

Anti-Sexual Harassment Policies and their Implementation within Media Organisations

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Abstract: As we complete eight and half years of the notification of POSH Act, 2013, it's pertinent to cite the findings of an empirical study conducted among media personnel that covered among other things the range and extent of sexual harassment in media and the implementation of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 by media houses across print, broadcast and advertisement. This study was initiated by NGO Population First with support from UNFPA and conducted by a team of faculty and students of the Gender Issues Cell at K C College¹.

Keywords: Sexual harassment, feminism, misogyny, Gender policies

1. Introduction

Feminist media scholarship has revealed media's deep sexism, misogyny and non inclusivity. Right from recruitment and promotion policies to the distribution of beats, media has been a highly gendered organisation. Sexual harassment has been a recurring theme in several studies in the past (NWI2004; Joseph 2005; IFJ2015; Bhagat, Pnd) with female employees reporting numerous cases of harassment-verbal, sexual or physical. Most of these cases go unreported due to fear of stigma, backlash and an unresponsive management.

However, the existing literature focuses primarily on gender within print media, with few insights into other media organisations, like advertising and broadcast, nor do they reflect adequately on organisational gender policies or prevention of sexual harassment policies. Issues of inclusivity with respect to caste, class, multiple genders and disability have not received adequate attention either. This research project sought to fill some of these gaps by mapping aspects like gender distribution and gender equity policies within organisations, pro-active measures taken by organisations to create a gender friendly and gender enabling working environment and implementation of The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.

While the scope of the study was much wider, this article presents the findings pertaining to three particular dimensions. Sexual harassment within media, implementation of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and proactive gender policies if any within media organisations.

2. Data Collection and Analysis

This study covered a total of 36 media organisations based in Mumbai that included 16 newspapers, 14 television channels and 6 advertising agencies. The study covered all large media houses in Mumbai along with some smaller organisations as well. The choice of the organisation depended on its readership/viewership/clientele base and a pan-India presence.

Names of participating media organisations across languages:

Table 1.1: Print Media Broadcast Media

Name of Organisation	Language	Name of Organisation	Language
DNA	English	BBC News	English
Hindustan Times	English	CNBC TV18	English
Indian Express	English	CNN-News18	English
Mid-Day	English	NDTV	English
The Hindu	English	Star Sports	English
The Free Press Journal	English	Times Network	English
Times of India	English	Times Now	English
Times Group	English	ABP News	Hindi
HamaraMahanagar	Hindi	India News	Hindi
Jagruk Times	Hindi	India Today	Hindi
Navbharat Times	Hindi	News 18	Hindi
Saamna	Hindi	News Nation	Hindi
Yashobhumi	Hindi	Zee News	Hindi
DainikBhaskar	Marathi	IBN Lokmat	Marathi
Maharashtra Times	Marathi		
Sakal	Marathi		

Table 1.2: Advertising Agencies

Name of Organisation	
FCB	LeEco
Harmony Multimedia	LowELintas
HyperCollective	SapientNitro

The total number of respondents for this study was 87 out of which, 49 were women. A majority (75.86 percent) of the respondents belonged to the 21-40 age group with about 24.14 percent in the 41-50 age group. Majority of the respondents (79.31) were Hindu upper castes with a smattering of Christians and Muslims.

Data collection exercise was carried out by a group of fifteen students who received intensive training in the intricacies of data collection and research methodology for two weeks prior to field visit. A pilot study was done to familiarise them with the research environment. A Semi-Structured Interview Schedule with a mix of closed ended and open ended questions was used to collect data. The interview schedule was prepared in three languages: English, Hindi and Marathi and was designed keeping in mind the gender sensitive indicators for the media developed by UNESCO. ⁱⁱ

The number of participants from each organisation varied between one and four. Wherever possible an attempt was made to have at least four respondents from different levels (Senior management, Human Resources Team and at least two from managerial/professional level) within each organisation, so as to have a diverse respondents' profile and to gauge whether there has been effective dissemination of gender policies throughout the organisation. Snowball sampling was used to identify respondents within media organisations. We began with some contacts that we had and then requested them for further contacts.

The respondents were contacted by email or phone for an appointment as per their convenience. A detailed note on the study, explaining its objectives and rationale, was emailed to each respondent and a copy of the interview schedule was mailed on request. We have used pseudonyms to protect the identity of respondents. Most of the interviews were conducted at the office premises of the media organizations (some were carried out at their homes/restaurant/coffee shops). What we present here are narratives from within the organization that explain the pervasive nature of sexism within media organizations.

Sexual Harassment: Perceptions and Experiences

Respondents were asked a series of questions on sexual harassment at work place, the nature of harassment, whether complaints had been lodged and if complaints were addressed in a time-bound manner. The data on sexual harassment threw up some interesting responses. A large number (69.38 percent) of female respondents denied having

faced any form of harassment. However, interestingly a majority among them acknowledged an invisible form of sexism prevalent in media houses but often unacknowledged or rather not talked about. It is simply brushed off. A casual or a benevolent kind of sexism seems to be pervasive in media.

30 year old Divya Das, who has worked with several news channels puts it succinctly:

Cracking of sexist jokes is always there. Everybody is always saying things that have puns loaded but nobody means it in any way, the environment is like that. Nobody reads much into these things unless it's specific to you.

This kind of casual misogyny then leads to situations where these violations become normalised and difficult to construe as instances of sexual harassment especially in the absence of clear guidelines as to what constitutes sexual harassment. The fact that sexual harassment is judged primarily from the impact it has on the woman and not the intentions of the perpetrator is easily missed.

30.62 % of the female respondents said that they had faced sexual harassment at work place that ranged from unwelcome comments on appearance, unwelcome conduct and inappropriate touching by seniors to online stalking and offensive SMSes or too much uncomfortable attention being showered by male bosses.

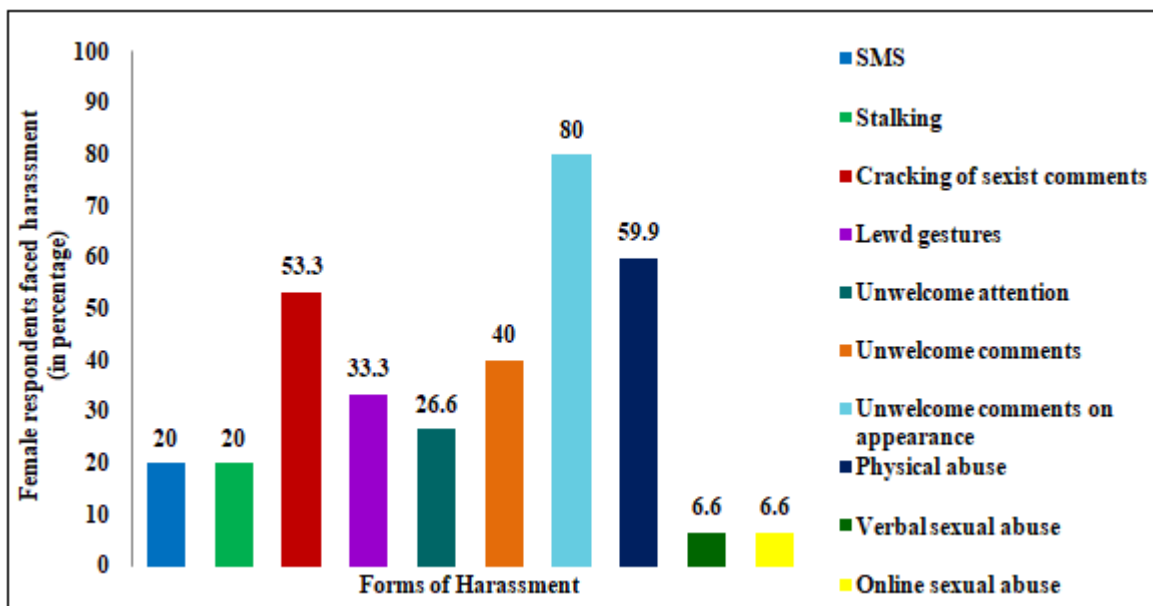


Figure 1.3: Forms of Sexual Harassment Faced

Please note: Any individual may have been harassed through multiple forms of harassment therefore the figures don't add up to 100%

Only three out of 15 respondents who faced sexual harassment had lodged a complaint. Others who were sexually harassed did not lodge a formal complaint with the Internal Committee. The reasons proffered were multiple ranging from 'career would be jeopardised' to 'it would not

serve any purpose'. As 28 year old Ayushi Kadam from the advertising industry says

Advertising is a really, really small industry and everyone knows everybody. If they come to know that you have complained, then it will have negative effects-because at the end of day, all the big bosses are male.

The fear of backlash, of losing jobs, stigma, lack of support from colleagues and absence of supportive institutional mechanisms, deter some from pressing charges against the accused. The unequal power dynamics at the workplace make it impossible to lodge a complaint and the overwhelming presence of men at the top levels may create a 'not so conducive and comfortable environment' for women to complain and pursue cases of sexual harassment. Studies in the past (Tejani, 2004; Sarpotdar, 2013) have in fact surmised that a woman raises complaints of sexual harassment in extremely hostile environment with the fear of being targeted, humiliated and trivialised. This acts as a severe deterrent to women to report the matter.

29 year old Vidhi Raisingh who works with leading English daily summarised it well,

If you complain then you become a Whistleblower and nobody wants to take you. You lose out and it's hard to find occupation. This happens across the hierarchy and across forms-print, electronic, digital etc. The man remains in the office, unaffected but it is often the woman who is subjected to shame and bad-mouthing by her colleagues, calling her a slut or a bitch and what not. Many a times if the accused is in a high position the HR does not act. In such cases the woman either has to leave the organisation or continue in a different team which may not be of interest to her.

These narratives lend credence to what has been reported (Sahgal and Dang, 2017) in a recent study on why women do not complain about sexual harassment. A nagging feeling of self doubt and 'what did I do for this to happen?', fear of being blamed and the prospect of risking one's job in the competitive world of media explains the shared reluctance on the part of women to press charges against the perpetrators.

37year old Piya Sethi with 15 years of experience in television channels recounted her traumatic experience of lodging a complaint

The committee did not support. They said that they were not in a position to do anything because the harasser was the Director. There was no action taken so I had no choice but to walk out and resign.

She further adds

Even my peers did not support. They asked me not to file a complaint and feared that he would ruin my career. I knew that he had done similar things to other colleagues and I asked them to support me so that I could complain-they said they won't because they didn't want to leave the company. Finally, I went ahead and lodged an FIR. I was in severe depression and I was contemplating suicide

45 year old, Neha Kapur with 20 years of experience in the English press said,

My editor flung verbal sexual abuses in front of the whole editorial board while we were having a conference. I complained but my peers did not utter a word of support. In another instance I was trolled with explicit sexual content by a person for an article that I wrote. Instead of lending

support people asked 'what did you write'? Why should anyone even ask this question-there is no provocation in sexual harassment, it is the offender whose mindset needs to change

Less number of women reporting cases of sexual harassment may be good news but it may also indicate a large scale acceptance of sexism at the workplace or women choosing not to react.

As one of them said

If you complain about something or bring up something often, it's called a complaint instead of an issue. And they go like "oh no, everything is not about gender. Just chill'. So then you tend not to react, to just ignore it and move on, than you being that bitchy woman.

Women prefer to remain silent rather than react to every instance of sexism. Somewhere this reluctance to complain also ties up with the largely masculine culture prevalent within media houses which is usually dismissive of such instances of harassment. Sexual harassment is an occupational hazard that many female employees within media have to deal with, in one form or another.

Of the fifteen respondents who said they had been sexually harassed, only five were aware of the procedures of lodging a complaint and knew of other details like the Internal Committee and its members and third party harassment. The rest had heard about the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 but had absolutely no idea about the provisions under the Act. Lack of knowledge among the employees of what constitutes sexual harassment and the rules under the Act reflects poorly on the media organisations and their commitment to zero tolerance of sexual harassment.

Sexual harassment constitutes a grave violation of the constitutional rights of women under Articles 14 and 15 and her right to live with dignity under Article 21 of the Constitution. The Sexual Harassment of Women at Workplace Act (Prevention, Prohibition and Redressal), 2013 clearly stipulates that it is the duty of the employer to provide a safe working environment at the workplace and display at a conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Committee.

It further states that the employer shall organise workshops and training programmes at regular intervals to sensitise the employees about the provisions of the Act. Almost all the media organisations whether advertising, broadcast or print, save a few have been found severely wanting in this respect. Managements are clearly indifferent to complaints of sexual harassment and are not proactively involved in mitigating them. The plethora of narratives cited above indicates a complete lack of faith in complaint redressal mechanisms and the 'due process'.

Proactive Measures to Build Gender Inclusive Workplaces

The study sought to understand how proactive were media organizations in implementing gender specific laws and

policies and whether there had been effective dissemination of gender policies throughout the organization. Here the respondents were asked about the specific provisions of the POSH Act like Internal Committee (hereafter referred to as IC) to look into complaints of a sexual nature, their awareness about members of IC, workshops or training sessions conducted to orient the employees regarding procedures to file a sexual harassment complaint.

While 79.06 % of respondents were aware about the Sexual Harassment of women at the Workplace (Prevention, Prohibition, Redressal) Act, 2013, almost a quarter of the total seemed unaware of the Act. There was more awareness about the Vishakha Guidelinesⁱⁱⁱ than the Sexual Harassment of women at the Workplace (Prevention, Prohibition, Redressal) Act, 2013 and the mandatory constitution of the Internal Committee in all organizations.

The Internal Committee (IC), Role of IC and Members of IC

Though a majority (61.59 percent) did say that they were aware of the Internal Committee in their organisation, they were not sure about its specific role. Around 10 percent amongst them thought that the Internal Committee was just a cell for complaints of any kind and not a specific cell for complaints regarding sexual harassment and only around 40 percent knew about the specific role of the IC and had information about the identity of IC members. More than 90 percent of the respondents said their ICs did not have any external member on the committee, who is usually an NGO representative, and hence the ICs were thus more or less defunct or “useless” as told by a respondent. Paramita Chaudhuri (2008) in her study of the functioning of complaint committees mentions how organisations are uncomfortable about having an external member, who they perceive to be an outsider interfering or sitting in judgement over their internal matters.

There was a clear gap between regional media and English language media. None of the Hindi language female respondent was aware about the POSH Act, whereas more than half of the English media (print, advertising agencies and television) female respondents were quite knowledgeable about the Sexual Harassment of Women at the Workplace (Prevention, Prohibition, Redressal) Act, 2013 as well as the IC. Interestingly while the female respondents of the regional language press seemed completely unaware of the POSH Act, the senior male correspondents of regional print media, especially Hindi, were knowledgeable about the Sexual Harassment of Women at the Workplace (Prevention, Prohibition, Redressal) Act, 2013, IC and its role and members. A recurring theme in conversations with them was how the organization was like a family where sexual harassment does not happen. This may not be surprising since gendered assumptions and stereotypes are known to be more pronounced in the regional-language press. Men play 'big brotherly or avuncular roles' (Joseph, 2005) patronising and protectionist. The discourse in the regional language media is primarily situated within the framework of 'protection' and 'safety of women'.

The number of women in the regional language press is significantly less in comparison to the English language press (IFJ 2015). For every single woman personnel in the Hindi print media that we interviewed, there were three males. This may also be due to the fact that in metros like Mumbai, women media persons are more likely to work in English media houses than in Hindi or regional media houses like Marathi or Gujarati since the metros were the first cities to witness the entry of women into the profession and today continue to be the leaders in the number of women working as journalists. The fact that English medium educated youngsters may not be very comfortable with the regional language could also account for their greater entry into English media houses. (Joseph, 2005)

The female respondents from English Broadcast channels and advertising agencies who knew about the IC and its role and members, were overwhelmingly in the younger age bracket of 21-39 years. Some of them did speak about training they received post induction and also of having worked as a member of the cell or have been associated with the cell in some capacity. This perhaps explains their awareness on IC and its role.

Workshops on the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013

It was disheartening to note that only one third (33.5 percent) of the respondents spoke of there being an orientation/ training/ workshop organized even once or at periodic intervals so as to generate awareness amongst them about the Act, IC and Sexual Harassment Complaints Procedure. It's clear that media organizations do not seem to have any kind of a structured programme for systematically creating awareness on sexual harassment. This leads to sexually loaded comments, behaviour, etc. being ignored and overlooked since women are not aware if there should be a complaint filed and if they would get support from the organization.

However, in such a scenario, it was heartening to find that a very small number of organizations as well as senior respondents felt seriously about such issues and took it upon themselves to institute programmes (workshops and activities) that could help foster a gender sensitive workplace. BBC had more of an organized programme with two-three awareness workshops every year. Similarly Hypocollective an advertising agency appeared quite progressive in this respect.

59 year old Karunesh Srivastava with decades of experience in advertising media, said,

“In my previous company, we used to organize such workshops every week or fifteen days with small groups for easier management and also insist that men participate in these.”

Some (18.51 percent) said that, while organisations may not organise workshops or training sessions on sexual harassment policies, guidelines are circulated over email to all employees and conversations around gender encouraged so as to dismantle stereotypes.

Benazir Bijoy, a 39 year old employee from Advertising said

We have started a special e-learning module that is focused on Sexual Harassment of Women at the Workplace (Prevention, Prohibition, Redressal) Act. It's 45-50 minutes long and is mandatory. If you're sitting in the premises then you need to do this, even if you're an outsourced person on the premises you need to do this course.

Less than a quarter of the respondents (18.51 percent), said that only a cursory glance was given to the Act and its procedures. A one-odd slide in a presentation at the orientation was the attention it merited.

Knowledge about Third-party Harassment clause

Sexual Harassment of Women (Prevention Prohibition and Redressal) Act 2013 provides for redressal on sexual harassment complaints that involves **third parties, either as complainants or as respondents**. 68.5 percent of the respondents were unfamiliar with the clause "Third-party harassment". On being explained, 41 percent male and 22 percent female respondents stated that they knew about this clause.

Knowledge about procedure for filing sexual harassment complaints:

Almost half of women respondents had no idea about the procedure for filing a sexual harassment complaint in their organisation. 46 percent women and 21 percent men did not know about the procedure. 54 percent women and 79 percent men were aware about how to file a sexual harassment complaint. But they didn't seem to be bothered as many thought HR was where they would go for such complaints. Some of those interviewed were aware about the procedure because they were themselves in the committee or had someone close to them as a member of the IC or Gender related cell.

This section brought out some interesting anomalies. Though there were cases of sexual harassment-and some even reported knowing somebody who had quit their jobs because of unaddressed sexual harassment-the female respondents especially in the print media still felt that they would not face any such issue, since as journalists they are supposed to be aware of all such measures. Of course, totally oblivious of the power dynamics that determine who can make a complaint and who cannot.

The series of questions posed to respondents on Sexual Harassment of Women at the Workplace (Prevention, Prohibition, Redressal) Act, 2013 to gauge their knowledge about the Act, produced contradictory responses. While many seemed to have heard about POSH Act, they were either unaware or vaguely aware of related provisions like constitution of IC, role of IC, procedure for filing a complaint or third party harassment. Some even mentioned about the IC being constituted 10 years back. This gave an impression that they were probably talking about Vishakha Guidelines on Sexual Harassment. Interestingly some of the regional-language press media personnel said that the IC would be constituted as and when the need arises and that all the employees are like one family where such incidents do not happen.

An incident that seems to have jolted the media is the Tarun Tejpal case, after which many respondents said that the HR had become quite active and had been sending them questionnaires to fill by mail or had sent emails to all women employees providing them with guidelines towards prevention of sexual harassment. Some of the male respondents were quite dismissive about the POSH Act, 2013 and wondered why they should know details about it especially when it was meant for women.

Safety at the work place was gauged more in terms of infrastructural facilities like installation of close-circuit cameras, presence of guards, separate toilets for men and women, late night drops and sometimes early morning pick up rather than specific policy measures that would signal zero tolerance to sexual harassment and a commitment to ensuring a workplace that is free from misogyny and casual sexism. Hence there was a general perception that this environment served as a deterrent to any would-be sexual misbehaviour or predator.

What could possibly account for the low level of awareness among respondents about their working conditions? One could be the high attrition rate in media houses, especially print media, a fact highlighted by Ammu Joseph (2005). Many of the respondents were vague about policies and measures because they had joined the organization recently after moving from another one. Secondly, those respondents who work as reporters and correspondents or as photographers and camera persons and are out on beats, may not be aware of policy issues pertaining to gender, if any, since they are hardly in office. Thirdly, some of the respondents also said that their work pressure did not permit keeping up with emails, workshops or any other proactive measure taken by the office, leading to lack of knowledge.

3. Conclusion

The phenomenon of sexual harassment cannot be de-linked from the widespread culture of misogyny and rampant sexism that thrives in media organisations. This culture in many ways 'normalizes and legitimizes' instances of gross violations so much so that it becomes difficult to see these violations as instances of sexual harassment and we completely gloss over the fact that every individual's boundaries of acceptable behaviour are different.

Beats are highly gendered even though media houses would have us believe that gender did not matter when it comes to assignment of beats. Culture, education, consumer news, fashion, lifestyle are primarily assigned to women and crime, business and political reporting are generally done by men with some exceptions like Indian Express for instance which has women crime reporters across the country. This was attributed to women's preference for the so called 'feminine beats' and that it was unsafe for women to do crime reporting or that she was physically weak to handle heavy technical equipment. Here too, we find stereotypes and over-protective male attitudes operating. Jobs that are perceived as glamorous like being on-screen were given to women, since as one respondent reported "nature has made women more presentable and attractive. They perform comparatively better on screen and males at the back-end".

Data on gender distribution at different levels and within different sections in media clearly reflect gender disparity. While there is more number of women in junior and middle level positions, there is a preponderance of males at the top levels. Board members, Founder members, CEO are predominantly men. Women are found in large numbers as HR personnel across print and advertising but are less in number in broadcast. The presence of women technical personnel like camerapersons, photographers, printers etc is dismal across all media.

A masculine culture pervades media organizations and determines the work ethics and news content. There is the preponderance of a 'Boys' Club' which includes working till late hours or playing political mind games. Women respondents said that they got their promotional opportunities depending upon whether they played by these power games or refused to do so. Women respondents also felt that they were constantly being judged and had to prove that they were "as good as a man". However, if women were aggressive it was perceived as arrogance, whereas the same was overlooked in a man. Thus there seems to be a tension between what Zoonen (1998) calls 'the requirements of objective and detached professional values and the cultural demands one faces as a woman'.

While the number of women in different forms of media is definitely on the rise, it has not necessarily translated into less sexism in media content or an increasing feminist consciousness since organizational content, socialization of reporters, journalistic routines play an important part in imbalances in gender portrayal in media content.

However, there are some media organisations which stand out for their progressive gender policies that reflect their sensitivity to structural inequities within the system. These policies seek to provide a gender enabling environment to women and mitigate the gendered consequences of their work life. These include organisations like Sapient Nitro, FCB Interface and Hypercollective in the advertising media, Star and NDTV in broadcast and BBC in print. The advertising media appeared more sensitive with respect to gender policies and attitudes with greater awareness of working conditions and progressive gender policies in place.

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ⁱ We would like to thank the team of faculty and students of the Gender Issues Cell at KC College. Faculty members Nandini Sengupta, Poulomi Ghosh and the three student Research Asistants Suraj Kamdar, Anangsha Pathak and Sejal deserve a special mention.

ⁱⁱⁱAlton, Grizzle. 2012. Gender-Sensitive Indicators for Media: FRAMEWORK OF INDICATORS TO GAUGE GENDER SENSITIVITY IN MEDIA OPERATIONS AND CONTENT. UNESCO

Indicators include proportion of men and women across different levels within media organisations, gender sensitive policies on recruitment and promotion, sexual harassment complaint and redressal mechanisms, child care and parental leave policies, resources for gender sensitive reporting like manuals and guidebooks etc

ⁱⁱⁱⁱIn 1997 the Supreme Court of India passed a landmark judgement commonly referred to as Vishakha guidelines to be followed by all establishments in dealing with prevention and redress of sexual harassment. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013 replaced the Vishakha guidelines.