



ACTRA

The Nudity in Film Survival Guide

the naked truth about nudity in film and television





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Introduction

FADE IN:

INT. FILM SET - NIGHT

John, a meagre towel wrapped around his waist, folds and unfolds his arms while shifting his weight from one foot to the other in a desperate attempt to appear cavalier. He is failing miserably. Jane sits on a bed, naked save for the sheet she is clutching tightly to her chin. Shivering under the hot, harsh lights, they both look like they are fighting the urge to make a mad dash back to the safety of their trailers.

JANE

So...ah...um...guess this is it...
(clutching the sheet even tighter)
You know...I thought I'd be nervous,
but I'm not...really...(gulp)...I'm fine
with this....you?

John looks around at the dozens of crew people milling about what was supposed to be a closed set.

JOHN

Oh geeze...
(wiping at a drop of sweat)
Maybe I should have thought this thing
through...

CUT TO:

Some actors and agents don't pay attention to the regulations on nudity in film until they are in a crisis. Others feel there is a better chance of them getting struck by lightning than ever being involved in a nude scene. Even those performers who are quite comfortable doing nude scenes have unpleasant experiences because they are afraid to talk about it, or afraid they will be perceived as “difficult.” Yet a situation is often improved when one is well prepared.

The Nudity in Film Survival Guide is a candid, straightforward dialogue between ACTRA and its members. It offers some solid common sense advice on how to handle those awkward, stressful situations that sometimes happen when filming in the buff.

Should I do Nudity?

Besides, you don't have to be sitting there in your birthday suit or airing the family jewels for a scene to fall within the boundaries of the Independent Production Agreement. The IPA covers love scenes of any kind. This guide will give you a clear understanding of your rights with respect to performing in the nude under the collective agreement.

And by the way folks, this is not solely a woman's issue. We want both male and female members to understand you have the right to say NO!

ACTRA will support you in your decision.

Most performers ponder this question at some point in their career. The following are a few questions and answers that may help you to decide.

I can't believe I'm even thinking about this but...how do I decide if I should accept a role that calls for some nudity?

Here's a clue. If you can't even SAY the word nipple, how are you going to feel when the time comes to actually show yours? You may want to think twice about auditioning for something you just aren't comfortable doing. This is a personal choice and a career decision so don't be pressured into it. You'll know soon enough if you've made the right choice.

But lots of actors do nudity, right?

There are many actors who do and many who don't.

Will people take me less seriously as an actor if I do nudity?

Most likely that would depend on the choices you make. There is a huge gulf between projects destined for *A&E* and those that end up on the *Playboy Channel*.

I thought not being willing to do nudity would narrow my chances of getting work. Is that a possibility?

Look, if you are going to do nudity, do it for the right reasons. Don't do it because you feel the need to prove yourself. Do it because you believe in the project and the character you will portray. Do it only if you are comfortable and it does not violate your personal integrity. Above all, make an informed decision.

What do you mean "Make an informed decision?"

Get as much information as possible about the people you would be working for. Do they have any previous violations in this regard? Producers who have deliberately violated conditions in the past may have a tendency to do so again. What sort of project is it? What market is it destined for? What is the nature of the character you are to portray? What is the nature of the nude scene? You may not be comfortable with what this engagement entails for you as an actor and a person.

I am under 18 years of age. Can I be engaged for a role that requires nudity?

In a word? **NO!** While we would probably not raise a fuss about a baby in a bathtub, it is a slippery slope when it comes to children and nudity. The ramifications have less to do with the IPA and more to do with the Canadian Criminal Code, Youth Protection Act and other applicable laws. Please know that ACTRA is very protective of its minor members and will always err on the side of caution where children are concerned.

The Skinny on Getting Naked for Auditions

Okay, so you have given the subject serious consideration. You have all the information you need to make an informed decision. Now let's talk about the regulations dealing with auditioning for a role that involves nudity. Knowing what is and is not permitted will save you from potentially awkward and embarrassing situations so read this section carefully!

So if it sounds ok...Do I (gulp) have to take off my clothes at the audition?

No, no, no! Absolutely not! You must first be auditioned as a performer. You cannot be asked to disrobe in whole or in part AT THE FIRST AUDITION.

What if they ask me to disrobe at the first audition and I say no. Won't that jeopardize my chances of getting the part?

Let's think about this for a moment. The producer knows that a performer cannot be asked to bare their buns at the first audition. It's written very clearly in the collective agreement. If they are already violating the Agreement, how are you going to be treated when it comes time for you to shoot your nude scene? These may not be the sort of people or productions you want to be working for...at least not in the buff anyway.

So when can they ask me to uh...disrobe?

You can be called back to audition nude or semi-nude on one occasion and one occasion only! You must be notified in advance that you will be asked to disrobe. The producer also has to notify ACTRA in advance of this type of audition. You can always call ACTRA and speak to the steward in charge of the production to make sure everything has been approved. Oh, and by the way, you can be booked for a role that involves nudity without a nude audition. Producers don't necessarily ask for these auditions, although they do have that right under the IPA.

What would be considered semi-nudity?

Semi-nudity is defined as being topless or bottomless for women and being bottomless for the guys. Or having to wear thongs, g-strings, sheer clothing that leaves nothing to the imagination...stuff like that.

“It must be demonstrated that any person in the room has a direct professional or artistic relationship to the production and to this particular audition.”

Hey wait a minute. If I'm called back to audition nude or semi-nude...does that mean I have to perform the scene in the nude?

Nope. The second audition is solely for viewing the body. It's not even an audition really. Sometimes you may hear it referred to as a *Modesty Test*. It gives the producer, and the performer for that matter, the opportunity to judge how comfortable the performer is with being nude. It allows them the chance to see if they will have to deal with, let's say, a large tattoo or a scar that may not be easily covered with make-up. Finding these things out on the day of the shoot can cause some serious problems. Basically, it allows producers the opportunity to cover their butts... so to speak.. Oh and by the way, no sex acts shall be required of any performer at any audition. (No kidding...It's in the IPA.)

Could I have a representative there with me? My agent or a friend for example?

This is not an unreasonable request and there is certainly no harm in asking. However, we recommend your representative be someone in a professional capacity and not someone from your personal life. Having a boyfriend or girlfriend there may make you even more uncomfortable. You may also want to inquire ahead of time as to exactly which individuals from production will be in the room during the *Modesty Test*.

“ACTRA negotiated new provisions regarding nudity into the NCA.”

Well I'm still not all that thrilled about being naked at an audition. I mean...how many people will be in the room?

You'll be happy to know that these auditions must be closed. No one is allowed to so much as peek through a keyhole, not by use of monitors, or any other device that can be used for observation. The number of persons allowed is limited to a maximum of five. BUT! It must be demonstrated that any person in the room has a direct professional or artistic relationship to the production and to this particular audition. An ACTRA representative may be present as well. (In other words, the boom guy shouldn't be there.)

Say, can this audition be recorded?

Not without your permission. No photos, filming, taping or preservation of the audition may be made by any means without your written consent on a form approved by ACTRA.

What if it's an audition for a commercial?

Yup, some commercials can be pretty darn steamy. That is why ACTRA negotiated new provisions regarding nudity into the National Commercial Agreement. Just like the regulations in the IPA (Independent Production Agreement) ACTRA and the performer must be advised in advance and in writing that the audition will be for a role requiring nudity or (ahem)...simulated sexual activity. Commercial auditions for roles involving nudity must also be closed and can't be recorded without the written consent of all affected performers. By the way, after 90 days following the completion of the shoot, all film, tape or other recording of the commercial audition must be permanently destroyed.

The Bare Facts About Contracts and Nudity Riders

Let's talk about what happens when you actually land the role. ACTRA always takes its responsibility to protect its members very seriously, especially when nudity is involved. The IPA has many regulations to safeguard your dignity as a professional performer. Remember though, a contract works both ways. Once you sign, you have a legal obligation to uphold the terms of that contract. So a clear and concise description of the conditions of the nude scene is absolutely essential. The following section will give you the goods on what can and what must be included in your contract. Remember, it's your derriere up there on the screen. The more you know, the more you can cover it.

So what happens first?

First you should read the entire script to see how this nude scene fits in with the general flavour of the film. Is the nude scene integral to the plot? Will anyone else be naked? See if you are comfortable with the overall style or mood of the film. Find out what market is it destined for. A movie of the week produced for cable can be a lot more explicit than one destined for network television.

Then should I talk to my agent?

Yes. Sit down with your agent and discuss everything. Your agent should be informed about what is expected of you for the role and has an obligation to support you. You will probably have a discussion with the director as well, so now would be a good time to ask if a flesh-toned bodysuit or strategically placed tape are acceptable options. Health and safety may be a concern depending on the nature of the scene. Perhaps a modesty patch to ensure your body parts don't touch someone else's body parts may be necessary. Be specific about what you need to feel comfortable if you are going to perform in the nude. The producer must disclose the exact requirements and degree of nudity for the scene.

“The producer must disclose the exact requirements and degree of nudity for the scene.”

Remember, you have the right to negotiate the conditions under which you will perform a nude scene. Make sure your agent is clear on what must be included in the nudity rider attached to your contract. ACTRA will always assist the agent or the performer to facilitate this procedure so don't hesitate to call if you need some help!

“Sit down with your agent and discuss everything.”

“Remember, you have the right to negotiate the conditions under which you will perform a nude scene.”

“A rider is a document that is separate from the contract, but forms part of the contract. It is used to spell out specific requirements of an engagement.”

What is a Nudity Rider?

A most excellent question! A rider is a document that is separate from the contract, but forms part of the contract. It is used to spell out specific requirements of an engagement. When a performer's engagement requires nudity, a rider giving complete disclosure of the specific requirements and nature of the nude scene must be attached to the contract. The little box marked *Rider Attached*, standard on every ACTRA contract must be checked off.

Okay, so what kind of stuff should be written in a Nudity Rider?

The exact nature of the nude scene for one. The producer must indicate what kind of nude, semi-nude or love scene of any kind (and that includes kissing!) you will be required to perform. We have found that the more detailed a rider is, the more the performer is taken seriously when they arrive on set.

What exactly do you mean by "the exact nature of the nude scene"?

Nude scenes can be anything from a performer taking a leisurely bubble bath to a violent sexual attack and everything in between. The rider must define the tone, the flavor, the exact nature of the nude scene. You may be comfortable with a gentle love scene but not an explicitly aggressive one. Having this clearly defined in the rider eliminates the possibility of the director making changes to the nude scene or making demands on you during a scene without your prior written consent. Take a look at clause A2402 in the IPA. It states:

Performers may refuse to do anything not specified in the Performer's contract without liability or forfeiture of any portion of the Contracted Fee.

Okay cool. So what other information should the rider include?

All the stuff you talked about with your agent and the director: the maximum degree of nudity required; if you are to be shot from the front or back or side only. Perhaps you are to be shot only from the waist up or maybe you agree to full frontal nudity. A description of the clothing if you are to appear semi-nude (see-through clothing for example). Body suit, modesty patches, tape etc. Maybe you have specific lighting requirements or you want to be sure you will be robed between takes. You can specify who will be allowed on a closed set and indicate the maximum number of persons allowed on set during the final rehearsal and filming of the nude scene. You could also have it state the number of days you will be required to be nude.

“The producer must indicate [in the Rider] what kind of nude, semi-nude or love scene (of any kind) you will be required to perform.”

“Performers may refuse to do anything not specified in the Performer's contract without liability or forfeiture of any portion of the Contracted Fee.”

Avoid meaningless phrases such as “the performer will be nude during this scene” or “the scene will be shot tastefully.” Tastefully for who? Be specific. **Don't forget, you have a legal obligation to uphold the terms of your contract, so be sure you can live up to these contractual obligations. Cover all your bases.**

When must the Nudity Rider be completed?

The rider must be submitted to the performer in writing at least 48 hours prior to the actual signing of the Performer's contract.

Are there minimum fees for appearing nude?

- An Actor engaged to appear nude is paid no less than the Principal rate. The residual payments or Use Fees are still, however, based on the Actor category rate.
- A Background Performer engaged to appear nude is paid no less than the Actor rate. However, their performance does not attract Use or residual fees.
- Performers engaged as Principals are paid no less than the Principal rate and attract Use or Residual fees based on the Principal rate.

Notice we've used the term "No less than". A performer is always free to negotiate above the minimum fees. It is not unusual for a performer to be paid above the minimum for nudity.

“A performer is always free to negotiate above the minimum fees. It is not unusual for a performer to be paid above the minimum for nudity.”

What happens if the production isn't talking to us about the rider? What should we do?

Simple. You and your agent sit down and write the rider and send it to the production office and to ACTRA. If the producer wants to negotiate, they will get back to you.

“Don't forget, you have a legal obligation to uphold the terms of your contract, so be sure you can live up to these contractual obligations. Cover all your bases.”

The Regulation on Rehearsals in the Raw & On Set Performances Au Naturel

Let's face it. Never is one more vulnerable than when one is *au naturel*. Fortunately, under the Collective Agreement between ACTRA and the producers the regulations are in place to protect your rights and your dignity while you are engaged in performing a role that requires nudity. In this section we will discuss what those rights are.

So what if I am asked to disrobe and rehearse? You know...to "get comfortable?"

The IPA clearly states that there will be no rehearsing in the nude or semi-nude except for the final rehearsal to check for camera and lighting. If you are asked to do otherwise, just tell them according to the IPA, you are not allowed. Case closed.

My Nudity Rider states it will be a closed set during the filming of the scene. What about during the final rehearsal?

Even though the IPA states it must be a closed set for final rehearsal and filming of a nude or semi-nude scene, you would be wise to have this information reiterated in your nudity rider. For clarity, have the rider indicate very specifically, which individuals from the production will be present. ie: Director, DOP, 1st AD.

What if I see a monitor...Can anyone from the production watch what's going on?

Absolutely not! No one is allowed access to that monitor except those persons having a direct and proven professional need to view the scene. For example the director or the continuity person could use the monitor to observe the final rehearsal or shooting, but certainly not the guy from the craft truck or any other member of the crew.

Can I have my agent or a friend on set the day of the nude scene for moral support?

Well, you can always have a representative on set with you. However if you want them to be present on the “closed set,” you need the consent of the director and your fellow actors. They have to be comfortable with your representative's presence during the nude scene as well. Again, it should be your agent, manager or an ACTRA representative, someone in a professional capacity who can intervene on your behalf if the conditions of your contract are not being respected.

I don't want any naked photos of me floating around. Can they take stills of me in the nude while I am on set?

Still photos may only be taken with your prior written consent and they must specify the nature of the photo and what they plan to do with it. Any unused stills, and the negatives must either be turned over to you or otherwise accounted for to your satisfaction.

Yes, but what about the Polaroids they take for continuity. What happens to them?

They can take Polaroids for continuity purposes. However, any unused Polaroids, those not kept for continuity purposes, must be turned over to you or once again, accounted for to your satisfaction.

Hmmm...can they use clips of a nude scene to promote the product?

Not without your written consent.

What's the scoop on Body Doubles?

Here's the thing. If the director and the DOP have done their job, the audience will think it's your bod they're seeing. Whether it's a body double or a mannequin, it is still your image. The same rules apply. Basically it works like this:

If the performer wants a body double for the nude scene, it must be negotiated and stated in the contract. Make sure the description of the scene (what it is the body double will be doing in your place) is clearly indicated in the rider.

If the producer wants to replace you by using a body double for a nude scene that you were originally going to do, they must have your prior written consent. The performance of the body double must be limited to the general outline of the original nude scene.

If the producer wants to create or add to a nude scene using a body double for a role that you were originally contracted for, they must get your prior written consent and they must submit to you a complete description of the scene to be doubled.

In all cases, you have the right to disapprove of 50% of the body doubles proposed by the producer.

If I have reason to believe the nude scene I agreed to in my contract may not be the one that will appear in the final product... Is there anything I can do?

Hmmm...if you have a serious concern, you can request to view the footage at the *fine-cut* stage. The IPA states that the producer will not unreasonably withhold permission to view such footage. However, you should check about the post-production schedule since it varies from production to production. The editing process for an MOW for example, can be done in about three weeks, where as a feature film can take up to as much as two years. Keep on top of the situation because once the project is out there and seen by all and sundry, it will be too late to do anything.

“If you have a serious concern, you can request to view the footage at the *fine-cut* stage.”

How to Handle Yourself When the Only Thing Between You and the Crew is a Smile

This next section will give you some practical advice on how to handle those really sticky situations that may happen from time to time.

Make the 2nd AD your new best friend...

2nd ADs are very cool people and usually have some experience when it comes to shooting nude scenes. Talk to them when you first get to set. Develop a rapport. Don't be afraid to ask questions or voice your concerns. It is their job to make sure everything runs smoothly.

When the pressure's on...

"You're holding up the shoot and that costs money..."

"It's taking longer to argue this out than it would to shoot it..."

"But we talked about this and you agreed..."

"What if we pay you more money...?"

“Don't be afraid to ask questions or voice your concerns. It is [the 2nd AD's] job to make sure everything runs smoothly.”

Sometimes, when the clock is ticking, emotions run high and the pressure gets turned up on a performer to just go ahead and do it. Don't feel obligated to do anything you didn't agree to in writing, no matter who says what to you.

Take the professional approach...

You are a professional hired to do a job just like every other member of the cast and crew. However, if those around you are not respecting your rights, a well placed show of righteous indignation can be extremely effective. Especially when people are not accustomed to seeing you behave that way.

“You are a professional hired to do a job just like every other member of the cast and crew.”

When cold feet trap you in the Winnie...

Breathe! Take a moment to collect yourself. It helps to remember that most of the production team has probably already seen way more than you will ever show. It is just another day on the job for them. Talk to the 2nd AD. Talk to the director. They appreciate that doing a nude scene is difficult. They will help put you at ease.

This is not a peep show...

If there are individuals hanging around where they shouldn't be, speak up! Don't worry about what anyone else thinks. Speak up long and loud if you have to. Tell the 2nd A.D. to get them the hell out of there!

“If there are individuals hanging around where they shouldn't be, speak up!”

When things go wrong at 3:00 a.m....

For some reason, things always seem to go wrong after business hours. When this happens, performers find themselves feeling completely alone and vulnerable. If you are asked to do something that is not in accordance with your contract, don't freak! Take 5 minutes. Call a friend, call your agent, call your mom, anyone who can help you get some perspective on the situation. If it is during business hours, call your agent or call ACTRA immediately. In the end though, the final say is yours. You must be able to live with your decision. Remember, if it is not in your contract, you CAN refuse! ACTRA will support your decision.

“In the end though, the final say is yours. You must be able to live with your decision. Remember, if it is not in your contract, you CAN refuse! ACTRA will support your decision.”

When It's a Case of Sexual Harassment

Having to show a little more skin than normally required is not the only situation where a performer may encounter problems. You don't have to be naked to be on the receiving end of a snide remark or sleazy behavior. Even if you (and the producer) do everything right, you can still have a miserable experience as a result of sexual harassment on the set. It can happen in any working environment and the film industry is no exception.

ACTRA takes a pretty dim view of personal harassment of any kind. The following is an excerpt from the IPA that addresses this very issue:

A503 FREEDOM FROM PERSONAL HARASSMENT

- 1)** The Producer shall use its best efforts to maintain a working environment which is free from sexual/racial/personal harassment.
- 2)** For the purposes of this clause sexual harassment includes:
 - i)** unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is unwanted;
 - ii)** implied or expressed promise or reward for complying with a sexually oriented request;
 - iii)** implied or expressed threat or reprisal, in the form either of actual reprisal or the denial of opportunity, for refusal to comply with a sexually oriented request; and
 - iv)** sexually oriented remarks and behavior which may reasonably be perceived to create a negative psychological and/or emotional environment for work.

You need to know that sexual harassment of our male and female members will not be tolerated. These issues are taken as seriously as any other violation of the Collective Agreement. If you ever find yourself in any of the above mentioned circumstances, don't be afraid to call ACTRA immediately. There is a process in place whereby complaints of this nature are addressed and resolved promptly and confidentially.

What Happens When Violations Occur

We thought it would be a good idea to give you an overview of the steps ACTRA will take if your rights under the collective agreement have been violated.

What does ACTRA do when a violation occurs?

Well, there are a lot of possible ways in which a violation can occur, so there are at least as many ways in which ACTRA may respond. Each situation requires a different approach. In any case, some things can be fixed after the fact and some things can't. Remember though, you have 30 days in which to raise a complaint under the IPA. Often a production will wrap and leave town almost immediately so whichever approach is taken, it must be done quickly.

Hmm...so what would be the first step ACTRA would take?

Now hold on a minute. The Bat Phone doesn't automatically ring at the ACTRA office whenever violations occur. **The first step is yours!** You have to let us know, otherwise we can't help. Once we are informed about a violation, we will approach the producer on your behalf. We may request a meeting to discuss the situation with the intent on finding a resolution. If a resolution cannot be found, ACTRA may or may not file a grievance depending on the situation.

What is a grievance?

A grievance is the official procedure by which unions resolve disputes. It's pretty serious stuff. You can get the full picture of how it works by checking out clauses A1003 and A1004 in the IPA.

So what can a performer expect if a grievance results in their favour?

Remedies range anywhere from letters of apology to Liquidated Damages and anything in between.

What do you mean "Liquidated Damages"?

Liquidated Damages is a term used to describe penalty payments to performers. It can also mean payments to an appropriate charity or towards initiatives to improve working conditions of performers.

How d'ya think we paid
for this guide...?

The Guilty Parties

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