

## **This SBS journalist was allegedly bullied, harassed, then sacked. Now she's fighting back.**



*Pallavi Jain is suing SBS for unfair dismissal after she was sacked following allegations of bullying and harassment.*

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JUNE 21, 2021

When Pallavi Jain moved from Canberra to Sydney to work at SBS in 2013, she thought it would start a new chapter in her life. Jain was grieving a marriage breakdown and far away from her family in India, but loved Australia and was committed to making it home.

“It was a big thing for me. It felt like a new beginning,” she said. “I thought this would be a new start.”

But within months of taking the job as a Hindi language journalist, she claims executive producer Kumud Merani began to bully her in what would become an eight-years-and-counting saga.

Jain made three complaints about the bullying over four years, according to court documents, two of which were formalised in writing.

An external workplace investigation in 2016 determined Merani had engaged in repeated, unwelcome, unsolicited, unreciprocated behaviour that constituted bullying and harassment, while finding Jain to be an honest and reliable witness.

The work safety regulator Comcare conducted a separate investigation that linked Jain's worsening mental health to working under Merani and determined SBS was liable for Jain's medical costs.

Despite these findings and Jain's repeated requests to change managers, SBS refused and forced Jain to work under Merani for years, according to Jain's statement of claim. Eventually Jain's mental health deteriorated to the point she suffered panic attacks, sleepless nights and shortness of breath so severe she thought she was going to die, according to medical records.

After an unsuccessful mediation and the involvement of the media industry union, SBS placed Jain on a rehabilitation program to assist her find another job. But mid-way through this program in December 2019, SBS sacked Jain.

Jain claims this is because she had taken time off and was unable to work under the woman who had allegedly bullied her, which the broadcaster determined was vital to her role.

Now Merani has retired from SBS and Jain has launched legal action to claim back her job after what the 42-year-old describes as a "harrowing" and "shocking" experience.

"It's about justice at the end of the day. Why should I have to give up my job because someone bullied me?"

Through the Federal Court, Jain has launched a general protections claim to overturn the dismissal, arguing that SBS took adverse action against her for exercising her right to look after her own health and safety.

In its defence to the claim, SBS admits Merani was found to have engaged in bullying and harassment and that Jain's continued work under her aggravated existing mental health problems.

But the broadcaster denies breaching its legal obligations to take reasonable care of its employees, and disputes that Jain was ultimately sacked due to her mental health condition. In a series of hearings commencing Tuesday, the court will now decide if SBS breached these laws.

When contacted for this story, Merani said she could not talk about the matter because it was before the courts and ended the phone call. Merani did not respond to further requests for comment.

Jain is not the only former SBS employee to allege workplace problems at the public broadcaster. Last year, the veteran newsreader Lee Lin Chin, who is arguably SBS' best known figure, revealed she resigned due to concerns about SBS's culture and management style.



*Veteran SBS newsreader Lee Lin Chin revealed she quit the broadcaster after being told of junior staff being bullied.*

Screenwriter Kodie Bedford said on social media that as a cadet reporter at SBS she was belittled and insulted by racist remarks, largely by a single colleague. Former NITV journalist Allan Clarke described the experience as “horrific”, and said the “toxic years” had left scars. Laura Murphy-Oates, now a journalist at *The Guardian*, said that, as an SBS cadet, she was exposed to “toxic managers” who had a “big effect”.

*The Age* and *The Sydney Morning Herald* have spoken to seven current and former SBS employees who echo these sentiments. The employees spoke on condition of anonymity because they were not authorised to speak publicly, and were concerned about jeopardising future employment prospects.

An SBS spokesman said it was inappropriate to comment on matters before the court, but denied all allegations and said they would be vigorously defended in court.

The spokesman said SBS regularly seeks formal feedback from its employees “which consistently demonstrates that SBS has a strong and supportive culture, with industry-leading levels of employee engagement”.

“We absolutely refute assertions that SBS has a culture of bullying. We take any issues raised with us seriously and these are properly addressed and responded to in line with our clear workplace behaviour policies and grievance procedures. Any suggestion that SBS doesn’t prioritise the health and wellbeing of all our employees equally is offensive and false.”

### **‘Just a translator’**

When Jain joined the SBS Hindi language radio program in 2013, the newsroom was changing. One former colleague, who remains at SBS, said Jain was part of a new breed of journalists from non-English speaking backgrounds.

“For a long time, there was this thing where a journalist from another background was just a translator. In the last few years, that changed. We want to do journalism,” the person said.

Before joining SBS, Jain had worked in Australia as a freelancer with bylines in the *Sydney Morning Herald* and ABC and internationally as a television reporter with Indian networks and BBC World Service.

For her part, Merani had worked at SBS since 1985 and progressed to become executive producer of the Hindi program. She was the first female anchor of Asian background to appear on SBS World News.

But former colleagues say her approach to the job was from a different era. “Kumud did not see herself as a journalist. She saw herself as a community ambassador, going to all these parties ... For us, that was 30 years ago. SBS is more now.”

Jain says she wanted to investigate sensitive issues facing minority communities, such as sections of Australia’s Indian diaspora aborting female fetuses, which saw her clash with Merani.

“Kumud thought that was shining a negative light on the community. We thought no – we’re starting the conversation. Women were having forced abortions. We were exploring what are the systems that are enabling this?”

That story was later nominated for an Amnesty International award, but Jain says she was blacklisted internally for reporting it.

### **‘Very pushy’**

According to her general protections claim, Jain made her first official complaint about Merani’s bullying in November 2015. SBS responded by conducting an internal review that dismissed the claims, prompting Jain to call on the media industry union for support.

The union for journalists, the Media Entertainment and Arts Alliance, initiated a dispute through the Fair Work Commission, which forced SBS to hire an independent investigator – Workdynamic.

That investigation, which is now evidence in the Fair Work Commission case, assessed more than 20 allegations against Merani, half of which were found to be substantiated while the remainder were unsubstantiated due to insufficient evidence. Overall, the investigator determined Merani had breached SBS’s workplace code to eliminate harassment and had engaged in conduct that was humiliating, intimidating, threatening and serious enough to create a risk to Jain’s health and safety.



*Pallavi Jain is now living with her parents in Bhopal, India, after being sacked by SBS.*

Among the allegations found to be substantiated were a series of derogatory remarks made by Merani about Jain, including “you are so ambitious, you can do anything for success” and accusations that Jain was “over-promoting herself” and “very pushy”. The investigator also found Merani had placed unreasonable workloads on Jain and made excessive corrections to her writing.

Jan claims that during her employment at SBS, Jain described a pattern of behaviour where she was belittled, dismissed and prevented from doing her job. Multiple former employees, who spoke on the condition of anonymity because they said were still traumatised by their experience at the company, corroborated these recollections.

SBS continued to refuse Jain’s requests to change managers. Medical records show the ongoing work environment caused Jain’s health to worsen over time. The anxiety became so severe she suffered dizziness, anxiety attacks, symptoms of obsessive compulsive disorder and felt compelled to call an ambulance on more than one occasion.

“Most nights she feels like she is going to die,” says one medical report from June 2018 viewed by this masthead.

“Every night I feel short of breath because I have to work under this woman. Her attitude has not changed ... When she is not there I am completely fine,” says another.

## **‘Torturous’**

Dysfunction at the multicultural broadcaster was exposed last year when veteran newsreader Lee Lin Chin confirmed she resigned in 2018 over management’s treatment of staff who had complained of bullying, racism and a lack of diversity within the ranks.

SBS hired barrister Deborah Dinnen last year to conduct an investigation into the workplace culture in the news and current affairs division after allegations of bullying were made public by former employees. The findings of that investigation were not made public.

More than 20 people were interviewed as part of the workplace investigation, according to one person familiar with the scale of the investigation.

SBS attempted to implement several initiatives to improve diversity and inclusion at the broadcaster. It appointed two Indigenous elders to the company and was looking for internal roles for Indigenous employees outside NITV after several former employees said they had experienced bullying and racism at the broadcaster.

SBS managing director James Taylor said at the time he was “shocked and saddened” by accounts of racism at the network and that form of discrimination – whether overt or covert – had no place at his organisation.

Jain says the bullying she endured was never explicitly racist but the way senior management dealt with her complaints indicates deep problems. “The fact they have treated me so callously in such a negative way, it’s almost like I don’t matter,” she says.

One former SBS employee, who worked at SBS Hindi, says every time she raised issues with senior managers the emails were sent back to Merani. Another says Jain’s case reveals the lengths SBS will go to in order to protect the top echelons of the network.

“It was not so much about the Pallavi case, but about covering up the due process. It wasn’t a proper investigation. It was her against her manager and her manager’s manager – it was just like three against one. She was helpless,” says the employee, who still works at SBS.

A parting email sent by one SBS journalist in April this year, described a “torturous” last few months and warned management of problems with culture and journalistic ethics that he observed during his four years at the network.

“I was penalised for disagreeing with my managers, asking uncomfortable questions, and making constructive suggestions on the content we should produce and publish,” the person wrote in the email.

“Although I firmly believe some of these actions were in violation of not just SBS’s code of ethics but journalistic principles also, history taught me that I had no recourse left but to leave.”

