



**A Federation of Entertainment Unions' guide for reps
and union members in dealing with bullying,
harassment and discrimination in the entertainment
and media industries**

Introduction

The worlds of the media, arts and entertainment are often seen as glamorous, however a survey of 4,000 workers has revealed these industries are “hotspots” of bullying. More than half of those questioned (56 per cent) said they had been bullied, harassed or discriminated against at work.

People who contributed to the survey, commissioned by the Federation of Entertainment Unions, ranged from household names, top screenwriters and performers to those at the beginning of their careers.

The results showed shocking levels of ill-treatment, inappropriate behaviour and a culture of silence, with only one-third of those suffering bullying and harassment reporting the incidents.

The survey found that eight in 10 women (81 per cent) who reported bullying, harassment and discrimination said their gender was a factor. The respondents reported incidents from lewd comments to sexual assault and commented on pressure from superiors to enter sexual relationships and unnecessary scripted nudity. One in 10 respondents in theatre, television and film witnessed sexually-related harassment.

Age was a significant factor, with those in the youngest and oldest age groups being most affected; just over half (51 per cent) of those aged 51-60 and 16-30.

The survey showed there was almost an acceptance of the prevailing culture of bullying; an attitude of “if you can't stand the heat, then get out of the kitchen”. One respondent said people were expected to put up with it “to earn your stripes and anything else was seen as a weakness”.

Although managers were the main perpetrators, half the respondents identified co-workers and colleagues as offenders. (The CwC report in full: <http://www.nuj.org.uk/documents/creating-without-conflict-final-report/>)

The survey showed that where bullying was reported, being a member of a union was more likely to lead to a successful outcome. This booklet is aimed at union members, union reps and officials and provides advice and tools to help to combat bullying in the workplace.

The FEU has produced a code of conduct and is working with employers and organisations in the creative industries to adopt its code. It has also published a set of guidelines for staff and freelance workers.

What is Bullying?

Workplace bullying and harassment are unwanted behaviour patterns which intimidate or offend the person at whom it is targeted. Discrimination occurs when someone is treated differently or less favourably. Harassment and discrimination are unlawful.

Bullying can be characterised by persistent, offensive, abusive, intimidating, malicious or insulting behaviour which may make the recipient feel upset, threatened, humiliated or vulnerable. It can include; consistent criticism of a competent worker, shouting at staff members, people being publicly or privately belittled, unreasonable work demands or setting someone up to fail.

Bullying is not against the law, but can be challenged under health and safety law as a workplace hazard detrimental to employees' health.

Harassment is unlawful and is defined as unwanted conduct because of one or more of the following "protected characteristics" listed in the Equality Act 2010:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion and belief**
- **Sex**
- **Sexual orientation**

Harassment is uninvited behaviour, sexual harassment or treating a person less fairly because of a protected characteristic in ways which violate a person's dignity or creates "an intimidating, hostile, degrading, humiliating or offensive environment for the individual" (Equality and Human Rights Commission, 2010).

Discrimination occurs when a person is treated differently or less favourably because of a protected characteristic listed above; or is a friend or family member of someone with a protected characteristic; or has complained about discrimination or supported someone else's claim. UK citizens are protected against discrimination by the law at work. Direct

discrimination involves treating someone with a protected characteristic less favourably than others. Indirect discrimination involves laws and rules being put in place which affect everyone, but are detrimental to someone with a protected characteristic.

In the workplace discrimination can happen around:

- ***Recruitment***
- ***Employment terms and conditions***
- ***Pay and benefits***
- ***Training***
- ***Promotion and transfer opportunities***
- ***Redundancy***
- ***Dismissal***

Code of Conduct

Having company-wide policies on bullying, harassment and discrimination and procedures are essential in the workplace. It is also essential that freelance and casual workers are included in the policies and procedures. This code can be used to create or update your company's policy or be included in any house agreement.

The FEU is working with employers in the creative industries to sign up to the code.

The employers, unions and industry bodies signing the code would:

- Acknowledge there is an industry-wide problem with bullying and harassment and that employers, workers and industry bodies must pledge to make workplaces safe, positive environments to enable creative workers to do their jobs.
- Make it a priority to provide training for managers and workers in dealing with unreasonable behaviour, and education on awareness of bullying.
- Provide access to confidential bullying hotlines and counselling services.
- Work towards the inclusion of workers on arts and media organisations' structures, bodies and boards.
- Provide clear guidance for staff and freelancers on all company anti-bullying and health and safety policies.
- Ensure freelance and casual workers are included in company anti-bullying policies.
- Recognise the positive role unions have in formulating anti-bullying policies and their contribution to promoting workplaces cultures where creativity can flourish without conflict.
- Support specific training for students and new entrants in the arts and media.
- Share good practice and co-operate with colleagues in the workplace to promote the message of non-tolerance of bullying by managers and between co-workers.
- Require commissioners/commissioning bodies to ensure clients sign the code of conduct and, where appropriate, set up anti-bullying policies.

Dealing with bullying, harassment and discrimination in the workplace

The FEU has produced guidelines for staff members and freelance workers. These can be used by workers who believe they are being bullied and by union reps and officials. Dealing with somebody who has been bullied can be difficult and upsetting.

Bullying can have a devastating effect on the health and well-being of an employee. A bully's behaviour can be undermining, frightening and can make the victim ill through stress. It is demoralising for those who witness it and devastating to those who experience it.

It is often difficult for a bullied person to defend themselves, especially if it their boss who is doing the bullying. That is why it is important that they know they can ask colleagues and their union representative for support. It is important that workplace bullying must be combated by members standing together.

Put up posters which outline the company's policy and give details of how a member can seek help in confidence from their rep or union. Make sure that policies on bullying are included in a person's induction as a member of staff or as a casual.

A rep or colleague dealing with someone who has been bullied can find it stressful and upsetting. Remember, you can offer support and advice based upon the guidelines below, but you are not a counsellor and there may be cases where you will want to involve a professional practitioner.

Guidelines for staff members

You may not be able to rely on the law for redress because some forms of bullying are not illegal – this is why union membership is so important.

These guidelines can be used by reps:

- All members must familiarise themselves with the company's HR and health and safety policies which should cover bullying and harassment.
- Bullying does not have to be intentional – the effect as much as the intention is a key part of defining bullying. Perception alone,

however, is unlikely to convict a bully so concentrate on the hard facts of what was said or done and anyone who witnessed either the event or its effect upon the targeted person. All employers have a duty of care towards any worker, whether freelance or staff, and that may mean their treatment is a breach of that duty.

If your member is being bullied, these are the steps you can take to gather evidence and get it stopped:

- The member must contact the union representative as soon as possible.
- Before any meeting formal or informal, the member must get advice from the union.
- The member should be advised to keep a diary of events.
- This diary will be useful in proving that bullying has occurred and explaining the cumulative effect of the bullying.
- Discuss with the member what outcome they expect from the process.
- Most formal procedures require you to have tried to resolve the matter informally first. Only if that has failed can you then raise a formal complaint.
- Be very clear about the company's grievance/harassment procedures and make sure the management sticks to them.
- Find out if others have been bullied by the same person. Ask them to write witness statements, if appropriate, or help you compile a "background on the aggressor". Call a union meeting to see if you can bring a collective grievance or complaint. Consider other avenues for collective action.
- Use examples of good practice when discussing your case with colleagues or in meetings with management.
- Even if management does not want to acknowledge that one of their own has been a bully, the amount of time you force them to spend investigating, justifying, excusing the bully, making sure the rumours do not get into the press, etc, will mean they may decide it is too much trouble and take steps to stop the bully.
- Try to limit the stress for the members by ensuring there are strict time limits for harassment and bullying procedures and that the member does not have to keep giving verbal evidence when written submissions can be considered instead. Strict time limits apply for legally taking up a bullying or harassment case. This is usually three months less one day from the last incident in Britain and Northern Ireland and six months in the Republic of Ireland.

Guidelines for freelance members

Freelances would not normally be protected by employment rights, but in certain cases other legal avenues might be possible.

- All freelances should be made familiar with the company's HR and health and safety policies; these should cover bullying and harassment.
- Freelance workers often find it more difficult to raise complaints about bullying, either formally or informally, because they fear that making a complaint may have an effect on whether they are engaged in future. This makes union membership even more important.
- Bullying does not have to be intentional – the effect as much as the intention is a key part of defining bullying. Perception alone, however, is unlikely to convict a bully, so concentrate on the hard facts of what was said or done and take statements from anyone who witnessed either the event or its effect upon the worker. All employers have a duty of care towards any member of staff, freelance or not, and that may mean ill-treatment is a breach of that duty.

If you think your member is being bullied, these are steps you can take to gather evidence and get it stopped:

- The member must contact the union representative as soon as possible in the process.
- Before any meeting formal or informal, the member must get advice from the union.
- The member should be advised to keep a diary of events to keep a perspective on what is happening. This diary will also be useful in proving that bullying has occurred and explaining the cumulative effect of the bullying.
- Discuss with the member what outcome they expect from the process.
- Most formal procedures expect you to have tried to resolve the matter informally first. Only if that has failed can you then raise a formal complaint.
- Few companies have policies about bullying which extend to freelance workers. If the policy does not apply to you, then speak to your union about what you can do.
- Be very clear about the company's grievance/harassment procedures and make sure the management sticks to them.

- Find out if others have been bullied by the same person. Ask them to write witness statements, if appropriate, or help you compile a 'background on the aggressor'. Call a union meeting to see if you can bring a collective grievance or complaint. Consider other avenues for collective action.
 - Use examples of good practice when discussing your case with colleagues or in meetings with management.
 - Try to limit the stress for the members by ensuring there are strict time limits for harassment and bullying procedures and that the member does not have to keep giving verbal evidence when written when written submissions can be considered instead. Taking up a bullying or harassment case legally is usually three months less one day from the last incident in Britain and Northern Ireland and six months in the Republic of Ireland.
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BECTU's free confidential anti-bullying hotline 0800 011 3822

provides a way for staff and freelancers, irrespective of union membership, to report their concerns. More details on the BECTU website: <https://www.bectu.org.uk/news/2006>

More information

The NUJ has published a Stop Bullying handbook <http://www.nuj.org.uk/rights/health-and-safety/bullying-and-harassment/>

ACAS, the arbitration service's bullying and harassment at work: Guidance for employees has useful information <http://www.acas.org.uk/index.aspx?articleid=797>

Unite guide to dealing with harassment, discrimination & bullying <http://www.unitetheunion.org/uploaded/documents/ZeroToleranc eGuide11-18154.pdf>

TUC: Hazards at Work book <http://www.tuc.org.uk/workplace-issues/bullying.cfm>

Quigg, A. (2011). Bullying in the Arts. Farnham, Surrey: Gower Applied Research.

For further information please get in touch:

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