

# Policy Statements

German Federation of Journalists



GEWERKSCHAFT  
DER JOURNALISTINNEN  
UND JOURNALISTEN

DEUTSCHER  
JOURNALISTEN-  
VERBAND



**Publisher:**

**Deutscher Journalisten-Verband  
– Gewerkschaft der Journalistinnen  
und Journalisten –  
Bundesvorstand**

Charlottenstraße 17

10117 Berlin

Telephone +49 330-72627920

Fax +49 330-726279213

E-Mail [djv@djv.de](mailto:djv@djv.de)

Homepage [www.djv.de](http://www.djv.de)

Responsible for contents:

Kajo Döhring

Production:

in puncto druck + medien gmbh, Bonn

August 2012

since June 2017: Torstraße 49, 10119 Berlin

# Contents

<b>Preamble</b>	4
<b>German Federation of Journalists</b>	5
<b>Policy on principles of organisation</b>	6
<b>Collective bargaining/social policy</b>	7
Freelance journalists	8
Equal opportunities/family policy	8
<b>Media policy</b>	10
Press	11
Electronic media	11
<b>Training/advanced and further education</b>	16
<b>International relations</b>	17



# Preamble

In a democratic state, the press and broadcasting are assigned with informing citizens in a manner enabling participation in the process of formation and decision-making regarding democratic opinion.

Therefore, the German Constitution has vested the mass media with the fulfilment of their journalistic function and has raised the status of liberty of information to a fundamental right.

The press and broadcasting rights certified by the constitution shall be in accordance with journalists' obligation to report fairly and objectively.

Rights and obligations, and the responsibilities and tasks of each journalist in Germany are derived from the constitution and the order of precedence of its fundamental rights.

The particular task and responsibility of journalists is to protect the rights of every citizen to respect and protect human dignity, free personality development and liberty of information from generally accessible sources.

The rejection of intolerance, racism totalitarianism and xenophobia are basic ethical principles for journalistic work.

It is the right and obligation of journalists to satisfy every citizen's information requirements and to contribute to the formation of their opinion and development of decision-making skills amongst liberties ensured by the Constitution. Individuals restricting journalistic rights impair liberty of information and opinion.

The German Federation of Journalists, Trade Union of Journalists, represents the liberty of information and opinion of all citizens by fighting for journalistic liberty and independence.

A fundamental requirement of its independence is its social security.

# Deutscher Journalisten-Verband DJV

(German Federation of Journalists)

Gewerkschaft der Journalistinnen und Journalisten

(Trade Union of Journalists)

As the trade union and professional association of individuals primarily employed as journalists, it represents their professional, social and commercial interests.

The DJV and its members stand for liberty, tolerance and solidarity.

The DJV is impartial. It has no mandate beyond the scope of its constitution.

The freedom of association lodged in the German Constitution ensures unopposed unionised journalism.

The DJV defends free collective bargaining.

The DJV declares its support of the principle of unionised solidarity and industrial action as a means of asserting its requirements. It demands a lockout prohibition.

In order to accomplish its targets, it is prepared to cooperate with all trade unions, democratic parties and factions.



# Policy on principles of organisation

The DJV declares its support for the federal structure of the association which obliges solidarity amongst all regional associations and with the federal organisation. This includes the extension of an equipollent range of services for all regional associations' members.

The DJV's structure of regional associations guarantees proximity of membership. Integration in the Federal Association ensures the DJV's negotiation competence and assertiveness at all levels.

The Conference of the Association defines the DJV's policy guidelines. They are implemented by the National Executive Council and by the Regional Associations into practical policy and union activity.

It is the Specialist Committees' task to advise the resolving bodies of the association regarding specialised themes and to prepare their decisions.

Each member can voluntarily participate in DJV decision-making processes at all levels concerning all functions. This voluntary engagement is vital to successful unionised and professionally political work. Full-time employees will assist volunteers.

Members of the DJV are called upon to participate in the creation of membership groups, in works council and staff council elections, and to actively participate in the expansion of a network of union workplace representatives in the companies.

As long as the works and staff councils have no authority to represent the interests of freelancers, the union workplace representatives and membership groups shall assume this function. Works and staff council members affiliated to the DJV are obliged to unite in assisting freelancers due to their unionised self-image.

The DJV and the Regional Associations organise regular training to improve the work of representatives in the companies and in the organisation itself.

It is the function of the media periodical "journalist" and further DJV publications to inform members and the general public about the trade union's stance and topical developments as well as to serve as a discussion forum.



# Collective bargaining/social policy

Journalists' social security is vital to their liberty and independence. The DJV therefore campaigns for improved working conditions for journalists in all journalistic fields. This applies equally to permanently employed and freelance journalists.

The differences in social coverage for employees of the printed media, broadcasting and associations, as well as economy and administration significantly limit the mobility of journalists. The DJV campaigns for equipollent and transferable basic conditions in all media fields in order to achieve high journalistic mobility.

The DJV declares its support for the principle of nation and state-wide collective wage agreements. Autonomous journalistic collective bargaining shall be maintained. The DJV will combat the encroachment of third parties in wage bargaining or the exertion of governmental influence. It combats all forms of evasion of collective agreements.

The most important collective bargaining objectives of the DJV comprise:

- appropriate and equal agreed remuneration for equipollent journalism in all media as well as economy and administration;
- an improvement in copyright protection, particularly in view of digital implementation;
- occupational regulations on working hours, particularly feasible regulations on weekly hours of work;
- increased staff in editorial departments to meet journalistic requirements, tackle additional assignments and implement regulations on working hours;
- part-time employment programmes and flexible work-time models;
- appropriate supplementary remuneration for Saturdays, Sundays, public holidays and night work, as well as substitution;
- improved dismissal protection for senior employees;
- securing and developing journalistic pension schemes in all media (Versorgungswerk der Presse [pension fund for journalists], broadcasting pension scheme system, pension scheme for freelance journalists beyond Künstler-sozialkasse [health insurance fund for artists, musicians and writers] regulations);
- opportunities to shorten working life via adequate pension;
- participation in the commercial success of private media companies through operational pension schemes and capital formation;
- collectively agreed regulation of training and further education with expenses borne by the employer;
- in-house and external training to safeguard jobs during streamlining and the introduction of state-of-the-art technology and tools;

- collectively agreed and operational regulations guaranteeing that journalistic work is facilitated upon the introduction of state-of-the-art technology and that due journalistic diligence is not impaired;
- collectively agreed and operational regulations on the introduction and form of telecommuting posts to be outsourced in the application of digital communication facilities; the establishment of such telecommuting posts shall not lead to a loss of employees' status and thus of collective bargaining and social security law protected privileges;
- workstations complying with state-of-the-art ergonomical insights and preventative health protection measures;
- precautionary medical examination against physical occupational strain and early disablement.

## Freelance journalists

The work of freelance journalists is vital to the democratic media system.

Their status shall be strengthened on a sustained basis. Their social cover is necessary as it enables their independence.

The legal context of Paragraph 12 a of the Collective Agreements Law (TVG) is not sufficient. Freelance journalists are often financially dependent and in need of social protection without fulfilling the strict criteria of Paragraph 12 a TVG. The DJV therefore calls for the collective bargaining or legal extension of their territorial and personal

ambit. Conditions of employment and remuneration which are adjudged generally binding are also considered.

The Industrial Constitution Law and Personal Representation Laws shall be extended to the effect that company employees' representatives are also awarded responsibility for employee-like freelancers.

## Equal opportunities/family policy

The double burden of family and occupation continues to predominantly affect women. Therefore, the DJV campaigns for a family-oriented collective bargaining policy according to a principle of equal opportunities.

Women and men shall have an equal opportunity of combining occupational development with family commitments.

The following regulations are required:

- the right to flexible working hours accommodating future personal plans;
- access to training enabling return to work following maternity leave without loss of qualification;
- equal opportunities plans for non-discriminatory occupational development, particularly concerning access to executive positions;
- further education in the framework of equal opportunities plans.
- From the legislator, who has to guarantee a welfare state, the DJV demands the required basic frameworks for:

- improved tangible coverage during education periods; family and gainful occupation shall be evaluated equally under social security law;
- an improvement in social coverage when taking parental leave;
- sufficient capacity for the supervision of children at pre-school age and during school education.



# Media policy

The DJV advocates a media policy which safeguards the basic right of every individual “freely to inform himself from generally accessible sources” (section 5 German Constitution) and simultaneously increases the media’s institutional responsibility for the liberty of the press and broadcasting. Consequently, the DJV opposes all those in favour of restricting the diversity of information and differing opinions in mass media.

The DJV approves the structure of press under private law and the dual system of electronic media.

It is only possible for the media to fulfil its task of providing the general public with impartial information if:

- journalists’ right to information is legally established vis-à-vis the authorities,

- protection of confidence for the media’s informants is ensured,

- journalists’ right to refuse to give evidence and the prohibition of confiscation shall also apply to individually researched material (images, film, electronic data and amongst other things documentation).

These regulations do not safeguard the privileges of journalists but rather unrestricted reporting in a democratic state.

The DJV opposes the concentration of journalistic power in market dominating companies, and monopolies of opinion and information, as these impede free formation of opinion.

The legislator is responsible for preventing the emergence of such monopolies, and for

bringing about their disintegration where they have emerged. Concentrations and informal market agreements shall be subject to stringent monitoring; the monitoring entity shall have the right to employ the Law Against Restraints of Competition (GWB).

Journalistic activity requires particular diligence and truthful representation of facts and adherence to principles as exemplified in the Journalistic Principles, the guidelines for journalistic work, as well as the basic resolutions of the German Press Council. Through their membership, the journalists in the DJV pledge to adhere to these principles.

Journalists can only carry out their tasks if internal liberty of press and broadcasting join the external liberty of press and broadcasting in being guaranteed under constitutional law. This shall be achieved via press and broadcasting-specific codetermination of labour.

The Industrial Constitution Law’s protection of editorial journalists is requisite for internal liberty of press. The Right of Tendency as set out in Clause 118 of the Industrial Constitution Law denies editorial journalists and other employees of publishers rights of codetermination and other social rights enjoyed by the employees of other companies: Thus, the employees of publishers and private broadcasters are rendered second class employees. Consequently, the DJV calls for the abolition of the Industrial Constitution Law’s Right of Tendency clauses, which are unique in the European Union.



## Press

Market laws alone cannot guarantee diversity of press, which is a precondition of diversity of opinion, and thus meet citizens' information requirements.

Concentrations on the press market are obstacles to diversity of press. The newspaper scene is already characterised by local and regional monopolies. Monopolies of information are a danger to democracy.

The DJV represents the opinion that legislators create the following regulations to ensure diversity of press:

- The compulsory disclosure of share-ownership, also interests in other media companies (book publishing houses, radio, television stations);
- The restriction of holding interests in external publishers should a monopoly of information in the local distribution area emerge as a consequence or should a nationwide market share be achieved threatening the diversity of press;
- The compulsory announcement of an intention to discontinue or merge newspapers, periodicals or press associations.
- Internal liberty of press is vital to the functionality of the democratic press. It shall be safeguarded by law, industrial agreement or via operational agreement.

The following regulations are essential:

- Institutions of editorial codetermination, and thus bodies for ensuring internal liberty of press, shall be editorial

representative bodies which are elected by editorial journalists and regularly employed freelancers;

- the initial written determination of the basic stance of a newspaper, periodical or press association is the concern of the publishing house or publisher; an amendment shall be accompanied by the approval of the editorial staff;
- individual instructions for editorial journalists from the publishing house or the publisher are inadmissible;
- the editorial representative body shall have rights of codetermination in decisions regarding journalistic finance and personnel.

The DJV is aware of the responsibility of journalists arising from their public duty. It declares its support for the basis of self-monitoring of the German press. The self-monitoring institution is the German Press Council. As a voluntary self-monitoring body, the German Press Council is the democratic alternative to a state-monitored press. All publishing houses in the printed media are called upon to promote the work of the German Press Council by acknowledging its decisions.

## Electronic media

As the institutions charged with unrestricted reporting guaranteed by the German Constitution (sect. 5, para. 1, sentence 2), broadcasters under public and private law are obliged to meet the requirements resulting from this. Due to the different legal



structure, various requirements regarding the internal organisation and constitution of these broadcast stations arise for the DJV.

### **Broadcasting under public law**

The form of organisation of broadcasting under public law is intended to ensure broadcasting corporations can work independently of the state, interests of social groups or economic exertion of influence.

Broadcasting under public law is obliged to be solely in the interests of society as a whole and shall take into account the relevant opinions active in society. Therefore, the DJV is opposed to all influence exerted by governments, parties and pressure groups on the work of broadcast journalists.

The programming demands on broadcasting corporations under public law regarding the formation of opinion and development of decision-making skills are met via information, culture and entertainment (Federal Constitutional Court). Rather than requiring balanced individual broadcasts, they demand a balance in terms of content throughout the entire programme.

The internal liberty of press shall be bindingly ensured within broadcasting corporations (radio and television) via appropriate regulations on editorial codetermination and the joint responsibility of journalists in fulfilling the journalistic assignment of broadcasting. For this purpose, editorial statutes are to be created and editorial representative bodies formed which are elected by editorial journalists and regularly employed freelancers.

In these editorial regulations, the editorial representative bodies are to be granted the following rights:

- information and codetermination in all matters of journalistic significance;
- codetermination in personal editorial decisions;
- direct invocation of supervisory boards.

Pluralistically composed supervisory boards preserve the interests of the general public in broadcasting under public law. This supervision may not be abused as a means of patronising journalists. In order to ensure distance from the state, it is not permissible for governmental and parliamentary representatives from the Federation and Federal States to obtain seats in the supervisory boards. The DJV shall be represented in these supervisory boards.

The rights of codetermination of staff councils according to the Personnel Representation Laws shall extend to all programming employees in broadcasting corporations.

Staff council representatives have the right to participate in and speak at broadcasting council meetings. They are entitled to seats and votes in the administrative councils. Here, they should hold a third of the seats.

The existence and development of the broadcasting system under public law require their secured financing (Federal Constitutional Court 4.11.86). A restriction to revenue from fees requires fee determining completely independent of the state and

politics. In this procedure, any exertion of influence regarding media and programming policy shall be ruled out (Federal Constitutional Court 22.2.94).

Even if they are to render advertising revenue unnecessary, the required fees shall remain at a socially acceptable level for fee payers (Federal Constitutional Court 22.2.94). Until the preconditions of financing obtained solely from fees are created, the mixed financing expressly permitted by the Federal Constitutional Court shall be adhered to.

Commercials shall be visually and audibly separated from other programme areas and may only be broadcast at certain times.

### **Broadcasting under private law**

Private broadcasting stations shall guarantee all criteria for journalistic assignment derived from section 5 of the Constitution be safeguarded as appropriated in the state media legislation programming policy.

The supervisory boards of state broadcasting authorities shall monitor adherence to this policy. This policy shall not affect the economic requirements. Thus, the state broadcasting authority shall impose effective sanctions graded according to the severity of the infringement.

The DJV calls for a self-monitoring body for private broadcasting, according to German Press Council standards.

Broadcasting companies according to private law are financed through advertising, subscriptions and other compensation fees.

The use of public funds for start-up financing is to be gradually reduced.

Commercials shall be visually and audibly separated from other programme areas.

Concealed ownership structures benefit concentration and are obstacles to journalistic diversity. Consequently, the DJV calls for:

- The complete disclosure of ownership structures in private broadcasting. To enforce this requirement, the state broadcasting authorities shall have the right to employ the Law Against Restraints of Competition (GWB).
- Should it be disclosed that one of the applicable laws threatens to generate or generates a disproportionate degree of concentration, the responsible state broadcasting authority shall initiate the appropriate countermeasures.



Pluralistically composed supervisory boards preserve the interests of the general public vis-à-vis broadcasting under private law. This supervision may not be abused as a means of patronising journalists. In order to ensure distance from the state, it is not permissible for governmental and parliamentary representatives from the Federation and Federal States to obtain seats in the supervisory boards. The DJV shall be represented in these supervisory boards.

Regulations on internal broadcasting liberty are also essential in broadcasting under private law. Editorial codetermination enables journalists' joint responsibility for their journalistic assignment. Therefore, the following arrangements shall be made via law, industrial agreement or operational agreement:

- Institutions of editorial codetermination, and thus bodies for ensuring internal liberty of broadcasting, shall be editorial representative bodies which are elected by editorial journalists and regularly employed freelancers;

- the editorial representative body shall have rights of codetermination in decisions regarding journalistic finance and personnel;
- individual instructions for editorial journalists from the company management are inadmissible;
- the editorial representative body has the right to invoke the existing state broadcasting authority supervisory boards

#### Digital media/Multimedia systems

The technical convergence of mass-media and individual communication changes journalistic working conditions as well as media structures/media content and jeopardises civil rights of liberty, copyright and data protection.

The following principles shall apply in order to avoid severe media, labour and social aberrations:

- Interactive telecommuting posts shall not lead to a loss of employees' status and thus an injury of collective bargaining and social security law protected privileges.
- Criteria for mobile workplaces and home telecommuting shall be defined. Collective bargaining provisions shall be supplemented to include regulations on the effects of multimedia technology on journalistic and editorial endeavour.
- In principle, digital television and other journalistic multimedia services shall be accessible to all. Adherence to the regulations to be created for this purpose is



subject to public monitoring. All broadcasting-related services are subject to state broadcasting authority admission criteria.

In Germany and Europe, the DJV is opposed to the concentration of the media, as can be recognised particularly in the increasing mingling of broadcasting providers, suppliers, rights companies and journalistic service providers (cross ownership). Rights monopolies shall be averted in order to safeguard journalistic diversity. Printed media and broadcasting programmes may not be jeopardised or impeded in their commercial existence by multimedia service providers. Primary journalistic elements take precedence over multimedia services.

Provisions on data protection law shall be adapted to accommodate technical advance by creating a “regulation on the transfer of information”.

Copyrights shall be adapted to accommodate technical advance in digital systems.



In particular, the DJV campaigns for digital signatures in texts, photographic works and in audiovisual works, as well as for use-related compensation.

Legislators are required to create national and global regulations which protect intellectual property in data networks from unauthorised use and ensure appropriate reward for the authors.

# Training/advanced and further education

Section 5 of the Constitution ensures the free expression of opinion, and thus enables free access to the journalistic occupation. Journalists fulfil a public duty and are thus to be subject to particular qualification requirements.

Collective bargaining regulations for journalistic training in all media are essential for the DJV. It campaigns for the improvement of practice-related journalistic training (voluntary service).

Training shall be tailored to different media in order to ensure the journalists' occupational mobility. Therefore, media-spanning training courses are required. Particular significance is to be attached to external training in collective wage agreements.

Journalistic study courses at universities and other educational institutions can be supplemented via practice-related advanced and ancillary courses and internships.

As a result of social advance and public duty, journalists require constant further education. An annual training period is necessary in all Federal States for journalists of all media. Entitlement to a remunerated training period shall be regulated via state education laws and collective wage agreements.

The DJV calls for training and further education via:

- the DJV Educational Institute,
- the regional associations' educational institutions,
- participation in other institutions of journalistic training and further education.



# International relations

Increasing mingling of global media and its associated risks to fundamental right of liberty of opinion and information require the DJV to be internationally active.

As a member of the International Federation of Journalists (IFJ), the DJV campaigns for the interests of its members as well as for the concerns of journalists in all countries.

It thereby provides global support for the development of stronger trade unions for journalists which guarantee unrestricted journalistic activity, and thus creates the preconditions for the implementation of human rights and the development of democratic societies.

To ensure fundamental journalistic rights in Europe, the DJV is active in the European Federation of Journalists (EFJ) within the IFJ. The guideline of this activity is to establish and supplement national achievements at a high level in Europe.

The aims are (amongst others):

- European control of mergers in media via a regulation to restrict mergers;
- a European ban on state control of media;
- a European media code based on voluntary self-monitoring analogous to the German Press Council's regulation;
- a European guideline on journalists' free access to all sources.
- the duty to inform all European and national bodies and authorities;
- a pan-European, comprehensive right to refuse to give evidence;
- unrestricted rights of codetermination for the employees of all European media companies;
- statutory European entitlement to internal liberty of press; pan-European recognition of freelance journalism as a self-employed profession;
- the extension of copyright to a European level.

Furthermore, the DJV and regional associations cooperate with national journalists' organisations.

# Association of German Journalists (DJV)

## Who are we?

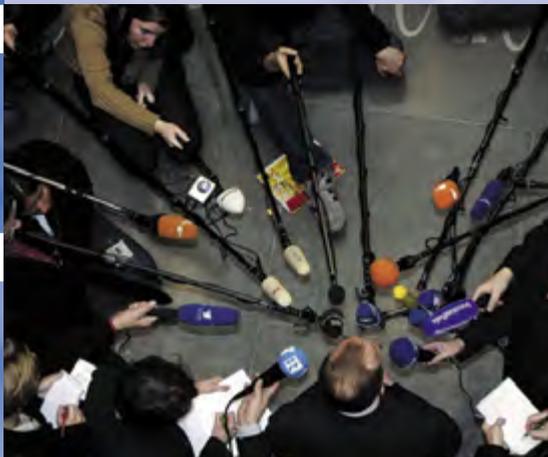
The professional association, trade union and service center for journalists working in Germany.

## What do we do?

We support journalists: 38.000 members, who trust us and who rely on our policy and activities.

## What do we want?

- Quality in all fields of journalism
- Fair wage agreements
- Fair fees for freelancers
- To safeguard employment
- To open new opportunities for professional journalism



[djv@djv.de](mailto:djv@djv.de)  
[www.djv.de](http://www.djv.de)