



# CODE OF CONDUCT ON SEXUAL HARASSMENT

2018

## CODE OF CONDUCT

Employers have a legal and contractual obligation to maintain a workplace free from sexual harassment. SAG-AFTRA is committed to holding employers accountable for meeting this obligation. We are prepared to work cooperatively with employers towards the achievement of this goal, but are also willing to use the union's enforcement powers to protect our members, including directing them not to work for employers who will not keep them safe.

This SAG-AFTRA Code of Conduct on Sexual Harassment ("Code of Conduct") marks our rededication to upholding professional standards and addressing the toxic and often unlawful workplace culture that many of our members face on a daily basis. We expect our members to live up to these standards, including in their dealings with other members and employees.

As a union that draws its strength from collective action, we also expect our members to uphold our collective responsibility, stop harassing conduct whenever possible, support those who speak up, and report the offensive conduct whenever possible. STOP. SUPPORT. REPORT.

This Code of Conduct is firmly grounded in established laws, contractual provisions, and policies that are articulated below. To ensure that this Code of Conduct provides practical guidance, we will be supplementing it with additional, scenario-specific guidance that outlines best practices and offers practical advice for members on how to avoid and/or address sexual harassment in the workplace and related environments.

### 1. UNDERSTANDING SEXUAL HARASSMENT: DEFINITIONS

Sexual Harassment is conduct of a sexual nature that unreasonably interferes with an individual's work by creating a pervasive sexually hostile or offensive work environment. It also occurs when a person's submission to or rejection of sexually offensive and unwelcome conduct is used as the basis for an employment decision.

Sexual Harassment takes many forms. It includes sexual assault (which is also a crime), unwanted sexual advances, requests for sexual favors, inappropriate use of nudity or sexual images in work areas, repeatedly sending sexually offensive texts or emails, and other unwelcome verbal, visual, or physical conduct of a sexual nature.

#### 1.1 Quid Pro Quo Sexual Harassment

Quid pro quo sexual harassment occurs when your job or work assignments depend on your submission to sexual or romantic requests from a superior, or you are denied work or given less favorable work assignments because of your unwillingness to engage in sexual or romantic behavior

#### 1.2 Hostile Work Environment Sexual Harassment

A hostile work environment is characterized by unwelcome verbal, visual, or physical conduct of a sexual nature that is severe

or pervasive and which creates a hostile, offensive or intimidating work environment. Conduct directed at others can nevertheless generate a hostile work environment.

### **1.3 Retaliation**

Retaliation in any form is also unlawful. Retaliation occurs when an employer takes an employment action against someone who makes a complaint of sexual harassment. Retaliation against someone who assists another in making a complaint or who participates in an investigation into inappropriate behavior is also unlawful. Retaliation can take many forms, including firing, denial of work assignments, loss of extra hours, offering less favorable work opportunities or exclusion. Report retaliatory behavior in the same manner you would harassment.

## **2. WHAT DOES THIS THIS MEAN FOR EMPLOYERS?**

### **2.1 Employers Are Obligated to Provide a Harassment Free Workplace**

The law imposes an affirmative obligation on employers to maintain a workplace free from all forms of discrimination including sexual harassment. The employer's obligation includes a requirement to train supervisors in sexual harassment prevention.

### **2.2 Non-Traditional Worksites**

The employer's obligation to maintain a harassment free work environment is not limited to a traditional worksite, whether it be an office, a booth or a set. The obligation extends to other locations where an employee is required to be in the course of the employee's employment. That might include, for example, a meeting, audition, wrap party, or networking event.

### **2.3 Child Performers**

Minors are uniquely vulnerable to abuse, including harassment and sexual assault, and require special attention and protections. There are specific rules in our collective bargaining agreements that govern the employment of minors, as well as federal and state laws designed to protect them. Employers should strictly comply with these rules and work with set teachers, parents and the union to ensure that any minor performer is protected.

### **2.4 Employees of Vendors and Third Parties**

The employer's obligation is not limited to controlling the behavior of its direct employees. The employer has an obligation to address harassing behavior of vendors and other affiliated companies.

### **2.5 Reporting Mechanism**

The employer is required to maintain a mechanism through which employees can report instances of sexual harassment and to communicate that mechanism to employees. Frequently, this information can be found on call sheets and, for permanent employees like broadcasters, employee handbooks or policy manuals.

In the entertainment industry, where the "employer" may be a short-lived production company that ceases to exist after a project is complete, it can be less obvious who to contact. This difficulty is one reason that SAG-AFTRA will be working with the industry to advocate for and help develop an industry-wide reporting mechanism. In the meanwhile, employees should contact the union if they have questions or concerns about the employer's reporting mechanism.

### **2.6 Non-Retaliation**

The employer may not retaliate against the employee for reporting instances of sexual harassment. Employers should endeavor to protect the confidentiality of a member who complains about sexual harassment to the greatest possible extent and ensure that the member is not subject to further unlawful retaliation or harassment.

### **2.7 Contract Compliance**

Various SAG-AFTRA collective bargaining agreements contain provisions that prohibit sexual harassment and sex discrimination. As a best practice, employers should communicate proactively with SAG-AFTRA in the event of instances of potential sexual harassment so that SAG-AFTRA can work together with the employer to ensure contractual compliance. As our members work in a variety of contexts (entertainment, broadcast news, music, etc.), employers should analyze this obligation on a case by case basis.

## **3. WHAT HAPPENS WHEN AN EMPLOYER FAILS TO KEEP AN ENVIRONMENT FREE FROM HARASSMENT?**

Employers who fail to maintain a harassment-free workplace face legal liability in court, state or local agencies and/or may also violate the terms of our collective bargaining agreement. The union will vigorously pursue contractual violations in this area including, where appropriate, directing

members not to report for work if they cannot work safely.

If you believe that your employer has not met this obligation, you may contact the union or consult your own attorney. The union can also refer you to additional resources.

## 4. WHAT DOES THIS MEAN FOR SAG-AFTRA MEMBERS?

### 4.1 Harassment Prohibited

When acting in the capacity of a producer or supervisor, members are subject to the same laws and rules as any employer. Beyond this, we all share the expectation that our members, and all professionals, will refrain from engaging in harassing conduct and support efforts to eliminate this scourge from the workplace.

### 4.2 Consequences for Harassment by Members

Employers are responsible for preventing sexually harassing conduct by any of their employees, including those who are our members. SAG-AFTRA will pursue employers for failing to prevent harassing conduct by employees who are our members to the same extent as for failing to prevent harassing conduct by any other employee.

Sexually harassing conduct may also form a basis for member discipline.

Importantly, as a union it is our duty to help ensure that our members, including those who may be accused of harassment, receive fair treatment and due process by their employer. Members accused of sexual harassment may be entitled to union representation if their employer pursues discipline.

### 4.3 Reporting Harassment

Members are encouraged to report instances of sexual harassment to the union. In order to report a non-emergency instance of sexual harassment a member should call their local office or contact the EEO & Diversity Department at (323) 549-6644 or (212) 827-1542. If it is an emergency, please contact (844) SAFER-SET (844-723-3773).

### 4.4 Intervening/Witnessing Harassment — STOP. SUPPORT. REPORT.

Whether during work or at work-related activities, it is the collective responsibility of our members to act as active bystanders and supportive colleagues when we witness or learn of acts of sexual harassment or retaliation. To end the pervasive culture of inaction and silence, we must not look the other way. We must intervene to STOP the conduct when we can, SUPPORT those who speak up, and REPORT the conduct.

SAG-AFTRA EEO & Diversity  
Sexual Harassment Information  
Los Angeles: (323) 549-6644 / New York: (212) 827-1542  
diversity@sagaftra.org  
<http://www.sagaftra.org/content/non-discrimination-policy>  
24-Hour Hotline: (844) SAFER-SET / 844-723-3773

## 1. STATUTES OF LIMITATIONS AND FILING DEADLINES

### Filing Deadlines for Workplace Harassment + Discrimination

Please be advised of the multiple deadlines for filing discrimination/harassment claims with federal and state agencies and courts. We recommend that you consult with a private attorney to discuss further options. State agencies have deadlines for filing complaints that can range from 180 days to one year, and the Federal EEO Commission has a 180-day deadline which can be extended to 300 days if a state or local agency enforces a law that prohibits employment discrimination on the same basis.

### California Department of Fair Employment and Housing

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

To file a complaint: <https://www.dfeh.ca.gov/complaint-process/file-a-complaint/>

### New York City Commission on Human Rights

[www.nyc.gov/html/cchr/home.html](http://www.nyc.gov/html/cchr/home.html)

Manhattan Contact Number: (212) 306-5070

## **Federal Equal Employment Opportunities Commission**

<https://www.eeoc.gov/>

(800) 669-4000 / [info@eeoc.gov](mailto:info@eeoc.gov)

## **Statute of Limitations for Sexual Assault**

<https://victimsofcrime.org/docs/DNA%20Resource%20Center/sol-for-sexual-assault-check-chart---final---copy.pdf?sfvrsn>>

## **2. SAG-AFTRA**

In order for SAG-AFTRA to understand what has happened and/or what is happening, please complete and return a Complaint Questionnaire. You can find this form, along with the SAG-AFTRA Policy Against Unlawful Discrimination & Harassment here: <http://www.sagaftra.org/content/non-discrimination-policy>.

If you choose to complete the complaint questionnaire, you and the EEO & Diversity staff can then review the details of your complaint in order to determine with you whether or not SAG-AFTRA should file a complaint on your behalf. If filing a complaint is determined to be the most appropriate course of action, SAG-AFTRA will send the producer a formal complaint along with a copy of our policy regarding discrimination and harassment. The complaint will require that the company investigate the complaint and take immediate action to remedy any inappropriate conduct. Upon completion of its investigation, the producer is required to provide SAG-AFTRA with a response as to the results of its investigation and any action taken to remedy the misconduct (i.e. suspension or another form of discipline against the person who engaged in the misconduct). We will then provide you with formal notice of the results and findings of the investigation and discuss with you the action(s) taken, if any.

Please note that member-to-member complaints are handled by the SAG-AFTRA Legal Department. To file a complaint against a fellow SAG-AFTRA member, contact Nicole Nakagawa at (323) 549-6641 or [nicole.nakagawa@sagaftra.org](mailto:nicole.nakagawa@sagaftra.org).

Complaints about professional representatives (agents and managers) should first be addressed with SAG-AFTRA's Professional Representatives Department. To obtain more information, please contact them at (323) 549-6745 or [agency@sagaftra.org](mailto:agency@sagaftra.org).

## **3. LAW ENFORCEMENT**

### **Los Angeles Police Department**

[http://www.lapdonline.org/detective\\_bureau/content\\_basic\\_view/6262](http://www.lapdonline.org/detective_bureau/content_basic_view/6262) (scroll down to Special Assault Section)

Commanding Officer: (213) 486-6850 / Special Assault Section: (213) 486-6910

### **New York City Police Department**

NYPD Switchboard: (646) 610-5000 / Detective DiGuadio, Special Victims Unit: (646) 391-8996

<http://www1.nyc.gov/site/nypd/about/about-nypd/contact-us.page>

NYC Sex Crimes Hotline: (212) 335-9373

## **4. RESOURCES**

Below please find free legal resources as well as relevant agency information:

### **The Actors Fund**

<http://www.actorsfund.org/services-and-programs/mental-health> (counseling)

### **SAG-AFTRA Federal Credit Union Free Legal Hotline for Members**

(800) 562-2929

### **TIME'S UP Legal Defense Fund**

<https://nwlc.org/legal-assistance/>

**Women In Film Sexual Harassment Help Line**

<https://womeninfilm.org/helpline/>

(323) 545-0333

Women In Film has formed a confidential support group for women in the entertainment industry who've experienced sexual harassment. The nonprofit advocacy group partnered with the Wright Institute Los Angeles to provide therapists who specialize in empowering survivors of trauma and abuse. Survivors requesting a referral to Safe Space can call the Women in Film Sexual Harassment Help Line at (323) 545-0333 from 10 AM-5 PM PT, Monday through Friday. After-hours calls will be returned during business hours.

**RAINN**

<https://rainn.org/> (anti-sexual violence organization)

*These legal options are provided to our members for their convenience or for informational purposes only. SAG-AFTRA does not guarantee or take responsibility for the content of the information provided by these resources or for the legal services to which members may be referred.*