

NEW MUSIC DUBLIN

Equality, Diversity and Inclusion Policy

March 2024

New Music Dublin CLG was established to "promote the knowledge, appreciation, creation, performance and dissemination of music and the arts, particularly, but not limited to, music and the sonic arts by living composers and composers from Ireland."

New Music Dublin is Ireland's foremost contemporary music festival. It takes place in spring each year in the National Concert Hall and across Dublin in partnership with the Arts Council, NCH, RTÉ, Culture Ireland, CMC and multiple performing groups.

NMD's principal objectives relating to Equality, Diversity and Inclusion are:

1. To give an equitable, diverse and inclusive platform to performers and music-makers from across the spectrum of Irish new music to show their work to the widest audience, both live and broadcast, within Ireland and internationally;
2. To increase and develop a diverse and representative audience for new music-making across Ireland;
3. To increase and develop accessible participation in new music-making in Ireland;
4. To create opportunities for a diverse range of composers, performers and new music-makers from Ireland to develop their national and international networks;
5. To create and develop inclusive opportunities for collaboration and cooperation between Irish and international ensembles, new music organisations, composers and performers, to promote best practice, and collaborate towards shared artistic and organisational goals;
6. To create opportunities for emerging composers and new music performers from all backgrounds across Ireland to develop their professional skills, to grow their national and international connections, and to help them realise their professional and artistic ambitions.

The policy's purpose is:

- To provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time, regardless of their location, or contract/employee status.
- To provide equality, fairness and respect for all who come into contact with us as unpaid participants or as audience members, however brief or transient their experience with us may be.
- To prevent and take action against all harassment, racism and discrimination amongst and towards everyone we work with, or encounter as audience members or participants.
- Oppose and avoid all forms of discrimination, including in pay and benefits, terms and conditions of employment/contracting, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.
- To allow for the presentation and performance of a diverse and inclusive range of contemporary musical genres and styles.
- To commit to working with our partner organisations and performance spaces to continue to improve accessibility for all audiences, participants and performers.
- To commit to actively seeking engagement with the most diverse potential audiences, participants and performers, including beyond conventional performance spaces and contexts.

Within the workplace:

These are specific actions that everyone should display at all times in our workplace:

- That all our employees, contractors, freelancers, co-creators and participants feel welcomed and supported to do their best work, that they are contributing to their full potential, and that their voices are heard, understood and valued.
- That we seek out, recognise and make use of opportunities for inclusion of minority groups in all our activities.
- That we look beyond our pre-existing networks and communities to identify, develop and work with new talent.
- That the overall programme of the festival reflects gender balance and inclusion.
- We will promote, through positive measures, our principal objectives with all of our partner organisations, including sharing and co-developing initiatives which promote these objectives.
- New Music Dublin cares for its people, and takes positive action to include marginalised groups.

Beyond the workplace:

These are specific actions that everyone should display at all times beyond the immediate workplace, including to our audiences:

- To be representative of society on and off stage including; gender, civil status, family status, sexual orientation, religious belief, age, disability, race, membership of the Traveller community or socio-economic background.
- Our understanding of inclusion, equality and diversity includes all categories which distinguish people and which result in one person or group being privileged over another. These may include the groups listed above as well as those living with autism, ADHD, mental health, and neurological differences. We recognise that inclusion may require not only outreach work, but also measures to be put in place to ensure inclusion.
- We encourage the development of the greatest diversity of voices to be represented in all our work.

Appendix

A) Obligations of Employers under the Law

Employers' obligations in relation to equality and human rights are set out under a number acts and codes of practice, in particular under:

The Employment Equality Acts 1998- 2015:

These prohibit discrimination under the nine grounds in employment, including vocational training and work experience. They also prohibit sexual harassment or harassment on the basis of any of the nine grounds. In addition employers should make reasonable accommodation for employees with a disability.

The Disability Act 2005 Part 5:

For many years public bodies have pursued a positive action measure which set a 3% target for the employment of people with disabilities in the public service. The Disability Act Part 5 gives the 3% target legal status and goes further by:

- allowing each Minister to expand the range of positive actions which public bodies, within his or her area of responsibility, must take for the employment of people with disabilities
- giving a special role to the National Disability Authority (NDA) in monitoring compliance and ensuring implementation. Ministers may also approve Codes of Practice to assist public bodies.

Code of Practice on Sexual Harassment and Harassment 2012:

The code was produced by the Department of Justice, Equality and Law reform in 2012 and seeks to promote the development and implementation of policies and procedures which establish working environments free of sexual harassment and harassment and in which the dignity of everyone is respected. The provisions of the code are admissible in evidence and if relevant may be taken into account in any criminal or other proceedings before a court.

Section 42 of the IHREC Act 2014:

Section 42 of the Irish Human Rights and Equality Act 2014 has established a positive duty on public sector bodies to:

- eliminate discrimination
- promote equality of opportunity and treatment
- protect human rights

This means that all public bodies in Ireland have responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. This is a legal obligation, called the Public Sector Equality and Human Rights Duty.

B) Equality grounds:

Discrimination is prohibited by legislation on the basis of any of the following grounds:

1. Gender: a man, a woman, or a transsexual person
2. Civil status: single, married, separated, divorced, widowed, civil partner, former civil partner.
3. Family status: pregnant, a parent of a person under 18 years, or the resident primary carer or parent of a person with a disability;
4. Age: this only applies to people over 16 except for the provision of car insurance to licensed drivers under this age;
5. Race and ethnicity: a particular race, skin colour, nationality or ethnic origin;

6. Religion: different religious belief, background, outlook or none;
7. Disability: this is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions;
8. Sexual orientation: Gay, lesbian, bisexual, or heterosexual;
9. Membership of the Traveller community: people who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

A tenth ground, Socio-economic status, is not part of the legislation. However, a formal commitment to embedding equality of access, opportunity and outcome to all those who experience barriers due to their social-economic status is part of this policy.

C) Discrimination

Discrimination is described as 'the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds'. Direct discrimination may arise where an employer treats a person less favourably than another person would be treated specifically because of membership of one of the nine grounds covered by the Employment Equality Act 1998.

Indirect discrimination may occur where an employer imposes a provision or requirement which, on the face of it, applies equally to all persons but because of one of the nine grounds a person would have greater difficulty complying with it than other persons without that characteristic. In other words, the requirement or provision may appear neutral but has a disproportionate impact. Discrimination by association may happen when a person associated with another person, who belongs to a particular ethnic minority, is treated less favourably because of that association.

D) Harassment

Harassment is any form of unwanted conduct related to any of the nine discriminatory grounds that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. In both cases the unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The emphasis is on the effect of the unwanted conduct on the recipient, not on the intention of the perpetrator.

E) Gender Mainstreaming

Gender mainstreaming is the (re)-organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors typically involved in policy making. (Council of Europe Group of Specialists definition).

The aim of gender mainstreaming is to achieve gender equality in practice. Equality impact assessments and equality proofing are tools to achieving the goal of gender mainstreaming. Gender mainstreaming involves an analysis of the effects of policies and practices on women and men respectively, as part of the usual decision-making process.

F) Positive action

The Equality Acts allow for preferential treatment or the taking of positive measures which are bona fide intended to:

- Promote equality of opportunity
- Cater for the special needs of persons, or a category of persons who because of their circumstances, may require facilities, arrangements, services or assistance

Reasonable accommodation of people with disabilities: in service provision

A person selling goods or providing services, a person providing accommodation, educational institutions and clubs are required to do all that is reasonable to accommodate the needs of a person with a disability.

This involves providing special treatment or facilities in circumstances where without these, it would be impossible or unduly difficult to avail of the goods, services, accommodation etc. However, they are not obliged to provide special facilities or treatment when to do so will cost more than what is called a nominal cost. What amounts to nominal cost will depend on the circumstances such as the size and resources of the body involved. (Equal Status Acts).

G) Vicarious liability

‘Vicarious liability’ means when someone is legally responsible for someone else’s actions. Employers are liable for any act of discrimination by an employee in the course of their employment unless the employer can prove that they took reasonable steps to prevent the discrimination. An employer also has a duty under the Acts to protect their employees in relation to discrimination or harassment coming from third parties such as service users, contractors and, suppliers.