

# The Writers Guild of America: Understanding Harassment and Discrimination

The **Actors Fund**,  
**for everyone**  
in entertainment.

# Understanding Harassment and Discrimination

- Understanding harassment and discrimination
- Sexual harassment
- Challenges and Effects
- Responding to Harassment
- Resources

# The Epidemic of Harassment

- As many as 1 in 3 women have experienced sexual harassment in the workplace
- 71% of sexual harassment goes unreported
- High level of harassment in male-dominated industries
- Up to 75% of people experience retaliation after reporting
- Filing a formal complaint is the least used option

# Harassment and Discrimination

is unsolicited or abusive conduct that is **unwelcome, unwanted, offensive, intimidating, or hostile**. It is illegal to harass or discriminate against an individual on the basis of a “protected class”: race or ethnicity, color, creed, national origin, alien or citizenship status, age, gender, disability, sexual orientation, marital status, or other basis

# Equal Employment Opportunity Commission Protected Classes

Age (40 and over)

Disability

Genetic Information

National Origin

Family Status (Housing)

Pregnancy

Race/Color

Veteran Status

Religion

Retaliation

Sex

Sexual Orientation – in  
some jurisdictions

# Who is protected under the law?

- Former/current employees
- Job applicants
- Independent contractors
- Interns (paid vs. unpaid)
- Union members

# According To The Courts:

The harassed party defines what is unwelcome, unwanted, offensive, intimidating, or hostile

# The “Reasonable Person” Standard

What would a reasonable person think is ‘out of bounds’ (demeaning, insulting, offensive) or interferes with work (terms and conditions of employment)



# Legal Avenues

## Federal:

- **Equal Employment Opportunity Commission (EEOC)**  
Agency responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or employee because of their protected class. Visit their website on information about harassment and discrimination, learn how our legal system addresses these issues, and the process of filing a claim. [www.eeoc.gov](http://www.eeoc.gov) 1-800-669-4000

# Legal Avenues

## State:

- **New York Division of Human Rights.** Division of State government responsible for enforcing and upholding the Human Rights Law in New York. The law states that every citizen has an “equal opportunity to enjoy a full and productive life.” File a discrimination or harassment complaint against an employer or other organization or agency online. The website also contains helpful information about the investigative process and determining outcomes. <https://dhr.ny.gov/> 1-888-392-3644

# Legal Avenues

## City:

- **NYC Human Rights Commission.** The Commission's Law Enforcement Bureau (LEB) enforces the NYC Human Rights Law. Allegations of discrimination come to LEB for investigation in several ways. Members of the public may file a complaint with LEB about their own experience. A lawyer may file a complaint with LEB on a client's behalf. Service providers, community organizations, elected officials, or individuals may bring specific incidents or potential patterns of discrimination to LEB's attention, and LEB can initiate its own investigation. You may file a claim online or by calling 311.  
<http://www1.nyc.gov/site/cchr/index.page> 311 or (718) 722-3131.

# Examples of Harassment and Discrimination

Repeated behavior interfering with the individual's work. Creating a hostile, intimidating, or offensive environment on the basis of one's protected class including;

- Derogatory or demeaning comments
- Insulting or abusive actions
- Stereotyping and biased behavior
- Retaliatory behavior
- Denying opportunities

# What is Sex Discrimination?

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex

- Pay discrimination
- Pregnancy/caretaking
- Sexual harassment
- Gender Identity

# What is Sexual Harassment?

It is a form of sex discrimination that is unwelcome. This Includes:

- Sexual advances
- Requests for sexual favors
- Verbal or physical contact of a sexual nature

# Sexual Harassment occurs when the action:

- Creates an unreasonable interference with a person's work performance, employment terms & conditions
- Causes an intimidating, hostile, or offensive work environment

And/or

- Agreeing to such conduct is made either explicitly or implicitly a term or condition of a person's employment
- Agreeing to or rejecting such conduct is used as the basis for employment decisions affecting that person

# Sexual Harassment

- “Quid Pro Quo” (this for that)
- “Hostile Work Environment”



# “Quid Pro Quo” Sexual Harassment

When someone demands sexual favors in exchange for favorable employment conditions or opportunities, or threatens to negatively impact a member’s job status

## Examples include:

- Guaranteed continued employment
- Promising a job or an opportunity
- Taking something away or penalty

# Hostile Work Environment Sexual Harassment

Characterized by conduct that has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment. **Conduct needs to be sufficiently severe or pervasive.**

# Hostile Work Environment

- Sexually explicit or implicit comments
- Undue attention, such as texts, emails, calls, gifts, etc.
- Lewd gestures, staring, or leering
- Obscene or suggestive images, Emails, YouTube videos
- Excessive aggressive behavior
- Physically threatening or humiliating behavior

# Sexism at Work

## Prejudice + Power

- Lower initial offers and raises
- Parenting responsibilities
- Lack of inclusiveness
- Paternalistic attitudes
- Low value tasks
- Ideas undervalued
- Being interrupted or ignored
- Less likely to receive credit in group work
- Delayed promotions

# Work in Film/Television/Digital

## Challenges unique to this environment:

- Short term employment and/or multiple employers
- Intimacy of the writers' room
- Lack of gender and ethnic diversity
- Explicit content and material
- “Anything goes” atmosphere (lack of boundaries)
- High pressure environment with extended hours
- Informal networking culture
- Pressure to conform
- Gender bias
- Lack of trust in “Upper Management” or Executives
- Unclear Chain of Authority

# Effects of Harassment

- Trauma
- Lost productivity
- Low morale
- Lost creativity
- Lost opportunity
- Financial costs
- Lost self-esteem
- Marred reputation
- Damaged career
- Family stress
- Injury
- Legal action

# What Can You Do?

If you experience offensive, intimidating and potentially harassing behavior, you may want to follow the 3 R' s:

- **Report** the incident to your business or field rep
- **Respond** – If comfortable, you can talk directly to the offending party to let them know that her/his behavior is offensive, unwelcome, and must stop
- **Record** – You may note each incident, date, place, and any witnesses

# What Can You Do?

**If you experience offensive, intimidating and potentially harassing behavior:**

- **Report** the incident to your union representative.  
By reaching out to your union rep, you are allowing your union to support you in addressing the issue. Your representative can help you navigate your options and connect you with information and resources. By reaching out, you are not committing to any particular action. Your union can explain to you the process of addressing the issue with your employer and provide support.



# What Can You Do?

**If you experience offensive, intimidating and potentially harassing behavior:**

- **Respond** – If you are comfortable, you can tell the offending party that his/her behavior is unwelcome and needs to stop. Responding directly will not always change their behavior, but it does communicate that it is unwanted and educates the harasser on their behavior. **Be firm, specific, and suggest alternate actions or behavior if appropriate. Never apologize.**

# What Can You Do?

**If you experience offensive, intimidating and potentially harassing behavior:**

- **Record** – It is important to note each incident of harassment and information concerning the situation such as:
  - What happened (as detailed as possible)
  - What was said (record as best you can)
  - When did it occur (date and time)
  - Where did the incident take place (be specific)
  - Who was present (names and roles)

# Record

## Documentation Guide

Please use this reference guide to organize your thoughts around the incident(s) that occurred.  
These are common questions that will be asked if you decide to report. Please store this file in a safe place.

Today's Date

### **Incident Information**

Name of harasser

Relation to harasser (i.e. reporting manager, co-worker, etc.)

Type of harassment

Date(s) and time(s) of previous incident(s)

Description of event(s) — *Do not forget to provide details of events leading up to the incident as well.*

Date and time of last incident

Description of event — *Do not forget to provide details of events leading up to the incident as well.*

Why do you believe you were targeted?

Enclosed evidence (i.e. screenshots) — Circumstantial evidence works too

List any witnesses.

Did you speak to anyone about this incident? If so, what is your relation with them?

# Contribute to a Healthy Work Life

Harassment and discrimination can occur more easily if we are not paying attention to how our behavior may effect others.

- **Respect** your colleagues and their diversity. Our differences allow us to contribute to a dynamic and productive work force.
- **Be aware** of your use of language and of your personal communication style. Ask yourself if there is a way others may perceive your language as offensive or discriminatory.
- **Create** civility and respect in the workplace by telling others when their behavior might be considered offensive or unwelcome. Lead by example.

# The Actors Fund

- Free confidential counseling is available to all performing arts and entertainment professionals.
- Referrals to legal resources if needed.

The Actors Fund: [www.actorsfund.org](http://www.actorsfund.org)

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