

## Out on our own: From freelancers for freelancers

We were very pleased to have such a good turnout at the Freelance Business Forum in Barcelona this year (although we did miss a few familiar faces!). Read Alison McIntosh's report on our very full agenda (thanks very much, Alison!). It is a shame we have to squeeze this event in after workshops and before evening leisure, but it is the best way to maximise attendance.

This issue also sees the continuation of Stefan Lang's series on setting up as a freelance writer in Germany, where he looks at general terms and conditions of business, insurance, finding clients, and invoicing. Debbie Jordan, a free-

lance member for many years and known to many of you for her workshops and contributions to *TWS*, has answered our 'Ten questions' this time. Contrary to previous contributors, she gives a resounding 'No' to the question of whether she would ever consider working for a company (again) as a fulltime employee. We can understand why!

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## Finding my feet as a freelance writer

by *Stefan Lang*

Towards the end of my last contribution about my first steps into freelance medical writing, I discussed taxes, laws and legal structures. I will start this article with some more and no less exciting issues, such as insurance and general terms and conditions. Later on, I will report on how I acquired my first clients.

### Liability, general terms and conditions, and insurances

Is liability a concern? Is it true that the longer you work as a freelance medical writer, the more you expose yourself to potential liability? Some companies now expect freelancers to have professional liability insurance. Sometimes a liability clause in the client's contract requires the writer to indemnify the client's company for any judgment, damage cost, and expense. Until now, I have not been faced with such a clause, and nobody has asked me to take out an insurance policy. But I have had this question on my mind since I got started: I do not hold a law degree and I do not have a lawyer on speed dial—do I need an expensive insurance policy? I think liability is one of the most discussed issues among freelance writers. Please do not expect me to provide a conclusive answer.

When I consulted an insurance agent, I discovered that insurance actuaries do not have a medical writing category. Therefore, I needed to explain what medical writing actually means. As long as I talked about research articles or marketing texts, they categorized me as a journalist and offered me reasonably priced insurance. The moment clinical trials, drug approval or package leaflets were men-

tioned, the alarm bells started ringing—and the premium increased more than dramatically.

Freelance medical writers wear different hats. Writing, editing, proofreading in the regulatory or the marketing area: it may depend on the field of your business activity if you need liability insurance. Insurance against personal and property damage may additionally be useful if the office of your major client is furnished with priceless Ming vases, or if you welcome clients in your home office and your curish dog does not like strangers. Interestingly, indemnity policies often include passive legal protection. This means that claims are examined and handled by the insurance company first, and unjustified claims can be rejected without the need of a lawyer. Germans like their security quite a bit, so you will not be surprised that I am still occupying myself with such insurance matters.

I came to the conclusion that I could waive liability insurance for the moment. I decided to reduce my personal liability firstly by avoiding liability clauses like those mentioned above and secondly by drawing up general terms and conditions (*allgemeine Geschäftsbedingungen*, or *AGB*, as they are abbreviated in German). As far as I know, a freelancer is not obliged to provide general terms and conditions. But if you do so, they should be stated in legal, watertight terms. The help of a lawyer might be required.

My general terms and conditions cover my own responsibilities, the duties of the client, and also copyright matters. Most importantly, they ensure that the client is responsible for checking the texts for errors and inaccuracies and, fur-

## Finding my feet as a freelance writer

thermore, that the client generally accepts responsibility the moment he or she signs off on my work. In Sam Hamilton's article "Presenting freelance support for the freelance membership", you will find additional points that should be included in freelance medical writing agreements [1]. I believe that medical writing has a fairly low exposure to liability claims if one carefully considers these points. You may not need an expensive policy, but, as already said, it depends on your business area.

One final comment concerning insurance before I drop this subject: as a freelancer in Germany, you do not have to pay unemployment insurance. However, since February 2006, you can do so voluntarily. If you plan to go freelance, you should consider this possibility because the monthly contribution is low and does not depend on your actual income. You have to file an application for voluntary unemployment insurance at your local employment office by no later than one month after you registered as self employed.

### Clients and how to find them

Liability claims, lawyers, and more and more insurance—sounds like I was running out of money before I ever saw my first client! Time to ask how to find any.

There are hundreds of how-to books written by real experts offering secrets of success. Thousands of websites disclose the ultimate marketing programme: newsletter services, cold calls, give-aways, Internet marketing, yellow pages, business cards, and networking. Before I could check out any of these promising tools I ran into my first client: a former colleague, and also a writer, who works for a research organisation asked me to assist them in writing some articles. Very soon, some brochures and website content were added. I was occupied for weeks. Moreover, while working on the websites, I came in contact with a web design agency that brought me a further assignment.

First, I praised my luck in finding clients just by chance. Then I realized that it was not a lucky coincidence but rather the consequence of a fledgling network. I was staggered: "Networking? Not me! I do not belong to the pinstriped suit-wearing business people, who meet for breakfast at an espresso shop". Far from it! I learnt that a network at its simplest level consists of the people around you. If you have more than the names of your personal friends and family in your address book, you are probably already networking. Obviously, networking just makes you visible: business comes later. After I had accepted that I was already networking, I asked how I could further increase my "visiblenss".

The Internet makes you visible to potential clients; as visible as one out of 500 million web pages can be. No matter how brightly coloured or professional looking your website might be—how will you show prospective customers the path to your online door? Primarily through good search engine placement. But is it expensive? Do you have to pay to ensure that search engines will find your page? Not necessarily. Getting a good Google ranking depends on the number of links that lead to your site from other

websites. To increase that number, you can easily register your homepage in many different web directories. In this respect, do not forget to join the EMWA freelance list. Meanwhile, I had many contacts from this source, and I realized that companies especially go through this list if they have decided to hire a freelancer.

After my website had gone live, I tried to make myself a little more visible: I wrote some articles and press releases about the services I offer (during the first months of my self-employment I had abundant free time to write). The goal was to promote my business, and it worked just fine. The more texts I published, the more contacts I had. Recently, a university took note of an article I had authored about academic writing and asked me to hold seminars.

### Invoicing

Finally, the day arrived when I wrote my first invoice! I had a little fun making up a simple template and filling in the specific work I did, along with the agreed price. For the first time, I felt like a real freelance writer, sending out my first invoice. I felt even more like a real freelancer when the invoice was paid. Let me expend a few words about a field of bureaucracy that is important and anything but boring.

What else would you expect from Germany? What an invoice must contain is defined by law [2]: the word "invoice", your name and address and, not surprisingly, name and address of your client should be mentioned. Make sure that you note the exact recipient of the invoice. Furthermore, the date the job was done, the type of work, and the date the invoice was written must be stated. The invoice amount should be given as the net amount broken down by tax rates. If no VAT is billed, this must be explained: e.g. exempt from tax as a small business. Finally, the invoice needs a unique consecutive invoice number, your tax number or VAT Identification Number, and a statement that you are not registered for VAT, if applicable. It is up to you whether you want to add a breakdown of the costs that make up the total and the preferred method of payment.

My first assignments have gone pretty well, and I have enjoyed every day of my self-employment. Now, after being a freelancer for about six months, I have the impression that time has speeded up enormously. Since I have been freelancing, I no longer watch the clock ticking slowly toward the end of the working day. Instead, I am always surprised that the sun sets so early. Let's see if I am still so optimistic in a couple of months. Whatever, I'll let you know!

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### References:

1. Sam Hamilton. Presenting freelance support for the freelance membership. *The Write Stuff* 2007;16(3):135-137.
2. Bundesministerium der Justiz [cited: 27.03.2008]. § 14 Ausstellung von Rechnungen. available: [http://bundesrecht.juris.de/ustg\\_1980/\\_14.html](http://bundesrecht.juris.de/ustg_1980/_14.html).

## Country-specific tips: Artist(e)s' Social Fund for freelancers in Germany

I mentioned the 'Künstlersozialkasse' (Artists' Social Fund; KSK) in Germany in a previous issue of *TWS* and would like to say a little more about this to complement Stefan Lang's article in this issue. You never know whether to translate 'Künstler' as *artist* or *artiste*. Using the latter, it sounds like an organisation that offers sheltered accommodation to retired actors, which it may well: the main thing is it may have something to offer you if you are a writer or editor in Germany as far as far as health and pension insurance are concerned.

Writers, editors and journalists are classed as 'artists' in Germany, and if you have been in full employment and then apply for any grants from your local employment office when you set yourself up as a freelance writer or editor, they will check to see whether you are in the Artists' Social Fund, and you will have to join. If you do not get any money from the unemployment office, you do not have to join, but you can join voluntarily, and it is certainly worth considering. Quite a few EMWA members in Germany are in the KSK.

Being a member means that you stay in the state pension scheme (which gets bad press in Germany, but still beats what is available in most other countries), and that the KSK pays half your pension contribution and half your health insurance contribution. Health insurance including income protection insurance in Germany can be upwards of €500 per month if you are privately insured, or about 13% of your salary per month if you opt for state insurance as a freelancer. Freelance writers, editors and journalists are the only group of self employed people in

Germany who enjoy this privilege from the KSK. And this really is a privilege, because being insured in the state pension scheme means that you qualify for an invalidity pension if you can no longer work. You do have to wait 78 weeks for this (this is why you need income protection insurance until then if privately insured), but if you were a self-employed architect or IT expert, for example, you would not qualify for a state invalidity pension. Members of the KSK are also the only group of self-employed people who can benefit from the 'Riester-Rente' (small state subsidy for the state pension named after a former Employment Minister). I know the amount involved is only small, but it is especially worth it for young people. Why miss out on a present of money from the government and a small tax break in later life?

You can find more information on [www.kuenstler-sozialkasse.de](http://www.kuenstler-sozialkasse.de).

Since everybody is in a different situation, every financial decision you take should be obviously be evaluated thoroughly by your accountant and a pensions advisor (*Rentenberater*). The possible benefits of being in the KSK are, however, still not generally known in Germany (even amongst accountants and pension advisors), so they should be taken into consideration.

We look forward to receiving similar tips from members in any country to help fellow members in that country.

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## Is giving the same presentation at different conferences acceptable?

This question has yet to be raised for medical and medical writing conferences and seminars but a current debate in the field of political science gives food for thought. The debate began in the *Political Science and Politics* journal where Nelson C. Dometrius, a professor of political science at Texas Tech University, wrote that when he posed the question "If you are going to give a talk at a scholarly meeting, do you need new material?" to senior faculty members he received a mixed reaction but the same question posed to graduate students usually produced "a blank stare—a lack of comprehension that presenting the same paper as many times as you wished would be viewed by anyone as an unusual or questionable practice."

One investigation found no double up until 1992. In the

mid-1990s one or two papers were presented twice a year but now presenting more than once has become fairly common.

The traditional reason given for double presentations—getting feedback and then revising—remains a strong justification, according to the articles in the journal. But questions have been raised as to whether the real motivation for repeated presentations is CV padding rather than making these revisions. There are also other ethical issues as to whether it is fair to allow repeat presentations when many conferences are turning away a record number of paper proposals.

Source: Jaschik S. Double Dipping in Conference Papers. Posted on Inside Higher Education on 20 May 2008: Available at <http://insidehighered.com/news/2008/05/20/double>