



TruJuLo

COHENMILSTEIN

Inclusion Rider Template
Fashion Week
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1. Statement of Purpose

- The fashion industry plays an integral role in influencing cultural trends, norms, values and perspectives and has an outsized role in defining beauty, through the images that appear in magazines and the models who walk the runways during Fashion Week.
- Unfortunately, a key driver of the industry has been exclusivity in the form of gatekeeping and lack of transparency. Limiting access to what is “hot” and celebrating limited shapes, colors, sizes, and heights of people represented among the most successful models – these practices are ones of exclusivity.
- The industry employs models and myriad people behind the scenes, including photographers, hairstylists, makeup and nail artists, stylists, editors, publicists, casting agents, production teams, assistants, caterers, and others. It is important to note that under-representation of certain communities is also a challenge in off-camera positions beyond the fashion industry.
- The industry has historically fallen short in creating opportunity for and recognizing the value of people from under-represented backgrounds both on-camera and off-camera. With these challenges come tremendous opportunities for progress, to advance toward a fashion industry that looks like America, on-camera and off.
- Addressing lack of representation on-camera and off, and within companies in the fashion industry, includes naming those who have been and continue to be under-represented: Black, Indigenous, Asian American & Pacific Islander, and other Non-Black people of color, those of Hispanic or Latino/a/x descent, women of all backgrounds and identities, people with disabilities, people over the age of 40, and Lesbian, Gay, Bisexual, Transgender, or Queer (“LGBTQ+”) people.
- Furthermore, addressing systemic and ongoing under-representation also requires a critical examination of the history and structure of the industry, as well as particular attention to those who experience intersectional discrimination, discrimination that is the result of multiple intersecting under-represented identities, including racism, sexism, colorism, sizeism, ableism, or on the basis of sexual orientation or gender identity.

- The fashion industry’s opportunities for progress manifest in different ways for different under-represented groups and for different parts of the industry.
- Just as the shortcomings in the fashion industry are multi-faceted, so too must be the strategies for addressing those shortcomings. Using an Inclusion Rider tailored to runway fashion shows is one such strategy targeted to improve representation on-camera and off-camera in the production of fashion shows and editorial or photo shoots.
- Efforts to cast and hire qualified candidates from under-represented backgrounds reflect conscious efforts to overcome historical bias in the industry to move toward more equitable. They are not quotas.
- NAME THE PARTIES recognizes that they have an opportunity to improve hiring practices for the productions in which they is involved, and thereby seek to deepen diversity, equity, inclusion, and accessibility by taking affirmative measures to consider diverse applicant pools, hire qualified individuals from under-represented backgrounds, and to hold themselves accountable by gathering and reporting information and making meaningful contributions to support the hiring of people from under-represented backgrounds.
- Accordingly, NAME THE PARTIES intend to utilize this Inclusion Rider (“Addendum”) for ___ Fashion Show (“Production”).

2. Definitions

- a. The term “Parties” means _____ and _____.
- b. The term “On-Camera” refers to models, primarily, and may include performers or musicians, where applicable. The term “Off-Camera” refers to crew, stylists, makeup and nail artists, caterers, and all other staff for the Production as defined further in footnote 2.
- c. The term “under-represented group(s)” encompasses people from communities that historically have been under-represented in fashion and includes people who identify as Black, Indigenous, Asian American & Pacific Islander, or Non-Black People of Color (including consideration of colorism), people of Hispanic or Latino/a/x descent, women of all backgrounds and identities, people with mental and/or physical disabilities or impairments, LGBTQ+ people, people 40 and older, and/or people having a combination of these attributes. As used in this Inclusion Rider, the term “under-represented” is both expansive and context-specific; it should and will be adjusted based on available data for the positions in question.
- d. The term “event location” refers to the physical location(s) where the Production is taking place, including locations where interviews, go-sees, auditions, and other processes for consideration of potential hiring are taking place. “Event location” may consist of multiple locations and should include all sites where the on-camera and off-camera personnel, including crew, is working and from where the Production is being produced.

3. Recruitment, Audition/Go-Sees, Show Pack & Interview Objectives

- a. Creative Discussion With Designer(s): Before the process for producing the Production begins, or as early in that process as is feasible, the Producer, Designer(s), and Casting Director (“Senior Leadership Team”) shall meet to determine together where the Production presents

opportunities for recruiting, considering, casting and hiring individuals from under-represented backgrounds, including a deliberate effort to consider those who may have been affected by intersectional discrimination, in both On-Camera and Off-Camera Positions.

- i. The quality and authenticity of the Production shall be maintained.
- ii. As part of this process, the Senior Leadership Team shall examine any available qualitative and quantitative data regarding underrepresentation in positions on the Production, with the goal of tailoring recruitment efforts to address underrepresentation. The Senior Leadership Team should seek guidance from EXPERT/ANALYST¹ and counsel in identifying and evaluating available data.

b. **Benchmarks:** The Senior Leadership Team should set benchmarks or targets for qualified individuals from under-represented backgrounds who are considered for positions and who are hired into positions. The Senior Leadership Team will treat these benchmarks for recruiting and hiring as flexible goals, reflecting efforts for progress over time. They are not quotas. Further, the Senior Leadership Team will ensure that only qualified candidates are hired/cast. See ¶ 4. In setting benchmarks, the Senior Leadership Team should seek guidance from EXPERT/ANALYST and counsel, and also should consider: (a) the geographic location of the Production, including local, state, or national demographics; (b) the composition of the pool of qualified candidates; (c) recent similar productions; and (d) any other relevant factors. In addition to working with EXPERT/ANALYST, the Parties will partner – throughout the implementation of the IR on this Production – with organizations or individuals whose expertise will support successful implementation.

c. **Recruiting Plan:** The Senior Production Team shall develop a plan to identify, invite and encourage individuals from under-represented backgrounds to seek roles in the Production (the “Recruiting Plan”). This should involve an affirmative process of public posting of openings, outreach to modeling agencies and agents who prioritize representing models from under-representing backgrounds, outreach to applicable unions and guilds, as well as organizations whose missions involve identifying opportunities for those from under-represented backgrounds and should involve a deliberate effort to consider those who may have been affected by intersectional discrimination.

d. **On-Camera:** As part of the Recruiting Plan, the Senior Leadership Team will aim to deepen and expand candidate pools for the On-Camera Positions to ensure that qualified candidates from under-represented backgrounds can seek positions and/or are considered for each role. The selection or casting process should include an awareness of intersectional discrimination, and in particular, a deliberate effort to seek out and consider individuals from those groups that have been most marginalized or disadvantaged. At least 50% of the candidates considered by the Senior Leadership Team for On-Camera Positions shall be

¹ In addition to relying on EXPERT/ANALYST, the Parties could also rely upon human resources and/or DEIA professionals. See Hollywood Inclusion Rider Policy Implementation Guide & Resources, www.inclusionrider.org

members of under-represented communities, as defined above. Determining who comes from an under-represented community should utilize an intersectional equity perspective.

- i. This effort should include, for example, having Casting Directors work with agencies to ensure that comp cards and show packs for models include a meaningful percentage of models from under-represented backgrounds.
- ii. The effort should also include a review of digital comp cards by Casting Directors and Designers.
- iii. These efforts will demonstrate a commitment to ensuring that go-sees reflect the deepest, most diverse pool of potential models for the Production.

e. **Off-Camera:** As part of the Recruiting Plan, the Senior Leadership Team will work to deepen and expand candidate pools for “Relevant Off-Camera Positions”² by recruiting individuals from under-represented groups for those Relevant Off-Camera Positions. To that end, before the hiring process begins, the Senior Leadership Team should use any available data to determine positions in which individuals from under-represented communities may have been underrepresented; this analysis should be position-specific. The recruiting process should include an awareness of intersectional discrimination, and in particular, a deliberate effort to seek out and consider individuals from those groups that have been most marginalized or disadvantaged. The Senior Leadership Team should strive to consider for employment a pool that is at least 40% comprised of qualified individuals from under-represented communities for each of the Relevant Off-Camera Positions. This is not a rigid goal.

f. **Reasonable Accommodations:** The Parties shall provide reasonable accommodations to On-Camera and Off-Camera individuals with disabilities, in accordance with any applicable federal and state law. In addition, the Parties shall take affirmative steps to tailor the selection, recruiting, and hiring processes to minimize or eliminate any barriers that exist for individuals with mental or physical disabilities or impairments to apply for positions on the Production. For example, the Parties shall endeavor to make facilities accessible to individuals with mobility limitations, provide interpreters at interviews or auditions or go-sees, and make accommodations for individuals with visual disabilities, among other potential accommodations. The Parties shall ensure that the event location is accessible for attendees and people in both On-Camera and Off-Camera positions.

² Relevant Off-Camera Positions are: the Production Team, including Production Manager, Show Caller, Backstage Management, and Show Assistants; Casting Director; Casting Assistants; Stylist; Stylist Assistants; PR Team; Tailors; Hair Director; Hair Assistants; Makeup Director; Makeup Assistants; Nail Director; Nail Assistants; Dressers; Collection Delivery; Music Producer; Photographer(s); Security; Cleaning; Venue Manager; BS Manager; BS Assistant; Scenic; Audio; Lighting; Rigging; Video; Livestreaming; Teamsters; Permitting.

- g. Gender-Neutral Facilities: All reasonable efforts will be made to ensure that there are gender-neutral restrooms available at the event locations for attendees of the Production and people in both On-Camera and Off-Camera Positions.
 - h. Land Acknowledgement: All reasonable efforts will be made to ensure that interviews, go-sees and auditions, and the Production itself create the opportunity for meaningful acknowledgement of Indigenous peoples' past and present relationship to the land on which interviews, go-sees and auditions, and the Production are taking place and where activity related to the Production occurs (event locations).³
4. Hiring Objectives:
- a. Hiring for On-Camera Positions: Consistent with achieving production authenticity and quality, and following the Recruiting Plan, the Senior Leadership Team shall affirmatively seek opportunities to cast qualified members of under-represented groups in all On-Camera Positions, see ¶13d, including the good-faith consideration of intersectional discrimination.
 - b. Hiring for Off-Camera Positions: For all Relevant Off-Camera Positions, see ¶13e, and following the Recruiting Plan, the Senior Leadership Team shall affirmatively seek opportunities to select qualified and available individuals from under-represented groups, including the good-faith consideration of intersectional discrimination.
 - c. No Quotas: Efforts to cast and hire qualified candidates from under-represented backgrounds into On-Camera and Off-Camera Positions do not reflect quotas, but conscious efforts to overcome historical bias in the industry to move toward more equitable representation, while ensuring that all individuals cast and hired are qualified for their positions.
5. Confidentiality in Collection, Maintenance, and Use of Data: The data collected pursuant to §6 below shall remain confidential and anonymous in its disaggregated form and should be maintained separate from any job applications. Data may be used by EXPERT/ANALYST or the Parties to inform research regarding diversity and inclusion in fashion, in a manner consistent with local, state, and federal law.
6. Data Collection & Reporting: Gathering information about efforts to deepen diversity and representation on the Production is central to creating a culture of progress and accountability for advancing diversity, equity, inclusion, and accessibility. Such collection of information must be undertaken in a manner consistent with local, state, and federal law, including Title VII of the Civil Rights Act and the Americans with Disabilities Act.
- a. To that end, the Parties should invite candidates for On-Camera and Off-Camera Positions to voluntarily provide self-identification information, as described below, making clear that (i) providing information is voluntary, (ii) information will be kept confidential and separate

³ See Hollywood Inclusion Rider Resources, www.inclusionrider.org, for land acknowledgement guidance.

from application materials, and (iii) refusal to self-identify will not subject the person to any adverse treatment; and (iv) information will only be utilized in a manner consistent with state and federal law. Invitations to provide self-identification information must be accompanied by a statement affirming the value of diversity and explaining the purpose of data collection to enhance diversity and inclusion in the Production.

b. This data collection effort will utilize U.S. Census designations for race and ethnicity and gender. Candidates for On-Camera and Off-Camera Positions should be given the option to, or invited to, voluntarily write-in their ethnic or racial background or tribal affiliation, sexual orientation, gender identity, and/or disability status,⁴ or to decline to provide this information.

c. The Senior Leadership Team shall provide a report containing the following comprehensive data to EXPERT/ANALYST following the Production:

i. the total number of individuals who auditioned, interviewed for, or were considered for each On-Camera or Relevant Off-Camera Position. This reporting shall be maintained in a confidential manner, consistent with the approach used for other HR information, but separate from application materials;

ii. the number of those who auditioned, interviewed for, or were considered for each On-Camera or Relevant Off-Camera Position, who identified as:

- (1) women;
- (2) Black, Indigenous, Hispanic or Latino/a/x, AAPI, and/or any other people of color;
- (3) people with disabilities;
- (4) LGBTQ+;
- (5) people over age 40;
- (6) a combination of diverse qualities identified in (a-e);

iii. the number of individuals from any under-represented groups who were cast in On-Camera Positions;

iv. the number of individuals from any under-represented groups who were hired for the Relevant Off-Camera Positions, based on available data;

v. information regarding or documentation of efforts made to identify and recruit qualified individuals from under-represented groups for On-Camera or Relevant Off-Camera Positions, including emails or records of telephone calls to individuals, lists of individuals considered, or memoranda or emails documenting efforts. The Parties should provide to EXPERT/ANALYST, as a matter of course, a short narrative regarding posting, recruiting, and networking procedures for On-Camera or Relevant Off-Camera Positions for the Production, drawing on the Recruiting Plan(s).

7. Accountability or Compliance: This section provides a mechanism for determining whether the PARTIES complied with this Inclusion Rider's stated purposes and sets forth meaningful monetary accountability measures and suggested actions where the terms of this Inclusion Rider were not satisfied, in support of addressing barriers to casting and hiring qualified people from under-represented backgrounds.⁵
 - a. Whether the PARTIES have complied with this Inclusion Rider for On-Camera or Relevant Off-Camera Positions will be determined in consultation with EXPERT/ANALYST, which/who will undertake analysis of the totality of the data and information gathered through the process set forth in ¶¶3, 4, and 6, including the efforts made to analyze existing data, identify areas and/or communities of underrepresentation, and benchmark(s) or inclusive hiring targets established, adherence to the Recruiting Plan(s), data or information regarding the available pipeline of qualified candidates for each position, the demographics of those cast and hired, and any other relevant data or anecdotal information. The analysis will be completed by EXPERT/ANALYST in accordance with documented methods for evaluation.
 - b. If the determination is made that PARTIES have failed to satisfy the terms and commitments of this Inclusion Rider for On-Camera or Off-Camera roles, PARTIES shall make a contribution of AMOUNT to organizations whose work is committing to advancing toward equity in the music industry. Designated recipient organizations are NAME ORGANIZATIONS.⁶ The contributions made pursuant to this paragraph shall constitute the complete and exclusive monetary accountability measure for not satisfying the terms and commitments of this Inclusion Rider.
8. Dispute Resolution: Those terms of the Parties' contract setting forth processes for dispute resolution shall also govern the resolution of disputes pursuant to this Inclusion Rider.
9. Expiration: This Inclusion Rider is designed to address actual disparities within the composition of the On-Camera and Off-Camera Positions addressed herein and will be revisited each season.

⁵ The spirit of this Inclusion Rider is that the Parties treat this good-faith accountability provision as an opportunity for self-reflection, commitment to improving practices and pipelines, and re-commitment to implementing inclusive hiring practices, not as a "cost of doing business."

⁶ The Parties may consider a variety of meaningful commitments. For example, the Parties may agree to contribute a set percentage of the overall budget for a particular project, to a 501(c)(3) organization whose mission is to increase representation within the fashion industry or to address pipeline shortcomings. If the Parties choose to invest those resources internally, for example, undertaking an audit to determine how best to address shortfalls in representation on-camera and/or off-camera, or committing to a meaningful internal budget for DEIA work. However, internal investment should be focused on hiring rather than apprenticeship or other programs for temporary work, as research has indicated the priority should be on paid, permanent work.