



RTÉ Trade Union Group Submission

Commission on the Future of Media

January 2021

Introduction

The RTÉ Trade Union Group (TUG) welcomes this opportunity to participate in the public consultations on the task before the Commission.

In this submission the TUG will outline its views in relation to the future of public service media in relation to RTÉ. However, as a stake holder, we would welcome an opportunity to meet with the Commission to discuss these issues at greater length.

The TUG is affiliated to the Irish Congress of Trade Unions and is the representative body for trade unions recognised by RTÉ for the purpose of collective negotiations.

The current affiliates of the TUG are: SIPTU, NUJ, CONNECT, UNITE, MUI and EQUITY.

As an affiliate of Congress the TUG has supported the establishment of a commission on the future of the media in Ireland.

Congress and the TUG share a commitment to the maintenance and development of public service media in Ireland.

The funding and resourcing of public service broadcasting has not been a priority of successive governments. As the representative body for trade unions in RTÉ, the TUG has been engaged in restructuring and cost-reduction negotiations with management and this submission has been prepared against the backdrop of forthcoming negotiations.

Uncertainty is the enemy of strategic planning and our members have endured the consequences of the failure to reform the licence collection system for quite some time.

RTÉ's public service remit is to provide a diverse and representative offering that reflects Irish life and culture to communities on the whole island and outside the island of Ireland.

From news and current affairs, to domestic and international sport, arts and culture, to Irish language content and programming, to choral, quartet and orchestral performance and the maintenance of its significant national archive, RTÉ delivers to numerous communities, minorities and special interest groups on a daily basis.

It is also responsible for maintaining the transmission network and the continued operation of SAORVIEW - the digital terrestrial television service - and 2RN, which provides the national analogue transmission network for FM radio.

While the Broadcasting Act, 2009, directs RTÉ to maintain a website as part of this remit, the possibilities afforded by such a service, as existed at the time of the legislation's drafting and subsequent enactment, have changed beyond recognition.

All of the above services are also directed to be provided free-to-air.

In order to perform this duty effectively, a stable, adequate and independent funding mechanism is required, coupled with an efficient collection method. Stability ensures it is in a position to provide consistent, reliable services to the public it serves, free from the danger of outside pressures due to market forces or shifting technologies.

An adequate level of funding allows RTÉ to continue to commit to the provision of quality, informative and culturally relevant programming with less reliance on the current and continuing decline in commercial revenue and on the ebb and flow of such revenues into the future.

Question 1. How should Government develop and support the concept and role of public service media and what should its role in relation to public service content in the wider media be?

1.1 Government should communicate clearly to the public that the concept of a Public Service Media (PSM) is central to Irish life. It is an essential element in our democratic system, educating the public in the operation of the system and its institutions, how the public can engage with it and what demands it may make on it. As a PSM organisation, RTÉ also performs the role of inquisitor and parser of national institutions and the opinions of public representatives on behalf of audiences.

1.2 Government should support RTÉ by ensuring a future-proofed funding model to carry-out its mission; to provide engaging, informative and trusted content to varied audiences; it should also protect its public service role as the primary provider of national, cultural programming and content.

1.3 Sufficient funding would grant RTÉ the stability to design, engineer and control the appropriate technology required to deliver, at high quality, its content and programming to the widest possible audience at home and abroad.

1.4 RTÉ should continue to provide such programming that by its nature is linear – news and current affairs, sport and other live events, national emergencies – while offering both complementary and additional content on its digital platforms.

1.5 The TUG is fully supportive of the funding of public service content in the wider media. Through its funding of the independent sector across all platforms RTÉ provides vital employment and support to small and medium businesses that produce content for Irish audiences. The dilution of public service media funding, however, by a potential increase of provision from the same independent programmes account fund to privately-owned commercial sector businesses would be detrimental to RTÉ's ability to continue its level of service.

1.6 Save for its statutory duty under the Broadcasting Act to operate and manage the independent programmes account, funding for RTÉ and TG4 should be kept separate from any private sector public service content funding. On-going arrangements for RTÉ provision to TG4 should be maintained.

1.7 The most significant evolution of public service media is the change in the method of consumption of public service media content and programming. With the advent of video-enabled, smart and mobile devices, the landscape has been altered completely.

1.8 This, in turn, has had an enormous effect on advertising revenue, as the social media content providers, whose business model relies primarily on advertising to users, have taken over a huge and growing share of the market. This shift merely exacerbated the huge decline already experienced by RTÉ in advertising following the 2008 financial crash, and led to significant cost-cutting in the organisation, including to workers' pay and conditions.

1.9 While licence fee evasion in Ireland is amongst the highest in Europe, there is an additional decline in revenue due to those who have no need to own a television set to watch their favourite programmes, as they do not require a television licence.

1.10 The most recent evolution has been caused by the explosion in disinformation and misinformation enabled by social media in direct and targeted circulation to users. Public service media organisations have therefore never been more necessary as a bulwark against such 'alternative facts' designed to mislead and sow suspicion of truth.

1.11 All of the above have caused unpredictable disruption to the work of public service media organisations throughout the world. RTÉ is no exception.

1.12 These changes to the appearance of the public service media landscape over the past decade have merely shown the Broadcasting Act, 2009, to be outdated and unfit for purpose.

1.13 National infrastructural investment is also required. Access to high-speed fibre broadband is currently not of a sufficient standard for a significant number of households in Ireland. Such infrastructure is an essential prerequisite for the delivery of any digital platform content in a digital age.

An Ghaeilge

1.14 The most effective way of promoting the Irish language would be to continue the work already being undertaken by RTÉ and its Group Head of Gaeilge in strengthening existing partnerships with the many Irish language groups, both national and community based, throughout the island. These groups better understand the needs and interests of their respective communities and are best placed to act as liaison with the national broadcaster in relation to Irish speaking audiences both within and outside the Gaeltacht. It is also an important resource for those who wish to renew what they may feel is forgotten Irish or those who are completely new to learning it. Progress has been made in RTÉ content in recent years with the establishment of the Group Head position, though this must be measured against the severe reduction of Irish language programming output and the reduction, for example, of the Irish language department in television.

1.15 There is also room for the increased use and further development of Raidió na Gaeltachta within RTÉ. For years it has suffered through significant reductions in staffing and under-resourcing, in part as it is funded solely by licence fee revenue. Due to its regional locations in Donegal, Kerry and Conamara, as well as in Dublin, it offers a greater insight into local issues that do not often reach the national headlines. Better resourcing and recognition would allow for local issues to be filtered upwards from the work of Raidió na Gaeltachta journalists.

1.16 In relation to non-news programming, the station has a wide audience around the globe, particularly for its music programming. This is an advantage that could be built on. While Raidió na Gaeltachta does not carry advertising, it would be possible to seek limited sponsorship in order to raise revenue for the development of the service.

1.17 There is also an opportunity for Raidió na Gaeltachta to mentor and foster fluent Irish language speakers from within and outside the Gaeltacht to add to and renew the service. Such renewal is essential to the maintenance of a vibrant public service for Irish speakers at home and abroad. There is no doubt that wider dissemination of Irish content throughout RTÉ's output in general would greatly enhance its appeal; its current corralling into a single Irish Language pillar within the One RTÉ structure risks pushing it further off-radar.

Culture

1.18 In his BBC John Peel lecture of 2016, the musician, Brian Eno, referred to culture as the 'creative arts' and to art as 'everything that you don't have to do.' He used that term to distance art and culture from the obsession that some in the political classes have with the term 'creative industries' – that culture and art are somehow measurable in GDP terms, or have an intrinsic economic aspect which must be monetised. This is risky territory and public service media must be wary of it; Wilde's 'price of everything and value of nothing' still holds. Such service provision may often be 'uneconomic' but sets PSM apart from the for-profit sector.

1.19 The arrival of the pandemic highlighted the essential need for people to have access to arts and culture that effectively disappeared overnight. Be that as it may, art is something that artists need to do; people also need art and artists need audiences. This is a symbiotic relationship; one cannot survive without the other. RTÉ recognised this and has responded positively, cross-platform, since March 2020.

1.20 RTÉ on-air programming schedules have supported the arts directly for years as well as providing indirect support through sponsorship and advertising, through hosting its own outside broadcasting events and by partnering with other arts events, promoters and institutions. It must be given the stability to continue to strengthen its support for arts and culture at every level.

Sport

1.21 RTÉ should continue to broadcast sporting events that are culturally important for our audience. It should support all sports, including so-called “minority” sports that don’t normally generate enough revenue for coverage by commercial media; for the purposes of the nation’s entertainment, information and inspiration as well as physical and mental health through sports participation.

Latest figures from Sport Ireland show that 46% of the population - about 1.7 million people - participates in social sport at least once a week. Personal exercise is the most popular with 16% of that number involved in that area, followed by swimming (9%), running (7%) and cycling (4%).

Triathlon is one of the fastest growing sports in this space and thousands of people of all ages and abilities participate; save for the Olympics or notable international performance, it gets little attention. Irish rowers and sailors have also achieved at the highest level in recent years, but outside these major events there is little mention. The demand for membership of rowing clubs, for example, cannot be met. Sailing regattas are held all along our coast each summer, attracting thousands of participants and spectators to very colourful events that hold a special place in the communities they visit.

1.23 There has been an increase in recent years of RTÉ coverage of the "Big Moment", both nationally and internationally. Large viewing numbers for RTÉ Sport coverage across television, radio, news and online of the traditional ‘big three’ of GAA, soccer and rugby suggest it is getting this right. This is what the majority want, and this is what they're getting. But this comes at a cost. Other sports have had their coverage cut, with few exceptions; the successes of Katie Taylor, the women's hockey team, and cyclist Sam Bennett at the Tour de France for example. The national finals for amateur boxing, cycling and hockey get little or no mention when they come around each year. Regular television magazine shows produced in the past to highlight these events are no longer offered.

1.25 RTÉ should continue to increase coverage of female sports and continue to redress the gender imbalances in our society for the purposes of inclusion, equilibrium, entertainment, information and inspiration as well as physical and mental health through sports participation.

RTÉ has succeeded in getting more female presenters and reporters on air, but more could be done to develop more female commentators / experts to analyse the sports coverage; the majority of panels and discussions are still dominated by men.

Serving the public

1.26 As a Public Service Media organisation, RTÉ’s first duty is to the needs and expectations of the public. As such, the national broadcaster is well-positioned to recognise issues of Irish character and identity, creating a diverse, plural and inclusive media organisation that accurately reflects changing Irish society. Only by providing opportunities to individuals and groups that represent minorities, specialist interest groups and multi-generational communities from diverse backgrounds can RTÉ reach its full potential.

1.27 RTÉ is appropriately suited to act as a mentor and originator of new, diverse, talented individuals, providing them with the training and experience to add new ideas and contributions to the services it provides. Greater direct involvement of the public in this way would assist in identifying what audiences look for in its public service media. As shareholders, members of the public must feel ownership and must be given the means to contribute.

1.28 Whether through news coverage or factual content, RTÉ is best placed to speak truth to power and to challenge falsehood, utilising its resources to deliver clear, verified and verifiable information. Such programming is vital in informing and shaping public opinion – it must not be threatened by declining revenues.

1.29 The station's arts service contributes directly and indirectly to arts communities throughout the island with its decades-long policy of funding or sponsoring arts ventures and projects and partnering with other arts-related organisations; its direct offering of arts programming and content across all platforms is reaching significant audiences, to an increasing degree in the on-line sphere; radio drama commissioning continues to give new writing, production and talent the opportunity to showcase the best story-telling, providing excitement, suspense, laughter, joy and comfort.

1.30 All of the offerings above have proven themselves to be a part of the fabric of our society and were, collectively, vital to coping with an unprecedented change to life in 2020. The pandemic highlighted the role RTÉ plays in the lives of Irish people – as a trusted source of information in moments of critical need, part of a long history of serving the public in difficult times. Coverage throughout the extreme weather events of the Beast from the East and Hurricane Ophelia are more recent examples of that role. Such programming in both English and Irish reveals RTÉ's ability to serve Irish language communities at home faced with a decline in the numbers of people fluent in an Ghaeilge in the face of an increasingly English-speaking, globalised world. They also cater to the diaspora and to those who wish to reacquaint themselves with their national language after time and to absolute beginners with no knowledge. Such services will not readily be provided by media other than RTÉ and TG4.

1.31 Viewing figures for RTÉ programme and content during the pandemic indicate where the demands of the public can be met.

Global PSM comparisons

1.32 When it comes to protecting PSM from the forces that threaten its existence, there are lessons to be learnt from other jurisdictions. The **United States** allowed its Public Broadcasting Service to be diminished to near-extinction largely by business lobby groups and the lack of political will to protect it. Its current existence is as reliant on corporate financing as its commercial competitors, often producing mediocre output [James Ledbetter, *Made Possible By: The Death of Public Broadcasting*]. A landscape

now rife with increasingly polarised and polarising media forces in its place shows the dangers of such a policy.

1.33 Recent threats to decriminalise licence fee evasion in the **UK** appear to have been shelved, with reports claiming that the UK government shall continue to operate the current method until 2022 at the earliest. This, it appears, is due to any considered alternative to the current system proving less popular than the existing one. [Telegraph, 20 Dec 2020]

1.34 The **German** broadcaster Deutsche Welle is funded directly from Government tax resources with the stipulation that no employee in the broadcaster should, in principle and without Government agreement, be remunerated above that of Government employees.

1.35 **Switzerland**: A 2018 referendum to decide scrapping the licence fee to fund the SRG-SRF public service broadcaster, which delivers services in the four national languages, was rejected by 71% of voters. They were concerned that the poorer French and Italian speaking minorities would be disadvantaged as a for-profit organisation would most likely direct services towards the wealthier German-speaking audiences. The breakdown showed that the youth vote was heavily behind its retention, a salient fact for public service media organisation eternally keen on attracting younger audiences.

1.36 The European Broadcasting Union, of which RTÉ is a member, has called on policy-makers in the EU to promote the role that public service media plays in protecting democracy. Coupled with legislation to curb the immense power and influence of big tech, the EU has a significant part to play in protecting PSM throughout Europe.

1.37 An EBU report in 2016 prompted Nils Muizniek, Commissioner for Human Rights at the Council of Europe until 2018, to note that countries with well-funded public service media enjoy greater press freedom and encounter less right-wing extremism, while also noting the increase in threats to the safety of journalists and attempts to diminish protection for journalism.

1.38 He further outlined his concerns for the risks to public service media in various EU countries due to Governmental interference and censorship, often made under the guise of 'reform'. He highlighted existing Council of Europe recommendations reinforcing the position of PSM organisations by way of

- legal measures to guarantee editorial independence and institutional autonomy;
- sustainable funding
- ensuring members of management and supervisory bodies are appointed through a transparent process, taking into account their qualifications and professional skills and their duties related to working for the public service.

Question 2. How should public service media be financed sustainably?

2.1 The funding mechanism must be free from Governmental interference, while at the same time being transparent and accountable and open to regular scrutiny by relevant authorities and regulators.

It must also have the editorial independence to challenge those in authority and power without coming under political or commercial pressures.

2.2 As democracy comes under increasing threat from disinformation and misinformation targeted at reliable, factual information provided by recognised and authoritative institutions and bodies in various fora, Public Service Media must be in a position to impart accurate, verified and trusted information.

2.3 It must also act as a defence against the efforts of social media users and abusers to circulate disinformation or unverified reports and posts by constantly providing the public with the truth. RTÉ has been to the fore with this message as highlighted by the recent RTÉ News and Current Affairs 'Truth Matters' campaign. Many examples can be cited; RTÉ's investigative journalism proves the point.

2.4 RTÉ Investigates, which grew out of Prime Time, has produced numerous exposés since the unit was created 8 years ago. Included are documentaries revealing poor treatment of children in foster care and in crèches, political corruption, illegal treatment of the intellectually disabled, wrongdoing in Console and other charities, 'Inside Ireland's Covid Battle,' ESB pollution, cruelty in the Greyhound industry, Traveller accommodation and the murder of Garda Tony Golden.

Between them, Prime Time and Claire Byrne Live provide a forum at least three times a week for thoughtful reporting and discussion of national and regional issues. During the pandemic, both programmes have enjoyed increased audiences as the public sought trustworthy sources of information.

2.5 The current collection method for funding PSM is inefficient. The Broadcasting Act of 2009 did not allow for the development and uptake of mobile device content consumption as we now know it, particularly where it comes to video on-demand programming. Smartphone technology provision for mobile video has only been universally available since 2012 and later. As it applies to the funding of Public Service Media in the digital age, the Act is unfit for purpose.

2.6 The TUG urges the Commission to note the BAI's recommendation in 2018 to immediately increase the funding of RTÉ by €30M, at a minimum, annually.

2.7 A fixed charge, obligatory fee collected at source would ensure consistency and stability sufficient to allow the public service media to make future plans. There are many examples from other jurisdictions

that allow for this, either through utility bill addition, a household charge or directly from income tax coffers. Such a progressive model must be entirely independent from Government influence. It should be reviewable every 5 years and linked to inflation rates.

2.8 Prosecution for evasion (currently, at 13%, among the highest in Europe) should remain as the only effective way to ensure consistent revenue. This is borne out by the recent UK government decision to abandon plans to replace the same mechanism for the BBC Licence Fee.

Failure to prosecute evasion impacts on those who purchase licences, and threatens that cohort's willingness to continue to buy them.

2.9 The BAI, as regulator, currently oversees the public complaints process relating to any claims of bias, impartiality or offensive items or content broadcast by RTÉ, while RTÉ itself operates a complaints process through the editorial standards board. Both should continue to operate as transparent means for the public to challenge its public service media.

The publication of RTÉ's annual report provides the public the opportunity to scrutinise the value for money aspect of the service. RTÉ is also subject to Freedom of Information requests.

Organisational change

2.10 While the TUG recognises the need for organisational change it is also dedicated to the protection of workers' rights and employment through negotiated agreement. One of the difficult issues facing the TUG is protecting jobs in RTÉ during the current reorganisation, work-practice change process, at a time when outsourcing of formerly in-house productions is increasing, while also ensuring that such aims are not to the detriment of those who work for independent sector film and tv companies. A better system of funding both RTÉ and public service content providers would ensure that both of these objectives could be met.

2.11 Under current RTÉ agreements, staff consent to 'facilitating change and improvement' including the use of new working methods, equipment and technology, subject to consultation [Code of Practice / Guiding Principles]. Management have, therefore, been afforded ways in which organisational change can be brought about. Such agility is essential for RTÉ as a Public Service Media organisation and the TUG is fully supportive of this.

2.12 Any future agreements brought about through negotiation can, in the same way, address identified improvements and developments to ensure continued provision of services to the highest and most efficient degree.

Content funding

2.13 Better publicised, more accessible commissioning schemes should be introduced that do not cause content providers to be as reliant on a broadcaster to make content or programming available to the public. – e.g. streamed audio / video on for-purpose public service content platforms be that radio, television or digital. Moving beyond sound and vision, solely, into the realm also of digital / online could open the way for other public service content providers to access funding and to reach a wider audience.

2.14 The TUG favours a two-track approach to funding public service content. The current method, as currently operated under Broadcasting Act 2009 stipulation, known as the ‘independent programmes account’, whereby RTÉ commissions programming from external companies in the private independent sector.

A second method could be operated through the establishment of a public service content fund and/or tax relief mechanisms that is/are open to non-PSM productions on a not-for-profit basis. This would ensure the provision of quality public service content and the protection of employment in the commercial sector. It would also protect against the use of such funds by private broadcasters driven solely by providing profit to shareholders.

2.16 Further dilution to RTÉ’s revenue stream through funding public service content in the commercial sector pits RTÉ unequally against media companies with considerably greater budgets and would risk the continued existence of the national broadcaster.

2.17 The decline in advertising revenue brought about by the entry of big tech into the market has caused enormous difficulty for RTÉ. In the absence of any change to big tech’s advertising driven model, such will continue to be the case. In this context, a lesser reliance on commercial revenue would be favourable, provided the publicly-funded aspect was sufficiently robust.

2.18 Other suggestions have been made and are in some jurisdictions already in operation – the UK, France and Italy introduced digital taxes or levies on big tech companies. The NUJ suggests the introduction of a windfall tax on big tech in order to divert such taxes to indigenous media.

2.19 In response, tech companies have passed the cost onto app developers and third party service providers, insisting they will continue to do so should further taxes be imposed. There is, therefore, an issue for regulators and governing institutions, as opposed to media organisations, to rectify.

2.20 Big tech companies prefer a global reform of taxation rather than the above examples, which they deem arbitrary. Such a stance, however, may be seen as a cynical ploy, given that any agreement

between OECD countries, or the EU and US for example, on a global taxation policy is unlikely and any efforts to achieve such a policy have so far failed to make progress.

2.21 Alternative funding models for public service content providers should be considered. Community-based fundraising (crowd-sourced or other) with matched funding from PS content providers would give smaller regional communities and minorities a voice. This, in turn, could generate further connections between PS content providers that could lead to further commercial ventures not reliant on a PS content fund.

Question 3. How should media be governed and regulated?

3.1 An inevitable consequence of change within the media landscape is the evolution of a single regulatory framework. In this event new legislation will be required to address relevant issues. Any new legislation will need to be malleably designed ie easily renewable / amendable every 5 years or so, to allow for updating in line with technological change. This would prevent the current situation arising again.

3.2 In terms of wider regulation at EU and global level, tackling big tech is the most significant issue. Both on a taxation front – to fund traditional and indigenous media, having lost out to the tech annexation of the majority of the advertising market – and also on a publishing front; big tech should be made legally responsible for anything they publish on their platforms in the same way that all other media organisations are. This would level the playing field considerably. Though attempts have already been made to begin this at both EU and US level, resistance to both moves from big tech has been intense. These goals are significant targets to hit but are not beyond the wherewithall of either the US or the EU. A concerted effort, through the OECD or other forum, would make the task easier. As part of the EU, the Irish Government would have its role to play domestically on the taxation piece, whereas the publishing aspect could easily fall in line with any wider EU policy on the issue.

3.3 The consolidation of private ownership of media companies threatens independence, plurality and difference and, in recent years, has led to the polarisation of audiences toward the political extremes. Enabling its unchecked growth has negative impacts on society and weakens the ability of reliable, trustworthy and independent voices to be heard.

3.4 Simple sloganeering and the normalisation of populist political movements as witnessed throughout the world leads to the hollowing out of the centre and the diminution of diversity and inclusion. If proper, fair competition, long the calling cry of the European Union, is truly to be the goal of a fair and equal society, increased consolidation of ownership is both counter-intuitive and indefensible. Governments and regulators should be ready to prevent commercial media organisations becoming as out-sized and beyond challenge as big tech threatens to become.

CONCLUSION:

4.1 RTÉ, in particular News and Current Affairs, fulfils a vital role in providing accurate information and in shaping public opinion. The increase in audiences to RTÉ services during the pandemic highlights the regard in which the station is held by the public, a reputation earned through decades of proving itself as a trusted source of information and analysis.

4.2 RTÉ provides the best forum in which to present the vision for a more tolerant society, and a greater understanding of alternative traditions and cultures, by reflecting the experiences of different people and minority communities who share this island. It should be enabled to play its part in bringing about such diversity and equality.

4.3 RTÉ will never, nor should it attempt to, compete with global behemoths for it fulfils a far more important role, one which neither global tech companies or international streaming services will or can fulfil; that of delivering culturally relevant, high quality, value for money content to the communities it serves.

4.4 Looking towards a post-Covid society, the TUG must emphasise that RTÉ, as a national Public Service Media organisation, plays a significant part in the protection of employment outside the organisation as well as playing a role that is vital to culture, democracy and society in Ireland.

The TUG submits the case that the Commission will recognise the importance of a properly funded RTÉ as the best option available for future generations.