

Quick Guide for Scenes Involving Nudity and Simulated Sex

Work that involves nudity or simulated sex places performers in uniquely vulnerable situations. This work is, and always should be, something a performer is proud of and something they engage in willingly. To protect a performer's immediate and ongoing comfort and safety, key factors include ensuring that performers have:

- ▶ Appropriate notice of nudity and simulated sex required from a role and audition process;
- ▶ An opportunity to provide meaningful, written consent free of pressure or coercion;
- ▶ Written riders that outline the parameters of nudity or simulated sex; and
- ▶ Safe and secure working conditions that are not detrimental to their health, safety, morals and career.

Contractual & Legal Requirements

This guide outlines best practices, safety requirements for signatory film and television productions in accordance with SAG-AFTRA contracts, protections that are enforceable by the union. Producers must also comply with relevant local, state and federal laws.

Harassment Protections

Producers are legally and contractually obligated to provide a workplace free from sexual harassment at all times, including providing training and mechanisms for reporting inappropriate conduct. This extends to the pre-employment and audition process.

Prohibition on Actual Sex

SAG-AFTRA contracts explicitly prohibit actual sex acts, meaning that at no time should a performer auditioning or working under a SAG-AFTRA contract engage in, or be asked to engage in, actual sex acts. Actual sex includes genital contact without a physical barrier, regardless of whether the performer is clothed or unclothed.

Notification

- ▶ A producer must notify a performer of nudity or simulated sex acts expected in the role prior to an audition, if known.
- ▶ A producer must also notify the performer of any modesty garment audition prior to the audition, once known. This information must be provided in the casting notice for the role, if known at the time.
- ▶ If the role has already been cast and a producer then learns of expected nudity or simulated sex acts, they are required to notify the performer as soon as practicable.

Modesty Garment Auditions

A performer may not be fully nude or perform simulated sex acts in any audition. If nudity is required for a role, it is permissible for a producer to request to view a performer's partially exposed body during the audition process in a "modesty garment audition" under the following restrictions:

- ▶ Only one modesty garment audition can occur for each individual performer, and it must be the final audition.
- ▶ A performer must at least wear modesty garments at this audition, (including G-strings, thongs, genital "socks," pasties, equivalent underwear or swimsuits that expose the buttocks or a breast).
- ▶ A performer has the right to bring a support peer to a modesty garment audition, including a friend, professional representative or intimacy coordinator.
- ▶ Only those members of production essential to the casting process may be present at a modesty garment audition, limited to the fewest necessary for the casting of the role.
- ▶ Those essential to casting may view the audition in person or remotely. They must identify themselves by name and title and be visible to the performer at all times.
- ▶ Still photography and recordings of a performer wearing modesty garments in an audition may only be taken with the performer's prior written consent.
- ▶ No member of production may record or take photos of a modesty garment audition with a personal cellphone or device.
- ▶ A performer can request in writing that any footage taken of them be destroyed once casting is finalized.

As a general rule, no audition should take place in hotel rooms or private residences unless no appropriate venue can be found. This is particularly relevant for modesty garment auditions that can place a performer in vulnerable situations.

Intimate Scene Riders

A performer's performance or depiction in a scene requiring nudity or simulated sex acts is conditioned on their prior written consent, which should take the form of a rider attached to their contract. The rider should:

- ▶ Outline descriptions of the intimacy they are agreeing to do on set and how it will be depicted in the final picture.
- ▶ Be something agreed to in negotiation between the performer (or their representative) and production.
- ▶ Include if the performer will be nude or partially nude, including which intimate body parts will be shown, and the simulated sex acts of each scene.
- ▶ Include script pages of relevant scene(s), if available.

A rider provides an opportunity for meaningful, considered consent. Performers should never be pressured or coerced into signing a rider, ensuring they only commit to performances and depictions they are personally comfortable with.

Provision of Riders

- ▶ A rider must be provided to a performer at least 48 hours prior to call time on the day a scene is to be shot.
- ▶ If the role was cast less than 48 hours prior to call time, or if the producer has engaged someone to replace another performer less than 48 hours prior to call time, this timeframe may not apply. In both cases, the producer must provide the proposed written rider at the earliest practicable time before production, ensuring the performer is not pressured into agreement.
- ▶ A producer must provide the name and contact details of a designated representative to allow a performer to ask questions about how their consent will be interpreted and applied during shooting of the scenes.

Continuing Consent

- ▶ A producer must advise the director and line producer or UPM of the parameters of consent to ensure production of the scene reflects the rider.
- ▶ No performer should be pressured to do something they have not previously agreed to in their rider.
- ▶ The final depiction must reflect what a performer has agreed to in their rider.
- ▶ A performer may withdraw their written consent at any time prior to capturing footage. A performer may withdraw their consent verbally. If consent is withdrawn, the producer can double the performer (including by use of digital technology) per the terms of the original rider.

On-Set Protocols

To protect performers as they rehearse and perform these scenes, a producer has the responsibility to ensure the following requirements are followed:

- ▶ The set must be closed to all persons who are not essential to the filming or rehearsal of a scene, meaning that only those necessary to be physically present in the moment are allowed on set.
- ▶ People who should not be on set during the production of these scenes include other performers not involved in the specific scenes, unnecessary crew members, financiers and studio executives, location owners and visitors.
- ▶ Monitors should only be viewed by essential members of production. Best practice is to place monitors in a secure, private location.
- ▶ It is strictly prohibited for any person on set to make recordings using a personal device, including cellphones, mobile devices and personal cameras. Best practice is to prohibit these devices from being on set.
- ▶ A cover-up must be provided to any performer in the nude or wearing a modesty garment when they are on set but not rehearsing or shooting a scene, or when there is a pause in rehearsing or shooting the scene.

Body Doubling & Digital Doubling

A producer may not double a performer (including using digital technology) to depict them in the nude or engaging in a sex act unless previous consent is given and the depiction follows the rules of the codified basic agreement, including the exception under Continuing Consent above.

Publicity Materials

No footage or still photography of a performer in the nude may be used for promotional material unless they have provided prior written consent. If consent is included in the performer's original rider, it must be included as an independent, explicit clause.

Contacting SAG-AFTRA

Anyone concerned about a situation that does not adhere to the guidelines set out here should contact the relevant SAG-AFTRA department using the numbers or email addresses below:

Entertainment Contracts:
844 SAFER SET
(844) 723-3773
EntContractsInfo@sagaftra.org

Equity & Inclusion:
(323) 549-6644
diversity@sagaftra.org

**On-set / After-hours
Emergency:**
844 SAFER SET
(844) 723-3773

Sexual Harassment:
855 SAG-AFTRA
(855) 724-2387 and press 1