



## **ANTI-SEXUAL HARASSMENT GUIDELINES**

Producers Guild of America

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### **IDENTIFYING SEXUAL HARASSMENT**

#### **QUID PRO QUO HARASSMENT**

When a job, promotion or other professional benefit is conditioned on the recipient's submission to sexual advances or other conduct based on sex, or such benefits are denied to an individual because they refused to participate in a romantic or sexual activity.

*Examples: Producer agrees to cast actor/actress only if s/he submits to sexual request(s); Financier threatens to pull funding from project because an individual refuses to submit to sexual request(s).*

#### **HOSTILE WORK ENVIRONMENT**

Unwelcome verbal, physical or visual conduct that is severe or pervasive, and which creates an intimidating, hostile, or offensive work environment or interferes with work performance. You may experience such sexual harassment even if the offensive conduct was not directed towards you.

*Examples: Making sexually explicit or derogatory comments or jokes, either out loud or via email; inappropriate touching or groping; visual conduct includes making sexually suggestive gestures or publicly displaying sexually suggestive or explicit images.*

#### **COMMON MISCONCEPTIONS ABOUT SEXUAL HARASSMENT**

- A hug, kiss on the cheek, or casual touch is not necessarily sexual harassment. The key is whether the behavior was unwelcome or offensive.
- It does not matter if a person has sexual feelings towards the recipient, only that the behavior is of a sexual nature and that it was unwelcome and/or offensive.
- Sexual harassment laws do not create a general "civility" code. Personality conflicts or non-sexual insensitive actions do not in and of themselves constitute sexual harassment.
- Sexual harassment is gender-neutral and orientation-neutral. It can be perpetrated by any gender against any gender.

#### **RECOMMENDATIONS**

Sexual harassment is a form of sex discrimination that is illegal under federal law (Title VII of the Civil Rights Act of 1964) and may violate individual state laws. The law requires employers to take action to ensure that no worker ever be subject to sexual harassment in the workplace. Employers must have a policy against sexual harassment and explain to employees the process for reporting and investigating complaints about harassment. Employer must also take prompt remedial action reasonably calculated to end the harassment if they knew or should have known it occurred.

This summary is provided by the U.S. Equal Employment Opportunity Commission (EEOC).

The Producers Guild recommends:

- **First and foremost, all productions comply with federal and state laws regarding harassment.** If you are uncertain about the nature of the law, please consult with your in-house legal department (if you have one) or with an attorney. If you do not have access to such resources, reach out to one or more of the resources listed below.
- **Each production in whatever medium or budget level, provides in-person anti-sexual harassment (ASH) training** for all members of the cast and crew, prior to the start of production and prior to every season of an ongoing production. Effective training should not be simply focused on avoiding legal liability but must be part of a culture of respect that starts at the top. Such training takes different forms and styles; make certain that the training you utilize is tailored to your specific production and its needs. Producers should ensure that the individual trainer has experience providing training in the area of sexual harassment laws and that all levels of management are present at the training in order to demonstrate the production's commitment to the policy.
- **Each production continues to be vigilant in efforts to prevent sexual harassment during the production process.** Consider taking steps to maintain awareness of harassment on an ongoing basis, such as periodically adding sexual harassment to the AD's safety briefing.
- **Each production offer reporting procedures** that provide a range of methods, multiple points-of-contact, including contacts at different organizational levels and in different geographic workplaces, if applicable. We suggest **designating at least two (2) individuals**, ideally of different genders, that cast/crew members can approach if they are subject to or witness harassment.
- **Reports of harassment are listened to with attention and empathy.** If a cast or crew member reports an incident of harassment, assume the complainant is being sincere until further inquiry can be undertaken, while bearing in mind that the report itself does not predetermine guilt. Reassure the reporting party that the production takes harassment very seriously and that s/he will face no retaliation for reporting. The production should move quickly to address the allegations or engage a third party to do so, allowing for as much transparency as can be provided.
- **Producers be alert for any possibility of retaliation** against an employee who reports harassment and take steps to ensure that such retaliation does not occur. Retaliation is illegal, and it is a serious concern for individuals reporting harassment and can take many forms. Anyone making a complaint or participating in an investigation is protected against retaliation. Retaliation includes, but is not limited to, firing, change in work responsibilities, transfers, ignoring or excluding, unwarranted discipline, or otherwise making a complainant feel uncomfortable or unwanted in the workplace.
- Producers should be sensitive to interpersonal power dynamics and the way even their casual questions or requests may carry implicit authority. We recommend that producers conduct **all meetings and/or casting sessions in an environment that is professional, safe and comfortable for all parties**, and encourage others on the production to adhere to these same standards.

## **PROTOCOL FOR VICTIMS, WITNESSES, PRODUCERS**

As with "Identifying Sexual Harassment," these recommendations rely on the work of the TIME'S UP Legal, Legislative and Policy committee

- A substantial body of law protects individuals from workplace harassment. (See Exhibit A.) The following recommendations are intended to supplement and facilitate observance of those laws.
- If you are (or believe yourself to be) the victim of a crime, **contact the appropriate authorities immediately**. Be aware of the **statute of limitations** on filing a charge for acts of harassment or

abuse in your state.

- **Create and maintain documents.** Make notes regarding any harassment you suffered or witnessed, or any conversation or exchange with the harasser, including dates, times, places, and the specific behavior(s) you felt to be harassment. Make such notes as soon as possible following any incident, while your memory is still fresh. Keep these notes (or copies thereof) in a place outside the workplace. If possible, send yourself or a trusted friend a time-stamped email containing all of the relevant information. Also, maintain any relevant texts, emails, pictures or other documentation.
- If the behavior is not a crime, and if you are comfortable doing so, **consider speaking to the offending person.** Be specific about the behavior that made you uncomfortable and try to communicate and help them understand what made you uncomfortable and/or feel unsafe. An example of what you may say is, "The comment you made to me the other day made me uncomfortable, and I am asking that you do not make similar comments to me in the future."
- **Report the incident(s)** to one of the designated individuals working on the production. If that avenue is not available or for whatever reason feels unsafe, report the incident to the relevant HR department and/or seek the guidance of an attorney, if necessary. If you need to find resources, consult or refer to one of the resources, including Hotlines and administrative agencies, listed below, following these recommendations.
- If you are aware that a member of the team is being harassed and does not feel comfortable speaking to the alleged offender, the producer needs to **step up on behalf of the team member**, engaging in a candid discussion with the person about the harassing speech or behavior and ensure that they understand that the behavior must stop immediately. The producer then should ensure that the allegations are further addressed as warranted.

## RESOURCES FOR REPORTING AND ENFORCEMENT

- If you are looking for an attorney, you can contact the TIME'S UP Legal Defense Fund, which is housed at the National Women's Law Center: [www.nwlc.org/timesup](http://www.nwlc.org/timesup)
- Women in Film has launched a Sexual Harassment helpline – an integrated program to refer victims of harassment to designated mental health counselors, law enforcement professionals, and civil and criminal lawyers and litigators: (323) 545-0333 / [womeninfilm.org](http://womeninfilm.org)
- You also may contact the California Bar Association (<http://www.calbar.ca.gov/>) or your local state bar association, which should provide you with referrals and/or access to free legal services.
- The Actors Fund provides free and confidential help for those who have experienced sexual harassment. Services include short term one-on-one counseling, referrals for helpful resources and assistance in locating legal services. Please visit the following link for more information: <http://actorsfund.org/services-and-programs/entertainment-assistance-program>
- SAG-AFTRA has a hotline to report sexual harassment or abuse: (323) 549-6644. Members of the SAG-AFTRA union, as well as all other relevant unions, also may contact their union representative for assistance.

If you do not have a Human Resources department or the internal reporting process at your company is not effective, consider filing a formal complaint with a federal agency. In California it's:

<https://www.dfeh.ca.gov/>

Or you may contact the Federal Equal Employment Opportunity Commission (EEOC):  
<https://www.eeoc.gov/employees/charge.cfm>

*\* Descriptions and definitions are substantively drawn from the work of the TIME'S UP Legal, Legislative and Policy committee, as well as from materials provided by the California Department of Fair Employment and Housing.*