

PERFORMING ARTS FORUM

EMPLOYMENT TOOLKIT Part I // FACTSHEET

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Introduction

This Employment Toolkit has been compiled to make the requisite documents, policies and processes available to the theatre and wider performing arts community. Recent narratives and events within the sector have highlighted the role and responsibilities of managers and producers, as employers of staff and artists on both freelance and contract basis, as well as volunteers.

As Board Directors, we possess a substantial responsibility and duty of care to all individuals engaged in a professional employment capacity within our organisations – whether they are contract, freelance, employees or volunteers.

As employers, we must ensure we are compliant with employment legislation, alongside actively nurturing working environments that support our people to do their best work, being respectful of difference and diversity.

The documents included in this Employment Toolkit offer a full suite of employment templates for organisations and individuals providing employment. For ease of reference, we have also included an *Employment Contract Table* and *FAQs* which deal with day-to-day queries for contractors, employees and employers.

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Team	Peninsula HR

Employment Contract Table

Contract Type	Company Employee Handbook	Company Dignity at Work Policy	Public Service Human Rights Duty	Employment Equality Acts	Health and Safety at Work Act	Recourse to Workplace Relations Commission	Workplace Standards
Contract of Service [considered to be an <i>employee</i>]	✓	✓	✓ [for publicly-funded or public bodies]	✓	✓	✓	X Company Employee Handbook applies
Specified Purpose Contract [considered to be an <i>employee</i>]	✓	✓	✓ [for publicly-funded or public bodies]	✓	✓	✓	X Company Employee Handbook applies
Contract for Services [<i>contractor</i> or <i>self-employed consultant</i>]	X	X	✓ [for publicly-funded or public bodies]	X	✓	✓	✓ For guidance only
Freelance Engagement * and Volunteers	X	X	✓ [for publicly-funded or public bodies]	X	✓	✓	✓ For guidance only

* Where terms of engagement are considered to be implied but not in written contractual form.

Frequently Asked Questions

Q: I am a freelance artist – what happens in the event that I experience Bullying and Harassment during my time working on a project?

A: Protections exist for all forms of employment under employment and civil legislation, though they differ according to the form of contract you're engaged with (*see Contract Table*).

The most important thing to do, in the event that you experience an incident of bullying or harassment in the workplace – is to record it. Very often, this can be something we forget to do – but it is key that a “contemporaneous note” or log of the incident exists (an email to yourself, a diary note, or simply a written log of what happened and when). If you are a member of a union, it may be helpful to contact them for further information on their supports, also.

Secondly, consult the organisation's [Dignity at Work](#) or [Bullying and Harassment](#) policy. Under Health and Safety legislation, *all* employers have a duty of care to ensure a safe workplace for those working for them, including the provision of processes and supports to both staff and contractors in the event that they experience bullying or harassment.

In most policies, the first step will involve your reporting the incident to a contact person – sometimes this will be a HR or Personnel Manager or Officer – or a member of management with responsibility for the policy. This first step will involve an informal process, often involving the perpetrator of the alleged incident, in order to resolve the issue. There is no requirement on you to pursue this informal step in the process and it will not have any impact on any further stage in the process if you choose not to do so

From this juncture, the process will move to a formal stage – and you can read this in full here ([Bullying and Harassment Policy](#)).

Q: I employ freelance and contract staff on a periodic basis – what provisions do I need to put in place?

A: As an employer, regardless of the size of your organisation – under key legislation (*see Contract Table*) – it is incumbent on you to ensure:

A Contract of or for Service is in place for each person you employ;

An [Employment Handbook](#) is provided to and made available on an ongoing basis to anyone in your employment;

A Bullying and Harassment and *Dignity at Work policy* are in place, with a clear process and 'contact' or responsible person(s) are trained in and available to, deal with any issues arising;

In a practical sense, that you do your level best to ensure an organisational culture which promotes dignity and respect, and does not tolerate negative or damaging behaviours to any individual in your employment. This commitment should be

reflected in all employment contracts under the section for undertakings of the organisation and the undertakings of the person being engaged.

Q: What is the difference between a Contract *of* Service and a Contract *for* Services?

A: A Contract *of* Service relates to an agreement between an employer and employee - an employee will be entitled to specific statutory protections and benefits and will be subject to PAYE taxation. A Contract *of* Service may also be titled a *Specified Purpose Contract* – or “fixed term” contract – which has a timeline set out, with a start and end date, and outputs associated during this period.

A Contract *for* Services indicates a relationship between an organisation and a self-employed contractor – for example, the individual may be engaged for a specific project or piece of work; they are responsible for their own tax affairs.

Depending on the nature of the work involved or associated requirements, such as timeline or deliverables, an organisation may choose to engage an individual on either form of contract.

Q: I'm a company General Manager, if a member of staff reports an incident of Bullying or Harassment to me – what should I do?

A: The most important thing to do if a staff member reports an incident to you, is to listen – those experiencing difficulties at work in the first instance require a calm, compassionate approach.

When the staff member explains their experience, it can be helpful to then outline the process available to them, leaving them time to consider which approach they feel most comfortable with pursuing. Ensure you have also mentioned that sometimes, negative interactions at work can be accidental and more a case of ‘impact, not intention’ – and a good way to address such situations is through an informal process.

Ask the staff member if they feel this is something they may want to consider – and let them know that a short note will be made of the conversation and put on file, simply as a record of the conversation.

If you are the *Contact* or *Responsible person* [See [Bullying and Harassment Policy](#)], follow the process as outlined.

Q: If I don't report an incident of Bullying or Harassment during employment – is there any recourse available to me?

A: Depending on the nature of the incident(s), there are different routes or modes of recourse available to you. However, in a workplace context, it's best to log an incident or issue as close as possible to the time when it occurred or at least within six months. This is to ensure that it can be investigated properly while events are clear in the memory of everybody involved.

Q: Should I get training if I'm the *Contact* or *Responsible person* for employment policies in my organisation?

A: If you haven't been involved in HR processes or had experience with *Dignity at Work* policies – it would be helpful to have some training on how to manage and implement the policy. See [Safe to Create](#).

Useful Contacts and Information

[Citizens Information Bureau](#)

[Irish Equity](#)

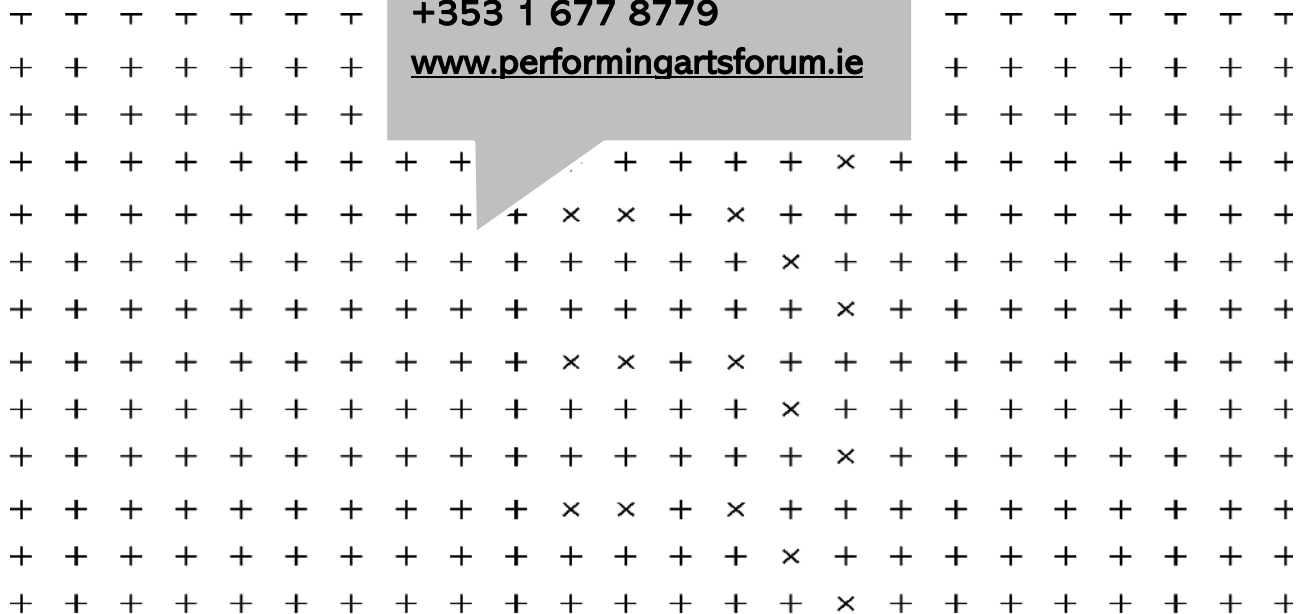
[Workplace Relations Commission](#)

[Safe to Create](#)

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Introduction

This Toolkit has been developed to support performing arts organisations of all sizes and art-forms to actively and practically further their efforts in achieving gender equality, and promoting diversity and inclusion.

Given the complex and dynamic nature of the performing arts, the ideas and suggestions in this toolkit are set out with flexibility at the heart of each process, tied to a clear target with measurements and accountability in-built.

In addition, some of the common challenges shared by organisations, regardless of size or resource level, are answered through the Frequently asked questions section – as well as four key tips to keep organisations on-track.

Frequently Asked Questions

Q: Where's the best place to start when creating a Gender Equality and Diversity Policy?

A: It's generally helpful, in the first place, to get a 'baseline' audit of how diverse your organisation and its activities have been over a period - for instance - a three, five or ten year timeline. This provides you with an overview of where your diversity 'gaps' may exist. For reference, the draft Gender Equality and Diversity Policy included in this toolkit, sets out what an analysis might consist of.

In addition, #WakingTheFeminists' publication, 'Gender Counts' provides an overview of how organisations might record and analyse their gender and diversity.

Taking action to nurture and promote Gender Equality and Diversity will look slightly different for each organisation, depending on its size, activities and programming. The key to its success will be based on making your policy practical, tailored to your organisation's activities, and measurable.

Q: I've set out a policy for my company on Gender Equality and Diversity, but I'm a bit concerned it might end up 'on a shelf' or not practical enough. How do I ensure it's a workable document?

A: As with any policy or strategy - the key in successful implementation comes down to how practical it is. It's definitely helpful to provide context, information and background insight - but there's a balance to be achieved between too much detail and ensuring actionable goals are set out.

The template Gender Equality and Diversity Policy and Key Tips provide simple, actionable approaches to your own policy - including how to apply objectives that are workable to your own organisation and how to measure them.

Q: We're a small organisation - with only one full-time member of staff - how do we

approach Gender Equality and Diversity in a meaningful way? I'm concerned about our efforts seeming like tokenism.

A: Putting in place a practical policy will mean something different for every organisation, based on its size and resources. However, the same key tenets apply - and can be tailored to ensure your efforts are effective while not over-stretching your organisation/team.

One of the main things to do at the outset, is to understand the areas of your company's activity that need to be reviewed - for most organisations, this tends to centre on: programming/production activity, staffing and management. This is because these are areas of the performing arts where issues of gender equality and diversity most regularly surface.

Q: Why is it important for us to look at this issue, in the first place?

A: There are many reasons why it's important to understand your own organisation's strengths and opportunities in relation to Diversity and Inclusion. Recent narratives regarding gender equality in the arts, including specific issues pertaining to representation, access and advancement of female artists have pointed to the necessity for all types of performing arts organisations to be mindful and aware of their responsibilities regarding equality.

Organisations in receipt of public funding have a responsibility to ensure equality of opportunity and prevention of discrimination; in addition, various forms of employment and civil legislation outlaw discrimination. However, the necessity to ensure diversity and inclusion is a consideration for organisations goes beyond compliance – recent studies by Arts Council England show that it's proven to make a substantial contribution to artistic enrichment and audience diversification.

Q: How do we define 'diversity'?

A: Generally, organisations utilise legislation such as the [Employment Equality Acts](#) and [Equal Status Act](#) to define diversity - for example, this might include: Gender, Ethnicity/Race, Sexual Orientation, Membership of the Travelling Community, Religion, Disability, and Age (seven of the nine grounds outlined in both acts).

Very often, however, organisations now also include Socioeconomic Status, and Geography (e.g. where an individual originates from/resides).

At the heart of any Diversity and Inclusion Policy is a clear focus on ensuring that the widest diversity of society is represented in, and has access to your organisation's work.

Q: Should I set a timeline for my policy?

A: It's definitely worthwhile considering a timeline for implementation of your policy - otherwise it will be hard to measure. Like any strategic/business plan or policy, it's important to set goals and measure/test implementation to ensure the policy works, and understand issues if they arise. This will also provide your organisation with the

opportunity to change the policy, if elements of it appear not to be working – evolving practices or approaches where it proves useful.

Ensuring your policy remains a ‘living document’ rather than a document that exists only to live ‘on a shelf’ is hugely important to the long-term success of the policy.

Q: How do I know my policy has ‘worked’?

A: Much like the need for a timeline, any policy should have an implementation plan, with regular reporting - this can be effectively done by ensuring the policy has an ambassador, or committee (depending on the size of your organisation). As with other organisational strategies, management oversight is crucial - for this reason, it is recommended that policy progress updates are scheduled for Board agenda on a periodic (for example, every second meeting) basis.

It is only with regular appraisal of the policy’s progress in achieving stated aims, that you will know whether it has been successful or not.

Draft Gender Equality and Diversity Policy

Context/Background

This Policy has been developed following the recent and ongoing discussions regarding both gender equality and diversity in the performing arts. Our company recognises the role it plays in ensuring equal opportunity, and making its contribution to the furtherance of diversity in the [art-form] art-form.

In order to construct this Policy with a clear focus on tangible, measurable outcomes, we have conducted an analysis on our organisation, and its activities, as an [art-form] company. These four key areas have been analysed over a [five/ten year] period from [time to time]:

- Our Programme
- Our Creative Development
- Our Staffing and Organisation
- Our Board

This analysis provided the following breakdown of information:

(This is where your analysis of programming activity, Broad/staff representation, creative development - or other outreach activity, as appropriate - would be included. On the basis of the information uncovered, it will be possible to set appropriate actions/targets/focuses for the policy.)

Key Focus of Policy

As noted in the section above, our analysis uncovered that while some areas of [company name] highlighted solid progress on gender equality and diversity, other areas do require attention.

As a result, we have set out the following areas of focus for the duration of this policy, which runs from [date] to [date].

- Our Programme

[Company name] is proud to offer a uniquely broad and engaging programme, attracting audience members from a diverse range of communities. We have made a considerable effort since our foundation to ensure we work with artists of diverse backgrounds, and our analysis shows strong representation from female artists, artists of different ethnicities, LGBT+ artists and differently abled artists.

The concentration of our policy in this regard, is to continue to evolve our programme to ensure our commitment continues and widens. This will be delivered in two ways – through our *Creative Development* work and some of our longer-term programme plans which involve different locations and communities, with a specific focus on multicultural Ireland.

- Our Creative Development

Creative Development at [company name] creates the pipeline of work for our future programmes, and the analysis conducted highlighted some opportunities for us to further enhance this area of company activity.

Traditionally, [company name] has received a larger number of applications from male writers/artists, with female writers comprising [30%] of the applications received over [time] period.

As a result, [company name] plans to put a call out for underrepresented writers – and specifically note the proportionately lower number of work by female writers – annually, as part of its [programme name] programme.

- Our Staffing and Organisation

[company name] has a strong track-record in terms of gender equality within its organisation overall, as pointed to by the statistics within the above analysis. However, certain roles tend to be quite gendered, namely [role] and [role], a fact which is notable in terms of the almost exclusively male composition of the [role title] role during the period reviewed, while [role title] role was entirely female.

In addition, [company name] clearly notes a lack of diversity outside of its gender analysis – something which it plans to tackle through revised hiring practices, and new and existing training/academic partnerships.

- Our Board

During the period [time period], the company’s Board showed parity in gender representation – however the role of Chair has exclusively been occupied by a male Board member. The diversity of our Board outside of gender is also quite limited.

In reviewing upcoming Board rotation, [company name] will consider its current Board recruitment process, and in consultation with the Chair, will design a revised Board vacancy notice, as well as circulation list, to ensure visibility of opportunities.

Action Plan and Timeline

(This is the part of the policy where actions and timelines will be added as a table, sample field below, under each of the areas specified in the ‘Key Areas of Policy’ section. These objectives should follow a SMART rationale- e.g. specific, measurable, achievable, realistic and time-bound.)

Area	Goal	Action	Responsible	Timeline
Our Board	Ensure vacancies are visible and accessible for a wider range of applicants	Draft new text and circulation for upcoming vacancies	Chair and GM	By end of Q1 2019

Management and Reporting of Policy

This Policy has been designed to actively engage [company name]’s operational strategy in a more diverse and inclusive way. It does not sit apart from, but rather complements the [company name] strategy and maintains a focus on the core areas of [company name]’s activity.

As outlined in the *Action Plan and Timeline* above, there are key outcomes associated with this Policy – they are practical and focused, with a timeline and owner attributed to each item. `1 This *Action Plan and Timeline* will form an agenda item for every second Board meeting, with a progress update required from the [General Manager].

Further Reading & Resources

- [What Works: Gender Equality by Design, by Iris Bohnet](#)
- [All Change Please, A Practical Guide to Achieving Gender Equality in Theatre, by Lucy Kerbel](#)
- [Harvard Implicit Association Test, Project Implicit \(Harvard University\)](#)
- [Irish Human Rights & Equality Commission/IHREC – Guides & Tools](#)