

The Musicians' Union (MU) welcomes the opportunity to make a written submission to the Joint Committee on Tourism, Culture, Arts, Sport and Media, on the delivery of a safe and respectful working environments in the arts.

The (MU) represents over 30,000 musicians working in all sectors of the music business. As well as negotiating on behalf of its members with all the major employers in the music industry.

Executive summary

Sexual harassment and abuse continue to be significant issues in the Music industry and ones that limit careers, damage the physical and mental health of musicians and work against creating diverse and inclusive workplaces.

In 2018 The MU launched the [Safe Space scheme](#) to provide a safe space for musicians to report instances of sexism, sexual harassment, and sexual abuse. Since its launch Safe Space has received hundreds of reports, almost exclusively from women, sharing their experiences of being sexually harassed and abused by perpetrators who are almost exclusively men.

In 2019, the MU conducted a survey¹ of its members to more accurately assess the factors that contribute to the sexual harassment problem in music industry. The headline findings revealed that:

- Almost half (48%) of members have experienced sexual harassment.
- Over 85% of members who experienced sexual harassment did not report it.
- Over half (56%) of these members cited workplace culture as a barrier to reporting.

In response to our members experiences the MU has called on Governments to strengthen legislation so that all musicians are protected and called on the music industry to take responsibility for the issues we face and create a culture of disclosure and reporting.

Sexual harassment and the music industry

Creating workplaces where people are safe from sexual harassment and discrimination should be considered as important as GDPR regulations. Currently the MU does not believe this to be the case.

Since the #metoo movement in the entertainment industry, we have seen lip service paid to the issue of sexual harassment but limited signs of genuine culture change. Employers and engagers are not effective at tackling sexual harassment; they neither prevent it nor deal with it appropriately when incidents occur. There is still a widespread lack of reporting because survivors of sexual harassment fear they will lose work opportunities if they report, won't be believed or that it won't be dealt with appropriately. We have seen many cases in which these fears have been realised.

¹ <https://musiciansunion.org.uk/legal-money/workplace-rights-and-legislation/the-equality-act-and-guidance/sexual-harassment-at-work/report-on-sexual-harassment-in-music-industry>

In a 2019 survey of our membership over 47% of respondents said they had been sexually harassed at work and 41% said they had witnessed incidents of sexual harassment occasionally and 10% had witnessed incidents of sexual harassment regularly.

61% of the respondents to the MU survey on sexual harassment at work felt that they were at greater risk of experiencing sexual harassment because they work as a freelancer.

Many of our members experience sexual harassment but cannot rely on current legislation to protect them or as a route to justice. Over 40% of members who responded to the MU survey on sexual harassment were concerned that reporting their experiences will lead to victimisation and a loss of work. Some members are threatened that their career could be damaged if they pursued their complaint.

In one case we've dealt with, a musician who reported to us, was told in no uncertain terms, in writing, that she would receive increased bookings if she withdrew her complaint. The implication was that bookings would stop if she did not.

Another told us she'd been the victim of "severe character assassination... a huge ongoing professional retaliation and smear campaign." She said, "this hugely effected my reputation and standing in the industry."

85% of members who responded to the MU survey on sexual harassment at work did not report incidents of sexual harassment they experienced. The main reason identified for not reporting (56%) was the environment where they worked.

Others have told us that they've left the workplace or even the industry as a result of sexual harassment. In many cases, the perpetrator remains in the workplace and the survivor has to leave.

Our members work in environments where sexual harassment may be more likely to take place for example live music venues, festivals, pubs and environments in which alcohol consumption is likely. There is also a significant power imbalance between freelancers and the people who engage them to do work this only compounds the issue of sexual harassment being unreported. A respondent to the MU survey on sexual harassment expressed the views of many members very clearly "When a freelancer relies on an individual for work, they are less likely to speak out."

Due to the scale of sexual harassment in the music industry the Musicians' Union launched a Safe Space email account to provide a safe place for confidential and/or anonymous reporting of sexual harassment, abuse, bullying, discrimination and other inappropriate behaviour in the music industry. We have received well over 100 reports.

Via Safe Space musicians can receive legal support and signposting to specialised support services or report incidents anonymously.

Safe Space allows the MU to build an evidenced based picture of the problems that exist in the music industry to assist in the creation of policies and programmes that will create long term systemic solutions.

We have received reports from musicians working across the music industry ranging from sexual harassment, such as inappropriate dress codes (for example, “dress like a Barbie Doll”) and inappropriate text messages (including uninvited sexual photographs) to sexual assault and rape.

One high profile artist harassed a freelance MU member to perform a sexual act. Complaints were made about his behaviour to a large organisation who employed him by ten female freelance musicians. No action was taken, and he remains employed. The female musicians describe being humiliated and devastated that their complaints were not appropriately dealt with.

The MU have published a joint code of practice² to help eradicate bullying, harassment and discrimination in the music sector and to try and better protect our freelance members where current legislation fails. The MU are also currently part of a pan industry working group that plans to publish an updated code of practice in 2022.

Strengthen legislation

To give musicians more protection and clearer routes to justice the MU has called on Governments to:

- Extend the limitation period for discrimination and harassment claims to at least six months.
- Ensure all workers, including self-employed workers, are fully protected from sexual harassment and discrimination by equality law.
- Protect workers from third party harassment.
- Introduce a mandatory duty on workplaces to take reasonable steps to protect people from sexual harassment and victimisation.
- Introduce a statutory code of practice on sexual harassment at work, specifying the steps that employers and engagers should take to prevent and respond to sexual harassment, and which can be considered in evidence when determining whether the mandatory duty has been breached.
- A requirement to publish rates of harassment complaints and numbers of people leaving an organisation because of discrimination, harassment or victimisation

² <https://www.musiciansunion.org.uk/Files/Guides/MU-ISM-Industry-Code-of-Practice-2018.aspx>

- Introduce a requirement to publish or report on prevention and resolution policies publicly – much like the gender pay gap, public reporting has forced employers to prioritise the issue.

Taking responsibility

The MU has called on the music industry to take responsibility for the issues it faces and design workplaces that prevent sexual harassment and support diversity. These steps include:

- Implement robust policies and procedures for combatting sexual harassment and discrimination negotiated with Trade Unions.
- All staff should receive contextualised sexual harassment and equality, diversity and inclusion training that is intersectional and is repeated on an annual basis.
- Clear and accessible processes communicated where all workers, including freelancers can raise a complaint safely.
- Establish multiple reporting mechanisms for all workers including anonymous and confidential methods.
- Anonymous workplace surveys to capture workers experiences, repeated on an annual basis.
- Conduct sexual harassment risk assessments and create action plans to reduce risks.
- Display MU Safe Space signage.
- Insist that all security staff have received equality and diversity training, with specific training on how to deal with sexual harassment.

Creating a culture of disclosure and reporting

The MU understands that the current culture of the music industry is a major barrier to people reporting and tackling sexual harassment.

Our research revealed that over half (56%) of members cited workplace culture as a barrier to reporting and 40% of members said that fear of losing work was the reason they didn't report their experience.

To prevent sexual harassment, we must create an industry that encourages disclosure and reporting. To achieve this the MU recommends:

- A united commitment from the music industry to a zero-tolerance approach to sexual harassment and discrimination.

- Establishing multiple reporting options that should include anonymous and confidential methods such as telephone helplines, online reporting tools or signposting to trade unions.
- Gender balanced and diverse workforces.
- Stop the use of Non-Disclosure Agreements to silence and intimidate survivors, or to prevent them speaking out against sexual harassment and discrimination.