

Understanding Sexual Harassment



The **Actors Fund**,
for everyone
in entertainment.

Life in the Performing Arts: Understanding Harassment

A life in the performing arts is filled with incredible rewards and unique experiences. The diverse and varied opportunities may make issues like work environment and procedures more challenging to navigate than a more traditional employment setting. A stage or a film set functions quite differently from an office or organization.

Actors' Equity Association and The Actors Fund have teamed up to provide members with the basics on harassment and the potential impact on your professional life. We hope that knowing the following information will allow you to take action, seek support and to pass along resources to others in the industry who may need it. Thank you for joining us!

What is Sexual Harassment?

It is a form of sex discrimination that is unwelcome.
This includes:

- Sexual advances
- Requests for sexual favors
- Verbal or physical contact of a sexual nature
- Imagery of a sexual nature in the work environment

Sexual Harassment

Occurs when the action:

- Creates an unreasonable interference with a person's work performance, employment terms and conditions
- Causes an intimidating, hostile or offensive work environment

And/or

- Agreeing to such conduct is made either explicitly or implicitly a term or condition of a person's employment
- Agreeing to or rejecting such conduct is used as the basis for employment decisions affecting that person

The “Reasonable Person” Standard

One way the courts determine if an action or behavior is considered harassment is the “Reasonable Person Standard.” It asks the question, “what would a reasonable person think is ‘out of bounds’ (demeaning, insulting, offensive) or interferes with work (terms and conditions of employment)?”

Sexual Harassment looks like...

- Undue attention
- Unwelcome physical contact
- Uninvited sexual jokes and innuendo
- Comments about a person's body or sexual life, negative or positive
- Suggestive images, videos, online communication or text messages

Sexual Harassment

There are two types
of sexual harassment:

- “Quid Pro Quo” (this for that)
- “Hostile Work Environment”

“Quid Pro Quo” Sexual Harassment

When someone demands sexual favors in exchange for favorable employment conditions or opportunities, or threatens to negatively impact a person’s job status

Examples include:

- Guaranteed continued employment
- Promising a job or an opportunity
- Taking something away or penalty

Hostile Work Environment Sexual Harassment

This definition of sexual harassment is characterized by conduct that has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Hostile Work Environment

A hostile work environment can include:

- Off-color jokes or profanity
- Sexually explicit or implicit comments
- Repeated requests for dates
- Undue attention, such as texts, emails, calls or gifts.
- Sexually charged environment
- Lewd gestures, staring or leering
- Obscene or suggestive images, Emails, YouTube videos
- Excessive aggressive behavior
- Witnessing harassment of another employee

What is Equity's Role?

Equity Can:

- **Help members navigate their options**
- **Demand that employers provide a safe workplace for Equity members**
- **Help members access their employer's harassment policy**
- **Take action if:**
 - **An employer doesn't have a policy in place to protect members**
 - **An employer fails to do a full and fair investigation of complaints**
- **Protect members from retaliation or reprisals**

What is Equity's Role?

Equity cannot:

- **Intervene in situations where a member doesn't want us to be involved**
- **Take over the Employer's responsibility to investigate and remedy harassment**
- **Take action to implement a specific remedy**

It's important to remember that the responsibility to provide a safe workplace, free from harassment, discrimination and violence rests with the Employer.

Equity's role is to hold the Employer's feet to the fire.

Work in the Theater

There are challenges unique to the theater work that are important to consider. Here are some examples:

- Nudity/partial clothing sometimes required
- Intimacy on stage
- Creative exercises that reveal personal information/history
- Tight quarters backstage
- Traveling together
- Short term employment and/or multiple employers

What Can a Member Do?

If you experience offensive, intimidating and potentially harassing behavior, remember the three R's - Respond, Report, Record

- **Respond** — **If you are comfortable**, you can tell the offending party that his/her behavior is unwelcome and needs to stop. Responding directly will not always change their behavior, but it does communicate that it is unwanted. Responding is not necessary before reporting harassment to your union.

What Can a Member Do?

If you experience offensive, intimidating and potentially harassing behavior:

- **Report** the incident to your Equity Business Representative, if you're comfortable having the union involved. By reaching out to your union rep, you are allowing your union to support you in addressing the issue. Your business representative can help you navigate your options and connect you with information and resources. By reaching out to your Business Rep, you are not committing to any particular action. Your union can explain to you the process of addressing the issue with your employer and provide support.

What Can a Member Do?

If you experience offensive, intimidating and potentially harassing behavior:

- **Record**—It is important to note each incident or harassment and information concerning the situation such as:
 - What happened (as detailed as possible)
 - What was said (record as best you can)
 - When did it occur (date and time)
 - Where did the incident take place (be specific)
 - Who was present (names and roles)

Remember:

- Harassment of any sort is **NOT** your fault. No circumstance justifies harassing behavior.
- You have a right to address feelings of harassment at any time, even if you experienced unwelcome behavior in the past but did not report it.
- You **CAN** talk directly to the person about the behavior if you feel comfortable doing so.
- Your employer has a legal responsibility to provide a safe workplace environment free of harassment and discrimination.
- Your union is here to help and can provide information and advocacy.
- Seeking support from your union, The Actors Fund, or other resources does not lock you in to a decision or action.

According To The Courts:

The **harassed party** defines what is unwelcome, unwanted, offensive, intimidating or hostile. Despite this legal guideline, there are specific actions and behaviors that are considered harassment that we will cover in the following slides. However, these behaviors are only considered harassment if the recipient of those behaviors finds those behaviors hostile, offensive or does not want that behavior to occur.

Anytime a person decides that a behavior defined as harassment is unwanted or unwelcome, it is harassment, regardless of whether the same behavior was welcomed in the past.

How to Contribute to a Healthy Work Life

Harassment and discrimination can occur more easily if we are not paying attention to how our behavior may affect others. How could you contribute to a respectful and safe workplace?

- **Respect** your colleagues and their diversity. Our differences allow us to contribute to a dynamic and productive work force.
- **Be aware** of your use of language and of your personal communication style. Ask yourself if there is a way others may perceive your language as offensive or discriminatory.
- **Avoid** insulting jokes, demeaning behavior as well as racial, ethnic, or gender-based humor. These types of behavior are NEVER okay in the workplace, even if you are friends with your co-workers.
- **Create** civility and respect in the workplace by telling others when their behavior might be considered offensive or unwelcome. Lead by example.

The Actors Fund

The Actors Fund can provide support to anyone in the performing arts around issues of sexual harassment. If you are unsure on how to move forward, need emotional support or would like to discuss your situation confidentially, please reach out to us and a social worker will discuss with you how we can help. We provide free, confidential counseling and referrals to legal services if needed.

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