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Joint Committee on Tourism, Culture, Arts, Sport and Media
A Safe and Respectful Working Environment in the Arts
September 2022

MEMBERSHIP

- Deputy Niamh Smyth T.D., Fianna Fáil, *Cathaoirleach*
- Deputy Alan Dillon T.D., Fine Gael, *Leas-Chathaoirleach*
- Deputy Ciarán Cannon T.D., Fine Gael
- Deputy Peter Fitzpatrick T.D., Independent
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- Senator Shane Cassells, Fianna Fáil
- Senator Annie Hoey, Labour Party
- Senator Fintan Warfield, Sinn Féin

Joint Committee on Tourism, Culture, Arts, Sport and Media



Niamh Smyth T.D.
Fianna Fáil
Cathaoirleach



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Fine Gael
Leas-Chathaoirleach



Ciarán Cannon T.D.
Fine Gael



Peter Fitzpatrick T.D.
Independent



Brendan Griffin T.D.
Fine Gael



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Sinn Féin



Johnny Mythen T.D.
Sinn Féin



Christopher O'Sullivan T.D.
Fianna Fáil



Senator Malcolm Byrne
Fianna Fáil



Senator Micheál Carrigy
Fine Gael



Senator Shane Cassells
Fianna Fáil



Senator Annie Hoey
Labour Party



Senator Fintan Warfield
Sinn Féin

FOREWORD

The Irish Theatre Institute's *SPEAK UP* report represented a landmark step in highlighting the breadth and extent of the profoundly troubling issues facing artists, and particularly women in the arts. The Committee, too, has heard harrowing evidence of bullying, harassment, sexual harassment, and sexual assault across the arts sector. Such behaviours cannot continue.

Every artist deserves to practice and disseminate their art across safe platforms where they are treated with the utmost dignity and respect. No matter the artform or practice space, this should be the baseline standard—not a special request. Effort needs to come from Government, from State agencies, and from all arts participants to enact the cultural change within the arts sector that the present evidence suggests is so urgently required.

There is already excellent work being completed in this domain, and we welcome Minister Catherine Martin's engagement on the issues raised by the *SPEAK UP* report, and by the Committee's inquiry into relevant matters. We also note and congratulate the work of the Irish Theatre Institute, the Arts Council, and Screen Ireland in these spaces.

However, more must be done to fully safeguard all artists and arts workers—and particularly women, LGBTQIA+ individuals, disabled individuals, racially and ethnically diverse individuals, and those from varying socioeconomic backgrounds. The Committee makes a series of recommendations calling for stricter public funding regimes for the arts, with embedded safeguarding measures, as well as the establishment of an interdepartmental working group, the extension of employment protections to freelance artists and arts workers, and the commissioning of further research in line with the *SPEAK UP* report.

As has been said before, "you cannot be what you cannot see." In this regard, the Committee recommends that a full review is conducted of all leadership and management structures across arts organisations, with a view to mandating increased representation of minoritised groups in arts leadership. The Committee also recommends a review of educational programmes in the arts and cultural

sectors so as to bolster equality, diversity, and inclusion initiatives within syllabi and curricula.

It is hoped that the contents of the present report are an accurate and faithful representation of the individuals and advocacy groups, who have demonstrated the most admirable strength and bravery in coming forward with their own accounts and experiences. They cannot be thanked enough.

I extend these thanks to the Minister and her Departmental officials, to my fellow Committee colleagues, to the Committee's Secretariat, and to the many stakeholders who made vital contributions to the proceedings of this report.



A handwritten signature in blue ink, appearing to read "Niamh Smyth".

Niamh Smyth T.D.

Cathaoirleach

September 2022

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EXECUTIVE SUMMARY

On foot of research commissioned by the Irish Theatre Institute, a number of issues relating to harmful workplace behaviours across the arts sector were brought to light, including widespread bullying, harassment, sexual harassment, humiliation, victimisation, assault, and sexual assault in the workplace—and a significant amount of these behaviours had been, and continue to be, perpetrated particularly against women. The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media announced a series of measures to attain cultural and systemic change across the sector in light of the Irish Theatre Institute's report.

With the aim of determining how best to deliver a safe and respectful working environment for all artists and arts workers, the Joint Committee on Tourism, Culture, Arts, Sport and Media held three (3) public oral hearings and received written submissions from thirteen (13) stakeholders across the arts sector. Details of the relevant public oral hearings and written submissions can be found in [Appendix 1](#) and [Appendix 2](#).

While a significant proportion of stakeholders specifically cited issues arising across the Irish traditional and folk music scene, the Joint Committee has received evidence to corroborate the Irish Theatre Institute's finding that harmful workplace behaviours are not unique to any one artform or genre, or, indeed, to the arts sector itself. The stakeholders consulted largely called for the reform of all public arts funding, commissioning, and procurement processes, as well as the introduction of an independent facility for the anonymous disclosure and/or investigation of experiences of harmful workplace behaviours across the arts sector.

In addition, stakeholders observed that the precarious nature of arts work was compounded by cultural and attitudinal factors, as well as a lack of appropriate regulatory mechanisms. Those consulted framed recommendations for addressing harmful workplace behaviours in the arts sector across three main pillars: (i), training and education; (ii), research and monitoring; and, (iii), policy, legislative, and governance frameworks.

KEY RECOMMENDATIONS

1. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media establish an independent facility for the anonymous disclosure of experiences of harmful workplace behaviours across the arts sector.
2. The Committee recommends the reform of all public arts funding, commissioning, and procurement processes to add a number of prerequisites for the allocation of such funding, including the obligation for funding recipients to adhere to anti-harassment and Dignity in the Workplace initiatives, to declare any allegations and uphold allegations of harmful workplace behaviour, to provide training on gender-based harassment and abuse, to report on gender-balance and maintenance of all relevant policies, and to agree to regular compliance checks.
3. The Committee recommends that any such reform of all public arts funding, commissioning, and procurement processes must have clearly signposted sanctions attached for funding applicants or recipients in the event of violation of or non-adherence to relevant prerequisites.
4. The Committee recommends the reform of all public arts funding, commissioning, and procurement processes in alignment with Recommendation #22 of the Citizens' Assembly on Gender Equality, to the effect that "public funding to cultural, sports, arts, and media organisations should be contingent on: (a) a quota of 30% representation of women, and of men, on governing bodies by 2025, and 40% by 2030; (b), published plans to advance gender equality in their organisations; and, (c), annual reporting on progress toward agreed quotas on gender representation and funding".
5. The Committee recommends that an interdepartmental and interorganisational working group be established to consider and implement actions and long-term recommendations for the delivery of a safe and respectful working environment in the arts.
6. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media commission further research on the impact of harmful workplace behaviours in the arts, with a particular focus on those from

varying socio-economic backgrounds, women, disabled individuals, LGBTQIA+ individuals, and racially and ethnically diverse individuals.

7. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media conduct a review of the Boards and leadership structures of all arts organisations under its remit with a view to mandating increased gender balance and increased representation across the socio-economic spectrum, and of disabled individuals, LGBTQIA+ individuals, and racially and ethnically diverse individuals in arts leadership and decision-making.
8. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media mandate all arts organisations under its remit develop, implement, and report regularly on effective and enforceable accountability solutions and procedures for the delivery of a safe and respectful working environment in the arts.
9. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues and with disabled workers in the arts sector to resolve all issues arising from the interaction between arts funding and social protection supports insofar as this affects disabled arts workers.
10. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues to initiate a review of all arts- and music-based further and higher education programmes and faculty in Ireland, with the objective of determining how issues of equality, diversity, and inclusion are considered therein with regard to both curriculum and staffing.
11. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues to ensure that all protections under employment law are afforded to self-employed and freelance workers in the arts and cultural sectors.

BACKGROUND

SPEAK UP: A CALL FOR CHANGE

On 21st October 2021, the Irish Theatre Institute (ITI) launched the [SPEAK UP: A Call for Change Report](#). The ITI had commissioned the report as part of its arts sector Speak Up ACTiON Dignity in the Workplace initiative; the report constitutes an analysis of the ITI's 2021 Speak Up ACTiON survey of arts workers and their experiences of bullying, harassment, sexual harassment, humiliation, victimisation, assault, and sexual assault in the workplace. The report suggests that there is a culture of acquiescence and acceptance of harmful workplace behaviours across the arts sector, influenced by power dynamics that allow perpetrators to wield a disproportionate amount of control.

The literature review section of the *SPEAK UP* report establishes that there is a significant proportion of the arts workforce in precarious employment, that gendered power relations and precarity of work can lead to harmful behaviours such as sexual harassment, and that the trope of “artistic temperament” is tolerated, is prevalent, and is used to justify bullying and harassing behaviours across the arts sector.

The report indicates a widespread culture of harmful workplace behaviours across the arts sector in Ireland, and that levels of experiencing and/or witnessing these harmful behaviours is similarly widespread. The majority of those surveyed had experienced (70%) and witnessed (53%) harmful behaviour, and the majority of these instances were reported to have occurred within the workplace. According to the survey data, the perpetrators of these harmful behaviours were more likely to identify as male (67%) than female (42%), were more likely to hold positions of authority, and those who experience these behaviours were more likely to identify as female than male across the majority of “harmful behaviour” categories.

The data crucially found that those who identified as female were more than three and a half times (3.5x) more likely to experience sexual harassment than those who identified as male, and were more than twice as likely (2x) to experience sexual assault than those who identified as male. The report states that freelance arts workers were more likely to face harmful workplace experiences than those who are

not freelance. It is suggested that there are often no consequences for those who inflict harm on others within the arts sector, and there were reports to the effect that, in instances of experiencing harmful behaviour, supports were often either unavailable or insufficient; indeed, most respondents who had experienced and/or witnessed harmful workplace behaviours stated that they were not comfortable seeking support in a professional setting.

It is to be noted that the *SPEAK UP* report faced a number of demographic challenges in the analysis of the relevant data: the report indicates that the proportion of respondents who identified as non-binary or identified with another gender identity was too small to adequately analyse, and that similar issues occurred in the analysis of ethnicity and disability. As a consequence, there is limited evidence within the *SPEAK UP* report concerning the relationship between workplace harm and ethnicity, disability, and/or gender diversity.

Following the launch of the *SPEAK UP* report, Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Catherine Martin T.D., [announced a suite of measures to address the issues raised](#) therein. It was stated that public funding to arts entities would be allocated in line with a requirement to adhere to national guidelines on workplace safety and reporting processes, that structural supports and resources would be introduced for those working in the sector, and that the Department would ensure collaboration with artform resource organisations to provide artists with access to the necessary supports, advice, practical help, mediation, and monitoring to address Dignity in the Workplace issues, in partnership with appropriate agencies, such as the Arts Council.

Other announced measures include the development of a Dignity in the Workplace website, through which relevant resources and information would be available to artists and arts organisations on sectoral Codes of Behaviour, policy documents, and other toolkits, as well as the development of training resources that particularly target intimacy coordination and bystander training in the arts sector. To ensure cultural and behavioural change, the Minister declared the development of coordinated campaigns to raise awareness of relevant issues, the construction of partnerships and collaborations across artforms to embed a commitment to Dignity in the

Workplace for all artists, arts workers, and arts organisations, and the conducting of further surveys to monitor the success of the measures to be undertaken.

POLICY AND LEGISLATIVE FRAMEWORK

In Ireland, there are two distinct pieces of legislation that establish the right to equality and prohibit discrimination: the **Employment Equality Acts 1998—2015** and the **Equal Status Acts 2000—2015**. These Acts outlaw discrimination and victimisation in employment, vocational training, advertising, collective agreements, and the provision of goods and services.

The Employment Equality Acts 1998—2015 also protect workers against harassment that is perpetrated on the basis of gender, civil status, family status, sexual orientation, age, disability, race, religious belief, and/or membership of the Traveller community.

The **Safety, Health, and Welfare at Work Act 2005** makes provision for the safety, health, and welfare of persons at work, as well as clarifying and enhancing the responsibilities of employers, the self-employed, employees, and various other parties in relation to safety and health at work.

The **Protected Disclosures Act 2014**, and the amendments to be applied to the Act by the **Protected Disclosures (Amendment) Act 2022**, protects workers in the public, private, and not-for-profit sectors from retaliation if they report wrongdoing in the workplace.

The **Workplace Relations Act 2015** enables the Workplace Relations Commission (WRC) to undertake a range of functions in relation to employment and industrial relations.

The **Non-Fatal Offences Against the Person Act 1997** makes provision to protect persons against harm caused by assault, harassment, and other forms of non-fatal perpetrations. **Section 2 of the Criminal Law (Rape) Amendment Act 1990** establishes that indecent assault upon any male or female person is to be known as sexual assault, that sexual assault is a felony, and that a person guilty of sexual

assault is liable on conviction on indictment to imprisonment for a term not exceeding five years.

The Irish Human Rights and Equality Commission's (IHREC) **Code of Practice on Sexual Harassment and Harassment at Work** sets out guidance for employers and employees on the prevention of harassment and sexual harassment in work, as well as redress measures; it is legally admissible in evidence in proceedings before the courts, the Workplace Relations Commission, and the Labour Court.

The **Public Sector Equality and Human Rights Duty**, originating in **Section 42 of the Irish Human Rights and Equality Act 2014**, entails a legal obligation for public bodies to promote equality, prevent discrimination, and protect the human rights of their employees, customers, service users, and all who are affected by their policies and plans. Furthermore, the Department of Justice leads on a number of whole-of-Government strategies to tackle domestic, sexual, and gender-based violence; it is expected that the **Third National Strategy on Domestic, Sexual, and Gender-Based Violence** will be brought to Government in 2022.

The Health and Safety Authority has a **Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work**, which provides guidance for employers, employees, and their representatives on good practice and procedures for identifying, preventing, addressing, and resolving issues around workplace bullying.

The **2021 report of the Citizens' Assembly on Gender Equality** makes a number of recommendations to the Oireachtas with a view to advancing gender equality, by bringing forward proposals to challenge all that facilitates gender discrimination, identify and dismantle economic and salary norms that result in gender inequality, seeking to ensure the full and effective participation of women and equal opportunities for leadership at all levels of decision-making, and scrutinising the structural pay inequalities that result in women's disproportionate representation in low-pay sectors.

On a global level, the International Labour Organisation's **Equal Remuneration Recommendation 1951** establishes certain general principles concerning equal

remuneration for work of equal value, while the **Council of Europe Convention on preventing and combating violence against women and domestic violence** (Istanbul Convention) seeks to facilitate the creation of a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute, and eliminate violence against women and domestic violence.

STAKEHOLDER CONTRIBUTIONS

PUBLIC ARTS FUNDING REFORM

Fair Plé and Safe Arts of Ireland, in evidence provided to the Committee, propose a reform of public arts funding to establish strict conditions for the allocation of funding which would stipulate that anti-harassment policies and procedures should be implemented and regularly updated in order to receive funding. The Musicians' Union of Ireland and Irish Equity state that all public arts funding should be allocated only on the condition of the introduction of measures that ensure the delivery of a safe and respectful working environment in the arts.

Similarly, the Dublin Rape Crisis Centre recommends the establishment of regular compliance checks across all public arts funding systems to ensure ongoing adherence to Dignity in the Workplace policies on the part of all funded entities, and recommended that the public funding of any arts entity must be contingent on signing a memorandum of understanding in respect of Dignity in the Workplace standards.

The National Women's Council of Ireland proposes that all public arts funding, commissioning, and procurement processes must have associated social criteria, clauses, and conditionality with sanctions, to promote gender equality actions and outcomes, including issues of sexual harassment and violence. Safe Arts of Ireland suggests that funding organisations should require applicants to adhere to a code of conduct around dignity and respect in the workplace, even if that workplace is non-traditional; it also suggests that funding applications by arts organisations include mandatory questions and transparent reporting about policies and procedures for sexual harassment and bullying, including the recording of complaints made and handled.

Fair Plé recommends that the conditions of receipt of funding for publicly funded arts organisations should include the implementation and maintenance of up-to-date relevant policies and procedures for the benefit of all staff, contractors, participants and audiences; the implementation and maintenance of up-to-date anti-harassment protocols for venues; reporting on the gender balance across organisations and

funded projects, including details of Boards, staff, artists, technical crew, and contractors; the provision of training for all staff, employees, and contractors on addressing gender-based harassment, violence, and abuse in the workplace and in the artistic practice space; the disclosure of any circumstances in which allegations of harassment, bullying, or similar, are upheld against any staff or employees engaged in the funded activities or in the course of any unfunded activity; and regular reporting to the funder on the ongoing management of all policies and protocols.

Furthermore, Fair Plé recommends that the conditions of receipt of funding for publicly funded individual artists should include certification that there are no allegations of harassment, violence, abuse, or similar, that have been upheld against the individual, whether in a work context or otherwise; the disclosure of any allegations of such behaviours against the individual which have been upheld, including related convictions; reporting on the gender balance of the project team and participants where funded projects would involve collaboration with others; and the implementation and maintenance of up-to-date anti-harassment policies and procedures for the benefit of all participants and audiences where funded projects would involve the delivery of an event or events.

The Arts Council, in its opening address to the Committee at a public oral hearing of 16th February 2022, stated that it requires strategic and arts centre organisations to demonstrate the ways in which they are applying equality, diversity, and inclusion principles to all aspects of their work, and that there is the implicit expectation therein that these organisations would thus provide safe and respectful working environments; in addition, the Arts Council highlights that these organisations are required to comply with the Equality Acts and the Public Sector Equality and Human Rights Duty.

In its written submission to the Committee, Screen Ireland emphasises its currently established policies to the effect that production companies with which Screen Ireland has a contractual relationship are required to have implemented a full suite of Dignity in the Workplace policies and statutory Health and Safety policies; persistent acts of bullying and/or harassment are regarded, under these policies, as a material

breach of the agreement with Screen Ireland, and can be taken into account in deliberations on future funding applications to Screen Ireland. In addition, Screen Ireland states that its funding recipients must acknowledge that it does not tolerate any form of bullying or harassment, and that it is committed to providing an industry and workplace in which the dignity of the individual is respected, free from bullying and harassment of any kind.

STATUTORY INDEPENDENT BODY AND REPORTING FACILITY

A number of stakeholders, including Fair Plé, Safe Arts of Ireland, MiseFosta, the Dublin Rape Crisis Centre, the Musicians' Union of Ireland, Irish Equity, and Dr Tes Slominski, suggest that there is a need to establish a statutory, independent body, entity or tool through which individual victims of abuse within the cultural and creative industries can disclose experiences anonymously, an entity which some stakeholders suggest would be empowered to investigate such claims, and, if the protected disclosure is upheld, which some stakeholders propose should have the capacity to impose sanctions.

The Musicians' Union UK also highlights the importance of establishing multiple reporting mechanisms for all workers, including anonymous and confidential methods. Fair Plé suggests that, through the work of an independent reporting or investigative facility, funding could be blocked to an individual against whom an allegation has been made until such a time as the complaint is addressed. Minister Catherine Martin indicates that any investigation of such claims would be a matter for An Garda Síochána.

The Dublin Rape Crisis Centre notes that the development of an anonymous reporting tool or tools for workers to report sexual harassment or abuse in the workplace. It highlights that such a tool could be related to existing models of anonymous reporting mechanisms, such as University College Dublin's Report and Support tool, or Transparency International Ireland's use of the Signal app. The Dublin Rape Crisis Centre states that an anonymous reporting tool could ensure that complaints are captured that might otherwise be unreported, that the industry is provided with the opportunity to inform the relevant stakeholders about the safeguards and supports that can be established if they decide to further a

complaint, and that the industry is enabled to address the matter and act on general safety mechanisms as required.

The Dublin Rape Crisis Centre observes that anonymous reporting tools are used more for data collection purposes than for reporting in the traditional sense; however, it indicates that this kind of reporting allows for the monitoring of patterns, trends, and workplace compliance issues, and victims and survivors are able to hold perpetrators accountable while remaining shielded from fear or stigma by way of being anonymous.

Fair Plé highlights that whistleblowing mechanisms whereby victims can make such complaints are already established in the Central Bank and the Office of the Director of Corporate Enforcement. The Musicians' Union UK also indicates, in a written submission to the Committee, that it has established a Safe Space scheme to facilitate the sharing and reporting of sexism, sexual harassment, and sexual abuse in the music industry in a confidential and non-judgemental manner. This Safe Space scheme provides advice in relation to rights, information about relevant support services, and advice on options and further steps in instances of bullying, discrimination, and other inappropriate behaviour; it also facilitates the raising of complaints with employers, engagers, or even directly with perpetrators, as well as the seeking of redress, and of disciplinary action under union rules.

Minding Creative Minds notes that, on foot of the Irish Theatre Institute's *SPEAK UP* report, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media requested that it provide specialist support and counselling services for arts workers who have been victims of serious trauma and/or sexual abuse, and Minding Creative Minds has accordingly submitted a proposal to the Department to that effect; while it would not seem to overtly be a reporting or investigative facility, it does allow for an appropriate disclosure of experiences and for the subsequent receipt of specialist support.

CULTURAL CHANGE IN THE ARTS

The National Women's Council of Ireland highlights the import of research and documentation such as the #WakingTheFeminists 2016 report, *Gender Counts*, and

the Arts Council's 2019 *Equality, Human Rights, and Diversity Policy and Strategy*, as these acknowledge and underscore the need for fundamental and systemic change across the arts sector in terms of representation, participation, and acknowledgment of women as creators, producers, participants, and consumers of the arts. The 2021 report of the Citizens' Assembly on Gender Equality states the need for "ambitious, not incremental, change [...] to ensure [...] cultural institutions are more representative of Irish society in terms of gender balance and representation of minorities".

The group Disabled Artists and Disabled Academics (DADA) highlights that there are a number of barriers to working as a disabled artist that are not necessarily considered in the arts sector, including the nature of disability itself, attitudinal issues relating to the stereotypes and assumptions that are made about disabled individuals, the inaccessibility of many cultural spaces, and systemic issues that relate to financial support and social protection for disabled artists, resulting in a higher incidence of disabled artists and arts workers subjected to precarity of work and working conditions.

Consequently, a number of stakeholders call for a wide range of initiatives and measures to bring about cultural change across the arts in order to deliver a safe, respectful, and equal working environment. The proposed measures largely fall into the categories of: (i), training and education; (ii), research and monitoring; and, (iii), policy, legislative, and governance frameworks.

TRAINING AND EDUCATION

The Dublin Rape Crisis Centre suggests that awareness-raising training should be delivered to all those working in the arts on what constitutes harmful workplace behaviours, bystander training, avenues for reporting harmful behaviour, and support services available, alongside the development of an interorganisational working group to deliver complementary measures on awareness-raising and other training programmes across leadership structures; the Musicians' Union of Ireland and Irish Equity echo these points in their written submissions to the Committee.

The Musicians' Union UK states that it calls on Governments to roll out contextualised sexual harassment and equality, diversity, and inclusion training that is intersectional and repeated on an annual basis; it also specifically proposes that all security staff across arts organisations and venues should be mandated to receive sexual harassment and equality, diversity, and inclusion training.

Comhaltas Ceoltóirí Éireann notes that the role of the bystander is of utmost importance, and that changes through awareness-raising, training, and education must be established in order to encourage bystanders to call out discrimination or abuse. CCÉ states that its bystander training incorporates knowledge on the dangers of behaviour, the awareness of what is inappropriate, the development of support systems and positive change, the encouragement of positive learning environments, the need for information across all involved, and the importance of leadership and education.

The National Women's Council of Ireland also points to the need for a bystander culture to be developed in order to engender a zero-tolerance approach to violence and harassment in society, wherein all individuals have a role to play in holding perpetrators to account and in naming, challenging, and sanctioning all forms of violence and harassment. Screen Ireland indicates, in its written submission to the Committee, that it is developing bystander intervention training in collaboration with the Arts Council, the Irish Theatre Institute, University College Cork, and other stakeholders.

Dr Tes Slominski recommends that Ireland's third-level arts and music programmes should be reviewed by experts in equality, diversity, and inclusion to specifically consider these issues in terms of both curriculum and staffing; she states that such a review should consider more than raw numbers of men and women, and investigate power dynamics and the distribution of teaching, advising, and administrative work.

RESEARCH AND MONITORING

Fair Plé, Safe Arts of Ireland, the National Campaign for the Arts, and the Irish Theatre Institute call for the support of further research into the experiences of arts workers with regard to workplace bullying, harassment, sexual harassment,

humiliation, victimisation, assault, and sexual assault. The Irish Theatre Institute notes that it has worked and engaged with international organisations, such as a safe arts body in Australia, and the International Network for Contemporary Performing Arts, which published a report, entitled *Gender and Power Relations*, that called for structural change. The Irish Theatre Institute emphasises that Ireland is not unique in the challenge of harmful workplace behaviours within its arts sector, and recommends that collaborations are sought with international partners to identify best practice and to determine what may be implemented in the Irish context.

The Dublin Rape Crisis Centre recommends that Government Departments, State agencies, and arts funders should require organisations to report annually on effective and enforceable accountability solutions and procedures. The Musicians' Union UK calls for a requirement to publish rates of harassment complaints and numbers of people leaving an organisation that cite discrimination, harassment, or victimisation as their reason for leaving, as well as for the introduction of a requirement to publish or report on prevention and resolution policies publicly. In addition, the Musicians' Union UK recommends the conducting of anonymous annual workplace surveys to capture workers' experiences, as well as the conducting of sexual harassment risk assessment and the subsequent creation of action plans to reduce risks. Dr Tes Slominski proposes that longitudinal research programmes on gender equality across the arts sector should be established and funded.

The written submission from the group Disabled Academics and Disabled Artists (DADA) welcomed the work that had been conducted as a part of the *SPEAK UP* report, but noted its disappointment that the cost and impact of disability were not considered appropriately within the report.

POLICY, LEGISLATIVE, AND GOVERNANCE FRAMEWORKS

Across the arts sector, stakeholders encourage a shift in policy, legislative, and governance frameworks, and particularly in relation to equality, diversity, and inclusion. The Musicians' Union UK recommends that arts industries foster the creation of gender-balanced and diverse workforces, and the National Women's Council of Ireland supports the implementation of the recommendations of the

Citizens' Assembly on Gender Equality for the arts: the Citizens' Assembly's recommendation #22 states that "public funding to cultural, sports, arts, and media organisations should be contingent on: (a) a quota of 30% representation of women, and of men, on governing bodies by 2025, and 40% by 2030; (b), published plans to advance gender equality in their organisations; and, (c), annual reporting on progress toward agreed quotas on gender representation and funding".

The National Women's Council of Ireland also advocates for a requirement for every relevant State body to develop an action plan to meet obligations under the Istanbul Convention, any National Strategy on Domestic, Sexual, and Gender-Based Violence, and the Public Sector Equality and Human Rights Duty. It recommends, furthermore, the promotion of the Code of Practice on Sexual Harassment and Harassment at Work, and the ratification of the International Labour Organisation's Equal Remuneration Recommendation 1951.

In Ireland, under the Employment Equality Acts 1998—2015, complaints of discrimination and/or harassment must be submitted within six (6) months of the last experienced act of discrimination and/or harassment perpetrated on the basis of the grounds stipulated in the Acts; this time limit may only be extended if there is "reasonable cause" for a delay in submitting a complaint. The Musicians' Union UK states that it calls on Governments to extend the limitation period for discrimination and harassment claims, and to ensure that all workers, including self-employed workers, are fully protected from sexual harassment and discrimination by equality law; this latter point is also echoed by Fair Plé, who states that it is unclear whether freelance and self-employed workers are afforded the same protections as those in "traditional" working environments.

The Music and Entertainment Association of Ireland (MEAI) observes that bogus self-employment is common in the music and entertainment sector, and states that a worker who is misclassified as self-employed does not benefit from the typical employee protections, such as sick pay, holiday pay, and contractual obligations. The MEAI notes that arts workers are often underpaid or do not have the bargaining power to negotiate better pay or conditions as a result of the possibility that work and income will be lost if such negotiations are initiated. It also remarks that performers'

rights can be ignored and are often not upheld in accordance with the Copyright Act 2000 and the Performers' Protection Act 1968.

Dr Tes Slominski proposes that existing legislation should be examined to determine whether gender bias exists, and, in particular, whether existing legislation presupposes divided labour on the basis of gender—and that any such legislation be amended to remove such bias. Furthermore, Dr Slominski calls for the boards and leadership structures of arts organisations to be reviewed and to increase their representation of women, LGBTQIA+ individuals, and people of colour.

The National Women's Council of Ireland also recommends the establishment of a stakeholder group, similar to the Arts and Culture Recovery Taskforce, to develop practical interventions and long-term recommendations for the delivery of a safe and respectful working environment in the arts; the Musicians' Union of Ireland and Irish Equity also suggest the establishment of a stakeholder forum and/or think-tank to consider the creation of a best-practice model for delivering safety in the arts working environment.

The group Disabled Artists and Disabled Academics (DADA) states that consultation with and representation of disabled people, and representation of their lived experience, is vital to the delivery of a safe and respectful working environment for disabled artists and arts workers; DADA highlights the importance of the Disability Consultative Committee that has been established in the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. In addition, DADA observes that there is a danger to disabled artists facing reduced or removed disability social protection supports in the event of being granted funding, an award, or a commission, and that precarity of employment is reinforced as a result.

IRISH TRADITIONAL ARTS

A number of the stakeholders consulted by the Joint Committee made contributions relating to the specific environment of the Irish traditional arts, the context for which may facilitate understanding on how issues such as bullying, harassment, and sexual harassment and assault, particularly against women and minoritised groups, might arise across the arts sector. The Irish Theatre Institute, in a public oral hearing

before the Joint Committee, specifically cited research undertaken by Dr Una Monaghan on gendered experiences in an Irish traditional music context, entitled [121 stories: The impact of gender on participation in Irish traditional music.](#)

Dr Monaghan's research identifies two main themes relating to gender-differentiated participation in Irish traditional music: (i), systems, causes, and examples of gender inequality; and, (ii), personal experiences of the effects of gender inequality. Dr Monaghan claims that the mechanisms and structures of the Irish traditional music scene privilege the contributions of men, and that more generalised societal sexism is present in traditional music contexts, thereby affecting women's participation.

With respect to the systems, causes, and examples of gender inequality in Irish traditional music, Dr Monaghan indicates that some traditional instrument design is inaccessible to women; that discourses on Irish traditional music are deferent to its history and established characteristics, such as its "tradition"; that there is a "macho scene" and "hero worship" present; that there is professional discrimination, including a gender pay gap, alongside attitudinal and behavioural issues relating to women's participation, such as the view that certain instruments are "not a woman's instrument", and other forms of unaddressed misogyny and sexism. Dr Monaghan notes that the consequences of these issues include an emotional cost, mental load, vulnerability, silencing of victims, social isolation, and internalisation and normalisation of harmful experiences for those in the Irish traditional music environment.

Indeed, Fair Plé draws attention to the concept of "tradition" in the Irish traditional arts, and the pervasive attitude that the tradition is "pure"; consequently, the tendency toward "hero worship" in the Irish traditional arts is said by Fair Plé to place pressure on victims of abuse to absolve their abusers in order to maintain the "tradition". Fair Plé also cites a "culture of silence" within the Irish traditional and folk community, which, according to Fair Plé, enables perpetrators to repeatedly offend while continuing to be in receipt of funding.

The Musicians' Union of Ireland notes that additional challenges exist for those working in traditional and folk music in relation to bullying, harassment, and sexual

harassment; the Union points to the male-dominated demographic of the industry, and observes that mechanisms should be introduced to address the lack of gender-balance and to assist, support, and attract female artists to the industry.

In addition, Dr Tes Slominski, in her submission to the Joint Committee, observes that efforts toward equality and non-discrimination in Irish traditional music are complicated by the use of traditional music as an emblem of Irish national identity; this has led to the erasure of women, LGBTQIA+ individuals, and racial and ethnic minoritised groups, as well as to their subsequent withdrawal from the Irish traditional music scene. Dr Slominski highlights that men dominate and almost entirely populate the Irish traditional music scene, and that the rules and practices of the scene will persevere until such a time as gender balance is achieved—this includes the overt and covert oppression and suppression of women, who are, in many cases, pressured to uphold the rules of such a male-dominated space to maintain status or avoid censure.

Dr Slominski notes that intersectionality must be taken into account when considering the delivery of a safe and respectful working environment in the arts, as, according to her, oppressions accumulate for marginalised groups: queer women and gender non-conforming individuals also face discrimination due to sexuality and/or gender presentation. Dr Slominski further remarks that this must be the case for people of colour, and particularly queer women and gender non-conforming individuals of colour. Dr Slominski states that, if resources are provided to foster more acceptance of LGBTQIA+ individuals, a more expansive sense of gender could be created, thereby decentering the current forms of “masculinity” and “femininity” that she claims reinforce problematic behaviours, both within and outside the arts.

APPENDIX 1

LIST OF PUBLIC ORAL HEARINGS

| WITNESSES | DATE | |
|--|--------------------------------|--|
| Fair Plé | 17 th November 2021 | Meeting transcript |
| | | <ul style="list-style-type: none">• <i>Opening statement</i> |
| Dr Karan Casey [Co-founder] | | |
| Ms Joanne Cusack [Co-founder] | | |
| Ms Niamh Ní Charra [Co-founder] | | |
| MiseFosta | | |
| | | <ul style="list-style-type: none">• <i>Opening statement</i> |
| Ms Anna Ní Nualláin [Co-founder] | | |
| Mr Andrew Jackson [Co-founder] | | |
| Comhaltas Ceoltóirí Éireann | | |
| | | <ul style="list-style-type: none">• <i>Opening statement</i> |
| Ms Siobhán Ní Chonaráin [Príomhriarthóir] | | |
| Ms Majella Bartley [Ardchláraitheoir] | | |

Mr Tomás Ó

Maoldomhnaigh [*Ardrúnaí*]

Irish Theatre Institute

16th February 2022

[Meeting transcript](#)

- [Opening statement](#)

Ms Jane Daly [*Co-director*]

Ms Siobhán Bourke [*Co-director*]

Arts Council

- [Opening statement](#)

Ms Maureen Kennelly
[*Director*]

Ms Liz Meaney [*Arts Director*]

Safe Arts of Ireland

- [Opening statement](#)

Ms Jessica Traynor

Ms Ciara Lynch

**Department of Tourism,
Culture, Arts, Gaeltacht,
Sport and Media**

1st June 2022

[Meeting transcript](#)

- [Opening statement](#)

Minister Catherine Martin
T.D.

APPENDIX 2

LIST OF WRITTEN SUBMISSIONS

STAKEHOLDER

Disabled Artists and Disabled Academics

Dublin Rape Crisis Centre

Irish Equity

Minding Creative Minds

Monaghan, Dr Una

Music and Entertainment Association of Ireland

Musicians' Union of Ireland

Musicians' Union UK

National Campaign for the Arts

National Women's Council of Ireland

Screen Ireland

Screen Producers Ireland

Slominski, Dr Tes

APPENDIX 3

ORDERS OF REFERENCE OF THE COMMITTEE

STANDING ORDERS 94, 95 AND 96: SCOPE OF ACTIVITY AND POWERS OF SELECT COMMITTEES AND FUNCTIONS OF DEPARTMENTAL SELECT COMMITTEES

Scope and context of activities of Select Committees

94. (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) It shall be an instruction to each Select Committee that—

(a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

(b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;

(c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1); and

(d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

- (i) a member of the Government or a Minister of State, or
- (ii) the principal office-holder of a State body within the responsibility of a Government Department or
- (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

(3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Cathaoirleach of one of the Select Committees concerned, waives this instruction.

Functions of Departmental Select Committees

95. (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

(a) legislation, policy, governance, expenditure and administration of—

(i) a Government Department, and

(ii) State bodies within the responsibility of such Department, and

(b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

(a) stand referred to the Committee by virtue of these Standing Orders or statute law, or

(b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

(a) for the accountability of the relevant Minister or Minister of State, and

(b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

(a) consents to such consideration, or

(b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

(a) the Committee Stage of a Bill,

- (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Cathaoirleach of the Select Committee appointed pursuant to this Standing Order shall also be Cathaoirleach of the Joint Committee.
- (8) Where a Select Committee proposes to consider—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

Powers of Select Committees

96. Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time—
 - (a) minutes of such evidence as was heard in public, and

(b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

(i) submit a memorandum to the Select Committee explaining the statutory Instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

(a) policy, or

(b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially

responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State, shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-

holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Cathaoirligh under Standing Order 120(4)(a).

Houses of the Oireachtas

Leinster House
Kildare Street
Dublin 2
D02 XR20

www.oireachtas.ie

Tel: +353 (0)1 6183000 or 076 1001700

Twitter: @OireachtasNews

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