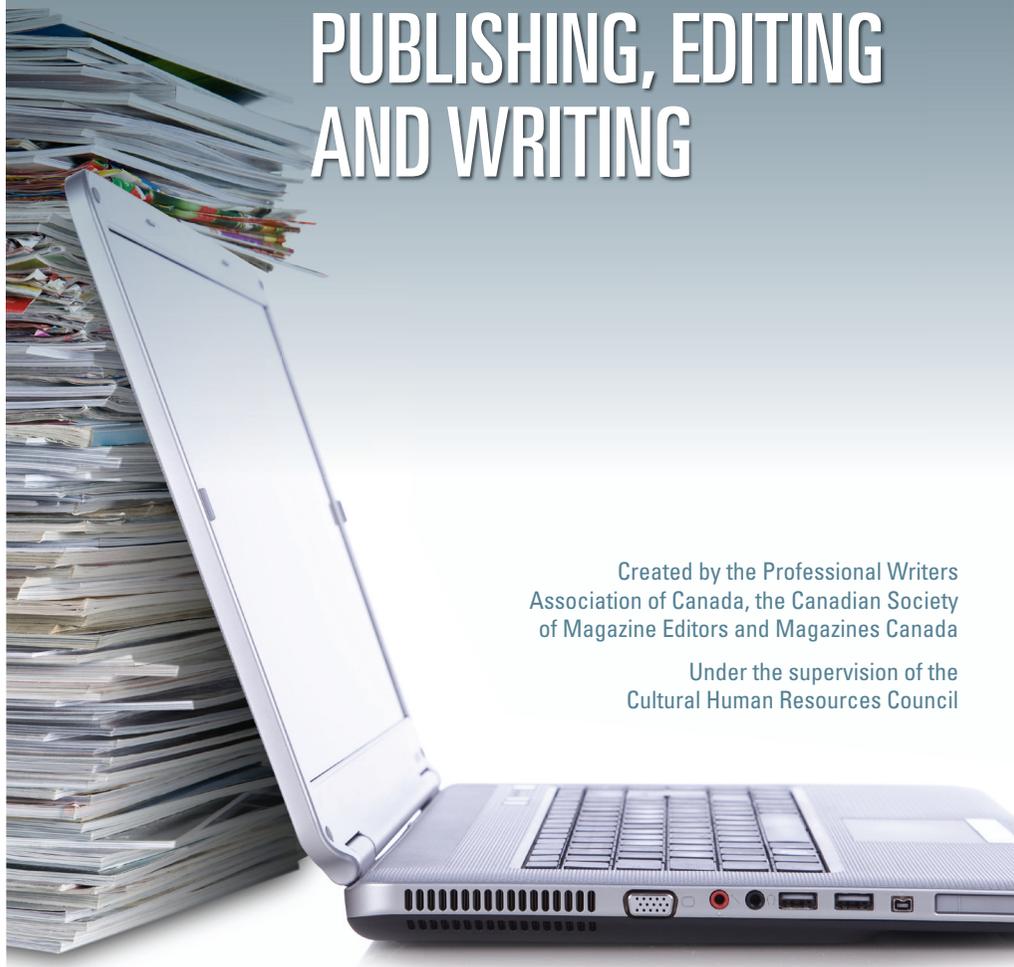


March
2011

BEST PRACTICES FOR CANADIAN MAGAZINE PUBLISHING, EDITING AND WRITING

Created by the Professional Writers
Association of Canada, the Canadian Society
of Magazine Editors and Magazines Canada

Under the supervision of the
Cultural Human Resources Council



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This project is funded by the Government of Canada's Sector Council Program.

Canada

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In 2008, the Professional Writers' Association of Canada, Canadian Society of Magazine Editors and Magazines Canada began an initiative to create and disseminate a broadly acceptable description of best practices in the Canadian magazine publishing industry. A significant survey was conducted by Impresa Communications Limited regarding attitudes and expectations among people working in the content side of the industry as management, staff and freelancers. It found that people are very committed to the industry and believe it allows them to create work of real value. There was broad consensus on the strengths of the sector including the quality of writing, the diversity of voices and perspectives, and the visual impact of reasonably-priced high-quality magazines offered to a variety of audiences. However, the writers surveyed collectively perceived a lack of respect for their skills, a failure to acknowledge and protect their intellectual property rights, inadequate levels of appropriate compensation and insufficient recognition of freelancers' significant role in the long term health of the Canadian magazine industry.

In 2009, a series of facilitated conversations took place across the country to address the issue of how to improve relationships and working conditions in the industry. This phase was led by Neil Craig Associates and took place through February and March 2010 through written comments, personal interviews and facilitated roundtable meetings in Montreal, Toronto, Calgary and Vancouver and through an industry panel at MagNet in June 2010. Neil Craig then created a first draft of the best practices guide in consultation with the initiating organizations.

The document was then amended and validated after a final roundtable of publishers, editors and writers in Toronto on January 12, 2011, led by D.B. Scott of Impresa Communications Limited. This document is the outcome.

What follows in a few pages are detailed lists of the mutual obligations of writers, editors and publishers arrived at and aspired to by consensus. The document is published and will be distributed as widely as possible within the industry and related education and training programs with the intention of encouraging the adoption of its underlying, simple principles and practices it lays out to establish professional standards in the everyday work of producing Canadian magazines.

Symbiotic relationship

All the people engaged in Canadian magazine publishing provide an important contribution to Canadian cultural expression, speaking to Canadian readers about things that matter to them. It is important for publishers, editors and their freelance contributors to ensure that Canadian magazines are successful, creative enterprises, either as profit-making businesses or not-for-profits.

Publishers and editors need access to a diverse and skilled pool of experienced professionals to provide the content that they must offer to their readers. Writers are running small business of their own that depend upon successful magazines as clients, providing them with access to audience, a reasonable prospect of devoting themselves to their work and fair compensation. Given this symbiotic relationship the interaction between writer, editors and publishers should be collaborative, respectful, ethical and professional. Each has a part to play in a magazine's success and each has obligations to ensure their success.

Professional obligations of writers

1. Deliver pitches (story proposals) that are uniquely focused to the prospective client.
2. Deliver a work that is honest, accurate, creative and original.
3. Respond to magazine-generated story ideas in a timely and professional manner with the presumption that such story ideas are exclusive to the magazine.
4. Negotiate terms of engagement and compensation in a timely and professional way and confirm them by contract.
5. Recognize that publishers cannot share revenues that they do not or will not receive.
6. Assert that freelancers should share in any revenues received as a result of their work.
7. Advise the magazine in advance of an assignment being confirmed if the writer has used similar material previously and elsewhere.
8. Deliver what was commissioned, in content, style, focus and length, as agreed with the magazine, on or before deadline.
9. Keep meticulous notes and records and collaborate fully in the fact-checking of articles and the defense of any concerns or legal claim that arises from publishing the story.
10. Discuss promptly with the editor if research is leading in a different direction from what was assigned or if difficulties are being encountered that affect ability to deliver on time and within budget.
11. Seek permission to include any third party material that is copyright protected and alert editors about effort to obtain third party material.
12. Reference diligently in any instances where material is used as under fair dealing provisions of current copyright law.
13. Advise the magazines of circumstances that could create legal or competitive risks.
14. Declare, as a courtesy, any possible conflicts because of corporate work.
15. Make him/herself available for consultation during the editorial process until publication.
16. Observe these best practices guidelines and try to see them reflected in their day-to-day working relationships with editors and publishers.

Professional obligations of magazine editors

1. Provide a clear contract/assignment letter setting out expectations regarding content, deadlines and payment, whether the story was pitched or assigned.
2. Negotiate reasonable rates, terms and conditions and confirm them by contract.
3. Provide timely response to queries and observe a reasonable period of acceptance of a writer-generated idea. (see appendix for definitions)
4. Agree in advance about the scope of the research, who will be interviewed for the piece, and what is the focus and style of the article.
5. Respect confidentiality of the writer's sources.
6. Promptly inform the writer if the magazine changes the emphasis, timing (e.g. publication date) or direction of a story after assignment and work has been done; provide fair additional compensation for such updates.
7. Advise the writer of all but minor editing changes and seek input where major changes are required.
8. Provide a reasonable number of fix notes that only seek to bring the manuscript in line with the assignment letter.
9. Ensure author receives and approves final edited copy.
10. Recognize and adopt the principle that writers should share in any revenues received as the result of their work.
11. Ensure prompt processing of invoices and be an honest broker between the writer and the publisher/magazine in matters of payment.
12. Adopt and observe the industry's advertising-editorial guidelines.
13. Observe these best practices guidelines and strive to see them reflected in the day-to-day work of their magazines and their relationships with writers and publishers.

Professional obligations of magazine publishers

1. Accept reasonable warranties from writers about their best efforts to ensure accuracy; thereafter accept responsibility for defense of any legal claim for published material.
2. State that it is the publisher's – and the magazine's – best interests to pay reasonable compensation for work of value.
3. Recognize that compensation for writers should adequately reflect the future earnings of freelance material either through a lump sum in lieu or an agreed payment of royalties or fees for subsequent rights that impart added value.
4. Accept a writer's reasonable terms and honour agreements negotiated by their editors and ensure they are confirmed by contract.
5. Deal with fees owing to writers as for any other professional service and ensure that writers and other contributors receive prompt payment for work.
6. Ensure that any contracts or assignment letters will state clearly the precise uses of a writer's copyright and respect the writer's right to accept or reject those terms.
7. Accept the clear understanding that the income and living of the writer depends upon controlling first and subsequent rights to work they originate or do on assignment.
8. Not require writers unreasonably to relinquish their copyright (and then only with appropriate compensation) and – recognizing the importance of reputation – not ask writers to waive their moral rights over work(s) they propose or to which they are assigned.
9. Endorse the industry advertising-editorial guidelines and encourage their editors to adhere to them.
10. Compensate writers commensurately when, in addition to assigned work, other material such as photographs, audio-visual interviews or website-exclusive content are required by the magazine.
11. Observe these best practices guidelines and strive to see them reflected in the day-to-day work of their magazines, their editors and the writers the magazine(s) publish.

Shared obligations

1. Recognize the mutual benefits and obligations of writers, editors and publishers in the publishing of the magazine(s) and act accordingly.
2. Strive to produce the very best work within a working relationship of professional collaboration and respect.
3. Observe best business practices to the mutual benefit of writers, editors and publishers.
4. Ensure that written contracts reflect and confirm those practices through contracts which include, at minimum, the following:
 - Name and contact information for both the writer and the magazine
 - Title content, focus, style and length of article
 - Delivery date
 - Payment schedule and terms
 - Requirements for fact-checking
 - Acceptance conditions
 - Fee
 - Rights acquired
 - Payment for additional rights
 - Payment of incidental expenses, if any
 - Provision for “kill” fee
 - Any other agreed conditions.

Conclusion

A best practices document is not a contract, but a collaborative expression of professional standards. It can neither anticipate all eventualities nor encompass all possible nuances. For instance, some of the best practices are not applicable or appropriate for not-for-profit, small literary or cultural publications; additional material may be developed and appended to address the particular circumstances of individual publications.

Rather than weigh it down with special exceptions, models of contracts, assignment letters, rate schedules or terms and conditions etc., it is the intention that this document be augmented later with a supplement online or in print that reflects the ever-changing realities of the Canadian magazine publishing environment. These best practices have been created to encourage and embed the adoption of professional standards to the advantage of everyone who works in the Canadian magazine industry.

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