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PRESS FREEDOM AND PROFESSIONAL STANDARDS:
THE ROLE OF PRESS COUNCILS AND JOURNALISTS UNIONS

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PRESS Councils and Journalists' Unions play an important role to promote Press freedom and further enhance professional journalistic standards. To play this role effective, Press Councils and Journalists' Unions must be fully independent organisations and must not be controlled by any body or authority, accountable only to their members and the profession.

PRESS COUNCILS

Press Councils are non-governmental organisations consisting of independent bodies including professionals like lawyers, doctors, engineers and media practitioners. They take the role of arbitrators who review cases or monitor situations affecting the media and journalists as well. They oversee that the functioning of the media and the ethics of journalism are well observed by journalists, media owners, media organisations and all media employees. Press Councils have similar roles as any other organisations that assist their members within their scope of responsibility but on a larger scale to provide further aid to the parties that need their assistance.

In Malaysia, there is no Press Council as a registered entity but it has been set up on an ad-hoc basis depending on the issues in most cases affecting journalists, the public, the government and media owners.

Ideally, the Press Council acts as a representative of the public. It contributes ideas on printing acts, Press licensing, code of ethics and all matters relating to the
advancement of the Press and calls on government bodies to implement them. It is a body by its own but occasionally misconstrued as the government watchdog. This is so because most of the issues brought to the attention of the Press Council involves the policies of the government, national sentiments and journalists ethics and their social responsibilities.

The danger of having Press Councils revolves on the question of control, that they are bodies set up under the control of governments to control and subjugate the Press. The ideal situation is that Press Councils should be fully independent bodies representative of the public. In advance democracies, Press Councils play an effective role to protect the public from the abuses of the Press. In less developed democracies, Press Councils can become rubber stamps of government action.

JOURNALISTS UNIONS

The National Union of Journalists Malaysia is the only organisation of working journalists in the country representing the industrial, social and welfare interests of some 1,800 journalists.

Formed on Aug 30, 1962 NUJ Malaysia is the sole authority to negotiate and determine the proper rates of remuneration and other terms and conditions of employment for journalists in the country.

Among the objectives of NUJ are:

1. To secure the complete organisation of all working and professional journalists and to promote the industrial, social and intellectual interests of its members;

2. To defend the freedom of the Press, to deal with the professional conduct of its members and to maintain high ethical standards in journalism;

3. To regulate relations between employer and employee, between member and member of the union, and between members and other workers and to endeavour to adjust any difference between them by amicable and conciliatory means;
4. To further, financially or otherwise, the work or purpose of any lawful association or body having for its objects the promotion of the interests of labour, trade unions and trade unionists;

5. To promote the material, social and educational welfare of journalists in any lawful manner;

6. To provide legal assistance to journalists in connection with their employment;

7. To provide such benefits as victimisation pay and dispute pay to journalists.

8. To promote legislation affecting the interests of journalists;

9. To undertake the editing, printing, publication and circulation of any journal, magazine, news sheet or other printed literature for the advancement of the objects of the Union or the promotion of the interests of journalists; and

10. To establish a benefit Fund and to draw up rules governing such a Fund.

All Journalists' Unions have more or less similar objectives as the NUJ.

1. PRESS FREEDOM AND PROFESSIONAL STANDARDS

**Good working conditions**

The first step in advancing the cause of Press freedom lies in improving the working conditions of journalists. A journalist who does not enjoy good pay and working conditions cannot help to advance the cause of Press freedom as he or she will be tempted to fall prey to corruption and so-called envelope journalism to survive.

In essence, journalists with good pay and good working conditions can ensure high professional standards and enhance the course of Press freedom.
Journalists' Union exists to protect its members by giving them the benefits of solidarity, where individuals have collective power which is essential in protecting members from unfair employment practices such as dismissal, long hours of work and pay cuts.

The professional responsibility of journalists is one which can only be protected by journalists themselves forming a collective organisation to represent them in ethical and Press freedom matters and this is best done through Journalists' Unions. The employers will claim to be in favour of Press freedom, but very often will subjugate ethical considerations to their commercial interests. Governments will claim to be in favour of Press freedom, but frequently persecute journalists and use professional registers to exert undue influence on the media.

2. MEDIA ETHICS

Professional ethics are the means by which journalists and independent producers assert the independence and integrity of their craft against the employers, governments and others who seek to restrict, to manipulate or to otherwise control the media.

In the issues of editorial democracy, intellectual property and training, Journalists' Unions should develop and implement codes of professional ethics to provide a clear statement that journalists themselves will enforce standards and provide an acceptable alternative to government regulation.

Information or entertainment

In favour of providing entertainment which some people may enjoy as consumers, journalists neglect the task of providing information which the public needs in order to live as citizens. Freedom and the traditional unique public-interest role of journalism suffer when this happens.

Protecting Sources

The public interest in justice being done and seen to be done with the similarly powerful public interest in the free
flow of information and the protection of those who confide in journalists' information must be balanced.

Privacy

Privacy is a multi-faceted interest. New technologies permit far greater invasions of privacy than framers of the codes of journalism could have imagined. Governments and financial institutions are also intruders into privacy. Journalists must find ways to balance the respect for privacy even though the need for scrutiny and disclosure arises.

Involvement of non-journalists in Adjudicating Complaints

Journalists' Union should examine the question of whether a self-regulatory system that involve non-journalists in the process of deciding whether a particular action was ethical or not?

Sanctions

A self-regulatory body must impose penalties on journalists who breach the code which at least satisfy the following aims: proportionality; deterrence; credibility; justice. At what point does a self-regulatory body begin to resemble the government regulator which it exists to avoid?

Disclosure (with protection from defamation)

Any credible self-regulatory body operates in the open as far as possible and publishes its findings as widely as possible. The issue of the legal protection of the self-regulatory system must be addressed so that it can function properly.

Importance of obtaining the co-operation of media ownership

The best way to ensure wide disclosure of the operations and findings of a self-regulatory body is the media. Journalists' organisations must enlist the co-operation of media corporations in publishing and broadcasting the result of self-regulation.

Media organisations have an interest in co-operation to the extent that failure to self-regulate may lead to government
regulation for them as corporations as much as for journalists as individuals.

**Democracy**

Media freedom can only be achieved when there is recognition that a free, independent media reflecting diversity of opinion is a precondition of a democratic society.

Freedom of expression and opinion can only exist where citizens' right to freedom of information and the right to know are guaranteed.

The professional integrity and independent role of journalism have to be respected to ensure a democratic and a pluralistic press.

**Intellectual Property**

The issue of creative control must be taken into account. Under the guise of the supposed technological imperative of convergence, there is a clear push to take creative control and in some cases intellectual property ownership from cultural workers and transfer it to employers.

It is important that Journalists' Union and other groups of media workers place creative control at the centre of their industrial and political strategies so that if the works of journalists, writers and creative producers are used time and time again, the original creator must be entitled to be paid for repeated or secondary uses.

**Ownership and Journalistic Independence**

Journalists' Unions need to think about new strategies within the conglomerate by looking at structures that provide some autonomous control for cultural workers over their areas of work and creativity.

Further thought has been given on the application of the long-standing principles of journalistic independence in the new information conditions. This requires moving to systems of editorial democracy such as, the adoption of editorial
statutes or consultation rights over the appointment of editors.

Training

Professional training, particularly training in dealing with new technologies is important for journalists. There are two reasons that make it essential for Journalists' Unions to be part of the process that deliver or co-ordinate training.

First, there is a real hunger that exists among people in the media to do their job better, to exploit their creativity more effectively and, at the same time, to exercise more control over their working lives.

Second, a close involvement in training matters provides strategic access to ways of controlling the professional agenda and of setting standards that include commitment to the key principles of journalism.

Equality

Journalists' Unions need to recognise that for too long in too many areas, journalists have turned a blind eye to the pattern of direct and indirect discrimination against women journalists. In the present information society, downward pressure on salary and wage costs will lead to more employment of women, but only in reduced conditions of work. Women journalists might face a threat of bearing the brunt of teleworking at a low wage, isolated area.

3. ACCOUNTABILITY AND CREDIBILITY

Journalists' Unions must strive to continue to convince their members of the importance of ethics and the need for journalists' organisations to be seen as the bodies responsible for the leading system of journalism ethics enforcement.

All Journalists' Unions need to challenge the unavoidable reluctance of their members to be subjected to a system of public scrutiny. Accountability is uncomfortable. Yet accountability builds credibility so that people will trust
journalists to fulfill their vital role in informing about what the powerful are doing and failing to do. It is important that journalists police themselves before the authorities police them.

Thus, Journalists’ Unions should develop a Code of Ethics for all journalists to enhance professional standards.

4. ACCESS TO INFORMATION

Information is essential to democracy and its free distribution is necessary to ensure active citizenship. It also ensures free competition and a balanced economic environment. Controlling access leads to imbalances and abuse of economic and political power. For these reasons, Journalists’ Unions must ensure that the information society is developed within a framework which ensures easy and free access to information.

As journalists are in the business of making news, they will find themselves increasingly isolated in the information society if they are not prepared to pay a high price for the cost of equipment, software, connections to the networks and the costs of the services.

News and information are necessary for people to be active citizens. Without information about politics, economics and a wide range of public policy issues, people cannot take informed decisions in the political arena.

One positive advantage of the information revolution for journalists is the possibility of empowering citizens to influence the exercise of political power at all levels. It ensures that pluralism and diversity is guaranteed in societies which are divided.

All official information from governments, parliaments, and public authorities must be made available electronically and instantly so that all citizens have the same access to information as insiders.

Another advantage of access to information is that it can be used to promote community networks and to promote public services which are able to provide essential services such
as help for the unemployed, educational services and health advice.

Some information will need to be protected. The superhighway will make it possible for a great deal of new information about individual subscribers to a network to be collected. This information will be of great potential value to advertisers and the sellers of products.

A balanced approach is needed which will introduce technology to the people and which will provide open access for everyone. One main thrust of governmental policy in this area is liberalising the telecommunications industry so that new networks can be installed, of which the optical fibre network, the hardware which will carry the information superhighway, is the most advanced. The liberalisation may open the way to a technological process which promises many services which are not then delivered.

Companies should be able to seek and make profit from the development of the information society. However, the pursuit of profit must not override society’s demands for low cost access to information and diverse supply of media and information product.

Journalists’ Union should ensure that access to information shall be open to all levels of society, instead of a privileged few.

5. FREELANCE

Journalists’ Unions have had a mixed response to freelance working. Some regard it is a "fifth column" of journalism undermining standards and professionalism and bringing down wages and conditions. Others have tried to build solidarity between freelance and staff members and pushed for agreements and rights for freelances which match those enjoyed by fully-employed members.

Freelance journalism is no longer an "atypical" form of employment and increasingly it is becoming one of the normal modes of work for journalists. In regard to this, journalists unions urgently have to react to these
developments and they have to find new strategies to organise freelances and to represent their interests.

Unionisation of freelances is the first step towards liberation for freelances. The freelance works in a national and international community of journalists, but he or she is often particularly vulnerable. The freelance has no established workplace and no network of immediate colleagues upon whom to rely when problems arise.

Unions must further continue to safeguard principles of collective representation and collective bargaining, respect for professional ethics and independence of journalists on behalf of freelances.

Journalists’ Unions must give legal assistance to all journalists, including freelance members, in court cases concerning infringements of their author’s rights, in cases of publication without authorisation as well as in cases of mutilation of contributions, and to run information campaigns and publish material on author’s rights. Legal aid should be extended to all journalists in trouble over professional matters.

CONCLUSION

Journalists’ Unions and Press Councils, to a lesser extent, play an important role to promote Press freedom and enhance professional journalistic standards. It is important that Journalists’ Unions develop a Code of Ethics to govern professional standards for the advancement of Press freedom. It is also essential that Journalists’ Unions co-ordinate training programmes towards this end.