

THE **TIME'S UP** GUIDE TO

# **Working in Entertainment**

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## **Your Right to Report Sexual Misconduct and Harassment**

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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 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](mailto:hello@timesupnow.org). If you need to reference these guides on the go, text SAFESSETS to 306-44.

In solidarity,

TIME'S UP

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# Resources at a Glance

## **TIME'S UP Legal Defense Fund**

202-319-3053

If you experience sex harassment at work, the TIME'S UP Legal Defense Fund may be able to provide free legal consultation and help pay for your legal case and for media and storytelling assistance. Online intake form is available [on the TIME'S UP website](#).

## **The Actors Fund**

Los Angeles: 888-825-0911

Chicago: 312-372-0989

New York City: 800-221-7303

The actors fund offers assistance and services, including counseling and financial aid, to people working in the entertainment industry. More information [on The Actors Fund website](#).

## **Intimacy Coordinator Organizations**

- ▶ Centaury Co.: <https://sharetheloadinc.com/training>
- ▶ Intimacy Coordinators of Color: <http://www.intimacycoordinatorsofcolor.com>
- ▶ Intimacy Directors and Coordinators: <https://www.idcprofessionals.com>
- ▶ Intimacy On Set: <https://www.intimacyonset.com>
- ▶ Intimacy Professionals Association: <https://www.intimacyprofessionalsassociation.com>

## **Rape, Abuse & Incest National Network (RAINN)**

800-656-HOPE (4673)

RAINN's National Sexual Assault Hotline is available by phone and online chat for survivors and their loved ones. More information and live-chat option [on the RAINN website](#).

## **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](#).

## Voices In Action

Document and timestamp an incident of sexual misconduct, with the option of being notified if someone else has reported your abuser, [on the Voices In Action website](#).

## Women In Film Help Line

855.WIF.LINE

People working in the entertainment industry who experience sexual harassment can access resources and support, including referrals to pro bono legal services, low-fee therapy, and free support groups [on the Women In Film website](#).

For information on resources available to sexual assault survivors in certain localities, see **Appendix: Local Services for Sexual Assault Survivors**.

# Reporting Harassment, Discrimination or Other Abuse Occurring at Work

The decision of whether to report workplace misconduct is personal and rests with the person who was harmed. If you were sexually harassed or discriminated against, or are a survivor of workplace abuse and want to report what happened to you, we can guide you through the process. If you've witnessed harassment and want to help, you may be feeling out of your depth as to how to proceed. We hope our guide can help you navigate those delicate situations.

Have you experienced workplace harassment, discrimination, or unwanted touching? Or, did you see it happen and aren't sure what to do next? This guide will help you understand:

- ▶ Your options for reporting if something happened to you or if you witnessed something;
- ▶ How to prepare if you decide to report;
- ▶ How to help a colleague decide whether or not to report, and give emotional support; and
- ▶ Some of the various services that exist to empower and support you.

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

## What counts as harassment?

Certain behaviors are illegal in the workplace under federal or state law. Other behavior may not be illegal, but still violates your employer's policies or union protections. In other words, even if what happened to you isn't illegal harassment, you still might be able to report it.

Before we discuss illegal harassment, we want you to know that YOU do not have to figure out whether what's happening to you is illegal or not. **You are not alone, and you have options.** You can call your federal or state agency and they will help you determine if you have an actionable claim for free. Or, if you are being harassed based on your sex or gender and need help figuring out whether you can take legal action for what's happening to you, you can contact the TIME'S UP Legal Defense Fund, which may be able to facilitate a free consultation through its network.

### **TIME'S UP Legal Defense Fund**

Hotline: 202-319-3053

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

Whether harassment qualifies as illegal depends on several factors, including the type of behavior. For example, petty slights, annoyances, and isolated incidents (i.e., a hand on your arm, a comment about your clothing) may be inappropriate, but are not necessarily illegal. However, a hand on your breast, inappropriate jokes, or threats are more likely illegal.

Pursuant in federal laws, harassment must be on the basis of one or more of the following factors in order to be illegal:

- ▶ Race
- ▶ Color
- ▶ Religion
- ▶ Sex (including pregnancy status, sexual orientation and gender identity)
- ▶ National origin
- ▶ Age (people who are 40 and older)
- ▶ Disability
- ▶ Genetic information

In addition, the conduct must satisfy the legal definition of harassment under federal and/or state law. Sexual harassment is unwelcome behavior that happens to you because of your sex or gender. Some states and local municipalities prohibit harassment based on other factors including but not limited to ancestry, marital status, and military or veteran status. There are two main forms of sexual harassment in the workplace: *quid pro quo harassment* and *hostile work environment harassment*.

- ▶ *Quid pro quo harassment* occurs when a supervisor (or other person in a position of authority) requires an applicant or employee to submit to sexual advances as a condition of employment or career advancement.
- ▶ *Hostile work environment harassment* involves unwelcome conduct that is “severe or pervasive” in nature and has the effect of interfering with a person’s work performance or of creating an intimidating, hostile, or offensive working environment. For this type of harassment, the harasser can be a supervisor, a coworker, an agent of the employer, or a non-employee.

For more information about unlawful harassment under federal law, please visit the U.S. Equal Employment Opportunity Commission ([EEOC’s website](#)) or [the U.S. Department of Labor’s website](#).

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

## **Did something just happen to you?**

If you have experienced unwanted touching, sexual assault, or sexual abuse in any context, including in your workplace or another professional setting, there are many ways to get support and information.

Immediately following a sexual assault or unwanted touching, you have a lot of decisions to make, some of which are time-sensitive. For example, important evidence can sometimes be collected from your body or clothing.

For information about your rights, options, and resources following sexual assault, visit [The Rape Foundation’s website](#).

# Deciding Whether to Report to Your Employer

When considering how to deal with workplace harassment or misconduct, first consider whether you believe you can safely tell the harasser you want the behavior to stop. If not, or if that doesn't work, consider whether you feel comfortable reporting it to your employer.

Before deciding whether to make a report to your employer, it is important to understand how your report will be handled.

Every company handles harassment reporting differently. First, figure out if your employer has a harassment policy, code of conduct, or employee handbook. These documents may have instructions about how to report harassment or misconduct in the workplace.

Whether or not workplaces have harassment policies and how well they are enforced vary greatly. You may have the option of reporting in a variety of ways and to a variety of people, or your options may be very limited. This could be especially true if you work for a small company or for an independent production.

Once you figure out how to report, who to report to, and what your employer prohibits, consider whether you feel comfortable reporting to those people and through those systems. Only you can decide if reporting to your employer is the right course of action. However, **it is important to know** that not using the employer's procedures, including its reporting mechanism, may make it difficult for you to win a case against your employer about the misconduct if you later decide to take legal action.

## **If you work for a company, production, or studio**

If they exist and you can find them, check your employer's policies about your options for reporting. You may want to request clarification from Human Resources (HR) if you work for a company, production or studio with an HR department or representative.

If you are working for a company, production, or studio, you may have the option of reporting through methods *other* than an HR employee, such as going to a supervisor or ombudsperson (an impartial, confidential options counselor), using a hotline or helpline, or using an app or online reporting platform. Some employers may also offer confidential or anonymous reporting platforms. The end result may be the same, but you may find you are more comfortable with one of these options as opposed to reporting to HR.

If you need a lawyer, you can contact the TIME'S UP Legal Defense Fund, which may be able to facilitate a free legal consultation through its legal network.

### **TIME'S UP Legal Defense Fund**

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

## **If you work on an independent and/or small production**

If you are working on an independent production, especially a small production, you may not have access to a human resources department or representative. Your only reporting option may be going to your producers or a direct supervisor.

If you are having trouble figuring out where and how to report, you can ask your supervisor.

If you are a union member, your union may also be able to help you figure out how and where to report. Consider this option if your supervisor is the person you are trying to report.

If you need a lawyer, you can contact the TIME'S UP Legal Defense Fund, which may be able to facilitate a free consultation through its network.

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## **Preserve the Facts**

No matter what you decide to do, we highly recommend writing everything down, saving all proof, and keeping a copy of the information for yourself. Include as much detail as you can. If you don't remember something exactly, write down what you do remember.

Important details:

- ▶ The date, time, location, details about where you were, all people present, and what was said and done by whom. If you can't remember a location, but remember the way it looked or smelled, add those details.
- ▶ A description of how you were treated differently because of race, color, religion, sex (including pregnancy status, sexual orientation and gender identity), national origin, age (40 or older), disability, genetic information or other characteristics protected by applicable law.
- ▶ Comments made about your protected characteristic(s), when and by whom those comments were made, whether there were any witnesses to the comments, and any other relevant details.
- ▶ A description of how you felt about the behavior.
- ▶ The names of people you tell/told about the incident(s).
- ▶ All pictures, voicemails, texts, notes, emails, and any other evidence you may have.

We created an Incident Report Template you can use as a guide for saving important information. Find it on our website at [\[###website address TK\]](#).

## Considerations before reporting to your employer

If you decide to report harassment to your employer, it's important to follow the procedure your employer lays out for reporting, if such procedures are provided. If you later decide to take legal action, the employer can use the fact that you did not comply with its procedures as a defense against your case if you:

- ▶ Decide not to report through your employer's reporting mechanism;
- ▶ Provide insufficient information to allow the employer to investigate; or
- ▶ Otherwise do not comply with the employer's reporting procedures.

In other words, not using your employer's procedures (including its reporting mechanism) may make it difficult for you to win a case later.

Before making your report, **write a detailed summary** of the circumstances surrounding your report. Try to include all dates, times, places, conversations, witnesses, relevant documents (such as emails or text messages), and any other details that might aid the investigation. We created an **Incident Report Template** you can use as a guide for saving important information. Find it on our website at [\[###website address TK\]](#).

Below are some factors to carefully consider before reporting.

### Advantages of reporting to your employer:

- ▶ You are putting your employer on notice of behavior that you believe is inappropriate or unlawful.
- ▶ You may be helping others who are experiencing similar issues.
- ▶ Your employer may resolve your concerns quickly and take appropriate corrective action, if necessary.
- ▶ It is illegal for your employer to retaliate against you for reporting sexual harassment, so it is beneficial to report before your employer takes an adverse employment action against you.
- ▶ In some cases, there are rules about having to let your employer know about what happened, so the employer has a chance to fix it. If you don't, it can hurt your legal case.

If you have legal questions, such as whether declining to report will hurt your case, you can reach out to the TIME'S UP Legal Defense Fund. If your situation involves workplace sexual harassment, the Fund will provide you with the names of attorneys who can give you a first consultation for free.

### Disadvantages of reporting to your employer:

- ▶ You may receive an unsympathetic response from the person to whom you report. Some employees are trained to remain neutral when receiving reports of workplace misconduct.
- ▶ You may not be able to control what human resources does after you report. Human resources has a legal obligation to act on certain types of claims, such as sexual harassment, even if you ask them not to.
- ▶ Companies and their human resources departments differ in how they investigate and

assess a claim of misconduct, harassment and discrimination and fashion a response. An investigation may include interviewing other people in the company about what happened.

- ▶ The human resources employee you speak with might have a different perspective than you do. They may not agree that what happened constitutes harassment, or they may feel the behavior is more concerning than you think it is.

## **Additional considerations about reporting to your employer:**

- ▶ You may be allowed to have someone with you for support if you report in person.
- ▶ Your report may go in your personnel file.
- ▶ Human resources should keep your report confidential to the extent possible. However, it cannot promise absolute confidentiality.
- ▶ It may benefit you if you make your report within a certain period of time after the harassment or inappropriate conduct happens. There are a variety of reasons for this, including how it will be perceived by a judge or jury.

If you need legal advice about the situation or are not comfortable with your employer's response, you can contact the TIME'S UP Legal Defense Fund, which may be able to facilitate a free consultation through its network.

### **TIME'S UP Legal Defense Fund**

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

The U.S. Equal Employment Opportunity Commission (EEOC) has additional information about what to do if you believe you have been harassed at work [on the EEOC website](#).

# Additional Resources for Harassment at Work

Below are descriptions of alternative reporting options or resources provided by third-party organizations.

## TIME'S UP Legal Defense Fund

The TIME'S UP Legal Defense Fund (the "Fund") helps people seek justice who've experienced sexual harassment or related retaliation in the workplace or in trying to further their careers. The Fund may also help in cases involving defamation.

If you have faced sexual misconduct – including sexual assault, harassment, abuse, or related retaliation – in the workplace, the **TIME'S UP Legal Defense Fund is here to help.**

Here's how it works:

- 1 [You fill out a form online.](#)
- 2 If your case involves sexual harassment and related retaliation at work, the Fund will email you with information about lawyers in its network. If your case is about something else, the Fund will provide you with resources to find help another way.
- 3 You contact the lawyers. Lawyers in the Fund's network provide a free consultation.
- 4 If you decide to hire a lawyer to help you, the Fund may be able to defray the costs of hiring an attorney. Your attorney can [apply](#) for funding before you sign an agreement with them. This means you will know how much funding the Fund will provide for your case before you agree to pay any fees.
- 5 You can also ask for public relations assistance using the Fund's [intake form](#) (answer "yes" to the question about public relations).

The TIME'S UP Legal Defense Fund cannot provide funding for every case that applies, but it does give careful consideration to every application.

The TIME'S UP Legal Defense Fund is housed at and administered by the National Women's Law Center, a national legal advocacy organization.

## AllVoices

Created by survivors, [AllVoices](#) allows you to submit anonymous reports of harassment, bias, or other culture issues that you may experience or witness. Once reported, AllVoices provides the company with an anonymous report so that the company can take action. Regardless of where you work or what your employment situation is, you can anonymously report harassment directly to a company's leadership through AllVoices. Freelancers and contractors can use it too.

## **Voices In Action**

Created by survivors, [Voices In Action](#) provides a way for you to document an incident of sexual misconduct that occurred to you. If you report an incident on their page, they provide you with a time-stamped incident report, which you can choose to submit to the authorities and/or your employer at your discretion. You can also choose to be notified if the person you name as your assailant has been accused of misconduct by another party through the Voices In Action website.

## **Women In Film Help Line**

[Women In Film Help Line](#) is an integrated program that offers resources and support to anyone who has experienced sexual harassment or misconduct while working in the entertainment industry. They provide referrals to pro bono employment attorneys, sliding-scale trauma-informed therapy, and a free, confidential support group, Safe Space, through their partner organization, Wright Institute Los Angeles. Call 855.WIF.LINE between 10AM and 5PM on Monday, Tuesday, Thursday, Friday and or between 2PM and 9PM on Wednesday.

# Reporting to Your Labor Union

If you are a union or guild member, and are experiencing job-related harassment, you may be able to file a report with your labor union if allowed under the union's constitution or organizing documents or under the collective bargaining agreement (often called the "basic agreement" in the entertainment industry).

Your union may also be able to help you determine who your employer is if you're having trouble figuring that out for example, if you are or were employed through a third-party payroll company or if the production's LLC has been dissolved. Your union may be able to help you find your employer's harassment policy or other important information about how to address what's happening to you.

But, unfortunately, union responses to member reports of misconduct are generally not tailored to harassment, discrimination, and misconduct, they are not likely survivor- or trauma-informed and provide little recourse. In particular, if you have experienced a traumatic event such as sexual assault and you report to your union, the person handling your call or report may not be trained to handle the situation in a trauma-informed manner. This could result in further emotional harm to you.

If you are interested in learning more about how your union can help you, please check with a union or guild representative for more information. Often, more is available to you than what is posted on their website. Consider asking your union rep:

- ▶ For a detailed description of their process for handling reports of misconduct by members against other members. If you are required to submit a report through an app or by submitting a form, what happens next?
- ▶ For a detailed description of their process for handling reports by members about sexual harassment or misconduct in your workplace.
- ▶ How your union has addressed reports like yours in the past?
- ▶ About the level of confidentiality used when handling harassment and misconduct reports.
- ▶ How the union will support you if you report what's happening to you to the union or to your employer.
- ▶ Whether the union offers any services for members experiencing workplace harassment, misconduct, unwanted touching, abuse or assault.

Some entertainment industry unions are working to put better processes and protections in place. If you are a union employee and would like to work with TIME'S UP to improve your processes, please contact us by emailing [hello@timesupnow.org](mailto:hello@timesupnow.org).

In some cases, entertainment industry unions and guilds provide services to members experiencing workplace abuse. For example, SAG-AFTRA has

contracted with The Actors Fund to provide confidential services for SAG-AFTRA members impacted by workplace sexual harassment. This service includes crisis and short-term counseling, education on individual rights and legal avenues, and referrals for clinical services.

# Reporting to State and Federal Authorities

If you have experienced sexual harassment, discrimination, abuse, or other unwelcome physical contact or emotional harm in the workplace, one option you may have is filing a claim against your employer or abuser with federal or state agencies. For information about your other options, such as reporting to your employer, union, or seeking legal assistance, please refer to those sections in this guide.

Generally, job applicants and employees (including actors and crew) are protected from illegal sexual harassment and discrimination under federal and state employment laws (such as the federal Title VII of the Civil Rights Act, the California Fair Employment and Housing Act, and the New York Human Rights Law, to give some examples).

Workers who are not employed by the employer, such as independent contractors, are generally not covered by anti-discrimination laws. However, [California](#) and [New York](#) laws protect independent contractors from sexual harassment.

Below is a brief summary of when federal law may apply and how to report violations to the relevant federal and state administrative agencies. For state-specific laws and reporting, please refer to the State Reporting Overview section of this guide book.

Also, for workers based in New York, the TIME'S UP toolkit, [Know Your Rights, New York](#), is a valuable resource. It provides an overview of your rights as an employee, a workplace safety checklist, provisions of New York law, and what you can do if you or someone you know is facing harassment at work.

If you need help figuring out whether reporting to state or federal authorities is the right choice for you, you can contact the TIME'S UP Legal Defense Fund.

## **TIME'S UP Legal Defense Fund**

Hotline: 202-319-3053

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

## **Federal reporting overview**

The U.S. Equal Employment Opportunity Commission (EEOC) is the federal agency that investigates reports of job discrimination and harassment based on race, color, religion, sex (including pregnancy status, sexual orientation, and gender identity), national origin, age (40 or older), disability, or genetic information. In most cases, you are required to file a claim (or "charge") with the EEOC *before* you can file a lawsuit for unlawful harassment or discrimination.

There are strict time limits for filing a charge with the EEOC. You may file a claim with the EEOC within **180 days** of the offense, but the deadline may be

extended to **300 days** depending on the type of unlawful conduct at issue and state in which you live. You also have the option of confidentially meeting with the EEOC to discuss your options. For more information, visit [the EEOC's website](#).

## *Am I protected under federal law?*

An employer must have a certain number of employees to be covered by federal laws prohibiting discrimination and harassment. In some states, state laws provide additional protection, such as to employees of small businesses or to independent contractors.

Use the resources available on the EEOC's website ([for sexual harassment](#); [for discrimination](#)) or consult with a lawyer to learn more about whether you and your employer are covered under federal anti-discrimination laws. If you need help finding a lawyer, you can contact the TIME'S UP Legal Defense Fund.

### **TIME'S UP Legal Defense Fund**

Hotline: 202-319-3053

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

## *What happens if I file a claim with the federal EEOC?*

The EEOC will investigate every claim, or "charge," they receive, unless the claim does not meet legal requirements or the parties reach settlement through EEOC mediation. The steps are outlined below. For more information on what to expect after you file a claim with the EEOC, visit [the EEOC website](#).

- 1** When you file your charge, the EEOC will determine whether the laws the EEOC enforces apply and whether you've filed within the required time period.
- 2** The EEOC will either send a notice of the charge to your employer or notify you that your claim does not meet the legal requirements within ten days of filing your charge.
- 3** If the EEOC determines the law applies to your charge and you filed within the required time period, it will investigate your charge. EEOC investigations are free.
  - ▶ At this stage, the parties are usually offered a chance to enter into a mediation program, facilitated by an EEOC mediator. This means you may have the opportunity to settle your claim at this stage.
  - ▶ If the charge is not mediated, or if the mediating parties fail to reach an agreement, the EEOC moves forward with its investigation.
  - ▶ On its website, the EEOC states that it takes **10 months** on average to investigate a charge, but parties often can settle within **3 months** through mediation.
- 4** Once the EEOC completes the investigation, it makes a determination on the merits of the charge. If the EEOC finds that there *is* reasonable cause to believe that you were discriminated against, both parties will be issued a "Letter of Determination" stating that there is reason to believe that discrimination occurred.
  - ▶ The letter will invite you and your employer to join the EEOC to try to resolve the charge through an informal process known as "conciliation", a type of dispute resolution.

If the EEOC finds that there is *no* reasonable cause to believe that you were discriminated against, you will be issued a “Dismissal and Notice of Rights.” The employer will also receive a copy of this notice.

- ▶ You will have the right to file a lawsuit in federal or state court on your own within **90 days** from the date of your receipt of this notice.
- 5** If you choose to file a lawsuit, you must file it within this 90-day deadline, or you will lose your right to sue based on the allegations in your charge.
- 6** **If the dispute resolution process does not succeed in resolving the charge, the EEOC can choose to file a lawsuit in federal court.** The decision to file is at the EEOC’s discretion.

If the EEOC chooses *not* to file, you will receive a “Notice of Right to Sue” and may still file a lawsuit without the EEOC’s help in federal or state court within **90 days**. If you choose to file a lawsuit, you must file it within this 90-day deadline or you will lose your right to sue based on the allegations in your charge.

## Considerations before filing a charge with the EEOC

An EEOC charge can be the first step in a legal claim that compensates you for what happened. However, it is not guaranteed that it will work out in your favor, and the process can be very long.

Consider the following when determining whether reporting to the EEOC is good for you:

- ▶ The EEOC does not enforce civility in the workplace and is not going to act on general claims of bullying unless the alleged behavior rises to the level of unlawful discrimination or harassment. The discrimination or harassment must meet a certain definition to be legally actionable.
- ▶ The discrimination or harassment in question must be on the basis of a protected class in order to meet the EEOC’s legal definition: race, color, religion, sex (including pregnancy status, sexual orientation, and gender identity), national origin, age (40 or older), disability, or genetic information.
- ▶ If you have not submitted a report through your employer’s internal reporting channels, your employer may use this as a defense against your claim.
- ▶ Figuring out whether or not you are covered by federal law is complicated, but the EEOC can help. If you aren’t sure whether you’re covered and are considering whether to file a claim, you should contact an EEOC field office as soon as possible, so it can help you figure that out. Find your nearest EEOC office through their [the EEOC website](#). You can also contact the [TIME’S UP Legal Defense Fund](#) for guidance.

## State reporting overview

Most states have their own laws and regulations that prohibit discrimination and harassment, including sexual harassment, in the workplace. Each state has its own requirements for when its laws apply to a particular employer or worker. Some states, such as [California](#) and [New York](#), offer protections beyond those offered under federal law, so it is important to **consider your legal options under your state’s laws** as well as those under federal law.

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

If you need a lawyer, you can contact the TIME'S UP Legal Defense Fund.

### **TIME'S UP Legal Defense Fund**

Hotline: 202-319-3053

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

## *What happens if I file a claim with my state government?*

Most states have a local agency that is responsible for enforcing that state's employment laws and regulations, similar to what the EEOC does for federal law. If you file a claim with the federal EEOC and a state law applies, then the federal EEOC may also file your charge with the relevant state agency.

Many states have strict time limits on when you can file a claim with the state agency. In addition, some states require that you file a claim with the state agency, and "exhaust" your administrative remedies, before you are allowed to file a lawsuit.

## **Rights for workers in California**

The California Fair Employment and Housing Act (FEHA) generally covers employers with five or more employees, but the FEHA's anti-harassment provisions apply to all employers regardless of size.

California's anti-harassment law also **protects independent contractors, interns, and volunteers**, so it doesn't matter whether someone is treated as an employee or an independent contractor.

California anti-harassment law is significantly stronger than federal law in the following ways:

- ▶ It covers all employers (federal law only covers employers of 15 or more employees);
- ▶ There is strict liability for employers when supervisors or managers are the harassers;
- ▶ There is individual liability for harassers; and
- ▶ There is no cap on damages.

### **Filing a claim in California**

In California, people who experience workplace discrimination or harassment can file claims with the Department of Fair Employment and Housing (DFEH). Claims must be filed with the DFEH **within three years** of the last act of discrimination or harassment, and you must file an administrative complaint before you can file a lawsuit based on discrimination or harassment.

Also, the DFEH enforces Civil Code 51.9, which prohibits sexual harassment in all forms of business, service, or professional relationships, including those involving directors and producers.

If you experience sexual harassment or assault on set or in an entertainment workplace in

California, **you may file with the DFEH regardless of your employment relationship** with the harasser and regardless of the corporate structure of the entity with or for whom you work. You may be able to file with the DFEH even if the production is over and the LLC has been dissolved.

With respect to solvency and collection, an LLC or any other corporate entity may or may not have assets. But, in the harassment context, California provides for individual liability, meaning the individual abuser can be financially liable to the survivor.

You may contact the DFEH by phone at 800-884-1684 or 800-700-2320 (TTY) or by email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov). For more information, please visit [the DFEH website](#).

## **Rights for workers in New York**

The New York Human Rights Law requires ALL employers in New York State, regardless of the number of employees, to provide a workplace free from sexual harassment.

New York's anti-harassment law also protects non-employees, such as contractors, subcontractors, vendors, consultants, independent contractors, "gig" workers, and temporary workers or anyone providing services in the workplace.

### **Filing a claim in New York**

In New York, people who experience workplace discrimination or harassment can file claims with the New York State Division of Human Rights. Claims must be filed with the Division of Human Rights within one year of the last act of discrimination or harassment.

Under the Human Rights Law, you do not need to file an internal report with your employer before you file with the Division of Human Rights. The fact that you did not use your employer's reporting mechanism does not determine whether your employer will be held responsible.

You may contact the Division of Human Rights by phone at 888-392-3644. You may also visit a Division of Human Rights office and file a claim in person. Find your nearest location on the [New York Division of Human Rights website](#).

For more information and guidance, the State of New York offers a [Combating Sexual Harassment in the Workplace](#) guide, which provides an overview of the applicable sexual harassment laws, resources to employees regarding addressing and reporting alleged sexual harassment, and links to various support organizations.

[A Better Balance](#) is a New York-based nonprofit that offers a free legal helpline for the State of New York. It provides confidential information to workers about workplace rights, including sexual harassment, pregnancy discrimination, breastfeeding, and work-family issues. For more information, you may contact them at 212-430-5982 or [info@abetterbalance.org](mailto:info@abetterbalance.org).

# Appendix: Services for Sexual Assault Survivors in Los Angeles and New York City

## Los Angeles

If you are in the Los Angeles area, the following organizations provide local services tailored to the unique needs of people who have experienced unwanted physical contact, including sexual abuse in any form, such as rape and assault.

[The Rape Treatment Center](#) at UCLA Medical Center, Santa Monica, provides comprehensive, free services for sexual assault victims 24 hours a day, including specialized emergency medical care, forensic and evidentiary examinations, counseling, advocacy, and information about rights and options to help victims make informed choices and decisions. Services are provided in a dedicated, private clinic located within UCLA Medical Center, Santa Monica. The Rape Treatment Center also provides longer-term therapy for victims and other support services.

Rape Treatment Center: 424-259-7208

More information is available [on The Rape Treatment Center website](#).

[Echo](#) is a 501(c)(3) that serves trauma survivors through workshops, parenting classes, conferences, and educational materials to provide knowledge, skills, and inspiration for survivors to step into power and control over their own lives and recovery. They also are at the forefront of training organizations and professionals in how to become trauma-informed for survivor empowerment.

Echo: 213-484-6676

More information is available [on the Echo website](#).

[Peace Over Violence](#) operates the Los Angeles Rape and Battering Hotline, a confidential, non-judgmental resource where staff and volunteers are available to provide emotional support, advocacy, information, and referrals. If you or someone you care about has been a victim of sexual assault in Los Angeles, you can call their 24-hour crisis line for help.

Central Los Angeles: 213-626-3393

South Los Angeles: 310-392-8381

West San Gabriel Valley: 626-793-3385

More information is available [on the Peace Over Violence website](#).

[Strength United](#) offers a 24-Hour Support, Referral and Crisis Response Line providing information, crisis intervention, emotional support, guidance for giving and receiving help, and referrals and linkages to community resources. They also offer a Sexual Assault Response Team, a client-centered program that provides emergency response to reports of child sexual abuse, rape, and sexual assault.

Strength United: 818-886-0453 or 661-253-0258

## **New York City**

If you are in the New York area, the following organizations provide local services tailored to the unique needs of people who have experienced unwanted physical contact, including sexual abuse in any form, such as rape and assault.

[Black Women's Blueprint](#) is a nonprofit that works with black women and girls. Their work includes a hotline, legislative advocacy, healing programs, a mobile reproductive services van, and prevention education.

Black Women's Blueprint: 347-533-9102

[Criminal Justice Navigators](#) connects rape survivors with a criminal law attorney who can help you assess the strength of your case, understand the law, weigh your options, and pursue an appropriate law enforcement response.

Criminal Justice Navigators: 212-627-9895

[NOW NYC Helpline](#) is a New York-based helpline, which offers referrals for callers needing help with employment discrimination, divorce and custody, financial empowerment, intimate partner violence, and sexual assault.

NOW NYC Helpline: 212-627-9895

[Safe Horizon](#) is a nonprofit that provides services for victims of crime and abuse and their families. Includes: legal and court programs, domestic violence shelters, counseling centers, and multiple hotlines.

24-hour Hotline: 800-621-HOPE / 800-621-4673

Rape and Sexual Assault Hotline: 212-227-3000

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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](mailto:hello@timesupnow.org).



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