**Introduction**

Establishing and maintaining confidence in the professionalism, honesty and integrity of independent publishing is fundamental to the future success of John Readings. To this end, John Readings is an active member of, and adheres to the Australian Publishers Association’s Code of Conduct (as detailed below).

**CODE OF CONDUCT: Publisher Relationships with Authors**

This Code (which is not comprehensive) sets out the minimum professional and ethical levels of conduct expected of APA members in their relationships with authors.

All Members are expected to support and abide by the following principles:

1. Publishers will offer authors contracts that are, in all the circumstances, fair.
2. Publishers will offer authors agreements that are clear, comprehensive and expressed in terms that are not ambiguous.
3. Publishers will promptly report and pay to authors all royalties and other payments that become due to them.
4. Publishers will give authors appropriate attribution in publications and, where the author retains copyright, will, in line with industry practice, clearly acknowledge the author’s ownership of copyright.
5. Publishers will give due respect to the copyright and intellectual property rights of others.
6. Where a contract requires an author to contribute to the costs of publication:
7. The agreement will allocate costs, risks and rewards fairly, having regard to all the circumstances; and
8. The publisher will be open and honest with authors in relation to the likely returns an author might expect from any financial contribution he or she makes to a publication.
9. Publishers will seek to resolve disputes with authors promptly and fairly, having regard to all the circumstances, including the terms of the relevant publisher agreement/s.

Australian Publishers Association  
<https://www.publishers.asn.au/membership-information/eligibility>

**John Readings Code of Conduct**

John Readings also has a responsibility to its clients and customers and everyone in its extended value chain. To this end, all JR employees shall:

* Conduct their business on the highest professional level,
* Treat other employees, clients, customers and other stakeholders with courtesy, dignity and respect such as we would expect to be treated,
* Maintain and respect the personal and business confidentiality of stakeholders
* Act efficiently, honestly and fairly,
* Act with due skill, technical expertise and competence,
* Comply with the law and JR Policies (see further details re. publishing laws below),
* Avoid and promptly disclose any real or perceived conflict between personal interests and those of John Readings,
* Act in good faith in the best interests of John Readings in performing or discharging of duties,
* Exercise reasonable care, skill and diligence in the performance of duties and to strive to work to the best of our abilities,
* Act impartially in the performance of our duties,
* Observe health and safety policies and obligations and co-operate with all procedures and initiatives taken by John Readings in the interest of workplace health and safety,
* Promptly report any violation of law, policy or this code.

**General Principles**

Sometimes we may be faced with situations that are not directly addressed by this Code.

When faced with such a situation, consider your actions in light of the following questions:

* Is it legal?
* Is it ethical?
* Is it consistent with John Reading’s values?
* What would be the impact if your actions were reported in the media or your peers and family were to find out?
* Is it in the best interests of John Readings?
* Would you be proud of your actions?

If you are still unsure about a specific situation, seek guidance from your Manager or your HR representative.

## **Complying with the Law**

John Readings will only conduct business by lawful and ethical means, no matter how fierce the competition, or how high the stakes may seem to employees. Legal responsibilities change and employees at all levels must keep themselves informed and comply with all legal responsibilities.

In particular, depending on their individual responsibilities, John Readings people must be familiar with trade practices, taxation, employment or occupational health, safety and environment laws and regulations as well as the company’s trade practices policy and the policy and responsibilities for safety, health and the environment.

If employees do not understand their responsibilities and the company's obligations, they must seek guidance from their manager, HR or the legal department.

All employees have an obligation to understand and work within these requirements. The Company will provide the training necessary.

More details are available in the *Trade Practices Policy,* Procurement Policy and the *WHS Policy.*

As publishing is a relatively new area for the company, it is important that all employees are aware of the specific laws associated with publishing. The main legal areas are copyright, defamation, blasphemy, seditious libel, criminal libel, contract law, right to privacy, reporting restrictions, law and the Internet and CD/Film and other electronic publishing. These are outlined below.

**Copyright**

Copyright is an ‘intellectual property right’ protecting things that are created by a person’s skill, labour and investment in time and money. You will find that most published works will state (usually in the first few pages) that no part of the publication can be reproduced in any material form without the written permission of the copyright holder.

The law is designed to protect an individual’s own material such as articles, programmes, scripts or songs as well as those who publish the material such as newspapers, broadcasts and film and music producers.

In relevance to the media, copyright is a serious consideration. It determines the extent to which a quotation or the work of a third party can be used in an article or broadcast. A writer as well as the print and broadcast media can maximise the potential of their own work (e.g. an exclusive interview or first-seen footage of an event) and prevent others from using it. This is a powerful advantage in the media industry.

Copyright does not extend to an idea nor is there copyright in news. Anyone can report on an event, however the way the information is expressed is what is considered protected work and cannot be copied (i.e. word for word) nor can the footage or photography be used.

**Defamation**

Defamation protects the reputation of a person from defamatory statements made about him/her to a third party. A person (the claimant) can sue a writer or broadcaster if they feel they have been discredited. The outcome from such legal action can be timely and expensive.

What is a defamatory statement? According to Alberstat, Cassels and Overs, "A statement is defamatory if it tends to lower the claimant in the estimation of right thinking members of society generally (2002). The defamation must identify or refer to the claimant and must be published to a third person.

Publishers and their editors need to use their discretion when it comes to what is printed. Questions need to be asked; Is the content true and can it be proved? If the content is not true and cannot be proved, the editor need to determine if the person being written about is likely to take legal action.

Defamatory language comes under two categories: libel and slander. Libel is the written form (or some other permanent form such a video tape or recording) of defamation while slander is verbal defamation i.e. in radio or television broadcasts.

**Blasphemy**

The International Standard Bible Encyclopaedia defines blasphemy as primarily "defamation" or "evil-speaking" in general; "a word of evil omen," hence, "impious, and irreverent speech against God".

An offence arises where a statement in some way vilifies or denies the truth of the Christian religion. For a statement to be termed a blasphemous libel, it must also have inference to indecent or offensive terms that shocks and outrages the Christian community.

**Seditious Libel**

Seditious libel is speaking or writing anything offensive to the government or the representatives of the government. Considered slightly outdated in today’s modern society, seditious libel prosecutions are extremely rare with the last case recorded over half a century ago.

**Criminal Libel**

Criminal libel is the malicious defamation expressed either in printing or writing or by signs or pictures, tending to blacken the memory of one who is dead, with intent to provoke the living; or the reputation of one who is alive and to expose him to public hatred, contempt or ridicule. It has been defined perhaps with more precision to be a censorious or ridiculous writing, picture or sign, made with a malicious or mischievous intent (The 'Lectric Law Library, 2002).

**Contract Law**

Contract law has come to us from common law and is a vehicle by which persons voluntarily create obligations upon themselves. Promises are what contracts are all about. A contract is made up of a promise of one person to do a certain thing in exchange for a promise from another person to do another thing. Contract law exists to make sure that people keep their promises and that if they do not, the law will enforce it upon them.

A publisher will inevitably make contracts with printers, writers and authors and distributors. For instance an author’s agreement needs to state what rights are being acquired from the author, the territories, languages, electronic rights, rights to merchandising etc. Has the author provided the publisher with the appropriate third party permissions for all quotes and other such materials? If so, what rights has the publisher acquired from those third parties?

The Distributor Agreement needs to state what rights the publisher is granting to the distributor. Only one publication? Other books/magazines? Length of agreement? Territories? Markets? Does the publisher have the rights from the author/artist/illustrator/editor to grant these rights to the distributor? If not you may find yourself in breach of that agreement as well as in breach of those underlying agreements and a copyright infringer as well.

NOTE: staff are advised to seek the assistance of John Readings legal department for all contracts. No contract can be signed off without the prior approval of legal.

**Right to Privacy**

The right of privacy prevents the unauthorised commercial use of an individual’s name, likeness, or other recognisable aspects of one’s persona. It gives an individual the exclusive right to license the use of their identity for commercial promotion. A breach of confidence is when an individual seeks an injunction to prevent the publication of confidential information about them. In order to establish a breach of confidence a claimant must prove that the information is deemed confidential, the information was imparted in circumstances which suggested confidence and that there has been or will be unauthorised use of the information.

**Reporting Restrictions**

There are some restrictions prohibiting the reporting of information generally regarded as sensitive or in the interests of national security. The European Convention on Human Rights which has been incorporated into English Law by the Human Rights Act 1998 provides courts with the power to postpone the reporting of proceedings and the publication of parties as well as the publication of information relating to children. There are also automatic bans that restrict reports relating to the likes of divorce cases, hearings concerning sexual offences and indecency and committal proceedings before magistrates’ courts.

**Law and the Internet**

Rapid changes in technology have bought with it new challengers for the law. Many users of the internet promote the freedom of information and consider it a regulation-free media. The global nature of the internet makes it difficult for individual countries to enforce domestic laws and there is no international body or court with the authority to create the law on the internet.

However, it is assumed that those working in the media should apply existing principles of media ethics. Defamation and copyright legislation translates to the internet and individuals and organisations are responsible for what they publish on the web, whether it is on their own website or someone else’s.

An unwritten code of ethics has developed which affects the way people use the internet. For example, ‘spam’ (a term that refers to sending unsolicited email) is generally considered an unethical practice by many internet users, and often individuals or even service providers will take matters into their own hands and take action against spam. This can sometimes impact on people other than those who spam. That consideration raises further questions about ethics.

**CD/Film and Other Electronic Publishing**

These are new and changing areas. Often laws and ‘accepted behaviour’ are not moving as fast as technology. In any area which is new and rapidly changing, a publisher needs to make added effort to stay aware of changes in ethical perception and legal realities.

**Supporting Policies**

Policies and Procedures that Support this Code include:

* Work Health and Safety,
* Diversity and EEO,
* Discrimination, Harassment and Bullying,
* Conflict and Disputes,
* Customer Complaints,
* Procurement and Preferred Supplier Policy (see also policies and procedures re. tendering),
* Ethical purchasing checklist,
* Customer Service,
* Drugs and Alcohol,
* Disciplinary Policy,
* Grievance Policy.

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