

THE **TIME'S UP** GUIDE TO

Working in Entertainment

Your Rights in Nude, Intimate, and Sex Scenes

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Staying Safe in Entertainment Workplaces

TIME'S UP was born in Hollywood, when actresses, producers, directors, and screen professionals from across the industry started calling out the rampant sexism, violence, and double standards that workers in entertainment endure.

By speaking up, speaking out and speaking together, we regain [our] power. And we hopefully ensure that this kind of rampant predatory behavior as an accepted feature of our industry dies here and now.

— *Lupita Nyong'o*

In response, TIME'S UP Entertainment created this guide, a resource for those in the entertainment industry who find themselves experiencing or witnessing workplace misconduct. This includes harassment, discrimination, unwanted touching, sexual assault, and rape. *The TIME'S UP Guide to Working in Entertainment* covers auditions, nude and simulated sex scenes, information about reporting misconduct, and more.

No matter your situation, you have options. We're here to help by connecting you with resources and information so you can determine your best path forward. In the meantime, trust yourself. If something doesn't feel right, it probably isn't. If it seems like a red flag, it probably is. It's okay to say "no", to speak up, and to leave situations that make you uncomfortable. No role, job, or relationship is worth compromising your physical or emotional safety.

And if something happened to you, we believe you. You are not alone and we are here to help.

If you have feedback to help us improve this guide, we welcome it. Please contact us at hello@timesupnow.org. If you need to reference these guides on the go, text SAFESETS to 306-44.

In solidarity,

TIME'S UP

Table of Contents

4	Resources at a Glance
5	Nude, Intimate, and Simulated Sex Scenes Overview
5	Your rights under the law
6	If you are a SAG-AFTRA member
7	Negotiating Your Boundaries
7	Start with knowing and communicating your boundaries
7	Using a nudity rider
8	Beyond the basics
9	Working with an intimacy coordinator
9	Working without an intimacy coordinator
10	If you change your mind
11	Our Gratitude to Our Collaborators

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Resources at a Glance

U.S. Equal Employment Opportunity Commission (EEOC)

202-663-4900

202-663-4494 TTY

[Harassment webpage](#)

[Field office locator](#)

To find more information about the laws where you live, contact your [local or state Civil Rights agency](#).

Intimacy Coordinators

- ▶ Alicia Rodis, Intimacy Directors International: <https://www.teamidi.org/>
- ▶ Amanda Blumenthal, Intimacy Coordinators Association: <https://www.intimacycoordinator.com/>
- ▶ Ita O'Brien, Intimacy On Set: <https://www.itaobrien.com/intimacy-on-set-guidelines.html>

Rape, Abuse & Incest National Network (RAINN)

800-656-HOPE (4673)

Live-chat option on [the RAINN's website](#).

TIME'S UP Legal Defense Fund

202-319-3053

Online intake form is available [on the TIME'S UP website](#).

The Actors Fund

New York City: 800-221-7303

Chicago: 312-372-0989

Los Angeles: 888-825-0911

More information [on their website](#).

Women In Film Help Line

323-545-0333

More information [on their website](#).

Nude, Intimate, and Simulated Sex Scenes Overview

Actors participating in nude, intimate, and simulated sex scenes are extremely vulnerable. Unfortunately, the entertainment industry has done little to protect them from abuse. Actors have reported:

- ▶ Being the only woman on-set and not being given a robe to cover up between takes;
- ▶ Being asked “to have actual sex” instead of simulated sex;
- ▶ Having members of the crew film sensitive scenes on their smartphones and publicly post the material;
- ▶ Having their nude images used in marketing campaigns without their approval; and
- ▶ Experiencing sexual assault mid-shoot.

Our guide will help you understand:

- ▶ Your rights when filming a nude, intimate, or simulated sex scene;
- ▶ How to prepare for filming a scene, including communicating your boundaries and negotiating nudity riders;
- ▶ How to work with intimacy coordinators; and
- ▶ What to do if no intimacy coordinator is available.

If you are in imminent danger now or at any time, call 911 immediately.

Your rights under the law

In general, employees are protected from sexual harassment and discrimination under federal and state employment laws. However, these laws do not apply in all employment contexts. For example, the Civil Rights Act of 1964, the federal law that prohibits discrimination in employment on the basis of sex, race, color, national origin, and religion, only applies to businesses with more than 15 employees and does not apply to independent contractors. Certain states, including California and New York, do provide more robust protections. We’ve provided more detail on them below.

If something happened to you during a nude scene and you are trying to understand your options, please refer to the federal and state law section of our guide, [Your Right to](#)

[Report Sexual Misconduct and Harassment](#). It can help you educate yourself about your rights and the options available to you if you'd like to take action or seek support.

Generally, unless the production is licensed to create and sell pornography, requests to do sexual acts on set may violate your rights and you may have the right to refrain from them.

State and federal prostitution and obscenity laws may affect this. There are also extensive laws governing the employment of minors in the entertainment industry. Please check state and local laws in your filming location to learn more.

Additionally, no computer-generated imagery (CGI), prosthetics, or digitizing of your image or body with respect to the nude and simulated sex scenes may be conducted without your written consent.

If you are a SAG-AFTRA member

In addition to federal and state laws, if you are a member of SAG-AFTRA and the project is covered by a SAG-AFTRA collective bargaining agreement, its rules regarding sexual harassment and discrimination may apply. Review [SAG-AFTRA's Code of Conduct](#) for more information.

SAG-AFTRA advises in a bulletin [on its website](#) that, if your performance in a film includes nudity, partial nudity or simulated sex acts, you or your representation should negotiate a nudity rider with the production.

Under SAG-AFTRA rules (Section 43(B)-(D) of the Nudity Provision of the SAG-AFTRA Basic Agreement):

- ▶ During any production involving nudity or sex scenes, **the set shall be closed** to anyone without a business purpose in connection with the production.
- ▶ **No still photography** of nudity or sex acts will be authorized by the producer without the prior written consent of the performer.
- ▶ The appearance of a performer in a nude or sex scene or the doubling of a performer in such a scene requires the performer's **prior written consent**.
 - ▶ Consent can be given by letter or other writing prior to signing a contract.
 - ▶ The consent must include a general description of the extent of the nudity and the type of physical contact required in the scene.
- ▶ Even if a performer has signed a nudity rider, **the performer may withdraw their consent at any time before filming the scene**.
 - ▶ If a performer has agreed to appear in such scenes and then withdraws their consent, the producer shall have the right to use a body double, but consent may not be withdrawn regarding film already photographed.
 - ▶ Children of tender years may not be used in nude scenes or in any scene involving an explicit sex act. Producer shall have the right to double children of tender years in nude scenes but *not* in sex scenes.

Negotiating Your Boundaries

Start with knowing and communicating your boundaries

Before casting, ask yourself if you are willing to perform a nude, intimate, or simulated sex scene. If you are, knowing and communicating your boundaries is an important part of your artistry and safety as a performer.

First, determine your boundaries by having an honest conversation with yourself about what you feel comfortable doing. Ask yourself:

- ▶ Are you okay with kissing?
- ▶ What kind of nudity or simulated sex might you be willing to do in a professional context?
- ▶ What circumstances might make you comfortable with such scenes?
- ▶ What circumstances would make you uncomfortable?

If you have representation, have the same conversation with them.

In addition to discussing what you feel comfortable doing and what your boundaries are with your agent, make sure the casting director, director, and, if you are cast, the producer, have agreed to your terms before moving forward with auditioning for, or performing in, roles requiring such activity.

For more information on your rights in auditions, please review our [Your Rights in Auditions](#) guide.

Using a nudity rider

A nudity rider is a legal contract, and should include:

- ▶ a detailed description of the scene(s);
- ▶ the type of nudity or physical contact required;
- ▶ limitations on use of the footage and production stills (if any); and
- ▶ any other conditions that you and a producer have agreed upon.

You may want to consider language specified such as the following:

- ▶ full nudity, rear nudity, or profile nudity;
- ▶ excluding or including genitals, nipples, pubic hair, etc.; and
- ▶ whether you may wear cover-ups during filming.

If you need help drafting a nudity rider, you can contact SAG-AFTRA if you are a member.

Beyond the basics

In addition to the recommendations above, consider negotiating the following terms.

During preparation and filming, you may request:

- ▶ A mutually-approved intimacy coordinator for all nude and simulated sex scenes. If refused, you may ask for the right to have a third-party of your choice present at the closed set and at intimacy rehearsals and filming.
- ▶ A meaningful consultation with the director and producer regarding nudity or simulated sex scenes prior to any filming.
- ▶ A rehearsal and for the scene to be fully choreographed in advance whether it involves full simulated intercourse or only slight physical contact. During rehearsals of the scene, actors will verbally consent to all physical contact before it is made.
- ▶ A “closed set” during rehearsal and filming of nude and simulated sex scenes you are in, meaning:
 - ▶ Restricted to everyone other than personnel essential to filming the scenes;
 - ▶ All outside monitors are off, and active monitors are tented;
 - ▶ Playback is limited or nonexistent; and
 - ▶ A safety meeting is held before the scene, which should include the essential personnel such as the performers, director, producer, and intimacy coordinator.
- ▶ A set-costumer of your choice is available and standing by to provide you with a robe. (This is common practice, but not specified by union protocols.)
- ▶ All performers will wear mutually-approved cover-ups during filming (e.g., flesh-colored underwear, modesty patches or pouches as well as intimacy barriers or padding so no genital contact ever occurs).
- ▶ The right to approve any script changes, including minor changes, to any nude and simulated sex scenes.

Post-filming, you may request:

- ▶ Dailies of nude and simulated sex scenes will be viewed only by the director, producers and/or key production members.
- ▶ Nude and simulated sex scenes will not be used in connection with any advertising, publicity and/or promotional materials without performer’s written approval in each instance.
- ▶ All outtakes featuring your nude and simulated sex scenes must be destroyed if not featured in the final edit.
- ▶ You have the right to view the dailies of your nude and simulated sex scenes and engage in meaningful communication with the director and producer.

Please note: consent may *not* be withdrawn as to film already photographed.

Working with an intimacy coordinator

An intimacy coordinator (or intimacy director in theater) is a choreographer of intimate and nude scenes. Their goal is to keep performers physically and emotionally safe while realizing the director's and producer's vision for the performance. Using an intimacy coordinator is a best practice because they play an essential role in keeping sets safe.

The role of an intimacy coordinator

Intimacy coordinators wear many hats. They are movement choreographers, liaisons between actors and production, and advocates for the actors. Professional intimacy coordinators have cross-disciplinary backgrounds in areas such as acting, directing, harassment, consent, and mental health.

For a more detailed example of the role intimacy coordinators and directors play in a production, you can review the [Pillars of Rehearsal and Performance Practice](#) developed by Intimacy Directors International (IDI), a nonprofit focused on training and developing best practices for intimate, nude and simulated sex performances.

You can also view a video of Ita O'Brien's work as an intimacy coordinator and movement director, and see intimacy coordination in progress, from [The Guardian](#).

Learn more about [when to request an intimacy coordinator](#) at IDI's website.

Qualifications of intimacy coordinators

An intimacy coordinator should be an experienced individual who is trained specifically to coordinate intimate scenes for television and film.

They should be trained in most, if not all, of the following: movement directing and coaching, protective gear in regard to actor comfort and sexual health awareness, mental health first aid and trauma training, consent language training, conflict resolution training, anti-harassment and sensitivity training, sexual dramaturgy and advocacy, and on-set etiquette.

An intimacy coordinator should work outside of the traditional power structure of your production, such as a director or producer.

Working without an intimacy coordinator

If an intimacy coordinator is not available on set, you should still consider your boundaries, as discussed earlier in this guide.

- ▶ If you choose to take a person with you for support, convey your boundaries to them so that they can advocate for you, if necessary.
- ▶ If auditioning, have a frank conversation before the scene with your acting partner and the casting director during which you share your boundaries and ask your acting partner about their boundaries; or
- ▶ If on set, have a frank conversation before the scene with your acting partner and the director or the producer during which you share your boundaries and ask your acting partner about their boundaries.

If you change your mind

If you ever feel any hesitation about performing a nude scene, you or your representatives should object or withdraw consent prior to the actual filming of the nude and/or simulated sex scene, even if you have already signed a release.

Once you have participated in the actual filming of a nude or simulated sex scene(s), you continue to have the right to withdraw participation in the filming of additional nude or simulated sex scenes.

SAG-AFTRA's current contract provides that a body double may be used without your consent for the additional sex or simulated sex scenes if you withdraw consent, and the already-filmed nude or simulated sex scenes may be used.

If you have an intimacy coordinator or advocate on set, communicate your discomfort and they will help you handle the remaining scenes at hand.

Our Gratitude to Our Collaborators

Thank you to the silence breakers who bravely, and often at great personal expense, speak publicly about the abuses inflicted upon you at work. We dedicate this guide to you and others like you who are willing to sacrifice privacy and, in some cases, security for justice and progress.

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If you identify any inaccuracies in this guide or additional entertainment industry workplace issues you would like to see addressed in it, please send your comments to hello@timesupnow.org.



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