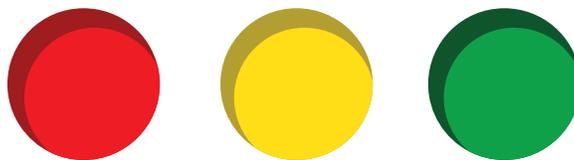




## Best Practices

### for Scenes involving Nudity, Intimacy, Simulated Sex and Sexual Violence

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**Theresa Tova**

**Dear ACTRA Toronto members and industry partners,**

On behalf of ACTRA Toronto Council and the courageous performers who have come forward to share their experiences, we are pleased to present Best Practices for Scenes Involving Nudity, Intimacy, Simulated Sex and Sexual Violence.

In the fall of 2017, amidst the watershed of the #MeToo movement, ACTRA Toronto Council took immediate action within our union and in collaboration with the broader Canadian creative industry. We committed to preventing and addressing harassment, discrimination, bullying and violence. We committed to moving forward with conviction, passion and urgency. We committed to doing better.

With the help of Victoria Shen, the ACTRA Toronto Special Advisor on Human Rights and Sexual Harassment, we held “safe space” meetings with members and then worked with the Council, our Ad Hoc Committee on Sexual Harassment and industry partners on a plan of action. The following are highlights of steps we have taken together.

- Worked with industry partners to develop the *Canadian Creative Industries Code of Conduct to Prevent and Respond to Harassment, Discrimination, Bullying and Violence*
- Reviewed and updated ACTRA policies, procedures and by-laws to better define and address harassment complaint and discipline processes
- Updated resources on harassment prevention including improvements to the afterhours helpline, updated our website with reporting information, and produced a wallet-sized reference card
- Provided anti-harassment and mental health training to ACTRA Toronto staff, leadership and On-Set Liaison Officers. Together with community partners, we identified resources for crisis intervention, counselling, and independent legal advice.
- Updated *Respect on Set* course materials. Attending *Respect on Set* training is now a requirement of membership in ACTRA Toronto.
- Included panels and workshops at ACTRA Toronto conferences with professional speakers on sexual harassment, crisis, mental health and counselling support
- Met with industry funding bodies about requiring applicants to have harassment prevention policies and procedures in place

- Negotiated improvements in film, television, digital media and videogame agreements in the areas of harassment prevention and reporting, auditions, nudity and intimacy, gender-inclusive language, and a joint bulletin on consent-based interactions
- Met regularly with unions and guilds, industry health and safety committees and working groups to share strategies and resources
- Worked with talent agents to update the Entertainment Industry Coalition's *Code of Ethical Conduct*
- Provided training and support to labour and industry partners to develop anti-harassment resources
- Introduced ACTRA Toronto Council to the role of certified Intimacy Coordinators. We welcome the addition of certified Intimacy Coordinators to productions as a key element to ensure consent-based interactions and a respectful work environment for cast and crew.
- Launched HAVEN (Harassment and Violence Emergency Network) Helpline, a national, bilingual 24/7 incident report line with integrated access to confidential and immediate counselling for members of ACTRA and the Directors Guild of Canada

The release of Best Practices is the latest step in the plan to protect members from harassment. It is a living document. We welcome suggestions and recommendations. We look forward to our continuing work with performers and industry partners: listening, learning and taking steps together to ensure interactions are respectful and consent-based. Practise Safe Sets.

In solidarity,



Theresa Tova

President, ACTRA Toronto

International Women's Day 2020

# BEST PRACTICES

ACTRA Toronto is committed to preventing and addressing workplace harassment. The film and television industry presents situations that are unique. Performers are especially vulnerable when they are engaged in scenes involving nudity, intimacy, simulated sex and sexual violence. Developed through consultations with our members and industry partners, we believe these “best practices” will improve protections for performers, highlight problem practices, and foster a culture of consent. Through efforts like this and the *Canadian Creative Industries Code of Conduct*, we are working to ensure that workplaces are safe and respectful.

## WHO SHOULD USE THIS GUIDE?

Building a respectful workplace is everyone’s responsibility. This guide includes steps producers can take from pre- to post-production. It includes steps agents, casting directors, Intimacy Coordinators and production crew can take. And it includes checklists and questions for performers to consider from auditions through to the editing of scenes that involve nudity, intimacy, simulated sex and sexual violence. We are grateful to all those who shared their experiences and advice in developing the Best Practices. This is a living document, as we continue to listen and learn. Together, we are changing the culture, helping to make sure our sets and workplaces today and in the future are safe and respectful. (NOTE: This document is not a summary or replacement for ACTRA’s agreements. Productions should refer to the applicable agreement to ensure they are compliant with its requirements.)

## PRE-PRODUCTION

Meet with an ACTRA Business Representative. The Business Rep is the liaison between ACTRA and the production. They can anticipate issues, provide guidance and industry knowledge on contracting, timelines and required paperwork.

Engage a certified Intimacy Coordinator (IC). They will have an outline of their services and protocols. They will be involved in all aspects of scenes requiring nudity, intimacy, simulated sex and sexual violence. Contact ACTRA for a list of certified ICs.

Engage an ACTRA Stunt Coordinator. ACTRA maintains a registry for qualified Stunt Coordinators and Stunt Performers. The Stunt Coordinator upholds the highest levels of safety consistent with international industry standards, is familiar with the requirements of ACTRA’s agreements, and adheres to the *Stunt Coordinator’s Code of Conduct*.

## **What does an Intimacy Coordinator do?**

- Implements proper protocols for scenes containing intimacy, simulated sex, nudity or high emotional content
- Liaises between production and performers
- Coaches movement for scenes with intimacy, simulated sex, and/or nudity
- Advocates for performers

## **An Intimacy Coordinator should have training and expertise in:**

- Sexual health safety
- Consent
- Mental health first aid
- Closed Set Protocols
- Movement and choreography
- Modesty garments, barriers and other tools
- Riders and contracts
- Union agreements and guidelines
- Harassment laws and resources

**ACTRA keeps a list of certified Intimacy Coordinators.**

# AUDITIONS

There should be as much information as possible in the audition notice and breakdown so performers can make an informed decision about auditioning. Be explicit about what is required. In some instances, what is expected for a first audition will be different from the callback audition.

No auditions should take place in private residences or hotel rooms. No nude photos. No sex acts. No recording (including streaming) of such auditions without prior written consent of the performer on a form approved by ACTRA. Auditions are restricted to persons with a direct and professional need to be present. Performers may have an ACTRA representative, support person or Intimacy Coordinator present.

If the audition requires performers to appear in a state of undress or revealing clothing, the facility must have change rooms and privacy barriers. Audition facilities should also be accessible, gender-inclusive, have clean washrooms, seating and water.

Performers should be advised in advance if they will be auditioning with another performer. Performers need time to discuss the scene and negotiate what will happen, especially when it involves intimacy, simulated sex and sexual violence. Performers cannot consent to unchoreographed actions.

Physical contact with another performer should be minimized whenever possible. Consider what action is necessary and stopping just before contact. (e.g. The performers lean in for a kiss but stop before their lips touch.) Intimate contact with multiple performers in an audition is never necessary.

## CONTRACTS

As much information as possible should be included in the contract and rider. Performers cannot consent if they have insufficient or incomplete information. Performers should never be surprised on the day of the shoot.

Contracts and riders must be submitted to performers at least 48 hours in advance. Be aware that agents will need time in advance of the 48-hour deadline to review the documents and negotiate changes. Productions will also need time to implement the terms of the contract and rider in advance of the performer arriving on set.

Once a performer is booked, there are restrictions on changes and cancellations. Changes require 48-hours written advance notice. Performers may refuse changes without liability or forfeiting their fee.

The requirements for contracts, riders and 48-hours written notice apply to all performers. This includes stand-ins, stunt and background performers. These performers may be booked without agents, auditions, or scripts and have limited information about the engagement. Performers must be provided with sufficient and timely information in order to consent and prepare.

On the day of the shoot, the performer, Intimacy Coordinator and ACTRA representative (if present) should be provided with copies of the contract and rider. A copy of the performer's contract and rider should be provided in the dressing room at the top of the day.

# REHEARSALS, WARDROBE AND MAKEUP

Scene requirements (e.g. performer action, choreography, blocking, shot list and camera angles) need to be addressed before final decisions can be made about wardrobe, modesty garments, barriers, and makeup. If an Intimacy Coordinator has been engaged, they should be present at all rehearsals and involved in decisions.

The Stunt Coordinator and Stunt Double should be included in discussions on wardrobe. Wardrobe impacts the safety of stunt performers as it affects how stunts are performed and what protective measures are put in place. Women stunt performers routinely carry out athletic feats in miniskirts and high heels. Stunt performers often supply their own protective gear and equipment, so advance notice allows them to prepare for the engagement.

Performers should be notified in advance when they are working in a scene with another performer who will be nude or partially undressed. Physical contact needs to be discussed and consensual. Whenever possible, barriers and padding should be used.

Rehearsals should be closed and restricted to persons who have a direct and professional need to be present. Like auditions, no rehearsals in hotel rooms or private residences. No unauthorized use of recording devices.

Wardrobe fittings should be in a private and secure location. Fittings should be closed and restricted to persons who have a direct and professional need to be present.

Wardrobe photos with nudity require prior written consent of the performer. Photos should be kept in a private and secure location. Unused photos should be securely destroyed.

# PERFORMANCE AND CLOSED SETS

On days when production is shooting scenes with nudity, intimacy, simulated sex and sexual violence, the call sheet should clearly indicate it is a closed set. No visitors are allowed.

There should be a meeting to clarify the requirements and expectations which includes the cast and crew, background performers, Intimacy Coordinator, and ACTRA representative (if present). The meeting should review the closed set protocols, identify who will be on set and who will have access to the video monitors.

A review or walk-through of the set should be conducted to ensure that it is private and secure. Shoots on location or in open spaces should be reviewed for sightlines. The path from the performer's dressing room to set should be reviewed for privacy.

Only the essential monitor(s) are on and tented for privacy. Only essential persons may access the monitor. Non-essential monitors and recording devices are turned off.

Wiring performers for sound, especially when it involves nudity, modesty garments or intimate areas, should be done in a private and secure area. Performers should have the option of being wired in their dressing room, accompanied by the Intimacy Coordinator or ACTRA representative.

Before performers disrobe, production should confirm the set is closed and all non-essential persons have been removed.

Each performer (who is appearing in the nude, wearing modesty garments, revealing attire, etc.) should be assigned a wardrobe person who is standing nearby with a robe. When there are many performers, for example, in a scene involving many background performers, arrangements should be made to ensure their robes are nearby and readily available. When performers are working in adverse weather conditions, additional measures may be required, such as warm parkas, towels, blankets, boots and breaks.

Once the shot is complete (i.e. "cut" is called), the wardrobe person enters to assist the performers with their robes. No one else should enter while the performers are undressed or putting on their robes. Cameras should be directed away from the performers. Only when the performers are covered is the set open. An Intimacy Coordinator or AD will announce when the set is "open."

Performers may not be able to move between takes, for example, because they are playing a corpse, tied up, gagged or otherwise restrained. The wardrobe person should check between takes to ensure the performers are comfortable and covered. Performers should reveal only what they have contracted to reveal. Performers should never be coerced into additional nudity. Verbal assurances, for example, "it's necessary to get a shot", "it won't appear in the frame," "those shots won't be used," or "it'll be edited in post," are not acceptable.

Performers should never be subjected to lewd comments or inappropriate conduct. Use proper terms for body parts, actions and wardrobe.

Scenes with nudity, intimacy, simulated sex and sexual violence, especially when they involve stunts, are difficult content for performers and should be done efficiently and professionally. Excessive takes, needlessly prolonged shots and demand for unscripted actions may be indicators of an improper purpose. Intimacy Coordinators, Stunt Coordinators and crew members are encouraged to intervene, especially when performers appear distressed or are unable to advocate on their own behalf.

## EDITING AND POST-PRODUCTION

Content involving nudity, intimacy, simulated sex and sexual violence should be marked for “restricted access” and its distribution limited to designated persons who have a direct and professional need for access.

Post-production of this content (e.g. editing, ADR, colour correction, sound mixing, foley, music, etc.) should be conducted in a closed and secure environment, with access restricted to designated persons. Unused content must be destroyed.

## MINORS

Productions shall consider the best interest, protection and well-being of child performers. To that end, productions must comply with collective agreements and laws, such as the Protecting Child Performers Act, and meet their obligations to parents, guardians and chaperones. Minors and young adults require additional care and guidance. When shooting content that may cause emotional or mental stress, productions should hire a properly accredited psychologist or therapist to provide support. The psychologist or therapist should be available throughout the production process, including on shoot days. Minors are prohibited from performing stunts.

# THANK YOU

The *Best Practices on Scenes involving Nudity, Intimacy, Simulated Sex and Sexual Violence* would not have been possible without the generous support and input from the following organizations:

ACTRA Toronto Council

ACTRA Toronto Ad Hoc Committee on Sexual Harassment

ACTRA National

UBCP/ACTRA

Talent Agents and Managers Association of Canada (TAMAC)

Casting Directors Society of Canada (CDC)

Intimacy Coordinators Canada

Intimacy Professionals Association

Directors Guild of Canada – Ontario District Council

NABET 700-M UNIFOR

I.A.T.S.E. Local 873

I.A.T.S.E. Local 667

I.A.T.S.E. Local 411

Thank you for your trust and candour. Your experiences, ideas and expertise were invaluable in the development of these Best Practices. We are grateful to count on you as allies. We look forward to continuing the dialogue and opportunities to learn from one another.



**HAVEN**Helpline

Harassment and Violence Emergency Network

A national, bilingual incident report line available to members of ACTRA  
and the Directors Guild of Canada (DGC).

**1-855-201-7823**

# PERFORMER CHECKLIST

## BEFORE AUDITIONING...

### **What are you comfortable doing?**

Know your boundaries. You may want to speak to another performer who has experience with scenes involving nudity, intimacy, simulated sex and sexual violence. Speak to your agent about your concerns, what's ok and what's not.

### **Which body parts are you comfortable showing and to whom?**

What is hidden from camera may be exposed on set (e.g. a bare back on camera will require you to be topless on set. You can ask for modesty wear.).

### **What is the context for the scene?**

How your body will be seen and the actions to be performed may differ depending on the creative intent (e.g. intimate, violent or comedic).

### **Are you in the scene alone or will you be with another performer?**

Will another performer touch your body? What will the other performer be wearing?

### **Does the scene involve many performers?**

Are you comfortable performing in a scene that requires nudity or intimacy in front of a lot of people?

### **What are the wardrobe requirements?**

The role may not mention nudity but be on the lookout for swimwear, lingerie, sleepwear, fetish wear or other revealing attire associated with sexualized characters.

### **Are you worried refusing a role that requires nudity, intimacy, simulated sex or sexual violence will hurt or limit your career?**

Is this role something you will be comfortable discussing with your partner, family, children or friends?  
It's ok to say no.

**Speak to  
your agent  
about your  
concerns,  
what's ok  
and what's  
not.**

# AUDITIONS AND BREAKDOWNS

## **Beware of the following. Just say NO!**

- No auditions in private residences and hotel rooms
- No sex acts
- Nudity is allowed only in a callback audition, and solely for the purposes of viewing the body. No action. No performance
- No recording (including streaming) of the callback audition or nude photos without prior written consent of the performer and ACTRA. The request for consent must identify all persons who will have access to such materials and how such materials will be securely stored before being destroyed

## **Do you understand what you are expected to do at the audition?**

Do you understand the requirements for the role?

## **Are the audition facilities suitable?**

Are there clean, secure, gender-inclusive washroom and change facilities? Is the audition room soundproof?

## **Does your audition involve another performer?**

Discuss the action with the other performer to ensure that you are comfortable and the interactions are consensual. Ask for a barrier if there is intimate contact.

## **Who will see the audition?**

Only those with a direct, professional or artistic relationship to the specific audition should see the audition. You can also ask for an ACTRA representative, personal support person and Intimacy Coordinator to be present.

## **Background performers**

- Productions can't require you to agree to nudity without providing detailed information in advance
- Know the extent of nudity required and the agreed rate of pay
- Is a "go-see" required? The producer must advise ACTRA. You should know what is required at a "go-see" in advance.

- Are there clean, secure, appropriate, gender-inclusive change facilities?
- Need more information? Talk to your agent.

## CONTRACTS AND RIDERS

### **Do you have questions about your contract and rider?**

You must have your contract and rider at least 48 hours in advance. Talk to your agent about the protections and compensation to be negotiated.

### **Does the contract and rider reflect what you agreed to do?**

They should set out the exact details of the engagement including the maximum amount of nudity required, the nature of attire, the nature of the simulated sexual activity or other activities to be performed while the Performer is nude or semi-nude; and any other relevant information pertaining to the scene (e.g. shot list, storyboard). You can refuse to do anything that is not in your contract and rider or that feels unsafe on the day.

### **Background performers, stunt performers and stand-ins**

- Do you have sufficient information about the engagement? Do you know what you are expected to do?
- Are you clear on the wardrobe? Have you discussed modesty garments and barriers?
- Do you know what you are being paid? (“Nudity bump”) Refer to the applicable ACTRA agreement, talk to your agent or ACTRA.
- Does your contract accurately reflect what you agreed to do?
- You are entitled to a detailed contract and rider with 48-hours advance notice, like any other performer.

### **Body Doubles**

- Did you consent to the use of a stunt or body double? You will need a complete description of the scene being doubled before giving written consent.

**You can refuse to do anything that is not in your contract and rider or that feels unsafe on the day.**

- Have you approved the choice for your body double? You have a say.
- Can production ask the body double to do anything that you did not agree to in your contract or rider? No.

## WARDROBE, HAIR AND MAKEUP

### **Are you comfortable with the wardrobe?**

Ask for adjustments to ensure the right fit.

### **Does the wardrobe reflect your gender expression and identity?**

Discuss these concerns with your agent prior to contracting.

### **Is the wardrobe what you expected?**

You don't have to show anything you have not been contracted to reveal. If you are concerned something might appear "in the frame," discuss with wardrobe ways to securely cover it up.

### **Are you comfortable with the modesty garments and how you will be covered?**

What if you have your period that day? Don't be afraid to ask questions. Wardrobe is there to help.

### **Is there a risk that your wardrobe might shift during the scene?**

Modesty garments that rely on adhesives can become detached, especially if your body is in contact with water, oil or paint.

### **Is there an option to use a barrier or padding for the scene?**

Barriers must be sanitized and fit properly.

### **Does your scene involve a stunt or stunt double?**

Ask that they be included in discussions about wardrobe.

### **Is wardrobe taking a photo of you in your "outfit"?**

Pictures must be stored in a private and secure location.

**If you are concerned something might appear "in the frame," discuss with wardrobe ways to securely cover it up.**

## **Are you comfortable with the people who will be doing your hair, body makeup and robing on the day?**

You should be comfortable with any production personnel whose jobs involve touching your body or working in close proximity to you when you are nude or in revealing attire. You do not need to be alone with anyone with whom you are not comfortable.

## REHEARSALS

### **Is the rehearsal in a private and secure location?**

No rehearsals in residences or hotel rooms. No nudity should be required except in the final rehearsal for lighting and camera.

### **Who will be in the rehearsal?**

Only those with a direct and professional need should be present. Your rehearsal should include the Intimacy Coordinator. If the scene involves a stunt, it should also include the Stunt Coordinator and Stunt Double.

### **Are you rehearsing with another performer?**

All interactions should be consent-based. Ask before you touch. You should never be grabbed or grab others to demonstrate an action.

**All interactions should be consent-based. Ask before you touch.**

### **Is there kissing or touching?**

Kissing is "without tongue" unless otherwise agreed. Other kinds of touch like sucking and thrusting should be planned, discussed and negotiated (e.g. location, duration, pressure, etc.).

### **Based on the rehearsal, are changes necessary?**

Anything new? There should be no surprises. Do you understand what will be in frame? Do you have the appropriate barriers or padding? Raise your concerns so that they can be addressed before you shoot.

# SHOOT DAY

## **Do you have a copy of your contract and rider with you?**

Review what has been agreed to between you, your agent and production.

## **How are you feeling?**

Have a plan in place in case you have last minute jitters. You have the right to refuse to do the scene if you feel unsafe. The Intimacy Coordinator should be present on set and trained in providing mental health and emotional support. Speak with an ACTRA representative (if present), call ACTRA or your agent. Confidential and immediate counselling is available 24/7 at HAVEN Helpline **1-855-201-7823**.

## **Do things seem off to you?**

Ask questions and speak up. You will give a better performance when you feel safe and confident. If another performer appears to be in distress, ask them if they are ok and intervene if necessary. Support one another. Be an “upstander” not a bystander.

## **Are there last-minute changes?**

There shouldn't be any surprises! Insist on speaking with the Intimacy Coordinator, your agent or ACTRA. It is absolutely ok to say “No.” There are always other ways to create a vision of the scene. Trust yourself and you will convey trust and respect in others.

## **Is the set closed?**

Are you robed between takes? Are you being robed before the set is open?

## **Cover up**

Performers should remain robed between takes for their own dignity and as a courtesy to the crew and other performers.

**It is absolutely ok to say “No.” There are always other ways to create a vision of the scene.**

# POST-FILMING

## **Have you seen the final cut?**

You and your agent can request access to the footage to verify it is consistent with what you contracted to do.

## **Is the post-production being done in a closed and secure environment?**

There should be restricted access to sensitive footage throughout post-production (e.g. editing, ADR, colour correction, sound mixing, foley, music, etc.).

## **Is your scene being used in a way that it should not be?**

No content where you appear nude can be used in promotional materials, trailers and recaps without your written consent. Notify ACTRA and your agent if you have questions about the use or misuse of the footage.

# INTIMACY COORDINATOR CHECKLIST

Certified Intimacy Coordinators help to create a safe and respectful work environment when there are scenes involving nudity, intimacy, simulated sex and sexual violence. Engaged at the pre-production stage, Intimacy Coordinators work with casting directors, performers, key department personnel, crew and Stunt Coordinators to ensure consent-based interactions, health and safety protocols and adherence to collective agreements, laws and workplace policies.

The following are some elements of what certified Intimacy Coordinators will do from pre to post-production.

## AUDITIONS, CONTRACTS AND RIDERS

- Work with production and casting directors to make sure casting breakdowns are as detailed as possible. The more information the better.
- Be available to attend auditions, if requested by production or performers. Questions about rates or contracts are referred to production.
- Work with production, agents and performers to make sure riders are inclusive and detailed.
- Make sure production has provided time to contact and speak with key production personnel about what has been agreed to in riders and any special requirements.

## WARDROBE, HAIR AND MAKEUP

- Schedule time to meet with the wardrobe department to help communicate needs of performers, and identify barriers required to ensure their health and safety.

## REHEARSAL

- Ensure everyone knows what will happen during the shoot day. Check with the performers and crew about wardrobe adjustments or special needs identified through the rehearsal.

## SHOOT DAY

- Meet with the crew so everyone knows what to expect when the set is closed
- Meet with the performers who will be on set when the set is closed
- Have copies of the HAVEN Helpline cards handy. Confidential and immediate counselling is available 24/7 at HAVEN Helpline **1-855-201-7823**
- Refer questions on stunts to the Stunt Coordinator
- Review or walk through the set to make sure it is closed
- Work with production to limit access to the closed set and the footage

## POST-FILMING

- Review the measures in place for restricted access during editing and post-production.

# TALENT AGENT CHECKLIST

## TO START ...

### **What are the performers on your roster comfortable doing?**

Help performers to identify and communicate their boundaries. If a performer wants to speak with someone who has experience with scenes involving nudity, intimacy, simulated sex or sexual violence, help make the introduction. You need to know what's ok and what's not.

### **Which body parts are they comfortable showing ,and to whom?**

What is hidden from camera may be exposed on set (e.g. a bare back on camera will require the performer to be topless on set. They can request modesty wear.).

### **What is the context for the scene?**

How the performer's body will be seen and the actions to be performed may differ depending on the creative intent (e.g. intimate, violent or comedic).

### **Are they in the scene alone or will they be with another performer?**

Will another performer touch their body? Will the other performer be nude or partially undressed?

### **Does the scene involve many performers?**

Are they comfortable performing in a scene that requires nudity or intimacy in front of a lot of people?

### **What are the wardrobe requirements?**

The role may not mention nudity but be on the lookout for swimwear, lingerie, sleepwear, fetish wear or other revealing attire associated with sexualized characters.

**Help performers to identify and communicate their boundaries.**

## **Is the performer worried that refusing a role that requires nudity, intimacy, simulated sex or sexual violence will limit or hurt their career?**

Talk to the performer about their choices and the support they may require from family and friends. Let them know that it is absolutely ok to say “No” to a role they don’t feel comfortable doing.

# AUDITIONS

## **Get as much information about the scene as you can.**

- No auditions in private residences and hotel rooms
- At the first audition: no nudity and no simulated sex
- At callback auditions:
  - Ask if an Intimacy Coordinator is available
  - No nudity except for viewing of the body. No action. No performance.
  - No simulated sex without clothes
  - Make sure there are barriers if there is intimate contact with another performer in the audition. An Intimacy Coordinator can make sure boundaries are respected
  - Prior written consent from the performer and ACTRA is required if the production wants the audition filmed or photographed

# CONTRACTS AND RIDERS

## **Do you have what you need to negotiate the contract and rider?**

Details matter and should include:

- Context: What is the creative intent of the scene?
- What actions does the simulated sex or sexual violence involve?
- What wardrobe is required? What body parts will be visible?
- Who else is going to be in the scene and what are they doing?
- Where is the scene taking place and where will it be shot? (Request a shot list or storyboard.)

### **Do you have enough time to consult with the performer about the contract and rider?**

You should have received the contract at least 48 hours in advance of the shoot day. Return the signed contract and rider as soon as possible so that their terms can be implemented by production.

### **Do you have your own checklist of what to look for in a contract and rider?**

Examples of some provisions might include:

- Access and support of an Intimacy Coordinator
- Requirements for wardrobe, hair and makeup
- Requirements for modesty garments and barriers to ensure comfort, health and safety
- Who has access to the footage? (e.g. restricted access, secure storage, final disposal)
- Restrictions on the use of pictures and nudity in promotional materials

## WARDROBE, HAIR AND MAKEUP

### **Is the performer comfortable with the wardrobe?**

Ask for adjustments to ensure the right fit.

### **Is the wardrobe what was expected?**

The performer doesn't have to show anything they have not been contracted to reveal. If the performer is concerned something might appear "in the frame," discuss with wardrobe ways to securely cover it.

### **Is the performer comfortable with the modesty garments?**

Modesty garments that rely on adhesives can become detached, especially if the body is in contact with water, oil or paint.

### **Is there an option to use a barrier for the scene?**

Barriers must be sanitized and fit properly.

**Does the scene involve a stunt or stunt double?**

Ask that Stunt Doubles be included in discussions about wardrobe.

**Is wardrobe taking a photo of the “outfit”?**

Pictures must be stored in a private and secure location and ultimately destroyed.

**Does the performer know who will be doing their hair, body makeup and robing on the day?**

The performer should be comfortable with any production personnel whose jobs involve touching the performer’s body or working in close proximity to the performer when the performer is nude or in revealing attire. The performer should not be alone with anyone with whom they are not comfortable.

## REHEARSALS

**Is the rehearsal in a private and secure location?**

No rehearsals in residences or hotel rooms. No nudity should be required except in the final rehearsal for lighting and camera.

**Who will be in the rehearsal?**

Only those with a direct and professional need should be present. The rehearsal should include the Intimacy Coordinator. If the scene involves a stunt, it should also include the Stunt Coordinator and Stunt Double.

**Is the performer rehearsing with another performer?**

Remind the performer that all interactions should be consent-based.

**Anything new? There should be no surprises.**

Speak with the performer about any questions or concerns that arise in rehearsal so they can be addressed before shoot day.

**No nudity should be required except in the final rehearsal for lighting and camera.**

# SHOOT DAY

**Does the performer have a copy of their contract and rider with them?**

Review what has been agreed between you, the performer and production.

**How is the performer feeling?**

They have the right to refuse to do the scene if they feel unsafe. The Intimacy Coordinator should be present on set and trained in providing mental health and emotional support. They can speak with an ACTRA representative (if present), call ACTRA or you. Confidential and immediate counselling is available 24/7 at HAVEN Helpline **1-855-201-7823**.

**Review what has been agreed between you, the performer and production.**

**Does the performer know what to do if they are asked to make last-minute changes?**

There shouldn't be any surprises! The performer can speak with the Intimacy Coordinator, call you or call ACTRA. It is absolutely ok to say "No." There are always other ways to create a vision of the scene.

# POST-FILMING

**Have you and the performer seen the final cut?**

You can request access to the footage to verify it is consistent with what was agreed to in the contract.

**Is the post-production being done in a closed and secure environment?**

There should be restricted access to sensitive footage throughout post-production (e.g. editing, ADR, colour correction, sound mixing, foley, music, etc.).

**Is the scene being used in a way that it should not be?**

No content where the performer appears nude can be used in promotional materials, trailers and recaps without the performer's written consent. Notify ACTRA if you have questions about the use or misuse of the footage.

# CASTING DIRECTOR CHECKLIST

## TO START...

### **Are you comfortable casting for scenes involving nudity, intimacy, simulated sex and sexual violence?**

Know your boundaries. The content of these scenes can be difficult for you and for the performers. It is ok to say no.

### **Is your audition space appropriate?**

Are you using a soundproof audition room? For callback auditions requiring nudity, are there clean, appropriate, gender-inclusive washroom and change facilities?

### **Have you posted the *Creative Industries Code of Conduct* and your policy on harassment prevention?**

Have copies of the HAVEN Helpline card and phone number available.

## CASTING BREAKDOWNS AND AUDITIONS

### **Do you have all the information you need from production for the casting breakdown?**

The more information you can provide in the breakdown, the better.

### **Do you have your own checklist for scenes involving nudity, intimacy, simulated sex and sexual violence?**

Provisions might include:

- Prior to the audition, make sure performers and agents know what is going to be required for the role.
- At the first audition, including a self-tape: No Nudity. No sex acts.
- Prior to a callback audition:
  - Make sure performers and agents know what is going to be required at the audition
  - Let the performers and agents know who will see the audition

- Make sure you have prior written consent from the performer and ACTRA if the production wants the audition filmed or photographed.
  - If an Intimacy Coordinator has been engaged by the production, ask if they can be available to attend the auditions.
- At the callback audition:
- No nudity except for viewing of the body. No action. No performance.
  - No simulated sex without clothes.
  - Make sure there are barriers if there is intimate contact with another performer in the audition. An Intimacy Coordinator can make sure boundaries are respected.

## MINORS

Productions shall consider the best interest, protection and well-being of child performers. To that end, productions must comply with collective agreements and laws, such as the *Protecting Child Performers Act*, and meet their obligations to parents, guardians and chaperones. Minors and young adults require additional care and guidance. When shooting content that may cause emotional or mental stress, productions should hire a properly accredited psychologist or therapist to provide support. The psychologist or therapist should be available throughout the production process, including on shoot days. Minors are prohibited from performing stunts.

# PRODUCTION CHECKLIST

## PRE-PRODUCTION

### **Have you met with an ACTRA representative?**

They can explain the process, answer questions about agreements, the required paperwork, and flag potential issues.

### **Have you engaged a certified Intimacy Coordinator (IC)?**

ACTRA has a list of certified ICs. ICs can provide input and support throughout the process, including casting breakdowns, auditions and contracts.

### **Have you engaged an ACTRA Stunt Coordinator?**

The Stunt Coordinator will work with the Intimacy Coordinator for scenes involving sexual violence.

## AUDITIONS, CONTRACTS AND RIDERS

### **Do the Casting Director and Intimacy Coordinator have the information necessary for the casting breakdowns?**

The more information, the better.

### **Do you know which roles require riders?**

Work with agents, ACTRA and the Intimacy Coordinator to ensure all the performers who require riders have them. Make sure stunt or body doubles are properly contracted.

**The more  
information,  
the better.**

### **Have you sent the contracts out in time?**

Contracts and riders involving nudity, intimacy, simulated sex and sexual violence need to be provided to performers at least 48 hours in advance to ensure meaningful consent. Ensure those documents are reviewed well in advance by the agents, so they can be forwarded to the performers. This applies to all performer categories, including background performers, stunt performers and stand-ins.

### **Are your key department personnel informed and up to speed?**

Make sure the relevant terms of performer contracts and riders have been communicated to crew members and the applicable departments. The Intimacy Coordinator can liaise with your crew about what is needed.

# WARDROBE, HAIR AND MAKEUP

## **Do wardrobe, hair and makeup know what is required in the scenes that involve nudity, intimacy, simulated sex and sexual violence?**

Include them in anti-harassment training and in meetings concerning closed set requirements. Intimacy Coordinators can help to communicate performer concerns and requirements. And, the ICs can help make sure wardrobe, hair and makeup feel comfortable with what they are asked to do. It is all about consent-based interactions and respect.

## **Are barriers and modesty garments sanitized and safely discarded?**

Make sure there are protocols in place to protect everyone's health and safety.

## ON-SET...

### **Have you conducted anti-harassment training?**

Invite ACTRA and other unions and guilds to be present. Introduce the Intimacy Coordinator to the cast and crew, including the keys and crew reps.

### **Have you communicated how to report harassment?**

The anti-harassment policy should be easily accessible on set, for example, by the craft area and background holding. Include contact information for reporting harassment on the call sheet.

### **Have you marked on the call sheet that wardrobe fittings and rehearsals are closed?**

Do you need to post signs on the doors?

### **Are you prepared for large cast shoot days?**

Do you need additional crew (e.g. ADs, wardrobe, Intimacy Coordinators)? Are the change and holding facilities sufficient?

Are background nude performers in the same holding area as non-nude performers? Will they be comfortable while they are costumed or robed and waiting in the holding area? Consider conducting additional anti-harassment training with background performers. Be clear how to report if there are problems.

**It is all about consent-based interactions and respect.**

**Include contact information for reporting harassment on the call sheet.**

# SHOOT DAY

### **Does everyone know what is happening?**

The call sheet should clearly state it is a closed set. Include the closed set protocols with the call sheet and post it around set.

### **What if the performer needs support?**

The Intimacy Coordinator should be present on set and trained in providing mental health and emotional support. They can speak with an ACTRA representative (if present) or call ACTRA. Confidential and immediate counselling is available 24/7 at HAVEN Helpline **1-855-201-7823**. A performer may refuse to work if they feel unsafe. Follow your health and safety protocols.

**A performer may refuse to work if they feel unsafe.**

### **Have you arranged a meeting with the cast and crew?**

Introduce the Intimacy Coordinator and ACTRA representative, if present. Review the closed set protocols. Identify who will be on set and by the monitors. Make sure any remote monitors are shut off.

### **Are there supports for the crew?**

Explicit content can be triggering for the crew. Provide a warning on what the content will be. The Intimacy Coordinator can be a source of support for the crew.

**Explicit content can be triggering for the crew.**

### **What is happening between takes?**

The set should remain closed after a shot until the wardrobe person enters and the performers are robed. Cameras should be directed away from the performers. Performers should remain robed between takes for their own dignity and as a courtesy to the crew and other performers.

## POST- FILMING

**Is the content clearly marked and access restricted to those with a direct and professional need to view it?**

**Is the content secure and outtakes properly destroyed?**

**Is the scene being used in a way that it should not be?**

No content where the performer appears nude can be used in promotional materials, trailers and recaps without the performer's written consent. Notify ACTRA if you have questions about the use or misuse of the footage.

## MINORS

Productions shall consider the best interest, protection and well-being of child performers. To that end, productions must comply with collective agreements and laws, such as the *Protecting Child Performers Act*, and meet their obligations to parents, guardians and chaperones. Minors and young adults require additional care and guidance. When shooting content that may cause emotional or mental stress, productions should hire a properly accredited psychologist or therapist to provide support. The psychologist or therapist should be available throughout the production process, including on shoot days. Minors are prohibited from performing stunts.

# APPENDIX A

## Canadian Creative Industries Code of Conduct to Prevent and Respond to Harassment, Discrimination, Bullying and Violence

The Canadian Creative Industries Code of Conduct confirms our commitment to safe and respectful workplaces and to an industry free of harassment including sexual harassment, discrimination, bullying and violence.

Harassment can take many forms including unwanted sexual attention, inappropriate jokes or texts, threats, and other unwelcome verbal, written, visual or physical communication or conduct.

Everyone has a responsibility to build safe and respectful workplaces.

Harassment, discrimination, bullying and violence can affect individuals at every level of the industry. Promoting increased gender equality and diversity is one way to break down barriers and reduce or eliminate these behaviours.

The principles espoused in this Code are applicable to all work and work-related environments. These can include but are not limited to, auditions or casting meetings, job interviews, industry events, festivals, awards, company functions, production studios and sets (whether local or remote), offices and rehearsal and performance venues.

Signatories to this Code will lead by example by upholding the highest standards of respect, encouraging the good-faith reporting of complaints concerning harassment, discrimination, bullying and violence and cooperating in the investigation of such complaints.

**In adhering to this Code of Conduct, Signatory organizations agree to take the following steps as applicable to identify and address harassment including sexual harassment, discrimination, bullying and violence:**

- Enact policies and procedures that maintain zero tolerance for harassment, discrimination, bullying and violence;
- Designate people in the workplace to receive complaints of harassment, discrimination, bullying and violence;
- Provide a timely process for the investigation and resolution of complaints;
- Implement proportional consequences for violations; and
- Protect from retaliation or reprisal those individuals who in good faith allege violations of anti-harassment, discrimination and violence policies and procedures.

**In implementing the above, Signatories will take the following steps, as applicable:**

- Ensure everyone in the workplace is aware of anti-harassment, discrimination and violence policies and procedures;
- Encourage people to set and respect personal boundaries and engage in consent-based interactions;
- When work requires physical contact or scenes of nudity, intimacy or violence, adhere to applicable respectful workplace policies and collective agreement obligations;
- Provide safe places where work may be performed for example, by not requiring individuals to attend meetings alone or in spaces such as private hotel rooms, etc.; and
- Encourage instructors, teachers, coaches and those providing training in the industry to adhere to this Code and share its principles with their students.

**Signatories to this Code of Conduct agree to take all applicable steps to quickly address substantiated complaints of workplace harassment including sexual harassment, discrimination and violence. Such steps may include the following:**

- Requiring remedial action such as counselling and/or training;
- Disciplinary action (as per collective agreements and individual organization, union, guild and workplace policies) including restrictions, suspension or termination of employment and/or membership; or
- Legal action as per applicable laws including human rights legislation.

*The Code of Conduct is a set of voluntary commitments developed by a coalition of Canadian creative industry stakeholders. Each organizational signatory is solely responsible for upholding its commitments under the Code and its obligations under the law.*

# APPENDIX B

## INDEPENDENT PRODUCTION AGREEMENT

*Provisions below are excerpted from the Independent Production Agreement between ACTRA, the CMPA and the AQPM covering Performers in Independent Production, January 1, 2019 to December 31, 2021.*

**A506 Production Information** The Producer shall submit to the nearest local ACTRA office not later than forty-eight (48) hours, whenever possible, and in any event not less than twenty-four (24) hours prior to the first scheduled working day, the following information, when known:

(h) names of all Minors engaged, with their dates of birth and the names of the Parent(s) of each Minor

(i) names of Performers engaged to appear nude, as described in Article A24

(s) whether a psychologist is required pursuant to Article A2709

### **A24 – NUDE SCENES**

Where the requirements of a Role involve nudity, the following conditions apply:

#### **A2401 Auditions**

- (a) Performers shall be advised in advance of Auditions if nudity or simulated sexual activity or love scenes of any kind are a requirement of the script.
- (b) No Performer shall be required to appear nude or semi-nude until after having been Auditioned as a Performer (i.e., as an Actor, Singer, Dancer, etc.) and in any case shall not be required to disrobe in whole or in part at the first Audition.
- (c) In the event that nude or semi-nude Auditions are to be held, the Producer must advise ACTRA in advance.

- (d) When a callback Audition requires nudity or semi-nudity, the Performer shall be notified of this requirement in advance.
- (e) The nude or semi-nude Audition will be for the sole purpose of viewing the Performer's body. Performers shall not be required to perform in the nude or semi-nude at the Audition.
- (f) Such Auditions will be closed and will be limited to a maximum of five (5) persons who, it must be demonstrated, have a direct professional or artistic relationship to the Production and to the particular Audition. No other persons will be permitted to observe the Auditions through the use of monitors or by any other device that allows observation without being present. A representative of ACTRA may be present in addition to the five (5) Producer's representatives.
- (g) No photos, filming, taping, or preservation of such Audition by any means whatsoever will be permitted without the prior written consent of the Performer, which written consent must be provided on a form approved by ACTRA.
- (h) No sex acts shall be required of any Performer at any Audition.
- (i) Performers will be required to Audition nude or semi-nude on one (1) occasion only.

## **A2402 Contracts**

- (a) A full, true and complete disclosure of the specific requirements regarding nude, semi-nude, or love scenes of any kind, in the form of a detailed description, shall form an attachment to the Performer's written contract. Such attachment must include:
  - (i) the maximum amount of nudity required;
  - (ii) the nature of attire (e.g., see-through clothing, etc.)
  - (iii) the nature of the simulated sexual activity, or other activities to be performed while the Performer is nude or semi-nude; and
  - (iv) any other relevant information pertaining to the scene that may reasonably be expected to give a full, true and complete disclosure of the nudity required.

The attachment may also include the following:

- (i) the storyboard or shot list detailing how the scene(s) will be shot;
  - (ii) the location where the scene(s) will be shot;
  - (iii) any other Performers also appearing in the scene, and whether such Performers will also be nude or semi-nude;
- and
- (iv) the script of the relevant scene(s).

Such contract and attachment must be submitted to the Performer in writing at least forty-eight (48) hours prior to the signing of the Performer's contract. The Performer shall execute and return a copy of the contract and attachment to the Producer by the earlier of within forty-eight (48) hours of receipt or commencement of rendering services. In exceptional circumstances, when a Producer is required to replace a Performer who has been previously contracted for a nude scene on short notice (i.e., within forty-eight [48] hours of said Performer's first contracted day), then the forty-eight (48) hour provision may be waived, but all other conditions of Article A24 apply.

- (b) Performers may refuse to do anything not specified in the Performer's contract, without liability or forfeiture of any portion of the Contracted Fee.
- (c) All Performers' contracts must contain as a rider to such contracts all provisions of this Article.
- (d) The minimum fee for a Background Performer appearing nude in a scene shall be not less than that specified herein for an Actor, but such performance shall not attract Use or residual fees. The minimum fee for an Actor appearing nude in a scene shall not be less than that of a Principal Actor; however, only those fees earned as a function of the Actor category shall attract residual payments or Use fees.

### **A2403 Rehearsal and Performance**

- (a) With the exception of the final Rehearsal for camera and lighting, there will be no rehearsing in the nude or semi-nude.

- (b) During the final Rehearsal and during the shooting of nude or semi-nude scenes, the set will be closed to all persons (and observation by means of a monitor prohibited) except for those having a direct and proven professional need to be present. Unauthorized use of cell phones, mobile devices and personal cameras will be prohibited on a closed set.
- (c) Except for continuity purposes, still photos, Polaroids, etc. of nude or semi-nude scenes will be taken only if the Performer gives prior written consent, said consent to specify the nature of the photo and the planned use of said photo. Unused stills, Polaroids, etc. and negatives of such scenes will either be turned over to the Performer concerned or otherwise accounted for to the Performer's satisfaction.
- (d) Clips or stills of nude or semi-nude scenes shall not be used in promotion, publicity, and trailers, including in New Media, or, in the case of television, in recaps of previous Episodes, without the written consent of the Performer.
- (e) Using a body double of a Performer who did not originally perform in the nude in the Production to create a nude or semi-nude scene in a Production shall not be done without the written consent of the Performer originally contracted for the Role. A complete description of the scene to be doubled will be submitted to the originally contracted Performer at the time consent to the use of a double is sought. Use of a body double of a Performer is permitted where a Performer was contracted and performed in a nude or semi-nude scene in the Production and has given general consent, provided that the use of such double is limited to the general outline of the original nude scene. The Performer shall be given a right to disapprove fifty percent (50%) of the proposed body doubles presented by the Producer to the Performer.
- (f) With the consent of fellow Performers, and with the consent of the director, the Performer may have the Performer's personal representative on the set.
- (g) Where necessary to verify contractual obligations, Performers may request to view the footage at the "fine-cut" stage of a scene in which they appear nude, semi-nude, or in scenes of a sexual nature. Permission to view such footage shall not be unreasonably withheld.

## **A2709 Dangerous Work**

(a) No Minor shall be required to work in a situation that places the Minor in clear and present danger to life or limb, or if the Minor or Parent believes the Minor is in such a situation. Where a Minor is engaged to perform subject matter that the Producer knows, or ought reasonably to know, could be psychologically damaging to the Minor, a psychologist or therapist properly accredited by the applicable provincial ministry shall be hired by the Producer to guide and assist the Minor to handle the emotional and mental stress of such subject matter. The Producer shall be required to carry out the psychologist's or therapist's recommendations, which may include such psychologist or therapist being present on set.

(b) **Scenes Depicting Child Abuse, Disturbing Violence or Carnal Acts**

Without limiting the generality of subparagraph (a), when a Minor is engaged to perform in a scene that depicts child abuse, disturbing violence, or carnal acts, the Producer shall consult with the Parent and, should the Parent agree, make available to the Minor and their Parent a psychologist or therapist properly accredited by the applicable provincial ministry to assist the Minor in preparing for and participating in any such depiction. A Minor shall not be present during such scenes unless it is essential for the Child to be on camera.

(c) In cases where the Parent or tutor observes that a Minor is or appears to be suffering emotional, physical, or mental stress during the course of production (which may be evidenced by changes in behaviour), a psychologist or therapist properly accredited by the applicable provincial ministry shall be, subject to the Parent's consent, engaged by the Producer to assess the situation and suggest reasonable and effective means to deal with the stress-causing factors.

# JOINT BULLETIN ON CONSENT-BASED INTERACTIONS

*During the 2018 negotiations, ACTRA approached the Canadian Media Producers Association (CMPA) and the Association Québécoise de la Production Médiatique (AQPM) regarding harassment prevention and measures to maintain respectful workplaces. The Parties agreed to issue this bulletin to confirm their continued commitment to addressing these issues.*

ACTRA, the CMPA and AQPM affirm their commitment to maintaining workplaces that are free from harassment, including sexual harassment.

To this end, everyone is expected to conduct themselves in a professional and respectful manner. Consent helps to foster a professional and respectful work environment when work requires bodily contact, which may include, but is not limited to: styling hair, applying makeup, placing a microphone on a Performer's body, fitting for wardrobe, working in a harness, blocking and lighting.

Producers will ensure there is a workplace harassment policy in place and a procedure for reporting harassment, and that all cast and crew are aware of the policy and procedure.

Performers who believe that they have been subjected to workplace harassment, including sexual harassment are to report complaints in accordance with the applicable Producer policy. Performers may consult with ACTRA throughout the complaint process.

ACTRA and the CMPA are proud signatories to the Canadian Creative Industries Code of Conduct. ACTRA and AQPM are proud signatories to the Code of Conduct Against Harassment and Violence in the Cultural Environment in Quebec.

# APPENDIX C

## NATIONAL COMMERCIAL AGREEMENT

*Provisions below are excerpted from the National Commercial Agreement between the Joint Broadcast Committee of the Institute of Communication Agencies and the Association of Canadian Advertisers and ACTRA, August 5, 2017 to June 30, 2020*

**417 Preproduction Rehearsal Fee** is the fee paid per day (note Article 416) for work on any rehearsal day. Preservation of the rehearsal performance, including still photographs, is solely for the purpose of client evaluation. The Preproduction Rehearsal Fee shall be in addition to any other fees paid to a Performer for the production of the commercial, and shall not be applied against residual payments. Also See also Article 510, Nudity

**508 Communicable Diseases** The Engager shall make every reasonable effort to ensure that a Performer is not at risk of contracting a serious communicable disease while working. To fulfill this responsibility, the Engager shall advise Performers, in advance of the first and subsequent auditions, of the full details of any intimate scene.

**510 Nudity** Where the requirements of a role involve nudity the following conditions shall apply:

- (a) Auditions If an audition requires nudity or simulated sexual activity, Performers and ACTRA shall be advised in writing in advance of first and subsequent auditions. For the purposes of this Agreement, "nudity" shall mean the exposure of breasts, buttocks or the genital area.
- (b) Auditions and performances involving nudity or simulated sexual activity will be closed. This shall mean that, in addition to the Performers who are actually involved in the audition or the shoot, there shall be no more than five (5) other persons in attendance, all of whom must have a direct professional or artistic relationship to the production of the commercial. An ACTRA representative shall also have the right to be present. For the purposes of this provision, "in attendance" means physically present or able to observe the audition or performance by the use of a monitor or similar device.
- (c) The audition shall not be recorded by any means without the written consent of all Performers affected. After ninety (90) days following the completion of the shoot, all film, tape or other recording of the audition shall be permanently destroyed.