

# Sector Day on Transgressive Behaviour

28 May 2018

REPORT

## Introduction

The #MeToo movement has caused quite a stir since October 2017, including in the arts sector. What has this discussion brought about? And how are we handling it? A reflection day was organized on this theme on Monday 28 May by the Sociaal Fonds voor de Podiumkunsten, oKo, various trade unions (ACOD Cultuur, LBC/ACV, ACLVB) and Engagement. National and international speakers provided insights into the existing legal frameworks and shared best practices. Participants engaged with that knowledge during workshops.

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call to end sexism in the arts  
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## ENGAGEMENT – a proposal

*By dancers Ilse Ghekiere, Sirah Foighel Brutmann and Gala Moody*

In May 2017 Ilse Ghekiere was awarded a grant to research sexism in the dance sector. When six months later #MeToo caused a stir in the arts sector and beyond, Ghekiere published the article [#WeToo: What dancers talk about when they talk about sexism](#). A private Facebook group was then set up where dancers could share their experiences involving sexually transgressive behaviour in the sector. The virtual meetings were followed by meetings on a weekly basis, and then every second week. Many findings from Ghekiere's research were confirmed during these meetings: transgressive behaviour cannot be disentangled from a broader problem with sexism on and off the stage.

Under the title ENGAGEMENT, the artists behind the movement published an [online statement](#) that you can sign as a spectator, an artist, an institution, an art educator or as someone who 'crossed the line'. The goal is to trigger a mental shift so that the problem can be discussed. The initiators also gave guidelines as to what you can do when you are confronted with sexism and transgressive behaviour, whether as an artist or as (an employee of) an arts organization.

ENGAGEMENT sees itself as a stimulator and is not afraid to discuss the issue. At the same time, the initiators stress that they find collaboration indispensable. They reach out to institutions in different disciplines and are actively in contact with similar initiatives. Collaborative projects are ongoing with D.I.T. (Flanders Arts Institute), the Sociaal Fonds voor de Podiumkunsten, the trade unions and the non-profit organization Rosa.

## Transgressive behaviour at work

*Hilde De Man, Department head for psychosocial aspects at IDEWE, the largest external service for prevention and protection at work*

**Definition** | 'Sexually transgressive behaviour' comprises all forms of verbal, non-verbal and physical behaviour with a sexual connotation whose goal or consequence is to harm a person's dignity or to create a harmful and/or threatening environment. Intention is not always relevant in this regard, but the consequences of the behaviour on the party involved are.

**How often does it happen?** | From data collected by IDEWE, it appears that 1 per cent of employees experience a form of sexually transgressive behaviour weekly, and 8.2 per cent occasionally. Women (9.2 per cent) are confronted with it more often than men (6.2 per cent). This data includes reports made through informal channels (counselling sessions or mediation) and formal channels (studies, reports, preventive and if necessary corrective measures). But whether this data provides a realistic image is difficult to say: the threshold before someone reacts is generally quite high owing to the fear of not being taken seriously or of being blamed and to the fear of shame, to a lack of trust in procedures, etc.

**Legal context** | In 2002 bullying, physical and mental violence and transgressive sexual behaviour were added to the well-being bill, which stipulates that employers are responsible for a safe and healthy work climate. In 2014 the legislation was extended to include psychosocial risks such as stress, burn-out and conflicts.

### **How to react to transgressive behaviour ...**

**... as a victim?** | Be assertive, define your limits, be clear. Talk to people who can help in your environment.

**... as a bystander?** | Use your influence to stimulate a good work climate as well as on the system and the dynamic of the group. Take each sign of transgressive behaviour seriously.

### **... as an employer? |**

- Include a statement of principles in the work regulations (or charter);
- Include procedures in the work regulations;
- Train confidential advisers and make sure they are supervised annually;
- Make a risk analysis of psychosocial aspects at work;
- Set up a register of facts by third parties;
- Assess the policy annually;
- React consistently in cases of transgressive behaviour.

## Transgressive behaviour – the criminal judicial framework

*Professor Liesbet Stevens, Deputy director of the Institute for the Equality of Women and Men and lecturer in sexual criminal law at KU Leuven*

**Some facts and figures** | It appears from European data that 65 per cent of the population has been confronted since age 15 with transgressive behaviour. The younger you are, the greater the risk of being a victim. That also holds for men, who appear in the risk group mainly as minors. Transgressive behaviour is reported more widely in countries that are reputed to be more gender-equal, among them Belgium.

**What are we talking about?** | Since the #MeToo movement, the threshold at which to map out different forms of transgressive behaviour has been lowered. But it is difficult to talk about a movement (since that would suggest that someone is in control) or to bring all behaviours that are linked to the hashtag under a single label. That also holds for 'sexually transgressive behaviour': it is a container concept. That is not necessarily a problem, but it is important to distinguish between transgressive behaviour that can be prosecuted criminally and behaviour that is not prosecuted within our judicial system.

**In criminal law** | Criminal law punishes three forms of sexually transgressive behaviour:

- Violations of physical sexual autonomy: indecent assault and rape;
- Violations of mental sexual autonomy: voyeurism, so-called revenge porn, public decency, sexism;
- Sexual or sexist intimidation: sexism, inciting sexual intimidation, stalking.

**Risk factors** | The risk of transgressive behaviour increases in certain (work) contexts:

- Small organizations with a limited number of decision-makers;
- Sectors in which there are not many easy alternatives, such as the academic world;
- A small world where everyone knows everyone;
- A homogeneous male context;
- A context with many foreigners, for whom it is more difficult given their cultural and linguistic differences and who are less well informed about who they can turn to.

## **Panel discussion: how can employers assume their responsibility and create a safe environment?**

*Klaartje Oerlemans, Business manager and coordinator at GRIP; Vjera Somers, Business manager at Compagnie Cecilia; Franky Devos, General coordinator at Vooruit Arts Centre. Moderator: Delphine Hesters, Head of performing arts at Flanders Arts Institute*

### **What do you do as managers?**

VJERA: We keep strict lines of communication and actively work on ensuring that transgressive behaviour is discussable. For instance, it gets discussed in every team. We also ensure a proper follow-up with the employees: the production manager, for instance, is an excellent link between the office and the studio.

FRANKY: We communicate clearly about who can go where and point out the right confidential advisers. We make our staff aware of the issue and also involve our audience by clearly stating what we stand for as an institution. To monitor this aspect we have appointed contact people. Besides that, we are looking for a formula by which to share our code of behaviour more clearly with our artists in residence.

KLAARTJE: We communicate clearly about the reason behind certain artistic choices and encourage our team to react responsibly.

### **How do you deal with freelancers, who are often in a vulnerable socio-economic position?**

KLAARTJE: We need to reflect on how we can involve freelancers (in English too) in the issue. Training people to become 'confidential advisers' is a first step in the right direction. Production managers and rehearsers, who work closely with freelancers, can monitor the situation.

FRANKY: At the same time we also need to have a good look at how we fill such a function and communicate about it in the sector.

### **Power is one of the risk factors in transgressive behaviour. Could more horizontal structures be a solution? And what about charismatic leaders?**

FRANKY: At the Vooruit, power is not tied to a function, but to a role. Because roles are exchangeable, power is not permanently associated with a single person. The major decisions get taken by a team of 12 people. The presidency of the sessions rotates. Important decisions are prepared by the presidents of the four following sessions.

KLAARTJE: Artistic directors and makers need to be aware of the appeal they exert, notably on young dancers.

## The situation in Norway: study and data

*Sigrid Røyseng, Professor at the BI Norwegian Business School and the Norwegian Academy of Music*

**Background |** In 2001 and 2007 Sigrid Røyseng and her colleagues carried out research into gender roles on stage, from which it appeared that stereotyping was deeply rooted. From a contribution by Radio Sweden in 2010 it appeared that sexually transgressive behaviour in the performing arts was a problem which was hardly discussed but which was strongly interwoven with the working culture.

**Study in Norwegian theatres | These findings triggered research into the situation among Norwegian actors via the Norwegian Actors' Association in 2010.** The researchers asked whether the respondents had experienced specific behaviour and whether they had ever had the feeling of experiencing sexually transgressive behaviour. The answers were compared with those of employees from other sectors.

### **Some striking results:**

- Unwanted behaviour that is tied to a certain reward occurs a lot more often in the theatre sector than in other work.
- Women in the theatre sector feel treated unacceptably more often than in other sectors: there is therefore a great imbalance between men and women.
- Only 3.7 per cent of whoever has experienced transgressive behaviour has mentioned it to either the management level or a trade union. No one contacted the prevention counsellor, although counsellors are present in all institutional theatres in Norway.

**Follow-up study |** The causes underlying these high figures were examined. This examination yielded some risk factors that are specific to working in the performing arts:

- Seductiveness is seen as a driving force that can stimulate productivity and creativity;
- Recruitment processes are particularly informal, sexual appeal is often a part of the process and competition among actors is particularly tough;
- By seeing art as a value that prevails above everything else, an environment is created that impedes the emergence of other value systems;
- Charismatic leadership is typical of arts organizations, leadership which relies heavily on the emotional swaying of others.

## Project 'Sport with limits'

*Marybel Vanbutsele, Staff member for integrity at ICES, the Centre for Ethics in Sport*

Over the past months ICES has introduced six preventive policy measures to tackle transgressive behaviour in sport.

**Contact person for integrity (API) | APIs are the first contact persons for whoever has questions, complaints or remarks about transgressive behaviour and integrity, similar to confidential advisers. They receive victims, accompany them through an internal procedure and are involved in policy-making.** APIs enjoy the trust of the administration, counsellors, parents and young sportspeople, and are appointed by the management. ICES supports APIs with a training organized in collaboration with Sensoa, an accompanying syllabus and return days.

**Prevention, training and awareness-raising: the flag system |** ICES encourages federations to invest in prevention and awareness-raising. The flag system is part of the package. It is a system that makes it possible to evaluate transgressive behaviour and to react appropriately by means of six criteria: consent, coercion, equality, development, suitability (context) and physical or mental harm. A green, yellow, red or black flag is then attributed. The flags offer a point of departure from which to react to the behaviour.

**Counselling function |** The sports federation can offer counsel internally (proactively/reactively) about ethical questions, for instance through the creation of an ethics committee and by collaborating with other federations.

**Codes of behaviour |** A code of behaviour is a document featuring guidelines with which the sports federation wants to show different target groups what behaviour is acceptable and what behaviour is transgressive. Violations of the code of behaviour are punishable. ICES provides a blueprint and a checklist for the code of behaviour, formulates codes of behaviour and implements them.

**Action protocol |** An action protocol is a clear step-by-step plan that the sports federation follows in the event of a presumption, a revelation or a demonstrated case of sexually transgressive behaviour. The steps in the plan are linked to the flag system. ICES provides a blueprint and files with background information.

**Disciplinary system |** A disciplinary system offers a clear and transparent procedure to act in a protective and/or punitive manner in the event of incidents involving transgressive behaviour. ICES provides a blueprint of the disciplinary rules and is looking, together with the Flemish sports federation, at options for a common disciplinary organ.

# Theatrical Intimacy

*Yarit Dor, Co-founder of Theatrical Intimacy (UK)*

Fight & movement directors often have to deal with situations in which intimacy on stage plays an important role. Handling those situations properly is often impossible without involving the actors. In order to introduce some structure to the work processes, a number of movement directors founded Theatrical Intimacy. Today the movement has branches in the US, the UK and Canada. Their method rests on a number of important principles:

**Consent** | Always ask the actors for their consent if you want to adapt a previously agreed choreography. Give actors at every moment of the process the chance to say no without thereby putting a halt to the entire process. Also, give them the chance to take back the previously given consent.

**Communication** | Make use of every step in the rehearsal process to talk about intimacy, for instance during the first reading. Let the actors know why you are asking for certain choices and actions and give them the space to agree or refuse. Let them discuss it among themselves also.

**Context** | Accompany directors and explain that you find a well-defined process important to achieve intimacy on stage. Let directors explain why certain actions are necessary for the story and/or the scene. Give the rest of the artistic team the space to relate to certain behaviours on stage.

**Choreography** | Look for other strategies to achieve similar effects.

**Closure** | Provide closure: for instance, give actors a moment to catch their breath and/or to strengthen ties after an intense scene. Discuss ways that enable them to achieve closure.

## Workshops – findings from the sector

The sector wants to take action in the following areas:

**Terminology** | Sometimes the proper terminology is lacking to communicate about transgressive behaviour both in and beyond the sector. The flag system used in sport, for instance, is very useful, but needs to be adapted to the specificities of the arts sector.

**Dealing with limits** | We need to invest more in solidarity among freelancers and colleagues during and after work hours and during the trainings (especially for whoever is lower down in the power structure) and we need transparent communication about limits. Some proposals: a seminar lasting several days on limits with attention for intergenerational and intercultural differences, intervision projects for creative artists on the basis of the knowledge of intimacy coaches, 'non-violent communication' programmes, training programmes for the artistic team, the drafting of performance rules prior to a production. Prevention tools, risk analyses, codes of ethics and knowledge about the legal framework must help prevent that lines get crossed unwillingly.

**Procedures** | The sector finds it essential that freelancers and smaller organizations are able to turn to someone for support and is open to exploring the possibility of an external contact point. Before that, the responsibility and the range of duties must be clearly defined and it is necessary to examine how peer-to-peer initiatives can be integrated in the offer. An ombudsman is also an interesting possibility. It is also necessary to invest heavily in prevention, so that it will no longer be necessary to report cases. Therefore better communication is necessary about existing points of contact, ethical codes and external prevention services. The personality and accessibility of, and trust in, prevention counsellors and confidential advisers is very important. By investing in the short term in a number of existing solutions and communicating clearly about them, some problems can be tackled rapidly.

**Leadership and staff** | The sector recognizes the risk factors regarding the abuse of power in organizations such as described by Liesbeth Stevens. More horizontal structures, like the role system that the Vooruit has set up, can be a source of inspiration. Power must be equal to responsibility. In addition, we must find more ways of evaluating leadership, for instance via the board of management or via bottom-up evaluations. Leaders must also be given the opportunity to be trained in people management. Offering all employees the possibility of participating is important, as is mutual solidarity. This can be achieved by opening up for discussion, between the employers and the unions, and in the socio-consultative structures, the protection of staff, transparent frameworks, possibilities of involvement and preventive measures.

**Training** | Discussing the limits of what is acceptable and what is not must be possible during training already and be linked to the precarious economic reality in which most artists will find themselves. We must inform students about the problems in the field and work on knowledge acquisition, critical reflection and empowerment. By pointing out points of contact and work

regulations and by appointing an ombudsman at school, we can build a bridge between the educational institutions and the work sector. A good example must be given during the training already, for instance by paying attention to the gender balance among teachers.