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How to Safeguard Payments as an International Writer

By Brenda Townsend Hall

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Freelance writers operate on a basis of trust. Whether accepting commissions or sending off unsolicited material to likely buyers, they probably concentrate far more on the quality of their output and their marketing effort than on the honesty of buyers. In the days when writers worked primarily for publications in their country of residence, it was easier to check the soundness of potential buyers of material, even if the checks were fairly casual, such as recommendations from other writers. Now, however, the opportunities afforded by the Internet, electronic publishing and e-mail mean that writers quite literally have the world as their market. Over the past few years I have sold material to Hong Kong, Singapore, the USA, France, Belgium, Jordan and the UK.

To be fair, I have only twice encountered problems over payment. On one occasion I received the promised cheque but unfortunately it was of the bouncing variety and I ended up paying bank charges for the privilege of trying to cash it. I decided that in this case the publisher, who did not respond to my requests for explanation, had forfeited the restrictions imposed in the contract and I sold the article elsewhere. On the second occasion I made repeated requests for payment and was promised that the cheque was on its way. However, no payment ever arrived and I am not sure how to go about recovering my money.

Nick Inman, now resident in France, highlights the difficulties surrounding payment of freelance writers in Europe:

You'd have thought that it would be easy to collect a debt in the civilised countries of the European Union and that the National Union of Journalists (NUJ) would help you to do it. But not always so. I am particularly concerned about the burgeoning expatriate press, the worst of which behaves as if it were an entity unto its own: out of the reach of British law and the NUJ's solicitors; and not quite a full member (because of the language) of the host country's own media. Besides which, many countries of Europe barely understand the concept of a freelance contributor. But it shouldn't matter who you are or where you choose to live: a debt is a debt. The unpaid supplier has legal right on his side under EU regulations which came into force last August: these state that a client has to pay you 30 days after he (or she or it) becomes aware of how much he owes you, or after you have delivered the work – whichever date is the later. This rule can be overridden by agreement between you but that is the only

legitimate excuse for late payment.

In theory then, non-payment, particularly within Europe, shouldn't be a problem. But it still happens. So what is the answer? First, I suggest the freelance writer needs to put in place some means of self-protection. Work out a simple set of terms and conditions and, whenever a new client is proposing work, send these to the client and ask for them to be signed and returned to you before you deliver anything. Say what your fees are and when you require the payment but also say what you undertake to do on behalf of the client. A further safeguard is to request an advance payment of 25 – 30% of the agreed fee. If, on the other hand, the client has a contract, look carefully at the payment provisions and ensure that they are acceptable to you.

Of course, these measures cannot guarantee that you will be fairly treated but they show the client that

you have a professional attitude not just to your work, but to the way you operate. If you still find yourself the victim of a non-paying client what can you do? First, you can find out what system exists in the country where the client does business for the collection of bad debts. In the UK the Small Claims Court hears claims for bad debts up to £5 000. It is possible to obtain assistance with such claims online through a website: <http://www.small-claims.co.uk/>. France also has an equivalent of the Small Claims system in the huissier de justice (www.huissier-justice.fr). Often mere mention of the huissier is enough to make French debtors pay up.

Spain is testing out similar legislation but you have to live in the country to take advantage of it. 'Spain does now have a new small-claims system in place,' explains Valerie Collins, based in Barcelona; 'You can go straight to the court and file a claim for non payment without having to hire a solicitor. You have to have issued a formal invoice, and have proof that you have rendered the service invoiced for (in our case, proof of publication). If you're owed money by a Spanish company but are not resident in Spain, you would have to give power of attorney to someone domiciled here if you wanted to file for payment, as they won't send legal notifications outside Spain.'

The disadvantage of these systems is that the claimant sometimes incurs costs, so even if the money is eventually recovered, part of it will have been eaten away by charges. So, the poor writer suffers yet again as, no doubt, the fees payable are already liable to the outrageously high charges made by banks when they transfer funds from one country to another.

Other routes are to join journalists' and writers' unions and associations. These, however, may provide little more than moral support unless the claim is really big and they think it worth supporting a claimant for the benefit of the membership as a whole. As a last resort, I suppose freelance writers could co-operate by sharing the names of clients who do not pay. It might be unwise to publish such a list openly in case the publisher became liable to libel charges, but I imagine it would be possible to set up an email list through which writers could distribute names on the basis of 'caution is advised before working with X'.

The author is a British writer resident in France. She specializes in development and environment issues and writes about the EU. Find out more at www.worldsapartreview.com

What Publications Should Look for in a Technology Writer

By David Geer

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What to look for in a technology writer.

A good technology writer has a good portfolio. The writer you want will have samples that parallel the content you're looking for. A good portfolio sample can be found at <http://www.GeerCom.com/samples.html>.

A good technology writer is a good investigator. A professional technology writer takes time to get to know you, your publication, and your goals. What do you really want to get out of this project? A great writer will ask because a disciplined professional needs to know.

A good technology writer is a team player. Professional writing requires top-notch communications skills on all levels, not just in the text of your articles and features. The writer you want should be able to carry on a dialogue with you and your team to discover your needs, and to make sure that they are met.

A good technology writer is prepared to work with you and your team until you're satisfied. Consultations, revisions and changes should be built into the fee. These are part of the process and should be foreseen by the writer.

Finally, a good technology writer instills confidence. After providing the necessary requirements and information, you should feel comfortable letting the writer drive where the story is concerned. You should be able to rely on their responsiveness to your queries. You should be assured that they will deliver all that you expect and more.

About the Author David Geer is chief technology writer, technical journalist and owner of Geer Communications, which helps print and electronic publications meet their content needs. E-mail him at David@GeerCom.com, call him at 440-964-9832, or check out the Geer Communications Website at www.GeerCom.com.



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