

CONSENT IN THE CREATIVE INDUSTRIES

by

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Abstract

The #MeToo movement has provided significant momentum to contemporary feminist discourses seeking to promote gender equality and persecute sexual harassment as a symptom of patriarchal violence. Due in part to this, the creative industries in Australia are experiencing a significant transformation of industry culture. This research project explores what consent means in the context of the creative industries through the perspectives of thirty individuals, most of whom either are or were creative workers. In-depth semi-structured interviews were conducted with creative workers to discuss what consent means to them and how it impacts their work. A grounded theory approach to analysis showed engagement with risks and breaches of professional consent across the progression of creative careers. Key findings were that breaches of consent are normalised in the career progression of creative workers that the characteristics of the creative industry job market reinforces risky power dynamics, and that creative working environments require constant navigation of risk. Creative workers encounter an imbalanced power dynamic as soon as they begin working the industry and go on to encounter high-risk working environments which they may let remain unsafe so as not to jeopardise their positions by questioning those in power. When breaches do occur, this silencing has negative impacts on the harmony of project groups and the mental health of individuals. The study concludes that a holistic approach by individuals and organisations is required to elevate the importance of consent and safety in policies and practices of the creative industries.

Introduction

The concept of consent has impacted the creative industries significantly in light of changing social understandings of gender equality and sexual harassment as a workplace safety issue. Popular feminist figures have heightened awareness, and some key court cases have gained prominent media coverage in recent years. The advent of #MeToo (Dominus 2017; Clementine Ford 2018), a social media hashtag movement that gained traction by calling out members of the entertainment industry in Hollywood for sexual abuse and misconduct, notably film producer Harvey Weinstein, has represented a watershed moment for the creative industries at large. The movement encouraged women worldwide over to declare sexual harassment or violence they had experienced. The movement reached Australia when accusations emerged, most notably about two celebrities Craig McLachlan (Knowles and Branley 2018) and Geoffrey Rush (Moran 2017a; 2017b) who pursuantly filed defamation lawsuits against the media outlets that reported the respective allegations against them, and in the former case, one of the accusers themselves. In response, initiatives have been undertaken within creative workplaces to emphasise policies and contractual obligations, implement training and further industry research into the breadth and gravity of the issues present.

This research project engaged thirty practitioners in in-depth semi-structured interviews to discuss what consent meant to them and how it applied to their workplace contexts. These interviews were accompanied by a short demographic survey to describe the diversity of the sample. Twenty-four participants identified as working within the creative industries, with six others having either progressed from their creative careers or having entirely separate industry contexts to help compare and expand perspectives. The sample represents a group of diverse gender identities, sexualities, cultural contexts, ages and occupations, as well as length of time working in the creative industries. Participants opened up their homes and workplaces, day or night depending on their work schedules, in Melbourne, Sydney, Adelaide and virtually, to spend an hour on average describing their interpretation of the creative industries at this point in time, bearing in mind the changes they had very recently witnessed. Using a grounded theory approach (Goulding 2002; Flick 2006; Corbin and Strauss 2008; Gibson and Hartman 2014), the interviews were annotated to draw out certain themes which were then revisited for coding and analysis, contextualised by the literature review.

The literature review for this research drew together discourses of power theory, consent, sexual harassment as a feminist phenomenon and the creative industries aggregation of

certain sectors. Recent research into mental health and sexual harassment in creative industries proved incredibly useful (van den Eynde, Fisher and Sonn 2014; Maxwell, Seton and Szabo 2015; van den Eynde, Fisher and Sonn 2016; Cote 2017; Hennekam and Bennett 2017; Media, Entertainment and Arts Alliance 2017), as did literature reviews of sexual harassment (Pina, Gannon and Saunders 2009; McDonald 2012). Power is often referred to at the root of breaches of consent. An understanding of how power is configured both interactively and as informing individual autonomy is an important starting point, present in the work of key theorists like Foucault, Bourdieu and Gramsci. Consent is arguably as old a concept, having historically been attached to understandings of class and governance, as well as strictly medical or legal contexts but its application to discourses around sexual harassment, which emerged as a subject of second-wave feminist texts in the mid-1970s (MacKinnon 1979), can be traced to protests on college campuses (Borges, Banyard and Moynihan 2008, Freitas 2018). Sexual harassment has since been pushed back on as extreme political correctness at some points in time (Thomas and Kitzinger 1997, Cairns 1997; Mahood and Littlewood 1997), and at others as a serious symptom of patriarchal violence. Placing the discourse of sexual harassment in the context of the creative industries raised inquiries of occupational health and safety and the nature of creativity.

The interviews aimed to gather insightful and intimate findings about creative workers and how they are negotiating renewed emphasis on consent and wellbeing in their industry. To commence the interview, each participant was asked to define consent for themselves and then discuss whether by their own definition breaches of professional consent were common. Consent is a very subjective concept going by the responses of participants. Coding the interviews revealed a process of participants engaging with breaches of professional consent as their careers progressed and cycled through different projects. An imbalanced power dynamic is encountered and generally accepted or disregarded at the point a creative worker enters the industry through a tertiary institution, entry-level job or by changing careers from outside the industries using transferable skills. When engaging with the job market, creative workers see the application of this power dynamic in a highly-competitive group making use of intimate professional relationships to help secure the scarce amount of work available. When a creative worker is successful in getting a job, they are exposed to many risks because their unwillingness to put that job in jeopardy should they report such risks effectively silences them. This silence often continues when breaches do occur, exacerbating the issues and perpetuating cycles of misconduct. Participants were also asked to reflect on possible changes and initiatives to assist in culture change. The Discussion summarises these findings, addresses some unexpected findings that emerged

from the interviews, and explores the potential for further directions of future research, taking into account the limitations of this project.

The insights of individuals impacted by any shift in industry culture, especially that which is accompanied by a global social movement, can serve in some way to bring heart to a discourse. This research project is grateful to the participants who wished to give voices to the literature and statistics, positioning the importance of consent and safety firmly in the policies and practices of their creative industries.

Methods

This research project aimed to approach the place of consent in workplaces, and how that place has manifested in conduct during the influence of the #MeToo movement, using a feminist methodology.

The foundation of the methodology was qualitative analysis centred on semi-structured interviews (Corbin and Strauss 2008; Gibson and Hartman 2014). Interview methodology built on the work of Dickson-Swift, James and Liamputtong (2008) in aiming at being a subjective and reflexive interviewer, managing boundaries while remaining caring, and committing to participants' autonomy in defining concepts and querying questions.

This research project is conscious of the fact that the subject is socially sensitive, having 'potential consequences or implications, either directly for the participants in the research or for the class of individuals represented by the research' (Sieber and Stanley 1988, p.49). The safety and anonymity of participants was considered from the beginning, knowing that questions and responses could be triggering or upsetting. Although participants were invited to disclose experiences they had experienced, witnessed or heard about, this research project has not recounted any of this material, as its purpose is to look at the wider culture and context of incidents, as well as outcomes.

Human ethics approval for this project was submitted to and approved by the Monash University Human Research Ethics Committee, project approval number 12887.

Participant Recruitment

Recruitment for the research project took place through activation of immediate networks, canvassing through industry bodies, and snowball sampling (Corbin and Strauss 2008; Gibson and Hartman 2014). Announcements were posted in newsletters of the Media, Entertainment and Arts Alliance, and Theatre Network Australia as well as to several Facebook groups. Approximately forty-eight individuals engaged, eleven through snowball sampling, referred by other participants or by individuals who had seen the announcements and recommended pertinent contacts. Ten individuals were contacted directly by the researchers in response to public statements they had made about issues of sexual harassment in creative industries, and one participant responded to Theatre Network Australia's newsletter. Nine individuals either declined, were unable to meet during the recruitment period or did not respond.

Thirty individuals completed interviews in total.

Interviews were conducted primarily in Melbourne, with others taking place in Adelaide and Sydney either face-to-face or virtually over Skype. Location of the face-to-face interviews was negotiated per the preference of the participant, being either on Monash University campuses, meeting rooms of public libraries, at participants' places of work or their homes. Interview durations were one hour on average, with some time beforehand to clarify data security measures in place and confirm completion of a consent form. At the commencement of the interview, participants were invited to complete an optional and anonymous survey to support a summarising of demographic detail of the sample. No participants declined to participate in the survey, though some left certain questions uncompleted.

Survey Cohort

This research project aimed to represent a diverse group of people, ensuring language was inclusive. The survey asked demographic questions that offered open text responses. The sample is comprised of nineteen women and six men, while five participants responded to the question of gender identity with responses deemed gender diverse these included genderqueer, and non-binary. Twelve participants identified as heterosexual with responses including straight and predominantly heterosexual. Eight participants identified as homosexual with responses including gay or lesbian. Two participants identified as bisexual, and eight were deemed sexually diverse with responses including fluid and queer. The question of cultural background did cause some concern for participants, particularly per anonymity, and it is the only question that any participant chose not to answer. This thesis acknowledges a need for more diverse cultural representation in studies of this nature, which reflects the need for such representation in the creative industries themselves. Participants were not invited to declare their occupations or organisations, but they could select income levels, which demonstrated diversity of professional levels contributing to this research (fig.1).

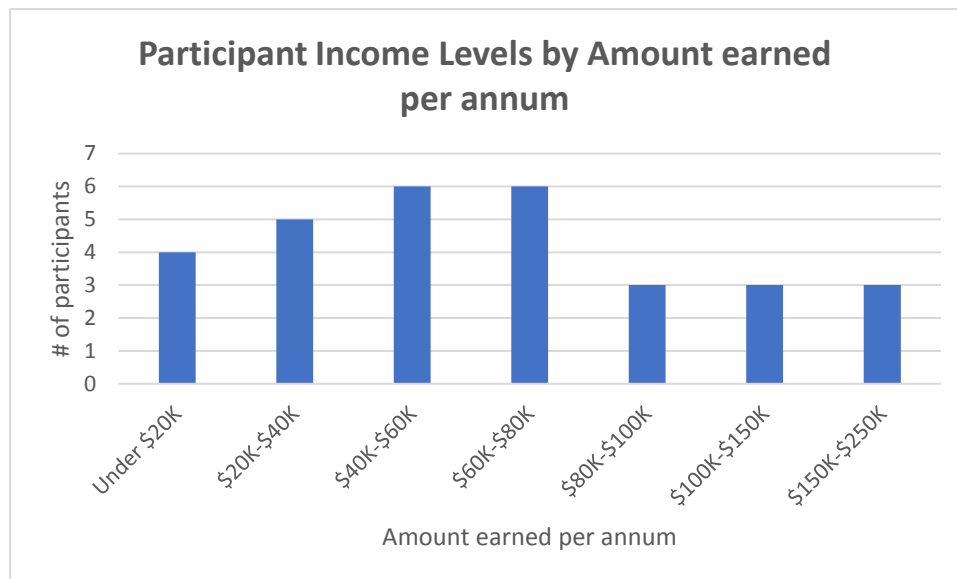


Figure 1. Income levels by amount earned per annum by number and percentage of participants

Analysis

A grounded theory approach (Goulding 2002; Flick 2006; Corbin and Strauss 2008; Gibson and Hartman 2014), informed the use of 'semi-structured, open-ended, ethnographic, in-depth conversational interview' (Goulding 2002, p.59) as the method of data collection. During the process of interviewing, notes were taken as part of a memoing process during interviews then consulted as points to revisit by listening back for higher-level coding. These points emerged as stages of engagement with risks and breaches of consent at various points through creative career progression.

Hypotheses

Three hypotheses shaped the lines of inquiry of this research project:

- That factors contributing to breaches of professional consent in the creative industries are unique to those industries,
- That proactive approaches are required by organisations and industries bodies to keep creative workers and workplaces safe, and
- That breaches of professional consent in the creative industries are common enough to be considered a structural component of them

The aims of the research project are to gain insights on the intricacies of working in the creative industries at a time where consent and the issues it informs, primarily workplace sexual harassment, seems to be catalysing a culture change.

Literature Review

The concept of consent to be explored in this thesis - as particularly applied to the creative industries - is a somewhat recent intersection in the literature (McGregor 2005; Hennekam and Bennett 2017) with the advent of #MeToo which required exploration of discourses of power, consent, sexual harassment and creative industries. This thesis sees purpose in first cementing an understanding of what creative industries are and what constitutes sexual harassment. Commencing the review with power theory identifies autonomy and power as important starting points for consent (Popovich and Warren 2010). Sexual harassment, as a feminist discussion, when contextualised in the creative industries, is made complex by arguably idiosyncratic factors including a disengagement with occupational health and safety (Oughton 2013), scarcity of available work both real and threatened, and the development of informal networks in settings which blur the lines between professional and personal behaviour (Hennekam and Bennett 2017).

Scoping 'creative industries' and 'sexual harassment'

While this thesis acknowledges the subjectivity of concepts discussed, scopes of definition for creative industries and sexual harassment will have stronger parameters than that of consent. There is a great deal of discrepancy between terming the congregation of 'art-media-design' sectors (O'Connor, Cunningham, Jaaniste 2011, p.6) as creative or cultural industries (During 2005; Garnham 2005; O'Connor 2011). This thesis prefers the former based on the relevance of principles relating to creative labour and creative industry cultures (Caves 2000; Hesmondhalgh and Baker 2011; Potts 2011; Flew 2012).

Positioning the concept of consent in the context of these industries initially follows Flathman (1972 cited in Cowling 1992, p.64) as a process of first knowing the parameters of an interaction, then intending to consent in that interaction, and then communicating that consent as clearly as possible. This working concept of consent builds on MacKinnon's (1979) seminal describing of sexual harassment in *Sexual Harassment of Working Women – A Case of Sex Discrimination* which is well summarised by Hunt et al.:

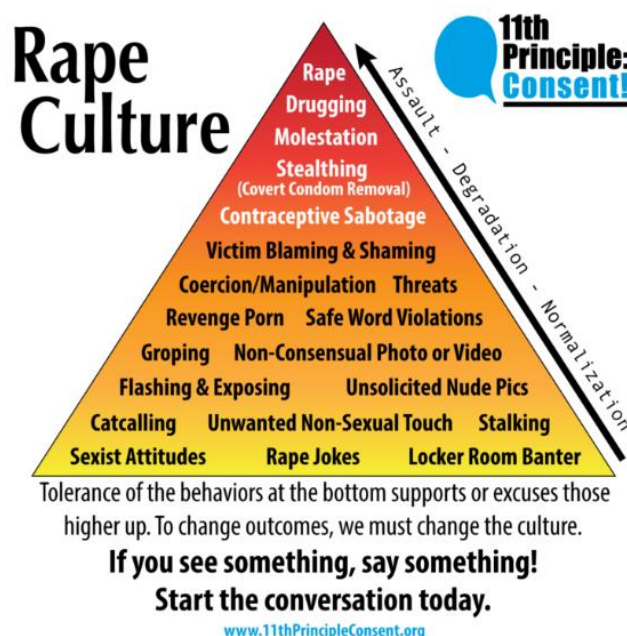
as 'quid pro quo'...where an individual will explicitly or implicitly make sexual requests and/or advances as an exchange for some desired result, for example a promotion. Alternatively, there is... 'hostile environment'; this refers to sex-related behaviours which make the victim feel uncomfortable. (2010, p.657)

Further, this thesis uses the phrasing 'breaches of professional consent' to cohere definitions of sexual harassment as a 'continuum' (McDonald 2012, p.4) of unwelcome behaviours

conducted within creative workplace environments and/or between creative work colleagues, including:

verbal comments, jokes and sexual gestures, demands for sexual favours as a condition of employment, requests for dates and actions encompassing touching and coercive attempts to establish a sexual interaction. (Hennekam and Bennett 2017, p.418)

This thesis also notes the meaning of sexual harassment as outlined in section 28A of the Australian Sex Discrimination Act 1984 (Cwlth) which feeds into the Human Rights and Equal Opportunities Commission's code ('Sexual Harassment in the Workplace: A Code of Practice for Employers' 2018). In this thesis 'sexual harassment' may include more extreme illegal activity of deliberate physical and psychological harm, particularly molestation, rape, and group rape. The connection of these behaviours is represented by Chandra and Cervix's (2017) *Rape Culture Pyramid* (fig.2).



History

Key historical milestones contextualising this thesis span the early twentieth century to the late 2010s. Sexually discriminatory behaviours in workplaces have arguably occurred throughout recorded history (Thomas and Kitinger 1997) and certainly in the live performance creative workplace (Pullen 2005). However, this thesis notes the advent of the casting couch term as a starting point for the scope of research, defined in Blumenfeld's *Dictionary of Acting and Show Business* as:

the sofa in the office of a show business employer or casting person used for sexual purposes when an actor who wants a part in a particular project returns the favour of sex for a role and career promotion. The term is common; the piece of furniture presumably is not. (2009, p.48)

The term was coined in response to the commonplace practice of Lee Shubert, an instrumental figure in establishing the theatrical capital of Broadway, New York, to keep luxurious apartments for auditioning and seducing aspiring female actors (Hirsch 2000; Zimmer 2017). The term moved to Hollywood when such practices were rife in the golden era of oligopoly before vertical integration practices of film studios were found to be in violation of antitrust laws and the Paramount consent decrees put an end to the studio system (Doherty 1999; McDowell 2008; Bomboy 2018). Identifying such behaviours in workplaces as 'sexual harassment' began during the course of second-wave feminism in the United States in 1975 (MacKinnon 1979; Thomas and Kitzinger 1997; Pina, Gannon and Saunders 2009; Hunt et al. 2010; McDonald 2012), dispersing around the world once picked up in the United Kingdom around 1980 (Thomas and Kitzinger 1997). However, by the time the concept became familiar in Australia (Pritchard Hughes 1997; Hunt et al. 2010; Charlesworth, McDonald and Cerise 2011), backlash had already begun based on perceived extreme political correctness suppressing personal freedoms of men and women to interact (Thomas and Kitzinger 1997, Cairns 1997; Mahood and Littlewood 1997). Shortly after in 1997, the creative industries were being so labelled by the United Kingdom to drive the 'Cool Britannia' campaign that led the Labor Party to victory (O'Connor 2011; Garnham 2005). In 2002, these industries were given a major ideological boost by the work of Richard Florida, whose book *Rise of the Creative Class* (2002) pitched this segment of the workforce as drivers of the modern metropolitan economy.

The pursuant boom of social media changed the way the Western world communicated and contributed to mass media with Myspace in 2003, Facebook in 2004, and perhaps most pertinently, Twitter in 2006 (van Dijck 2013). A year after Twitter's invention, Tarana Burke started a grassroots campaign encouraging people to use 'Me Too' as a statement to connect those who had survived sexual trauma and rape (Garcia 2017; von Gruenigen and Karlan 2018). Ten years later on October 15th 2017 this phrase was tweeted by Hollywood celebrity Alyssa Milano as a call to action in solidarity with former co-star Rose McGowan who was one of several Hollywood actresses naming producer Harvey Weinstein as a serial sex offender for his abusive casting couch practices (Dominus 2017; Clementine Ford 2018). #MeToo went viral the world over as women from all walks of life posted it across all social media platforms to describe the various forms of sexual harassment, abuse, and trauma they had faced.

The movement hit Australia's entertainment industry in 2017 when *The Daily Telegraph* published a story detailing Australian actor Geoffrey Rush's alleged sexual harassment of a

colleague, though she had not spoken with them or consented to the story being released (Federal Court of Australia 2018; Mazoe Ford 2018), prompting him to file a defamation lawsuit. Within months, six women who had worked with former *Neighbours* celebrity Craig McLachlan in a mainstage musical theatre production took their allegations of sexual harassment to the media after producers allegedly did not act to protect them, which McLachlan also responded to by suing Fairfax Media, the Australian Broadcasting Corporation and one of his accusers, Christie Whelan-Browne ('Craig McLachlan launches defamation action against ABC, Fairfax over sexual harassment allegations' 2018). The impact on the industry of fear and panic became clear after Linden Furnell, the lead of another mainstage musical was instantly dismissed after an inappropriate remark was reported, in accordance with a zero-tolerance policy implemented by the production company which permitted no mediation or negotiation in his contract termination (Overington 2018; Quinn and Cooper 2018). The publishing of a code of conduct developed by Live Performance Australia (2018) in response to these events has also followed stipulation by the Victorian State Government that arts organisations receiving public funding may have their funding discontinued should they fail to act sufficiently to protect their workforce in response to any claims of bullying or sexual misconduct (Cuthbertson 2018a).

Personal Power: where we start from

A sense of power and autonomy are core components that construct the individual, and power is frequently referenced as a key factor in breaches of consent, particularly where power informs sexuality. Berg et al. (2001, p.3) acknowledge autonomy as 'our society's cherished value...rights of self-determination'. Waites (2005, p.19) suggests 'autonomy has typically been characterised as taking place in the absence of constraint' where someone has enough personal agency to be 'independent, disinterested, self-complete, self-determining' (ibid.). In considering how individuals' autonomies meet and engage, this thesis follows French and Raven's bases of power, which describe 'influence on the person...produced by a social agent...either another person, a role, a norm, a group or a part of a group' (1959, p.151), including reward, coercive, and expert power. Power theory references where power is established, asserted, mitigated and reconciled over an entire lifespan; as a person develops from childhood through adolescence into adulthood, the value of sexuality becomes more acute and then inherent in this sense of self-possession. Looking to Maslow's hierarchy of needs, a theoretical mainstay of understanding human nature, there is asserted an interesting dynamic where sex is placed as priority above a personal sense of safety or love:

ordinarily sexual behavior is multi-determined, that is to say, determined not only by sexual but also by other needs, chief among which are the love and affection needs. Also not to be overlooked is the fact that the love needs involve both giving and receiving love. (1943, p.381)

In this second sentence, Maslow suggests a distinction whereby sex is not always a mutual activity. A similar discrepancy between sexual practices and sexual relationships can also be found in the work of Foucault (Howe 2008) who, in spite of being a regularly referenced theorist on sexuality, saw no need to differentiate rape from other forms of violence but did wish to separate it from any discourse of sexuality. Foucault 'recognises the plurality of the public domain, which does not impose established or dominant ways of knowing' (Gibson 2007), a plurality which 'casts society as a collection of free individuals and then seeks to explain or justify outcomes by appealing to their voluntary actions, especially choice and consent' (Herzog 1989, p.1). Joseph (2003, p.194) offers a proviso to this point though, that 'consent must be seen in its wider context – that it is not something voluntary...but takes place under definite conditions'. A Foucauldian understanding of power interprets it sometimes as a negative force, 'as a general prohibition or 'Thou shalt not'...[although] the universalism is implicit in reducing power to an abstract principle of negation is related to a tendency to 'subjectivise' it' (Gibson 2007, p.23). In his theory of functional autonomy, Allport notes that what 'may first serve...the interests of sex...may become an interest in itself, held for a life time, long after the erotic motive has been laid away' (1937, p.146). Power is irremovable from an individual's understanding of personal safety and sexuality – autonomy - making decisions around negotiating boundaries very significant. The unit of these decisions that connects these constructs is consent: 'consent is important because we value autonomy, and consent provides individuals with a certain kind of power over their 'territory'' (McGregor 2005, p.106).

Consent Theory: the power of choice

Used initially by Socrates to critique political and governmental impositions on free will (Plamenatz 1968), consent became a key concept for social theorists such as Marx and Gramsci (Burawoy 1979; Joseph 2003) for their explanations of power differentials between classes:

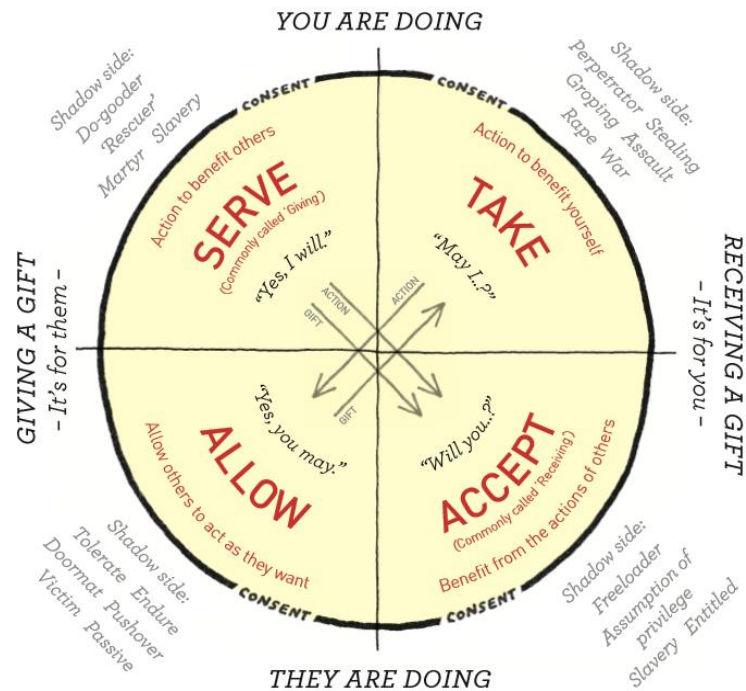
Gramsci's theory of hegemony argues that social cohesion and consent is established on the basis of the interests of the dominant hegemonic bloc – albeit within definite socio-structural limits. (Joseph 2003, p.2)

Consent has since become a complex term in contemporary discourses, loaded with such meanings as 'voluntary agreement, undertaken by a subject with a sufficient degree of free

will and agency' (Waites 2005, p.19), 'legal rules that prescribe behaviours for physicians and other healthcare professional in their interactions with patients and provide for penalties...if physicians deviate' (Berg et al. 2001, p.3), and perhaps most thoroughly by McGregor:

consent gives permission or authorises someone to do something or take something from the consenter, where the consenter has legitimate control over that thing...then must satisfy certain prerequisites to be able to act voluntarily and deliberately...they must understand what they are consenting to. The quality or nature of the act must not be misrepresented or falsified...consent turns a criminal act into a noncriminal one. Consent can turn battery into surgery, murder into voluntary euthanasia, rape into intercourse, theft into donation, kidnapping into a vacation. (2005, p.114-5)

Consent has accordingly become a key fulcrum in cases of sexual harassment, assault and rape (Ward 1995; McGregor 2005; Patricia Martin 2005), especially where these are legally pursued. However, Waites (2005, p.230) warns 'a preoccupation with consent can lead to an inadequate conceptualisation of the relationship between the individual and the law in their social context', and many high-profile criminal cases have demonstrated the difficulty of establishing consent in court or reaching a just outcome. The subjectivity of consent is well articulated by Herzog's (1989, p.3) point that 'consent and choice are not in fact the same notion...one often consents to choices others have made'. Pair this with Berg et al. observing that where 'choice is not available, no informed consent procedure can create it' (2001, p.308) and the question is raised whether the power exists in its communication by one party, or its responding to by another party. As this warning pertains to sexuality, Bendixen and Kennair (2017, p.584) note 'there is a lack, though, of explicit and acceptable social scripts for sexual contact and solicitation' which creates further challenges, potentially leading to encountering sexual harassment, abuse, or violence. One of the tools that has emerged is Betty Martin's (2014) *Wheel of Consent* (fig.4), built for sex therapy purposes, but broadly applicable. These types of exchange discourses have also transferred into communities where consent practices are more complex, particularly bondage and discipline, domination and submission, sadism and masochism (BDSM), sex work, and the creative industries where role play or other workplace activities simulate bodily, emotional and psychological intimacy. These contexts require tacit consent (Locke 1980 cited in McGregor 2005, p.132), which is not explicit but tokenised through determined actions or 'safe words', making mutual definitions of consent critical. Put perhaps very potently by McGregor (2005, p.107), 'Consent is also the mechanism by which we treat each other as equals, by asking for consent before crossing another's border'.



In any instance of touch, there are two factors: who is doing and who it's for. Those two factors combine in four ways (quadrants). Each quadrant presents its own challenges, lessons and joys.

The circle represents consent (your agreement). Inside the circle there is a gift given and a gift received. Outside the circle (without consent) the same action becomes stealing, abusing, etc.

Figure 3. The Wheel of Consent (Martin 2017)

Sexual harassment: when consent is contravened

Other comprehensive reviews of the broad literature regarding sexual harassment beyond the origins mentioned above have been conducted (Pina, Gannon and Saunders 2009; McDonald 2012). In approaching the discourse, this thesis works from a liberal feminist view that sees the power dynamic between the sexes 'more as a distortion which can be rectified by ensuring...[all] sexes have equal access' (Pritchard Hughes 1997, p.5). It is important to acknowledge that while sexual harassment is a gendered issue, this thesis explores issues knowing the relationship to power in many situations does not follow the binary male-offender-female-victim trope (McDonald and Charlesworth 2015; Rumens and Broomfield 2014). In focusing on sexual harassment in the workplace, this thesis is also informed by the view of 'Marxist feminists [who] see women's oppression more as a consequence of capitalism which needs women's subordination to work well' (Pritchard Hughes 1997, p.5). A particular interest is in the events of second-wave feminism during which time activists challenged the long-held perception of women as:

being ruled by their bodies, and hence incapable of exercising moral agency...consent by women...has not been deemed relevant to much sexual behaviour. This is the background to much contemporary sexual violence and abuse. (Waites 2005, p.19)

The subject of sexual harassment in the workplace was a key issue taken on by second-wave feminists in the 1970s but would prove a point of contention with third-wave feminists of the 1990s (Heywood and Drake 1997; Pritchard Hughes 1997). On the part of the latter, the perception became that policing professional conduct between men and women had 'resurrected old, sometimes nineteenth-century, notions of the innocence and purity of women' (Pritchard Hughes 1997, p.23). This division proved an opportunity for anti-feminists to overpower the discourse during a time when consent became potentially charged with linkage to sexual harassment during university protests through movements like 'no means no', which continue to be referenced (Borges, Banyard and Moynihan 2008, Freitas 2018). More recently 'no means no' has been replaced by 'yes means yes', per 'the notion of a continuum more adequately describes the experiences of women who may 'submit' to sex without giving a more 'active consent' (Waites 2005, p.21). The argument between older and younger generations on the pursuit of legal recourse concerned the perception of a 'new, moralistic and unforgiving feminism which is incapable of dealing with sexuality' (Pritchard Hughes 1997, p.21). McGregor notes similar perceptions are still being challenged in contemporary society:

the baseline assumption has been that women are consenting to sex until there is significant evidence to the contrary. The default is consent...laws do not explicitly state that women are presumed to be consenting to sex, rather they imply it in the requirements of physical resistance and the search for verbal refusal. (2005, p.104)

To this point, it is worth raising Graybill's (2017) concerns about consent bearing the burden of proof, as not all individuals are able to verbalise consent. There may be a language barrier, disability or neurodiversity, or terror. Further, consent is a low bar easily coerced, and too easily appropriated, including in terms for 'too-long-didn't-read' software licensing.

Coward (1987 cited in Howe 2008, p.23) asserts that sex is 'never instinctual...[but] always an activity wrapped in cultural meanings, cultural prescriptions and cultural constraints', referencing the oft-quoted idea that sexual harassment is a behaviour based on power, not desire as suggested by the discredited 'natural-biological model' (McDonald 2012, p.5). Feminist 'power perspectives suggest that the sexual harassment phenomenon arises from men's economic power over women, which enables them to exploit and coerce women sexually' (McDonald 2012). Feminism directs that in contemporary patriarchal society men are the default holders of power which often trumps other forms of seniority, hierarchical or

financial, leaving women vulnerable in the majority throughout their lifespan (McDonald 2012, p.6). Sexual harassment in workplaces is argued to be symptomatic of a power imbalance where:

the harasser is in a supervisory role, the disparity in power between the harasser and the victim exacerbates the employee's captivity. Employees realize that taking a stand may adversely affect their employment status. (Mendoza 2007, p.1988)

Waites adds to this point, broadening the scope of power as it relates to sexual harassment:

social distribution of rights and freedoms in western societies, including rights to consent in sexual and other activities, has historically been hierarchically structured...[with] those groups not believed to possess 'reason', such as women, non-white peoples, children, and those defined as mentally deficient, were refused rights. (2005, p.19)

How these disparities play out in workplace culture varies greatly, from 'trash talk' (Cote 2017) right through to frequent sexual violence in a workplace context or the workplace itself. Impacts can similarly vary, 'from irritation and anxiety to anger, powerlessness, humiliation, depression and post-traumatic stress disorder' (McDonald 2012, p.4). Responses according to research by Cortina and Wasti can take the shape of:

(a) advocacy seeking—recruiting formal support from organizational authorities; (b) social coping—mobilizing emotional support and advice from trusted others; (c) avoidance/denial—avoiding the harassing situation physically (e.g., avoiding the harasser's workstation) or cognitively (e.g., denying the seriousness of the situation); and (d) confrontation/negotiation—directly requesting or insisting that the offensive behaviour cease. (2005, p.182)

This imbalance is further complicated by the nature of those who choose to establish their professional selves in the intimate, explorative and power-hungry creative industries.

Sexual harassment in creative industries' workplaces

The notion of organising products and production of culture into 'industries' to influence policy in Western governments was globally contextualised by:

expansion of cultural commodity markets...music, television, radio, publishing, film, visual arts, fashion, computer games...increased cultural or symbolic content of functional goods and services. Product and interior design, 'experience value' in services, 'attention value' in marketing and public relations, cultural tourism, the growing role of web 2.0 based social networking. (O'Connor 2011, p.41)

The conception of creative workers engages particular stereotypes, particularly that of the starving artist and creative genius (van den Eynde, Fisher and Sonn 2014). These

representations gloss over serious realities for entertainment industry workers; they are seven times more likely to suffer sleep disorders, five times more likely to suffer depression, and make double the suicide attempts than the general Australian population (van den Eynde, Fisher and Sonn 2016). As Davies and Sigthorsson state it:

study of creative labour in practice tends to cast doubt on the utopian claims made for the autonomy and freedom of the 'creative class', while at the same time providing interesting and detailed insights into the working life of creative professionals that are neither reducible to simplistic notions of the glamour of creative practice, nor the dire predictions of precarity, self-exploitation and impoverished overwork. (2013, p.19)

Much research is concerned with the mental health and economic vulnerabilities of creative workers (Andreasen 1987; Marchant-Haycox and Wilson 1992; Stack 1997; Throsby and Hollister 2003; Hesmondhalgh and Baker 2010; Eikhof and Warhurst 2013; Maxwell, Seton and Szabo 2015; Hennekam and Bennett 2017). A challenge with the cultural change of seeing sexual harassment, abuse and violence as workplace safety issues (Heap 2017) can be traced to the issue's placement in policy, as it is not within the jurisdiction of Occupational Health and Safety (OHS) laws, rather it is under Australia's *Sex Discrimination Act 1984* (Pritchard Hughes 1997; Toohey, Borthwick and Archer 2005). This relevant section seeks 'to eliminate, so far as is possible, discrimination involving sexual harassment in the workplace, in educational institutions and in other areas of public activity' (*Sex Discrimination Act 1984*). There are challenges present in the interaction of creative industries and OHS:

OHS systems currently employed were principally designed for 20th century manufacturing with a focus on evading risk and ensuring compliance. Put simply, creative enterprise thrives on risk opportunity, and is constrained by risk avoidance and an obsession with safety. (Oughton 2013, p.47)

Rossol's (2011, p.1) book *The Health and Safety guide for film, TV and theatre* features a chapter titled *The way it is* which references the trope of 'the show must go on' (ibid, p.2) where 'performers and technicians alike commonly believe that suffering, risk taking, and even dying for art is an appropriate price to pay for the privilege of working in the field' (ibid.). Oughton (2013) offers a highly detailed scope of how an augmented OHS can engage creative industries and considers why its homogenising application is failing to engage creative workers. Pushback from creative workers against the change brought about by the global focus on sexual abuse influenced by #MeToo cited similar aversions as were seen when OHS began to be enforced; as creative workplaces arguing that elements of risk were required for their work to have meaning (Rossol 2011; Oughton 2013), of there not being sufficient temporal or financial resources to allow a cohered understanding beyond 'common

sense' and 'street smarts' (Eikhof and Warhurst 2013) and of course the ever-present status quo. True it is that the performing arts workplace 'is a unique work environment, one that asks employees to flirt and kiss, argue and fight, strip naked and simulate sex eight times a week for what can be months on end' (Healy 2015), however this thesis follows the suggestion by Mendoza that:

Regulating speech can protect workers' rights without compromising the artistic process...in creative workplaces, employers must stress the importance of context. A professional football coach may smack his players' buttocks as they enter the field, but he cannot engage in the same behaviour with his assistant in the back office. (2017, p.1990)

It is the role of organisations to better handle these contexts and expectations. It is not an uncommon strategy to give workers a false impression of the choices available to them, so they feel they have consented to the status quo (de Grazia 1981; Herzog 1989). However, this industry-focused iteration of second-wave feminist calling-out of poor behaviour has impacted the Australian performing arts community to the extent that some government bodies have put in place procedures to discontinue funding if recipients are found to be behaving unprofessionally, a strategy that has not been put in place in other industries where breaches of professional consent are known to occur.

Conclusion

Consent in the creative industries is an intersection of difficult to define concepts, yet it is important to establish an understanding of it while controversy is caused by its being questioned in current events. This review draws connections between power theory, consent rhetoric and sexual harassment literature then positioning these within the context of creative industries. In so doing, the reflections of participants in this research project can be seen for their gravity and need for further inquiry. Though the question of consent in the creative industry is active in light of #MeToo and a new wave of feminism, the issues being faced are longstanding. In the same way as this thesis aims to broaden the perspective of breaches of professional consent beyond the incidents themselves, the review reaches back from sexual harassment as we understand it, into individual structures of power, autonomy and consent which inform such understandings of sexual harassment, abuse or violence in life and workplaces, bearing in mind the particularities of the creative working world.

Findings

This research project invited thirty participants to discuss what consent meant to them and how it applied in their industries, some of whom opened up their homes and workplaces to host these semi-structured interviews. Twenty-four of the participants were self-proclaimed creative workers, most in the performing arts sector, but several with experience in broadcasting, music and media. Six participants came from other industries including construction, education, and sex work to offer points of comparison and expansion. Nineteen women, six men and five gender diverse individuals agreed to be interviewed, with occupations ranging from performer to director to business owner, administrator to project manager to academic. Speaking for an hour on average, several themes and a through-line emerged of how creative workers are primed and exposed to breaches of consent in their professional contexts across their career trajectories, positioned in relation to experiences of power, intimacy and fear post #MeToo. The emotions expressed in these interviews ranged from hesitant and clandestine to outraged and hopeful, not only exploring where creative workers had experienced these challenges, but also what their desires for the future of their industry were.

Defining Consent

All participants were asked at the commencement of the interview to describe what the term 'consent' meant to them, to scope a concept of what consent is and explore what impact it has on creative workers' lives. Several participants almost instantly made the distinction between consent as relating to sexual activity in their personal lives, consent as part of sexually-charged workplace behaviour, and consent as an element of all human interactions, be they physical or psychological.

Definitions commonly involved phrases and terms including 'mutual', 'agreement' and 'permission' to describe interactions that needed to be clearly communicated, free from coercion, and consistently reappraised and reaffirmed. One participant, Therese, emphasised the importance of context to ensure 'you are giving your permission in your full autonomy, so without any extenuating factor influencing your decision to give that consent'. Another passionate participant, Belinda, raised the importance of consenting parties being 'of right mind, able to think for themselves'. A point of difference among participants was whether consent needed to be verbalised as an unmitigated 'yes' or 'no', with some participants believing it did, but others like Sammy defining consent as:

'Either verbally or behaviourally giving a clear indication that a behaviour enacted upon you is welcome...as far as it applies to the workplace, part of consent is creating a space in which consent can be granted and withdrawn by continuous reassessment'.

Some participants like Jen, were able to speak quite declaratively about how consent was framed in their mind:

'consent is a process, not a destination. Consent is something that is a negotiation both in advance of something that you would do together...and then needs to be updated as you go through whatever it is that you're doing...laying out, negotiating and agreeing to a set of actions or principles or a task ahead, with openness and transparency on the part of everyone who is negotiating about what is expected, what consequences will be of breaching that agreement etc and then something that is checked and rechecked whenever the terms of what you've agreed to shift or change, or whenever the people involved feel like they're uncomfortable or need to adjust the terms based on their own experience or health'.

Other participants, Courtney being a key example, had found an almost poetic way to interpret consent in creative industry contexts:

'it's a mutable energy, it changes, it's something that empowers all parties in the transaction that is going on, it is something that helps to define boundaries, keeps people safe, comes from a place of respect and is a great tool for a lot of transactions in life that require a certain amount of trust and vulnerability'.

Several participants, including Frank, were able to describe the meaning of consent in different contexts whilst making a point to recognise the complex nature of human interaction, acknowledging that the issues are 'highly nuanced, and subject to a whole range of interpretations'. However, not all participants felt comfortable with consent being the premise of the interview. One participant, Malia, astutely and considerately noted:

'The issue I have with it as a word is it implies that responsibility on the other person. So, it's like someone has to give you consent, and I think for me, you have to seek consent. The first word that comes to mind for me is 'enthusiasm', so consent is almost synonymous [with that]'.

Another participant also somewhat critical of consent as a concept was Monty, an austere individual who spoke of how the term has been engineered and possibly weaponised for too broad a range of behaviours:

'well for me it's approval to go along with the creative process. Of course, in terms of sexual contact, in terms of relationships...it's really weird for people of my generation...we just got on with it. My concern about this generation is that they are losing the resilience to bat it off'.

Annie offered an expansion on this phenomenon of interpreting what consent is and whether purposing it for sexual misconduct is too blunt an instrument:

'People compare what's happening, what we're talking about in Australia, too much to the #MeToo movement. We're not in the same place as America, I don't think. I think the #MeToo movement is ahead of ours...I think that's dangerous that people will think we're further ahead than we are without actually changing'.

The influence of #MeToo

The #MeToo movement was mentioned by the majority of participants in their interviews when discussing the origin of their definitions, and many acknowledged how recent a consideration consent is at all in society, with such language not existing even five years ago, according to participants like Courtney. Participants were also questioned whether breaches of professional consent, by their own definitions, were common, to which the majority responded affirmatively. However, this would often be followed up with a sentiment articulated well by Minerva that breaches are 'quite common in all of life, because we don't have all the information all the time when we're consenting to things'. The various interpretations and functions of consent do pose difficulties for how all industries are approaching challenges around sexual harassment and mental health, although not all have to account for the particular risks and opportunities that frequently characterise creative industry workplaces. From a creative worker's first experience of these industries, the groundwork is laid for breaches in being introduced to practices of yielding to power dynamics and diminishing of personal boundaries.

Initial encounters with power

Workers enter the creative industries in a number of different ways, each with its own determining factors for success and risks for breaches of professional consent. Participants described entering the industry in one of three ways: *formally* through training at an arts organisation or tertiary institute leading to employment, *informally* by starting in a production or project and continually being recruited, or *occupationally* through career progression that moved them into creative industry territory. Different power dynamics are established by each channel. Formal entrants described a component of tertiary training being a needful breaking down of personal boundaries, arguably normalising breaches of consent. Steve, who has since stepped away from his creative career, reflected on his time in drama school, 'Not once that I can remember has someone ever said, 'before we do this exercise, just check in with your person and see what they're up for'...that's unheard of'. Jen, who had also opted to work outside the creative industries, recalled:

'You did whatever was required of you, and not only that but you went further than you otherwise would have in order to show that you were a good artist...there was no option ever to opt-out of anything. The underlying assumption was 'you're here to push your boundaries,

and stretch yourself and if you don't, that means you're not a good artist, not only that but you'll be punished by your grades being low'.

Jen continued, noting that it was also in this formative environment that the blurring of personal and professional lives is first introduced as an element of the industry:

'Around the actual structure of the training was all of the experimentation and party culture which wasn't just being twenty! There was this trope where the harder you went outside of drama school to push your own personal boundaries and have experiences and do things that made you uncomfortable, the better you would be in class. So it's this kind of 24/7, make yourself deliberately unsafe at all times'.

For participants like Charlie, this attitude had severe impacts and called very seriously into question the ethics of creative institutions, 'we do mess with the mind a lot, we do a lot of things that psychologists have done in the past, and we use a lot of really old, bad, outdated information...[but] we don't have a Board of Ethics'. This culture in institutions can sometimes nip creative careers in the bud where reports of expectations scare young people off applying, as was Octavia's experience:

'the choice was taken away from me, in terms of that sort of authority where...it's a choice between losing thousands of dollars and three years of study or...[performing an activity] which is not something I personally at the time felt comfortable with'.

As said by Echo, changes to conduct and curriculum at an institutional level will be pivotal to generational industry change, 'you've got to put the effort into the education and training aspects'.

One does not necessarily require a qualification to enter into the creative industries, and many participants reported getting their start based on drive, talent, connections, good timing or a mixture of these.

Participants commonly spoke of the phenomena of feeling 'lucky' to work in the industry, which is influenced by the scarcity and competitiveness of creative work, according to participants like Annie:

'You are told 'there's no work, so we can give you experience, and we can train you but we can't promise you a job'...[so] you're grateful for everything because you're told it's very likely that you'll have nothing, so even they give you one little thing and you're like 'thank you!!'...[but] you don't feel like you earned it, ever'.

Of the participants who reported being informal entrants to the creative industries, a few who are or were performers described their first experience in the industries being as children, where their relationship with adults was somewhat fast-tracked by engaging on a collegial

level. For some, this can be the first site of high-risk behaviour, such as was described by Vanessa who noted the significant change in their interactions with non-familial adults once cast in a show:

'[I] went from being in a classroom environment in a school to being in [my] underwear half-naked in a changeroom together and there was nothing verbally set in place, and I was very young, so I just did what everyone else did. There's so much fun in that environment, so much freedom, but also so many blurry lines'.

Some informal entrants will go on to pursue formal training, as one participant Sammy did, where their experience led to considering risks of breaches of consent and sexual harassment, 'as an unfortunate part of the background noise in the creative industries since I was really cognisant that there was the capacity for it to be an issue'. Only a small number of the participants working in the creative industries reported transitioning in as part of a career change having started in other industries, as Malia had:

'I kind of didn't come into this industry particularly cleanly...my first role in what I would deem an arts workplace, even though it was in a government setting, where you would think there's absolute rigour around policy and procedure and workplace behaviour and HR, it was completely foreign to me...I didn't have a concept of what my rights were as an employee, or what it meant to be in a workplace...it wouldn't have occurred to me to think I had any power'.

Participants were near-unanimous in their reporting of entering the industry unaware of the probability they would experience breaches of professional consent. Some put the onus on their own 'naivete' and sense of artistic idealism in this approach, including Vanessa who said:

'There were adults in my world that I guess tried to warn and insinuate, hint at the fact that 'there are bad people out there that are going to do bad things' kind of a conversation, and I guess my passion for the performing arts was bigger so it was just like 'whatever, bring it on''.

Among the few who did describe an anticipation of breaches, this related to their outside-world experience as women, where gendered objectification and sexualisation was part of their everyday life, as was the case for Courtney:

'I did feel on a really gut level that I was going to be putting myself in a position where I could be attacked and I could be copping the blame because it was happening culturally around me in the world, slut-shaming, rape victims, all of that was bedrock of the culture and the society that I was a young woman trying to navigate my way through'.

Creative workers enter the industries compelled by passion and/or talent, but seemingly little forethought about the risks created by a systemic disabling of their senses of personal power, boundaries, autonomy or consent. Nonetheless it appeared that even if they had

been given the foresight, they would have proceeded regardless and it is this drive which leaves creative workers incredibly vulnerable to the expectations of their industries.

How power configures the creative job market

After being initiated into this power dynamic, creative workers see it in practice when they enter a job market where relationships that blur the line between professional and personal are forged to support securing the scarce amount of work available. Participants commonly identified power as primarily the direct ability to hire and fire in a competitive industry, and subsequently the ability to influence those decisions by whatever means or characteristics. This is articulated well by one participant, Jude, who spoke of a value within the industry generated by reputation, meaning those in power are:

‘people who endow or have the ability to in any way increase the caché of an individual that results in employment or greater visibility for an individual, are powerful in our industry’.

Therese, a passionate participant, described the pressure this puts creative workers under, particularly new entrants:

‘Our industry is so subjective, it’s so much about how you get along with people, and who likes you, and it’s all tied up in ‘you’, in the ‘youness’, not in necessarily just your technical capabilities...inherently there’s bias at play...the lines between the social and the professional are constantly being challenged’.

Many participants described their initial engagements with the industry being characterised by consistent angst about gaining any work, let alone secure work. To establish relationships that foster professional growth, participation in networking - what Jude referred to as ‘the foyer game’ for performing arts workers - is seen as imperative to success. According to another participant, Susannah:

‘Networking almost invariably means with alcohol and with power dynamics at play, networking means talking to people that you want to work with and that have power over you and that can of course lead to problematic situations when there is the combination’.

Increased risk is posed by the consumption of alcohol and sometimes recreational drugs as a common practice in a professional context, as Joe Michael described, ‘at after-parties, bars afterwards, drinks after a show, people have house parties...it’s tricky because our industry can be quite night-time orientated’. Sammy was also conscious of the potential for breaches of professional consent in these circumstances:

'A decent chunk of these situations seem to rear their heads in those circumstances where one person is deporting themselves like they're at the bar with mates on a Saturday and the other person is not...they think that it's...the responsibility of the workplace, and they're probably right about that, but it is a bit of a fuzzy line'.

Alcohol is not the only factor impairing the judgement of creative workers as they seek acceptance and opportunity. Frank spoke of his career, 'the situation that we were in, which is financially precarious, that's a real factor...you do things that you wouldn't necessarily'. Therese recalled similar experiences, 'I remember when I could only eat tuna and rice!'. Another participant, Star, echoed many participants in describing the nature of the creative industries and what conditions it primes an individual for to lose sight of their autonomy:

'[We're] economically vulnerable...the creative industries being the sort of industry where personal connections are so important, and personal reputation is so important...[it's] not well known for being a particularly lucrative industry to all but maybe a few people higher-up, a lot of work in the creative industries is very piecemeal, very gig-based, there is very little stability, people are fighting for the same small amount of money...and the economy right now is such that even a conventional day-job is hard to find'.

Sammy spoke of how these financial circumstances connected to how creative workers interrelate:

'The economic dynamics play into the social and sociological dynamics...if you think of it as a zero-sum game...[where] you need to boost yourself up at the expense of others, that broader conceptual thing is going to facilitate all kinds of horrible behaviours and negative systems, negative cultures, whereas if you think of yourself...as a member of a community in which the success of one and the success of others are intrinsically intertwined...given the right floodwaters all boats can rise'.

This notion of reputational value leading to financial rewards appears to be the origin of two major mythologies of career-building referenced by participants, one that 'it's not what you know, but who you know' and the other, particularly pertinent to those in the performing arts, of the 'casting couch', which Minerva explained refers to an orchestrated situation:

'where a position of influence, power, employment is bestowed upon an individual by someone with more power than them in exchange for either sexual activity or to play along with some sort of game of intimacy'.

Although the term is somewhat outdated, many participants – and not only performing artists – assured that the behaviours were still very much in practice. When discussed in more depth, participants who mentioned this quid pro quo behaviour also reflected that the outcomes promised rarely, if ever, eventuated. Jude observed those who engaged:

'didn't get the role, didn't even get an audition...[were] never cast, but [directors] alluded that [they] might and managed to get them into bed that way...[they] had that power...I felt prepared to, I felt like it was what I had to do to survive'.

This phenomenon was often instigated by decision makers in upper levels of organisations, or by someone referred to by many participants as 'the star', a celebrity or figure of substantial influence whose input to a project is perceived by decision makers to be key to its success.

Understanding that these phenomena are facilitated by conventions of having resources to attend events and to be considered socially appealing, the creative industries job market is even more challenging for people with diversity or minority considerations, and therefore angst is heightened. However, Jude had also noticed that in the changing culture in that there was increased speaking up about injustices:

'there is a new kind of power emerging which is very positive, but it's also very complex and that's political minority power...I would argue that power is still endowed by a patriarchy that's protecting itself from public opinion...throwing a bone to certain minority groups to appease, and protect its own image...women and cultural minorities because they're more likely to call them out'.

An outlier of this trend was raised by several participants, that of the privilege of homosexual men in the industry who have risen to positions of power and influence, particularly those of Anglo-Saxon or European appearance. As Monty, a participant of great industry experience, stated, 'this is contentious, but the influence of white, privileged, gay men has a negative impact on the working experiences of women'. Jude expanded upon this saying:

'gay men in power don't help other gay men...gay men who have managed to get to the top...people who were shutting the doors in my face were people who had supposedly come from the same experience as me; and I don't blame them, I do ultimately still blame the patriarchy that socialised us to hate ourselves and therefore once we beget power we turn that internal hate towards people who remind us of our weaker selves'.

A need for better inclusion of gender identities, diverse ages, cultural connections, experiences living with disability, sexual orientations and financial backgrounds in the creative industries was highlighted by many participants, who pointed to the homogenous characteristics of people in power being a factor in consent being breached where not everyone is able to understand one another or communicate effectively.

Engaging with risk in the working environment

Upon signing a contract and starting in a workplace, creative workers are exposed to a number of risk sites and situations that effectively prepare them for the possibility of a breach of professional consent. Octavia spoke of the transition:

'Creative people - no matter what discipline you're in - being able to get into a project, paid or unpaid, is actually generally quite difficult, so when you're in it, you're invested and you're there because you desperately want to be, there's not a surplus of those opportunities...the fear of losing that...keeps people quiet'.

Supplementary to participants' reflection that they did not approach entry to the industry with an expectation of encountering breaches of professional consent, many reported being given no indication of what policies, procedures or protections were available to them should risks be encountered or breaches occur. Echo attempted to counteract this mentality by saying the laws have long been clear on the matter:

'There are many more obligations on employers, and what's interesting about sexual harassment, bullying, is that legislation's been around for a long time, but it's very much more recent phenomenon that the industry has ensured it's created policies and procedures to reflect what's required'.

Several participants had indeed noted a changing practice here where presentations and discussions explicitly regarding mental health and sexual harassment are taking place, in some cases on the first day of a project. Courtney described such activity happening in her workplace:

'On day one...when we do the meet and greet...[a leader] reads out our Sexual Harassment and Bullying Policy...after Acknowledgement of Country'.

Another participant who had seen this done, Joe Michael, while appreciating it as a step in the right direction, took note that the culture still needed to change for it to be truly effective:

'I don't necessarily think it's always done very well, sometimes it can feel - to be honest - very tokenistic, it can often be done in a way...[where] people roll their eyes at a little bit. When it started happening it felt a little reactionary to the #MeToo movement'.

This apathy can be explained by a heightened sensitivity around the creative process across disciplines, which Steve believed was an imperative ideological shift:

'The jump that needs to be made in the community...there is such a pushback from people that don't want you to fuck with the creative process...those of us who believe in it have to convince people that that will make better work, and I don't think that's been done yet, and I can't tell you whether that's true'.

This notion is stopped short by participants like Echo:

'You can't argue that...Everybody likes to argue that thing about 'the integrity of art' and 'freedom of art' and so on. I don't think setting boundaries compromising or restricting people being playful or experimental'.

Minerva felt that part of the problem is in the establishing of:

'what I would call closed systems or situations where you've got companies or projects where an almost cult-like environment is created; it's us against the world, there's a charismatic, charming leader at the centre, there's a narrative around what the culture is and what things are done and you're either in or out. That exists to varying degrees across our industry'.

The results of such a working environment was described by Annie:

'you do feel like you're in this little bubble world where you're lucky to be in it, you just operate the way everyone around you operates even if you think it's right or wrong...people are just churning out the same stuff, with the same routine and the same procedure from admin to production to the way that they behave...we do just get in, and you just fit the mould...the word is "that's just the way it is, that's how this works and we play the game"'.

Many participants spoke about the frustration and outrage that is often threatened, and sometimes caused by being unwilling to compromise and speaking up. Steve rather candidly stated:

'there's this massive attitude that you don't whinge...you don't like what's going on here, there are literally a thousand people who will do this job for zero dollars...if you cause trouble, if you put your hand up, if you say no, people just don't hire you and they talk to each other'.

This serves in part to explain the phenomenon mentioned by a majority of participants, that alerting risks or reporting breaches or in any way questioning the creative process ascribed by those in power could label you a 'troublemaker' or 'difficult' at best, and at worst see you effectively blacklisted. Participants like Malia took note of similar flaring passions in the industry when Occupational Health and Safety restrictions were reinforced in creative workplaces:

'I sometimes feel like we're at the cusp of where we were thirty years ago with OHS. We went 'oh we're rock and roll, we're the arts...that's what we do, don't give me your 'you need a permit to work at heights'...and then we went 'actually people are dying and being injured really badly, that's not good enough...we're going to change things...we've been working so long in this grey area of 'but we're creative, and this is how we explore things'...we're just at the cusp of going 'yeah but people are being sexually assaulted!'.

Another participant, Anne, drew connections between physical and consensual safety practices, pointing out how without the sexual connotations, consent is clearer to see as imperative practice:

'It becomes so ingrained into the culture, you don't see what you're in. We get told that it's unwise to be - we get told that it's bloody stupid! – to be in a theatre space alone climbing ladders, that's just not something that you do, but what's more scary? Climbing by yourself or having someone foot a ladder that you don't trust?'

In situations where creative workers are inadequately informed of their rights, where the culture coerces them to follow along with unsafe practices, where the lines between professional and personal, and perhaps even sexual, relationships are unclear, it is almost inevitable that breaches of consent, and regularly in the form of some sort of sexual misconduct, will present themselves in a workplace setting.

When breaches happen

When consent is breached, it occurs in a variety of contexts with a variety of impacts. When participants were asked to discuss how breaches of professional consent presented and what impacts they had had on their personal and professional lives, several raised the difficulty of even identifying breaches because they may be inadvertent, or as Belinda describes, the environment can be like frog-boiling:

'if you put a frog in cold water and heat it up slowly they will swim around until they die, but if you put a frog into hot water it'll jump out straight away, and I think that can happen sometimes in businesses, where people are not quite sure if they have the right to speak up and so little steps get taken to maybe breach consent but maybe not, but it gets to point where they are breaching consent...there is an aspect of cluelessness, sometimes people are perhaps unaware of somebody else's discomfort'.

Much of this naivete or ignorance, according to another participant, Joshua, can be indicative of a bigger social issue:

'it feeds into rape culture, a lot of people still perceive sexual abuse or sexual assault as something like rape, happening in an alleyway...but those little attitudes that persist in workplaces...it's not one extreme or another, there are a lot of things that contribute'.

Even when breaches are clear, the longstanding silence has impacted the mishandling, which Catherine spoke about, noting that many creative organisations:

'don't have HR departments, and if they do, they don't have any experience dealing with complaints...when there was a [recently publicised] complaint... all of the theatre companies came out and said 'we've had no complaints' or 'we've had two complaints' or 'we've had one

complaint in the last five years' which just says to me, we have no experience in dealing with this!'.

Participants agreed that the culture is no more accepting of people calling out transgressions than calling out risks, one of whom was Louise:

'People would say things...like 'don't shake the tree' and I'd go 'yes but there's shit in the tree, do we want good fruit or bad fruit?' then the experience of being blamed for when things went bad ...feeling like the scapegoat'.

Courtney was similarly exasperated by the inability of creative workers to behave as honestly and respectfully as their supposedly intimate relationships would imply, 'there's this weird politeness, we would rather look away, we would rather do anything than confront bad behaviour, I don't know why...we go into freeze mode'. Mily was able to articulate the costs people might be conscious of in their immobilised response to breaches, 'there's a lot more in jeopardy than just your job, it's also your social circle, because they're one and the same'. Malia pointed out that in some cases, people involved in breaches may consider the nature of their workflow, 'we're gig economy, there's a bit of a belief of, 'I'll stick it out...I'm only in this job another four weeks, maybe I'll suck it up". Speaking more expansively on this, Malia situated the difficulty in the thought process of someone experiencing a breach of professional consent:

"I'm employed, I've maybe got a two-year contract...is it so bad, dealing with what I'm dealing with, compared to being unemployed? Will I be believed if I speak up'...people start almost second-guessing themselves and go 'well this needs to be so clear cut...I need to know that I'm going to be believed...and that they're going to know what to do'.

Since #MeToo, many participants had noticed an industry-wide fear of how breaches would be handled, some remarking upon the trial-by-media which Jude spoke of possibly disguising much deeper issues for creative workers:

'in the creative industry consent isn't necessarily a sexual matter, it's a dignity matter...the sexual aspect of consent has become an epicentre because it's a tangible behaviour that we are allowed to call illegal, whereas there are a lot of breaches of...consent in the forms of undermining a person's dignity, their self-worth, their value...you won't get on the front page of the newspaper with that'.

Courtney also conceded:

'The more extreme, the more terrible the alleged behaviour is, the easier it is in a way for a company to deal with it. Unfortunately, if it is rape or if it is sexual assault, they are more 'quantifiable' behaviours, and they are more easily dealt with than the interpersonal – people are complex, and creative relationships are complex'.

When faced with tension, the wider relationships formed between creative workers can become factions and cliques, what Star called a 'whisper network', which puts further pressure on the tight-knit group involved. Incidents frequently do not question the culture or community, but remain individual 'he-said, she-said' disputes and so information is limited. However, the need to be what one participant Tracy termed 'an upstander, not a bystander' can be quite acute, as Star also spoke of, detailing her experience defending some people and challenging others:

'There's always this responsibility 'you have to hold your friends accountable, if the people don't hold their community accountable then this will go on', I have been in that situation, and it sucks, and I don't think any good came out of it and I don't know what else to do'.

When these breaches are revealed to be orchestrated by more than just abuser and victim but are influenced by the broader social and then industrial cultures, workplaces and witnesses are feeling a new sense of responsibility that they always had but have only recently needed to be active in the process of. Some participants noted how out of control the situation might be when these breaches extend to donors and investors, with whom Minerva noted 'we all pimp out our artists to donors to fawn over and sometimes that's not done in a very good way or respectful way and I think can put people in situations'. Malia also had concerns over how the industry could handle this problem with donors, being that 'they're not even an employee!'

Another often unrecognised site of risk for performers which is rarely prepared for is when consent is breached between performers and audience. Star spoke of the power dynamic being abused in favour of the performer:

'Sometimes I see performers who assume 'the audience is your prop'...and the audience volunteer gets into the situation where you don't want to be a killjoy and ruin the show by not going along but you're made very uncomfortable'.

Vanessa, on the other hand, spoke of the inverse where audience members abuse their power:

'putting the artist on some kind of pedestal and having opinions and desires and acting however they wish against your consent because your choice to put yourself in the public eye has a whole list of unspoken permissions for the audience...'you are an attention seeking whore'...'you wore a suggestive outfit and therefore you must be a slut and I'm going to sexually abuse you'.

One participant, Adam, a man who left the creative industries and is now working in the sex industry, believes this can come from ‘arrogance, a sense of expectancy, entitlement... ‘why not? I’m paying you’.

Changing the industries

Being that many of these situations go unresolved, with creative workers moving frequently between contracts and workplaces, it was encouraging to hear participants speak of potential solutions. Although participants expressed some uncertainty regarding how to approach and execute the necessary changes to workplace culture, all felt that there were worthwhile initiatives to be explored around procedure, reporting and resourcing. Malia believed that creative workers by their very abilities should be the ones most able to find means of adapting, ‘the way that we create safety will make our creativity flourish; it won’t harm our creativity, it won’t harm the stories we tell’.

Participants believed that the most progress had taken place recently with how policies were being emphasised and communicated, however Vanessa insightfully pointed out that, ironically similarly to how consent needs to be an exchange, the delivery of policies should not be delivered as a monodirectional edict. In acknowledging people learn differently, they said it was important to:

‘provide that information in a way so it can speak to everyone on a few different levels...it has to be a two-way chat so both parties are clear and not done with eyerolls...take pride in it!’.

Stating that practical solutions needed to be tried and tested, many participants agreed the onus needed to stay on creative workplaces, as pointed out by Echo:

‘employers have to drive that because at the end of the day they are responsible for what happens in the workplace, but they can only be successful if all the employees and the workers work with them to achieve that’.

Speaking to this point, many participants, Sammy perhaps most passionately, raised the importance of tackling issues in the moment and context they occur, and establishing working environments where workers are provided resources, be they staff, hotlines or digital solutions, that allow them to report breaches:

‘as immediately as you possibly and reasonably can so that the thing is documented, and so that it’s ‘in the world’. It’s also really psychologically healthy to speak about these things to someone that you trust, and the union is the other person failing all of those circumstances, but that’s a kind of procedural thing’.

Malia added to this, covering calls by participants for more robust reporting opportunities, 'the biggest thing that changed with OHS was report your near misses'. Importantly, and also similar to OHS initiatives, Susannah believed policies of reporting needed to be backed up by reconciled procedures, which she acknowledged was a long-term solution:

'I want to see our industry use terms like, 'industry standard', 'best practice', 'risk assessment', 'from an occupational health and safety standpoint', I want to hear those words in our workplace because for years they were dirty words'.

Opinion was divided among participants about policies of zero-tolerance, noting that these have been a blunt instrument resulting in instant sacking of any and all offenders without investigation or mediation, to which Malia responded:

'that's not what zero-tolerance means!...questions that you could ask yourself about your workplace... 'If I report, will I be believed?'... 'If someone made a complaint against me, do I feel like I'd be heard?'.

Key to improving trust and communication, as well as diminishing risk could also come from what Minerva describes as 'having a porousness... ins and outs of lots of different kinds of humans to be witnessing and in your organisation or your project to dilute unhelpful cultures'. To this end, what many participants suggested was the provision of resources in the form of people providing functions of counsel and expertise, referred to specifically by participants like Hannah as 'Safety Officers' and more openly by Vanessa as 'just a team of enthusiastic, passionate people that are being paid...who are happy to implement these ideas, to do it loudly and proudly and be examples'. At company levels as well, the importance of diversity as a performance target and marker of a great organisation was referred to by participants including Courtney who asserted, 'the more that you can look around see yourself represented in a room or in a company, the safer you feel'.

Through these initiatives in creative workplaces, changes to the creative industry culture are possible, although as Vanessa pointed out, 'people don't like change'. Participants' responses made clear that breaches of professional consent was also a gendered issue, with men frequently referred to as abuser, and women and gender-diverse people as victim. However, there were some participants who wished to avoid this frequent binary demarcation in creative industry contexts. Mily was concerned that gendering the issue and solutions to it might do more harm than good and noted when she was discussing initiatives:

'these are things that cost money, and then potentially people who don't have the money to do that are just not going to then hire women to work on their gigs...how do we, especially as women or - I don't want to exclude trans women from this conversation – but how do we not

bow in to that, not wanting special treatment but just wanting to be able to get on and do our jobs safely?'.

Courtney expressed her fear of losing allies if a battle of the sexes was reignited in creative workplaces:

'There's a pendulum swing the other way, where particularly straight white guys at the moment are feeling marginalised...a lot of allies are feeling vulnerable and shamed, and that all of their good behaviour is being dismissed...they're being bundled in with the bad guys and they're feeling alienated'.

Several participants recommended creative workers attune to their own wellbeing and resilience in line with these points. Charlie suggested this could be achieved by having networks outside of creative contexts who can support individuals objectively, 'I think it's really important to make connections outside of the industry. I'm realising that's the most healthy thing that I could possibly do!'.

On a more macro-level, Jen implied that the industry needed to unite through this transformation and utilise public interest for an opportunity to advocate for more support, both culturally and financially through governance structures including governments and funding bodies that might ease the tensions creating problematic power imbalances:

'the arts has been politically devalued to such a great extent in our society now...the stripping of funding in arts budgets, the marginalisation of fresh creative voices etc...unlike in sport, where somebody can cross boundaries, they go do a press conference, they're sorry and then they just go back to doing what they were doing before. If you do that in the arts, your company will fall apart, you will lose your career...so it becomes about the industry not about the individuals or about the culture that's in place in the broader society'.

As with all industry changes, some initiatives will succeed, and others will fail, which Monty noted would require unity and patience among creative workers as well as stakeholders:

'everyone's going to have some past mistakes and that's just part of the evolution of the industry is accepting those mistakes and moving forward. That kind of thing takes a generosity of spirit'.

Discussion

The experiences, passions and vulnerabilities encountered in the thirty interviews conducted for this research project unearthed complex and potent issues. While these interviews were taking place, two significant lawsuits were in progress between high-profile Australian performers and the respective media outlets who had reported allegations against them. In the first case, these allegations were made publicly, and plaintiff Craig McLachlan is suing ('Craig McLachlan launches defamation action against ABC, Fairfax over sexual harassment allegations' 2018) one of his accusers, Christie Whelan-Browne, along with the Australian Broadcasting Commission and Fairfax Media whose publication *Sydney Morning Herald* published the story (Knowles and Branley 2018). In the other case, allegations were made informally in confidence which was broken and shared without consent with *The Daily Telegraph* who published the story (Moran 2017a; 2017b), prompting Geoffrey Rush to sue for defamation (Federal Court of Australia 2018). In both cases, defences on truth have been submitted by the media outlets, which makes it difficult to remain focused on the fact that these are defamation cases when victims are brought to the stand to validate media outlets, not to defend themselves (Maley 2018).

These cases will represent a watershed moment for the industry, setting a precedent for creative workers making public their experiences of breaches of professional consent. Not only are the stakes high financially, with present and future earnings being compromised by involvement in these suits, but a successful outcome for the plaintiffs may serve to further silence victims. Actor Eryn Jean Norvill, upon whose testimony the case for *The Daily Telegraph* is based, made statements during that testimony that sexual harassment and other predatory behaviour, as well as those with a predilection to perpetrate it, are 'rife' in her industry (Benns and Hughes Jones 2018). Norvill also held firm against other company members who allegedly witnessed the behaviour, stating they:

enabled that behaviour, as did everyone in the room...there was a culture of bullying and harassment in that room and in my industry, and it is accepted and normalised. And that word 'complicit'...I believe people know about it but didn't know what to say. They didn't know what to do; they were frightened. And there was a level of hierarchy that kept that fear and silence in place. (Neill 2018)

Participants also spoke of this complicity and the industry culture that propagates it. During this research project, it did not seem that circumstances were at breaking-point so much as broken-point, where ideological battles are burning out many practitioners who feel change is imperative. #MeToo was mentioned near-unanimously in interviews, and it is a concern

that the kinds of response faced by second-wave feminists who raised this issue will repeat themselves. As participant Susannah expressed:

'This idea of this complain-y, whinge-y, high maintenance 'actress' ...[meaning women] need to prove constantly that they aren't that stereotype, that they are easy to work with, that they're one of the boys, that they can keep up, that they're not afraid, that they're fearless, that they're up for anything...it is exhausting to have to push this'.

The impacts of creative work on mental health have been the focus of some recent studies (van den Eynde, Fisher and Sonn 2014; Maxwell, Seton and Szabo 2015; van den Eynde, Fisher and Sonn 2016; Media, Entertainment and Arts Alliance 2017), where sleep disruption, suicidal thoughts and diagnoses of anxiety and/or depression are prevalent. In these studies, sexual harassment is mentioned as a contributing factor, although one wonders about the impact of breaches of the broader interpretation of consent as described by participants, whereby one's senses of power, autonomy and safety are potentially at constant risk. This research project was not suitable for validating issues quantitatively, especially when this had already been achieved by other research as referenced in the literature review. The Media, Entertainment and Arts Alliance (2017) surveyed 1,124 people, while Entertainment Assist (van den Eynde, Fisher and Sonn 2016) surveyed 2,904. It is worthwhile noting that at the 2011 census, approximately 25,000 Australians were recorded to be primarily employed as creative artists or performing arts operators (Australian Bureau of Statistics 2013). The thirty participants in this research project showed that consent and sexual harassment are incredibly subjective concepts in their diverse interpretations. This was not unexpected, as McDonald observed:

rates of SH [sexual harassment] by respondents' own definitions were less than half the number of reports of potentially harassing incidents believed by researchers to constitute SH. Qualitative studies further support the assertion that individuals frequently minimize behaviours that may constitute SH. (2012, p.3)

This research did not assert a definition of consent, nor specify the application of such a concept to workplace sexual harassment or violence, although these were mentioned in recruitment material. This research supported Cote's (2017) 'undefined approach', believing that orbiting the interview around sexual harassment would potentially alienate bystanders, scare off survivors, and obstruct conversations around the complexity of issues. The interview questions allowed people the scope to discuss sexual harassment as one expression of breaches of professional consent, and opening recruitment to people who identified as bystanders who described themselves as not having experienced anything directly proved to be important, as they frequently raised incidents they had been involved with. In this way, bystanders become a valuable group to connect with as they are arguably

the majority in the creative industries, and key figures in intervention (McDonald, Charlesworth and Graham 2016), but can be collateral victims themselves, so their perspectives were especially poignant, untempered by severe trauma. Ultimately, all participants and this thesis were in agreement that, as put succinctly by Mendoza (2007, p.1996), 'sexual harassment in any employment context is still sexual harassment. Creative workplaces are no exception'.

Revisiting the Hypotheses

Several assumptions and ambitions were implicit in each of the hypotheses that shaped this research project:

- That factors contributing to breaches of professional consent in the creative industries are unique to those industries;
- That proactive approaches are required by organisations and industries bodies to keep creative workers and workplaces safe; and
- That breaches of professional consent in the creative industries are common enough to be considered a structural component of them.

Such assumptions about how dire the straits might be for the creative industries were challenged by the key findings and testimony of participants to reveal deeper intricacy and perspective.

Key Findings

Breaches of consent are normalised in the career progression of creative workers

The most significant finding was that breaches of consent are not random or incidental but rather are normalised throughout creative workers' career paths. When looking at breaches of professional consent across a creative worker's progression in their career, an almost systemic, incremental building of an environment emerges where creative workers acknowledge breaches are common and accept them as part of the creative process. The progress became a framework for analysis used to plot out the findings from entering the industry to entering a workplace to when a breach occurs then how people respond and recover. Participants like Vanessa spoke of breaches of professional consent taking place:

'all the time, constantly, as we are yet to find the vocabulary to understand it and discuss it. We are stumbling around trying to define where the edges of our beings are, where the crossovers are and how comfortable we are with those crossovers'.

However, this commonality should be contextualised by points made by participants like Minerva that breaches are 'quite common in all of life, because we don't have all the information all the time when we're consenting to things, but even our consent sometimes is not – consent is assumed'.

The environment for consent breaches is fostered as soon as individuals enter the industries, formally through tertiary education or specialist training, informally by entering a working environment without training but based on talent or connections, or by transitioning in occupationally by transferring skills from outside the creative industries. Individuals are introduced to a power dynamic of doing whatever is asked for fear of being replaced should you decline, as Jen recollected:

'You did whatever was required of you, and not only that but you went further than you otherwise would have in order to show that you were a good artist...there was no option ever to opt-out of anything. The underlying assumption was 'you're here to push your boundaries, and stretch yourself and if you don't, that means you're not a good artist, not only that but you'll be punished by your grades being low'.

This formative phase breaks down individuals' sense of autonomy by asking them to submit to a sacred process of creativity that is high-risk and group-thinking. A great deal of risk exists in the premise of what participants often referred to as 'a sense of play'; an indeterminate ideological item – perhaps even a sacred totemic relic – that existed to create brilliant creative outputs but could of course be unruly in its applications, as noted by Catherine:

'This attitude towards making art which I think is wrong and very old-fashioned, which is you 'do anything' to make art. You make all kinds of ridiculous sacrifices and that's part of the job, including physical sacrifices...as well as financial...there's this attitude about it being a sacred process that can't be interrupted or maybe there's genius at work that no-one should question...there's all kinds of traditions...quite folksy and superstitious'.

Disruption of 'the way things are', potentially in changes to training programs and inductions, could have a positive impact on consent and safety practices in creative workplaces.

The characteristics of the creative industry job market reinforces the power dynamic

As workers engage with the job market, which they are often doing simultaneously to training or working during attendance and networking at industry events, they see that the impact of job scarcity is the need to forge intimate professional relationships, which might be subconsciously flirtatious or openly sexually incentivised, to instil a positive recognition value and reputation for being enjoyable to work with. Therese spoke of navigating this:

'Our industry is so subjective, it's so much about how you get along with people, and who likes you, and it's all tied up in 'you', in the 'youness', not in necessarily just your technical capabilities...inherently there's bias at play...the lines between the social and the professional are constantly being challenged'.

Hennekam and Bennett (2017) and Eikhof and Warhurst (2013) particularly influenced this research project in the identification of characteristics of the creative industries reinforcing social inequalities and optimising a high-risk situation for breaches of sexual harassment, specifically 'competition for work; industry culture; gendered power relations; and the importance of informal networks' (Hennekam and Bennett 2017, p.418). Participants, including Sammy, spoke regularly of the added risk of these intimate informal relationships being forged in environments where alcohol is consumed:

'these situations seem to rear their heads in those circumstances where one person is deporting themselves like they're at the bar with mates on a Saturday and the other person is not'.

A trope of the creative industry job market is the 'casting couch' where these environments of desperation to work, combined with informal professional relationships fuelled by alcohol can create a *quid pro quo* situation such as was described by Minerva:

'where a position of influence, power, employment is bestowed upon an individual by someone with more power than them in exchange for either sexual activity or to play along with some sort of game of intimacy'.

One factor mentioned by participants that was seemingly absent from the aforementioned studies but is somewhat discussed by Kleppe and Royseng (2016) and resonates with the concept of 'sex role spillover' (Gutek and Cohen 1987) is that of portrayal of breaches as occupational duty. As part of a creative worker's duties, they are required to interpret and sometimes even replicate breaches of professional consent behaviours as part of their work. Actors will engage in sex scenes, marketers will empathise with abusive figures to develop anti-violence campaigns, editors will read innumerable stories about survivors and perpetrators and bystanders and upstanders alike. Steve articulated this point in his comparing of how common breaches might be in other industries and describing the idiosyncratic risks in creative work:

'I do think there is something really specific about training in a career where you might be playing a rapist. There is a difference in a job where you've got to learn how to do social media marketing, or you've got to learn how to accurately convey a paedophile...and you've got to make everyone believe...that's going to possibly take you closer to the flame'.

It's important that creative workers are equipped with resilience strategies in order to manage a competitive job market where people can be placed in compromising positions in order to get work.

Creative working environments require constant navigation of risk

The power dynamic introduced at industry entry and reinforced in the job market where someone might have had their consent breached already, makes creative workplaces high-risk. Participants like Annie observed:

'you do feel like you're in this little bubble world where you're lucky to be in it, you just operate the way everyone around you operates even if you think it's right or wrong...people are just churning out the same stuff, with the same routine and the same procedure from admin to production to the way that they behave...we do just get in, and you just fit the mould...the word is 'that's just the way it is, that's how this works and we play the game''.

Several participants, Echo most notably, reflected on the challenges creative workplaces may be facing, such as a transient workforce, a need for specific training, and a lack of gender diversity. The literature on vicarious liability (McDonald 2012) and bystander stress (Schneider 1996) suggests why pressures would be mounting on all sides. This research found that creative workplaces are hoping to mitigate their risks by reasserting company policies and procedures and drawing further attention to contractual obligations around sexual harassment, though this may not be sufficient in accounting for a broader interpretation of breaches of professional consent. A very intriguing perspective was offered by Jude:

'in the creative industry consent isn't necessarily a sexual matter, it's a dignity matter...the sexual aspect of consent has become an epicentre because it's a tangible behaviour that we are allowed to call illegal, whereas there are a lot of breaches of...consent in the forms of undermining a person's dignity, their self-worth, their value'.

On top of these efforts not necessarily being of sufficient scope to support all potential breaches, participants like Joe Michael described a reticence on the part of workplaces and some individuals in terms of what initiatives have been installed:

'I don't necessarily think it's always done very well, sometimes it can feel – to be honest - very tokenistic, it can often be done in a way...people roll their eyes at a little bit. When it started happening it felt a little reactionary to the #MeToo movement'.

A comparison was drawn by participants like Malia between the current shift in industry culture, to that which took place when Occupational Health and Safety guidelines were being enforced upon creative workplaces:

'I sometimes feel like we're at the cusp of where we were thirty years ago with OHS. We went 'oh we're rock and roll, we're the arts...that's what we do, don't give me your 'you need a permit to work at heights'...and then we went 'actually people are dying and being injured really badly, that's not good enough...we've been working so long in this grey area of 'but we're creative, and this is how we explore things'...and we're just at the cusp of going 'yeah but people are being sexually assaulted!''.

Workplaces need to explore a changed view of consent from indiscreet he-said-she-said disputes (Easteal and Judd 2008) to a longitudinal view of how personal boundaries and safety are negotiated in a creative career.

Creative workers feel compromised to act when breaches occur

Participants regularly described obstacles to their feeling empowered to respond to breaches of professional consent when they occurred. The intensity of what Caves (2000) called 'motley crews', combined with the high-risk workplaces and lack of job security, can effectively silence creative workers. Catherine spoke of such 'project ecologies' (Eikhof and Warhurst 2013) environment in terms of:

'really intense, highly-stressful periods of time...which creates a certain emotion around it which can be a really good feeling, really bonded feeling, but is often where trespasses happen where people think they understand the people they're working with really well but potentially they just don't, haven't known them for very long, but because they're trapped in this high-pressure, highly emotionally-charged situation can maybe feel like that'.

It is worthwhile keeping in mind that the context for workplace relationships are constantly being impacted by socialising outside the walls of an organisation, with all of the same risk-factors found in the job market. What this can result in, according to participants like Mily, is a deep concern about calling out misconduct or disclosing a breach of professional consent:

'We're still a long way from believing victims...there's still that prevailing attitude of 'it's not worth that person losing their entire job over someone just accusing them of something, we don't even know if it's true'. That's often the rhetoric you hear...like 'they used to date and then they broke up so she's just angry' there's all these rumours that start and it's such a grey area, I don't think that we've figured out how to tackle it well'.

Participants also spoke about being labelled a 'troublemaker' in the event they call out or question risks or breaches, and genuine concern of being effectively blacklisted which certainly follows the literature describing the obstacles to reporting:

fear of job loss, fear of retribution or retaliation, reluctance to be viewed as a victim, low expectations of procedural justice or the belief that the harasser will not receive any penalty,

lack of knowledge of rights, and lack of accessibility of external supports such as unions or counselling professionals. (McDonald, Charlesworth and Cerise 2011, p.280)

Although breaches of professional consent were described as common by participants, this research project does not have the volume of responses to determine if they are a 'structural component' of the performing arts sector at large as one hypothesis stated. Contemporary cultural change will hopefully improve the responses to breaches from so-called zero-tolerance policies that terminate contracts without inquiry or mediation. Some participants acknowledged their own offences and potential transgressions, though there does not appear to be such clear channels for communication when someone wishes to flag their own behaviour as when declaring another's. Participants also mentioned the need to build consent practices outside the project group to best deal with risk or breaches in interacting with the public, investors and the media. Training and proper handling of breaches when they occur is paramount to an improvement in the creative industries where consent is concerned.

The whole creative workforce needs to be on board with solutions

Participants spoke of more work needing to be done than the policy emphases they had seen implemented, calling for a culture change that placed more respect on everyone's right to consent and safety practices. Many participants noted the importance of trust in organisations' handling of complaints, which would require not only an improved approach to acute breaches of professional consent but also symbolic changes to more diverse leadership and dynamic approach to change that is not only top-down. Minerva made a rallying call for businesses large and small to become:

'one of those organisations that does actually have [a] Culturally and Linguistically Diverse leader...a queer artist leader...First Nations...reflect the reality of the universe...there's a decolonisation of our minds and practices and cultural awarenesses [sic] and cultural intelligences that we have to develop...we have to take a very open approach to the complexity of the identities we're now all creating - or not even creating, but being able to say we are!'

As Courtney more succinctly put it, 'the more that you can look around, see yourself represented in a room or in a company, the safer you feel'. Creative organisations and industry bodies effectively need to engage in consent practices on a macro level, so workers feel informed and free to explore in negotiation with boundaries of policy and industry community. This has been proven in other industries to be of benefit to productivity (Popovich and Warren 2010) and protect from legal or reputational damage per vicarious liability (McDonald 2012). A changed approach to deeming breaches of professional consent

as 'creative necessity' (Mendoza 1997, p.1985) will also be an important point of progress, as participants like Steve stated:

'The jump that needs to be made in the community...there is such a pushback from people that don't want you to fuck with the creative process...those of us who believe in it have to convince people that that will make better work, and I don't think that's been done yet'.

Participants' suggestions for solutions ranged from training programs, to specialised support staff, to cracking open the closed nature of project groups. In any case a significant cultural shift was mentioned by many as needed to both initiate and respect initiatives being attempted. An adaptation of Hunt et al. (2010) intervention model (fig.5) may be of use to creative workplaces in change management, which offers a stream of pragmatic preventative and response strategies. These include latent practices such as policy implementation, which organisations are working harder to make workers conscious of. Further to this are primary activities of training and evaluation prior to a breach, secondary activities including mediation and informal mechanisms of reporting at the time of a breach, and tertiary follow-ups involving counselling, monitoring and legal recourse post-breach. Creative industries may be challenged by this model if project groups are only small or businesses under-resourced or when individuals often are not employed by one organisation for long enough to be guided through such a holistic process. This places some merit in the initiative of an independent or overarching body, perhaps attached to a union or statutory authority, to provide support and counsel beyond individual organisations or contracts. There is confidence that the positive change required is a tide that cannot be turned back.

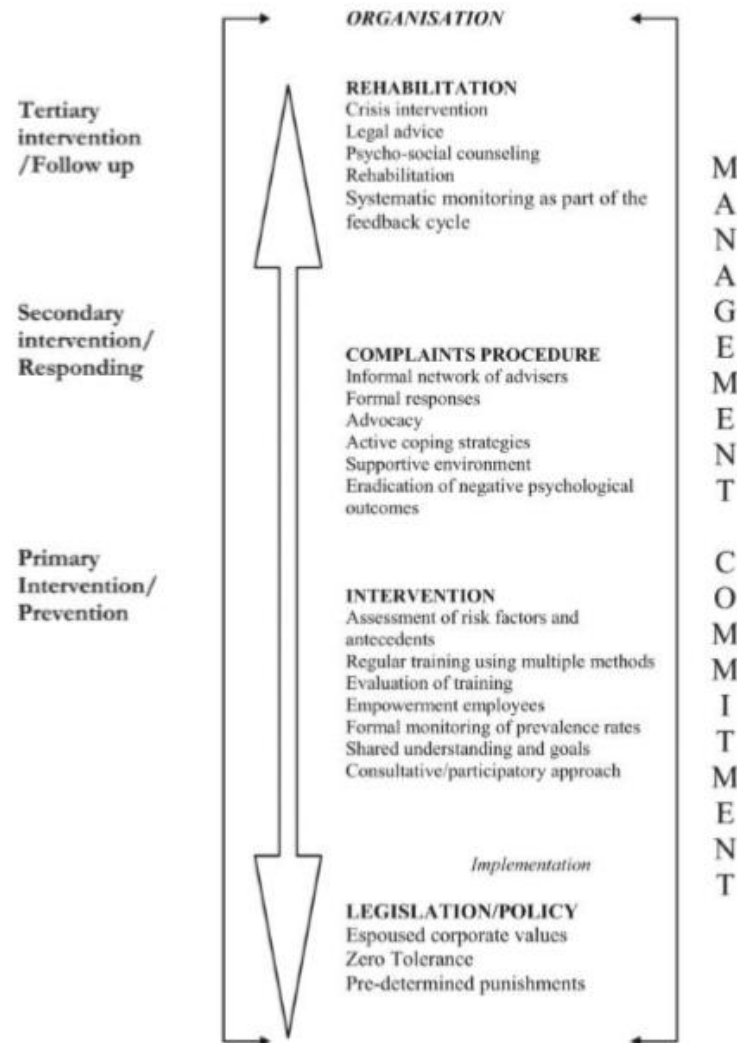


Figure 4. Sexual harassment: intervention model (Hunt et al. 2010)

Unexpected Findings

Entering into this research project, the expectation was that much of the industry would be in some form of turmoil and reactive investment to transform workplace cultures, as is the perception postured by media and the #MeToo movement. However, participants presented much more optimistically and were cognisant of how challenging consent issues would be in other industries. Some personal reflections of participants challenged stereotypical perceptions of how people respond to breaches of professional consent. For example:

'You're almost weirdly excited about it, that someone noticed you...there was almost a status thing that if someone wanted to 'joke around with you' that you felt like you'd kind of 'made it', which is fucked up...I'm not even sure that I thought the behaviour was inappropriate, I was morbidly a bit chuffed'.

Another participant suggested sexual harassment is being exploited to account for other forms of professional misconduct that don't have the same punitive outcomes but may remove toxic individuals from negative workplace cultures:

'having no regard for your artistic integrity or process or professionalism...being a space-eater, a noise-maker, an obnoxious, disrespectful, arrogant, egotistical person in general, these things you can't complain about but if that same person touches me...[it] wasn't the most distressing or upsetting thing that that person did to me but it is the thing I can bring them down for'.

Perhaps the most surprising finding of the entire study was that although breaches of professional consent may be an ever-present risk due to the industry culture (Oughton 2013), and a frequent occurrence, society ought to be mindful of this industry being made a pariah or patsy or poster child for these issues. The creative industries are but a microcosm of a broader issue of gender inequality and patriarchal violence, that sees people of all genders exert or broker their power through sexual interactions (McDonald and Charlesworth 2015; Kleppe and Royseng 2016). Cuthbertson reported the Victorian Minister for Creative Industries, Martin Foley, had issued a letter to companies receiving funding in his portfolio, notifying them of:

new standards related to harassment and bullying which would apply to all companies that receive funding from its arts arm, Creative Victoria. Companies that did not meet those standards risked losing their funding. (2018b, para.30)

Although this directive does not appear to have been implemented in policy, nor is there much public information about it, several participants were aware of it. It is a fraught solution when part of the problem as described relates to the financial insecurity of creative work. Though the risk of losing what little financial support arts outfits have available would be a suitable deterrent for misbehaviour, this threat ignores the complexity of the problem and exacerbates community disharmony. One participant openly suggested that the performing arts sector is being made an example of, asserting that no such prohibitions were so publicly and explicitly placed on sporting figures or religious groups, for example:

'the arts has been politically devalued to such a great extent ...the stripping of funding in arts budgets, the marginalisation of fresh creative voices etc...unlike in sport, where somebody can cross boundaries, they go do a press conference, they're sorry and then they just go back to doing what they were doing before. If you do that in the arts, your company will fall apart, you will lose your career'.

Occupational health and safety was not an initial consideration of this research project, but was raised in several interviews, as were some other unexpected niche issues. These

included breaches of consent between performer and audience member and the privilege of gay men in the industries. These all offer opportunities for future inquiry.

Limitation/Future Directions

This research project was limited by a small sample size that did not attend to more diverse representation from around Australia. Although diversity was achieved in many areas regarding the sample, future research in this area would benefit from inclusion of perspectives of First Nations people, transgender and intersex people, and people with experiences of living with disability. Although recruitment efforts welcomed these voices, these communities were not represented in the findings, which may be due in part to the reported lack of diversity in creative industries, by participants and in the literature (Eikhof and Warhurst 2013; Hesmondhalgh and Baker 2015).

Future research will be valuable to track the longitudinal progress of initiatives attempting to resolve issues, including the impact of organisations like Safe Theatres Australia and Arts Wellbeing Collective, and of the implementation of roles such as Intimacy Director and Safety Officer at varying levels of industry. Comprehensive literature reviews in the wake of #MeToo could also be of benefit to policymakers, and a case might be made for Australia to implement a cultural policy.

This research found that breaches of consent are normalised in the creative industries, per a power dynamic introduced at entry. This dynamic manifests in the job market as establishing intimate relationships in environments that blur personal and professional boundaries due to the scarcity of work. There are many risks to navigate in creative workplaces that effectively silence creative workers when breaches of professional consent do occur. Therefore, in implementing initiatives to resolve issues and create a change of industry culture, a holistic approach needs to be taken.

Conclusion

This research project has explored what consent means in the context of the creative industries through the perspectives of thirty individuals, most of whom either are or were creative workers. Data collected via semi-structured in-depth interviews and a demographic survey was analysed using a grounded theory approach. A literature review was undertaken, combining discourses of power theory, consent, sexual harassment and the creative industries to validate claims made by recent research into the mental wellbeing of creative workers as impacted by sexual harassment, abuse or violence. The findings of this research detailed individual perspectives of participants which showed engagement with risks and breaches of professional consent happens across the progression of a creative career. As time passes on from the reckoning of #MeToo, further research into the issues and the initiatives attempting to resolve them will be valuable to the transformation of the creative industries. Creative workers like those who participated in this research should be encouraged to remain vigilant in ensuring their voices are heard and their right to consent is respected. Creative workplaces and industry bodies remain accountable for driving the change in industry culture, both in policy and practice, to harmonise a thriving creative industries community.

Word Count: 18,000

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Legislation

Sex Discrimination Act 1984

Appendix A: Interview Questions

1. What does the term 'consent' mean to you?
2. Do you believe experiences of breaches of professional consent are common in your industry?
3. What factors do you feel are involved in breaches of professional consent?
4. How familiar are/were you with policies, procedures, or protections you had in your workplace/industry regarding breaches of professional consent?
5. When you entered the workforce, did you anticipate, expect, or fear the likelihood of breaches of professional consent in any way?
6. Have you experienced, either directly or indirectly, a 'breach of professional consent' by your own definition?
7. What forms of support/actions have you sought regarding your experiences?
8. Do you feel your experiences and/or your actions impacted your working life or career progression, and in what ways?
9. Do you believe you would have had similar/same experiences in any other industry?
10. What changes do you think still need to occur?