



SAGA Guide to Reporting Sexual Harassment

Disclaimer: The following document has been drafted through intense research and investigation, with legal opinions and changes included in this final draft. The South African Guild of Actors, SWIFT or The PMA in no way, wishes to trigger any further traumatic events from the experience of sexual harassment through any graphic description. This letter serves to help inform victims of the correct procedures in order to report sexual harassment. The South African Guild of Actors further wishes to assist its members where possible and can advise members of support lines and institutions.

Definition of Sexual Harassment

(1) Unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

(2) Sexual attention becomes sexual harassment if:

(a) The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or

(b) The recipient has made it clear that the behaviour is considered offensive; and/or

(c) The perpetrator should have known that the behaviour is regarded as unacceptable.

Forms of Sexual Harassment

(1) Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the examples listed as follows:

(a) Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.

(b) Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.

(c) Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

(d) Quid pro quo harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.

(2) Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

Background

Sexual harassment in the performance industry is demonstrated in word and conduct in various forms on a daily basis. While this behavior is often direct and overt, most forms of sexual harassment remain subtle, but are no less offensive.

While the industry has been slow to establish and implement codes of conduct that identify sexual harassment in its various guises, significant strides have been made in recent months to highlight this scourge. However, the onus of identifying and reporting inappropriate behavior still falls on the individual as victim or as witness.

Reporting cases of sexual harassment comes with its own pitfalls, and many victims choose not to report incidents out of fear of victimization, loss of work and being accused of overreacting to an 'innocent' remark or gesture. There is always a real fear that the victim of sexual harassment can become a victim twice over; once as the unwilling object of sexual advances and again as a whistle-blower who authorities choose to ignore.

The culture of silence around sexual harassment cannot continue. Perpetrators continue their predatory behavior for as long as their conduct remains the secret shame of the victim. We need to change this culture of silence to a culture of reporting and exposing perpetrators. Ultimately, all forms of sexual harassment must stop.

SAGA offers a helpful, practical guide in the responsible reporting of sexual harassment that places the onus on authorities to take positive and immediate action to protect victims and witnesses, while turning a spotlight on to the conduct of the perpetrator:

Reporting an Incident of Sexual Harassment

The burden of proof in sexual harassment cases is on the party who alleges the harassment. A complaint of sexual harassment must be made in as much detail as possible in order for the incident to be fully investigated and dealt with appropriately. A personal account the victim or witness that details, in their own words, all the relevant facts and details of the incident should be given. If the complaint is not made in writing, it will be recorded and thereafter reduced to writing. The written complaint will be used as the basis of any further action that follows including, the escalation, if any, to a criminal charge.

Guidelines to keep in mind when making a complaint

You may use the following questions below to help you include necessary facts into your complaint:

- Who was the perpetrator? What was the date, time and place? Is it a recurring event or was it just once off?
- What did the perpetrator do exactly, and what was said? .
- How did you react? Were there witnesses? What are their names and designations? Did they say or do anything to assist or intervene?
- Was there any physical evidence of the event? Bruises or marks on your body, stains, damage to property, video footage?
- How would you like this to be remedied?

Important Additional Notes

- It is important to make a complaint of sexual harassment or write down your notes and recollections as soon as possible. This may be difficult and often traumatic as you relive the details of the incident, but a fresh recollection of the facts will help you set out your complaint..
- Remember that the process of investigation can take several weeks or months. Reporting the incident is just the start of a process. SAGA will follow the process with you and support you every step of the way. You may be represented by a fellow colleague including being represented by your agent..
- Production and theatre companies may have their own guidelines for dealing with incidents of sexual harassment, and the decision on how to deal with the perpetrator rests with that company. The severity of the consequences would depend on the circumstances and the seriousness of the offence. Their action may be *corrective* and not always *punitive*. This means that depending on the circumstances, bear in mind that the perpetrator may not be summarily dismissed or fined, but may be sent for behaviour counselling.
- The company must always inform you of the results of their investigation and the nature of any action taken against the perpetrator. If you are dissatisfied with the results of the investigation, you have a right to express it.
- During the course of the investigation, if you are agreeable to continue working with the perpetrator, you have a right to demand that any interactions) are strictly supervised. Do not engage in discussions with the perpetrator on the incident while investigations are on-going.
- Social media is an incredibly powerful tool but it may place you in a compromised position. Be aware of the risks of posts which may be defamatory, harmful or hateful. Social media posts is one of those tools available to you – use it wisely
- If the incident warrants it, you have every right to open a criminal charge.