

“Years of problems at work” – A trade union, the only solution for media workers

By Bledar Gilaj

“I’m going to get a part of my salary,” said Erjoni, who has been working as a cameraman for a private television station for more than 10 years. “A part of the salary is transferred to my bank account at the beginning of the month, while the rest is been given cash to us and not declared,” he said. Similar to the cameraman, Albana, who has been working as a journalist for more than 15 years, says that her employer does not pay the insurance according to her real salary, but officially declares to the tax authorities a salary similar to the minimum allowed. “The employer does not want to pay all of the taxes to the state and therefore does not declare real wages”, - says the journalist, adding that she had similar experiences also in other media she worked for.

“This penalized me a lot when I got my maternity leave, as the state paid me over the declared salary and that was a small amount of money”, she added. Erjoni and Albana do not want their real names to be revealed as they fear penalties at work, but they are not the only ones who have these problems. A study report on the rights of journalists at work, published by the Albanian Helsinki Committee during 2020, brought the testimonies of dozens of journalists working in different media, who claimed wage problems, lack of contracts, non-compliance with holidays or unfair dismissal from work. According to the report, “for the first time, in 2019, there was a decrease in the number of media employees, from 6200 to 5900 people”. Meanwhile one of the main reasons for journalists abandoning the profession is dissatisfaction with working conditions. “Also, some studies during the years 2018-2019 have shown that employment in the media sector continues to be problematic, due to the lack of formal employment contracts, salary delay and low salaries”, the report said, noting that these violations were also reconfirmed in the 2020 study.

“MEDIA EMPLOYEES TO JOIN THE TRADE UNION”

Currently, in Albania there is a Union of Journalists or some associations that operate in the field journalists' rights protection, but experts argue that these organizations have no rights or competencies in terms of guaranteeing rights at work. “Legally, these organizations cannot be imposed on an employer. The only possibility for protection of journalists from these bodies is representation in court”, says Ilda Dushi, lawyer and project coordinator at the Albanian Helsinki Committee. “But journalists need help and prior guarantees, in order to solve some issues even through mediation, not necessarily to go to court. But in these negotiations with a certain employer, the Union or the associations do not have legal possibilities”, she emphasizes.

Meanwhile, the establishment of the Order of Journalists, as a protection mechanism, presents some advantages for professionals in this sector, but lawyer Dorian Matlija says that “there are some countries that are against the Order, as this body guarantees only the certification of

professional journalists.” Given this situation, experts suggest joining a union of media workers as the only way to gain their rights under the law. “The Journalist's Order is a form of licensing to practice the profession, while the Union is a unification of these persons who practice the profession”, says Matlija. According to labor rights expert Edison Hoxha, “the only solution is to join a comprehensive sectoral union for all media workers. I do not see another sustainable and long-term solution collectively”, says Hoxha.

According to Matlija, “the Union would provide journalists with legal protection, as well as pave the way for improved working conditions”. “The biggest benefit of a union is the collective contract, which includes working conditions, regular leave, extended hours, maternity leave, which are general for everyone. All of these are protected by a collective contract,” says the lawyer. “If the employer does not want to sign this contract, or has signed it but does not respect it, the Union has the instrument of strike, can request inspections from the Labor Inspectorate, etc., and meanwhile the strike is called legal. Any strike that is currently taking place can be considered illegal and these employees can be fired and the employer has the right to do so”, he further explained.

According to the legislation in force, the trade union law in Albania is protected by the most important document which is the Constitution, as well as the Labor Code. Dushi points out that “Article 50 of the Constitution provides that employees have the right to freely join trade unions to protect their labor interests”. “Meanwhile, the Labor Code is the main act that protects and regulates this trade union right in more detail, providing that trade union freedom is protected by law and that no one has the right to condition employment or terminate or infringe on the employee's right to due to membership in a union established by law”, - she further explains.

LESSONS FROM REGIONAL COUNTRIES

Experts are aware of the difficulty that exists in terms of uniting media workers in a union. “It is not an easy process, but there is no other alternative”, - Hoxha emphasizes. Skepticism about the establishment of unions has not been absent even in the countries of the region, but unlike employees in Albania, they have taken important steps due to the need to protect the rights of media employees. The first country to unite employees in a union is Serbia in 2002, while in North Macedonia the Media Employees' Union was established in 2010. Montenegro in 2013 also formalized the union of employees. Representatives of these unions claim that the main reasons that led to their rise were precisely the difficult working conditions faced by media workers. They also talk about the difficulties of uniting employees in a union, due to skepticism or fear of dismissal. “It's still a very difficult mission. The mainstream media in Montenegro are politically and professionally divided. This is reflected in the employees and some of them refuse to be part of the same organization as their counterparts from the ‘opposing’ media”, said Radomir Krackovic, vice-president of the Montenegrin Media Workers' Union. “In addition, there have been some media owners who discourage their employees from joining the media union in various ways, and employees fear they may lose their jobs if they become union

members”, he added. Darko Duridanski, project coordinator at the Trade Union of Media Workers and Journalists in North Macedonia, also says that this is a job that never stops and that depends on the situation in the media. “We gain more members in situations where there are more rights violated”, he said.

However, they show how these obstacles were not impossible to overcome, although challenges are always present. “These difficulties can be overcome by doing our main “job”: promoting the importance of respecting labor rights in the media, fighting for labor rights and better working conditions, and promoting journalism as a good public”, says Duridanski.

While Krackovic shows that they use simple messages for media employees. “We say to them: We do not want to interfere in the editorial policy of your media and your views on professional standards, but we all have a common interest - our better socio-economic status and full protection of our labor rights”, says the vice-president of the Union. “Every year we’ve had many visits to various media, talking to media workers and defending this message. We have also offered them a number of benefits that include free legal aid in their labor disputes with media owners, free vacations, credit purchases of many products, etc.”, he added.

Meanwhile, they also show the achievements so far. “An important achievement is the signing of a collective agreement with the state news agency MIA. While, an important part of our work consists in seeking, negotiating and receiving assistance for media employees from the Government, so last year in the middle of the Corona virus crisis we achieved subsidies and great benefits for all media employees in the country”, Says Duridanski. “In 2017 we initiated talks to improve journalists’ safety rules. Finally this year our proposal is accepted by the government and will soon be approved. This means that attacks on journalists will be treated as attacks against officials, so the prosecutor will have to open the investigation mainly, and not as it was until now only after a private complaint”, he adds.

In the same time, the Montenegrin trade union produced a greater number of different researches and studies related to media issues in the last 5 years in Montenegro, while participating in the amendment of all media laws. “Thanks to our proposals, which were accepted by decision-makers, journalists in the private media in Montenegro gained professional independence within their newsrooms and a better level of protection of certain labor rights”, says Krackovic.

Meanwhile, the Media Union of Serbia seems to be facing greater difficulties. Dragana Cabarkapa, president of the Media Union, says that “the new owners do not want to form an employers' organization with the state authorities, so it is not possible to establish a socio-economic dialogue in accordance with the Labor Law”. However, some achievements have been noted. “We have joined several bodies that create the media scene - a working group to draft a media strategy, a working group that now writes laws based on that strategy, a government working group on the safety of journalists, a working group on the Ombudsman to create a

platform against attacks and pressure on journalists. Everything goes slowly, but it we keep moving”, she says.

Meanwhile, a union has not been set up in Kosovo yet, but the journalists of this country say that efforts are being made in this direction, although in relation to Albania the respect of the rights of journalists is better. “In Kosovo it is not as easy to fire a journalist as in Albania. Working conditions are also better”, said Kreshnik Gashi, a journalist with Kallxo.al. But despite this, according to him, even in Kosovo the eyes are being drawn towards the creation of a union. “This is the best way to protect the rights of media workers and currently there are concrete efforts in this direction”, says Gashi.

“THERE IS NO TIME TO LOSE”

Albanian experts and trade unionists from countries in the region say that Albanian media workers should not waste more time, but should take concrete steps towards protecting their rights. “Solidarity is very important, and in many situations the main instrument for resolving various issues. Unite, organize in order to overcome your challenges, whether they are professional or related to labor rights”, appeals Duridanski, from the Media Union of North Macedonia. The Montenegrin media unionist also appeals to join the union. “This membership does not cost much, but you can get great benefits when you need help, such as in disputes with your owners or fighting for your common rights”, he said. According to Cabarkapas, “journalists' freedoms do not fall from the sky”. “We have to fight for them. We will be free as long as we are ready to fight for that freedom”, she says.

Lawyer Matlija does not find it impossible to set up a union of media workers in Albania. “I think that out of about 6,000 employees, it is not difficult to find a few dozen, but also hundreds, to create a union for journalists”, he said. Even the expert Edison Hoxha says that, despite the infamous tradition of functioning of unions in our country, significant improvements are being seen in many sectors. “We currently have several cases of success in call centers, oil, mining, which have begun to have a significant contribution to the trade union movement in Albania”, says Hoxha. “Meanwhile, journalists have all the opportunities to start organizing in a union, and even become a good example of union organization in other sectors”, Hoxha says.

The article in local language

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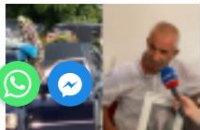
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