

SEXUAL HARASSMENT GUIDE FOR MEDIA IN GHANA

AND

GENDER SENSITIVE CODE FOR MEDIA ORGANISATIONS



The United States Embassy in Ghana

PREFACE

In August 2020, Alliance for Women in Media Africa and School of Information and Communication Studies, University of Ghana with support from the United States Embassy in Ghana launched 'The Status of Women in the Ghanaian Media: Providing Evidence for Equality and Advocacy' report. Based on a nationwide study of newsrooms, the Report presented an overview of the profile of women in the Ghanaian media, including the positions they hold, career progression opportunities, challenges they face, and their lived experiences of issues such as harassment, broadly, but also sexual harassment.

Among other findings, the Report showed that the Ghanaian media industry is gendered in several ways that call for advocacy and action. It indicated, for example, that sexual harassment is a common occurrence in media organisations. At least 23% of women sampled in the study indicated that they had suffered some form of sexual harassment in their organisations, yet the study discovered that most media organisations lack policies that create awareness of sexual harassment or provide a system for addressing it if and when it happens. The Report also showed that leadership in media organisations is highly imbalanced, with extremely few women participating in high level decisions. There were also indications that work practices and structures do not take into account women's peculiar socio-cultural roles and thus offer little support to help them progress and succeed in their careers.

This document addresses two core issues arising out of the Report on the Status of Women in the Ghanaian Media. The first section comprises a Sexual Harassment Guide for Media in Ghana while the second presents a Code for making the Ghanaian media industry more gender sensitive. The goal of these guidelines is to educate owners, managers, employees, contractors and clients of media organisations in Ghana on sexual harassment, and make the media workplace more conducive and equitable for all stakeholders.

SEXUAL HARASSMENT GUIDE FOR MEDIA IN GHANA

INTRODUCTION

This is a guide to help educate various stakeholders (employees, employers, contractors, clients etc.) in the Ghanaian media industry about sexual harassment in the hope of preventing it and proposing strategies for addressing sexual harassment incidents. Both men and women can be victims of sexual harassment but studies suggest women are more likely than men to be harassed in the workplace (Jackson & Newman, 2004). The media in Ghana is rich and diverse in scope with more women now than ever before in media practice in the country.

This Guide addresses sexual harassment in the media workplace. Its goal is to educate owners, managers, employees, contractors and clients of media organisations in Ghana about sexual harassment and create a system for addressing it. The specific objectives of the Guide are to:

- sensitize media organisations and personnel on sexual harassment, and
- Support media organisations to proactively address sexual harassment.

GUIDING PRINCIPLES/ASSUMPTIONS

The guidelines contained in the Guide are based on three primary principles:

- Any behaviour, including sexual harassment, which renders individuals unable to thrive and contribute their best in their work environment is counter-productive.
- All individuals in organisations have a duty to ensure a safe working environment for all.
- Sexual harassment has negative effects on individuals' well-being, their productivity and affective commitment to the organization and must be met with a zero tolerance approach.

LEGAL AND REGULATORY ECOSYSTEM FOR ADDRESSING SEXUAL HARASSMENT

In Ghana there is no stand-alone legislation on sexual harassment. Its definition, scope and opportunities for redress can be found in different pieces of legislation and regulations. These sources include:

1. The 1992 Constitution of Ghana: Chapter 5 on the protection of fundamental human rights, equality and non-discrimination on the basis of gender and others.
2. The Criminal and other Offences Act 1960 (Act 29) where sexual offences are defined to include rape, sexual exploitation and indecent assault.
3. Domestic Violence Act 2007 (Act 732) which defines violence to mean physical, sexual, emotional psychological and economic violence. Domestic violence means engaging in these forms of violence within the context of a previous or existing domestic relationship.

The Act also defines sexual abuse as the forceful engagement of another person in a sexual contact which includes sexual conduct that abuses, humiliates or degrades the other person or otherwise violates another person's sexual integrity... and harassment, including sexual harassment and intimidation by inducing fear in another person.

4. The Labour Act 2003 (Act 651) stipulates in Part 3 on Protection of Employment- Unfair termination of employment that a worker's employment is deemed to be unfairly terminated if with or without notice to the employer, the worker terminates the contract of employment... Because the employer has failed to take action on repeated complaints of sexual harassment of the worker at the work place. Where Sexual Harassment means: "Any unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker, whether the worker is a man or woman."

DEFINING SEXUAL HARASSMENT

UNESCO defines sexual harassment as unwelcome sexual advance(s), request(s) for sexual favours, and verbal or physical conduct of a sexual nature when (i) submission to or rejection of such advance(s), request (s) or conduct is made, either explicitly or implicitly, a term or condition of employment or as a basis of employment decisions; or (ii) such advance (s), request (s) or conduct (s) have the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.



RECOGNISING SEXUAL HARASSMENT

Often, one may identify and differentiate sexual harassment from normal social interactions by the use of some coercion, threat, intimidation, insult or innuendo. This sets it apart from occasional compliments of a socially acceptable nature as the person on the receiving side is generally made uncomfortable by it. It may be a single incident or comprise a series of actions and conducts all of which make the person at the receiving end feel humiliated, less actualised/productive, intimidated, or find their work environment to be hostile. It is thus important to recognize that sexual harassment may occur in a manner that victims may not suffer tangible damage or not even easily be able to identify and articulate their feelings about it.

Generally, a sexual joke or request for a date etc. may not be defined as sexual harassment. However, repeated conduct of this nature despite the person on the receiving end raising objection may be viewed as such. In other words, to a large extent, in defining sexual harassment, the point of view of the victim is critical. Sexual harassment may occur within and outside work hours and spaces and may target both male and female employees. It can take several forms, including but not limited to the following:

- Attempt at and actual assault of a sexual nature (including rape)
- Sharing of sexually inappropriate and suggestive communication artifacts (e.g. images and videos)
- Sharing sexual jokes/innuendos.
- Inappropriate sexual gestures e.g. pelvic thrusts & other sexually suggestive poses.
- Unwelcome touch e.g. of the breasts/buttocks/torso/biceps, and
- patting, hugging, squeezing and brushing up against another person
- Staring in a sexually suggestive manner
- Repeated requests for dates or sexual favours that are unwanted
- Alluding to and requesting for the fulfilment of perceived sexual obligations

- Sex-laden comments about physical appearance
- Demeaning comments about someone's sexuality
- Attempts at forced and or unexpected kissing
- Invading individuals' personal space (*Culled from UNESCO anti-harassment policy 2019; University of Montevallo sexual harassment manual*)

This is not an exhaustive list but it should serve as a good guide for all who work in media organisations to conduct a personal assessment of their own sexual harassment status. A good way to tell whether your behaviour may constitute sexual harassment is to observe whether your actions are reciprocated or met with disapproval/warning or complaint.

Organisations are also encouraged to use the list to collect regular data that helps to gauge the sexual harassment ecosystem in newsrooms and other work spaces within the media and where necessary implement remedies to address individual behaviour.

Occasions of Sexual Harassment

At the work place, sexual harassment may be particularly rife during appointments, role assignments, contract renewal, performance appraisal, promotions etc. Besides these, individuals may also witness/suffer sexual harassment during routine interactions within and outside work spaces and at all times.



Responding to Sexual Harassment: The Victim

Individuals perceiving themselves to be at the receiving end of sexual harassment are strongly encouraged not to endure the conduct in silence. The following options are all available and should be explored to seek redress:

Raise Objections: Mainly because silence may be construed as consent, be sure to voice out your objections by clearly stating that you find the behavior offensive and want it to stop. Note that those performing the sexually harassing conduct may not realize that their behavior is objectionable and, may therefore, need you to ‘say so’ to draw their attention.

Document your Objection: In addressing sexual harassment, it helps to create and leave a ‘paper’ trail of your objection. If after the verbal objection, the offensive behavior persists, you may exercise the choice to express your objection in writing (email, letter, text message etc.). In it, describe the behaviour you find offensive and restate your objection to it with a warning or request that it should cease. This ensures that should you choose to escalate the issue, there will be evidence of your objection (and hopefully their disregard of it) to back you up.

Report the Behaviour and Seek Redress: You can also choose to report the issue and seek assistance from authority. Two things might lead you to escalate and report the issue: if the behaviour does not cease in spite of your objection and if you feel incapable of confronting or dealing with it yourself (e.g. by virtue of your weak/subordinate power position).

Preventing/Responding to Sexual Harassment: The Accused

Sexual harassment is a serious issue. Therefore, if you are ever cited in a sexual harassment complaint or objection, treat it seriously. Below are steps you can take to avoid the label and its repercussions.

- Acknowledge that not everyone will find your sexually-laden comments, jokes and actions likeable.
- Avoid sexually-laden comments, jokes and actions in the workplace.

- Be attentive to your behaviour and people's responses to them to prevent unintended offensive conduct.
- If your attention is drawn to your conduct that someone finds sexually offensive, apologize and desist from repeating it.
- Acknowledge that people have rights and can say no to you even if your requests for socialization (e.g. dates and romantic overtures) are well intentioned. Therefore if your request is declined, accept it and do not pester them.
- If you are accused of sexual harassment, seek advice from relevant officers (supervisors, Human Resource head, Sexual Harassment committee where available). Do not take any rushed action in retaliation against the person complaining as this may weigh against you if investigations are launched.
- If you are accused of sexual harassment, cooperate with redress systems available; you will have the chance to state your case too.

Please note that the foregoing guides do not preclude any affected person from seeking legal redress

Responding to Sexual Harassment: The Organization

Organizations must have an interest in addressing sexual harassment as it can lead to dissatisfied and unproductive employees, legal battles and bottom line challenges. They must, therefore, be proactive in preventing sexual harassment from turning their work environments into toxic spaces. This means showing zero tolerance to sexual harassment incidents. A true commitment to preventing a festering culture and climate of sexual harassment will thus show in the policies and actions put in place to protect staff and respond decisively to sexual harassment incidents. Characteristics of organizations with a permissive climate towards sexual harassment include:

- Where the general environment leads to a perception that people may be victimized for reporting harassment.
- Where sexual harassment offenders suffer no consequences for their actions.

- Where there is the perception that one's complaint will not be taken seriously.
- Where those in authority engage in sexual harassment behaviour and, thereby, lose their right to reprimand.
- Where there are no clearly spelled out mechanisms for redress.

To Build a Resilient Anti-Harassment Climate, Organisations need to:

- Ensure supportive systems for preventing and addressing sexual harassment e.g.:
 - Develop anti-sexual harassment policies and publicise through orientation for new staff and regular training sessions.
 - Provide victim-friendly opportunity, confidential/anonymous reporting and reintegration of victims.
 - Provide counselling and behaviour modification training for victims and culprits respectively.
- Improve transparency and accountability
- Through clear anti-harassment policies.
- Diffuse the power structures to reduce too much concentration of power in individual hands that can be exploited for advantage.
- Constitute an anti-sexual harassment committee to investigate and recommend sanctions and remedies.



The Anti-Sexual Harassment Committee

The existence of such a committee in an organisation may, by itself, serve as a deterrent to potential culprits. It also empowers victims to seek redress. Membership: The Committee may be composed of representatives from management, senior and junior staff, a union member and a chair. There should be gender parity in the membership. If a member of the committee stands accused, the individual must recuse him/herself from the committee until after the investigation is complete.

Responsibilities: The Committee should have the powers to:

- See to the implementation of any sexual harassment policy existing in the organisation.
- Hear, investigate and make a determination on sexual harassment incidents.
- Make recommendations that management will be bound by.
- Initiate actions towards nurturing a zero tolerance environment.

Disciplinary and Remedial Options:

Actions that can be recommended by the committee after an investigation finds wrong doing include:

- Written warnings
- Mandating offender to issue an apology to victim
- Naming and shaming offenders
- Suspension
- Demotion
- Termination
- Support to victims who decide to explore legal action
- Counseling to victims who may need it.

Note: A false accusation may also attract any of the above sanctions too.

Tenure:

To ensure that individuals do not stay on the committee too long to reduce their effectiveness, it is recommended that committee members should serve a two-year tenure renewable once only.

APPENDIX

The Self-Assessment Checklist

(Culled from the University of Montevallo sexual harassment manual)

Any of the following behaviors could possibly constitute sexual harassment if they are sufficiently severe, repeated, and unwelcome to the recipient. Do you display any of the following behaviors?

- Tell sexual jokes, use sexual innuendoes or make sexual gestures?
- Ask questions about a work colleague's sexual or social life?
- Talk about your own social/sexual life (sexual encounters, prowess, or preferences)?
- Make sexual comments about a person's clothing, anatomy or appearance?
- Use crude language?
- Display or circulate sexually suggestive pictures, cartoons or other materials?
- Repeatedly ask a person out on a date after that person has repeatedly declined?
- Unnecessarily (attempt to) touch, kiss or hug other persons?
- Demean or ridicule a gender through comments or jokes?

If you engage in one or more of these behaviors, does the recipient of your behavior equally initiate and participate in similar behavior? Or are you always the one who initiates and engages in the behavior? Remember that even if the direct recipient indicates by equal initiation and equal participation that your behavior is not offensive, it may be offensive to others who overhear or are otherwise indirectly exposed to it.

Do you supervise or have other authority or professional influence? The best course of action for those with supervisory or other authority is to avoid sexual conduct in the workplace, especially in relationships of unequal power where individuals may not feel comfortable with the conduct but may not feel free to object.

RESOURCES CONSULTED

Domestic Violence Act 2007 (Act 732)

Jackson, R. A., & Newman, M. A. (2004). *Sexual harassment in the federal workplace revisited: Influences on sexual harassment by gender*. *Public Administration Review*, 64(6), 705-717.

National Academies of Sciences, Engineering, and Medicine (2018). *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24994>.

The 1992 Constitution of the Republic of Ghana

The Criminal and other Offences Act 1960 (Act 29)

The Labour Act 2003 (Act 651)

Yeboah-Banin, A.A., Fofie, M. I., & Gadzekpo, A. (2020). *Status of women in the Ghanaian media: Providing evidence for gender equality and advocacy project*. Alliance for Women in Media Africa and University of Ghana School of Information and Communication Studies, Accra: UG Press.

<https://www.montevallo.edu/wp-content/uploads/2017/07/Sexual-Harassment-Awareness-and-Prevention-Education-Manual.pdf>

[https://www.un.org/womenwatch/osagi/UN_system_policies/\(UNESCO\)Anti-harassment_Policy.pdf](https://www.un.org/womenwatch/osagi/UN_system_policies/(UNESCO)Anti-harassment_Policy.pdf)

GENDER SENSITIVE CODE FOR MEDIA ORGANISATIONS

WHAT IS A GENDER SENSITIVE CODE FOR THE MEDIA?

A gender sensitive code is a set of guidelines that enable media organisations to adopt a gender inclusiveness ethos in all their activities. This includes reporting on gendered issues in a sensitive, transparent and comprehensive manner. It can serve also as a tool for assessment of the media’s reporting patterns and for training of journalists in reporting on gender. A gender sensitive code also ensures that media organisations are conscious of gender in their recruitment and placement efforts to ensure a more balanced workplace.

This gender sensitive code serves as a guide which media organisations can adopt in improving balance in their professional activities and recruitment practices. We hope that the indicators contained in the code will enhance media development and quality journalism in newsrooms and beyond. We also hope that media organisations will, through their own mechanisms, decide to adapt and apply these indicators. This is not a “one-size-fits-all” approach. It is expected that individual media organizations would use the indicators as a whole or in part depending on their individual context.



Target Groups for the Code

1. All media organizations (public, private, community)
2. Journalist unions and associations (Eg. Alliance for Women in Media Africa, Association of Women in Media, Ghana Journalists Association)
3. Individual journalists and editorial staff
4. Media regulatory bodies
5. Media training institutions

AREAS TO FOSTER GENDER EQUALITY IN NEWS ORGANIZATIONS AND NEWS CONTENT

Based on the findings from the research on the Status of Women in Media, we propose changes in four main areas to foster gender equality in newsrooms:

1. Gender balance at decision-making level
 - Increase the proportion of women in news business, ownership and board positions.
 - Institute a cyclical review process that ensures that there's gender balance at the decision-making level.
 - Provide some form of affirmative action by establishing a specific quota system for representation of women in decision making.
 - Put in place mechanisms aimed at retaining women and building their professional capacity.
2. Safe working spaces for women in the media
 - Provide facilities that take into account women's specific socio-cultural roles
 - Provide and implement a comprehensive complaints, support and redress system for victims of all forms of abuse in the newsrooms.

3. Comprehensive media policies that protect women in the newsroom.
 - Develop a written gender policy which clearly spells out acceptable conduct in newsrooms and related punishment for non-compliance.
 - The policy should address gender equality in unions, associations, clubs and organisations of journalists, other media professionals and media regulatory bodies.
 - The policy should have ethical and editorial sections that favour gender equality in media content.
 - The policy should employ gender balance in the selection of participants in media education and training.
 - Establish internal mechanisms to engage the media organization's publics. This gives the public the opportunity to assess, report or criticize gender equality shortfalls in media workspaces, including online.

4. Gender representation and portrayal in media content
 - Be intentional about the constitution of panels for talk shows and current affairs programmes.
 - Be intentional about seeking out women as expert sources in news content
 - Increase the percentage of stories focusing on issues of gender equality and inequality.
 - Give women as much time or space and prominence as their male counterparts in media content.
 - Ensure that stories draw out the gendered aspects of events or issues.
 - Photograph women in their professional settings and not only in domestic ones.
 - Ensure that photographs of women in news stories do not set them up for public ridicule.
 - Make sex-aggregated data a norm instead of an afterthought and conduct news analysis with gender as an indicator.

- Encourage advertisers to comply with the media organization's policy and content and censor any advertisement that portray women in stereotypical ways.

PROFILE OF PARTNERS

Alliance for Women in Media Africa

The AWMA is a progressive, non-partisan, non-governmental network based in Ghana, dedicated to empowering and networking women in media across the continent by advocating greater visibility and representation of women in media. Inspired by the work of other similar networks around the world, we envision a media industry where women are trained, re-trained, visible and in positions of influence and power to contribute to an inclusive global narrative where the voices, stories, experiences and images of African women in the media and African women and girls are correctly, sufficiently and equally represented. Our mission is to identify, train and retrain, support, connect, protect and reward African Women across the Media industry for their contribution towards changing the African media narrative. Our programmatic themes are empowerment, network, voice, advocacy and honours, with our core programmes being ‘WiM’ Rising, End Violence and Governance and Accountability.

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School of Information and Communication Studies

The School of Information and Communication Studies (SICS) is under the College of Education at the University of Ghana. The School is made up of the Department of Communication Studies and the Department of Information Studies. The aim of these two departments is to improve and extend the frontiers of Information and Communication dissemination and management through effective teaching, learning and research. The School focuses on developing world-class students who are skilled, versatile, creative and ready to take up positions in local and global information and communication industries.



It also aims at producing innovative research to reflect the evolutions in the creation, dissemination and exploitation of knowledge and the impact of new forms of media and communication on people's lives. The School also aims to create strong collaborations with industry and to seek new opportunities for our research and teaching in order to increase the impact we have on our students, in our communities and the world around us.

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