

Written evidence submitted by the National Union of Journalists (NUJ)

NUJ submission to the CMS sub-committee on online safety and online harms

September 2021

Introduction

1. The National Union of Journalists (NUJ) is the representative voice for journalists and media workers across the UK and Ireland. The union was founded in 1907 and has 30,000 members.
2. The NUJ represents staff and freelancers working at home and abroad in broadcasting, digital outlets, newspapers, news agencies, magazines, books, public relations, communications, and lens-based journalism.
3. The union is not affiliated to any political party and has a cross-party parliamentary group, the NUJ is represented on the government's national committee for the safety of journalists and has worked on creating the associated action plan.
4. The NUJ welcomes the opportunity to respond to the committee's consultation on online safety and online harms. We remain concerned that the draft legislation lacks sufficient safeguards for journalists and journalism. In addition, some aspects of the definitions and journalistic exemptions set out in the bill remain unclear.
5. The NUJ has seen a spike in threats, harassment, and attacks online against journalists in the last 18 months. NUJ members have received online death threats, rape threats and other threats to physically harm them, their families, and their homes.
6. In 2020 the NUJ carried out an UK members' safety survey which highlighted some of the problems the bill is aimed to address. The union strongly believes that the safety of media workers has deteriorated further since the research findings were first published last year.
7. The NUJ safety report was based on responses to an online questionnaire sent to all UK-based NUJ members in September/October 2020. The survey asked questions about different types of abuse and harassment and asked for suggestions and recommendations on how to tackle the problems identified. In addition to the survey responses, various meetings and discussions with NUJ members were held and have fed into the recommendations presented below.

The NUJ safety report key findings:

8. The key findings included:

- 98% of respondents agreed those in public office, including politicians, have a leadership role to play in maintaining high levels of public discourse and should avoid dismissing journalistic work as fake news and should not restrict media access
- 97% of respondents agreed that disinformation and fake news undermines trust in journalism and increases hostility towards journalists
- 96% of respondents said that abuse and harassment risks silencing journalists and censoring debate
- 94% of respondents agreed that the current polarisation of debate and public discourse in the UK has impacted adversely on the safety of journalists
- 93% of respondents said social media platforms do not robustly implement their own policies intended to deter and stop abuse
- 89% of respondents said their employer had not provided any training to deal with harassment and abuse
- 88% of respondents said that social media platforms should do more to combat abuse and harassment
- 78% of survey respondents agreed that “abuse and harassment has become normalised and seen as part of the job”
- 64% of respondents said they had not reported abuse to their employer
- 56% of respondents when asked about policies in place to deal with safety and protection issues said they did not know if their media employer had any safety policies
- 51% of all respondents said they had experienced online abuse in the last year

Abuse of media workers on social media

9. In response to a survey question about social media usage: 75% of respondents said they have a work-focused social media presence with 87% of respondents having a Twitter account, 49% with a Facebook account and 54% have a LinkedIn account.
10. When asked about online harassment and abuse within the last year and connected to work: 51% of all respondents said they had experienced online abuse in the last year and out of those 31% of respondent experienced it infrequently and 20% experienced it on a daily, weekly or monthly basis.
11. NUJ members said:
 - a. *“I’ve been doxed and threatened to be shot.”*
 - b. *“My photograph has been circulated on far-right websites with threats to assault me.”*
 - c. *“Call for me to be killed in newspaper’s comments.”*
 - d. *“I experience online stalking, and the stalker repeatedly attempts to contact my family, friends and children. If blocked on social media, they just change the account name or set up a new one and carry on.”*

- e. *“My home address has been published online, I had to move after my house was targeted by the far-right.”*
- f. *“I was told to be careful about what I said on social media because what I say may affect my husband.”*
- g. *“I was doxed by a men’s rights activist who included details of my family members in their post, this caused a lot of worry for my family. I’ve recently had a prominent far-right activist try to add my brother on Facebook, presumably so they could find photographs of me.”*
- h. *“My partner had suffered online abuse. My children have a heightened awareness of privacy on social media and are unable to have a public presence on it in the way their peers do, or publicly have their achievements celebrated. We do everything possible to prevent the stalker from knowing where we live or being able to contact our children.”*
- i. *“I have grown up children who have seen some of the more graphic sexual abuse and my daughter had to stay in a hotel with me during her exams because I was under a death threat.”*
- j. *“When I had death threats and rape threats for one piece I wrote, nobody understood how bad it was. The abusers found me on every platform, there were thousands of abusive messages and I was afraid for my family that I would be doxed (have my address posted online). The editor and my desk editor didn’t even ask if I was ok and they obviously knew how bad it was because they were getting messages calling for me to be sacked. I felt completely alone. There was nobody to talk to and no procedure to follow. This was a few years ago now. I’m good at advising young reporters who suffer the same thing and I hope that I help but I shouldn’t have had to learn the hard way.”*

12. The types of threats NUJ members have experienced included:

- Death threats and/or rape/gang rape threats
- Threats to punch, shoot and physically assault a journalist
- Threats linked to perpetrators knowing a journalists’ home address
- Advertising journalists’ home address online
- Threats to specific family members including husband and children
- Attempts to contact family members and friends
- Death threat to family
- Screenshots of home address taken from google maps and circulated on social media
- Threats to set fire to the office and/or threats to come to the office
- Threats via emails or social media
- Online stalking and doxing

- Circulating photographs accompanied by threats via far-right networks and websites

Reporting online abuse to employers, police and social media platforms

13. As part of the survey NUJ members stressed the lack of employer support and duty of care, 33% of NUJ respondents agreed that employers could do more to protect journalists at work. The government could do more to encourage and compel media employers, not just social media platforms, to take responsibility for the online safety of media workers including both staff and freelances.

14. NUJ members said:

- "I'm a freelance reporter and there is no legal obligation for the outlets I write for to support me."*
- "I felt unable to discuss personal matters with them [the employer] and there has been no clear chain of reporting. I had reported online stalking to previous management and tech support, but not to the new management since the takeover of the company. As one of few staff working remotely, I've felt my job has been more precarious, and did not wish to add further complications."*
- "They know that abuse on Twitter is widespread and toxic, but my employer is concerned that replying to abuse often makes it worse. Also virtually everyone in our organisation who is on twitter is subject to it. It's part and parcel of audience interaction."*
- "I would like to see them take more responsibility when they knowingly send us to report on issues that will draw abuse. I was sent to a week-long trial with a well know far-right figure about a year ago, and it was in the afternoon that my editor phoned me to say that the last time we had reported the case the journalist who did had received death threats. I feel like that information should have been given to me before I went as I was in that situation, and it might have altered my decision to go in the first place."*
- "I've had that with one title, where the senior staff (not the commissioning editor, people above them) have said it was expected that contributors don't view the finished piece as the end of the commission, and that it's by now an understood part of a commission to continue to add to the published story by engaging with comments etc... I think this is actively dangerous, as well as being exploitative (rates have not risen to reflect the extra work involved, never mind the stress accrued, from checking and re-checking expanding screeds of comments, and responding to them). Making it clear that it's*

voluntary whether or not to do this and stressing explicitly that anyone not doing so won't be penalised by losing out on future work, would be welcome."

- f. "Recognise that unregulated comment normalises abusive, negative attitudes and undermines trust in journalism. Moreover, the drastic reduction in staff numbers does not help - overstretched reporters working without the support of subs and experienced editors cannot be expected to produce the volume of quality news that online audiences desire."*
- g. "Genuine statement of intent and action against perpetrators rather than acceptance that hate speech equals hits."*
- h. "Stop employing 'grifters': columnists and controversialists with scant regard for the truth, who fuel hatred and corrupt the civility of public discourse."*
- i. "I think editors have to be careful in the headline they give a piece knowing that if it's poorly phrased the backlash will come to the reporter not them. They are there to serve as a check on anything that could unfairly expose a journalist and sometimes I think they can be a little driven by courting controversy for clicks."*
- j. "I was given a verbal warning for blocking those harassing me via the company account. One week later I was made redundant."*
- k. "Trolls in the reader's comments section are becoming bolder, more threatening and more vicious and it is having a detrimental effect on the confidence of reporters, particularly trainees and newly qualified reporters who may lack experience. The issue is compounded by the fact that many big corps such as Newsquest, have laid off many of their more experienced sub editors and sports/feature writers meaning there are less experienced hands in the newsroom to deal with this level of aggression."*

15. When asked about policies in place to deal with safety and protection issues, most respondents (56%) said they did not know if there was a safety policy in place at work.

16. Most respondents (64%) said they had not reported the abuse to their employer. Reasons why the abuse had not been reported included:

- Was not worth the bother
- There is nothing they can do
- They won't take any action
- There are no procedures in place
- They can't police social media platforms
- I just dealt with it myself
- Wasn't serious enough/wasn't too bad
- Freelance status, self-employed and/or precarious employment

17. When asked if an employer was supportive when an NUJ member had attempted to report abuse: 23% of respondents said yes and 5% said no. Examples of supportive action taken by media employers included:
- Referral to the mental health team
 - Circulated information about the support available
 - Complaints were submitted to the social media platform
 - They were interested in monitoring what was happening
 - Legal letter issued by the BBC threatening prosecution of the perpetrator
18. Comments from respondents linked to action by employers that was not supportive included:
- Online abuse is seen as inevitable
 - Threatened with the sack as the trolls were seen as affecting the reputation of the company
 - I was forced to leave my job
 - I was made redundant because of voicing my concerns
 - My next contract was cancelled
19. When asked about reporting abuse to the police: 11% of the survey respondents said they had reported incidents to the police and when asked if the police were supportive and helpful 4% said yes and 4% said no.
20. Responses related to reporting incidents to the police included:
- Officers seemed helpful, but the system is not
 - There is no consistent policy
 - I was told to expect it, the police can be dismissive
 - I was told they have no powers of enforcement
 - The usual response is they just log the incident
 - They brought one perpetrator to court, others were questioned, another was arrested
21. The survey found that 34% of respondents had reported abuse to social media platforms and 80% said that reporting the abuse had not made any difference. Furthermore, an overwhelming number of respondents (93%) said social media platforms do not robustly implement their own policies intended to deter and stop abuse, and an overwhelming number of respondents (88%) said that social media platforms should do more to combat abuse and harassment.
22. NUJ members said:
- a. "Just taking reports of harassment or abuse seriously to begin with would be a start. People think they can say what they like as there will be no comeback."*
 - b. "Ideally they should be prepared to lose users/traffic in the interests of maintaining a safer environment for all."*

- c. *“Twitter are hopeless, they have very good guidelines regarding abuse but they simply don’t follow them. Even after there was a person prosecuted for abusing me the threats, abusive and sexual content remained and still remains online.”*
- d. *“If you are a journalist you should be able to register as a journalist, with an easier way of beings ‘accredited’ with a blue tick which should then afford your account closer monitoring for harassment.”*
- e. *“Employ real people rather than artificial intelligence, ability to escalate to a real person, get smarter people on the ball with the ability to see the wider picture of how a certain tweet or comment constitutes abuse.”*

The impact of online abuse

- 23. In terms of the threats that are linked to protected characteristics: 18% of respondents said they had experienced abuse or threats related to their gender, 13% experienced abuse or threats related to their age, 10% of respondents had experienced abuse or threats related to their ethnicity and 8% of respondents had experienced abuse or threats related to their sexuality.
- 24. More than half (55%) of the respondents said the abuse had affected their wellbeing and mental health and 48% said the abuse had made them fearful or anxious.
- 25. Just over a quarter (26%) of respondents said they had made changes to the way they work and 19% of respondents said they had made changes to their home and/or personal life.
- 26. NUJ members reported they had deleted social media accounts, stopped posting on social media, changed their social media account and changed or tightened their privacy settings in response to online abuse.

NUJ online safety recommendations:

- 27. As part of the union’s safety survey, NUJ members were asked to make suggestions about what action could be taken to increase the safety and protections for journalists. The comments applicable to this inquiry have been included below.
- 28. Action against perpetrators:
 - Campaign for the government to introduce/implement stricter laws that protect journalists from online abuse
 - Push for legislation to increase convictions of trolls and abusers
 - Introduce harsher penalties for those who attack journalists online
- 29. Action relating to employers:

- Ask media industry leaders about what they are doing to monitor and tackle abuse
- Encourage or compel media organisations to introduce and/or implement systems to respond to/manage online abuse
- Employers should have clear policies to remove or authorise the removal of abusive social media content
- Employers should provide training to staff and freelance media workers
- Employers should have a legal duty of care to protect freelance workers
- Employers should adopt and publish a zero-tolerance policy towards online abuse
- Employers need to improve mechanisms to anticipate risks, carry out risk assessments, regular safety reviews and audits
- Employers need to create a reporting system and/or make it easier to report issues and offer support
- Media employers should offer stronger rebuttals and provide corporate responses to online abuse
- Employers should have a dedicated safety contact within the organisation and offer support to employees and freelance workers

30. Action relating to the authorities:

- Increase training for police
- Encourage the police to take these issues more seriously and act on threats against journalists

31. Action relating to social media platforms:

- Get social media platforms to change how they deal with online abuse
- Establish a direct line of communication with various social media platforms and law enforcement
- Be more proactive, investigate accounts
- Faster response rates
- Stop anonymous accounts and stop people hiding behind fake names
- Ban repeat abusers
- Pay more attention and offer support to women and people of colour
- Better admin, moderation and monitoring including tackling racist, extremist, or hateful content
- Stop the spread of fake news
- Stop the creation of accounts set up to attack journalists
- Provide verification status for journalists on twitter
- Permanent ISP bans
- Stricter rules/code of conduct that is enforced
- Any accounts linked to threats to kill should be removed
- Warning and then removing abusive accounts and content
- Make account users sign a code of practice/behaviour
- Provide a direct route to identify and fast track media complaints
- Use more human moderators and have the staff available to deal with complaints

- Track and trace repeat offenders
- Referral to local police and provide evidence
- Allow comments to be switched off on newspaper posts on Facebook
- Social media platforms should have to adhere to the same legal obligations as publishers
- Encourage social media companies to engage with stakeholders, including the NUJ, to develop improved anti-abuse policy and enforcement
- Pressure social media platforms to monitor abuse in different languages, not just European languages, including Farsi and Afghan languages

32. The NUJ has organised a range of meetings and events, alongside the NUJ survey, where the following suggestions were made:

- When blogs or websites contain hate speech, defamation, or target journalists, it is still not possible to get the material taken down
- There is a lack of consistency in the response by the police, some don't have any training or expertise, especially about online harassment, there should be standard training and training on the existing and/or new legislation
- Police have not followed up complaints or investigated instances of online threats and harassment
- There should be a dedicated team and/or contact point for journalists to report violence, threats, abuse and/or harassment, this should exist in each jurisdiction of the UK including England, Scotland, Wales, and Northern Ireland
- A Facebook user can create an account, send abusive messages and/or threats, then delete the account and they cannot be traced
- Measures put in place in terms of offering aftercare to journalists who have experienced targeting online (especially if an individual has been forced to leave home/office environment because of threats)
- Staff on probationary periods, entry level journalists, temporary/contract workers and freelancers are potentially more vulnerable and lack support from media employers

33. A survey conducted by NUJ Scotland showed cyberbullying affected the way 50% of respondents worked. It also found the main sources of cyberbullying were via Twitter (65% of responses) and on online comments sections, 28% were directly threatened with violence or serious harm and 5% were subjected to threats of violence or serious harm to their families.

Committee questions:

We have only answered the consultation questions that impact directly on NUJ members.

How has the shifting focus between 'online harms' and 'online safety' influenced the development of the new regime and draft Bill?

What are the key omissions to the draft bill, such as a general safety duty or powers to deal with urgent security threats, and (how) could they be practically included without compromising rights such as freedom of expression?

34. The NUJ supports the shift in focus to online safety and the government's draft legislative proposals should be considered alongside the existing health and safety framework, including the existing legal protections for workers. Media employers already have an existing duty of care to their employees.
35. The Health and Safety Executive in its stress management guidelines states that no one at work should be exposed to unacceptable behaviour (such as bullying, harassment and abuse), regardless of the source of that behaviour, when or where it occurred.
36. The union's health and safety committee is campaigning for employers to acknowledge that they have an obligation under the Health and Safety at Work Act (1974) to carry out "suitable and sufficient" assessments of risks which can be reasonably foreseen and then institute "reasonable precautions". This obligation should be effectively promoted, monitored, and enforced.
37. Media employers should be legally required to support staff and freelance workers when facing online abuse and they should also be required to support individual media workers when they decide to report online abuse to social media platforms and/or the police.
38. The union is disappointed that the government has not set out measures that would compel media outlets to introduce new mechanisms to protect media workers when dealing with online abuse that takes place in "below the line" comments. The union believes it is often the same abusive perpetrators using social media platforms and media outlets' comment sections. Closing off some of the avenues to inflict abuse online is likely to have the unintended consequence of intensifying the level of abuse in the spaces that remain a free for all.
39. The NUJ believes that both media companies and social media platforms should be compelled to take action to tackle online abuse if it is directed at their workforce or the public. Material that doesn't pass the editorial or legal threshold for other published material – as abuse, threats and defamatory content clearly does not – should not be publishable on the sites of media outlets in "below the line" commentary dressed up as reader engagement.
40. The NUJ also believes there is no reason for the government to exclude media companies from having a duty of care towards workers or the public when it comes to online safety, but only of course if this is sufficiently balanced with freedom of expression and enshrines protection against any form of editorial interference.
41. Various laws already exist to tackle hate crime or other attacks and threats, there is also existing legislation on privacy, defamation, and discrimination. The NUJ believes

these laws need to be more robustly applied to organisations that operate in the online sphere.

42. The union is concerned by the lack of clarity relating to the definition of “harm” in the draft legislation and the scope this has for political abuse and manipulation. Various governments have used local laws relating to the internet, public safety, crime and/or national security as a tool to clampdown on media freedom and freedom of expression.
43. In June the home secretary, Priti Patel, wrote to social media platforms and urged them to remove clips that she claimed “glamourised” migrant channel crossings. This example helps to demonstrate the potential for the legislation to be subverted if the definition of what constitutes “harm” remains unclear.
44. The NUJ believes any new UK legislation should enshrine a clear and explicit commitment that the authorities will not interfere with access to information or journalism in the public interest, and a commitment made to respect the right of the public to be informed.

Does the draft Bill focus enough on the ways tech companies could be encouraged to consider safety and/or the risk of harm in platform design and the systems and processes that they put in place?

45. The government has said that the platforms will now have to consider the importance of journalism when undertaking content moderation, have a fast-track appeals process for journalists’ removed content, and will be held to account by Ofcom for the arbitrary removal of journalistic content. In addition, citizen journalists’ content will have the same protections as professional journalists’ content.
46. The union supports some of the government’s new measures, especially the right of appeal when dealing with decisions taken by social media platforms, however these mechanisms should be subject to monitoring, review, and public consultation (post-implementation) to ensure they are effective and fit for purpose.
47. The NUJ believes there should be an advisory panel of experts established to review the implementation of this new law and support Ofcom’s new remit. The panel should be diverse and be able to offer advice and assistance on a range of issues including dealing with complaints and properly evaluating the assessments that are going to be published by social media platforms about the impact on freedom of expression.
48. Social media platforms should also be compelled or encouraged to set up regular stakeholder engagement sessions, advisory panels and/or public consultations on moderation, appeals and journalistic content.

Are there any contested inclusions, tensions or contradictions in the draft bill that need to be more carefully considered before the final bill is put to parliament?

49. The bill sets out that journalistic content produced by recognised news publishers and shared on social media platforms will be exempted. Social media platforms will have a statutory duty to safeguard UK users' access to journalistic content shared via social media. However, the bill contains some inconsistencies when referring to journalistic content.
50. The ability of Ofcom to exempt journalistic content is dependent on being classified as a "recognised news publisher" but this ignores the current regulatory system including membership of IPSO or Impress, this is not the criteria for exemption from the bill.
51. The bill also lacks clarity on the commitment to protect citizen journalists and this will inevitably hand over considerable powers to the social media platforms to decide. This could lead to quality journalism being censored, while other individuals could falsely claim they are citizen journalists.
52. References in the bill to the free expression of journalistic content are too vague and again run the risk of giving additional powers to social media platforms. This could have a detrimental influence over journalism and media plurality online.
53. The NUJ want to see increased protections for journalists' communications, sources and whistleblowers when the authorities are legislatively enabled to access the private communications of citizens.

What are the lessons that the government should learn when directly comparing the draft bill to existing and proposed legislation around the world?

54. Governments around the world have used legislation as a tool to silence journalists, identify their sources, jail whistleblowers and prevent public interest reporting. If the online harms and online safety legislation does not include clear and explicit commitments to safeguard journalists and journalism, then it is open to abuse.