



## ► Policy Brief

November 2020

# Policy Brief on sexual harassment in the entertainment industry

### Key points

- This brief provides an overview of the trends and patterns around sexual harassment in the entertainment industry, and its gender dimensions.
- It also looks at the legal and political landscape around sexual harassment and protection and coverage of workers in the industry.
- Such analysis is used as basis to explore policy options and develop considerations for expanding and promoting the prevention of sexual harassment in the industry.
- In particular, some of the take-away messages are:
  - **Incidents of sexual harassment tend to reinforce power inequalities**, be they expressed through job relations or gender relations;
  - **Governments and social partners should work together towards removing the systemic barriers** that make workers in the industry more vulnerable;
  - There is the need to prevent, address and eliminate violence and harassment in combination with actions tackling the underlying gender imbalances in the entertainment industry;
- **In line with Convention 190 and Recommendation 206, a more integrated approach is needed**, encompassing international labour standards on employment and occupational safety and health, as well as non-discrimination and equality or criminal laws;
- **Collaboration between employers and workers' organizations should follow a more comprehensive and coordinated sectoral response**, including sectoral mechanisms that prevent, address and eliminate violence and harassment in the entertainment industry;
- This sectoral approach should ensure **clear lines of responsibility in the reporting and protection procedures**.

## ► 1. Background

- While sexual harassment in the world of work affects all sectors of economic activity, the way the industry is organized, its organizational culture and **the diverse employment relationships, may affect its capacity to prevent, address and eliminate sexual harassment and other forms of violence and harassment.**
- Gender based-violence and harassment, including sexual harassment, may be **linked to broader patterns of gender inequalities in the entertainment industry.**

In June 2019, two new international labour standards – the Violence and Harassment Convention, 2019 (No. 190), and the Violence and Harassment Recommendation, 2019 (No. 206) – were adopted by the International Labour Conference of the International Labour Organization (ILO) (Box 1). According to the Convention No. 190, the term “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”. (Article 1 (a), Convention No. 190).

The same article stipulates that “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”. (Article 1(b), Convention No. 190).

Sexual harassment is a manifestation of sex-based discrimination, addressed in the framework of the ILO Discrimination (Employment and Occupation) Convention 1958 (No. 111) (ILO, 2020b). The key elements of sexual harassment, used for the purposes of this brief, are based on the 2002 General Observation of the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts), which defines sexual harassment as:

- requests for sexual favours to obtain or maintain a job, a promotion or other employment conditions or benefits (quid pro quo harassment);
- situations at work or in work-related environments causing individuals discomfort or humiliation, because of sexually suggestive behaviour or images or hostile conduct directed at someone because of their gender or gender identity (hostile work environment harassment) (ILO, 2018).

Sexual harassment at work is not a new phenomenon and it affects all sectors. However, research has suggested that the industry’s specific organization of work, its culture, as well as different working arrangements and conditions may affect its capacity to address not only sexual harassment but other forms of violence and harassment. Furthermore, gender based-violence and harassment, including sexual harassment, may be linked to broader patterns of gender inequalities in an industry (Banks and Milestone, 2011; Hennekam and Bennett, 2017).

In the wake of the #MeToo movement, the entertainment industry<sup>1</sup> has particularly attracted calls for urgent action to address violence and harassment

### Box 1. Convention No. 190 and Recommendation No. 206 - an overview\*

The Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206) are the first international labour standards to provide a common framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment.

The Convention recognizes the right of everyone to a world of work free from violence and harassment, and sets out the obligation to respect, promote and realize this right.

#### Scope

- employees as defined by national law and practice
- Persons working irrespective of their contractual status
- Persons in training, including interns and apprentices
- Workers whose employment has been terminated
- Volunteers
- Jobseekers and Job applicants
- Individuals exercising the authority, duties or responsibilities of an employer

Governments, employers’ and workers’ organizations have different and complementary roles in the response to violence and harassment at work. Social dialogue should be core to the application of these instruments, to ensure an effective response to violence and harassment.

\* For more details, see: ILO: Convention No. 190 and Recommendation No.206 at a glance, Brief - Gender, Equality and Diversity and ILOAIDS Branch (ILO, Geneva, 2020) and [ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, What Role for Workers Organizations?](#), ACTRAV, ILO.

against men and women in this industry. Furthermore, the Violence and Harassment Recommendation, 2019 (No. 206) includes entertainment among sectors and occupations which may be particularly exposed to violence and harassment (para. 9, Recommendation No. 206). Although expansion is predicted in the

1 While the entertainment industry in general covers theatre, film, fine art, dance, opera, music, literary publishing, television, and radio, the brief focuses on the live performance, audiovisual and broadcasting sectors. In the text, these terms may be used interchangeably.

entertainment industry in coming years, with an important job-generating potential, some studies highlight the persistence of gender inequalities (Hennekam and Bennett, 2017; Banks and Milestone, 2011; Breeland, 2018; Smith et al., 2018). These inequalities can range from gender pay gaps, to the non-representation of women in several sectors and positions, to exposure to gender-based violence. The

literature also shows that the entertainment industry is experiencing changes that affect the organization of work, as well as the employment relationships, which may affect the way in which it addresses situations of violence and harassment at work, and particularly of sexual harassment (Banks and Milestone, 2011; Gruber, 2019; Hennekam and Bennett, 2017).

## ► 2. An overview of the gender dimensions in the entertainment industry

- Gender inequalities and persisting gender stereotypes are behind some of the gaps reported in the industry:
  - **Women in the industry tend to be less paid than men** in similar occupations, performing work of equal value
  - There is **high job insecurity** among women in the industry – especially women of colour and indigenous women – who remain significantly underemployed
- The informal nature of the entertainment industry and the reliance on **contract-based work can affect the work-life balance of those working in the industry.**
- These gender inequalities may play a role in these workers' greater exposure to sexual harassment.

Looking at the workforce profiles of many regions, it is evident that the entertainment industry is still marked by significant gender inequalities and is mostly male dominated.

Gender inequalities and persisting gender stereotypes are behind some of the gaps reported in the industry. These stereotypes create obstacles to women's full participation in the labour market and their enjoyment of decent working conditions. In addition, women tend to be stereotyped as sexual beings, leading to violence and sexual harassment.

### 2.1. Gender representation in the entertainment industry

In 2013 it was estimated that 61 per cent of workers in the audiovisual sector in Europe were men (ICF, 2016).

- In 2010, women accounted for 39.9 per cent of the European workforce in broadcasting and programming activities and 34.6 per cent in video and television programme production, motion picture, music publishing and sound recording activities (Eurofound, 2013, p. 4).
- Another study of 1,100 popular films over the decade 2007–2017 found that no progress had been made with regard to the prevalence of female speaking characters (Smith et al., 2018). Only 13 per cent of films in the study were gender balanced.<sup>2</sup> Indeed, the ratio of male to female speaking characters over the period of the study was 2.3:1.



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<sup>2</sup> A gender-balanced cast gives 45 per cent to 54.9 per cent of the speaking roles to girls or women.

- In 2017, out of 100 films, only 33 depicted a female lead or co-lead, and in those roles only four female actors were from under-represented racial or ethnic groups. The data collected also showed that female characters were more likely to be shown in tight or alluring apparel, and with some nudity (Smith et al., 2018).

However, there are some exceptions by country or by specific sub-sector.

- For example, in the United Kingdom in 2014 women accounted for more than 50 per cent of people employed in the music sector (compared to 47 per cent in the active population of the country) (EY, 2015, p. 18).
- On the other hand, within the higher tiers of certain sectors there can be large degrees of inequality. For example, of 111 music composers who worked on the top 100 films of 2017, only one was female (Smith et al., 2018).

## 2.2. Women's employment status and gender gaps in the industry

Moreover, there is a prevalence of job insecurity for women in the entertainment industry, as they often have more than one job, and mainly part-time or self-employed work (UNESCO, 2017). Women in the entertainment industry also encounter issues of job retention and career progression:

- studies have found that while women outnumber men in art schools, when they enter the entertainment market they tend to be less active, less well paid, and less supported, and to have fewer responsibilities than men (HCE, 2018, p. 3);
- while more women may enter the entertainment industry than men, fewer continue in the industry with regular contracts or rise to fill positions of power (Euro FIA et al., 2016, p. 27).
- Gender inequalities affect off-screen as well as on-screen roles. The study conducted on 1,100 popular films found that only 43 women worked as directors.

Similar results were obtained in a study conducted in Switzerland on the proportion of men and women in creative, technical and artistic teams behind the camera and on screen (Mitchell and Musy, 2018). If the main on-screen roles were predominantly male, that scenario was repeated behind the camera:

- Out of 21 series analysed over a period of 11 years, only 21 per cent of the producers were women, while the same trend was found for women in the role of directors.
- In the case of screenwriters, only 26 per cent were women.

- Technical positions were predominantly filled by males, except for scripts, costume designers, make-up artists and hairdressers.
- 39 per cent of image editing roles and 53 per cent of sound editing roles were held by women.

Similarly, a report on gender inequality among television directors found that the gender gap increased across all four of the main broadcasters in the United Kingdom during the period 2013–2016 (Directors UK, 2018).

- While in 2013 over 27 per cent of television episodes were directed by women, the percentage declined to around 24 per cent in 2016.
- While women comprised 33.1 per cent of the workforce on set, on average only 25 per cent of episodes were actually directed by women.

Differences in funding opportunities and streams can contribute to this situation. One study found that the average amount of funding for a male director was 3.75 million euros, whereas female directors received 1.8 million euros, less than half that of their male counterparts (Women in Cinema Lab, 2018). These results show that women in the industry tend to be less paid than men in similar occupations, which may have important consequences for their career development. Indeed, in this industry, employment opportunities tend to be exponential, with present employment leading to further employment opportunities, while lack of employment, especially for a continuous period, may produce the opposite effect.

A report on women's representation on screen and behind the camera in Canada focused on writers, directors and cinematographers, and examined more than 5,000 contracts issued between 2014 and 2017 for Canada's publicly funded film and television productions (Women in View, 2019). It showed that women – especially women of colour and indigenous women – remained significantly underemployed on these productions. The report also highlighted some informative data regarding the effect that women's creative leadership can have on unlocking gender balance and allowing greater diversity. When run by women of colour and indigenous women, not only are television series more gender balanced, but there is also far greater diversity among the creative team employed. Films produced by women, women of colour and indigenous women showed a similar effect.

Gender-based inequalities in opportunities and working conditions are visible across the different sectors of the entertainment industry. In terms of the gender pay gap, women in the live performance sector tend to earn less than their male counterparts and have shorter careers, particularly due to on-stage under-representation of female characters (International Federation of Actors, 2015).

- In Germany, an Organisation for Economic Co-operation and Development (OECD) study found that male writers aged 40–50 years were the top earners among registered artists, while female performing artists aged under 30 were the lowest earners (OECD, 2018, p. 132).
- A report by the International Federation of Actors found that female performers in the entertainment industry may also face issues of maternity entitlement, limited access to long-term employment, under-representation in the industry, unequal pay, and gender representation that feeds into the negative cycle of propagating a sexualized image of female performers (International Federation of Actors, 2015, pp. 22–28).

The informal nature of the entertainment industry and the reliance on contract-based work can affect the work–life balance of those working in the industry. One study of the audiovisual and live performance sectors in

eight European countries found that few workers were satisfied with their work–life balance (Curry, 2014).

The gender inequalities highlighted above, coupled with the type of work arrangements and the working conditions prevalent in the entertainment industry, may play a role in these workers' greater exposure to sexual harassment.

The persistent women's under-representation in social dialogue structures can also undermine joint efforts to address sexual harassment. Recent data show only 20 to 35 per cent female membership in general national social dialogue institutions, and the low representation of women in cultural unions is within this trend (ILO, 2019).

These dynamics will be discussed in the following section, in the light of the answers collected through the survey.

## ► 3. Perception of workers' organizations on sexual harassment in the entertainment industry

- Sexual harassment at work or in work-related environments is a concern for **86 per cent of unions in the entertainment industry**.
- **Live entertainment, and film and television production** are the sub-sectors most affected often as a result of a **workplace culture**, which is considered an obstacle to reporting and addressing incidents, as well as **fear of career repercussions**.
- **More women than any other gender category** in the sample reported being victims of sexual harassment.
- Perpetrators of sexual harassment are predominantly **people in positions of power or co-workers** (over 52 per cent and 50 per cent respectively).
- Most workers experience sexual harassment while **in employment relationships less regulated or less stable in terms of duration and pay**.

### 3.1. Workers organizations' perceptions survey

Workers organizations' perceptions around sexual harassment in the entertainment industry were collected and analysed through a survey<sup>3</sup> carried out among over 90 trade unions in the live entertainment, film and television, and broadcasting industries. A total of 74 trade unions responded to the survey across 42

countries from Europe (18), Africa (8 countries), Latin America and the Caribbean (8), Asia and the Pacific (6) and North America (2). The unions that responded to the survey covered over 400,000 members; while not all responses provided a sex disaggregation of their membership, the few data available indicate a higher share of men. Survey answers came mainly from unions covering live entertainment, film and television

<sup>3</sup> The survey was carried out by the ILO together with the International Arts and Entertainment Alliance (IAEA). The International Arts and Entertainment Alliance (IAEA) is the global union representing workers in the Arts and Entertainment sector. It is a member of the Council of Global Unions (CGU) and it is made of 3 global federations: FIA (International Federation of Actors); FIM (International Federation of Musicians) and UNI-MEI (Media, Entertainment and Arts division of UNI).



production, and broadcasting (see Table 1). The objectives of the survey were:

- to assess the extent and patterns of sexual harassment in the live performance and audiovisual sectors;
- to analyse the employment relationships, and working conditions of those reporting sexual harassment at work;
- To identify legal and policy frameworks in place, as well as codes of conduct to respond to sexual harassment at the sectoral level;
- To identify current measures put in place by workers' organizations in the entertainment industry to address sexual harassment.<sup>4</sup>

**Table 1. Percentage of responses by sector of the entertainment industry**

Responses by sector	%
Broadcasting	18%
Live entertainment (music, dance, opera, theatre, variety etc)	53%
Film and television production	25%
Commercials production	0%
Digital media work, including video games	0%
Voice over/dubbing	1%
Sound recording	3%

The analysis of responses helped to identify themes and patterns of behaviour demonstrating the extent of workers' perception of sexual harassment in the entertainment industry. The survey had some limitations. Respondents were unions and not individual workers, so analysis could only be undertaken of sexual harassment issues and cases indirectly reported by the organizations. Further research would be needed to establish employers' perceptions of this topic.

### 3.2. Extent and patterns of perceived sexual harassment in the industry

- 86 per cent of the unions responding to the survey claimed that sexual harassment at work or in work-related environments was a concern for their members and affiliates (Table 2).

**Table 2. Is sexual harassment a concern for the industry?**

Responses	
Yes	86%
No	9%
I don't know	5%

- 34.3 per cent of respondents (19)<sup>5</sup> claimed that their members and affiliates had witnessed incidents of sexual harassment (Table 3).

**Table 3. Extent of perceived sexual harassment in the industry**

Instances of sexual harassment analysed	%
Witnessing cases of sexual harassment in their respective work environment	34.3%
Being the victim or target of sexual harassment in their respective work environment	40.0%
Reporting (in the last 12 months) cases of sexual harassment in the course of, or as a direct result of, their work	38.7%

- Over 38 per cent of survey respondents mentioned that incidents of sexual harassment had been reported in the last 12 months by their members (Table 3).

These findings were further analysed in relation to past surveys conducted by the unions and shared by respondents.

- In relation to reported incidents, a survey conducted by Fafo – an independent social science research foundation – among workers in the entertainment industry in Norway provided some insights. For example, out of 32 per cent of artists who had been exposed to sexual harassment during their career, approximately 70 per cent had not reported the incident (Fafo, 2018).

<sup>4</sup> The responses were submitted by unions on behalf of their members, based on the information available to them through existing surveys, reports or other information.

<sup>5</sup> Nineteen respondents out of 68 who replied to the survey, and provided concrete information.

- In the United Kingdom, a recent survey conducted among 725 artists (95 per cent of them women) by the British Musicians' Union found that of 48 per cent of musicians experiencing sexual harassment at work, 85 per cent had not reported the incident. Workplace culture was among the greatest obstacles to reporting (55 per cent), while other respondents mentioned the fear of losing work (41 per cent) and the low expectation of the issue being handled appropriately (32 per cent) (Musicians' Union, 2019).

Sexual harassment in the entertainment industry is not limited to the professional settings, but may start before, in the arts school environment. In 2018, almost one third of performing art students surveyed in the United Kingdom reported experiencing sexual harassment (Hemley, 2018). Overall, 67 per cent did not report sexual harassment; of those that did, no action was taken in four out of five cases. Similarly, a survey conducted among Australian live performers found that only 34 per cent of victims of sexual harassment, criminal conduct or bullying reported or attempted to report the incident (MEEA, 2017).

These findings are further supported by a survey conducted by the research group Cultural Diversity: Opportunities and Socialization (CuDOS) among 2,161 workers of the culture and media sectors in Belgium, in which 30 per cent of respondents mentioned the difficulty of reporting incidents of sexual harassment for fear of the consequences to their career (Maerevoet, 2018).

In both the Australia and Belgian surveys, the fear of negative professional repercussions on a worker's career was stated as the main reason for not reporting incidents of sexual harassment. Indeed, those who have experienced sexual harassment in the industry often do not speak out about it, as employers can dismiss the issue or threaten to "blacklist" them (Kharo, 2018). Similarly, a 2018 survey of professional artists, theatre companies and college and university theatre departments in the United States highlighted that over 80 per cent of artists who had experienced or witnessed incidents of sexual harassment did not report it, mostly out of fear of professional repercussions or feeling that they "might be overreacting" (Lehmann and Morris, 2018).

Other country-level surveys support these challenges. In particular, in 2018, the Argentine Union of Television, Telecommunications, Audiovisual, Interactive and Data Services (Sindicato Argentino de Television,

Telecomunicaciones, Servicios Audiovisuales, Interactivos y de Datos, SATSAID), conducted a national survey of 7,815 workers in the audiovisual sector. The survey focused on labour-based violence, from a gender perspective. Of those who had experienced an incident of workplace violence (40 per cent), 24 per cent said that they had reported the incident. Of this 24 per cent, 31 per cent mentioned reporting it to colleagues, 31 per cent to the union and 34 per cent to their employers. Those not reporting incidents indicated that they did not feel comfortable doing so (26 per cent) or they did not think that reporting the incident would have helped. Of those who reported the incident, 34 per cent responded that they had taken other measures before reporting it, but 42 per cent said that they had not taken any measures. A Finnish Musicians' Union survey from 2018 (respondents: 53 per cent female, 46 per cent male, and 1 per cent other) found that - although 65 per cent of those exposed to sexual harassment incidents had told someone about it - 93 per cent of them had told a colleague or a friend, rather than the person in charge of these cases at their workplace, who was informed only on occasion (Seye, 2018).<sup>6</sup>

### 3.2.1. Sub-sectors and workers affected

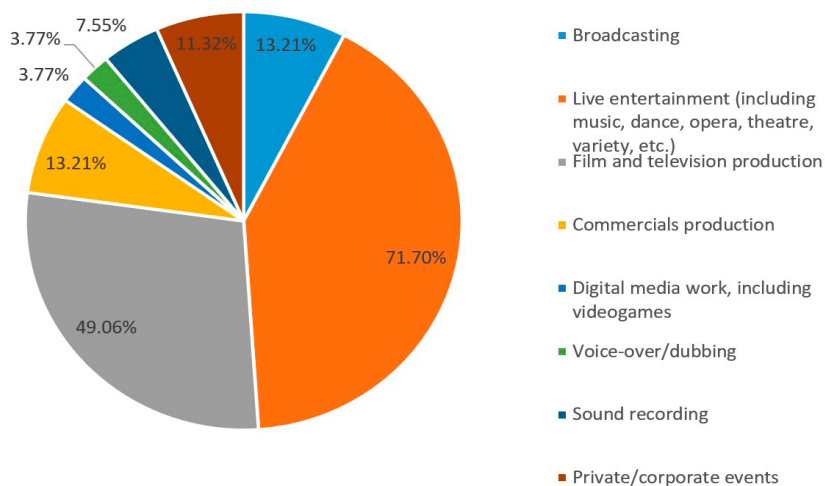
Taking into account that some sectors were more represented than others in the responses, Figure 1 shows that most of those reporting having experienced sexual harassment work in two sectors: live entertainment, and film and television production. This result is coherent with previous survey findings, supported through additional research.<sup>7</sup>

- In a survey conducted in 2017, 94 per cent of 843 women employed in film and television in Hollywood reported having experienced some form of assault or harassment, and 21 per cent were forced to do some sexual act at least once (that is, on a quid pro quo basis) (Puentes and Kelly, 2018).
- In a 2017 survey of 1,124 workers in the Australian live performance industry (respondents: 66 per cent female, 28 per cent male and 6 per cent other), 40 per cent reported having experienced sexual harassment and 14 per cent reported having been sexually assaulted (MEEA, 2017).
- According to the above-mentioned SATSAID survey in Argentina (where the majority of respondents were men, 70.6 per cent), 40 per cent of all respondents reported having experienced some

<sup>6</sup> Note that it is indicated in the report that the membership of the union is composed of 64 per cent of people who identify as men and 36 per cent of people who identify as women. The higher rate of female participation in the survey - 53 per cent - was explained as follows: "This was expected because sexual harassment targets women more often than men and it may be assumed that those who have personally experienced sexual harassment are more likely to respond to this type of survey. Moreover, sexual harassment of women had received extensive media attention just before the survey was conducted."

<sup>7</sup> Compare Table 1, which shows that more than 53 per cent of respondents were from unions representing workers in the live entertainment industry, followed by film and television production (25 per cent).

Figure 1. Sub-sectors in which those reporting sexual harassment primarily worked at the time of the incident



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

form of labour-based violence.<sup>8</sup> For men, 38 per cent reported having experienced labour-based violence, while 44 per cent of women reported experience of labour-based violence, compared to 37 per cent reporting no experience, and 19 per cent who did not respond. It is interesting to note that a high proportion of respondents identifying as “other gender identities” reported having experienced labour-based violence (67 per cent).

- In 2019, a survey of women workers in the Mexican media and creative industries found that 73 per cent of workers had experienced sexual harassment, and 60 per cent of respondents said that the harassment negatively impacted their professional performance (Lakhani, 2019).
- In the United Kingdom, a survey by the Broadcasting, Entertainment, Communications and Theatre Union (BECTU) found that more than half of women and a quarter of men had encountered sexual harassment at work (BECTU, 2019).

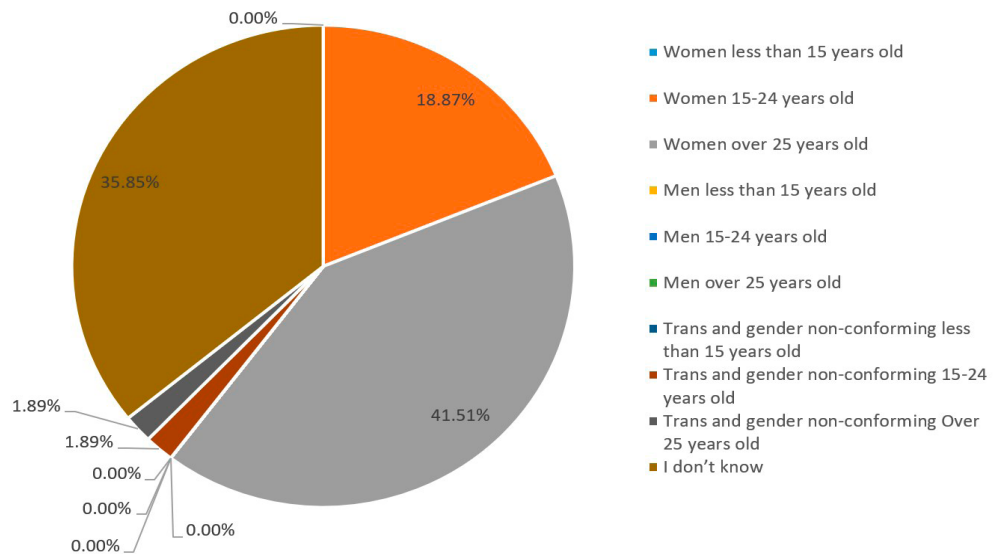
According to the unions’ responses in the survey undertaken for this brief, more women than any other gender category in the sample reported being victims of sexual harassment. While no respondent mentioned men of any age group as victims of sexual harassment, a significant portion (35.8 per cent) stated that they did not have such information or did not know about the gender or age of those reporting the incident of sexual harassment.

Moreover, while 41 per cent of the responses identified women over 25 years old as the main victims of sexual harassment, almost 19 per cent of respondents identified women under 24 years old as primary victims (Figure 2). Elaborating on this question, unions from Argentina, Belgium, France, Norway and Sweden, with members in diverse sectors of the entertainment industry, emphasized that young women – some of them in their early careers – were more likely to be subject to sexual harassment. This is supported by existing literature finding that young women, as new entrants to the industry, are among the most vulnerable to sexual harassment in the workplace (UN Women, 2018). This is particularly relevant in the entertainment industry, which is more likely to attract new entrants and more likely to attract younger workers (EY, 2015, p. 18). For instance, in Europe, the sectors in the broader culture and creative industry employ more youths than any other sector (19.1 per cent of total employment in the industry versus 18.6 per cent in the rest of the economy). In Nigeria, the entertainment industry is the second-largest employer in the country of workers under 45 years old (Obaji Ori, 2014), while the film and audiovisual industry is the main source of youth employment in Morocco and Tunisia (Hariri and Kassis, 2016). Further research shows that age, compounded by the flexibility and seasonality of the jobs in the industry, a competitive environment and a high rate of informality, especially in the recruitment process, can potentially increase new entrants’ exposure to sexual harassment (Hennekam and Bennett, 2017).

<sup>8</sup> The SATSAID survey found a wide range of types of labour violence, including insults (18 per cent), denigration of an individual’s work (14 per cent) and isolation of an individual (11 per cent).



Figure 2. Predominant age range and gender/gender identity of victims of sexual harassment



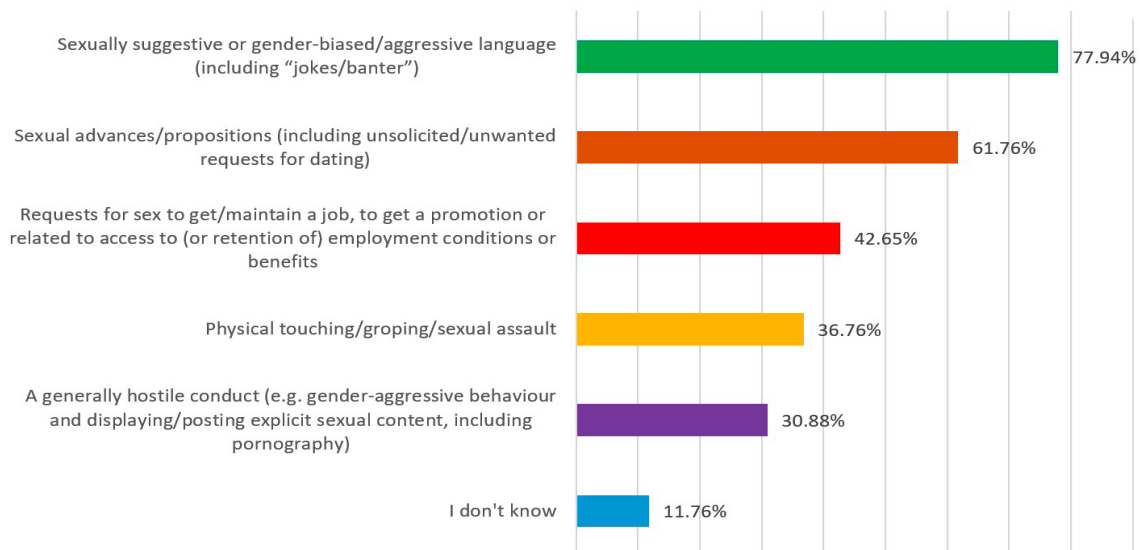
Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

### 3.2.2. Gender dimensions, working conditions and sexual harassment

As shown in Figure 3, sexually suggestive, gender-biased or aggressive language was the most common type of sexual harassment reported by respondents, followed by unwanted sexual advances and propositions. These results reflect findings from a survey conducted

in 2017 by the organization Sisters Working in Film and Television (SWIFT), which qualifies the film and television industry in South Africa as a “breeding ground for microaggressions”, including comments making women uncomfortable or non-consensual or unwillingly coerced touching of any part of the body (Ntoele and Atougua, 2018). The testimonies gathered during this survey highlighted that when these microaggressions are normalized and “are given the space to occur”,

Figure 3. Types of sexual harassment experienced by respondents



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

they create a culture based on unequal gender power dynamics, which can lead to more serious abuses. Testimonials from the SWIFT survey provide examples that elaborate on these power dynamics, including business meetings conducted in strip clubs, and being denied a separate room and bed on off-site or festival business travel. Furthermore, participants in the survey reported having knowledge of women resigning or being fired after incidents with a perpetrator of sexual harassment. Indeed, respondents to the SWIFT survey mentioned that these behaviours were part of the nature of the industry, and women “must adapt or leave”.

The third most common type of sexual harassment reported was receiving requests for sex to obtain or maintain a job or promotion, or incidents related to access to (or retention of) employment conditions or benefits, reported by 43 per cent of respondents. For instance, the Uganda Musicians’ Union reported cases of requests for sex in exchange for new songs, access to recording sessions and airplay demands.

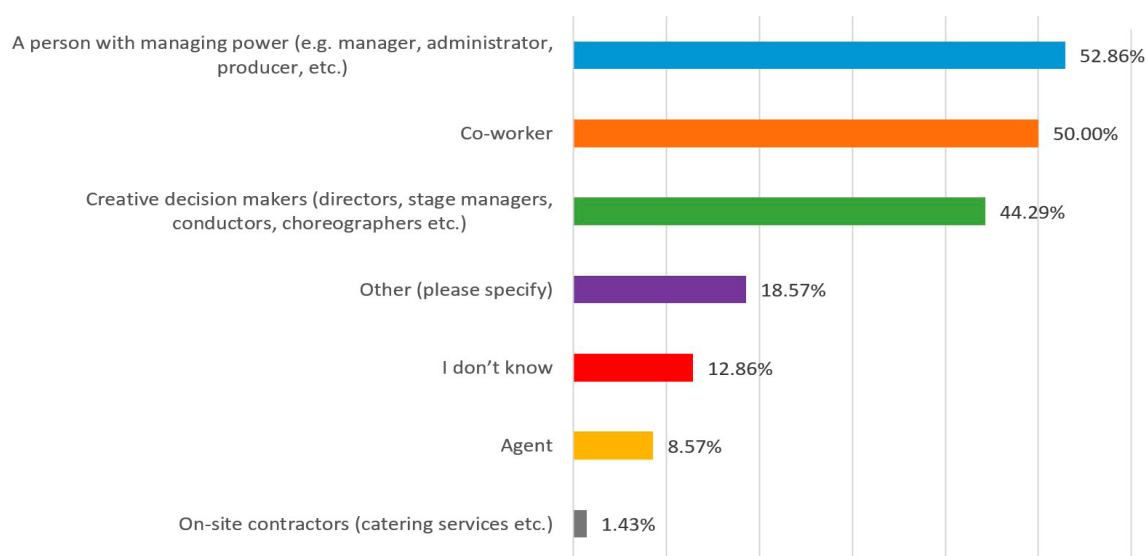
In some cases, sexual harassment may intersect with other types of behaviours, including psychological pressure or workplace harassment. The Argentina SATSAID survey, for example, highlighted that sexual harassment only accounted for 3 per cent of responses, against 48.6 per cent for psychological harassment and 48 per cent for workplace harassment.

### Who are the perpetrators?

Perpetrators of sexual harassment were predominantly people in positions of power or co-workers (Figure 4). Over half (53 per cent) of union respondents reported the perpetrators as someone with management power, including hiring power, followed by co-workers (50 per cent). Furthermore, 44 per cent of respondents indicated someone with power over creative content as the perpetrator. The results of the survey conducted by SATSAID, in Argentina, are similar. In that survey, 41 per cent of those who reported having experienced a form of workplace violence identified their supervisor as the perpetrator, against 17 per cent who identified the perpetrator as a colleague, and 15 per cent as a client. The survey conducted by the Finnish Musicians’ Union provides further insight into co-workers as perpetrators: in most cases where victims indicated colleagues as perpetrators, they described them as “colleagues commanding general respect in the music industry and/or physically strong” (Seye, 2018).

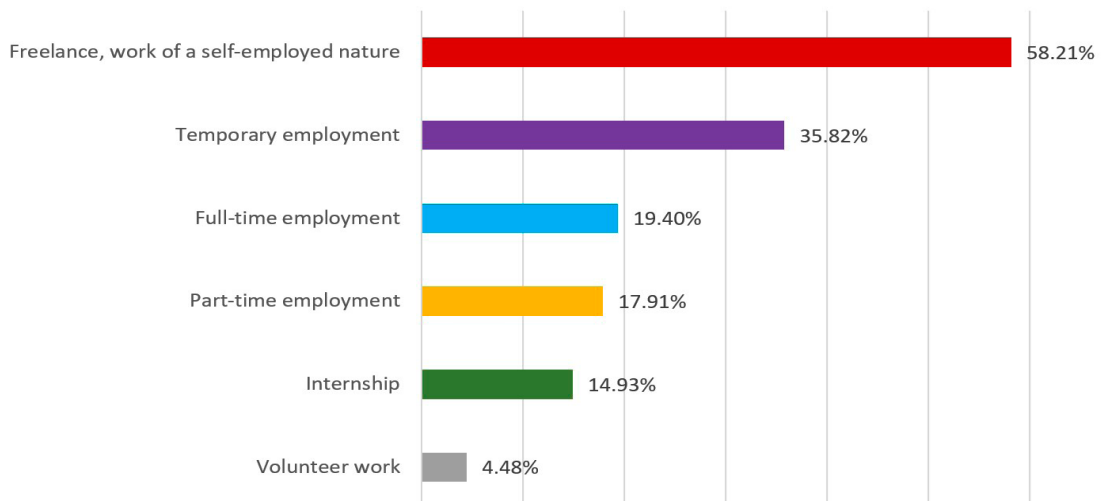
According to testimonials provided in the survey of the Finnish Musicians’ Union, incidents of sexual harassment by third party (i.e., members of the audience) were also common in the live performance sub-sectors, particularly in the pop, rock and jazz fields. Similar responses were provided by the United Union of Musicians and Artists of Colombia (Sindicato Único de Músicos y Artistas de Colombia, SUMARTE) and by the Norwegian Actors’ Equity Association.

Figure 4. Most often alleged perpetrators of sexual harassment



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

Figure 5. Most common types of work arrangements of victims reporting sexual harassment



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

## Work arrangements and sexual harassment in the industry

A closer look into the most common types of work arrangements of the victims of sexual harassment, as reported in the survey, may suggest a possible association between the flexible nature of employment in the industry and a vulnerable environment that could lead to incidents of sexual harassment. The data presented in Figure 5 suggest that, according to the unions' responses, most workers experience sexual harassment while in employment relationships less regulated or less stable in terms of duration and pay, as well as providing less access to union representation and grievance mechanisms. The most commonly reported type of work arrangements under which sexual harassment occurs are freelance or self-employed and temporary employment, which are the most common forms of contractual agreement in the industry. Relevant considerations include the fact that freelance or self-employed workers tend to be less covered (in law or in practice) by employment laws, protective measures or redress mechanisms.

In the case of temporary employment, the nature of the employment relationship intersects with a number of aspects characterizing temporary jobs in the industry, including pressure to ensure the next job, the need to survive in a highly competitive environment, and the need for continued networking. All these pressures may

undermine the worker's ability to react to unwelcome behaviour, exposing him or her to harassment. This, combined with a lack of regulation, could increase both the prevalence and tolerance of sexual harassment (Hennekam and Bennett, 2017).

These trends are reflected in a broader study covering freelancers or workers on short-term contracts (Bates, 2019), and in a study showing greater risk of occupational violence and sexual harassment for temporary and part-time workers compared to workers in standard employment relationships (Quinlan, 2015).

In a 2018 survey in the United Kingdom, 60 per cent of musicians<sup>9</sup> reported that they had been subject to sexual harassment, with 72 per cent of them being self-employed at the time of the incident (ISM, 2018). These results are similar to the responses from the survey conducted by Fafo in Norway, where a large portion of respondents reported being in temporary employment or substitutes at the workplace when the incident occurred (Fafo, 2018).

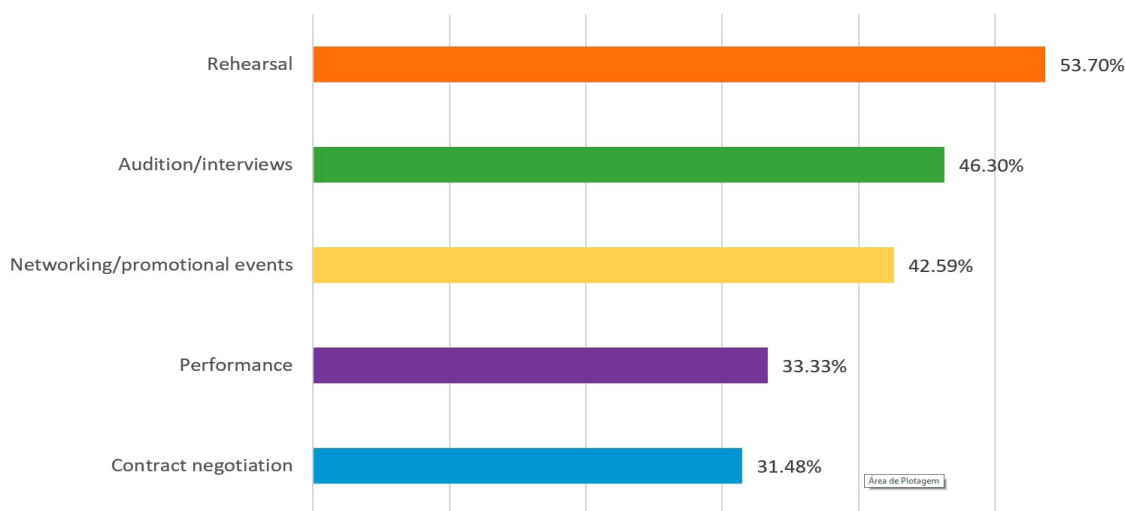
## Where does sexual harassment occur?

- 53.7 per cent of respondents indicated that sexual harassment tended to occur during rehearsals (Figure 6).

Workers in these contexts are particularly exposed to sexual harassment behaviours, especially during the

<sup>9</sup> Of the respondents, 46 per cent identified themselves as female, 16 per cent as male, 0.17 per cent as transgender, 0.17 per cent as "other", and 38 per cent did not disclose their gender.

Figure 6. Where do most of the reported cases of sexual harassment occur?



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

depiction of nude scenes or sexual content. Here, the line between what is role interpretation and what is actual abuse is often blurred. A high number of incidents occurring on the periphery of artistic work, especially in networking and promotional events, was also reported. This is supported by the current literature, which emphasizes how a culture of more informal contacts and networks can give rise to vulnerable situations, especially for women (Hennekam and Bennett, 2017). Accordingly, sexualized behaviour and comments are often more common in informal networking situations and in some cases may be expected or accepted. This can lead to situations where women are more exposed to incidents of sexual harassment, for instance during auditions and interviews (Federation of Entertainment Unions, 2013).

- 46.3 per cent of respondents indicated that incidents of sexual harassment occurred during auditions or interviews.

The exposure of workers to situations of sexual harassment during auditions or interviews may be linked to a combination of a strong competitive environment and the unequal power relationships deriving from the need for workers to be cast, giving directors or choreographers great decision-making power over an important role (Banks and

Milestone, 2011). While, it was not possible to associate the place of occurrence of sexual harassment with a specific type of sexual harassment, some of the instances reported in the union responses may suggest humiliating language or hostile conduct, as well as quid pro quo situations, as most common during rehearsals and auditions. Furthermore, the informality associated with the entertainment industry's image extends to recruitment practices, which can operate outside formal channels (Hennekam and Bennett, 2017). Careers in the industry are often navigated individually and provide minimal opportunity for stable employment. This can make workers feel vulnerable, as they lack authority, and have little autonomy over what type of work they get. As a result, informal networks are often used as a key way to initiate, develop and sustain work (Hennekam and Bennett, 2017). When networking takes place during casual social meetings, the fine line between personal and professional life is distorted (Gruber, 2019). A survey of the Norwegian theatre industry found that new entrants can be particularly exposed to vulnerable situations where they can be more easily subject to sexual harassment, due to the informal nature of the recruitment process (Kleppe and Røyseng, 2016).

## ► 4. Legal frameworks addressing sexual harassment in the entertainment industry

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Governments are increasingly responding to sexual harassment in the entertainment industry, and to sexual harassment at the workplace in general. In the survey carried out for the brief, more than 88 per cent of respondents mentioned being aware of national legal frameworks addressing sexual harassment. Some of these frameworks covered economic sectors, including those in the entertainment industry, through labour legislation. Yet, some unions' responses to the survey, including those from the Finnish Musicians' Union and Creo (Norwegian union for the arts and culture), highlighted the limited nature of the scope of such labour regulations, considering many workers' freelance and self-employment status.

### Sexual harassment in the countries' legislations

Table 4 offers an overview of selected national frameworks addressing sexual harassment through legislation on employment or occupational safety and health. Other laws, including criminal laws, are included as reference, as they can provide protection for all individuals in the world of work, particularly

when there is no other legal provision. Workers in the entertainment industry who have employee status have access to broader protection, as they are covered under national or subnational occupational safety and health legislation or employment law. For instance, in the province of Ontario in Canada, under the Occupational Health and Safety Act, and in Finland, under the Occupational Safety and Health Act, harassment, including sexual harassment, is explicitly prohibited, and is considered as a work hazard. Moreover, in many cases, such as in Switzerland and in the province of Quebec in Canada, although there are no explicit provisions on the issue of harassment or sexual harassment in their respective occupational health and safety legislation, employees may, when sexual harassment results in an employment injury, seek remedies under these legislations. In other countries, including Latvia, Morocco and Norway, as well as in the province of Quebec, sexual harassment is considered as an infraction of employment law. For instance, in Quebec, sexual harassment comes under the disposition on psychological harassment in the Act Respecting Labour Standards.



**Table 4. National legal frameworks related to sexual harassment**

Country	Sexual harassment provision				Specific sexual harassment (in the workplace) act
	Employment standards <sup>1</sup>	Occupational safety and health <sup>2</sup>	General Equality, non-discrimination laws	Other (Civil, criminal, other)	
Argentina	√	√	√		
Australia			√	√ [Civil; Criminal] The Sex Discrimination Act makes sexual harassment a civil offence, but some types of harassment may also be offences under the criminal law	
Brazil <sup>3</sup>		√	√	√ [Criminal]	
Canada (Ontario)	√		√	√ [Civil; Criminal]	
Canada (Quebec)				√ [Civil; Criminal]	
Colombia				√ [Criminal]	√ <sup>4</sup>
Costa Rica					√
Finland		√	√		
Gambia <sup>5</sup>				√	
Germany			√		
Latvia	√			√ [Criminal]	
Mexico			√	√ [General Law on Women's access to a life free of violence]	
Morocco	√			√ [Loi 303-13 relative à la lutte contre les violences faites aux femmes] and [Criminal]	
Netherlands		√			
New Zealand	√		√	√ [Civil; Criminal]	
Norway	√		√	√ [Criminal]	
Peru				√	√
Republic of Korea	√		√		
Senegal <sup>6</sup>					
Serbia			√	√ [Criminal]	√
South Africa			√	√ [Protection from Harassment Act, 2011] and [Criminal]	
Sweden	√		√ <sup>7</sup>		
Switzerland	√		√ <sup>8</sup>	√ [Civil; Criminal]	
United Kingdom			√	√ [Criminal]	

<sup>1,2</sup> Generally applies to workers recognized as employees, with some exceptions.

<sup>3</sup> The labour legislation and the equality or non-discrimination legislation does not contain any explicit provision prohibiting sexual harassment in the workplace; Reference in the Criminal Code.

<sup>4,7,8</sup> Only applies to employment relations; self-employed excluded.

<sup>5</sup> The labour legislation does not contain any provision prohibiting sexual harassment; Reference in the Women's Act, 2010, and the Sexual Offences Act (criminal provisions).

<sup>6</sup> The labour legislation does not contain any provision prohibiting sexual harassment. Reference in the Criminal Code.

Box 2 presents the example of relevant legislation from Sweden and some of the limits associated with the employment status granted to artists.

### **Box 2. Sweden: Legislation related to sexual harassment in the workplace**

The legal framework of Sweden, including the Discrimination Act and the Work Environment Act, contains provisions to prevent harassment in the workplace. The Discrimination Act is of particular relevance. First, sexual harassment is identified as a form of discrimination and is defined in the act as “conduct of a sexual nature that violates someone’s dignity” (section 4.5 of Chapter 1). Then, section 3 of Chapter 2 obliges the employer to investigate and take measures against harassment or sexual harassment. The employer’s obligation refers to events in the workplace, but not exclusively. In section 3 of Chapter 2, the term “in connection with work” can refer to events linked to work, such as business trips or social events. It should also be noted that although these laws are based on the relationship between employers and employees, certain provisions apply to other categories. This obligation also applies with respect to a person carrying out a traineeship or performing work as temporary or borrowed labour. Moreover, section 18 of Chapter 2 states that an employer may not subject an employee to reprisals because the employee has: “(1) reported or called attention to the fact that the employer has acted contrary to this Act, (2) participated in an investigation under this Act, or (3) rejected or given in to harassment or sexual harassment on the part of the employer.”

In January 2017, amendments were made to the Discrimination Act. Provisions, based on cooperation between employers and employees, were imposed in Chapter 3. Section 1 of Chapter 1 indicates: “Employers and employees are to cooperate on active measures to bring about equal rights and opportunities in working life regardless of sex, ethnicity, religion or other belief, and in particular to combat discrimination in working life on such grounds”. For provisions on sexual harassment specifically, section 6 of Chapter 3 indicates the obligation of the employer to “take measures to prevent and hinder any employee

being subjected to harassment or reprisals associated with sex, ethnicity, religion or other belief, or to sexual harassment”. Finally, under section 13 of Chapter 3, employers employing 25 or more employees must develop a gender equality plan every three years, including measures regarding sexual harassment, and the way the employers intend to implement the plan. It is also requested to include, in the next plan, an account on how the measures of the current plan have been implemented.

However, the above measures mainly cover the relationship between employers and employees, and do not therefore include the large number of performing artists that are freelance, self-employed, or under shorter employment contracts. The creation of a Commission against Harassment in the Performing Arts put in place by the employers’ organization Svensk Scenkonst (Swedish Performing Arts Association) and the trade union Teaterförbundet is a sign of their efforts to address the continuing challenge facing the industry.

The situation is similar when it comes to protection under the Work Environment Act, which covers employment and occupational safety and health. The protection is limited to workers who are bound by an employment contract defining the employer-employee relationship, resulting in de facto exclusion of many workers in the entertainment industry from such coverage.

In light of the above, it is noteworthy that the ILO Violence and Harassment Convention, 2019 (No. 190), “protects workers and other persons in the world of work (...) irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer” (Article 2).

## Coverage of the current legal frameworks

With respect to the question of coverage, most countries have laws against discrimination or laws promoting equality in all sectors of the economy. In these laws, sexual harassment is generally covered under the umbrella of gender-based discrimination, or by a stand-alone provision. As this legislation usually encompasses all workers regardless of their employment status, it is thus applicable to workers in the entertainment industry, who are often freelance or self-employed. It also covers situations occurring outside the physical workplace. A notable exception is the case of the Swiss Gender Equality Act that only applies to employment relationships between employers and employees (article 2).

It is also of interest to analyse legislation in the light of Article 3 of the Violence and Harassment Convention, 2019 (No. 190), which states that the Convention “applies to violence and harassment in the world of work occurring 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”.

This is particularly relevant to the entertainment industry, in which, as the survey responses demonstrate, a high number of incidents occur on the periphery of artistic work, especially in networking and promotional events. Of relevance is the Australian Sex Discrimination Act, 1984, under which sexual harassment does not have to take place in the workplace to be unlawful; sexual harassment in employment may also take place in locations associated with work, such as conferences and training centres, restaurants for work lunches, hotels for work trips or office parties. Moreover, under the Sex Discrimination Act, an employer or principal,<sup>10</sup> including a union, is liable for acts of sexual harassment committed by employees or agents in connection with their duties unless all reasonable steps were taken by the employer or principal to prevent sexual harassment occurring.

Finally, it is important to note that most countries studied had criminal provisions on sexual harassment or sexual violence, including incidents of sexual harassment. This is the case of the Senegal’s penal code, or of Peru. In this latter, sexual harassment in the workplace could constitute both a labour infraction and a criminal offence, as Legislative Decree No. 1410, stipulating new employers’ obligations, also modified the Criminal Code (Box 3). Four new crimes have been included to the Criminal Code: harassment, sexual harassment, the dissemination of audiovisual or audio material with sexual content, and sexual blackmail. Sexual harassment in the workplace is an aggravated criminal offence subject to a minimum of four years and maximum of eight years of prison.

### Box 3. Peru: Legislation related to sexual harassment

In July 2019, Legislative Decree No. 1410 modifying Law No. 27942 on the Prevention and Punishment of Sexual Harassment was approved by the Council of Ministers of Peru (Government of Peru, 2019). This decree sets out new prevention measures and sanctions for employers with regard to sexual harassment. Employers must guarantee the rights of people who report incidents of sexual harassment. In addition, the employer must make an annual assessment of incidents and incident risks of this nature. Employers must also train their employees to prevent acts of sexual harassment, and organizations with more than 20 employees must ensure that they set up a committee on interventions against sexual harassment. Organizations with fewer than 20 employees must have, among these, a representative to combat sexual harassment. These provisions apply to individuals under all contractual arrangements, including individuals hired through training contracts, contractors, employees or special services and outsourcing companies (Government of Peru, 2019b).

<sup>10</sup> Under the act, a “principal” is defined, in relation to a contract worker, as a person for whom the contract worker does work pursuant to a contract between the employer of the contract worker and the person.

## Employers' responsibilities

### Box 4. Employers Obligations & Liability for Employees Health and Safety – key areas

- Vicarious liability is the **responsibility of the superior for the acts of their subordinate** or, more broadly, the responsibility of any third party that had the “right, ability or duty to control” the activities of a violator
- The employer has a statutory **duty to protect the safety of employees**, as a result of legislation such as OSH and **to take reasonable care** of their employees' safety with regard to work.

Vicarious liability -- is found in several laws, when dealing with sexual harassment (Box 4). For example, in Serbia, the Law on the Prevention of Harassment at the Workplace, 2010, makes the employer “responsible for any damage that the official or employee carrying out harassment causes to another employee employed by the same employer” (article 9).

The responsibility of the employer for any conduct of an employee, with or without their knowledge and approval, is also found in other legal texts, including the Equality Act, 2010, of the United Kingdom, and the Occupational Health and Safety Act of the province of Ontario, Canada.

Employers also hold other broader responsibilities, in particular the obligation to take reasonable steps or measures to prevent or address violence and harassment. The Violence and Harassment Convention, 2019 (No. 190), also lists a series of obligations that should be reflected in national legislation. Article 9 states that

“laws and regulations adopted following the ratification of the Convention should require employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including adopting and implementing a workplace policy on violence and harassment; taking into account violence and harassment and associated psychosocial risks in the management of occupational safety and health; identifying hazards and assessing the risks of violence and harassment; and providing to workers and other persons concerned information and training”.

While some laws do not elaborate further on the obligation of reasonable steps, such as the Obligations Code (article 328) and the Labour Law (article 6, paragraph 1) of Switzerland, others dictate the obligations of employers.

For instance, in the province of Quebec, Canada, under the Act Respecting Labour Standards, section 81.19, all employers are required to have in place a policy for the prevention of psychological harassment (including sexual harassment) and a complaints procedure.

In Germany, the General Act on Equal Treatment prescribes a set of employer obligations to prevent sexual harassment, as well as the obligation to react to detected sexual harassment through “appropriate measures, such as cautioning, moving, relocating or dismissing the employee in question”. Another example is the 2018 Korea's Equal Employment Opportunity and Work-Family Balance Assistance Act and the Labour Standards Act which included provisions about the employers' obligation on prevention of sexual harassment (Box 5).

### Box 5. Government of the Republic of Korea new provisions on sexual harassment in equal opportunity law and labour legislation

In 2018, the Government of the Republic of Korea introduced amendments to the Equal Employment Opportunity and Work–Family Balance Assistance Act. The key changes are the obligation for employers to provide annual preventive sexual harassment training in the workplace, the obligation to investigate without delay, and the prohibition of disadvantageous measures against victims or complainants and witnesses, such as dismissal, demotion or other disciplinary actions. The amendments also place the obligation of confidentiality on any person investigating a complaint, receiving a report or participating in an investigation. Moreover, when sexual harassment in a workplace is confirmed, an employer must take appropriate measures to protect the victim, such as offering that person a change of workplace or paid leave. Protection also extends beyond the physical workplace to such occasions as business trips, parties and other social events.

Amendments were also made to the Labour Standards Act of the Republic of Korea, in the first instance to provide a definition of workplace harassment, as follows: “an act of an employer or employee that causes physical or mental suffering or worsens the working environment of another employee by taking advantage of his or her status or relationship within the workplace beyond the appropriate scope of work.”

The amendments also establish new employers’ obligations similar to those in the Equal Employment Opportunity and Work–Family Balance Assistance Act, such as the prohibition of workplace harassment, the requirement to investigate complaints, and the protection of the person making the complaint, including against any form of retaliation. Finally, the ill effects of work-related harassment may now make a worker eligible for compensation. In that regard, an amendment to the Industrial Accident Compensation Insurance Act adds the following to the definition of occupational illness: “illness caused by work-related mental distress due to harassment in the workplace, such as verbal abuse by customers/clients.”

## Monitoring and enforcement mechanisms

Following the ratification of the Convention No. 190, Members should also adopt mechanisms to monitor and enforce national laws and ensure easy access to appropriate and effective remedies. For instance, they should ensure access to complaint and investigation procedures, as well as dispute resolution mechanisms at the workplace level (Article 10(b)(i)), and protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers (Article 10(b)(iv)).

While measures exist in a number of countries, they tend to be scattered in different bodies of law.

- A provision in the Working Environment Act of Norway, section 2 A-2, although not limited to cases of sexual harassment, offers protection against retaliation in connection with the notification of any censurable conditions at the employer’s undertaking.
- Under the Occupational Health and Safety Act of Ontario, Canada, the employer has the obligation to assess the risk of violence in a workplace, and to develop and maintain, in consultation with the committee or a health and safety representative, a written programme<sup>11</sup> to implement a workplace policy with respect to violence and workplace harassment, required under clause 32.0.1(1)(b) of the same law.

## Prevention of forced arbitration and non-disclosure agreements

Spurred by the #MeToo movement, several states in the United States of America have considered bills or passed legislation prohibiting forced arbitration and non-disclosure agreements in the context of sexual harassment.

- In California (United States), Senate Bill 820 added section 1001 to the California Code of Civil Procedure in January 2019. Known as the Stand Together Against Nondisclosure (“STAND”) Act, the legislation prohibits any provision in a settlement agreement that prevents the disclosure of information relating to a legal claim regarding acts of harassment.
- Similar legislation went into effect in December 2017 in New Jersey, United States. It prohibits clauses in agreements that require the victim to give up any procedural or substantive rights or remedies in cases of harassment.

<sup>11</sup> “32.0.2 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a). ... (2) Without limiting the generality of subsection (1), the program shall (a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury; (b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur; (c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor; (d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and (e) include any prescribed elements.”



- A Senate bill is currently before the Senate Labour Committee, New York State Assembly, entitled “An Act to Amend the Labor Law, in Relation to Contract Provisions Waiving Certain Substantive and Procedural Rights”. The effect of the bill would be to prohibit clauses in employment contracts concealing information relating to a claim of discrimination, non-payment of wages, retaliation, harassment or violation of public policy (Tippett, 2018).

The Box 6 below provides an overview of the practices around forced arbitration and non-disclosure agreements.



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### Box 6. Forced arbitration and non-disclosure agreements

Forced arbitration refers to a provision included in the employment contract that requires employees to channel their workplace disputes through an extra-legal negotiation process rather than through the court. Forced arbitration is mandatory and employees are required to waive their right to sue, to participate in a class action lawsuit or to appeal. The decision is binding, and the results are not public.

Mandatory arbitration clauses are often paired with non-disclosure agreements preventing victims from speaking about a deal or the events that led up to it. Non-disclosure agreements are common in entertainment contracts (Breeland, 2018). While they can be used to control inappropriate sharing of confidential

information, non-disclosure agreements have also been used to cover up incidents of sexual harassment, including through provisions preventing artists from disclosing information during the course of their employment. Several criticisms have been raised on the negative impact these provisions may have on the victims of harassment, and they are likely to be used by individuals in a position of power to silence victims. This has led to calls for increased regulation and oversight on the use of non-disclosure agreements to cover abuses, or for a ban of non-disclosure agreements in sexual assault and sexual harassment cases (Prasad, 2018).

## ► 5. Bipartite social dialogue between trade unions and employers/ employers' organisations

- Measures do exist to allow collaboration between unions and employers / employers' organizations on measures to address sexual harassment.
- Law and policies, while not enough, should help triggering action through joint labour management initiatives.
- Ongoing joint initiatives include codes of conduct, collective agreements or joint programmes including joint surveys to map the extent of the problem of sexual harassment in the respective sub-sectors of the entertainment industry and to assess the existence of emerging practices.

Given the developing nature of legislation on sexual harassment, workers' and employers' initiatives remain critical means to combat the problem. Around 69 per cent of survey respondents confirmed the existence of measures whereby unions and employers' organizations collaborated on measures to address sexual harassment.

In general, while laws and policies are not enough to ensure an effective response to sexual harassment at work, they are still important to trigger action at country level to address and prevent sexual harassment, including through joint labour management initiatives. They are also important in penalizing harassment in the world of work, and thus have a deterrent effect.

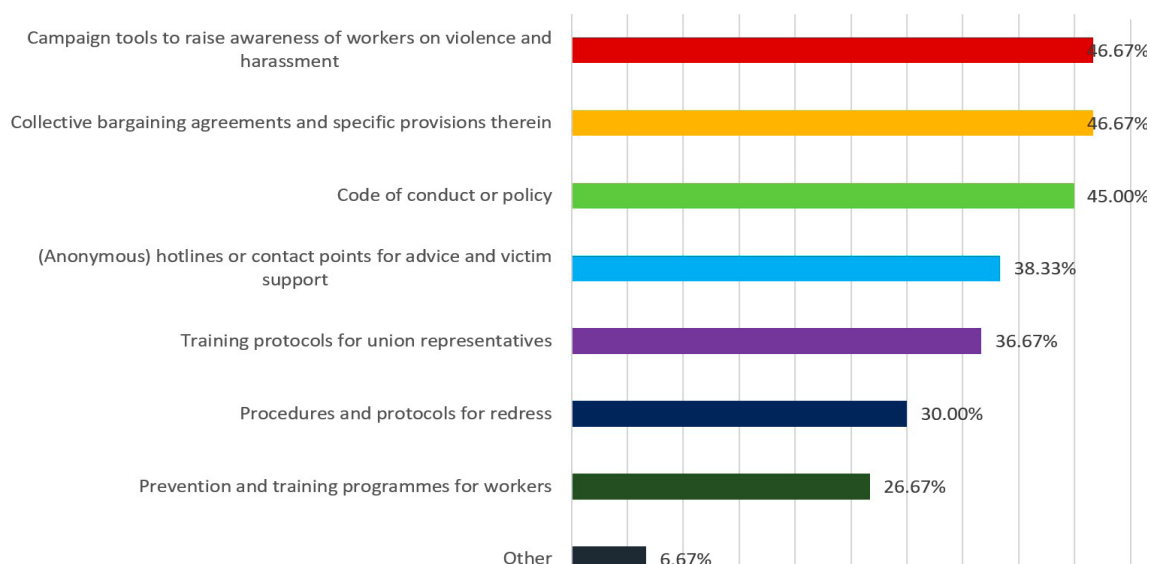
### 5.1. Union-based initiatives

In terms of measures by trade unions, over 46 per cent of respondents indicated that collective bargaining agreements, and the specific provisions therein, were common measures employed by unions to address sexual harassment.

#### Awareness-raising campaigns

Campaign tools to raise awareness among workers on violence and harassment, and codes of conduct or policies, were also mentioned by union respondents (46.7 per cent and 45.0 per cent, respectively) (Figure 7). In the wake of the #MeToo phenomenon, a number of awareness-raising campaigns have been put in place by unions in the entertainment industry. In addition to the data collected through the survey, further research identified additional initiatives, several of which are presented in Table 5.

Figure 7. Methods and measures of trade unions to combat violence and harassment



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

**Table 5. Awareness campaigns on sexual harassment in the entertainment industry**

Country	Union	Campaign	Information and comments
Argentina	SATSAID	Campaign against violence and harassment in the workplace	The campaign against violence and harassment in the workplace was launched in 2019. As part of this campaign, SATSAID (representing workers in television) conducted a sectorwide survey on violence in the workplace (see section 3.2 above). As a result of the survey, a collective bargaining clause is being discussed to ensure leave for women who are victims of domestic violence. Furthermore, SATSAID is working on a protocol whereby companies would offer women and other workers protection from violence and harassment, as well as an internal protocol to assist unions in identifying and addressing violence and harassment cases.
Belgium	ACOD Cultuur	Engagement Arts	Engagement Arts is an artist-led campaign, supported by ACOD Cultuur, to promote an inclusive and harassment-free artistic sector.
Finland	Women in Film and Television (WIFT) Finland	#kulissientakana	#kulissientakana (“behind the scenes”) is a social media campaign by women in the performing arts, inspired by the larger, international #MeToo movement.
France	French Union of Performers and National Federation of Trade Unions of Entertainment, Cinema, Audiovisual and Cultural Action <sup>12</sup>	l’Envers du décor	l’Envers du décor (“behind the scenes”) is an online safe space for anonymous testimonials and experience sharing for workers in the performing arts. The web platform also provides resources and advice for workers who are victims or witnesses of sexual violence in their work environment.
Senegal	Association of Musicians (AMS) and the Association of Senegalese Jurists (AJS)	Charter on violence and harassment, support units and awareness raising campaigns	The partnership resulted in the creation of support units in different parts of Senegal, using the network of jurists of the AJS. Senegalese musicians are offered psychological support and legal assistance to address issues of sexual harassment and gender-based violence. Furthermore, through this collaboration, “paralegals” have been trained among AMS members in order to strengthen the union’s capacity to assist its affiliates.  Awareness-raising campaigns on violence against women and girls in general but with a focus on the music sector have been organized and a Charter to address violence and harassment will be signed in December 2019 by the two organizations.
South Africa	Sisters Working in Film and Television (SWIFT) and South African Guild of Actors (SAGA)	#ThatsNotOk	The #ThatsNotOk campaign includes a series of short videos acting out real-life incidents from the poll conducted with women in the film industry between January and April 2019 by the same group.
United Kingdom	Equity and the Musicians’ Union	Safe Space campaign	The Safe Space campaign has been put in place to inform and raise awareness among performers. Various tools and resources have been made available to them, such as a guide on unacceptable behaviour and good practice, and advice for members who are victims or observers of sexual harassment or assault.

<sup>12</sup> Syndicat français des artistes-interprètes (SFA) and Fédération nationale des syndicats du spectacle, cinéma, de l’audiovisuel et de l’action culturelle (FNSAC).

## Union-based codes of conduct

In terms of codes of conduct or policies developed by unions, 45 per cent of respondents indicated using these measures to combat sexual harassment. Through complementary research, we confirmed that several unions had put in place codes of conduct to bring about a culture change.<sup>13</sup> Table 6 presents codes of conduct described by union respondents.

**Table 6. Codes of conduct identified by union respondents**

Country	Union	Code of conduct
Canada (Quebec)	Union des artistes	The code of conduct, developed by the Union des artistes and approved by 43 organizations, unions, associations and cultural groups, is in the form of a poster and is distributed in the workplaces of the various cultural sectors in Quebec.
South Africa	SAGA and SWIFT	A code of practice has been introduced setting out principles and policies for the elimination of sexual harassment in the film and television industry.
United States	Screen Actors Guild–American Federation of Television and Radio Artists (SAG-AFTRA)	A code of conduct on sexual harassment, with the slogan “Stop. Support. Report”, is part of a wider strategy to address sexual harassment in the industry. The code of conduct provides practical guidance to understand sexual harassment, employers’ legal and contractual obligations, and how to address sexual harassment in the workplace and related environment.
	Actors’ Equity Association	A concise code of conduct has been developed to promote a respectful environment free of discrimination and harassment.

## Hotlines and contact points

Unions’ measures to address sexual harassment include hotlines or contact points for advice and support for victims (according to 38.3 per cent of respondents). Additional research identified helplines in place to counsel artists and protect them from sexual harassment at work, for example the Women in Film Helpline run by Women in Film Los Angeles.<sup>14</sup> The helpline, which was launched in 2017, is an integrated programme that offers resources and support to those who have experienced sexual harassment while working in the entertainment industry. The helpline was expanded to New York in 2019, in partnership with New York Women in Film and Television and the Actors Fund. Other countries have set up helplines for victim of bullying and harassment, including sexual harassment, for example Canada, Denmark, Ireland and the United Kingdom. The Actors’ Union of Chile (Sindicato de Actores de Chile, SIDARTE) has created an email address specifically to enable performers to report cases of any gender-based act of violence, including sexual harassment.

## Other initiatives and programmes

Other initiatives launched by unions include a *Workplace guide to dealing with sexual harassment* developed in 2018 by BECTU, the United Kingdom media and entertainment trade union. This guide includes information on the procedures to follow in case of such incidents and on the laws covering sexual harassment at work, including the Equality Act, 2010.

## 5.2. Joint initiatives between unions and employers’ organizations

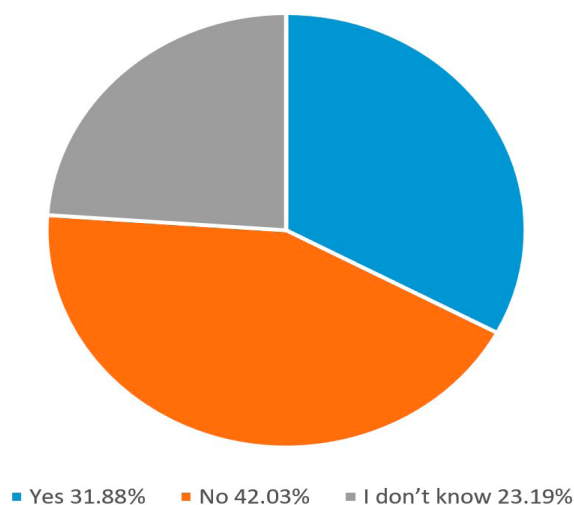
The majority of the unions participating in the survey (42 per cent) responded that there was no bipartite social dialogue mechanism in place to address sexual harassment; 23.2 per cent of union respondents answered that they were not aware of any such mechanism. However, 31.9 per cent reported the existence of some kind of joint initiative between unions and employers’ organizations in their countries (Figure 8).<sup>15</sup>

<sup>13</sup> For a collection of codes of conduct, policies, campaigns and other initiatives, see the International Federation of Actors website – Combatting sexual harassment: resources, inspiration and good practice (<https://fia-actors.com/policy-work/sexual-harassment-and-gender-equality/combating-sexual-harassment-resources-inspiration-and-good-practice/>, accessed 3 December 2019).

<sup>14</sup> Women in Film Los Angeles is a chapter of Women in Film and Television International.

<sup>15</sup> Belgium, Brazil, Canada, Chile, France, Germany, Mexico, Norway, Republic of Korea, Spain, Sweden, Uganda and the United Kingdom.

Figure 8. Bipartite social dialogue mechanisms in place



Note: The percentages in the figure are higher than 100 per cent as respondents could select multiple responses.

Beyond specific mechanisms, a number of joint initiatives, codes or programmes were highlighted by the survey findings and by additional research. Several unions, for example, reported that they were actively engaged in joint surveys to map the extent of the problem of sexual harassment in their sectors and to assess the existence of emerging practices, such as joint ethical guidelines or codes of practice, industry initiatives and programmes.

The findings and other reports indicate that there are a number of enterprise or sectoral level agreements covering sexual harassment. Vereinte Dienstleistungsgewerkschaft (ver.di) – the German United Services Trade Union – reported that every State institution in the live performance or audiovisual sectors had agreements between the employer and the works council representing workers in those sectors, with the goal of preventing sexual harassment and adhering to national legal provisions on sexual

harassment, such as the General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz).

One respondent in the survey drew attention to a collective agreement in the United Kingdom between the British Broadcasting Corporation (BBC) and BECTU, whereby cases of bullying and harassment, including sexual harassment, were to be dealt with by an independent arbiter if internal resolution were not possible.

Further research highlighted additional joint initiatives, including collaboration of sectoral associations and representatives of employers and workers from the culture, media and broadcasting sectors, to address common concerns related to sexual harassment in the entertainment industry (Table 7).



**Table 7. Examples of joint initiatives to combat sexual harassment**

Country	Initiative
Australia	<p>The Australian screen industry Code of Conduct on Sexual Harassment and Bullying was developed by Screen Producers Australia, as the body representing the employers in the screen industry, and the Media, Entertainment and Arts Alliance, as the body representing the workers (Screen Producers Australia, 2017). The aims of the code of practice and its associated workplace policies are as follows:</p> <ul style="list-style-type: none"> <li>• advise employees and freelancers on what constitutes bullying and sexual harassment;</li> <li>• advise workers of their obligations and rights in relation to sexual harassment and bullying complaints and grievances;</li> <li>• shape the procedure and process for reviewing and resolving sexual harassment and bullying complaints and grievances in an objective, fair, timely, confidential and sensitive manner;</li> <li>• support the elimination of incidents of bullying and sexual harassment on television, new media productions and film;</li> <li>• protect workers and contractors from reprisals and victimization;</li> <li>• inform workers and freelancers of the negative consequences of sexual harassment and bullying, i.e. potential civil and criminal charges, and the negative impact it may have on their career.</li> </ul>
Brazil	<p>Pacto de responsabilidade anti-assédio sexual no setor do audiovisual</p> <p>These guidelines are a collaborative effort from employers' and unions' representative entities of the audiovisual sector aiming at addressing sexual harassment in and around the workplace and build awareness through a culture of respect for others.</p> <p>The guidelines also offer directions on steps to be undertaken in case of sexual harassment; recommendations for employers, and sexual harassment clauses to be included in contracts.</p>
Canada	<p>In 2018 Canadian Creative Industries, a coalition of many industry stakeholders, launched the Canadian Creative Industries Code of Conduct. Signatories of the code confirmed their commitment to respectful and safe workplaces and an entertainment industry free of harassment, including bullying, discrimination, violence and sexual harassment (Canadian Creative Industries, 2018). The code of conduct proposes the following steps to identify and address harassment in the workplace:</p> <ul style="list-style-type: none"> <li>• enact policies and procedures that maintain zero tolerance for harassment, discrimination, bullying and violence;</li> <li>• designate people in the workplace to receive complaints of harassment, discrimination, bullying and violence;</li> <li>• provide a timely process for the investigation and resolution of complaints;</li> <li>• implement proportional consequences for violations;</li> <li>• protect from retaliation or reprisal those individuals who in good faith allege violations of anti-harassment, discrimination and violence policies and procedures.</li> </ul> <p>As in the case of several of the previously mentioned codes, the preamble to the Canadian Creative Industries Code of Conduct states that the code applies to any work activity and work-related environment:</p> <p>"The principles espoused in this Code are applicable to all work and work-related environments. These can include but are not limited to, auditions or casting meetings, job interviews, industry events, festivals, awards, company functions, production studios and sets (whether local or remote), offices and rehearsal and performance venues."</p>

In Canada, in 2017, the Canadian Actors' Equity Association and the Professional Association of Canadian Theatres created the Not in Our Space! campaign (Canadian Actors Equity Association and Professional Association of Canadian Theatres, 2017). The objectives of the campaign are:

Canada

- stopping harassment before it starts;
- educating Equity members and their co-workers about prohibited workspace behaviours, to prevent them from happening in the first place;
- encouraging witnesses as well as subjects to come forward when they experience or observe harassment and bullying (collective responsibility);
- empowering individuals to act through multiple reporting options, including easy access to Equity support networks;
- providing resources and assistance for situations where problems do occur.

Canada (Quebec)

In Quebec, for a small fee, members of the associations affiliated to Juripop Artistes have access to low-cost legal services, including representation by a lawyer, in cases of sexual harassment and other issues. The resource centre – called L'Aparté – offers first assistance to all those in the cultural industry who have been subject to or witnessed harassment (psychological or sexual) or violence at work. L'Aparté provides support and directs and accompanies people through the various stages and redress procedures. Following the success of this service, it was announced in 2019 that it would be extended to all sectors of the economy.<sup>16</sup>

Germany

In Germany, the Themis platform was launched in 2018 by a coalition of industry associations and employers' and workers' representatives in the film, television, and live performance industries.<sup>17</sup> It provides legal and psychological advice and offers assistance to victims of sexual harassment and violence. As a response to the specificities of the sector (often limited-term projects with no fixed business structures), it offers an independent point of reference and expert knowledge to those seeking help for a range of incidents from verbal harassment to serious crimes such as rape. Themis has also assisted companies seeking information on dealing with complaints or putting in place preventive measures. Themis receives financial support from the Federal Government Commissioner for Culture and the Media.

Ireland

In Ireland, the Irish Theatre Institute is developing a code of behaviour for use in theatre.<sup>18</sup> The proposed code stipulates that every employer has a legal obligation to guarantee that the workplace and work-related social events afford dignity and respect to all workers, including freelancers (Irish Theatre Institute, 2018). It also indicates that clear policies and protocols should be in place that specify the behaviour and responsibilities of workers and employers in the workplace, in particular policies on harassment, bullying, sexual harassment and victimization.

As seen above with other codes, the proposed code of behaviour defines the work location in broader terms than just the physical space where people work. It states that in the theatre, "bullying, harassment and sexual harassment can take place in a number of work locations, including in the workplace; outside the workplace at opening and closing nights, functions, launches, receptions; on tour; at any other place where employees/workers are present for company business, for example training days, award ceremonies, residencies, workshops, festivals".

United Kingdom

A set of principles to tackle and prevent bullying and harassment in the screen industries has been commissioned by the British Film Institute (BFI) working in partnership with the British Academy of Film and Television Arts (BAFTA) and with the input of leading screen sector industry organizations. A number of organizations have supported the development and shaping of the set of principles, including BECTU, Equity, Pact, the Production Guild, Women in Film and Television, the Writers' Guild of Great Britain, UK Screen Alliance, and UK Interactive Entertainment, representing organizations across the film, games and television sectors. The set of principles includes all workers in the industry, including casual workers and freelancers. The next step is to agree on a model policy to ensure that workers can be protected across the industry.<sup>19</sup>

, and only half had information on complaint procedures.

<sup>16</sup> <https://www.aparte.ca/l-aparté>.

<sup>17</sup> <https://themis-vertrauensstelle.de>

<sup>18</sup> A discussion document towards a code of behaviour for the Irish Theatre is available here: <http://www.irishtheatreinstitute.ie/attachments/c512602b-e015-48fa-a071-b70ed31a5e65.PDF>

<sup>19</sup> A set of principles to tackle and prevent bullying and harassment in the screen industries: <https://www.bfi.org.uk/about-bfi/policy-strategy/set-principles-screen-industry>, accessed 3 December 2019.

Recommendation 206 (II.7) highlights the need for a workplace policy, which should:

- ▶ “(a) state that violence and harassment will not be tolerated;
- (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;
- (c) specify the rights and responsibilities of the workers and the employer;
- (d) contain information on complaint and investigation procedures
- (e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate;
- (f) specify the right to privacy of individuals and confidentiality, as referred to in Article 10(c) of the Convention, while balancing the right of workers to be made aware of all hazards, and
- (g) include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.”

### Scope of the unions-based or joint codes of conducts and guidelines

In terms of the place of the occurrence, most codes (union-based or joint) extended beyond the workplace:

- ▶ In the United States, the union-based SAG-AFTRA code extends the employer’s obligations to maintain a harassment-free work environment to other locations where an employee is required to be in the course of their employment, such as meetings, auditions, parties and networking events.
- ▶ Although the code of the Actors’ Equity Association is more concise and there is no provision dealing

with the locations where sexual harassment occurs, the definition of harassment specifies that certain forms of harassment can occur “elsewhere on the premises of the activity, events, or meeting”.

- ▶ The Canadian Creative Industries Code of Conduct (joint code) applies to work environments such as auditions or casting meetings, job interviews, industry events, festivals, awards, company functions, production studios and sets (whether local or remote), offices and rehearsal and performance venues.

The scope, in terms of protected persons, extends beyond the employee in some codes, such as the joint Australia’s screen industry code of conduct (Table 7) and the union-based South Africa code of practice (Table 6). The latter states: “Clients, suppliers, contractors, job applicants and others who have dealings with the business but are not directly involved in the production, may also be perpetrators and victims of sexual harassment. ... A non-employee who is a victim of sexual harassment may lodge a grievance with the employer of the harasser where the harassment has taken place in the workplace or in the course of the harasser’s employment.” The Brazil’s “Pacto de responsabilidade” for the audiovisual sector (Joint code, Table 7) also mentions the responsibility of the employer to take the necessary measures to avoid a hostile work environment and to ensure good management of any incidents affecting not only individuals under an employment contract but also clients and those under a service contract.

### Prevention programmes and complaints procedures

The analysis shows also that a minority of the codes of conduct mention a prevention programme. Of those that did have a prevention programme, few contained explicit measurable objectives. Also, in most cases the roles and responsibilities referred only to employers, and only half had information on complaint procedures. The majority of the codes also indicated that victims, or sometimes “employees” (for example, in reference to witnesses of incidents of sexual harassment in an organization), should be protected against victimization and retaliation. However, no mention is made of the protection of whistle-blowers. Finally, in the Brazilian “Pacto de responsabilidade” for the audiovisual industry, there are proposals for contractual clauses obliging employers to respect their responsibilities in the case of incidents of sexual harassment.

## ► 6. Policy considerations

### 6.1. Systemic and policy issues

The information collected through the union-based survey reveals that a body of initiatives, codes and legislation is being developed to combat sexual harassment. While the #MeToo movement has stimulated society and governments to scale up the response to gender-based violence and harassment, a more encompassing response to the broader range of behaviours that lead to violence and harassment at work (beyond gender-based violence and harassment) is needed. Furthermore, the survey results are consistent with the findings from the literature analysed above. Incidents of sexual harassment tend to reinforce power inequalities, be they expressed through job relations or gender relations. A one-off or repeated act or behaviour may be used to assert sexual inequality. When other grounds of discrimination – based on race, age, sexual orientation, disability or other characteristic – intersect with sex-based discrimination, this exacerbates the existing power imbalances and increases the risk of sexual harassment (ILO, 2019; ILO, 2020b).

Gender inequalities persist in the entire labour market and in all sectors, including those in the entertainment industry. Efforts of policy-makers and social partners should be directed towards removing the systemic barriers that make workers in the industry more vulnerable. Measures may include ensuring representation and coverage of self-employed and freelancers in any action, codes or policy related to violence and harassment; including violence and harassment clauses in collective bargaining agreements, global framework agreements and equality plans, as required by law (Box 7); and addressing violence and harassment in combination with actions tackling the underlying gender imbalances in the entertainment industry, including closing the gender pay gap, increasing the numbers of women in leadership positions, and reduction of gender segregation in the sub-sectors within the industry. This also entails advancing women's participation in the negotiations of these agreements, plans and policies (ILO, 2019).

Legal frameworks, while not enough in themselves to ensure a response to violence and harassment at work, should trigger actions by employers' and workers' organizations, provide minimum standards and set clear responsibilities for workers' and employers' organizations, as well as clarifying procedures for protection of victims and whistle-blowers and redress mechanisms. The capacity of government bodies to ensure effective enforcement of legislation is another issue that needs to be addressed.

#### Box 7. Spain: Addressing sexual harassment through equality legislation

In Spain, Decree 6/2019 strengthens the application of the principles of Equality Law 3/2007, a pioneer law in Spain aiming at eradicating direct and indirect discrimination against women in the workplace (Government of Spain, 2019, 2017). The decree stipulates that companies with 50 or more workers put in place a mandatory equality plan. The decree also establishes a registry for company equality plans. The equality plans need to include a diagnostic of and measures to prevent sexual harassment. The plans are also compulsory in collective bargaining agreements, and conciliation measures should be part of those agreements, including sanctions for non-compliance. The equality plans cover all workers whose contract is regulated (including freelancers).\*

\* According to the decree, companies with more than 150 workers and up to 250 workers will have a period of one year to approve equality plans. Companies with more than 100 and up to 150 workers will have a period of two years to approve equality plans. Companies with 50 to 100 workers will have a three-year period for the approval of equality plans.

Furthermore, the limited scope of most legal frameworks and mechanisms can undermine the ability of workers to seek remedy in sexual harassment. A more integrated approach is needed, looking not only at employment standards and occupational safety and health. This would include specific provisions on sexual harassment in non-discrimination and equality or criminal laws, which have a broader coverage, not limited to the employment status. Furthermore, these frameworks should cater for situations occurring not only in the physical workspace but also during work-related activities, such as social events, training, auditions and networking.

The promising level of collaboration between employers' and workers' organizations in the entertainment industry, as reported in the survey results, is a good starting point. However, the union responses highlighted the need for a more comprehensive and coordinated sectoral response, including sectoral mechanisms to go beyond sexual harassment and address all forms of work-related violence and harassment.

Uneven progress between countries in terms of their readiness to put in place effective measures to address violence and harassment at union level is evident from the survey responses. There is a need for unions to assess countries' capacities in terms of legal and policy review and programmes being undertaken, to identify different stages in the response to sexual harassment, and to develop strategies that respond to different countries' realities.

Accordingly, while progress has been made, existing policies in the industry and codes of conduct tend to be limited to company-level initiatives, while a wider sectoral approach would be more beneficial. This would result in a uniform set of standards that would fill gaps and inconsistencies across the different sectors of the entertainment industry, making it easier for workers to be aware of their rights and obligations as they move between companies and sectors. Discussions with union respondents indicated the need for industry-level initiatives, with clear lines of responsibility in the reporting and protection procedures. Policies and codes of conduct need to be seen less as a question of increased liability and more as a tool to reduce risks by promoting a culture of prevention and a work environment that addresses the root causes of violence and harassment.

## 6.2. Sector-specific issues

### Dealing with unequal power relations in the entertainment industry

Working conditions and the organization of work in the entertainment industry may play a role in increasing workers' vulnerability to sexual harassment. This is partly linked to the persistence of structural obstacles linked to gender stereotypes, the broader socio-economic and political distribution of power that may be prevalent in a specific sector, resulting in failing social dialogue mechanisms, weak labour institutions, differentials in treatment between employees and freelancers in the entertainment industry, and inequalities in contractual provisions. There is the need for all the actors in the industry to rethink these power structures and lead a change from within, reviewing and assessing what works in the system to guide the reform its institutions and practices.

### Addressing broader gender equality issues in the entertainment industry

Often women's under-representation in leadership and management positions is linked to persistent gender stereotypes and a masculine corporate culture (ILO, 2019), which may increase women's exposure to sexual harassment. The promotion of

women to leading management roles (for example, choreographers, directors, conductors or composers), more gender-balanced funding through increasing the share of women's productions, and the reduction of gender segregation in some of the entertainment industry's sectors would help to generate a more equal distribution of power.

Furthermore, ensuring a change in the ethos of leadership – in unions, production companies, theatres, orchestras and other entities – will help give voice to those who are more vulnerable and promote them to positions of authority within an organization, as well as helping to change the culture and mindset within decision-making structures.

### Putting in place effective mechanisms at sectoral and workplace levels

At sectoral and workplace levels, procedures need to be established for assessing the risks of and workers' vulnerabilities to sexual harassment; as well as for identifying situations that may expose these workers to higher incidences of sexual harassment.

Redress mechanisms should be put in place and be part of workplace structures or sectoral mechanisms, and should cover all workers regardless of their contractual status, and whether or not they are organized in unions (Box 8).

#### Box 8. India: Setting up committees in the workplace for redress

Internal and local complaints committees for redress procedures of sexual harassment cases in the workplace are established by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. These committees, and the related law, cover not only women employees but all women irrespective of their contractual status, including domestic workers and unorganized workers (UN Women, 2018).

As for risk assessment, this needs to look at broader policy issues related to working conditions, contractual arrangements, benefits policies, and the overall discriminatory practices that may be predominant in a work environment. Following the risk assessment, effective monitoring systems need to be put in place with clear targets.



Joint labour–management mechanisms and procedures at sectoral and workplace levels should be established or upgraded to deal with violence and harassment issues, as in the case of Peru, where ad hoc committees have been established to intervene in the workplace in case of violence or harassment (see Box 3).

### Improving knowledge on violence and harassment in the industry

There is a knowledge gap at country level, and at the sectoral level in particular, with regard to the prevalence and patterns of sexual harassment, how violence and harassment are defined, the regulatory systems that are in place, which groups or sectors are most exposed, and what measures really work. There is a need to better disaggregate the analysis by sector (music, theatre, audiovisual, broadcasting) in order to fully harness the diversity of the industry. There is also a need to collect better data on reporting, the frequency of reporting, which people are reporting, who are the alleged perpetrators (co-workers, directors, or others), how many investigations took place, and the outcomes of those investigations. This would allow all stakeholders, including victims and witnesses, to have a better sense of the effectiveness of redress mechanisms and their capacity to bring justice.

### Clarifying lines of responsibility

Unions need to be able to respond to requests by their affiliates to deal with cases of violence and harassment. Supportive measures include establishment of lines of responsibility within unions, training protocols for union representatives, and clear procedures and protocols for redress within union structures. Such measures will help ensure that combating violence and harassment is integrated in the unions' mobilization activities as work-related issues.

### Addressing the broader systemic issues

Notwithstanding the spotlight on the powerful producers, directors and leaders accused of sexual harassment in the entertainment industry, the union-based survey tells us a more subtle and complex story, whereby over 50 per cent of perpetrators are co-workers. This is linked to a work environment that overlaps with a conducive culture in the entertainment industry that often normalizes sexual harassment. The higher exposure of workers during rehearsals, auditions and social events to harassment is not just about the way in which the work is organized but also about the specific dynamics in the industry: the fear of professional repercussions, the blurring of lines

between professional and social life, fears of being blacklisted, pressure to get the next role or gig, and the need to keep the network alive in order to find the next employment.

In this context, measures designed to promote systemic change need to arise from social dialogue and collaboration between workers and employers. Specific examples can be found in some countries. For example, in the Irish audiovisual sector the provision of funding is linked to the existence of anti-bullying and harassment procedures. The Arts Council of Ireland, which is the main funder for the Irish live performance sector, is lobbying for a similar provision for live performance, which could be extended to also cover visual arts, writers, street performers and all areas funded by the Arts Council. Arts organizations applying for funding will have to demonstrate that they are operating good practice in this area as part of the application procedure.

### Grooming leaders to respond to violence and harassment within the different sectors of the entertainment industry

Finally, in order to address the organization's culture of tolerance for sexual harassment, leadership from every stakeholder in the entertainment industry is needed to ensure accountability and coherence between policies and actions, and to ensure that instances of sexual harassment at work are followed by consequences for the perpetrators through transparent investigations and dispute resolution mechanisms, external or internal to the workplace.



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