

Professionalism & Invoicing Criteria

The example of translating

How professional attitudes are undermined by
perverse invoicing practices

How fees could be calculated – and checked –
differently

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This talk addresses two overarching subjects, one practical, the other abstract; and it seeks to show how the two are linked. One topic is how a translation task and performance can be measured so that the fee charged reflects – roughly – the work involved and can be compared – even more roughly – with the fees charged for similar work. The second topic is a definition of what it means to work professionally. The conception I shall propose of professionalism is importantly different to popular notions and those propagated by the public relations industry. This said, at the end of

the day I shall have had little new to say, but it is astonishing how much has been forgotten.

I. (Text volume and *spurious precision*)

We are only too familiar with current practice: most translations are marketed and sold by counting the number of lines or words, as if translators were typists, or else as if we simply transcribed one alphabet to another, such as from the Cyrillic to the Latin alphabet. This makes life simple for the MBAs overseeing procurement. Prices can be compared. Quality is another matter, but, generally, it is not the procurement people who have to worry much about this because the victims of poor quality are mostly out of sight and may not even realise the reason for their vexations. If the end product fails in its purpose, this comes to light only indirectly. When does a company ever make a scientific test comparing two translations of the same text – for instance, cheap & cheerful contrasted with moderately expensive but fit for purpose? To be sure, in other areas of life things are not much different. Think of the short training session, where you grasp the essence right away; and the long course, where you struggle, blaming yourself for being dumb, while unbeknown to you the horse is being saddled from the wrong side. Sometimes, one suspects, by design.

Although Goethe once excused the excessive length of his letter by explaining that he was short of time and therefore unable to cut it down to essentials, it is uncontroversial that translating a long text will require more time & effort than a short one.

However, the basic equation

" long = (equals) = more, and short = (means) =
less "

cannot be extrapolated – scaled up & down – infinitely: As the ratios change, and the lengths approximate each other (as in differential calculus), other criteria come to the fore. Failure to observe this phenomenon leads to the error of *spurious precision*.

Spurious precision is to be observed everywhere in the business world, and beyond, but this does not make the precision any less spurious. It is either thoughtless or else cheap, unworthy of an educated – or, more exactly, a numerate – person.

If the volume of a text can only be one element among others in estimating the intellectual input, there must be recourse to other criteria. One such criterion is the terminology, whereby this must be identified differently according to context. For

instance, a translator of legal texts might need to look up, or at least check, the word *nitrogen*, should it appear in a contract, while the translator of chemical texts will just know it.

Even those terms that can be looked up at the click of a mouse still need some time and know-how, plus the expense of the dictionaries or access to a web-based service. You need to be in a position to recognise whether the translations or equivalents are reliable; and to maintain one's systems. Two minutes are gone in a flash, and even at a moderate hourly rate of, say (for the sake of simplicity) € 60, a couple of euros should come on the bill. But where the time really goes is when the technical terms are used incorrectly, or where we are faced with alternatives or questions of interpretation. Conscientious as we are, we consult a second – indeed a third or fourth – source, and quickly it is not five minutes we have spent, but ten. So in value terms we need to be charging five or ten euros a time. This leaves quite out of account any outside help we call on gratuitously, such as tapping into the invaluable expertise of colleagues through "mein BDUE".

Similar considerations apply to sentences ungrammatical, and logic that has gone awry; to contradictions; to sententious sentences (too long,

overloaded, and needlessly intricate); the typos – such as a "not" that is missing! But, worst of all perhaps, the time and emotional self-mastery spent on a courteous accompanying note on delivery. Anyone failing to note the passing minutes with a stopwatch will have only the foggiest of notions how much time has been spent on each obstacle.

The alternative to pricing by volume would, on this reckoning, be to invoice by time, but inevitably using numbers of hours and hourly rates based more on psychological impact than fact. Here, *spurious precision* can really come into its own! (The master of *spurious precision* is, incidentally, the composer Eric Satie, who satirised it to perfection in his minute-by-minute account of his daily routine, including scheduled minutes of inspiration.)

II. (Obstacle race or crossword?)

A serious degree of transparency would require an altogether different approach. This may seem utopian for some. But we shall only make progress in our line of work – and beyond – if we know where we want to go. Drifting – going with the times – will get us nowhere.

We all know where our working time goes. It is eaten up by the awkward passages where we must stop & think or else go looking – sometimes on a wild goose chase. That happens, depending on the source text (and depending, too, on our individual experience and skill) every seven or seventeen or seventy lines.

It is possible to flag the passages in the source text. This way one knows, afterwards, that the ten-page text contained forty "hold-ups", forty infelicities, or – more business-like – forty "cost points". The monetary equivalent must be reflected in the invoice. Let it stand, alongside the number of lines, as a separate magnitude. It should not – *not* – be concealed in a higher line price. For each time that we choose to write only a number of lines and a line rate on an invoice, we are driving another nail into the coffin of our professionalism: each time, the sophistication of all we achieve is belittled – and rewarded a little less.

Be cultivating the fixation on numbers of lines or words (and not even counting these by the nearest or next thousand!) – often even without being constrained to do so – we are promoting the cheapening of our work. The bogus transparency of standard rates and the consequent false comparisons deprive us, little by little, of the

incentive, indeed the practical possibility, of working for the benefit of those who use our work; with our hands tied, we enjoy our work less & less; we no longer aim at occasional perfection; and eventually we shall neglect to maintain our skills, let alone improve them, contenting ourselves with occasional and cynical displays of bogus virtuosity (like producing false translations that sound good, or just recycling stuff at express speed with technical expertise and irrespective of ultimate purpose).

III. (The nature of professionalism)

The second overarching subject of this talk is the concept of professionalism. In the spirit of the *zeitgeist* the word looms everywhere, loud and arrogant, yet it is defined almost nowhere.

So, to commence, a few comments on what *professional* should not be used to mean.

Although a professional should preferably be business-like, they should be a business person in second place only, and not first & foremost. This is not to object to competence in drawing up offers, in keeping to deadlines, even to the seriousness displayed in communicating promptly that a deadline cannot be kept; no objection, either, to proper presentation on delivery, or politeness on the phone, or diplomatic wording in an email.

These are the virtues inherent in business life and indeed elsewhere. But they are virtues of the second order, matters of good etiquette that, largely, should go without saying.

Professionalism, however, is more than – indeed distinct from – conformity; it is about being purposeful. Remember, for its victims, even the best presentation will fail to rescue substandard work. And this consideration must apply even if the defects never trouble the party commissioning and paying for the work since, normally, someone else, somewhere, will pay a different price, if only the consumer puzzling over the assembly and operating instructions or the hapless loser in litigation. Nor is obedience to norms the be-all & end-all of professionalism. The norms must be interpreted, and their weaknesses remedied.

Professionalism is, therefore, in the first place commitment in the form of advocacy for the beneficiaries, these often being distinct & different from those commissioning the performance. In particular, when the orders are not placed by the responsible engineer or lawyer, and not placed, either, by an in-house language service, the danger is that convenience and short-term economies will rule the day. Procurement departments, obsessed by the rhetoric rather than the substance of professionalism, and staffed often by masters of

business administration rather than master craftsmen, are often the least apt to choose and judge wisely in the interests of the end users of the performance.

For us, who in our work have such an intimate relationship with language, we have a further commitment, namely to language itself, and its cultivation as a means of precise and subtle communication. To be sure, language is subject to continuous renewal and change. It is not a matter of preserving purity. None the less, there are distinctions to be upheld, nuances to be exercised, and so a need to combat the vandalism and inflation imposed daily on our common currencies. In politics and advertising this approach may seem to be a lost cause, although, even here, there can be precision in imprecision, where the wordsmith might still save his – her – sense of honour. In many areas, moreover, we may have greater freedom and influence than we think; and even where we are on the defensive, some rearguard action is possible.

The concept of professionalism covers many career paths, but not all. Part of the definition presented and defended here is that the target group addressed by a true profession can be distinguished, in principle, from the paymasters.

IV. (*Examples*)

Having dealt by way of introduction with what professionalism is not, and unmasked the pretensions of those who have hijacked the word, let me remind you positively of what it is. It involves a commitment to some specific good that extends beyond the immediate horizon, be this one of making a living, exercising expertise, or conforming to the etiquette and fashions of the day. What distinguishes the professions from each other is the nature of the ultimate good being pursued; (and, obviously, this will be only in the background – even in the recesses of the psyche – much of the time). Here are some examples.

The purpose of the medical profession is human health. It cannot, therefore, be reduced to treating particular patients or to providing a service for a medical insurance scheme. The purpose of architects, as professionals, is the design of buildings for people to live and work in, maybe for more than the span of an individual lifetime. This involves combining aesthetic and practical considerations, and so the creation of a protective space that even people not yet born may feel well in. The purpose of the legal profession is – should be – provision for & protection of due process and the outcome of justice, e.g. verdicts that reflect the

facts of the transgressions perpetrated, and proportionality. The purpose of policing, as a profession, is the prevention of crime, the detention of those thought to have committed crime, the collection of evidence in this connection, and, on a different count, the preservation of public order. It is expressly not the purpose of policing to hand out punishment, this being the preserve of the courts. Thus professionalism involves recognition of – and adherence to – the separation of duties. The duties of one profession should not, normally, be usurped by another; ("normally" because there are exceptions, but these require ethical and political reflection of a higher order.)

The purpose of translators and interpreters is to enable communication between speakers of different languages. This involves attention to detail and nuances, including cultural nuances, and it involves, too, avoiding the appearance of communication as occurs when there is failure to convey reasonably accurately what has been said or written. (Though there is a contentious area, depending on the context of the translating/interpreting, as to how far one goes in construing – interpreting! – what the originator of a statement intended to say or write, as opposed to what they – clumsily – did say.)

In each example, the good being propagated (the end being pursued) can be distinguished from the benefits to the immediate actors, such as the entity commissioning the work or the paymaster: these are not necessarily the beneficiaries of the activity. The entity commissioning the work may be interested only in its commission, and the paymaster interested only in keeping costs down. (In these cases there seems to be conflict between professionalism and business, although the conflict is more accurately described as one between professionalism and money-making/money-saving irrespective of wider repercussions.)

There are, of course, spheres of economic life where there is no wider purpose being served than what is obvious. Buying and selling familiar consumer goods, or else purchasing and providing well-understood services, may require some small degree of expertise, and may be done in a more or in a less business-like manner, and require honesty to the extent that no trade is done under false pretences, but use of the word *professional* in these circumstances is wholly misplaced. There is no ideal or purposeful commitment involved, only the unexceptional desire to make a living.

V. (*Solutions*)

It is not enough for us alone to make the effort to work professionally. We need competent business partners who are prepared to appreciate our professionalism. To some extent, this means that they welcome our questions – and comments – and do not treat these as a nuisance. But it also means their willingness to cultivate a considered approach to quotations and prices.

The orders from which most of us derive our income come from a small number of repeat clients. Each client presents us with a limited number of specialisms, that, gradually, we familiarise ourselves with. That is knowledge we invest much time in, and which we cannot invoice upfront. We hope that the client will remain with us, and that, as our knowledge and familiarity accumulate, we shall achieve a good hourly rate. Occasionally, the reckoning bears fruit. However, this hopeful calculation comes under threat at each change in personnel, and at the tiniest restructuring.

Yet our clients possess in us – to use a controversial word – *human capital*. This word can convey as no other that we are a resource that no manager in their right mind would dispense with lightly. The human capital we represent may

not appear in the accounts this year, or next, but one year it is likely to make a difference, if only to the expert eye with inside knowledge. For us, then, it is likely too late.

An associated problem is that most companies fail to remember, neglect to keep note. The good performance we have rendered, repeatedly and under time pressure, is forgotten, or else, if they do check, they see only the high fee, which we billed too low. It is seldom that, in our regard, the hopeful platitude holds true that one remembers the quality long after one has forgotten the price. As a rule, we do not supply fixed assets (even the glossy brochures are quickly shredded), but intangibles destined for rapid consumption. And is it any consolation if sometimes, without our permission, the products of our creativity and skill are recycled?

At this point in the argument I emphasise again that we can only make progress if we know where we want to go. It is no objection that – due to current ideologies or received wisdoms – we are far from our goal. There will be a turnaround, if not soon, then a little later. It risks being delayed, however, as long as no-one contests the current commoditization.

I assume that the goal I am pursuing is where most freelancers (in other professions, too) would, if they had the choice, want to go.

And where is that exactly?

I want us to have genuine framework agreements. That is, long-term contracts with obligations on both sides. Seeing that we need to familiarise ourselves with the subject matter of our clients; seeing that we likely need to establish good working relationships with the competent engineers, administrators, paralegals, attorneys, pharmacologists – managing directors, even – this must, at a minimum, be for the medium term. Incidentally, we should not have to prove ourselves afresh each time we do a job or contact the client, or always be at our peak. We, too, have a right to occasional underperformance and a bad day.

What must a framework contract contain? At the least, a minimum turnover. Most modestly, that might be € 10.000 or € 20.000 over three or four years, and more seriously twice that. Rates could not be reckoned by volume alone; there would need to be agreement on how to handle the inevitable and unforeseen difficulties. In particular, work on terminology would need a separate accounting. There would be rules on

delivery times, with surcharges on properly defined urgent orders and penalties on delays attributable to us. Arrangements for vacation and stand-ins would also need to be provided for. After two or three years, there would be a review of the experience and a new multiple-year contract could be negotiated.

What is objectionable – but is happening more & more – is the transfer of risks to the weakest parties. It is not least for this reason that any framework contract must include minimum turnover and provision for extra miles we are called on to travel. In return, assuming that the contractual term is reasonably long, attractive discounts can be negotiated on rates, it being understood that the source texts must themselves meet minimum standards of linguistic and logical clarity.

Where the source texts fall short of meeting such standards, the difficulties can be identified, classified and weighted so as to arrive at an objectively measurable surcharge. In cases where the source texts are created by the client, the learning effect of a (delayed) review of experiences can be beneficial for both parties, it being understood that we as translators are not only, at the least, bilingual (by the way), but – crucially –

linguistic analysts and indeed expert at chopping & changing sentences to convey a given message optimally.

VI. (*Work-arounds and desperate solutions*)

The climate of the times is that trust and trustworthiness have given way to caution and suspicion, increasingly so in practice if not in rhetoric. Definite prices are demanded in advance when the preconditions for these are entirely absent.

If under pressure and in a tight corner – these situations impose themselves increasingly – one consents to a fixed price that leaves no scope for an extra mile, then the message is that the clientele has rescinded the implicit contract of professional treatment. Somewhere along the line, our professional duties do come to an impasse if not an end. The skilled translator should – in my opinion – then not hesitate to take short cuts. Difficult words or phrases, where non-essential, can be omitted, infelicities allowed, and so on. One might, to cover one's back, submit two quotations, one for the simple version, and one for the luxury translation. (It is no bad thing in any case to state two prices in a quotation depending on the delivery schedule, even if this has been stipulated,

since this tactic conveys the message of how significantly deadlines impact on prices.)

Note, however, in respect for one's soul, that working regularly much below one's best and avoiding challenges is lethal not only for professional advancement. On the other hand, contrary to has been said among colleagues, concern for one's reputation is, surely, much overstated, though one wishes it were otherwise. It is not that reputation counts for nothing, it is just that we are helpless against slander by the ignorant or simply being mistaken for another. This consideration, incidentally, is a further reason for campaign for framework contracts which enable us to build our reputation as well as our expertise.

VII. *(Markets cut both ways)*

We are accustomed to the market functioning such that it is our task to submit offers. Yet a wholly different market is conceivable.

If it is supposed that we must be able to predict what the price should be, then the procurement side, too, should be capable of determining a proper price in advance. They, too, know the volume, can judge the grade of difficulty, and the quantity of terminology, plus they have experience

of the holy market, albeit, interestingly, a different experience to ours, and while their observations will be different, they will not necessarily be less extensive. In some cases the procurement officer, if competent, will have a notion of the value-in-use of the translation: how important is it to have the text translated; how complete must the translation be; how good?

If, at present, it is the case that many procurement people are incapable or unwilling to judge these matters, this has to do with their lack of professionalism, not ours. It would be conducive to the matter if the procurement people – where they are not themselves language experts – would deploy a suitably qualified member of staff to advise them. Then the client would be sufficiently well-informed to be able to enquire for estimates from a select circle of translators and engage the best for the job. The "best for the job" means not necessarily the very best, but the most appropriate for the task in hand, i.e. those who deliver the optimal ratio of performance to cost.

In cases where procurement is unwilling to state a fixed price, it could still communicate its thoughts. Otherwise it is frustrating for a translator or interpreter to ponder and eventually decide on a price – for instance – 1,700 (i.e. not 1,500 and not

1,800) only for it to transpire that the client had ruled out any figure above three digits.

VIII. *(Working for nothing: offers free of charge)*

Such misunderstandings arise from the expectation, or rather the custom, that quotations are free for the asking; of course, in this case they are free only for the prospective client.

In some sectors the realisation has won through that serious quotations constitute an input that must be paid for. This is where we need to be going. Then the client firm is free to decide how many quotations it wishes to pay for. At present, when we submit an offer we often do even not know how many we are competing against. It makes quite some difference whether we are one of three or one of ten. Often there is not even a thank-you for the quotation, that is, if your sense of pride or discretion forbids you to phone and ask for the thank-you.

Some clients respond to the suggestion that they should pay for quotations by ascertaining that they, too, must submit quotations for which they are not paid. However, on closer examination their situation is seldom comparable. They may, for instance, work in an area where, because of

legal restrictions on access to their market and the consequent small number of players, competition by price does not really happen; (this applies for the audit of major corporations). In a different constellation, a firm of architects might win a tender because their design is aesthetically superior. A translator, on the contrary, may have the edge by being a better translator, but, in the business world, will scarcely win out on the strength of the aesthetic superiority of his or her work. (The situation with interpreting is somewhat better.) It is also a matter of the margins that can be obtained. If an individual entrepreneur can obtain a six-figure sum for three months' work, then the speculative effort involved in elaborating a dozen unsuccessful offers can be absorbed without much pain. The rationale for work involving four- and five-digit sums is entirely different to that involving three-digit amounts.

One way to respond to the dominant scene in our sector is to offer prices that are so high they are sure to cover the work involved, and then there is no need to examine the details up front. An alternative is to offer low prices but then, at our whim or depending on the current workload, to turn the job down by referring to the German condition *freibleibend* (without obligation, subject to change without notice). These approaches are

imposed by the *zeitgeist* or, rather, the dominant business ethos. There are limits to our responsibilities, even if such responses are neither satisfactory nor particularly "professional". (Though they do not violate the core principle of professionalism as defined above; they simply offend against prevailing etiquette.)

In connection with the German Corporate Governance Code there is – or, at least, was – a phrase according to which an enterprise declares it has not received any performance without rendering a quid pro quo. This would be a lever one could activate to press for the payment of offers.

IX. (*Imposing risks on others*)

The elaboration of cost estimates or commitment to definite prices (there is a crucial difference that is little appreciated in practice, it would seem, by "professional" procurement people) involves not only work: it also exposes us to risk.

It goes without saying that little is possible without seeing what is to be translated, although we should be flattered at being attributed with such extensive telepathic powers. (These powers may also include, for those of us translating into English for non-English clients, divining which particular

words the client deems to be correct – or should that be "fashionable".) A reliable price estimate involves reading the document attentively, a procedure that must normally be done under time pressure. Only skimming through the text, even for those of us with plenty of experience, we are likely to underestimate the difficulties. The devil is in the detail. Whenever quotations are made as if driving at speed through fog, surprises may be in store. It is here that risks get transferred. In the worst case scenario, you get the job, plus twice as much work as anticipated but without the scope to adjust the price.

In the case of private clients, we must be accommodating, but with business clients the approach needs to be robust. It is a sad sign of the times that many companies seek to outsource not only their direct costs, but also their risks, and then to the weakest and least organised parties. Agencies, in particular, market themselves by offering easy-to-understand rates, generally at the lower end of the spectrum, and impose the inevitable risks involved in this cavalier business model on those who do the work. For all their protestations and public relations baloney, it is here that professionalism may be least expected.