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## THE IMPACT OF INTERVENTION MEASURES ON SEXUAL HARASSMENT IN THE FILM AND TELEVISION INDUSTRY

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### ABSTRACT

*Since 2017, increased sexual harassment incidents have been reported in Hollywood; yet, little guidance has been offered on how organizations, which are informally governed by their network members, can effectively reduce sexual harassment. Building upon the theory of network governance, this paper suggests social mechanisms, which are used to coordinate and safeguard exchanges between Hollywood organizations, are more effective at reducing incidents of workplace sexual harassment than traditional strategies. These social mechanisms direct change to the macroculture through collective sanctions that damage the perpetrators reputation and restrict access to network opportunities. In essence, perpetrators become toxic assets that Hollywood avoids and this avoidance is similar to economic sanctions that can deter sexual harassment.*

**Keywords:** *Sexual Harassment, Network Governance, Intervention, Film, Sanctions*

### 1. INTRODUCTION

Until 2017, incidents of sexual harassment (e.g. “the casting couch”) within the film and television industry (“Hollywood”) were rarely prosecuted or reported (Borcherding & Filson, 2000). The “casting couch” is a specific “quid pro quo” form of sexual harassment where a high-status player seeks to exchange job-related benefits such as acting roles, auditions, representation for sexual cooperation from a low status actor.” (Gelfand *et al.*, 1995). As a result of “#MeToo”, a twitter hashtag for victims to publicly share experiences with harassment, allegations of workplace sexual harassment have increased which requires a reexamination of practices to mitigate harassment (Howald *et al.*, 2018; Mueller *et al.*, 2001). Studies (cf. Harris *et al.*, 2018; Willness *et al.*, 2007) suggest effective measures to combat workplace sexual harassment focus on changing the climate, tolerance, and culture towards sexual harassment. Consequently, Hollywood’s is a confederation of autonomous networks composes of temporary enterprises, contracted actors, and rented services cooperating to produce an entertainment experience (i.e., film and show); thus, the limited life of these endeavors fail to create a permanent corporate culture.

This paper examines 1) if the exchange conditions in Hollywood are conducive to the emergence of network governance (see Jones *et al.*, 1997); 2) if the social mechanisms that organize and police these exchanges produces an environment conducive to sexual harassment; and 3) if interventional measures at the network are more effective than traditional interventional measures at the organization or an alleged harasser.

### 2. NETWORK GOVERNANCE IN HOLLYWOOD

In Jones *et al.* (1997, p. 914) network governance is “...a select, persistent, and structured set of autonomous firms (as well nonprofit agencies) engaged in creating products or services based on implicit and open-ended contracts to adapt to environmental contingencies and to coordinate and safeguard exchanges. These contracts are socially –not legally – binding.” First, social relationships are paramount to regulating behavior amongst firms, imply continued exchanges amongst firms, and ease exchanges amongst firms. Thus, collective social relationships, govern the network. Second, the collective social relationships form a team, with each firm maintaining its independence, to fulfill its unique and essential roles for the creation of a common product or service. However, unlike a team that disbands at completion,

firms under network governance continue relationships with each other by rearranging slightly amongst themselves to create another product, and this process of network rearrangement perpetuates.

The theory of network governance (Jones *et al.*, 1997) notes certain specific exchange conditions within an industry creates a high level of structural embeddedness amongst firms which prompt social mechanisms to regulate the industry. These industry exchange conditions are demand uncertainty, task complexity, human asset specificity, and frequency. First, demand uncertainty suggests firms are unable to predict marketplace purchase intent. Given most films lose money during a theatrical release (De Vany & Walls, 1999; Vogel, 1998), film studios have yet to identify exact success criteria for their films. Studies (cf. Simonton, 2009) examining multiple factors including critical performance, financial, performance, awards, screen play, actor, director, music, distribution, competition, amongst other factors still have not led to consistent findings on what drives demand. Secondly, task complexity, requires several different specialized elements to complete a product. In Hollywood, heavy coordination amongst players (i.e., actors, agents, managers, directors, producers, writers, marketers, financial backers) is needed for film and television production (Borcherding & Filson, 2000). Thirdly, human asset specificity mandates knowledge skills and abilities are difficult to transfer from one person to another. In Hollywood, players typically have specific physical characteristics and distinct work styles that cannot be easily transferred to other productions. Finally, frequent exchanges amongst parties must occur for an industry to develop network governance oversight. In Hollywood, small pools of players frequently collaborate on a limited number of industry productions.

These four exchange conditions create structural embeddedness in Hollywood where a few interconnected groups of firms and players have multiple relationships. To illustrate, six studios (i.e., Disney, Twentieth Century Fox, Paramount, Sony, Universal, and Warner Bros.) account for over 90% of revenues in the US film industry (Currah, 2006); and four talent agencies (i.e., Creative Artists Agency, William Morris Endeavor, International Creative Management, and United Talent Agency) represent most of the highly paid entertainers (Bielby & Bielby, 1999; Friend, 2005). This high level of structural embeddedness where players have more information on each other can create social constraints that can be applied on each's behavior.

These limitations (i.e. restricted access, macroculture, collective sanctions, and reputation) from social mechanisms are used to coordinate and safeguard exchanges (Jones *et al.*, 1997). In Hollywood, a strategic reduction of players within the network exists due to the ability of high-status actors, directors, and producers to garner studio film financing and distribution (Jones & DeFellippi, 1996). Meanwhile, low status players are often denied access due to an inability to generate studio support. Select organizations in Hollywood share a macroculture of assumptions and values that guides their actions and behaviors. Unlike other industries where each firm has its own corporate culture, Hollywood (e.g., studios, agencies, and production companies) shares the same norms and values. When a Hollywood organization behaves unacceptably, then collective sanctions such as ostracization or sabotage often occur. Examples "blackballed" actors include Mel Gibson for his drunken anti-Semitic remarks (Emmanuel, 2006) and Roseanne Barr whose show was cancelled after she tweeted racial remarks that ABC Entertainment President Channing Dungey calls, "...*abhorrent, repugnant, and inconsistent with our values*" (Edevane, 2018).

Lastly, reputation safeguards exchanges in an industry governed by the network. For example, Katherine Heigl's toxic reputation of being difficult and always complaining triggered her professional life to "implode" (Miller, 2016). The information about behavior is spread amongst parties and those parties react to that information similar to the examples of Gibson and Barr. Given Hollywood exhibits many of the exchange conditions, structural embeddedness, and social mechanisms of an industry regulated by network governance, we state: **Proposition #1: The film and television industry is regulated by network governance.**

### 3. SEXUAL HARASSMENT AND FILM AND TELEVISION

Assuming network governance regulates Hollywood, the network also handles issues regarding questionable workplace behaviors. However, "unethical" workplace behaviors may not be perceived by a

network as immoral and therefore not regulated by the network. For example, Hollywood talent agencies often perceived bullying as a “rite of passage” for talent agency assistants (Resin, 2004). Additional unethical behaviors include collusion amongst film studios in the 1940’s (Lewis, 2002) and stealing intellectual property such as scripts, treatments, plots concepts, and credit (cf. *Buchwald v. Paramount (1990)*; *Yari v. Producers Guild of America, Inc. (2008)*).

Sexual harassment is “*unwanted sex-related behavior at work that is appraised by the recipient as offensive, exceeding her resources, or threatening her well-being*” (Fitzgerald *et al.*, 1997, p. 15) that often involves an exploitation of power (Howald *et al.*, 2018). Sexual harassment in Hollywood ranges from physical sexual propositions to psychological interactions (e.g., “flashing”, offensive language, and sexual remarks). Two primary antecedents of sexual harassment are identified: organizational climate and job gender context (McDonald, 2012; Willness *et al.*, 2007). Organizational climate is the level that the organizational culture and norms tolerate sexual harassment (Fitzgerald *et al.*, 1995; Willness *et al.*, 2007). Climate is determined by elements such as effective sexual harassment policies where targets believe complaints are taken seriously, reporting procedures mitigating perceptions of risk and retribution for complaining, and sanctions and appropriate punishment on harasser (Howald *et al.*, 2018).

In Hollywood, although organizations may have organizational sexual harassment policies, the macroculture determines the climate of the network due to the persistent and ongoing nature of the select firms within the network. These select firms and subsequently the network’s macroculture are heavily male based upon the individual’s work group termed “job gender context” (Fitzgerald *et al.*, 1995; Willness *et al.*, 2007). This high proportion of male workers and power differentials between genders (Chamberlain *et al.*, 2008; Welsh, 1999) means high-ranking males can wield their network social mechanisms (i.e., restricted access, collective sanctions and reputation) over young, financially vulnerable women (Borcherding & Filson 2000; Jones & DeFillippi, 1996). Given this network climate and job gender context of Hollywood, we state: **Proposition #2:** *The film and television industry is susceptible to sexual harassment violations due to it being regulated by network governance.*

#### 4. SEXUAL HARRASSMENT INTERVENTION MEASURES FOR FILM AND TELEVISION

Organizational climate is an important factor in encouraging sexual harassment reporting (Bergman *et al.*, 2002); and this organizational climate is shaped by training, policies, and management support (cf. Bell *et al.*, 2002; Howald *et al.*, 2018; Mueller *et al.*, 2001). An effective organizations climate consists of victim safeguards against retaliation and appropriate sanctions and punishments on perpetrators (Hershcovis *et al.*, 2010).

Traditional measures at mitigating sexual harassment may not be effective in Hollywood because the weaknesses of those measures are likely exacerbated by characteristics of network governance. For example, productions are made collaboratively when multiple independent parties temporarily work together on a production. This “ad hoc” style of production makes it difficult to create a durable organizational climate since the climate for each production changes when one film ends and parties in the network rearrange for the next film. Furthermore, the overarching macroculture of the network likely supersede the climate of any organization in the network. That is, organizational culture is not created, as there is not a permanence of film organizations. For example, retribution due to power differentials in Hollywood limits organizational policies from being effective because victims may not report sexual harassment incidents (Bergman *et al.*, 2002; Lee *et al.*, 2004; Popovich & Warren, 2010). Sexual harassment interventions such as punitive sanctions at potential perpetrators within the network are likely to be ineffective. Even in non-network governance industries punitive measures are rarely applied in response to sexual harassment (Salin, 2008) and when a choice of sanctions is available, typically the least stringent sanction is chosen (European Commission, 1999). This phenomenon is amplified in the Hollywood because harassment is likely to be excused when a perpetrator is a high performer (Summers, 1996).

Given that measures at mitigating sexual harassment in Hollywood have limited effectiveness, interventions at the network level maybe more successful. The same network governance measures and social mechanisms that protect exchanges in the network may also protect members from sexual harassment.

Select network members could change the macroculture in Hollywood by changing job gender context by selecting more females in positions of power and instituting network norms that are intolerant of sexual harassment behaviors. Furthermore, select network members may reduce sexual harassment by collectively sanctioning perpetrators, restricting their access to network opportunities, and damaging their reputation. Formally stated: **Proposition #3:** *Preventative and post-incident intervention measures that involve select network members incorporating social mechanisms are more effective at mitigating sexual harassment violations in the film and television industry than traditional organizational intervention measures.*

## 5. CONCLUSION

This research extends network governance theory by positing that unethical workplace behaviors, like sexual harassment, may be a consequence of network governance. We propose that the same exchange conditions and structural embeddedness that safeguard exchanges in the network also enable and conceal incidents of sexual harassment. Additionally, we add a network explanation to previous theories on sexual harassment that focused on natural-biological, sociocultural, legal, or organizational explanations (McDonald, 2012).

From a managerial perspective, practitioners in Hollywood should realize that traditional organizational and employee level HR policies attempting to mitigate sexual harassment incidents are likely ineffective because these policies do not impact the entire network. Legal measures could be effective; however, many sexual harassment violations may go unreported. Thus, we recommend practitioners 1) influence change at the network level by instituting network norms intolerant of sexual harassment behaviors and changing job gender context; 2) collectively sanctioning perpetrators through reducing their network opportunities; and 3) damaging perpetrators reputations within the network and outside of the network. In essence, it is our belief that these actions may deter potential perpetrators through the threat of a type of economic sanctions by social actions that label players as toxic assets. Given that this paper is conceptual and specific to Hollywood, future research should focus on testing these propositions empirically and externally validating them in other industries that may be regulated by network governance.

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