

# CREATING SAFE WORKPLACES

## PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT IN MEDIA HOUSES IN INDIA

*Report of a survey conducted by  
Gender at Work and  
the Network of Women in Media, India*





## AUTHORS

Laxmi Murthy, Aayushi Aggarwal, Ragamalika Karthikeyan,  
Ammu Joseph and Sudarshana Kundu

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# 1 INTRODUCTION

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*This report examines evidence gathered from a survey conducted to assess whether and how effectively media houses across India are responding to the issue of sexual harassment at the workplace. It seeks to identify key challenges and trends and make recommendations for effective redressal mechanisms for media women.*

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This survey builds upon several years of engagement of the Network of Women in Media, India (NWMI), with sexual harassment in media workplaces and Gender at Work's long experience of working with organisations to examine issues of workplace inequality. The revelations of sexual harassment in the entertainment and news media industry in September-October 2018 only laid bare what had hitherto been an open secret for insiders in the industry but had seldom been talked about publicly. Despite the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which built on the Vishaka Guidelines laid down by the Supreme Court of India in 1997, the media industry in India continues to witness rampant sexual harassment.

The NWMI is a pan-India network which aims to provide an informal forum for women in media professions to share information and resources, exchange ideas, promote media awareness and ethics, and work for gender equality and justice within the media and society. The NWMI has been systematically engaged in cases of sexual harassment at the workplace, issuing statements, providing support for survivors and also making policy interventions. From anecdotal experiences gathered through its wide membership, and also through having dealt with cases of sexual harassment at various media outlets, it was clear that, in many instances, the mandatory requirements of the law were not in place. In others, the setting up of redressal mechanisms such as Internal Committees (IC, formerly called Internal Complaints Committee or ICC) had not ensured justice for media women who raised complaints.

Gender at Work is an international feminist collaborative of gender experts, and was founded in 2001 to focus specifically on bridging theory and practice, integrating insights from organisational studies, gender and development and feminist political analyses. G@W's aim to transform organisations, to fundamentally change the rules (and deep structure) and contribute to a new way of thinking (Rao et al. 1999). Through their experience of working with over 100 organisations over the last 15 years, they have come to recognise that it is important to not only look at instances of legislative and policy change but also to examine the formal and informal norms that prevent these laws from getting implemented to the fullest.

The idea of systematically gathering evidence about whether and how effectively media houses across the country are responding to the issue of sexual harassment had been in the pipeline for a couple of years. It was expected that the resulting data would provide insights into lacunae in the law and also its implementation on the ground. Importantly, it would provide opportunities for positive intervention by the network to make media workplaces more conducive for women media professionals.

This report is a collaborative effort between NWMI and Gender at Work to understand media women's experience of sexual harassment in the course of their work, their awareness about the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and their perception of the implementation of its provisions.

The survey, launched in October 2018 and conducted jointly by Gender at Work and the NWMI, was completed by 456 media women (including trans-women and gender-fluid individuals), working in print, television, radio and, online media, on a full-time, part-time, contract, stringer or freelance basis. Participants also included journalism educators, trainers and researchers. The survey was available in English, Hindi, Telugu and Tamil. The respondents are currently or have been affiliated with media outlets such as *The Hindu*, *The Indian Express*, *Business Standard*, *Hindustan Times*, *The Times of India*, BBC India, *Economic Times*, *The Telegraph*, *The Tribune* and DNA, among other newspapers. Hindi and regional language media outlets such as *Jagran*, *Dainik Bhaskar*, Sahara One and Madhyamam are also represented in the data set. Women from digital news outlets such as Scroll.in, The Wire, and 'alternative' digital platforms like Youth Ki Awaaz took the survey as well.

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<sup>1</sup>The archive of statements by NWMI on sexual harassment at the workplace can be found here: <http://nwmindia.org/about-us/statements/metoo-nwmi-s-statements-testimonies-reports-and-resources-on-sexual-harassment-in-the-workplace>

<sup>2</sup>Rao, A., Stuart, R., & Kelleher, D. (1999). *Gender at work: Organizational change for equality* (No. 331.4133 RAO. CIMMYT.).

<sup>3</sup>International Labour Organization, *Fact Sheet: Sexual Harassment at Work [wcms\_decl\_fs\_96\_en.pdf]*. Retrieved from <https://www.ilo.org/>

## 1.1 Definitions:

- ◆ **Sexual Harassment at the workplace** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely: 1. Physical contact or advances; 2. A demand or request for sexual favours; 3. Making sexually coloured remarks; 4. Showing pornography; 5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, whether in person, online, through email, phone, WhatsApp or on social media platforms such as Facebook, Twitter or Instagram. Creating a “hostile work atmosphere” also constitutes sexual harassment.
- ◆ **Media women** are individuals who identify themselves as women (including trans-women and gender-fluid individuals), working in print, electronic, online media, radio, on a full-time, part-time, contract, stringer, or freelance basis. It also includes journalism educators, trainers, and researchers.
- ◆ **Gender** refers to the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for being male or female. It also refers to the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed, and valued in a woman or a man in a given context.<sup>2</sup>
- ◆ **Gender Equality:** Gender Equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality means that rights, responsibilities and opportunities will not depend on their gender.
- ◆ **Decent Work:** The International Labour Organisation (ILO) defines decent work as summing up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

## 1.2 Methodology

The research has been conducted using several sources. Secondary literature has been used to contextualise gender equality and sexual harassment at the workplace in India and internationally. Primary research in the form of an electronic survey was conducted to ascertain the extent to which challenges, trends and good practices are explored looked at in organisations. A total of 456 women responded to the questionnaire, made available in four languages. The survey not only provided quantitative data but also elicited information regarding specific challenges faced by individuals at the workplace that hinder them from enjoying their basic human right to work, free from violence and/or the fear of violence. The survey also gave insights into the mechanisms being adopted (or not) by media houses in the country. The guiding questions used for the survey can be found in Appendix 1.

## 1.3 Demographic profile of survey participants

- Almost three-fourths of the participants (74.34 per cent) were between 21 and 40 years old.
- More than 70 per cent were full-time employees and about 11 per cent were freelancers.
- Almost half the respondents (42 per cent) were reporters, 19 per cent were on the copy desk, 14 per cent were editors. Technical (3 per cent), administrative (0.9 per cent) and marketing (2 per cent) made up a small percentage of the sample.
- Most respondents belonged to metropolitan centres such as Bengaluru, Chennai, Delhi NCR, Kolkata, Hyderabad and Pune.

## 1.4 Scope of the Study

The survey was an online tool, which by its very nature limited outreach to only those media women with easy access to the internet and familiarity with online surveys. The survey was made available in four languages for greater outreach, but access was restricted to the digital space due to resource limitations, both human and financial. Given the small sample size (456), the conclusions drawn from the survey are only indicative and cannot be assumed to represent the realities of the entire media sector in India. Further research in a similar direction reaching out to a larger and more diverse sample in terms of location, language and media forms would not only be more representative but could reveal regional and sector-specific differences.

## 1.5 Report Structure

This report begins with an overview and provides the context of sexual harassment in the media in India. The next chapter highlights the key findings of the survey, and the final chapter puts forward recommendations to improve gender equality in media houses and prevent sexual harassment at work for women working in the media in various capacities.

## 2 CONTEXT

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*“When sexual harassment occurs, there is a long-lasting negative and traumatic impact on individuals including psychological suffering, physical suffering and professional losses. Workers suffering from sexual harassment are most unlikely to be highly productive.” International Labour Organisation (ILO).*

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The International community has made numerous commitments to promote the right of all workers to work free from violence and harassment, and/or the threat and fear of violence and harassment, at the workplace. The Beijing Platform for Action, para. 178, recognises sexual harassment as a ‘form of violence against women and as a form of discrimination’ and calls on multiple actors – including governments, employers, unions, and civil society – to ‘ensure that governments enact and enforce laws on sexual harassment and that employers develop anti-harassment policies and prevention strategies’.

The Convention on the Elimination of all Forms of Discrimination against Women<sup>6</sup> (CEDAW) also directs State Parties to take all ‘appropriate measures to eliminate discrimination against women in all fields’, specifically at the workplace, in governance, education, healthcare, under the law and other avenues of life (Arts. 7-16). Furthermore, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) states that ‘sexual harassment is a form of sex discrimination’ and that it is covered by the Discrimination (Employment and Occupation) Convention (No. 111) of 1958. An ILO factsheet also categorises sexual harassment as ‘quid pro quo’<sup>8</sup> conditions and also as ‘hostile working environment’<sup>9</sup>.

In addition, due to recent revelations around the globe that decisively highlight the vulnerability of women workers and gender non-conforming individuals at the workplace, the ILO has adopted a new convention to combat violence and harassment at work. Adopted at the 108th International Labour Conference (Geneva, 21 Jun 2019), the Convention Concerning The Elimination Of Violence And Harassment In The World Of Work is currently open for ratification by ILO member States.<sup>11</sup>

The convention defines violence and harassment as “a range of unacceptable behaviours and practices” that “aim at, result in, or are likely to result in physical, psychological, sexual or economic harm”. As such, it covers myriad forms of abuse – sexual, physical, verbal, threats, stalking, bullying, among other things. Further, apart from talking about conventional workspaces, it considers the new kind of workspaces that are not always physical – such as remote, IT, Communications, and those enabled by ICT.



An ILO report, 'Action against Sexual Harassment at Work in Asia and the Pacific' rightly points out the consequences of sexual harassment at the workplace on the psyche of an individual: "When sexual harassment occurs, there is a long-lasting negative and traumatic impact on individuals, including psychological suffering, physical suffering and professional losses. Workers suffering from sexual harassment are most unlikely to be highly productive".

However, sexual harassment at the workplace has continued for years, despite the presence of CEDAW, and several other pieces of international legislation, as well as the 2019 ILO convention, are clearly some way from being operationalised. As this report reveals, equality for women at the workplace and workplaces free from violence and fear of violence have yet to be achieved.

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<sup>5</sup> United Nations Entity for Gender Equality and the Empowerment of Women, Fourth World Conference on Women. Retrieved from <https://www.un.org/womenwatch/daw/beijing/platform/>

<sup>6</sup>United Nations Entity for Gender Equality and the Empowerment of Women, Convention on the Elimination of All Forms of Discrimination against Women. Retrieved from <https://www.un.org/womenwatch/daw/beijing/platform/>

<sup>7</sup>International Labour Organization, Fact Sheet: Sexual Harassment at Work [wcms\_decl\_fs\_96\_en.pdf]. Retrieved from <https://www.ilo.org/>

<sup>8</sup>When a job benefit – such as a pay rise, a promotion, or even continued employment – is made conditional on the victim acceding to demands to engage in some form of sexual behaviour;

<sup>9</sup>Hostile working environment: in which the conduct creates conditions that are intimidating or humiliating for the victim

## 2.1 Sexual Harassment in the Indian Media

The wave of disclosures of sexual harassment in the Indian entertainment and news media industry in September-October 2018 drew public attention, for perhaps the first time, to the pervasiveness of sexual harassment in media workplaces in India. While this might have come as news to the general public, it was not surprising for women journalists. Harrowing experiences shared by women journalists across the country 20 years earlier and recorded in Ammu Joseph's pathbreaking book, *Making News: Women in Journalism*, had revealed the pervasive problem of sexual harassment in the media from at least the 1970s onward. Women journalists that Joseph interviewed in the late 1990s shared a range of experiences of sexual harassment:

- Obscene telephone calls to women on the night shift were common. One staffer received a highly offensive anonymous letter believed to have emanated from the same source. The rumour that persistent indecent proposals caused another woman to quit her job is not too incredible in view of the high position occupied by the alleged harasser.
- Unsolicited personal remarks about female colleagues and their looks, attire, and so on, were almost universally accepted as par for the course.
- A journalist in Ahmedabad talked about an editor who tried to trap her into a sexual relationship at the very beginning of her career in the mid-1970s: "He tapped my telephone calls, read all my letters, including those from my father, objected to my interactions with male colleagues, and so on."
- An editor who was widely recognised for having identified and nurtured the talents of many now-famous women in the field but was long rumoured to be almost Clintonesque in his approach to the female species within and outside the profession was mentioned in the book. He was among those recently outed in the #MeToo in Indian Media moment in October 2018. An editor who refused to act on complaints of sexual harassment by some women on the editorial staff was mentioned in the book. According to one of them, women in the newspaper, particularly those then involved in the activities of the Women and Media Committee of the Mumbai Union of Journalists, began to receive obscene messages through the computer network at the office. When they brought the matter to the attention of the editor, he refused to take their complaint seriously.
- A senior woman journalist in Calcutta said that young women on the staff of the Bengali newspaper she worked with complained to her of harassment by their immediate "superiors". These men ostentatiously examined and discussed pictures of "scantily clad women" and made unnecessary, graphic comments about passing women in the presence of juniors.
- A woman working with a Hindi newspaper in Delhi said she gave up wearing jeans and trousers because of the lewd looks she encountered in her office in the capital. Ironically, the same clothes had not caused a problem in the smaller city where she began her career, located in a state where the status of women is otherwise appalling. At one point, in a clear attempt to humiliate her, an article she had written was pinned up on the notice board surrounded by obscene pictures.
- One of the most prolonged and serious cases of sexual harassment reported took place in Calcutta in the 1980s. An alcoholic news editor made the life of a young, rookie journalist miserable for several years, with his offensive behaviour with her in the office. As upsetting as his atrocious conduct was the tolerance of the management and even her colleagues. Although he was finally sent for de-toxification, he returned and continued his obnoxious behaviour towards her. To make matters worse, an inebriated colleague – who happened to be close to the insufferable news editor – once tried to molest her in the car dropping editorial staff back home after night duty. Once again, the management did not take her complaint seriously: the offending man was shunted out of the department for a while but was reinstated after he apologised.

While the actual incidents of sexual harassment described were disturbing enough, what was worse was the routine response of senior editors and the management: ignore the problem. Says Joseph in her book, “Clearly, on the few occasions when women have actually mustered up the courage and determination to risk lodging complaints of sexual harassment, editors and managements have, by and large, been reluctant to take the necessary action. The general tendency seems to be to treat such episodes with less seriousness than they deserve, probably to avoid shaking the editorial boat.”

In 2001, the Bangalore-based Network to Empower Women Journalists (NEWJ), later re-named the Network of Women in Media, Bangalore, was one of the regional networks that emerged in the process of forming the NWMI, launched in 2002) conducted a pilot survey on gender discrimination and sexual harassment in the media, with 247 women journalists from different parts of the country responding to an online survey. An important finding was that more media women (28 per cent) working in Indian language media faced gender discrimination than those working in English language media (21 per cent). Eight per cent of the respondents said that they had faced sexual harassment at work; significantly, 7 per cent chose not to answer the question. Despite the Vishaka Guidelines issued by the Supreme Court four years before the survey, which placed the onus of preventing, probing and punishing sexual harassment in the workplace on employers, only 8 per cent reported the existence of in-house mechanisms to deal with the problem.

The ‘Status of Women Journalists in India’, a national-level survey by the National Commission for Women (NCW) and the Press Institute of India (PII) in 2002-03, found that 22.7 per cent of the 410 respondents were willing to state on the record that they had been sexually harassed at work or in connection with their work. Of those who had been sexually harassed, about a third (31 per cent) reported that the incident had ‘seriously’ undermined their confidence and affected their work, close to a quarter (24 per cent) said it had affected them ‘mildly’, while 41 per cent claimed that it had had ‘no effect’ on them. Significantly, only 15 per cent of those who had been harassed had made formal complaints about their experience. The reasons for not complaining included fear of intimidation, victimisation or job loss, and lack of faith in the management’s willingness or ability to tackle the issue. According to the authors of the NCW-PII report, these findings suggest that “sexual harassment is part of work culture in media organisations in India”.

Since its national launch in 2002, the NWMI has engaged with the issue of sexual harassment in media workplaces. At the national level and through local chapters, the network has extended solidarity and support to women journalists experiencing sexual harassment; assisted with internal inquiries and legal cases and issued statements in support of survivors. The NWMI’s first statement on the subject dates back to 2003; the statement was in support of Sabita Lahkar, chief sub-editor at Amar Asom, a Guwahati-based daily, whose struggle against wrongful termination, as well as to bring her harasser to book continued for several years. Since then, several statements have been issued, condemning sexual harassment in media workplaces, offering support to survivors and demanding safe workplaces for women. The NWMI has also consistently flagged the need for institutional mechanisms of redress, in keeping with the law.

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<sup>11</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310\\_INSTRUMENT\\_ID:312253:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312253:NO)

<sup>12</sup> 8 Haspels, N.; Kasim, Z.M.; Thomas, C. and McCann, D., *Action against Sexual Harassment at Work in Asia and the Pacific*, ILO, Bangkok, 2001, page ix

<sup>13</sup> Joseph, Ammu: *Making News: Women in Journalism*, The Media Foundation/Konark, 2000; Penguin India, 2005.

## 2.2 Legislation and Policy Initiatives

Over the past two decades, there has been a considerable shift in the understanding of the phenomenon of sexual harassment. From being seen as 'eve-teasing', 'flirtation' and 'harmless banter' in its milder forms to 'outraging or insulting' a woman's 'modesty' in its more offensive forms, sexual harassment has now been recognised as a form of violence against women. From a common, everyday experience that had to be tolerated, sexual harassment at the workplace has now been encoded as a violation of rights, against which there is legal recourse.

The turning point came with the case against the gang-rape of Bhanwari Devi, a 'sathin' (village-level worker) in a government-initiated women's development and empowerment programme in Rajasthan. She was gang-raped in the course of her work during a campaign to prevent child-marriage. The crime drew attention to the vulnerability of women workers. Her horrific experience of violence in the course of and as a consequence of work was the beginning of a process leading to a class action litigation, which resulted in the Supreme Court of India issuing the Vishaka Guidelines in 1997. The Guidelines, which had the status of law, represented a milestone, establishing binding directions on the prevention, prohibition and redress of workplace sexual harassment as a matter of gender equality. In the words of Naina Kapur, lead instructing counsel in the Vishaka case, "Rather than perceive sexual harassment in the home, on the street, at work or in accessing justice as individual personal criminal injuries, it was time to acknowledge them as Constitutional harms."

Delivering a landmark judgment in the Bhanwari Devi case, known as *Vishaka v State of Rajasthan (1997)*, the then Chief Justice, J.S. Verma, adopted a visionary approach to women's rights and thereby broadened these fundamental rights through a major paradigm shift. From being regarded as sexual objects who were violated, working women came to be viewed as citizens with rights under the Constitution that the government, society and employers were duty bound to uphold. This shift resulted in a more progressive conceptualisation of women's human rights at work. The Guidelines included a broad definition of sexual harassment, shifted accountability from individuals to institutions, prioritised prevention and made the directions binding on all workplaces, private and public. The mandatory internal committees at all workplaces, with third party experts as necessary members, were meant to ensure informed processes and balanced outcomes.

'*Vishaka* envisaged that we might finally go to work with the legitimate expectation that our workplace would be free of any of the overt or implied sexual harms and declared that each incident of sexual harassment was a violation of women's constitutional right to equality and dignity,' says Kapur.

The Supreme Court observed that each incident of sexual harassment at the workplace results in a violation of the fundamental rights of 'Gender Equality' and the 'Right to Life and Liberty': "It is a clear violation of the rights under Articles 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19(1)(g) 'to practice any profession or to carry out any occupation, trade or business'."

Thus, in the exercise of the power available under Article 32 of the Constitution for enforcement of the fundamental rights guaranteed by it, the Court issued guidelines that would be treated as the law until such time as a domestic law was enacted. A decade and a half after the apex court's Vishaka Guidelines were issued, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was enacted to provide protection against sexual harassment and to prevent and redress complaints of sexual harassment. This Act superseded the Vishakha Guidelines for the prevention of sexual harassment, laid down by the Supreme Court of India in 1997. The Act also expanded the definition of the workplace to cover different kinds of work.

The Act states that sexual harassment at a workplace is a violation of women's right to equality, life and liberty. It adds that experiences of or an environment of sexual harassment creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.

The Act is broad in its definition of those covered by the law, as it allows an aggrieved woman to file a complaint irrespective of whether she is a student, teacher, intern, visitor to the workplace, domestic worker, contract worker, probationer, trainee or apprentice. The Act further requires organisations to draw up policies against sexual harassment and set up prevention systems, procedures, and service rules; establish internal complaints committees; and hold regular sensitisation and awareness activities.

However, the findings of the present survey suggest that, to date, many organisations have not modified their policies and practices to prevent and redress sexual harassment in accordance with the law, that majority have not adequately communicated the existence of such policies and practices to their employees, and that the culture of most organisations remains gender unequal.

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<sup>16</sup> [http://nwmindia.org/images/articles\\_pdf/NWMI\\_2019\\_meet\\_souvenir.pdf](http://nwmindia.org/images/articles_pdf/NWMI_2019_meet_souvenir.pdf) (Pg 22)

<sup>11</sup> *Vishaka & Ors v State of Rajasthan & Ors.* AIR 1997 SUPREME COURT 3011.

<sup>17</sup>

<https://scroll.in/article/899044/dalit-womans-rape-in-92-led-to-indias-first-sexual-harassment-law-but-justice-still-eludes-her>

<sup>18</sup> <http://legislative.gov.in/sites/default/files/A2013-14.pdf>

# 3 KEY FINDINGS

“

*“Before you [joined], there were no sexy women in my team.”*

*“A colleague started at my breasts during every conversation.”*

*“The incident happened at a party which was organized for trainees, for the successful completion of our training period. I went to the loo in between the party. Yes, I was drunk a little. From there, one of the seniors from the management section tried to pull me close and kiss me. I tried to resist but he continued to force me... No one did anything.”*

*“A colleague would seemingly accidentally, but on purpose brush up against me while walking down a corridor.”*

*“I was raped.”*

*“I resented having to tolerate sexist remarks and unwanted ogling from a couple of senior male colleagues which made me very uncomfortable.”*

*“When I was an intern, 14 years back, my immediate boss fondled me and forced himself on me in the department room.”*

*“A colleague assaulted me and I could do nothing about it.”*

*“The then bureau chief of the media house I worked in asked me to get sexually involved with him. As I refused, he treated me badly and threatened to not confirm my contract renewal. But I continued to resist. He didn't renew my contract.”*

*“I was chronically harassed, which eventually culminated in my leaving the job and slipping into chronic depression.”*

”

## 3.1 Experiences of Sexual Harassment at the Workplace

Sexual harassment continues to be a problem in media houses, despite the existence of legally mandated mechanisms. Over a third (36 per cent) of all respondents reported having experienced sexual harassment at their workplaces. This means that a substantial proportion of women in our response pool are denied their fundamental rights when they go to work every day and are forced to suffer long term trauma as a result.

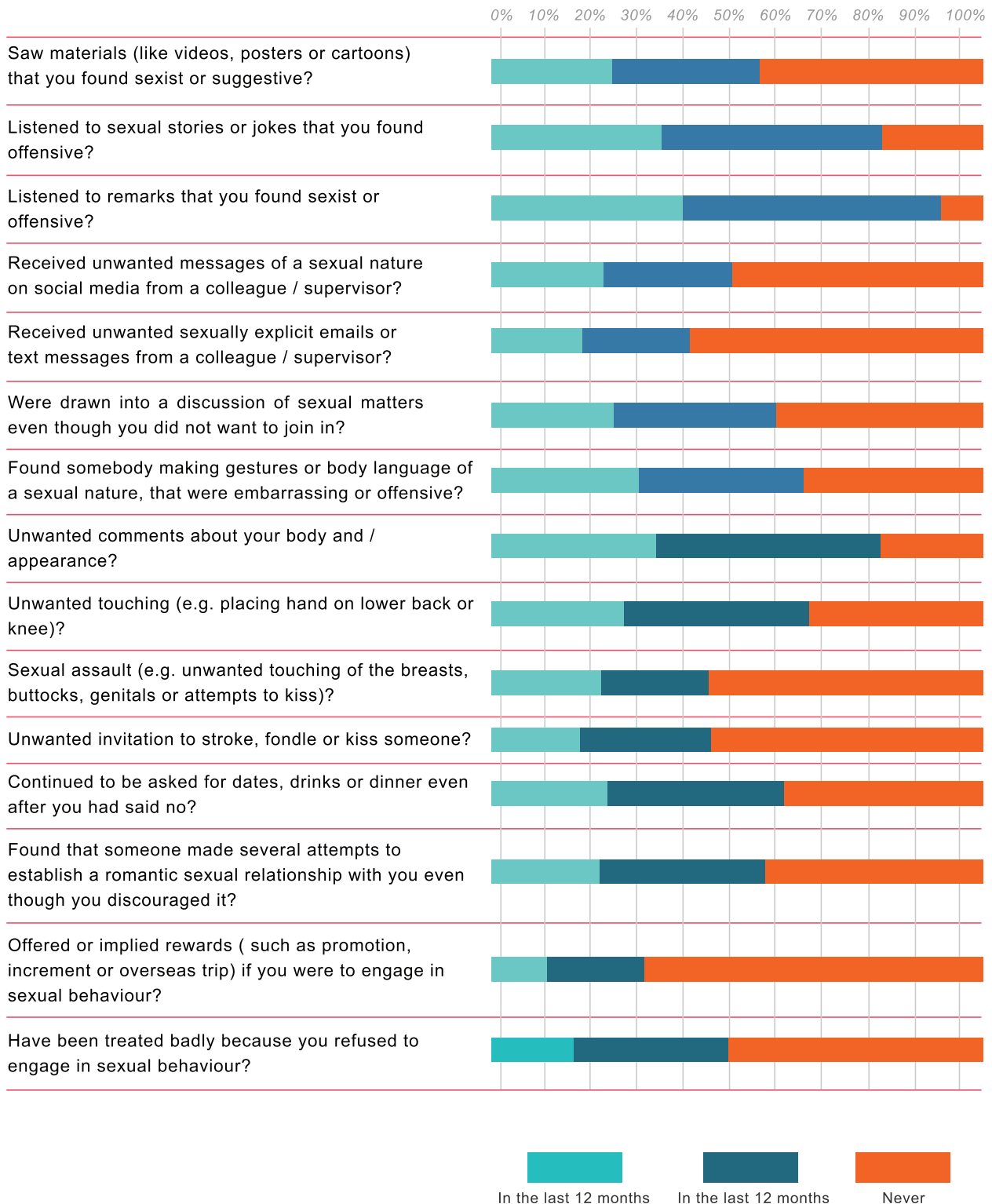
Significantly, of the respondents who reported that their organisations did not have complaints mechanisms, almost half (47 per cent) experienced sexual harassment at the workplace. The data suggests that the incidence of sexual harassment is higher in organisations which do not have any reporting mechanisms in place as stipulated by the law or have inadequate advocacy around those mechanisms and policies, if they do exist.

In terms of the kinds of harassment experienced by these women, the most common forms were sexist comments, unwelcome sexual jokes, embarrassing gestures or body language, attempts to establish unwanted romantic and/or sexual relationships, and pestering for dates. The promise of rewards for compliance, accompanied by threats of mistreatment because of a refusal to engage in sexual behaviour, was also reported. In addition, unwanted touching, fondling, sexual assault and rape were documented. Details of reported unacceptable behaviour are presented in the graph below:

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*These verbatim quotes have been extracted from survey responses. The survey questionnaire can be found in Appendix*

## Form(s) of unwanted sexual behaviour experienced at the workplace by time span.



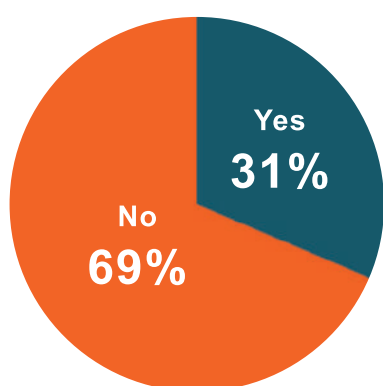
## 3.2 Experiences of Reporting Sexual Harassment at the Workplace

When the #Metoo wave hit India, the media called out sexual harassment in various spheres but, as the survey reveals, they evidently failed to look within to check on the internal state of affairs. Of the respondents who experienced sexual harassment at work, more than half (53 per cent) did not report it to anyone. A very small percentage of these women reported their experiences to the IC of their media house. Of those who approached an IC with a complaint, 70 per cent were not "completely satisfied" with the outcome. There also seems to be uncertainty, even mistrust, of internal complaints mechanisms and procedures: of the women who did not file a complaint, 47 per cent cited "lack of faith in the process" as a reason. Significantly, those who did not formally report experiences of sexual harassment did share the incident with colleagues (58 per cent) or friends (33 per cent). This indicates the absence of a conducive environment within organisations to encourage them to lodge formal complaints. However, in a positive direction, almost 37 per cent of participants reported that the IC in their organisations did take up complaints of freelancers, stringers and correspondents, and not only those of regular employees.

Clearly, it is vital for organisations to not only have policies and redressal mechanisms to deal with sexual harassment at the workplace but also to build up the credibility of the mechanisms if they wish to strive for a gender-sensitive work environment. As the survey indicates, several women are experiencing sexual harassment in media workplaces but fail to report it due to myriad reasons: some are unaware of their

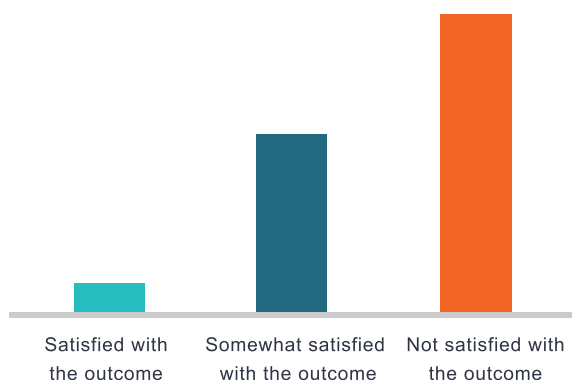
### Have you approached the Internal Committee with a complaint over the past 5 years

Number of Respondents = 67



### If you approached the IC, how did you feel about the outcome of the complaint?

Number of Respondents = 17



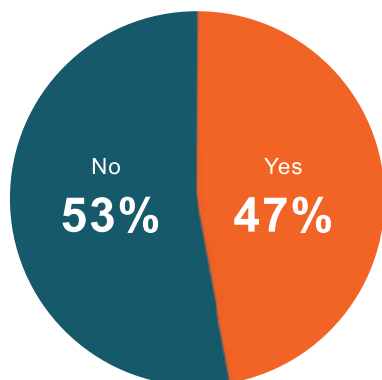
<sup>13</sup>Refer to section 3.4

<sup>14</sup>This data set is much smaller as it represents respondents who reported that their organisations had an IC that they were aware of.



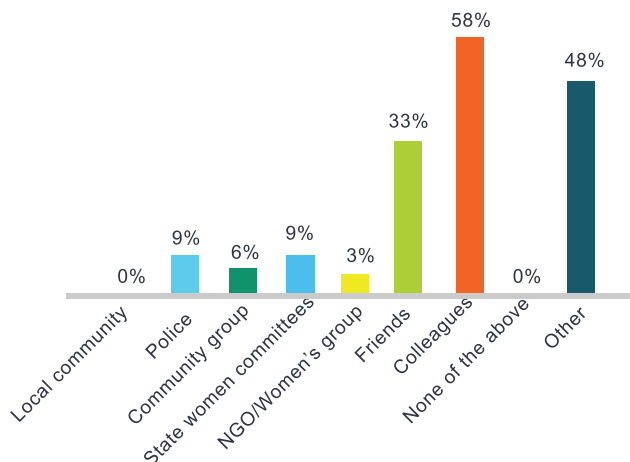
### Did you report the incident of sexual harassment anywhere?

Number of Respondents = 74



### Where outside your workplace did you also report the incident of sexual harassment?

Number of Respondents = 33

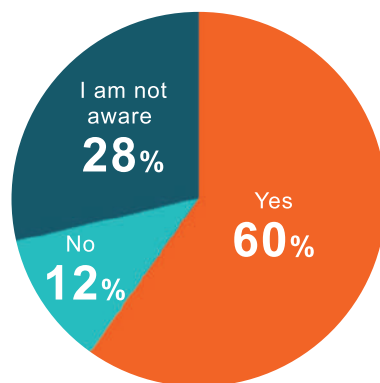


## 3.3 Awareness around Policies and Mechanisms to Deal with Sexual Harassment at the Workplace

The survey attempted to find out whether and how issues of sexual harassment and gender sensitisation had been incorporated into internal organisational policies. It also tried to ascertain whether and how media houses in the country are raising awareness around the prevention and redressal of sexual harassment. While more than 60 per cent of the participants said that their organisations had policies to prevent and deal with sexual harassment, a significant number (28 per cent) was not aware of the existence of such policies and 11 per cent said that there was no such mechanism in their workplaces. This points to a deep flaw in the manner in which these media houses conduct advocacy and communications internally. The fact that 28 per cent of respondents were not aware of the existence of policies and mechanisms within their own workplace highlights either the absence of such measures or a systemic lack of awareness building around sexual harassment and lack of communication about explicit efforts, if any, to curb such unacceptable behaviour.

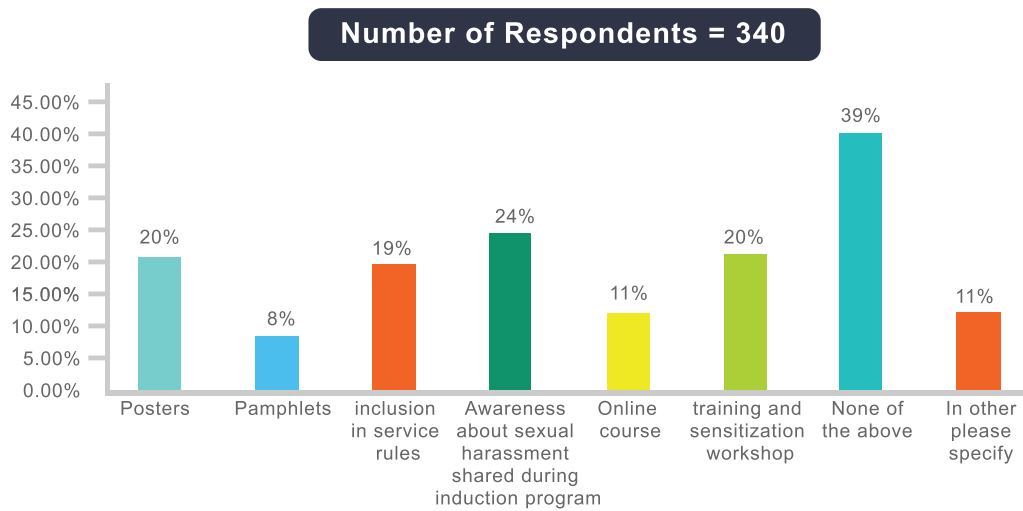
### Does your organisation have a policy to prevent and redress sexual harassment of women at workplace?

Number of Respondents = 456



Along with the creation of policies and mechanisms to redress sexual harassment, the law also requires the employer to create awareness to ensure the prevention of sexual harassment. However, a large number of participants, almost 39 per cent, reported that their workplaces did not hold workshops or training sessions, distribute pamphlets, display posters, or hold online courses to raise awareness. Further, more than half (54 per cent) had never attended any sessions of awareness-raising around sexual harassment at their workplace. This means that a large number of organisations are still failing to live up to their obligations under the law. About 60 per cent of participants reported that their organisations did have overarching gender policies, or diversity and inclusion policies. While 60 per cent can be seen as a positive finding, it does indicate that a large number of organisations have yet to adopt such policies, which also means that they are flouting the law.

### Which of the following steps have been taken?



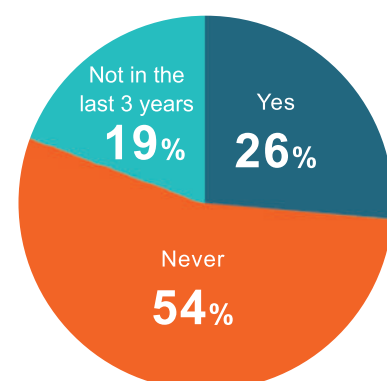
## 3.4 Perceptions around the Effectiveness of Internal Committees

According to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the establishment of an Internal Committee (IC) is mandatory for organisations with an employee strength of above 10. An IC under the Act is a formal internal body that, among other things, aims to provide a mechanism whereby women employees can seek redress for incidents of sexual harassment.

The survey revealed that while many organisations have established ICs in accordance with the Act, most of them have not initiated gender sensitisation workshops, which are also mandated under the law. If employees are unaware of their rights, or even what constitutes sexual harassment, they would either not recognise that the behaviour they are experiencing constitutes sexual harassment, or not be in a position to seek redress.

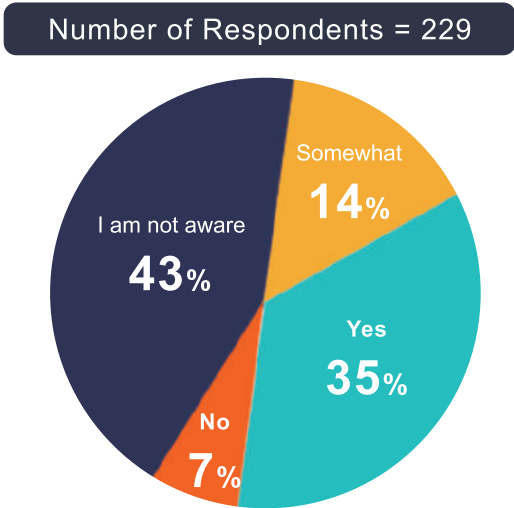
### Have you attended any training program or awareness session on sexual harassment at your workplace?

**Number of Respondents = 342**



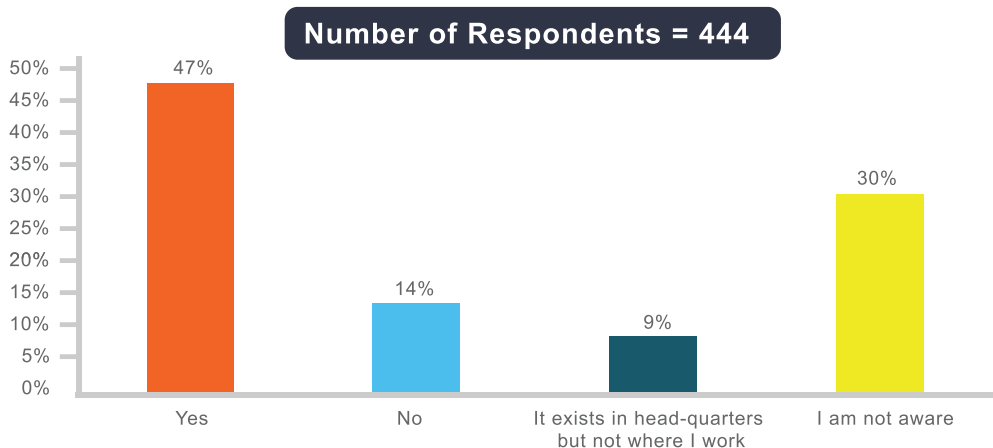
It is notable that less than half (47 per cent) of the survey participants said that their workplaces had an Internal Committee (IC) to deal with complaints of sexual harassment, while almost a third (30 per cent) did not know whether or not such a committee existed. A small number (9 per cent) said the IC existed in the organisation’s headquarters but not in their work location. This could leave women who work in editions and bureaus in other places and as district correspondents, and stringers with little access to the headquarters unprotected. Freelancers are, of course, particularly vulnerable in such a scenario.

**Does the Internal Committee (IC) handle the complaint in a fair and unbiased manner?**



Not surprisingly, there appeared to be almost no awareness or information about the constitution of the IC among survey participants. A quarter (25 per cent) did not know whether the IC in their workplace was headed by a woman, and more than a quarter (36 per cent) were not aware of whether half the members were women. Almost 37 per cent of the survey participants did not know whether the IC included an external female expert, as mandated by law. Almost half the respondents (47 per cent) were unaware of how the IC was constituted i.e whether it is appointed by the management, HR, or elected by the staff. A majority of the respondents (57 per cent) were not aware of who could file a complaint with the IC – for example, whether freelancers, stringers and correspondents not based in headquarters were eligible to file a complaint. The fact that women were not aware of their right to report a complaint, of the procedure for filing a complaint or, indeed, of the existence of a safe space for voicing grievances is of pivotal significance. The lack of awareness can be correlated to the dearth of formal complaints and the resulting increased impunity for harassers.

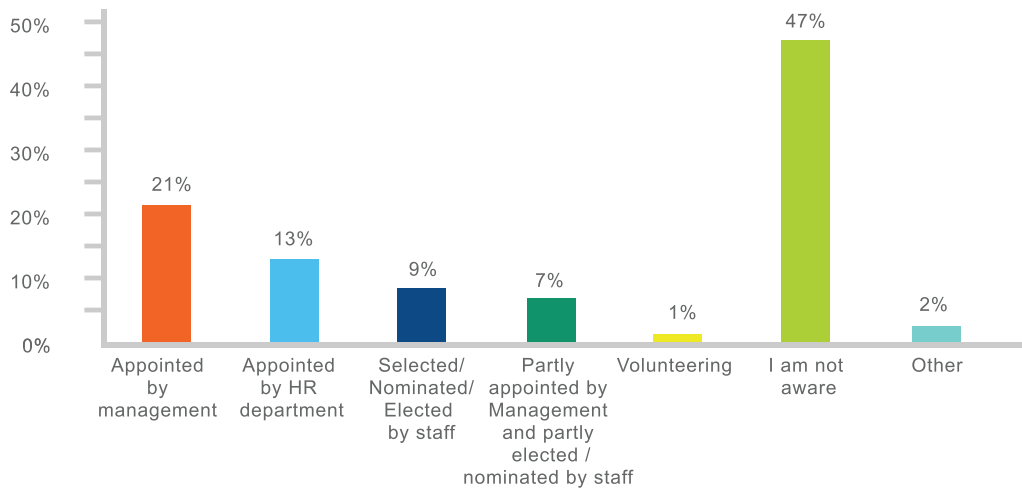
**Does your workplace have an Internal Committee (IC) to deal with Sexual Harassment at the Workplace as required by law?**



Further, of the women who did file complaints with the Internal Committee of their organisation, only just over a third (35 per cent) felt that the IC handled complaints in a fair and unbiased manner, and only 41 per cent felt that the confidentiality of the complainant and the accused was maintained during the course of the inquiry. Some experiences of dealing with Internal Committees are mentioned below:

### How is the Internal Committee constituted?

Number of Respondents = 230



“

*“I approached the IC in 2012. The HR [Human Resources Department] told me within a week that I was lying. Then, when I pressed... they told me that the HR [manager] who had already decided on me being a liar will head the committee.”*

*“They were not very favourable with the complaint. One of the members from HR even advised me to withdraw my complaint, as it ‘may affect’ my career.”*

*“The accused was a serial offender. The inquiry team found him guilty but he was only given a warning.”*

*“In the IC report, the accused was found guilty but the company didn’t take any strict action against him and, as a result, I had to leave my job while the accused still works there.”*

*“I was silenced, saying this is fine and I need to be open to ‘sexual experiments’.”*

*“No action was taken as he was the most senior person. So, I left the job.”*

*“Rumours have spread about it being me who raised the complaint. I do not know yet if this will affect me.”*

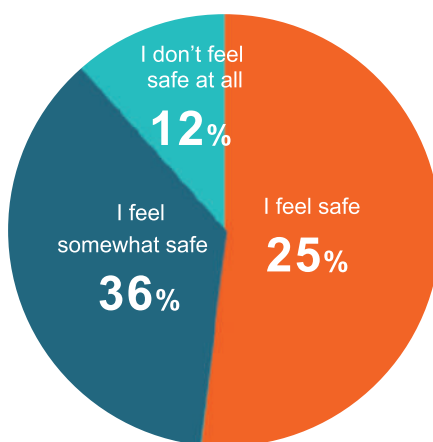
”

### 3.5 Feeling of Security at the Workplace

Significantly, while a little over half the survey participants (52 per cent) reported that they felt safe at work, over a third (36 per cent) reported that they felt 'somewhat safe' and 12 per cent reported feeling 'not safe at all' In other words, nearly half the respondents did not feel entirely safe in their work locations. Clearly, a lot remains to be done to change the prevalent atmosphere and culture in media workplaces.

**In general, how safe do you feel from sexual harassment at your workplace?**

Number of Respondents = 343



# 4 CONCLUSION

The results of the survey underscore the need to step up awareness raising and other preventive measures to bring about a change in the work culture in media houses.

While the need to establish and strengthen redressal mechanisms in terms of compliance with the law has been highlighted and is increasingly being recognised as an important area of intervention, the work of prevention, especially in terms of raising awareness and addressing toxic masculinity at the workplace, needs to be embraced as an equally crucial requirement at all workplaces. More than half the survey participants (54 percent) had never attended any sessions of awareness raising around sexual harassment at their workplaces. The setting up of Internal Committees to look into complaints of sexual harassment is a necessary step towards safer workplaces but it is insufficient in the absence of active efforts to create awareness about the problem of sexual harassment as well as the policies and measures adopted to deal with it.

Inadequate awareness of redressal mechanisms and how they function among survey respondents is a sign of the lack of seriousness with which such measures are implemented, and point towards a tendency to stick to the letter of the law rather than its spirit. The evident lack of faith in Internal Committees and dissatisfaction with the outcomes of IC procedures is a telling comment, signalling the fact that these measures are not yet seen as effective or women-friendly. With more than half (53 per cent) of those who reported having been sexually harassed at work stating that they did not report the incident, it is clear that redressal mechanisms are either non-existent or dysfunctional.

In the final analysis, justice for victim-survivors of sexual harassment at work still seems elusive. The past year has witnessed a vicious backlash against women who have spoken out against sexual harassment by their male colleagues, senior editors and journalists. The slew of cases of defamation – both criminal and civil – involving crores of rupees is the most visible sign of the backlash. Blacklisting, termination or non-renewal of contracts and professional side-lining are among the ways in which many who have spoken out have had to pay the price for doing so. The absence of institutional support for survivors of sexual harassment has been a stark reality for most victim-survivors, most of them left to fight long, lonely, expensive (in cash and kind) battles for justice. A work environment where there is zero tolerance for sexual harassment is still a far cry for many women who still have battle on a daily basis to be treated with dignity and as equal partners by their male colleagues.

While calling out sexual harassment in other spheres, as they should, the media industry must also look within and set its own house in order. The time for safer media workplaces has come.

- Over a third (36 per cent) of all respondents reported having experienced sexual harassment at their workplace.
- Of the respondents who experienced sexual harassment at work, more than half (53 per cent) of did not report it anywhere.
- While more than 60 per cent of the participants said that their organisations had policies to prevent and redress sexual harassment, a significant number (28 per cent) was not aware of the existence of such policies and 11 per cent said that there was no such mechanism in their workplaces.
- 47 per cent of participants said that their workplaces had an Internal Committee (IC) to deal with complaints, but almost a third (30 per cent) was not aware of the existence or otherwise of such a committee.
- Further, of the women who did file complaints with the Internal Committee, just over a third (35 per cent) felt that the IC handled complaints in a fair and unbiased manner.

# 5 RECOMMENDATIONS

Based on our survey, as well as previous, extensive experience, the following are our recommendations with regard to awareness, prevention and redressal of sexual harassment at the workplace.

## 5.1 Institutionalise Gender Equality in Workplace Culture

Long term work must go into creating safe, inclusive, diverse and non-discriminatory workplaces. Several of these measures are mandated by the SH Act, 2013, and workplaces can operationalise this legal mandate by:

- Evolving a Gender Policy to promote gender equality and non-discrimination in recruitment, promotion, salaries and allotment of work/beats. This Policy must be widely circulated among staff to create awareness.
- Evolving a Prevention of Sexual Harassment Policy (POSH), uploading it as a public document on the organisation's website, and also circulating it widely among staff, including those in regional bureaus and editions, correspondents, stringers, and even freelancers, who are among the most vulnerable in the media workforce.
- Holding regular gender sensitisation workshops that also highlight the nature, impact and unacceptability of sexual harassment at the workplace and beyond.
- Incorporating awareness-raising around gender equality and sexual harassment into the induction process for new recruits as well as into periodic training sessions for all staff from the top of the workplace structure to the bottom.
- Incorporating the prohibition of sexual harassment at the workplace into service rules and describing such behaviour as misconduct that will attract appropriate penalties.
- Making literature on sexual harassment at the workplace, including relevant policies and laws, available to all staff in English and other relevant languages in every work setting.
- Setting up redressal mechanisms as a necessary initiative to be in compliance with the law and ensuring that Internal Committees take up prevention and awareness work, as they are legally required to, in addition to dealing with complaints.

## 5.2 Strengthen Redressal Mechanisms

Media houses must work towards raising awareness about redressal mechanisms. This can be operationalised in the following ways:

- Publicly display notices about the Internal Committee – its members and contact details.
- Regularly hold training sessions for the organisation's staff as well as members of the Internal Committee on the procedures for registering complaints and carrying out fair and unbiased inquiries in a time-bound manner.
- Ensure that the Internal Committee is set up in a democratic, inclusive manner (through a transparent, sustainable process of selection, nomination and/or election)
- Ensure that the external member of the Internal Committee is an expert with proven work on women's rights.
- Take all stakeholders at the media houses on board to ensure the effective functioning of redressal mechanisms: management, staff, unions and associations.

## 5.3 Create Space for Reflection and Voicing Opinions

When organisations encourage their employees – women, men and trans persons – to freely speak about experiences and feelings of discrimination by providing safe spaces for reflection, they foster an environment that is conducive to positive change. As the survey has revealed, there is at present little opportunity in Indian media houses for employees to come together to discuss and deliberate upon issues that affect work and professional and personal relationships and how they can be constructively dealt with. By creating a safe space for discussion, organisations can support their employees in unique ways, enabling them to come forward and combat sexual harassment at the workplace, as well as other problems that prevent the enjoyment of a healthy, productive work environment for and by all.



# 6. APPENDIX

## 6.1 Questionnaire

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, came into force in 2013, to replace the Vishakha Guidelines issued by the Supreme Court of India in 1997 dealing with sexual harassment at the workplace. However, the media industry in India continues to witness rampant sexual harassment. In many instances, the mandatory requirements of the law are not in place. In others, the setting up of redressal mechanisms such as Internal Committees (IC) has not ensured justice for women journalists and media staff who raise complaints about sexual harassment. This survey, conducted by the Network of Women in Media, India (NWMII) and Gender at Work, is aimed at seeking information about whether and how effectively media houses across the country are responding to the issue. It is intended to be filled by women working in the media.

“Sexual Harassment” at the workplace includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication), namely: 1. Physical contact or advances; 2. A demand or request for sexual favours; 3. Making sexually coloured remarks; 4. Showing pornography; 5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, whether in person, online, through email, phone, WhatsApp or on social media platforms such as Facebook, Twitter or Instagram. Creating a “hostile work atmosphere” also constitutes sexual harassment.

“Media women” are all individuals who identify themselves as women (including trans-women and gender-fluid individuals), working in print, electronic, online media, radio, on a full-time, part-time, contract, stringer or freelance basis. It also includes journalism educators, trainers and researchers.

This baseline data will enable us to compile a report and other publicity material to campaign for more effective redressal mechanisms in order to create a workplace free from sexual harassment. Please spare 10 minutes to respond to these questions.

The data from the questionnaire will be kept completely confidential and no individual name or identifiers will be used in any reports or publications without specific consent.

Should you have any queries or complaints regarding the survey, please contact us at [media@genderatwork.org](mailto:media@genderatwork.org).



At certain points throughout this questionnaire, participants were made to skip questions, which did not apply to them based on their previous responses. Wherever such skip logic was applied, remarks with the conditions will be highlighted in blue colour.

# 1. Section

1) Name (optional): -----

2) Age:

- 18-20       41-50       21-30  
 51-60       1-40       Above 61

3) Name of Media house/Institution (If you are a freelancer or stringer, please provide information about the media house you interact with the most closely; or where you have worked in the past or where you experienced sexual harassment or where you complained about sexual harassment. If you are a journalism teacher/trainer, please name the institution where you teach):  
-----

4) Residence location (City/Town/Place of work):  
-----

5) Work location (City/ Town/ Place of work):  
-----

6) Employment status:

- Full-time       Intern       Part-time  
 Volunteer       Stringer       Freelance  
 Correspondent  
 If other, please specify: -----

7) Nature of work:

- Reporter       Administrative       Photographer  
 Editor       Finance       Marketing  
 Sub-editor (Copy desk)       Management       Technical  
 If other, please specify: -----

8) Does your organisation have policy to prevent and redress sexual harassment of women at workplace policy or

- No       Yes       I am not aware

*Participants who answered "No" or "I am not aware" skipped questions 9 and 10.*

9) Which language is the sexual harassment prevention policy of your work place written in?

- English       Both       Local language of your place of work       I am not aware

10) Does the sexual harassment policy or equivalent clearly outline the process of registering a complaint?

- No       Yes       I am not aware

11) Does your workplace have an Internal Committee (IC) to deal with Sexual Harassment at the Workplace as required by law?

- Yes                       It exists in headquarters but not where I work  
 No                               I am not aware

*Participants who answered "No" or "I am not aware", were only posed with questions 21, 22, 26 and 27 in the next section of the questionnaire.*

## 2. Constitution of the IC as per the Sexual Harassment of Women at Workplace Act, 2013:

12) It is headed by a woman

- No                       Yes                       I am not aware

13) At least half the members are women

- No                       Yes                       I am not aware

14) It has a woman representative from outside the organisation familiar with the issue

- No                       Yes                       I am not aware

15) It has a rotating membership

- No                       Yes                       I am not aware

16) It deals with complaints in a time-bound manner

- Yes                       Yes                       Sometimes                       am not aware

17) Does the Internal Committee (IC) handle the complaint in a fair and unbiased manner?

- Yes                       Yes                       Somewhat                       am not aware

18) How is the Internal Committee constituted?

- Appointed by management                       Partly appointed by Management and partly elected/nominated by staff  
 Appointed by HR Department                       Volunteering  
 Selected/Nominated/Elected by staff                       I am not aware  
 If other, please specify: -----

19) Do you feel the complainant and accused's confidentiality is generally maintained during the course of the

- Yes                       No                       Sometimes                       am not aware

20) Does the Committee deal with complaints from freelancers, stringers and correspondents?

- Yes                       No                       I am not aware

21) Have you experienced sexual harassment in the workplace?

- Yes                       No

*Participants who responded with "No" skipped question 22.*

22) Please indicate, which form(s) of unwanted sexual behaviour you have experienced at your workplace and in what time span.

	In the last 12 months	More than 12 months ago	Never
Saw materials (like videos, posters or cartoons) that you found sexist or suggestive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Listened to sexual stories or jokes that you found offensive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Listened to remarks that you found sexist or offensive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Received unwanted messages of a sexual nature on social media from a colleague/supervisor?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Received unwanted sexually explicit emails or text messages from a colleague/supervisor?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were drawn into a discussion of sexual matters even though you did not want to join in?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Found somebody making gestures or body language of a sexual nature, that were embarrassing or offensive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unwanted comments about your body and/appearance?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unwanted touching (e.g. placing a hand on lower back or knee)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual assault (e.g. unwanted touching of the breasts, buttocks, genitals or attempts to kiss)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unwanted invitation to stroke, fondle or kiss someone?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Continued to be asked for dates, drinks or dinner even after you had said no?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Found that someone made several attempts to establish a romantic sexual relationship with you even though you discouraged it?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Offered or implied rewards (such as promotion, increment or overseas trip) if you were to engage in sexual behaviour?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have been treated badly because you refused to engage in sexual behaviour?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Saw materials (like videos, posters or cartoons) that you found sexist or suggestive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Listened to sexual stories or jokes that you found offensive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Listened to remarks that you found sexist or offensive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Details of incident/s of harassment (Optional): .....			

23) Have you approached the Internal Committee with a complaint over the past 5 years?

- Yes       No

*Participants who answered "No" skipped question 24, and participants who answered "Yes" skipped question 25.*

24) Were you:

- Satisfied with the outcome       Not satisfied with the outcome

- Somewhat satisfied with the outcome

- Details of the outcome (optional): .....

25) Was it because (multiple choices allowed):

- I did not want to make a formal complaint       I was discouraged from making a complaint

- I did not feel the need for a formal complaint       I was not aware of the procedures to make a complaint

- I felt I could deal with it on my own       I did not have faith in the process

- If other, please specify .....

26) Did you report the incident of sexual harassment to any agency/person outside your workplace?

- Yes       No

*Participants who answered "No" skipped question 27 and 28, participants who answered "Yes" skipped question 29.*

27) Where outside your agency did you also report the incident of sexual harassment? (multiple choices allowed)

- Local Committee (district committee)       NGOs/ Women's Groups       Friends

- Friends       State Women Committee       Colleagues

- If other, please specify .....

28) Were you:

- Satisfied with the outcome       Not satisfied with the outcome

- Somewhat satisfied with the outcome

- Details of the outcome (optional): .....

29) Was it because (multiple choices allowed):

- I did not want to make a formal complaint       I was discouraged from making a complaint

- I did not feel the need for a formal complaint       I was not aware of the procedures to make a complaint

- I felt I could deal with it on my own       I did not have faith in the process

- If other, please specify .....

30) Besides the policy to prevent sexual harassment, does your workplace have an overall gender policy or diversity

- Yes       No       I am not aware

31) Have you attended any training program or awareness session on sexual harassment at your workplace?

- Yes       No       Not in the last 3 years

32) The law requires the employer to create awareness and encourage the prevention of sexual harassment. Which

- Posters       Online courses       Pamphlets  
 Training and sensitization workshops       Inclusion in service rules       None of the above  
 Awareness about sexual harassment shared during induction program  
 If other, please specify -----

33) In general, how safe do you feel from sexual harassment at your workplace?

- I feel safe       I feel somewhat safe       I don't feel safe at all

34) Do you give your consent to the use of your name in publications and reports?

- Yes       No

35) What are your suggestions for improving prevention and redress of

- sexual harassment at your workplace? (Optional) -----  
-----

36) Any further information you would like to share. (Optional) -----  
-----



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