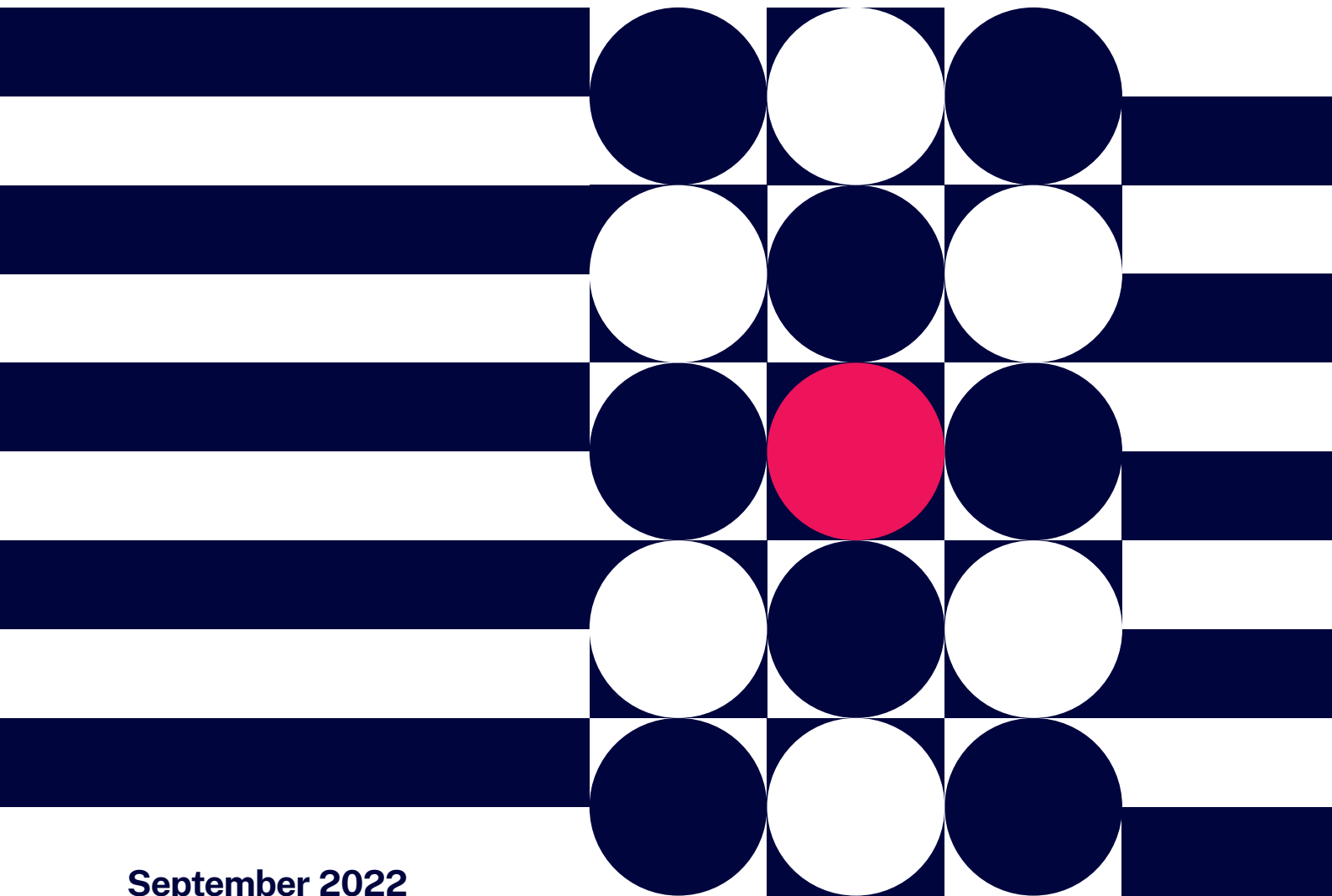




Dignity at work 2: **Discrimination** in the music sector

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Executive summary

The ISM is the UK's largest non-union representative body for professional musicians. Founded in 1882, the ISM champions the importance of music and protects the rights of those working in the music sector. The ISM has over 11,000 members who work across all genres and disciplines of the profession. They are supported through a range of services, resources, professional development and legal advice. The ISM is a wholly independent, non-profit-making organisation.

This report joins the ISM's previous publications, *Dignity at work* and *Dignity in study* from 2018, in investigating the prevalence of discrimination in the music sector. Both reports found evidence of extensive discrimination throughout the sector and in higher education, and presented sets of recommendations to help address the situation. Four years on, we have sought to determine whether there has been any cultural change or if those working in the sector are still subjected to discrimination at work.

The survey 'Discrimination in the music sector' ran from 18 May to 27 June 2022 and collected 660 responses. Participants were a self-selecting group who work or have worked within the UK music sector. Respondents to this survey were asked if they had ever experienced any form of discrimination when working in the music sector (this term covers direct and indirect discrimination, harassment and victimisation). They were also asked if they reported the incident(s) officially, if they considered themselves to be employed or self-employed at the time, and they were offered the opportunity to provide more information about their experiences on an anonymous basis.

Key findings

This report was designed, in part, to answer the question: has there been any cultural change in the music sector since 2018? The survey data suggests a change that is not positive: **66%** of survey respondents reported that they have experienced discrimination at work, **70%** of which occurred in the past five years. This is up from **47%** of respondents who reported having experienced discrimination in our 2018 *Dignity at work* report. **78%** of discrimination was committed against women and **16%** against men.

Our research suggests that discrimination is often used as a mechanism to exhibit power and control over others who are often younger, female and trying to establish their career in music. According to survey respondents, **72%** of incidents were committed by people with seniority or influence over their career. This is followed by **45%** of all recorded discrimination being committed by colleagues/co-workers and **27%** by a third party (such as an audience member, client or customer).

THE MOST COMMON REASONS FOR NOT REPORTING WERE 'IT'S JUST THE CULTURE' IN THE MUSIC SECTOR, FOLLOWED BY 'NO ONE TO REPORT TO' AND 'FEAR OF LOSING WORK'

76% of respondents who identified as having a disability experienced discrimination and **80%** of these incidents were committed by people with seniority or influence over their careers.

80% of respondents who identified both as female and as having a disability experienced discrimination and **82%** of these incidents were committed by people with seniority or influence over their careers.

90% of respondents identifying as non-White and as having a disability have experienced discrimination.

76% of respondents identifying as White and as having a disability have experienced discrimination.

92% of Black, Black British, Caribbean or African respondents experienced discrimination; this ethnicity group had the highest rate (**55%**) of incidents committed by a colleague/co-worker who is their peer. **94%** of mixed or multiple ethnic groups experienced discrimination; **82%** of incidents were committed by a person with seniority or influence over their career. This is compared to **61%** of White British respondents who have experienced discrimination.

72% OF INCIDENTS WERE COMMITTED BY PEOPLE WITH SENIORITY OR INFLUENCE OF THEIR CAREER

80% OF RESPONDENTS WHO IDENTIFIED BOTH AS FEMALE AND AS HAVING A DISABILITY EXPERIENCED DISCRIMINATION

76% OF RESPONDENTS IDENTIFYING AS WHITE AND AS HAVING A DISABILITY HAVE EXPERIENCED DISCRIMINATION

94% OF BLACK, BLACK BRITISH, CARIBBEAN OR AFRICAN RESPONDENTS EXPERIENCED DISCRIMINATION

This data suggests that, while levels of discrimination are high across all respondent groups, Black, Asian, mixed or multiple ethnic groups, people identifying as having a disability and women are at highest risk of experiencing discrimination. It also suggests the impact of intersectionality, which can be described as the impact of experiencing multiple systems of oppression. This means that the more protected characteristics a person has, the higher the rates of discrimination experienced.²

In this research, respondents' comments were analysed to determine the type of discrimination experienced. This showed that **58%** of the discrimination described in the survey would be classed as sexual harassment.

The levels of discrimination across all work categories in the music sector surveyed were at least **62%**, with live music event workers and studio workers reporting the highest levels overall, both at **76%**.

Often there are no repercussions for those subjecting others to discriminatory or inappropriate behaviour. This is reflected in the data: **77%** of respondents said they did not report the incident(s) officially, a figure which has remained the same from our 2018 report. This figure rose to **88%** of self-employed people who did not report officially. The most common reasons for not reporting were 'it's just the culture' in the music sector (**55%**), followed by 'no one to report to' (**48%**) and 'fear of losing work' (**45%**).

75% of all respondents said there were no clear procedures for reporting incidents of discrimination. This figure rose to **94%** of self-employed respondents who said there were no clear procedures for reporting.

Survey data also suggests that incidents go unreported because the behaviour is not recognised as being unlawful at the time because it is so common and therefore an accepted part of the culture working in music.

90% OF RESPONDENTS IDENTIFYING AS NON-WHITE AND AS HAVING A DISABILITY HAVE EXPERIENCED DISCRIMINATION

Employment status and the Equality Act 2010

The high rates of non-reporting illuminate the precarious employment position in which many find themselves in the music sector. Where musicians can encounter difficulties is that the flexible nature by which work is both offered and accepted means it is often difficult to identify an underlying 'contract personally to do work' in order to qualify for protection as an employee or worker under the Equality Act 2010. The Act protects against discrimination (direct or indirect, harassment and victimisation) with reference to nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Survey respondents were asked what their employment status was at the time of the incident(s) so that the ISM could get an understanding as to whether they would be protected from discrimination under the Equality Act 2010. Over half (52%) reported they were self-employed at the time of the incident(s) of discrimination and 15% were both employed and self-employed or volunteers.

As the survey respondents represent a self-selecting group, more context on the levels of self-employment helps to show the high levels of self-employment in the music sector. A ten-year analysis from Office of National Statistics data on primary occupation and employment status shows that 83% of musicians are self-employed, compared with 16% self-employed in other sectors.³ This data suggests that **most people working in the sector are left materially unprotected by the current legislation.**

Yet there is still a stark lack of a legislative framework that protects the vulnerable majority. Further, guidance on discrimination in the workplace often only uses the language of employers and employees, failing to recognise the reality of many working environments. An example of this is the common practice of last-minute substitution, known as 'depping', which puts musicians at risk of being victim to breaches of the Equality Act 2010 with no means to enforce their rights. In these scenarios, there is often no employer and no human resources (HR) department to which to make a complaint about discrimination in their workplace.

The ISM has repeatedly called on government to extend protections to vulnerable freelancers and is disappointed that, despite these issues being recognised by ministers as problematic, the government has not taken action.

The ISM believes that the unacceptable behaviours prevalent in the music sector are permitted by a culture of acceptance coupled with a culture of fear, power imbalances and inadequate legislative framework, particularly for the self-employed. Meaningful steps towards equality can, however, be made if the cultural and legislative issues that are damaging lives and destroying ambitions are addressed with urgency and efficiency.

'Discrimination is endemic in the whole music profession.'

'Hard to prove anything, would get a bad reputation.'

'Reporting that I have been actively discriminated on the basis of gender and ethnic background would not only create a sense of victimisation but would most definitely damage my professional career.'

Recommendations

The ISM's recommendations cover both the government and the sector:

Government

- 1 Amend the Equality Act 2010 to ensure that all those working in the music sector are protected, including freelancers and those who suffer discrimination while depping.
- 2 Reintroduce rights around third-party harassment to protect those who experience discrimination from audience members, clients or customers at work.
- 3 Reintroduce the use of discrimination questionnaires to make it easier to challenge potentially discriminatory behaviour at work.
- 4 Extend the time limit for bringing discrimination cases from three months to six months.
- 5 Implement the recommendations of the Women and Equalities Committee's report into Sexual Harassment in the Workplace (these include: a mandatory duty on employers to protect workers from harassment and victimisation in the workplace,⁴ a statutory code of practice on sexual harassment and harassment at work, and better data collection on the prevalence of sexual harassment at work).
- 6 Properly fund the Equality and Human Rights Commission (EHRC) and support its work.

Music sector

- 7 Membership organisations to promote a members' code of practice and include provisions within their governance structures to tackle discriminatory behaviours including removal of offending members.
- 8 Established organisations such as orchestras, studios, venues and labels to lead the sector by example through adopting guidance on sexual harassment and other types of discrimination from other sectors, such as the guidance from UK Hospitality and the EHRC, and supplying all workers (freelance or employed) with a code of conduct that clearly defines all types of discriminatory behaviour that is unacceptable in a professional workplace.
- 9 Funding bodies to require that all supported organisations commit to regular and specific training on discrimination and harassment alongside providing written procedures on how complaints will be upheld, and to protect individuals engaged on funded projects on a freelance basis by providing a mechanism to raise complaints of discrimination, harassment and inappropriate behaviour to the funding body anonymously.
- 10 All organisations to understand their obligations under the Equality Act 2010 through undertaking training on the subjects of sexual harassment, inappropriate behaviour and discrimination.

'The processes of freelance employment in the music sector cause great difficulties for those reporting discrimination and harassment, as they will very likely suffer... ostracization as a result.'

'Even when inappropriate and unfair behaviour was reported, the emphasis appeared to be on "no fuss please" and "who knows about this?"'

Research background

The ISM has worked for many years to tackle discrimination, including harassment and bullying in the music sector. The ISM engages a team of six legal advisors led by the Chief Executive Officer, Deborah Annetts, who formerly practised as an employment solicitor. In 2020-2021, the legal team dealt with over 1,600 cases raised in relation to members' work, of which 26% were related to employment. This figure includes cases related to workers' rights under the Equality Act 2010 such as maternity rights, discrimination and harassment. The ISM is the only membership organisation to offer this level of comprehensive legal support and representation for musicians.

The ISM's research and policy work are led, in part, by the issues that drive members to contact our legal team for advice. In the wake of the #MeToo movement in 2017, the ISM legal team began receiving an influx of calls from women who wanted to share their own experiences from the work environment. This resulted in a tripling of ISM members' sexual harassment and discrimination cases. The ISM then launched its Dignity at work campaign, which involved researching the extent of discrimination occurring in the music sector and publishing a report in 2018.

2018 Dignity at work

The ISM launched its Dignity at work campaign in 2017, beginning with a comprehensive survey which was promoted across the whole of the music sector. The survey and subsequent report in 2018⁵ revealed that within the music industry there were high levels of discriminatory practices and behaviours, including sexual harassment. Nearly half (47%) of the 600 respondents stated that they had experienced some form of discrimination with reference to all nine protected characteristics under the Equality Act 2010

(age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

The most common type of discrimination recorded was sexual harassment (60%), occurring most frequently to people identifying as female (82%) and self-employed (72%). The largely unregulated, majority freelance nature of the music workforce creates an unstable, transitory and precarious environment where victims of discrimination have no clear legal protections and fear losing work and damaging their reputation if they report their experiences. This is reflected in the 77% of respondents who did not feel able to report their experiences.

In the wake of the *Dignity at work* report, in which 86% of respondents called for a code of conduct for the music sector, the ISM developed a Code of Practice⁶ with the Musicians' Union. It is a set of principles that aims to eradicate bullying, harassment, discrimination and other forms of inappropriate behaviour within the sector. To date, it has been endorsed by over 120 music organisations.

2018 Dignity in study

Following the *Dignity at work* publication, the ISM then researched the prevalence of discrimination in higher education institutions with another survey and report, *Dignity in study*⁷ (in collaboration with Equity, the trade union known for representing the acting profession, and the Musicians' Union). The survey was taken by students at universities and specialist music, drama and dance institutions. In this report, 57% experienced discrimination or inappropriate behaviour, and 57% of these did not report the incident(s), with the main reasons cited as fear of damaging their reputation, fear of not being believed and that the behaviour seemed to be culturally acceptable in the institution where it happened. The already high prevalence of discrimination during training suggests that this conduct is seen as acceptable in the culture very early on. Those surveyed as part of *Dignity in study* may well now be working in the music profession.

2018 Dignity at work



86%

**OF RESPONDENTS IN
2018 CALLED FOR A CODE
OF CONDUCT FOR THE
MUSIC SECTOR. THE ISM
THEN DEVELOPED A CODE
OF PRACTICE WITH THE
MUSICIANS' UNION**

Sexual harassment

The purpose of this survey was to collect responses with reference to all types of discrimination as defined under the Equality Act 2010. However, direct references to sexual harassment were far more prevalent than all other types of discrimination, and as such this necessitated a separate section.

'I WAS TOLD AS A FEMALE MUSICIAN I WOULD ONLY ADVANCE MY CAREER IF I WAS PREPARED TO GIVE SEXUAL FAVOURS.'

Sexual harassment is defined as unwanted behaviour of a sexual nature that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.⁸ The government's 2020 Sexual Harassment Survey revealed that certain demographic groups were significantly more likely to have experienced at least one form of sexual harassment at work: women, ethnic minorities (excluding White minorities), LGBT individuals and those with disabilities.⁹ Sexual harassment in the workplace largely reflects power imbalances based on gender and is part of a spectrum of disrespect and inequality that disproportionately women face in the workplace and everyday life.¹⁰

Key findings

In an analysis of 136 comments provided by respondents, **58%** of comments directly relayed details of sexual harassment.

58%

OF COMMENTS DIRECTLY RELAYED DETAILS OF SEXUAL HARASSMENT

'Being offered career breaks that turned out to require quid pro quo: he was expecting me to sleep with him.'

'Multiple incidents of sexual abuse and harassment in the opera industry.'

'Sexist behaviour has been a constant throughout my career. Comments on my body ranging from lewd and directly sexual to being groped during a rehearsal and during free time on tour. My pregnant body commented on in a sexual way at work. My achievements being reduced by suggesting it is because of how I look whilst I'm trying to work.'

'I was sexually assaulted during a show run and felt unable to tell anyone as we still had 3 months of working together. It was one of the most difficult times for me.'

'Being asked to wear high heels and low cut, thigh split dresses that were too small for me and which I said made me feel uncomfortable – and made to feel that if I didn't, I wouldn't be able to work for the band anymore. In fact, I wasn't given any more work after refusing to wear the dress and asking to wear something similar despite being told that I was the best player they'd hired.'

Women experienced the highest levels of discrimination in the survey (78%), including sexual harassment. In the survey, they shared sexist comments that were received from professors and music teachers about the potential damage to their career prospects if they chose to have a family and they received further unsolicited, sexist advice to choose ‘family-friendly’ jobs such as teaching rather than performing. Women noticed when they were overlooked for work after they announced a pregnancy and remained forgotten about after maternity leave. They returned to work only to be demoted or have teaching hours cut, with their role or hours having been given to male colleagues. They also noticed when they were being paid less for the same job than a male colleague. None of these incidents were reported; it was seen as just part of the culture.

The survey recorded numerous examples of women being pressured by those in positions of power (including conductors, promoters and fixers) into offering sexual favours to advance their careers or being encouraged to dress more provocatively to get booked for work. Respondents feared not being booked again if they refused to comply or complained about the behaviour.

There were also incidents of sexual harassment that went beyond being covered by the Equality Act 2010 and were criminal acts, such as sexual assault and stalking. Even so, these were not reported. **It is important to note that being discriminated against or being treated badly or unfairly because you have complained about sexual harassment is unlawful under the Equality Act 2010.** This is called victimisation. Notwithstanding protection under the Equality Act 2010, women are still not reporting their experiences, even when the allegations are classed as criminal acts.

78%
WOMEN EXPERIENCED THE HIGHEST LEVELS OF DISCRIMINATION IN THE SURVEY

‘Discrimination based on gender and age is something I experience every day as a female musician. There is no support for stamping out these attitudes within the industry.’



‘In my work as a studio assistant, I’ve been talked down to, assumptions have been made that I’m not technically capable and I’ve been called pet names that my male colleagues are not. This continues despite myself, my colleagues and my managers all calling out this behaviour. Calling out is often badly received.’

‘In my DJ career I’ve had bad experiences with promoters, venue staff and security, including not being believed that I am the booked DJ, not being paid and verbal abuse. I’ve also experienced verbal and sexual harassment from audience members.’

‘I had section leaders refuse to shake my hand because I was a woman.’

‘Being told I should get a job as a music teacher rather than a performer as “school terms fit in with childcare”. The presumption being that I would have children and not want a career in performance. I’ve gone on to do both!’

‘Being female, I’ve experienced all sorts of push back from being told to just look pretty and not worry about learning how to engineer/mix/write to being straight up told women can’t produce, to men being angry I won’t date them.’

‘I’ve experienced sexist behaviour and bullying intermittently throughout my career. I’ve been in the industry for 29 years.’

‘Inappropriate comments about my breasts.’

The 2022 ISM survey was designed for people working in the UK music sector and the figures are in line compared with data from the creative industries in other countries. In the USA, 54% of self-employed women in the creative industries have experienced sexual harassment, and over 83% of these women did not report the harassment.¹¹ Recent survey data from Turkey showed that 60% of women had experienced harassment.¹² In New Zealand, two out of three respondents reported having either experienced sexual harassment or witnessed it in a screen industry workplace, and only 12% reported the incident.¹³ This data is in agreement that workers in the creative industries suffer higher rates of abuse than in other sectors.

Women who responded with comments in the survey detailed some of the locations where discrimination (or worse) had occurred: on stage, in rehearsals, on tour buses, teaching in schools, at networking events, during performances and through unwanted social media messages. They were working in orchestras, teaching in schools or universities, conducting meetings in offices and producing music in studios.

‘Which instance?! In a studio, on stage, backstage... everywhere.’

‘Orchestra conductor said he wanted to kiss me and when I refused he did not rebook me.’

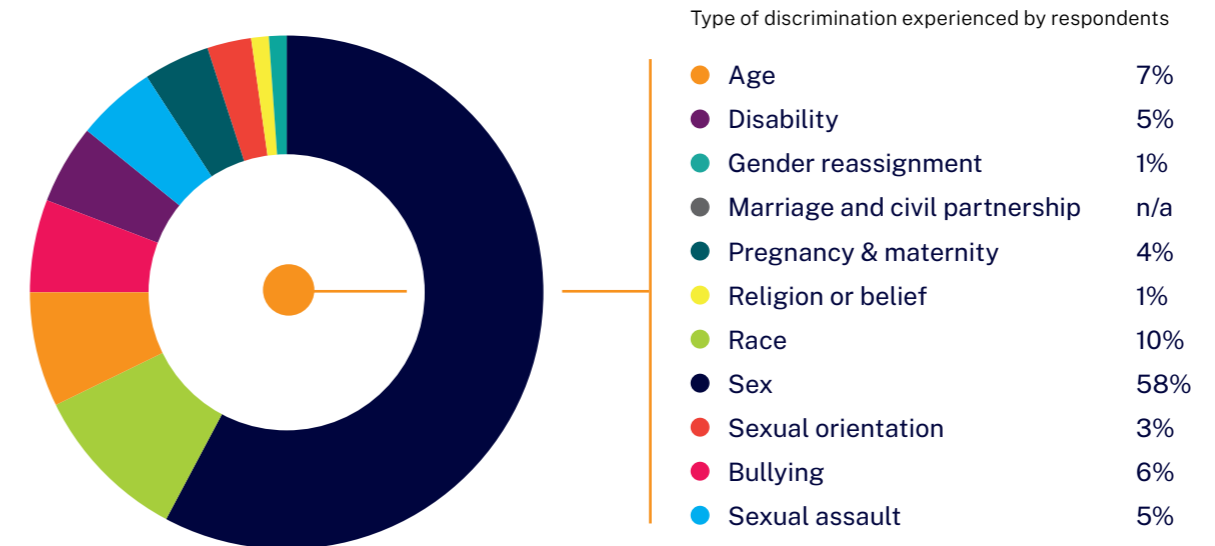
Other types of discrimination

Survey responses included details of direct and indirect discrimination, victimisation and harassment in relation to eight out of the nine protected characteristics under the Equality Act 2010 (the only characteristic not mentioned specifically was marriage/civil partnership). There were also descriptions of bullying and a number of allegations of sexual assault, which goes beyond the Equality Act 2010 and would be a criminal matter.

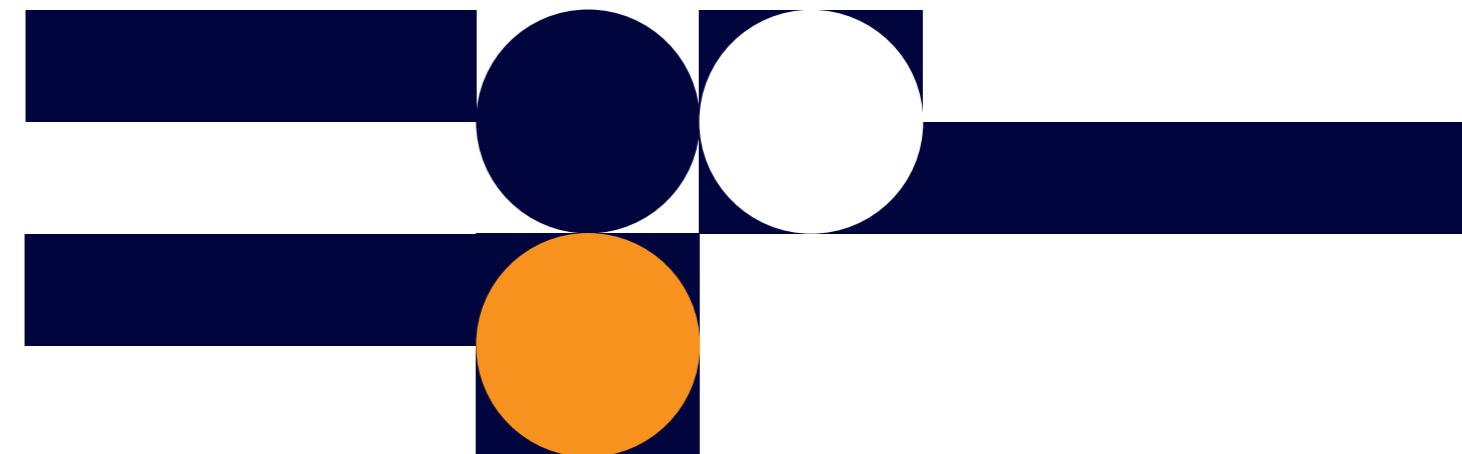
‘ADEQUATE ADJUSTMENTS TO KEEP ME IN WORK NOT BEING MADE OR TAKEN SERIOUSLY. I HAVE A HEALTH CONDITION WHICH MAKES IT DIFFICULT TO DO MY JOB.’

Key findings

158 (36%) of survey respondents who experienced discrimination included comments that allowed for further detailed analysis. Of this group, the instances of discrimination can be broken down as follows:



The survey responses included details of direct and indirect discrimination, victimisation and harassment in relation to eight out of the nine protected characteristics under the Equality Act 2010 (the only characteristic not mentioned specifically was marriage/civil partnership). There were also descriptions of bullying and allegations of criminal behaviour.



When asked to describe the work setting where the incident(s) of discrimination had taken place, respondents provided every conceivable place of work across the music sector, such as:

- on stage
- backstage
- on tour
- socialising after work
- performance venue
- recording studios
- teaching in a university
- church setting
- office meetings
- social media messages
- musical theatre pit
- networking events
- opera rehearsals and performances
- orchestral rehearsals and concerts
- during a pub gig
- NHS Trust where I worked as a music therapist

Analysis of locations provided in comments showed that the majority were performance venues. However, there is no area of the sector that appears to be 'safer' for workforce experiencing discrimination. No area of work reported levels of discrimination below 62%, with studio and live music events both showing the highest occurrence of 76%.

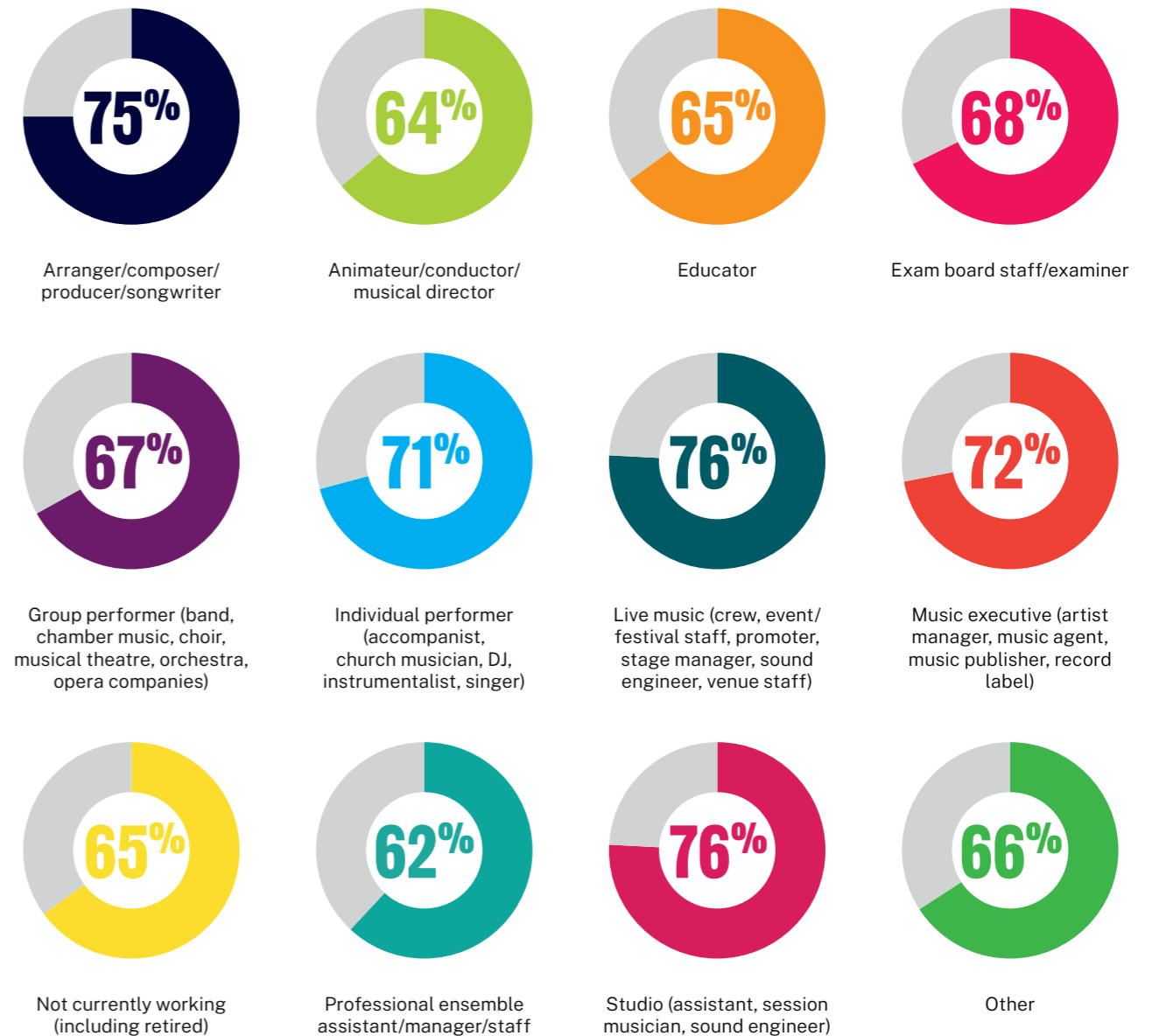
'Choral conductor making lewd remarks at female singers, bullying and intimidating people on stage in performance settings.'

'Discriminated against on the basis of sexual orientation by line manager and senior management.'

'Ageism. Some of the independent main London orchestras force players to retire at state pension age without any workplace pension provision. Admin are employed by the orchestras and often work well beyond the age the players are forced to go and do have company pension available. The legal position is dubious, but the moral case is clear.'

'Coming back to my school after mat leave, I was only offered the small practice room where I taught, where I had to plug in the pump behind the piano and eat my lunch at the same time. The room had a window, so there was very little privacy and no fridge to store my milk.'

The following is a breakdown of discrimination experienced by category of work capacity (respondents could select as many work capacities as applied to them):



'Becoming pregnant was a joyful and stressful thing at the same time. I felt like I couldn't share the news with my colleagues as it would (and does) mean I would receive fewer offers of work for the rest of my career.'

'Derogatory comments regarding nationality.'

Employment status and reporting

At the time of the incident(s) of discrimination, **52%** of respondents were self-employed, **33%** were employed and **15%** were either both employed and self-employed or volunteers.

77% overall did not report the incident(s) officially. Of self-employed people who experienced discrimination, **88%** did not report the incident(s), while **59%** of employed people did not report.

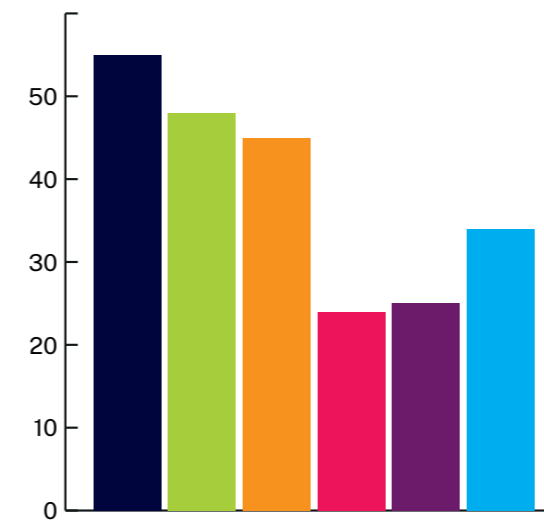
Of the **66%** of respondents overall who experienced discrimination, **78%** were female, **16%** were male, **1%** nonbinary, **4%** prefer not to say and **1%** other.

71% were heterosexual/straight, **19%** lesbian, gay or bisexual.

18% identified as having a disability.

Reasons for not reporting

(respondents could select as many reasons as applied to them):



● It's 'just the culture here'	55%
● No one to report to	48%
● Fear of losing work	45%
● Fear of victimisation	24%
● Fear of not being believed	25%
● Other	34%

Respondents also shared personal reasons why they did not feel able to report the discriminatory behaviour they suffered from. Their lived experiences demonstrate the extent of the culture of fear around reporting due to the precarious, often freelance nature of work in the music sector.

'Didn't feel it was worth it.'

'Impossible to prove.'

'Didn't think it would make a difference.'

'Didn't realise how deeply wrong it was at the time.'

'HR take no notice. I saw the same happen to colleagues, they reported it and suffered more humiliation and loss of work.'

'If I complain I'll be labelled as "that woman who..." Already hard enough to even be considered in the same field as male counterparts.'

'No one to report to who is fully independent.'

'It didn't seem a big enough deal.'

'Don't want to appear difficult to work with.'

'You couldn't possibly do that as the industry is so small - your life is over if you were to say anything publicly.'

'Hard to prove anything, would get a bad reputation.'

'Not sure who's the right person to report to when freelancing.'

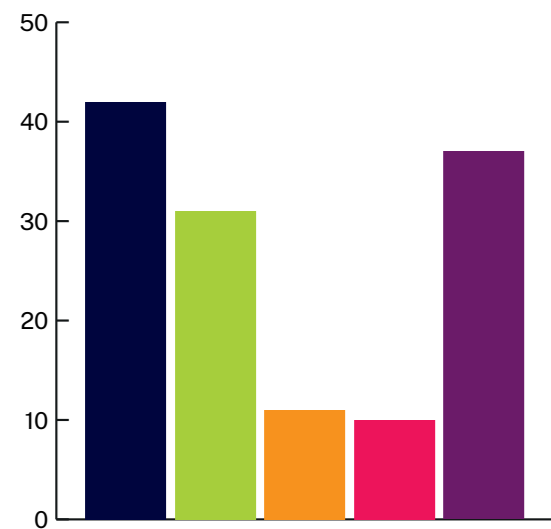
'Not reporting as I was told "it's your fault you're a very attractive young lady." Disgusting.'

'Didn't think it was worth reporting. In a sad way, I kind of got used to being discriminated due to being a female performer so grew quite a thick skin... even if it did still irk me at times deep down.'

'You need to have a lot of strength, this at a time when you are most likely feeling extremely vulnerable with very diminished levels of self-confidence. Without support there are huge obstacles to making a case. Even reaching out for support takes courage and the possibility of further rejection, disappointment and "failure".'

Outcomes from reporting officially

Of the **23%** who reported the incident(s) officially (respondents could select as many as applied to them):



- No action was taken 42%
- There was an investigation with no action 31%
- There was an investigation with action 11%
- Offered a settlement 10%
- Other 37%

Why are levels of reporting so low?

75% of all respondents said there were no clear procedures for reporting incidents of discrimination. This figure rose to **94%** of self-employed respondents who said there were no clear procedures for reporting. People with traditional employment status are usually afforded clearer legal protections and processes, but freelancers often fall outside of these protections. This is reflected through the **25%** of respondents who said there were clear procedures for making a complaint; of these, **52%** were employed and only **18%** were self-employed.

75%
OF ALL RESPONDENTS SAID THERE WERE NO CLEAR PROCEDURES FOR REPORTING INCIDENTS OF DISCRIMINATION

'It made my relationship with all senior management extremely difficult.'

'There were multiple victims, so a meeting was held to discuss all the issues. Promises were made in how things would be dealt with but there was little/no follow up to any of the victims.'

It is hardly surprising that **88%** of self-employed people did not report the discrimination they suffered, even when this was sexual harassment. The music workforce is largely unregulated, with freelancers being subjected to all forms of discrimination which, by the very nature of the unstable work they do, leads to them making the decision not to report their experiences for fear of losing work. Even if they decided to make a complaint, they do not have access to the usual processes found in most workplaces such as an HR function, so there is often no one to inform.

The following is a breakdown of different respondent groups who experienced discrimination and did not report it officially:

Respondent	% did not report
Disabled	69%
Lesbian, gay or bisexual	70%
Heterosexual/straight	78%
Female	78%
Male	72%
Nonbinary ¹⁴	0%
Asian/Asian British	63%
Black, Black British, Caribbean or African	73%
Mixed or multiple ethnic groups	76%
Other ethnic groups	100%
White British	76%
White Other	76%
Prefer not to say	82%

Levels of non-reporting by age:

Age	% did not report
16-22	78%
23-34	79%
35-49	76%
50-65	78%
66 and older	58%

'I am not aware whether or not the person was spoken to in any way.'

'The member of staff "resigned" over another incident.'

'[I] signed off sick, handed in notice and left job immediately.'

'The process is still ongoing.'

'I've had no reply.'

'They received a verbal warning but there was no follow-up.'

Support for change and education

94% of respondents are supportive of all music-sector organisations endorsing and promoting the ISM/MU Code of Practice.

96% support the ISM seeking legislative changes as described in this report.

OF A COMPREHENSIVE ANALYSIS OF 26 MEMBERSHIP ORGANISATIONS ACROSS THE UK MUSIC INDUSTRY, ONLY 31% HAD A PUBLICLY AVAILABLE MEMBERS' CODE OF PRACTICE

The lack of legal protections are most keenly felt by freelancers: **97%** who identify as self-employed support these changes.

37% of respondents think that organisations within the music sector do not understand their obligations under the Equality Act 2010; **17%** think they do understand; **46%** are not sure. This shows an opportunity to provide education to those working in the sector as well as for different organisations.

Membership organisations

Membership organisations can play an important role in shifting the culture away from accepting discriminatory behaviour as part of working in the music sector. They can do this by including provisions within their governance documents to address discriminatory behaviours and through the sanctions they can take against members.

The ISM members' Code of Conduct applies to all ISM members. This means that, upon joining the ISM, members accept responsibility for ensuring that they do not engage in any behaviour which could be contrary to the Equality Act 2010 and related legislation. Members also must have regard to the positions they occupy to ensure that they never take advantage, inadvertently or otherwise, of any authority or power which accrues to their position.

The ISM Members' Handbook states that if any member fails to comply with the provisions set out in the Code of Conduct, the ISM will invoke the Disciplinary Procedure which involves an investigation and hearing before the Disciplinary Committee. The outcome of such a hearing could result in the suspension or termination of membership privileges. The member has the right of appeal. ISM members who believe they have experienced discrimination should raise the matter with the ISM in-house legal team who can provide legal advice. The ISM Members' Fund runs a counselling helpline, which may also be helpful.

Of a comprehensive analysis of 26 membership organisations across the UK music industry, only **31%** had a publicly available members' code of practice. This suggests that there is scope for music membership organisations to be more proactive in providing and promoting codes of

practice to educate their membership on their obligations and rights. Codes can also be expanded to include discriminatory behaviour under the Equality Act 2010.

'I feel more safe and protected knowing it is an important issue for the ISM.'

'The awful treatment of people in this industry compared to others needs to stop.'

'Self-employed people are very vulnerable to losing work and not having an equal say to those in employment.'

'It would be helpful to have a page explaining the difference between good boundaries and abuse.'



Funding bodies

Funding bodies which provide financial support to companies and individuals for music-related projects can also play an important role in changing attitudes and behaviours. Some funding bodies already insist on comprehensive Equality, Diversity and Inclusion plans, demographic statistics and annual reporting from significantly funded organisations. It would therefore be a logical and useful step for funding bodies to require that all organisations who receive funding commit to regular and specific training on discrimination and harassment alongside providing project participants (whether employed or self-employed) written procedures on how complaints will be handled and ensure that the mechanisms for reporting are appropriate. Such policies can be aligned with the principles outlined in the ISM/MU Code of Practice.

As self-employed individuals often fall outside of legal protections from discrimination at work, and our survey data shows that levels of non-reporting are very high due to the fear of losing future work, there must be protections put in place for this group of people wherever possible. The vulnerability of this group, usually engaged on a freelance basis on time-limited funded projects, is exacerbated when there is no clear employer or process for making a complaint. The ISM urges all funding bodies to adopt a code of conduct (similar to the ISM's own Code of Conduct) which sets out clearly their requirements around behaviours including discrimination, harassment and bullying, and the process to be followed if an individual believes that the code has been breached.

'There definitely needs to be more time to bring complaints, also greater consequences for victimisation (which happened to me).'

'Grossly needed. Where were you at the ISM 20+ years ago??'

'We need more protection to get on with our work.'

'I worry that the culture of those in senior positions being respected the most won't change.'

'They've got away with bad management for too long. They think their behaviour is acceptable and the norm.'

'They need to commit to it and train. But it also needs to be enforced/ organisations need to be held accountable. Otherwise, it becomes another thing they sign up for to look good but don't actually take action in.'

'It is well set up in my school, but there is a strong system of "them against us" – full-time and salaried staff, seemingly opposed to part-time visiting teachers.'

'Particularly important that our sector provides this safety net to freelance workers, who are significantly more exposed than employed workers, and have fewer structures to support them.'



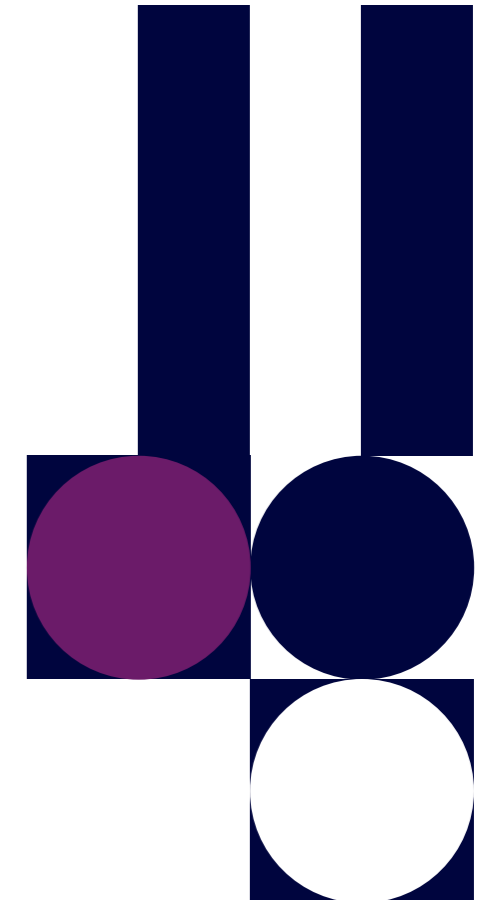
The hospitality sector

The hospitality sector has some similarities to music, with workers often on casual contracts in customer-facing roles where inappropriate treatment of workers, particularly sexual harassment, is seen as 'just part of the job.'¹⁵ In order to address this, the EHRC worked together with UKHospitality to produce a practical resource to tackle sexual harassment culture in hospitality. While the guidance was produced for the hospitality industry, it states that it can be applied to any workplace.

To demonstrate how it could be adapted, we selected several points from UKHospitality's guidance and changed the wording slightly so that it could be used to apply to a professional orchestra that engages both employed and freelance musicians. The terms 'employee' and 'workplace' were simply replaced with 'musicians' and 'orchestra':

- Remind musicians about the orchestra's sexual harassment policies and ensure they know what constitutes sexual harassment.
- Make sure that all musicians know what they should do and who they should go to if they are sexually harassed.
- Make sure that the staff responsible for dealing with any reports or incidents of sexual harassment know what to do if someone comes to them with an incident.
- Provide the opportunity for musicians, employed or freelance, to report anonymously, in case they don't feel confident to come forward.
- Remind musicians that social activities and drinks are still associated with their workplace. If sexual harassment happens, even after a rehearsal or concert, they might still be legally responsible for any harassment.

Music organisations that engage both employees and freelancers can learn to implement best practice on preventing discrimination by learning from workplace guidance such as this.



Lack of repercussions

Perpetrators of discrimination in the music sector can continue their behaviours because there are no meaningful repercussions. In contrast, in traditional employment settings there is tight regulation of the behaviour of employees with clear processes and sanctions including dismissal, which would have the potential to impact future job prospects of the perpetrator, rather than the victim.



AS LONG AS THERE ARE NO MEANINGFUL REPERCUSSIONS FOR PERPETRATORS OF DISCRIMINATION AND VICTIMS REMAIN UNPROTECTED BY LEGISLATION, THIS CYCLE WILL CONTINUE

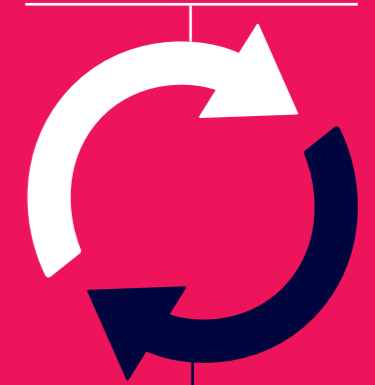
The music sector is out of step with how modern workplaces operate. It is doing itself a disservice, not just to the individuals being badly treated, but also by undermining its reputation as a professional workforce. **It is time for the music sector to move into what traditional workplaces are doing.** A great deal of work has been done in recent years, including the Women and Equalities Select Committee *Sexual Harassment in the Workplace Report* in 2018,¹⁶ the government's *Sexual Harassment Survey* in 2020,¹⁷ and practical resources from the Fawcett Society such as the *Sexual Harassment Toolkit for Employers*.¹⁸

All areas of work under the music sector can take note of the work being done in traditional workplaces and lead the sector by example through adapting workplace policies and procedures. These are designed to prevent discrimination in the first place through educating the workforce on what behaviours are acceptable for a professional workplace and what constitutes unlawful discrimination.

While the scale and nature of the music sector is unregulated and diverse, established organisations such as orchestras, studios, venues and labels can lead the sector by example through supplying all workers with a code of conduct that defines all types of discriminatory behaviour that is unacceptable in a professional workplace.

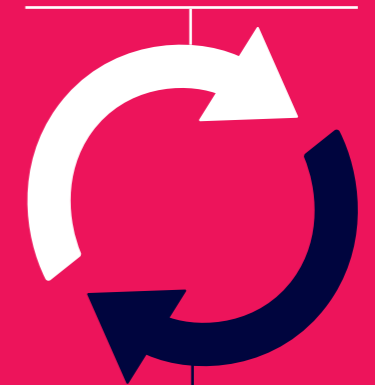
Finally, cultural change cannot be achieved without providing clear and effective procedures for victims of discrimination to bring forward complaints and protection from victimisation. This change is urgently needed for the safety of those currently working in the sector, but also for people in their formative years of training and education. Discrimination and inappropriate behaviours that are observed or experienced during training perpetuate a culture of acceptance in the profession, where complaints are not made out of fear, while the limited legal protections for the majority of the workforce exacerbate the problem. As long as there are no meaningful repercussions for perpetrators of discrimination and victims remain unprotected by legislation, this cycle will continue.

Discriminatory behaviour is observed during training and is seen as acceptable



Discriminatory behaviour is experienced during training and is seen as acceptable

People do not report discrimination because they fear losing work and there are no or limited legal protections



Perpetrators of discrimination get away with their behaviour

Consequences of discrimination

The music industry is like any other modern industry sector across the UK: a microcosm of society, with its inherent prejudices and behaviours. While discrimination and harassment affect people of all genders, this report, alongside much other research, shows it disproportionately affects women, and particularly Black and disabled women. Sexual harassment is a particularly egregious symptom along a continuum of behaviour that can also include other discriminatory career-blocking behaviours such as a lack of promotion, demotion, not being signed or booked for work, a change of responsibilities or allocation of boring tasks and other manoeuvres which can ultimately force women out of a company, their specialisation or even the entire music sector, impacting their career trajectory.

53%

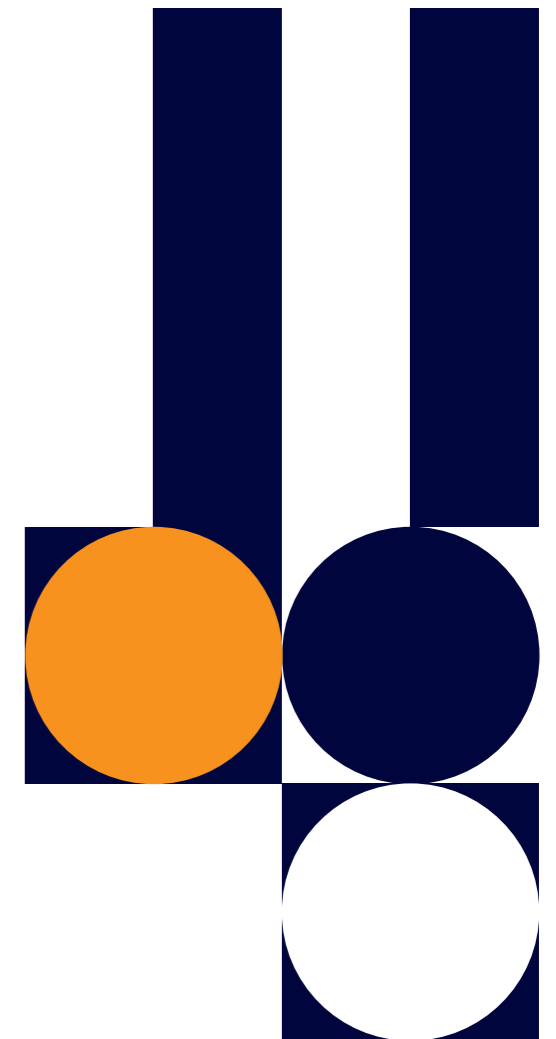
OF THOSE EMPLOYED IN THE 'BOTTOM' QUARTER (IN TERMS OF PAY) ARE WOMEN

There is often a profound emotional impact that being harassed can have on an individual, which is frequently suffered in secret and only revealed in studies like this. Perhaps the most visible consequence of discrimination in women's careers is the 'glass ceiling', the phenomenon where gender inequality is more pronounced in senior leadership or high-status roles, thus there are fewer women who make it to the top.¹⁹ This is visible because we have statistics for women's career progression in music.

In the music-industry workforce, this results in a pyramid where women occupy the majority of entry-level roles but relatively fewer of the highest-paid roles. The government mandatory reporting on the gender pay-gap reveals this hierarchy of the music industry. Reports²⁰ from the 12 employers of over 250 staff that can be categorised within music (including the collecting societies, the 'major' labels, online music distributors and the live sector) of their employment in April 2020 show that 53% of those employed in the 'bottom' quarter (in terms of pay) are women and only 34% of those in the top quarter. With musicians in the industry, the hierarchy is revealed in different ways with 80% of signed artists and 87% of headliners at large music festivals being men.^{21,22}

At board level, inequality is equally stark. Despite a laudable push towards greater diversity in its recent board elections, the non-executive directors (NED) of the board of PRS for Music reveals eleven men and three women.²³ This figure of 21% reflects recent progress and a woman was appointed CEO of PRS for Music in 2019, a first for the organisation since its formation in 1914. It should be noted that none of the women on the board are songwriters or composers (they are publishers or external NEDs); the financial earnings requirement for writer members means there are vanishingly few who are eligible and the overall membership figure of its writers is still 82% men.²⁴ The other music collecting society, PPL, representing record labels and performers, has also recently improved with eleven men (with two additional male 'observers') and six women on their board, up from a sole female representative a couple of years ago. It has never had a female CEO or Chair since it was formed in 1934.

The glass ceiling revealed here shows how problematic it is for women pursuing careers in the music industry. Much research conducted over the past four decades shows that women in male-dominated industries, such as music, experience more discrimination and harassment than those in more feminised industries.²⁵ Analysis of the hierarchies of these music organisations show that men still remain very much in power. It is therefore essential that music-sector employers are transparent and proactive in implementing objective, non-discriminatory recruitment and promotion practices so that roles, especially those in senior leadership, are open to all who apply.



Recovery from discrimination

In addition to addressing cultural and legislative changes, the importance of recovering from the psychological and/or physical trauma of experiencing discrimination cannot be underestimated. Numerous comments in the survey referred to respondents ‘freezing’ or ‘not realising it was wrong at the time’ in relation to sexual harassment. This is the body’s natural reaction to perceived danger, designed to aid survival of stressful or life-threatening situations.²⁶

THE AFTEREFFECTS OF EXPERIENCING DISCRIMINATION CAN HAVE HUGE NEGATIVE IMPLICATIONS, BOTH PERSONALLY AND PROFESSIONALLY

Sexual harassment can be associated with stress-related mental and physical health conditions, including post-traumatic stress disorder (PTSD).²⁷ It creates unequal, intimidating, hostile, abusive and offensive environments that erode victims’ confidence and sense of safety, and interfere with people’s performance and aspirations.²⁸ For musicians who live with PTSD, the heightened awareness that comes with normal performance nerves can trigger a trauma response, which can stop them from being able to play to the best of their ability.²⁹

The aftereffects of experiencing discrimination can have hugely negative implications, both personally and professionally. It is therefore important that available support networks are signposted as widely as possible through membership bodies and music organisations, in addition to educating the workforce about what constitutes unlawful discriminatory behaviour.

According to the Fawcett Society, tackling sexual harassment in the workplace should be understood not only as a moral imperative, but as necessary for the functioning of a strong, high-performing organisation. Employers cannot assume that the impact of sexual harassment is confined to the incident itself; instead, in most cases the incident only starts off a long and painful chain reaction for people who are discriminated against.³⁰ As with the EHRC and UK Hospitality guidance example, this wording can be simply adapted to form an impactful statement about the importance of tackling sexual harassment in the music sector. Discrimination has legal and financial costs to organisations and may also negatively impact industry reputations.

All ISM members have access to a comprehensive counselling service, provided by the ISM’s sister charity, ISM Members Fund. The service is completely confidential and includes:

- A personal support and advice helpline available 24 hours a day, 7 days a week staffed by professionally qualified counsellors.
- Up to six structured sessions of counselling or Cognitive Behavioural Therapy (CBT) which can be delivered face-to-face, by telephone or online.
- Online health and wellbeing portal which provides access to wellbeing resources including four-week programmes, videos and webinars.
- My Healthy Advantage mobile app with access to Bright TV, mood trackers, mini-health checks and live chat facility.

There is also help and support available from other organisations such as:

[ACAS](#)

[Galop \(LGBT+\)](#)

[Help Musicians Bullying and Harassment Helpline](#)

[Right To Be \(support from harassment\)](#)

[Mind UK](#)

[National Bullying Helpline](#)

[Rape Crisis](#)

[Samaritans or call 116 123](#)

[Survivors UK \(men overcoming sexual violence\)](#)

[Victim Support \(for all victims of crime and traumatic incidents\)](#)

Legislation: what needs to change?

Self-employment legislation

The reasons shared by respondents for not reporting discrimination suggests that there are significant cultural barriers to enforcing their rights under the Equality Act 2010. The ISM also believes that the main obstacle to enforcing their rights is the limited scope of the legislation around employment status.

THE GOVERNMENT HAS EXPLICITLY ACKNOWLEDGED THE ISM'S CONCERNS THAT GROUPS SUCH AS MUSICIANS FALL OUTSIDE OF THE SCOPE OF THE EQUALITY ACT'S CURRENT PROTECTIONS

Where difficulty with employment status can be encountered is in the flexible nature by which work is both offered and accepted in the music sector, where individuals often accept different types of work daily. The definition of 'employment' that the Equality Act 2010 seeks to regulate in Part 5 (employment under a contract of employment, a contract of apprenticeship or a contract personally to do work)³¹ is at odds with the reality of working in the sector. The majority self-employed workforce would rarely be able to identify a contract of employment between the person who offered them the work and the supplier of that work.

The common practice of substitution, known as 'depping', puts the workforce at additional risk of becoming victim to breaches of the Equality Act with no means to enforce their rights. Those who perform work in this scenario are often at highest risk of experiencing discrimination, particularly sexual harassment, and our research has provided examples of such behaviour. It is therefore imperative that Part 5 of the Equality Act is amended to ensure that workers who perform work as a deputy for another can enforce their rights under the Equality Act.

The ISM responded to the government's consultation on sexual harassment in the workplace in 2019. Nearly two years after its launch, the government published its response in July 2021 with a foreword by Elizabeth Truss MP.³² It is a wide-ranging response, considering everything from sexual harassment in the workplace to the length of time to bring claims in the Tribunal. However, throughout the response, the language is about employers and employees. There is no recognition that in many workplaces today there is no employer and indeed no HR department where workers can go if they feel that they have been badly treated. The response is very much written from the perspective of a 20th-century workplace, not a 21st-century one.

In its response, the government committed itself to bringing forward legislation which will 'introduce a duty requiring employers to prevent sexual harassment... to make the workplace safer for everyone.'³³ There are several steps linked to preventing sexual harassment in the workplace, such as the EHRC developing a statutory code of practice and accessible guidance being produced for employers.

The commitment to introduce a preventative duty on employers regarding preventing sexual harassment will only be introduced 'as soon as parliamentary time allows,'³⁴ so we wait to see what the timescale is on this proposal.

The government reiterated its commitment to legislate on third-party harassment when parliamentary time allows, but again the language focuses on employers and their staff, even though reference is made to the hospitality industry which has a high number of freelancers. We note that the government states that it will look 'closely'³⁵ at extending the time limit for bringing cases under the Equality Act 2010, but this is an issue which requires immediate action. Additionally, more needs to be done to protect those who avail themselves of the legislation to ensure they are not victimised and do not lose out on work as a result.

The government has explicitly acknowledged the ISM's concerns that groups such as musicians fall outside of the scope of the Equality Act's current protections and confirmed that broader issues around which groups are covered by the Act will be an aspect of any wider future review of the legislation. However, there is currently no commitment to such a review, so freelancers will continue to be left materially unprotected by the current legislation.

Third-party harassment legislation, discrimination questionnaires and timeframes

Musicians often find themselves working in public places such as concert halls, clubs, pubs, wedding venues and theatres. Performances often take place at night and in licensed premises where alcohol is served. Harassment – particularly of a sexual nature – is rife in these environments, as evidenced our 2022 survey, **where third-party harassment accounted for 27% of discrimination**. Musicians are at risk from audience members, paying or non-paying guests and their principals.

Up until 1 October 2013, workers were able to bring claims for third-party harassment under the Equality Act 2010. That provision was repealed by the Enterprise and Regulatory Reform Act 2013. In the current climate, a person who seeks to bring a claim of harassment against their employer will have to rely on nebulous provisions involving vicarious liability in order to found a claim.

The removal of third-party harassment from the Equality Act landscape has greatly reduced the protection afforded to musicians. As it stands, employers, service providers and fixers are able to distance themselves from a societal ill that takes place under their watch and, arguably, in circumstances where they should be held responsible.

The ISM agrees with the EHRC recommendation that third-party harassment provisions in section 40 of the Equality Act 2010 be reintroduced and amended to remove the requirement for two or more instances of harassment. Otherwise, the burden of proof is on the worker to demonstrate that harassment has happened before to make the employer take any action.

The revocation of the use of discrimination questionnaires and the removal of rights around third-party harassment have made it more difficult to seek to challenge potentially discriminatory behaviour. Reintroducing these parts of the legal framework would greatly assist in eradicating adverse behaviours.

Currently, victims of discrimination have up to three months less one day to bring forward a claim. Our research suggests that this is not long enough. As evidenced in our 2018 and 2022 surveys, many people do not understand what constitutes unlawful treatment because inappropriate behaviour is seen as an accepted part of the sector culture. Therefore, by the time they have realised they have experienced unlawful behaviour and received legal advice, they have often run out of time. The ISM recommends that the timeframe to make a claim be extended from three months to six months. The ISM also recommends that more is done to protect those who make a complaint of discrimination to ensure they are not victimised as a result.

Independent Standards Authority (ISA)

A proposal called the Independent Standards Authority (ISA) is being promoted by Creative UK following discussions with the Department for Digital, Culture, Media and Sport (DCMS). Its remit is to support victims of harassment, bullying and sexual abuse through advice, provision of mediation services and investigation across the creative sector with a focus on film, TV, theatre, music, fashion and advertising. The ISA is a voluntary structure and is not underpinned by statute. It is to be funded by voluntary industry subscription and therefore risks being perceived as lacking independence.

The ISM contends that statutory regulation of this area is preferable to this proposal. The ISM opposes the privatisation of policing inappropriate behaviours such as sexual harassment to a voluntary, industry-funded body which risks undermining the existing statutory framework. The Equality and Human Rights Commission (EHRC) is the regulatory body responsible for enforcing the Equality Act 2010 and already possesses powers to launch inquiries and conduct investigations into equality issues. The EHRC's budget has been frozen since 2012 and in May 2022 it was reported that its budget could be cut from £17.1 million to around £15 million. This is at odds with the government's pledge to invest in the EHRC's work.³⁶ Rather than put time and effort into a privately funded non-statutory body such as an ISA, the ISM wants to see a properly funded EHRC so that it can use its expertise, power and credibility to address the matters outlined in this report.

Under the ISA proposal, the ISA panel could recommend that the alleged perpetrator is removed from certain membership bodies (if applicable) and that their contract of work be terminated. Neither of these recommendations are enforceable. Further, the ISA could inadvertently endanger an individual's right to take legal action against an alleged perpetrator. Deadlines for starting legal action could be missed if victims believe that the ISA will provide them with a legal remedy when it is our understanding that it will not. To take an action under the Equality Act 2010, claims must be made within three months and these time limits are strictly enforced. An unfortunate consequence of the ISA is that it could have a serious impact on a person's

ability to achieve a legal remedy. There is already a serious information deficit, among musicians and workers in general, concerning their understanding of legal rights and the ISA scheme risks creating additional confusion.

The ISA must ensure that both victims and alleged perpetrators are treated fairly and in line with the laws of natural justice. This means ensuring the right of appeal. Judicial review, which is currently referred to in the ISA scheme proposal, would not in fact be available to review the actions of a voluntary, industry-led scheme such as this.

It is doubtful that the ISA will tackle the fundamental issues within the music sector, which are largely driven by the fact that the majority working in the sector are freelance, subject to a culture of fear that makes reporting impossible, and are not adequately protected by the Equality Act 2010.

The ISM has made these concerns known to Creative UK.

THE REMOVAL OF THIRD-PARTY HARASSMENT FROM THE EQUALITY ACT LANDSCAPE HAS GREATLY REDUCED THE PROTECTION AFFORDED TO MUSICIANS

REINTRODUCING THESE PARTS OF THE LEGAL FRAMEWORK WOULD GREATLY ASSIST IN ERADICATING ADVERSE BEHAVIOURS

Conclusion

The question that led to this research was if there has been any cultural change since the ISM's *Dignity at work* report in 2018. This survey data suggests that there has not been any positive change. Of the **66%** of respondents who said they have experienced discrimination at work, **70%** had occurred in the past five years. This figure, up from **47%** experiencing discrimination in the ISM's 2018 research, could imply that the situation is in fact getting worse.

90%

OF RESPONDENTS THINK ORGANISATIONS SHOULD BE ACTIVELY UNDERTAKING TRAINING TO UNDERSTAND THEIR OBLIGATIONS UNDER THE EQUALITY ACT 2010

It is vital that all parts of the music profession are examined and adverse culture is challenged. According to our 2022 research, **90%** of respondents think organisations should be actively undertaking training to understand their obligations under the Equality Act 2010. The ISM believes that the music sector can learn from traditional employment workplaces which have clearer procedures for regulating workers' behaviour, such as the 2022 guidance provided by the EHRC in conjunction with UKHospitality. Membership and funding bodies also have an important role to play in providing and promoting a members' or participants' code of conduct. **94%** of respondents are supportive of music organisations signing and promoting the ISM/MU Code of Practice, which currently has over 120 signatories from across the entirety of the music sector.

There is quite some way to go to achieving universal basic knowledge of what constitutes unlawful discriminatory behaviour. However, the responses to our 2018 and 2022 surveys suggest that what is sometimes described as a lack of knowledge of rights and obligations under the Equality Act can also be used as a shield for unlawful behaviour. Therefore, diversity and inclusivity training will play a key role in culture change. Musicians need to understand their rights and obligations as professionals, especially in relation to sexual harassment. In response to the **59%** of respondents to our 2018 survey who called for training in this area, the ISM has provided training webinars such as 'Sexual harassment: Knowing your rights' and 'Sexual harassment: Knowing your obligations'³⁷ and further training resources will be developed and provided following this report.

Perpetrators of discrimination, especially in self-employed settings where work is more precarious, continue their behaviours because there are no meaningful repercussions for it. For victims of discrimination, the cycle will continue if power imbalances prevent them from reporting their experiences and if the legislative framework continues to fail the majority of freelancers in the sector by leaving them unprotected.

It is a moral imperative to take up the actions as recommended through this report. Meaningful steps towards equality can be made if the cultural and legislative issues that are damaging lives and destroying ambitions are addressed with urgency and efficiency.

The ISM would like to thank all respondents who participated in the survey and to those who bravely shared their experiences and offered suggestions. Without these responses, change would not be possible.

94%
OF RESPONDENTS ARE SUPPORTIVE OF MUSIC ORGANISATIONS SIGNING AND PROMOTING THE ISM/MU CODE OF PRACTICE

Recommendations

The recommendations of this report address the widespread discrimination across the music sector and cover both the government and the sector itself:

Government

- 1 Amend the Equality Act 2010 to ensure that all those working in the music sector are protected, including freelancers and those who suffer discrimination while depping.
- 2 Reintroduce rights around third-party harassment to protect those who experience discrimination from audience members, clients or customers at work.
- 3 Reintroduce the use of discrimination questionnaires to make it easier to challenge potentially discriminatory behaviour at work.
- 4 Extend the time limit for bringing discrimination cases from three months to six months.
- 5 Implement the recommendations of the Women and Equalities Committee's report into Sexual Harassment in the Workplace³⁸ (these include: a mandatory duty on employers to protect workers from harassment and victimisation in the workplace, a statutory code of practice on sexual harassment and harassment at work, and better data collection on the prevalence of sexual harassment at work).
- 6 Properly fund the Equality and Human Rights Commission (EHRC) and support its work.

Music sector

- 7 Membership organisations to promote a members' code of practice and include provisions within their governance structures to tackle discriminatory behaviours including removal of offending members.
- 8 Established organisations such as orchestras, studios, venues and labels to lead the sector by example through adopting guidance on sexual harassment and other types of discrimination from other sectors, such as the guidance from UKHospitality and the EHRC, and supplying all workers (freelance or employed) with a code of conduct that clearly defines all types of discriminatory behaviour that is unacceptable in a professional workplace.
- 9 Funding bodies to require that all supported organisations commit to regular and specific training on discrimination and harassment alongside providing written procedures on how complaints will be upheld, and to protect individuals engaged on funded projects on a freelance basis by providing a mechanism to raise complaints of discrimination, harassment and inappropriate behaviour to the funding body anonymously.
- 10 All organisations to understand their obligations under the Equality Act 2010 through undertaking training on the subjects of sexual harassment, inappropriate behaviour and discrimination.

Appendix

The survey ran from 18 May to 27 June 2022. Within that time, the survey received **660** responses. Participants were a self-selecting group who work or have worked within the UK music sector.

For clarity, the percentages are presented to the nearest number, apart from where percentages are less than 1%.

The survey data and comments were analysed to identify references to all protected characteristics of the Equality Act 2010, which protects people from discrimination, harassment and victimisation because they have or are perceived to have a protected characteristic or are associated with someone who is perceived to have that protected characteristic. There are nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

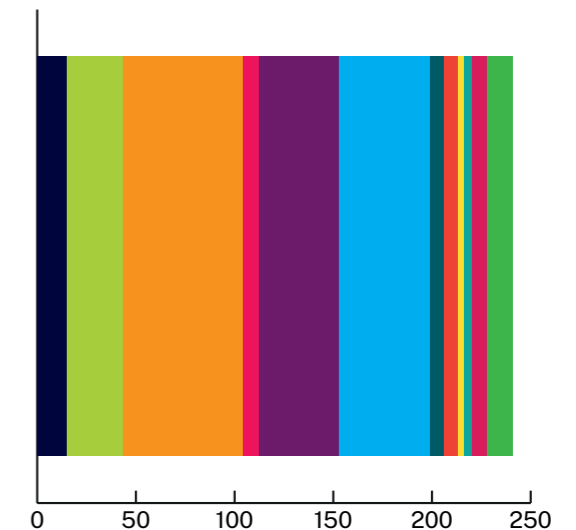
Respondents were asked if they have ever experienced discrimination or inappropriate behaviour when working in the music sector, such as being treated worse than another person or being made to feel humiliated or degraded.

In this report, the term 'discrimination' is used to cover the following:

- Direct discrimination: treating one person worse than another because of a protected characteristic (for example, not booking a musician just because they are pregnant). This category includes sex discrimination.
- Indirect discrimination: a rule or policy that has a worse impact on someone with a protected characteristic (such as a job advertisement asking for 10 years' experience to apply for the role can be indirectly discriminating against age).
- Harassment: unwanted conduct related to a protected characteristic, bullying, gossip and inappropriate comments and questions (such as being made fun of for not drinking alcohol when it's against your religion or beliefs). With harassment, how the victim interprets the conduct is more important than what the perpetrator intended.
- Victimisation: being treated unfairly because you have made a complaint of discrimination or are supporting someone else who has done so (for example, getting a reputation for being 'difficult' for making a complaint of harassment and losing out on work).

Respondents

The survey asked in what capacities respondents work in the music sector. All 660 respondents answered the question, and many selected more than one choice.



- Animateur / conductor / music director 15%
- Arranger / composer / producer / songwriter 28%
- Educator (professor, teacher, visiting music teacher, workshop leader) 61%
- Exam board staff / examiner 8%
- Group performer (band, chamber music, choir, musical theatre, orchestra, opera companies) 41%
- Individual performer (accompanist, church musician, DJ, instrumentalist, singer) 46%
- Live music (crew, event/festival staff, promoter, stage manager, sound engineer, venue staff) 7%
- Music executive (artist manager, music agent, music publisher, record label) 7%
- Not currently working (including retired) 3%
- Professional ensemble assistant / manager / staff 4%
- Studio (assistant, session musician, sound engineer) 8%
- Other (included: music therapists, music charity workers, researchers and music journalists) 13%

Survey questions and responses

66% of survey respondents reported that they have experienced discrimination at work

70% of respondents have experienced discrimination within the past five years

44% said that it has been ongoing for more than five years

Breakdown by employment status

52% self-employed

33% employed

15% other (including identifying as both employed and self-employed or volunteers)

Gender

78% of reported discrimination was experienced by females

16% males

1% nonbinary

4% prefer not to say

1% other

Who committed discrimination? (respondents could select as many as applied)

72% a person with seniority/influence over my career

45% a colleague/co-worker who is my peer

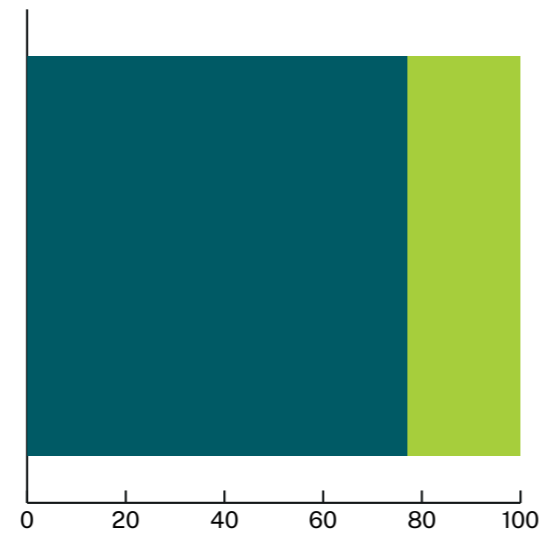
27% third-party (audience/customer/client)

Reporting officially: overall

Rates for reporting officially (eg, to an employer, HR department, manager, police)

77% did not report officially

23% reported officially



- It's 'just the culture here' 77%
- No one to report to 23%

Reporting officially: employed vs self-employed

Reporting: self-employed

88% did not report officially

12% reported officially

Have there generally been clear procedures for reporting incidents of discrimination?

6% yes

94% no

Who committed the discrimination? (respondents could choose as many as applied)

69% a person with seniority/influence over my career

47% a colleague/co-worker who is my peer

31% third party (audience/customer/client)

Reporting: employed

59% did not report officially

41% reported officially

Have there generally been clear procedures for reporting incidents of discrimination?

28% yes

72% no

Who committed the discrimination? (respondents could choose as many as applied)

70% a person with seniority/influence over my career

45% a colleague/co-worker who is my peer

26% third party (audience/customer/client)

Prevalence of discrimination and non-reporting in different workplaces

(respondents could choose as many as applied)

Workplace	Levels of discrimination	Levels of non-reporting
Arranger/composer/producer/songwriter	75%	78%
Animateur/conductor/musical director	64%	71%
Educator	65%	78%
Exam board staff/examiner	68%	80%
Group performer (band, chamber music, choir, musical theatre, orchestra, opera companies)	67%	80%
Individual performer (accompanist, church musician, DJ, instrumentalist, singer)	71%	78%
Live music (crew, event/festival staff, promoter, stage manager, sound engineer, venue staff)	76%	67%
Music executive (artist manager, music agent, music publisher, record label)	72%	56%
Not currently working (including retired)	65%	80%
Professional ensemble assistant/manager/staff	62%	43%
Studio (assistant, session musician, sound engineer)	76%	69%
Other*	66%	73%

*of respondents who selected 'other', work areas included music therapists, music charity workers, researchers and music journalists.

Other types of discrimination

Survey responses included details of direct and indirect discrimination, victimisation and harassment in relation to eight out of the nine protected characteristics under the Equality Act 2010 (the only characteristic not mentioned specifically was marriage/civil partnership). There were also descriptions of bullying and a number of allegations of sexual assault.

158 (36%) of survey respondents who experienced discrimination included comments that allowed for further detailed analysis. The following is a description and breakdown of types of discrimination experienced by survey respondents:

Age: 7%

Being treated unfairly because of your age or age group; being put at a disadvantage by policies or ways of working; being made to feel humiliated, offended or degraded; being treated badly because you have made a complaint of age discrimination under the Equality Act or are supporting someone else who has made a complaint.

Disability: 5%

Being treated worse than another person in a similar situation because of disability; particular policies or way of working that has a worse impact on disabled people compared to people who are not disabled; failure to make reasonable adjustments; discrimination arising from disability; being made to feel humiliated, offended or degraded due to your disability; being treated badly because you have made a complaint of disability related discrimination under the Equality Act or are supporting someone else who has made a complaint.

Gender reassignment: 1%

Being treated worse than another person in a similar situation because you are transsexual; policies or ways of working that put transsexual people at a disadvantage; being made to feel humiliated, offended or degraded; being treated badly because you have made a complaint of gender reassignment related discrimination under the Equality Act or are supporting someone else who has made a complaint.

Pregnancy and maternity: 4%

Being treated unfavourably because you are pregnant, breastfeeding or because you have recently given birth (up to 26 weeks following birth).

Race: 10%

Being treated worse than another person in a similar situation because of your race (can include your colour, nationality, citizenship, ethnic or national origins); policies or ways of working that put people of your racial group at a disadvantage; being made to feel humiliated, offended or degraded; being treated badly because you have made a complaint of race related discrimination under the Equality Act or are supporting someone else who has made a complaint.

Sex: 58%

Being treated worse than someone of the opposite sex (man or woman) who is in a similar situation; policies or ways of working that put you at a disadvantage because of your sex; being made to feel humiliated, offended or degraded; unwanted conduct of a sexual nature, including sexual comments, jokes, propositioning, emails, texts, touching or assault; being treated unfairly because you refused to put up with sexual harassment; being treated badly because you have made a complaint of sexual harassment; being treated badly because you have made a complaint of sex related discrimination under the Equality Act or are supporting someone else who has made a complaint.

Sexual orientation: 3%

Being treated worse than another person in a similar situation because of your sexual orientation; policies or ways of working that put people of your sexual orientation at a disadvantage; being made to feel humiliated, offended or degraded; being treated badly because you have made a complaint of sexual orientation related to discrimination under the Equality Act or are supporting someone else who has made a complaint.

Bullying (not a protected characteristic but included here because of the high prevalence in the comments): **6%**

Unwanted offensive, intimidating, malicious or intimidating behaviour.

Sexual assault (this goes beyond the Equality Act 2010 and is a criminal matter): **5%**

Support for change

94% support all music-sector organisations signing and promoting the ISM/MU code of practice

96% support ISM seeking legislative change

90% think organisations should be actively undertaking training to understand their obligations under the Equality Act 2010

Monitoring questions

Gender identity

68% female

26% male

1% nonbinary

1% other

4% prefer not to say

Sexual orientation

18% lesbian, gay, bisexual

70% heterosexual/straight

2% other

10% prefer not to say

Age range

16-22 **3%**

23-34 **26%**

35-49 **34%**

50-65 **25%**

66 and older **9%**

Prefer not to say **4%**

Do you consider yourself to have a disability?

Yes **15%**

No **78%**

Prefer not to say **7%**

Ethnicity

Asian or Asian British **2%**

Black, Black British, Caribbean, African **3%**

Mixed or multiple ethnic groups **4%**

Other ethnic group **1%**

Prefer not to say **5%**

White British **68%**

White Other **17%**

ISM/MU Code of Practice

The ISM/MU Code of Practice (2018)³⁸ is a set of principles that aim to eradicate bullying, harassment, discrimination and other forms of inappropriate behaviour within the sector. It is also an aid for employers in meeting their legal requirements as well as setting out a shared vision for promoting and maintaining a positive working culture. Selected key points that signatories to the Code agree to:

We oppose bullying, harassment and discrimination and will not tolerate such behaviour within our own organisation and network.

We are committed to playing our part in improving the working culture of the music sector.

We will implement and promote appropriate policies, procedures and complaints processes to protect everyone - including the freelancers we engage and students we teach.

Reports of bullying, harassment or discrimination made to us will be taken seriously, handled sensitively, and with the complainant's safety and wellbeing as our first priority.

This will mean providing adequate protection for complainants and, where bullying harassment or discrimination is found to have occurred, taking appropriate action against the perpetrators. We will do all in our power to ensure that individuals who have made complaints or participate in good faith in any investigation do not suffer any form of reprisal or victimisation as a result.

We will maintain a list of support services for use by those who have suffered harassment, bullying or discrimination.

Where issues are raised with us that may be of a criminal nature, we will refer the individual concerned to an appropriate support service.

Endnotes

1. This is in line with academic research on this subject, such as: Popovich, P.M., & Warren, M.A., 'The role of power in sexual harassment as a counterproductive behaviour in organizations', *Human Resource Management Review*, 20(1) (2010), 45–53
2. Although the responses from these groups are broadly in line with UK averages and other intersectional research, the smaller response in these groups means there will be a slightly larger margin of error in the percentages reported
3. Occupation by sex, employment status and full/part time <https://www.nomisweb.co.uk/datasets/aps210/reports/employment-by-status-and-occupation?compare=K02000001>
4. Women and Equalities Committee, *Sexual Harassment in the Workplace* (2018) <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/725/72502.htm>
5. ISM, *Dignity at work* (2018) <https://www.ism.org/campaigns/dignityatwork>
6. ISM/MU *Code of Practice* <https://www.ism.org/campaigns/dignityatwork/ism-mu-code-of-practice>
7. ISM, *Dignity in study* (2018) <https://www.ism.org/campaigns/dignity-in-study-a-survey-of-higher-education-institutions>
8. ACAS, *Sexual harassment* (2021) <https://www.acas.org.uk/sexual-harassment>
9. Government Equalities Office, *Sexual Harassment Report* (2019) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002873/2021-07-12_Sexual_Harassment_Report_FINAL.pdf
10. Equality and Human Rights Commission (2020). *Sexual harassment and harassment at work: technical guidance* https://www.equalityhumanrights.com/sites/default/files/sexual_harassment_and_harassment_at_work.pdf
11. *Sexual harassment is Pervasive Among Self-employed Creatives* (2022) <https://www.honeybook.com/risingtide/sexual-harassment-report>
12. Erhart, I., *Gender Equality In The World Of Arts And Culture: Contested Issues, Structural Problems, Suggested Solutions*, Istanbul Foundation for Culture and Arts (2022)
13. *Screen Women's Action Group*, New Zealand History <https://nzhistory.govt.nz/women-together/screen-womens-action-group>
14. This group represents 1% of respondents and therefore does not represent high statistical significance
15. Action plan announced to tackle sexual harassment culture in hospitality (2022) <https://www.equalityhumanrights.com/en/our-work/news/action-plan-announced-tackle-sexual-harassment-culture-hospitality>
16. Women and Equalities Committee, op cit
17. Government Equalities Office, *Consultation on sexual harassment in the workplace: government response* (2021) <https://www.gov.uk/government/consultations/consultation-on-sexual-harassment-in-the-workplace/outcome/consultation-on-sexual-harassment-in-the-workplace-government-response>
18. Mayer, M. et al, *Tackling sexual harassment in the workplace*, (2020) <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=8eabc7f1-07c0-4d7e-9206-de431524301e>
19. Fernandez and Rubineau, *Network Recruitment and the Glass Ceiling: Evidence from Two Firms* (2019), The Russell Sage Foundation *Journal of the Social Sciences*, 5(3), p.88
20. Search and compare gender pay gap data, <https://gender-pay-gap.service.gov.uk/>
21. Bain, V., *Counting The Music Industry* (2019) <https://vbain.co.uk/research/>
22. Music Festivals, BBC Shared Data Unit (2022) <https://www.bbc.co.uk/news/newsbeat-61512053>
23. PRS for Music (2022) <https://www.prsformusic.com/about-us/governance/executive-leadership-team>
24. PRS for Music (2021) <https://www.prsformusic.com/press/2021/tipping-the-scales-new-figures-show-more-women-entering-songwriting-profession>
25. McDonald, P., 'Workplace Sexual Harassment 30 Years on: A Review of the Literature', *International Journal of Management Reviews* (2012, 14), pp 1-17
26. *What happens to your body during the fight or flight response?* (2019) <https://health.clevelandclinic.org/what-happens-to-your-body-during-the-fight-or-flight-response/>
27. McDonald, P., op cit
28. Burn, S.M., 'The Psychology of Sexual Harassment', *Teaching of Psychology* (46:1, 2018), pp 96-103
29. Swart, I., 'Overcoming adversity: Trauma in the lives of music performers and composers', *Psychology of Music* (42, 2014), pp 386-402
30. Mayer, M. et al, op cit
31. Equality Act 2010, Part 5, section 83(2), <https://www.legislation.gov.uk/ukpga/2010/15/section/83>
32. Government Equalities Office, op cit
33. Government Equalities Office, Section 3.4, op cit
34. Ibid
35. Ibid
36. Malnick, E., *The Telegraph* (28 May 2022) <https://www.telegraph.co.uk/politics/2022/05/28/liz-truss-cabinet-row-save-anti-woke-watchdog-daunting-funding/>
37. [ism.org/webinars](https://www.ism.org/webinars)
38. Women and Equalities Committee, op cit
39. ISM/MU Code of Practice, op cit

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