



A Federation of Entertainment Unions' report examining bullying, harassment and discrimination in the entertainment and media industries

19th November 2013

Foreword

Creating without Conflict is about all of us working in the media and entertainment industries having the right to do our job without being bullied or belittled by our managers or colleagues.

It is about how we, as individuals and as members of our unions, confront work practices and work cultures that lead to bullying. It is about how we can organise collectively and across our industries to ensure we are treated fairly and with respect. It is about how we learn to be constructive with our criticism during creative endeavours.

Bullying and harassment blight many workplaces, but the Federation of Entertainment Unions wanted to examine its suspicion that they are particularly rife in the creative industries. The NUJ had provided a dossier of shocking examples of bullying in newspapers as evidence to the Leveson inquiry. The NUJ and BECTU supplied another catalogue of horrific stories as part of their evidence to the BBC's Rose Review, which uncovered a culture where inappropriate behaviour had gone unchallenged at the corporation, where junior staff felt too scared to complain and where staff had no confidence that Human Resources would act fairly and independently.

The FEU then surveyed its members; more than 4,000 replied. The respondents included household names and high-profile figures in the arts world as well as those starting their careers. They reported bullying and harassment at workplaces across the creative industries including publically-funded national arts, music and media institutions in the UK and Ireland. For some, getting the job of their dreams became a nightmare because of the way they were treated by managers and colleagues.

The survey discovered the creative industries are a "hotspot" for bullying, compared with other workplaces. This is accompanied by a culture of silence, which allows perpetrators to behave in inappropriate ways without being reported.

Why is this the case? The creative industries are seen as glamorous and there is great competition to get in and get on. But the reality is most workers are freelance or work on short-term contracts and have few statutory rights. There is the fear that there is always someone else hungry to take your place if you complain.

The survey showed that 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 you were expected to put up with it "to earn your stripes and anything else was seen as a weakness".

This cannot be allowed to continue. Wherever you work, there must be basic respect between managers and employees and between colleagues.

Of those surveyed, women were more vulnerable to bullying and discrimination than men, with 64 per cent compared to 49 per cent of men. The survey painted a picture of women (and some men) becoming prey to sexual harassment at the beginning of their career, over time they learned to develop strategies to avoid it, but then found they were being discriminated against because of their age and were seen as being beyond their shelf-life. One in ten respondents in theatre, television and film witnessed sexuality-related harassment.

One common feature reported was that excuses were made for the "talent", those known in the trade as the "BAFTA bastards". These are individuals, in front and behind the camera, front stage and back stage, who believe they are "untouchable" because of their status and therefore are seen as valuable to the company.

While managers were the main perpetrators of bullying and harassment, half the respondents also identified co-workers and colleagues as offenders. Almost three-quarters (74%) of musicians said abuse came largely from co-workers.

The evidence from the survey shows that, where bullying was reported, being a member of a union was more likely to lead to a successful outcome. It was also more likely to be reported where there was a union presence.

The report makes a number of recommendations based on survey replies, such as the need for tougher action against perpetrators, better policies in the workplace on conflict resolution and greater protection for freelance workers.

The report will be presented at a conference for union members, so we can work together to put forward strategies to deal with the bullies and turn around workplace cultures so creativity can thrive without conflict.



Signed by FEU general secretaries **Bernie Corbett**, Writers' Guild of Great Britain, **Christine Payne**, Equity, **Gerry Morrissey**, BECTU, **John Smith**, Musicians' Union, **Michelle Stanistreet**, National Union of Journalists.

The Federation of Entertainment Unions is a joint-union initiative; it represents workers in TV, theatre, film, music, gaming, cinema, publishing, newspapers, new media, professional football and other performing arts. The FEU comprises BECTU, Equity, the Musicians' Union, the NUJ, the Professional Footballers' Association, Unite and The Writers' Guild of Great Britain.

Executive Summary

This survey, of more than 4,000 entertainment and media industry professionals working in the UK and Ireland, is one of the biggest carried out. Those who contributed included household names, top screenwriters and performers to trainees and those at the beginning of their careers. The results show shocking levels of ill-treatment and inappropriate behaviour and have identified the media and entertainment industries as a "hotspot" of bullying, compared with other workplaces. This report looks at the evidence provided by creative workers and attempts to explain why bullying and harassment was so widespread. The report makes a number of recommendations to be explored by a member-led conference on 19 November.

Key Findings

- On average 56% of respondents had been bullied, harassed or discriminated against at work.
- 52% of respondents across all sectors had witnessed bullying, harassment or discrimination in their workplace.
- While managers were the main perpetrators of bullying and harassment, half the respondents identified co-workers and colleagues as offenders. Almost three-quarters (74%) of musicians said abuse came largely from co-workers.
- More than two-thirds of respondents working in television, radio, film, national and local newspapers reported ill-treatment.
- All respondents in local newspapers reported being bullied, harassed or discriminated against at work.
- Women were more vulnerable than men, with 64% compared to 49% of men experiencing ill-treatment; 34% of women who identified gender or sexuality as a factor in their ill-treatment and disclosed details of it, reported experiences of sexual harassment.
- 83% of female respondents working in radio had been unreasonably treated, 20% more than their male counterparts.
- One in ten respondents working in theatre, television and film witnessed sexuality-related harassment.
- Age was a significant factor with those in the youngest and oldest age groups being most affected; just over half (51%) of those aged 51-60 and 16-30 experienced

bullying, harassment or discrimination because of age.

- 45% of those who were happy with the outcome of their case had involved their union.
- Bullying is estimated to cost UK employers upwards of £2 billion per annum (CIPD, 2005) in lost revenue and dealing with fall out.

Recommendations:

- The need for tougher action on perpetrators and better organisational policies and procedures on conflict in the workplace.
- Union recognition, so that representatives can negotiate anti-bullying policies and represent victims.
- Greater security for freelance workers.
- Confidential, independent hotlines for freelance and staff workers.

Workplace bullying and harassment are unwanted behaviour 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 is not against the law, but can be challenged under health and safety law as a workplace hazard detrimental to

employees' health (see p26 for fuller definitions).

The entertainment and media industries: a bullying "hotspot"

Bullying, harassment and discrimination proved endemic in the sectors surveyed.

All levels of the industry from household names to graduates and trainees contributed their experiences of ill-treatment and commented on why they felt unreasonable behaviour was so widespread in the entertainment and media workplace.

On analysis, three key reasons were illustrated:

Freelance culture

The first contributing factor is the dynamic and production-based nature of the industry which means that a large number (two-thirds of survey respondents) of the work force are freelance, part freelance, part employed, or on a fixed-term contract. To avoid jeopardising future work freelancers commented they did not raise complaints about unreasonable treatment at work. They were 14% less likely to report ill-treatment in the workplace and are often not covered by employers' bullying policies (BBC, 2013, p.52).

Respondents reported this to lead to the perpetuation of bad behaviour from those hiring them or commissioning their work.

This pattern was prevalent in lots of sectors. An actor commented:

"I think that employers feel they can get away with all sorts of liberties. There is a culture of not wanting to put a foot wrong or offend the people in charge and so there is a grin and bear it attitude. Complaining about things just 'gets you a reputation'."

Actor, 30s

A culture of silence

Secondly and leading from the above, ill-treatment was vastly under-reported with fewer than one-third of people experiencing ill-treatment disclosing it; the industries are not a comfortable place in which to complain. Some respondents achieved a career ambition of working at a flagship organisation only to then silently suffer bullying, harassment or discrimination.

Other reasons for a culture of silence include the insecurity of being freelance, allowances being made for 'extravagant' talented individuals and a broad acceptance that bullying is part of the creative workplace culture due to bad behaviour becoming

learnt generation to generation (see quote below).

"Training is really poor - most people only do the lower-tier jobs, in order to climb the career ladder - but the lower tier jobs are so badly performed, that bad practices become ingrained (as these people climb the career ladder)."

Screenwriter, 40s

Many spoke of how allowances are made for talented and 'exuberant' individuals, which often led to inappropriate and unlawful behaviour being excused. Respondents made the link between this culture and the case of Jimmy Savile. As the BBC's Respect at Work review headed by Dinah Rose QC states: ***"Some individuals are seen as being 'untouchable' due to their perceived value"*** (BBC, 2013b, p.10).

The bullying and discriminatory behaviour were often condoned in the entertainment and media industries by senior managers participating in or ignoring the ill-treatment.

High pressure workplaces

As the BBC's Respect at Work review highlighted, the world of media is an ever-evolving and highly pressurised sector facing difficult decisions in today's economy, the stresses of which

“can lead to inappropriate behaviour” (BBC, 2013b, p.3).

Although the drive for success in the creative workplace needs robust management, positively spurring employees with critical feedback, too often the management described in the survey was not effective and crossed lines between reasonable and unreasonable behaviour.

This survey found that high pressure environments across the entertainment and media industries created workplaces in which bullying and harassment were more likely.

“The VFX [digital special effects] industry has a culture of bullying. Because these companies are all underbidding to get the work - the schedules are a mess before jobs even begin. The knock on effect for VFX artists - overwork, no overtime pay, lots of 6-7 day weeks, often working very long hours, it's non-stop stress. And saying no isn't an option. It's a small industry - a 'bad reputation' (eg if you dare to stand up for yourself) will stay with you from company to company (and WILL cost you work).”

Post-production worker film, 30s

Respondents' statements emphasised the entertainment and media workplaces as

stressful. In sectors especially characterised by deadlines and high pressure to deliver, such as the newspaper and broadcast industries, more than 70% of respondents had directly experienced bullying, harassment or discrimination.

Who is most affected?

Within a bullying “hotspot” those with protected characteristics (see page 26) are more likely to be victims of bullying and harassment (Fevre, 2011,p.21).

Women in the entertainment and media industries are more likely to be targets of bullying, harassment and discrimination than men. 64% of women reported being targets of unreasonable treatment, compared with 49% of men.

Sexual harassment was the key problem, commonly reported by women and occasionally by young men. Sexual harassment took many forms, but included pressure to enter a sexual relationship by a person in a position of power, physical molestation, lewd gestures, comments and unwanted advances. Often the intimate working environments of the entertainment and media industries provided opportunities for abuse to take place.

One statement detailed a rehearsal at which a director, exploiting the position of an actress on stage mimed that she was performing a sexual act on him in front of the cast, to her and other cast members' distress.

Who are the bullies?

Survey respondents indicated the persons who had victimised them. As many had experienced multiple counts of bullying and harassment, they often indicated more than one perpetrator.

92% of respondents who had been bullied, harassed or discriminated against selected a managerial figure (a director, producer, or line manager) as the source of the ill-treatment.

Half also identified colleagues, co-workers, crew and performers as offenders.

Union involvement

78% of respondents who reported an incident of conflict were not happy with the outcome. Yet 45% of those who were happy with the outcome had involved their union.

Class

Although not a protected characteristic, several respondents within the broadcast industries noted how prevalent

class discrimination was within the sector.

"The broadcaster I worked for is riddled with snobbery. There is a bias in favour of white upper middle class privately educated people. On the programme I worked on a majority of the staff went to public school."

Journalist, 50s

Main Findings

Who are the survey respondents?

More than two-thirds of respondents were freelance, part freelance, part employed, or on a fixed-term contract. Two-thirds work across more than one sector (e.g. work in television and film as an actor). Many of those who were now freelance had previously been employed on a permanent contract earlier in their career.

90% of respondents worked at least part time in the sectors of television, film, television news,

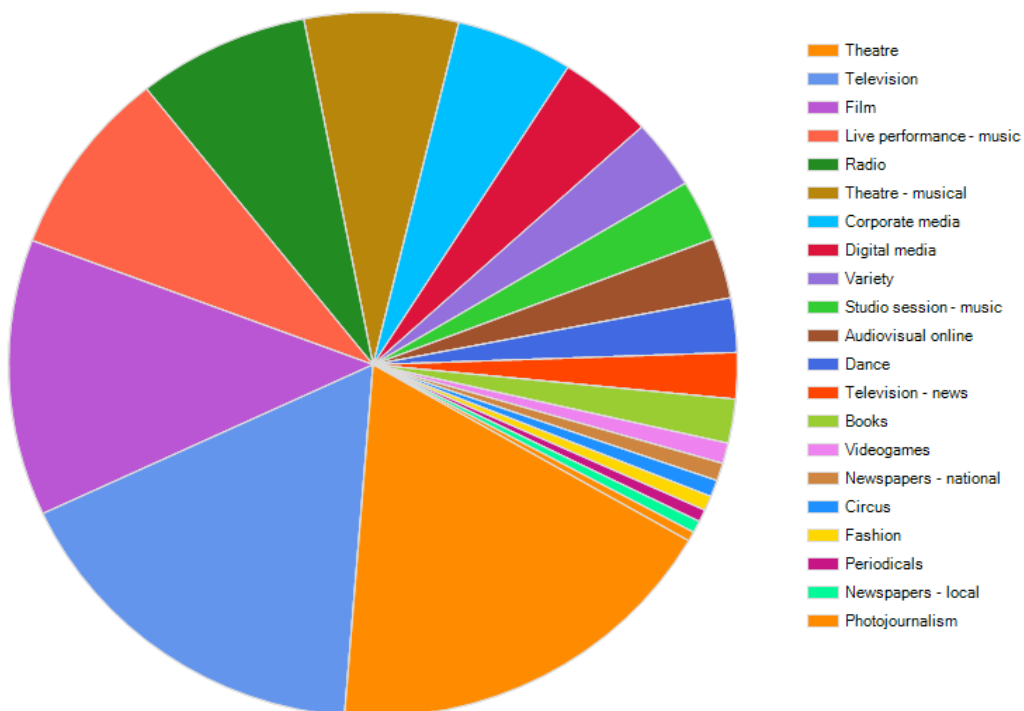
theatre, live musical performance, radio and newspapers (national and local). See pie chart below for the full range of sectors worked in.

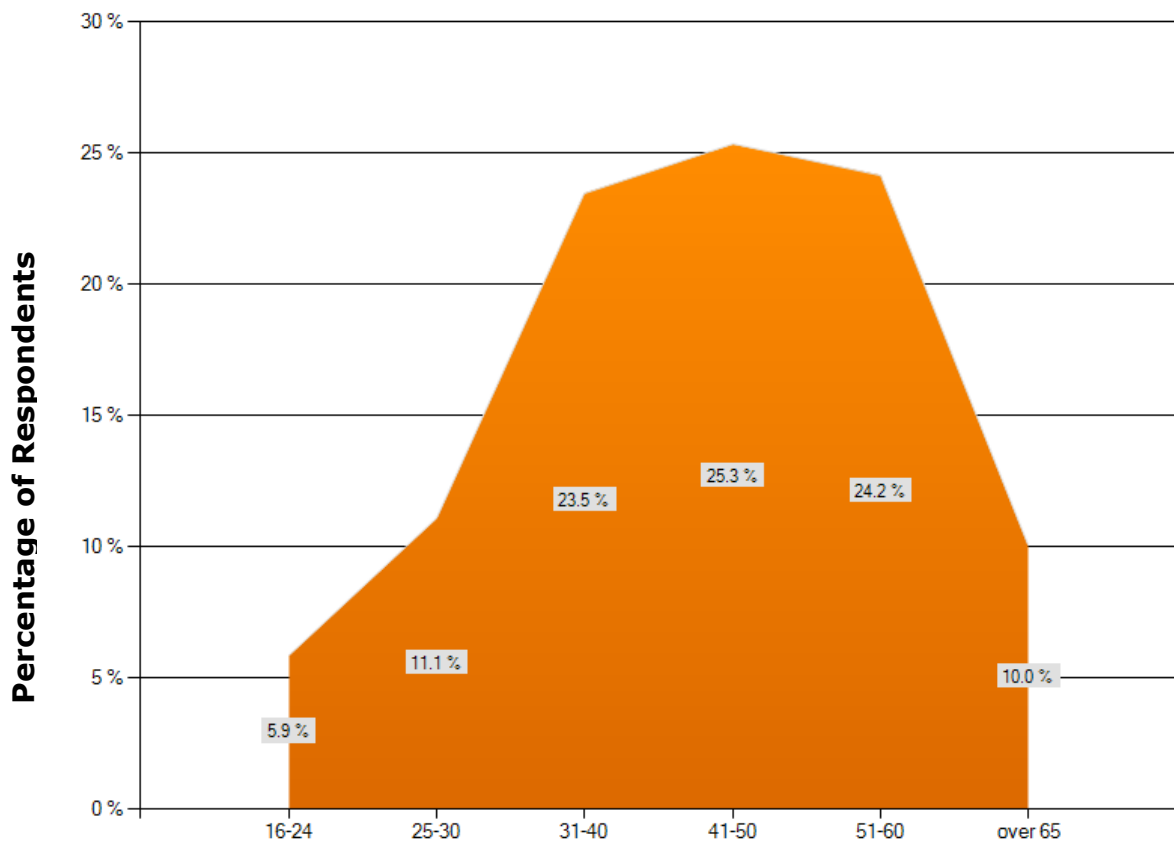
There were a roughly equal proportion of male and female respondents, with eight transgender.

Reflecting the London-centric industry, almost two-thirds worked in the South East.

The age profile of respondents was balanced (see chart on page 9).

Which sectors do you work in? (you can choose more than one)





Methodology

- The quantitative and qualitative data in this report were gathered from an online survey of Federation of Entertainment Union members: BECTU, Equity, Musicians' Union, the National Union of Journalists and the Writers' Guild of Great Britain
- The survey was publicised on unions' homepages, via newsletter and on social media and open for 8 weeks in summer 2013, from 3 June until 27 July
- There were 4104 responses to the survey.
- Qualitative data were gathered from participants willing to share their experiences

How widespread is conflict in the entertainment and media industries?

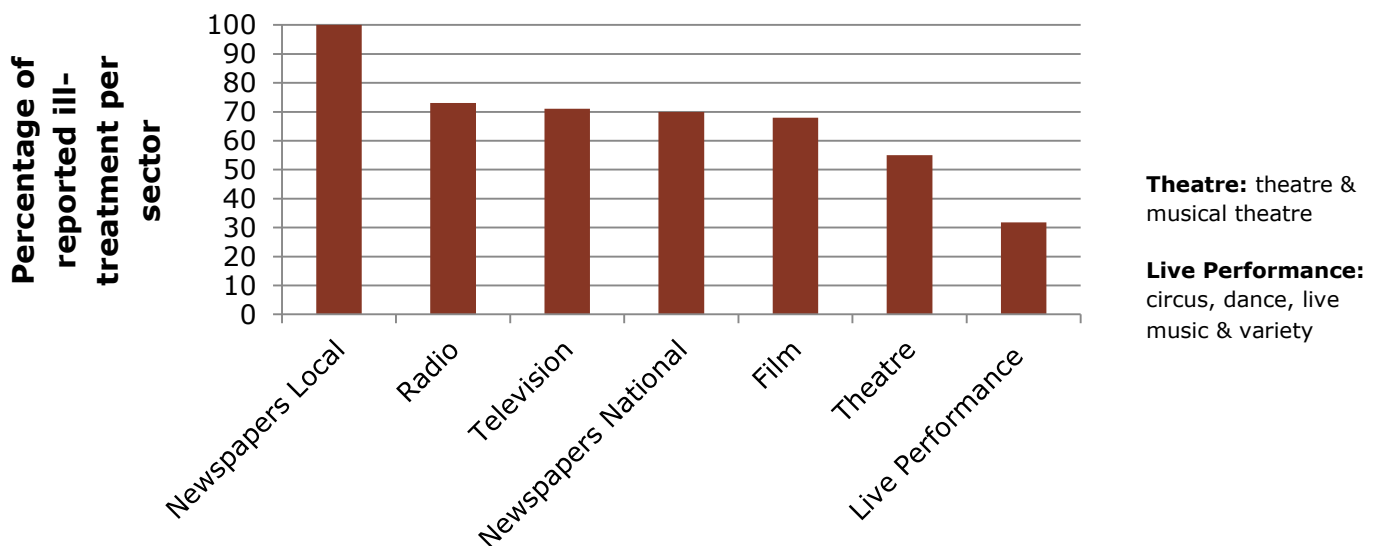
56% of respondents to the survey reported personal experiences of bullying, harassment or discrimination.

52% had witnessed bullying, harassment or discrimination in their workplace.

Those working in the sectors of television, radio, film and newspapers reported very high levels of bullying, harassment or discrimination.

The chart below shows the sectors with the highest levels of ill-treatment.

All those working fulltime in local newspapers had been bullied, harassed or discriminated against. Whilst more than two workers in three in television, radio, film and national newspapers reported grievances. These results indicate a significantly higher level of conflict in some entertainment and media sectors than results from similar, non-sample workforce surveys such as ones undertaken within the NHS (BMJ, 2013) and education (ATL, 2011), where 20-25% reported being bullied.



Bullying, harassment and discrimination per sector

Respondents were able to indicate whether they had been bullied, harassed or discriminated against, or experienced more than one of these forms of ill-treatment.

Bullying was the most common form of unreasonable treatment experienced, with just under half of all respondents reporting it. A quarter of respondents reported they had been discriminated against and 18% indicated they'd been harassed.

Workplace culture

As outlined above, responses revealed the entertainment and media industries to be a "hotspot" for unreasonable treatment at work; the three contributing factors being the freelance culture, high pressure workplaces and tolerance of bullying behaviour.

A 2011 study supported by the Economics and Social Research Council (Fevre, 2011, p. 15) identified ill-treatment in the workplace was more likely among a highly-skilled and well-paid workforce especially at times when work over-intensifies and the pace quickens. Our research was in-line with the above correlations and proved the entertainment and media industries to have many of the characteristics of a "hotspot" for

conflict in the workplace. Whilst it is important to recognise the necessity for a robust attitude to feedback and direction to achieve success in a time-poor, pressured environment, much behaviour detailed in the survey crossed boundaries into the inappropriate.

In addition, the intimate working environments of certain sectors of the entertainment and media industries, especially theatre, provide a greater opportunity for physical and sexual harassment.

Employed & freelance workers

The tolerance and pervasiveness of bullying, harassment and discrimination seemed to be exacerbated by a culture of job insecurity, with over two-thirds of workers surveyed on freelance or fixed term contracts.

A screenwriter expressed concern for the vulnerability of freelance and non-permanent workers when conflict occurred:

"When you have institutional imbalance - the vast majority of writers are freelance, and the vast majority of producers and script editors who hire them are salaried, with greater job security - what do you do? Discrimination is built into the power balance. When a writer comes into conflict with a producer or script editor, there

are very rarely any negative consequences for the editorial staff. Most often the writer loses his or her job. This does not encourage a free and fair exchange of views, and does not result in best practice."

Screenwriter, 40s

Respondents working as full-time freelancers were less likely to have directly experienced unreasonable treatment in the workplace than

those in full-time employment. The freelance group was also older and more experienced, with 39% having over 20 years' experience. This research suggests that despite vulnerability to bullying, harassment or discrimination and their reluctance to report it, freelancers' flexibility does occasionally enable them to avoid workplaces where conflict might be a problem.

Triggers

Workers are more vulnerable to being harassed and discriminated against because of a 'protected characteristic' (age, sex, disability etc) if they work in a "hotspot" (Fevre, 2011, p.21).

Our survey asked people if the bullying, harassment or discrimination they experienced was triggered by one or more of the following characteristics:

Gender

Women proved more vulnerable to direct experiences of bullying and discrimination than men, with 64% of women compared to 49% of men.

81% of women reported gender to be a factor in the bullying, harassment or discrimination they experienced.

Almost half of those who had witnessed unreasonable treatment at work said gender was a trigger.

The gender-related bullying, harassment and discrimination took the form of:

Sexual harassment

A third (34%) of women who identified gender or sexuality as a factor in their ill-treatment and

disclosed details of it, reported experiences of sexual harassment.

Men were also victims of sexual harassment, but far fewer (14% of those harassed on gender grounds) detailed instances of sexual harassment.

Where women were victims, men were the perpetrators and where men were the targets of sexual harassment all but two of the perpetrators were also male.

The instances of sexual harassment detailed by women were far graver, including lewd comments, inappropriate advances and physical harassment.

Commonly, responses detailed incidents of superiors in the workplace or agents harassing young women and men into sexual relationships, sometimes with the promise of promotion or further work, often bullying followed from the perpetrator if a relationship was withheld or ended.

A young female journalist immediately on joining a large media publishing company was pressurised by her direct manager into going out with him during her

probationary period. He first arranged to see her under false pretences out of work hours. When she broke it off after a short period, he made it impossible for her to work with him; stopping communication and management. The female journalist had at the outset, in line with organisational protocol, informed employers of their relationship and requested to be moved to a different team. She reported that she had many friends working in journalism that had had similar experiences over the past ten years.

Many other reports of sexual harassment detailed inappropriate sexual comments and groping. Within the intimate environment of theatre this behaviour was described as **"just a background"** and **"accepted"**. Women noted that they became skilled at rebuffing unwanted sexual advances as their career progressed, but then began to experience discrimination because of their older age and being presumed less capable.

One successful writer for television commented:

"I've seen both actors and senior executives making female staff members uncomfortable with explicitly suggestive comments."

Screenwriter, 40s

Actresses complained that unscripted nudity was also forced upon them, both in screen and stage work.

Maternity

The survey showed a blatant disregard or ignorance of equality legislation concerning maternity. A few accounts detailed women being promptly dismissed on disclosing pregnancy or childcare issues (see example below), whilst exclusion was frequently listed as a problem, with meetings scheduled after times when parents had to leave work. Responses indicated that childcare responsibilities were often seen to downgrade a worker's professional standing.

"Three months after giving birth I was booked by a regular employer. The concert was abroad, so I flew there with my baby and partner a few days prior for rehearsals. I had informed the employer I was breast feeding previously. But when I arrived I told the conductor I may have to be excused sporadically for a ten minute feed, I was sacked on the spot and replaced the next day."

Musician, 30s

Findings showed that the long-hours culture in entertainment and media sectors is frequently

incompatible with family responsibilities.

Pay inequality

Pay inequality was a widespread issue for female workers with women reporting being paid less than male counterparts in television and less than male predecessors in exactly the same role. Film, broadcast and theatre crews were “hotspots” for pay inequality.

Equality of Opportunity

Equality of opportunity is also an issue for women who, in journalism and television especially, reported feeling passed over for promotion often whilst on maternity leave.

Boys’ Club

The overwhelmingly male-dominated culture of many sectors was described as a **“boys’ club”** and comments were made about the **“unspoken sexism”** of its gatekeepers.

“There is an old-fashioned macho culture by which bullying is seen as almost an honour. You have to put up with it to earn your stripes, and anything else is considered a weakness. This needs to be dismantled from the top down. Newspapers in

particular are often highly sexist environments.”

Journalist, 30s

Age

Age also proved a significant prompt for discrimination, with a quarter of those experiencing bullying, harassment or discrimination mentioning it as a factor.

Contrary to received opinion, both ends of the working age spectrum experienced similar levels of discrimination. 51% of respondents aged 51-60 recorded that they had been victims of bullying, harassment or discrimination, as did the same percentage of respondents aged 16-30.

Incidents of bullying, harassment and discrimination related to either youth or advanced age, focused on allegations regarding competence, and resulted in demotion or attempted demotion.

Younger workers were told they were easily replaceable and were denied respect from older colleagues and, in some cases, subordinates.

For older workers issues of respect and competence were key, with respondents being forced out of many sectors, such

as leading orchestras, and facing direct harassment:

"My manager made it clear during an open discussion on the move of technical support between buildings and the consequent merging of technical support departments, that they wanted to 'clear out the dead wood', meaning staff over the age of 50. Management make comments such as: 'We don't want an electronics expert in his 50s.' This dismissive attitude is offensive and ageist."

Broadcast support specialist, 50s

Also of concern in the older age group was the common incidence of retirement through stress and ill-health caused by age-related harassment.

Race

17.9% of respondents who were bullied and defined a trigger, noted race as a factor.

Racist behaviour occurred throughout the sectors surveyed, but the problem was experienced most amongst professional performers and creative practitioners (just over half were Equity members). Many actors within this group reported shocking racial harassment and discrimination, both during rehearsal and casting.

One actor spoke of the unique 'recruitment' process for actors (auditions/casting) when decisions are presented as wholly artistic, but can be masking other prejudices.

Others also expressed a similar sentiment, underlining the scale of the issue:

"There is an unspoken racism and sexism that exists within these worlds which will never be expressed because the gate-keepers are far too intelligent to reveal this side of themselves."

Classical composer, 50s

Racism was prominent within television (56% of those experiencing racial harassment worked in television), where issues included verbal insults to workers from the Republic of Ireland and workers who felt an institutional bias against their race.

Sexuality

Sexuality-related harassment mainly comprised homophobic verbal abuse. Most happened within theatre, television and film with approximately one in every ten workers witnessing sexuality-related harassment.

"I was subjected to daily homophobic taunts."

Male creative practitioner, 40s

Some of the most surprising examples came from musical theatre where crew, cast and orchestra members all submitted examples of being verbally insulted about their sexuality. 14% had witnessed bullying related to sexuality in this sector.

Disability

8.3% of respondents who were bullied and indicated a trigger, named disability as a factor in their ill-treatment.

Research outlines that those with disabilities are more vulnerable to discrimination within the work place, but also that they are less likely to be in the workplace in the first place (TUC, 2011).

This is also borne out within the entertainment and media industries. A key employer within the entertainment and media industries, the BBC, not only fell short of its workforce disability targets for 2012 (5.5%), but the numbers of disabled persons working within the organisation, fell from 4.6% in 2008 to 3.5% in September 2012 (BBC, 2013a).

As disabled people in society at large are marginalised in or excluded from the workplace, we can suspect that the relatively low levels of disability-related grievances reported in our survey are representative of the low

levels of disabled people working within the entertainment and media industries.

The largest factor in reported disability discrimination within the survey was the failure of managers, specifically line-managers (63% of disabled complaints indicated the line manager as perpetrator), to implement the reasonable adjustments needed to carry out their work.

A respondent, who works as a broadcast engineer and is in his 50s, has suffered long-term harassment due to his physical disability including verbal abuse and offensive behaviour in front of senior and long-standing colleagues.

Promised transfers to more manageable roles within large organisations, never happened for some physically disabled workers. Long-term health conditions and mental health issues were very poorly dealt with. In some examples those recovering from life-threatening cancer were denied reasonable adjustments to make their career more sustainable.

Religion

4.6% declaring a trigger for the bullying, harassment or discrimination towards them felt

their religion or belief had induced the ill-treatment.

Harassment because of religion was more likely to be carried out by co-workers, with 96.5% indicating a colleague at the same level as a perpetrator. Perhaps because the perpetrator was not more senior, more incidents of this kind were reported (48.7% compared with the survey average of a third).

Respondents bullied for belief were predominantly Christian.

Within a theatre setting, respondents outlined that Christian belief led to vicious bullying and ostracism from other cast members.

Within broadcast, respondents of an undisclosed religion detailed their discomfort at what they felt was an organisational bias against their religion.

Sector

Two-thirds of survey respondents worked in more than one sector, an increasingly common pattern of workers in the creative industries.

Television

70% of those working in television directly experienced bullying, harassment or discrimination and 67% witnessed it.

Men and women were bullied in equal measure within television.

Conflict was far more likely to be reported (45%) than the industry average, perhaps because just over half of respondents were employed fulltime and had access to formal complaints procedures.

Theatre

56% of theatre workers who responded to the survey directly experienced bullying, harassment or discrimination and half had witnessed an incident.

Women were bullied slightly more than men working in theatre; 58% of women and 52% of men.

The one transgender respondent working full time in theatre had also been bullied.

45% reported age to be a factor in the unreasonable treatment towards them.

Only 35% reported their experience of bullying, harassment or discrimination, probably explained by the fact

that two-thirds of theatre respondents were freelance.

Radio

73% of those working full time in radio were bullied, harassed or discriminated against.

Women were 20% more likely to be targets of ill-treatment than men in radio (83% of women had been unreasonably treated).

85.7% of workers in radio were employed or employed part-time.

Again in this largely employed workforce the reporting of ill-treatment was more likely than the industry average at 44%.

Film

68% of those working in film were bullied, harassed or discriminated against and the same number had witnessed an incident.

80% of women in film suffered unreasonable treatment, far more than men (58%).

Just 28% of those working in film reported the incident, below the already low industry average of one-third. Again this is probably due to the high percentage of freelance work in the sector.

Two thirds thought that industry attitudes to respect at work were poor or very poor and 43% thought attitudes had worsened since being in the industry.

Live performance-music

At 40%, a lower (but still significantly high) proportion of respondents working in live music had experience of being bullied, harassed or discriminated against compared with other key entertainment and media sectors.

46% of women were targets of bullying, harassment and discrimination, compared with one third of men.

Women reported incidents of sexual harassment. Many told of lewd comments coming from the audience.

Aside from this harassment from audiences, abuse came largely from co-workers (74%).

Approximately three-quarters of live performance musicians kept quiet about their negative experiences (83% of live performance musicians were freelance, or part freelance and part employed).

Newspapers

Despite low numbers of respondents (4% of total), reports of bullying in the newspaper sector were exceptionally high.

Journalists in the NUJ's submission to the Leveson Inquiry felt that national papers harboured the worst excesses of bullying, harassment and

discrimination in the newspaper industry (Stanistreet, 2012).

Contrary to this, our survey indicated that the situation was slightly worse in regional newspapers than national, despite the also high incidence (74%) of ill-treatment in the national newsrooms. All survey respondents working in local newspapers had been bullied, harassed or discriminated against.

The low number of respondents from journalism may be due to hostility to union presence within some papers, as detailed in the Leveson Inquiry and by a respondent to our survey:

"Despite the left wing editorial slant of the paper, there was no NUJ chapel there and to suggest there should be was to commit a sort of heresy. I was warned by a senior reporter that the editor was anti-union. To question the freelance status of myself and others, when clearly we should have been designated as employed was also heresy - like mentioning Dracula's castle."

Journalist, 50s

Who are the bullies?

Those in positions of authority in the entertainment and media workplace were more likely to be bullies.

Survey respondents were asked: "Who carried out the offensive behaviour towards you?" 95% of respondents to the question indicated a person in a position of power, such as a line manager, director or producer. Many respondents talked of more than one incident and more than one perpetrator, therefore unacceptable behaviour from co-workers, crew members and fellow performers

was also commonly reported at 52%.

For those witnessing bullying, harassment and discrimination in their workplace, the perpetrators were indicated as 56% co-workers, fellow performers and crew members and 92% those in a position of power.

The perpetrator of the bullying was likely to vary depending on the sector and its power structure. In newspapers 72.3% indicated either line managers or editors, whilst in live music-performance 74% of respondents indicated a co-worker as a perpetrator of bullying.

Were incidents reported?

On average just a third of workers experiencing offensive behaviour reported it.

An incidence of bullying, harassment or discrimination was significantly more likely to be reported if the victim was employed rather than freelance. Reporting was significantly higher in industries where the majorities of workers were employed rather than freelance (circa half in television and 85% in radio). In television and radio approximately 45% of respondents bullied reported the incident.

The five key reasons supplied for not reporting were:

"No one to report it to."

"Fear of consequences, of losing work."

"It's just the way it is."

"It was being done by the only person I could report it to."

"A lack of proof."

Of those that did report abuse three-quarters were still unsatisfied with the outcome of their case. Worryingly those that reported being bullied were slightly more likely (11%), than those who didn't, to feel their

experiences negatively impacted their career.

A freelance writer with an established career in television and radio had a negative experience whilst working as a freelance screenwriter and also witnessed a range of bullying in-house at a large broadcaster. She saw bullying towards a manager who was gradually frozen out of their position. She witnessed a general disregard for contractual working hours and a lot of personality clashes which "ended badly for those employees on temporary fixed-term contracts", owing to the lack of support for them.

Union involvement

45% of those who were happy with the outcome of their case had involved their union.

Respondents involving their union included stories of fair redundancy pay, grievance appeals won and group conflict situations being resolved.

Negative impact on career

Of those respondents who experienced abuse, 55% said the events had negatively affected their career.

The bullying, harassment and discrimination was slightly more likely to affect the career of those in full-time employment. 58% of fully employed respondents outlined that it had harmed their career, compared to 52% of those who were full-time freelance.

Solutions

The report suggests solutions for challenging and better dealing with conflict in the workplace. The suggestions outlined below were drawn from analysing responses to the survey and also include measures proposed by workers.

What successful outcomes reveal

In the small number of reported incidents with a satisfactory outcome for the victim, the employer provided or enabled:

- Union support
- Adherence to grievance processes
- Informal channels of grievance settlement
- Effective formal investigations
- A separation of bully and victim through internal transfer
- The dismissal of the bullying party

Better adherence to grievance procedures and more flexible policies also allowing for informal settlement were a clear factor in the creation of positive outcomes.

Respondents' suggestions

Respondents were asked to identify measures which they

thought would better support respect at work. Respondents overwhelmingly supported the need for tougher action on perpetrators and better organisational policies and procedures on conflict in the workplace.

In their own suggestions and comments respondents asked for:

- Informal processes for grievances
- Better education about bullying at an undergraduate and training stage
- Improved approaches for reporting interpersonal bullying
- A no-tolerance approach to unreasonable behaviour, applicable to all levels of workers/management
- More security for freelance workers

"Equality is the goal not minority race, gender or sexual orientation rights. Equality means that there is no difference. People is people."

Musician, 50s

Respect at work?

In their own comments respondents from the BBC noted the value of the Respect at Work campaign under Greg Dyke's leadership. The campaign encouraged people to disclose experiences of unreasonable behaviour. The BBC's recent Respect at Work review headed by Dinah Rose QC (BBC, 2013b), noted employees wanted to return to a more unified, inclusive BBC.

Recommendations

The findings of this report indicate there is a widespread problem of unchecked bullying, harassment and discrimination within the entertainment and media industries.

It is evident that the tolerance of bullying behaviour within the workplace needs to change.

This report would recommend that:

- There is union recognition in all workplaces, so that reps can negotiate anti-bullying policies and represent victims.
- Confidential independent hotline for freelance and employed workers regarding unreasonable treatment at work.
- Better training is provided for workers and management to raise awareness of definitions of unreasonable behaviour, as well as improved policies and procedures for reporting and dealing with it.
- Clear guidance is provided for freelance staff by individual employers about dealing with ill-treatment.
- Campaigns promoting respect at work are organised by employers, encouraging the disclosure of bullying, harassment and discrimination and celebrating difference in the workplace.

What are bullying, harassment and discrimination?

Workplace bullying and harassment are unwanted behaviour 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; the consistent criticism of a competent worker, shouting at workers, 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 unwanted conduct because of one or more of the following 'protected characteristics' under 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 are a friend or family member of someone with a protected characteristic or have 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 all, 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*

Consequences

For the victim, bullying, harassment or discrimination can lead to stress, absenteeism and ill-health. For employers, it can result in low workplace morale and commitment, loss of productivity and service, and reputational damage.

Bullying in the workplace is estimated to cost UK employers upwards of £2 billion per annum (CIPD, 2005) in lost revenue and dealing with fall out.

Other protection

Workers are also protected from being treated less favourably due to:

- *Union membership/non-membership*
 - *Being a fixed-term or part-time worker*
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