

DRAFT GENDER POLICY FOR LUBOMBO COMMUNITY RADIO (LCR)

AIM

This policy aims to ensure gender balance and sensitivity at board, management, newsroom, editorial content, programming and marketing strategies of LCR. Lubombo Community Radio recognizes its special responsibility not just to achieve these objectives in its own practices, but to serve as an agent for promoting gender equality in the rest of society.

BACKGROUND

Women and men in Swaziland remain unequal in all areas of life; political, economic and social due to the Swazi law and custom whereby women are treated equally to children.

Swaziland continues to see a high incidence of Gender Based Violence. This serves as a clear indicator on the state of affairs in as far as gender inequality is concerned. As mentioned above, women generally hold lower status as compared to men within the Kingdom.

These imbalances reflect in the newsroom, where women still comprise the majority of administrative and lower paid staff, and only a small proportion of management. They also reflect in editorial content. According to the Global Media Monitoring Project (GMMP) carried out in 2005, women constituted 15% percent of sources in Swaziland. The Gender and Media Baseline Study (GMBS) conducted in 2003 which broke down the findings per media house showed that women constituted 17% of sources in Swaziland. Unfortunately LCR was not on air during the GMBS study, as a result there were no LCR specific findings.

Women are often portrayed in a narrow range of roles, most often as fashion models or as victims of violence. The Gender and Media Audience Study (GMAS) conducted by Gender Links and the Media Institute for Southern Africa (MISA) showed that women and men are affronted by the commoditization of women in news, as they would like to see women portrayed in a more diverse range of roles.

This policy, adopted by the Board on is as a result of the Gender and Media Policy Workshop conducted by Gender Links in March 2011 in Swaziland; and it is part of the Media Action Plan on HIV and AIDS and Gender led by the Southern African Editor's Forum. Gender Links and MISA, which lead the policy sector of MAP, facilitated the policy process that involved extensive consultations with management, a policy seminar, the establishment of a task team with departmental representatives, and the circulation of several drafts of the policy before its presentation to the Board. The policy is accompanied by an action plan that will be used to monitor implementation.

GENDER POLICY FRAMEWORK

The guiding frameworks for this policy are the Convention for the Elimination of All Forms of Discrimination Against Women; the Beijing Platform for Action, the SADC Protocol on Gender and Development; the National Gender Policy; and the Constitution of Swaziland.

The key principles enunciated in these instruments are:

- Equality between women and men
- Recognition of differences and inequalities among women:
- Women's rights are human rights:
- Customary, cultural and religious practices are subject to the right to equality:
- Affirmative action is a legitimate way of redressing structural discrimination.
- Empowerment of women is key to gender equality.
- Gender equality also involves changing the attitudes of men and engaging men as partners.
- Women are entitled to have the right to security and to make decisions over their own bodies, including their reproductive rights.
- Mainstreaming gender equality involves ensuring that gender is incorporated into all policies, programmes, laws and services delivered by municipalities.

Media provisions in the SADC Protocol on Gender and Development

Ensure gender is mainstreamed in all information, communication and media policies, programmes, laws and training in accordance with the Protocol on Culture, Information and Sport.

Encourage the media and media-related bodies to mainstream gender in their codes of conduct, policies and procedures, and adopt and implement gender aware ethical principles, codes of practice and policies in accordance with the Protocol on Culture, Information and Sport.

Take measures to promote the equal representation women in the ownership of, and decision making structures of the media accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.

Take measures to discourage the media from:

- Promoting pornography and violence against all persons, especially women and children;
- Depicting women as helpless victims of violence and abuse;
- Degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and
- Reinforcing gender oppression and stereotypes.

Encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.

Take appropriate measures to encourage the media to play a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.

Gender is intrinsic to all the core ethical principles of journalism that include:

Seek truth and report it as fully as possible

- Inform yourself continuously
- Be honest, fair and courageous
- Give voice to the voiceless
- Hold the powerful accountable

Act independently

- Guard the role of a free press in an open society
- Seek out and disseminate competing perspectives
- Refrain from associations and activities that may compromise your integrity/damage your credibility
- Individual responsibility/collaborative effort

Minimise harm

- Compassion for those affected by your actions
- Treat sources, subjects and colleagues as human beings deserving of respect
- Balance harm and discomfort with alternatives that maximize the goal of truth telling.

WORK PLACE ISSUES

Lubombo Community Radio will promote gender balance and sensitivity in its board, staff composition, institutional culture and practices. Specifically:

Board and staff composition

Lubombo community radio will set the following targets for board and staff composition:

- 30 % women in all areas and at all levels of decision-making positions as soon as it begun operating.
- 50 % women at all areas and in all levels of by 2015, in compliance with the position taken by SADC heads of state at their summit in 2005.

Affirmative action and staff development

The above targets will be supported by a detailed plan that includes:

- Selection and recruitment procedures to encourage women to apply for posts in which they are under-represented and vice versa.

- Career pathing.
- Fast tracing and staff development.

Conditions of service

- While there is no direct discrimination against women the predominance of women in contract and freelance work has the effect of denying them benefits, especially maternity leave and medical aid. LCR will remove this indirect discrimination by ensuring gender balance among permanent employees.

Family friendly practices and environment

- The organization will seek to enhance a family friendly work environment by undertaking a needs assessment for a subsidized child- care facility in the vicinity of the organization and acting on these findings as soon as it is financially stable.
- Should the establishment of a child care facility not prove viable, LCR will consider a child care allowance when its staff members have to work after hours.
- LCR will have a flexible and comprehensive policy on covering nursing mothers.
- LCR will also underscore the importance of shared responsibility in the home by introducing paternity leave.
- LCR will review its policy on flexi time in light of the new possibilities created by information technology with a view to being more sensitive towards the parental responsibilities of its employees, consistent with the needs of the organization and in a way that does not compromise quality and or productivity.

Sexual harassment and other forms of work place harassment

- The organisation adopts the code of good practice on sexual harassment as stipulated below:

Code of good practise on sexual harassment

To encourage and promote the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment where employers and employees respect one another's integrity, dignity, privacy and their right to equity in the workplace.

Application of the Code

Although this code applies to the working environment, as a guide to employers, employees and applicants for employment, the perpetrators and victims of sexual harassment may include:

- Owners
- Employers
- Managers
- Supervisors
- Employees

- Jon applicants
- Clients
- Suppliers
- Contractors
- Others having business dealings

Nothing above confers the authority or obligation on employers to take disciplinary action in respect of non-employees.

A non employee who is a victim of sexual harassment may lodge a grievance with the employer of the harasser, where the harassment has taken place (workplace) or in the course of the harasser's employment (retained).

Defining Sexual Harassment

Sexual harassment in the working environment is a form of unfair discrimination and is prohibited on the grounds of sex and/or gender and/or sexual orientation.

Test for sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature that violates the rights of an employee and constitutes a barrier to equity in the workplace.

Factors that should be taken into account as a test for sexual harassment cases are as follows:

- Whether the harassment is on the of sex and /or gender and/or sexual orientation;
- Whether the sexual conduct was unwelcome;
- The nature and extent of the sexual conduct'
- The impact of the sexual conduct on the employee (victim)

Factors to establish sexual harassment

- Harassment on a prohibited ground
- The grounds of discrimination to establish sexual harassment are sex, gender, and sexual orientation
- Same sex harassment can amount to discrimination on tea sis of sex, gender and sexual orientation.

Unwelcome conduct

- There are different ways in which an employee may indicate that the sexual conduct is unwelcome, including non-verbal conduct such as walking away or not responding to the perpetrator,
- Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome
- Where a complainant has difficulty indicating to the perpetrator that the conduct is unwelcome, such complainant may seek the assistance and intervention of another person such as a co-worker, superior, HR official, family member friend, counsellor.

Nature and extent of the sexual conduct

The unwelcome conduct includes but not limited to the listed examples:

Physical conduct

- Touching
- Fondling
- Groping/grabbing of private parts
- Brushing against someone's body
- Kissing
- Strip search by or in the presence of the opposite/same sex
- Sexual assault
- Rape

Verbal Conduct

- Innuendos
- Suggestions
- Hints
- Comments with sexual overtones
- Sex-related jokes or insults
- Graphic comments about a person's body made in their presence or to them
- Inappropriate enquiries about the person's sex life
- Whistling of a sexual nature
- Sending by electronic means or otherwise of sexually explicit text

Non-verbal conduct

- Unwelcome gestures
- Indecent exposure
- Display or sending by electronic means or otherwise of sexually explicit pictures or objects

Victimisation

- Victimisation occurs where an employee is victimized or intimidated for failing to submit to sexual advances

Quid pro quo/coercive harassment

Quid pro quo/coercive harassment occurs where a person, an employer, owner, management (all levels of management) or co-employee influences or attempts to influence an employee's employment circumstances such as engagement, promotion, training, discipline, dismissal, salary increments or other benefits by coercing or attempting to coerce an employee to surrender to sexual advances through the application of sexual favouritism.

Sexual favouritism

Sexual favouritism occurs where a person of authority rewards only those who respond to his or her sexual advances

A single incident of unwelcome sexual conduct may constitute sexual harassment

Impact of the conduct

The conduct should constitute an impairment of the employee's dignity if the following is taken into account:

- The circumstances of the employee and
- The respective positions of the employee and the perpetrator in the workplace

Guiding Principles

- Employers should create and maintain a working environment in which the dignity
- Of employees is respected
- A safe working environment should be created and maintained in which complainants of sexual harassment will not feel that their grievances are ignored or trivialized, or fear reprisals.

The following guidelines can assist in achieving these ends:

- Employers/management and employees are required to refrain from committing acts of sexual harassment
- All employers/management and employees have a role to play in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable
- Employers/management and employees should attempt to ensure that the employer or its employees do not subject persons such as customers, suppliers, job applicants and other who have business dealings with the employer to sexual harassment
- Employers/management should take appropriate action in accordance with this code where instances of sexual harassment occur in the workplace.

Employer's responsibilities

- Employers/management must adopt a sexual harassment policy, which should take into cognizance the provisions of the sexual harassment code.
- Employers/management must effectively communicate the policy to all employees including all levels of management.
- Employers/management and employees are required to refrain from committing acts of sexual harassment.
- Employers/management must create and maintain a working environment in which the dignity of employees is respected.
- A climate in the workplace must be created and maintained in which complainants of sexual harassment will not feel that their grievances are ignored or trivialized or fear reprisal.
- Employers/management must take appropriate action in accordance with this code where instances of sexual harassment occur in the working environment.

Sexual Harassment Policies

Employers should, subject to any existing collective agreements and applicable statutory provisions in respect of sexual harassment, adopt a sexual policy, which should take cognizance of and be guided by the provisions of this code.

The contents of sexual harassment policies should be communicated effectively to all employees.

The sexual harassment policies should include at least the following statements, that:

- Sexual harassment is a form of unfair discrimination on the basis of sexual and/or
- gender and/or sexual orientation which infringes the rights of the complainant and
- constitutes a barrier to equity in the workplace
- Sexual harassment in the workplace will not be permitted or condoned (retained)
- Complainants in sexual harassment matters have the right to follow the procedures
- in the policy and appropriate action must be taken by the employer

- It will be a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a grievance of sexual harassment
- The procedures to be followed by a complainant of sexual harassment and by an employer when sexual harassment has occurred should be outlined in the policy.

Procedures

In terms of the Code, employers are expected to:

- Develop clear procedures to deal with sexual harassment
- These procedures should enable the resolution of problems in a sensitive, efficient and effective way.

Reporting Sexual Harassment

- The Incident of sexual harassment must be reported as soon as is reasonably possible, without undue delay taking into consideration the power dynamics between the harasser and the victim, and the trauma that is involved in sexual harassment cases.

Sexual harassment may be reported to the employer by the following people:

- By the complainant
- By any other person aware of the sexual harassment: a friend, colleague, HR official
- Acting on the request of the complainant – where the complainant has indicated that she/he wishes the employer to be made aware of the conduct.
- Where the sexual harassment is of a particularly serious nature, the complainant should
- Be encouraged to inform the employer.

Obligations of the Employer

Where the sexual harassment has been brought to the attention of the employer, the following steps must be taken:

- Consult all relevant parties
- Take the necessary steps to address the complainant in accordance with this Code and the employer's policy and
- Take the necessary steps to eliminate sexual harassment

Steps to take on receipt of a complaint should include but not be limited to the following:

- Advise the complainant of the informal and formal procedures available to deal with sexual harassment
- Where reasonably practicable, offer the complainant with advice, assistance and counselling, including during any disciplinary enquiry that may be instituted

Advice and assistance

- A complainant of sexual harassment may require advice and assistance (processes) including counselling
- As far as practicable, employers should designate a person outside the management who complainants may approach for confidential advice and/or counselling such as:
 - An employee who performs such a function
 - A trade union representative
 - A co-employee
 - A professional engaged to perform such activity

- The designated employee should have appropriate skills and experience including
- counselling and labour relational skills
- The designated employee should properly be trained and given adequate resources.

Steps to be taken when advising the complainant on how to deal with a sexual harassment case:

- Advise the complainant that there are formal and informal procedures which could be followed to deal with the problem
- Explain the formal and informal procedures to the complainant
- Advise the complainant that she/he may choose which procedure should be followed by the employer, except that in certain limited circumstances, the employer may choose to follow either the formal or informal procedure
- Advise the complainant that the matter will be dealt with confidentially if the complainant so chooses.

Informal Procedure

- The complainant or another appropriate person explain to the perpetrator that the conduct in question is not welcome
- That the conduct offends her/him
- That the conduct makes her/him feel uncomfortable
- That it interferes with her or his work

Or

- An appropriate person approaches the perpetrator, without revealing the identity of the complainant, explains to the perpetrator that certain forms of conduct constitutes sexual harassment
- That the behaviour is offensive and unwelcome
- -That the behaviour also makes other employees feel uncomfortable, and interferes with their work (indirect harassment)
- An employer should consider any further steps which can be taken to assist in dealing with the complainant

Formal Procedure

A complainant may choose to follow a formal procedure, either with or without first following an informal procedure

In the event that the complainant chooses not to follow a formal procedure, the employer should still assess the risk to other persons in the workplace (not only confined to employees) where formal steps have not been taken against the perpetrator

In assessing the risk, the employer must take into account all relevant factors including the severity of the sexual harassment and whether the perpetrator has a history of sexual harassment

If it appears to the employer after a proper investigation that there is a significant risk of harm to other persons in the workplace, the employer may follow a formal procedure, irrespective of the wishes of the complainant, and advise the complainant accordingly.

The employer's sexual harassment policy and/or collective agreement should outline the following in respect of a formal procedure:

- With whom the employee should lodge a grievance.
- The internal grievance procedures to be followed, including provision for the
- Complainant's desired outcome of the procedures.
- Time frames which will allow the grievance to be dealt with expeditiously
- That should the matter not be satisfactorily resolved by the internal procedures
- outlined above, a complainant of sexual harassment may refer the dispute to the CCMA
- Similarly, an alleged perpetrator of sexual harassment may refer a dispute
- arising from disciplinary action taken by the employer to the CCMA
- That it will be a disciplinary offence to victimize or retaliate against a
- Complainant who in good faith lodges a grievance.

Disciplinary Sanctions

The sanctions must be appropriate to the seriousness of the SH in question.

The employer may consider the following disciplinary sanctions:

- Warning (and/or counselling) may be issued for minor instances of sexual harassment
- Dismissal may ensue for continued minor instances of sexual harassment after warnings, as well as serious instances of sexual harassment
- Upon being found guilty of sexual harassment, a perpetrator may be transferred to another position in the workplace
- Transferring the perpetrator to another position in the workplace

Confidentiality

Cases of sexual harassment must be handled in a manner that ensures that identities of the persons involved in the case are kept confidential – how?

- By ensuring that only appropriate members of management, aggrieved person (victim), representatives, accused, witnesses and interpreter (if required) should be present in the disciplinary inquiry.
- Only appropriate members of management as well as the grievant, representatives, accused, witnesses and interpreter (if required) should be present in the disciplinary inquiry.
- Employers are required to disclose to the complainant, accused and/or their representatives, such information as may be reasonably necessary to enable the parties to prepare for the proceedings in terms of the Code.

Additional sick leave (exhaustion paid sick leave)

- Where the victim's existing sick leave entitlement has been exhausted, the employer should give due consideration to the granting of additional paid sick leave in cases of serious sexual harassment if medical advice requires trauma counselling
- Where applicable, employers may give consideration to assisting with the cost of the medical advice and trauma counselling, where such amounts are not covered by any applicable medical aid scheme.

Information and Education

- Where feasible, the organisation should endeavour to ensure that copies of this code are accessible and available in the official languages
- Employers, and where applicable, employer organizations should include the issue of sexual harassment in their orientation, education and training programmes

EDITORIAL CONTENT

LCR will seek to achieve gender balance and sensitivity in the representation and portrayal of women and men in all news and feature programmes through:

- Recognising gender as a beat, and providing sufficient staff and resources to develop this beat.
- Ensuring that the views and voices of women and men are equally consulted on all topics.
- According this beat the same respect and value as all other beats in the organization.
- Ensuring that all reporters, producers and editors receive gender sensitivity training and take gender into account in their work, and that this training is provided in a way that fosters team work.
- Developing a directory of women contacts.
- Making it known through the various channels available that LCR wishes to give equal space, time and weight to the views and voices of women and men.
- Working with civil society on covering specific gender-related events such as the Sixteen Days of Activism on Gender Violence.
- Building gender into long term and short term planning. Anticipating events of a gender-related nature in the calendar and planning effectively for these.
- Feature gender on the agenda of the weekly editorial review and planning meeting and in planning for the coverage of key events such as the budget, elections, etc.
- Gender will be one of the items that the head of news will report on in the monthly management reports.
- The news team will pass on gender aware story ideas to magazine and feature programmes where these can be explored in greater depth.
- Special capacity building sessions, for example on gender neutral language, will be held from time to time.
- These provisions, and any additions or amendments, will be integrated into the news strategy each year.
- Regular feedback sessions with civil society (see also monitoring and evaluation).
- Building gender standards into the ethical standards and editorial guidelines of the LRC.

PROGRAMMES

LCR will seek to ensure gender balance and sensitivity, and challenge gender stereotypes in its programming through:

- Regular review of the foreign programmes aired to ensure that these include entertainment programmes that challenge gender stereotypes and diminish the number of programmes that are demeaning of women.
- Commitment of sufficient resources (human and financial) to developing gender sensitive local programmes.
- Work with civil society on innovative ways to raise public discussion and debate on sensitive issues such as abortion, sex work, sex education in schools etc.

- Take gender factors into account in the scheduling of programmes.
- Give greater prominence to, and promote local productions that are gender balanced, challenge gender stereotypes, help to promote debate, dialogue and a better understanding of gender issues.

SALES AND MARKETING

LCR will show greater sensitivity and responsiveness to its clients by:

- Developing gender aware criteria for assessing adverts in collaboration with the Association of Advertising Agencies.
- Ensuring that the approach to advertising and sales concurs with the editorial standards and guidelines above where gender is concerned.
- Conducting specific research on the wants and needs of the male and female clients of LCR.
- Building gender criteria into all future market related research.
- Disaggregating and disseminating the findings throughout the institution according to gender.
- Taking corrective action based on these findings.

MANAGEMENT SYSTEM

The board, director general and heads of department take ultimate responsibility for the implementation of this policy.

Day to day co-ordination and management is vested in a Gender Task Team (GTT) that is:

- Chaired by the head of the legal department, who reports to the Director General and works with all departments.
- Consists of a Gender Focal Point (GFP) or champions in each department.

These responsibilities will be written into the job descriptions and performance agreements of responsible officials and form part of their performance appraisal as these systems are put into place.

Process

- The GTT will be appointed immediately and develop a draft action plan.
- The draft policy and a one- year action plan will be put to the board and adopted by the New Year.
- The policy and action plan will be launched at an event involving all staff early in the New Year.
- The GTT will meet at least once a month.

Monitoring and evaluation

- Each department will keep gender disaggregated data that will be used for benchmarking the policy.

- There will be a quarterly review of the implementation of the policy to include the GTT, heads of department and external partners who will offer feedback on news and programmes.
- There will be an annual review of the policy at the end of each year.

DEFINITIONS

Sex and gender: Gender refers to those characteristics of men and women that are socially determined, in contrast sex which refers to those that are biologically determined. This learned behaviour is what makes up gender identity and determines gender roles.

The world over, the upshot of gender-determined roles has been to place women in an inferior position to men - economically, socially and politically. While sex is a biological given, *sexist attitudes* can be changed.

Gender equality involves empowering women to take their rightful role in society, as well as changing the attitudes of men.

Gender mainstreaming: The UNDP defines gender mainstreaming as: "*Taking account of gender equity concerns in all policy, programme, administrative and financial activities, and in organizational procedures, thereby contributing to a profound organizational transformation.*"

Gender mainstreaming involves both **internal transformation** (where women and men are located, and in what roles) as well as the integration of gender considerations into all aspects of **service delivery**- from the inception and design of projects to their implementation, training and capacity building, to monitoring and evaluating the outcomes.