

# ANALYSIS OF THE “REGIONAL SURVEY ON VIOLENCE AND HARASSMENT IN THE WORKPLACE IN THE AUDIOVISUAL AND PERFORMING ARTS INDUSTRY IN LATIN AMERICA”

COMMUNITAS CONSULTORA

# 2021

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# INTRODUCTION

In July 2021, the regional groups of the International Federation of Actors (FIA-LA) and the Media, Entertainment & Arts sectors of UNI Global Union (UNI Americas MEI / Panartes) and their affiliates launched an online survey on violence and harassment in the workplaces of the audiovisual and performing arts industries in Latin America. Both federations bring together unions, guilds and professional associations representing thousands of workers in the region.

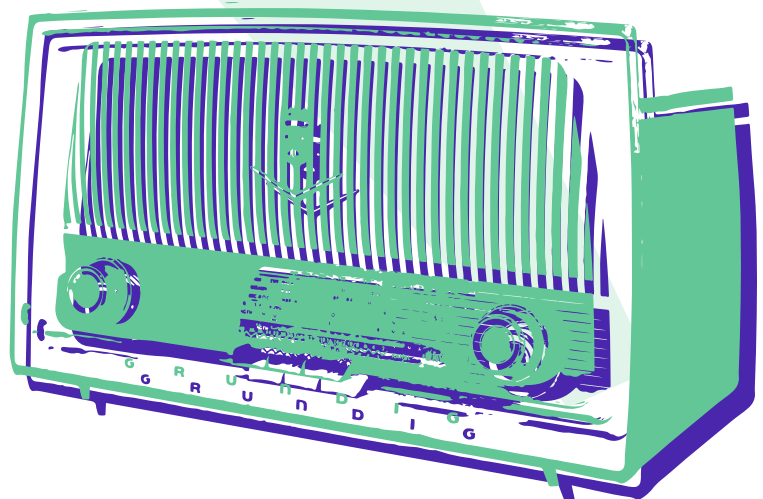
The main purpose of the survey was to shed some light and identify the existence of unacceptable and toxic behaviours in the sector workplaces at the regional level. The data collected is indeed alarming. 89.4% of respondents have experienced one or more of the situations mentioned in the survey, ranging from mistreatment and “micro machismo” to sexual harassment, bullying and discrimination regarding work benefits. 4 out of 10 believe they have experienced sexual harassment in the workplace.

In order to analyse the data collected through the survey, UNI MEI and FIA turned to *Communitas Consultoras*, a Chilean based research team with specific expertise in the field of gender studies and violence and harassment at work. The present report offers a precise diagnosis that will serve as a background for trade unions to deepen their work on the issue, carry out preventive actions and incorporate specific proposals to better represent the interests of their affiliates in social dialogue processes. This survey and report are regional trade union initiatives supported by Union to Union, the Swedish trade union movement’s organisation for international development cooperation.

The International Labour Organization adopted the No. 190 Convention on Violence and Harassment in June 2019. This ILO Convention establishes, for the first time, a global and unique right of everyone to work free of violence and harassment, as well as obliging countries all over the world to prohibit and sanction workplace violence and harassment.

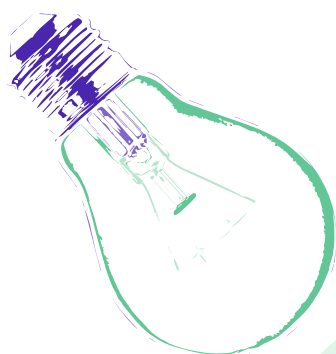
In their role as guardians of working conditions and workplace protections, unions have naturally taken an active role in the discussion of how sexual harassment can be properly addressed. Many have already established practices and protocols to support sector professionals who report cases of sexual harassment or intimidation.

With this work, UNI MEI and FIA wish to support all their affiliates in bringing about change. Together we can build safe work spaces that are dignified, egalitarian and respectful of diversity.



# 2.

## METHODOLOGICAL AND CONCEPTUAL FRAMEWORK



With the aim of identifying and visualising the existence of violence and harassment behaviours at work, the “Regional survey on violence and harassment in the workplace in the audiovisual and performing arts industry in Latin America” was launched and implemented online through a self-administered questionnaire that was available for four months and was sent to all countries in the region, including those with unions affiliated to the regional groups of the Media, Entertainment & Arts sector of UNI Americas (UNI Americas MEI) and the International Federation of Actors (FIA), respectively Panartes and FIA-LA. The data collection resulted in a sample size of 1,423 respondents. It is worth mentioning that, despite the fact that the call was open to the region, seven countries received a significant number of responses, which made the coding and subsequent analysis of the data possible. However, to account for the cases that arrived and only for the general count and demographic description, we grouped the 36 responses received from the rest of the countries in the “other” category, representing 2.5% of the sample.

### SUMMARY METHODOLOGICAL SHEET

<b>TARGET GROUP</b>	Audiovisual and live entertainment workers in Latin America
<b>DATA COLLECTION PERIOD</b>	July to October 2021
<b>ANALYSIS COVERAGE</b>	7 Latin American countries. Argentina, Brazil, Chile, Colombia, Mexico, Peru, and Uruguay
<b>SAMPLE SIZE ACHIEVED</b>	1,423
<b>METHOD OF COLLECTION</b>	Self-administered Web Questionnaire
<b>ANALYSIS OF RESULTS</b>	Descriptive statistics and qualitative interpretation
<b>QUESTIONNAIRE (NO. OF QUESTIONS)</b>	18 closed
<b>INTERVIEWS</b>	03 semi-structured interviews with key informants in Peru, Colombia and Mexico

The sampling parameters were country, age, gender, sexual orientation, sector, area and role. A methodological clarification should be made regarding the question on the gender of the participants, considering that the answers were given as an option: Male,

Male trans, Female, Female trans, Non-binary and prefer not to say. For the purpose of obtaining data and a representative and meaningful analysis, we constructed the category 'Trans and non-binary, decline to state', in which we grouped: Trans man, Trans woman and Non-binary, because if the option was taken to leave them as separate categories, they would be rendered invisible.

The responses were organised under the following headings: Being a victim, Being a witness, Impact on career path, Complaints and actions and Training, as follows:

## TABLE I: ORGANISATION OF QUESTIONS

### BEING A VICTIM

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Have you ever felt mistreated in your work environment?

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Has a manager or someone in your team raised their voice or shouted at you?

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Have you ever been harassed or bullied by someone in your work environment?

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Have you been discriminated against with respect to employment benefits?

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Have you ever felt ignored or underestimated by a manager or someone in your team?

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Do you think you have been a victim of sexual harassment in your work environment?

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Do you think you have been a victim of micromachismo in your work environment?

---

Have you felt vulnerable during scenes involving violence, sex or intimacy?

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Have you experienced any other situation that you consider falling into this type of behaviour?

### BEING A WITNESS

---

Have you witnessed any of the above situations?

---

Have you identified situations of sexual harassment in your work environment?

---

Have you identified micromachismo in your work environment?

### IMPACT ON CAREER PATH

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Have you been limited in your career development because of any of the situations above?

---

Has your career development been limited by parenthood?

---

Have you ever been afraid or unwilling to go to work because you or someone in your team has experienced situations like the ones described?

## COMPLAINTS AND ACTIONS

In case of workplace harassment and/or workplace sexual harassment towards you or someone you know; would you know where and to whom to turn?

Have you intervened to reject or report any case of workplace harassment, workplace sexual harassment or gender-based violence?

Do you think there are negative consequences for reporting these bad practices?

Do you know if your employer has any protocols or guidelines in place to prevent and sanction this type of behaviour?

Do you trust that your employer will know how to act when you report a case of workplace and/or sexual harassment?

## TRAINING

Have you received any training in your work on the phenomenon of workplace harassment, workplace sexual harassment and/or gender-based violence?

Has anything changed for the better since you received this training?

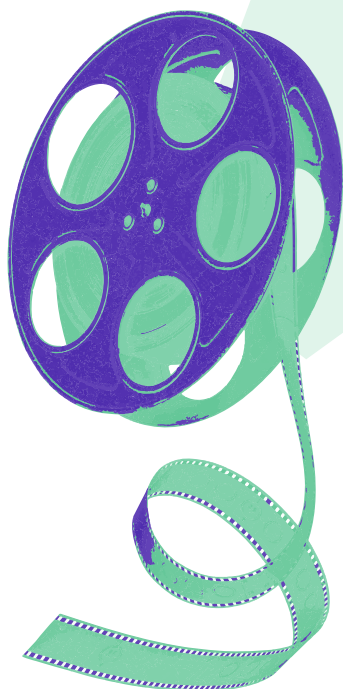
Would you like to learn more about your labour rights in the face of these problems?

Are you a member of a union?

Source: Prepared by the authors with data from the "Regional Survey on Violence and Harassment in the Workplace in the Audiovisual and Performing Arts Industry in Latin America" (2021)<sup>1</sup>

Regarding the analysis of the data, two dimensions were considered, a quantitative one consisting of a description based on the information regarding the prevalence, frequency and magnitude of the expressions of workplace harassment, sexual harassment at work and gender-based violence, presenting the results through figures, charts and statistical tables; and a qualitative dimension through which a dense interpretation of the data is made, moving towards the identification of the magnitude of the problem in each of the countries analysed, comparing some figures and situations described, which is complemented with the information gathered through semi-structured interviews with key informants, which focused on questions related to the general characterisation of the sector in their country and possible situations of harassment or gender-based violence in the sector.

It is worth mentioning here that given that the only open question asked in the survey was: "Have you ever experienced other types of behaviours that you consider to be part of the types of conducts discussed in this survey"? it was decided to incorporate the interpretation of the data in the section called Being a victim, since it reinforces the other questions asked in the rest of the questionnaire.



<sup>1</sup> All tables, charts and infographics in this report were prepared by the authors based on the Regional Survey on Violence and Harassment in the Workplace in the Audiovisual and Performing Arts Industry in Latin America (2021).

## GENERAL DEFINITIONS USED FOR THE ANALYSIS

Considering that we are dealing with different countries, which implies different treatments and progress made on the subject, we have generally used the conceptual and explanatory framework of the ILO, which proposes the following definitions associated with “violence and harassment” in the world of work:

### **GENDER-BASED VIOLENCE AND HARASSMENT:**

The term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

### **VIOLENCE AND HARASSMENT IN THE WORLD OF WORK:**

Refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.

### **SEXUAL HARASSMENT IN THE WORKPLACE:**

This refers to behaviour of a sexual nature that is unwanted by the person concerned and has a negative impact on his or her work situation, causing harm to him or her. There is no consensus in the different countries on its legal recognition.

### **MACHISMO:**

Set of beliefs, attitudes and behaviours based on the idea of male superiority.

### **MICROMACHISMO:**

These are normalised and daily, supposedly subtle, behaviours involving machismo that demonstrate inequality between men and women, positioning women in a diminished, oppressed or excluded role.

### **C190 OF THE ILO:**

Convention on Violence and Harassment adopted in June 2019 is the first international treaty that recognises the right to a world of work free from violence and harassment<sup>2</sup>, including gender-based violence and harassment. Governments that ratify C190 should put in place the necessary laws and policy measures to prevent and address violence and harassment in the world of work.

<sup>2</sup> ILO Convention 190 applies (art. 3) to violence and harassment in the world of work in the course of, linked with or arising out of work:

- (a) in the workplace, including public and private spaces where they are a place of work;
- (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- (c) during work-related trips, travel, training, events or social activities;
- (d) through work-related communications, including those enabled by information and communication technologies;
- (e) in employer-provided accommodation; and
- (f) when commuting to and from work..



# 3.

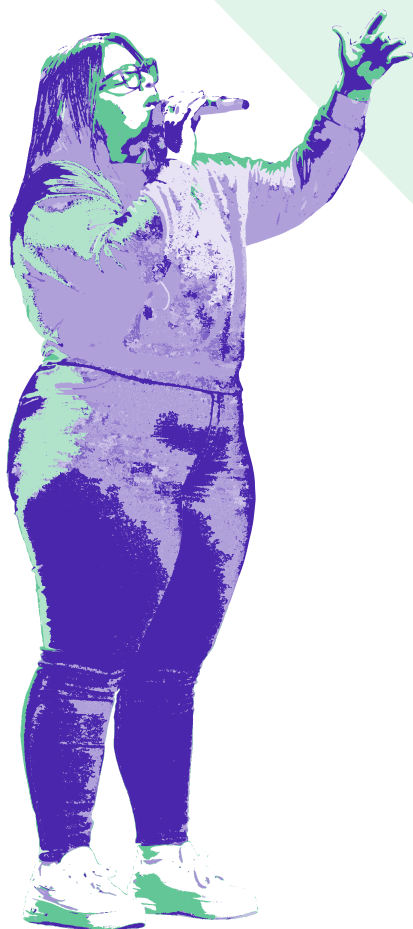
## SECTORAL AND TERRITORIAL CONTEXT

The creative industry or economy in Latin America is a sector in constant and accelerated growth and a focus of promotion both nationally and internationally. However, as in the rest of the world, it is a cultural and economic sector in the process of development and often marginalised in terms of budget or governmental or state attention. As evidence of its growth and, at the same time, marginality, we know that in 2015 it was estimated that it generated a 2.2% contribution to the regional GDP, reaching 3% in 2021%.

The sector is characterised by the need for public contribution and intervention, which is a common model in the world, with greater or lesser participation and linkage with the private sector. Therefore, public policies focused on the creative industry or economy are relevant and in high demand. According to Benavente and Grazi (2018), these are divided into those dedicated to supply, demand, systemic and human capital formation. These and their descriptions do not include issues associated with internal and relational forms in the work organisation, harassment of any kind or possible gender bias and violence, which, added to the high level of informality and self-employment, results in a field that is unregulated in terms of coexistence and treatment. According to the ILO (2018) in Latin America 76.6% of the employed population is in conditions of informality or independence, which is also a main characteristic of the creative, artistic and cultural sector, which configures problems in the shadows, which are not really made visible or are not at all visible.

However, there are collectives, associations and unions in different parts of the world that pay attention precisely to the regulation of the work of people who are part of the creative industry or economy, such as those that promoted the survey analysed here.

This report focuses on the audiovisual and performing arts, which are represented by Panartes and FIA-LA. The first, the audiovisual sector, goes beyond television or cinema, and also includes audiovisual media, supports and expressions, as well as addressing their intersections. On the other hand, the performing arts “refer to all live performances of artistic expressions in theatre, dance, music, circus, magic and all possible practices derived or created from the imagination, sensitivity and knowledge of human beings, which bring people together outside the domestic sphere and is also considered a cultural service regardless of the agent (public or private) that performs, manages and supplies it”. (Ministry of Culture of Colombia, 2012; in Cardenas, 2018: 18)



Like the rest of the creative economy, the audiovisual and performing arts sector is in constant growth and has undergone strong development in recent years, as Olavarría (IDB, 2021) indicates: “We are on the verge of a new audiovisual boom in Latin America and the Caribbean. In 2019 alone, an estimated \$5.7 billion was invested in audiovisual productions, driving the creation of more than 1.6 million direct and indirect jobs, according to a study by Olsberg SPI.”

While such growth and take-off of the sector has occurred, situations associated with labour relations have become evident, among which are the culture of overtime, made visible in the British report “Eyes half shut” by Evans and Green (2017), as well as in the UNI Global Union report “Demanding dignity behind the scenes”, where it is stated:

“The UNI survey found that workers in responding countries work, on average, at least 11 hours per day in practice, with, at minimum, an additional one to two hours for “prep and wrap” duties before and after filming. This is true for workers in both film and TV productions, resulting in an overall average of at least 12 to 13 hours per day in all countries” (UNI, 2021, p.08)

Also, worryingly, sexual harassment and gender-based violence have become evident, with movements such as Me Too and Time’s Up, which took the world by storm between 2017 and 2018, in addition to the feminist wave that emerged in parallel in various parts of the world. The subject aroused interest and testimonies and complaints began to appear, and with them, the need for protocols, studies and regulations on the subject.

In 2020, the ILO conducted a study on sexual harassment in the entertainment industry, starting with the consideration of gender inequalities in the industry based on the representations, stereotypes and gender roles that are perpetuated in the sector. In addition to highlighting wage gaps, they argue that approximately 40% of the entertainment workforce are women, which is a highly insecure sector for women, especially indigenous and racialised women.

In 2011, the General Framework of Actions on Gender Equality was adopted among the social partners of the European Social Dialogue Committee of the Audiovisual Sector, of which the global associations that promoted and developed this survey are members. As a follow up action, in 2018, the Committee conducted a diagnostic study to explore the gender equality situation in the field in question. As a result, in 2020 a “Manual of Good Practices” was published, the first part of which provides context and qualitative and statistical evidence of the existence and depth of gender gaps, discrimination and segregation in European countries (Tepper, 2020).

It also addresses various policies and measures implemented for gender equality, evaluating their results and strategies to identify those that are more effective and present greater achievements and those that do not (Tepper, 2020. This will be addressed again in the final part of this report, in the context of the recommendations).

## ARGENTINA

In Argentina, the audiovisual and performing arts sector is significant when considering as a basis, that in one of the first measurements of the creative economies in the world, in 2013, the country was one of the three largest in Latin America in terms of economic production and employment.

The Cultural Gross Added Value is measured by the Cultural Information System of Argentina (SInCA), of the National Ministry of Culture and National Institute of Statistics and Census (INDEC). It “arises from the difference between the gross value of production (VBP), the total sum of the values of goods and services produced by the economy, which includes those of intermediate and final use, and intermediate consumption (IC), that is, “those used in the production of other goods and services” (SInCA, 2017: 9-10).” (Rodriguez, 2018).

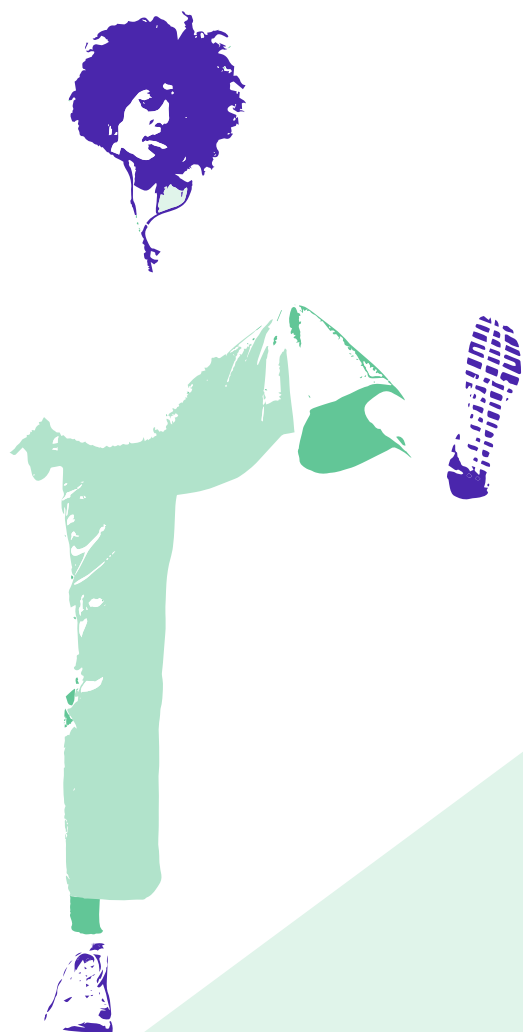
The latest estimate was made in 2017, with a measure that portrays the year 2016, when the audiovisual sector represented 29% of GVA, a higher figure in contrast to the rest of Argentina’s Creative Industries Market (MICA) and performing arts and artistic performances 6%.

Together they add up to 35%, making it one of the largest fields of culture and the largest contributor to the national economy of all the sectors that make up the creative industries. Considering the bulk of the environment also explains its diverse organisation, both formal, industrial, public, private and, of course, union and civil aspects.

In Argentina, 11 March is the “National Day for the Fight against Gender Violence in the Audiovisual Media”, a date chosen in commemoration of 11 March 2009, when Law 26,485 on Integral Protection to Prevent, Punish and Eradicate “Violence against Women” in the environments in which they develop their interpersonal relationships was passed.

In addition, according to the provisions of the Labour Contract Law, “sexual harassment” is considered a valid reason for dismissal in the private sector and constitutes a crime according to Law No. 25,087. On the other hand, Decree 254/98, called “Plan for Equal Opportunities between Men and Women in the Workplace”, has been in force since 1998, which takes into consideration Law No. 23,451 on equality of opportunity and treatment between men and women workers with family responsibilities, in relation to Convention No. 156 of the International Labour Organisation; Law No. 24,576, which guarantees as a fundamental right of all workers the professional promotion and on-the-job training under equal conditions of access and treatment; and Law No. 14,467 on equal pay for work of equal value, ratifying Decree-Law No. 11,595/56, approving Convention No. 100 of the International Labour Organisation. All these make up the regulatory framework regarding gender violence and harassment in Argentina and for its audiovisual and performing arts sector as workspaces, while Law 26,522 on Audiovisual Communication Services does not address this issue.

With respect to regulatory frameworks, it is relevant to add that the Argentinian Actors Association considers in its Protocols signed or to be signed with the Business Chambers Branches of the acting activity, in addition to local regulations, violent conduct towards women and/or people because of their gender or sexual orientation has international protection with commitment of the States that have constitutional rank in the country, such as: the Universal Declaration of Human Rights; the American Declaration of Human Rights; the Pact of San José, Costa



Rica; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the International Covenant on Civil and Political Rights; the American Convention on Human Rights; Convention of Belém do Pará; the CEDAW; Law No. 23,592 against discriminatory acts; Law No. 26,618 on Equal Marriage; OAS Resolution 2807 on Human Rights, Sexual Orientation and Gender Identity; and the United Nations Declaration on the Elimination of Violence against Women.

The same association indicates that it is important that the definitions, concepts and prescriptions are not interpreted in a restrictive or limiting sense as excluding acts considered as violence against women by other norms, for which a harmonious and systematic interpretation with the provisions of Article 4, second paragraph of Law No. 26,485, and with the provisions of the conventions and treaties mentioned in the preceding paragraph has been deemed necessary.

## **BRAZIL**

Brazil has a large audiovisual and live entertainment sector with a prolific and permanent production. This sector represents one of the main export markets for media and entertainment in Latin America. This industry is responsible for an economic turnover of 25 billion reais per year, which represents 0.46% of the national GDP. It has thousands of radio stations, hundreds of television channels, and a large live entertainment sector, which of course is reflected in a high number of workers dependent on the industry, which is estimated to generate around 330,000 jobs<sup>3</sup>. The sector that employs and produces the most is the audiovisual sector, whether in the form of series, feature films, documentaries, or advertising.

Brazil has a robust audiovisual legislation that has been systematically updated, including issues such as support for the development of the industry and promotion of the activity, local content quotas on pay TV channels, regulations on the exhibition of works, administrative procedures, and application of penalties in cases of violations, financing, taxes and working hours.

As for having a regulatory framework on harassment and gender violence, the constitutional provisions and the consolidation of the labour law include Labour Moral Harassment. Decree-Law no. 5452, of 1 May 1943, approving the Codification of Labour Laws, pronounces on Labour Codes, labour laws and general labour laws, including the protection of women's work in its chapter 3, which includes a series of guidelines that placed Brazil in a rather leading position at the Latin American level in terms of maternity rights.

However, with regard to moral harassment in the workplace, there would be no specific legislation, and it would be necessary to resort to a normative construction to sanction it (administrative alternatives). This approach is a phenomenon found in many countries, where the act is not penalised, but rather left to an interpretative scope of private or "exemplary" sanctions to be applied by the employer.



<sup>3</sup> Data included in IDB, 2021: Behind the scenes: creativity and investment for Latin America and the Caribbean.

Likewise, sexual harassment in the workplace is a criminal offence that has been introduced into the Penal Code by means of Law No. 10 224/01, but it is limited to vertical or downward harassment only and has low operability, which has a very low impact on its eradication in the long run.

#### **CHILE**

The creative industry in Chile produces a value equivalent to 2.2% of GDP and provides 6% of employment, comprising practically only MSMEs. On average, exports in this sector exceeded US\$70 million in the last two years (MINREL). This is in line with the fact that the National Plan for the Promotion of the Creative Economy 2017-2022 dates back only to 2017, within the framework of which the National Strategic Programme for the Creative Economy was also created. Despite having a small domestic market, it has created an audiovisual industry marked by quality and with great export ambitions, thanks to programmes such as Chilecreativo and others from CORFO, which is complemented by the existence of the National Audiovisual Policy of the Ministry of Arts and Cultures, which aims to promote and improve the sector's competitiveness.

With regard to labour and/or sexual harassment in Chile, in all areas and therefore also in the entertainment industry, the issue has become one of the major social and labour problems. In the entertainment industry, Law 19,889 regulates the working conditions and hiring of workers; however, it should be noted that it makes no mention of any type of harassment or abuse of a sexual connotation. Under Chilean law, sexual harassment and harassment in the workplace are typified in the Labour Code and not as crimes in the Penal Code. The first is regulated in the Labour Code under Law 20,005. Labour harassment is dealt with in accordance with the second paragraph of Article 2 of the Labour Code.

#### **COLOMBIA**

In Colombia, the audiovisual sector is part of the group of activities classified as orange economy activities, a sector that has grown significantly since the enactment of Film Law No. 814 of 2003, which "devised investment incentives and generated mechanisms to develop the sector as a whole and promote the entire Colombian film production chain: from producers, distributors and exhibitors, to the preservation of audiovisual heritage, training and technological development, among others" (Ministry of Culture of Colombia, 2003).

This industry is very important for the country, the last measurement of the Culture Satellite Account (CSC), which measured music, performing arts, visual arts, audiovisual, advertising design, creation, books and publications, cultural education, as well as games and toys, defined the added value at 6,238,728 million Colombian pesos, in 2016 (DANE, 2017: 1, in Oliva, 2018). (...) "according to the results of the Culture Satellite Account, the added value of the audiovisual sector at constant prices has experienced a 109% growth between 2005 and 2012, with a value of 1.14 billion pesos to reach 2.39 billion pesos, respectively. This fact evidences that the audiovisual sector is one of the sectors with the greatest activity and growth, not only in the cultural field, but also in the national economy, thanks to the use and application of new technologies for the production and distribution of content and the implementation of public policies that allow the strengthening of the sector" (2015: 11, in Oliva, 2018: 11).

With respect to legislation on gender-based violence and sexual harassment in the industry, there has been no concrete progress. The Association of Women Filmmakers and Audiovisual Media of Colombia (CIMA) has been studying and proposing that concrete measures against sexual harassment be incorporated since 2018, even evaluating the inclusion of specific clauses in labour contracts.

At present, Colombia has Law 1,257 of 2008, which establishes rules for awareness, prevention and punishment of forms of violence and discrimination against women, reforms the Criminal Code, the Criminal Procedure Code, Law 294 (on violence in the family context) and establishes other related provisions. This Law establishes sexual harassment as a crime, with Article 10 specifically stating: “Anyone who, for their own benefit or that of a third party and taking advantage of their manifest superiority or relations of authority or power, age, sex, labour, social, family or economic position, harasses, persecutes, bothers or physically or verbally assaults another person for non-consensual sexual purposes, shall be sentenced to one (1) to three (3) years imprisonment”.

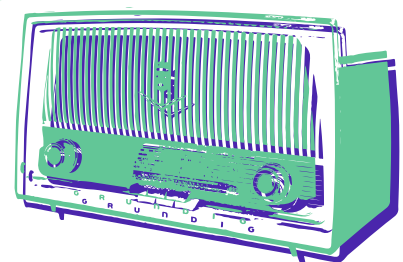
In turn, Law 1,010, which has existed since 2006, adopts measures to prevent, correct and sanction labour harassment and other harassment in the framework of labour relations in general, not specifically associated to the industry, nor to labour sexual harassment in particular.

## **MEXICO**

Mexico has historically been and continues to be one of the major markets for the creative industry, and since the 1940s it has had an important development at a regional level. As mentioned in “The Mexican film industry and its participation in the global value chain,” Mexico has several facilitators and advantages in this industry: from the production and creative capacity in cinematography, the proximity to the U.S., the experience and skills of the diverse and specialised professionals in the area, along with being an important exhibition market worldwide.

In recent years, Mexico has had a resurgence of the audiovisual industry linked mainly to streaming, according to 2020 data, there are almost 12 million subscribers to SVOD services, and it is projected that the OTT market could reach 1.42 billion dollars by 2024. This scenario of progressive growth was negatively impacted by the 2020 pandemic, cultural budgets were reduced, and the Film Investment and Stimulus Fund and the Fund for Quality Film Production were dissolved. However, the comparative advantages of its industry can achieve post-pandemic recovery and continue the development achieved until 2020.

Mexico has a Federal Law on Radio and TV, according to Article 4 “Radio and television constitute an activity of public interest; therefore, the State shall protect and oversee it for the due fulfilment of its social function”. Published in 1940, it has had several updates according to the progress of both the industry and Mexican society. This law does not guarantee workplaces free of violence and harassment. The Federal Labour Law was created to regulate the labour laws established between employers and employees. The LFT was enacted in 1931 and since then it has been modified according to social needs. One of the obligations of employers is to create the working conditions necessary for workers to perform their activities properly, providing a safe and healthy environment that does not put workers at risk. It also typifies and punishes bullying in the workplace.



With respect to sexual harassment in the workplace, the 2019 reform of the Federal Labour Law established a series of complaint mechanisms that impose fines for action or omission by employers who tolerate such conduct. Finally, the General Law on Women's Access to a Life Free of Violence is in force, which typifies and punishes various manifestations of violence and the contexts in which it occurs, including any violence perpetrated against women in the workplace.

## PERU

In recent years, Peru's audiovisual, film and creative industry has grown exponentially. According to PwC figures, prior to the pandemic, the industry was expected to reach US \$242 million by 2023. While the film market during 2019 showed a per capita admission of 1.7, one of the highest in the region, it also had a considerable increase in film production with 35 films released, and Law No. 26370 and Emergency Decree 022-2019 are in force; Peru does not yet have legislation that promotes Peruvian film making for culture and art. According to SINCA, the existing laws promote the industry only from a mercantilist perspective, and where the beneficiaries are the companies and not the workers of the film and audiovisual sector.

The pandemic, as in other countries in the region, has had negative effects on the show business, entertainment, audiovisual and performing arts industries in Peru, but this has not justified the failure of its professionals to develop strategies that allow them to innovate in their respective sectors and subsectors.

Regarding current legislation on sexual harassment in the workplace, there is the Law for the Prevention and Punishment of Sexual Harassment (Law No. 27942), which typifies and punishes sexual harassment in different areas of application, including public and private workplaces. Bullying or harassment at work, from the point of view of the legal framework, is not specifically regulated in Peru, but it is covered to some extent by several provisions. Regarding the Labour Productivity and Competitiveness Law (article 30), which would supposedly regulate labour harassment. SINCA (Sindicato de trabajadoras y trabajadores audiovisuales y cinematograficos del Peru) reports that workers reject this law; mainly because it reduces workers' labour rights. Therefore, SINCA relies on DL 1410, which criminalises harassment and amends Law 27942.

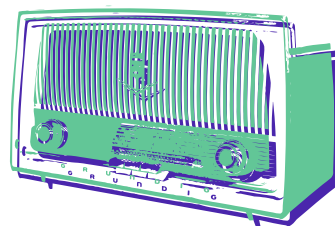
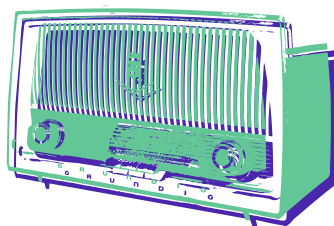
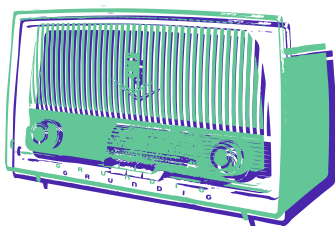
For SINCA, the continuous reduction of labour rights, since the dictatorship of Alberto Fujimori, has made it especially important to promote that audiovisual and film companies respect DL 1410 and train their staff for filming. However, the union points to the lack of guarantees from the State to resolve these cases, and therefore continue to receive complaints of harassment, bullying and sexual abuse on film shoots. Finally, it is necessary to mention the situation of discrimination against women and dissidents when reporting.

## URUGUAY

Uruguay has a national population of 3,473,727, but despite being a small country compared to the rest of Latin America, it has a long-standing entertainment industry and film culture. According to the export, investment and country image promotion agency Uruguay XXI, this industry exports an average of US \$20 million per year, taking into account production services for commercials and fiction content, and employs around 3,000 people in production, post-production, and film screening activities, as well as others in filming activities. With a public television channel, Canal 5, and a Cinematheque that has been a reference for Latin America, the country has been making progress in the design of relevant public policies for the promotion of the audiovisual sector since the 1990s, and currently has an institutional framework and specific tools for the financing of the industry.

With regard to legislation on harassment and gender violence, there is a Sexual Harassment Law. Prevention and Punishment in the Workplace and in Teacher-Student Relations (Law No. 18,561 of 2009) and with the Decree 62/020 of the Presidency of the Republic of 2020, which approves the “Protocol for the Prevention and Attention of Situations of Violence in the Workplace”, which includes the approach to the problems of Violence in the workplace, Moral Harassment and Sexual Harassment. Laying the groundwork for these issues, prior to this Protocol, Law No. 19,854 was approved in December 2019, which establishes filing complaints of moral harassment and discrimination in the labour sphere, complaints of labour harassment and any other irregular situation in the labour relationship before the General Labour and Social Security Inspectorate (IGTSS).

It is important to mention that there is a Law No. 16,045 of 1989 that establishes equal treatment for both sexes in the labour activity, prohibiting discrimination based on gender in any labour activity. In addition, and as an example of the country’s progress in this area, there is Law 19,580, which establishes regulations against gender-based violence against women, and here it should be noted that Uruguay is the only country in Latin America to have ratified and put into force ILO Convention 190. Therefore, there would be a regulatory framework that makes it possible to address the issues addressed in this study, but there is no explicit standard that considers them in the audiovisual media and live performance industry in particular.





# 4.

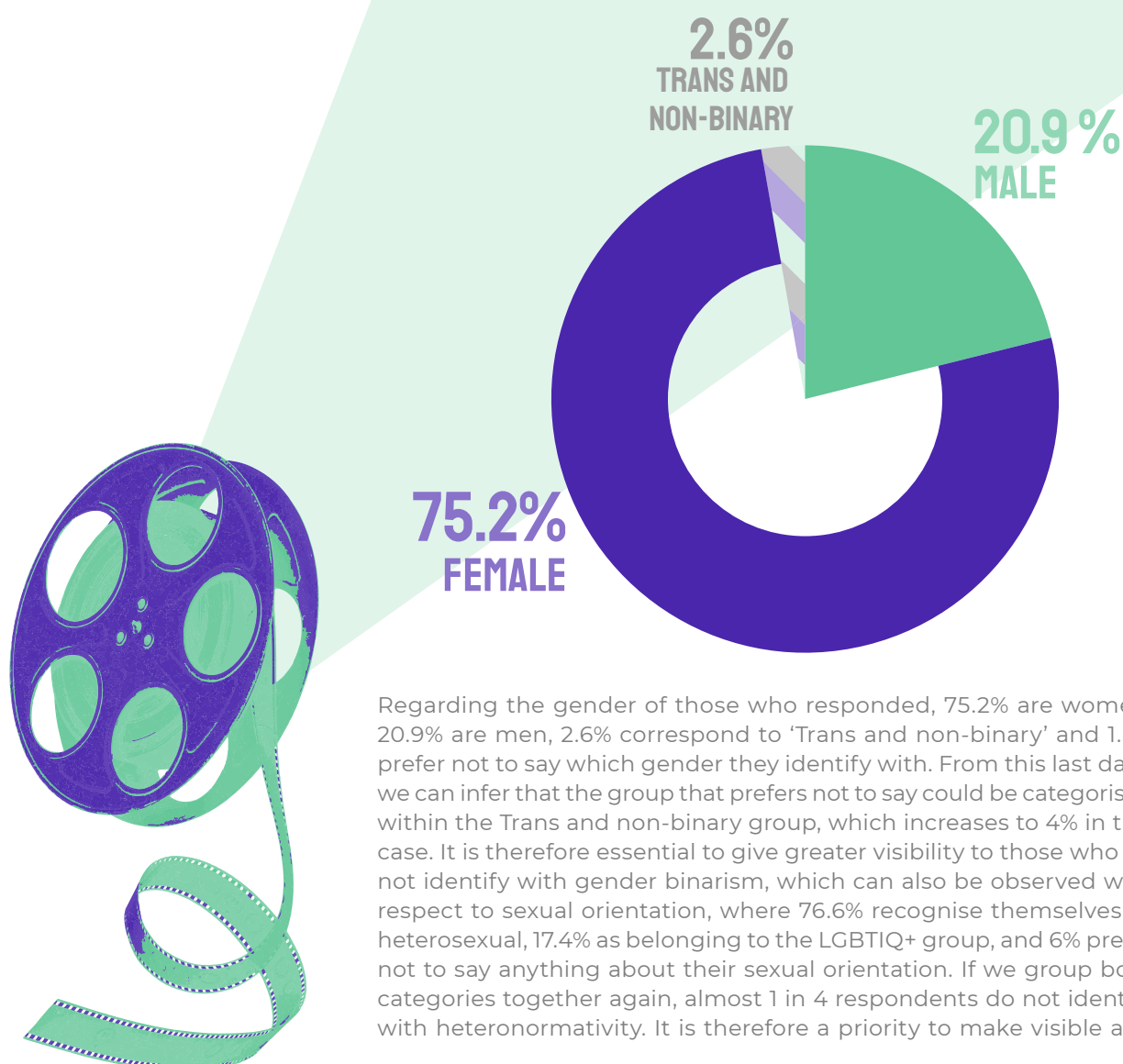
## ANALYSIS OF RESULTS

### A. DESCRIPTION OF THE SAMPLE

The survey was answered by 1,423 people from 16 countries in the Americas and the Caribbean, with Chile, Argentina and Brazil accounting for 67.4% of the total responses.

In terms of age range, 35.8% are between 30-39 years old, followed by those between 40-49 years old with 23.8% of the responses, coinciding with the economically active population.

**CHART I: SAMPLE GENDER**



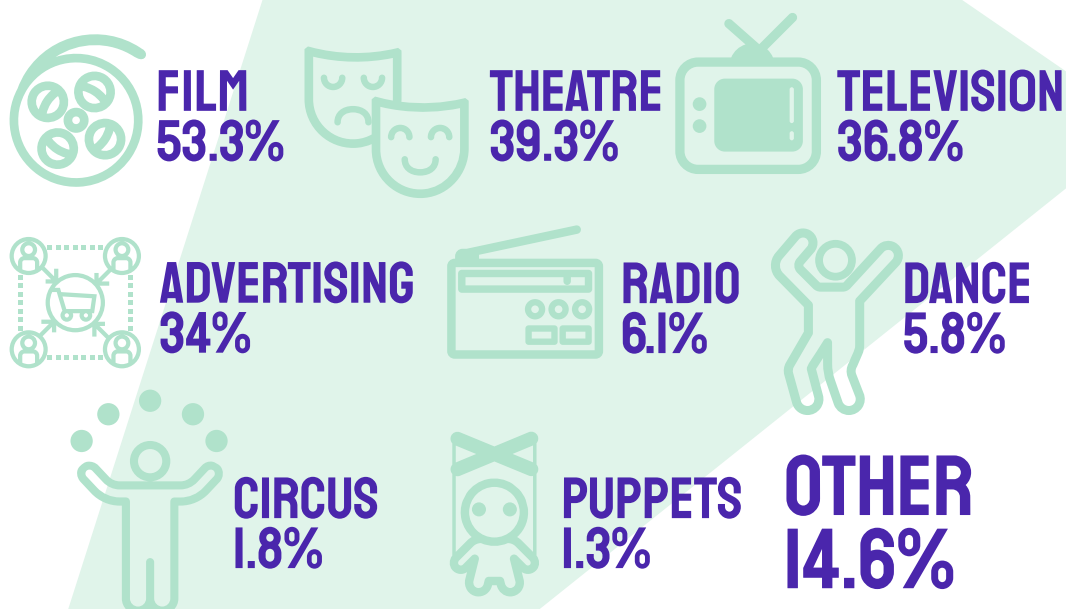
Regarding the gender of those who responded, 75.2% are women, 20.9% are men, 2.6% correspond to 'Trans and non-binary' and 1.3% prefer not to say which gender they identify with. From this last data, we can infer that the group that prefers not to say could be categorised within the Trans and non-binary group, which increases to 4% in this case. It is therefore essential to give greater visibility to those who do not identify with gender binarism, which can also be observed with respect to sexual orientation, where 76.6% recognise themselves as heterosexual, 17.4% as belonging to the LGBTIQ+ group, and 6% prefer not to say anything about their sexual orientation. If we group both categories together again, almost 1 in 4 respondents do not identify with heteronormativity. It is therefore a priority to make visible and

raise awareness for the respect and non-discrimination of Trans and non-binary in the industry, not only considering society as recipients of its production, but also as part of the production teams themselves.

When we cross the gender and age range variables, 40.5% of the 'Trans and non-binary' category is concentrated in the 18 to 29 age range. On the other hand, the category 'I prefer not to say' is concentrated in the 40 to 59 years old range<sup>4</sup> with 38.9%.

When we refer to the sector in which the people who responded to the survey work, 53.3% belong to Film, followed by Theatre with 39.3%, in third place, Television with 36.8% and in fourth place, Advertising with 34%. It should be noted that more than one option could be chosen when answering, which shows the complementarity of the audiovisual and performing arts sectors. A look at the performance areas of the above-mentioned sectors shows an even distribution among them. However, the Performance category increased with 27.2% and the Assembly category with 17.2%.

## INFOGRAPHIC I: WHAT SECTOR OF THE AUDIOVISUAL OR PERFORMING ARTS INDUSTRY DO YOU WORK IN?



When we cross-reference with country, the responses are concentrated in the countries where there were indeed more responses (Chile, Argentina and Brazil), highlighting Television where 51.7% of those who responded did so from Argentina, Advertising with 30.8% of responses from Brazil and Dance with 30.8% of responses from Chile.

When answering for the role fulfilled in the workplace, 31.8% are team leaders, 39.1% are part of the team and 29.2% do not apply this classification. This distribution in the roles to be fulfilled is extrapolated by cross-referencing it with the gender variable. Therefore, when we look at the role of women in this industry, 31.1% are team leaders, 40.2% are part of a team and 28.7% do not meet any of these characteristics. Among men, 34.9% are team leaders, 35.2% are part of the team and 29.9% do not belong to any of these categories. Regarding Trans and

<sup>4</sup> We can infer that the older we get, the more prejudices associated with Trans and non-binary we encounter

non-binary, we observed a slight decrease as team leaders, where 29.7% assume this role, 37.8% are part of the team and the percentage of those who are not part of any of these categories increases, with 32.4%.

When cross-referencing the role and age variables, we found a general trend: In the 40 to 49 age range, the highest percentage - 45.6% - is a team leader, 23.7% is part of a team and the remaining 30.8% does not correspond to any of the above-mentioned categories.

In terms of sexual orientation and role played, the three categories analysed - "LGBTIQ+, heterosexual and I prefer not to say" - show us a certain tendency where the highest number of responses is concentrated in "part of the team/subordinate."

#### IN SUMMARY:

- A total of 1423 responses were obtained during the months the survey was online.
- The countries with the most responses are Chile 23.4%, Argentina 22.6%, and Brazil 21.4%.
- The ages of the respondents were concentrated in the 30-39 age range with 35.8% and 40-49 years with 23.8%.
- Of those who responded, 75.2% were women, 20.9% were men, 2.6% corresponded to Trans and non-binary and 1.3% preferred not to say.
- Regarding the performance sector, 53.3% corresponds to Cinema, 39.3% to Theatre, 36.8% to Television and 34% to Advertising. It should be noted that more than one sector could be selected when answering.



## B. BEING A VICTIM

After identifying survey respondents, we categorised and coded responses associated with experiences considered gender-based violence and/or workplace/sexual harassment.

In the general responses, each person who answered the survey was able to mark more than one situation experienced; therefore, there is a distribution in the options. Only 10.6% of the people who responded to the survey have not experienced any of the situations of violence and/or harassment mentioned in their workplaces. And the remaining 89.4% have experienced one or more of the situations mentioned.



### INFOGRAPHIC 2: EXPERIENCE OF HARASSMENT AND VIOLENCE SITUATIONS



# 89.4%

Respondents have been victims of one or more of the situations of harassment and violence mentioned in the survey

Based on this, the experience with the highest affirmative response is “Do you think you have been a victim of micromachismo in your work environment?” with 69%. This high percentage of occurrence of daily, subtle, and harmful sexist situations, we infer, reflects the deep-rootedness of these sociocultural practices in most Latin American societies, and the process of awareness that has taken place in recent decades, in which these behaviours have begun to be observed, named, evidenced, and denounced.

Although the above-mentioned questions were grouped together, it is important to identify the occurrence of certain situations that constitute crimes and violations of fundamental rights in the different countries of Latin America. Hence the need and urgency to show what is happening in the industry in the region, regardless of the legal category of such conduct. Sexual harassment is a manifestation of sexual violence and therefore a punishable form of behaviour<sup>5</sup>, but the criminal codes of the different countries do not always categorise it that way, and if it is sexual harassment in labour contexts, it is not always regulated.

Regarding sexual harassment, those who answered yes to ‘Do you think you have been a victim of sexual harassment in your work environment?’ reach 37.4%. i.e., almost 4 out of 10 people believe they have experienced a situation of these characteristics, and 42% say they have intervened to reject or report a case of harassment at work, sexual harassment at work and gender-based violence.

Cross-referencing sexual harassment with the sector, it is in Circus and Puppetry where it has occurred the most, representing 50%. The country that also reports a very shocking figure is Mexico with 54%, i.e., 1 in 2 people believe they have suffered sexual harassment in the workplace.

<sup>5</sup> This is regardless of the current legislation of the countries in the region, where there is generally no coincidence between the legal, social and research definitions for these behaviours.

In contrast to the data mentioned in the ILO information note of May 2021, where women claim to suffer sexual harassment more than any other gender category, 42.9% of women and an alarming 65.6% of Trans and non-binary and Prefer not to say indicate that they have experienced this situation in this survey. These worrying percentages show how widespread this phenomenon is and how little legislation is in place in most of the region's countries.

Looking specifically at harassment at work, over 40% of those who responded to the survey have felt mistreated in their work environment (46.2%), have had a boss or someone in their team raise their voice or shout at them (47%), or have had someone in their work environment harass them (41.6%). And a worrisome 57.5% have felt ignored or underestimated by a manager or someone in their team, which continues to demonstrate the frequency in the occurrence of behaviours not classified as crimes, which implies a certain impunity for those who commit them, and only social judgement as punishment.

Regarding the gender of those who indicate having experienced or not experienced any of these situations, the figures are quite worrying. Thirty percent of men stated that they had not experienced any of these situations, while 70% of men had experienced violence/harassment. In the case of women, the figures are higher, reaching 87% of occurrence of any of the situations asked about (Infographic 3). However, when we look at the category Trans and non-binary, 95% of respondents in this category report having experienced one of these situations. Quite high and worrying figures, considering the awareness, visibility and denunciation campaigns that have been developed since 2017 not only in the region, but globally. According to data from the National Survey on Workplace Violence and Harassment conducted by SATSAID<sup>6</sup> in 2018, in Argentina (38% of men indicated having experienced violence in the workplace, and 44% of women); and figures obtained from a survey conducted in Mexico<sup>7</sup> (73% of women reported having suffered sexual harassment) show a considerable increase in the experience of this type of violence/harassment in the workplace.

### INFOGRAPHIC 3: WOMEN, HARASSMENT AND VIOLENCE



# 87%

Of the women who responded to the survey, have experienced any of the situations of harassment and violence mentioned in the survey

<sup>6</sup> SATSAID, Sindicato Argentino de Televisión Telecomunicaciones, Servicios Audiovisuales, Interactivos y de Datos, conducted a national survey of 7815 workers in the audiovisual sector in 2018.

<sup>7</sup> Online survey commissioned by the Journalistas Unidos Mexicanos (PUM) collective in 2019. Mentioned in Lakhani, N. 2019. "#MeToo reaches Mexico: Majority of women in media report harassment at work", in The Guardian, 27 March, 2019.

## INFOGRAPHIC 4: TRANS AND NON-BINARY HARASSMENT AND VIOLENCE



# 95%

Of the people identified as Trans and Non-binary, they state that they have been victims of some of the situations of harassment and violence mentioned in the survey

When we cross-reference the above situations with some initial demographic variables, country, gender, sexual orientation, age range and industry sector, the results show certain trends.

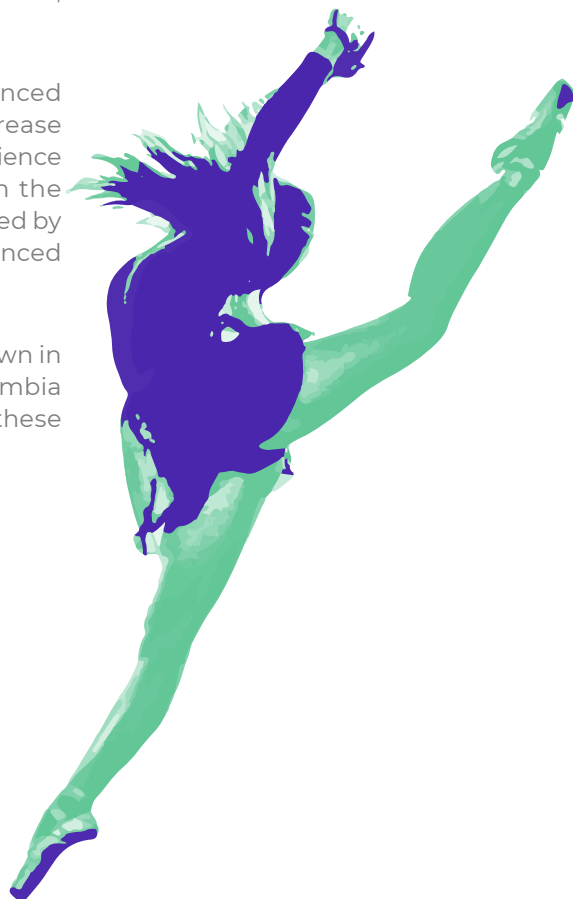
In the first cross-referencing with country, we can see that the situation experienced with the highest number of responses continues to correspond to “Do you think you have been a victim of micromachismo in your work environment?” with more than 60% of the preferences in the 7 countries and in the category recoded as “other”.

According to the responses from Mexico, Peru and Chile, more situations have been experienced than the general average (3.7), with a 4.3 for the first two and 4.0 for Chile. The rest of the countries are in the general average.

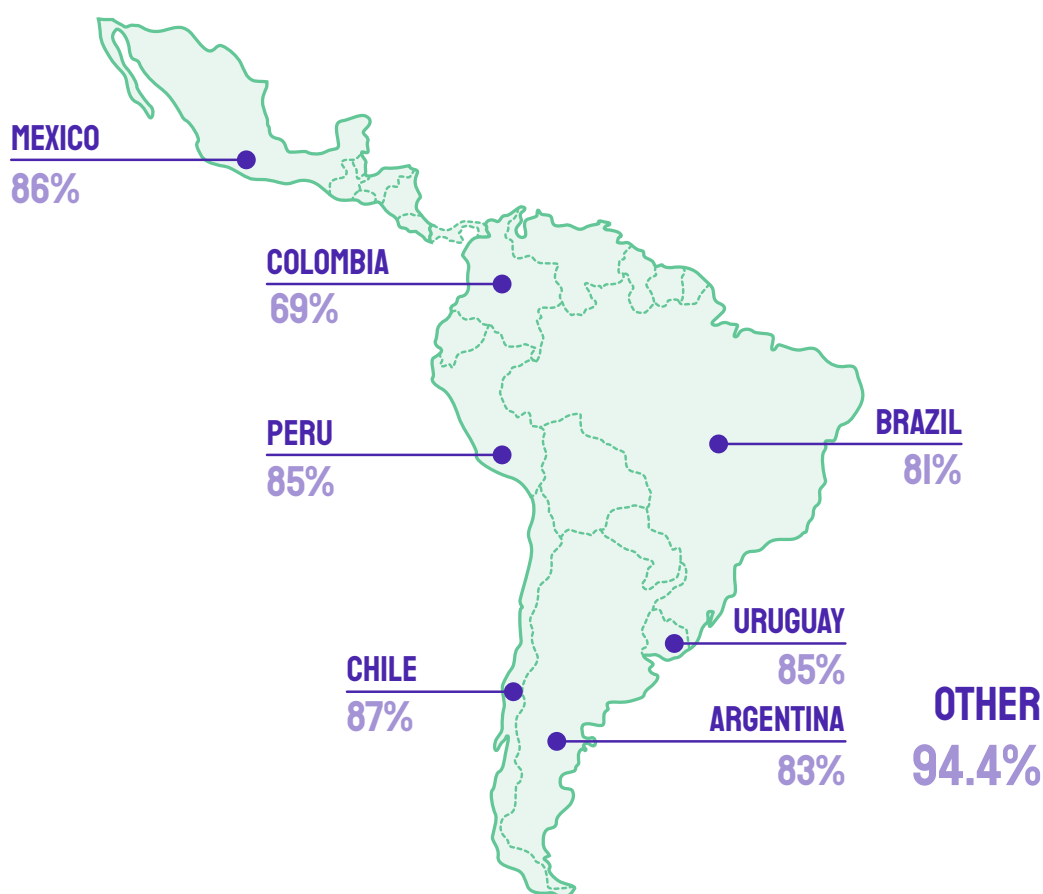
In Argentina, 62% of respondents believe that they have been victims of micromachismo in the workplace, a percentage that decreases when other situations are mentioned. However, of the experiences reported, it is never less than 29% in frequency.

On the other hand, only 17% of people say they have not experienced any situation of violence and/or harassment, which shows an increase either in the experience, visibility and/or identification of the experience of these behaviours; considering that according to data from the National Survey on Workplace Violence and Harassment conducted by SATSAID in 2018, in Argentina 37% of respondents had not experienced any violence and/or harassment in their workplace.

In general, a trend can be seen in the rest of the countries, as shown in Infographic 5, where the most striking is the percentage of Colombia with respect to the statement “You have not experienced any of these situations”, where 31% of people responded affirmatively.



## INFOGRAPHIC 5: IF YOU HAVE EXPERIENCED ANY OF THE ABOVE SITUATIONS

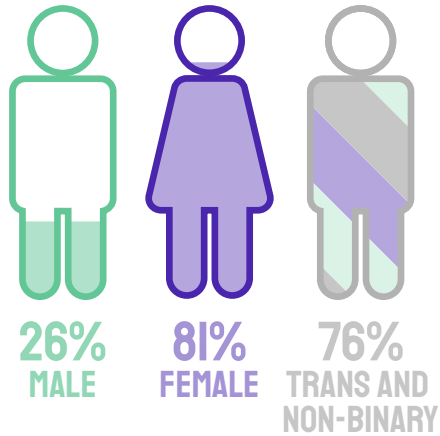


### SITUATIONS ASKED ABOUT

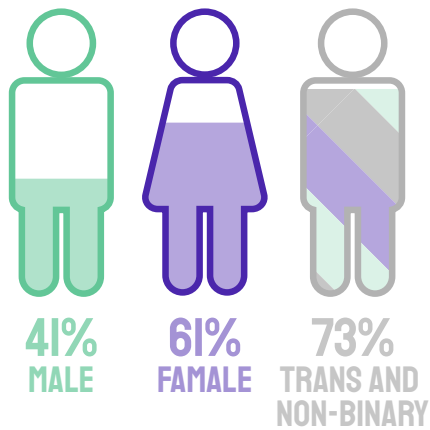
- Mistreatment in the work environment
- Has a manager or someone in the team **raised their voice or shouted at you?**
- Have you been subjected to **bullying at work?**
- **Discrimination** with respect to employment benefits
- Being **ignored or underestimated** by a manager or someone on the team
- **Sexual harassment** at work
- **Micromachismo** at work
- Have you felt **vulnerable** during scenes involving violence, sex or intimacy?
- Other

The situation experienced by the women with the highest number of responses corresponds to having been a victim of micromachismo (81%) and having felt ignored or underestimated by a manager or someone in their team (61%). This situation is repeated with Trans and non-binary, decline to state, with 76% and 73%.

## CHART 2: DO YOU THINK YOU HAVE BEEN A VICTIM OF MICROMACHISMO IN YOUR WORK ENVIRONMENT?

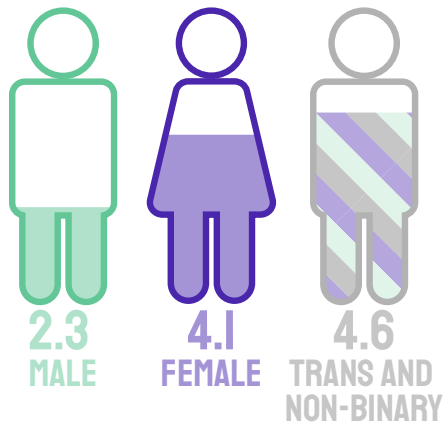


## CHART 3: HAVE YOU EVER FELT IGNORED OR UNDERESTIMATED BY A MANAGER OR SOMEONE IN YOUR TEAM



In the same way, people from the Trans and non-binary category have experienced an average of 4.6 situations. Women 4.1 and men 2.3. Only men are below the overall average, which is 3.7

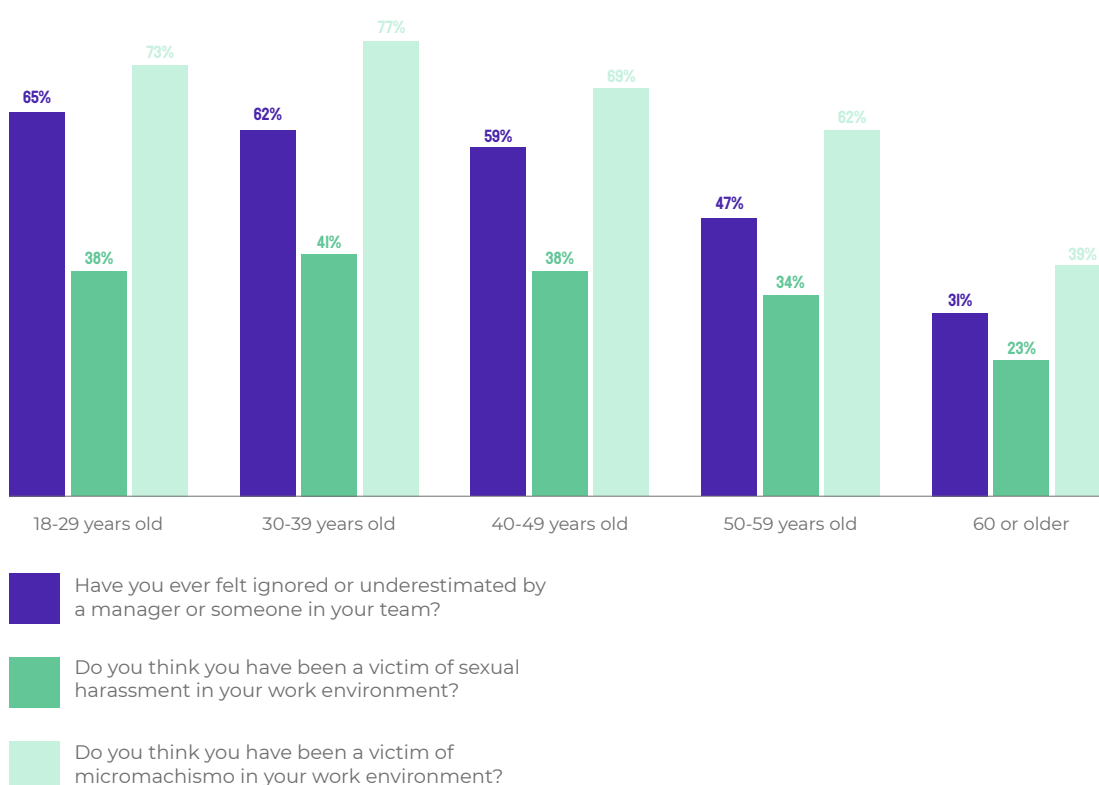
## CHART 4: SITUATIONS EXPERIENCED ACCORDING TO GENDER





Looking at the age range, we can see that the experience of some of these situations of violence/harassment is distributed throughout the working career, with some peaks in the intermediate ranges (30-39 and 40-49 years). According to the ILO's information note of May 2021, there is a perception that women over 25 years of age are identified as the main victims of sexual harassment, which can be seen in the responses, as 41% of people between 30 and 39 years of age believe they have been victims of sexual harassment in their work environment. Likewise, having been a victim of micromachismo is concentrated in the younger age groups; 18-29 years old with 73% and 30-39 years old with 77%, so we could hypothesise about a broader handling of the conceptualisation of the term and the behaviours as such. However, in the 40-49 and 50-59 age ranges, the percentage is also quite considerable, 69% and 62% respectively.

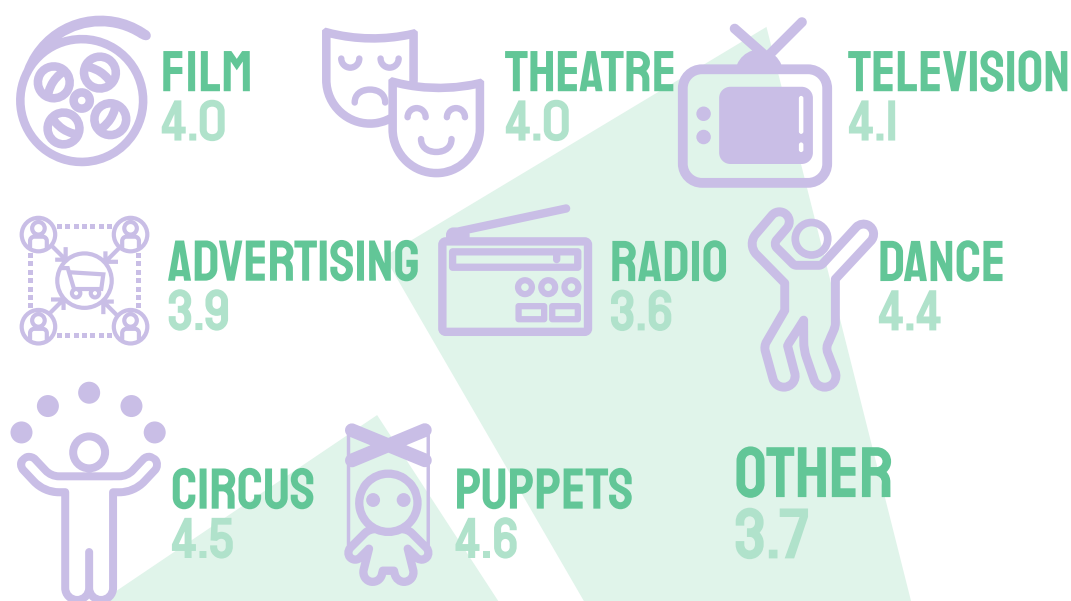
## CHART 5: SITUATIONS EXPERIENCED BY AGE GROUP



Finally, in the cross-reference with the variable “sector of performance,” although in general there is a uniform distribution in the different sectors, it stands out that between 79% and 92% of the different sectors have experienced one or more of the situations mentioned, although these are considerable figures, we find some notable distinctions according to the sector of performance.

As we can see in Infographic 6, people in the Puppetry, Circus and Dance sectors have experienced an average of 4.6, 4.5 and 4.4 situations, respectively, while the overall average is 3.7.

## INFOGRAPHIC 6: SITUATIONS EXPERIENCED BY PERFORMANCE SECTOR



The figures are in line with the experiences with the most responses. Therefore, in the live performance sub-sectors, the experience of having been a victim of micromachismo is above 50% in all sectors, being higher in Puppetry (89%) and Dance (85%). Secondly, the experience of having felt ignored or underestimated by a boss or someone from the team is also above 50% in all sectors, with Circus (68%) and Film (62%) being the highest. Regarding sexual harassment, the highest percentage figures correspond to the Dance sector with 54% and Puppetry with 50%.

In relation to the experience of any of the situations of violence and/or harassment at work and/or sexual harassment mentioned in the survey, there was an open question: Have you experienced another experience that you consider falling into this type of behaviour? that required specific analysis when reviewing the answers given. Of the total number of open-ended responses, nearly 50% corresponded to behaviours that could be interpreted as workplace harassment, 34% as sexual harassment and nearly 16% as gender-based violence.

The particularity is related to the fact that what is mentioned in the closed questions is made explicit, which reaffirms and emphasises the occurrence of the problem. We can hypothesise, on the one hand, that there is a certain lack of knowledge of the conceptualisation of certain behaviours and/or attitudes considered as harassment at work, sexual harassment, harassment, micromachismo, gender-based violence, etc. Or, if we infer the need to make explicit the situations

experienced, to account for the magnitude of their experiences and to go beyond the subjective aspect of the experience, also accounting for the impunity of those who engage in this type of conduct.

The following is an excerpt from some of the open-ended responses, reflecting the above<sup>8</sup>:

- *Me “invitaron a retirarme” por estar embarazada de dos comedias, en épocas de pleno ensay. (I was “invited to retire” of two comedies in the middle of rehearsals because I was pregnant).*
- *Ja falaram de forma grosseira, ja falaram “tchau gostosa” no corredor, ja fizeram som de segurando a baba quando passava no corredor para bater o ponto, ja tentaram me beijar dentro da ppa, e após uma reunião de entrevista o chefe do departamento me pediu um beijo, após eu dar uma negativa, me disse “se você quisesse mesmo, faria as coisas para conseguir” (They spoke rudely, saying “Hey there, pretty” in the hallways, they made a drool-slurping sound whenever I walked down the hallway to start a conversation, they tried to kiss me on the ppa, and in one interview the department head asked me for a kiss, and when I refused, he said “If you really wanted this job, you would do whatever it took to get it”).*
- *Productores que te invitan a tomar algo a cambio de elegirte para un personaje*
- *(Producers who invite you for a drink in exchange for casting you in a role).*
- *Homens com cachê mais alto que o meu prestando o mesmo serviço (Men with higher salaries than mine, providing the same service”).*
- *Conductas inapropiadas como abrazos sobre pasados y tocamientos no consensuales en el momento del abrazo “socialmente obligado” al saludar por parte de algún director (Inappropriate behaviour such as hugging for longer than appropriate and non-consensual touching at the time of the “socially obligated” hug when greeted by a director).*

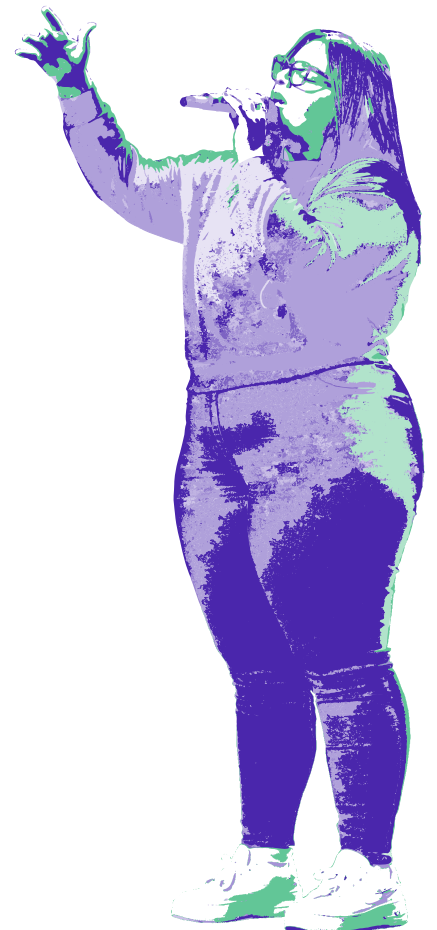


8 Unedited quotations.

- Que al intentar renunciar por no llegar a un acuerdo económico una productora me diga “Hace lo que quieras, después ves si seguís trabajando para nosotros” (When I tried to resign for not reaching an economic agreement, a production company told me “Do whatever you want, then see if you continue working for us.”).
- Que un director me diga “y vos vas a poder con la caña?” haciendo alusión a que soy mujer (For a director to tell me “And you are going to be able to handle the cane?” alluding to the fact that I am a woman).
- Maltrato en escena, burlas e insultos en tono de “broma” y “ninguneo”(Mistreatment on stage, mockery and insults in a “joking” and “belittling” tone).
- Todos mis subordinados son hombres y no les gusta que los mande. Cuestionan mis órdenes, si un hombre da la misma orden la cumplen (All my subordinates are men, and they don't like me bossing them around. They question my orders, if a man gives the same order, they follow it).

#### IN SUMMARY:

- A total of 89.4% of the people who responded to the survey have experienced 1 or more of the situations mentioned above.
- The most recurring situation is : Do you think you have been a victim of micromachismo in your work environment? With 69% of the total responses.
- 95% of the people identified as Trans and non-binary, state that they have experienced some of these situations.
- 4 out of 10 people believe they have experienced sexual harassment in the workplace.
- The overall average number of situations mentioned as experienced is 3.7 per person.
- Trans and non-binary have experienced an average of 4.6 situations. Women 4.1 and men 2.3.



### C. BEING A WITNESS

In this section, we have coded all the responses associated with events of violence against others that have been witnessed in the workplace.

As in the previous sections of the analysis, we first cross-reference with the indexed initial demographics: country, gender and age range, showing through the data that this subcategory, which we call Being a Witness, shows a response in all its variables that is well over 50%.

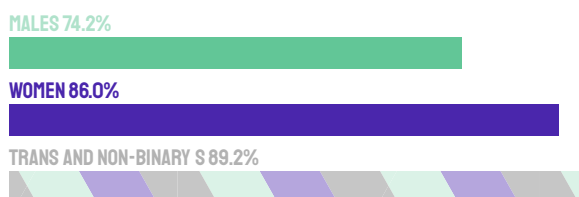
With respect to the situations mentioned above, being a witness is more frequent than being a victim, which is evidenced by a difference of 30%. In this sense, it could be inferred that there is a fear of acknowledging having experienced these situations or difficulty in identifying them when they are experienced. This raises questions about the efforts being made by organisations and movements to combat the different manifestations of gender-based violence and different forms of harassment.

We paid special attention to the difference by gender of those who responded, “have experienced” or “have witnessed.” Chart 6 confirms that in all the situations consulted, the highest figures reflect the responses of women and Trans and non-binary, who are not only witnesses of the facts but also victims, i.e., there is a correlation with the data provided by the questions on experiences.

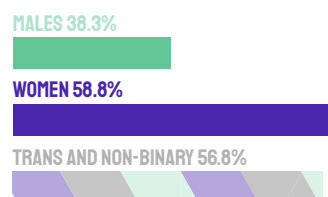
Focusing on the specific situation of men, we see that they have witnessed 74.2% of the responses to the question Have you witnessed or been a witness to any of the above situations?, which groups together all the harassment problems in this survey.

## CHART 6: WITNESSING BY GENDER

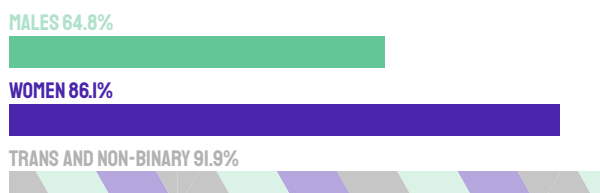
### HAVE YOU WITNESSED ANY OF THE ABOVE SITUATIONS?



### HAVE YOU IDENTIFIED SITUATIONS OF SEXUAL HARASSMENT IN YOUR WORK ENVIRONMENT?

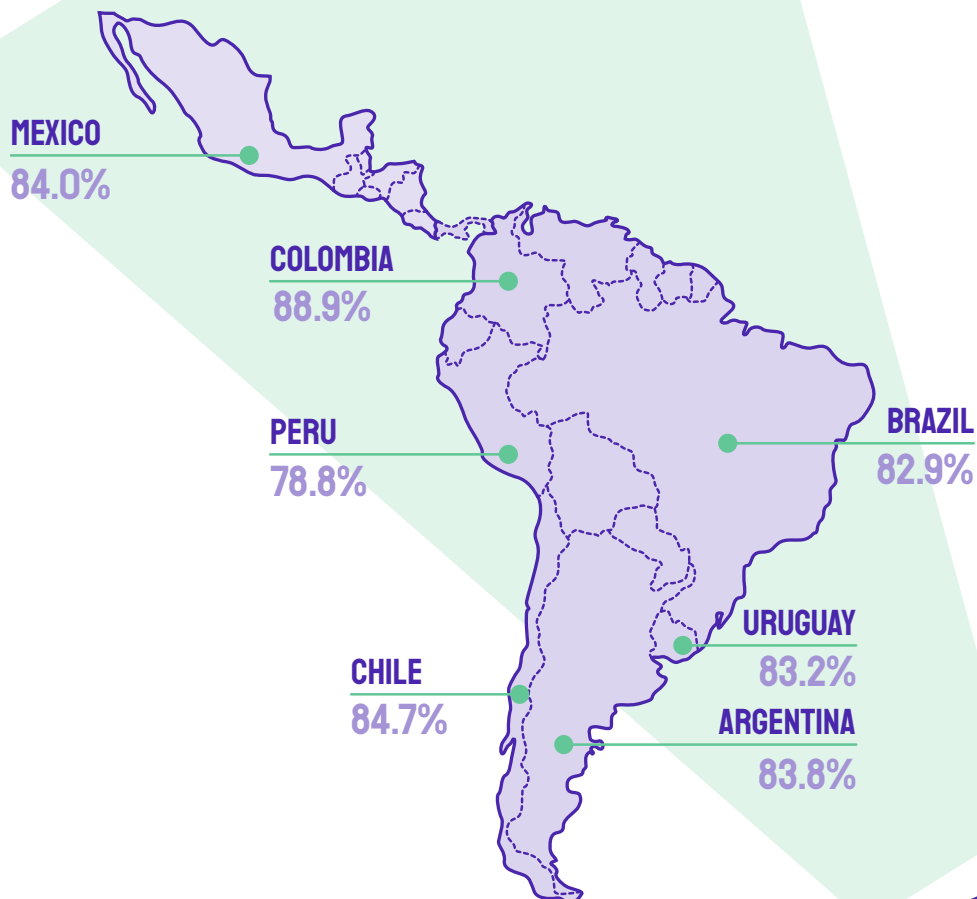


### HAVE YOU IDENTIFIED MICROMACHISMO IN YOUR WORK ENVIRONMENT?



The results by country reveal a high percentage of people, 78.8%, who responded that they had witnessed some of the situations previously consulted, which strengthens the hypothesis that experiences of workplace harassment and gender-based violence are recurrent in the industry in all countries.

## INFOGRAPHIC 7: HAVE YOU WITNESSED ANY OF THE ABOVE SITUATIONS?



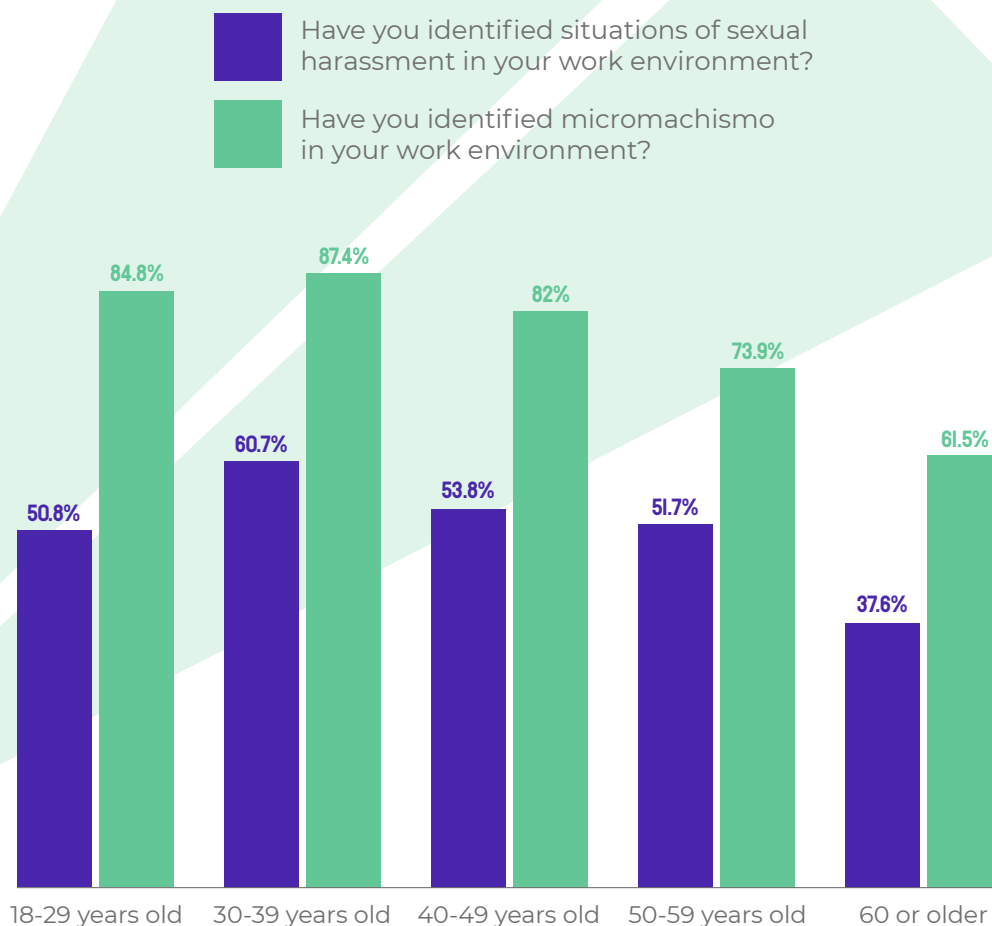
In the question on having identified situations of sexual harassment in the work environment, the average among the countries is 55.4%, with Mexico being the country with the highest percentage with 68.5%.

It also seems relevant to us to analyse how the cross-referencing with age ranges shows that as the number of years increases, the number of responses indicating that they have witnessed these events decreases. In other words, the younger generations are the ones that most recognise the existence of the phenomenon. We infer that this could mean that the younger people are, the more the ones that have conceptually internalised everything that has to do with identification and prevention of gender violence, as well as an understanding in light of the analysis of fundamental rights. In most Latin American countries, laws and institutions on gender issues were only created in the 1990s, with the 2000s being the period of greatest growth in gender issues, a period that feminist theories refer to as the third (or fourth) feminist wave, a time in which more awareness was raised and new concepts emerged to explain old phenomena. Harassment and abuse have become “re-recognised” in recent times, becoming visible and part of the agendas of governments and organisations of various kinds.



Moreover, the media cases visualised as a result of the testimonies of women in the entertainment industry were able to resonate strongly worldwide, given the existence of mass social networks today, which make it possible for an event to be shared, known, and condemned quickly and on a massive scale.

## CHART 7: BEING A WITNESS BY AGE GROUP



### IN SUMMARY:

- More than 50% of the people who responded to the survey have witnessed one of the situations of gender-based violence.
- Women and Trans and non-binary have witnessed these situations the most, with 86% and 89% respectively.
- In the question on having identified situations of sexual harassment in the work environment, the average among the countries is 55.4%, with Mexico being the country with the highest percentage with 68.5%.
- A total of 74.2% of men say they have witnessed some of the situations described above.

## D. IMPACT ON CAREER PATHS

Many times, situations of harassment and gender-based violence produce a psychological effect, such as negative thoughts or rejection associated with workplaces and/or the people who are part of it. In Chile in 2019, Elisa Ansoleaga edited the “Guía para la evaluación, calificación e intervención del acoso sexual como factor de riesgo de patología de salud mental laboral” (“Guide for the evaluation, qualification and intervention of sexual harassment as a risk factor of occupational mental health pathology”), where it was indicated that the effects of harassment can be of various forms, focused on the harassed person, on the organisation and even on society. Specifically in harassed or victimised persons, the effects can be on mental health, such as “sadness, fear, blame, shame, rage, emotional instability, stress, depression, low self-esteem, irritability, fatigue, diminished family and social relationships, anger and helplessness.” And they can also affect physical health, e.g., “tachycardias, headaches, migraines, digestive disturbances, eating and sleep disorders, fatigue and other forms of somatisation of emotional distress” (Ansoleaga, 2019: 23).

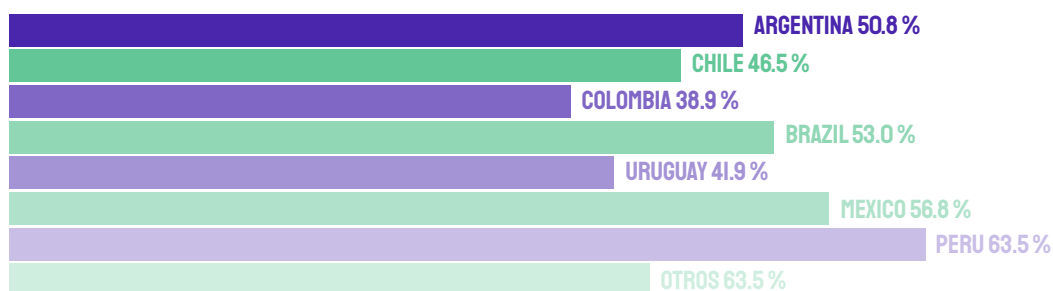
All of the above also has an impact on institutions and organisations, and it is possible to think that the career paths of those who experience situations such as those described above may be disrupted, impaired, or limited. To address this phenomenon, the survey asked a number of questions.

If we analyse the information obtained by country, as shown in Figure 8, it is clear that in the case of the first question on seeing career development as limited, the answers are not uniform and there is considerable variation, since in Peru many more people have felt this way, with 57% of the respondents in the affirmative, while in Colombia only 39% responded in the affirmative. With respect to these two extremes, it should be noted that Peru represents 4% of the sample and Colombia 2%, which may imply that its results are less representative than those of the other countries. Another striking fact, regarding the limitations associated with maternity and paternity, is the high number of statements in Brazil (55.3%), in contrast to the rest of the countries, which are around 26% of “Yes” answers, and Colombia is again noted, where only 11% said they had seen their careers limited by maternity or paternity.

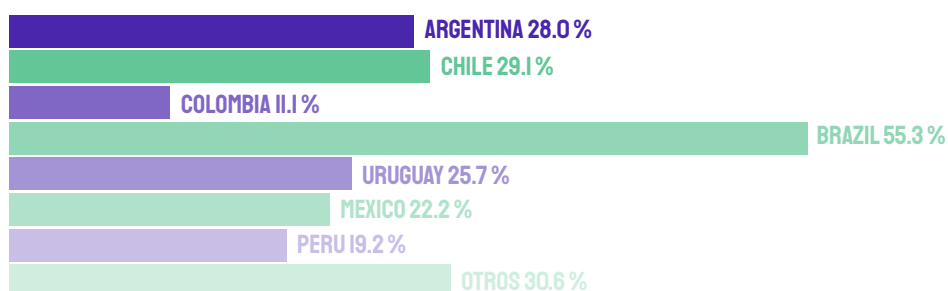


## CHART 8: CAREER IMPACT BY COUNTRY

HAVE YOU BEEN LIMITED IN YOUR CAREER DEVELOPMENT BECAUSE OF ANY OF THE SITUATIONS REVIEWED ABOVE?



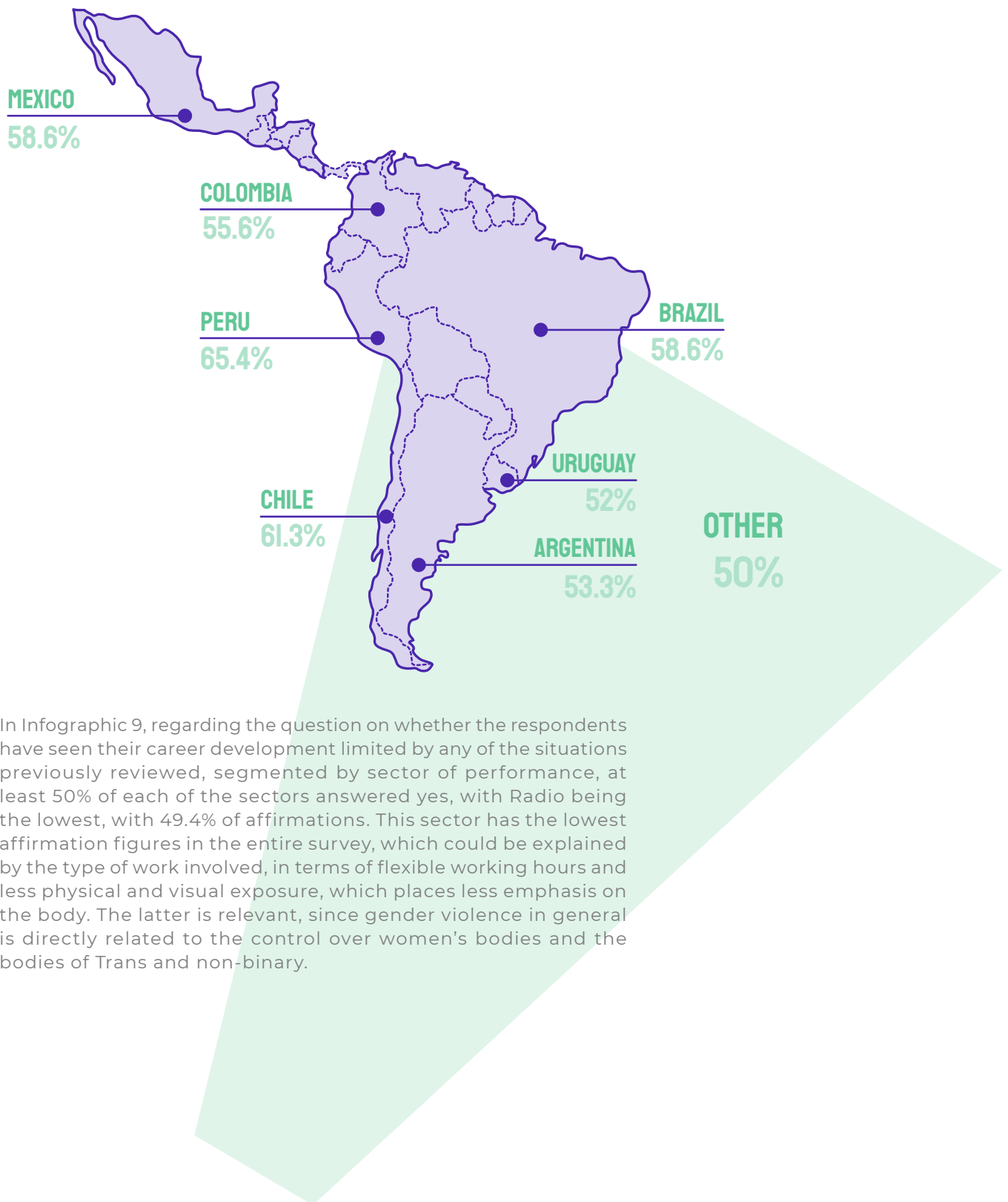
HAS YOUR CAREER DEVELOPMENT BEEN LIMITED BY PARENTHOOD?



Then, looking at Infographic 8 on being afraid or unwilling to go to work due to situations of harassment or violence, it is again Peru, with 65.4%, which has the most affirmative responses and the lowest number, which is still high, is Uruguay with 52%.

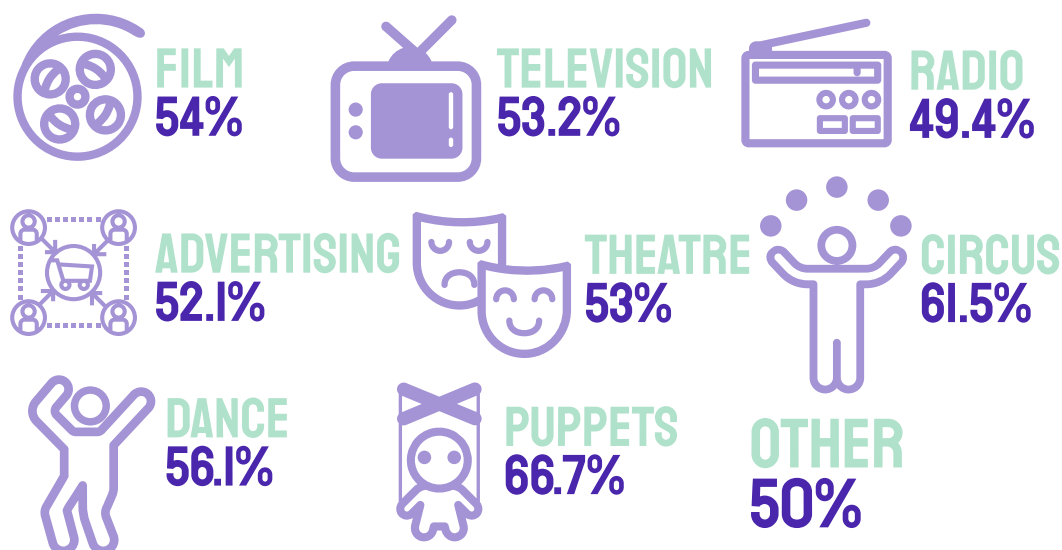


## INFOGRAPHIC 8: HAVE YOU EVER BEEN AFRAID OR UNWILLING TO GO TO WORK BECAUSE YOU OR SOMEONE ON YOUR TEAM HAS EXPERIENCED THE SITUATIONS AS DESCRIBED ABOVE?

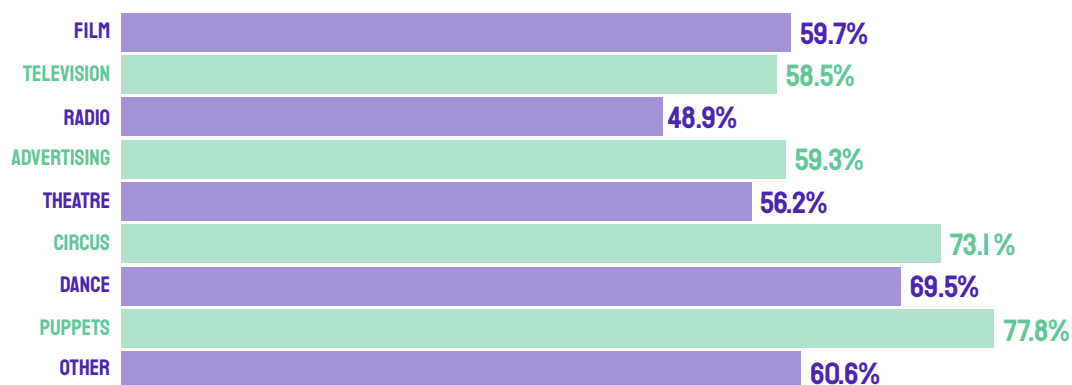


In Infographic 9, regarding the question on whether the respondents have seen their career development limited by any of the situations previously reviewed, segmented by sector of performance, at least 50% of each of the sectors answered yes, with Radio being the lowest, with 49.4% of affirmations. This sector has the lowest affirmation figures in the entire survey, which could be explained by the type of work involved, in terms of flexible working hours and less physical and visual exposure, which places less emphasis on the body. The latter is relevant, since gender violence in general is directly related to the control over women's bodies and the bodies of Trans and non-binary.

## INFOGRAPHIC 9: HAVE YOU SEEN LIMITED CAREER DEVELOPMENT DUE TO ANY OF THE SITUATIONS REVIEWED ABOVE?



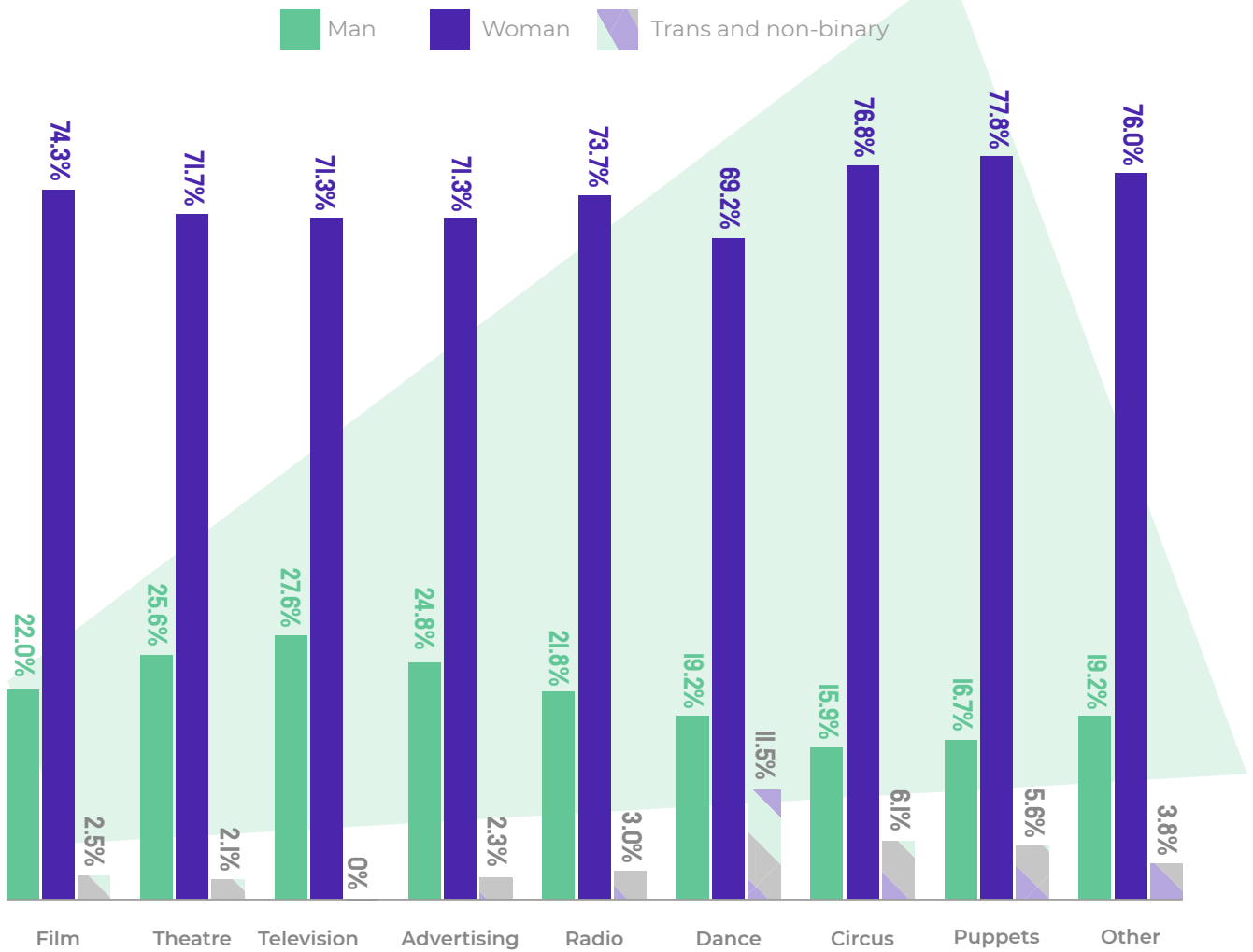
## FIGURE 9 BEING AFRAID OR UNWILLING TO GO TO WORK BY SECTOR



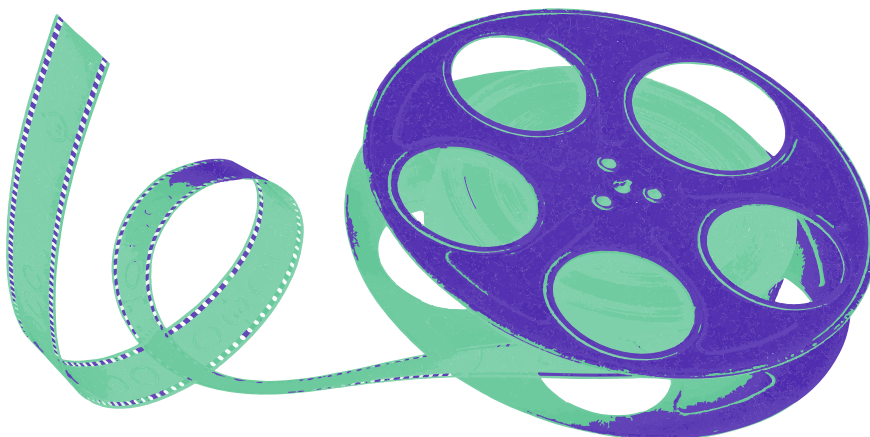
Regarding whether they have seen their careers limited due to maternity or paternity, in Puppetry 39% said yes, representing the highest number, followed by Film with 34%, which is not far from the industry average. It is possible that this is due to the fact that in all countries there are legislative advances in the protection of maternity and paternity rights.

Then, with respect to being afraid or unwilling to go to work due to situations of violence, we see that the numbers go up again, and quite a lot. Puppetry, Dance, Circus and Film have the highest numbers of affirmation, over 59%. At this point it is worth remembering that the percentage of women who responded to the survey is considerably higher than that of men, and in Chart 10 we see this demonstrated by performance sector.

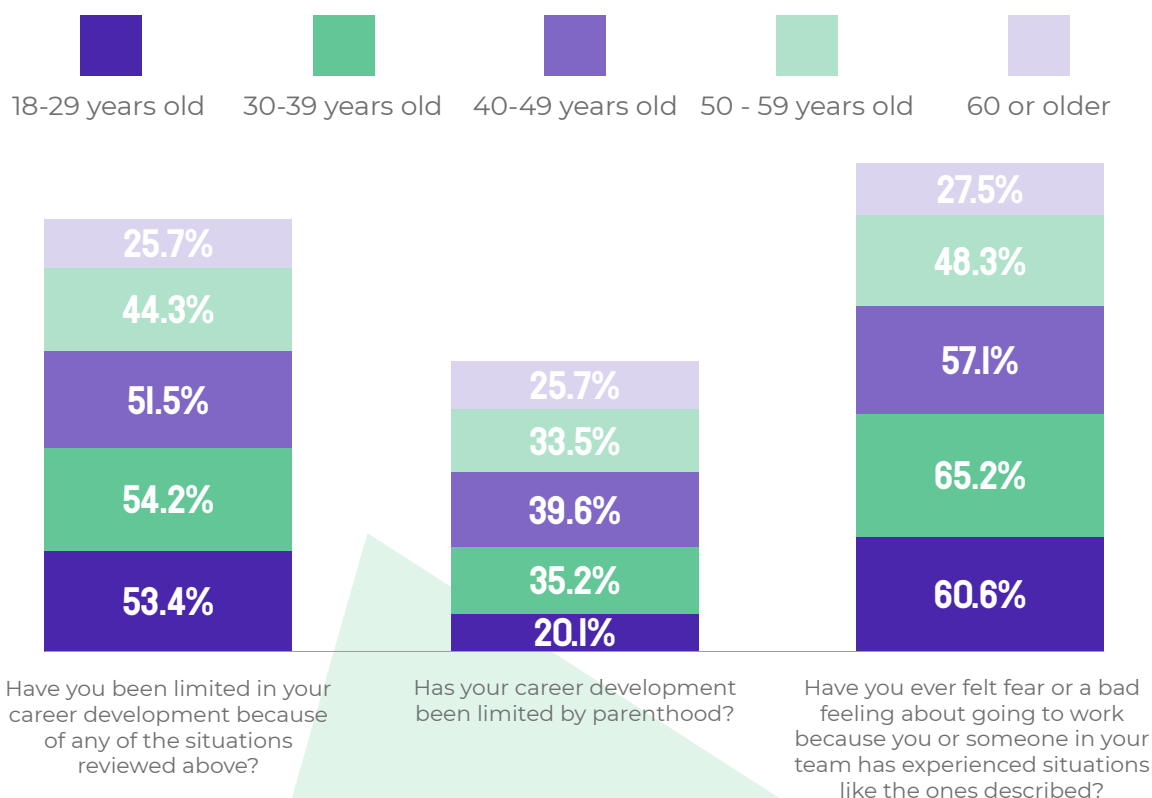
## CHART 10: IMPACT BY GENDER AND SECTOR



Moving on to another relevant cross-reference, in Chart 11, we see how each of the three questions were answered according to age brackets. The 60 and over age bracket presents low numbers of affirmation in the three questions, with an average of 26.3% of “Yes” answers.



## CHART II: CAREER IMPACT BY AGE RANGE

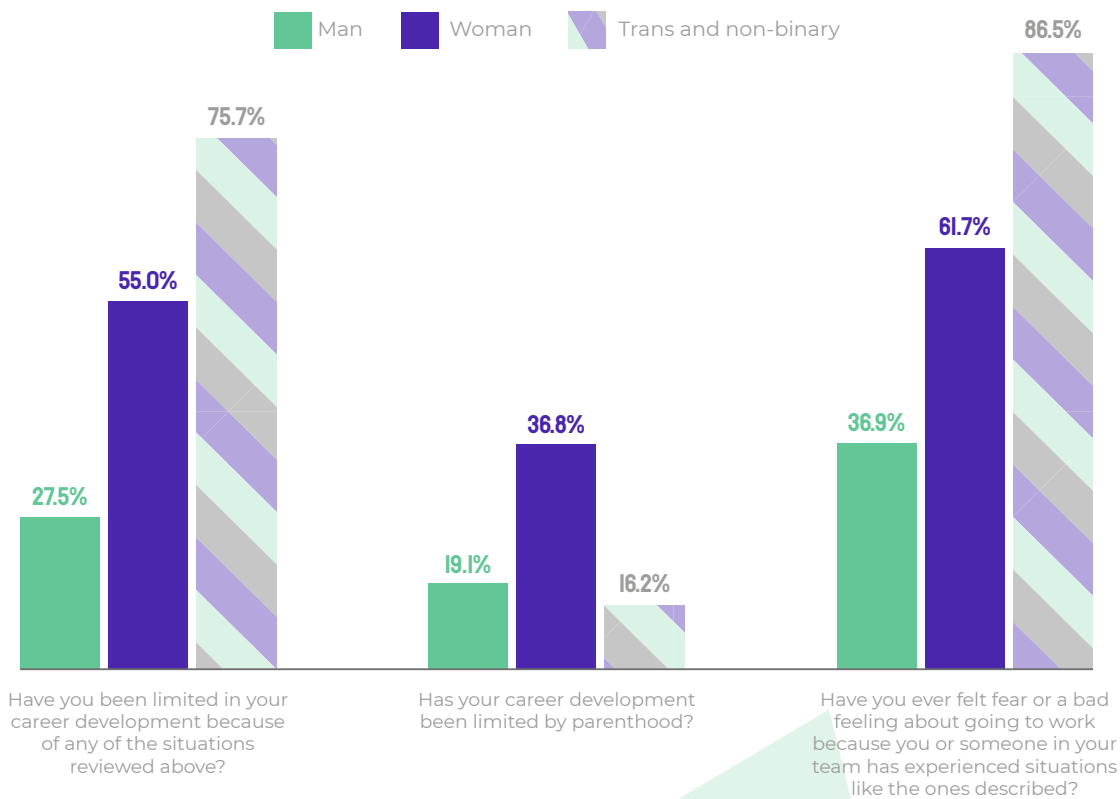


In the same chart, we see that in the first question, as in the segmentation by country and by sector, around half of the sample, in all age brackets, have seen their career development limited, with a range between 44.3% and 53.4%, not counting the last age bracket, already described. In the second question, there is a normal trend that people between the ages of 40 and 49 saw their careers as more limited with respect to parenthood. Disaggregating this by gender, we see that of those between 40 and 49 years of age, 73.4% are women, i.e., the majority. This explains even better why this is the age bracket that has experienced most hindrance to their careers, since we are talking mainly about motherhood, not fatherhood.

On the other hand, in the third question, the responses showed that people between 18 and 39 years of age are the group who most reported being afraid or unwilling to go to work because of a situation of harassment or violence. As in the case of the previous question, in this age group 78.8% are women, which once again is explained by gender.

In Chart 12, we see that Trans and non-binary are those who have seen their career development more limited due to situations of gender violence and have been afraid or unwilling to go to work because of the same, with very high numbers of affirmation, 75.7% and 86.5% respectively. Women follow with 55% and 61.7%, in the same order. In the case of men, only 27.5% said they had felt limited in their career development due to this reason, exactly half less than women, and 36.9% said they had been afraid or unwilling to go to work because of the same reason.

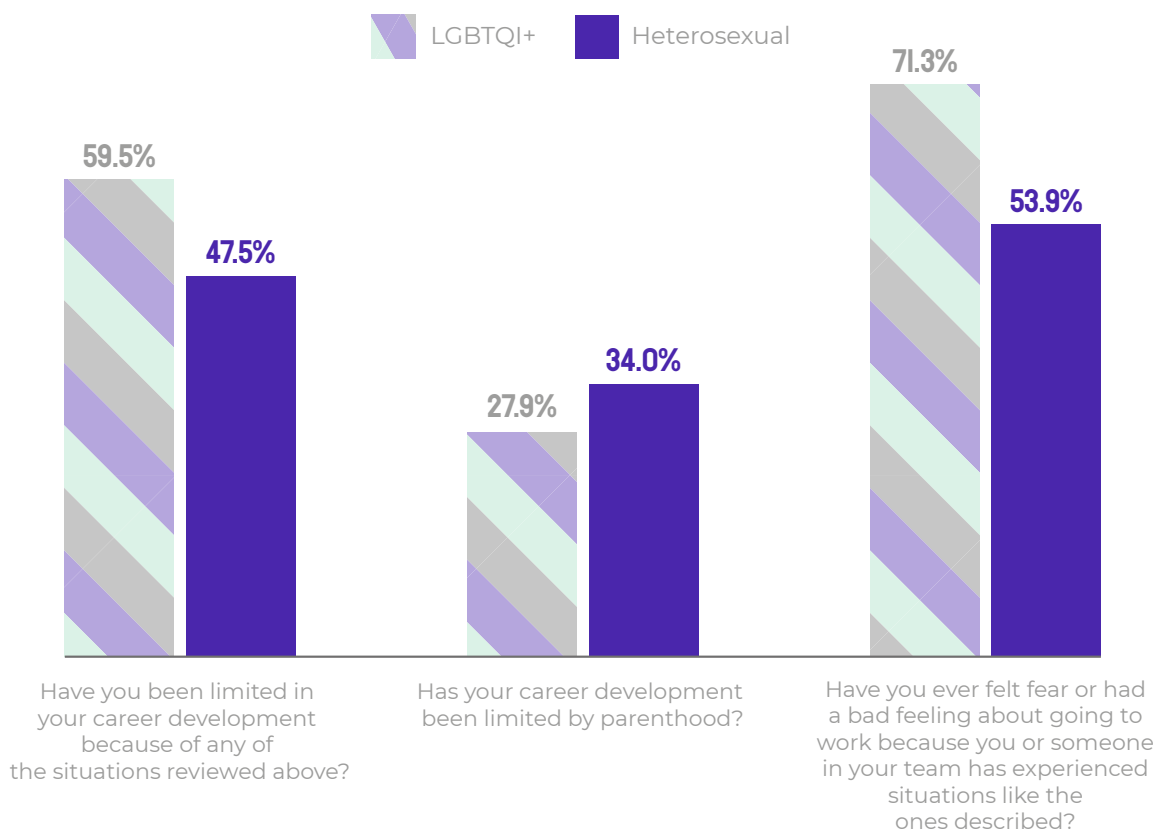
## CHART 12: CAREER IMPACT BY GENDER



With respect to the question on the limitations associated with maternity or paternity, the highest number is among women, with 36.8%, versus 19% for men, which is in line with the greater burden that women carry in raising children and the tendencies of low co-responsibility in Latin America. The number of affirmations is even lower in Trans and non-binary, groups in which motherhood and fatherhood are less frequently experienced. A similar difference occurs between heterosexuals and people from the LGBTIQ+ community, in Figure 13, where it is the former who claim to have suffered limitations in the development of their careers due to maternity or paternity, with 34%, while the latter group answered "Yes" with 28%.

In the first and third questions, the group that most reported having perceived limitations, or being afraid or unwilling to go to work were people from the LGBTIQ+ community, over 50% in both cases.

## CHART 13: CAREER IMPACT BY SEXUAL ORIENTATION



### IN SUMMARY:

- It is women who have seen their working careers more limited due to maternity, with 36.8% of statements, compared to 19% of men with respect to paternity.
- In all sectors, at least 50% said that they had seen their career development limited by one of the situations reviewed above.
- In the Puppetry, Dance, Circus and Film sectors, over 59% said that they had been afraid or unwilling to go to work because of situations of violence.
- Women and Trans and non-binary are those who have seen their career development most limited due to situations of gender-based violence, with 55% of the former and 75.7% of the latter group.
- It is women and Trans and non-binary who most stated having been afraid or unwilling to go to work because of the same, with 61.7% and 86.5% respectively.

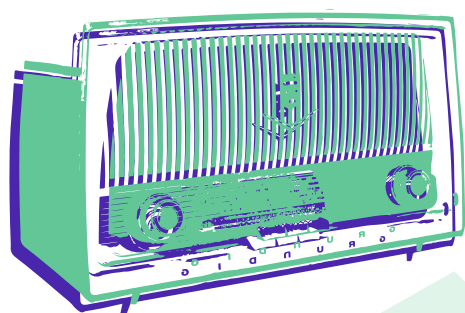
## E. COMPLAINTS AND ACTIONS

In this section, one of the first findings relates to the perception that whistle blowing can have negative consequences, which is highly shared by more than 73% of respondents. This is true in all countries and in all performance sectors identified in the survey. One of the reasons for this feeling that whistleblowing might have a negative effect may have to do with the fear of reprisals of all kinds (labour-related, personal, in terms of projections, etc.). In some cases, this is also in line with the lack of protocols, specific protection laws and contractual quality of workers in the sector, a situation that we were able to observe in the review of secondary sources. We believe that this may also respond to the high level of competitiveness that exists in the different sectors in which the respondents work, so that in some way they feel that reporting or making visible an event of this type could expose them to being stigmatised or marginalised from their current or future jobs.

### INFOGRAPHIC 10: DO YOU THINK THERE ARE NEGATIVE CONSEQUENCES FOR REPORTING THESE BAD PRACTICES?







As well as this perception of “fear” of reporting, there is also the idea that employers do not know how to channel complaints about harassment at work or sexual harassment at work, which in a way discourages them from taking action, since what would be the point of risking making such complaints if there is no certainty of reaching an adequate solution? This is reinforced by the fact that a significant number of respondents indicated that they were unaware of the existence of protection protocols or standards.

**TABLE 2: FEAR OF REPORTING**

	DO YOU KNOW IF YOUR EMPLOYER HAS ANY PROTOCOLS OR GUIDELINES TO PREVENT AND SANCTION THIS TYPE OF BEHAVIOUR?	DO YOU TRUST THAT YOUR EMPLOYER WILL KNOW HOW TO ACT WHEN YOU REPORT A CASE OF WORKPLACE AND/OR SEXUAL HARASSMENT?
ARGENTINA	20%	30%
CHILE	25%	31%
COLOMBIA	25%	22%
BRAZIL	27%	24%
URUGUAY	36%	30%
MEXICO	23%	23%
PERU	21%	25%
OTHER	17%	31%

If we go into the analysis by age bracket, it is striking that the age group over 60 years old says they know what to do or they trust the employer more in knowing what to do. However, they are the ones who report having intervened the least, i.e., they have the tools to act, but have not done so.

**TABLE 3: COMPLAINT BY AGE**

	IN CASE OF WORKPLACE AND/OR SEXUAL HARASSMENT TOWARDS YOU OR SOMEONE YOU KNOW; WOULD YOU KNOW WHERE AND TO WHOM TO TURN?	HAVE YOU INTERVENED TO REJECT OR REPORT ANY CASE OF WORKPLACE HARASSMENT, WORKPLACE SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE?
18-29 YEARS OLD	40%	34%
30-39 YEARS OLD	45%	46%
40-49 YEARS OLD	52%	48%
50-59 YEARS OLD	58%	45%
60 OR OLDER	<b>79%</b>	<b>28%</b>

#### IN SUMMARY:

- The perception that whistleblowing can lead to negative consequences is highly shared, exceeding 70% of the statements.
- Another relevant fact is that when asked if they trust their employer to know what to do in these cases, the average confidence is 26%, which is very low.
- Both trends are found in all countries and in all performance sectors identified in the survey.



## F. TRAINING

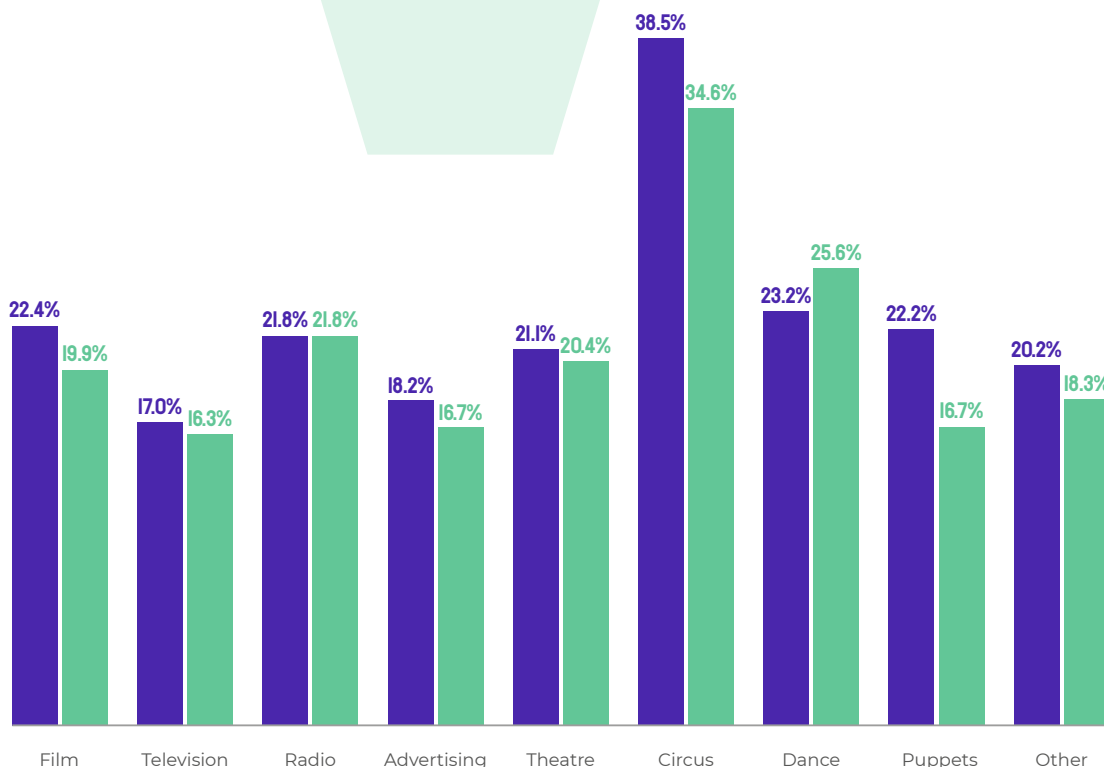
This section is very important, considering that one of the most effective strategies for dealing with situations such as those we have reviewed has to do with handling legal and conceptual knowledge and tools that make it possible to detect and prevent such events. Training and sensitisation provide elements to understand that cases of gender violence are not isolated events but are part of a social problem that prevails due to different causes and factors.

That said, we find that the average number of people who have received some training on the issues of workplace harassment, sexual harassment and/or gender-based violence is very low, averaging 22.7% per sector and 21.1% per country, which is not commensurate with the importance of this issue.

In the following chart, we can see that the general trend does not show a positive impact on those who have received training on the subject. One could think that the more knowledge one has, that is to say, the more elements to identify or recognise the facts, the more likely it is that they can be confronted in a better way, leading to a complaint when the case so warrants. It is not known whether the training was conducted on the prevention of workplace harassment or sexual harassment, or whether it was more theoretical or legal in nature, but what is clear is that there has been no impact.

### CHART 14 TRAINING AND POSITIVE CHANGES

- Have you received any training at work on sexual harassment in the workplace and/or...
- Has anything changed for the better since you received this training?



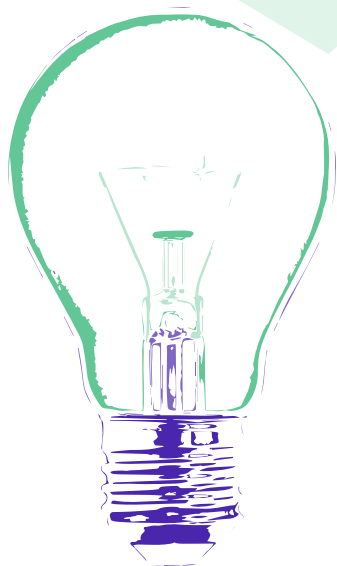
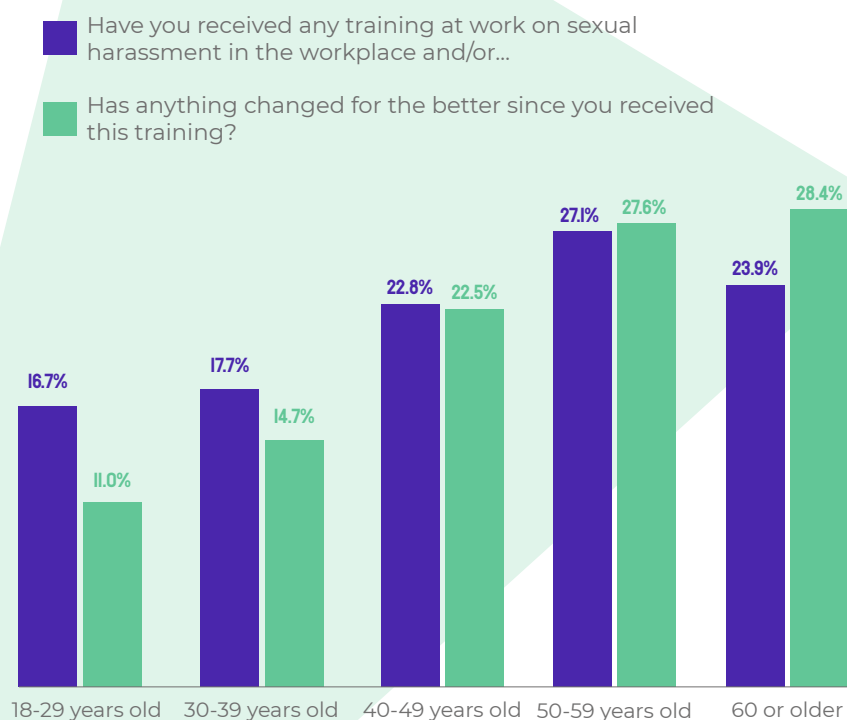
On the other hand, over 85% of the respondents expressed that they would like to know more about their labour rights, so this could be a guide to think about future training. It is very clear when reviewing the data by country, where the highest demand for training on labour rights is in Colombia, with 97.2%, and where the lowest demand is in Argentina, with 84.1%, both very high figures.

## INFOGRAPHIC II: YOU WOULD LIKE TO LEARN MORE ABOUT YOUR LABOR RIGHTS



When we cross-reference with age groups, we can see that those who have received the most training are people over 50 years of age, who in turn believe that this has generated positive changes in terms of the approach to the phenomenon. When cross-referenced with the information on knowing what to do or where to go, which we reviewed in the section on complaints, this is the age group that says it is more prepared to deal with these problems, which could reflect the fact that they have more knowledge on the subject.

## CHART 15 TRAINING AND CHANGES BY AGE



### IN SUMMARY:

- Of the sectors mentioned in the survey, the percentage of those trained does not exceed 38%, with television being the least trained with 17%.
- When we cross-reference with age groups, we can see that those who have received the most training are people over 50 years of age, who in turn believe that this has generated positive changes in terms of the approach to the phenomenon.
- We cross-reference with the question that points to having had positive changes after the training and in general, the younger they are, the less it is felt. 16.7% of the 18-29 age group have received training and only 11% say they have perceived a positive change as a result.
- On average, over 85% of respondents by area expressed a desire to learn more about their labour rights.

# 5.

## RECOMMENDATIONS

This section sets out recommendations for addressing and/or overcoming situations of violence and harassment in the audiovisual and performing arts industry, which emerged in light of the analysis of the survey results. The suggestions made by members of the regional working group and union members of UNI MEI / Panartes and FIA-LA are also presented.

We can distinguish two levels of action, one related to the internal management of the unions and their members, and the other, linked to the external actions of these organisations.

### THE FOLLOWING IS RECOMMENDED FOR THE INTERNAL ACTIONS:

#### EDUCATION AND TRAINING:

For union members, industry professionals and students in careers in any of the the audiovisual and performing arts sectors. In relation to human rights, gender focus, labour rights, gender violence, current legislation, complaint procedures, always in dialogue with the contextual problems of the industry and the respective country. This can be done in alliance with institutions or professionals with expertise in these thematic areas.

#### AWARENESS-RAISING:

Through awareness-raising workshops on gender inequality and the resulting violence, and also through campaigns to prevent gender violence in the workplace. Considering this industry's comparative advantage with respect to media access.

#### MEDIATION AND CONTAINMENT:

Provide training, support, mediation, and accompaniment for those who are victims, and also for those who witness these situations, encouraging the reporting, application and ratification of the protocols. The protection and guarantee of the rights of witnesses and defendants must also be contemplated.

#### SPECIALISATION:

To form and prepare groups of sensitive and knowledgeable professionals to understand and address the issues of harassment and gender violence on the set and other performance spaces, so that the issues are channelled in a good way and the problem is not exacerbated.



### **COMMUNICATION AND DISSEMINATION:**

Establish permanent information channels to disseminate the training offered, the different prevention and action campaigns and possible legislative advances in the area of workplace harassment and gender-based violence. Complement with audiovisual capsules that can make an impact through direct and simple images. Mobile applications can be created (for information and emergencies), strengthening union websites and media, and keeping them up to date.

### **FOLLOW-UP.**

Consider this survey as a baseline that should be updated and compared over time, once campaigns and progress in regulation and implementation of protocols have been developed in the different countries and by the unions.

### **REGARDING EXTERNAL MANAGEMENT, THE RECOMMENDATIONS ARE:**

#### **PROTOCOLS:**

To develop documents that outline the procedure of actions to be followed in order to enhance and protect safe workplaces for all, with permanent updating, adaptation, dissemination and promotion in the different sectors of the industry.

#### **COLLECTIVE BARGAINING:**

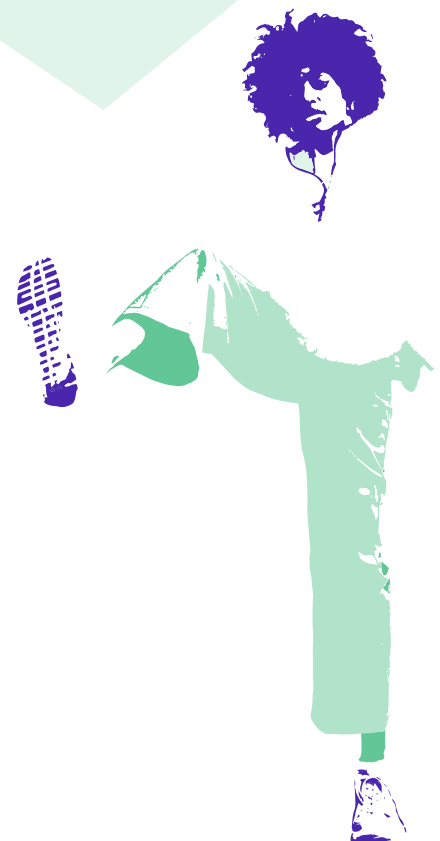
Once the protocols are in place, progress should be made to include them in binding collective bargaining negotiations, so as to go beyond mere declarations of "good will."

#### **ROLE OF EMPLOYERS:**

They should be required to be trained and educated on mediation, support and rights, in order to avoid any possible discrimination that complainants may suffer at the time of being hired. On the other hand, in the event that there are people accused and/or sanctioned for harassment and/or gender violence cases looking for a job, it is necessary for unions to require employers to review the background or consult previous employers about the applicants or people under evaluation.

#### **INTRA-REGIONAL NETWORKS OF TRADE UNIONS:**

Strengthen collaborative work among trade unions and generate work instances on the subject, replicating good practices, protocols, etc.





**CURRICULAR EXTENSION:**

Urge art schools to incorporate the topics of workplace harassment, prevention of gender violence and masculinities into their curricula. This will allow consensus on concepts so that all people understand the same thing when talking about sexual harassment, harassment, micromachismo, etc.

**CROSS-CUTTING REGULATORY FRAMEWORKS:**

Promote a regulation of harassment and violence at the regional level that applies to all of Latin America and is recognised by all countries and their respective institutions. Joint summits or seminars can be used to work and generate agreements on the subject, identifying interlocutors and major representatives of the various sectors who can subscribe to and be familiar with the regulations in order to comply with and guarantee what is stipulated. This should consider and regulate festivals, especially with regard to the invitation of artists and professionals in the sector, avoiding ignoring or not knowing if they are accused or in any proceedings for situations of harassment or violence, including the negotiation of International Framework Agreements that regulate the prevention, punishment and guarantees of non-repetition of cases of harassment and violence.

**AUDIT AND RATIFICATION:**

Permanent coordination with institutional bodies of the different governments, which comply with the audit according to the legislation of each country and other eventual regulations. In turn, to demand that the States ratify ILO Convention 190 and implement Recommendation 206 on violence and harassment, as principles of protection for workers in the industry. In countries where C190 has already been ratified, require a legislative harmonisation process to ensure its correct implementation.

**PETITIONS TO THE EXECUTIVE OF EACH COUNTRY:**

To make requests to the States regarding legislation and guarantee of labour rights specific to the industry (articulation, coordination, multisectoral and governmental cooperation and budget allocation for the reduction of gender inequalities).

**ALL GENDERS FOR A CULTURAL CHANGE:**

Considering that there were fewer responses from men in the survey, which suggests that these issues are less relevant to them than to other genders, various actors and actresses in the regional group expressed the need to work together with men and the role they play in the cultural change necessary to eradicate these practices. Therefore, some of the previously recommended actions should be focused on this target group, in addition to considering awareness-raising and reflective instances specifically on the topic of masculinities.

We would like to make special mention of the importance of support and containment networks, as safe spaces to express oneself, share fears and experiences, solutions and contacts. Trade unions are and should be these support networks and safe spaces, in collaboration with other formal and informal groups, beyond protection protocols and laws. As a colleague from Argentina said in one of the working sessions: *“Let fear not paralyse us, we have to support each other.”*



# BIBLIOGRAPHY

**Benavente, J. M., & Grazzi, M. (2017).** Políticas públicas para la creatividad y la innovación: impulsando la economía naranja en América Latina y el Caribe. Washington, DC: Inter-American Development Bank-IDB.

**Oliva, L. I., Lázaro, I., Novella, R., Repetto, A., de Desarrollo, B. I., Casas, L., ... & Urzúa, S. (2018).** Economía creativa en América Latina y el Caribe: Mediciones y desafíos.

**Tepper, D. (2020).** **Igualdad de género y diversidad en el sector audiovisual europeo.** Por los interlocutores sociales del sector audiovisual europeo, Unión Europea  
[https://www.equalitydiversityinavsector.eu/pdf/handbook\\_en\\_web.pdf](https://www.equalitydiversityinavsector.eu/pdf/handbook_en_web.pdf)

**Ministry of Culture of the Republic of Colombia. (n.d.).** Ley de Cine.  
<https://www.mincultura.gov.co/areas/cinematografia/Paginas/Ley-de-Cine.aspx>

**Krieger, S. (2004).** Ley de Cine para Todos. Ministerio de Cultura de la República de Colombia y Proimágenes en Movimiento. Bogotá, Colombia.  
<https://www.mincultura.gov.co/areas/cinematografia/publicaciones/Documents/La%20Ley%20de%20Cine%20Para%20Todos.pdf>

**Ministerio de las Culturas, las Artes y el Patrimonio del Gobierno de Chile (n.d.)** Política Nacional del Campo Audiovisual 2017-2022.  
<https://www.cultura.gob.cl/politicas-culturales/>

**Congress of the United Mexican States. (2015).** Federal Labour Law.

**Congress of the United Mexican States. (2015).** Federal Radio and T.V. Law.

**Olavarría, Diego; Luzardo, Alejandra; Mateo-Berganza Díaz, María Mercedes. (2021).** Detrás De Cámaras: Creatividad e Inversión Para América Latina y El Caribe. USA: BID.  
[https://www.instagram.com/ama\\_mujeresaudiovisuales/?hl=es](https://www.instagram.com/ama_mujeresaudiovisuales/?hl=es)

**UNI Global Union. (2021).** Demanding dignity behind the scenes: ending long hours culture in the global film and tv industry.  
<https://uniglobalunion.org/report/demanding-dignity-behind-the-scenes-ending-long-hours-culture-in-the-global-film-and-tv-industry/>

**Ibermedia Program. (n.d.).** Perú empieza el 2020 estrenando su nueva Ley de Cine.

<https://www.programaibermedia.com/peru-empieza-el-2020-estrenando-su-nueva-ley-de-cine/>

**Ibermedia Program (n.d.).** Legislación por países.

<https://www.programaibermedia.com/el-marco-legal/legislacion-por-paises/>

**Vera, N. (2021).** Los planes de Perú para convertirse en el gran destino audiovisual de América.

<https://www.americaeconomia.com/negocios-industrias/los-planes-de-peru-para-convertirse-en-el-gran-destino-audiovisual-de-america>

**Lakhani, N. (2019).** “#MeToo reaches Mexico: Majority of women in media report harassment at work”, in The Guardian, 27 March 2019.

**International Labour Organisation. (2021).** Policy Brief on sexual harassment in the entertainment industry.

[https://www.ilo.org/actrav/pubs/WCMS\\_761947/lang--en/index.htm](https://www.ilo.org/actrav/pubs/WCMS_761947/lang--en/index.htm)

**Dirección de planificación. Oficina de planeamiento y presupuesto de la Presidencia de la República Oriental del Uruguay. (2019).** Las industrias creativas en el desarrollo del Uruguay del futuro. Serie de divulgación, volumen XVIII.

[https://www.opp.gub.uy/sites/default/files/inline-files/15\\_%20Las%20industrias%20creativas%20en%20el%20desarrollo%20del%20Uruguay%20del%20futuro.pdf](https://www.opp.gub.uy/sites/default/files/inline-files/15_%20Las%20industrias%20creativas%20en%20el%20desarrollo%20del%20Uruguay%20del%20futuro.pdf)

The following pages were also consulted:

<https://www.uruguayxxi.gub.uy/es/>

<https://www.sitaty.org.mx/>

<https://cimamujerescineastas.es/>

<https://www.sinca.pe/>



The data presented in this report come from a regional survey on violence and harassment in the workplaces of the audiovisual and performing arts industries in Latin America, a regional trade union initiative carried out from July to October 2021 by affiliates of the International Federation of Actors (FIA-LA) and the Media, Entertainment & Arts sectors of UNI Global Union (UNI Americas MEI / Panartes), with the support of Union to Union, the Swedish trade union movement's organisation for international development cooperation.

The analysis of the survey results was conducted by Communitas Consultora in 2021 and the report published in March 2022.