

Guidance

A practical workplace guide for
the prevention of bullying and
harassment in the screen industries



Foreword

Recent allegations in the media have shone light on bullying and harassment in the screen industries. The industries have long been working collaboratively to promote more inclusive workplaces, but what has become evident is that there is much work to be done to create safe respectful workplaces where everyone is able to contribute to the creative effort to the best of their abilities.

What has also emerged quickly is a strong collective will to tackle the issue and eradicate inappropriate behaviour. As a result, for the first time ever, industry organisations from across the sector, as well as numerous individuals who are at the 'coalface', have come together to contribute their knowledge, expertise and experience in developing and shaping a Set of Principles and Guidance which could be shared by organisations of all sizes.

Our consultation highlighted some of the industry specific issues which needed to be addressed. Not only is the industry dependent on a large freelance and casual workforce, on-set and studio workspaces are often stressful and tough environments with long working hours and constantly shifting workforces. Under these conditions, if things go wrong, it can be unclear who to turn to or what to do, leading to anxiety for workers in what is a highly competitive, and by its nature, insecure job market. Most people at the brunt of ill-treatment fear losing future job opportunities if they do speak out. Inadequate routes for raising confidential concerns further create a culture of silence.

The screen industries can be inconsistent in dealing with workplace culture. Processes are not always robust. The current Acas guidelines are invaluable for formalised industries with more defined organisational structures such as HR teams. However, it has become evident that the film, games and television industries need further guidance where workers are often freelance, working on short-term contracts to different employers on-set or in production offices.

To support the industry in changing our workplace cultures for the better in the immediate and longer term, the BFI and BAFTA have been working with a range of industry partners to continue consulting with key stakeholders and update this Set of Principles and Guidance to ensure they are simple and easy to implement in the highly-pressured, informal work environments within the film, games and television industries.

It is important to note that these documents are part of a set of measures which will be rolled out in the coming months. The Principles will become a condition of BFI funding and will be embedded in the BFI's Diversity Standards which are being adopted by the industry; in training and resources which will be developed; and a Film & TV Support Line which will be launched by the Cinema and Television Benevolent Fund and backed by The Production Guild and the BFI.

The BFI, BAFTA and industry partners pledge to keep this issue high on our collective agendas. These are living documents and will be reviewed to ensure their currency every six months and we expect other partners to come on board in future months and years.

We would like to thank our members and colleagues who participated in our consultations and gave us invaluable insights into their experiences working in the screen industries. The launch of this new industry-wide standard shows that we can all work towards creating an inclusive workplace for everyone.

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Introduction

This workplace Guidance has been produced to complement the *Set of Principles for the Screen Industries*. It offers practical support to help those in the industry to tackle workplace bullying and harassment and includes recommendations aimed at both employers – such as productions, festivals, studios and organisations of all sizes, including SPVs (Special Purpose Vehicles) – and workers – including casual workers and freelancers.

The Principles and this Guidance have been commissioned by the BFI working in partnership with BAFTA and with the input of leading screen sector industry organisations and Challenge Consultancy, specialists in equality, diversity, and inclusion. They have also been written to Acas standards.

The Principles and Guidance are part of a set of measures – including further training and resources and a Film & Television Support Line developed by the Cinema and Television Benevolent Fund with The Production Guild and supported by the BFI. The documents will be reviewed every six months.

Aims and objectives

This Guidance will help workplaces to go beyond the legal requirements and create policies and procedures to identify and deal with bullying and harassment if it occurs – no matter the employment status or seniority of the person involved. It encourages a ‘no bystander’ culture and offers some tools for those who witness such behaviour to tackle it when they see it.

However, its primary objective is prevention – by encouraging all employers and workers to promote their commitment to stamping out bullying and harassment, and to clearly understand the processes that are in place to deal with it, we can all have a role in sending a message that such behaviour will not be tolerated.

We encourage all those in the industry to familiarise themselves with the recommendations for both employers and employees. We believe that changing the culture is not just about what employers can do, but also about workers having a shared expectation of what structures should be in place to tackle bullying and harassment in the workplace.

Responsibilities and the law

Employers may be liable under the Equality Act 2010 if they fail to protect their employees and other contracted workers from discrimination or harassment in the course of employment. Employers also have responsibilities under the Health and Safety at Work Act 1974 to create safe systems and places of work. Employers may also be liable for discrimination or harassment by their employees or workers in the course of employment unless they can show that they have taken all reasonable steps to prevent the discrimination, bullying or harassment from taking place or from doing anything of that description.

Definitions

Acas provides the following definitions.

Harassment is defined as unwanted conduct which is related to a protected characteristic of the Equality Act 2010 (age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation), which has the purpose or effect of violating a person's dignity, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying and harassment can be:

- intentional or unintentional, targeted at an individual or a group;
- not specifically targeted but have an overall impact that creates a negative work environment;
- repeated behaviour over a period of time, or one isolated incident;
- between workers and/or managers at the same or different levels in the organisation;
- in the same or different departments or areas of work within or outside of the organisation;
- between employees, workers and external contractors and/or clients within or outside of the organisation;
- mobbing – when more than one person is involved;
- neglect or marginalisation;
- during daily work activities, at work-organised events held on-site or off-site, inside and outside of working hours;
- face-to-face, over the telephone, by email, text messages and online, e.g. social media platforms.

It is important to note that not all harassment is sexual but keep in mind that, with sexual harassment:

- a hug, kiss on the cheek, or casual touch is not necessarily sexual harassment. The key is whether the behaviour was unwanted or offensive;
- it does not matter if a person has sexual feelings towards the recipient, only that the behaviour is of a sexual nature and that it was unwanted and/or offensive;
- sexual harassment is gender neutral and orientation neutral. It can be perpetrated by any gender against any gender.

Examples of bullying and harassment

The following is by no means an exhaustive list but it can be used to highlight the range of ‘unwanted conduct’ or inappropriate behaviour.

- Shouting, swearing, intimidating, threatening or throwing things.
- Belittling a person’s creative input or not letting them express their opinion in the first place.
- Unfairly blaming others – e.g. for the failures of technology; humiliation and ridicule either in private, at meetings or in front of colleagues/customers/clients.
- Spreading malicious rumours, or insulting someone by word or behaviour.
- Copying memos that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone or picking on them.
- Innuendo or mockery.
- Threats, abuse, teasing, gossip, banter or practical jokes/pranks.
- Unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Homophobic, racist or sexist comments, offensive gestures.
- Excluding individuals or groups or socially isolating them.
- Unfair treatment, such as tasks with unachievable deadlines.
- Overbearing supervision.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading them.
- Undermining with constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Intruding on a person’s privacy by pestering, spying or stalking.
- Tampering with a person’s personal belongings or work equipment.
- Cyber-bullying conducted online by email, online messaging, online gaming or social media channels, e.g. offensive language, embarrassing pictures or videos, fake profiles, death threats.

Be particularly vigilant and sensitive about such behaviour at ‘crunch times’ – when everyone is working long hours to meet a deadline, tempers can be short, people may be exhausted.

Guidance for employers

Duties and responsibilities of managers, heads of department and team leaders

- Be visibly committed to ensuring a positive workplace culture and making changes, if needed, to develop inclusive structures.
- Be open to receive feedback and give appropriate feedback.
- Follow your employer's procedure if there is one, and take immediate action by investigating allegations promptly.
- Continue to respect confidentiality where possible and support the complainant, ask them what they need and how they wish to proceed, whether it be informal or formal (filing a grievance).
- Early mitigation and open mediation - if there isn't a formal procedure, recognise you have a duty of care for your workers and offer a process whereby your employees can escalate concerns.
- Reassure the person reporting an incident that their confidentiality will be respected where possible and that the information they provide will be shared only with those responsible for investigating the matter and/or others on 'a need to know basis', e.g. witnesses.
- Reaffirm that each concern will be appropriately investigated in a timely manner and as thoroughly as possible. Try to stick to timescales outlined in your policy, provide updates and make every effort to give a quick response to the person reporting and to deal with the report promptly, especially when circumstances make it time critical.
- Treat everyone you deal with equally, whether they are visitors, full or part-time employed staff, workers or freelancers, 'talent' or production third parties. They should all be equally protected by effective harassment policies and procedures.
- Ensure everyone hears the message that any retaliation or intimidation against or victimisation of the individual who is raising a concern, making a report or assisting in an investigation, will not be tolerated.
- Assure the person that raising a concern will not disadvantage them as long as the issue was raised in good faith, is genuine and not malicious in nature.
- If the person chooses to remain anonymous, this may in some circumstances limit the ability to fully investigate their concern and to report back any findings to them. This may need to be fully and sympathetically explained to the complainant. This may not be used as an excuse to take no action over a credible complaint. However, remaining anonymous may not be a choice where the law or duty of care prevails and this should be carefully explained.
- With a view to on-going procedural improvement and effective complaint resolution within your organisation, work proactively with guilds and unions to recognise their role as a trusted intermediary. (Note that if a complainant has felt the need to seek external help, this may indicate a lack of confidence in current processes. These may need to be reviewed as a result.)

Top tips for heads of department and team leaders

1. KNOW YOUR RESPONSIBILITIES

Be clear about the expectations of you as a manager or your liability as an employer, including with freelance staff. Take all reasonable steps to prevent bullying, harassment and discrimination in the workplace. Think about how you would like to be treated.

2. WRITE A POLICY

If you run an organisation of any size which employs people, we recommend you write a policy or review your current policy in the light of this Guidance. There are freely available resources on the Advisory, Conciliation, and Arbitration Service (Acas) website to help you do this.

Your policy can be quite brief but should include:

- the Set of Principles;
- an explicit statement that you do not tolerate discrimination, bullying or harassment, definitions of these terms (see 'Definitions'), specific examples of the kinds of behaviour you will not tolerate;
- a commitment to investigating complaints – it is best practice to take a zero-tolerance approach to bullying and harassment – which means anyone who is alleged to have exhibited inappropriate behaviour will be challenged and may be disciplined for their actions;
- a commitment to ensuring everyone you employ knows who they can report to;
- an explicit statement that harassment on social media or online is included within the bounds of your policy;
- a clear commitment that raising issues of harassment or bullying will not lead to victimisation and that such victimisation is unlawful;
- to emphasise your zero-tolerance approach, a commitment that everyone will be treated equally, regardless of the seniority, or status as an employee or freelancer.

Policies should be regularly reviewed.

3. DEFINE THE PROCESS

Ensure you have a clear process for investigating complaints with clear lines of accountability before you need to put it into practice. Acas has further free guidance on this which you can adapt for your workplace or project.

- Where practicable, appoint at least one, ideally two people of differing genders to be 'Welfare Adviser/Officer or designated persons,' to help deal with incidents on set or any other workplace and include their details in call sheet. Ensure they receive appropriate advice and training (see below).
- Alternatively, you could buy in third party HR support.

4. PROMOTE THE SET OF PRINCIPLES, POLICY AND PROCESS

Make them visible everywhere and consciously include them where relevant, such as call sheets, team meetings or the first day of a project, festival or production.

Here are some ideas for promoting your commitment.

- On call sheets: specify who is the 'Welfare Adviser/Officer or designated persons', link to the Principles and any other relevant resources or help lines (see Resources).
- Induct all heads of department, team leaders and workers and ensure they are familiar with the Principles and policy.
- Post your policy, process or the Principles on your website/LinkedIn profile, etc.
- Ask everyone in your employment to sign a declaration confirming they have read and understood the Principles.
- Hold a mandatory meeting at the start of production or project outlining your commitment to the Principles and to fairness and equality and detailing what kind of working environment you want.
- If possible, have a mid-point review part way through a project to remind people of their rights and responsibilities and an opportunity to raise things. You may want to do this in small groups.
- Where possible, include an obligation to comply with the Principles in contracts.

5. DON'T BE A BYSTANDER

Make it clear that workplace banter that is offensive will not be tolerated. Don't laugh at or encourage inappropriate jokes. Challenge when you see inappropriate behaviour or hear inappropriate comments (see Tackling Inappropriate Behaviour on p 12). Don't wait for a complaint. Doing nothing makes you complicit, and may make you legally liable if the situation escalates.

6. GET TRAINING

This gives confidence in knowing how to challenge inappropriate behaviour, handling difficult situations, and managing conflict that may arise from bullying and harassment.

The BFI and BAFTA will develop and offer training to designated people who are responsible for handling investigations and receiving reports of concerning behaviour.

Guidance for employees, workers and freelancers

The following will be helpful if you feel you or someone else has been bullied or harassed at work.

- Think about what your concerns are and why you feel bullied or harassed.
- Think about how you want this to be resolved and be willing to discuss solutions.
- Report to the correct person to action, such as the designated welfare advisor/officer or Union representative.
- If you are comfortable at the time or soon after the incident, talk to the person you feel bullied or harassed by and ask them to stop.
- If you can't speak to the individual concerned, try and resolve the issue informally with your head of department/team leader, etc. However, this may not always be possible, especially if your manager is involved in the bullying/inappropriate behaviour. If this is the case, try to raise the issue with your line manager's manager or other senior leader or another appointed person.
- Reporting bullying and harassment can be difficult whether you are staff or a freelancer. Freelancers may not know who to speak to or what the process may be; they may also feel they have less time to act. Whatever your complaint, or contractual status, you can contact Acas or your Union. Anyone who wants advice about making a complaint or wishes to make a complaint should act swiftly.
- Keep a written record of what is happening, and make notes if you feel you are being treated differently from other employees. Establish a clear order of incidents – this could be useful to help with any formal action further down the line. If you're working in less formal work environments, this is even more important.
- You could report it formally and raise a grievance through a formal procedure.
- You could make a claim/bring it to employment tribunal, within the three month time limit after going through the appropriate procedures.
- If there is any form of physical threat, abuse or criminal activity, we advise that you contact the police.

Top tips for workers (including freelance and casual workers)

1. KNOW YOUR RIGHTS

Everyone has the right not to be harassed in the workplace. Remember that victimisation (being picked on because you complained) is also unlawful.

2. DON'T BE A BYSTANDER

Make it clear that inappropriate workplace banter is not acceptable. Don't laugh at or encourage inappropriate jokes. Challenge when you see inappropriate behaviour or hear inappropriate comments (See Tackling Inappropriate Behaviour on p12). Doing nothing makes you complicit.

3. PROMOTE YOUR COMMITMENT

Everyone can sign-up to the Principles and visibly commit to building an inclusive workplace culture. Link to the Principles on your website or LinkedIn profile etc.

4. REPORT IT

If you see or experience bullying or harassment, find out reporting structures and approach heads of department or team leaders, the designated welfare Advisor/Officer, Union officials, etc. Line managers and colleagues can offer support to those on the receiving end of inappropriate treatment.

Also, if you are a member of a guild, professional association or trade union, you can ask them to support you in this process and find out if they will act as a trusted intermediary on your behalf. Where victims may want to remain anonymous, a trusted intermediary can help to bring a complaint to the attention of employers, especially where they become aware of multiple complaints about the same individual.

5. SEEK ADVICE AND SUPPORT

Contact Acas or your union or charity organisations for advice, if you do not feel able to informally challenge inappropriate behaviour when it occurs.

Tackling inappropriate behaviour

Recognise and challenge inappropriate behaviour immediately when you see or experience it. Intervene if you see others being treated inappropriately – challenging can give people the chance to change their behaviour. People can shy away from tackling behaviour because they are scared that it might disrupt the team. However, it is possible to challenge behaviour in a way that results in improved workplace conditions for all.

- Clearly describe the behaviour you find unacceptable.
- Use clear language such as ‘that is not appropriate’, ‘it makes me feel uncomfortable’, and ‘you didn’t have to speak to that person that way’.
- It might be useful to talk about effects of behaviour – i.e. rather than say ‘you are dismissive’, say ‘when you don’t let me speak, it makes me feel as if you aren’t interested in my point of view’.
- Offer colleagues practical advice and strategies about what to do when things go wrong, e.g. who they can report to. Encourage them to think about what they would like to happen in the future.
- If you see poor behaviour, and you are in the midst of a pressing deadline, without time to address the issue there and then, tell those involved that that behaviour is unacceptable, and that you want to meet with them to discuss it after the work is finished – show that bad behaviour is noted, has consequences, and will be dealt with.

Further resources

Acas free confidential helpline: 0300 123 1100

[acas.org.uk/bullying](https://www.acas.org.uk/bullying)

Citizens Advice: Discrimination at Work – Bullying & Harassment

citizensadvice.org.uk/work/discrimination-at-work/common-situations/discrimination-at-work-bullying-and-harassment

Equality & Human Rights Commission (EHRC)

equalityhumanrights.com/en/how-fair-britain/tackling-challenge-identity-based-bullying

Gov.uk website on Workplace Bullying & Harassment

[gov.uk/workplace-bullying-and-harassment](https://www.gov.uk/workplace-bullying-and-harassment)

NHS Choices Live Well – Bullying at Work

[nhs.uk/Livewell/workplacehealth/Pages/bullyingatwork.aspx](https://www.nhs.uk/Livewell/workplacehealth/Pages/bullyingatwork.aspx)

Other initiatives tackling bullying and harassment

BBC Respect at Work Review

[bbc.co.uk/corporate2/insidethebbc/howwework/reports/respectatwork.html](https://www.bbc.co.uk/corporate2/insidethebbc/howwework/reports/respectatwork.html)

BECTU Respect @ Work clause

[bectu.org.uk/news/2775](https://www.bectu.org.uk/news/2775)

CTBF Film & TV Support Line – from April 2018

[ctbf.co.uk](https://www.ctbf.co.uk)

Federation of Entertainment Unions ‘Creating Without Conflict’ campaign

[writersguild.org.uk/wggb_campaigns/creating-without-conflict/](https://www.writersguild.org.uk/wggb_campaigns/creating-without-conflict/)

‘Report It To Stop It’ campaign Transport for London, part of Project Guardian

[prweek.com/article/1450701/case-study-transport-london-sexual-harassment-campaign-leads-1200-arrests](https://www.prweek.com/article/1450701/case-study-transport-london-sexual-harassment-campaign-leads-1200-arrests)

The Big Music Project: How to deal with bullying in the workplace

[thebigmusicproject.co.uk/how-to-deal-with-bullying-in-the-workplace/](https://www.thebigmusicproject.co.uk/how-to-deal-with-bullying-in-the-workplace/)

Equity – manifesto for casting

[equity.org.uk/campaigns/manifesto-for-casting](https://www.equity.org.uk/campaigns/manifesto-for-casting)

[equity.org.uk/news-and-events/equity-news/interim-report-on-sexual-harassment/](https://www.equity.org.uk/news-and-events/equity-news/interim-report-on-sexual-harassment/)

The Writers’ Guild of Great Britain – Creating without conflict

[writersguild.org.uk/wggb_campaigns/creating-without-conflict/](https://www.writersguild.org.uk/wggb_campaigns/creating-without-conflict/)