

Addressing sexual harassment in the live performance sector

International normative framework and trends....

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ILO Convention on Violence and Harassment at Work No 190, 2019

- Convention No. 190 concerning the elimination of violence and harassment in the world of work
- Recommendation No. 206 concerning the elimination of violence and harassment in the world of work

1 PREVENTION AND PROTECTION

2 ENFORCEMENT AND REMEDIES

3 GUIDANCE AND TRAINING

► The innovative elements

- Brings together **equality and non-discrimination with safety and health at work**
- A single **composite concept**
- An **integrated approach** - action on prevention, protection, enforcement, remedies, guidance, training and awareness raising
- Strong focus on **inclusivity and accessibility**

Broad range of terms....

“violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment

No intent, but pragmatic approach – victim-centred focused on the unacceptability of the conduct, and on their effect on victims



Who is covered?

The Convention protects workers and other persons in the world of work:

- **employees** as defined by national law and practice
- persons working **irrespective of their contractual status**
- persons in **training, including interns and apprentices**
- workers whose employment has been terminated
- **volunteers**
- **jobseekers** and job applicants
- individuals **exercising the authority, duties or responsibilities of an employer**

The Convention requires Members to take into account violence and harassment involving **third parties**, where applicable, when adopting an inclusive, integrated and gender-responsive approach

Violence and harassment in the world of work

Occurring in the course of, linked with or arising out of work:

- The workplace, including public and private spaces,
- Places where worker is paid, takes a rest break or a meal
- Sanitary, washing and changing facilities
- Work-related trips, travel, training, events or social activities
- Through work-related communications
- In employer-provided accommodation
- When commuting to and from work

Sexual harassment in the context of C190

- -definition of gender-based violence and harassment **explicitly includes** “sexual harassment”.
- **serious manifestation of sex discrimination and a violation of human rights,**
- It has been addressed prior to the adoption of Convention No. 190 within the context of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) **(2002 General Observation of the ILO**
- **CEACR)**

‘sexual harassment’ was defined as:

- **Requests for sexual favours to get/maintain a job,** a promotion or other employment conditions or benefits;
- Situations **at work or in work-related environments** causing individuals discomfort or humiliation, **because of sexually-suggestive behaviour or images or hostile conducts** directed at someone because of their gender or gender identity;

TRENDS ON SEXUAL HARASSMENT IN THE ENTERTAINMENT INDUSTRY – A POLICY BRIEF (2020)

➤ ➤ **Policy brief on sexual harassment in the entertainment industry (2020)**

Scope

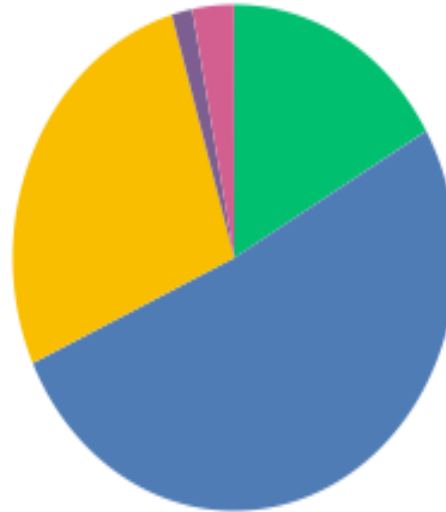
- ▶ The brief informs the application of the Convention (No. 190) and Recommendation (No. 206) on violence and harassment in the world of work in the entertainment industry.

Overview

- ▶ Analysis of trends and patterns around sexual harassment in the entertainment industry, and its gender dimensions.
- ▶ Overview of the legal environment in relation to sexual harassment, and protection and coverage of workers in the sector.
- ▶ Policy options and considerations for expanding and promoting the prevention of sexual harassment in the sector.

1. Extent and Patterns

Q2 Which is the sector of the industry covered by your organization?

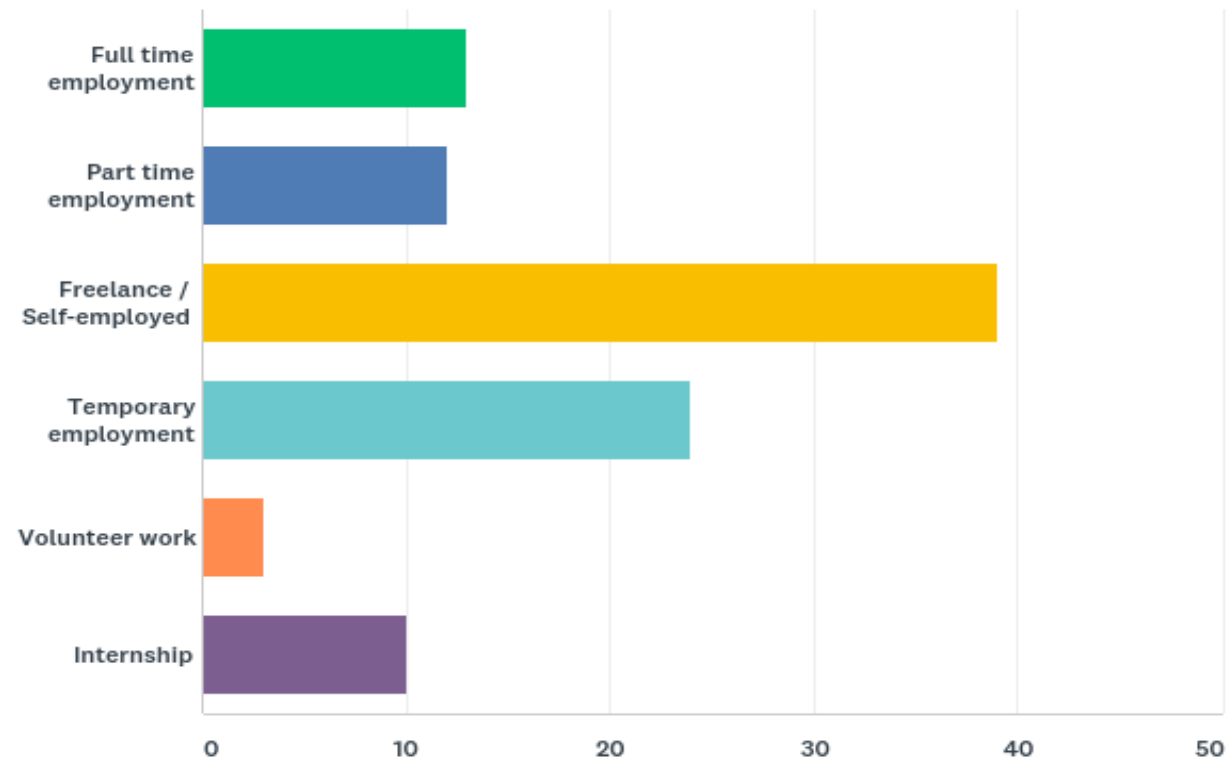


Over 86% of the respondents mentioned that sexual harassment was a concern for their members



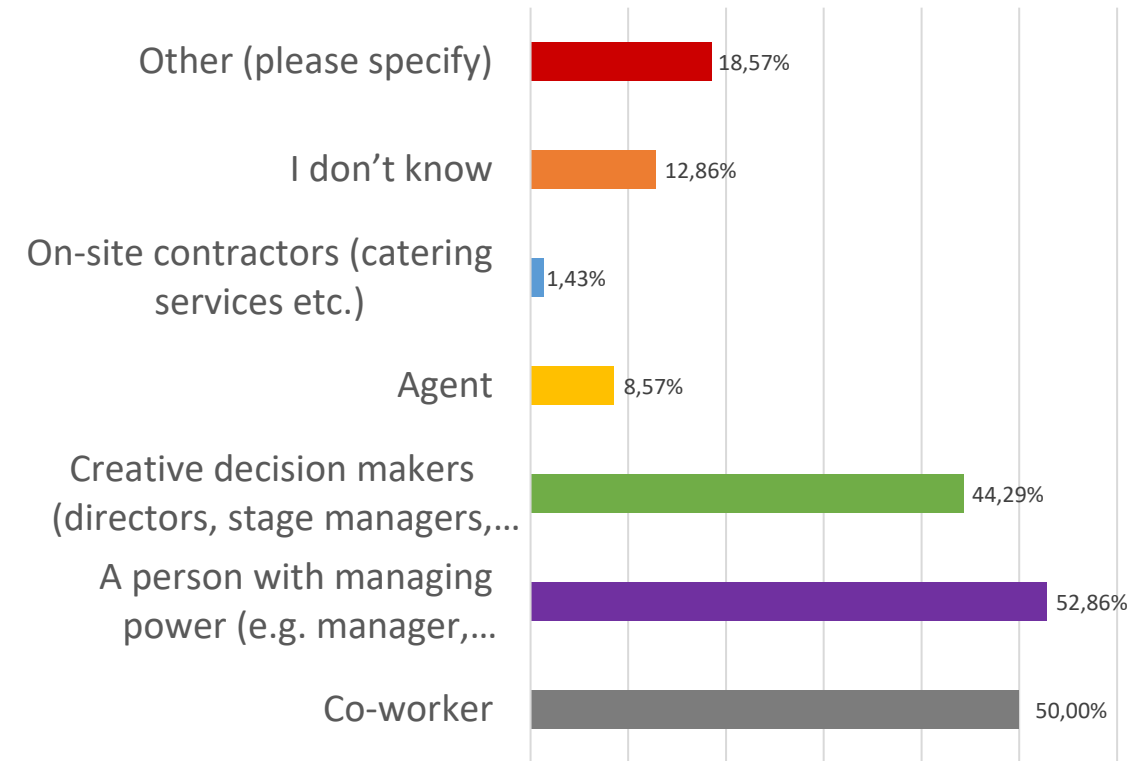
2. Working conditions, organization of work & sexual harassment in the entertainment industry

Q10 What is the most common type of work arrangements of the victims reporting sexual harassment ? Select maximum 2

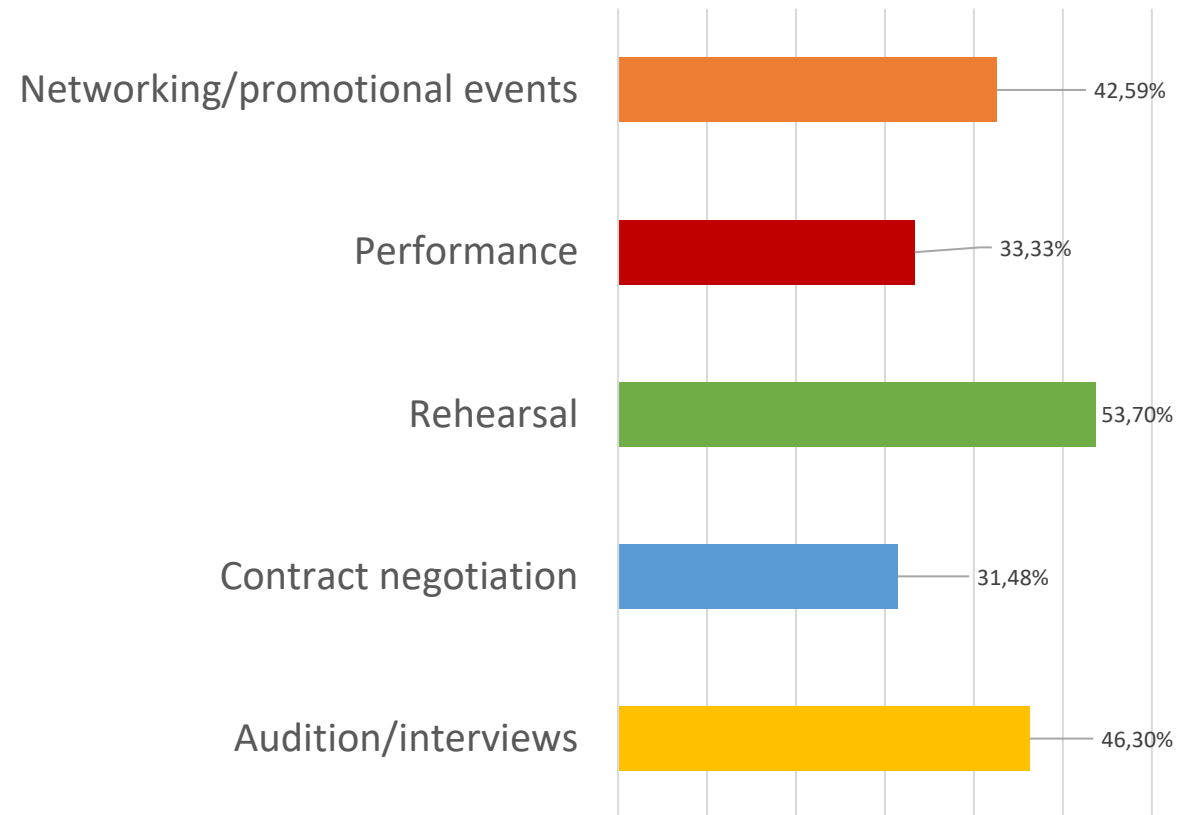


2. Working conditions, organization of work & sexual harassment in the entertainment industry

Most often alleged perpetrators of sexual harassment



Where do most of the reported cases of sexual harassment tend to occur?



3. Legal and policy frameworks

- Around **88 per cent** of respondents were aware of national legal frameworks addressing sexual harassment in their countries
- In general violence and harassment at work **is dealt with in silos** (non-discrimination vs OSH vs employment law vs criminal law)
- however - **limited nature of the scope** of such legislation (focus on physical workplace, not covering protection of the victims etc.)
- Where sexual harassment is dealt with in employment or OSH legislation, respondents mentioned **the weak, or even impossible, protection for artists considered as freelance or self-employed**, compared to those considered as employed, by national legislation

How to address the harassment culture, and bring about real change?

- **Act upon normalizing violence and harassment** - multiple and intersecting forms of discrimination; unequal gender-based power relations; gender stereotypes; and gender, social and cultural norms
- **Reflect on:** how our performances depict or perpetuate violence and harassment? Not only internally, but externally? In other words, how the sector could be a positive catalyst for change and send positive message on the need to stop violence and harassment?
- **Prevent:** one of the key message of C190 is that violence and harassment can be prevented... see role of OSH
- **Effective remedies and enforcement mechanisms:** act timely and effectively; make it clear that any act of violence and harassment will be tolerated and perpetrators will be held accountable
- **Engage in dialogue** with all groups to understand where the risks of violence and harassment stem from, and how to better address and control them
- **Raise awareness:** many people are not even aware that some behaviours or practices constitute violence and harassment

How can we appropriately address sexual harassment and gender based violence in the workplace?

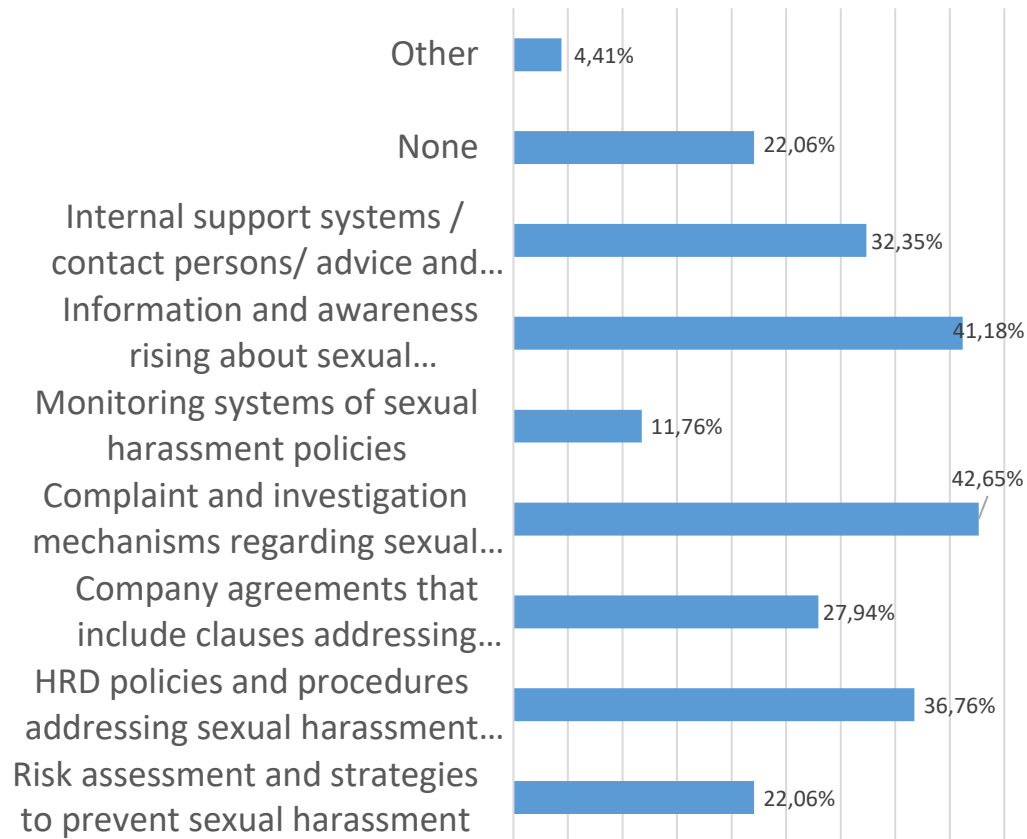
Convention No. 190 calls for **the adoption of a comprehensive strategy** in order to implement measures to prevent and combat violence and harassment

Possible measures:

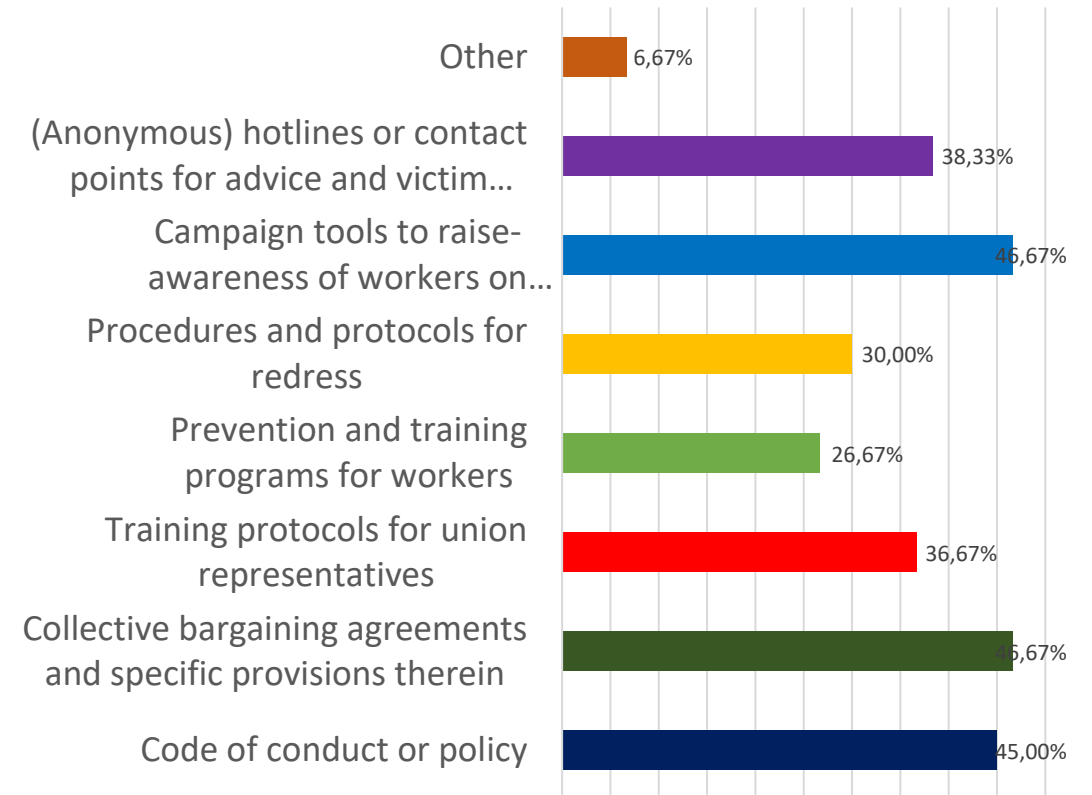
- **Extending the scope** of labour law and OSH protection (people and place)
- Moving **beyond labour legislation** (equality & non-discrimination, criminal law)
- Including violence and harassment in **OSH risk management**
- Strategies targeting violence and harassment in specific sectors – through **joint employers-unions engagement for prevention, redress and remedies**
- Company or sectoral **codes of conducts**

4. Current initiatives by workers' organizations and employers' organizations

Which measures have employers put in place so far?



The most common methods/measures employed by unions



Considerations

Workplace policies or codes are different for each company and a uniform set of standards would fill gaps and inconsistencies across the different sectors of the industry, making it easier for workers and employers to know their rights and obligations as they move between companies.

There is a good level of collaboration between employers' and workers' organizations in the entertainment industry, but need for stronger redress mechanisms, prevention measures, risk assessment

Need to clarify lines of responsibility: training protocols for managers or union representatives, protocols for redress within organization's structure

What tools to create a workplace that is free of discrimination, harassment and retaliation?

Employers' obligation to prevent violence and harassment in the world of work (Article 9 C190)

the measures prescribed must be “**appropriate**” and correspond to the employers’ “**degree of control**”;

they should be taken “**so far is reasonably practicable**”

- adopt and implement, in consultation with workers and their representatives, a **workplace policy on violence and harassment**;
- take into account violence and harassment and associated **psychosocial risks in the management of occupational safety and health**;
- **identify hazards and assess the risks** of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them;
- provide to workers and other persons concerned **information and training**, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned

ENFORCEMENT AND REMEDIES

- **Monitor and enforce** national laws and regulations
- Put in place **remedies/dispute resolution mechanisms** at the workplace level as well as external to the workplace;
- Protect **complainants, victims, witnesses and whistle-blowers**;
- Protect the **privacy and confidentiality** of those involved
- Provide for **sanctions**
- Provide access to **gender-responsive complaint and dispute resolution mechanisms**, support, services and remedies in cases of gender-based violence and harassment

► Questions?

Also see: A Guide on Convention No. 190
and Recommendation No. 206 (2021)

