



AFM CODE OF CONDUCT

The AFM is committed to ensuring, to the maximum extent possible, that our members are free from unlawful discrimination and harassment, regardless of any individual's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law ("protected characteristics").

Our employers have a legal and contractual obligation to maintain workplaces free from unlawful discrimination or harassment based on protected characteristics and the AFM is committed to holding employers accountable for meeting this obligation.

The AFM is also committed to ensuring, to the maximum extent possible, that AFM events, activities, and meetings (hereinafter "AFM Events") be conducted in a respectful environment free of unlawful discrimination or harassment based on protected characteristics.

Finally, the AFM is committed to supporting our members in their shared obligation to treat each other professionally, to refrain from engaging in discriminatory or harassing conduct toward each other and to support efforts to eradicate the scourge of discrimination and harassment from our workplaces.

This AFM Code of Conduct on Discrimination and Harassment ("Code of Conduct") marks our rededication to upholding professional standards and addressing the toxic and often unlawful workplace culture that many of our members face on a daily basis. We expect our members to live up to these standards, including in their dealings with other members and employees.

As a union that draws its strength from collective action, we also expect our members to uphold our collective responsibility to stop harassing conduct whenever possible, support those who speak up, and report the offensive conduct whenever possible. **STOP. SUPPORT. REPORT.**

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1. DEFINITIONS

A. Discrimination

It is discrimination to treat someone unfairly or differently based on their race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law.

B. Harassment

Harassment consists of unwelcome verbal, visual, or physical conduct that is based on another person’s race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law. It may include, but is not limited to, actions such as use of epithets, slurs, negative stereotyping, jokes or threatening, intimidating or hostile acts that relate to sex, race, age, disability or other protected categories. Harassment may also include written or graphic material that denigrates or shows hostility toward an individual or group based on protected characteristics, whether that material is sent by email, placed on walls, bulletin boards, computer screens or other devices, or elsewhere on the premises of the employer, activity, event, or meeting.

C. Sexual Harassment

Sexual Harassment is conduct of a sexual nature that unreasonably interferes with an individual’s work by creating a pervasive sexually hostile or offensive work environment. It can involve unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. It can involve conduct by a person of any gender toward a person of any gender. It also occurs when a person’s submission to or rejection of sexually offensive and unwelcome conduct is used as the basis for an employment decision.

Sexual Harassment takes many forms. It includes sexual assault (which is also a crime), unwanted sexual advances, requests for sexual favors, inappropriate use of nudity or sexual images in work areas, repeatedly sending sexually offensive texts or emails, and other unwelcome verbal, visual, or physical conduct of a sexual nature.

- **Quid Pro Quo Sexual Harassment**

Quid pro quo sexual harassment occurs when your job or work assignments depend on your submission to sexual or romantic requests from a superior, or you are denied work or given less favorable work assignments because of your unwillingness to engage in sexual or romantic behavior.

- **Hostile Work Environment Sexual Harassment**

A hostile work environment is characterized by unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and which creates a hostile, offensive or intimidating work environment. Conduct directed at others can nevertheless generate a hostile work environment for the person who witnesses it.

D. Disrespectful Behavior

Disrespectful behavior consists of verbal or physical conduct, unrelated to an individual's protected characteristics, which demeans, belittles, disparages or degrades another person.

E. Unacceptable Behavior

Unacceptable behavior includes, but is not limited to, the following behavior, whether in a group or individual setting:

- Discrimination
- Harassment
- Sexual Harassment
- Disrespectful behavior
- Discriminatory or harassing speech or actions by any participant in an AFM event
- Harmful or offensive verbal or written comments or visual images related to race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law
- Inappropriate use of nudity and/or sexual images
- Intimidating, bullying, or stalking behavior
- Harassing photography or recording
- Sustained disruption of the activity, event, or meeting
- Unwelcome sexual attention or contact
- Physical assault (including unwelcome touching, groping or physical restraint)
- Real or implied threat of physical harm
- Retaliation or retribution against a member for making a complaint under this Code of Conduct.

F. Retaliation

Retaliation in any form is also unlawful. Retaliation occurs when an employer takes an employment action against someone who makes a complaint of sexual harassment or discrimination. Retaliation against someone who assists another in making a complaint or who participates in an investigation into inappropriate behavior is also unlawful.

Retaliation can take many forms, including firing, denial of work assignments, loss of extra hours, offering less favorable work opportunities or exclusion.

G. AFM Event

An AFM Event is any activity, event, or meeting held under the authority of the AFM and includes, but is not limited to the following:

- The AFM Convention and related Convention activities
- PCC/LCC meetings
- Negotiations for national agreements and related caucuses

2. WHAT DOES THIS THIS MEAN FOR EMPLOYERS?

A. Employers Are Obligated to Provide a Discrimination and Harassment-Free Workplace

The law imposes an affirmative obligation on employers to maintain a workplace free from all forms of discrimination and harassment, including sexual harassment. The employer's obligation includes a requirement to train supervisors in sexual harassment prevention and, in many states, to provide annual sexual harassment prevention trainings for all employees.

B. Non-Traditional Worksites

The employer's obligation to maintain a discrimination and harassment free work environment is not limited to a traditional worksite, whether it be an office, a theatre, a concert hall, a soundstage or a rehearsal room. The obligation extends to other locations where an employee is required to be in the course of the employee's employment. That might include, for example, a meeting, audition, party, transportation/hotel in connection with a tour or runout, or a networking event.

C. Child Performers

Minors are uniquely vulnerable to abuse, including discrimination, harassment and sexual assault, and require special attention and protections. Federal and state laws are designed to protect them. Employers should strictly comply with these rules and work with parents and the union to ensure that any minor performer is protected.

D. Employees of Vendors and Third Parties

The employer's obligation is not limited to controlling the behavior of its employees. The employer has an obligation to address discriminatory and harassing behavior of vendors and other affiliated organizations . The employer is also obligated to address the behavior of patrons, donors, and any other individuals who come into contact with employees in the course of business.

E. Reporting Mechanism

The employer is required to maintain a mechanism through which employees can report instances of discrimination and harassment and to communicate that mechanism to employees. Frequently, this information can be found in call sheets, collective bargaining agreements, employee handbooks, or policy manuals. In the entertainment industry the “employer” may not be obvious and it can be even less obvious who to contact with a complaint. In certain instances, more than one employer or company may be jointly responsible for your safety and other terms and conditions of employment. Musicians should contact their Local Union or the Federation if they have questions or concerns about an employer’s reporting mechanism.

F. Non-Retaliation

An employer may not retaliate against an employee for reporting instances of discrimination and harassment. Employers should endeavor to protect the confidentiality of a member who complains about these behaviors to the greatest possible extent and ensure that the member is not subject to further unlawful retaliation, discrimination, or harassment.

G. Contract Compliance

Various AFM and AFM Local collective bargaining agreements contain provisions that prohibit harassment and discrimination. As a best practice, employers should communicate proactively with the union in the event of instances of potential harassment or discrimination so that the union can work together with the employer to ensure contractual compliance. As our members work in a variety of contexts, employers should analyze this obligation on a case by case basis.

3. WHAT HAPPENS WHEN AN EMPLOYER FAILS TO KEEP AN ENVIRONMENT FREE FROM DISCRIMINATION AND HARASSMENT?

Employers who fail to maintain a discrimination and harassment-free workplace face legal liability in court, state or local agencies, and may also violate the terms of our collective bargaining agreements. Where appropriate, the AFM and/or its locals will vigorously pursue contractual violations in this area.

If you believe that your employer has not met this obligation, you may contact the union or consult your own attorney.

4. WHAT DOES THIS MEAN FOR AFM MEMBERS?

A. Discrimination and Harassment Prohibited

When acting in the capacity of a producer, contractor or supervisor, members are subject to the same laws and rules as any employer. Beyond this, we all share the expectation that our members, and all professionals, will refrain from engaging in discriminatory and harassing

conduct and will support efforts to eliminate discrimination and harassment in our workplaces.

B. Consequences for Discrimination and Harassment by Members

Employers are responsible for preventing discriminatory and harassing conduct by any of their employees, including those who are our members. The AFM and its locals will hold employers to their obligation to prevent discrimination and harassment by employees who are our members to the same extent as any other employees. This conduct may also form a basis for member discipline.

Importantly, as a union, it is our duty to help ensure that our members, including those who may wrongfully be accused of discrimination and harassment, receive fair treatment and due process by their employer. Members wrongfully accused of discrimination and sexual harassment may be entitled to union representation if their employer pursues discipline.

C. Reporting Discrimination or Harassment

Members are encouraged to report instances of discrimination or harassment that occur in the workplace to their employer, using the employer’s reporting mechanism. Members are also encouraged to report discrimination or harassment to their Local Union or to the AFM. Members may utilize the #NotMe App to report such discrimination or harassment and to lodge complaints about other forms of misconduct in the workplace.

Visit: <https://not-me.com/report-now/> PIN: 1896AFM

D. Intervening/Witnessing Discrimination and Harassment — STOP. SUPPORT. REPORT.

Whether during work or at work-related activities, we share a collective responsibility to put a stop to discrimination and harassment. While being mindful of our own personal safety, we should always strive to be active bystanders and supportive colleagues when we witness or learn of acts of discrimination, harassment or retaliation. Whenever possible, we must intervene to STOP the conduct, SUPPORT those who speak up, and REPORT the conduct.

5. PROVISIONS APPLICABLE TO AFM EVENTS

The AFM expects all members in attendance at AFM Events to respect other individuals and groups and their views and to recognize and value individual differences. The AFM is an entity that values open and vigorous discussion on issues. Accordingly, this Code of Conduct is not intended to restrict free and open debate, but to prevent unacceptable behavior that infringes upon the rights, views, and differences of other individuals or groups.

A. Implementation

At all AFM Events, there shall be a person to whom complaints may be directed (“the Designated Person”). The Designated Person for AFM Conventions and for PCC/LCC meetings shall be the AFM Secretary-Treasurer (or, if the International Secretary-Treasurer

is the subject of the complaint, the highest ranking IEB member in attendance who is not the Secretary-Treasurer) who, if not present at the Event, may be reached by telephone at the Federation offices. Any member attending an AFM Event who is subjected to what they believe in good faith to be Unacceptable Behavior under this Code of Conduct may report the complaint to the Designated Person. If that Designated Person is not available, the complaining member may inform any other AFM officer present at the Event, who will work with the Designated Person to respond to the complaint. The AFM takes these complaints seriously. The Designated Person, together with appropriate staff, will investigate the complaint, including talking with the subject(s) of the complaint. Following the investigation, the AFM, in its discretion, may take any action deemed appropriate.

Possible responses may include, but not be limited to, a warning to the alleged offender, expulsion of the alleged offender from the AFM Event, or discipline consistent with the procedures set forth in Articles 10, 11 and 12 of the AFM Bylaws if the alleged offender is an AFM member. If needed or requested, the Designated Person will help complainants contact security or local law enforcement, provide escorts, or otherwise assist complainants experiencing unacceptable behavior to feel safe for the duration of the AFM Event. Any complaint brought will be treated confidentially to the extent possible to properly assess the situation. The AFM will take all appropriate steps to ensure that the complainant is no longer subject to the unacceptable behavior. The AFM will not tolerate retaliation against any individual who complains of unacceptable behavior under this Code of Conduct. It will take every step necessary to ensure that retaliation does not occur, and if it believes that retaliation has occurred, the AFM will take any action deemed appropriate to stop the retaliation. While preserving the confidentiality of complainants, the Designated Person will periodically report to the AFM International Executive Board on the number and nature of complaints made under this Code of Conduct and the outcome.

B. Exclusions

This Code is not intended to cover Local Union events; rather it is intended to cover conduct that occurs at AFM Events. Local Unions are encouraged to adopt their own Codes of Conduct.