

Question: Would you have any other obstacle?

Answer: Financial. I would sue the the owner if I could afford the trial and remain for one or two years without a job.

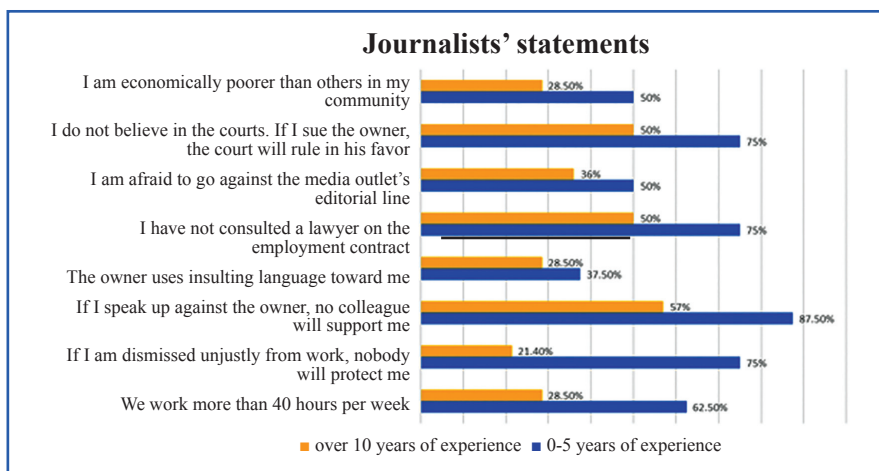
(field reporter)

d. Journalists' job seniority and different approaches to them

The study revealed that there is a difference in the employer's behavior toward young journalists and those with years of experience. According to the Labor Inspectorate, only 9% of journalists work for more than 40 hours per week¹⁵. However, study data indicate that this occurs much more often, and much more often with young journalists than with those with experience in their jobs. For instance, 62.5% of young reporters say that they work over 40 years per week, which is the limit set by the Labor Code. Meanwhile, journalists who have more than 10 years of experience, half of that number, 28.5% of them, report the same thing. With regard to compensation, 10% of journalists with experience say that when they worked after 22:00, they got financial compensation according to the Labor Code. But none of the younger interviewed journalists reported any compensation for working during the night or beyond normal hours.

Figure. 7. Journalists' positions and beliefs regarding their work.

Source: Survey with journalists, January 2020



15 Response no. 249/1 to the Albanian Helsinki Committee, of 10.02.2020, by Arben Seferi, Chief Inspector of the State Inspectorate of Labor and Social Insurance.

Also, there are more young journalists than experienced journalists who report that their employer addresses them in an insulting manner, precisely 38% and 28% of those polled. During focus groups, journalists said that this difference is explained by the fact that many of the experienced journalists have achieved a social status and have built social relations with the employer.

It depends on how long you've been at a job. If it has been three months, you're easy to replace; if it has been three years, it is not easy because the employer knows what kind of work you do and will not throw you in the street for a word.

(young journalist, newspaper)

If you are a journalist and have been for a long time in the media, the relationship is longer just employer-employee, but a social relationship... I do not believe that employers would abuse a journalist they have worked for years with. Even if there was an argument, I don't believe the employer will remove you from work because there is a kind of friendship.

(experienced journalist, audiovisual media)

However, during the interview, it is precisely the younger journalists who are more inclined to resolve disputes with media owners socially, compared to the experienced journalists. Thus, 50% of young journalists and 21% of experienced journalists *completely agreed* with the statement “*if I have a problem with the media owner, it would be more honest to resolve it socially and not through court.*”

The environment in media newsrooms does not appear to be good for young journalists because a large part of them feel unprotected by colleagues and uncertain about their jobs. The largest part of those surveyed, 87.5%, said that none of their colleagues will support them if they were to speak out against the media owner. Compared to experienced journalists, only 57% of these provided the same

response. Furthermore, the largest part of young journalists, 75% of them, said that they have no confidence in the court and if they sue the media owner, the decision would be in favor of the owner.

This data suggests that young journalists feel completely unprotected in the face of their employer and, as a result, are less inclined to fight to reinstate their rights. This explains why 75% of young journalists surveyed think that nobody would protect them if the employer unjustly dismissed them from their jobs. Instead, 21% of experienced journalists thought the same.

e. Gender

Gender discrimination and sexual harassment in the workplace have been discussed above. However, a comparative analysis by gender indicates that there are a higher number of violations toward female journalists compared to their male colleagues.

Equal treatment is guaranteed both by the Constitution and international acts ratified by the Republic of Albania and by the law¹⁶. Concretely speaking, aside from provisions in the Labor Code, gender-based discrimination is forbidden by law 10221, of 04.02.2010 “On protection against discrimination.”

However, as discussed above, women are often victims of sexual harassment in the workplace, which happens mainly because employers are men who take advantage of their power. When asked about this topic, 25% of surveyed female journalists said they feel under pressure from male supervisors. Meanwhile, 31% of them said they know of cases when their female colleagues were sexually harassed in the workplace.

¹⁶ See e.g. article 18 of the Constitution, article 14 of the ECHR, and Convention no. 111 of the International Labor Organization “Discrimination in Employment, Occupation ” (1958), ratified by the Republic of Albania by law no. 8086, on 13.03.1996

These figures are very disturbing and require profound investigation, which has been beyond the scope of this research study. Article 32 of the Labor Code obliges the employer to protect the personality of employees by taking all measures to guarantee an environment free from sexual harassment or denigrating behavior. Yet, sexual harassment is also a criminal offense envisaged to be punished by up to seven years of imprisonment in the Criminal Code, article 108/a. Article 105 envisages that the sexual relationship by abusing subordination relations is punishable by up to three years of imprisonment. Therefore, it is the duty of law enforcement bodies to highlight the criminal offense and punish it.

At the same time, persons aware of sexual harassment within newsrooms also have the legal obligation to refer them to competent bodies. In these conditions, the media have the obligation to establish internal mechanisms that highlight the cases, refer them to law enforcement bodies, and take administrative measures. However, in the course of this research, we were not able to highlight the existence of such structures within the relevant media outlets.

On the other hand, there have been reports of sporadic cases whereby female journalists feel treated as objects by the comments or conduct of guests to shows, part of which are public persona with power. It remains to be seen how widespread such conduct is, but it is worth highlighting that media should take measures to fight this phenomenon, and to guarantee female journalists a safe working environment, protecting them not only physically, but above all, their human dignity.

Another violation that female journalists experience is respect for maternity leave, which in many cases is not guaranteed to them fully. It is reported that even in cases when the employer recognizes their maternity leave, given that in many cases their salary is not declared

fully, the compensation the journalists receive is much lower than it should be.

Maternity leave for one year is out of the question. Sometimes three months, other times 4 months. It doesn't guarantee job security. The owner will say, "I need a journalist for your position but nobody will come for 6 months or one year." So you're forced to go. In the case of my second pregnancy, I took 35 days before birth, but then there is also the issue of payment, which is not declared fully. In 22 years, I have not had one single month of the full salary declared fully in the bank, i.e. with insurance...

(journalist, print media)

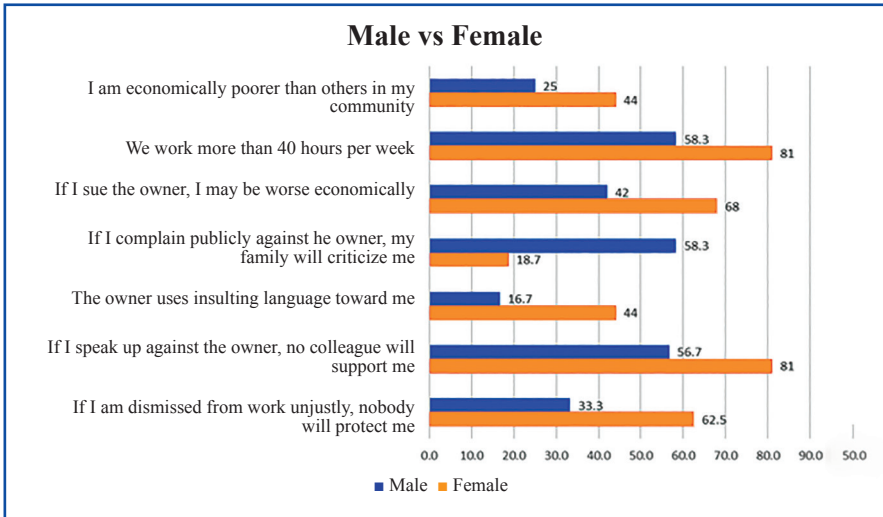
Maternity leave is taken, but not fully; because the salary has not been declared fully, the remaining salary from insurance would be very small and that's why they return to work in the second or third month; they can't pay rent with that payment.

(journalist, print media)

Furthermore, female journalists feel least supported by the community of journalists. Thus, 62% of female journalists and 33.3% of surveyed journalists said that if the employer dismisses them unjustly from work none of the colleagues or media associations would react. Also, 81% of female journalists and 57% of surveyed journalists said that if they speak out publicly against the media owner, none of the colleagues would support them. However, it seems that female journalists have the support of their families if they decide to sue the media owner. Only 19% of them said that their family would criticize them if they were to sue the media owner, while 58% of journalists expressed the same concern.

Fig.8. Why journalists don't denounce vilation of labor rights

Source: Interview with journalists, January 2020



This research has pointed to the fact that even in cases of violations experienced by both sexes, there are more reported cases of abuse with female journalists' rights. For instance, 44% of surveyed female journalists said their employer uses insulting language toward them. Meanwhile, only 16.7% of surveyed journalists said that the employer addresses them in an insulting manner. Also, it should be emphasized that women experience violations of journalists, worse, no matter their sex. For instance, longer hours, working in late hours, often have a greatest toll on women, in those cases when they also have to meet family expectations in a society of a patriarchal mentality, which encourages a woman role as responsible for house chores.

In closing, although 81% of female journalists say that they work more than 40 hours every week, they report that they fare economically worse than male journalists. As is discussed in the following chapter, this economic situation keeps women from regaining their rights judicially. Thus, 68% of surveyed journalists say that if they were to sue their employer, their economic situation might worsen even more.

CHAPTER 2

2.1 The media environment that allows the violation of journalists' rights (market)

Before we analyze the factors that keep journalists from reacting publicly or judicially in protection of their labor rights, it is necessary to analyze the media environment they operate in and the rapport of forces between the sides. In this research, we have highlighted at least four factors that weaken the journalist's standing, allowing for the violation of their rights.

First is the financial source of the media. With some exceptions, the financial source of the main private media outlets is not directly related to their popularity. Citizens do not pay to follow television stations or read online portals. The number of persons who buy newspapers is very low. Meanwhile advertising is often determined by the owner's political ties with power or the main businesses in the country, thus leading to them serving mostly as a "favor" than an effort of businesses to advertise their products or services.

The large media outlets benefit from the budget given for national television stations... The government distributes advertising. Didn't the government give out 2 million euros each for the digitalization process, which 3 television stations received? Is this a hushing by the government giving out 2 million euros each for the digitalization process

while you should do it yourself? ...the government is seen as the main one, the distributor of the advertising market, it guides businesses, it guides these oligarchs... but it may also stop a business from advertising in a certain media outlet. For instance, the owner of a media outlet where I used to work complained that the government kept businesses from advertising in it.

(leading official, audiovisual media)

In these circumstances, a large part of media outlets does not manage to cover their expenses. That is why they are often supported by a sponsor who may be a person linked with a political party, a criminal group¹⁷, or a businessman with businesses in other sectors such as construction, oil, gambling games, banking sector, or private education. In these cases, the media owner may use the media outlet as a pressure tool on public officials in order to benefit from them, licenses or tenders.

In other cases, the media acts as an “extortionist,” blackmailing with the publication of stories that damage the image of public figures. The latter choose to pay so the story is not published.

In many cases, I have noticed that journalists had to do stories that were to some extent blackmailing on heads of institutions, or heads of different private companies. The purpose was to extort funds and money from them coming in the form of advertising. Personally, I had several such cases [...]The stories against X continued for several weeks, until they stopped suddenly. Then in the television station, one began to notice publicity stories favorable to company X or the appearance of paid publicity spots.

(experienced journalist, visual media)

¹⁷ Besfort Lamallari (Deputy Minister of Interior) Opinion show, September 2018

They did impose fines in the past too. I have been dealing with media for almost 20 years. There were fines in the past too, but not like this. Never before was imposing of fines at such an institutional level as it is now.

(experienced journalist, audiovisual media)

In such conditions, when the media does not generate income from the creativity of journalists/other professionals, but rather from the “fines” or “favors,” media owners have no financial interest in quality services of journalists. In fact, this model of journalism has brought to newsrooms the figure of a “kamikaze journalist,” who is kept on only to do favors or commissioned stories. Anyone can do such services because they require no specialized training. In fact, the lack of professionalism and professional ethics are an advantage. As a result, the professional journalist is much weaker at the negotiating table, finding it difficult to stop the violation of his/her labor rights.

The main source of media income is the business they have [...]. Journalists are used for favors, for selective strikes in order for owners to benefit.

(journalist, visual media)

We no longer know who can be called a journalist, we have no status. Someone comes out of the blue and takes your place in 5 minutes, your place though you've worked for 20 years in the media.

(journalist, visual media)

Online media, which have a potential for self-financing through online advertising are yet to achieve that objective. Data from the research indicate that although the expenses of a portal are much lower compared to traditional media and, although the number of reads (clicks) matters for advertising, they are not able to fund themselves fully either. One

of their challenges is the direct competition with Google, Facebook, and Instagram, because the portals themselves take their audience from these international companies. As a result, many companies that operate in Albania prefer to advertise directly in these international companies than advertise in Albanian portals.

It takes at least 40,000 euros a year per portal. The online advertising won't cover it. You start with 4-5 journalists who are making stories all the time. Meanwhile, you do boosts [on Facebook] to increase visibility. So, it is definitely either someone else funding them or they have put in a lot of money (investments), which I hope they will be able to take back.

(media owner, portal)

These funds do not come from advertising alone; someone else maintains them, someone who has political interests or other interests, depending on the portal, political, cultural.

(journalist, portal)

Secondly, it is the “symbiotic” relationship between media owners and the state. State institutions tasked by law to monitor labor relations in the media are the State Inspectorate for Labor and Social Service (SILSS) and the General Directory of Taxes (GDT). Both these two inspectorates report to the Ministry of Finance. These institutions conduct inspections in media entities, but their reports do not reflect the reality described by other sources of this research or other studies in this field. As discussed above, the SILSS reports a much smaller number of highlighted violations than that reported by journalists, or other previous studies¹⁸.

¹⁸ Institute for Research and Alternatives of Development, Job market in the media. Tirane: IDRA, 2019

However, more than the accuracy in highlighting the degree of the problem, of concern is the lack of punishment for media owners. SILSS reports themselves highlight that in 2019, the Inspectorate issued a total of 4 administrative measures, of which three were “warnings” and one “suspension.” In fact, even the Inspectorate itself admits that with its inspections “...doesn’t pretend to have fully exhausted respect for legal provisions...” in the media¹⁹.

The Labor Inspectorate comes and examines the media. It has begun to. It does inspections somewhere, it doesn't in some others. When you read the inspectorate report, you feel like crying because it seems as if journalists live in a rosy situation. Although inspectors have the legal basis for issuing administrative measures on the media, it is never done, because they have silent or non-silent agreements...

(experienced journalist – audiovisual media)

Question: *Have you heard of any case when a media outlet was punished?*

Answer: *No, in the media, no. I have not heard any such myself, and if I had heard, it's not that we'd make a story out of it (laughs), but we'd keep it to ourselves as information. I do not believe that any media owner was ever fined for violating workers' rights.*

(experienced journalist, print media)

This “paralysis” of state inspectorates appears to be linked with the way in which the media operates, described above. Data from some alternative sources, including the interviews with inspectors, indicate that inspectorates are in a very passive position vis-à-vis the media, due to fear of retaliation by owners of media outlets. Many heads

¹⁹ Arben Seferi (Chief Inspector of the State Inspectorate of Labor and Social Service), Answer letter Nr 249/1 directed to the Albanian Helsinki Committee dated 10.02.2020, page 6.

of inspectorates prefer to have friendly rapport with media owners because they fear a negative media campaign toward the institutions they lead, or worse, themselves. During interviews, there were reports of sporadic cases of inspectors not doing their job freely to monitor and punish media employers who violate the rights of employees.

The first moment you set foot in the media outlet, the phone rings... Here's a concrete, flagrant case: a group of inspectors went to a portal that is very popular and has a lot of employees. Routine inspections, let's say, not any referral. They had walked in and the first thing was: "Who are you?" "What do you want here?" "Who told you to come here?" ...The inspector went on with his job, but the owner did his calls and the director called him (the inspector) on the phone and said "you must walk immediately out of there." And it didn't end there; they even called him to the general directory for explanations.

(tax inspector)

Look, the media cause fear or respect. In other words, we've been spied on 2-3 times at the tax office, some competitor. Tax inspectors came, we chatted, we liked one another, they left. Some other time, it was someone else who saved us. Not saved, but it so happened that I mentioned a name, that person wrote secretly, and she (the tax director) said "leave them." But, if they want to, they will harass you.

(owner of a portal)

In the middle of this symbiotic relationship between owners and media owners and the government is the journalist, who is unprotected by state institutions. As a result, no matter what the law envisages, state inspectorates do not manage to guarantee respect of the law by media owners.

As a result, very few journalists bother to do referrals to these inspectorates. According to SILSS, within a period of 14 years, inspections only took place based on complaints in 6% of the cases²⁰.

Third, it is the lack of competition in the market and the high concentration of ownership in the media sector. Research data confirm the findings of previous studies, such as the MOM research, with regard to the lack of competition among media operators. Since after the decision of the Constitutional Court to invalidate article 62/3 of the audiovisual law²¹, media ownership is concentrated in few hands, as is also reported by the BIRN study²². This concern has been raised consistently by international institutions^{23,24}, and is also reflected in the European Commission progress report on Albania²⁵.

[O]paque media ownership creates concerns about fair competition for independent media organisations. The editorial direction of private media continues to be the subject of political and business interests. Media funding remains key to improving media freedom...

(European Commission, 2019, p. 27)

The lack of competition more from than the number of media outlets in the market comes as a result of collusion of media owners among

20 Arben Seferi (Chief Inspector of the State Inspectorate of Labor and Social Services), Response Letter no. 249/1 to the Albanian Helsinki Committee, on 10.02.2020

21 Constitutional Court, Decision no. 56, of 20.07.2016

22 Balkan Investigative Reporting Network, A Blind Eye on News: Self-censorship in the Albanian media. Tirana: BIRN, 2015.

23 Romana Vlahutin (The head of the EU Delegation to Albania). Letter to the speaker of the Parliament. June 19, 2015

24 Erebara, Gjergj. "OSCE Seeks return of media ownership limits." Reporter.al, September 5, 2019.

25 European Commission. Report on Albania 2019. Brussels: European Union, 2019.

themselves, operating in the conditions of an oligopoly. There are reports that media owners coordinate among themselves about journalists' salaries and working conditions, limiting employment alternatives for journalists. As a result, journalists do not have other alternatives should they be unsatisfied with the working conditions in the media outlet they work at.

Not only is this such a small market, but this market has narrowed even further because these four or five owners have made an agreement to not take away one another's journalists. So, not only do you end up making a powerful enemy, but you won't even be able to find work in the media because the other owners won't take you...

(experienced journalist, audiovisual media)

These claims are difficult to verify, but it should be stressed that they represent a very widespread perception among journalists and have been reported repeatedly throughout this research study.

The hope that the market would become more competitive with the emergence of international operators such as CNN or Euronews is yet to yield results in terms of improving the working conditions for journalists in general or the creation of new alternatives in the market.

Of course, in this situation, the public media, such as the Albanian Radio Television (RTSH) could have played a positive role, operating since 1961, with a workforce of about 900 members, of which about 100 are journalists. Although respect for the Labor Code is done rigorously in this media outlet, it is still not seen as an employment alternative by a large part of journalists. This hesitation comes mainly as a result of the perception that salaries are low and recruitment is not based on merit but rather of political ties and personal acquaintances.

Fourth is the lack of solidarity of journalists among themselves. In the conditions where state institutions do not manage to guarantee the implementation of the law, journalists need to self-organize in order to protect their rights. However, organization is not possible if there is no solidarity among journalists.

All data sources confirm that journalists do not have solidarity among themselves. During enhanced individual interviews and focus group discussions, all journalists raised the concern about the lack of solidarity.

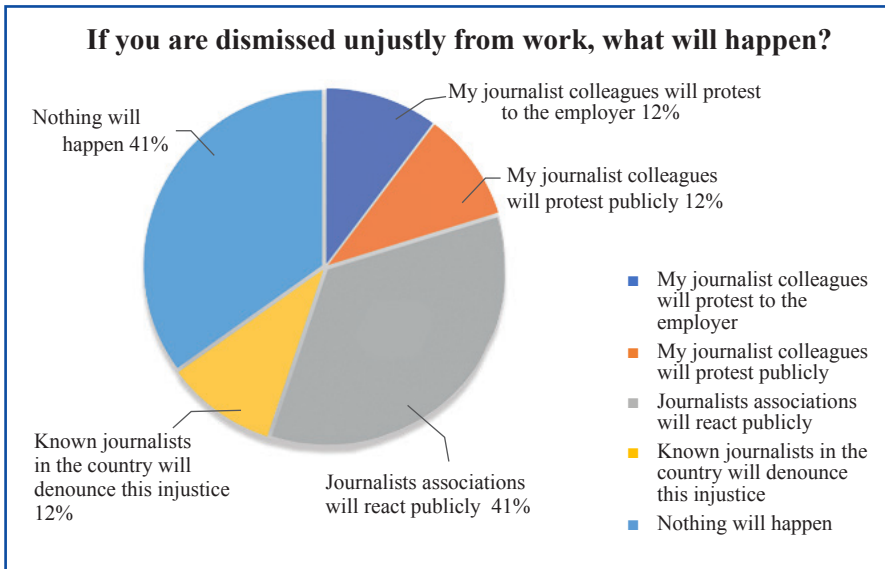
As may be seen in the graphic below, 41% of surveyed journalists believe that if they are dismissed unjustly from work, nobody will react. Meanwhile, only 17% of them believe that if they raise their voice against the employer, colleagues would come out in support of them.

The lack of solidarity begins with the lack of a social place in the media newsrooms where journalists may spend social time with one another. And it continues with the environment of competition within the newsrooms or between different media outlets.

However, there is a variation with regard to the environment of solidarity among journalists by type of media. It has been noticed by the study that the smaller the media outlets, the greater socialization among journalists, because the workplace is small and they spend time together. Socialization is a basic condition for solidarity because it is much easier to solidarize with someone you know and you have developed a social relationship with.

Figure. 9. What will happen if a journalist is dismissed unjustly from work.

Source: Interviews with journalists, January 2020



In the larger media outlets, solidarity exists among certain groups, with field reporters socializing among themselves and show hosts socializing in their own group. However competition is one of the main obstacles to bringing journalists together, which is why often there is a greater probability that a sports journalist will solidarize with a political reporter than two news anchors among themselves.

A journalist who moved from an online portal to one of the largest media outlets in the country:

It has been proven that the smaller the environment, the more connected people are with one another. The larger the environment and responsibility for every journalist, the more remote relations are with one another.

Solidarity is also important for journalists' organization in trade unions. Yet, many journalists do appear to not have confidence in

journalists' associations, while pure trade unions do not exist. This lack of trust in the trade unions may also be related to the history of trade unions in Albania. Before the 1990s, they existed in the form of Professional Unions, which instead of serving to protect workers' rights were instead tools in the hands of the regime and often were used to suppress workers. After the 1990s, the history of trade unions has not been positive as one part of them were corrupted and lost legitimacy while another part was too weak to protect workers' rights.

This lack of trust makes the organization in trade unions and empowerment of current journalists' associations difficult.

Journalists' associations cannot play the role of trade unions because they cannot play the intermediate with the owner. We have tried as an organization for two years in a row to get together, several TV stations because of the start of the election campaign before the deadline prescribed by law. We started out 4 TV stations, then 3, 2 and in the end, just 1, because everyone calculated benefits and it never went through to the end. That is valid also for our community; when we can't get together about our salaries, someone else is to come out and speak for you, although that is a problem for all of us.

(leader of a journalists' association)

In this context, some journalists are very unhappy with the journalists' associations because they have not seen concrete results of them managing to protect the journalists' rights. However, as may be seen in the graphic above, 41% of surveyed journalists believe that if they are dismissed unjustly from work, journalists' associations will react.

2.2 Obstacles to reacting publicly – Why journalists do not react publicly about the violation of their rights at work.

a. Institutional factors (media operators)

a.1 The journalist's position inside the media

Although there are Human Resources Departments, the recruitment of journalists is done on the basis of acquaintances, without announcements of new positions, or applications, or competition. In fact, even human rights resources are new as structures, created in the past 3 years. Until recently, job relations were maintained by the finance office and the employer directly.

Journalists are not employed only by official recruitment procedure, but also by references of editors. I think that part of them, to preserve their posts and the salaries that are several times higher than those of field journalists, have allowed their exploitation and unjust dismissal from work.

(journalist, freelance)

The employment network functions based on acquaintances, on the name or reputation created by each journalist. For online media journalists, which is a job without any value, it is the most ordinary type of journalism, that's where it works by announcements, because there aren't, they don't find them, not because you need them.

(journalist, visual media)

I have entered through a television competition and I do not feel indebted to anyone. I had a one year contract, it ended and the labor relationship was terminated..

(journalist, portal)

As an editor, I have had cases when I could not hire a journalist because the owner didn't like it. For me, the position of the editor needs to be strengthened within the media outlets, because recruitment is a delicate process that can't be done by people outside the profession; the editors are the guarantee of selecting journalists based on professional criteria.

(former editor, print media)

During an interview, the head of human resources at a television station says that employment is done on the basis of recommendations by the head of the newsroom. *“The contract is signed and for any reservation, there is a negotiation with the newsroom head, whether it is a salary increase, a bonus, or a reprimand.”*

Newsrooms do not have a development trajectory that stimulates professional growth for journalists. The insecurity of newsrooms and the frequent reshuffling of staffs create difficulties for reaching solidarity within media outlets. Journalists feel lonely in their reactions because they have not created ties with other journalists; they work individually and there is no team spirit. They have not managed to become a community. Even in the same media company with several platforms, there are different standards.

Journalists are controlled in the publications they post on social media, in their personal accounts. One case that a television journalist made public for failure to pay salaries was removed within a few hours. The result was that the salaries were paid and the journalist continued to work.

I remember once when everyone was surprised, about 2-3 years ago, someone did a status online, saying “give us the salaries,” we were surprised, said how is it possible. And I told myself, how did she dare do it and nobody removed her.

How come she came out publicly? On the one hand, good for her, bravo, but what will be the penalties, could she be removed? But, certainly, bravo! Bravo to whoever finds the courage to say things publicly. Maybe she was fed up and there was nothing else left to do. But I thought she was going to be removed, what would happen, but they didn't in fact.

(journalist, visual media)

a.2 Lack of conditions for crating trade unions within media outlets

Inside media outlets, there are no complaint mechanisms over working conditions. The decision is made vertically by the editor or the owner, without giving the journalist the possibility to present his/her options. The lack of hierarchy in labor relations or shortcuts lead to an absence of intermediate links to resolve labor disputes. The negotiation of contracts is done on an individual basis, not by evaluation or a commission, nor an application for a job.

What is disturbing is that, in violation of the law on trade unions, which emphasizes the obligation of employers to create conditions for the functioning of trade unions of workers, journalists demonstrate with concrete facts that any attempt made in that direction has been assimilated immediately by owners, at personal cost of inciters/leaders of union movements.

One concrete case was in 2016-2017 at the moment we began to have problems with salaries; we called the owner and wrote an information request. They considered it a petition; 15 of us signed. We wanted our salary to be declared fully in the bank, to be paid on time, on the set date, and we had also included some other points. This caused confusion throughout the newsroom; the owner showed up although

he never had in the past and he called it an uprising and said “I won’t allow trade-unionism, no trade unions are allowed here” and, in the end, a journalist left because she had submitted the request. In other words, she was the most rebel of our group; first he dismissed her then brought her back and then she left. He dismissed her in front of 15 people, that’s what happened with the trade union and what did we ask for? Our rights; don’t we deserve to get our salary on the set date?

(journalist, visual media)

It happened that someone spoke up and then left the job. There are concrete cases of people leaving; when they didn’t agree with the conditions, they left.”

(journalist, visual media)

a.3 Television embargo to Journalists Union statements

One of the forms of public reaction is solidarity with the Journalists’ Union in cases when it denounces violations of labor rights or participation in protests that are summoned. What happens is that no protest on the journalists’ working conditions is not allowed to be broadcast on television or other media outlets. In these conditions, journalists hesitate to join the Union’s protests because they know that the story will not be broadcasted in the media they work for. There is a silent agreement between media owners on this issue, forbidding any coverage of the Union’s activity. The Union Chair says that this position has caused personal costs also as a professional to him because speaking for journalists’ rights has set up a television embargo toward him at a TV station for 10 years and at another station for 5 years.

b. Economic and social factors

b.1 Lack of solidarity among journalists

In 30 years of democracy, journalists have not managed to become a homogenous group that would lobby as a group of interest for their rights. Journalists say that the environment is very competitive and there are differences between those who host shows and field journalists, starting from payment, to the life style, and so on.

We have created the model of rich journalists with the journalist who is a friend of wealthy people. This is a model that you can't expect to protect you. The journalism model is bad, but I don't see them getting together.

(journalist, freelance)

On the day that there was a protest in front of parliament for the anti-defamation law, what impressed me the most was that one of the protest organizers did not show up. I don't know why but maybe they think that the battle in the media, the front line, and when it comes to joining journalists of all levels, the most important ones were not there. Because they are fine, half are with the government, half don't have problems, all is guaranteed for them.

(journalist, visual media)

I'm not the type of journalist who hang out with owners, having lunches and dinners.

(journalist, visual media)

Why don't these great journalists' speak up? I don't know; maybe they are shareholders. I don't know.

(journalists, visual media)

Competition is very tough, especially among those appearing on TV and they'd be happy to see you fall because they'll flourish as a result. Competition is great and if you're not that great, I'll shine more. Field journalists are generally more connected among themselves while hosts don't have friendships among themselves. Field journalists or technical people are more connected with one another. They have common interests, they are the worst paid.

(journalist, visual media)

b.2 Lack of confidence/ unhappiness with the Unions

Also, there is no union culture among journalists and dissatisfaction over the associations that currently protect the rights of journalists. The perception of interviewed journalists about the current associations ranges from categorical denial of any movement that the Unions have done – deriving mainly from personal cases and also because of not being informed – to the recognition of some achievements, such as in the case against the defamation law, with the request that there be more interaction and involvement of ordinary journalists. Journalists do not see as a problem the annual membership fee that they should pay as members of the Union, but are not convinced about the usefulness of obtaining the Membership Card.

We don't have organizations to protect our rights. We have journalists' associations, but they really speak very little and in a very preferential manner. They speak up about some issues but have no influence. The issue of salaries has been raised several times but it is crushed immediately by those who have influence.

(journalist, visual media)

Unions hardly function. Even the few protests that were done, there were more participants from portals. Some were

journalists, others were lawyers or other professions. I'm using the case that many journalists are portal owners; I didn't see them, I saw students and some social groups but very few journalists."

(journalist, visual media)

The interaction of the unions with the journalists is zero. In 7 years of my work as a journalist, we have gathered once.

(journalist, visual media)

The payment is not high for the card, but as long as it is not worth anything, journalists hesitate. Abroad, unions pay journalists who are dismissed from work until they find another job.

(journalist, visual media)

b.3 Indifference, lack of legal culture, and lack of understanding of rights

Although the level of awareness of journalists about their rights at the workplace has increased, they show little care about their implementation. In some cases, survival and shortsightedness are influencing factors. In cases of sexual harassment, we see profound lack of understanding of the phenomenon by journalists, mainly male ones, but there are also women and girls who blame the victim of the sexual harassment starting with the dressing or "she wanted it herself." It is a disturbing fact that the phenomenon is denied categorically ("nobody forces you today") and this is done by the young journalists. Albania has problems of sexist, discriminating, and prejudicial reporting, but this requires that journalists themselves must first of all develop an understanding about these rights.

b.4 Poor economic condition of journalists and fear of losing their jobs

The majority of journalists are either young, or have families and live in rented places, or have loans to pay. In these conditions, losing a job due to participation in union activities, as demonstrated in quotes above, makes their reaction about working rights almost impossible.

Journalists are beings working 24 hours for their daily bread. All others, owners and media managers, have grabbed journalists from their bread, their inability to do another job, or be integrated into something else.

(journalist, print media)

Today, there may be some who react about delayed salaries, but they don't do it because they'd never get their money. (Gives an example.) There's nowhere for them to go if they are out of a job.

(journalist, visual media)

If I were dismissed from work, my friends would turn around to work. They don't react because there are people with families who have much bigger obligations than me; I have no family of my own; there are even those who have not been paid for two months and don't speak up because there is no other more certain place.

(journalist, portal)

I told them: what if 4 or 5 of us don't go to work, they won't delay salaries again. For a moment, everyone was stuck, there were thinking it over; and yet, they couldn't convince themselves to do it because fear of being dismissed at the

same time, making them an example, and my support for the person or colleague could only go that far.

(journalist, visual media)

c. Psychological-cultural factors

c.1 Pessimistic environment

Prevailing among journalists is a pessimistic environment about the improvement of the situation of their labor rights. It seems that the majority of them have reconciled with the situation, have given up, believing that this is a situation that may not be changed, because it is caused by factors outside them that are more powerful. The work of the journalist is not seen anymore as something with a reputation in the society or one that brings a positive impact. In these circumstances, journalists believe that their public reaction would not bring about anything new and they are in survival mode.

Journalists are seen and treated as slaves; I believe no country in the world, or very few countries may have just as despised a figure of journalists as in Albania.

(journalist, freelance)

Everything in journalism has disappointed me, starting from the labor market. The journalist is like a bulls' eye for all sides. One moment they give you the star, the next they knock you down, depending on the situation, interests, or moment you're in.

(journalist, portal)

I find with regret that today journalism is a very unsafe profession. In recent years, journalists face even hate speech by senior officials and threats of criminal organizations, forcing tens of them to look for safety for their lives in EU

countries. Personally, for three years, I have been persecuted, threatened, dismissed from work, and not allowed to get back to media due to the influence of censors.

(journalist, sued the employer)

If I could find a job with better conditions, even though I have spent 20 years of my life in the media, I'd abandon this profession.

(journalist, visual media)

2.3 Obstacles to regaining rights judicially

The factors that stop reporters from pursuing the judicial path to regain their rights are described in detail in this chapter. These factors have been analyzed profoundly and reconfirmed through methodological triangulation.

2.3.a Economic and social factors (society)

If a journalist decides to regain his/her rights judicially, he/she will face an economic and social environment that discourages such behavior.

At the start of this chapter, we analyzed the media market in Albania and the rapport of forces between journalists and media owners. We explained that the reasons that allow employers to abuse the journalists' rights are: media's self-financing ability, the "symbiotic" relationship between media owners and public officials, the lack of competition in the market, and the lack of solidarity among journalists.

In the Albanian media market, there are hundreds of radio and television stations, newspapers, and portals, but 80% of the audience is controlled by only 8 media owners.²⁶ In this market, the majority

²⁶ Ruci, Ani. "Family Business – the Myth of Pluralistic Media in Albania," Deutsche Welle, March 13, 2018.

of employers maintain low salaries and offer more or less the same employment conditions, which in turn limit the journalists' freedom to choose. On the other hand, the lack of financial resources makes losing a job very difficult; the journalist not only has no financial reserves to afford the period of finding a new job, but also finds it difficult to afford judicial expenses in the case of a lawsuit against the employer.

Another obstructing factor is the way in which the employment market operates in the media. The research data highlight that objective employment competitions in the media are almost inexistent. Human resources offices themselves have a secondary role as the recruitment of young journalists as well as their dismissals are often done directly (or under the supervision of) the media owner. This situation makes the labor relationship to be personal and not institutional, making the journalist very vulnerable to the opinions and prejudice of the media owner. This becomes particularly important if there is a social relationship and solidarity, in the circumstances of an oligopoly, between the owners of the main media outlets. A large part of journalists believe that between some media owners there is a collaborative relationship and they often agree to not hire a journalist who has left another media outlet.

Yes, many journalists to my knowledge do not file complaints, don't go against their employers, because the group of owners communicate with one another. Why did he leave? For what reason? And if he/she left that way [by trial], the person gets negative references. So, media owners communicate because they are a community very connected with one another.

(lawyer, representative of journalists in court)

It remains to be verified to what extent the media owners coordinate with one another to disallow the movement of media workers from one outlet to the other. But, in any case, the perception of journalists

is very important as it makes a large part of journalists weigh the consequences of a judicial lawsuit against the employer if they plan to continue their career in journalism.

The media market in Albania is a small one. So, if I sue him it means it is a relationship ruined for good. And it's better to resolve it in a friendly manner than make a very powerful enemy.

(experienced journalist, portal)

...The judicial process was a very big obstacle for me to restart work in the media. The way in which I followed the entire denunciation story, not only judicially but also in institutions... It has scared some newsrooms that know how to act and are afraid of a [similar] reaction [by me].

(experienced journalist, sued the employer)

For all the arguments provided above, journalists hesitate to start a judicial process against their employer, even when they are faced with the constant violation of their rights. In fact, there have been cases when journalists, after filing a lawsuit against the employer, withdrew from the judicial process without waiting for the court ruling.

Lastly, if journalists had more confidence in one another, which would lead to greater solidarity among them, then they could have collaborated for the judicial protection of their rights. Albanian legislation is deficient with regard to Class Action,²⁷ and yet, taking advantage of the room created by Article 161 of the Civil Procedure Code, or even individual but coordinated lawsuits, journalists have the possibility to jointly sue their employer in case of collective dismissals. Such an act, whereby a large group of employees would

²⁷ Respublica Center. *Class Action*. Tirana: Respublica, 2018.

sue the employer, not only would increase their chances to win, but also reduce the owner's possibility for 'retaliation.'

2.3.b Institutional factors (the state)

After the journalist has overcome the social obstacles to suing his/her employer to court, he/she will need to tackle the institutional obstacles. Such are the average time of a judicial process, the financial expenses of a trial, and the poor job of public institutions, which would assist the judicial process through the generation of evidence.

Lawyers interviewed for this research study, who represent in court journalists who have sued their employers, report that based on their experience, from the moment the lawsuit has been filed until the conclusion of the first instance court's trial, it takes at least one year. This length of time varies from one year to the other, but also depends on the judicial district, the judge, or the case. That is why the average time of a judicial process over labor relations is reportedly from 6 months (178) days²⁸ to about two years (677 days).²⁹ Though this is often shorter than other judicial processes, many interviewed journalists (44%) list the **length of the judicial process** as one of the main factors that stops them from suing an employer.

It is a bit of running around, to get a simple document in court, it takes three months... It would take at least one year of dragging out, considering how trials are procrastinated.

(young journalist, portal)

To take the case to court, I mean, the idea that the judicial process will take years, that's a strong deterrent. Maybe an institution that would help us not be alone, would be very

28 OSCE, Toward Justice. *Analysis of civil process in judicial district courts*, Tirana, OSCE, 2013.

29 InfoCIP Center. *Labor relations and defense in court*. Tirana: InfoCIP, 2019; "Open Court". Info CIP Center, accessed on February 15, 2020.

good, because I know that I won't be able to follow the case on my own. If there was a legal institution that protects us, then we'd be more certain about seeking our rights in court.

(experienced journalist, portal)

The *second obstacle* is the **financial cost of a judicial process**. The cost of a trial varies depending on the remuneration sought, the lawyer office, requested judicial services (e.g. expertise). However, on average, expenses for the first judicial instance varies between 100,000 and 200,000 leks.³⁰ This includes judicial fees and notifications, lawyer fees, and payment for the expertise.³¹ Although presently the Law no. 98/2017, dated 02/11.2017, On judicial tariffs in the Republic of Albania is in force since June 2018, it is yet to be implemented and, at present, the applied tariffs are those envisaged by joint Order no. 33, of 29.12.2014, of the Minister of Justice and the Minister of Finance “On the establishment of service fees actions and services of the judicial administration of the Ministry of Justice, prosecution office, and notary services,” which says in Annex 1, letter e) that the judicial tariff for labor relations is 0 leks. Meanwhile, journalists continue to pay a judicial tariff, which is an obstacle for journalists to go to court.

This financial amount is an obstacle for those media workers (such as journalists or cameramen) whose minimal salary varies from 25,000 to 35,000 leks. On the one hand judicial expenses are such that they can't afford them with their salaries (over 5 monthly salaries are required). On the other hand, the requested remuneration, which may be 3 or 5 monthly salaries, is so small that it doesn't justify judicial expenses.

30 Minister of Finance and Minister of Justice, Joint Instruction no. 33, dated 29.12.2014

31 Ministry of Justice, Tariffs for actions and services carried out by the judicial administration.

[Free legal aid] makes a difference among those journalists who have had ridiculous salaries... which cannot afford the payment of a lawyer, judicial expenses, taxes, etc.... In the case of a powerful journalist, with an image of his own, he won't come to get free legal aid but will go to known firms... He (mentions name of known journalist) doesn't need 100,000 of aid.

(lawyer, clinic providing free legal aid)

In these circumstances, free legal aid service would provide double benefits for journalists; not only would they spare them the necessary financial expenses, but would also spare them the necessary time to follow a judicial process, a time that journalists could use to continue work or look for a new job.

I insist on free legal aid because I am in the middle of the street, I exhausted my family. If it happens again, I'll think twice before doing it as it has been a very difficult history.

(editor, sued employer in court)

The *third institutional reason*, which deters media workers from following the judicial route is the **lack of necessary documentation** to prove the violation of workers' rights by the employer,³² starting with the very lack of employment contracts.

The lack of an employment contract does not stop the court from presuming a labor relationship, in the sense of Article 12 of the Labor Code. And, in many cases, the court has done precisely that, although journalists did not have a written contract with the employer. However, the lack of a contract does have a discouraging effect because many journalists believe that without a contract, they cannot go to court.

³² Rama, Artan. "5 dismissed journalists, no privilege from the media front." *Faxweb*, January 19, 2017.

At this point, more than the objective reality, it is the information and perception of journalists about the significance of the contract that makes the absence thereof an obstacle to the journalists' going to court.

If you have a contract, you can speak up. If you don't, you're insecure, because you have nothing to show [...] that I work there.

(journalist, portal)

This research study, like previous ones,³³ has highlighted that many journalists work without an employment contract, which makes it really hard to prove the labor relationship in a judicial process.

I have contacts with many journalists of online portals, and in many cases they have no contracts. My close friends, especially in the first 3 months, worked without contracts.

(young journalist, audiovisual media)

Nevertheless, while different sources report that many journalists work informally, without contracts or with contracts that do not show their full monthly without, the Labor Inspectorate presents an entirely different situation. According to SILSS, of 47 inspections throughout the country, it only encountered 4 employees without contracts; even these, after measures taken (by employers), the relationship with them was formalized too, thus leading to 0 informal workers in the media.³⁴

Albania adheres to the International Labor Organization (ILO) with no. 81 on "Labor inspections in trade and industry," ratified by law no. 8185, dated 23.01.1997. This convention envisages some standards

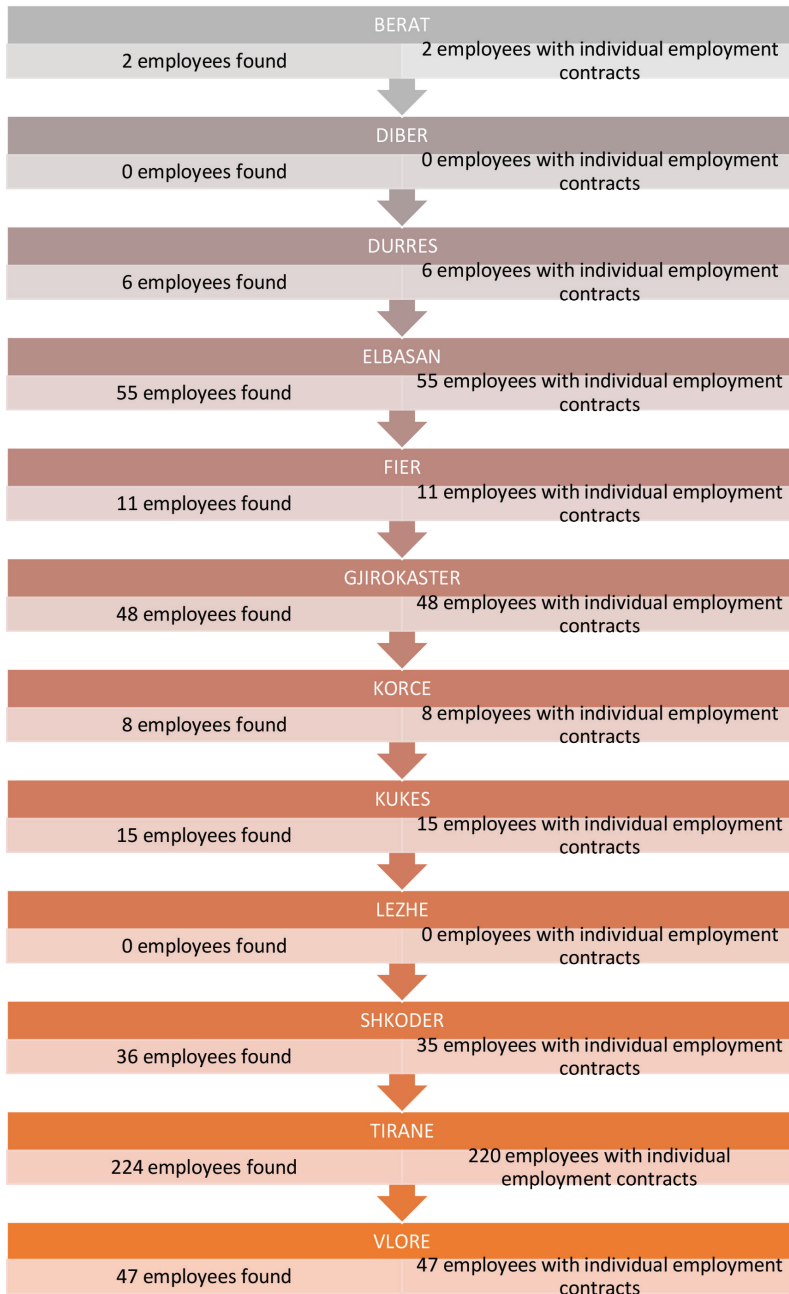
33 Institute for Development Research and Alternatives, *The Media Labor Market*. Tirana: IDRA, 2019

34 Official response no. 249/1 to the Albanian Helsinki Committee, dated 10.02.2020, by Arben Seferi, Chief Inspector of the State Inspectorate of Labor and Social Services.

that are not respected in Albania's conditions. One of these standards is in Article 12 of the Convention, which envisages that labor inspectors walk freely into workplaces subject to inspection and carry out all necessary actions to ensure respect for workers' rights. However, as was discussed at the start of this chapter, they are often under pressure to stay out of media premises. Even in other cases, they do go there but do not manage to carry out their tasks freely, not being able to report violations by the employer. The SILSS report mentioned above, which claims that there are 0 media workers without a contract is an indicator of this limitation. As a result, when the journalist seeks to sue the employer, he/she finds it hard to prove the violation of the Labor Code or tax legislation (for instance: overtime, lack of paid holidays, incomplete payment of social and health insurance), because the media owner may present as evidence the reports of inspectorates, which paint a completely different reality.

Fig. 10. Situation of informality in the media sector in Albania

Source: SILSS, 2020



Factoring in the lack of cooperation by colleagues, who according to reports refuse to testify in trials, the inspection reports assume a very important role in the judicial process. And when they do not reflect reality, they turn into an obstacle to the delivery of justice.

It has not been easy; in each judicial process there is room for the manipulation of situations or for unjust processes. Among these, there have been unjust decisions, because facts are required and when the journalist files a lawsuit, he/she has the burden of proof to prove the injustice and the unjust act that befell him/her.

(journalist, sued employer)

There is no control, not by the labor inspectorate nor by other tax bodies, which should control this process. So it starts right there... I cannot blame the judiciary at this point more than the state bodies that do not generate sufficient evidence.

(lawyer, clinic providing free legal aid)

This symbiotic relationship between inspectorates and media owners, described in detail at the start of this chapter, has been summarized clearly by a young journalist: “that is why he [the inspector] says ‘don’t bother him! I don’t go to him, he doesn’t come to me.’”

2.3.c – Cultural environment and individual psychology (the individual)

The elimination of institutional obstacles explained above would not automatically guarantee the journalist’s freedom to regain his/her rights in a judicial manner. In fact, in spite of the importance of free legal services, only 18% of surveyed journalists say that if the judicial process were free, they would have sued their employer, even if he violated their rights.

Therefore, after discussing the obstacles coming from society and the state, let us go deeper into the obstacles that are related with the

individual, as a result of his/her psychological (cognitive) situation or the internalization of some norms that are related to the cultural environment. This part is separated from the social factors discussed above because the internalization of cultural norms is an individual matter, and not all individuals respond in the same manner. For instance, although toleration of abuse may be part of the work culture, the journalist chooses to accept it or challenge it judicially.

The *first obstacle* in this category is the **lack of information among media workers regarding labor rights**. Research data show that the majority of journalists, particularly young journalists, are uninformed or partially informed about the rights guaranteed to them by the Labor Code. Half of the surveyed journalists (50%) declare that they did not have an opportunity to consult a lawyer about their employment contract.

The great paradox is that people should be more informed about labor rights and journalists are actually very uninformed about the law, their rights, and so on.

(experienced journalist, audiovisual media)

Information on the law is important because no journalist may sue the employer in court for a violation that it does not recognize as a violation of the law. However, in many cases, it is precisely the belief that rights will be violated anyway that demotivates journalists to inform themselves more about labor legislation.

Question: *Do journalists know their labor rights? How informed are they?*

Answer: *Generally, they don't. Even the contract they sign, they only ask "where do I sign" and that's it. They sign it without reading it.*

(young journalist, portal)

I started with an internship; the contract was given to me and I just signed it. I think we are somewhat informed, but generally we are discouraged because we think that anyway our rights will be violated, so why read it in vain.

*(young journalist,
audiovisual media)*

Another factor that is deterring is the **social relationship among journalists and their employers**, as well as the **stigma of the judicial process in the society**. As was discussed above, the labor market in the field of media is such that the employer treats employment as a personal “favor” to the employee. As a result, many journalists, mainly young ones, feel a moral obligation to demonstrate their gratitude by being submissive, or by tolerating the violations that the employer may commit. Such a mentality adds to the psychological burden of filing a suit against the employer, even when the employer openly violates rights guaranteed by the labor legislation.

If the owner delays your salary, would you sue him?

That's an embarrassing question, but if someone who helped you a lot and maybe there was a delay, it could be acceptable, maybe a favor for a favor; that's how it is in Albania today... I don't know if I'd be able to do it. For the moment, you feel indebted, someone gave you, you need to give too. If this salary delay is something you should give. It is more a character issue that I'm not ungrateful and it has to do with gratitude.

*(young journalist,
audiovisual media)*

Also, seeing the trial as a very serious process from a psychological standpoint, many journalists, based on emotional reasons, choose to take the judicial path as a form of regaining their rights.

I said it before that there is an emotional burden in suing your boss, with whom you have a friendly relationship.

(young journalist, portal)

Third, the high tendency to emigrate may deter journalists to start a judicial process. In fact, 15% of interviewed journalists say that plans for emigration in the near future stop them from suing their employer. It should be emphasized that these are just wishful expectations of journalists and not necessarily concrete plans for emigration.

The Albanian society is characterized by a high desire for migration, with about 360,000 Albanians applying annually for the American lottery,³⁵ part of which are journalists. On the one hand, these desires or plans may deter journalists from starting a judicial process toward employers, because they think the process may stretch out beyond the time they plan to be physically in Albania. On the other hand, they may have a psychological effect, with many journalists treating the *status quo* as a transitory problem, one that is not worth engaging to resolve.

Today, it's worse. People used to be more idealistic; maybe we hoped one day it would be better, but we don't say that anymore. I really think about how to leave Albania. It is not worth it to be a journalist in Albania although it seems as if there is work. I don't know what the future of journalism will be like. Owners do not care about having a good journalist; they only need a parrot or a mechanic that will read their sheets of paper. I would not want my son to be like that. I would like to have another profession

35 "367'231 Albanians applied this year for the American lottery." *Exit.al*, August 27, 2018

that I could work on outside Albania. With what I have, I can't work anywhere. It is too late now.

(journalist, visual media)

Fourth, it's the overwhelming culture of **tolerating violations** in the media market. This culture of tolerating violations has at its foundation the acceptance of a high-distance hierarchical relationship, whereby both the person who is subdued and the person commanding agree that this is the type of relationship they should have.

I for instance do not have the freedom to speak about work problems with the editor, but we express these among journalists. I don't know if the editor would understand about these problems, but I hesitate to complain to him. I don't know where the root of this hesitation among us journalists is and I've noticed in other media I've worked at too.

*(young journalist,
audiovisual media)*

I think journalists in Albania often talk about their problems with owners, as a way to justify their submission. And then they say, "Well, the editor's conditions aren't that good either. He suffers too." There is extraordinary hesitation to ask about the salary. When my contract was renovated, I hesitated for a long time to ask about my salary. My colleague didn't ask at all; after three days, I took the courage to ask the editor about it. It was a difficult situation and none looked at the other in the eye.

(young journalist, portal)

In other words, tolerating violations has spread among both sides, both among employers and among journalists. On the one hand, employers prefer to bring in journalists who do not speak up about

their labor rights. On the other hand, journalists themselves have accepted violation of their rights as something ordinary.

The expectation is that they do not want a stand-up person, but someone tolerant toward oppression. I say that not just about journalism... They don't want people like this... Even if the person changes the media outlet, he/she will find the same environment...

(lawyer, journalists' representative)

A part of journalists tolerate violations, not because they agree, but because they give up; they see themselves as powerless to change the reality. The other part sees violations as something normal and acceptable for the type of work and, therefore, do not have the motivation to seek a different relationship.

Employers will never respect the Labor Code because the media is a private business and therefore, exploitation is a principle. Journalists don't want it either.

(Journalist association)

If you look at my employment contract, it's as if I work at CNN. But that's journalism. There are no hours. If the news is out, you'll have to go there. The main principle is that there are no hours and then come the other things.

(experienced journalist, audiovisual media)

Salary delays are ordinary. It is like electricity; if lights go out, it doesn't impress us anymore. One week, two weeks of salary delay, it's not like they do anything. From what I've seen, it has been worse in the past but now the situation has improved.

(young journalist, portal)

This culture of tolerating abuse, in fact, is seen as extending over several very delicate aspects, such as sexual harassment in the workplace. As discussed above, we noticed during focus groups and individual interviews that some female journalists accept such phenomena as normal in the workplace.

Women are just as guilty as those harassing them. It is so rare that nobody forces you. There are cases when you have a single owner and you're single too, and it's normal that he'll try it.

(experienced journalist, audiovisual media)

Why does the boss harass only one and not all of them? Maybe there's something there... a provocation. Maybe it has to do with the way they dress. A boss has so many women working, why harass only one?

(young journalist, portal)

Of course there are many young and old journalists who refuse to accept as something normal the violation of their labor rights, but there is a considerable number who accept violations as normal part of work. The latter are less inclined to sue their employer in court. At this point, the concern is about the creation of a vicious circle whereby the fewer people address the court, the more frequent are the cases of violations not being punished, and the more present will be the tendency to treat them as part of work. This risk is much greater for young journalists who find in the media such an environment of abuse of their rights and accept it as something unchangeable.

We are expecting the young in a very pessimistic environment. Instead of teaching them with the idea that you need to demand your rights, get closer to more developed countries, we expect them to a gloomy environment, whereby we say, lower your

head because if they want, they can remove you from work.
(editor, audiovisual media)

Lastly, after the journalist has overcome all obstacles described above, he/she runs into the last obstacle, which is the **confidence that the court** will issue a ruling in his/her favor. There is a general lack of confidence in the impartiality of the courts, with about half of surveyed journalists (45%) say that if they sue their employer, he will win the case even if evidence is on the side of the journalists.

Question: So you have no confidence in justice? [some participants in focus group laugh]

Answer: (smiling) *If justice released X person yesterday, how can we?*

Question: Do you believe it would be resolved if you took it to court?

Answer: *No, because I see the judiciary every day and I see important cases not being resolved, let alone...*

(Young journalist, audiovisual media)

At this point, we have not been able to verify the factual impartiality of courts. However, this matters little as long as there is the perception on the courts, and not necessarily the facts, that encourage or discourage journalists to demand the reinstatement of their rights through a judicial process.

Courts may issue rulings in favor of journalists, as has happened in most of the cases, but if journalists believe that the decision will favor the media owner, they will hesitate to take the case to court. We are in front of a *self-fulfilling prophecy*,³⁶ whereby the lack of confidence

³⁶ Merton, Robert K. "The Self-Fulfilling Prophecy." *The Antioch Review* 8, no.2 (1948): 193-210. Accessed January 10, 2020. Doi:10.2307/4609267.

makes journalists to not go to court and as a result there are no success cases to refer to.

This may explain why the number of lawsuits against employers in the media is a total of 68 for 2019, while only in one month, the Tirana Judicial District Court registers about 600 lawsuits against other employers.³⁷

³⁷ Tirana District Court, Official internet website, accessed on February 10, 2020

CHAPTER 3

Recommendations

As has been discussed above, the violation of journalists' labor rights is less a result of lack of legislation than of the failure to respect it. In the circumstances of a functional rule of law, it is precisely the executive that guarantees implementation of the law. As a result, labor rights envisaged by the lawmaker should be guaranteed by the inspectorates that report to the Executive, such as the Labor Inspectorate (SILSS) and the Tax Inspectorate (GDT), which report to the Ministry of Finance. However, this becomes impossible in the circumstances when the media is in a symbiotic relationship with the state through the development of other economic activities aside from media operations, when corruption of public officials is high,³⁸ and when institutions are still too weak to operate independently from the will of their leading official. As discussed above, the media have the ability to threaten officials who run the inspectorates and these have the capacity to paralyze the work of the inspectorates. Therefore, the journalist is often unprotected in front of the media owner.

At this point, when the third party that should guarantee the law does not carry out its duties, the only solution remains equality between the parties. In fact, the rules assume meaning between equal parties that

³⁸ Transparency International, *Corruption Perception Index*. Berlin: Transparency International, 2019.

interact upon free will and none of the parties can force the other party to act, except for as an expression of mutual interest.

However, as was discussed above, the relationship between media owners and journalists is profoundly unequal. On the one hand, we have leaders of television stations who are very powerful economically and have built a media profile that does not necessarily have to hire professional journalists. On the other hand, we have journalists who are very weak economically and operate in a closed market, which not only does not have high demand for their services, but there is even excessive supply. This happens because often, the services required by media owners (such as preparing blackmailing articles) may be offered by a large part of people who are not trained professionally.

In these circumstances, our recommendations suggest difficult interventions because the situation is such that it requires profound and complete reform. The experience of the last years has shown that partial interventions have not yielded the desirable results because, in essence, they have not managed to improve the standing of the journalist vis-à-vis the media owner.

Hence, the following recommendations:

Political interventions:

- 1. Promotion of organizations offering free legal services for media workers.** As was discussed above, free legal service offers journalists dual benefits: it lifts the financial burden and it saves them the necessary time to follow a judicial process. At this point, the empowerment of journalists' trade unions and financial support and promotion of non-profit organizations that offer such services for journalists would help them realize their rights in a judicial manner.

- 2. Empowerment of the public media.** Albanian taxpayers pay every year 9 million euros for TV set, which go to Albanian Radio and Television (RTSH), and 11 million euros are given by the state budget. More efficient management of funds, a more transparent recruitment structure, and a revision of journalists' salaries would make the outlet more competitive in the media market and would provide a competitive alternative for journalists. Also, the administration and leadership structures of the public broadcaster should be revised so as to avoid concentration of power in a few hands, as well as ensure financial and administrative control. The improvement of RTSH's standing in the market would contribute to raising standards by the media, particularly with regard to the treatment of journalists.
- 3. Promoting local community media.** The state should guarantee the existence of local media outlets by creating a fund for local community media outlets, such as local electronic newspapers. Britain's example may be taken for the creation of such local community outlets, where such forms of media ownership have been applied for some time. They serve to create a protected space both for the public and for journalists.

Legal interventions:

- 1. Liberalization of the media market** and the fight against concentration of media ownership, restoring the ceiling quota for shares in audiovisual media, according to recommendations of the European Commission and the OSCE. The law on audiovisual media in the RA should envisage limits on the shares that a subject may hold in a media outlet. The law should also

envisage a quota of protected shares, which should be given to workers, making them co-owners in the media outlets they work at. These changes should be made by following the interpretation that the Constitutional Court made of articles 11, 22 and 23 of the Constitution, in decision no. 56, dated 20.07.2016. Furthermore, the time has come that, also in reference to recommendations by international bodies, the lawmaker through legal provisions and the Constitutional Court through constitutional interpretation (if that's the case) re-evaluate their position regarding the liberalization of the media market, as a function of guaranteeing freedom of expression and the improvement of media quality, avoiding owners' conflict of interest.

2. We recommend amendments to the Penal Code regarding criminal offenses committed against journalists and media workers because of their duties, in order to envisage special protection for them, increasing their safety in the workplace.

3. Protection of the freedom of journalists' trade unions.

We recommend the amendment of law 97/2013, on audiovisual media, to include the application of measures envisaged in article 132, paragraph 1, on employers who limit the union rights of media workers, and particularly violate Article 184 of the Labor Code; or do not respect the obligations emerging on the collective employment contract, according to provisions of the Labor Code, articles 159-175, and Convention 154 of the International Labor Organization "Collective Bargaining" (1981), ratified by the Republic of Albania by law no. 8856, dated 07.02.2002. These recommended sanctions should be applied in parallel with sanctions envisaged in article 202 of the Labor Code.

For Oversight institutions:

1. In respect of article 6 of Convention 81 of the International Labor Organization, ensure the independence of the Labor Inspectorate from the executive and guarantee the independence of inspectors, limiting the power of the institution head to dismiss them from work and to influence inspections.
2. In respect of article 7 of Convention 81 of the International Labor Organization “On labor inspections in trade and industry,” inspectors should be trained on the specifics of working in the media and the highlighting of violations of labor rights. Pursuant to article 9, inspection teams should consist of experts from different areas, familiar with issues of working in the media, to include representatives of journalists’ unions or associations.
3. The Central Inspectorate should envisage a calendar of periodical and coordinated inspections of all media outlets, including online media. This requires the Labor Inspectorate to classify media as a special category for inspections and not as part of ‘other’ subjects. Meanwhile, the Tax Inspectorate should classify it under high-risk categories. These controls should be done in respect of articles 16 and 17 of Convention 81 of the International Labor Organization “On labor inspections in trade and industry,” which envisages that controls should be conducted as often as necessary in order to guarantee respect for labor rights.
4. The SLI should conduct inspections regarding respect for rights deriving from the Labor Code both during the probation period and during the existence of an employment relationship, as well as the regular payment of social and health insurance on actual salaries, including the payment of overtime, timely payment, etc., as well as the conduct of thematic and calendar inspections

on working conditions, hygiene, and employer's respect for obligations deriving from the Labor Code.

5. The Commissioner for Protection against Discrimination should undertake with his own initiative and pursuant to provisions of law no. 10221, dated 04.02.2010, surveys in the media to identify discrimination based on sex, age, or ethnic background, or gender-based sexual harassment.
6. Pursuant to article 32, law no. 10221, the Commissioner for Protection against Discrimination should have a proactive role and start administrative investigations in media newsrooms to identify cases of discrimination or abuse toward female journalists (gender-based discrimination), toward students of journalism or new graduates (age-based discrimination), etc. Should the Commissioner identify sexual harassment, he/she should refer the cases to the prosecution office, pursuant to provisions of the Criminal Code.
7. Creation of legal mechanisms and their training, on fast and priority treatment by the police of denunciations by journalists about threats related to their profession, thus increasing their safety at work.

For Civil Society:

1. Journalists' Unions and Associations may follow the model of organization of similar European unions and consider the possibility for membership there in, in order to secure international support for their activity. Also, cooperation with the International Labor Organization (ILO) should be increased both for the protection of labor rights of journalists, by working to improve legislation, and for increasing professional capacities.

2. Journalists' associations should plan for a special fund to cover judicial expenses of their members, both when they sue their employers and when they are sued by third parties due to their work.

3. Journalists' unions may consider the possibility to collaborate with insurance companies in order to provide journalists private economic aid, when they suddenly lose their jobs or when they are involved in a judicial process with their employers. Such a guarantee would create greater self-confidence among journalists, making them more inclined to pursue the judicial path in cases when their labor rights, guaranteed by law, are violated.

RESEARCH BIBLIOGRAPHY

UN General Assembly, *Universal Declaration of Human Rights*. 302, no.2 New York: UN, 1948 URL: <https://www.un.org/en/universal-declaration-human-rights/>

Journalism Department, University of Tirana, *Survey, where do Albanians obtain information from?* Published on *Dritare.net*. Accessed on January 15, 2020. <https://dritare.net/ku-informohen-shqiptaret-mediat-e-shkruara-humbin-poziten-televizioni-akoma-i-forte/>

“Albanians give up on television, this is where they get most information from.” *Newspaper Express*. June 03, 2019. <https://www.gazetaexpress.com/shqiptaret-heqin-dore-nga-televizioni-ja-ku-informohen-me-se-shumti/>

Freedom House, *Freedom in the World*. Washington D.C: Freedom House, 2019. URL:https://freedomhouse.org/sites/default/files/Feb2019_FH_FITW_2019_Report_Forweb-compressed.pdf

Open Society Foundation, *Online media landscape in Albania..* Tiranë: OSFA, 2018 URL:http://www.osfa.al/sites/default/files/peiza-sh_i_medias_online.pdf

Kabashi, Gëzim. “Digitalization costs shut down local television stations.” *BIRN*, November 9, 2019 URL: reporter.al/kostot-e-dixhitalizimit-mbyllin-televizionet-lokale/

Institute for Development and Research Alternatives, *Labor market in the media*. Tirana: IDRA, 2019 URL: <https://idracompany.com/files/>

ALB-Studimi%20mbi%20hendekun%20e%20aft%C3%ABsive%20n%C3%AB%20media.pdf

Institute for Development and Research Alternatives, *Media landscape in Albania*. Tirana: IDRA, 2019

Albanian Center for Quality Journalism and Citizens Channel, *Seeking fair labor rights – Review of the future of young journalists and future journalists*. Tirana: Citizens Channel, 2019 URL: <https://citizens-channel.com/2019/10/23/studim-duke-synuar-kushte-te-drejta-pune-shqyrtim-i-te-ardhmes-se-gazetareve-te-rinj-dhe-atyre-te-ardhshem/>

Seferi, Arben (Chief Inspector of the State Inspectorate of Labor and Social Services), Official Reponse no. 249/1 to the Albanian Helsinki Committee, on 10.02.2020

Lamallari, Besfort (Deputy Minister of Interior) on *Opinion* show, September 2018. URL: <https://tvklan.al/alarmi-i-zv-ministrit-platforma-mediatike-paguhen-nga-grupe-kriminale/>

Picari, Mimoza. “Media, journalists exposed to labor informality.” *Voice of America*, May 20, 2019. URL: <https://www.zeriamerikes.com/a/4924682.html>

Constitutional Court. Decision no. 56, dated 20.07.2016. URL: http://www.gjk.gov.al/web/NJOFTIM_P_R_MEDIAN_1191_1.php

Balkan Investigative Reporting Network, *A Blind Eye on News: Self-censorship in the Albanian media*. Tirana: BIRN, 2015. URL: <https://birn.eu.com/wp-content/uploads/2017/05/Raport-mbi-vetecensuren-ne-median-shqiptare.pdf>

Vlahutin, Romana (The head of the EU Delegation to Albania). Letter to the speaker of the Parliament. June 19, 2015. URL: <https://www.reporter.al/wp-content/uploads/Vlahutin-per-asitencen-per-p.l-Balla1.pdf>

Erebara, Gjergj. “OSCE seeks return of limits on media ownership.” *Reporter.al*, September 5, 2019. URL:<https://www.reporter.al/osbe-kerkon-rikthimin-e-kufizimit-te-pronesise-ne-media/>

European Commission, 2019 Progress Report on Albania. Brussels: European Union, 2019. URL:<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

Ruci, Ani. “Family business – the Myth of pluralistic media in Albania.” *Deutsche Welle*, March 13, 2018. URL:<https://www.dw.com/sq/biznes-familiar-miti-i-medias-pluraliste-n%C3%AB-shqip%C3%AB-ri/a-42952443>

Respublica Center. *Class Action*. Tirana: Respublica, 2018. URL:<https://www.respublica.org.al/wp-content/uploads/2018/07/Studimi-per-padite-kolektive-ok.pdf>

OSCE, *Toward justice. Analysis of civil processes in judicial district courts*. Tirana: OSCE, 2013. URL: <https://www.osce.org/sq/albania/100389?doenload=true>

InfoCIP Center. *Labor relations and defense in court*. Tirana: InfoCIP, 2019. URL:<http://www.infocip.org.al/wp-content/uploads/2019/02/Kohezgjatja-e-shqyrtimit-gjyqesor-administrativ-2017-2018-gjykataehapur.pdf>

“Open Court,” InfoCIP Center, accessed on February 15, 2020. URL:<https://www.gjykataehapur.al/vleresimi-i-kohezgjatjes-gjyqesore-ceshtje-civile-gjykata-e-faktit-tirane-2018-2/>

Minister of Finance and Minister of Justice, *Joint Intruction no. 33*, dated 29.12.2014. URL:http://www.pp.gov.al/web/udh_zim_i_p_rbashk_t_per_tarifat_e_adm_958.pdf

Ministry of Justice, *Tariffs on actions and services conducted by the judicial administration*. URL:https://drejtesia.gov.al/wp-content/uploads/2018/05/Tarifat_e_reja.pdf

Law no 98/2017, dated 02/11.2017, *On judicial tariffs in the Republic of Albania*. URL:<https://qbz.gov.al/eli/fz/2017/225/70dc1615-0bab-42f7-a89a-25cb19cf7b15;q=98%2F2017>

Rama, Artan. “5 dismissed journalists, no privilege from the media front.” *Faxweb*, January 19, 2017. URL:<https://www.faxweb.al/5-gazetaret-e-shkarkuar-asnje-privilegj-nga-fronti-mediatik/>

“367,231 Albanians applied this year for the American lottery”. *Exit.al*, August 27, 2018 URL:<https://exit.al/2018/08/367231-mije-shqip-tare-kane-aplikuar-kete-vit-per-llojarine-amerikane/>

Merton, Robert K. “The Self-Fulfilling Prophecy.” *The Antioch Review* 8, no.2 (1948): 193-210. Accessed January 10, 2020. Doi:10.2307/4609267.

Gjykata e Tiranës, aksesuar në 10 Shkurt 2020 URL:<http://www.gjykatatirana.gov.al/>

Transparency International, *Corruption Perception Index*. Berlin: Transparency International, 2019. URL: <https://www.transparency.org/cpi2019>

ANNEX 1

Instruments

R.1 Interview Code		
R.2 City:		
R.3 Institution:		
R.4 Date: ___ / ___ / 2019	R.5 Time : ___ : ___	R.6 Length: _____ <i>min.</i>
R.7 Age: a.18–25 b.26–30 c.31–40 d.41–50 e.51–65 f.>65	R.8 Sex: M F	
R.9 Profession/role: a.TV journalist b.portal journalist c.editor d.chief editor/director of information e.Union/NPO f. media owner g. lawyer i. administration employee o. Other__		
R.10 Professional experience (years of work): a. 1-4 years b. 5-15 years c. over 15 years		
R.11.a Maximal education completed a) high school b) university c) graduate d) PhD e) other		
R11.b a. all degrees abroad b. one/several degrees abroad c. no degree abroad		



ENHANCED INTERVIEW

JOURNALISTS

Let's start with a general question: are you satisfied with your profession?

What is not right, concerning the working environment?

Have there been moments when you thought of leaving your job because of the working conditions? And to leave your profession altogether? If yes, how many times? What was the reason that made you stay?

When you entered into a contract for the first time, did you consult a lawyer? If not, why?

Can you say that you know well the rights guaranteed to you by the Labor Code?

Did you do a probation period? Did you sign a contract when you were taken on for a probation period? What happened after the probation period?

Is your job described in detail in the employment contract? Is it respected by the employer? Does it happen often that you complete tasks that are not in your job description?

What do you think, why doesn't the employer respect the Labor Code?

What professional and education training does your employer have?

Do journalists speak openly about these violations of rights? If yes, where do they do so? What are the mediums and instruments for complaints? If not, why don't they react?

Do you know of cases when someone from your community reacted about these violations? If yes, what happened afterwards?

Are you aware of any case when someone reacted and won their rights? If yes, why do you think they succeeded? What influenced that case?

Did it happen to you or were you a witness to any case when journalists' rights were violated by the employer, by the owner directly, or one of the officials in the media hierarchy?

What did you do in that case?

Why didn't you react? What was the obstacle?

If it were up to you, what would be two things that you would do to disallow the violation by many media owners of journalists' rights?

What do you think should be done to make journalists react publicly to protect their rights?

How can the process of judicial complaints be facilitated for journalists?

Is there anything on this topic that you would like to discuss but did not get a chance to during this interview?

QUESTIONNAIRE

A- General information

A1. Years of work:

a. less than 5 years b. 5 to 10 years c. Over 10 years

A2. City:

A3. Age::

a.18–25 b.26–30 c.31–40 d.41-50 e.51-65 f.>65

A4. Sex

M F

A5. Education:

a. high school b. university c. graduate d. PhD e. Other

A8. Which of the following statements is true (mark with a cross)?

I studied in Europe and/or the the U.S.

I lived and worked in Europe and/or the U.S.

B- Solidarity

B1. If a media owner delays salaries for more than two months, what is most likely to happen?

- a. Journalists will protest inside the offices, but the story won't come out
- b. Journalists will make the issue public in their media outlet or other outlets

- c. Journalists will sue the media owner
- g. Journalists won't do anything else but will wait until the owner pays the delayed salaries

B2. If you were dismissed unjustly from work due to your political conviction, what is most likely to happen? (Circle all that are true)

- a. My journalist colleagues will protest to the employer
- b. My journalist colleagues will protest publicly
- c. Journalists' associations will react publicly
- d. Known journalists in the country will denounce the injustice
- e. Nothing will happen

C- Difficulties

On a scale of 1 to 5, where 1 = 'always true' and 5 = 'always untrue,' on the following statements		Always true	True	Neither	Untrue	Always untrue	DK / DĚA
1	In the media outlet I work at, women feel certain that pregnancy doesn't have a negative impact on their labor relationship	1	2	3	4	5	9
2	In the media outlet I work at, all journalists have employment contracts	1	2	3	4	5	9

On a scale of 1 to 5, where 1 = 'always true' and 5 = 'always untrue,' on the following statements		Always true	True	Neither	Untrue	Always untrue	DK / DĒA
3	In the media outlet I work at, only favorite journalists of the bosses have permanent employment contracts	1	2	3	4	5	9
4	In the media outlet I work at, nobody works more than 40 hours per week (8 hours/day for 5 days/week)	1	2	3	4	5	9
5	In the media outlet I work at, salaries are never delayed more than 5 days than the time set in the contract	1	2	3	4	5	9
6	Everytime I worked after 22:00 hrs, I got at least 50% of overtime payment.	1	2	3	4	5	9
7	I am always off on Sundays	1	2	3	4	5	9
8	I feel insulted by the way the employer speaks to me, the language he uses or tone of voice	1	2	3	4	5	9
9	My salary is paid fully in the bank	1	2	3	4	5	9
10	My employer does not pay my social or health insurance	1	2	3	4	5	9
11	In the media outlet I work at, promotion is based on merit and skills	1	2	3	4	5	9

On a scale of 1 to 5, where 1 = 'always true' and 5 = 'always untrue,' on the following statements		Always true	True	Neither	Untrue	Always untrue	DK / DĒA
12	In the media outlet I work at, male journalists are paid more than their female colleagues	1	2	3	4	5	9
13	I don't feel pressured by persons of the other sex, who are in a hierarchic position vis-à-vis myself	1	2	3	4	5	9
14	The owner of the media outlet I work at has never dictated the contents of the story or article I've published.	1	2	3	4	5	9
15	I have not been able to consult a lawyer about the contract before signing it	1	2	3	4	5	9
16	I know of cases of journalists who were victims of sexual harassment in one media outlet I worked or work now.	1	2	3	4	5	9
17	The employer has created the possibility for me to participate continuously in training and professional qualification programs.	1	2	3	4	5	9
18	As a journalist, I am afraid to go against the editorial line of the media outlet I work at	1	2	3	4	5	9

E.1 If you compare yourself to others in your community, where do you think the current financial condition of your family is at?

Very poor										Very rich	
1	2	3	4	5	6	7	8	9	10	DK	
										98	

D- Obstacles

In a scale of 1 to 5, whereby 1 = ‘fully disagree’ and 5 = ‘fully agree,’ say how much you would agree or disagree with the following statements:

	Fully disagree	Disagree	Neither	Agree	Fully agree	DK / DĒA
1 I believe that if an employer violates the Labor Code, I can sue him in court and the decision will be in my favor	1	2	3	4	5	9
2 If I raise my voice against the owner of the media outlet I work at, none of my colleagues will support me	1	2	3	4	5	9
3 If I complain publicly about the owner of the media outlet I work at, my family members will criticize me	1	2	3	4	5	9
4 I do not believe in the courts because they are corrupt and if the journalist sues the media owner, the decision will be in the owner’s favor, even when there is evidence that he violated the Labor Code.	1	2	3	4	5	9

5	If I have a problem with the owner of the media outlet I work at, I feel protected by journalists' associations	1	2	3	4	5	9
6	If I have a problem with the media owner, it would be fairer to resolve it socially and not through court	1	2	3	4	5	9
7	Female journalists find it harder to sue the owner of the media outlet they work at	1	2	3	4	5	9
8	If I sue the owner of the media outlet I work at, I risk being left even worse economically	1	2	3	4	5	9
9	If the judicial process were free, I would have sued the owner of the media outlet I worked or work at now.	1	2	3	4	5	9
10	Male journalists find it harder to complain publicly if they have not been paid their salary	1	2	3	4	5	9
11	I believe that if I sue the media owner, the court will decide in my favor, but judicial processes last for years and it's not worth it	1	2	3	4	5	9
12	It is not worth it to complain against the media owner because he has all possibilities to take revenge	1	2	3	4	5	9
13	I would have sued the owner of the media outlet I work at, but I plan/ expect to leave the city (or Albania) in the near future.	1	2	3	4	5	9

INSTRUMENT FOR FOCUS GROUP

Media Journalists (print, online and audiovisual)

General situation of respect for labor rights

- How do journalists feel about their profession?

Examine: Differences in responses provided by journalists by their age and expertise (young vs experienced); sex (differences between male and female); and type of media (is the situation different for journalists working for online portals?).

- Do they feel that their employers respect journalists' labor rights?
- Do they recognize rights guaranteed by the Labor Code?

Examine: What type of work do they do in the newsrooms? How many hours do they work for? Do they have employment contracts? Are contracts respected? Is overtime, work on holidays paid? Do they get paid holidays? Are they paid when sick? Do they get bonuses? For women, do they get/get paid maternity leave, after birth? Are there facilitations at work after birth according to the Labor Code's provisions?

- If not, why do owners violate labor rights?

Examine: Aside from economic benefits, are there other social factors that influence the abusive behavior of owners? For instance: arrogance, low esteem for journalists?

- Which are the forms of abuse? Explain how journalists' labor rights are violated?
- Examples where they are witnesses of cases of violations of the Labor Code

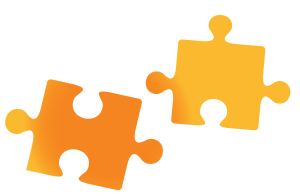
Reasons for not “reporting” violation of labor rights

- Do journalists speak openly about disrespect for labor rights?
- If yes, where? Why?
- Do they speak in the media about these problems? If yes, why?
- Do journalists go to court to seek respect for rights guaranteed by the Labor Code? If not, why?
- Examples they know of journalists going to court.

Examine: *If they have not come out so far, examine factors below on obstacles that journalists face to denounce violation of their labor rights*

- a- Institutional (reasons)
 - a. Lack or inefficiency of judicial complaint mechanisms
 - b. Lack of unions, their weakness
 - c. Financial obstacles to start judicial process
 - d. Length of judicial processes
 - e. Legal framework leaves room for abuse

- b-** Cultural and social (reasons)
 - a. Lack of knowledge of the Labor Code
 - b. Lack of confidence in courts
 - c. Lack of confidence in their force to face the owner
 - d. Lack of professional solidarity
 - e. Discouraging examples, examples of journalists who did not make it, or were punished even more
 - f. Social pressure on relationship of trust and tendency to not involve state in the resolution of conflicts
 - g. Financial pressure, need for money and inability to wait for the resolution of the problem



 069 4075732 / 0682023699

 +355(0)4223 3671

 office@ahc.org.al

 Rr. Brigada e VIII, Pallati Tekno Projekt,
Shkalla 2 Apt 10 Kati 6, Tirana, Albania

