



Human rights risks related to contributors and participants on TV shows - Draft v1.1

Introduction

The TV Industry Human Rights Forum seeks to understand human rights risks to all those impacted by the making of a TV show. In this paper, we look at some of the issues related to contributors and participants based on an industry discussion held in person in March 2024.

The terms ‘contributor’ and ‘participant’ cover a wide spectrum of people who take part in some aspect of an unscripted TV programme. This includes gameshows, reality TV, documentaries and other forms of factual entertainment. The nature of people’s contributions and the type of production varies hugely, with the risks varying as well. This paper sets out some of the challenges identified and provides suggestions for good practice as a starting point for further industry dialogue.

The Forum meeting also highlighted an opportunity to engage more closely on issues related to reality TV through the ReCARE TV project.

About the ‘ReCARE TV: Reality Television, Working Practices and Duties of Care’ Project

- ReCARETV is an academic research project funded by the [AHRC/UKRI](#) funding body and partnered by the DCMS select committee, Bectu and Equity.
- It will run from 2023–2026 between Aston, Nottingham and Loughborough Universities. You can read more about the project and the team [here](#).
- The project has four Work Packages around Policy, Production, Participation and Care which aims to draw insights from the various groups involved in reality television production (policy makers, executives, production crew, participants) and put them together for the first time.
- The team are social scientists who are using care as a lens to consider the ideas, relationships and working practices around care, with a view to offering important and productive insights for the sector moving forward.

If you are interested in engaging with the project please email h.wood3@aston.ac.uk

Human rights lens

Human rights are an internationally agreed set of rights that all individuals have as a result of being human – they are universal, inalienable and indivisible. Taking a human rights lens to TV production centres risks to people (rather than risks to organisations) and includes anyone who might be impacted by the making of a show. While focusing on contributors and participants, risks related to them may also impact on the human rights of others such as their family or members of the production crew.

In the UK, the Ofcom Broadcasting code sets out a ‘duty of care’ for contributors, which uses terminology that also features in human rights language. However, there are some key differences in definition that are useful to compare.

Comparison of concepts used in the Ofcom Broadcasting code with a human rights lens

Concepts	Ofcom Broadcasting Code	Human rights lens
Risk	<p>Risk focuses on significant harm to contributors and sets out reasons that risks may be higher, which include:</p> <ul style="list-style-type: none"> • being considered a vulnerable person; • not used to being in the public eye; • an artificial or constructed environment for filming; • likelihood of attracting a high level of press, media and social media interest; • being required to discuss, reveal, or engage with sensitive, life changing or private aspects of their lives; • key editorial elements of the programme involve potential confrontation, conflict or emotionally challenging situations. 	<p>Risk covers all actual and potential adverse human rights impacts to all people – i.e. it includes all human rights and relates to all those who might be impacted so would include crew, friends and family of contributors, not only contributors themselves.</p>
Vulnerable people	<p>Individual focus on people with particular issues such as learning difficulties, those with mental health problems, the bereaved, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill.</p>	<p>Systemic focus on groups that face structural discrimination, including women and girls; children; refugees; internally displaced persons; minorities; indigenous peoples; migrant workers; disabled people; elderly people; LGBTQ+ people.</p>
Informed consent	<p>Set of processes as described in the code, i.e. a production can assume informed consent if these processes are followed and as long as it covers everything which can be “reasonably anticipated”.</p>	<p>Experience of those giving consent such that they would agree the right information was known in advance and ongoing, potential consequences were fully understood and consent was given voluntarily without coercion or manipulation.</p>
Duty of care	<p>Applies to contributors/participants.</p>	<p>Applies to anyone impacted by the making of a TV show</p>
Care in relation to children	<p>States that “People under eighteen must not be caused unjustified distress or anxiety by their involvement in programmes or by the broadcast of those programmes”.</p>	<p>Uses the children’s rights and business principles which recognise that children are impacted differently due to still developing physically, emotionally and intellectually</p>

Summary of human rights risks

The below table sets out examples of issues related to participants identified by Forum participants and whose human rights may be impacted as a result.

Issue	Who is at risk	Human rights at risk	Potential perpetrator
Participant is asked to undertake activities that may be unsafe or detrimental to their health	Participants, crew, producers	Safety, health, mental health, trauma	Producers, commissioners
Participant is deliberately put under stress or deprived of sleep in order to encourage a volatile reaction	Participants, crew	Safety, health, mental health, trauma	Producers, commissioners
Participant is targeted on social media and, potentially, in real life (sometimes repeatedly due to repeats/broadcasting in other territories)	Participant, their friends and family, community	Mental health, safety, privacy, trauma	Media, public, notable figures
Participant acts in a volatile or violent manner	Other participants, crew	Safety, mental health, trauma	Participant
Participant reveals personal information or is filmed participating in intimate scenes	Participants, relatives, friends, crew	Privacy, safety, mental health, trauma	Producers, commissioners, participants
Participant is portrayed unfairly	Participants	Arbitrary attacks on honour and reputation, mental health	Directors
Other people's agendas are projected onto a participant who becomes an unwitting protagonist on a controversial issue	Participants, production crew	Safety, freedom of expression	External agencies, world events
Participant is unaware they are being filmed (NB difference between being filmed and being transmitted)	Participants, crew	Privacy, trauma, safety, mental health	Producers, commissioners
Participant becomes aware they are being filmed prior to giving consent and reacts	Crew	Safety	Participant
Participant is required to sign away a portion of future earnings	Participants	Just and favourable conditions of work	Producers, commissioners
Crew are exposed to traumatic or triggering events live and in the moment or distress in dealing with contributors	Crew members	Trauma	Producers, commissioners
Production receives information that participant may be a danger to other participants (turns out to be true)	Other participants, crew, potential victims	Safety, mental health, trauma	Participant
Production receives information that participant may be a danger to other participants (turns out to be untrue)	Participant who is accused, their family and friends	Privacy, safety	Informant, media, public
Underpayment of vendors in return for exposure	Supply chain workers	Fair pay	Producers, commissioners

Suggestions for good practice

Structure of welfare support

- Consider welfare concerns at commissioning stage
- Separate welfare responsibility from casting roles to prevent conflict of interest and enable the safety of participants to be prioritised
- Provide welfare supervision pre-, during and post-production to participants and crew

Risk prevention

- Work with the whole team to identify risks and revisit regularly to address emerging/evolving risks
- Conduct comprehensive pre-participation checks on participants
- Ensure participant is 'robust' and healthy enough to participate
- Risk assessments to include an understanding of potential impacts on crew

Informed consent

- For longer-running shows:
 - provide information to participants on what it's really like from those who have taken part previously
 - include insights from those eliminated in early rounds rather than finalists as this is the more common experience
 - brief participants on practical issues (e.g. how something will be filmed, camera positions, social media).
- Consent process needs to be 'agile' as situations and individual circumstances may change
- Ensure any contracts are clear and that participants have access to independent legal advice

Addressing social media abuse

- Preventative:
 - Consider carefully the relationship between social media, the way social media channels are or will be used and what is or will be broadcast
 - Build relationships with social media platforms so that engagement channels are there if needed to help keep participants safe
 - Consider requiring participants to have dormant accounts during their time on a show to decrease online trolling
 - Ensure resources are available to provide support to the families of participants
 - Plan for and put in place mental health support and an after care programme
 - Ensure participants are aware of the screen dates and have support in place
 - For sensitive content, screen an edit for a participant pre-broadcast
 - For immersive live shows, prepare participants with a knowledge of how they are being received/edited for when they exit the show
- Reactive:
 - Ensure that the person or people most severely impacted are at the centre of a response and have the information, tools and sense of control to decide what happens
 - Provide information and tools for contributors and their families to report death threats on social media and doxxing to the police who can trace perpetrators
 - Provide clear communications, a key contact, access to therapy and other wellbeing support for victims of particularly serious abuse (participants and/or their families)
 - Collaborate with other support providers to ensure a joined-up response
 - Consider legal interventions by the broadcaster but keep these for only the most extreme circumstances so that their effect is powerful

Support for crew

- Consider trauma risks separately to other mental health risks as different prevention and response measures are necessary.

Key challenges

Are some contributors workers?

- There is a grey area in some TV formats where contributors could be considered as 'workers' or as people performing as themselves, i.e. 'performers'
- There is a question as to whether such contributors should have worker's rights or whether they should be able to join a union.

Balancing what makes popular TV and what is reasonable for participants

- Ofcom guidelines state that viewers need to feel that participants are safe but this is challenging when a production is trying to build in drama.
- Productions can be repeated numerous times and in different territories and sometimes with different legal constraints, e.g. in France, some participants are 'workers'.
- A show with a fast turnaround, rather than one with time taken to post produce it, can have implications for participants and their families if storylines are not carefully handled; this requires ongoing risk assessment.

Misinterpretation of what is happening on a show

- Sometimes participants will appear to viewers to be participating in activities that are unsafe
- Tabloid news media may project behaviours on participants when the participants themselves are not feeling that. e.g. gaslighting. Participants may be portrayed by media coverage of a show as victims when they do not feel that themselves.
- Sometimes productions have to fight against tabloid media and social media which can often pick up on an individual moment or clip which in the long run plays out differently - the overall journey should be a genuine reflection of what has happened on a show.

Those that reap the highest reward from their contributions also risk the most abuse

- For those participating in reality TV, the higher the number of followers or greater engagement a participant has, the more scrutiny
- There is a need to balance a demand for growth by contributors in their social media following with online safety.

Featuring children and young people as contributors

- Being in a show when someone is young can have different consequences when they are older and may last a long time across media.
- Participants may sign contracts which say 'in perpetuity' and on any media, including those yet to be invented, so risks of harm to them are potentially ongoing.

Navigating different ethical standards

- Different territories will have different rules over aspects such as use of alcohol on a show.
- Some platforms or non-traditional formats find loopholes in ethical expectations.

Resources

Support for participants

- The British Psychological Society (BPS) has launched a [directory of media production psychologists](#)
- The documentary '[Subject](#)' explores the experience for participants of sharing their life on screen via a documentary
- ITV provides a [training module](#) for any participant in an ITV produced or commissioned show on the impact of social media abuse, aimed at participants on low-risk productions.

Addressing social media abuse

- ITV ran an on-screen campaign during Love Island and Big Brother in 2023 to discourage online abuse <https://www.wouldyousayit.itv/>

Informed consent

- Holding ourselves accountable: A consent calendar resource - <https://peaceisloud.org/wp-content/uploads/Holding-Ourselfs-Accountable-A-Consent-Calendar-Resource.pdf>

Support for crew

- Vicarious trauma training - <https://www.catchyourself.co.uk/>
- Call it! App to monitor workplace culture, safety and mental health - <https://www.callitapp.org/>

Examples and cases

- Two contestants on *Squid Game: The Challenge* are considering legal action against producers, alleging that they experienced [hypothermia and injuries](#) while filming
- A contestant on *Love Is Blind* is suing the production companies, [alleging sexual assault, false imprisonment and negligence](#) and a second is seeking to nullify her contract amid claims of [intentional infliction of emotional distress and violations of the state's labour and civic codes](#) (back in 2022, a third *Love is Blind* contestant proposed a class action lawsuit for [inhumane working conditions](#))
- Two contestants on *University Challenge* pulled out after the [reasonable adjustments](#) they had requested were not provided
- A new podcast looking back at the *X-Factor* suggests that production staff actively cast people with the 'the potential to kick off' and required them to [sign complex legal contracts late at night](#)
- A Vice News investigation into Andrew Tate published last year revealed producers of *Big Brother* were aware he was being [investigated by police for rape](#) for 5 days before removing him from the house
- An article looked at whether reality shows deliberately use [sleep deprivation](#) to increase the likelihood of volatile behaviour
- A Vanity Fair article detailed allegations about [how participants were treated](#) in the *Real Housewives* shows, including being encouraged to drink to excess
- An i news article suggesting that participants on *The Circle* should be should be [treated as professionals](#)