



NUJ observations to the Finance Committee of the Northern Ireland Assembly on Defamation Bill 2021 tabled by Mr Michael Nesbitt MLA

The National Union of Journalists is the voice for journalism and journalists in the UK and Ireland. It was founded in 1907 and has more than 30,000 members working in broadcasting, newspapers, news agencies, magazines, book publishing, public relations, photography, videography and digital media. In Northern Ireland our members are organised through two branches, Belfast and District and Derry and North West.

Introduction

The National Union of Journalists welcomes the Defamation Bill tabled by Mr Mike Nesbitt and commends the principles outlined by his pre-2nd stage briefing on September 8, 2021.

Our members include journalists engaged on a variety of contracts of service by media organisations, and freelancers, many of whom struggle to earn a living in an increasing precarious industry.

The NUJ welcomes reform of the existing law in Northern Ireland and Mr Nesbitt's Bill is a first step in that it would bring the law into line with the current defamation regime in England and Wales.

1. The reform of the English and Welsh law was a significant improvement, although the NUJ would have preferred further changes; there is no compelling reason why Northern Ireland citizens should be subjected to more draconian legislation which undermine freedom of expression.
2. The debate on the Defamation Bill affords a welcome opportunity for a wider discussion on the role of the media and takes place against the backdrop of threats to journalists across Northern Ireland. It is critical that journalists can and must be allowed to speak the truth without fear or sanction.
3. In this regard the NUJ acknowledges the cross-party support for the *Stand Up for Journalism* campaign of May 2020 in the wake of threats against journalists and newspapers across Northern Ireland. That initiative was a powerful endorsement of the role of journalism in a democratic society to function without fear or harm.

4. The Defamation Bill 2021 serves to focus attention on legal constraints to freedom of expression and the practice of journalism.
5. It should be noted that the high cost of defamation proceedings and the dubious distinction enjoyed by Northern Ireland as a destination for what has been termed libel tourism has grave implications for freedom of expression, for the healthy functioning of democracy and for employment within the media industry.
6. In his last address to media workers and film makers the Welsh academic and media commentator Raymond Williams stressed the vital role of a free press unhindered by threats. Williams declared that journalists “must become the arrow not the target”.
7. There is a need to reform the current law on defamation in Northern Ireland to give greater protection to journalists and media organisations to ensure that the correct balance is struck between the right of wronged parties to seek redress and the right to freedom of expression, which embraces the rights to public and to receive information.
8. **Principles.** The core principle underpinning this submission is the protection and promotion of the right of freedom of expression, both for our members and the public who are entitled to receive the information imparted through the media.
9. Experience of defamation actions shows that the disproportionate financial risks to which both defendants and plaintiffs are exposed in the context of defamation actions is having a chilling effect on freedom of expression and the rightful vindication of reputation where that is merited.
10. While acknowledging the importance of protecting a person’s good name and reputation, the balance between the private right to one’s good name should be weighed against the right of citizens to express freely their convictions and opinions.
11. That balancing has been evident for many years at the European Court of Human Rights, where the court tends to favour the public right to freedom of expression in Article 10 of the European Convention on Human Rights over more individual rights under Article 8.
12. **UK Defamation Act 2013.** The UK defamation Act 2013 was introduced after the Leveson Inquiry joined others in levelling serious criticisms against the then existing legislation that had several flaws, the most serious of which included poor available defences leading to many cases being brought against the media, particularly by the wealthy who were often able to scare off justified criticism.
13. Other flaws were the lack of a harm threshold and the ability to use London as a centre for libel for and against people outside the UK thanks to the global nature of the internet.
14. **Serious Harm test.** The NUJ has always supported the introduction of a ‘serious harm’ threshold that a plaintiff should be required to establish in a defamation action. Such a test would be similar to that as introduced by the Defamation Act 2013 in England and Wales and Mr Nesbitt’s bill would bring Northern Ireland into line.

15. The Act specifically introduced an obligation for a claimant to show that the publication resulted in *serious harm* in order to succeed in a defamation action. In 2015 Thompson Reuters published a review of Defamation claims taken in 2014 in the UK which demonstrated a significant decline in the number of claims taken which it attributes to this provision (27%). This, it is submitted, would not be onerous on a genuine claimant and would provide protection against; (a) the issue of defamation actions with little merit but issued on an *in terrorem* basis (ie to intimidate a publisher in an attempt to prevent future publication about an individual or a particular topic) and (b) the use of this jurisdiction as a haven for libel tourism
16. The other key changes in the UK Defamation Act 2013 which would be incorporated include:
- Extension of privilege for academics and scientists on statements relating to scientific and academic matters that have been reviewed by editors and by at least one peer reviewer. Malice removes this protection.
 - Restrictions on “libel tourism”; limits cases against those not living in the UK unless this is clearly the most appropriate place to go to court.
 - Trials without a jury possible.
 - End of single publication rule. This where a repeated publication could face a new libel claim – disastrous for the Web where each new viewing is a new publication.
17. **Defences.** The 2013 Act makes some significant changes in the defences available to those faced with a defamation action.
- A key change is the offer truth as a defence. Until the 2013 Act the defence was justification. Truth was not a defence – indeed, it was often said that the “greater the truth, the greater the libel”.
 - The Act adds the defence of honest opinion.
 - It also strengthens privilege as a defence. This includes a new defence for academics and scientists publishing in peer-reviewed journals with regard to statements relating to scientific and academic matters, provided they are reviewed by editors and by at least one peer reviewer and are made without malice in the public interest.
 - The public interest defence is vital to a free press and the 2013 Act strengthened this. Courts are now obliged to consider this where:
 - (a) The statement was on a matter of public interest; and
 - (b) The defendant reasonably believed that publishing the statement was in the public interest.

18. The court must have regard to all the circumstances of the case. In determining whether the statement complained of was in the public interest, the court must make such allowance for editorial judgement as it considers appropriate.
- the defence under this section may a statement of fact or a statement of opinion.
 - Rules for website operators changed providing much stronger protection, particularly over readers comments. Protection is offered where action is taken by the operator of the website within 48 hours. The Act also makes it a defence under section 5 of the 2013 Act for the operator to show they did not post the statement on the website.
- The 2013 Act also includes protection through an offer of amends or consent. A court will consider an offer of amends. Consent of course should protect journalists.
- 19. Publication on a Matter of Public Interest Defence.** The NUJ supports, in particular, a statutory defence clearly predicated on the public interest which recognises in a comprehensive and objective manner the crucial role of the media in a democratic society, imparting information in a responsible manner in the public interest.
20. **Use of Litigation.** Despite the significant improvements in England and Wales, the NUJ, in common with other organisations including Index on Censorship and PEN, have been campaigning against strategic use of legislation to silence journalists.
21. Strategic Lawsuits Against Public Participation (SLAPPs) - abusive lawsuits designed to silence speech through the litigation process pose a serious global threat to public interest journalism and the right to freedom of expression.
22. In Northern Ireland citizens are denied the use of the protections contained in the Defamation Act 2013 and the strategic use of legislation deemed not to be fit for purpose in England or Wales is having a chilling effect on journalism and on academic research.
23. The impact of defamation legislation is difficult to assess since the threat of defamation can be sufficient to prevent publication of stories. The prevalence of out of court settlements, with confidentiality clauses means that the actual cost is impossible to quantify.
24. The possibility of a legal action in Northern Ireland is, in some cases, enough to dissuade publication or broadcast, even if the information in question is in the public interest.

The NUJ's Code of Conduct has set out the main principles of British and Irish journalism since 1936. The code is part of the rules and all journalists joining the union must sign that they will strive to adhere to it.

Members of the National Union of Journalists are expected to abide by the following professional principles:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed.
2. Strives to ensure that information disseminated is honestly conveyed, accurate and fair.
3. Does her/his utmost to correct harmful inaccuracies.
4. Differentiates between fact and opinion.
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means.
6. Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest.
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work.
8. Resists threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge.
9. Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation.
10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed.
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare.
12. Avoids plagiarism.



Northern Ireland Assembly

Committee review of Defamation Bill 2021

Additional response to questions to Prof. Chris Frost, NUJ

The NUJ has been asked to provide further information as follows:

1. information on the impact on insurance premiums for media organisations in the UK following the passage of the defamation legislation in 2013.
2. information on the membership numbers and level of engagement of Northern Ireland media organisations with the NUJ and its Code of Conduct.
3. information on the number of complaints and sanctions for its Northern Ireland membership in respect of the NUJ Code of Conduct, in recent years; and
4. clarification in respect of the membership and level of engagement by Northern Ireland media organisations with the Independent Press Standards Organisation

On point one,

Finding out information on the use of libel insurance in the English media has proved extremely difficult. Whilst defamation insurance is often included in general liability insurance for many businesses this does not normally apply to the media which often face defamation accusations as part of its operations. Finding anyone able to give any information on this matter has proved extremely difficult. I can only recommend approaching the News Media Association who might be able to give some guidance on libel insurance. The NUJ itself does not deal with defamation insurance. We expect members to be covered by their employer or to seek their own defamation insurance if self-employed. My own experience as an editor many years ago was that insurance was largely pointless. If a claim was made about a matter that we felt able to correct and apologise for, this was usually dealt with quickly and relatively cheaply. Potential actions that arose out of stories that had already been identified as risks would not normally be covered by insurance and even if they were, the insurer would usually seek settlement as early as possible refusing cover if the editor was unwilling to do that. Consequently insurance, that was incredibly expensive, was largely pointless.

On point two:

The union has 665 members of the union on various grades of membership plus a further 60 to 80 members on honorary or life membership grades. The NUJ negotiates with many media organisations in Northern Ireland on behalf of its members. For example, we regularly collectively negotiate for our members, or represent them as individuals, in the daily newspapers, regional newspapers, local radio stations, the BBC and a variety of other miscellaneous employers.

On point three:

As I told the committee during my evidence, there are very few complaints received and adjudicated by the NUJ concerning members in Northern Ireland as complaints can only be taken from members of the union. The Union was a founder member of the Press Council in 1953 but left in protest at the Council's record in the early 1980s. We re-joined in 1988 following reforms in the council but were excluded in 1989 by publishers on the closing of the Council and its replacement by the Press Complaints Commission. We continued taking complaints from the Public for a short while after to our own Ethics Council, but the continued attacks on Unions during the 1980s and beyond meant we could not afford the resources to continue this service and so limited taking complaints from members only. There have been three complaints about members from Northern Ireland in the last 15 years, one of which was upheld. The Union's rules on discipline and the code of conduct are published below for information.

On point four:

IPSO does not appear to publish their membership, but I know the following Northern Irish publications are or have been members, as IPSO has adjudicated complaints about them made to IPSO or published confirmation of their membership at some point:

Antrim Times
Ballymena Times
Ballymoney Times
Banbridge Leader
Carrick Herald
Carrick Times
Coleraine Times
Derry Journal
Dromore Leader
Larne Times
Londonderry Sentinel
Lurgan Mail
Mid Ulster Mail
Newtownabbey Times
Portadown Times
Tyrone Times
Ulster Star
Belfast Live
Belfast Telegraph
Irish News

IPSO does not publish data about the number of complaints made against Northern Irish media specifically. However, it does print data on adjudicated complaints. A total of 11 complaints were adjudicated as being potential breaches of its code against media listed above.

Belfast Live had two complaints, both resolved to the satisfaction of the complainant.

The *Belfast Telegraph* had four complaints; one was upheld with a requirement to publish the correction previously offered by the paper.

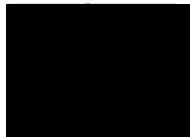
The *Irish News* had four complaints, none of which were upheld.

The *Portadown Times* had one complaint against it. This was upheld with a requirement to publish a correction previously offered by the newspaper.

Both IPSO and Impress, the two press regulators, now run arbitration schemes that allow a cheap route to those seeking redress for breaches of the codes of practice, including defamation and privacy. No NI media organisation is a member of IPSO's arbitration scheme. Impress has upheld two such cases, neither from Northern Ireland, both regarding defamation (www.impress.press/regulation/arbitration-awards.html). IPSO does not publicly identify how many cases it has dealt with under its arbitration scheme (www.ipso.co.uk/arbitration/).

I hope that this helps the Committee in its deliberations.

Yours sincerely,



Em. Prof. Chris Frost
NEC member National Union of Journalists
Chair, NUJ Ethics Council

NUJ rules on discipline

Rule 24

24 Discipline

(a) If after due inquiry, in accordance with the procedures and time constraints laid down in Appendix C, the NEC is of the opinion that a member has been guilty of conduct which is detrimental to the interests of the union or of the profession of journalism, or is in breach of the union's code of conduct or membership responsibilities, or the Bullying and Harassment code in Appendix F of these rules it may:

- (i) impose on that member a fine not exceeding £1,000;
- (ii) suspend that member for a period not exceeding 12 months;
- (iii) express its censure in such terms as it deems appropriate;
- (iv) impose more than one of these penalties, or
- (v) expel him/her from the union.

(b) The Ethics Council shall be empowered to receive from branches, and union members, complaints about the work or behaviour of union members or about the conduct of candidates in union elections which, in the complainants' view, contravenes the code of conduct. If after due inquiry, in accordance with the procedures and time constraints laid down in Appendix C, the Ethics Council is of the opinion that a member has been guilty of a breach of the union's code of conduct, it may reprimand the member or refer the matter to the NEC with a recommendation to impose one or more of the penalties outlined in clause (a) of this rule.

(c) Any person suspended under this rule shall continue to pay his/her usual contributions to the union. That member shall not be eligible for any of the financial benefits of the union or to hold office in the union or to vote in the union until the suspension has come to an end.

(d) The records of such findings of guilt and penalties, whether they be imposed by the NEC or the Appeals Tribunal, other than expulsions, shall be removed from the member's union records after 10 years' continuous membership without a finding of guilt under this rule. The 10-year period should start from the date of the offence.

(e) The NEC, or in emergency the General Secretary in agreement with either the General Treasurer or any one of the trustees, shall have power to prevent from handling any union funds or books any member or officer of the union who is suspected of stealing or misapplying the funds or falsifying the books or accounts of the union. The NEC may institute legal proceedings in the name of the union against any member or officer so suspected. The NEC may appoint auditors to examine the books or accounts of any branch or other union agency and to investigate its workings.

(f) Conduct detrimental to the interest of the union shall be deemed to include:

- (i) Maintenance of membership of the Institute of Journalists while a member of the union.
- (ii) The acceptance of voluntary redundancy or redundancy by a member while his/her job is the subject of a dispute between the union and his/her employer.
- (iii) The unauthorised disclosure of the confidential business of the union, branch, chapel or other agency of the union;
- (iv) Any breach of the rules of the union or of the principles laid down in the union's membership responsibilities.
- (v) Taking up of membership of any other organisation the object or purported object of which is the furtherance of the interests of working journalists by the regulation of their conditions of employment.
- (vi) Failure, without reasonable cause, to comply with an instruction of the NEC, or an instruction of the General Secretary to withdraw from employment.

(g) The outcome of all complaints dealt with by the NEC or the Appeals Tribunal shall be reported in the union's journal. Such reports shall include details of any penalties imposed.

Appendix C - Disciplinary proceedings

- (1) Complaints alleging that a member (herein after referred to as the respondent) has behaved in a manner detrimental to the interest of the union or of the profession of journalism or in breach of the membership responsibilities may be instituted directly by the NEC, by a chapel or by any member (herein after referred to as the complainant). Complaints alleging that a member has behaved in a manner which is in breach of the Union's guidelines on bullying and harassment (Appendix F) shall be made direct to the NEC which shall deal with such complaints in accordance with a special protocol agreed by NEC for such purposes. Such complains may be laid by any member of the union regardless of whether they are directly involved in the matter complained of.
- (2) Complaints laid directly by the NEC shall be heard by a panel made up of no fewer than five chairs of industrial or other executive councils who are not also members of the NEC, any three of whom may form the complaint committee. Where fewer than five chairs of industrial/executive councils are available for selection, vice chairs may be selected in their place. Such

panels shall be selected through consultation among the chairs of the industrial and executive councils. The panel shall be serviced by an official of the union selected by the General Secretary.

- (3) A complaint laid by resolution of a chapel, shall remain the property of the chapel, which shall elect a representative to handle the complaint.
- (4) For individually laid and chapel complaints, it shall be the duty of the complainant's branch to decide whether a case has been made out for examination by the NEC, unless the respondent is a member of another branch.
- (5) If the respondent is a member of another branch the General Secretary shall be notified by the complainants' branch and s/he will endeavour to select a neutral branch to decide whether a case has been made out for examination by the NEC.
- (6) Complaints about the work or behaviour of union members or about the conduct of candidates in union elections which, in the complainants' view, contravene the code of conduct, shall be made direct by branches or union members to the Ethics Council which shall deal with all such complaints.
- (7) Complaints alleging that a member has behaved in a manner detrimental to the interests of the union or of the profession of journalism shall be dealt with by the NEC or at its discretion by a complaints committee of NEC, IEC, SEC or WEC.
- (8) No member may sit on a complaints committee if his/her electoral constituency coincides with that of the complainant or the respondent. The NEC shall take reasonable steps to ensure the complaints panel has a range of sexual and racial representation.
- (9) In any case in which the NEC decides to lay a complaint against any member, that member's branch shall be informed within seven days of that decision.
- (10) The NEC, or a complaints committee on its behalf, may call to appear before it any member or group of members who it is alleged have disobeyed an instruction under the rules concerning employment disputes and maintenance of wage rates.
- (11) No action shall be taken against any member unless that member has been given an opportunity to defend himself/herself, as detailed in this appendix.
- 11) The payment of reasonable expenses which any person incurs in attending a disciplinary hearing or appeal under these rules may be made at the sole discretion of the NEC.
- 12) Procedure for dealing with complaints against members for alleged conduct detrimental to the interests of the union
 - (i) Every effort will be made to ensure that every stage of these proceedings is conducted in accordance with the principles of natural justice and members of the NEC, Ethics Council and the Appeals Tribunal hearing complaints and appeals should receive appropriate training on equal opportunities and conciliation and dispute resolution.
 - (ii) A complaint against a member shall be submitted in writing to the complainant's branch secretary.
 - (iii) That branch secretary shall send a copy of the complaint to respondent giving at least 14 days' notice in writing of a hearing of the complaint before the branch or a committee appointed by the branch for this purpose.
 - (iv) In the case of a respondent who is a member of a different branch to the complainant, the secretary of the complainant's branch shall inform the General Secretary of the complaint who will deal with the complaint in accordance with paragraph 4.
 - (v) A complaint will be considered within 10 weeks of the date of receipt by the branch secretary, in default of which the complaint shall lapse.
 - (vi) The secretary of the branch hearing the case shall invite written depositions from the complainant, respondent, witnesses and any other relevant parties. On consideration of these written depositions a decision will be taken as to whether or not a case has been made out for examination by the NEC.
 - (vii) If the branch or committee hearing the complaint decides there is a case to answer, the complaint shall be forwarded, with the written depositions and an account of the hearing, to the General Secretary for investigation by the NEC. If the decision is that there is no case to answer, the depositions and an account of the hearing of the complaint shall still be sent to the General Secretary.
 - (viii) The branch secretary shall notify the parties of the decision in writing.
 - (ix) A complainant shall have the right to appeal to the NEC should the branch resolve that there is no case to answer.ⁱ
 - (x) Upon receipt of a branch decision, the NEC shall take such action as it deems appropriate, including attempts to bring about a conciliation of the parties to the complaint. Even if the complaint has been laid by the NEC, the NEC may still attempt to settle the issue by conciliation.
 - (xi) Should conciliation attempts fail, the NEC may decide to hold a formal hearing of the complaint.
 - (xii) Every effort should be made to fix a hearing date that is convenient to all the parties involved. Should no such suitable date be found within the time limits laid down by this appendix, or should the panel believe that no date will be agreeable because either party is attempting to avoid a hearing then the hearing may proceed on the basis of the written depositions and such witnesses as may be called.
 - (xiii) Fourteen days' notice of a hearing including the date, time and place of the hearing together with the written depositions

and account of the hearing (as presented to the NEC) shall be given in writing by recorded delivery post (or by registered post in the Republic of Ireland) to the complainant and the respondent at their last known addresses.

- (xiv) The parties to the complaint shall inform the NEC of any witnesses they intend to call at least seven days before the hearing.
 - (xv) The complainant or the respondent may present his/her own case, or be represented by a person of his/her own choice at the hearing.
 - (xvi) The union will not be responsible for any costs incurred by either the complainant or the respondent in respect of representation.
 - (xvi) The branch that initially heard the complaint and the respondent's branch shall each be entitled to be represented by a member at the hearing.
 - (xvii) The hearing shall be open to all members of the union to attend on production of his/her membership card, but he/she shall take no part in the proceedings and shall be bound by the confidentiality of the hearing if applicable.
- (13) The normal procedure for the hearing shall be as follows, subject to any additional provision that may be considered desirable:
- (i) The Complaints committee shall elect a chair from amongst its number to keep good order and ensure the proceedings adhere to the principles of natural justice.
 - (ii) The complainant and the respondent shall state the substance of his/her case in writing and be allowed to add to it orally and question each other.
 - (iii) Witnesses may be called and questioned by the parties or the complaints panel.
 - (iv) The parties shall conclude their submissions by making any further statements in extenuation or clarification but shall not introduce new evidence. (v) The complainant shall speak first and the respondent last.
 - (vi) The complaints panel may also require the General Secretary or person acting with his or her authority to summon such other witnesses they desire to hear.
 - (vii) The complaint committee's findings and any subsequent recommendations, signed by the chair of the complaint committee, shall be reported to the NEC for confirmation or variation.
 - (viii) The NEC shall inform all parties to the procedure of its decision as soon as possible after its meeting.
 - (ix) The respondent shall have the right to appeal any finding of guilt or penalty to the Appeals Tribunal.
 - (x) Complainants who believe that the penalty levied is too lenient; or that the procedure was not followed as laid down by these rules shall have the right to appeal the penalty to the Appeals Tribunal.
 - (xi) Notice of appeal shall be given in writing to the General Secretary within 21 days of the notification of the NEC's decision to the complainant or the respondent.
 - (xii) The adjudication by the NEC of any complaint shall be made within six months of the decision of a branch to hear the complaint or, in the case of a complaint laid by the NEC, within four months of the NEC's decision to lay the complaint – in default of which the complaint shall lapse, save that where a court of law instructs the union to halt disciplinary proceedings or the hearing of a complaint while court action is pending, the time limits set out shall be suspended for the relevant period.
- (14) Procedure for dealing with complaints against members for alleged breaches of the code of conduct
- (i) Every effort should be made to ensure that every stage of these proceedings is conducted in accordance with the principles of natural justice.
 - (ii) Before initiating a formal hearing of a complaint against a member for an alleged breach of the union's code of conduct, the Ethics Council will consider whether the issue can be resolved by conciliation. Where appropriate, the Ethics Council may seek to bring about conciliation between the parties at any point and to raise the issues in an educational way.
 - (iii) The Ethics Council shall also have the power to decide that the code of conduct is best promoted by resolving issues raised in complaints by educative means rather than by initiating complaints proceedings. If it so decides, the Ethics Council shall seek – but need not require – the co-operation of the person laying the complaint.
 - (iv) The Ethics Council, or a complaints panel appointed by it, shall consider any complaint referred to it and decide whether to make a full investigation of each complaint. In circumstances where it decides there is no case to answer, it shall provide reasons for this decision to the complainant. Only in circumstances where conciliation has failed, or is deemed inappropriate, and the matter is considered sufficiently serious by the Ethics Council, should it proceed to call a hearing to determine the culpability or otherwise of NUJ members complained against.
 - (v) The Ethics Council, or its complaints panel, shall be empowered to call for evidence from any source to enable it to make such an assessment.
 - (vi) The Ethics Council shall provide to the member complained against details of the complaint and the date, time and place of the hearing, in writing. 21 days' notice of such hearings shall be sent by recorded delivery post (or registered post in the Republic of Ireland) to the member concerned at his/her last known address.

- (vii) If a party fails to attend or submit evidence, the Ethics Council may nevertheless consider and decide upon the complaint.
 - (viii) The Ethics Council may call whatever evidence it regards as relevant.
 - (ix) The Ethics Council shall give the member concerned the opportunity to reply to the charges. Such member may present his/her own case or be represented by a person of his/her choice;
 - (x) Any expenditure incurred by a member in respect of representation is not the responsibility of the Union.
 - (xi) In the case of a complaint about an article or report which is not bylined or which carries a house byline, the Ethics Council may require the F/MoC of the chapel or chapels to which the members employed by the publication belong, to inform the Ethics Council of the identity of the member or members responsible for the article as published, or to satisfy the Ethics Council that he/she has made adequate attempts to discover such identities but has failed.
 - (xii) If a member or members accused of a breach of the code of conduct advances as a defence that the material which is the subject of complaint was altered by other members, the F/MoC of such member or members shall upon the demand of the Ethics Council, inform it of the identity of the members responsible, or satisfy the Ethics Council that he/she has made adequate attempts to discover the identities but has failed.
- (15) The normal procedure for the hearing shall be as follows, subject to any additional provision which may be considered desirable:
- (i) The quorum for hearing a complaint shall be three, of whom no more than one may be a nominee of the Equality Council or the Black Members' Council.
 - (ii) The complainant and the respondent shall state the substance of his/her case in writing and be allowed to add to it orally and question each other.
 - (iii) Witnesses may be called and questioned by the parties or the Ethics Council
 - (iv) Where there are more than two parties, each party shall similarly state his/her case, and, may be questioned by the other parties.
 - (v) The parties shall conclude their submissions by making any further statements in extenuation or clarification but shall not introduce new evidence. The complainant shall speak first and the respondent last.
 - (vi) The Ethics Council may also require the General Secretary or person acting with his authority to summon any other witnesses they desire to hear.
 - (vii) The Ethics Council's report of its findings and any subsequent recommendations, signed by the chair, shall be reported to the NEC for confirmation or variation.
 - (viii) Where the Ethics Council is of the opinion that a member is guilty of a breach of the code of conduct it may deliver a reprimand and/or recommend to the NEC that one or more of the penalties specified in Rule 24 be imposed. The NEC may, on receipt of a recommendation from the Ethics Council, impose one or more of the penalties specified in Rule 24.
 - (ix) The NEC shall inform all parties to the procedure of its decision as soon as possible after its meeting.
 - (x) The respondent shall have the right to appeal a finding of guilt or penalty to the Appeals Tribunal.
 - (xi) Complainants who believe that the penalty levied is too lenient or that the procedure was not followed as laid down by these rules shall have the right to appeal the penalty to the Appeals Tribunal.
 - (xii) Notice of appeal shall be given in writing to the General Secretary within 21 days of the notification of the NEC's decision to the complainant or the respondent.
 - (xiii) All complaints laid before the Ethics Council shall be completed within six months of the date of the next scheduled Ethics Council meeting following receipt of the complaint by the servicing official of the Ethics Council or, in the case of information being sought from chapel officers, six months of the date when the identity of the person or persons responsible has been obtained, save that where a court of law instructs the union to stop disciplinary hearings or the hearing of a complaint while court action is pending, this time limit shall be suspended for the relevant period.
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Members of the National Union of Journalists are expected to abide by the following professional principles:

A journalist:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed.
2. Strives to ensure that information disseminated is honestly conveyed, accurate and fair.
3. Does her/his utmost to correct harmful inaccuracies.
4. Differentiates between fact and opinion;
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means.
6. Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest.
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work.
8. Resists threats or any other inducements to influence, distort or suppress information, and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge.
9. Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation.
10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed.
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare.
12. Avoids plagiarism.

The NUJ believes a journalist has the right to refuse an assignment or be identified as the author of editorial that would break the letter or spirit of the code. The NUJ will fully support any journalist disciplined for asserting her/his right to act according to the code.