RAISING THEIR VOICES

This report presents the findings of an independent review into sexual harm, sexual harassment and systemic discrimination in the Australian contemporary music industry.

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Report into Sexual Harm, Sexual Harassment and Systemic Discrimination in the Contemporary Music Industry.

CONTENTS

KEY TERMS AND DEFINITIONS

Australian Contemporary Music Industry	The Australian contemporary music industry is multi-faceted with a diverse range of players including artists, songwriters, producers, technical experts, managers, promoters, large multinational music companies and many small independent businesses. Australian contemporary music includes music that is currently being written, recorded and performed by Australians. Its genres include (but are not be limited to) blues, country, electronic/dance, experimental, folk, funk, hip hop, jazz, metal, pop, rock, roots, and world.[1]
Sexual harassment	Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated.
Sexual harm	Sexual harm includes behaviour which constitutes sexual harassment, sexual assault, indecent assault and rape. It also includes attempted sexual assault, attempted indecent assault and attempted rape. Sexual harm can occur through the use of technology or in a physical space.
Systemic discrimination	Systemic discrimination involves the structures, processes and culture of any institution, including a workplace that contributes to less favourable outcomes for marginalised groups than for the majority of the population.
Victim survivor	'Victim survivor' is the most all-encompassing term for people who have experienced harm, including sexual harm, sexual harassment, discrimination and/or bullying. The words 'victim' and 'survivor' are not separated by a hyphen or a slash, as this implicitly or otherwise, limits the potential definitions of the term. 'Victim survivor' allows people who have already experienced a loss of agency to decide which term or terms best reflects their own relationship with their experience and acknowledges that this relationship is always in flux.
Workplace bullying	Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.
Trauma-informed approach	A program, organisation or system that is trauma-informed: realises the widespread impact of trauma and understands potential paths for recovery; recognises the signs and symptoms of trauma in clients, families, staff, and others; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively resist re-traumatisation. A trauma-informed approach can be implemented in any type of service setting or organisation.
First Nations	First Nations refers to people with spiritual and ancestral connections to the ancient, ongoing Indigenous cultures and communities of Australia and its surrounding islands. In some cases, we also use 'Aboriginal and Torres Strait Islander or First Nations' to refer to the same, for brevity and clarity.[2] We use these terms to acknowledge, respect, and celebrate the diversity and difference of First Nations peoples and communities and their ongoing connection to culture and Country.
People of Colour	'People of Colour', 'Women of Colour', 'Men of Colour' refers to those who identify as part of any culturally and linguistically diverse (CALD) group of people. It should be acknowledged that not all people in these groups identify with these terms. These groups are in themselves heterogenous and made up of people of diverse experiences, identities, and perspectives. These are necessarily imperfect terms, designed to convey the particular experiences of people who live under and are excluded by social, political, economic and cultural structures that were not built for them/were built by white colonists and their descendants.

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1   Music NSW "What is contemporary music" https://www.musicnsw.com/contemporary-music/
2   Reconciliation Australia, *Demonstrating inclusive and respectful language* (Fact Sheet, 2021) https://www.reconciliation.org.au/wp-content/uploads/2021/10/inclusive-and-respectful-language.pdf.

KEY TERMS AND DEFINITIONS

LGBTIQ+	LGBTIQ+ is an acronym that stands for: Lesbian, Gay, Bisexual, Transgender, Intersex and Queer, while the '+' symbol stands in for the other identity labels and experiences not represented in the acronym (including asexual, pansexual, non-binary, etc). The LGBTIQ+ community is a 'community of communities' with some shared experiences of marginalisation on account of heteronormativity, cisnormativity, and other largely Western norms around sex and gender.
Intersectionality	Intersectionality is the ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation. Aspects of a person's identity can include social characteristics such as: Aboriginality, gender, sex, sexual orientation, gender identity, ethnicity, colour, nationality, refugee or asylum seeker background, migration or visa status, language, religion, disability, age, mental health, neurodiversity, socioeconomic status, housing status, geographic location, medical record and criminal record. Attitudes, systems and structures in society and organisations can interact to create inequality and result in exclusion. These include sexism, racism, homophobia, biphobia, transphobia, intersex discrimination, disability discrimination, ageism and stigma.
Artist	The term 'artist' is used to refer to a songwriter, singer, musician, band member, instrumentalist, rapper or DJ. It includes those who perform live music, those who participate in recording or writing music, and those who take part in both.
Person conducting a business or undertaking (PCBU)	PCBU is a broad concept that extends beyond the traditional employer/employee relationship to include all types of modern working arrangements. A PCBU can be a company; unincorporated body or association; sole trader or self-employed person. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU. Under work, health and safety laws, a PCBU has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of workers.
Worker	Any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.
Gig worker	A gig worker is an independent contractor or freelancer who typically does short-term work for multiple clients. Their work may be project-based, hourly or part-time, and can either be an ongoing contract or a temporary position.

1. EXECUTIVE SUMMARY

> *Music is what sustains me. It's what inspires me. It can connect me to the world and then disconnect me when I want to disappear… To be able to work in the music industry is quite simply a gift… But at the same time, I think the industry must do better…It must do better in how it treats, how it values its people.*
>
> *Review Participant*

1.1 Introduction and context

In 2021, over 30 artists, workers and leaders from across the Australian contemporary music industry[3] came together to address the prevalence of sexual harm, sexual harassment and systemic discrimination in the industry. At this meeting it was agreed that an independent review should be commissioned to identify the extent of the problem and to develop strategies to prevent and respond to harm. A Temporary Working Group (TWG) was elected to oversee the process and galvanise broad industry support for the Review.

The TWG engaged specialist consultants, MAPN Consulting Pty Ltd (the Review Team), to conduct the *Independent Review into Sexual Harm, Sexual Harassment, and Systemic Discrimination in the National Music Industry* (the Review). The Review commenced in February 2022.

The Review set out to:

- **Elevate** the voices of people in the Australian contemporary music industry who have experienced harm so that their lived experiences inform the Review's findings and the recommendations.

- **Understand** the experiences and expectations of people who have worked, or who are currently working, in the Australian contemporary music industry, with regards to sexual harm, sexual harassment and systemic discrimination.

- **Identify** drivers and risk factors for sexual harm, sexual harassment and systemic discrimination in the music industry.

- **Examine** the nature and prevalence of sexual harm, sexual harassment and systemic discrimination in the music industry, based on the Review's own qualitative and quantitative research.

- **Assess** current structures, policies and practices in place to prevent or respond to sexual harm, sexual harassment and systemic discrimination in the music industry, to determine whether they provide adequate protections and support to workers.

- **Develop** recommendations based on domestic and international best practice and on the suggestions from Review participants and key stakeholders, to support the industry to better prevent and respond to sexual harm, sexual harassment and systemic discrimination, and to foster a more diverse, more inclusive and safer industry where all people can thrive.

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3   For the purposes of this report the term 'contemporary music industry' is used interchangeably throughout as: the music industry; the Australian contemporary music industry; and the Australian music industry.

The Review also explored the issue of bullying as it was raised frequently by participants during focus groups, individual interviews and in written submissions, as well as by a number of key stakeholders.[4]

The Review was a broad cultural review. Its scope did not extend to investigating individual complaints or making determinations on outcomes of investigations. The Review did not examine in specific detail or undertake a comparison of the workplace culture of each individual organisation and company in the music industry. Further, the scope did not include the experiences of audience members or people under 18 years of age. In relation to minors, a number of Review participants raised issues of risk for this group. The Review Team therefore encourages the music industry to undertake further investigation into industry compliance obligations regarding minors.

The Review's remit is the contemporary music industry in Australia. The Review defines 'contemporary music' as including current, popular music being made, recorded, played and/or distributed in Australia. Although the industry is broad, each part or aspect relies on the rest. There are a wide variety of roles in the music industry including: artists, agents, managers, producers, songwriters, composers, publishers, roadies and stage crew, publicists, merchandise retailers, live sound and lighting technicians, drivers, A&R specialists, bookers, executive and human resources personnel, venue staff, and venue owners, to name just some.

COVID-19 has had a devastating economic and social impact on the Australian music industry.[5] It has also had significant individual impacts with many involved in the industry, particularly artists, leaving to seek employment and careers elsewhere.[6] Nevertheless, recent modelling shows that the music industry is expected to make a strong recovery.[7] This recovery provides the contemporary music industry with an opportunity to strengthen rather than just rebuild, and to create a safer, more inclusive, respectful and more innovative industry.

The Review Team recognises the significant challenges a cultural review of this kind presents – a review of a whole industry with many and diverse players, rather than a review of a single organisation with clear systems and structures. At the same time, it recognises the importance of delivering recommendations that resonate and have impact industry-wide.

The changes envisaged in the recommendations require courage and strong commitment, particularly from industry leaders and influential individuals. Broad systemic change is required to strengthen the music industry for the benefit of all who work in it. The recommendations are therefore necessarily bold and present a shift in how issues of harm have been responded to in the past.

The Review particularly acknowledges the courage of the victim survivors who shared their experiences with the Review Team. By sharing their stories, they have made the opportunity for positive change possible.

The Review also recognises the tireless advocacy and activism of music professionals across the industry, particularly the many women who have been advocating for a stronger and more positive culture in the music industry for many years. Their efforts, as well as the more recent actions of other courageous women in the music industry, have been critical in providing the impetus for this Review.

The Review acknowledges the TWG whose members have championed change, including through the commissioning of this Review. In particular, the Review acknowledges the commitment and determined efforts of Deena Lynch, (Jaguar Jonze) who has taken strong personal action, Emily Collins and Julia Robinson who facilitated the Review Team's deep engagement with the broader music industry. These individuals oversaw the Review and were an invaluable source of advice to the Review Team. The Review also acknowledges the work and support of the original members of the TWG that also included Mardi Caught, Larissa Ryan, Sophie Paterson and Sarah Woolcott. In addition, it acknowledges Support Act which auspiced this work on behalf of the contemporary music industry.

The Review Team engaged a First Nations' facilitator to conduct interviews with First Nations people. Whilst the facilitator has chosen to remain anonymous, the Review Team sincerely thanks them for engaging with First Nations people across the industry in a culturally safe space and for providing information that has significantly enriched the Report.

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4   The terms sexual harm, sexual harassment, systemic discrimination and bullying are also referred to as the collective term "harm" throughout the report.
5   PricewaterhouseCoopers, *The Australian Entertainment and Media Outlook: 2021-2025* (Report, 2021) 50-52.
6   PricewaterhouseCoopers, *The Australian Entertainment and Media Outlook: 2021-2025* (Report, 2021) 50-52.
7   PricewaterhouseCoopers, *The Australian Entertainment and Media Outlook: 2021-2025* (Report, 2021) 50-52.

1.2 Methodology

The Review Team's methodology is underpinned by the principles of independence, inclusion, confidentiality, voluntary participation, trauma-informed practice and evidence-based research.

The Review Team adopted a mixed methods approach, using both qualitative and quantitative research to develop a robust evidence base to inform the findings and recommendations. This approach involved:

- One-on-one confidential interviews conducted online or by telephone.
- An online survey for music industry workers.
- Small focus groups conducted online.
- Individual written submissions and organisational submissions.

The Review Team also conducted extensive research into the contemporary music industry, including:

- A review of relevant academic literature, and of similar reviews conducted into creative industries, both within Australia and internationally.
- Analysis of policies and processes in music organisations and comparable industries.
- A review of relevant legislation and data.
- Consultations and briefings with key stakeholders in the music industry, representatives from government agencies, representatives from regulatory bodies, academics, specialist lawyers and researchers.

Intersectionality was a key priority in engaging individuals in the music industry in the Review. Hearing from First Nations artists and workers in the industry, People of Colour, people with disability and LGBTIQ+ people was critical for the Review Team to gain a first-hand understanding of the lived experiences of these diverse groups and people in the industry.

266
Interviews

16
Focus groups
(52 participants)

25
Individual
written
submission

7
Organisations'
submission

1271
Survey
participants

1.3 Overall findings

The Review's findings show that there are a number of positive aspects to the culture of the contemporary music industry. At the same time there are significant systemic risks and challenges in the culture that have allowed harm and unacceptable behaviour to occur.

That said, the challenges this report identifies are not unique to the contemporary music industry, even if there are some driving contextual factors specific to music. Countless diverse workplaces, organisations and industries have faced or are facing the same issues. Many are increasingly turning their attention to addressing these issues, and in doing so offer valuable models for change.

The findings of this Review should not be reason for people across the contemporary music industry or the broader community to have reduced faith in the capacity of the industry to be creatively and commercially successful and world class. The most important element of change is the will for action, and the Review Team was encouraged by the appetite and capacity for change revealed in its consultations with the music community, including a variety of leaders. This report provides an opportunity for the music industry to recognise and take advantage of the momentum for change, to improve its culture and to ensure that music is a safe and inclusive space where all people can thrive. The key findings are captured in the following box.

People in the Australian contemporary music industry:

- Have an overwhelming passion for music and a deep commitment to working in the music industry.

- Have a strong belief in the creativity, uniqueness and profitability of the Australian music industry.

- Are proud of their contributions to maintaining the world class standard of the Australian contemporary music industry.

At the same time:

- There is strong appetite for widespread and sustainable cultural change across the contemporary music industry.

- There is a strong desire for leaders and those with influence to champion and lead change.

- There are high rates of sexual harassment, sexual harm and bullying across the music industry.

- Serial perpetrators are often an open secret and are not always held to account.

- Women do not thrive to the same extent as men in the music industry.

- People from diverse backgrounds, including First Nations people, People of Colour, people with disability and LGBTIQ+ people, frequently experience discrimination, resulting in a denial of opportunities.

- Young people and people of diverse backgrounds can be at particular risk of harm and poor employment conditions.

- Harmful behaviours can be normalised across the music industry.

- Parts of the music industry are not psychologically safe and formal reporting of harmful behaviours is infrequent, often rare.

- A perceived pay disparity exists between genders in the music industry.

- Factors including a traditionally male-dominated culture, the ready availability of alcohol, and a lack of proper regulation of workplaces can create risk.

- People policies and systems are not always adequately 'lived' across organisations in the music industry.

- Ad hoc reforms will not create meaningful, systemic or long-lasting change across the music industry.

Survey findings at a glance

Sexual Harassment

At some point in their career in the contemporary music industry:

- 55% of survey participants experienced some form of workplace sexual harassment. This includes 72% of women survey participants and 39% of male survey participants. The highest levels of sexual harassment experienced were among survey participants who identify as an additional gender with 85% reporting at least one experience.

55%

In the last five years:

- 33% of survey participants have experienced at least one incident of workplace sexual harassment in the last 5 years. This includes 40% of women survey participants and 26% of male survey participants.

33%

- 74% of perpetrators of sexual harassment were men and 25% were women.

25%
74%

- 45% of incidents occurred at a music venue; 21% occurred in an office; 17% at a work-related event.

17%
21%
45%

- 82% of survey participants did not report the sexual harassment.

82%

- 3% of survey participants made a formal report.

3%

- 71% of survey participants who made a formal or informal report of sexual harassment stated that their career progression was impacted by making this report.

71%
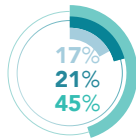
Bullying

At some point in their career in the contemporary music industry:

- 76% of survey participants have experienced bullying at work.

76%

In the last five years:

- 74% of survey participants experienced bullying. This includes 81% of women survey participants, 67% of male survey participants and 86% of survey participants of additional genders.

74%

- The perpetrator of bullying was more likely to be a man (67%) than a woman (28%).

28%
67%

- Perpetrators of bullying include senior managers (17%), colleagues or peers (14%) and business leaders (14%) from within the victim's workplace.

14%
14%
17%

- The majority of bullying took place in an office (41%) or at a music venue (29%).

29%
41%

- 6% of survey participants made a formal report.

6%

- 51% of those who did not make a bullying report did not do so because they believed a report would not change anything or nothing would be done to address the issue.

51%
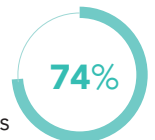
1.4 Leadership and the social, business and legal imperatives for change

In the wake of a range of movements, including #MeToo, and high-profile cases which brought to light aspects of sexual abuse, discrimination and harm, many leaders, organisations and industries have recognised the moral, legal and business imperatives of taking a proactive approach to building positive and healthy workplace cultures. The Australian contemporary music industry has yet to fully take up the demonstrable benefits of ensuring safe and respectful workplaces through an industry-wide and long-lasting approach.

There are several unique aspects and complexities to the music industry that present challenges to setting standards for good workplace culture. This includes the considerable number and diversity of workplaces in music, the number of freelance and 'gig economy' workers and small organisations, the precariousness of labour and lack of job security for many workers and the passion people have for music, which may encourage them to accept poor practices and unacceptable behaviours. Despite this, all music industry workers have the right to safe and respectful working environments, and employers and industry leaders have a responsibility to the wellbeing of their workers.

Research is unequivocal on the business imperative of ensuring a physically and psychologically safe, inclusive and respectful work environment. Research by Deloitte found that in 2018, workplace sexual harassment alone cost the Australian economy $3.5 billion, including $2.6 billion in lost productivity.[8]

As well as this, and most significantly, negative and toxic workplace culture can have devastating impacts on individuals. In particular, workplace harm such as sexual harassment, sexual abuse, bullying and discrimination can severely impact workers' physical and mental health and undermine their careers and economic independence. Women are more at risk of experiencing workplace misconduct, especially sexual harassment and/or sexual harm, as are people who experience other or intersecting forms of discrimination. Academic Rosemary Hill identifies the prevalence of sexual harassment in the music industry as 'a catastrophe for women's musical participation'.[9]

The Australian Human Rights Commission recognises workplace sexual harassment, bullying and discrimination as a human rights issue, and affirms employers' and organisations' responsibility to create a 'safe environment' in the workplace.[10]

The right to physical and psychological safety at work is enshrined in Australian legislation as well as international human rights agreements. Physical and psychological workplace safety is recognised by Support Act as a music industry priority in its forthcoming *Minimum Standards for a Mentally Healthy Music Industry*.

The Review heard that minimum workplace relations requirements were not always consistently applied by some organisations or businesses. The Review was concerned to hear that on occasion, people in the music industry, and young people in particular, are not always paid for the work they do, under so-called internship arrangements. As a starting point the music industry must ensure compliance with all legal requirements to ensure workplaces meet the fundamental rights of workers.

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8   Deloitte Access Economics, *The Economic Costs of Sexual Harassment in the Workplace: Final Report* (Report, 2019) 5.

9   Rosemary Lucy Hill, 'Is sexual abuse and exploitation rife in the music industry?' *The Conversation* (Online, 16 September 2021) https://theconversation.com/is-sexual-abuse-and-exploitation-rife-in-the-music-industry-167852.

10 Australian Human Rights Commission, *We all have a right to feel safe and respected.* (Web Page, 2019) <https://humanrights.gov.au/our-work/we-all-have-right-feel-safe-and-respected>.

1.5   Change as a priority

The Review found unacceptable levels of harm in the contemporary music industry. The survey data and the information provided by Review participants present a concerning picture of risk, inequality and discrimination for many. Women and diverse and marginalised groups face particular challenges.[11] Urgent, direct, practical and sustained action is required.

Changing the contemporary music industry culture requires a whole-of-industry commitment to safety, inclusion and respect, championed and driven by industry leaders and influential figures.

The music industry should come together and commit to act in a concerted, determined and resolute way to effectively address sexual harm, sexual harassment, bullying and systemic discrimination. This is a watershed moment for the industry. There is an opportunity for the music industry to create more inclusive, dynamic and creative workplaces built on respect, representation, safety and belonging. It also presents an opportunity for the music industry to be a leader for other creative industries, both domestically and overseas.

While there have been some strategies implemented in discrete areas of the music industry to respond to harmful workplace behaviours, including through the development of policies and codes of conduct in some larger organisations, more integrated responses are required.

Strategies, to date, have been ad hoc, one-off and the product of individual organisations and sub-sectors. As such, there is no consistent or industry-wide commitment and approach to these issues. Harmful behaviours will continue to occur if the status quo remains.

The Review's recommendations reflect the voices of the many people who participated in the Review – their lived experiences, their observations, views and suggestions for change. The recommendations are also drawn from the results of the online survey, the advice of industry leaders and those with influence, relevant policies and data, and promising and best practices from overseas and other local industries, including the screen industry.

The Review recognises that an overarching and consistent approach to preventing harmful behaviour is required. However, it also recognises that the various workplace environments that make up the music industry have unique characteristics, necessitating that some strategies must be tailored and targeted.

The recommendations are underpinned by six principles. These principles are designed to focus the music industry on the intent and desired outcomes of the recommendations as they are implemented.

Principles underpinning the recommendations

1. A collaborative music industry actively committed to ensuring workplaces are safe, respectful and inclusive.

2. Courageous and inclusive leadership which cascades through organisations and industry-wide.

3. A zero-harm approach to preventing harmful behaviour, including creating a positive onus to prevent sexual harm, sexual harassment, bullying and systemic discrimination.

4. Increasing diversity, equity and inclusion in the music industry.

5. A person-centric approach to responding to reports of harm underpinned by transparency and accountability.

6. Embedding, sustaining, monitoring and evaluating progress of cultural reform.

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11 Many of the Review's findings mirror those of the 2022 survey conducted for Support Act, *Mental Health and Wellbeing in Music and Live Performing Arts*, which found that many of their survey participants experienced insecure and unsafe working conditions, including exposure to bullying, ageism, racism, unwanted sexual attention or abuse, discrimination based on gender, sexuality, or disability, and other kinds of mistreatment: Aurora Elmes & Jasmine Knox. *Mental health and wellbeing in music and live performing arts Australia* (Report 2022). Centre for Social Impact, Swinburne University of Technology: Hawthorn, Australia. The Review's findings are also are consistent with the research of Dr Bianca Fileborn, Dr Phillip Wadds, Ash Barnes, Associate Professor Catherine Strong and Dr Jeff Crabtree all of whom have found gender inequality, sexual harassment and sexual harm to be pervasive in the Australian contemporary music industry.

Principle 1: A collaborative music industry actively committed to ensuring workplaces are safe, respectful and inclusive

While the music industry in Australia is dispersed and competitive it is united by a strong passion for contemporary music and for a desire to see the success of Australian music. This sense of unity and desire should be leveraged and reflected in a genuine and visible commitment by industry leaders to ensure all those who work in the industry are safe, respected, included and have the opportunity to thrive.

The Review recommends that a whole-of-industry approach be adopted to preventing and responding to sexual harm, sexual harassment, bullying and systemic discrimination. Only through such an approach will a truly effective and consistent response to harm misconduct be realised. An industry-wide approach can be of particular benefit to small and medium-sized businesses which may lack the resources to develop necessary policies and practices.

An industry led cultural reform process must have structural supports in place to drive and sustain change.

The Review recommends that a Contemporary Music Industry Cultural Reform Council (the Council) be established to mobilise the industry and drive cultural reform in a consistent, robust and systemic way. It should be supported by a secretariat and funded by the contemporary music industry with appropriate contributions from the Commonwealth, State and Territory Governments. The Commonwealth Government arts and culture agencies should facilitate the establishment of the Council including the recruitment of Council members. The Council should be co-designed with diverse voices to ensure it is culturally safe and inclusive.

To be effective, it is critical that the Contemporary Music Industry Cultural Reform Council has a high level of confidence, trust and credibility within the industry. The Contemporary Music Industry Cultural Reform Council would work in collaboration with existing peak industry bodies to carry out its role in helping to strengthen the culture across the music industry. It is recommended that the Contemporary Music Industry Cultural Reform Council be truly representative through the appointment of members from across the entire industry.

Membership should be gender balanced and have representation from diverse groups, including First Nations, LGBTIQ+, people from culturally and linguistically diverse backgrounds and people with disability.

Functions of the Contemporary Music Industry Cultural Reform Council should include overseeing the implementation of the recommendations contained in this report, developing an Action Plan to address sexual harm, sexual harassment, bullying and systemic discrimination in the contemporary music industry and developing industry-wide education and awareness campaigns.

The Contemporary Music Industry Cultural Reform Council would also be responsible for developing an industry Code of Conduct to prevent sexual harm, sexual harassment, bullying and systemic discrimination. Setting minimum standards of behaviour through industry-wide Codes of Conduct is best practice and a foundational element to drive cultural change.

The lack of specialist support for people in the contemporary music industry who have experienced harmful behaviour was a frequent theme in the Review. The Review Team heard of many instances of trauma and psychological distress as a result of harm they have suffered at work. The Review therefore recommends that the Contemporary Music Industry Cultural Reform Council establish an independent specialist safe space that would offer support and allow people to confidentially disclose misconduct covered by the proposed Code of Conduct. The safe space could be utilised by all people working in the music industry. Importantly, the independent body would provide wrap-around, trauma-informed and confidential support and advice. In addition, the safe space should also provide advice and support regarding internal (organisational) and external reporting avenues.

The Review Team frequently heard from many in the music industry that there is simply 'nowhere or no one to report to' and that a perceived lack of accountability for perpetrators was a major barrier to reporting misconduct. There was a strong and consistent call for an independent mechanism to be established that could take reports and investigate allegations of harm. While some internal reporting mechanisms currently exist, the results from the survey indicate that overall, formal reporting is very low. This suggests a trust deficit in current reporting options.

The Review Team recognises the complexity of establishing an authoritative framework for independent investigations. It considers that further work is required to ensure that any mechanism that is adopted that enables independent investigations in relation to reports is robust, fair and transparent. It therefore recommends that the Contemporary Music Industry Cultural Reform Council conducts a comprehensive review of options for facilitating independent investigations into reported breaches of the Code of Conduct.

Reporting incidents to an independent body would enable freelancers and artists to report harmful behaviour and have it investigated, where appropriate. For people working in organisations, the independent body would be an additional option for reporting and investigations. Nevertheless, recommendations have also been made to strengthen internal reporting mechanisms to ensure they are effective and psychologically safe. These recommendations are intended to increase reporting rates within organisations.

Principle 2: Courageous and inclusive leadership which cascades through organisations and industry-wide

Good leadership starts at the top. But strong, inclusive and courageous leadership across all organisations, venues and events and among artists is required at all levels of the music industry to drive change. Good leadership includes leaders modelling respectful and inclusive behaviours; ensuring there is swift and visible accountability for inappropriate behaviour; and ensuring human decency guides all personal interactions.

It is critical that all leaders in the industry own, champion and implement the recommendations of this Review in visible ways. The recommendations include a need for leaders to give a clear statement acknowledging the harm caused by sexual harm, sexual harassment, bullying and systemic discrimination in the industry; commit to cultural reform and accountability; signal their personal acceptance of this report's recommendations and their determination to see them in operation.

The Review also recommends practical actions that leaders and business owners should take, including championing the industry Code of Conduct, training on respectful, safe

and inclusive workplace behaviours and inclusive leadership and ensuring they apply consistent and proportionate consequences for those found to have perpetrated harmful behaviour.

Principle 3: A zero-harm approach to preventing harmful behaviour, including creating a positive onus to prevent sexual harm, sexual harassment, bullying and systemic discrimination

The Review's findings demonstrate that sexual harm, sexual harassment, bullying, racism and other forms of discrimination are prevalent at unacceptable rates across the music industry. They are behaviours that have no place in contemporary Australian workplaces, no matter how unconventional that workplace might be. They are risks to workplace health and safety and require a proactive preventative approach.

In relation to sexual harm, the Commonwealth Government has committed to enshrining into law an enforceable 'positive duty' on employers to eliminate sex discrimination and sexual harassment, as far as possible. Once legislated the duty would require employers to take proactive measures to mitigate sexual harassment in the workplace, which would include identifying and assessing risks of harassment and responding accordingly to prevent these incidents from occurring.

Organisations and industry bodies in the music industry should ensure that they have appropriate risk assessment and management processes in place to identify risks associated with harmful behaviour and implement measures to eliminate or minimise these risks.

The Review recommends practical steps organisations should take to prevent behavioural misconduct including developing robust policies and providing expert training to leaders and workers, including contractors, on respectful workplace behaviours. It also recommends that all contracts with workers and contractors require compliance with organisation policies and the proposed contemporary music industry Code of Conduct. Organisations should create a safe reporting culture, through, for example, leaders delivering consistent messaging around the importance of workers reporting harm in the workplace and ensuring they will be supported when they report.

Principle 4: Making equity, diversity and inclusion a priority

Equity, diversity and inclusion are fundamental to creating safe and respectful workplace environments as well as enhancing productivity and effective workplaces. The Review found that the music industry lacked diversity and that groups such as women, First Nations people, People of Colour, people with disability and LGBTIQ+ people are underrepresented in key roles. They face many structural barriers trying to enter the music industry and once in, their contributions are frequently overlooked. The lack of diversity and inclusive practices in the music industry are not consistent with contemporary workplaces which are actively recruiting from diverse groups to expand their talent pools, enhance innovation and strengthen their decision-making capacity.

First Nations' women and Women of Colour told the Review Team of the disadvantages and discrimination they face because of both their race and gender. They highlighted that gender inequality is not experienced in the same way by all women, nor expressed the same way in all contexts. To achieve equality and respect for all women in the music industry, gender inequality cannot be seen as separate from other forms of discrimination and disadvantage that women face. An intersectional approach to workplace gender equality is needed across the music industry if all women in the industry are able to thrive.

For First Nations people of all genders, the ongoing impact of colonisation underpins their experiences in the music industry. They stated that while music itself is an enriching pursuit, parts of the music industry could be racist, harmful and exclusionary. This can manifest in lack of air time, being excluded from bills and line-ups and being underrepresented in critical and influential roles.

Greater equity, diversity and inclusion will strengthen the music industry, bringing benefits for individuals and organisations – large and small. In 2017, comprehensive research was conducted by Academics Rae Cooper, Amanda Coles and Sally Hanna-Osborne on gender inequality in the music industry.

The report *Skipping a beat: Assessing the state of gender equality in the Australian music industry* (2017) (the Cooper Report) found a contemporary music scene in which radio playlists, festival line-ups, industry awards, peak bodies and major industry boards are dominated by men's contributions and voices.

The report made key recommendations to address gender inequality, including, the use of targets, better data collection, the use of gender criteria in deciding public funding outcomes and increasing and women's representation in decision-making roles. To date, the recommendations have not been implemented.

Targets are an effective intervention for increasing the representation of women in roles which have traditionally been closed off to them because of cultural and structural barriers. There is a view that targets are anti-meritocratic, however there is no evidence that shows that women appointed under targets are less talented, less competent or perform less effectively than people appointed through processes without gender targets. Targets are intended to level the playing field for women. Targets are also a positive intervention for increasing the representation of diverse groups in industries where they have been traditionally marginalised. As such the Review recommends the establishment of targets as an effective strategy to enhance the visibility and elevate the representation of women into key contemporary music industry roles.

To gain a deeper understanding of the unique experiences and treatment of First Nations People, People of Colour, people with disability and LGBTIQ+ people, the Contemporary Music Industry Cultural Reform Council should commission an independent review to comprehensively examine the barriers that these groups can face in the contemporary music industry. The review should include recommendations aimed at elevating the visibility and status of these groups. In the first instance, the review should explore the experiences of First Nations people. First Nations people should design and lead the review with appropriate resources and support.

Principle 5: A person-centric approach to responding to reports of harm underpinned by transparency and accountability

Together with a strong preventative approach, comprehensive, effective and sensitive responses are crucial to ensuring that individuals are heard and are properly supported, including in a culturally appropriate way. Effective responses to harm are also critical to deterring negative behaviours.

A common theme from the Review was that those in the industry who were aware of their organisation's internal reporting channels were reluctant to use them. Many felt 'disempowered' by the process and, in a number of cases, felt it to be punitive.

The Review Team heard that many internal reporting processes lacked a person-centric approach, and legal responses often took priority over the wellbeing of the parties involved. The Review recommends that organisations should adopt person-centred internal reporting and response mechanisms that prioritise support for and wellbeing of the person impacted by harm.

Principle 6: Embedding, sustaining, monitoring and evaluating progress of cultural reform

Finally, the Review Team acknowledges that cultural reform will not only take time but require ongoing monitoring and review. It therefore recommends that a monitoring and evaluation framework be developed and that an independent review of progress in relation to the implementation of these recommendations be undertaken within two years. As part of this process the survey developed for this Review should be re-administered across the music industry.

The momentum for change must continue, with this Review a beginning, rather than a culmination, of the valuable work ahead.

1.6   Conclusion

Supporting the contemporary music industry in these early steps towards positive change has been a privilege for the Review Team. In particular, the Team has been moved and heartened by the courage, candour, and strength of the many individuals in the music industry who shared their time, their voices, and their experiences in the name of change. The people of the music industry are what makes Australian music such a uniquely creative and successful part of our society.

The challenge now is for the contemporary music industry to honour these people and those who will join it in the future, by making safety, respect, diversity and inclusion the lived reality for everyone in the industry.

2. RECOMMENDATIONS FOR CHANGE

I love working in music. I have always loved it. But I also want change. I want to be always treated with respect and I want to be valued for my contributions. I don't want to be afraid in any part of the industry. I want our industry to be the gold standard – creatively, commercially and from a basic humanity perspective.

Review Participant

Recommendation 1: Contemporary Music Industry Cultural Reform Council

A Contemporary Music Industry Cultural Reform Council to address sexual harm, sexual harassment, bullying and systemic discrimination, should be established as a priority and within 3-6 months of the release of this report. It should be supported by a secretariat and funded by the contemporary music industry with appropriate contributions from the Commonwealth, State and Territory Governments. The Commonwealth Government arts and culture agencies should facilitate the establishment of the Council including the recruitment of Council members. The Council should be co-designed with diverse voices to ensure it is culturally safe and inclusive.

The objective of the Contemporary Music Industry Cultural Reform Council is to bring together and mobilise the industry to drive cultural reform and to oversee the implementation of the recommendations contained in this Report.

The Contemporary Music Industry Cultural Reform Council should:

- Consist of representatives from all sectors of the contemporary music industry, including those in senior positions.
- Be gender balanced.
- Have representation from diverse groups, including First Nations people, LGBTIQ+ people, People of Colour, people from culturally and linguistically diverse backgrounds, and people with disability.

The Contemporary Music Industry Cultural Reform Council should also draw upon the experience and expertise of external key stakeholders where necessary, for example, through working groups, sub-committees and engaging intersectional and gender-responsive experts.

Recommendation 2: Functions of the Contemporary Music Industry Cultural Reform Council

Functions of the Contemporary Music Industry Cultural Reform Council should include, but not be limited to:

- Overseeing the implementation of the recommendations in this report.
- Developing an Action Plan to address sexual harm, sexual harassment, bullying and systemic discrimination in the contemporary music industry.
- Developing an industry-wide Code of Conduct (Recommendation 3)
- Developing industry-wide approaches to prevent and better respond to sexual harassment, sexual harm, bullying and systemic discrimination. These approaches should be informed by the work of independent experts, including those that are culturally appropriate.
- Publishing an annual report that sets out the activities of the Music Industry Cultural Reform Council and the industry to progress cultural reform. This should include the data identified in Recommendation 16.
- Developing and implementing consistent alcohol and other drug policies across the music industry with the assistance of expert advisers to ensure compliance with work health and safety obligations, and the principle of harm minimisation.
- Establishing an independent safe space for music industry individuals (see Recommendations 5 and 6).

Recommendation 3: Contemporary Music Industry Code of Conduct

The Contemporary Music Industry Cultural Reform Council should, within 3 months of its establishment, develop a Code of Conduct to prevent harmful behaviour including sexual harm, sexual harassment, bullying and systemic discrimination. While the content of the Code of Conduct should be designed by the contemporary music industry, the following core elements should be included:

- An obligation to comply with all applicable workplace laws, including laws that prohibit sexual harm, sexual harassment, bullying and discrimination.
- A requirement for organisations to enact best practice policies and procedures to prevent and respond to sexual harm, sexual harassment, bullying and discrimination as well as any other areas of behavioural misconduct.
- Compliance obligations of signatories with the Code of Conduct.
- Procedures for reporting grievances, including to external agencies, and guidance on the application of consistent and proportionate sanctions for breaches.

Recommendation 4: Complying with the Contemporary Music Industry Code of Conduct

The Contemporary Music Industry Cultural Reform Council should, as a priority, mobilise, such as through a targeted campaign, individuals and organisations in the music industry to sign up to and implement the Code of Conduct. Compliance with the Code of Conduct should be linked to:

- Funding programs administered by Commonwealth, State and Territory Governments.
- Eligibility to receive music industry awards.
- Membership of music industry associations.

Recommendation 5: Independent Safe Space

The Contemporary Music Industry Cultural Reform Council should create, within 6 months of its establishment, an independent specialist safe space (Independent Safe Space) within the industry that is trauma-informed, culturally appropriate and available for people to confidentially disclose and report any harm covered by the Code of Conduct. It should be funded by the music industry with appropriate contributions from the Commonwealth, State and Territory Governments. Advice on establishing the safe space could be sought from existing trauma-informed support services. The Independent Safe Space should operate as an additional option to existing reporting and response mechanisms within organisations. Options for strengthening the effectiveness of internal reporting and response mechanisms are at Recommendation 15.

Recommendation 6: Functions of the Independent Safe Space

Functions of the Independent Safe Space should include, but not be limited to:

- Receiving disclosures (including anonymous disclosures) of workplace harm 24/7, by text, phone-call, email, a digital reporting platform or in person.
- Providing wrap-around, trauma-informed and confidential support through specialist counsellors that is culturally safe and inclusive.
- Providing advice and support on internal (organisational) and independent external reporting avenues.

Recommendation 7: Independent investigations

Industry Codes of Conduct are more effective when they can be enforced through reporting and response mechanisms. The Contemporary Music Industry Cultural Reform Council should, within 12 months of its establishment, conduct a review to identify options to investigate breaches of the Code of Conduct.

The Review should consider:

- Options to conduct fair and transparent investigations into reported breaches of the Code of Conduct.
- Confidentiality safeguards.
- How to manage historic reports of misconduct.
- Sanctions for non-compliance with investigations.
- Funding arrangements.

Recommendation 8: Education and awareness campaigns

The Contemporary Music Industry Cultural Reform Council should, within 12 months of its establishment, develop and implement the following ongoing education and awareness industry-wide campaigns:

- A campaign to increase awareness of the prevalence, nature and impacts of sexual harm, sexual harassment, bullying and systemic discrimination. This campaign should target organisations, artists, touring crews, technical personnel, venues and other relevant entities in the music industry. The campaign should be developed in collaboration with expert providers and in consultation with diverse groups to ensure it is culturally appropriate and inclusive.

- A campaign in collaboration with Safe Work Australia and the Fair Work Ombudsman to assist employers and workers in the industry to understand their workplace rights and obligations. This campaign should include the publication of up-to-date resources for the industry. Areas that should be covered include for example, unpaid work, parental leave and workplace sexual harassment, bullying and discrimination.

Recommendation 9: Statement of Acknowledgment

Industry leaders, including artists, should deliver a Joint Statement of Acknowledgement that includes:

- An acknowledgement of the harm caused by sexual harm, sexual harassment, bullying and systemic discrimination in the contemporary music industry.
- A commitment to cultural reform across the industry, including accountability.
- A commitment to implement the recommendations contained in this report.

Recommendation 10: Leadership commitment to cultural reform

Leaders and business owners across the contemporary music industry should visibly commit to safe, respectful, diverse and inclusive workplaces, including by ensuring the prevention of sexual harm, sexual harassment, bullying and systemic discrimination is a leadership priority. This should include:

- Actively and visibly championing the industry Code of Conduct, (Recommendation 3) by, for example, placing it on their website and intranet, ensuring their staff (including contractors and freelancers) are aware of its provisions and how to report breaches.

- Participating in and supporting employees to attend annual expert, independent training on respectful, safe and inclusive workplace behaviours and inclusive leadership.

- Ensuring consistent and proportionate consequences for those found to have perpetrated harmful behaviour are applied. This may include a range of consequences from an apology to the impacted individual or a written reprimand through to termination of employment or contract.

- Ensuring that bystanders are skilled to support employees to call out harmful behaviour.

- Reporting annually to the Contemporary Music Industry Cultural Reform Council (Recommendation 1) on the actions that they have taken to ensure a safe and respectful work environment.

Recommendation 11: Zero-harm approach to prevention

A zero-harm approach should be adopted by organisations and business owners to prevent harm in any workplace in the contemporary music industry. This includes:

- Addressing sexual harm, sexual harassment, bullying and systemic discrimination as a workplace health and safety issue.

- Developing robust best practice policies consistent with the Code of Conduct (Recommendation 3).

- Facilitating annual expert training to leaders and workers on respectful and safe workplace behaviour. This should include the provision of training in an organisational setting, for those about to tour and for festival and venue leaders, workers and contractors.

- Seeking advice and input from diverse groups to ensure that all training is culturally safe and inclusive.

- Ensuring that all contracts with workers contain a clause that they comply with any relevant organisation policies and the industry Code of Conduct.

- Ensuring that all contracts with artists allow an artist to amend or terminate a contract should they experience harm, including sexual harm, from a worker in the organisation.

- Creating a safe reporting culture, by for example, leaders delivering consistent messaging around the importance of workers reporting harm in the workplace and ensuring they will be supported when they report.

- Ensuring trauma-informed reporting and response mechanisms are in place in their organisations. (Recommendation 15).

- Ensuring that consistent and proportionate outcomes are delivered to those found to have committed harmful behaviour.

Recommendation 12: Review into the experiences of diverse groups in the contemporary music industry

To address the underrepresentation and treatment of First Nations People, People of Colour, people with disability, and LGBTIQ+ people, the Contemporary Music Industry Cultural Reform Council should commission an independent review to comprehensively examine the experiences of these groups in the contemporary music industry. The review should examine barriers to representation to leadership and key roles, systems and processes for award nominations, festival and event programming, line-ups and billing, and other key platforms that provide exposure and opportunities for artists. It should also include recommendations aimed at elevating the visibility and status of these groups.

The review should initially focus on the experiences of First Nations people and be designed and led by First Nations people with appropriate resources and support. Without directing or limiting the scope of the First Nations review, topics to be considered could include:

- Identifying specific actions to increase First Nations people's representation in all roles and at all levels of the music industry.

- Establishing industry-wide First Nations protocols.

- Increasing cultural capability and competency in all aspects of the music industry, including through education and/or traineeships.

- Establishing an appropriate mechanism for formalising advice from First Nations people, both localised and national.

- Providing holistic, culturally appropriate and trauma informed support for First Nations people who have experienced harm and discrimination in the music industry (Recommendation 5).

Recommendation 13: Targets and actions to increase the representation of women

In order to effectively increase representation of women in key roles the contemporary music industry should set relevant and appropriate targets in both leadership and broader representation including in relation to senior corporate roles, festival event programming, line ups and all tiers of billing and award nominations.

As a suggested benchmark for women's representation, the music industry should implement the following targets to achieve by 2030:

- 40:40:20 (40% men, 40% women and 20% all genders) in key leadership roles across organisations greater than 15 employees.

- 40:40:20 (40% men, 40% women and 20% all genders) at all industry conferences, events, panels and on bills and line-ups.

This also requires organisations to collect and monitor gender equality data (Recommendation 16).

Recommendation 14: Inclusion and representation linked to public funding outcomes

To receive public funding music industry candidates should be required to meet specific criteria around gender and diversity and have signed up to the music industry Code of Conduct (Recommendation 3).

Recommendation 15: Internal reporting and response mechanisms

Organisations should adopt person-centred internal reporting and response mechanisms that prioritise the safety and wellbeing of the person impacted. To be effective, reporting and response mechanisms should ensure:

- Reports are treated seriously and that those who make a report will not face adverse consequences for making the report, including victimisation.

- A range of reporting pathways are available for workers and bystanders that are supportive, person-centred, and flexible.

- Reports are actioned in a timely manner and regular feedback is provided to the parties throughout the process.

- The availability of early intervention and informal resolution options such as mediation.

- Formal investigations are conducted in a confidential, impartial, timely and fair manner.

- Consistent and proportionate sanctions are applied to hold those who have committed harmful behaviour to account.

Recommendation 16: Monitoring and evaluation

The Contemporary Music Industry Cultural Reform Council should develop a monitoring and evaluation framework to regularly collect industry data on women's and diverse groups representation and participation across the whole of the music industry.

Recommendation 17: Review of cultural reform progress

The Contemporary Music Industry Cultural Reform Council should establish, within two years, a follow up external independent review to evaluate progress on the implementation of the recommendations made in this report. This process should include readministering the survey developed for the Review.

3. SETTING THE SCENE

"

It's long overdue but now that there are things like this project [the Review] and people are calling out bad conduct, I feel optimistic that we are moving in the right direction.

Review Participant

"

3.1   Establishment of the Review

In 2021, music industry professionals, including artists, workers and leaders came together to discuss strategies to address sexual harm, sexual harassment and systemic discrimination in their industry. It was decided that an independent review was required to examine the extent of harm in the industry, and to recommend interventions for reform. A Temporary Working Group (TWG) was established to oversee and galvanise support for the review.

In December 2021, the TWG engaged expert independent consultants MAPN Consulting Pty Ltd (the Review Team) to conduct a review of sexual harm, sexual harassment and systemic discrimination in the music industry (the Review). The Review commenced in February 2022.

The Review Team engaged with hundreds of people from across the music industry through interviews, focus groups, written submissions and an online survey (the Review participants or the participants). This report reflects the Review participants' experiences in and observations of the music industry relating to sexual harm, sexual harassment and systemic discrimination, together with their suggestions for change. During the course of the Review, participants frequently raised issues of bullying. For that reason, bullying is included in this report.

This Chapter introduces the scope of Review and how it was conducted. It presents a brief overview of the Australian contemporary music industry, including the key issues facing it and bearing on the problems discussed in this Review. Following this is an explanation of the Review's research methodology.

3.2   Scope of the Review

The scope of the Review was to listen to and consider the lived experiences of music professionals from the live and recorded sectors, labels and publishers, artists and artist managers, agents, festival and event production staff and others who work in the industry.

The Review was required to make recommendations on how the music industry can align itself with best practice approaches in the prevention of and response to sexual harm, sexual harassment and systemic discrimination, to ensure that its workplaces are spaces where all people are safe, included and able to thrive.

The Review set out to:

- Elevate the voices of people in the Australian contemporary music industry who have experienced harm, so that their lived experiences inform the Review's findings and the recommendations.

- Understand the experiences and expectations of people who work in the contemporary music industry in Australia, with regards to sexual harm, sexual harassment and systemic discrimination.

- Identify drivers and risk factors for sexual harm, sexual harassment and systemic discrimination in the contemporary music industry.

- Assess current structures, policies and practices in place to prevent or respond to sexual harm, sexual harassment and systemic discrimination in the music industry to determine whether they provide adequate protections and support to workers.

- Examine the nature and prevalence of sexual harm, sexual harassment and systemic discrimination in the music industry, based on the Review's own qualitative and quantitative research.

- Develop recommendations based on domestic and international best practice and on the suggestions from Review participants, to support the industry in better preventing and responding to sexual harm, sexual harassment and systemic discrimination, and to foster a more diverse, more inclusive, and safer industry for all who work in it.

As noted above the Review also explored the issue of bullying.

This Review was a broad cultural review of the Australian contemporary music industry. The Review did not investigate any individual complaints or review the outcomes of any investigation. Further, the Review did not examine the specific workplace culture of individual organisations and companies in the music industry. It also did not examine the experiences of audience members or those under 18 years of age. However, given that the experiences of minors was raised by some participants the Review encourages further work be conducted into their experiences, including an examination of issues relating to industry compliance obligations.

3.3 The Australian contemporary music industry at a glance

The Review's remit concerns the contemporary music industry in Australia. The term 'contemporary music' has no one definition – it means many things to many people. In simple terms, however, it refers to current, popular music being made, recorded, played, and/or distributed in Australia. As such, the national contemporary music industry is broad and diffuse. It encompasses numerous areas, interests, duties and concerns, which are interrelated, but which all have unique functions. As well as artists (e.g. performers, songwriters, musicians, rappers and DJs), the contemporary music industry relies upon agents, artist managers, tour managers, producers, promoters, publishers, publicists, live sound, sound engineers, lighting technicians, drivers, A&R specialists, roadies and stage crew, bookers, merchandisers and venue managers and owners.

Depending on their size and functions, labels, publishing companies, and other organisations in the music industry comprise a corporate workforce which may include human resources staff, lawyers, IT workers and executive teams. Australia is the ninth largest music market in the world,[12] and the contemporary music industry is estimated to have contributed between $4 billion and $6 billion to the national economy.[13]

Those who are looked to as industry leaders occupy positions across all sectors of the industry. These include, but are not limited to: major record labels, touring and promotion companies, many independent labels, ARIA, APRA, state and territory associations, and a range of artists from the internationally and nationally high profile, to those celebrated within their particular communities. The COVID-19 pandemic, and especially the 2020 and 2021 lockdowns, severely impacted the contemporary music industry. In 2020, Australia's live and recorded music market was valued at $1.1 billion, a decline of nearly 40% from 2019.[14] The live music sector was the hardest hit: the above decline can be attributed largely to the near-total loss of live music work in 2020.[15] The effects of the pandemic on employment in the industry have yet to be recorded, however, it can be confidently assumed that the music industry workforce is much smaller than it was before 2020.

Of those who have not left the industry completely, many people – particularly artists and freelance workers – are likely to be underemployed. This said, live and recorded music is historically a strong performer in Australia, and the industry is expected to recover steadily. PwC estimates that Australian music market revenue will grow to $2.2 billion by 2025.[16] In its most recent *Entertainment and Media Outlook,* PWC describes the Australian music industry as relatively healthy' but there is still a way to go before it reaches the same revenue state it was at prior to the pandemic.[17]

The ongoing strength and growth of the music industry is evident. From January - December 2021, ARIA recorded $509,706,212 AUD in digital music sales and $56,106,503 AUD in physical sales across all platforms in Australia.[18] In this recovery there is an opportunity to rebuild. Australian music today is in a unique position to innovate as it restores, and to build a positive culture across its many workforces.

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12 IFPI Global Music Report *State of the Industry* (Report 2022)10.

13 Music Australia, Statistical Snapshot - Australian Contemporary Music Industry (Fact Sheet, 2016) 1 <https://musicaustralia.org.au/wp-content/uploads/2016/03/Australian-Contemporary-Music-snapshot.pdf>.

14 PricewaterhouseCoopers, *The Australian Entertainment and Media Outlook: 2021-2025* (Report, 2021) 50-52.

15 PricewaterhouseCoopers, *The Australian Entertainment and Media Outlook: 2021-2025* (Report, 2021) 50-52.

16 PricewaterhouseCoopers, *The Australian Entertainment and Media Outlook: 2021-2025* (Report, 2021) 50-52.

17 PricewaterhouseCoopers, Australian Entertainment & Media Outlook 2022-2026 (Report, 2022) 49.

18 Australian Recording Industry Association, ARIA Sales Statistics 2017 to 2021 (Report, 2022).

3.4 Methodology

The Review's methodology is underpinned by the principles of independence, inclusion, confidentiality, voluntary, trauma-informed practice and evidence-based research.

The Review Team adopted a mixed methods approach, using both qualitative and quantitative research to develop a robust evidence base to inform the findings and recommendations in this report.

The Review Team also conducted extensive research including:

- A review of relevant academic literature, and of similar reviews conducted into creative industries, both within Australia and internationally.
- Analyses of policies and processes in music organisations and comparable industries.
- A review of relevant legislation and data.
- Consultations with key stakeholders in the music industry.

The confidential interviews gave individuals the opportunity to share their experiences in a safe, private and trauma-informed space. This is one of the most vital, meaningful features of a Review such as this. Participants' contributions to the Review were invaluable and take a central place in the Review's findings and recommendations for change.

Intersectionality was a key priority in engaging individuals in the music industry. In particular, the Review Team wanted to hear from those who face marginalisation and disadvantage, both in the music industry and in broader society. These include First Nations artists and workers in the industry, People of Colour, people with disability and LGBTIQ+ people.

A complex aspect of the Review was the size, breadth and diversity of the music industry. In 2015, over 43,000 people were employed in Australian contemporary music, although the workforce has undoubtedly shrunk since the COVID-19 pandemic.[19] Reaching all sectors and communities in the music industry was a key challenge, and the Review Team used a mix of mass and direct communications to inform the industry of the Review and to invite participation.

Music industry workers contributed to the Review, through interviews, focus groups, written submissions, and/or the online survey.

266	16	25	7	1271
Interviews	Focus groups (52 participants)	Individual written submission	Organisations' submission	Survey participants

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19 Music Australia, *Australian Music Industry Statistical Snapshot* (Fact Sheet, 2015) https://musicaustralia.org.au/wp-content/uploads/2015/07/Australian-Music-Industry-Statistical-Snapshot.pdf.

3.4.1 Qualitative data

Interviews

The Review Team conducted 266 interviews with music industry workers and key stakeholders. Interviews included participants across the gender spectrum: people who identify as women, men, non-binary or gender fluid, cisgender and transgender. Participants came from many areas, sectors, genres and communities in the music industry with different levels of experience, seniority and expertise. Participants included: artists, heads of organisations, artist managers, music publishers, festival promoters and organisers, people working in A and R, tour managers, promoters, merchandise retailers, venue managers, lawyers and human resources personnel. All states and territories were represented in the Review process.

The Review Team held meetings and briefings with key stakeholders in or connected to the music industry. Meetings were held with Government representatives from the Commonwealth Office for the Arts, the Australia Council for the Arts, Fair Work Ombudsman, Safe Work Australia and some state Government representatives. The Review team also met with the Media, Entertainment and Arts Alliance. Meetings were held with representatives from overseas organisations, namely SoundCheck Aotearoa[20] and UK Music.[21]

A First Nations facilitator was engaged to conduct interviews with First Nations people who worked in the music industry. This enabled a culturally safe space for these people to share their experiences.

Focus groups

The Review Team held 16 online focus groups with music professionals from across the music industry. Some focus groups were spaces for specific groups, including women only, men only and all genders as well as Women of Colour, Men of Colour, LGBTIQ+ and people with disability. Consistent with advice from the Review Team's First Nations facilitator, the Review Team did not hold any focus groups specifically for First Nations people, opting instead to hold only one-on-one interviews.

Written submissions

The Review Team received 25 individual written submissions through its confidential email address from workers across the contemporary music industry.

The Review Team invited small, medium and large businesses across the music industry to make a submission to the Review. The Review received seven submissions from organisations.

Organisations were given options as to what they chose to include in and how they could make their submissions. Organisations were also asked to send copies of certain policies, if they had them – including sexual harassment policies, anti-discrimination policies, bullying policies, reporting, complaints and investigation policies, whistleblower policies and parental leave policies. The Review Team also requested that organisations send some de-identified demographic data on their employees, on the complaints they have received, and on the training they provide to workers. While the Review Team understood that due to the varying sizes and duties of organisations in the music industry, many organisations would not have all, or perhaps even any, of these policies in place, it was important to request a broad sample of organisational policies. This assisted the Review Team understand what policies exist in the music industry, what protections are available to workers, what gaps or inconsistencies need to be rectified and best practice approaches contained in the policies.

In order to allow smaller businesses which may not have many, or any, such policies in place, the Review Team also invited organisations to submit a statement on the issues with which the Review is concerned, and what recommendations or changes they would like to see made.

The Review Team is grateful to the organisations who contributed to the Review in this way, and especially to those workers who took the time to gather, collate, organise and send many documents, statements and data. From these submissions, the Review Team was able to surmise that there are several good and best practice policies being enacted in individual organisations within the music industry.

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20 SoundCheck Aotearoa is an action group formed in 2020 with a mission to foster a safe and inclusive culture for the music community in New Zealand. We believe that action is needed to address inequitable representation, challenge systemic discrimination, and advance impactful change across the music industry, and we are looking at ways to work together across the music community to achieve this. See Soundcheck Aotearoa, *Soundcheck Aotearoa* (Web Page, November 2020) https://www.soundcheckaotearoa.co.nz.

21 UK Music is the collective voice of the UK's music industry. It represents all sectors of the UK industry – bringing them together to collaborate, campaign, and champion music. See UK Music, *About UK Music* (Web Page) https://www.ukmusic.org/about/.

This, and the fact that many of these policies had been developed or updated relatively recently, is indicative of a growing awareness of the need to address these issues, and a certain willingness on the organisational level to champion change. However, these policies are not consistent across the industry and sometimes within organisations. It is difficult to ascertain just from analysing policies how they are applied in practice, and whether employees feel safe and protected under them. A greater understanding of best practice in preventing and responding to sexual harassment, sexual harm, bullying and discrimination would strengthen individual organisations' policies addressing these issues. At an industry level, organisations should be encouraged and supported to develop, enact and monitor these policies according to best practice.

3.4.2   Quantitative data – online survey

An online survey (the survey) was made available to all people working in the music industry in Australia for a period of three weeks from 30 May to 20 June 2022. The survey was administered by Roy Morgan Research Institute (Roy Morgan), one of Australia's leading research and data analysis companies. Roy Morgan analysed the survey data on behalf of the Review Team. Music industry workers were invited to complete the online survey through channels such as an open link in an email and QR codes. A total of 1271 completed surveys were received.

Questions were asked in relation to everyday sexism (often a precurser to sexual harassment and sexual harm), sexual harassment, sexual harm and bullying, as well as on reporting these behaviours. The survey provided an additional avenue for music industry workers to engage with the Review and express their views and experiences anonymously.

The survey data was only accessed by the Review Team and Roy Morgan. De-identified findings from the survey are contained throughout this report. The survey was also an intervention in itself, helping participants to the survey recognise that some of the behaviours that had become normalised were actually unsafe, discriminatory and harmful.

A random sample design with a known probability of selection was not possible, as there is not any readily available complete list of all persons currently working in the contemporary music industry. Instead, employers and peak industry organisations extensively promoted and encouraged participation in the survey to those working in the contemporary music industry across Australia and provided a point of access to complete the questionnaire.

As with all surveys, there is always the potential for survey findings to be affected by a degree of selection bias. Those who have had direct experience of harm could be more motivated to complete the survey. Nevertheless, it is important to note that:

- Many participants who did not experience everyday sexism, sexual harm, sexual harassment, bullying or systemic discrimination also responded to the survey. This indicates that it is not just victim survivors who took part in the survey.

- Although there was a disproportionate number of women participating in the survey, any potential gender bias was mitigated by weighting the data, using the most recent available information from the Australian Bureau of Statistics, to ensure that the gender distribution of the survey results was brought in line with the actual gender breakdown of the music industry.[22]

All numbers in the survey are rounded to the nearest whole number. Consequently, it should be noted that:

- Percentages may not add up to 100% in some figures due to this rounding of decimals.

- In other cases, numbers are cumulated totals, and so may differ from the total of individual numbers shown in a figure because of rounding of decimals.

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22 The most reliable, publicly available data are the results of the 2016 Australian National Census estimates of the Australian population by age and gender whose main occupation involves them working as creative artists, musicians and performers, or involved in music and other sound recording activities music publishing, directors and producers and venue operations.

3.5 Conclusion

The Review commends the music industry for commissioning this independent Review. It has taken an important proactive step in its efforts to address harm in the industry. The themes and findings arising from the Review provide music industry leaders and those with influence with a choice for change. It takes courage and commitment for any industry to shine a light on and bring transparency to areas requiring attention, but transparency generates confidence in an industry living its values. Similarly, making the choice for change will ensure that the Australian contemporary music industry is one where all those engaged within it can be safe, respected and included, and ultimately thrive.

The cultural challenges identified in this report are not unique to the Australian contemporary music industry. Many industries, sectors and organisations are working to address similar issues. While the survey data and the stories from Review participants that follow are concerning, the Review Team's findings should not be a reason for people in the music industry or the broader community at large to have diminished faith in the capacity of this industry, the talents of its artists and the quality of what it produces. Rather, the findings of this report provide an opportunity for the music industry to improve and strengthen its culture.

Making the choice for change will ensure that the Australian contemporary music industry is one where all those engaged within it can be safe, respected and included, and ultimately thrive.

4. IN THEIR OWN WORDS

> *Everyone's really friendly. It's a culture of fun, but it has a dangerous side if you let your guard down.*
>
> Review Participant

4.1 Introduction

The Review Team heard that there has been some positive change to the culture of the music industry in recent times. A number of stories shared with the Review Team identified positive experiences and described respectful, inclusive and supportive workplaces. Participants spoke of rewarding careers and, among some, inspiring and encouraging leaders.

However, many of the stories provided to the Review Team and the data from the survey point to an urgent need for change. The Review identified high rates of harm that have had considerable impacts on individuals. The survey data and the stories from music industry professionals also show that there are working environments that are physically and psychologically unsafe. The high rates of harm indicate that this is a systemic problem. One participant told the Review:

> *People absolutely feel that there are real systemic problems in the industry… This is all the more despicable in a creative, important business contributing to society like music and arts.*

The survey results show that reporting harmful behaviours is low, indicating a lack of reporting options and/or unsafe reporting environments. This is supported by the interviews and focus groups.

The information gathered by the Review Team suggests there are some workplaces which normalise or ignore harmful behaviours and foster a "culture of silence" which discourages reporting.

Reflecting on this, one participant stated:

> *If you don't think there is a problem, then you probably are the problem.*

This Chapter presents the experiences of workers in the Australian contemporary music industry, as disclosed to the Review Team. It seeks to present the human impact of harm in the music industry, and to elevate the voices of all people affected by it – particularly those belonging to groups which are often excluded from these discussions. First, it identifies the positive experiences of participants in the contemporary music industry. Then, it analyses the major problems of harm identified by participants, beginning with sexual harassment and sexual harm before moving on to systemic discrimination and bullying. Finally, it explores people's experiences with reporting – or choosing not to report –and the limits to accountability in the industry.

4.2 Positive experiences in the contemporary music industry

There is a collective passion for and dedication to contemporary music from people in a range of roles across the industry. The Review Team heard of a strong commitment among industry people for Australian music and artists to be innovative, celebrated for their creativity and successful both locally and globally:

> *I can't sing, or play an instrument, but I love [the music industry]. This is my way of being part of it – being around live music.*

> *At the end of the day the people who are in this industry are … really good people. They really love music. They love live performance.*

> *I love the creativity, the art [of music] and having someone else listen to what you have created, and to love it too.*

> *Live music is something that everyone says is a vibe … There is an energy and a sense of healing to live music.*

> *The best of it? The music you get exposed to, the wonderful community, people who value artistic output and help it to evolve and grow and the belief in Australian music.*

[What I love about the music industry is] facilitating artists and making their creative vision come true. I forgot about the beauty of the industry these last two years.

I am in two bands. I just love music. It is part of my self-identity.

A number of participants noted that there has been positive change in the culture of the music industry in recent times. Some considered there was less tolerance for certain behaviours than in previous years, that there is a greater space for women and that in larger organisations there are some systems in place to address reports of misconduct:

I think we have come a long way in terms of what behaviours we see as no longer acceptable.

[The music industry] has had to change with society. As society expectations have moved along, so have ours.

When I started in the industry, I was a novelty [as a woman]. I had to prove myself, as [women] were such a minority. This is definitely changing – slowly, but it is changing.

There is an HR section [here]. 10-15 years ago, this wouldn't have existed.

Despite the considerable challenges of the COVID-19 pandemic many individuals in the contemporary music industry demonstrated great resilience and versatility. Participants to the Review spoke of being able to "reassess their expectations" and "aspirations" as a result of the pandemic. Further, some also reported that COVID-19 provided an opportunity to re-set the direction of the music industry and re-build it as a more positive industry for all who work in it:

Last year was a perfect storm with COVID and lots of people got forensic with looking at the systems of the music industry.

> *COVID certainly whacked us and brought us to our knees. But it also allowed us to have a look at how we operate, how we do things, and to ask ourselves whether that's what we want going forward. I think the fact that some things became public during COVID really made us sit back and reflect on what we are like as an industry and how we can change.*

The pandemic has been a big player in making sure we are allowing people flexibility… and also having more trust with employees.

At the same time, some also reflected on past experiences in the music industry which they had considered "normal":

I think the whole COVID thing gave me the breathing space to stand back and reflect on some of my experiences [in the industry]. It made me realise that what I at first thought was ok, was actually not.

The Review Team spoke to many people who had begun their careers in the contemporary music industry several decades ago and had worked their way up through corporate or creative channels to positions of influence and success. Some spoke of having mentors and sponsors who had supported them through rewarding careers. According to one senior industry woman:

> *I started at [this organisation] as an intern and was lucky that [the head of the organisation] supported me throughout my career. Throughout the years my experience has been a good one.*

Other review participants stated:

> *I have been in the industry for a really long time, and I have never found it to be anything other than supportive of my career and where I want to go.*

> *It's not perfect, and nowhere is, but [the music industry] has given me a great career. When you love music in a really passionate way and then get to work in your area of passion, you've really found the perfect career.*

> *I can't honestly think of any really seriously bad experiences I have had in the … years I have worked in [this organisation]. I've had a great run and ... though there have been challenges, by and large I've had a great career and hope to continue to.*

Friendships, bonds with others and a sense of belonging were also cited as key positive features of working in the music industry:

> *[In the music industry] you find your people … When you find your people, you find a true sense of belonging.*

> ## *I've met some of my best friends in this industry. We stick around for each other, to change things.*

> *[As managers] there is a spirit of supporting each other. Every other manager friend I have has been so supportive.*

> *There is a feeling of family, even though that comes with problems.*

> *As a DJ I have built a community around me which is really supportive.*

The Review Team also heard of some leaders who prioritise a good culture in their organisation which has benefits for workers:

> *I love working here because [the boss] takes our wellbeing seriously. Because we know he has that attitude, the workplace is confident and happy.*

> ## *We think culture is the most important thing [in our organisation] so there is a focus on culture. We hope people feel comfortable to speak up if they want to say something. We want people to know they are valued.*

> *I've wanted to foster an environment where people feel comfortable talking about negative experiences.*

> *[As the boss] my job is easy because we … bring people in who are committed to doing the right thing.*

> *I have worked in other [organisations] and [this one] is by far the best in how the people are treated. Expectations around behaviour are really clear and any sort of bad behaviour is not tolerated.*

> *[As a leader] I have been directly aware of some incidents that have been part of the MeToo reckoning, so I thought it was fairly important that my voice was part of this conversation.*

Despite the passion, commitment and career achievements there were many others who indicated that working in the music industry had come at a high personal cost.

The discussion that follows describes some of the negative and harmful experiences of individuals in the contemporary music industry, drawing on the quantitative data from the Review's survey and the qualitative data from the interviews, focus groups and written submissions.

4.3   Sexual harm and sexual harassment

4.3.1 Introduction

The Review found that sexual harm and sexual harassment occurs across all areas and levels of the contemporary Australian music industry. It is experienced and perpetrated by a range of music professionals. Participants to the Review spoke of the normalisation of sexual misconduct in parts of the industry's workplaces and environments.

This section discusses the experiences of sexual harm and sexual harassment that participants raised with the Review Team. It explores the experiences of groups who are particularly vulnerable to sexual misconduct in the music industry and describes the profound and often lifelong impacts sexual misconduct can have on the people who experience it. Academic literature and studies are also discussed in this section.

4.3.2 Drivers and risk factors associated with sexual harm and sexual harassment

A key driver of sexual harm and sexual harassment is gender inequality. Gender inequality is when "unequal value is afforded to men and women and there's an unequal distribution of power, resources and opportunity between them."[23] Whilst there have been some positive changes, much of the information and stories shared with the Review Team indicate that gender inequality remains a live issue across the contemporary music industry.

Gender inequality contributes to workplaces where women are marginalised and their contributions treated as "less than" men's. Gender inequality in the context of women's participation, their power and their status in the music industry is discussed in further detail below.

Our Watch, a national leader in the primary prevention of violence against women and their children in Australia, reports that sexual harassment and sexual harm are highly gendered. Women are much more likely than men to have experienced sexual harassment in their lifetime.[24] Power imbalances and the abuse of power are other key characteristics of sexual harm and sexual harassment.

Certain population groups can be at particular risk of sexual harm in the workplace, including First Nations women, Women of Colour, women from culturally and linguistically diverse backgrounds, women with disability, LBTIQ+ people and young women. Notably, US Research found that workers in the gig economy (such as freelancers) are much more likely to experience sexual harassment at work than those in positions of traditional employment.[25] The gig economy and the contemporary music industry is discussed in Chapter Five.

In addition to the systemic drivers, risk factors can also include the culture or 'climate' of a workplace, including the critical role of leadership in setting workplace culture; a lack of understanding about what constitutes sexual harassment and the use of alcohol in a work context.[26]

The International Labor Convention acknowledges that sexual harassment and sexual harm cannot be adequately addressed without tackling the underlying drivers, causes and risk factors of these behaviours.[27]

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23 Our Watch, *Prevention Handbook: The link between gender equality and violence against women* (Web Page, 2022) https://handbook.ourwatch.org.au/resource-topic/key-concepts-in-prevention-of-violence-against-women/the-link-between-gender-inequality-and-violence-against-women/.

24 Our Watch, *Understanding Sexual Harassment in Workplaces* (Web Page, February 2019) https://workplace.ourwatch.org.au/why-do-this-work/understanding-sexual-harassment-in-workplaces/.

25 Edison Research, *Sexual Harassment in the Workplace: #MeToo, Women, Men and the Gig Economy* (Report, 2018) 3.

26 Australian Human Rights Commission, *Respect@Work: Sexual Harassment National Inquiry Report* (2020) 21.

27 The Convention and accompanying Recommendation were adopted by Australia in June 2019. International Labour Organisation, *Ratifications for Australia* (Web Page) https://www.ilo.org/dyn/normlexpub:11200:0::NO::P11200_COUNTRY_ID:102544.

The following factors increase the likelihood of risks of sexual harassment:[28]

- Low worker diversity e.g. the workforce is dominated by one gender, age group, race or culture.

- Power imbalances e.g. workplaces where one gender holds most of the management and decision-making positions.

- Workplaces organised according to a hierarchical structures.

- A workplace culture that supports or tolerates sexual harassment, including where lower level (but still harmful) forms of harassment are accepted e.g. small acts of disrespect and inequality are ignored and reports of sexual harassment or inappropriate behaviours are not taken seriously – this conduct can escalate to other forms of harassment, aggression and violence.

- Use of alcohol in a work context, and attendance at conferences and social events as part of work duties, including overnight travel.

- Workers are isolated, in restrictive spaces like cars, working at residential premises, living in employer provided accommodation, working from remote locations with limited supervision, or have restricted access to help and support.

- Working from home which may provide an opportunity for covert sexual harassment to occur online or through phone communication.

- Worker interactions with clients, customers or members of the public (either face-to-face or online) which may give rise to third-party sexual harassment.

- Poor understanding among workplace leaders of the nature, drivers and impacts of sexual harassment.

It is against this background that the Review Team sought to understand the experiences of people in the contemporary music industry in relation to sexual harm and sexual harassment.

4.3.3 What is sexual harassment?

Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. Sexual or romantic interaction that is entered into freely and is reciprocated between consenting individuals is not a form of sexual harassment.

Examples of sexual harassment include:

- staring, leering or unwelcome touching
- suggestive comments or jokes
- unwanted invitations to go out on dates or requests for sex
- intrusive questions about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing pornography or rude jokes
- displaying images of a sexual nature around the workplace
- communicating content of a sexual nature through social media or text messages.

Sexual harassment is unlawful under Australian law. Under the Commonwealth *Sex Discrimination Act 1984* it is unlawful in different areas of public life, including employment, service delivery, accommodation and education.

Some types of sexual harassment (for example, sexual assault, indecent exposure, stalking or obscene communications) may also be criminal offences.

Penalties for failing to meet Work Health and Safety (WHS) duties include fines and gaol terms for the most serious breaches. Persons conducting a business or undertaking (PCBUs)[29] have a WHS duty to eliminate or minimise the risk of sexual harassment at the workplace, so far as is reasonably practicable.

In the last few years there have been a range of reviews and studies which have documented the prevalence of sexual harassment and sexual harm across a range of organisations, both in Australia and globally.[30]

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28 Safe Work Australia Guide for *Preventing Sexual Harassment: National Guidance Material* (2021) 9 https://www.safeworkaustralia.gov.au/sites/default/files/2021-03/Guide%20for%20preventing%20workplace%20sexual%20harassment%20-%20for%20publishing.pdf

29 PCBU is a broad concept that extends beyond the traditional employer/employee relationship to include all types of modern working arrangements. A PCBU can be a: company; unincorporated body or association; sole trader or self-employed person. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU. Under work, health and safety laws, a PCBU has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of workers.

30 See, eg, World Food Programme, *External Review of Workplace Culture and Ethical Climate at World Food Programme* (Report, 2019); Australian Capital Territory Government, *Final Report: Independent Review into the Workplace Culture within ACT Public Health Services* (Report, 2019); Elizabeth Broderick & Co., *A Review of Culture at Airservices Australia* (Report, 2020); Australian Human Rights Commission, *Respect@Work: Sexual Harassment National Inquiry Report* (Report, 2020); Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (Report, 2021); Elizabeth Broderick & Co., *Report into Workplace Culture at Rio Tinto* (Report, 2022).

These reviews and studies have found unacceptably high rates of sexual harassment. They have found that women are predominantly the victim survivors of sexual harassment and sexual harm, and men are predominantly the perpetrators. It is important to note, however, that in recent years the rate of sexual harassment experienced by men has increased.[31]

The Australian Human Rights Commission's 2018 *Fourth National Survey on Sexual Harassment in Australian Workplaces* identified that the prevalence of sexual harassment across the nation is high. It found that 33% of people who had been in the workforce in the previous five years said they had experienced workplace sexual harassment.[32] Women (39%) were more likely than men (26%) to have experienced workplace sexual harassment in this period.[33]

4.3.4 Sexual harassment and sexual harm in the contemporary music industry

a. The survey

The Review's online survey revealed high rates of sexual harassment among survey participants. Participants were asked whether they had experienced sexual harassment at any time in the career in the music industry and whether they had experienced sexual harassment in the last five years in the music industry (the most recent incident).

55% of survey participants reported that they have experienced some form of sexual harassment and sexual harm **at some point in their career in the music industry**. This is notably higher among women survey participants with 72% reporting at least one experience of sexual harassment, compared 39% of male survey participants.

Concerningly, the highest levels of sexual harassment were reported by those who do not describe their gender as either Woman/Female or Man/Male, with 85% reporting at least one experience at any time whilst working in the music industry.
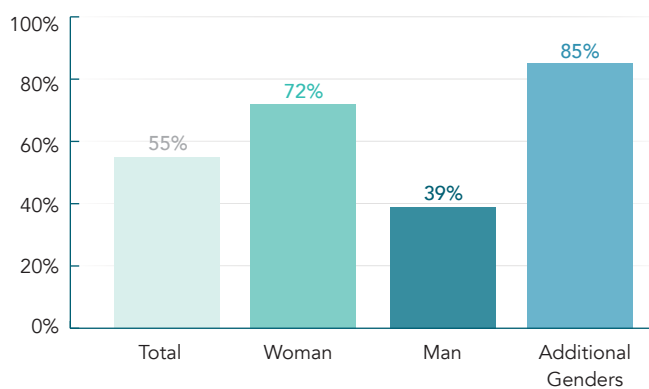

Figure 1: Experienced sexual harassment at some point in their career in the music industry

Base: Experienced sexual harassment: n=690, Man/Male: n=180, Woman/Female n=469, Additional genders n=32

They include people who prefer not to describe their gender, who described themselves as non-binary or who gave another description of their gender. However, it is important to note that there were insufficient individual participants within each of these genders to allow for separate statistical analysis and they have therefore been grouped under a general label of "additional genders" for the purpose of data analysis.

In terms of the most recent incident of sexual harassment, 33% of survey participants have experienced at least one recent incident of sexual harassment while working in the Australian contemporary music industry **in the last five years**. Women are more likely to have been harassed in the workplace in the last five years than any other gender. 40% of women survey participants were harassed on at least one occasion in the last five years compared 26% of male survey participants.

There was generally little difference in the type of sexual harassment that was most recently experienced by women and men with the notable exception that a greater proportion of female survey participants had most recently been subjected to staring and leering (10% of women and 2% of men), while a greater proportion of men had experienced inappropriate physical contact (12% men compared to 9% women).

31 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (Report, 2018); Australian Human Rights Commission, *Respect@ Work: Sexual Harassment National Inquiry Report* (Report, 2020).

32 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (Report, 2018) 26.

33 Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (Report, 2018) 26.

3% of women survey participants and 1% of male survey participants reported experiencing actual or attempted sexual assault or rape **in the last five years.**

The locations where sexual harassment occurred were varied, however incidents most commonly occurred at music venues (45%). 21% took place in an office, followed by a work-related event (17%). 14% occurred at a music festival, and an additional 14% occurred at an informal event, including after parties or office drinks.10% of incidents occurred on tour.

The vast majority of sexual harassment was done in person (84%), and almost all survey participants who experienced physical forms of sexual harassment, such as unwelcome touching, hugging, cornering or kissing (98%), inappropriate physical contact (97%), and inappropriate staring or leering (95%), unsurprisingly reported that these behaviours occurred face-to-face. Less 'physical' forms of harassment, including sexually explicit pictures and sexually explicit comments, occurred across more varied means – most frequently on social media or via SMS or text message.

Perpetrators of sexual harassment were most likely to be men (74% men compared to 25% women). 21% of perpetrators of sexual harassment were audience members, followed by colleagues from the participant's workplace (14%) and colleagues from other music industry workplaces (11%). People who traditionally hold more structural power, such as managers or more senior colleagues in an organisation, were also mentioned by survey participants as being responsible for sexual harassment. 10% of perpetrators were senior managers at the participant's workplace and an equal amount were CEOs or business leaders at the participant's workplace (6%) and leaders of other music industry organisations (6%). The role of the sexual harasser is shown in Figure 2.

People of additional genders[34] were the least likely to sexually harass someone in the contemporary music industry, with around 2% of audience members and 1% of colleagues from the participant's workplace.
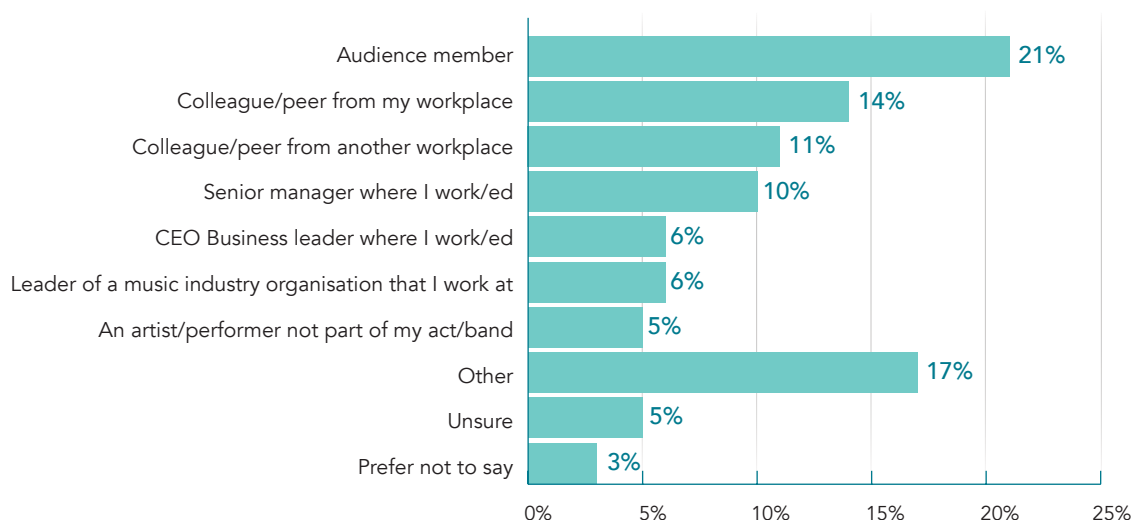

Figure 2: Role of perpetrator of sexual harassment in the past five years:
Base: Single perpetrators, N=481

b. Focus groups, interviews and written submissions

Sexual harassment and sexual harm were key themes in the interviews, focus groups and written submissions.

Some participants from diverse areas of the music industry said they had never experienced or observed sexual harm or sexual harassment. Some believed they were "lucky" in this regard, whereas others stated that they worked in environments that did not tolerate or condone such behaviours:

> *[This organisation] is a really safe workplace. There is no tolerance for sexual harassment here.*

I have been lucky as I have never had any sexual harassment in my whole career. Most of the men I work with are really respectful and would come down on someone if they saw them disrespect or sexually harass anyone.

Maybe I am one of the lucky ones as I have never had any sexual harassment at all. I also work with amazing people who protect and support you which is a kind of buffer to sexual behaviour by men.

> *I really believe that sexual harassment has definitely become less over the last few years. Whereas before it was kind of open slather, it really is now frowned upon. So, I believe… it's not as bad as it once was.*

Experiences of other participants painted a different picture. Women in particular spoke of experiencing sexual harassment on a number of occasions, often by multiple perpetrators and in different workplaces of the music industry. Some also disclosed sexual assault and rape.

The Review Team heard that the alleged behaviour of many individuals in the music industry was "an open secret". One woman stated that "it just goes with the territory". Other comments to the Review Team included:

At one event [a senior industry male] groped me and tried to kiss me. It was more like sexual assault. He had a history, but the [organisation] kept him working with other women.

I've been viciously raped many times by the same guy.

The manager [of this organisation] is notorious for hiring young women… You're made to feel you were so lucky to be working there. He had grossly sexual behaviour. If you resisted or said something about it, there would be retribution.

Yes, it's changing and it's not as bad as it was, but there is still a sense that this sort of behaviour is just the norm and if you can't take it you leave.

> *I generally feel unsafe in [the industry]. Physically unsafe in particular.*

I almost quit [because of the sexual harassment]. I had to keep reasserting my boundaries with [the harasser].

Predators in the music industry work by grooming.

I have felt unsafe [working] at venues. The owners are watching and not doing anything about [the sexual harassment]. Often the security do nothing either.

The general feeling from friends and other musicians is that sexual harassment is rife … I've heard of someone being raped [in a work environment] … It's at that level.

> *I can't tell you how many times I have been hit on, groped, grabbed, squeezed and rubbed up against in a sexual way.*

The music touring environment is not safe for women, because of room or bed sharing.

I had girlfriends groped at the [industry] after-party. I was even witness to something more serious.

I was sexually assaulted by [a man in the industry] on [a number of occasions] … So many people know … but he is … still supported by everyone in the music industry.

[These male artists] have done gross sexual stuff to women. They are misogynists and don't respect women.

An artist at the club grabbed my bum while I was DJ-ing.

In the US, they treat you as a professional, as an artist. Most of the time here it is the total opposite. It's more like "hey babe wanna come over here and fuck me?"

There's an expectation [for women] "if I give you a gig then you'll suck my dick." Thankfully that's not as prevalent now, but it still exists.

Notably, the Review Team heard from just one man who had experienced sexual harassment or sexual harm. This perhaps indicates that the issue is more hidden among men. This hypothesis is supported by the Review's survey results, which show relatively high rates of this behaviour being experienced by men in the music industry. Survey data showed that 26% of men who responded to the survey reported experiencing sexual harassment in the last five years.

4.3.5 Blak Women Yarn – the experiences of First Nations women

The United Nations Special Rapporteur on Violence against Women has acknowledged the different dimensions of discrimination experienced by Australian First Nations women:

Aboriginal and Torres Strait Islander women face institutional, systemic, multiple, intersecting forms of discrimination. In addition to sexism and racism, many women also face class-based discrimination due to their low socio-economic status, as well as social exclusion arising from their regional or remote geographical location.[35]

Dubravka Šimonović, *End of Mission Statement by the United Nations Special Rapporteur on Violence against women, its causes and consequences, on her visit to Australia*

First Nations women experience sexual harm at three times the rate as non-Indigenous women.[36] In relation to sexual assault and rape specifically, First Nations women are three and a half times more likely to have been the victim of these crimes compared to non-Indigenous women.[37]

First Nations women spoke to a First Nations facilitator engaged by the Review Team about how both gender and race are intersecting factors in their experiences of sexual harassment and sexual harm in the music industry:

Due to the impact of colonisation, [we] have had to historically grow up with the experience of rape and genocide. It is an inter-generational experience which has de-sensitised us to sometimes not being able to recognise and address it [in the music industry].

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35 Dubravka Šimonović, *End of Mission Statement by Dubravka Šimonović, United Nations Special Rapporteur on Violence against women, its causes and consequences, on her visit to Australia from 13 to 27 February 2017*, United Nations Human Rights: Office of the High Commissioner (Online, 27 February 2017) <https://www.ohchr.org/en/statements/2017/02/end-mission-statement-dubravka-simonovic-united-nations-special-rapporteur>.

36 Our Watch, *The factors putting First Nations women in danger* (Blog Post, 25 January 2022) <https://www.ourwatch.org.au/resource/the-factors-putting-first-nations-women-in-danger/>.

37 Australian Institute of Health and Welfare, Family, domestic and sexual violence in Australia (Online 28 February 2018) <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/summary>; Janya McCalman et al 'Responding to Indigenous Australian Sexual Assault: A Systematic Review of the Literature' (2014) SAGE Open January-March 1,13 <https://journals.sagepub.com/doi/pdf/10.1177/2158244013518931>.

> " *Sexual abuse is a common experience [for us] and we tolerate it because of fear of retaliation within the industry.* "

Acknowledging that she is now older, another First Nations woman stated:

> *It is sometimes easier to brush off sexual advances from men in the industry, particularly when drunk artists hit on me.*

The First Nations facilitator also heard that First Nations women are not always safe and often have to rely on others to come and rescue them. However:

> *We feel we can't say anything [because] we will be ostracised in the industry.*

The particular vulnerabilities experienced by young First Nations' women was a strong theme. The First Nation's facilitator was told that younger First Nations women generally "do not have a voice" and so are often unable to deal with situations of sexual harassment and sexual harm. At the same time, there was also a view that the younger artists coming through seem to have more awareness that sexual harassment is "not on."

First Nations women stated that sexual harm and sexual harassment are often normalised including as a result of the expectations of having to "go out to dinner and network at after-hours gigs to promote your artistry or career." The normalisation of sexual misconduct means that a "blind eye" is often turned:

> *So many stories of sexual harassment and assault within the industry have been swept under the rug.*

It was felt that men in the industry should step up as allies and talk to other men about what is and what isn't acceptable behaviour. Whilst there are good men in the industry "the bad actions of other men reflect poorly on them."

The perceptions and experiences of reporting harmful behaviour by First Nations women are examined further, below.

4.3.6 The experiences of Women of Colour

To date, sexual harassment research has largely focused on the experiences of white women with little consideration of the unique experiences of the intersection between Women of Colour and sexual harassment. Though some progress has been made, gender and racial inequalities in the labour market persist, which disadvantages working Women of Colour and has the potential to influence how they are sexually harassed.

Researchers Buchanan and West write that Women of Colour are marginalised by a range of factors due to race, gender and often social class, which places them at increased risk of victimisation.[38] As such, sexual harassment and sexual harm manifests more frequently and severely for women who hold multiple intersecting marginalised identities.

Research also shows that sexual abuse more broadly is disproportionately targeted against Women of Colour and that the violence they suffer is often ignored. While this is a modern-day reality, it is based on historical sexism and racism that persists.[39]

The Review Team heard of the particular risks for Women of Colour in the Australian contemporary music industry:

> *Black women in the music industry… get a lot of unwanted attention [which is] often sexualised.*
>
> *Young Black women artists need a lot of protection in the industry … If Black women are the only ones in the room, they stand out. It's just not safe … [Young women] need some elders they can take with them, and not be asked not to bring their entourage with them.*

38 Nicole Buchanan and Carolyn M West, 'Sexual Harassment in the Lives of Women of Colour' in Hope Landrine and Nancy Felipe Russo (eds), *Handbook of Diversity in Feminist Psychology* (Springer, 2010).

39 Ohio Alliance to End Sexual Violence, *Sexual Violence and Women of Colour: A Fact Sheet* (Fact Sheet, April 2021) <https://oaesv.org/wp-content/uploads/2021/04/oaesv-sexual-violence-women-of-color.pdf>.

> "
>
> ## In music organisations, if you're the only Black woman, you are not safe.
>
> "

Broader systemic discrimination of People of Colour more broadly, is explored below.

4.3.7 The impacts of sexual harassment and sexual harm

The impacts of sexual harassment and sexual harm can be profound and long-lasting. They include significant physical and psychological impacts, such as anxiety, depression, fear, shame, headaches, sleep disorders, weight loss or gain, nausea, lowered self-esteem and sexual dysfunction. There are also costs to a victim survivor's career, including job loss, decreased morale, decreased job satisfaction, decline in performance, increased absenteeism and damage to interpersonal relationships at work. US research has found that both women and men have experienced career fallout and job changes because of sexual harassment in their workplace.[40]

Harassers and aggressors destroy lives, leaving long legacies of suffering.[41]

James Campbell Quick and M Ann McFadyen, 'Sexual Harassment: Have We Made Any Progress?'

Review participants who experienced sexual harassment and sexual assault spoke openly of the impact of these behaviours on their lives. They spoke of ongoing psychological and emotional harm. Some also spoke of the financial impacts as they felt that the only alternative to stop the behaviour was to leave their employment or the broader industry.

Comments from Review participants included:

Music saved my life so many times before and now that it is being taken away. It's been devastating.

The assaults left me traumatised and I couldn't sleep.

I had a breakdown and started seeing a psychologist.

I left the music industry. It is morally unstable.

I am only now at a point in my life where I am not scared all the time.

> "
>
> ## I cry a lot. I never used to be an anxious person and I often think, should I have done something different?
>
> "

Panic attacks, low self-esteem, depression, these are just some of the effects that the harassment had on me.

I became a shell of myself.

I used to wear men's clothes just to cover up as I had been raped so many times.

I did make incredible friends in that environment as it was like trauma bonding. You are all going through [the trauma] together. They were my only friends.

I don't think anyone quite realises what you are going through. You have to put on a brave face because you can't appear as if you are not coping with [your work]. But underneath you are broken and frightened.

40 Edison Research, Sexual Harassment in the Workplace: #MeToo, Women, Men, and the Gig Economy (Report, 2018) 5-6.

41 James Campbell Quick and M Ann McFadyen, 'Sexual Harassment: Have We Made Any Progress?' *Journal of Occupational Health Psychology,* 2017 22(3), 286–298.

4.4   Systemic discrimination

People in Australia of all backgrounds, experiences, genders, and sexualities love and aim to work in music, however, this diversity is not fully reflected in the industry itself.

Diverse groups continue to be underrepresented across all areas and in particular in leadership and roles of influence. Research shows that the diversity of Australian society is not reflected in its arts industries. However, there is scant public research on the representation and experiences of People of Colour, LGBTQI+ people, people with disabilities, or First Nations people specifically in the contemporary music industry.

This section of the Chapter explores the issue of systemic discrimination.

4.4.1 The experiences of women

a. Everyday sexism

Everyday sexism happens frequently in workplaces. It can often be small things, "said or done in the moment, that play into stereotypes of gender."[42]

Everyday sexism … comes into play at critical decision points. As a result, it affects the progress and careers of women and men, influencing who to appoint, develop, sponsor, reward or promote. Everyday sexism is frequently invisible, and often accepted. Because it is hard to speak up when it occurs, it continues unchecked.[43]

Champions of Change Coalition, *Taking action on everyday sexism*

The survey[44] found that 78% of the survey participants who are working in the Australian contemporary music industry have experienced some form of everyday sexism while working in the industry.

This is notably higher amongst women with 91% reporting at least one experience of sexism at their workplace compared to 66% of men. This is consistent across all age groups, apart from a slight decline amongst those aged 55 years and older.

For female participants: 86% reported that a man explained something to them that they already had the skills and knowledge about; 81% reported a man interrupting them at meetings; 70% reported that their views were not listened to unless a man articulated them and 60% reported that they were paid less than a man for doing the same role. 47% of male participants reported that they were told they wouldn't understand or be able to empathise with something because they were a man.

28% of participants reported that they had experienced such behaviour from a senior manager at their work; 13% from a direct superior and 21% from their CEO or business leader. A notable proportion of sexism experiences also came from business leaders from music industry organisations the participant did not work at (17%).

Overall, 69% of participants reported that they had suffered some form of negative consequence as a result of their everyday sexism experiences. This is notably higher amongst women (78%) and people of additional genders (82%).

58% of women reported that the experience had a negative impact on their self-esteem and confidence compared to 22% of men. Similarly, 40% of women felt that the everyday sexism had negatively impacted their health and wellbeing while 15% of men felt this way.

41% of women reported that the exposure to everyday sexism had impacted in their career progression compared to 15% of men.

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42 Diversity Arts Australia, *Shifting the Balance: Cultural Diversity in Leadership Within the Australian Arts, Screen and Creative Sectors* (Report, 2019); Australia Council for the Arts, Towards Equity: A Research Overview of Diversity in Australia's Arts and Cultural Sector (Report, 2021).

43 Champions of Change Coalition, *Taking action on everyday sexism* (Web Page, 2021) <https://championsofchangecoalition.org/taking-action-on-everyday-sexism/>.

44 The survey questions in relation to everyday sexism draw from Paula McDonald, Robyn Mayes and Ms Melinda Laundon *Everyday sexism survey: Report to Victoria's Male Champions of Change (MCC) Group* (Report: 2016), QLD University of Technology.

It is notable, that for 22% of women their experience of everyday sexism was positive to the extent that they became, for example, more assertive or had greater confidence in handling difficult experiences.

Nevertheless, in focus groups, interviews and written submissions women spoke of being "dismissed for their talents", "objectified" and "sexualized" and at times, being judged on their looks. Some female performers also commented that they were often "mistaken" as a bandmember's girlfriend. This is consistent with academic Catherine Strong's research:

> Many women musicians have reported belittling and dismissive attitudes by men in live music venues, music stores and when learning music. It seems few female musicians have not been asked at one time or another whether they're "with the band", or if they're just there to watch their boyfriend, or had their technical or musical abilities called into question.[45]
>
> Catherine Strong,
> *Harder, Faster, Louder: Challenging Sexism in the Music Industry*

Participants also spoke of sexist and sexualized attitudes and behaviours being normalised across parts of the contemporary music industry:

> *Every time I looked at the industry it was sexualised – and that wasn't me.*
>
> *There is definitely pressure to be sexy as a woman in the industry 100% of the time.*
>
> *No-one looks at your CV, they look at your chest and your bod.*

b. Women's representation

Over the last decade, the number of women in the many and varied roles across the contemporary music industry has gradually increased. Women are represented in creative, corporate, technical and advocacy roles, to name a few. Overall, however, the music industry remains a male-dominated space.

Research by Cooper, Coles and Hanna-Osborne (the Cooper Report) found that there continues to be a significant gender gap in the music industry in Australia. According to the authors:

> Women represent around one third of all employed musicians and only 27% of composers who practise professionally, with these two occupations being the most masculinised of all the creative artist occupations. The Australia Council for the Arts notes that women represent only one-fifth of songwriters and composers registered with the Australasian Performing Rights Association (APRA), despite being 45% of Australians with a music qualification and half of those studying music. Women are also under- represented in sound engineering, technical areas and music production.[46]
>
> Rae Cooper, Amanda Coles, and Sally Hanna-Osborne, *Skipping a Beat: Assessing the State of Gender Equality in the Australian Music Industry*

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45 Catherine Strong, 'Harder, Faster, Louder: Challenging Sexism in the Music Industry', The Wire (Online, 16 July 2016) <https://thewire.in/world/sexism-in-the-music-industry>.

46 Rae Cooper, Amanda Coles, and Sally Hanna-Osborne, *Skipping a Beat: Assessing the State of Gender Equality in the Australian Music Industry* (Report, 2017) The University of Sydney Business School 6.

Despite the strong economic basis for greater numbers of women in leadership roles across the labour market more broadly, progress towards gender equality in leadership in the music industry has been extremely slow. The broader impact is that women are marginalised from key decision-making arenas that determine what music gets played and who gets signed, supported, nurtured and profiled.

Among the Cooper Report's findings were that women are starkly underrepresented as songwriters and composers registered with APRA; women receive less airplay than men; women artists earn far less than their male counterparts; music festival line-ups are dominated by male artists and male-lead acts; women are less likely to be honoured in prestigious award events; and women hold just 28% of senior and strategic roles in key industry organisations.[47]

The Cooper Report makes five recommendations to address gender inequality in the music industry:

- Collect better and more data on the music industry on a gender disaggregated basis.

- Establish a well-resourced gender equality advocacy body.

- Use gender equality criteria in deciding funding outcomes.

- Increase women's representation in decision-making structures.

- Address gender bias by prioritising inclusivity and representation as core industry values (e.g. through funding and implementing training programs).[48]

To date, these recommendations have not been implemented.

Entrenched industry norms, culture, systems and behaviours which disadvantage and discriminate against women underpin their low representation in the music industry, particularly in leadership roles.[49] Women's overall lack of power and influence in the music industry has broad ramifications for their experiences and treatment.

Since key decisions are made primarily by men, women's voices are largely silenced. This lack of equality across the music industry is an issue of fairness but also one which has considerable economic impacts.

The Review Team heard of many instances where women felt "disempowered" and "unequal", their roles "devalued" and treated as "less than" in the music industry:

> So many women have been treated so awfully [and] men give lip service around sexism in the industry.

> It's an industry built on the idea that women are entertainment … Women have to work ten times harder to prove themselves.

> There have been numerous examples where the artist line-up at large events do not include any women, or First Nations women or when women are on stage, they are backing vocalists.

> The process of recording is so dominated by men. So, the voices of women have to go through a man's system ... The system is not built for women.

> There is a brick wall for women in the industry, they are often discouraged by the general culture.

> As a young single woman, you are immediately objectified and othered.

47 Rae Cooper, Amanda Coles, and Sally Hanna-Osborne, *Skipping a Beat: Assessing the State of Gender Equality in the Australian Music Industry* (Report, 2017) The University of Sydney Business School 6.

48 Rae Cooper, Amanda Coles, and Sally Hanna-Osborne, *Skipping a Beat: Assessing the State of Gender Equality in the Australian Music Industry* (Report, 2017) The University of Sydney Business School 5.

49 See e.g. Sarah-Jane Collins, 'The Triple J Hottest 100 has a gender problem, but what do we actually do about it?', *Mamma Mia* (Online, 27 January 2016) <https://www.mamamia.com.au/hottest-100-women/>; Helen Davies, 'All rock and roll is homosocial: The representation of women in the British rock music press' (2001) 20(3) Popular Music 301; Anna Feigenbaum, 'Some guy designed this room I'm standing in: Marking gender in press coverage of Ani DiFranco' (2005) 24(1) *Popular Music* 37; Cat Hope, 'Why is there so little space for women in jazz music?', *The Conversation* (Melbourne), 25 June 2017 <https://theconversation.com/why-is-there-so-little-space-for-women-in-jazz-music-79181>; Diana L Miller, 'Gender and the Artist Archetype: Understanding the Gender Inequality in Artistic Careers' (2016) 10 *Sociology Compass* 119; Carey Sargent, 'Playing, Shopping, and Working as Rock Musicians: Masculinities in "De-Skilled" and "Re-Skilled" Organisations' (2009) 23(5) *Gender and Society* 665; Ruth Saxelby, '13 women on how to change male-dominated studio culture', *The Fader* (Online, 30 October 2014) <http://www.thefader.com/2014/10/30/why-arent-more-women-becoming-music-producers>.

I just wish it wasn't so hard for women. I'm a musician and songwriter and have recorded with a male sound engineer. I just imagine what it would be like to have a great woman sound engineer.

[In my area] no one over the age of 25 gets a look-in. You have to be sexualised to get a chance.

c. Career progression

Participants to the Review identified a number of barriers for women's career progression and promotion. They spoke about having to work harder for longer, to "prove" themselves, about not being heard and having their opinions and ideas disregarded or taken over by a man or men:

There is no career progression as a woman … We can't progress, are not supported and are often ignored.

Men are clearly promoted ahead of talented women.

There are no opportunities for women to progress and no pathways.

[To progress as a woman] the bar is so much higher ... I bet there's a big pay disparity as well. [But] the women all have law degrees minimum.

If you find one female tour manager, they are harassed … The boys … bag women so hard with no regard.

I can't progress here because I'm good at making my male manager look good. I'm too useful to him.

Senior woman with so much to offer are pushed out of conversations. It's exhausting.

"

There is no career path. 100%, there is a very low glass ceiling. There are heaps of women at mid-tier levels, then further up, its mainly men.

"

[In this organisation] there is not a great structure for women to move up.

d. Pay equity

Participants provided anecdotal information about a pay disparity between men and women which was consistent with national research on the gender pay gap. Across all industries and occupations in Australia, women receive less pay than their male counterparts and this pay gap has been a persistent feature of labour markets for decades, despite women's massive gains in workforce participation rates and educational achievement.[50] Research on the working lives of professional artists indicates that the gender pay gap is particularly pronounced for women artists.[51] The gap is most stark in the earnings of 'creative' artists (those whose principal job is their core creative practice compared to other arts-related work). In 2017, the mean income of women in the arts was 75% that of men's.[52]

In the recent survey for Support Act on *Mental Health and Wellbeing in Music and Live Performing Arts* the researchers found that survey participants emphasised the need for fair pay and conditions.[53]

Related to a perceived pay disparity between men and women, the Review Team was told:

We have very low pay. [The justification is that] "you should be grateful for being in the music industry. There are plenty of people wanting your job".

Women have to do more to prove themselves for less pay. Aspects of the industry are very unprofessional. [For instance] we need more transparency with pay.

50 Bankwest Curtin Economics Centre and Workplace Gender Equality Agency, *Gender Equity Insights 2017: Inside Australia's Gender Pay Gap* (Report, 2017) 8; Workplace Gender Equality Agency, *Australia's Gender Equality Scorecard: Key findings from the Workplace Gender Equality Agency's 2017-2018 reporting data* (Report, 2018).

51 David Throsby and Anita Zednik, *Do you really expect to get paid? An economic study of professional artists in Australia* (Report, 2010), Australia Council for the Arts 73.

52 David Throsby and Katya Petetskaya, *Making Art Work: An Economic Study of Professional Artists in Australia* (Report, 2017), Australia Council for the Arts 132.

53 Aurora Elmes and Jasmine Knox *Mental health and wellbeing in music and live performing arts Australia* (Report 2022). Centre for Social Impact, Swinburne University of Technology: Hawthorn, Australia

> *One of the big reasons I quit was that once women started to ask for equal pay, they dropped like flies. Getting a pay rise was like butting your head against the wall.*

> *[As a woman] you put up with things that you wouldn't put up with because you're passionate, and people with ill-intent can be exploitative. They know you want to stick with it and do a good job, so they can take advantage of that.*

> *I have noticed at some gigs that the guys are paid more than me.*

The Review Team was concerned to hear that it is not uncommon for people in the music industry, and young people in particular, to not be paid for the work they do, often for long periods of time. This was especially the case for people engaged on so-called internship arrangements, but who nevertheless carried out the duties of an employee. Participants who experienced this practice told the Review Team that they accepted it to "get a foot in the door" and were made to feel "grateful".

> *We call it the "Music Tax" - where you will do anything or be paid anything to get the chance to "make it" or be involved with those that do.*

> *The first time I noticed gender difference was in terms of pay. [In my] first job ... I wasn't paid but was given [products] instead. Meanwhile my boss got richer, and it was never an option that I got paid. All the men got paid. I was made to feel I should be grateful to be there. I didn't speak up because I didn't want to throw away an opportunity.*

> *I was an intern [for a couple of years] and [was] not paid. It was only after I left and moved into a real job that I realised how wrong that was.*

> *For persons with no industry experience or contacts, a big issue is you will work for no pay because we all worked for no pay and you have to do that for a few years before you can get any paid opportunities. This particularly affects younger people, people changing careers and people who haven't had work experience in general. The expectations then start to develop into "well this is how it's done, don't question it ... don't report it."*

> *Interns can be exploited. I know of some who have had quite big responsibilities but have not been paid. They don't complain because they are so desperate to work in music.*

In Australia there are strict regulations about unpaid work. An unpaid work experience arrangement or unpaid internship can be lawful if it is a vocational placement[54] or if there is no employment relationship found to exist. An unpaid internship is a learning experience. It should primarily benefit the intern, rather than the employer. Sometimes unpaid interns end up doing work that contributes to the employer's business in a meaningful way. If this occurs then the intern may be in an employment relationship and therefore must be paid a minimum wage, along with other minimum employment entitlements set out in the *Fair Work Act 2009* (Cth).[55]

e. Work and family

The inaccessibility of the industry for people with families, and especially for women with children, was also raised as an issue. The Review Team was provided with comprehensive and best practice parental leave policies from some organisations. Importantly, people seemed to be aware of these policies in their organisations and how to access them:

> *When I had my baby [my employer] could not have been more supportive in terms of my access to maternity leave and what I needed to return to work.*

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54 A vocational placement is a formal work experience arrangement that is part of an education or training course.

55 Fair Work Ombudsman, *Work experience & internships* (Web Page) <https://www.fairwork.gov.au/starting-employment/unpaid-work/work-experience-and-internships>.

> *We have really good parental leave policies [here]. [This organisation] is very supportive of women taking time off to have their kids.*

Nevertheless, the Review Team heard from others that, on the whole, the music industry does always support mothers working in the industry. Women often have to make a hard binary choice between career and caring when they have children:

> *There is a reason why the women who have got far aren't married or have kids.*

> *There is a big retention problem especially with women who want kids.*

> *A career in music and having a family is incompatible. I don't know of any part time employees who [have that arrangement] for parental obligations.*

> *Staying within the industry with kids is really fucking hard especially for band managers.*

> *If you want to get married and have children don't come into this industry.*

> *I delayed having kids because of how I would be perceived in the industry as a mother.*

> *It's a young person's game – not a mother's. There is that cultural connection with having fun. Being seen as stable, having kids and a husband is not part of that narrative... It's exponentially harder for a woman to be a mother than a man to be a father.*

f. A "boys' club"

Women spoke to the Review Team about a so-called "boys' club" in the music industry and their experiences of exclusion, including from networking and career opportunities. Whilst some participants spoke of this boy's club culture as improving, there still seems to be a strong legacy of older systems, ways of working and workplace cultures that are exclusionary for anyone who is not in "the club":

> *It's a big boys' club - next level. I have never been let in. There's a wall up.*

> *Until the people who have been there for [many years] are gone, there's only so much that can change, because they are the most powerful and they are set in their ways. They're gonna have their boys' lunches, they're gonna have their golf days… It's habitual almost.*

> *If you can't be one of the boys, you aren't going to get as much of a leg up in anything. Its cliquey and very white cis male.*

> *The music industry is a boys' club and I don't see that changing any time soon.*

> *There's definitely a lot of being like one of the boys to survive.*

> *It is such a boys' club. Women are definitely excluded. Some men also have God complexes.*

4.4.2 Racism

a. First Nations People

First Nations people have made significant contributions to the contemporary music industry, creatively and commercially. Despite this, those who spoke to the Review's First Nations facilitator described experiences that were often marred by racism and marginalisation.

First Nations participants spoke of their personal and cultural connections to song and their lifelong passion for music. Many had been involved in and around the music industry for many years and spoke positively about aspects of their work. Like many participants, First Nations participants found that while music itself is an enriching pursuit, the music industry could be harmful and exclusionary.

First Nations participants also explained the complexity of their relationship with the music industry, as it is a colonial system built around the subjugation and exclusion of their communities. Even beyond this oppression, participants found that it could be difficult to relate to an industry so far removed from their own cultures. Some participants pointed out the profound value Aboriginal and/or Torres Strait Islander peoples' connections to songlines and storytelling could have for the music industry, but instead of this being celebrated as something unique in the world, the industry does not engage with First Nations history and cultures in a continuous way:

> *We are trying to fit an ancient culture into a modern industry.*

> *Music is storytelling, we are storytellers.*

In recent years the representation of First Nations people in the music industry has increased. Today, First Nations people work as artists, artist managers, technicians and in large, medium and small labels, touring companies and other music fields across the country. A number of artists have had success both in Australia and internationally.

Despite an increase in numbers, First Nations people still remain underrepresented across the music industry, and in particular in roles that are visible, involve decision-making, and offer pathways to greater success. As many First Nations researchers and commentators observe, this is a legacy of colonisation.

> The ramifications of colonisation have seeped into all things built on the blood of our ancestors' massacres. The music industry is no exception.[56]
>
> Neil Morris, *First Nations inclusion in the music industry should be more than tokenism*

> While there are plenty of Aboriginal musicians playing the entire spectrum of music, only a fraction of them get the rewards and air play they want. Attitudes, physical distance, training and education are among the significant barriers that prevent Aboriginal artists from reaching wider audiences, but also Australia's history.[57]
>
> Jens Korff, *Aboriginal musicians doing it tough*

Some Review participants considered that positive change had been made in the last few years. According to one:

> *The music industry is more inclusive now, even compared to two years ago, as things are changing…Some mainstream music sector organisations have established diversity committees, there are more rural opportunities and Reconciliation Action Plans.*

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56 Neil Morris, 'First Nations inclusion in the music industry should be more than tokenism', *The Guardian* (Online, 5 September 2019) <https://www.theguardian.com/commentisfree/2019/sep/05/first-nations-inclusion-in-the-music-business-should-be-more-than-tokenism>.

57 Jens Korff, 'Aboriginal musicians doing it tough', *Creative Spirits* (Online, 7 September 2019) <https://www.creativespirits.info/aboriginalculture/arts/aboriginal-musicians-doing-it-tough>.

However, the majority of participants felt that racism and discrimination still characterised much of First Nations people's interactions with the music industry. There remains structural inequalities which First Nations people experience compared to non-Indigenous people within the industry, including: limited industry-wide cultural awareness or cultural capability around the needs, experiences and aspirations of First Nations people within the music industry:

> [First Nations people] within the music industry experience systemic discrimination and stereotype profiling and racism which impact our personal and professional career…We generally feel like we are … less professional or experienced than non-Indigenous people within the industry.

The value of long held deep connections to songlines and storytelling of First Nations peoples should be an embedded part of Australia's music industry – not separate to the industry.

> I don't know any Aboriginal and Torres Strait Islander people in the mainstream music industry who are involved in shaping the strategic direction of the industry.

> Non-Indigenous people in the industry have financial backing. Without financial backing, it was and still is a struggle to break through in the industry.

> The music industry seems to have a general view that we are too much work. The music industry lacks knowledge, history and respect for Aboriginal people.

Unless the industry addresses inequality, the next generation coming through will continue to have the same obstacles. The industry needs to change and consider the needs of Indigenous artists.

> There is a lack of inclusion of Aboriginal people at independently run festivals. Most of our artists can't get further than performing at community events.

> Aboriginal and Torres Strait Islander women artists and managers are right at the bottom of the line and we are always expected to do more than one job.

Some venues have historically limited Indigenous music to be showcased and only opened up during NAIDOC or National Reconciliation Week, rather than during other times of the year.

> I have not felt valued and respected in the industry as an Aboriginal woman. I have seen positive changes over the last few years but mostly informal, through my own networks of women coming together to support each other. Change is happening outside of the industry not from within the industry.

> Non-Indigenous women within the industry tend to have it easier. Its white privilege… For example, non-Indigenous women have access to formal music lessons early in life. The institutions and industry are built for non-Indigenous women and men.

I have experienced direct racism in the industry … I had been booked for a gig and once the venue realised it was a Black show, the venue shut us down. Pubs in particular have historically been too racist to book gigs.

There are many examples of non-Indigenous men in particular profiting off Black music.

International gigs are different. They value Indigenous art and music.

The music industry is a replica of white Australia.

There was a strong view that the music industry lacked an understanding of the trauma many First Nations people have experienced:

Many of us have experienced extreme and complex trauma and racism. The music industry doesn't know how to support Aboriginal and Torres Strait Islander people in the industry in a way that is trauma informed.

First Nations' contributions to music in this country have significantly enriched the industry and added great depth, uniqueness and dimension to the output of creativity and artistry. The Australian music industry has much to learn and embrace from the music and contributions of First Nations people – the oldest surviving culture in the world.

There are many ways in which we can move from tokenism to space made for First Nations peoples that recognises a desperate need to re-centre First Nations participation and ultimately leadership in the realm of music. The sacredness of First Nations' voice can no longer be an add-on of the sector, or a fetishised trinket.[58]

Neil Morris, *First Nations inclusion in the music industry should be more than tokenism.*

b. People of Colour

People of Colour in all areas of music told the Review Team of a structure of racism that exists in the contemporary music industry, which impacts their everyday working life. Most People of Colour who participated in interviews, focus groups, or provided written submissions felt that racism was pervasive and unchecked in the industry.

Some participants noted that much of the success of Australian music is built on "the simultaneous exploitation and exclusion of People of Colour":

The racial issue underpins all of it and … no-one can talk about it.

Participants also spoke of racism at an interpersonal level. They described being singled out, targeted, or harassed because of their race, being excluded from career opportunities, and feeling unsafe in environments in which they are the only Person of Colour present:

> *You can't help but feel you are overlooked because of your race.*

I feel much more marginalised as a Person of Colour than as a woman.

Black women in the music industry … [are] very few and far between. There are literally no black women on the business side of things.

Many People of Colour felt that they, their work, their experiences, and their opinions were "not taken as seriously as [their] white colleagues". At a broader level, they saw this exclusion apparent in the "invisibility" of workers and artists of colour in the industry. Many mentioned the low number of People of Colour in senior or leadership positions in the industry. This view is affirmed by research done by Diversity Arts Australia, which has found that across the Australian arts industries, People of Colour are severely underrepresented in leadership and decision-making positions.[59]

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58 Neil Morris, "First Nations inclusion in the music industry should be more than tokenism." *The Guardian* (Online, 5 September 2019) <https://www.theguardian.com/commentisfree/2019/sep/05/first-nations-inclusion-in-the-music-business-should-be-more-than-tokenism>.

59 Diversity Arts Australia, *Shifting the Balance: Cultural Diversity in Leadership within the Australian Arts, Screen and Creative Industries* (Report, 2019).

On the creative side of the industry, there is a sense that there is only limited space for artists of colour to succeed, while white artists are given much greater attention. Across the live and recorded music sectors, participants considered that institutions do not uplift and feature artists of colour, in a consistent way, as they would white artists:

> *We feel like a lost cause … Those in power don't take my contributions seriously.*

"

The industry is very white. It is not inclusive … We need more visibility. We need to be seen for what we can do.

"

> *I have never been able to get into the cliques [as] a Person of Colour.*
>
> *There is racial exclusion and we are invisible.*

The harm of exclusion is compounded by what the Review Team heard is "the continued and prevalent exploitation of the music and work of People of Colour in the industry". Participants stated that while music with roots in Black music is popular and profitable, Black people themselves are rarely acknowledged for their artistry in Australia.

Participants reported feeling alienated from their own cultures, describing the lack of acknowledgement of the history of the music other people are making as an "ongoing trauma." The Review Team was told that while this music continues to make money for some sectors of the industry, People of Colour and Black People in particular, continue to be marginalised, taken advantage of, and disempowered:

> *The whole of the music industry is really built off the back of Black music and Black artists, starting in America and going internationally … Here in Australia, they've gotten away with a lot of cultural appropriation, cultural erasure. It's massive and a difficult subject to broach because people don't understand the history and context of what they're doing …*

> *The roots of this music are in West Africa and its people, and it's being erased. Black people in Australia talk about this, but they would never say it out loud because they're just too scared.*

"

The Australian music industry does not acknowledge the black roots of music - rhythm, beats etc. But Black people are excluded from creating and making money off it.

"

People of Colour noted that they are not listened to, and the problems of racism in the music industry are denied or downplayed. Participants stated that the combination of exploitation, marginalisation, and not being believed was a traumatic burden, which significantly impacted their and their peers' mental health:

> *I have sheer exhaustion just telling my story.*
>
> *Someone needs to step in to take the load.*

The Review Team heard from many participants that greater representation of people of different races in all aspects and at all levels of the music industry is crucial for change. This included supporting and creating more opportunities for artists of colour. Participants also noted the importance of greater diversity in other areas of the music industry, such as in production, labels and artist management:

> *We need more Black people in the labels. And we need targets.*

> *I look at things [such as] pre-BLM [Black Lives Matter] and post-BLM. Pre-BLM nothing was happening. Post-BLM – kaboom – it's all happening now, they're wanting to do more which is good… The entire industry pre-BLM, was not being inclusive and causing lots of damage.*

> *I do feel like there are a growing number of females, non-binary people and People of Colour DJs coming up in the ranks, but I still see us as being a minority. We don't want to wait another 25 years to see change.*

4.4.3 Disability discrimination

People with disability are considerably underrepresented across the arts sector. While 18% of the Australian population identifies as having a disability,[60] only 9% of arts workers identify with disability.[61] The pay gap between workers with disability and workers without disability is largest in the arts sector. On average, arts workers with disability make less than half what their colleagues without disability do and are more likely to experience unemployment.[62]

Research shows that people with disability encounter even more difficulty in music. 7% of musicians in Australia identify as having a disability.[63] While there is little research on the experiences of people with disability in the contemporary music industry, evidence available shows that workers with disability face significant challenges. A number of review participants with disability detailed frequent experiences of discrimination and exclusion, as well as a general and significant lack of accessibility in their working lives.

Participants described the music industry as lacking "even the most basic provisions of accessibility." They also spoke of the industry having "little concern for the physical or mental needs of performers and workers alike."

There are no industry-wide standards for accessibility, and buildings and venues that do keep to government standards are still inaccessible to many. People with disability described not being able to perform their jobs properly due to the inaccessibility of the buildings in which they work or the materials they used, and artists and musicians detailed missing out on gigs because venues were inaccessible. The lack of accessibility physically excludes workers with disability from spaces in music, and furthermore communicates an implicit message however unintentional about who "deserves" to work in the industry and who is valued:

> *Whilst there have been some positive changes in the music industry … there have been no changes in relation to people with disability. Disability is still an afterthought. For instance, ableism is never part of the anti-discrimination signage at festivals or events.*

> ❝
> ### *[We] can't even get on a stage to get an award.*
> ❞

> *[There are] not enough autistic ladies [like me] in the industry.*

> *It's so hard to get those in power to care about those of us with a disability.*

Participants noted that they feel a sense of guilt and are unsupported when they need to take extra time to complete tasks or recover. Touring, in particular, was identified as taxing to musicians and other music workers with disability, and without proper supports, impacted their health and wellbeing. One participant suggested standardising the incorporation of "standard access terms" or "accessibility riders" in touring musicians' contracts, to enshrine these workers' rights to rest and to be able to perform their work.

As well as this structural inaccessibility, some participants described being "actively discriminated against" because of their disability. Discrimination takes place on an interpersonal, direct level, but also on a systemic level. Participants told the Review Team that very few people with disability are placed in senior, management or leadership positions in the music industry. Indeed, one participant noted that very little is known about the experiences of people with disability working in the music industry who aren't musicians. Artists reported struggling much more than artists without disability to book shows, interest labels, or engage managers:

> ❝
> *Artists with disability are actively excluded from opportunities and unfortunately, we're the living example of this fact … We're not afforded the same opportunity as our peers and I've a wealth of knowledge and experience to support these statements.*
> ❞

60 Australian Institute of Health and Welfare, *People with Disability in Australia 2022* (Report, 2022) 21.

61 Australia Council for the Arts, *Making Art Work: An Economic Study of Professional Artists in Australia* (Report, 2017) 151.

62 Australia Council for the Arts, *Making Art Work: An Economic Study of Professional Artists in Australia* (Report, 2017) 153-154.

63 Australia Council for the Arts, *Making Art Work: An Economic Study of Professional Artists in Australia* (Report, 2017) 151. Note: this figure encompasses all areas of music in Australia, inclusive of but not exclusive to the contemporary music industry, with which this report is concerned.

Artists with disability are actively discriminated against and I've been proposing options for inclusive practice for [many] years.

Discrimination and lack of opportunity has led to people, when they can, concealing their disability from their workplace in order to avoid mistreatment. As well as being an isolating experience, hiding one's disability can lead to increased harm, as people are not supported to take the steps they need to ensure they are working safely.[64] According to one participant:

People don't disclose they have a disability for fear of an adverse reaction.

Artists and workers with disability noted that they are not visible in the music industry, and this likely discourages people with disability from pursuing a career in the industry.

As well as not being represented in leadership or as prominent artists, there is very little research on the number and experiences of people with disability in the music industry. Without this knowledge, there is no understanding of the issues people with disability face, and what can be done to improve the situation. This said, many participants identified ways to increase the visibility and inclusion of people with disability in the industry, and stressed that this is a crucial priority in making music more accessible:

One of the ways forward out of this and to showcase artists with disability to new audiences is by offering known artists the financial support required to engage artists with disability on their tours or shows … So basically, paying them to engage and support artists with disability or offering further financial assistance to help engage disabled artists as their support act.

[There should be] more people with a disability in the industry who are visible. Visible leaders in all parts of the industry. In the decision-making roles … [It would make a difference if a] person with disability wins an ARIA for best new talent or is recognised in a significant way by the industry.

4.4.4 Discrimination against LGBTIQ+ people

Many people from lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) communities continue to face discrimination, discomfort and exclusion in the workplace. Australia is one of eighty-one countries that prohibit discrimination in employment because of sexual orientation, yet only 32% of Australian LGBTIQ+ employees are "out" to everyone with whom they work.

Despite the LGBTIQ+ population of Australia being upwards of 10%, this level of diverse representation is not reflected throughout mainstream artists, nor through representation in management, leadership or decision-making roles within the contemporary music industry. There are few "out" role models within music organisations and the music industry as a whole.

LGBTIQ+ people are described as instrumental, yet seldom celebrated throughout the history of music. As LGBTIQ+ issues have become much more visible in political discussions, so has their representation in music. It has become increasingly mainstream as more queer artists release music detailing queer experiences. Discrimination and lack of visibility, however, are still very high.

The Review Team had active engagement with people identifying as LGBTIQ+ across a myriad of roles. Some participants who identified as gay or lesbian spoke of inclusive environments where they could thrive. Many queer artists also spoke of a highly supportive and inclusive sub-cultures of supporting and collaborating with other queer artists and "looking out for each other."

The Review Team also heard from a number of LGBTIQ+ artists who created their own independent inclusive organisations and collectives. These participants believed that the music industry was not a safe or inclusive place. Nevertheless, there were also references to a generational divide and a wave of changes linked to broader social movements like marriage equality, Mardi Gras, trans inclusion and celebration, all of which are creating more opportunities across the music industry.

Others disclosed experiences and a culture of homophobia, biphobia and transphobia. The Review Team heard from people who did not disclose their gender identity or sexual orientation in their workplace or to their co-workers for fear of being excluded or denied career opportunities.

64   These contributions from participants are upheld by a 2021 study funded by Arts Council England, which found that the majority of music industry workers with disability choose not to disclose their disability at work. See 'New research indicates music industry workers are putting their health at risk as a result of fears to disclose disability' *Disability Arts Online* (Online, 2 September 2021) <https://disabilityarts.online/magazine/news/new-research-indicates-health-risks-resulting-from-the-fear-to-disclose-disability/>.

The Review Team also heard of several instances of exclusion, particularly from people stating that they either didn't feel safe being "out" in a live music venue, on tour or with co-workers or that bullying and harassment was exacerbated because they were "out". As part of its work in relation to mental health and wellbeing for people in the music industry, Support Act acknowledges that sexual harassment, rape and other forms of assault disproportionately affect LGBTQI+ and gender diverse members of the music industry, and has serious impacts. LGBTIQ+ participants to the Review shared that they became the target of sexual harassment, jokes, name-calling, assumptions of promiscuity, and other forms of disrespectful and harmful behaviour:

> "
> ### As a non-binary person, I just don't feel comfortable to disclose my gender identity at work.
> "

I let things slide in the music industry as a gay man. I'm used to discrimination.

I have a lot of female and non-binary queer and non-male individuals that I work with. I want a work environment that is fair and equitable for them [and] to change historic problems.

I have had personal experiences of homophobia and bullying in a corporate environment, and I'm also aware of sexism and sexual harassment.

All the boys [in the organisation] that were straight got invited to golf and drinks, while I was excluded from everything.

A young lesbian worker at the label was let go because she 'didn't fit in'.

Trans people are still the most vulnerable in the industry by a long way.

I tend to be way more on guard when I'm surrounded by cis-het men, and that honestly is most of the music industry.

I prioritise working with and collaborating with other queer people, including photographers, designers, being part of queer projects and generally creating safe communities.

4.5 Bullying

Participants consistently raised issues of bullying with the Review team, making it apparent that bullying is a concerning issue in the contemporary music industry. While a significant issue in itself, widespread bullying is also a sign of poor industry culture more generally. Given this fact, and faced with evidence of the negative impact bullying is having on the lives and wellbeing of people working in music, the Review's scope was broadened to include bullying.

This section of the Chapter explores the instances and issues of bullying participants raised with the Review Team. It demonstrates the ways in which bullying is associated with negative workplace culture and other forms of misconduct, including discrimination, sexual harassment and sexual harm. It discusses the ways in which bullying manifests and can be normalised in the Australian music industry, and examines the impact is has on people's health, wellbeing and livelihoods.

4.5.1 What is bullying?

The *Fair Work Act 2009* (Cth) prohibits workplace bullying, which it defines as 'repeated unreasonable behaviour towards another person or group which creates a risk to health and safety'.[65] Bullying can be perpetrated by one or several people, against one or several others. Bullying can involve:

- Aggressive or intimidating behaviour.
- Repeated hurtful or abusive remarks about a person's work, their appearance, or an aspect of their identity.
- Mocking, belittling, or humiliating comments.
- Exclusion of people from work, projects, opportunities, or work-related events.
- Withholding information or preventing someone from access something they need to do their work properly.
- Physical violence.
- Initiation or 'hazing'.
- Repeated dismissal of someone's work or contributions.
- Limiting a person's career progressions or opportunities to advance, despite a strong performance history.
- Victimising someone for reporting misconduct.
- Written abuse, including abuse on social media.[66]

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65 *Fair Work Act 2009* (Cth),
66 Safe Work Australia, *Dealing with Workplace Bullying – A Worker's Guide* (Report, 2016) 4-5.

Reasonable management of a worker (for instance, a performance review or disciplinary action undertaken after a transparent process) is not workplace bullying. A single incident of unreasonable behaviour does not fall under the legal definition of 'workplace bullying', however, it may be indicative of broader cultural or organisational problems and should therefore not be ignored.[67]

Bullying is a serious and persistent problem in all Australian workplaces. Safe Work Australia's 2014/2015 Workplace Barometer Report found that 9.7% of Australian workers had experienced workplace bullying, a 7% rise from the 2009/2011 Workplace Barometer Report.[68]

4.5.2 Bullying in the music industry

a. The survey

The survey revealed that 76% of participants have experienced bullying at work **at some point in their career in the contemporary music industry**.

There is no significant difference in the prevalence of bullying over a lifetime in the industry compared to the number of experiences in the last five years. This demonstrates that is an ongoing problem that has lasted for a period of time greater than five years.
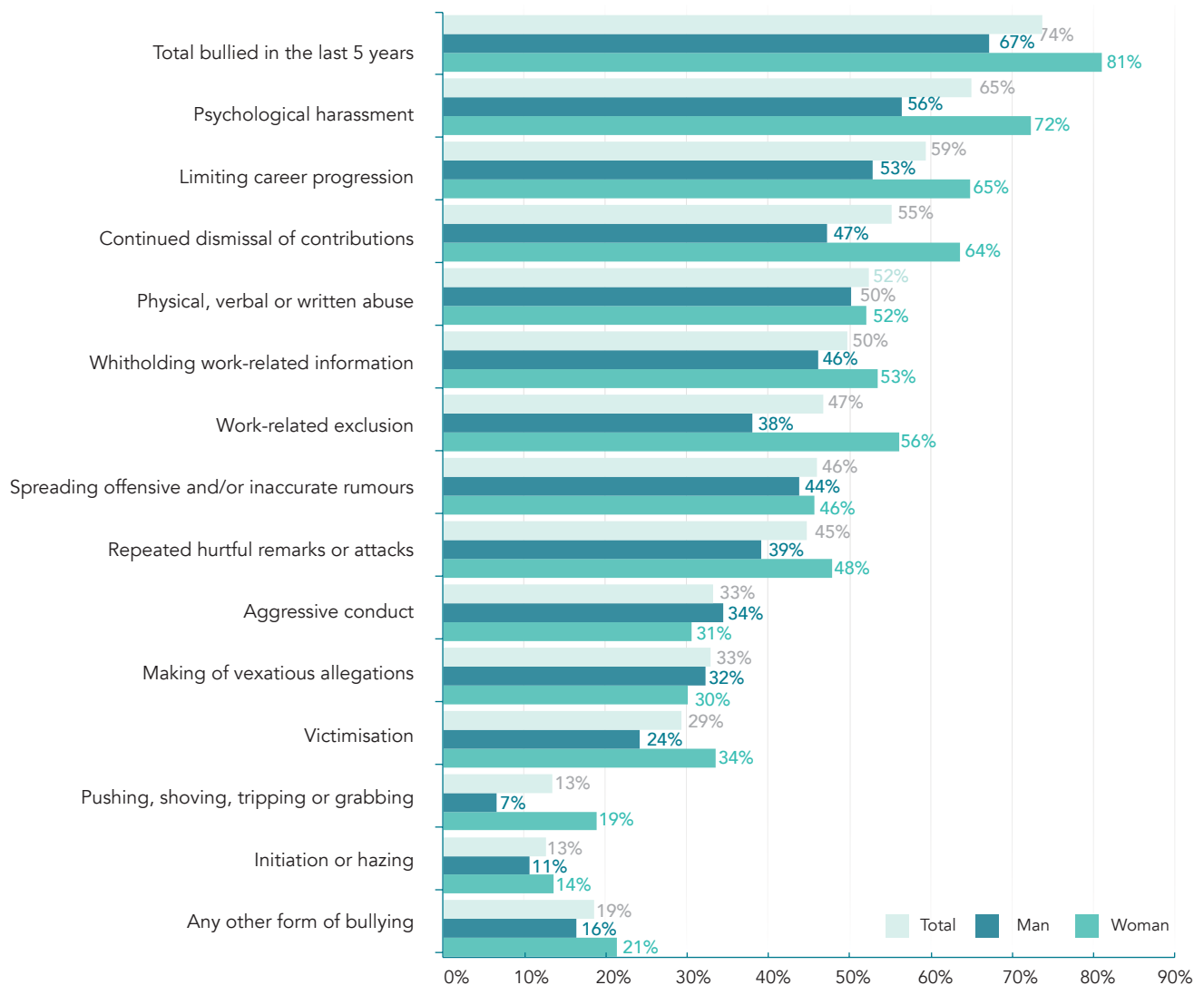

Figure 3: Nature of bullying behaviours in the last five years: Gender

Base: Total n=1271. Man n=542, Woman n= 683

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67 Safe Work Australia, *Dealing with Workplace Bullying – A Worker's Guide* (Report, 2016) 4-5.
68 Rachael E Potter, Maureen F Dollard, and Michelle R Tuckey, *Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project* 2014/2015, Safe Work Australia (Report, 2016), 2-6.

Figure 3 shows that the prevalence of bullying **in the past five years** was 74% and notably higher among women survey participants (81%) than male survey participants (67%). 86% of survey participants who identified as additional genders, including non-binary people, those who wished to self-describe their gender and those who preferred not to disclose their gender identity, reported experiencing bullying while at a contemporary Australian music workplace.

The age profile of victims of bullying within the past five years for contemporary music workers remained steadily high for most of a worker's employment life, peaking between the ages of 35 to 44 years at 79%. Rates of bullying declined to 51% among respondents aged 65 years old or older. Women were more likely to be bullied than men across any age group.

For survey participants who have been in the industry for a relative short period of time (those employed between two and five years) the majority, 72%, have already experienced bullying. Instances of bullying peaked for people who have worked in the industry between five and ten years, with 81% reporting as such.

The nature or type of bullying experienced by men and women in the past five years was broadly similar, although women mostly reported experiencing all forms of bullying at higher levels than men.

The majority of bullying took place in an office, followed by a music venue. Figure 4 shows the location of bullying.

Bullying occurred through many avenues, the most common of which was face to face, with over half (51%) of bullying occurring this way. 25% of participants said their most recent form of bullying occurred via email, followed by social networking sites or platforms (15%).
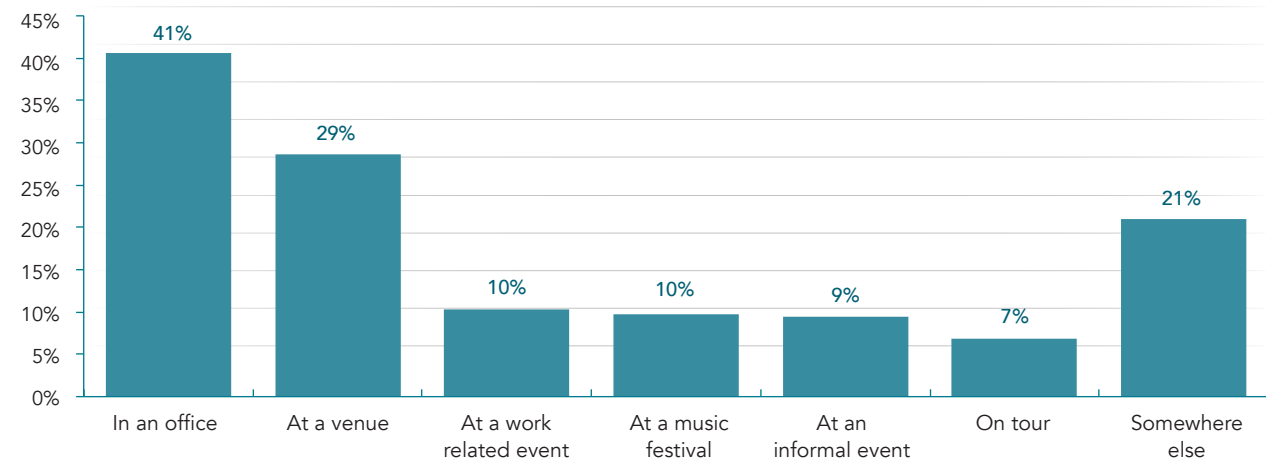
When there was only one perpetrator involved this was more likely to be a man (67%) than a woman (28%). Figure 5 shows the gender of a single bully.
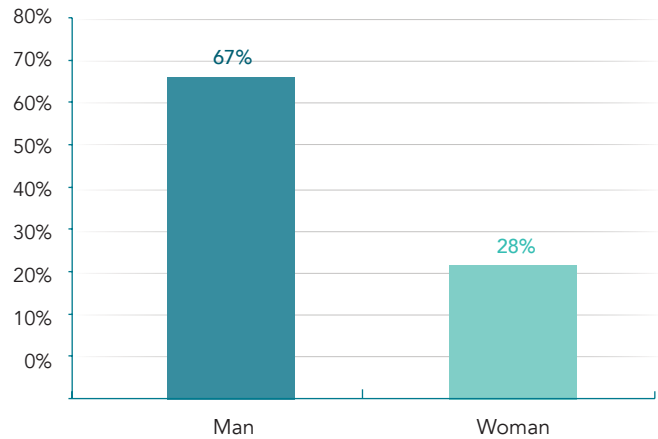

Figure 5: Gender of single bully
Base: Bullied by single perpetrator n=499

Perpetrators of bullying are most commonly close to the participant, with senior managers (17%), colleagues or peers (14%) and business leaders (14%) from within the participants' workplace the perpetrators of most single bully incidences.

As with single perpetrators, group bullies were also closely linked to respondents' workplace. Senior managers were involved in 30% of cases involving multiple bullies, as was 25% of colleagues or peers within their workforce. CEOs or other business leaders within the respondent's organisation, made up 21% of cases involving multiple bullies.

Figure 4: Location of workplace bullying   **Base:** Bullied in past five years n=955,

b. Interviews, focus groups and written submissions

Participants to the Review directly described bullying as being a significant concern in the music industry:

> I've been bullied so much I've become the bully.

> I was bullied by [a colleague]. [The boss] knew what was going on but did nothing. I ended up quitting because of its effects on my mental health.

> ## I deal with bullying constantly. We all know there is a systemic issue in this industry.

> [A man in the music industry] has bullied me for years. He was actively telling people I'm bad at my job ... No one would get involved. I put in a formal complaint … and I was told that it had been investigated and the outcome was confidential. He is still working [in the same organisation], and it's still going, but now it's more covert. I'm also not the only one he has bullied ... Even when you engage in the proper process [with witnesses] still nothing happens.

> I am bullied and harassed often by young males.

> I will never work in the industry again because I have been traumatised from the bullying.

> [The business owner] was a bully who made threats and would say things like "are you retarded?" I felt very unsafe there.

> ## There's an attitude of "oh that's just them" and so your claim of bullying is dismissed or trivialised.

Recently, research and cultural reviews have begun to focus on bullying as a phenomenon that indicates underlying structural and cultural issues in a workplace. While previously bullying was understood as an isolated act, involving only individual perpetrators and targets, many researchers now argue that bullying is closely related to other forms of workplace harm, including sexual harassment and discrimination.[69]

Evidence suggests that workplace bullying is driven by the same institutional cultural factors that facilitate sexual harassment and discrimination, including rigid and hierarchical power structures, and high levels of competition and stress.[70] Several international studies have indicated a link between bullying, gender, and race, suggesting further that similar systemic factors contribute to bullying, sexual harassment, and discrimination in the workplace.[71]

Stories from participants supported the correlation between bullying and other forms of discrimination. Women and people from diverse groups reported being or seeing others singled out for bullying based on who they were:

> I saw [the workplace leader] on many occasions damage people. He practiced gendered bullying because he has a beef with females. I would say he is 90% awful to women and 10% awful to men.

> ## I have no doubt I got the treatment I did because I am a Person of Colour. I was disrespected and bullied.

> Women definitely cop it worse from [this workplace leader].

> There is a clique here [in Australia]. There is a lot of exclusion … Despite my experience it is very hard for me to get work [as a Person of Colour]. I see a lot of mateship – but it's not extended to me.

> In my time in the industry I have experienced a lot of bullying and it's mainly come from other women.

69 Adriana Berlingieri, 'Workplace Bullying: Exploring an Emerging Framework' (2015) 29(2) *Work, Employment, and Society* 344.

70 Denis Salin and Helge Hoel, 'Organisational Causes of Workplace Bullying', in Stale Einarsen et al (eds), *Bullying and Harassment in the Workplace: Developments in Theory, Research, and Practice (2nd Edition)*, (Routledge, 2010) 227-243.

71 Fernando R Jeijo et al, 'Risk Factors for Workplace Bullying: A Systematic Review' (2019) 16(11) *International Journal of Environmental Research and Public Health* 3-4.

Hierarchical power structures, high-pressure work and competition are present in all areas of the music industry. The Review Team heard that these factors are significant contributors to bullying and unsafe work environments. For example, one participant spoke of the 'bad culture' in the touring sector, characterised by 'anger', 'yelling', 'no room for error', 'pressure', and high workloads. Participants also frequently spoke of stress and competition when describing their jobs, their workplaces, or the industry in general, and said often this environment facilitated bullying:

The people in the industry are under pressure. We … are very direct – that's what you have to do to deliver a show at show time.

Part of the culture is refusing to share knowledge … there is a strange culture of maintenance of knowledge.

Participants also described being targeted for bullying as a form of punishment or retribution, often for reporting inappropriate behaviour in the workplace. In this way, bullying can silence perceived 'troublemakers' and reinforce a harmful status quo. These examples suggest that bullying is part of the culture of some workplaces in the music industry:

> *When I reported the bullying the way I was treated definitely changed. I was excluded from key things and felt ignored and alone. I felt really uneasy and thought I would lose my job.*

If I raised [issues at this organisation] I'd get bullied. So, I just told them that I wanted to leave … It's not a safe space.

When I questioned [certain practices] I was abused. … I had a target on my back. I was punished. Work was taken away from me. HR provided no support. They were protecting the organisation.

I experienced emotional abuse, controlling leadership and gross sexual behaviour. If I resisted or said something there was retribution. I also suffered exclusion which set me up to fail.

4.5.3 Impacts of bullying

The research shows that workplace bullying, which often goes hand in hand with exclusion, can have acute impacts on the mental and physical health of those who experience it, those who witness it, and those who work in environments with a culture of bullying.[72] Recorded mental and physical effects of bullying on those who experience it include depression, anxiety, stress disorders and trauma, sleeplessness, headaches, decreased self-esteem[73] and suicidal ideation.[74] Witnessing workplace bullying is associated with higher rates of depression.[75] Bullying is estimated to cost the Australian economy between $6 billion AUD and $36 billion AUD a year.[76]

Participants reported to the Review Team not feeling safe at work, suffering from anxiety and depression and losing interest in work they used to love:

[The boss] bullied and screamed at me so I resigned.

I know colleagues who were damaged so much [by the bullying] they could barely get out of bed, they couldn't be good partners, good parents, good family members.

I was still doing my job while just being depressed and anxious [from the bullying].

You start to think you are a weak person, that you are not cut out for this work because the bullying and the bully have worn you down so much. For me, my confidence was completely shattered.

Thank god for lockdowns because it meant I didn't wake up every morning stressed out about having to face [my bully] every day.

72 Brenda L Lovell and Raymond T Lee, 'Impact of Workplace Bullying on Emotional and Physical Well-Being: A Longitudinal Collective Case Study' (2011) 20(3) *Journal of Aggression, Maltreatment, and Trauma* 346.

73 Susmita Suggala, Sujo Thomas, and Sonal Kureshi, 'Impact of Workplace Bullying on Employees' Mental Health and Self-Worth', in Satinder Dhiman (ed), *The Palgrave Handbook of Workplace Well-Being* (Palgrave, 2020).

74 Liana S Leach et al, 'Workplace Bullying and Suicidal Ideation: Findings from an Australian Longitudinal Cohort Study of Mid-Aged Workers' (2020) 17(4) *International Journal of Environmental Research and Public Health* 1448.

75 Reza Emdad et al, 'The Impact of Bystanding to Workplace Bullying on Symptoms of Depression Among Women and Men in Industry in Sweden: an Empirical and Theoretical Longitudinal Study' (2013) 86 *International Archives of Occupational and Environmental Health* 709.

76 New South Wales Public Service Commission, *Supporting the Government Sector to Act Early and Strategically on Bullying* (Report, 2016).

4.6   Reporting and accountability

Clear, trusted reporting systems and consistent, robust accountability processes are integral to the effective prevention of and response to sexual harm, sexual harassment, systemic discrimination and bullying. Where there are strong accountability mechanisms, there is improved worker safety in high-risk occupations.[77] People have a right to feel safe at work, and to have a reliable, trusted place to go to if they experience harm.

Despite this, participants described a music industry culture in which people, particularly those who hold power or who are commercially valuable, are not appropriately sanctioned, or even protected from being held responsible for misconduct.

The Review also heard from many people who had little knowledge of, or confidence in, what systems were available to them to report misconduct. This section explores the barriers to reporting and the perceived lack of accountability in the music industry.

4.6.1 Reporting sexual harm and sexual harassment

a. The survey

The survey showed that incidents of sexual harassment are generally not reported or complained about, with almost 82% of survey participants not making a report. Male participants were the least likely to make any kind of report (87%), followed by female participants (79%).

Overall, just 3% of survey participants made a formal report. In general, people were around four times more likely to make an informal report than a formal report (just over 11% compared to 3%), however the rate of informally reporting is still considerably low.

Figure 6 identifies reasons for not reporting sexual harassment.

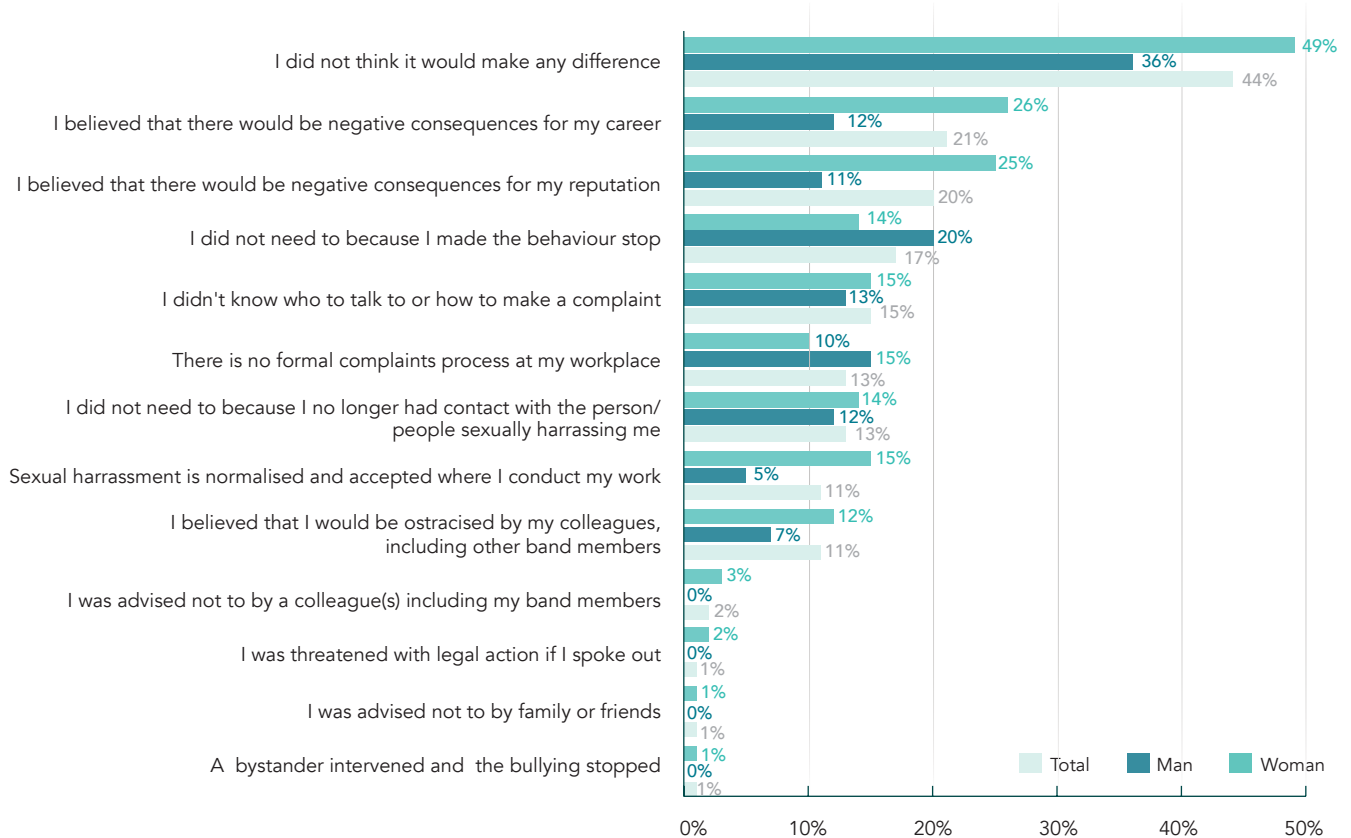Figure 7 identifies reporting sexual harassment by gender.

Figure 6: Reasons for not reporting sexual harassment   **Base:** Did not report Sexual Harassment Total n =271

77 Hayley Prinsloo and Karl B Hofmeyr, 'Organisational culture, frontline supervisory engagement, and accountability as drivers of safety behaviour in a platinum mining organisation' (2022) 20 *SA Journal of Human Resource Management.*
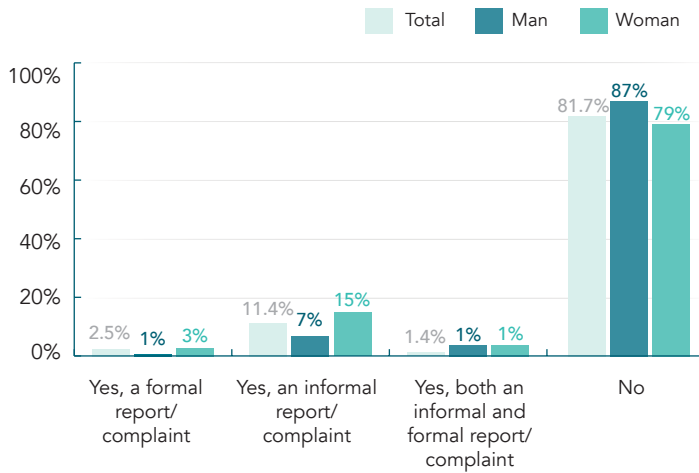
Figure 7: Reporting sexual harassment, the victim survivor's gender
Base: Total sexually harassed in last 5 years N=690

Where reports were made, the majority were done within the participant's workplace, with 32% made to their direct supervisor and 25% to another supervisor. 16% of participants made a report to Human Resources and 12% went to the CEO of their organisation.

In relation to internal reports participants tended to report incidents to fellow musicians (not in their band; 12%). 9% went the police and 4% spoke to a lawyer or legal service. 3% went to their union or employee representative or their state or territory' music association. Figure 8 shows who participants made their report to.
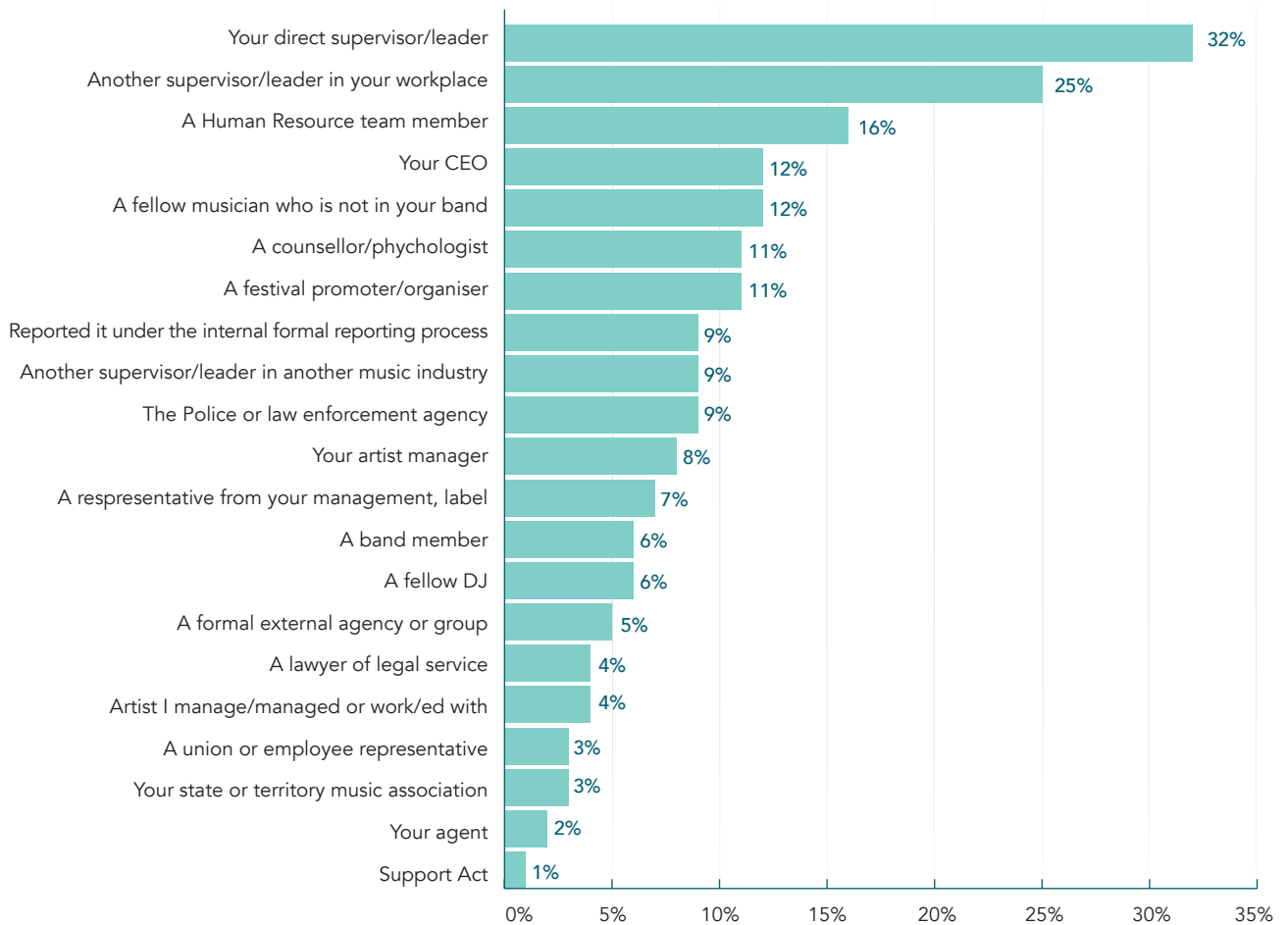

Figure 8: Who the report was made to
Base: Total made a report n=111

Levels of satisfaction with how a formal or informal complaint was dealt with were varied, however they tended more towards participants being dissatisfied. This is shown in Figure 9.

After making either a formal or informal complaint, 24% of participants reported that either no action was taken. The most common outcomes which resulted from a report were not necessarily consequences which would impact the perpetrator's job or association within the contemporary music industry. 23% of perpetrators apologised and around 21% of perpetrators were informally spoken to.
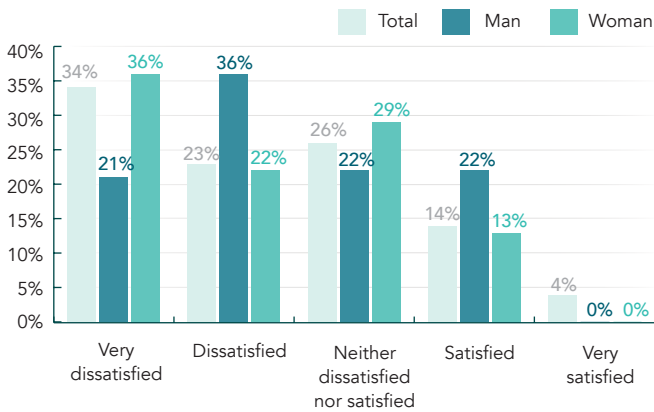

Figure 9: Satisfaction with how complaint/report was dealt with by gender. **Base:** Total made a report n=111.

Where no action was taken against the harasser, 50% of the participants who reported an incident, identified in the survey that they were very dissatisfied. A further 20% indicated that they were dissatisfied. Where there were no consequences for the harasser 60% were very dissatisfied, 20% dissatisfied and 10% neither dissatisfied nor satisfied.

Negative consequences after reporting sexual harassment were wide-ranging, from impacting the participant's professional life and relationships, to affecting their personal life and health.

71% reported in the survey that their career progression was impacted by making the report. 70% reported impacts on professional relationships. 44% reported that they were victimised by their manager, leader, colleagues, peers or band members as a result of reporting the sexual harassment.

Women were more than twice as likely to have suffered financial impacts than men (women 53%, men, 20%). Further, they were three times as likely to have experienced impacts to their general wellbeing than men (women 65%, men 20%). Men did not report being victimised by their colleagues, peers or bandmates (0% men, 40% women).

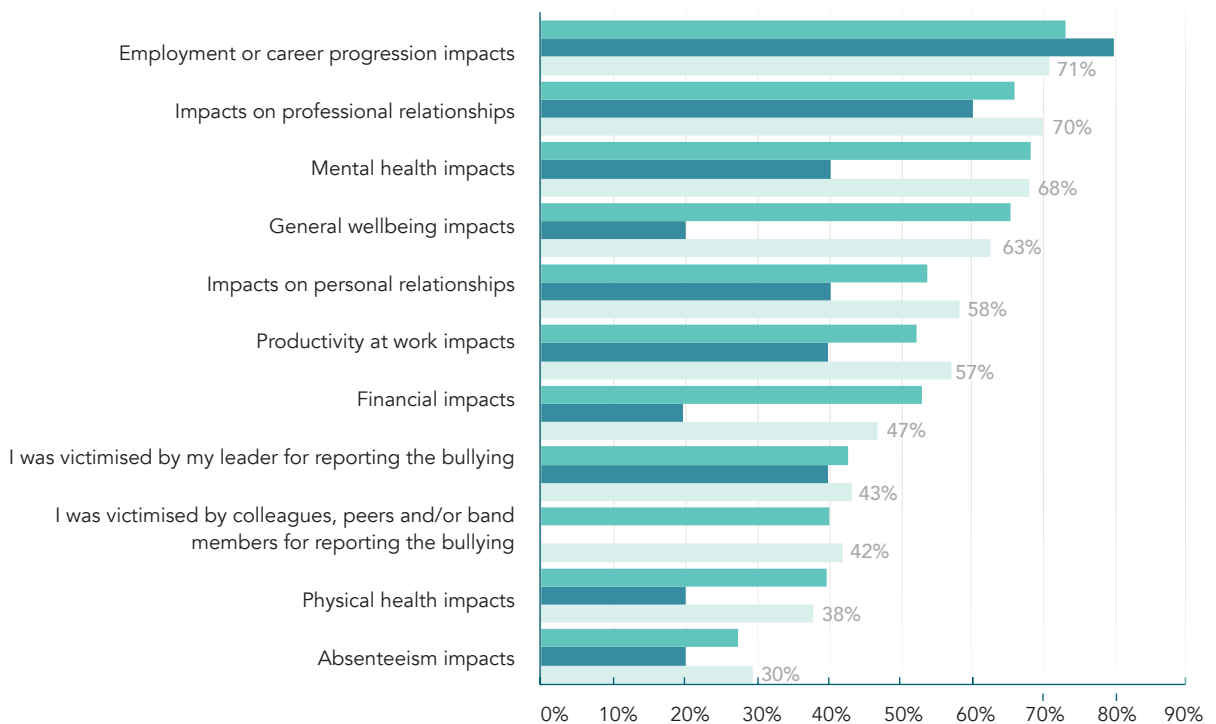Consequences experienced after reporting sexual harassment are Figure 10.

Figure 10: Consequences experienced after reporting sexual harassment   **Base:** Total made a report n=111

4.6.2 Bullying

a. The Survey

The survey examined the issue of people's propensity to report bullying and their satisfaction with the reporting process.

30% of survey participants who experienced bullying while working at a contemporary music industry workplace within the past five years reported it. This comprised those who made a formal complaints (only 6%); those who made an informal complaint (20%), and those who made both a formal and informal complaint (4%).

The majority of bullying reports were made to the participant's direct supervisor or leader (32%). 22% of reports were made to a supervisor or leader not responsible for the participant, 18% were made to the participant's CEO and 18% to the internal Human Resources team.
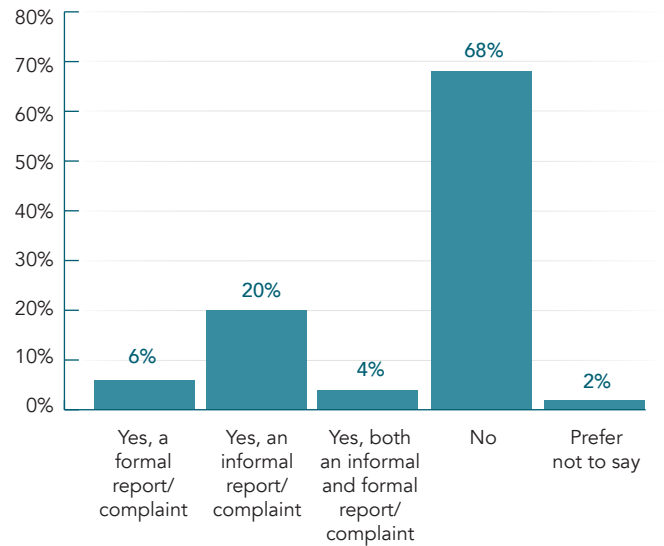

Figure 11: Reporting bullying **Base**: Total bullied in past 5 years n=955
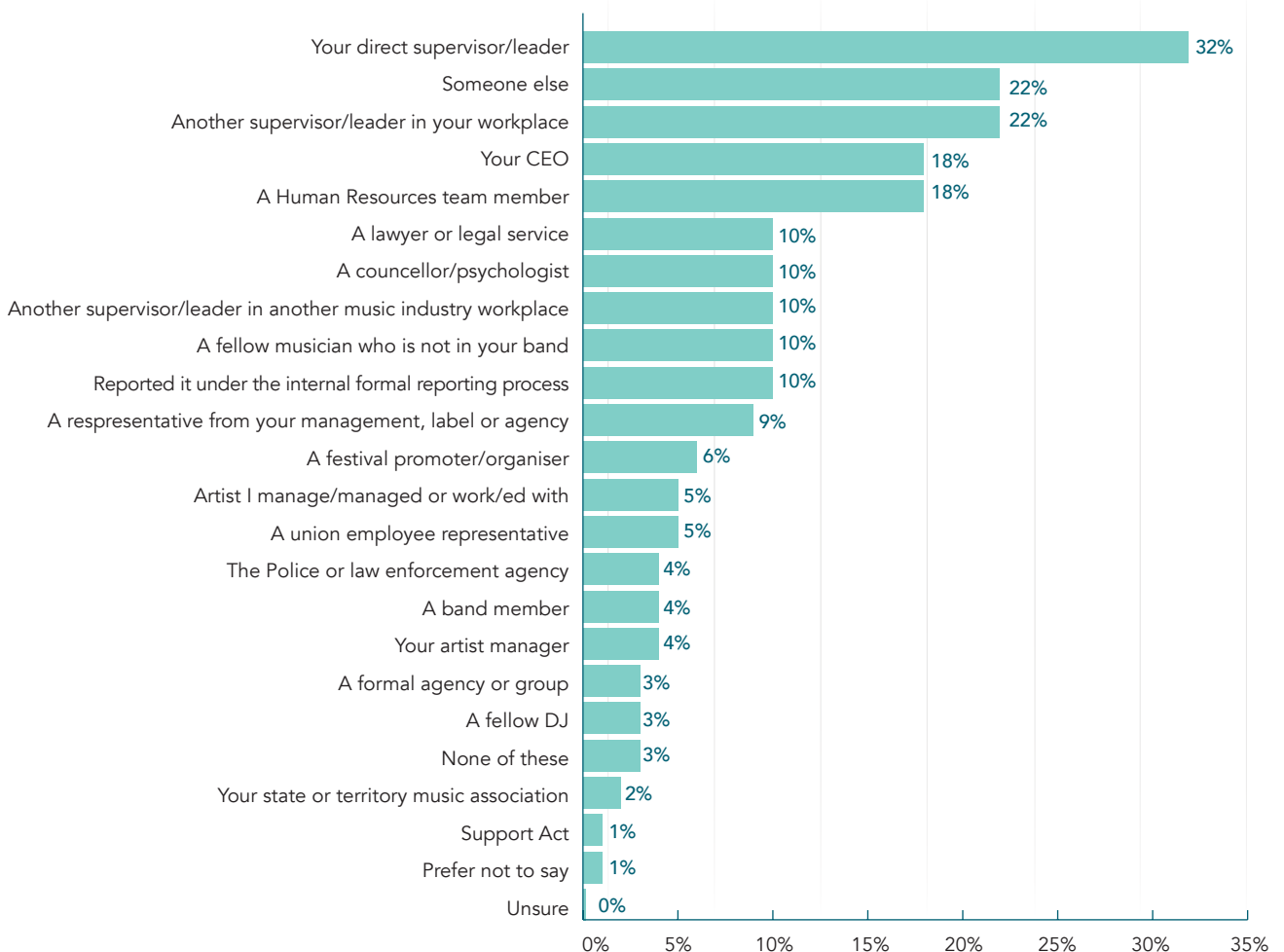

Figure 12: To whom a bullying complaint is made   **Base:** Total made complaint n=311

Overall, the reporting process was considered unsatisfactory. 51% of respondents were not satisfied with the action taken to address their most recent bullying complaint.

The majority of respondents (43%) who had made a complaint about their bullying experience reported there being negative consequences for themselves. Almost half of women (47%) who reported their most recent incident of bullying experienced direct personal negative consequences as a result; this compares to 37% of men. People of additional genders have not been included in this analysis due to a small sample size of those who have made a complaint (n=14).

73% of survey participants reported a negative impact on their mental health as a direct result of reporting their bullying case, and 66% had their employment or career progression negatively impacted.

51% of survey participants who did not make a bullying complaint after being bullied did not do so because they believed a report would not change anything or nothing would be done to address the issue. Concern that their career or reputation would be damaged if they made a complaint was also a common view held by around a third (35% and 32% respectively) of those who chose not to report their most recent experience of bullying. 20% of victims did not report their bullying because they did not know who to talk to or how to make a complaint.

b. Focus groups, interviews and written submissions – sexual harm and sexual harassment and bullying

Participants indicated to the Review Team that generally it wasn't safe to report incidents of harmful behaviour. Freelancers and contractors also explained there were few, if any, options to report.

One notable factor driving underreporting is the complexity and interconnectedness of the music industry: there are so many different organisations and workplaces operating in the industry, many people simply do not know what processes or policies are in place, and where they can report misconduct.

Further, there are many workers in the music industry who have no workplace policies or processes protecting them. Freelance artists and workers, for example, have the least protection or recourse for misconduct in the industry. The contemporary music industry has a high number of freelancers relative to other professions.[78] Generally, freelancers have no institutions internal to the industry supporting them or providing channels for reporting.

Another concern is the many small labels, businesses, and other organisations, which do not have the budget for a Human Resources department. Workers in these contexts also have nowhere within the industry to report and seek redress for misconduct they experience. The Review Team heard that for many in the music industry, there is simply 'nowhere or no one to report to':

> *We are all freelancers. We don't have people going into bat for us. No union, or organisation that we can all rely [on].*

> *Where do I go as [a freelancer]? There is no body that I can take a complaint to.*

> *You don't know who to go to if you experience misconduct, sometimes you don't even know who … they're associated with.*

> *How do you report if you're sexually harassed when you have no one to report to?*

> *[In my role as a freelancer] I have nowhere to report the poor treatment I get. I just have to deal with it.*

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78   Between 2010 and 2017, the amount of people working as freelancers in the arts rose from 72% to 81%. See Australia Council for the Arts, *Making Art Work: An Economic Study of Professional Artists in Australia* (Report, 2017) 88.

Some participants stated that where they had an avenue to report – either through Human Resources or a senior person in their organisation – their experience was generally positive:

> When I told [my work manager] about the bullying he was incredibly sympathetic and supported me to get [the bully] moved. His actions meant that the bullying stopped which is all I wanted.

[My report] was handled professionally and dealt with quickly. I was happy with how it was managed and would definitely make a report again if I was in that position.

> I would feel comfortable making a complaint to our HR manager. She [comes from] … outside the industry. So [she has] a broader view of these issues than others in the music industry and takes it more seriously.

Other participants, however, expressed a sense of mistrust in the workplace reporting processes available to them. These participants felt that structures such as Human Resources, exist "to protect companies and reputations", not to provide support and justice to victim survivors:

> The feeling was that if there was ever an issue … you'd think HR was the haven to go to, but the HR set up at [this organisation] was not set up to support everyone. It was set up to support [the leader's] favourites and [the senior people]. If you aren't one of them, you'd get nowhere, or even be moved away from your position.
>
> [HR] did nothing about [my report] … They didn't investigate the concerns I raised with them.

There was a 'shrug mentality' where if you couldn't go to your boss, who was usually the problem, then you couldn't go to HR, because you'd probably be turfed.

> HR only worked for the company, not the employees.
>
> I knew if I went to [HR with a report], I'd lose my job.

Many participants considered that making a report was not worth the stress nor would result in positive action. Some feared that making a complaint would reflect poorly on them and would jeopardise their careers. Participants spoke of the fear of not being believed, being labelled a "trouble-maker" and "never working in the industry again."

Other participants had either witnessed, experienced, or feared victimisation from managers, bosses, band/teammates, or colleagues for making a report. There was also a view that reporting was onerous and a lengthy process often without any satisfactory outcomes.

Participants told the Review Team that when they did make a report, they felt dissatisfied with the way their reports were handled, they were not updated on the progress of their reports, nor did they observe any accountability for the misconduct they suffered:

> I thought about [making a report] and I decided I don't want to go forward with something stressful.
>
> It can get very complex and frightening when you try to report or take action when there's no set process.
>
> I didn't see the point of raising safety concerns with venues as I get the sense that they don't care, and they probably won't book me again if I speak up about harassment.

It is an extremely long process of reporting to consequence and resolution. Follow through is not guaranteed, people who make reports are not protected or told anything about the process after their report. Reports can also be identifiable even if they are technically anonymised.

"

People who you report to have an attitude of 'what do you want me to do?' There is no process they can assure you of when you make a report.

"

I was listened to [when I reported] but nothing has been done.

Participants frequently described workers' inability or unwillingness to report harm as a result of a "culture of silence":

How is my voice ever going to matter? The men shut you down. The men squash and intimidate you.

At work events I knew of other women sexually assaulted and sexually harassed at parties – nothing happened. Often women are too scared to report.

After the meeting with [the organisation] I stopped getting booked.

I don't speak out because if you do you don't get the work, you get threatened or ostracised.

Reports have been made to [this organisation] but they have done nothing.

There's nowhere to report the misconduct, particularly of artists, that is official – which is why BTGC [social media platform Beneath The Glass Ceiling] exists.

Freelancers are at the whim of the venue at which they're playing. There is no recourse or support if you get harassed or assaulted.

Concerningly, a small number of participants spoke of having their confidentiality breached by people they made reports to. When other people in the workplace observe this occurring, they are less inclined to report misconduct when they see or experience it.[79]

A culture of silence can also be perpetuated by requiring victim survivors to sign non-disclosure agreements (NDAs) when settling cases of workplace misconduct. The Review Team was told by some participants that there were people unwilling to participate in the Review process because they had signed an NDA. In addition to silencing victims, NDAs can allow harmful behaviour to continue. The Australian Human Rights Commission recognises that some victim survivors may want an NDA to protect their privacy and for closure. It therefore suggests that the use of NDAs should be optional for complainants rather than a blanket condition of settlement.[80]

Effective reporting mechanisms must be confidential and provide victim survivors a sense of agency over the action taken in response to their reports. Breaches of confidentiality severely damage workers' trust in their workplaces, and perpetuates the 'culture of silence' around reporting. Comments made to the Review Team included:

His identity as a complainant was leaked. Other people in [the organisation] knew he made a complaint, and the person he complained about it knew.

The whistleblower process was not effective in keeping confidentiality.

I made a complaint through the whistleblowing [scheme]. It was leaked.

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79 Ganga Vijayasiri, 'Reporting Sexual Harassment: The Importance of Organisational Culture and Trust' (2008) 25(1) *Gender Issues* 43, 56.

80 Australian Human Rights Commission, Set the Standard: Report on the *Independent Review into Commonwealth Parliamentary Workplaces* (Report, 2021) p 253

> *We did have an anonymous hotline but ... someone told me don't call the hotline because it's not anonymous.*

Some female artists signed to record labels spoke of the challenges they face when wanting to terminate or vary a contract should they be sexually harassed by a worker from that label. They stated that in situations where they experienced harm from their label, they may be contractually obliged to continue with that label.

The interviews with First Nations women highlighted that there were limited safe, confidential and accountable avenues in the music industry to report incidents of sexual harassment and sexual harm. One participant stated that some First Nations women may not fully understand or know how to identify that they have been sexually harassed or assaulted and, because of this, they don't report it. There was also a view that First Nations women feel unable to report because, their "voices have been suppressed for so long."

Many First Nations women in the music industry feel that if they say anything about behaviours they have experienced, their careers would be adversely affected. They explained that it is "not an easy thing" to report sexual assault or sexual harassment. For some women "it is too much hassle". According to one participant:

> *Even if we call out behaviour, you or they might likely move to another job in the same industry. It's a scenario of short-term gain, long term pain.*

A fear of repercussions from calling out sexual harassment or sexual harm underpinned the experience of many First Nations Women:

> *I would like to see more women not be afraid to bring it up and call it out.*

> *Some non-Indigenous artists can publicly call things out and not get backlash in the industry. However Indigenous artists don't feel like we can do the same for fear of backlash. This is white privilege at play.*

The independent music festival space was identified by First Nations women as an area that lacks accountability measures:

> *Festivals in particular have limited or no process or avenue to send feedback or complaints to, to the festival organisers.*

Culturally appropriate messaging around reporting was considered critical to ensure that it is inclusive of and safe for First Nations people.

Finally, acknowledging the importance of being able to raise issues of harm and hurt in an environment of safety, one woman commented to the Review's First Nations Facilitator:

> *I have never had an opportunity to raise these things. Thank you for creating a safe space.*

The Review Team was told by many participants that there is limited, if any, accountability for perpetrators of sexual harm, harassment, bullying or discriminatory behaviours. Some participants believed that the more successful in their career a perpetrator is, whether as an artist or as part of an organisation or company, the less likely they will be held to account, irrespective of how serious the misconduct is.

A number of participants stated that there were some parts of the industry that "protected" people who had caused harm, particularly if they were leaders or had influence. As a result, they felt that victim survivors have little opportunity of achieving justice or for making the behaviour stop, short of leaving the industry. Even when there are relevant policies in place, some Review participants still felt people who bully or sexually harass, can "get away with it":

> *It became really clear that [the abuser] had got away with it because he was surrounded by men who had either condoned the behaviour because they thought it was kinda cool, or just ignored it … His friends all knew about it and when I told my story they rallied around him.*

Every artist has some kind of tie to someone who is known to commit misconduct … Artists cannot take their artist hat off for even one second and approach these topics from a human level, even at a private, internal level – they are not supported to do so by their labels or their managers.

> *[The abuser] still works prominently in the industry. I have to work with him all the time …. I don't feel safe… This has been going on a long time.*

Accountability is very rare. Even when people are caught in misconduct … and it is publicised, they aren't punished. They keep their positions and their power.

The industry is dismissive of sexual assault and [perpetrators are] not accountable.

It is pretty much never that you see bullies suffer consequences for their behaviour. Perhaps in extreme cases and where things become "hot" but overall, bullies get away with it.

Despite the negative experiences about reporting incidents of harm, the majority of participants to the Review felt that effective reporting mechanisms can play an important role in making the music industry accountable, safer and more inclusive. They were firm in the view that the music industry requires an independent body for all workers and freelancers to report harm, receive support and advice and participate in investigations.

> *[We] need a reporting system where the victim is not in the wrong. We need an external body.*

We need to have somewhere where people can go to, to get advice.

There should be an independent HR body, funded by the music industry.

There is a huge scope for a body to provide back-office HR resources.

People have no trust in their own reporting systems and for artists, freelancers, there isn't anywhere for them to go. We need a space or an organisation that everyone in the industry is able to go to and report and get some support.

> *There needs to be an impartial complaints body to fight for the people in the music industry which is industry funded.*

We need to create something new that will instil trust in people to come forward and report if they have been sexually harassed or assaulted. We just need to have the balls to do it, because the current system, or lack of a system, just isn't working and its doing more harm than good.

There is an appetite in the music industry to support a body with real teeth.

Something new will need to be created … to drive this change, to be an institution for accountability.

4.7 Alcohol and other drugs

There are several risk factors within the music industry that drive harmful behaviours. In particular, participants pointed to the constant presence of alcohol, in particular, but also illicit drugs in the music industry as contributing factors to inappropriate behaviours.

Participants consistently reported that alcohol and drugs are normalised in many music industry settings. Commonly, participants referred to the 'sex, drugs, and rock 'n' roll' ethos of the industry and its partying culture. This section will explore the uniquely extensive presence of alcohol and other drugs in music industry culture, and the impact this has on the risk of harmful behaviours being perpetrated on others.

The pervasiveness of alcohol and drugs in music is due in part to the unusual nature of work in the industry. A significant portion of core music work takes place at events, gigs and after parties – environments where alcohol is normally served. Participants noted that at these events alcohol and drugs can have a blurring effect on professional and personal boundaries:

> *There's the notion that the later you stay out and the more you drink the cooler you are in the industry.*

> *Drugs and alcohol are definitely part of the appeal for younger people. The older bands really need to set an example and they're just not going to. I really don't think that part of the culture will change. Everything is about alcohol, even the launch nights no-one is listening to the artist, they're just getting drunk.*

In addition to gigs, events, and parties, the Review Team heard that the consumption of alcohol, in particular, can be normalised in more traditional workplaces such as some office environments. Participants described the regularity of afternoon drinks in some offices as a form of workplace bonding and networking.

> *[When working at a particular organisation] there was often … a lot of … drinking events and stuff. Actually, when I left … I was almost at the point of liver failure. That was just the culture there.*

As a result of alcohol and drugs being so closely entwined with aspects of work in the music industry, some participants reported feeling pressure to drink. Some participants believed that not consuming alcohol or, in some cases, other drugs, would damage their working relationships or career prospects. Some felt as if their workplace expected them to drink. One participant explained that as representatives of Australian music, young workers are expected to be 'vibe merchants': people who attend gigs and parties and stay late, drink and dance, to create a fun atmosphere for others present. Young workers in particular reported feeling as if they 'cannot leave' events, including after-work drinks, if more senior people were still there:

> *Free booze is everywhere and people drink because they think they should.*

> *I'd be out until 2, 3 o'clock in the morning… It puts strains on your relationships.*

> *There's this unspoken rule that you can't leave until your boss does.*

Despite this expectation to participate in drinking and drug taking, there are very few supports or safeguards within the industry for people who are affected by drugs, struggling with addiction, or who have experienced harm related to consumption. Participants recalled seeing people being 'abandoned' by their workplaces when it came to issues with alcohol or other drugs, and observed that artists are particularly vulnerable:

> *At [this organisation] a lot of people developed drinking problems but when they did something that embarrassed [the organisation] when drunk, they were hung out to dry.*

There're so many tiers to drug taking and alcohol. When I was emerging it was a wild fun time, but if I analysed it most of the time I didn't want to be there and participating in this. I was there because I wanted to be part of things and to be cool, but I was lucky to survive it. It was amazing and really fun but a lot of those men in that world have had a lot of problems with mental health after their 20s.

The relationship between alcohol consumption and sexual harm in workplaces is well-known. The Australian Human Rights Commission's *Respect@Work* report found that the use of alcohol in a work context is a key cultural and systemic factor that contributes to the prevalence of workplace sexual harassment. It is important to note that alcohol and drugs do not, in and of itself, cause inappropriate behaviour. They can be, however, a contributing factor, in certain types of behaviours.

Drinking in the workplace is also associated with higher rates of verbal abuse and harassment.[81] Studies indicate that women and young people are most likely to experience harm or adverse consequences due to another person's drinking.[82] Many participants expressed concern that drinking and drug taking increased the risk of sexual harm in the music industry:

Alcohol and drugs create a lot of risk.

Most incidents are at work after parties. The clock is off and the alcohol is flowing.

There can be huge risks particularly to young women when there is a lot of alcohol around.

Some participants stated that the culture of partying and drinking can be exclusive. Those who do not drink for instance may be regarded by some as an outlier and as someone who does not fit in:

If you don't engage, you get a reputation of not being someone who will take part and will be excluded more generally. You don't get invited into the club.

I was very regularly excluded from things because I didn't drink … I was casually and not so casually told that it would hold me back if I wasn't willing to go and have a boozy lunch… It was evocative of high school peer pressure.

Overwhelmingly, participants indicated a desire to overturn current attitudes towards drinking and drug taking. While most acknowledged that alcohol and drugs are likely to remain part of music culture, many want to see these issues addressed in a healthier, more open way. Participants believed that a prohibition approach would be ineffective. However, they felt that the industry should encourage healthier attitudes around substance consumption, and better support for people experiencing addiction. Some participants believed that a shift in this culture is already taking place. As one participant told the Review Team:

I've noticed a real change in the last few years. Going out and getting shit-faced and taking drugs is no longer the 'badge of honour' it once was.

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81 Inger Synnove Moan and Torleif Halkjelsvik, 'Work-Related Alcohol Use and Harm to Others' (2020) 55(14) *Substance Use and Misuse* 2305, 2310.

82 Anne-Marie Laslett et al, *The Range and Magnitude of Alcohol's Harm to Others* (2010) AER Centre for Alcohol Policy Research and Turning Point Alcohol and Drug Centre 40.

5. LEADERSHIP AND THE SOCIAL, BUSINESS AND LEGAL IMPERATIVES FOR CHANGE

We need commitment from leaders … Change can only be made if the leaders are willing to make it.

Review Participant

5.1 Introduction

Chapter 4: In Their Own Words, provides a compelling narrative about why change in the music industry should be a priority. It presents a strong case for the need to change the culture of the music industry so that the many workplaces that make up the industry enable people to thrive. This Chapter builds on Chapter 4 by presenting further reasons why change is necessary. It explores the social, business and legal imperatives for cultural change.

The Chapter also examines the importance of strong and courageous leadership as a fundamental driver of any successful cultural reform process.

5.2 What is workplace culture?

The term "culture" as it relates to workplaces is best defined as "the way we do things and the way we treat one another around here". It is the:

shared beliefs, values, and assumptions of a group of people who learn from one another and teach to others that their behaviours, attitudes, and perspectives are the correct ways to think, act and feel.[83]

A positive and healthy culture is characterised by respect, constructive communication between leaders and workers and the immediate response to issues. Several research studies demonstrate that a positive work culture directly leads to better health for employees, reduces turnover, increases loyalty and promotes better job performance. These studies also show that when leaders demonstrate empathy, they are able to reduce turnover and facilitate worker commitment.

A toxic work culture is characterised by dysfunctional behaviour, infighting, poor communication, power struggles, and low morale. Behaviours such as bullying, sexual harassment and sexual harm and discrimination are far more likely to occur in environments where there is a toxic culture. Workplaces with toxic cultures do not prioritise workers' wellbeing through actions and policies. Ultimately, a toxic work culture drives workers to leave their workplace.[84]

5.3 Workplace culture and the gig economy

The "gig economy" is a way of life for many people in the Australian contemporary music industry. Artists, managers, publicists, tour managers, production crew and roadies are just some of the roles that are considered gig workers.

A 2017 study by the Australia Council for the Arts estimated that, in relation to musicians specifically, 15,400 (excluding composers) were working in Australia. 80% of musicians were freelance or self-employed.[85] 12% had a working salary or wage, and 8% didn't work in music.[86] The study also identified that musicians undertake a wide range of arts-related and non-arts activities which support the development of skills to adapt to changing environments and maintain their financial position.[87]

Gig workers have the freedom to decide where and how they wish to complete a task, gig or work. However, it is insecure work and has none of the employment rights that would otherwise come with a standard full-time job. These jobs have significantly altered the nature of the relationship between the employer and the worker and have raised new questions about workplace culture and leadership.

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83 David Livermore, *Leading with Cultural Intelligence: the Real Secret to Success* (Saylor Academy, 2012).

84 A 2019 US report on toxic workplaces found that 1 in 5 people had left their job in the previous 5 years due to poor workplace culture. SHRM, *The High Cost of a Toxic Workplace Culture: How Culture Impacts the Workforce – and the Bottom Line* (2019).

85 David Throsby and Katya Petetskaya, *Making Art Work: A Summary and Response by the Australia Council for the Arts* (2017), Australia Council for the Arts 225.

86 David Throsby and Katya Petetskaya, *Making Art Work: A Summary and Response by the Australia Council for the Arts* (2017), Australia Council for the Arts 225.

87 David Throsby and Katya Petetskaya, *Making Art Work: A Summary and Response by the Australia Council for the Arts* (2017), Australia Council for the Arts 90. See also Alana Blackburn, 'The Gig Economy is Nothing New for Musicians – Here's What Their 'Portfolio Careers' Can Teach Us', *The Conversation* (Online, 21 June 2018) <https://theconversation.com/the-gig-economy-is-nothing-new-for-musicians-heres-what-their-portfolio-careers-can-teach-us-98247>.

The expansion of gig work and its increasing importance to the economy, poses significant challenge to leaders. Workforce commentator Annie Weckesser observes that:

> Gig workers need to have a similar employee experience as your traditional workforce with onboarding and offboarding and understanding the company's vision, products, processes and culture. Gig workers who are informed and who align with the company's goals and recognize that fact, are more productive.[88]

Annie Weckesser, *Gig workeres and organisational culture – is there a gap and how to bridge it.*

Gig workers are a major part of the future of workplaces. It therefore follows that building a positive workplace culture calls for real engagement and regular dialogue between employers and gig workers.[89] This has particular relevance to the progress the music industry seeks to make in relation to strengthening its workforce culture.

5.4 A good culture and strong and courageous leadership go hand in hand

Critically, a positive culture must be driven by strong and courageous leadership. When workplace culture is deliberately defined and championed by a leader, the organisation and industry thrive. When culture is left to its own devices, disharmony and harm can result.[90]

Strong and courageous leadership acts as a preventative measure against harmful behaviour. Conversely, leaders who enable a permissive or punitive work environment create the emergence of a toxic culture and risks of harm. This, in turn, damages individual lives, divides teams and undermines the overall effectiveness of organisations, sectors and industries.

Strong leadership is crucial in an industry where there are many freelance workers, contractors, and peripheral staff. In these environments the industry needs a strong culture of safety, respect and inclusiveness to set the standard for all.

> *Toxic cultures in the workplace, … come from the leaders and filter down to the workers.*

Effective leaders model their organisation's values and standards for workplace behaviour and workers take their cues from their management and the immediate environment. Leaders and those with influence are the cultural ambassadors of their workplaces. What they do and what they say matters. Leadership specialist Rex Rolf states that arrogance, greed, disingenuousness, indifference, ignorance, unconsciousness, miscalculation and disengagement are just some of the reasons why a leader fails to set a good example. In contrast humility, generosity, honesty, concern, knowledge, consciousness, calculation and engagement are foundational to leading by example.[91] When workers trust their leader and feel that their job is secure, they are more likely to experiment, and cultivate innovation.

The disparate nature of the music industry means that leadership is not always defined by a head of a company. As well as CEOs and organisational heads, leadership encompasses senior leaders and middle managers of organisations, as well as those with influential and powerful roles, among institutions, communities, music subcultures and individuals. It includes artists, crew leaders, association leaders and venue managers. Where there are Boards and industry peak bodies in place, they too form part of both organisational and industry leadership and have a key role in influencing and monitoring culture.

A unique feature of the music industry is the role of artists as leaders, particularly as leaders of cultural change.The considerable influence that performers and artists can garner, a phenomenon heightened through social media, means that they have the power to positively impact the culture of the music industry.

88 Annie Weckesser in J Jerry Moses 'Gig workers and organisational culture – is there a gap and how to bridge it?' *People Matters*, (Online, 28 November 2019) <https://www.peoplemattersglobal.com/article/talent-management/gig-workers-and-organizational-culture-is-there-a-gap-and-how-to-bridge-it-23890>.

89 Dr. Boidurjo Rick Mukhopadhyay and Prof Dr. Bibhas K Mukhopadhyay '"Here Today, Gone Tomorrow": Culture and the Gig Economy' *North East Colors, Post-Editorial* (Online, 4 August 2020).

90 RMIT Online, *Establishing a positive workplace culture: definition, tips & why it's important* (Blog Post, 5 August 2020) <https://studyonline.rmit.edu.au/blog/positive-workplace-culture>.

91 Rex Rolf, *Model the Leadership Behaviour You Expect From Others*, Cornerstone performance Group, LLC (Blog Post, 2020) <https://www.cornerstoneperformancegroup.com/model-the-leadership-behavior-you-expect-from-others/>..

Increasingly, leaders across all industries and sectors are being held to account for ethical and social responsibility from the general public, customers, shareholders and workers. All leaders, whether informal influential leaders or those in more formal positions of power, have a responsibility to confront and address harmful behaviours and create safe working environments.

As the report noted in Chapter 3: Setting the Scene, the Review Team engaged with many leaders and people with influence across the music industry including heads of organisations, individual artists and freelancers. They were clearly committed to change and to be a part of a movement that strengthens the culture of the industry by making it diverse, inclusive, respectful and safe:

> *Change should not be an 'if' … it's a 'when'. We can't just pretend that things are ok for everyone or that we are somehow different from other [industries and workplaces]. Morally, it just shouldn't be happening that people get hurt and others get away with it. I want to be a part of making that stop.*

"

I don't want my legacy [as a leader] to be someone who did nothing. I don't want to be one of those people who knows that bad things go on but turns a blind eye … I think we have done just that for too long. It really is time to change and to start putting the wellbeing of our people first. That's the approach I am taking in [my organisation].

"

The challenge now is for these sentiments to be the norm for all leaders, so that positive and sustainable change can be made across the contemporary music industry.

5.5 The social context for cultural change

An increased focus on workplace culture and the treatment of workers has emerged in recent years. Workplace dynamics are shifting against the backdrop of far-reaching global and Australian movements such as *#MeToo, #LetHerSpeak #TimesUp, #BalanceTonPorc, #NotYourHabibti, #Teknisktfel, #QuellaVoltaChe, #YoTambien* and *#marchforjustice*. Australian music specific movements have included *#meNomore* and *Beneath the Glass Ceiling*. These movements, together with the exposure of high-profile perpetrators have provided a platform for women, in particular, around the world to speak up against sexual harassment and sexual harm, including in their work environments.

Further, the *Black Lives Matter* (BLM) movement, begun by three black American women in 2013, has evolved into a worldwide protest movement against police mistreatment and abuse of Black people and, more broadly, against systematic racism. It has become a platform to amplify the experiences of racism and discrimination of Black people both in the United States and across the globe, including in Australia with Stop Black Deaths in Custody. The calls for change from these movements go hand in hand with calls for workplace reform, including the eradication of systemic and structural racism.

SoundCheck Aotearoa, was formed in 2020 as an action group with a mission to foster a safe and inclusive culture for the music community. SoundCheck aims to:

> *address inequitable representation, challenge systemic discrimination, and advance impactful change across the music industry.*[92]

It works to mobilise music industry representatives to achieve this aim and so that the Aotearoa music community benefit from:

- Fair representation: equitable opportunities, treatment and representation for all people regardless of their attributes including gender, ethnicity, race, religion, sexual orientation, age, disability (including illness), regional status, paternity/maternity and marital status.

- An inclusive culture with practices and behaviours to ensure that individuals feel respected, included and heard.

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92 Soundcheck Aotearoa, *Soundcheck Aotearoa* (Web Page, November 2020) <https://www.soundcheckaotearoa.co.nz>.

- An environment where they are safe from discrimination, bullying, harassment, sexual harassment and violence.

- Access to advocacy on behalf of their specific needs and challenges.[93]

Funding for *SoundCheck* comes from the NZ Music Commission, NZ On Air, Recorded Music NZ and APRA AMCOS.

Most recently, a United Kingdom Parliamentary Committee has commenced an inquiry – *Misogyny in the Music Industry*. The purpose of the inquiry is:

> *to examine what misogynistic attitudes exist in the industry and why. It aims to uncover, in more detail, how these attitudes can filter through to society, impacting attitudes towards and treatment of women and girls, including at live music events. This inquiry will explore what steps can be taken to improve attitudes and treatment of women working in music.[94]*

The music industry in Australia and globally has undergone rapid technical and overarching change, particularly over the last decade.[95] How music is recorded, engineered, marketed, distributed, licenced and sold has evolved in enormous ways. As well as these changes, the impact of COVID-19 on the music industry has been considerable and challenging. In their research on the Victorian music industry academics Catherine Strong and Fabien Cannizzo found that:

> *the consequences of the pandemic … enhanced some positive aspects for the sector, including greater community-mindedness, innovation, creativity and a commitment to music-making. [But] it exacerbated and continued some already-existing problems, including income security, discrimination and elitism as well as issues linked to location and demographics.[96]*

As the industry recovers and reopens after COVID-19, culture change was identified as a key priority by participants to Strong and Cannizzo's study:

> *Changing the culture of the industry – increasing inclusion and addressing discrimination (sexual, gendered and racial) as well as shifting the focus to shared values rather than profits.[97]*

In the wake of COVID-19 many employers and leaders in other industries are focusing on building workplace environments where employees feel safe, engaged, inspired, and productive. Similar efforts must be made by the contemporary music industry to counteract the increased risks of harm and harassment that job insecurity and financial uncertainty continue to create.

5.6 The business imperative for cultural change

For any organisation, industry, or sector a positive culture is critical to success. A positive culture has been shown to increase productivity, improve business agility, offer better employee engagement, drive organisational purpose and improve results.

Research conducted by the Australia Institute in 2020 found that the creative arts make a major contribution to the Australian economy, employing 194,000 Australians and directly contributing $14.7 billion to Gross Domestic Product (GDP).[98] This equates to four times as many employees as coal mining and, as many as the finance industry. With such far-reaching impact for individual workers, the economy and the industry, there is an immediate imperative for positive impactful change.

A key driver of positive change is diversity. Diversity across all categories is critical to establishing positive work environments. Without true diversity, businesses risk losing important innovations, ideas and perspectives.[99]

93 Soundcheck Aotearoa, *Soundcheck Aotearoa* (Web Page, November 2020) <https://www.soundcheckaotearoa.co.nz>.

94 UK Parliament, *Misogyny in Music: Inquiry* (Web Page, 2022) <https://committees.parliament.uk/work/6736/misogyny-in-music/>.

95 C Strong and F Cannizzo, *Understanding Challenges to the Victorian Music Industry During COVID-19* (Report, 2020) RMIT University 4.

96 Victorian Music Development Office, *Report: Understanding Challenges to the Victorian Music Industry During COVID-19* (Web Page, 15 February 2021) <https://www.vmdo.com.au/news/2021/2/15/covid19-vic-music-industry/>.

97 Victorian Music Development Office, *Report: Understanding Challenges to the Victorian Music Industry During COVID-19* (Web Page, 15 February 2021) <https://www.vmdo.com.au/news/2021/2/15/covid19-vic-music-industry/>.

98 The Australia Institute, Polling: Gov Support for Arts Industry Popular and Necessary (Blog Post, 16 April 2020) <https://australiainstitute.org.au/post/polling-gov-support-for-arts-industry-popular-and-necessary/>.

99 RMIT Online, *Establishing a positive workplace culture: definition, tips & why it's important* (Blog Post, 5 August 2020) <https://studyonline.rmit.edu.au/blog/positive-workplace-culture/>.

Among the advantages diverse and inclusive workplaces provide to organisations include:

- Attracting and retaining the best possible talent and potential the labour market has to offer.
- Innovating and adapting in a fast-changing environment.
- Enhancing performance and productivity
- Enabling diversity of thought and ideas, resulting in better decision-making.[100]

Research on greater gender representation demonstrates:

- Adding women to all-men teams increases the teams' group intelligence, which accounts for 40% of performance on a wide range of tasks, greater than the impact of individual IQ.
- Team collaboration and commitment improve by around 50% in gender-balanced teams.
- Individual performance increases in gender-balanced and inclusive teams.
- Companies in the top quartile for gender diverse executive teams were 21% more likely to experience above-average profitability.
- High-performing executive teams had more women in revenue-generating roles.

Champions of Change Coalition, *40:40:20 For Gender Balance: Interrupting bias in your talent processes.*

5.7 The economic cost of harmful behaviours resulting from a poor culture

When workplace culture is poor, harmful behaviours are more likely to occur. From a purely financial perspective the costs of these behaviours are high. Greater levels of absenteeism, the cost of handling complaints and the resignation of workers and therefore loss of talent and skill, create financial burdens for employers and the industry as a whole.

In 2018, Deloitte found that workplace sexual harassment cost $2.6 billion in lost productivity and $0.9 billion in other financial costs. Each case of harassment represents around 4 working days of lost output. Employers bore 70% of the financial costs, government 23% and individuals 7%. Lost wellbeing for victims was an additional $250 million, or nearly $5000 per victim on average.[101]

A recent US study found that racial inequality and injustice in workplaces costs companies billions of dollars.[102] Further, a study from Deakin University found that racism has a great economic cost to Australian organisations, particularly where talent is lost, and productivity decreases. The study estimated that the costs are in the vicinity of $30 billion AUD a year.

100 Sundiatu Dixon-Fyle et al., *Diversity Wins: How inclusion matters* (2020), McKinsey & Company.

101 Deloitte, The Economic costs of sexual harassment in the workplace: Report for the *Sexual Harassment National Inquiry* (Online, March 2020) <https://www2.deloitte.com/au/en/pages/economics/articles/economic-costs-sexual-harassment-workplace.html>.

102 Johnny C Taylor Jr, 'From the CEO: Racial Injustice at Work Costs Us Billions' *SHRM* (Blog Post, 26 May 2021) <https://www.shrm.org/hr-today/news/hr-magazine/summer2021/pages/racial-injustice-at-work-costs-us-billions.aspx>.

5.8 The legal imperative

Employers and workers in the music industry have a range of legal rights and responsibilities in relation to safe and respectful workplaces. The key areas of legislation and regulation include anti-discrimination law, employment law and work health and safety law. The Review was concerned to hear from participants that these laws are, on occasion, not always consistently applied by some business owners and employers in the music industry.

Federal, state and territory anti-discrimination laws make it unlawful for an employer to discriminate against a worker on the basis of a range of protected attributes. For example:

- The *Sex Discrimination Act 1984* (Cth) (SDA) makes sexual harassment, sex-based harassment and sex discrimination in the workplace unlawful. The SDA protects people protects people from discrimination on the basis of sex, sexual orientation, gender identity, intersex status, marital or relationship status, family responsibilities, pregnancy and breastfeeding.

- The *Racial Discrimination Act 1975* (Cth) (RDA) makes it unlawful to discriminate against a person because of his or her race, colour, descent, national origin or ethnic origin, or immigrant status in the workplace. The RDA also makes racial hatred unlawful.

- The *Disability Discrimination Act 1992* (Cth) (DDA) makes it unlawful to discriminate against a person, in many areas of public life, including the workplace because of their disability. Disability discrimination occurs when a person is treated less favourably, or not given the same opportunities as others in a similar situation because of their disability. The DDA covers people who have temporary and permanent disabilities; physical, intellectual, sensory, neurological, learning and psychosocial disabilities, diseases or illnesses, physical disfigurement, medical conditions and work-related injuries.

Under anti-discrimination laws employers may be 'vicariously liable', or legally responsible, for discrimination or sexual harassment that occurs in the workplace or in connection with a person's employment if they fail to take all reasonable steps to prevent or avoid it from occurring.[103] In practice, this creates an obligation for employers to take reasonable steps to prevent their employees or agents from engaging in discrimination or sexual harassment in order to avoid liability if any such incidents occur.

Employers and any person conducting a business or undertaking (PCBU)[104] have a positive duty under federal and state work health and safety laws to protect the health and safety of employees and other people who might be affected by the work.[105] 'Health' in the work health and safety context includes physical and psychological health and captures risks that are likely to arise from behaviours that may constitute workplace sexual harassment, sexual harm and bullying. Criminal penalties apply for non-compliance with duties under the *Work Health and Safety Act 2011* (Cth).[106]

Finally, employers have a range of obligations to comply with minimum terms and conditions of employment under the Australian national workplace relations system, including the *Fair Work Act 2009* (Cth) and the National Employment Standards. Employees may seek orders from the Fair Work Commission (FWC) to prevent them being bullied or sexually harassed at work. They may also challenge the termination of their employment in the FWC.

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103 See for example, *Sex Discrimination Act 1984* (Cth) s 106.

104 Work, Health and Safety Act 2011 (Cth) s 5.

105 Work, Health and Safety Act 2011 (Cth) s 19.

106 Work, Health and Safety Act 2011 (Cth) pt 2 div 5.

6. PROMISING PRACTICE

This section presents case studies of industries and organisations in Australia and overseas that have taken action to prevent and respond to harmful behaviour in the workplace. The examples in this Chapter are from industries or organisations that are, in some way, comparable to Australian contemporary music.

Some are initiatives undertaken by other creative industries. Others are initiatives introduced by sub-sectors of the Australian music industry.

Case Study 4: Standards and Accountability for Parliamentarians examines how to implement a standards and accountability framework in a context similarly characterised by diffuseness, power-imbalances, and lack of overarching accountability. All of these examples offer promising models for the Australian contemporary music industry.

CASE STUDY 1
The United Kingdom Music Industry

Independent Standards Authority for creative industries

In the UK development is underway to establish an Independent Standards Authority to tackle bullying and harassment in creative industries. The independent body will provide confidential advice, mediation and conduct investigations into complaints of harassment and bullying. A proposal by Creative UK and UK charity Time's Up, the creation of the Independent Standards Authority is being financially backed by U.K. broadcasters ITV, Sky, BBC, Channel 4, and Channel 5. Initially the scope of the Independent Standards Authority will be limited to film and TV, with the wider creative industries including the music industry joining subsequently.

Music Union's Safe Space

In 2018, the UK Music Union launched a Safe Space service for all music industry workers to confidentially report instances of sexism, sexual harassment and sexual abuse in the music industry. The Safe Space provides everyone in the music industry with advice on their rights, information about relevant support services and options.

Music Sector Code of Practice

The Music Union and the Incorporated Society for Musicians jointly developed a Code of Practice to prevent bullying, harassment and discrimination in the music sector. The Code of Practice sets out principles that assist employers to meet their legal requirements as well as setting out a shared vision for promoting and maintaining a positive working culture.

CASE STUDY 2
The Australian Screen Industry Code of Practice

In 2019, Screen Australia's Code of Conduct was replaced with the broader-reaching Screen Industry Code of Practice: Discrimination, Harassment, Sexual Harassment and Bullying. The Code of Practice was developed by Screen Producers Australia (which represents employers in the screen industry) and the Media, Entertainment, and Arts Alliance (which represents workers in the screen industry) as an industry-leading best practice model for the appropriate prevention of and response to all kinds of harm and misconduct.

The Code of Practice was informed by consultation with the screen industry, and thus responds to the concerns and questions the industry found most pressing. The Code requires screen industry employers to develop a written policy addressing bullying, discrimination, and sexual harassment, which is both tailored to the individual circumstances of a production or organisation and compliant with best practice and industry standards. These policies must cover both prevention and response, and the Code requires productions, organisations, and employers to have a 'fair, confidential, transparent, accessible and efficient' complaints handling and investigation process.

Compliance

While it is not mandatory, many major funders of Australian screen productions, including Screen Australia, ScreenWest, and Film Victoria have made demonstrable compliance with the Code a necessary condition of funding. For example, all of Screen Australia's production investment and grant agreements since 1 July 2019 have included contractual obligations to uphold the Code of Practice throughout pre-production, production, and post-production of projects.

These agreements also give Screen Australia the right to request evidence from those they engage with proving that the Code of Practice has been implemented in a project and require producers to document their compliance with the Code. Failure to meet these terms can be considered a material breach of contract by Screen Australia, the consequences for which are varied. In some cases, producers who do not fulfil this obligation can be considered ineligible for further funding from Screen Australia. Screen Australia also has the right to instigate civil and/or criminal proceedings for serious breaches of contract. At the close of production, producers must provide Screen Australia with a signed statement detailing their compliance with the Code of Practice – Screen Australia may withhold its final funding payment until receipt of this declaration.

CASE STUDY 3
Australian Live Performance Industry Code of Practice to Prevent Workplace Discrimination, Harassment, Sexual Harassment and Bullying

Live Performance Australia (LPA) is the national peak body protecting, promoting, and supporting the live performance industry in all its forms. It has over 400 members, representing areas as diverse as theatres, performing arts and drama companies, arts and music festivals, sport and music stadiums, other live venues, promoters, producers and industries that support and/or are associated with live performance, such as ticketing companies, performing arts schools and independent cinemas.

LPA's **Industry Code of Practice to Prevent Workplace Discrimination, Harassment, Sexual Harassment and Bullying** (Code of Practice) was made effective in September 2018, and is an effort to introduce relevant, effective and binding behavioural standards to an industry with many different functions, priorities, and workplaces. It was developed as a mirror Code to the Screen Industry Code, and developed in conjunction with Screen Producers Australia and in consultation with the Media, Entertainment and Arts Alliance.

The Code of Practice is informed by the legal obligations all employers have in Australia to protect the physical and psychological safety and welfare of their workers, and stipulates that employers should:

1/ Take all reasonable steps to prevent discrimination, harassment, sexual harassment and bullying from occurring their workplace

2/ Respond appropriately to resolve incidents of discrimination, harassment, sexual harassment and bullying that occur in the workplace

The Code of Practice intends to serve as a best practice guide to all members of the Live Performance Industry (whether or not they are LPA members), to support employers to meet the above obligations. As well as outlining the legal frameworks and responsibilities applying to employers regarding these issues, the Code of Practice advises that employers should:

- Develop policies or a single policy addressing discrimination, harassment, sexual harassment and bullying, and implement these policies meaningfully (by explaining them to employees regularly, displaying them prominently in workplaces, training workers responsible for implementing the policies, etc)

- Develop a 'fair, confidential, transparent, accessible, efficient, supported' complaints handling and investigation process

- 'Create and maintain a positive workplace environment' that promotes respect and inclusion, through 'commitment, leadership and clear strategies'

The Code of Practice also provides a number of resources, including template policies, checklists and practical tips, to support employers to fulfil these expectations. In addition to the development of the Code of Practice LPA conducted an 18 month national education and training program with a focus on CEOs and heads of companies. These training sessions were open to both LPA Members and non-Members. The training was designed to assist leaders understand their responsibilities and obligations relating to preventing discrimination, sexual harassment and bullying in the workplace.

The Code of Practice is not a legally binding document. However, abiding by the Code of Practice, and implementing the policies and actions it stipulates, is a mandatory condition of membership to LPA. As such, over 400 organisations in the live performance industry are obliged to comply with the Code of Practice if they wish to be involved with their industry's largest advocacy body. Making compliance with safety and inclusion standards a condition of participating in and benefitting from the work of peak bodies is an effective way to normalise these standards across a diverse industry.

CASE STUDY 4
Standards and Accountability for Commonwealth Parliamentarians

In 2021, the Australian Human Rights Commission conducted an Independent Review into Commonwealth Parliamentary Workplaces. The Review found that along with gender inequality and power imbalances, a lack of accountability for perpetrators (in particular, parliamentarians) is a key driver of sexual harassment and bullying in the workplace.

Participants in the Review indicated that they would prefer to report misconduct to an independent body established specifically for people working in a Commonwealth Parliamentary Workplace.

In response to these findings the Commission recommended Codes of Conduct be adopted and that an Independent Parliamentary Standards Commission (IPSC) be established that provides three pathways for reporting and complaints about a potential breach of the proposed Codes of Conduct.
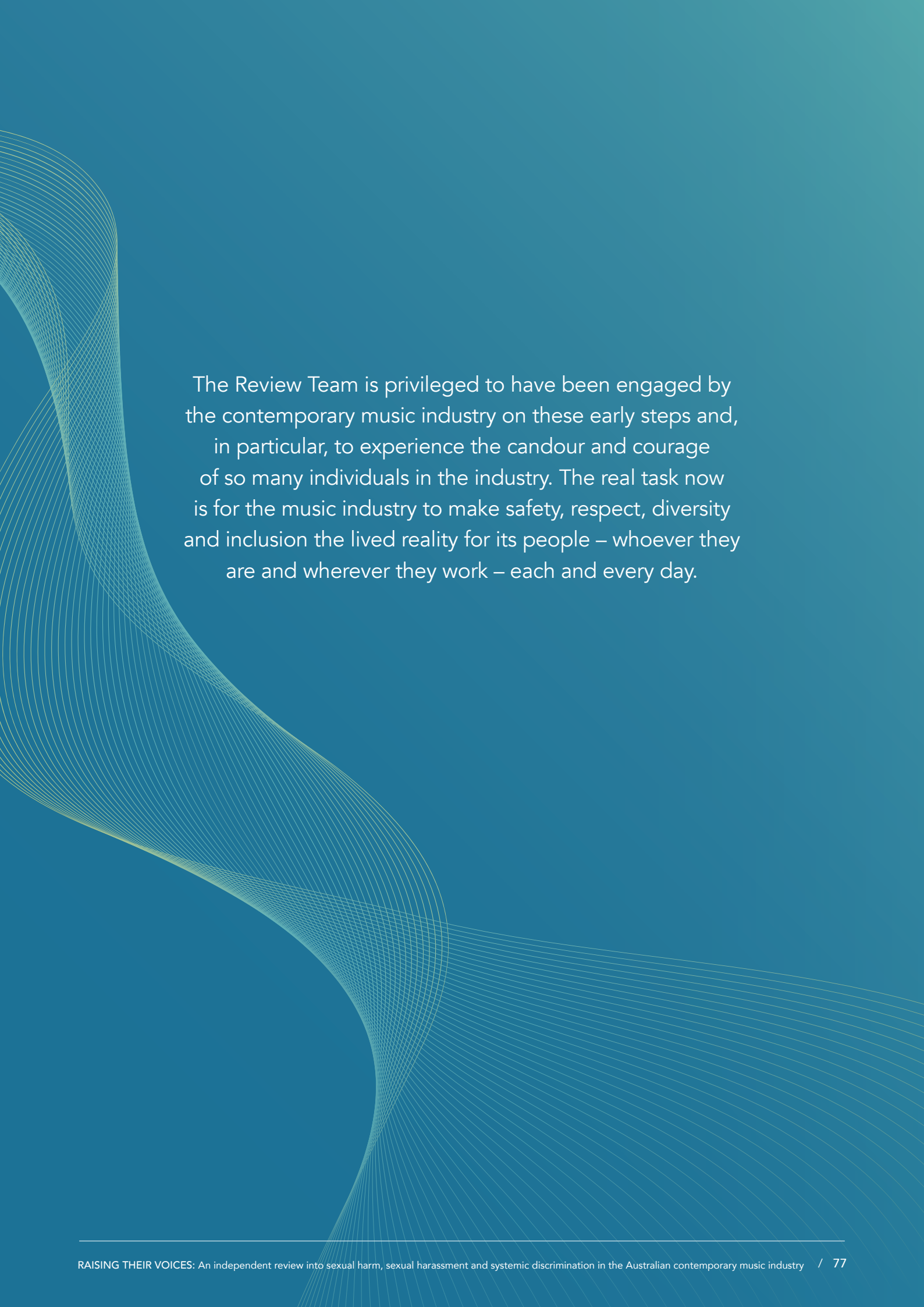
Pathway 1—Support, advice and disclosures

Pathway 2—Informal complaint and informal resolution

Pathway 3—Formal complaint and independent investigation

The IPSC would have the power to conduct independent investigations into complaints that an individual has breached a Code of Conduct. Importantly, the IPSC would have the power to make independent recommendations, and where appropriate, impose sanctions against parliamentarians

The IPSC is a self-regulatory model that, while structurally independent from parliament and those whom it is investigating, is kept within final parliamentary authority.

The Australian Government accepted all 28 recommendations in *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces.*

The Review Team is privileged to have been engaged by the contemporary music industry on these early steps and, in particular, to experience the candour and courage of so many individuals in the industry. The real task now is for the music industry to make safety, respect, diversity and inclusion the lived reality for its people – whoever they are and wherever they work – each and every day.

RAISING
THEIR VOICES

This report presents the findings of an independent review into
sexual harm, sexual harassment and systemic discrimination in
the contemporary music industry in Australia.

MAPN CONSULTING
INCLUSION, EQUITY AND INNOVATION