

### **What issues are important to research and make proposals on in order to create policies for a more gender-equal economy?**

Equity welcomes the opportunity to submit evidence to the Commission on a Gender Equal Economy. Equity is the trade union representing over 45,000 people working in the UK's film, television, theatre, dance, variety and music industries. Our membership includes actors, singers, dancers, stage managers, circus artists, theatre directors and many other performers and creative workers. More than half of Equity's membership are women and its General Secretary and President are both women.

For over four decades Equity has sought greater gender equality in the entertainment industry, in its work to address differences in pay, portrayal and opportunities to work throughout the live and audiovisual sectors.

This entertainment sector is the original gig economy and the nature of work in this sector presents particular challenges to the full and equal participation of women in it. The availability of talent, often at short notice, is considered crucial for employers in many parts of the industry. Touring and overseas working (filming TV commercials and films, cruise ships, one off performances etc) are not uncommon and combined with the norm of short-term contracts and low pay makes work in this sector insecure and precarious. Recognising the challenges faced by atypical workers is crucial for enhancing the participation of women in the creative professions and other sectors. Figures from ONS show that while the number of female employees was relatively stable between 2001 and 2016, female self-employed workers increased by 85% over this period. Equity has long-standing experience of organising, representing, campaigning and bargaining for atypical workers and its work to ensure equal opportunities for, and to challenge discrimination of, women within this economic model is instructive as this model is on the increase in traditional and emerging sectors of the economy. For example, from supporting the status of creative professionals as workers, entitled to collective bargaining coverage, to advocating for improved maternity and paternity pay for self-employed workers (who do not have the same maternity and paternity rights as employees) family friendly rights, holiday pay and other employment rights (such as sick pay) and health and safety.

The discrimination faced by women intersects with other characteristics such as ethnicity, disability, age and class, in having a serious impact on women's ability to access and sustain work in the sector; with older women, disabled women, those from BME and those working class backgrounds facing greater discrimination. The lack of equal opportunities for women is particularly stark in the entertainment industry. Women performers in particular consider their gender a disadvantage across all aspects of their careers and working lives: there are less roles available; they have shorter careers than men; there are fewer work opportunities later in their careers; and a greater proportion of women fall into the lowest income groups of performers. The conditions of the workplace early on in careers make younger women particularly vulnerable to sexual harassment, bullying and abuse at work. Competition for work, securing an agent, getting on the radar of engagers can mean that young women feel less able to speak out. Low and no pay also disproportionately affects this group too, and there remains an expectation that at the start of your career you will be exploited – in terms of pay, but also other rights. If paid work is treated and viewed as a gift or a favour at the start of a career, this creates an environment for exploitation to flourish. As women in this sector get older, their lives and work become more precarious. By the time women reach 30, and certainly by the time they reach 40, many roles have all but dried up.

Gender stereotypes are still widely accepted in the performing arts, film and television industries and portrayal of women often focuses on caring responsibilities, attractiveness (particularly in the advertising sector) or on perceptions of women as being sex objects or victims. Improving gender representation on stage and screen is not only about equitable employment opportunities; because of the importance of art and culture in reflecting the life of the nation back at us, it is critical for women throughout society to see themselves and their lives represented and to hear women's voices in the public sphere. The growing invisibility of women as they get older from our screens reinforces the disappearance of women from public life after 50.

### **Sexual harassment**

The atypical working patterns of this industry – the precarity, short term contracts, low and no pay – can exacerbate existing power relationships and can lead to an environment where harassment and other forms of abuse – bullying, discrimination, lack of regard for health and safety – can flourish. Sexual harassment, bullying and abuse of women in the workplace restricts their full participation in it and their ability to perform fully and to the full extent of their talents and abilities.

Women workers are particularly vulnerable in this sector without access to the same protections or support mechanisms as employees and are less likely to report incidents for fear of losing work in a tight-knit community.

Equity has been campaigning for an extension of the time limit for employment tribunal case from 3 to 6 months, which would cover harassment and discrimination claims, and for the need to regulate the misuse of non-disclosure agreements (NDAs). Jean Rogers, who is a member of Equity's Women's Committee and the TUC Women's Committee, proposed a motion to this year's TUC Women's Conference that called for the reform of NDAs to prevent their misuse to cover inappropriate behaviour and unlawful conduct, as well as restricting discussion on pay and other terms and conditions of employment.

The current system for addressing sexual harassment in the workplace rests far too heavily on the individual in holding harassers and employers to account. Measures for making employers and regulators take their legal responsibilities for preventing harm much more seriously are needed to counterbalance this. Equity has been working with the TUC and others to investigate additional changes to discrimination and sexual harassment law including reinstating the statutory equality questionnaire, ensuring that third party harassment claims are included as an employer's responsibility, updating the Equality Act 2010 to include all self-employment and a mandatory duty on employers for preventing sexual harassment at work.

The equalities work of trade unions is also fundamental in tackling discrimination in our workplaces, as bullying/sexual harassment is also a component of workplace sexism and a lack of diversity and opportunity and a lack of women in senior roles.

### **Shared Parental Leave**

There are particular difficulties for women working in this sector when they are pregnant and combining work with caring for young children, and women can fall out of the sector entirely at this point in their careers. According to research from Raising Films, 74% of creative workers surveyed have turned down work because they are a parent, while 22% said that their career had come to a halt or had stopped altogether once they had a child.

Self-employed parents are not eligible for shared parental pay. The current system of maternity allowance for the self-employed places the entire burden of childcare onto mothers and denies fathers this opportunity to bond with their children, reinforcing gender inequalities. There is currently no financial support for self-employed partners who want to share some or all of the childcare. Data from 2016 found that a quarter of new dads didn't even qualify for the up to two weeks' statutory paternity leave and statutory paternity pay because they were self-employed. Self-employed mothers claiming maternity allowance have none of the legal protections afforded to employees when they go on maternity leave and self-employed mothers who take up paid work while on maternity leave – which is more than the 10 'keeping in touch' days - lose their maternity allowance.

Equity supports a change in the law to allow self-employed parents access to what is a basic workplace entitlement and would make an important difference in progressing gender equality in the workplace and supports Tracy Brabin's Shared Parental Leave Pay (Extension) Bill. Self-employed women should have the right to Keep In Touch with their work as often as necessary during their maternity leave without losing eligibility for maternity allowance.

### **Childcare**

In addition, many women fall out of the workforce after having children because of the lack of support and provision for them to be able to continue to work in the industry with young children.

Affordable and flexible childcare and work life balance are particularly difficult to achieve in the entertainment industry. A 2008 International Federation of Actors (FIA) report found that parenting was considered a career disadvantage for 56% of women performers, but only 15% of men performers. Throughout the arts and entertainment industries practices such as touring, night time working, filming away from home and extended rehearsals are common.

Temporary employment and the fact that labour supply greatly outstrips demand, particularly for female performers, means that power is highly unbalanced in favour of employers. As a result, individual performers and creative workers perceive that they could be vulnerable to exclusion from employment opportunities if they make demands in favour of improving work life balance. Conversely the absence of family friendly policies, enhanced redundancy or unfair dismissal rights for many of Equity's members further exacerbates the vulnerability of the workforce in an industry already characterised by insecurity.

Equity's collective agreements across the live and audiovisual sectors provide an essential counterbalance, incorporating statutory minimum rights to maternity and paternity pay and parental, dependant and compassionate leave, with many also including holiday entitlements which enable working parents to care for children during school holidays.

Equity supports the work of Parents in the Performing Arts (PIPA) which has found that access to ad-hoc, flexible childcare is critical for maintaining a career in the performing arts at the same time as meeting caring responsibilities and is working with organisations to develop practices and policies aimed at attracting and retaining working parents.

It should also be highlighted that recent welfare changes introduced by the Government has adversely affected low paid, self-employed single parents, the vast majority (91%) of whom are women. Emerging evidence shows that savings to the public purse from the introduction of Minimum Income Floor element of Universal Credit for self-employed claimants is falling hardest on young single parents with school age children, with losses per family as high as £6,000 pa. Equity is

working with Leigh Day Solicitors in challenging this policy in the high court on behalf of its member, Charmaine Parkin.

### **On screen and stage representation**

[Equal Representation for Actresses 50:50 \(ERA\)](#) has compiled some shocking statistics which demonstrate the extent to which women's representation on screen and stage is considerably more stereotyped and distorted than it is in the real world. Indeed, not only does this limit employment opportunities for women in the sector, both in terms of the number and diversity of roles available, but that these portrayals shape society's attitudes, ambitions and values. Indeed, the Geena Davis institute in the US has found that the more hours of television a child watches, the more likely male children are to have sexist views.

The ERA sets out the following data on its website, which shows that although the UK comprises 51% women and 49% men:

- Men outnumber women by 2:1 in acting roles on our screen
- Men outnumber women 3:1 on UK children's television
- Women make up only 17% of characters in crowd scenes
- According to the BFI, there were more women on UK screens in 1913
- There is no trajectory of improvement; this 2:1 stat is consistent even in very recent years.
- Women speak less on stage and screen, have less agency in stories, are much more likely to play victims
- Research conducted by Stephen Follows in 'Are Men in Romantic Films Older than Women' found it is not unusual for women to be paired on screen with men often 20 years their senior as opposed to the real world where in the UK, a third of couples are 1 year apart in age. The average age difference of a couple is 2-3 years.
- A snapshot of an Analysis of 'Film Dialogue' across 2000 modern screenplays tells us that men aged 32 to 41 spoke 44million words but women in the same age group only 18million words. Older men, between the ages of 42-65 had 54 million words to say. In contrast 42-65 year old women, were reduced to a 'murmur' with only 11 million words between them.
- Even in Disney's princess films, including Pixar, guys speak more than girls
- Women effectively disappear after from our screens and stages after 40.
- The BBC commissioned 32 men and eight women to write drama for broadcast in 2017; four of those eight women were working on adaptations. Channel 4 has transmitted only two prime-time original drama series created by a woman since 2004
- In 2017, of BBC comedy pilots and online, only 4 out of 22 produced programmes were written by women (3 /4 being writer performers)
- In 2017 no produced Comedy programming on ITV was written or directed by a woman.
- Less than 10% of feature films are made by women.

This has also been found to have a harmful effect on audiences, with older people expressing feeling of invisibility, who want to see a focus on accurate portrayal of all ages. The lack of women directors, producers and writers is one of the reasons for this. A report commissioned by the Writers' Guild of Great Britain found that despite the critical and commercial success of scripts written by women (e.g. Call the Midwife, Happy Valley), the number of women in the screenwriting industry has barely improved over the past ten years and remains at a staggeringly low level. Just 16% of working film writers in the UK are female and only 14% of prime-time TV is written by women; and these figures have remained remarkably consistent over the past decade. In addition, the Sphinx theatre recently found that just a fifth of English theatres are led by women, who between them control just 13% of the total Arts Council England (ACE) theatre budget. There has never been a female artistic director

of the National Theatre or Royal Shakespeare Company. Sir Nicholas Hytner, artistic director of the National Theatre for 12 years, until March 2015, never directed a play by a woman during that time.

Equity would like to see more transparent equal opportunities monitoring across the entertainment industry. Where employers do undertake equal opportunities monitoring it is usually confined to employees rather than self-employed or freelance workers, to the exclusion of performers and other creative practitioners. It is also rarely published transparently. The absence of this data makes it more difficult to increase the number and diversity of roles for women performers on stage and screen. As we saw when the BBC published the salaries of its top talent, what gets measured gets improved; releasing this data resulted in the BBC promising to achieve equal pay by 2020.

### **Equal Pay**

As the equal pay reporting duty applies to employers with more than 250 employees, the vast majority of employers in the entertainment sector are exempt from this requirement, but without this data it is difficult to make an assessment about differential pay in this sector. The TUC has been campaigning to extend this requirement to smaller employers. Ahead of 29<sup>th</sup> May 2020, the 50 year anniversary of when Equal Pay Act first came into force in 1970, there are a number of trade union initiatives and events to increase the profile and urgency of addressing gender pay inequality that Equity will participate in, including a union roundtable to discuss strategy and an Equality Trust conference in May. Equity is looking to fund a small piece of research to get a snapshot of pay scales and rates and gender differentials to address the gap in our evidence base about the pay gap in this sector, to support its policy development and ongoing negotiations work on this issue.

### **Pension inequality**

Research by Prospect has estimated the pension pay gap in the UK in 2017 as 39.5%, twice the level of the gender pay gap. In addition, research by the TUC and others shows that women have higher levels of poverty in retirement and are particularly exposed to changes in the state pension because they have less in private provision. It is also harder for self-employed workers to accrue a private pension, which is why Equity has a pension scheme available to its members, that members can get their employers to contribute to if working under an Equity agreed contract.

Equity supports the Women Against State Pension Inequality (WASPI) campaign, which was established to fight the injustice caused to women born on or after 6 April 1951 through the delay in their state pension age (SPA), given the higher reliance of women in this sector on the state pension. The £10,000 earnings trigger for pensions auto-enrolment is unfair on low-paid women and those in multiple jobs.