



Preventing sexual harassment at work: a toolkit for orchestras



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Introduction

This toolkit was developed by the Equality and Human Rights Commission (EHRC) and the Independent Society of Musicians (ISM) to help orchestras address the issue of sexual harassment.

The EHRC is an independent statutory body with the responsibility to encourage equality and diversity, eliminate unlawful discrimination and protect and promote the human rights of everyone in Britain. The ISM is the UK's professional body for musicians and a subject association for music.

In 2022, the ISM published a report on bullying and harassment in the music sector, 'Dignity at Work 2', which shared the findings of a survey of musicians working across the sector. The report showed that sexual harassment was a widespread problem. The report also revealed the lack of support available to freelance musicians who experience harassment:

- sexual harassment accounted for 58% of discrimination reported in the survey
- 88% of self-employed respondents said they did not report incidents that they experienced when working
- 94% of these respondents said there was no one to report harassment to

Who is this toolkit for?

This toolkit is designed to be used by orchestra managers, as well as any orchestra members with HR and fixing responsibilities.

What does this toolkit do?

This toolkit outlines examples of steps that orchestras can take as appropriate for the size of their organisation. These are designed to complement existing HR policies, for example policies you may have around harassment and bullying. They are also designed to help you set up new policies and structures where necessary.

The toolkit contains templates that aim to help you take action to protect your musicians and your organisation. They include:

1. A checklist: this is designed to support you through every stage of a session and can be adapted to suit your orchestra.
2. An action plan: this will help you outline what action you will take to use the checklist in your orchestra.
3. Monitoring logs: these will help you monitor how the checklist and action plan are being used.

You can find definitions of key terms below.

Checklist

The checklist has been developed by the EHRC and the ISM for orchestra settings, but it can be adapted to suit other workplaces in the music sector. It is a practical tool that can be used as a useful reminder of actions you can take to support your overall approach to preventing sexual harassment. Please note that use of the EHRC's logo is not permitted in any amended versions of this checklist.

The checklist supports you through every stage of an orchestral session, from recruitment and booking to specific considerations during time on tour and key considerations following a session. It provides three main areas to think about:

1. Communicating with musicians (including freelancers): how to promote a culture that is free from harassment and let your musicians know you take sexual harassment seriously.
2. Changing the working environment: controlling the physical and social environment that people are working in to make it as safe as possible.

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3. Working practices: policies and procedures to make sure you know when sexual harassment happens and how it is dealt with.

How you can use the toolkit

When adapting the toolkit for your orchestra consider how you work, the people that will be using it and what is proportionate for your orchestra. You may need to think about:

1. Who are the right people to use it?
2. How easy would it be for them to use it?
3. How can you support members of your orchestra, including the conductor, fixers and section leaders, to use it?
4. Do you need to adapt this tool for your orchestra?
5. Who do you need to speak to so that the checklist is used across your orchestra?

You should also prepare for the toolkit to be used effectively. For example, by running awareness campaigns, updating policies and procedures, delivering training and getting the right people involved. Any activity should include regular freelancers where possible.

Sexual harassment and the law

Under the Equality Act 2010, workers are protected from harassment, including sexual harassment.

Sexual harassment is any unwanted conduct of a sexual nature that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. See the key terms section for more information, including different forms of sexual harassment.

Musicians must not be treated badly because they reject or submit to acts of harassment, as this is also unlawful harassment. They also must not be treated badly because they have complained about sexual harassment, as this is unlawful victimisation. All orchestras should take steps to protect their musicians from sexual harassment, including those employed on a freelance basis.

Orchestras may also be liable for harassment committed by their musicians in circumstances in which the musician is not actually working but that are connected with work. This will depend on the strength of the connection with work in each particular case. For example, if a musician is harassed during drinks in the pub with other musicians from the orchestra immediately after a rehearsal, or at a party organised after a concert, a tribunal may decide these are closely connected with employment.

Though many orchestras will have established sexual harassment policies and procedures, these alone cannot stop sexual harassment from happening in your organisation.

Your orchestra can be held legally responsible for sexual harassment if you do not take steps to prevent sexual harassment, regardless of its size or organisational structure. A discrimination claim can have significant reputational and financial consequences for an employer and an individual musician accused of such harassment.

Failing to take reasonable steps to prevent sexual harassment can also have a significant effect on the wellbeing, safety, recruitment and retention of musicians and other staff, as well as the reputation of your organisation. Working to promote a positive culture free from harassment will help to ensure that musicians feel safe and able to perform to their best ability.

The Worker Protection Act

The Worker Protection (Amendment of Equality Act 2010) Act 2023 came into force in October 2024. Like all employers, orchestras who employ people are subject to the preventative duty under the Worker Protection Act, which places a positive legal obligation on them to take reasonable steps to prevent sexual harassment of workers in the course of employment.

‘Reasonable steps’ could involve making sure suitable policies and procedures are in place, as well as more active measures. These measures could include making sure orchestra members are made aware of these procedures when they join and at regular intervals thereafter. Training and evaluation of policies and procedures should be offered regularly and complaints should be dealt with effectively, efficiently and sensitively.

The preventative duty includes a duty to take reasonable steps to prevent sexual harassment by third parties, which will include the staff of other organisations, including venues and theatre companies, and members of the general public attending performances.

‘Reasonable steps’ in this context could include policies and clear protocols for steps that will be taken to remedy a complaint or prevent it from happening again.

The Equality and Human Rights Commission can enforce breaches of the preventative duty. If a musician succeeds in a claim for sexual harassment against an orchestra, an employment tribunal can increase compensation by up to 25% if it considers the preventative duty to have been breached.

Key terms

Freelancers – Freelance work is common in the music sector.

The [Equality Act 2010](#) protects employees and workers. Workers often work on a casual or irregular basis but have to perform work personally and have limited rights to send a substitute in their place.

Some musicians who are engaged on a freelance basis will therefore be workers and protected from discrimination and harassment under the Equality Act 2010. However, musicians who do not have to personally carry out work under a contract, such as those who have a right to provide a substitute, may not be able to take claims under the Equality Act 2010.

This is not a clear-cut rule, and a musician's employment status can only be determined by a court or tribunal based on their individual circumstances.

As good practice, we recommend following the below checklist consistently for all musicians engaged with you. This will reduce the risk of liability for discrimination by your organisation. Ensuring that all musicians have the same expectations also helps to create a consistent environment and will help you to meet the preventative duty.

Musicians – This includes all musicians who work for an orchestra, including employees, workers and those who are self-employed and are hired on a freelance basis, either regularly or as a last-minute replacement for another musician. It is good practice to ensure that any guest musicians, including amateurs or guest conductors who are booked to perform with your orchestra, are

made aware of your sexual harassment policies and can report sexual harassment to the relevant people in the orchestra management.

While this toolkit is designed for musicians, orchestras should also ensure that they have thought about protections for any non-musician workers, especially if exposed to third-party harassment. This might include ticket sellers or ushers, if employed directly by the orchestra.

Orchestras – This includes all ensembles that engage or are made up of musicians to perform orchestral repertoire.

Sessions – This includes performances, rehearsals, tours, workshops, engagement and recording sessions.

Sexual harassment – Sexual harassment is any unwanted conduct of a sexual nature that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. This includes inappropriate comments, touching and jokes, for example, if a musician engages in unwanted physical contact or invades another musician's personal space.

Sexual harassment can take place in person or in other ways, such as through social media, messaging tools or email. There is a common misconception that sexual harassment is only towards women, but men can be sexually harassed too. People can be sexually harassed by someone of the same sex.

Sex-related harassment – Sex-related harassment is unwanted conduct which relates to the fact that somebody is a man or a woman. This toolkit covers sexual harassment.

Victimisation – Victimisation is treating someone badly because they have made a complaint of discrimination or harassment, or they are supporting someone who has made a complaint of

discrimination or harassment. For example, a musician makes a complaint of sexual harassment against another musician. The musician who made the complaint is then marked as a 'trouble maker' and is not booked for any further work by the orchestra.

Before a session: suggested actions

Communicating with musicians

When confirming a musician's engagement with you, make sure that you communicate that you do not tolerate sexual harassment. Ensure this messaging is consistent and includes both regular freelancers and any last-minute replacements for other musicians. You could include a section on expected behaviours within contracts.

Share relevant policies and procedures around sexual harassment, including how to report sexual harassment, through induction, training or other means, for example by email alongside the contract and by including it on your website. Musicians should have access to and be provided with copies of the relevant policies from the outset without having to request them. Ensure that freelancers also receive this information and where possible include regular freelancers in training.

Offer multiple ways for musicians to report incidents of harassment where possible. Make sure that musicians have more than one trusted person they can go to if they have an issue, particularly if your orchestra does not have a dedicated HR function. Ensure that musicians are aware of helplines provided by the [ISM](#), the [Musicians' Union](#) and others.

Think about how you can communicate the behaviours expected during the session, including within green rooms, changing rooms and backstage areas, as well as those expected after a session in social environments adjacent to sessions. Share a list of expected behaviours and values and consider using visual reminders such as posters. The ISM and the Musicians' Union have a [Code of Practice](#),

which outlines a set of principles to tackle and prevent bullying, harassment and discrimination for all those working in the music sector.

Changing the working environment

People who hold a lot of control over the recruitment and booking of musicians might be able to use this power in a way that enables sexual harassment to happen.

Fixers, or those with control over recruitment and booking, should follow a consistent process when hiring any musicians, including last-minute replacements. The [10-point action plan for orchestral recruitment](#), developed by Black Lives in Music, the Association of British Orchestras and the Musicians' Union, is a useful starting point and will help to ensure fair recruitment.

Musicians must not be treated badly because they reject or submit to acts of harassment, for example refusing or submitting to a kiss. They also must not be treated badly because they have complained about sexual harassment. Not booking a musician because they have previously raised a complaint could be [victimisation](#), which is unlawful.

Survey or ask musicians to find out if they ever feel vulnerable or in dangerous situations at work and see if you can do anything to change that. Pay attention to musicians who may be more vulnerable to sexual harassment, such as younger musicians, those who do not speak English as a first language and freelancers, who are often less likely to report incidents.

Think about any shared spaces, including green rooms, changing rooms and backstage areas. Employers have legal duties under [The Workplace \(Health, Safety and Welfare\) Regulations 1992](#) to provide separate toilets and changing room facilities for men and women.

The working environment may not always be within your control, for example, when visiting more informal performance settings such as schools, hospitals or care homes for workshops and engagement sessions. However, where possible, you should try to assess the space available and raise any safety concerns with the relevant people. You can also check what policies they have in place regarding sexual harassment.

Working practices

Think about how to ensure that all musicians are aware of who is responsible for dealing with any incidents of sexual harassment. This should be more than one person if possible. Make sure that those responsible for dealing with incidents know what to do if someone comes to them and have a set policy or process for responding.

Provide the opportunity for musicians to report anonymously in case they do not feel confident coming forward. If you do not have an anonymous reporting line, consider supplying the numbers for external support helplines such as those provided by the ISM and the Musicians' Union for their members.

Have a set policy or process for what to do if an audience member or other third party harasses a musician, such as warning systems, removing them from the venue or permanently banning them. Ensure that all musicians are aware of this and how to report this kind of harassment.

Give musicians training and advice for intervening safely if they see sexual harassment happening. Regular freelancers should be included in training where possible.

Start of a session: suggested actions

Communicating with musicians

It is important to remind all musicians that you do not tolerate sexual harassment.

Make sure that you are regularly reminding musicians of your sexual harassment policies and reporting processes, and that sexual harassment will not be tolerated from musicians or audience members. For example, when you have a group of musicians who have not played together previously, ask your conductor, leader or orchestra manager to reiterate that your orchestra does not tolerate sexual harassment.

Ensure it is clear that this policy includes periods such as travelling to or from a session or socialising after a session. Ask the person responsible for handling complaints to step forward and make sure that everyone is aware of who they are, where they will be and that complaints are taken seriously. If the person responsible for dealing with complaints is not at the session, ensure that they are named and provide details on how to contact them.

Invite musicians to let the relevant person know if they have any concerns and ensure these are acted on, if possible.

Changing the working environment

Carry out a risk assessment of the working environment, as proportionate to the situation. Think about things like lighting, secluded corners and how you might mitigate against any risks.

If musicians are expected to interact with audience members, assess any risks associated with this and consider if they can avoid doing so alone.

Put posters or notices where audience members can see them to make sure that they know your orchestra will not tolerate sexual harassment.

Working practices

Make sure that people responsible for dealing with reports or incidents of sexual harassment know what to do if someone comes to them with an incident.

Speak to freelancers before and after a session to make sure they know how to report any incidents, where to go and who to speak to. Have a set policy or process for what to do if an audience member or other third party harasses a musician.

End of a session: suggested actions

Communicating with musicians

At the end of a session, it is important to provide all musicians, including freelancers, the opportunity to report sexual harassment.

You should ensure that all musicians are given the opportunity to give feedback on their experience.

The feedback of freelance musicians is especially important as they may be less likely to speak out unless prompted, due to concerns about being rehired.

Provide a confidential way for them to report anything that has happened to them at work.

Raise any incidents of harassment, taking care to protect musicians' right to privacy, so that all musicians are aware of what has happened and reiterate that your orchestra has taken those issues seriously.

Changing the working environment

It is important that all musicians are aware that if sexual harassment occurs after a session, at a social event, on social media or through other forms of communication, both the perpetrator and the orchestra might still be legally responsible.

Remind musicians that social activities, drinks, social media or other forms of communication can still be associated with their workplace and that incidents will be taken seriously.

Working practices

Fill out the monitoring log provided in this toolkit to help you record incidents that occur.

Keep a record of any issues there have been with audience members and what action has been taken so others are aware.

If a musician does not want to raise a formal complaint, keep a record of incidents that occur in case the information is needed at a later date, or in case multiple people complain about the same individual. If appropriate, you can see whether the musician wants to address the issue informally, either directly themselves or with support. You should keep this situation under review by checking in with them to find out if the situation has improved. Where the situation has not improved, explain to them that it is necessary to address the issue both for their wellbeing and that other colleagues.

For further practical tips around requests by workers not to take action, see the EHRC's [technical guidance](#) on sexual harassment and harassment at work.

Keep a log of incidents of sexual harassment and any requests to keep the matter confidential. This can help you identify steps you might be able to take to prevent future incidents.

Time on tour: suggested actions

In addition to those listed above, there are specific actions to consider in relation to time on tour.

Orchestral tours can be a particular time of vulnerability for musicians, who may feel additional pressure to socialise or be forced to share spaces with others. It may not always be possible to control the working environment, but it is still important to take what steps you can to ensure the safety of musicians while away from home. This could include checking what policies and processes venues or promoters have in place to protect musicians from sexual harassment.

Bear in mind that if sexual harassment occurs while the orchestra is abroad, the process of dealing with any criminal ramifications could be different, but employers may still be liable under the Equality Act 2010.

Communicating with musicians

Ensure you have reminded all musicians taking part in a tour that you do not tolerate sexual harassment and what they should do if they are harassed while on tour, including if they experience harassment from an audience member or other third party.

Remind musicians that social events on tour are still associated with their workplace.

Changing the working environment

When making arrangements for tours, ensure that the environment is as safe as possible to minimise the opportunity for sexual harassment to occur, for example when allocating hotel rooms and organising transport options, such as car sharing or seating on a coach or aeroplane. Check if musicians are comfortable with the arrangements and give them the opportunity to say if they are not. It is also important to ensure musicians have safe changing spaces while on tour.

Working practices

Make sure that people responsible for dealing with reports or incidents of sexual harassment know what to do if someone comes to them with an incident during a tour.

Have a set policy or process for what to do if an audience member or other third party harasses a musician while on tour.

Checklist

Before a session

- Have you ensured that you have relevant policies and procedures in place to deal with sexual harassment and shared these with all musicians from the outset?
- Have you communicated that you do not tolerate sexual harassment and outlined your expected behaviours and values to all musicians when confirming their engagement with you?
- Have you made sure that there are clear ways for all musicians to report sexual harassment and that they know who they can go to if they experience it? There should be more than one person that everyone can report to.
- Have you looked at the way work is handed out and ensured that fixers, or others with control over recruitment and booking, have followed a consistent process when hiring musicians and are aware of the expected behaviours and values?
- Have you made sure that initiatives are in place so that you can check there are no abuses of power?
- Have you made sure that the working environment is safe for musicians?

Start of a session

- Have you reminded musicians of your sexual harassment policies, and what they should do if they are harassed and who they should speak to if they are harassed during a session?

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- Have you reiterated that you will not tolerate any form of sexual harassment and that leaders, managers or responsible people should be informed if an incident happens?
 - Have you checked the environment (such as green rooms, changing rooms and backstage areas) and made changes where possible to ensure it is as safe as it can be?
 - Have you considered factors that might increase the risk of sexual harassment happening, such as late-night performances, the presence of alcohol at a venue and interactions with audience members, and considered what steps you can take to mitigate those risks?
 - Have you made sure that everyone has understood, especially those who might not speak English as a first language?

End of a session

- Have you given musicians the opportunity to raise any issues they have had?
- Have you made musicians aware that if they harass a colleague, even after a session or during a social event, they might still be responsible for legal action?
- Have you reviewed if and where there have been incidents and thought about what you can do to stop them happening again?

Time on tour

- Have you made sure that all musicians taking part in the tour know what they should do and who they should go to if they are sexually harassed?

-
- Have you made musicians aware that if they harass a colleague during a social event while on tour, they could still face legal action?
 - Have you considered accommodation, transport and changing spaces, checking if musicians are comfortable with the arrangements and giving them the opportunity to say if they are not?
 - Have you spoken to the venue(s) about what policies they have in place, for example around third-party harassment?

Action plan and monitoring logs

Action plan

Record any actions you need to take to make this checklist part of your working practices. Useful things to include are:

- updating your sexual harassment policies and making staff aware of them
- making sure staff are fully trained and aware of what to do if sexual harassment occurs
- recording who you need to speak to so that the checklist is used across your organisation
- supporting staff to use the checklist at the correct times

Enter your answers here...

Record any additional actions that you would like to take beyond those included in the checklist.

Enter your answers here...

Monitoring logs

Complete the monitoring log regularly, such as at a concert, recording session, audition, trial, series of rehearsals or tour, to help monitor how the checklist is being used and any changes that may be needed to your approach.

Date

Enter date here

Did you use the checklist before, during and after your session?

Yes

No

If no, why?

Enter your answers here...

If yes, was it useful? Are there any changes or follow ups that need to be made?

Enter your answers here...

We suggest completing an in-depth log every quarter to help record the effect of your activity.

What action have you taken this quarter and what has been the outcome of this activity?

Enter your answers here...

Who have you involved and what has their reaction been?

Enter your answers here...

Have you faced any barriers?

Enter your answers here...

What have you learned?

Enter your answers here...

Has the checklist changed how your organisation deals with sexual harassment?

Enter your answers here...

Actions to prioritise next quarter.

Enter your answers here...

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- Association of British Orchestras
- Black Lives in Music
- Musicians' Union
- Orchestras Live
- Parents and Carers in Performing Arts
- The F-List for Music

Contacts

This publication and related equality and human rights resources are available from [our website](#).

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. We welcome your feedback.

For information on accessing one of our publications in an alternative format, please contact: correspondence@equalityhumanrights.com.

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