

# Taking the 'Free' out of Freelancer

A freelancer's guide to  
negotiating a fair contract



Canadian Media Guild

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La Guilde canadienne des médias

TNG Canada / CWA

# Taking the 'Free' out of Freelancer



## Am I a CBC freelancer?

You are a CBC freelancer if you provide content, perform or make programming on a per occasion basis for the CBC. You are not staff and not assigned to daily hours of work.

There are two kinds of CBC freelancers in the CBC/CMG Collective Agreement:

### **FREELANCE CONTRIBUTOR:**

Freelance Contributors are engaged for specific assignments: for example, a commentary, a single interview or a documentary. Your contract is based on delivering a contribution on or by a certain date, and not on the time it takes to produce it.

### **FREELANCE SPECIFIC SERVICES (FSS) CONTRACTOR:**

The CBC occasionally uses FSS contracts to hire people (e.g. hosts, directors and researchers) for specific programs, items or segments. The contracts have no fixed term and are appropriate in very limited instances. If you are asked to sign a FSS contract, please contact the Guild before doing so.

## Do I need a contract?

Yes! Before you begin work, you should receive and sign a contract that stipulates the length, payment, deadline and subject of the work. If your commissioning producer does not send you a contract, ask for one!

Your producer should never ask you to work without guaranteeing you will be paid. This violates the CBC/CMG Collective Agreement. If you are asked to do work on spec, call the Guild.

## How am I paid?

You should never be paid less than the minimum rates listed in the CBC/CMG Collective Agreement. And you should always consider negotiating for a higher fee. You should be paid fairly for your work, taking into account:

- your experience and expertise
- the complexity of the work
- your specialty and/or access to sources
- the time required to do the work
- expenses you will incur to do the work (travel, telephone, etc.)
- overhead costs (recording equipment, computers, editing suite, office space, etc.)
- the deadline (the tighter the deadline, the higher the fee)

Negotiating for a higher fee is entirely normal, does not offend any established CBC principles and should not negatively affect your relationship with the commissioning producer.

**NOTE:** A producer who always pays the minimum is NOT negotiating. The CBC/CMG Collective Agreement states that commissioning producers, on behalf of the corporation, must negotiate with freelancers in good faith. If they do not, they are violating the Collective Agreement.

## When do I receive a “kill fee”?

Sometimes, through no fault of the freelancer, a project doesn't pan out. This clause entitles you to a minimum payment of 20% of the full contract amount should the contract be cancelled before the work is complete. This is a minimum. Depending on what stage you were at, you should negotiate a higher payment that fairly reflects the work done.

If you have completed all of the work and the Corporation decides for whatever reason not to use it, you must be paid 100% of the fee.

## Who holds the copyright to my contribution?

As a freelance contributor, you own copyright in any material you provide to the CBC. The CBC buys a license to use and reuse your contribution in whole or in part.

There are two types of licenses:

**LICENSE A** allows the CBC to broadcast and distribute your contribution on CBC-branded programs in domestic and international markets. This means that your contribution may be used by another broadcaster, as long as it remains contained within a CBC-branded program. For example: CBC has the right to sell a show to other broadcasters, even if the show contains a freelance contribution.

**LICENSE B** allows the CBC the right to resell your contribution in whole or in part as unbranded content to third parties (i.e. not part of a program which originally aired on the CBC). The CBC must pay you a premium of at least 10% based on the minimum rates set out in the CBC/CMG agreement.

Should the CBC request to purchase the copyright to your contribution, the rate for purchase is negotiable. Selling the copyright to your work is entirely up to you. But remember: you are giving up a lot, so make sure you are well compensated.

You may also wish to negotiate other terms that restrict or alter how CBC can or cannot use your contribution (e.g., you may wish to grant use only on a single platform). This is your right and at your sole discretion. You should include these terms in the Additional Terms section of the standard form contract.

## Your colleagues, your union: the Canadian Media Guild

Like the majority of CBC employees, you – as a CBC freelancer – are protected under the Collective Agreement negotiated between the Canadian Broadcasting Corporation and the Canadian Media Guild (CMG). Union dues of 1.55% are deducted from your contributions to a maximum of \$1,500 per year. You are entitled to representation by the Guild in negotiations, grievances, and other matters associated with your work for CBC.

Freelancers are encouraged to sign a CMG member card. It allows you to participate and have your say in Guild activities. To receive a CMG member card or to take part in other Guild activities, contact the Guild ([info@cmg.ca](mailto:info@cmg.ca)) at 416-591-5333 or at 1-800-465-4149. It's that easy!

### I need help!

For further information and assistance in negotiating a fair contract, check out the Freelance Branch website at <http://www.cmg.ca/freelancebranchhome.asp>, or contact the Freelance Branch at [freelance@cmg.ca](mailto:freelance@cmg.ca) or by calling the Guild at 416-591-5333 or 1-800-465-4149.

## Five things to remember:

**WE ARE ALL ON THE SAME TEAM:** You and your commissioning producer are fellow Guild members. You should be treated as a colleague, not an adversary. Remind producers it is in their interest, and the interests of all Guild members, that you are paid fairly.

**IN BLACK AND WHITE:** Always sign a contract before you begin work. Document your negotiations and the promises of producers. It will help ensure you get paid properly.

**SHOW ME THE MONEY!** As an experienced freelancer, avoid working for the minimum rates wherever possible. Your fee should reflect your experience and expertise. Remember: a staff reporter with five years of experience would never work for the salary of a rookie. You shouldn't either.

**IT'S YOUR WORK:** As a Freelance Contributor, you own the copyright to your work. It is your intellectual property – guard it with your life! If you choose to assign or sell your copyright, ensure you receive significant compensation.

**IT'S BUSINESS:** Selling your work to the CBC is a business relationship. Treat it that way. If the fee being offered is not adequate, say so. If you are unable to negotiate a higher fee, be willing to walk away. Your time and expertise are valuable, and you may be better off employing it elsewhere.



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