

WHITE LABEL - CODE OF PRACTICE

OBJECTIVE

Everyone should expect to be free from harassment, sexual harassment and bullying and be treated with fairness, dignity and respect.

This Code provides practical guidance and presents a template that can be adapted to circumstance by companies and individuals seeking to promote a safe and healthy workplace where all workers, irrespective of sex or status, are treated with fairness, dignity and respect. It should be shared widely and prominently with those who engage with your work including [employees, partner organisations, service providers, trainees, volunteers, attendees at auditions *[add to/amend as appropriate]*].

If you encounter harassment, sexual harassment or bullying, it is advisable to take the appropriate action as outlined below.

WHAT IS SEXUAL HARASSMENT?

Harassment is defined by the Equality Act 2010, as *unwanted conduct* related to your 'protected characteristics' that has the purpose or effect of violating your dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for you. Harassment is also unwanted conduct of a sexual nature which has that same purpose or effect.

FORMS OF SEXUAL HARASSMENT

Sexual harassment in the workplace can take many forms, physical, verbal or non-verbal, and could include the following, by way of example only (this is not a definitive list):

- a) Physical forms of sexual harassment such as any unwanted contact, ranging from intentionally touching, caressing to sexual assault or rape.
- b) Verbal forms of sexual harassment including socially and culturally inappropriate and unwelcome comments with sexual overtones such as sexually suggestive jokes or comments about a person's dress or body, made in their presence or directed toward them. They also include persistent proposals and unwelcome requests or persistent personal invitations to go out.
- c) Non-verbal forms of sexual harassment include unwelcome gestures, suggestive body language, indecent exposure, lascivious looks, repeated winks, and gestures with fingers.
- d) It also includes the unwelcome display of pornographic materials, sexually explicit pictures and objects, screen savers or posters as well as sexually explicit e-mails, notes or text messages.

WHAT IS SEXUAL ASSAULT?

If someone intentionally grabs or touches you in a sexual way that you don't like, or you're forced to kiss someone or do something else sexual against your will, that's sexual assault.

This includes sexual touching of any part of someone's body, and it makes no difference whether you're wearing clothes or not. Anyone can be sexually assaulted and people of any gender can commit sexual assault.

WHAT IS CONSENT?

Consent can never be assumed, even in a relationship or marriage. It doesn't matter what you were wearing at the time, or how you were behaving — sex without your consent is rape.

You may not be able to give your consent if you were under the influence of alcohol or drugs, didn't understand what was happening or were asleep. If you don't have the capacity to give your consent, it cannot be assumed.

You're allowed to change your mind — if at first you wanted to have sex but then decided against it, that's ok and no-one has the right to force you to continue. If they don't stop, then what they are doing is sexual assault or rape.

The age of consent in the UK is 16 and a child under the age of 13 cannot legally consent to any sexual activity.

ROLES AND RESPONSIBILITIES

Anyone working as an employee, contractor, agency worker or other service provider, trainee or volunteer who believes he or she has been the target of sexual harassment is encouraged to **inform the alleged harasser verbally or in writing that they find such conduct unwelcome and offensive and that it must stop.**

If the person making the complaint does not wish to communicate directly with the alleged harasser, or if such communication has been ineffective, the complainant is encouraged to **report the unwelcome conduct** as soon as possible, [either following the complaints procedure of the organisation they are working for/contracted or to a senior member of the company that they are working for – ordinarily the Producer, Chief Executive or Company Director. *Amend as appropriate*]

It is advisable for the contracting company to circulate their complaints procedure as early as practical in the recruitment or engagement process; to include a link in their contracts of engagement, or to include this information on their website. *Amend as appropriate*

In addition to reporting sexual harassment concerns, as above, the employee, contractor, freelancer, agency worker, trainee or volunteer who believes that they have been subjected to sexual harassment, may elect to **seek resolution** either through informal channels including conciliation, mediation, counselling or informal discussions or through a formal investigation.

It is advisable for everyone to be aware of the potential for and to prevent sexual harassment wherever possible – that is, to **look out for others.**

Individuals are encouraged to **raise any concerns** with their employer/contractor, union, police or colleagues, as applicable to the particular circumstances.

Companies are also encouraged to provide **training** for those they work with and to review training provision regularly.

APPENDIX: USEFUL SOURCES OF INFORMATION

Details of services and resources for distribution to those you are working with, considering for work, offering training or volunteering opportunities for or contracting services from:

From April 2018, a new Film and TV Support Line from the Cinema and Television Benevolent Fund will be set up, free of charge for anyone working in the film and television industry. It will be operated 24/7 by professionally trained staff with expertise and experience in supporting people facing different difficulties from harassment, to support for depression and anxiety, debt and money advice, specialist addiction counselling, bereavement counselling, legal advice and financial assistance. Access to the Film & TV Support Line is free at the point of contact. Follow-up specialist support tailored to an individual's needs will be available, dependent on financial circumstances and industry service criteria. www.ctbf.co.uk/

UNION SERVICES

BECTU – www.bectu.org.uk

Is the trade union supporting UK staff and freelancers working in the media and entertainment sector. They play an important role in representing and promoting the best interests of the industry's workforce – in broadcasting, film, independent production, theatre, the arts, digital media and allied areas.

Equity – www.equity.org.uk

Equity is the UK trade union for professional performers and creative practitioners.

They offer this guidance to show what you can do to stop anyone in your workplace behaving badly towards you:

<https://www.equity.org.uk/documents/cwc-guidelines-for-freelance-members/>

FREE LEGAL ADVICE

Boudica Films - www.boudicafilms.co.uk/contact/

<https://www.screendaily.com/news/boudica-films-launches-sexual-assault-campaign-free-legal-advice-service/5123908.article>

Boudica has launched a "No Predators" badge, a code of conduct and a free initial legal advice service for any film professional who has experienced sexual harassment, abuse or assault.

Citizens Advice:

The Citizens Advice service has lots of free information, which you can find here:

<https://www.citizensadvice.org.uk/wales/family/gender-violence/rape-and-sexual-assault/>

Including:

Reporting rape or sexual assault to the police:

If you wish to report a matter to the police, you can ask your local police if they have a specially trained sexual offences liaison officer.

If you're not ready to talk to the police:

- If you are unsure about what you want to do, you can go to a Sexual Assault Referral Centre (SARC). At the SARC you can get advice, make a statement, have forensic samples taken, get medical support (including tests for sexually transmitted diseases and pregnancy) without having to report the matter to the police.

- The forensic evidence is stored at the SARC in case you want to report the rape to the police in the future. (extracted from Citizens Advice website)

Find your nearest Rape and Sexual Assault Referral Centre (SARC) here:

<https://www.nhs.uk/livewell/sexualhealth/pages/sexualassault.aspx>

SUPPORT SERVICES AND ADVICE

Victim Support - <https://goo.gl/vY5NFW>

Confidential and free support to help you move beyond the impact of crime (they offer a full range of services for a variety of crimes). They also offer advice on reporting a crime:

Reporting a crime: <https://www.victimsupport.org.uk/crime-info/reporting-crime>

RAPE Crisis: www.rapecrisis.org.uk

A national charity and umbrella body for a network of independent members Rape Crisis Centres.

This site provides help if you've experienced rape, child sexual abuse, and or any kind of sexual violence of any kind, and details of your nearest Rape Crises services; information for friends, partners, family and other people supporting a sexual violence survivor; information about sexual violence for survivors, students, journalists and others, and more about the work of Rape Crises.

Victim Support:

Victim Support is the independent charity for people affected by crime and traumatic events in England and Wales. Their specialist teams provide individual, independent, emotional and practical help to enable people to cope and recover from the effects of crime. They are not part of the police, the courts or any other criminal justice agency. Their services are free and available to everyone, whether or not the crime has been reported and regardless of when it happened.

North Wales: 0300 30 30 159

South Wales: 0300 303 0161

Gwent: 0300 123 21 33

New Pathways: Rape crisis and sexual abuse support service: 01685 379 310

Welsh Women's Aid: 0808 80 10800

Samaritans Cymru: 116 123 (24 hours a day, 7 days a week)

National Male Survivors Helpline: 0808 800 500