



**Canadian Media Guild**

**La Guilde canadienne des médias**

CWA/SCA CANADA

February 8, 2008

Graham N. Green  
Executive Editor  
Ottawa Citizen

Mr. Green:

We note with alarm that the *Citizen* is proposing a new boilerplate contract to freelancers – a contract that makes exaggerated demands upon writers who seek to earn a living from their work.

The most troubling demand is that freelance authors waive their moral rights in the work they provide. Moral rights give the author creative ownership over their work and ensure they get credit when that work is used or re-used. It is the most fundamental right a writer has, and it is simply unacceptable to expect freelancers to surrender it outright. A media organization does not need to hold moral rights to be able to subject a piece to the normal editing process. In our view, the only reason a company would need to hold the moral rights would be to have the unfettered right to modify an item beyond its original meaning. Surely this is not the *Citizen's* aim.

It is clear that the contract seeks to characterize these authors as non-employees of the newspaper. At the same time, though, the contract is designed to give the company the same rights to the material as if the freelancer were an employee – including the right to generate further profit for *Citizen* owner Canwest by making the items available via the Canwest News Service. In other words, this contract seeks to give the *Citizen* and Canwest all of the rights of an employer, while denying these writers any of the corresponding rights as an employee.

A number of freelancers have approached the Canadian Media Guild with significant concerns about the contract. We are recommending strongly that freelancers reject this unnecessary grab at their rights, and that they propose more balanced contract terms. We hope and expect that you will accept any reasonable counterproposal made by freelance writers, and furthermore that you will modify your boilerplate language so as to show a modicum of respect for freelancers. By not doing so, you run the risk of losing many of the people who contribute so much to the content of your newspaper.

Sincerely,

Don Genova, Freelance Branch President  
&  
Lise Lareau, National President

Cc: Dennis Skulsky, President/CEO, Canwest Publishing Inc.  
Arnold Amber, Director, CWA | SCA Canada