

# Gender injustice and harassment in film industry: constraints and remedies

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## Abstract

Gender injustice, objectification and other related problems which demonstrate the subjugation and harassment of women have always been one of the biggest concerns of any developing society. In the film industry, not only the rising new talents but also the established actresses who strive hard to achieve excellence and to be at par with their male counterparts, instead of writing their success stories are many a times left shattered due to being subjected to discrimination, gendered abuse and exploitation. The aim of this article is to put forth the various problems pertaining to gender inequality and harassment, as far as the arena of 'film industry' is concerned, be it Bollywood or Hollywood. What emerge as the conclusion of the article are the possible remedies, which may be implemented in the future for the minimization of the gender inequality and increasing harassment issues. The research methodology used is purely doctrinal.

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## **Introduction**

Dr. B. R. Ambedkar once said,

“I measure the progress of a community by the degree of progress which women have achieved.”

Decades ago he said this and since then, even though the participation of women at workplace has increased to a great extent but the question that needs to be answered is whether there is an improvement in the position of women keeping in view the static perception of the patriarchal society towards them. Baker and Faulkner (1991, 286) observed, "Filmmaking is a tenuous enterprise and it entails high personal and career risks".<sup>3</sup> It is true that film-making is a risky career choice to advance with, in which establishing oneself in the industry becomes much more difficult if you are a woman. Every new female entrant in the film industry, rather than being provided with new opportunities, is unfortunately slapped with innumerable instances of discrimination at every step. Women, being the builders of a society are the spinal cord of every country. The economic growth of a nation is a far-fetched thought the empowerment of women. Gender injustice, objectification, sexual harassment and other related problems which demonstrate the subjugation of women by the male members has always been one of the biggest concerns of any developing society. Despite the fact that there are various legislations across the world which guarantee equality and prohibit discrimination among the citizens on the basis of gender, the 'film industry' still remains as "one of the final fronts left in the battle for gender equality".<sup>4</sup> Be it Hollywood, Bollywood or the regional film industries, whose works leave a profound effect on the minds of people, are themselves plagued with instances of prolonged gender bias and harassment clearly depicting the saddening state of women in this twenty first century.

## **Gender Injustice and Sexism in the Film Industry**

The inequality starts with the hiring process itself when the decisions of the executives in the film industry are based on certain clichés like a woman is not competent enough to handle bigger roles or the work pressure involved, and is meant to be subordinate to man everywhere including workplace. It is true that men are valued more in the film industry and are believed to be more capable than their female counterparts.<sup>5</sup> This is what has been a part of our society since ages and what it has reinforced in us. The subjectivity involved in the process can also

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<sup>3</sup>Denise D. Bielby and William T. Bielby, *Women and Men in Film: Gender Inequality among Writers in a Culture Industry*, SAGE PUBLICATIONS, INC., (July 14, 2018), <https://www.jstor.org/stable/189696>.

<sup>4</sup>Julia O'Regan, *Gender Inequality in Entertainment*, ODYSSEY (July 16, 2018), <https://www.theodysseyonline.com/gender-inequality-in-the-entertainment-industry>.

<sup>5</sup>Ibid.

be seen as one of the main reasons for discrimination. As a result the participation of women in the workplace has always been less than the opposite gender. The inequality based on gender is not only limited to the Indian film industry, it has persistently vexed Hollywood too. Derek Thomson had pointed out in his article ‘The Brutal Math of Gender Inequality in Hollywood- “In 2017, women comprised only 18 percent of all the people working on the top 250 domestic grossing films”’.<sup>6</sup>

What has been observed is that apart from the difference in numbers, gender inequality also impacts the amount they earn and the positions they hold.<sup>7</sup> Even after being in the same profession, two people who are putting equal efforts in a particular job are paid differently. There are less chances of a woman being on a high position and supervising the workers of the opposite sex. Of all the influential ‘behind the scenes’ positions associated with film-making, only 17% belong to women.<sup>8</sup>

We can rarely find films having females as protagonists and playing major roles.<sup>9</sup> Generally they are expected to remain nearly invisible alongside a hero who is a male and who leads the movie. Such discrimination is not only faced by an actress but also by women involved in other works related to film-making for example, script-writers. Like, there’s no one who wants to take this onus of developing a script written by a woman writer if its genre is that of an action-adventure film. As Callie Khouri said in an interview, “I think that there is a set of expectations that women write a certain type of picture, so you don't look for an action movie that's written by a woman. You don't look for a thriller”.<sup>10</sup> Sexism can be seen in various other forms also such as casting quite younger females against male heroes, a culture that is very common, especially in Bollywood, maybe because what is needed to promote a movie is the looks of the actress and not the talent she possesses.

### **Onscreen Objectification of women**

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<sup>6</sup>Derek Thomson, *The Brutal Math of Gender Inequality in Hollywood*, THE ATLANTIC (July 16, 2018), <https://www.theatlantic.com/business/archive/2018/01/the-brutal-math-of-gender-inequality-in-hollywood/550232/>.

<sup>7</sup>Denise D. Bielby, *Gender inequality in culture industries: Women and men writers in film and television / L'inégalité de genre dans les industries culturelles : les femmes et les hommes scénaristes de films au cinéma et à la télévision*, ELSEVIER MASSON SAS (July 16, 2018, 4:51 PM), <https://www.jstor.org/stable/41931423>.

<sup>8</sup>*White paper on Gender Inequality in Film and Television*, WORDPRESS.COM (July 19, 2018), [https://pmcdeadline2.files.wordpress.com/2017/09/wms\\_final\\_whitepaper-wm.pdf](https://pmcdeadline2.files.wordpress.com/2017/09/wms_final_whitepaper-wm.pdf).

<sup>9</sup>*Ibid.*

<sup>10</sup>Denise D. Bielby and William T. Bielby, *Women and Men in Film: Gender Inequality among Writers in a Culture Industry*, SAGE PUBLICATIONS, INC., (July 14, 2018), <https://www.jstor.org/stable/189696>.

Another challenge which not only the upcoming female artists, but also the established actresses face is the objectification, a consequence of certain stereotypes which have been prevalent for a long time, and have now settled deep down in the mentalities.

Today, in the twenty first century, the society still continues to hold the archaic mentality of considering women as sexual objects. Film industry is an apt example of sexualisation and faulty portrayal of women on the screen, creating a potentially hostile environment for them. As compared to men, women are more sexualised on the screen and “one-in-three (34.3%) female characters is shown in sexy attire compared to just 7.6% of male characters”.<sup>11</sup> The actresses who want to write their success stories based on the acting skills they possess, are somehow convinced to believe that doing something such as an ‘item number’ will not only act as a strategy to sell the movie but will also help the actress in getting popular a bit faster.<sup>12</sup> When there are those who get lured by such shortcuts of success, there are actresses such as Ranaut who have refused to dance in item numbers and are hence paid less and offered fewer roles, thereby showing the shady side of the industry.<sup>13</sup>

### **Sexual harassment- a growing menace in the film industry**

Besides bias and objectification, the threat to safety and security of women in the film industry is an area which needs immediate attention due to the appalling levels of sexual harassment in this arena. The ‘Union Guide on Sexual Harassment at work’ published by the Women’s Bureau of the International Confederation of Free Trade Unions(ICFTU) in 1986 defines sexual harassment as “any repeated and unwanted verbal, physical or gestural sexual advances, sexually discriminatory remarks made by someone in the workplace which are offensive to the worker involved, which cause the worker to feel threatened, humiliated, patronized or harassed, or which interfere with the worker’s job performance, undermine job security or create a threatening or intimidating work environment.” A golden opportunity to get launched in the film industry, acquiring a demanding role in a movie or getting promoted to a better position are just some of the many pressure tactics used by influential people in the film industry to bring a woman round to submit to their sexual urges.

Sexual harassment is deeply rooted in the film industry which is the reason behind innumerable reported or unreported instances where women in this industry have been a

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<sup>11</sup>supranote 8.

<sup>12</sup>*You'll Be Shocked To Know How Much These Item Girls In Bollywood Get Paid!*,INDIATIMES.COM (JULY 19, 2018), <https://www.indiatimes.com/entertainment/celebs/youll-be-shocked-to-know-how-much-do-these-item-girls-in-bollywood-get-paid-285241.html>.

<sup>13</sup>AnkitaMukhopadhyay, *Indian Cinema’s Own Brand of Sexism*, FAIR OBSERVER (July 23, 2018), [https://www.fairobserver.com/region/central\\_south\\_asia/bollywood-entertainment-industry-sexism-harassment-india-culture-news-52418](https://www.fairobserver.com/region/central_south_asia/bollywood-entertainment-industry-sexism-harassment-india-culture-news-52418).

victim of the grave and reprehensible conducts of their male co-workers. KanganaRanaut, at an event revealed that she was physically abused by a powerful personality of Bollywood in the early days of her career.<sup>14</sup>Dileep, the famous Malayalam actor was arrested and kept behind bars in connection with the case relating to the sexual assault of an eminent actress in February this year.<sup>15</sup>“The Hollywood mogul, Harvey Weintsein, after facing accusations of sexual harassment and assault from dozens of actresses and models, was arrested, processed and charged with rape, criminal sex act, sex abuse and sexual misconduct for incidents involving two separate women.”<sup>16</sup> This clearly gives us an insight into the predatory culture of this industry which exists mainly due to imbalancedpower dynamics, because the way a film set operates is often feudal and hierarchical.<sup>17</sup> Mostly these exploiters command a humungous amount of power, in turn making it tough for the young actresses to raise their voices against them.

Women who are victims of harassment by such sexual predators many a times do not report their grievances due to fear of losing their jobs or embarrassment or due to the repercussions, which may affect their financial and social standing.

An evaluation by the Industrial Society Report says that out of all the workers who experience harassment, only five percent of them file a formal complaint. Another survey propounds that usually female victims are very doubtful if their complaints will be considered seriously or that adequate action would be taken against the accusedthat is guilty of harassment (Davidson andEarnshaw).<sup>18</sup> The major reasons why women don't raise their voices and report the incidents tothe management are fear, embarrassment, lack of faith in the redressal mechanism and unawareness.<sup>19</sup>

Sexual harassment negatively affects the victim.Often,the girl who enters the film industry with the dream to write her own success story is left shattered after being subjected to sexual harassment. Not only does shehave to face physical and mental trauma, but also

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<sup>14</sup>*Bollywood Beauties who were brave to talk harassment*, THE EXPRESS TRIBUNE (June 13, 2018), <https://tribune.com.pk/story/1585705/4-6-bollywood-beauties-brave-enough-talk-harrassed/>.

<sup>15</sup>*Kerela Actor Dileep arrested on conspiracy charge in actress attack*, THE INDIAN EXPRESS (August 7, 2018), <https://indianexpress.com/article/india/dileep-arrested-live-updates-actress-abduction-case-4744501/>.

<sup>16</sup>*Harvey Weinstein charged with rape following New York Arrest*, BBC NEWS (May 25, 2018), <https://www.bbc.com/news/world-us-canada-44257202>.

<sup>17</sup>*SwaraBhaskar in an interview to Mumbai Mirror*, THE FREE PRESS JOURNAL, (June 13, 2018)<http://www.freepressjournal.in/entertainment/swara-bhaskar-to-kalki-koechlin-bollywood-actresses-who-opened-up-about-sexual-harassment/1166227>.

<sup>18</sup>Margaret Collinson and David Collinson, *It's Only Dick: The Sexual Harassment of Women Managers in Insurance*, SAGE PUBLICATIONS,(March 1996), <http://www.jstor.org/stable/23745991>.

<sup>19</sup>*Sexual Harassment at Workplace: 69% victims did not complain to management, says survey*, FIRSTPOST(Jan. 5, 2017, 8:18 AM) <https://www.firstpost.com/india/sexual-harassment-at-workplace-69-victims-did-not-complain-to-management-says-survey-3189524.html>.

discrimination and shame. Her work efficiency reduces, and at times she develops suicidal tendencies. Many a times, she is left with no option other than resignation to lessen her misery. "However, this course of action can unintentionally perpetuate the view that she is inherently unsuitable for traditional 'men's jobs', in turn establishing a vicious circle perpetuating women's exclusion from non-traditional work."<sup>20</sup>

### **Remedies**

The question arises that despite such specific legislations and codified laws existing all over the world which aim at ensuring gender equality and prohibiting sexual harassment, the film industry still remains a quagmire of sexism, sexist portrayal and sexual harassment. The answer lies in the fact that although these statutes aim at facilitating a protected and dignified working atmosphere for women, the challenge that still remains is the proper and effective implementation of these laws. In order to eliminate this deeply engrained discrimination from the film industry, gender sensitization amid employers is a must. It is more about providing them with equal career opportunities which men enjoy, so that they're not forced to work under predators, in turn making those men benefit from their mentorship. It is about making women equal participants in the workplace.<sup>21</sup>

In film industry, revealing clothing is the most common form of sexual objectification of women. The reason why objectification onscreen is something we need to stand up against is because a viewer tends to identify himself with the story and images of the film.<sup>22</sup> Visual effects have a great influence on one's mind, thus partly aiding the mentality of a man to build upon certain beliefs which would further decide how that person will perceive others or in fact a group in the society. As Bielby and Bielby observe, "Mass culture industries are sites where symbolic representations of gender are literally produced, and they provide new challenges to the way we understand gender inequality in organizations."<sup>23</sup> When the christened 'weaker sex' is already tired fighting and quashing the set norms of our patriarchal society, the wrong portrayal of women will only attribute in making the situation worse.

In order to do away with such irrational stereotypes, reforms are required which can help in contributing towards the removal of sexism in the industry and the notions that the general lot

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<sup>20</sup>Margaret Collinson and David Collinson, *It's Only Dick: The Sexual Harassment of Women Managers in Insurance*, SAGE PUBLICATIONS, (March 1996), <http://www.jstor.org/stable/23745991>.

<sup>21</sup>Alissa Wilkinson Todd VanderWeff, *Harvey Weinstein's arrest matters- but it's only a start*, VOX, (May 29, 2018), <https://www.vox.com/culture/2018/5/29/16604762/harvey-weinstein-arrest-hollywood-metoo-timesup>.

<sup>22</sup>*White paper on Gender Inequality in Film and Television*, WORDPRESS.COM (July 19, 2018, 12:19 PM), [https://pmcdeadline2.files.wordpress.com/2017/09/wms\\_final\\_whitepaper-wm.pdf](https://pmcdeadline2.files.wordpress.com/2017/09/wms_final_whitepaper-wm.pdf).

<sup>23</sup>Anne E. Lincoln and Michael Patrick Allen, *Double Jeopardy in Hollywood: Age and Gender in the Careers of Film Actors, 1926-1999*, SPRINGER (July 21, 2018, 4:21 PM), <https://www.jstor.org/stable/4148831>.

holds against women. Disney can be quite a good example of making a difference by showcasing the female protagonists like ‘Merida’ and ‘Anna’ as strong and self-sufficient instead of continuing their prevailing tradition of projecting them as ‘pampered beautiful princesses’ who always needed a prince to save them.<sup>24</sup>

Although, more than 70 countries of the world have enacted and implemented legislations inhibiting sexual harassment, but the percentage of sexual harassment has only doubled from 1990 to 2009. The Beijing Platform for Action (PFA) aims to take strategic action against sexual harassment in the workplace. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) focuses on eliminating discrimination against women and establishing equality under law at the workplace. The Charter of Fundamental Rights of the European Union directs parties to take appropriate measures against sexual harassment and discrimination on the basis of sex.<sup>25</sup> In India, the statute ‘The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013’ has given critical visibility to the issue of sexual harassment.<sup>26</sup>

Initiatives like targeted training, conducting comprehensive surveys to know about the shortcomings of the existing laws and drafting policies accordingly will definitely help in doing away with this menace<sup>27</sup>. A survey in India disclosed that not only around 65.2 percent of the complainants, but also many companies were unaware of the mechanism to be followed for redressal of grievance under Sexual Harassment of Women at Workplace Act 2013.<sup>28</sup> Problems like this can be dealt effectively only if organizations have a proper grievance redressal system, where women are able to freely report such instances of harassment and have better remedies which go beyond vague directives like talking to their managers (who may have harassed them) or filing a complaint with HR (who is sometimes more worried about protecting the company than helping employees).<sup>29</sup> The redressal will be more effective if the judges not only exhibit sensitivity to the role of such competence-undermining conduct in creating hostile work environments, but also carefully scrutinize

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<sup>24</sup>Julia O’Regan, *Gender Inequality in Entertainment*, ODYSSEY (July 16, 2018, 4:36 PM), <https://www.theodysseyonline.com/gender-inequality-in-the-entertainment-industry>.

<sup>25</sup>*Sources of International Law related to Sexual Harassment*, UN WOMEN (June 16, 2018) <http://www.endvawnow.org/en/articles/492-sources-of-international-law-related-to-sexual-harassment.html>.

<sup>26</sup>INBA&NETRIKA CONSULTING, *GARIMA SEXUAL HARASSMENT AT WORKPLACE*, PrabhatBooks, (1 ed., 2017).

<sup>27</sup>Hannah-Ellis Peterson, *Gender bias in the film industry: 75% of blockbuster crews are male*, THE GUARDIAN (July 21, 2018, 7:07 PM), <https://www.theguardian.com/film/2014/jul/22/gender-bias-film-industry-75-percent-male>.

<sup>28</sup>*Close to 70% women avoid reporting sexual harassment*, THE HINDU BUSINESS LINE (Jan. 3, 2017) <https://www.thehindubusinessline.com/news/variety/close-to-70-women-avoid-reporting-sexual-harassment/article9457405.ece>.

<sup>29</sup>Alissa Wilkinson Todd VanderWeff, *Harvey Weinstein’s arrest matters- but it’s only a start*, VOX, (May 29, 2018), <https://www.vox.com/culture/2018/5/29/16604762/harvey-weinstein-arrest-hollywood-metoo-timesup>.

employers' attempts to justify adverse treatment of women on the ground that such workers are less competent.<sup>30</sup>

### **Conclusion**

Visualising a gender discrimination and sexual harassment free film industry, is an impossible thought unless and until strong initiatives like raising voices against predators, not sheltering bad behaviour and supporting the work of women without any bias are not given effect to. These steps will not only help in transforming this hostile industry into a safer setting, but will also encourage the upcoming female talents to flourish, in turn making this industry more competent.

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<sup>30</sup>Vicki Schultz, *Reconceptualizing Sexual Harassment*, 107 (6) YALE L.J. 1683, 1683(1998).