

CIISA Standards

Consultation Document

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CIISA

The Creative Industries
Independent Standards Authority
Independent. Without fear or favour.

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Introduction to the CIISA Standards

What are the CIISA Standards?

The CIISA Standards ('the Standards') are a set of expectations that set out the minimum standards of behaviour expected across the UK's creative industries to enable safe and inclusive working environments. This includes preventing and tackling of all forms of bullying and harassment, including bullying and harassment of a discriminatory nature.

The Standards provide a framework for a single, unified vision of professional standards of behaviour within the creative industries. They aim to illustrate what a safe and inclusive working environment, which treats people with dignity, looks like, and are scalable to any size of organisation, production or project.

We welcome your feedback on these draft Standards. The consultation deadline is 10am on Monday 27th January 2025.

How were the CIISA Standards developed?

The CIISA Standards were developed in collaboration with individuals and organisations across the creative industries.

Development was led by the CIISA Standards Advisory Committee (See 'Appendix III') who met three times between July and October 2024 and is made up of representatives in film and/or television, music or theatre with experience of:

- developing standards and/or guidance on behalf of workers (particularly freelancers);
- supporting workers (particularly freelancers) with protected characteristics on discrimination in the workplace; and
- developing and delivering behavioural standards while working with an employer/hirer in an HR capacity.

In addition to meeting with organisations and special interest groups between May and November 2024, we also held a series of workshops in October 2024 with representatives of freelancers in film and television, music, and theatre respectively, to check the relevance and relatability of the Standards.



How will CIISA use the Standards?

Following the outcome of this consultation, CIISA will use the Standards to benchmark how the creative industries are embedding safe and inclusive working environments against these expectations.

CIISA will identify and produce industry-specific guidance based on the Standards. This guidance will outline advice, support and good practice on how individuals, organisations, productions and projects can meet the expectations set by the Standards in practice, in a way that is tailored to the size and nature of their work.

The creative industries workforce will be able to report concerns to CIISA related to potential breaches of the Standards and, where appropriate, CIISA will support these individuals, organisations, productions or projects with appropriate advice and signposting to resources that will help them to ensure that their concerns are addressed. In due course, CIISA will look to introduce services aimed at resolving concerns where possible.

From the reports received, CIISA can begin to establish insights into the range of experiences across the creative industries. CIISA will then look at developing training and accreditation products to support professional development for individuals in the creative industries workforce in areas relevant to the Standards.

How can individuals use the CIISA Standards?

Individuals can use the Standards to:

- Understand the minimum standards of acceptable behaviour, above and beyond any legal obligations, for anyone engaged in work with the creative industries.
- Know what they should expect from themselves and each other, in terms of preventing and tackling harmful behaviours, including as bystanders who witness such behaviour.
- Check how their own experience relates to the CIISA Standards before raising a concern with others or, where appropriate, approaching CIISA as an independent safe space where they can report experiences of harmful behaviours without fear of repercussions, knowing that their concerns will be taken seriously and they will receive help and support on next steps.



How can organisations, productions or projects use the CIISA Standards?

Organisations, productions or projects can assess their existing policies and procedures against, or create new ones aligned with, the CIISA Standards to ensure that they are embedding the right behaviours, and that their workforce know what is expected of them. Through consistently meeting the Standards, organisations, productions and projects will ensure they are promoting the behaviours and culture within their organisation, production or project that enable their workforce to thrive.



How the creative industries workforce will feel when the CIISA Standards are used in practice:

- **Knowing the Standards** – “I have a clear understanding of what the CIISA Standards cover, and therefore what I should expect to see and experience, and the behaviour expected of me in the course of my work in the creative industries and in work-related environments.”
- **Recognising a breach** – “I know what a breach of the CIISA Standards looks like.”
- **Considering next steps** – “I know where to go to raise a concern, whether related to a current or previous role, on my own behalf or on behalf of someone else, and feel safe to speak up as I know my concern will be taken seriously and I won’t be stigmatised for doing so.”
- **Raising a concern** – “I feel that the process of raising a concern is easily accessible.”
- **Staying informed** – “I feel listened to and that my concerns are being handled by individuals empowered to resolve them.”
- **Fair outcomes** – “I feel my raising a concern resulted in an outcome reached in a fair manner and appropriate action was taken.”
- **Reflecting on experience** – “I would feel empowered to raise a concern in the future and I would recommend others to do the same.”
- **Being the subject of a concern:** “If a concern is raised about my behaviour, I know that I will be treated in a way that is fair and appropriate, with due process that protects my rights.”



Key definitions used in the CIISA Standards

Note: For examples and definitions of harmful behaviours discussed in the Standards, see Appendix I.

Concern

A complaint, grievance or expression of dissatisfaction in relation to a potential breach of the CIISA Standards, that requires a response.

Creative industries organisation/production/project

Any organisation/production/project in the creative industries value chain. The CIISA Standards are initially focused on film, television, music and theatre.

Creative industries workforce

Individuals engaged in work in the creative industries (initially for CIISA in film, television, music and theatre) regardless of their role, seniority, or employment status. For the purposes of the CIISA Standards, the creative industries workforce includes employees, self-employed people, freelancers, contractors, sub-contractors, suppliers, ancillary workers/support staff, board members, interns, apprentices, individuals on work experience and also volunteers. Examples of employment status can be found at: www.gov.uk/employment-status.

(Note: Other people, outside of the creative industries workforce, who could be impacted by the CIISA Standards include donors, sponsors, investors, financiers, students on creative courses and members of the public.)

Senior leader

Anyone in the creative industries workforce with responsibility for the strategic leadership and direction of an organisation, production or project of any size. They include board directors and trustees where they form part of the governance structure. Senior leaders may also have long-term or temporary creative leadership responsibilities or artistic authority.



Manager

Anyone in the creative industries workforce with responsibility for directly engaging and/or overseeing/supervising the work of others in an organisation, on a production or on a project, regardless of their level of seniority and whether or not they have ‘line-manager’ in their job description. A manager may also have long-term or temporary creative leadership responsibilities or artistic authority. Depending on the creative industry, job titles for managers might include (but not exclusively) manager, producer, head of department, researcher (for example when managing runners), A&R, fixer or booker.

Creative/Artistic leader

Anyone in the creative industries workforce with long-term or temporary creative leadership responsibilities or artistic authority for an organisation, production or project. They may be described (but not exclusively) as the ‘artist’ or ‘talent’. Creative/artistic leaders may also be senior leaders and/or managers. For the purposes of the CIISA Standards, creative/artistic leaders should refer to the definition(s) most relevant to them (‘creative industries workforce’ and ‘senior leader’ and/or ‘manager’).

Bystander

A person who sees potentially harmful behaviour towards another person (or persons).

Working environment

Anywhere that activities related to work in the creative industries are taking place. The work-related activity includes (but is not exclusively) the hiring process, rehearsals, production, performance, travel, networking, social gatherings and industry events. The working environment may be a physical space, but may also be online, via social media or other platforms. Geographically, for the purposes of the CIISA Standards, the working environment may be in the UK or it may be overseas if the activity is in relation to a UK-based entity.

Protected characteristics

Age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race including colour, nationality, ethnic or national origin; religion or belief; sex; sexual orientation. Under the Equality Act 2010, it is against the law for discriminate against anyone because of their protected characteristics. You’re also protected from discrimination if: you’re associated with someone who has a protected characteristic, for example a family member or friend; or you’ve complained about discrimination or supported someone else’s claim.



The CIISA Standards at a glance



Standard 1: Safe Working Environments

In the context of the CIISA Standards, a safe working environment is one where:

1. **Individuals in the creative industries workforce** – regardless of their role, seniority or employment status – know what a safe working environment looks like and act accordingly. They understand the behaviours that are harmful and unacceptable in the working environment, including all forms of bullying and harassment, and ways in which to prevent them.
2. **Senior leaders** set a culture where the welfare of the whole workforce, regardless of seniority or employment status, is protected and respected. They take measures to prevent bullying, harassment and other harmful behaviour and to safeguard the wellbeing of their workforce.
3. **Managers** set the tone by promoting and embedding a culture where the welfare of the workforce is protected and respected.



Standard 2: Inclusive Working Environments

In the context of the CIISA Standards, an inclusive working environment is one where:

1. **Individuals in the creative industries workforce** – regardless of their role, seniority or employment status – know what constitutes discrimination, including harassment of a discriminatory nature, looks like. They understand that this behaviour is not acceptable and act accordingly.
2. **Senior leaders** promote a culture of inclusivity, treating people fairly and equitably, valuing everyone's differences, and empowering and enabling each member of their workforce to thrive, regardless of seniority or employment status. They take preventative measures to ensure that their workforce do not face discrimination or disadvantage in the working environment.
3. **Managers** set the tone by promoting and embedding a culture of inclusivity, treating people fairly, valuing everyone's differences, and empowering and enabling each member of their workforce to thrive.

Standard 3: Open & Accountable Reporting Mechanisms

Open and accountable reporting mechanisms are ones where:

1. **Individuals in the creative industries workforce** – regardless of their role, seniority or employment status – know they have the right to report harmful behaviour, and they know the procedures for doing so.
2. **Senior leaders** take responsibility for ensuring their workforce is empowered to raise concerns in a safe setting (and anonymised if appropriate) and know the process for doing so. They recognise their accountability as senior leaders and take ownership of addressing concerns and resolving them appropriately.
3. **Managers** foster a culture of speaking up, where no one is victimised, retaliated against, ostracised or belittled for asking questions, challenging the status quo or pursuing their rights.



Standard 4: Responsive Learning Culture

A responsive learning culture is one where:

1. **Individuals in the creative industries workforce** – regardless of their role, seniority or employment status – are able to provide and receive feedback around their experience of harmful behaviour and, where appropriate, understand how their experiences may contribute to positive change in the future.
2. **Senior leaders** embed a culture of continuous improvement and monitoring progress. They ensure that action is taken to learn from concerns raised, the impact of these concerns, how they were dealt with, and the impact of any actions taken to deal with them.
3. **Managers** take on board learnings and apply them to their work.

See next page for the draft CIISA Standards in full.



The CIISA Standards in full (draft for consultation)

Note: For supporting information, see the Appendices:

- I. Examples of harmful behaviour applicable to the CIISA Standards
- II. Sample list of legislation relevant to the CIISA Standards
- III. CIISA Standards Advisory Committee

Standard 1: Safe Working Environments

Being subjected to behaviours such as bullying, harassment and other forms of harmful behaviours and working practices have a detrimental effect on the wellbeing of individuals and can impact their performance and future progression, as well as their physical safety.

While some work might involve high-pressure situations, everyone working in the creative industries must be able to do so in a professional environment, free from exposure to psychological, sexual and physical harm.

Employers, employees self-employed people have duties under relevant legislation to not expose others in the workforce to risks to their health or safety.

In the context of the CIISA Standards, a safe working environment is one where:

1.1 Individuals in the creative industries workforce – regardless of their role, seniority or employment status – know what a safe working environment looks like and act accordingly. They understand the behaviours that are harmful and unacceptable in the working environment, including all forms of bullying and harassment, and ways in which to prevent them. They recognise that:

- It is everyone’s responsibility to look out for the welfare of others in the workforce, to respect each other’s dignity regardless of seniority, and to challenge harmful behaviour where possible.
- They can expect action to be taken to address harmful behaviour, even if it is unintentional, and to ensure it is not repeated. This action could include legal sanctions where the behaviour is found to be unlawful.



- They are entitled to receive support for their mental health and wellbeing if they are affected by harmful behaviour, and to receive support in addressing such behaviour.
- They must comply with relevant UK legislation and understand their duty of care under health and safety, employment and other legislation.

1.2 Senior leaders set a culture where the welfare of the whole workforce, regardless of seniority or employment status, is protected and respected. They take measures to prevent bullying, harassment and other harmful behaviour and to safeguard the wellbeing of their workforce. These measures include:

- Setting a good example by modelling the highest standards of behaviour.
- Ensuring senior leaders at the highest level take ultimate accountability for the welfare of their workforce and prioritise risk mitigation in strategic planning.
- Clearly explaining to everyone they work with what harmful behaviour looks like, the consequences of such behaviour, and the expected standards of behaviour. This may be communicated through (but not exclusively) policies and procedures, contracts, service agreements, training and broader day-to-day engagement.
- Prioritising the provision of training and resources to equip their workforce with the appropriate skills, competencies and means to support their own and others' wellbeing. This includes training for managers in people-management skills and how to address inadequate performance appropriately.
- Recruiting and recognising team members, leaders and managers who promote and embed positive work cultures and display good people-management skills.
- Ensuring that their workforce has access to individuals with enhanced responsibilities for supporting others, for example wellbeing facilitators, access coordinators, occupational health specialists and safeguarding officers.

1.3 Managers set the tone by promoting and embedding a culture where the welfare of the workforce is protected and respected. They do this by:

- Setting a good example by modelling the highest standards of behaviour.
- Taking responsibility for the behaviour of others in their team.
- Proactively supporting individuals with enhanced responsibilities for supporting others (where applicable) – such as, wellbeing facilitators, access



coordinators, occupational health specialists and safeguarding officers – to meet the responsibilities that come with the enhanced role.

Standard 2: Inclusive Working Environments

Everyone working in the creative industries has the right to be treated fairly and without prejudice at all stages of their career. Harassment of a discriminatory nature, compounded with other experiences of discrimination, can impact on the ability of individuals to secure work, thrive and progress in their role. Active steps must therefore be put in place to prevent discrimination and exclusion, ensuring that roles and the working environment are genuinely accessible to all.

In the context of the CIISA Standards, an inclusive working environment is one where:

2.1 Individuals in the creative industries workforce – regardless of their role, seniority or employment status – know what constitutes discrimination, including harassment of a discriminatory nature, looks like. They understand that this behaviour is not acceptable and act accordingly. They recognise that:

- It is everyone's responsibility within the workforce to prevent the discrimination of others, to promote inclusivity and to be open to learning and changing their own behaviour if necessary.
- They can expect action to be taken to address discriminatory behaviour, even if it is unintentional, and to ensure it is not repeated. This action could include legal sanctions where the law is found to have been broken, for example if the behaviour is discriminatory under the Equality Act 2010 and any enhanced regulations under devolved nations.
- They are entitled to receive support for their mental health and wellbeing if they are affected by discriminatory behaviour, and to receive support in addressing such behaviour
- Each person is an individual with specific concerns and experiences, and discriminatory conduct and other unfair treatment is not always attributable to a single, easily identifiable characteristic.
- The targeted characteristic(s) may not always meet the 'protected characteristic' definition in UK law, for example socioeconomic background, accent or class.



2.2 Senior leaders promote a culture of inclusivity, treating people fairly and equitably, valuing everyone’s differences, and empowering and enabling each member of their workforce to thrive, regardless of seniority or employment status. They take preventative measures to ensure that their workforce do not face discrimination or disadvantage in the working environment. These measures include:

- Setting a good example by modelling the highest standards of behaviour.
- Clearly explaining to everyone they work with what discrimination, including harassment of a discriminatory nature, looks like and the consequences of such behaviour. This may be communicated through (but not exclusively) policies and procedures, contracts, service agreements, training and broader day-to-day engagement designed to avoid, reduce and mitigate against discrimination and any harmful conduct that may impact on members of the workforce.
- Prioritising the provision of training and resources to equip themselves and their workforce with the appropriate skills, competencies and means to support an inclusive working environment.
- Ensuring they regularly review and meet the accessibility requirements of their workforce, including recognising the social model of disability, removing barriers that prevent disabled people from participating in the workforce, and making reasonable adjustments as required under the Equality Act 2010.
- Ensuring that their workforce has access to individuals with enhanced responsibilities for supporting others with access requirements, for example occupational health specialists and access coordinators (where applicable).

2.3 Managers set the tone by promoting and embedding a culture of inclusivity, treating people fairly, valuing everyone’s differences, and empowering and enabling each member of their workforce to thrive. They do this by:

- Setting a good example by modelling the highest standards of behaviour.
- Taking responsibility for the behaviour of others in their team.
- Implementing the accessibility requirements of their team, including making reasonable adjustments as required under the Equality Act 2010 and any enhanced regulations under devolved nations.
- Proactively supporting individuals with enhanced responsibilities for supporting access requirements – such as occupational health specialists and access coordinators (where applicable) – to meet the responsibilities that come with the enhanced role.



Standard 3: Open and Accountable Reporting Mechanisms

Everyone working in the creative industries should feel confident that any concerns they raise will be taken seriously, looked at fairly and with empathy, and resolved at the earliest opportunity, regardless of whether the working relationship is ongoing or has ended. They should know how to raise a concern and be able to do this easily and without fear of being victimised or experiencing adverse outcomes for their career.

Open and accountable reporting mechanisms are ones where:

3.1 Individuals in the creative industries workforce – regardless of their role, seniority or employment status – know they have the right to report harmful behaviour, and they know the procedures for doing so. They recognise that:

- It is everyone’s responsibility to call out harmful behaviour in the working environment.
- They have a right to expect to be able to raise questions about, and/or report, harmful behaviour through a variety of safe and structured mechanisms that include protections from retaliation.
- They understand what possible actions and outcomes they can expect from the entity to which they may raise concerns, and what is outside of the scope of that entity

3.2 Senior leaders take responsibility for ensuring their workforce is empowered to raise concerns in a safe setting (and anonymised if appropriate) and know the process for doing so. They recognise their accountability as senior leaders and take ownership of addressing concerns and resolving them appropriately. Senior leaders achieve this by:

- Having clear policies on non-retaliation for speaking up or whistleblowing, and a variety of well-publicised ways to raise a concern that are easy to navigate.
- Making clear what is within the organisation/production/project’s remit to resolve. and signposting where to raise the concern if it is not in their remit.
- Providing two-way communication channels, including anonymised if appropriate, to ensure that anyone who raises a concern, and other individuals directly involved, can have their say and are kept updated on how the concern is being addressed. Impacted individuals can see that the concern is being looked into in a fair and objective way, based on the facts.



- Ensuring that all parties connected to a concern are provided with appropriate support during the process.
- Equipping managers to be able to respond to a concern appropriately.
- Having clear and fair decision-making through implementing rigorous procedures and taking swift, clear and appropriate action to address any issues or concerns raised. Senior leaders give an open and honest response as quickly as possible, considering the complexity of the concerns, that:
 - a) sets out what happened and whether a breach of behavioural standards took place;
 - b) fairly reflects the experiences of everyone involved;
 - c) clearly sets out how the organisation/production/project is accountable;
 - d) empowers individuals addressing concerns to offer fair remedies; and
 - e) outlines any action to be taken to make sure any learning is used to improve behaviours.

3.3 Managers foster a culture of speaking up, where no one is victimised, retaliated against, ostracised or belittled for asking questions, challenging the status quo or pursuing their rights. They do this by:

- Welcoming concerns in a positive way, being open to questions about what is harmful behaviour.
- Ensuring their team are aware of how they can report a concern.
- Listening to anyone who raises a concern, acknowledging their concerns and desired outcome, and acting to support the reporting process.
- Taking accountability to report any activity that is potentially illegal to the appropriate person within the organisation/production/project, or relevant outside authority, supporting the impacted individuals throughout this process.

Standard 4: Responsive Learning Culture

A responsive learning culture enables the creative industries workforce to see concerns raised as not just an opportunity to address harmful behaviour, but also to capture learning and to act on it in order to continuously improve culture around such behaviour, and the way concerns are handled.

A responsive learning culture is one where:

4.1 Individuals in the creative industries workforce – regardless of their role, seniority or employment status – are able to provide and receive feedback



around their experience of harmful behaviour and, where appropriate, understand how their experiences may contribute to positive change in the future. They do this by:

- Engaging with opportunities to reflect on their experience of being involved in a concern (whether as someone who has experienced, witnessed, perpetrated or been accused of harmful behaviour) and any feedback they have received.
- Having the option to share their individual perspective and learnings in appropriate forums.
- Recognising the importance of reporting issues even after they have moved on from that organisation/production/project, so that issues are addressed and others can learn from the experience.

4.2 Senior leaders embed a culture of continuous improvement and monitoring progress. They ensure that action is taken to learn from concerns raised, the impact of these concerns, how they were dealt with, and the impact of any actions taken to deal with them. They can do this by:

- Regularly monitoring behaviour, tracking the number and type of concerns raised and gathering feedback on the experience of everyone they work with, as well as those who proactively raise a concern. Senior leaders use this information to note trends, identify areas to address, and to take appropriate action.
- Ensuring senior leaders at the highest level and across the organisation/production/project have regular oversight of feedback, whether from historical or current incidents, and ensure that action is taken to implement learning, monitor improvements and assess the impact of any action taken.
- Embracing opportunities to improve, fostering a culture where everyone is supported and empowered to act on learning. They set clear expectations for openness to learning from concerns raised.
- Supporting individuals who are responsible for gathering and acting on feedback and ensuring they are well resourced.
- Regularly talking to their workforce, managers, other senior leaders (including from other creative industries) and CIISA about what the organisation/production/project has learnt from concerns raised and how it has used this learning to improve its responses and implement any revised policies and procedures.



4.3 Managers take on board learnings and applying them to their work.

They do this by:

- Creating an environment where team members can safely give feedback and share their perspectives on any concerns that have impacted them.
- Taking responsibility for addressing any gaps in their own knowledge or experience that might be indicated by feedback, proactively seeking out learning opportunities.

See next page for appendices:

- I. Examples of harmful behaviour applicable to the CIISA Standards
- II. Sample list of legislation relevant to the CIISA Standards
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Appendix I - Examples of harmful behaviour applicable to the CIISA Standards

Notes:

- The examples and definitions used in the CIISA Standards draw from UK legislation and recognised bodies.
- While statutory definitions are a useful reference point, the CIISA Standards are not limited to behaviours that fall within legislation.
- Where the Equality Act 2010 is referenced, relevant equality legislation in Northern Ireland can be found here: <https://www.lawsoc-ni.org/relevant-equality-legislation-in-northern-ireland>)

Bullying

There is no legal definition of bullying, but Acas (the Advisory, Conciliation and Arbitration Service)¹ gives the following description:

Bullying can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or letters, or on phone calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

1 <https://www.acas.org.uk/bullying-at-work>



It is possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone. Acas notes examples of bullying at work could include:

- constantly criticising someone's work
- spreading malicious rumours about someone
- constantly putting someone down
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive or threatening comments or photos on social media
- Other examples include threatening to withhold pay or block access to future work in the industry

Bullying itself is not against the law, but employers have a legal duty of care to protect their employees from harm. This includes dealing with bullying issues.

Gaslighting

The National Bullying Helpline² describes gaslighting as:

A subtle and extremely common form of bullying within the work environment. It is a manipulative power-game with deliberate intent to control an individual or control a situation. Employees [and others in the workforce] subject to gaslighting find themselves second-guessing their every decision and questioning their own sanity, making them more dependent on their abuser. Examples of gaslighting given by the National Bullying Helpline include:

- A lack of openness and transparency.
- Drip-feeding information or failing to provide full facts.
- Moving goal-posts or changing elements of [a] job description without first engaging in discussion.
- Refusal to follow policies unless it suits the business. For example, reluctance to acknowledge a verbal complaint or investigate a formal grievance but at the same time applying a forceful approach to performance management and disciplinary policies.

2 <https://www.nationalbullyinghelpline.co.uk/employees.html>



Harassment

(Source: Acas³) In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Acas notes that harassment and bullying are often confused. Bullying behaviour can be harassment if it meets the definitions below in this section.

It is possible that serious harassment could also be a hate crime.

Harassment related to a protected characteristic is unwanted behaviour related to any of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation. To be harassment, the unwanted behaviour must have either:

- violated the person's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person

It can be harassment if the behaviour:

- has one of these effects even it was not intended
- intended to have one of these effects even if it did not have that effect

Unwanted behaviour can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

3 <https://www.acas.org.uk/discrimination-and-the-law/harassment>



The law on harassment related to a protected characteristic applies when someone:

- has a relevant protected characteristic
- is harassed because they are thought to have a certain protected characteristic when they do not
- is harassed because they have a connection with someone with a certain protected characteristic
- witnesses harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

Sexual harassment is unwanted behaviour of a sexual nature. It does not need to be related to a protected characteristic. For example, someone who thinks they've been sexually harassed does not need to show it was because of their sex or sexual orientation. To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

Anyone who sexually harasses someone at work is responsible for their own actions.

By law, employers must do everything they reasonably can to protect staff from sexual harassment and take steps to prevent it happening. 'Staff' covers employees and workers, contractors and self-employed people hired to personally do the work, and job applicants.

Less favourable treatment as a result of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment. It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Other kinds of harassment: Under the Protection from Harassment Act 1997 there is a type of harassment which is separate to the 3 types of harassment under the Equality Act 2010. This is behaviour that causes alarm or distress but is not necessarily related to a protected characteristic. It includes stalking. It can be a criminal act.



Discrimination

Under UK law⁴, discrimination can come in one of the following forms:

- Direct discrimination - Treating someone with a protected characteristic less favourably than others.
- Indirect discrimination - Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.
- Harassment - Unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them. (See 'Harassment' above)
- Victimisation - Treating someone unfairly because they've complained about discrimination or harassment. (See 'Victimisation' below)

The law protects individuals against discrimination at work⁵, including: dismissal; employment terms and conditions; pay and benefits; promotion and transfer opportunities; training; recruitment; and redundancy.

Under the Equality Act 2010, employers should also make 'reasonable adjustments' to help disabled employees and job applicants who might otherwise face discrimination on the grounds of disability.

Victimisation

Under the Equality Act 2010⁶ victimisation takes place where one person treats another badly because he or she in good faith has done a "protected act", for example taken or supported any action taken for the purpose of the Act, including in relation to any alleged breach of its provisions. It also provides that victimisation takes place where one person treats another badly because he or she is suspected of having done this or of intending to do this. Other forms of retaliation may not fall under the Equality Act 2010, for example threatening to withhold pay or block access to future work in the industry.

4 <https://www.gov.uk/discrimination-your-rights/how-you-can-be-discriminated-against#:~:text=direct%20discrimination%20%2D%20treating%20someone%20with,characteristic%20at%20an%20unfair%20disadvantage>

5 <https://www.gov.uk/discrimination-your-rights/discrimination-at-work>

6 <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/2/15>



Microaggression

Defined by Acas⁷ as:

Small comments, questions or behaviours that are inappropriate or can cause offence, sometimes without the person who is doing it realising.

Examples could include:

- Telling someone how good their English is – this suggests thinking the person would not speak good English based on how they look or where they're from.
- Telling someone their name is too hard to say – this implies it is not worth taking the time to learn their name and suggests they do not fit in.

See next page for Appendix II: Sample list of legislation relevant to the CIISA Standards

7 <https://www.acas.org.uk/race-discrimination/types-of-race-discrimination#:~:text=Direct%20%E2%80%80race%20discrimination%E2%80%81%20is%20when%20someone>



Appendix II: Sample list of legislation relevant to the CIISA Standards

Note: The list below is a sample of UK legislation relevant to the CIISA Standards. While legislation is a useful reference point, the CIISA Standards are not limited to behaviours that fall within legislation.

Bullying:

- Criminal Justice and Public Order Act 1994
- Employment Rights Act 1996
- Health & Safety at Work Act 1974
- Human Rights Act 1998
- Management of Health and Safety at Work Regulations 1999
- Protection from Harassment Act 1997
- Public Interest Disclosure Act 1998
- Public Order Act 1986

Harassment (including sexual harassment and harassment of a discriminatory nature):

- Equality Act 2010 (relevant equality legislation in Northern Ireland can be found here: www.lawsoc-ni.org/relevant-equality-legislation-in-northern-ireland)
- Protection from Harassment Act 1997
- Worker Protection Act 2023 (Amendment of Equality Act 2010)

Other legislation:

- Carer's Leave Act 2023
- Carer's Leave Regulations 2024
- Communications Act 2003
- Conduct of Employment Agencies and Employment Businesses Regulations 2003 (as amended) (the Conduct Regulations)



- Crime & Disorder Act 1998
- Criminal Justice (No. 2) (Northern Ireland) Order 2004
- Criminal Justice Act 2003
- Data Protection Act 2018
- Employment Agencies Act 1973
- Hate Crime and Public Order (Scotland) Act 2021
- Malicious Communications Act 1988;
- Working Time Regulations 1998



Appendix III: CIISA Standards Advisory Committee

CIISA is grateful for the support of the Standards Advisory Committee in the development of the CIISA Standards.

The organisations represented on the Committee are:

- Association of British Orchestras
- Attitude is Everything
- BAFTA
- BBC
- Bectu
- Black Lives in Music
- CIISA (Chair)
- The Film and TV Charity
- Freelancers Make Theatre Work
- Help Musicians
- ITV
- Musician's Union
- National Theatre
- Pact
- The Production Guild of Great Britain
- Royal Exchange Theatre
- Royal Shakespeare Company
- Sony Music
- TV Industry Human Rights Forum
- Warner Bros. Discovery

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