

## How film producers can avoid a Baldoni-Lively type fight in court

By **Emma Chapple**

Law360 Canada (August 28, 2025, 10:45 AM EDT) -- By now, we've all read the salacious headlines: Hollywood actress Blake Lively and actor-director Justin Baldoni are in a seemingly never-ending legal battle over Baldoni's alleged behaviour on the set of the 2024 domestic violence drama *It Ends With Us*.

The case has managed to implicate everyone from the *New York Times* to Taylor Swift and Lively's husband, Ryan Reynolds. This entertainment lawyer thinks the Baldoni-Lively courtroom drama is more titillating than the very film that started it.

It's so easy to get swept up in the made-in-Hollywood drama and forget what the whole thing is about, and how it might have been avoided in the first place.

To summarize: Lively and Baldoni were co-stars. Baldoni was also the director of the film, which was independently produced by his production company, Wayfarer Studios. Following rumours of the two stars butting



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Warmworld: ISTOCKPHOTO.COM

heads on set, Lively initiated a complaint against Baldoni and Wayfarer with the California Civil Rights Department, alleging Baldoni created a hostile work environment through sexual harassment and boundary violations, such as improvising kissing scenes during filming. Lively later filed a formal lawsuit in Federal Court.

Baldoni, for his part, has denied the allegations and countersued Lively for defamation.

What's getting missed in all the juicy gossip?

That film sets are indeed workplaces and can be hotbeds for improper conduct and butting egos. Actors working on set are wise to consult with their entertainment lawyer and take a proactive approach to misconduct. It's your first line of defence.

### **Five practical tips for film producers from an entertainment lawyer**

1. Film producers need to understand their obligations under OHSA (*Occupational Health and Safety Act*) and ACTRA's harassment policy.

For productions in Toronto, it starts with the OHSA. Ensuring everyone on set, from the above-the-line actors to the below-the-line trades, is familiar with the harassment provisions under the OHSA will allow all employees to know their rights to a harassment-free workplace and obligations for reporting. Film producers should also be familiar with any applicable union policies, such as ACTRA's harassment policy.

2. Film producers must prepare a policy with respect to workplace violence and harassment and develop and maintain a program to implement the policy. In workplaces with more than five regularly employed workers, the policy must be in writing and posted in a conspicuous place or in a readily accessible electronic format. Employers must proactively assess the risks of workplace violence or harassment that may arise from the nature of the workplace, the type of work or the conditions of work. Measures and procedures to control these risks must be included in the program.

*It Ends With Us* was a film that dealt with painful topics and required Lively and Baldoni to act out scenes of domestic violence. In intimate situations, what can be one performer's heat-of-the-moment creative decision can be someone else's crossed line. Lines can be even blurrier when a performer is also the director and producer.

3. Hire an on-set intimacy coordinator — a person who acts as a liaison between actors and production during intimate or tense scenes — to make sure performers are comfortable and add an extra layer of protection for productions.

4. Hire on-set counselling services. Beyond intimacy coordinators, another tool in the risk-management box is ensuring employees have access to counselling services on set. On-set counsellors are especially recommended for productions that deal with emotionally charged material like domestic violence. This benefit isn't limited to the lead actors and is accessible to all members of the cast and crew. On-set counsellors are commonplace on sets in the United Kingdom, and the practice is now starting to gain traction in North America.

5. If there is an incident or a complaint of workplace harassment, an employer must ensure a prompt investigation under OHSA requirements. An entertainment lawyer can help guide productions through the investigation process, including who may conduct the investigation and what the producers' obligations are throughout the process.

Working on a splashy movie set doesn't mean you can contract out of employment protections; this has been tested in court and struck down. The employment rules are the rules for all, even actors. Retaining an entertainment lawyer who is knowledgeable about the entertainment industry and employment law is your best protection against the real-life drama of unwanted behaviours.

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