



**Edwards Mac Liammóir Dublin  
Gate Theatre Productions DAC  
T/A  
Gate Theatre**

**Employee Handbook**

# **GATE THEATRE**

## **Employee Handbook**

This Employee Handbook outlines the employment policies and procedures for all employees of Edwards MacLiammoir Dublin Gate Theatre Productions DAC (the "Gate"), regardless of rank or position, and whether employed on a part-time, fixed-term, or permanent basis.

Throughout the Handbook the terms "employee", "staff", "you" and "your" refer to any employee at any level who is employed by the Gate. The terms "employer", "organisation", "Theatre", "we" and "our" refer to the Gate. This Handbook supersedes all previous employment policies, written and oral, express and implied. From time to time, the Gate may, in its sole and absolute discretion, revise, delete, add, or change, at any time, the policies and information in this Handbook as it deems appropriate and to reflect current legislation. Therefore you should review this Handbook carefully. The Gate will notify staff of any significant changes that affect them.

Each member of staff will receive a copy of the Handbook on commencement of employment and it will also be available online and subject to update as required. The most up to date version will also be available from HR, which falls within the responsibility of the Executive Director.

### **Gate Theatre – Overview & Culture**

In 1928, the Gate Theatre was established by its founding artists – Hilton Edwards and Michael MacLiammóir – and they led Ireland on a theatrical adventure by transforming a disused Georgian building, part of the Rotunda complex, into the iconic theatre so widely known and loved today.

The ambition for the Gate is that it remains a beacon which exists in the hearts and minds of both artists and audiences alike – an ethos built on the pillars of excellence, innovation and collaboration or as Hilton Edwards said, 'a theatre limited only by the limits of our imagination'. The Gate is committed to being a creative home for artists; a local theatre with internationally creative impact.

The Gate is committed to creating an environment which promotes equality and dignity at work. It is committed to treating all employees, customers and business contacts equally regardless of gender, marital status, civil status, sexual orientation, religion, age, disability, race or membership of the Traveller community.

As well as treating people with dignity and respect, the Gate strives to create a supportive environment in which all employees can flourish and reach their full potential regardless of background, experience or education. Harnessing the wide range of perspectives this diversity brings, promotes innovation and enables us to be more creative and competitive.

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## 1. JOINING OUR ORGANISATION

### 1.1 CONTRACT OF EMPLOYMENT

This Employee Handbook sets out the Gate's policies and procedures. Your statement of terms and conditions of employment as required under the Terms of Employment (Information) Act 1994-2014 (which you will receive on or before commencement of employment) together with any relevant collective agreement (such as the Gate-union agreement with Equity) constitute your contract of employment with the Gate.

### 1.2 PROBATIONARY PERIOD

Every employee joins on an initial probationary period of six months. The probationary period may be extended at the Gate's discretion, but will not, in any case, exceed eleven months. Termination of the contract of employment within or at the end of the probationary period shall be at the discretion of the Gate and in the event of such a termination you will receive one week's written notice. Likewise, where you intend to resign from your employment during or at the end of your probationary period you will be required to give the Gate one week's notice in writing.

During this period your work performance and suitability will be assessed and, if your work performance is not up to the required standard or you are considered to be unsuitable, we may either take remedial action without recourse to the disciplinary procedure. Fair process will be followed with employees on probation in relation to dealing with performance, conduct, capability or attendance issues. Where necessary, you will receive notice of the Gate's intention to extend the probationary period before or at the end of the initial six month probationary period.

### 1.3 JOB DESCRIPTION

Where you have been provided with a job description for the position to which you have been appointed, please note that amendments may be made to your job description from time to time in relation to our changing needs and your own ability. It may be necessary for you to take over some duties normally performed by colleagues.

### 1.4 STAFF TRAINING

At the commencement of your employment you will receive induction training for your specific job, and as your employment progresses, your skills may be extended to encompass new job activities within the organisation. The Gate intends to ensure that all employees appointed to a job are correctly selected, inducted and trained. It is intended to identify needs arising through performance appraisal, changes in technology, flexibility requirements and succession. Employees are obliged to co-operate fully with attendance at or provision of training programmes.

### 1.5 PERFORMANCE AND REVIEW

Our policy is to monitor your work performance on a continuous basis so that we can maximise your strengths, and help you to overcome any possible weaknesses. This also gives us the opportunity to receive feedback from our staff.

### 1.6 FLEXIBILITY

It will be a condition of employment that you are prepared, whenever necessary, to transfer to alternative departments or duties within the Gate. This flexibility is essential as the type and volume of work is always subject to change, and it allows us to operate efficiently and maintain the highest level of service to our clients. This includes moving from shift to shift as required. You will be required to be flexible in the role and commit to undertaking work which may be outside of your normal duties, and/or to working outside of your normal working hours, in order to facilitate business needs.

The Gate believes that a prosperous and expanding organisation is the surest guarantee of secure employment. Given the nature of the Gate's business there is a continual need for adaptation and change to survive and remain competitive. This must be understood and accepted by all employees and on-going cooperation in implementing necessary changes identified by the Gate is accepted as a condition of employment.

### 1.7 PLACE OF WORK

Your place of work will normally be at Gate Theatre, Cavendish Row, Dublin 1, or its offices at No.8 Parnell Square, Dublin 1. You may be required, from time to time, to work at the Gate's other places of business and/or at the premises of the Gate's subsidiary companies, organisations, or customer premises as the Gate may require. You will be given as much notice of any change of place of work as is reasonably practicable.

### 1.8 TIME OFF

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours. If this is not possible, time off for these purposes may be granted at the discretion of your Line Manager and will normally be without pay.

### 1.9 TEMPORARY SHORTAGE OF WORK, LAY OFF/SHORT TIME

If there is a temporary shortage of work for any reason, the Gate reserves the right to lay you off from work or reduce your working hours where, through circumstances beyond its control, it is unable to maintain you in employment or maintain you in full-time employment.

While it is the Gate's intention to provide continuity of employment, it should be recognised that there may be circumstances outside the Gate's control which necessitate short time working or lay off. In order to delay, and if possible, avoid such circumstances, employees must be prepared to accept responsibility for alternative work if

their own work is not available.

Should the need arise to put staff on short time or to lay them off, the Gate will give as much notice of such changes as is reasonable in the circumstances. Employees will only be paid for actual hours worked during such periods.

#### **1.10 HOURS OF WORK**

Your hour of work are as specified in your contract of employment. There may be a requirement for start and finish times to be changed due to changing market and business requirements, and as much notice as possible will be given to you should this arise.

From time to time the Gate may require you to be more flexible and work outside of the above normal hours of work in order to meet the needs of the organisation. This will be done in accordance with the Organisation of Working Time Act 1997.

##### Breaks and rest periods

Your rest breaks will be given in line with the Organisation of Working Time Act 1997.

You will be entitled to a daily rest break of at least 11 hours in every 24 hour period and a weekly rest period of at least 24 hours in each consecutive period of seven days or two rest periods of 24 hours in each fortnight preceded by a daily rest break. You will also be entitled to an unpaid rest break at work of 15 minutes after having worked 4 hours and 30 minutes and 30 minutes after having worked 6 hours (which includes the earlier 15 minute break). If for any reason you are unable to avail of any of these rest periods, you may notify HR in writing of this fact and the reason for the failure to avail of such rest period within one week. Upon receipt of such notification, HR will, with your line manager, arrange for you to take such rest period at the earliest practical opportunity.

There are exemptions from these provisions in certain circumstances. Compensatory rest will be provided in these circumstances. Your specific employment contracts will govern your hours and rest breaks.

#### **1.11 ATTENDANCE, TIME-KEEPING & PUNCTUALITY**

Regular attendance and prompt time keeping are key to running this efficient and reliable organisation. It is vital that staff are aware and understand that they are expected to be at their designated place of work on time, all of the time. Regular lateness or non-attendance is a serious offence and disturbs other colleagues, management and customers. Persistent lateness or non-attendance may lead to disciplinary action up to and including dismissal. You must attend for work punctually at the specified time(s) and you are required to comply strictly with any time recording procedures relating to your area of work. The Gate will use appropriate means to record timekeeping and attendance. You must be ready to start work at your appointed time. This is extremely important because we are responsible to our patrons.

#### **1.12 LATENESS**

If you are going to be late for work you are required to contact your Line Manager as soon as reasonably practicable giving the reason for your delay and the approximate time of your arrival. Notification should be made personally by phone call. Notification by text message or email will not be acceptable.

#### **1.13 ABSENCE POLICY**

If you are unable to attend work due to sickness or any other reason, the following procedure must be adhered to:

You are required to contact your Line Manager or, if your Line Manager is unavailable, HR, at least one hour before your normal starting time, giving the reason for your absence and its expected duration. You are also required to clarify whether you will be seeking medical advice. You must personally contact your Line Manager by phone. Email, voicemail, text-message or other similar forms of communication are not acceptable.

If you are absent for three days or more, you are required to submit a medical certificate to your Line Manager on the third day of absence and on a weekly basis thereafter. You must keep the Gate regularly informed of the reasons for and expected duration of your absence.

A dated and legible medical certificate must be provided, and must include the following information:

- Name and address of doctor
- Name and address of patient
- Statement that the patient is/was under the doctor's care
- The opinion of the doctor that the patient is incapacitated due to illness/injury
- The nature of the illness/injury
- The expected duration of the absence
- The date of issue
- The doctor's signature

On returning to work, you are required to report to your Line Manager immediately. In some circumstances a "fit to return to work" certificate may be requested. All medical information will be treated confidentially.

The Gate reserves the right to request that you attend a doctor nominated by it at any time during sickness or incapacity. You hereby authorise such doctor to disclose the results of their examinations to the Gate.

Failure to attend work on an on-going basis without receiving authorisation or providing a satisfactory explanation for non-attendance is deemed unauthorised leave. All unauthorised leave will be investigated and if no reasonable explanation is provided, disciplinary action may be taken.

Management will take into account the reasons and extent of all absenteeism including any absence as a result of illness. Employees must be aware that all absence and particularly excessive absenteeism (for whatever reason) may negatively impact on the organisation and also reduces our efficiency and the ability to provide the high standards to our customers. As a consequence, the Gate will treat any false claims in a serious light, which may result in disciplinary action.

### **Illness and annual leave**

If an employee becomes ill while on annual leave, they should obtain a satisfactory medical certificate from a doctor to cover the days of illness. On return to work and production of medical certificate(s), the relevant days may be allocated as sick leave instead of holidays.

## **1.14 SICK PAY POLICY**

A discretionary sick pay policy exists for employees upon completion of their probationary period.

The scheme is designed to alleviate some of the financial hardship for employees who are absent due to illness or injury. Paid sickness entitlements should not be viewed as "holidays", and cannot be carried over to the following year if unused. The Gate reserves the right to withhold contractual sick pay if any of the exclusions set out below apply.

### Qualification criteria

In order to qualify for the sick pay scheme, an employee must:

- have satisfactorily completed their probationary period or any extension thereof;
- adhere to the absence reporting procedures set out in the Gate's absence policy;
- have a genuine cause for their absence;
- meet with their Line Manager on return to work;
- submit a doctor's certificate to their Line Manager on their third day;
- submit subsequent certificates where the absence continues beyond the period covered by the medical initial certificate. If the absence is prolonged beyond one calendar week, the employee must communicate with his or her Line Manager at a minimum of once a week, to inform them of his or her medical status and likely return date.

During an employee's absence, the Gate has the right to request an independent medical examination and report on the fitness of the employee. The employee accepts that the doctor will forward the relevant report to the Gate.

### Exclusions

The Gate at all times reserves the right to withhold, discontinue or request repayment of any contractual sick pay if:

- the Gate is satisfied that the employee has misrepresented his/her state of health or is in any way abusing the sick pay scheme;
- the sickness absence commences at any time after the disciplinary procedure is invoked;
- the employee has been absent for periods regarded as excessive by the Gate, including self-certified and medically-certified absence and following examination by a doctor nominated by the Gate;
- in the opinion of a doctor nominated by the Gate the employee is well enough to work;
- the employee behaves in a manner likely to impede his/her recovery;
- the employee fails to provide satisfactory medical certificates or otherwise follow the Gate's absence procedure;
- a disability arises from injury suffered as a result of failure to abide by the Gate's safety rules;
- the illness or injury originates from another paid employment;
- a pre-existing condition is not disclosed at the time of a pre-employment medical;
- the employee fails to claim for and refund to the Gate all monies which he/she is entitled to receive in respect of social welfare;
- an employee is ill during a period of lay-off (except where the illness commenced prior to the announcement of lay-off for circumstances considered, at the Gate's sole discretion, to be mitigating); and/or
- the absence is due to cosmetic or elective surgery.

### Payment

The Gate's sick pay scheme covers the first 3 days' illness **in any rolling 12 month period**. This means that if an employee is off sick for longer than 3 working days in any 12 month period, then the Gate will not pay that employee for any additional sick days taken once the 3 days are used. This benefit will be pro rata for part time employees.

Employees may be entitled to Social Welfare Benefit after six days of absence, subject to Social Welfare eligibility rules.

Any Social Welfare Benefit which the employee is entitled to receive (whether or not actually recovered) while in receipt of the Gate's sick pay from the organisation, must be reimbursed to the Gate. Failure to do so may disqualify the employee from the sick pay scheme and result in disciplinary action.

### **Third party negligence**

If your sickness or absence is due to the negligence of a third party and you are successful in recovering

compensation for loss of earnings, you are expected to refund to the Gate all remuneration received from the Gate under this policy.

#### **Abuse or misuse of this policy**

Employees found to be abusing/misusing their entitlement under this policy will be subject to the Gate's disciplinary process up to and including dismissal.

#### **Review**

The Gate's sick pay scheme is not contractual. The Gate reviews its sick pay scheme regularly and reserves the right to change the terms and conditions of this scheme at any time at its absolute discretion. Any changes will be communicated to employees.

#### **Medical Certificate**

Submission of a medical certificate providing the reason for any absence may not necessarily be regarded as sufficient justification for being absent from work. Continual or repeated absence may require independent medical assessment by a doctor nominated by the Gate.

### **1.15 HYGIENE**

#### **Cuts & Burns**

Any cut or burn on an employee's hand or arm must be covered with an approved dressing.

#### **Make-Up & Perfume**

Excessive amounts of make-up or perfume and nail varnish should not be worn by employees.

#### **Contact with Infectious Disease**

If you are suffering or have been in contact with any person suffering from an infectious or contagious disease or illness, please contact the Line Manager on duty before reporting to work.

### **1.16 ANNUAL HOLIDAYS**

Your holiday year begins on 1<sup>st</sup> January and ends on 31<sup>st</sup> December each year. Your annual holiday entitlement is shown in your statement of terms and conditions of employment. You are required to take all of your holiday entitlement in the holiday year in which it is accrued. In accordance with the Organisation of Working Time Act, 1997, payments will not be given in lieu of holidays.

#### **CONDITIONS APPLYING TO YOUR ANNUAL HOLIDAY ENTITLEMENT**

1. An annual leave form must be completed by all staff when applying for leave. The form should be submitted to your Line Manager for authorisation before booking flights, accommodation or making any other arrangements.
2. Annual leave may should be taken in its entirety and so not be carried forward from one year to the next. We consider it critical to health and wellbeing that employees take their full statutory holiday entitlement within the year in which it is accrued.
3. You will be required to retain annual leave for the periods of time in line with the Gate's schedule. The Gate may require you to take annual leave on specified days and also, during any period of notice (even where an annual leave request has been previously approved for a period following the notice period). You will be provided with one month's advance notice of this. The Gate reserves the right to refuse requests for annual leave in line with the needs of the organisation.
4. Employees are required to give a minimum of two weeks' notice for single days' annual leave. One month's notice must be given for one week's annual leave or more. The final decision in allocating annual leave rests with management.
5. You may not normally take more than two working weeks consecutively, although special requests will be considered at the Gate's discretion.
6. Holidays are paid at normal basic pay.
7. If your employment commences or is terminated during the annual leave year, your entitlement to annual leave during that year will be assessed on a pro rata basis. If, in the event of the termination of your employment, you have exceeded your entitlement for that year, the excess will be deducted from any sums due to you by the Gate and, if such deduction is insufficient, the excess shall be recoverable by the Gate as a debt. This is an express written term of your contract of employment.
8. If you are sick during a period of annual leave and a satisfactory medical certificate is produced, the annual leave is suspended for the duration of the certified illness and can be taken at another time.
9. Your statutory annual leave entitlement shall be deemed to be taken first in any leave year. Any contractual leave over and above the statutory minimum shall not accrue during periods of sick leave.

#### **PUBLIC HOLIDAYS**

Public holiday entitlements will be granted in accordance with the provisions of the Organisation of Working Time Act 1997. Employees may be required to attend for work on a public holiday. Your entitlement to public holidays and to any additional benefit for working on a public holiday is shown in your individual statement of terms and conditions of employment.

Where an employee is required to work on a public holiday, they are entitled to one of the following (at the Gate's discretion which should be agreed with your line manager):

- A paid day off on the public holiday
- An additional day of annual leave
- An additional day's pay
- A paid day off within a month of the public holiday

There are nine official public holidays throughout the year for which employees may qualify to benefit. These are as follows:

- New Year's Day
- St. Patrick's Day
- Easter Monday
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October
- Christmas Day
- St. Stephen's Day

It should be noted that Good Friday and Christmas Eve are not public holidays, and as such employees have no entitlement with respect to these days.

Part time employees are entitled to the benefit of a public holiday if they have worked at least 40 hours in the 5 weeks before the public holiday.

#### **1.17 CRIMINAL CONVICTIONS**

You must make the Gate aware of any criminal convictions you have, past or present, of any nature. Where appropriate, you may be subject to Garda Vetting prior to your appointment with the Gate and the Gate reserve the right to Garda vet you at any stage during your employment (where applicable). Failure to complete this may result in disciplinary action up to and including termination of your employment.

#### **1.18 DOUBLE EMPLOYMENT**

You may not during the period of your employment with the Gate, without the prior written consent of the Gate, be engaged, concerned or interested either directly or indirectly in any capacity in any business or employment which is similar to or in competition with the organisation of the Gate or which may in the Gate's opinion prejudice your ability to act at all times in the Gate's best interest. Any employee who obtains consent from the Gate to engage in employment with another employer may be required to complete a separate agreement.

Under Section 33 of the Organisation of Working Time Act, 1997, employers are prohibited from employing employees to work on any day or during any week where the employee has worked for another employer(s), where the aggregate of the periods worked exceeds that permitted by the legislation. Failure to comply with this section will be deemed an offence under the Organisation of Working Time Act, 1997 and may render both the Gate and the employee liable to prosecution. To ensure that both the Gate and the employee are in compliance with the legal requirements, it is necessary for all employees to provide the Gate with details of any other employment(s) in which the employee is engaged.

Please note that should a situation arise where the combined hours worked for the Gate and the other employment(s) place the Gate (and the employee) in breach of the legislation, then the Gate may be required to change/reduce the employee's hours of work. This is to ensure that an employee typically does not work more than 48 hours per week, averaged over 4 months.

In order to ensure that the Gate is not in breach of the legislation, an employee engaging in double employment must notify the Gate of any hours worked for another employer. A form is available from the Gate office which should be completed in the event that such a situation exists or arises during employment.

If you are considering any additional employment you must notify us as there may be a question of a conflict of interest or a breach of the Organisation of Working Time Act 1997.

#### **1.19 EMPLOYEES' PROPERTY**

We do not accept liability for any loss of, or damage to, property, including motor vehicles, bags etc which you bring onto the Gate's premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight. Employees should report all property, lost or found, to their Line Manager.

#### **1.20 LOST PROPERTY**

Articles of lost property should be handed to your Line Manager who will retain them whilst attempts are made to discover the owner.

### **1.21 TRAVEL EXPENSES**

Employees may be required to travel for business purposes. We will reimburse you against properly vouched receipts for reasonable costs incurred whilst travelling on the Gate's business, details of which will be issued separately where relevant.

The main principles guiding expenses in relation to travel are that the employees will be reimbursed for reasonable out of pocket expenses including travel costs by the most economical means, reasonable accommodation, meals and phone bills. Employees must seek guidance and approval from their Line Manager regarding expenses prior to travel or incurring of the relevant expenses.

All expenses must be claimed on the standard expense form accompanied by receipts.

The Gate will not pay for parking tickets, speeding offences or any other traffic related fines.

### **1.22 REFRESHMENT MAKING FACILITIES**

We provide refreshment-making facilities for your use, which must be kept clean and tidy at all times. The refreshment making facilities may only be used during authorised breaks.

### **1.23 PERSONAL RETIREMENT SAVINGS ACCOUNT (PRSA)**

There is a Personal Retirement Savings Account (PRSA) Scheme applicable to your employment (details of which are available separately). The Gate will facilitate making deductions from your salary and the payment thereof to the PSRA provider on your instruction.

### **1.24 RETIREMENT AGE**

The Gate's retirement age is the date of your sixty fifth birthday. This date may be extended with the approval of management.

### **1.25 CONTRACTORS**

The Gate may, at its discretion, bring in specialist contract services. In cases where new machinery, equipment, technology etc. are introduced it would often be necessary for the Gate to contract outside technical experts. This would be done so that such experts can train and develop the skills of existing employees.

### **1.26 RIGHT TO SEARCH**

The Gate reserves the right to search an employee at any time. Should this be required, only management are authorised to conduct the search. In the event of a search, an employee will be entitled to have a witness of his/her choice in attendance.

The search may be conducted on the employee, his/her property, motor vehicle, an employee's belongings or locker (if provided) when the employee is on, entering or leaving the Gate's premises.

An employee who refuses to co-operate fully with any search request or is found to be in possession of any property belonging to the Gate or to any party other than the employee being searched is liable to serious disciplinary action up to and including dismissal. The Gate will draw all appropriate and reasonable inferences from any refusal to co-operate fully with any search request.

### **1.27 CLOSED CIRCUIT TELEVISION (CCTV)**

CCTV is used by the Gate as part of the operational system for security. The purpose of the system is to protect against crime, including theft or pilferage, and to ensure the security of all staff and property. The Gate reserves the right to use information obtained by CCTV for disciplinary or performance management purposes.

The Gate ensures that the use of CCTV is in line with requirements under the Data Protection Acts 1988 and 2003. All employees have a responsibility to adhere to this policy and failure to do so may result in disciplinary action, up to and including dismissal.

Access to the CCTV system and recorded material is strictly restricted to authorised personnel.

#### Cameras

The Gate operates three cameras which are located in entrance to box office, entrance to offices and rear of building. These operate on a 24-hour basis, seven days a week.

#### Processing the images

Recorded images are retained for 30 days from the date of recording. However the Gate reserves the right to retain images for a longer period where there are objective and legitimate reasons for doing so. Those employees with responsibility for processing CCTV images must only do so in line with established procedures and must ensure the security of the data at all times. Any employee who uses the CCTV system or CCTV images in an unauthorised manner may be subject to disciplinary action up to and including dismissal. Unauthorised use is any processing incompatible with the data's original purpose including, but not limited to:

- disclosure of images containing personal data to an unauthorised third party, including other employees;
- unauthorised processing of personal data in the form of copying the images on to a disk, website or print format;
- circulation of images containing personal data by email or posting of images containing personal data on the internet.

#### Access to and disclosure of images to third parties

Access to and disclosure of images recorded by the CCTV system is carefully monitored. Access to images by third parties will only be allowed in limited and prescribed circumstances permitted by legislation. Such circumstances may include the disclosure of personal information in order to:

- safeguard the security of the State;
- prevent, and investigate offences, or collect any tax or monies owed to the State;
- protect the international relations of the State;
- prevent injury or damage to property;
- meet legal requirements;
- obtain legal advice, or for the purpose of legal proceedings;
- meet a request from, or with the consent of, the data subject, or a person acting on his or her behalf.

The Gate also reserves the right to disclose personal information to specific third parties where there are objective business reasons for doing so. Such third parties may include:

- insurance providers;
- medical practitioners;
- pension and medical insurance providers.

#### Access by data subjects

Under the Data Protection Acts 1988-2003 individuals have the right to access images containing their personal data. This applies equally to staff and members of the public. All requests must be made in writing and should be forwarded to the Executive Director.

Careful consideration must be given to requests for access that would involve disclosing images of third parties. This may be overcome by blurring or disguising the images of third parties where appropriate.

Individuals requesting access to images must supply the Gate with the following:

- adequate information for the images to be located;
- sufficient information to enable the Gate to verify that the applicant has a legitimate right to request access;
- proof of identification through photographic identification, for example passport or driving license;
- an administration fee of €6.35.

Individuals should specify whether they would be satisfied with merely viewing the images rather than requiring a copy. A request in relation to what personal data is stored will be responded to within 21 days explaining whether such data is kept and, if so, giving a description of the data and the purpose of keeping it. A copy of the personal data of the individual will be supplied within 40 days of the request.

In the event that a request for access is denied, the Gate will document the following:

- the identity of the individual making the request;
- the date of the request;
- the reason for refusing to supply the images requested.

#### **1.28 NOTICE**

The Gate may, at its discretion, pay you in lieu of notice on termination of your employment. Nothing under this Handbook shall prevent the giving of a lesser period of notice by you or the Gate where it is mutually agreed. In the event of the termination of your employment by reason of gross misconduct on your part, you will not be entitled to receive notice or payment in lieu thereof.

The Gate may, in its absolute discretion, require an employee not to attend at work and/or not to undertake all or any of his/her duties during any period of notice. However, during the notice period the employee must continue to be available to assist with answering any questions or dealing with other matters relating to the employee's work and the employee will remain an employee of the Gate. During this period, the Gate shall continue to pay the employee's salary and contractual benefits. The employee will not be in a position to take up new employment until the employee's notice period ends. The employee may also be subject to such other conditions during the notice period as the Gate considers appropriate.

If, for any reason, a member of staff decides to resign from their employment, management may request an explanation of the employee's reasons for leaving. All information concerning an employee's experiences will be kept and discussed on a confidential basis.

If you decide to resign from the Gate prior to retirement, the Gate requires prior notice in writing. The period of notice which you are required to give or entitled to receive on termination is stated in your contract of employment, or such longer notice as may be required by the Minimum Notice and Terms of Employment Acts 1973 to 2005:

<b>Service</b>	<b>Notice</b>
Less than 13 weeks	None
13 weeks – 2 years	1 week
2 – 5 years	2 weeks

5 – 10 years	4 weeks
10 –15 years	6 weeks
15 years plus	8 weeks

Immediately upon the termination of an employee’s employment, the employee must deliver up to the Gate all of the Gate’s property in his/her possession including, but not limited to any correspondence, documents, equipment, uniform, credit cards, badges, keys, access fobs, fuel cards, mobile telephones, laptops, computer disks and other software, client lists and any other documentation or property belonging to the Gate which may be in the employee’s possession or in the possession of or under the control of his/her personal representatives.

In the employee’s final payslip they will receive payment for any annual leave or public holiday leave accrued but not yet taken together with their P45.

## SUMMARY

You are a valued member of the Gate’s team. You are employed because you are needed, because you are deemed to possess the necessary qualifications for your particular job and because you appear to be the kind of person who will fit into our team and help make it even more successful. The success of our organisation and therefore of our jobs depends upon the skill, care and effort which you put into your job every day.

## 2. WAGES AND SALARIES

### 2.1 PAYMENT

- Payment of salary will be made weekly by credit transfer to your bank account subject to all appropriate and statutory deductions. This payment arrangement shall remain in force until otherwise mutually agreed in writing.
- You will receive a pay slip showing how the total amount of your pay has been calculated. It will also show the deductions which have been made and the reasons for them, e.g. PAYE, PRSI, etc.
- Any pay queries which you may have should be first raised with your Line Manager.

The Gate reserves the right to alter the manner, method or frequency of remuneration where necessary. You will be notified in writing of any such alteration.

### 2.2 OVERTIME

From time to time the Gate may require you to be more flexible and work outside of the above normal hours of work in order to meet the needs of the organisation. This will be done in accordance with the Organisation of Working Time Act 1997. Your contract of employment will outline your overtime requirements and entitlements as part of your position. Where an employee is entitled to be paid overtime, this will be at the rate of time and a half. Any overtime worked must be pre-approved in writing by the Gate. Failure to obtain proper authorisation prior to working overtime may result in disciplinary action, up to and including termination of employment.

#### Hours of work

Details relating to the specific hours of work for your department can be found in your contract of employment.

The Gate places great importance on punctuality. Employees should be at their place of work, ready to commence work at their required starting time. The Gate will use appropriate means to record timekeeping and attendance. A poor record of timekeeping may lead to disciplinary action, up to and including dismissal.

### 2.3 OVERPAYMENTS

The Gate reserves the right to deduct from your pay, any sums which you may owe the Gate, including, without limitation, any overpayments or loans made to you by the Gate or losses suffered by the Gate as a result of your negligence or breach of the Gate’s rules. The total amount of the deduction will normally be deducted from your next salary payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

### 2.4 INCOME TAX AND SOCIAL INSURANCE

At the end of each tax year you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for income tax and PRSI. You should keep this document in a safe place, as you may need to produce it if making enquiries with the Revenue, etc.

## 3. HEALTH AND SAFETY POLICY

The Gate takes its obligations regarding health and safety seriously and its objective is therefore to endeavour to provide a safe and healthy work environment as is reasonably practicable for all our employees, contractors, visitors, and any other individual in our workplace who might be affected by the Gate’s operations.

Pursuant to our obligations under the Safety, Health and Welfare at Work Act 2005 and the relevant codes of practice and regulations thereunder, we have prepared a Safety Statement based on the risks identified in the workplace (in both the theatre, on each particular set and in our offices) and confirming the plans and procedures in place to manage and control such risks. During your employment with the Gate, employees will participate in the Gate orientation course, which will include a module on health, safety and welfare at work, during which employees will be brought through the Safety Statement. A copy of the document will also be given to employees at the commencement of their employment. Employees will also be furnished with a copy of the Safety Statement on an annual basis or following any amendment to it.

It is the responsibility of all employees to familiarise themselves with the Safety Statement and it is a condition of employment with the Gate that all staff members understand and adhere to the health and safety at work rules at all times. If there is any part of the Safety Statement, or other safety rules, which you do not understand, you must advise the Gate who will ensure that the Safety Statement and/or rules are explained to you.

The Gate is dedicated to consulting with employees in relation to health and safety matters as set out in the Safety Statement. Both employees and others are encouraged to put forward suggestions for any improvements to the Safety Statement, the place of work and/or systems, procedures or equipment used.

Please note that failure to comply in any way with the health and safety rules and procedures or the Safety Statement will lead to the Gate invoking its disciplinary procedures which will lead to the appropriate sanctions up to and including dismissal.

All employees are required to keep their work-area, whether that is a desk, dressing room or other area, in a clean, organised and safe condition. A work-area that is clean and tidy is seen by our members as a reflection of our work as well as being a safer place to work. All employees can play their part, ensuring all areas are kept tidy by using rubbish bins and stacking materials carefully and neatly. Employees should ensure that any items that are lying on the floor are picked up.

By keeping workspaces clean and orderly, employees will have a better, easier, safer and more pleasant place of work.

### 3.1 FIRE PREVENTION AND PROCEDURES

Employees are requested to make themselves fully aware of the nearest exit points, fire extinguishers throughout the Gate's workplace and main assembly point(s) should there be a need to evacuate due to a fire.

You will be informed of your assembly point upon joining the Gate.

### 3.2 EMERGENCY PROCEDURES

Your personal safety is our single concern in the event of an emergency. **It is the Gate's policy to immediately evacuate the building when the alarm has been activated unless otherwise advised.** Failure to leave the building in such cases is a disciplinary offence.

On hearing the alarm **you should:**

- Leave the building immediately via the nearest exit
- Go to your dedicated assembly point
- Remain at the assembly point until further instructions
- Do not re-enter the building until authorised to do so

Employees who have visitors during an alarm evacuation must ensure that the visitors also leave the building immediately and comply with these instructions.

### 3.3 GENERAL

#### Employee Obligations

- To take reasonable care for own safety, health and welfare and that of any other person who might be affected by his/her acts or omissions while at work.
- To co-operate with the Gate or other persons to comply with any of the relevant statutory provisions regarding safety, health and welfare at work.
- To use protective clothing and equipment provided for own safety and have regard to the training and instructions received with regard to same.
- To report without reasonable delay, any defects in plant, equipment, place of work or system of work which might endanger safety, health and welfare at work.
- To attend safety training.
- Not to be under the influence of intoxicants.
- To submit to appropriate, reasonable and proportionate test for intoxicants by or under the supervision of a registered medical practitioner who is a competent person.
- Not to engage in improper conduct or behaviour that is likely to endanger their own safety or others' safety.
- To undergo a medical examination by a registered medical practitioner of their fitness to perform work which gives rise to the critical safety and health risks, if required by the Gate.
- To inform the Gate if you become aware that you are suffering from any disease or impairment which would affect your safety or that of others.

### Accidents

Any accidents anywhere within Gate's premises must be entered into the Accident Log Book.

### Health and Safety Concerns

Should a staff member have any concern about health and safety matters within the Gate, he/she should notify a member of management.

## 4. TYPES OF LEAVE

### 4.1 MATERNITY LEAVE

Maternity leave shall be granted in accordance with the Maternity Protection Acts 1994 & 2004. Employees must be familiar with and comply with all the conditions laid down herein.

You should inform your Line Manager as soon as it is confirmed that you are pregnant. Once notified, HR will explain entitlements, benefits and other issues applicable to you under current legislation. You are entitled to 26 consecutive weeks' ordinary maternity leave. You are also entitled to take additional maternity leave of up to 16 weeks immediately after the end of your ordinary maternity leave.

There is no obligation under Irish law for the Gate to pay an employee whilst the employee is on ordinary maternity leave or additional maternity leave and the Gate does not pay salary during such leave. Employees on maternity leave may be entitled to claim social welfare benefit during ordinary maternity leave if they satisfy certain PRSI conditions. It is your responsibility to apply for and recoup social welfare benefit. You should contact the Department of Employment Affairs and Social Protection to check your entitlements in this regard. For the avoidance of doubt, no social welfare benefit, or salary, is payable in respect of the period of additional maternity leave.

It is the Gate's policy to provide maternity benefits that fully comply with the law on maternity rights. The policy applies to all members of staff who are eligible for maternity leave and aims to inform them of their entitlement to contractual and statutory maternity rights and also to ensure those rights are understood.

This policy will also ensure that female employees will be protected against discrimination or loss of employment while on maternity leave.

An employee must notify the Gate, in writing, of her intention to take maternity leave as soon as is reasonably practicable, but not later than four weeks before the commencement of maternity leave. The employee must also produce, for the Gate's inspection, a medical certificate confirming the expected date of birth. Similar to time off for ante-natal and post-natal care, it is essential that employees provide the appropriate notice of intention to take maternity leave in order that appropriate arrangements can be made for their absence.

Subject to the Gate's agreement, a mother has the right to postpone the period of ordinary maternity leave or additional maternity leave in the event of the hospitalisation of the child. However, it may only be postponed if the employee has taken at least 14 weeks' maternity leave, four of which have to be taken after the date of the birth. The maximum period of postponement is 6 months.

It is ultimately at the employee's discretion as to the period of maternity leave which she wishes to take. However, by law an employee must take a minimum of two weeks prior to the birth, and at least four weeks after the birth, of the child.

The period of additional maternity leave must commence immediately after the end of ordinary maternity leave. Where possible, notification of intention to take additional maternity leave should be given when the employee gives written notification of her intention to take ordinary maternity leave but, in any event, must be given no later than four weeks before the original set date of return to work from ordinary maternity leave.

The employee's normal terms and conditions, with the exception of remuneration and superannuation, will accrue during ordinary maternity leave and additional maternity leave.

Subject to the Gate's agreement, a mother has the right to terminate unpaid additional maternity leave in the event of her becoming ill. In these circumstances, the employee will not be entitled to avail of the untaken period of additional maternity leave at a later date.

### Medical appointments/Ante-natal classes

If you are pregnant, then regardless of length of service or status (full or part-time), you are eligible to paid time off to attend ante natal or post-natal medical visits subject to two weeks' written notice being given to your Line Manager. (This includes the time required to travel to and from the appointment).

The employee must produce her appointment card if so requested. The Gate requests that, where possible, appointments are at the beginning or at the end of the working day. If the appointment finishes during the working day you are required to return to work.

You are also entitled to take paid time off work to attend one set of antenatal classes (other than the last three classes in a set). The right to attend only one set of antenatal classes This entitlement does not extend to every pregnancy while you are in employment – it is only a once-off right. If for any reason you are unable to attend some classes due to reasons beyond your control (i.e., premature birth or illness) you can carry over your entitlement to paid time off work to attend any untaken classes (except the last three in a set) to your subsequent pregnancies.

If you are an expectant father you are also entitled to a once-off right to paid time off from work for the purpose of attending the last two ante natal classes in a set of such classes attended by the expectant mother of your child before the birth. Save for emergency situations, this right is subject to you giving the Gate at least two weeks' notice before the first or relevant class, together with appropriate documentation outlining the dates and times of the classes.

For premature births on or since 1 October 2017, maternity leave is extended for an extra period after the end of the 26 weeks' ordinary maternity leave. (Social welfare benefit is also payable for this extra period.) It corresponds to the time period between the baby's actual birth date and the expected start date of the employee's ordinary maternity leave.

There is no entitlement to statutory maternity leave for a miscarriage occurring up to and including the 24th week of pregnancy. Any birth occurring after the 24th week, even if it does not result in a live birth, entitles the mother to full maternity leave.

Post-natal appointments must take place within 14 weeks of the birth of the baby and 2 weeks' written notice must be given along with evidence of the appointment if requested.

A breastfeeding mother who returns to work during the period of ordinary maternity leave is entitled to one of the following options for a period of 26 weeks following the birth (the relevant option will be decided upon by the Gate): a break of one hour where suitable facilities are provided in the workplace or a reduction of working hours to allow for breastfeeding outside of work. The one hour break may be split into shorter periods of time totalling one hour at the Gate's discretion.

There is an obligation on the Gate to carry out a specific risk assessment for Gate employees who are pregnant, have just given birth, or who are breastfeeding, in order to assess what particular hazards there may be for these employees in the workplace. Should this risk assessment determine that certain hazards exist which cannot otherwise be eliminated, the Gate will move the employee to alternative work or, if this is not feasible, the employee will be granted health and safety leave. The employee is entitled to payment in respect of the first 21 days of such health and safety leave from the Gate and can apply for social welfare benefit for any period thereafter.

Similar to other forms of protective leave, a Gate employee is entitled to return to work with the Theatre in the job which she held immediately before commencing maternity leave, subject always to the employee having notified the Gate of her intended return to work, not later than four weeks before the date of expected return. In some cases, it is not always possible for the Gate to permit the employee to return to work in the same job as the employee previously undertook. Where this is not reasonably practicable, the Gate will offer the employee suitable alternative work. The work will be appropriate for the employee in the particular circumstances and the terms and conditions of the new position will not be substantially less favourable to those which the employee previously enjoyed.

During any period of absence from work on ordinary maternity leave or additional maternity leave, an employee's statutory and contractual rights remain preserved (other than the employee's right to remuneration). Absence whilst on health and safety leave will be protected in the same way. Absences while on protective leave will not be regarded as part of an employee's sick leave or annual leave.

The Gate recognises that the dismissal of an employee on maternity leave is prohibited.

#### Maternity Benefit

During ordinary maternity leave, employees who have the necessary PRSI contributions are entitled to maternity benefit from the Department of Employment Affairs and Social Protection. It is your responsibility to apply for and recoup social welfare benefit. It is recommended that you apply at least six weeks before the start date of your maternity leave. Claims should be made on MB10 forms, which are available from your hospital, doctor or social welfare office. The Gate will complete the relevant part of the form once it has been appropriately completed by you and by your doctor (not earlier than 16 weeks before your baby is due).

During the 16-week period of additional maternity leave, no payment is made by the Department of Employment Affairs and Social Protection.

#### Annual leave/Public holiday entitlements

Your entitlement to annual leave and public holidays will continue to accrue as normal during both ordinary maternity leave and additional maternity leave.

#### Pension

The Gate Theatre provides the opportunity for employees to contribute to a PRSA.

The Gate will also match pension contributions, up to a maximum of 10%, for staff who have been in continuous employment for a period of 10 years or more (not 10 years in the pensions scheme), as long as they match the 10% contributed by the Gate. If they contribute more than 5% but less than 10% then the Gate Theatre will match their contribution.

B) For all other employees eligible to join the pension scheme the Gate Theatre will contribute 5% and the member will contribute 5%.

C) It is agreed that general staff are eligible to join the pension scheme after 3 years of continuous service, those with the description "Manager" are eligible after one year of continuous service and Senior Management are eligible after six months. Senior Management is defined as the Director of the Gate, a Deputy Director, Head of Finance, Head of Production or Head of any other department.

D) It is also agreed that all employees with more than six months continuous service will be advised that they are eligible to join the pension scheme. However, the Gate Theatre will only contribute once the above criteria have been met.

All pension contributions (where applicable) will cease for the duration of maternity leave.

## **4.2 ADOPTIVE LEAVE**

This policy extends to adopting mothers, sole male adopters, and adopting fathers where the adopting mother has died before or during the period of ordinary adoptive leave or additional adoptive leave. There is no obligation under Irish law for the Gate to pay an employee whilst the employee is on ordinary adoptive leave or additional adoptive leave and the Gate does not pay salary during such leave. Employees on ordinary adoptive leave may be entitled to claim social welfare benefit during the period of adoptive leave, subject to satisfying certain PRSI conditions. It is your responsibility to apply for and recoup social welfare benefit. You should contact the Department of Employment Affairs and Social Protection to check your entitlements in this regard. For the avoidance of doubt, no social welfare benefit, or salary, is payable in respect of the period of additional adoptive leave.

If you are adopting a child you are entitled to a minimum of 24 consecutive weeks' ordinary adoptive leave starting on the day of placement of the child. In addition to the ordinary period of adoptive leave, you are entitled to take up to 16 weeks' additional adoptive leave. Additional adoptive leave must be taken directly following the ordinary maternity leave (exceptions to this may apply in the case of foreign adoptions where some or all of the 16 weeks' additional adoptive leave may be taken immediately before the date of placement).

You must notify the Gate in writing of your intention to take adoptive leave no later than 4 weeks before the expected date of placement. The date of placement should be confirmed within 4 weeks of it occurring. You must produce a copy of the certificate of placement or declaration of eligibility and suitability in the case of a foreign adoption as soon as is reasonably practicable, but not later than four weeks after the date of the child's placement.

Where the placement of the child with the adoptive parents is for a period of less than 24 weeks (other than as a result of the death of the child), the employee should notify the Gate in writing, of the date of termination of placement as soon as possible but not later than 7 days after the date of termination of the placement.

### **Postponement**

If the expected date of placement is postponed, the period of adoptive leave will also be postponed. The new expected date of placement must be communicated to your Line Manager and HR as soon as is reasonably practicable. You must inform your Line Manager and/or HR in writing of the pending adoptive leave as soon as is practicable but no later than 4 weeks before the commencement of adoptive leave. For practical reasons, it is desirable that you provide as much notice as possible so that appropriate arrangements can be made.

Ordinary adoptive leave and/or additional adoptive leave may be postponed in the event of the hospitalisation of your child, subject to the agreement of the Gate. You should request the postponement of the leave in writing as soon as possible. This request should also include a letter of confirmation from the hospital.

### Additional adoptive leave and sickness

You may request to terminate unpaid additional adoptive leave in the event of medically certified illness, thereby allowing you to transfer to the sick leave scheme. This is subject to approval by the Gate. Requests for termination of the additional adoptive leave and acceptance of this by the Gate must be in writing. Please note that if you choose to transfer to the sick leave scheme, then the remainder of the additional adoptive leave cannot be taken at a later date following the period of sick leave.

### Time off to attend preparation classes

Employees (both mothers and fathers) are entitled to time off during working hours without loss of pay to attend preparation meetings and pre-adoption classes with social workers / Health Service Executive officials, which are held within the State, and are required as part of the pre-adoption process.

You must give written notification to your Line Manager and HR of the dates and times of the classes, or class, at least two weeks before the first class.

### Annual Leave/Public Holiday entitlements

Your entitlement to annual leave and public holidays will continue to accrue as normal during both ordinary adoptive leave and additional adoptive leave.

### Other Benefits/Pension

During adoptive leave and additional adoptive leave, you will be deemed to be in employment and your

employment rights, with the exception of remuneration and superannuation, are preserved as if you were present at work.  
All Gate benefits with the exception of the Gate's health benefits (where applicable) and life assurance (where applicable) will cease for the duration of adoptive leave.

All pension contributions (where applicable) will also cease for the duration of adoptive leave. Employees may wish to opt in to pay employee pension contributions if they so wish.

#### Return to Work

You will be entitled to return to the job which you held immediately before commencing adoptive leave, unless it is not reasonably practical for the Gate to allow you to return to your old job. If this is the case you will be offered a suitable alternative role on terms no less favourable compared with your previous job.

### **4.3 PARENTAL LEAVE**

This policy informs all employees covered by the Parental Leave Acts 1998 to 2006 of their rights and entitlements while in employment.

This policy covers all part-time and full-time employees in the Gate, provided that they meet the conditions outlined below. This policy provides parents with a temporary unpaid break from work to take care of young children.

#### Entitlements

Under our parental leave policy you have the following entitlements:

- You are entitled to 18 weeks' unpaid parental leave to enable you to take care of the child concerned.
- The leave must be taken before the child reaches eight years of age. However, in the case of a child with a disability the leave must be taken before the child reaches 16 years of age, and in the case of a child adopted between the age of 6 and 8, the leave may be taken up to 2 years after the date of the adoption order.
- Each parent has a separate entitlement to parental leave from his or her job. If both parents work in the Gate, 14 of each of their 18 weeks' entitlement may be transferred between the parents with the agreement of the Gate.
- Where a parent has more than one child, no more than 18 weeks' parental leave may be taken in any 12 month period, except in the case of multiple births.
- You must have one year's continuous service with the Gate before you are entitled to take parental leave. However, if you have more than three months' service, and where your child is approaching the age threshold, you will be entitled to one week's parental leave for every month of continuous employment completed with the Gate.
- Any period of probation, training or apprenticeship will be suspended while you are on parental leave, and will be completed on your return.
- Full-time and part-time staff (pro rata) can avail of the entitlement once they fulfil the above criteria.
- Employees have a right to request a change to working hours or working patterns on return from parental leave. However there is no obligation on the Gate to grant it.

#### Applying for parental leave

You must fill out and submit a notification document not later than six weeks before the commencement of the leave. The request must specify the commencement date, duration, and mechanism for taking parental leave.

If you wish to revoke your notice of intention to take parental leave, you must do so in writing to the Gate at least four weeks before the leave is due to commence. You can only revoke your notice of parental leave prior to signing the confirmation document. After both parties have signed the confirmation document, alterations to the document can only be made by agreement between both parties.

#### Taking of parental leave

Parental leave may be taken as a continuous block of 18 weeks, or two blocks of six or more weeks with a minimum of 10 weeks between each block.

#### Sickness while on parental leave

In the event that you become ill while on parental leave and are unable to take care of the child, you are required to inform the Gate. The period of parental leave will be postponed and the sick leave procedure will be applied which will require you to submit appropriate medical certificates. On completion of the certified sick leave, you may resume your parental leave. A "fitness for work" certificate may be required.

#### Request to a change in working hours or patterns

An employee may request a change to the working hours or pattern of work for a set period following his or her return to work from parental leave. An employee must as soon as is reasonably practicable but not later than 6 weeks before the proposed commencement of the set period give his or her employer a request in writing signed by the employee to specify the nature of the changes requested and the duration of the set period. Your Line Manager will not later than four weeks from receipt of request inform you if your request has been granted or refused. There is no obligation on the Gate to grant this request.

#### Employment rights protection

All your employment rights are protected while you are on parental leave (other than remuneration). You are entitled to return to the job in which you were employed before taking parental leave. However, if this is not possible, suitable employment will be provided on terms that will not be less favourable to you than the original

job.

#### Abuse of leave

Parental leave is granted solely for the purpose of taking care of the child concerned. This leave may be terminated if it not used for this purpose, and you may be subject to serious disciplinary action, up to and including dismissal.

#### **4.4 FORCE MAJEURE LEAVE**

The purpose of force majeure leave is to provide limited paid leave to enable you to deal with family emergencies resulting from a sudden injury or illness of a family member, as defined below, once certain conditions have been met.

You are entitled to:

- up to 3 days' paid force majeure leave in any consecutive 12 month period; or
- up to 5 days' paid leave in a 36 consecutive month period.

Absence for part of a day is counted as a full day of force majeure leave.

Entitlement to force majeure leave is limited to circumstances where your immediate presence at the place where the ill or injured person is situated is indispensable.

Force majeure leave will be granted in respect of the illness or injury of the following family members: child/adopted child; spouse/partner; a person with whom you are in loco parentis; your parent or grandparent; your brother or sister; or a person who resides with you in a relationship of domestic dependency.

#### Applying for the leave

Due to the nature of force majeure leave, prior notice cannot be given. However, you are required to inform your Line Manager and HR as soon as possible on the first day of absence. On return to work, you will need to discuss the reasons for taking the leave. You must also complete a force majeure notice document on return to work. HR will conduct a review of the application and will confirm whether or not the leave will be treated as force majeure leave.

Medical appointments for which your presence is necessary and for which you have prior knowledge will not be deemed eligible for force majeure leave.

#### **4.5 DOCTOR / DENTAL / HOSPITAL APPOINTMENTS**

Employees should, if at all possible, make appointments outside of normal working hours. Where this is not possible, the decision to grant time off will be at the discretion of management. The employee should inform their line manager as to the length of absence required in order to facilitate any necessary arrangements, and obtain their approval prior to taking any such absence.

In situations where an employee has a statutory entitlement to take time off for medical appointments during office hours, the Gate will facilitate this in a manner which is, so far as possible, mutually convenient.

#### **4.6 CARER'S LEAVE**

Under the Carer's Leave Act 2001, employees are entitled to a maximum of 104 weeks' leave in order to provide full-time care and attention to a person requiring it. The care recipient (called "a relevant person") is defined as somebody who needs continuous supervision and frequent assistance throughout the day with their normal personal needs (e.g. help to eat, drink, wash) or needs continuous supervision in order to avoid danger to themselves.

The relevant person does not need to be a family member or spouse, but could be a friend or colleague.

#### Eligibility for Carer's Leave

All employees who have one year's continuous service are eligible to apply for carer's leave. The person you are proposing to care for (the relevant person) must be deemed to be in need of full-time care and attention by a Deciding Officer of the Department of Employment Affairs and Social Protection (DEASP). You must take the carer's leave for the purpose of personally providing full-time care and attention to the person in need of such care, and must actually do so for the duration of the leave. Carer's leave is unpaid, but an employee may be entitled to an allowance from the DEASP.

#### Conditions for taking Carer's Leave

The following conditions apply to taking carer's leave:

- The relevant person must not be in receipt of full time care and attention from anyone else – you must be the only carer.
- Generally an employee is only entitled to leave for one relevant person at a time. However, on one occasion only an employee may commence leave in respect of a second relevant person, while already on leave in respect of another relevant person, but only where the two relevant persons reside together.
- You must provide HR with the decision of a Deciding Officer of the DEASP, stating that the person in respect of whom you propose to take carer's leave is a relevant person.
- If the Gate agrees, you may engage in employment with the Gate while on carer's leave for up to 15 hours per week, provided your income from the Gate is less than a weekly income limit set by the DEASP. Alternatively, you may attend an educational or training course or take up voluntary or community work for up to 15 hours per week. If you do attend a course, please ensure that you notify HR of the details.

- You must notify the Gate of any change in circumstances that affect your entitlement to carer's leave as soon as is reasonably practicable.

#### Employment rights while on Carer's Leave

During carer's leave, you shall be regarded as being in employment and none of your rights or obligations relating to your employment shall be affected, except for the following.

- Carer's leave is unpaid. There is no right to remuneration or superannuation benefits for the duration of the leave.
- The right to annual leave is restricted to the first 13 weeks only of the carer's leave in respect of any one relevant person. Therefore, annual leave is only accrued for the first 13 weeks.
- The right to public holiday benefit is likewise restricted to the first 13 weeks only of the carer's leave entitlement in respect of any one relevant person.

Absence from employment while on carer's leave shall not be treated as part of any other leave to which the employee is entitled (eg, sick leave).

#### Notification of Carer's Leave

If you wish to take carer's leave, you must apply, using the Carer's Benefit claim form, to the Minister for Employment Affairs and Social Protection for a decision by a Deciding Officer eight weeks before intending to begin carer's leave. The claim form should be completed by the employee, the Gate, the care recipient and the care recipient's GP.

A decision will be made by the Deciding Officer. If the leave is granted, a copy of the decision should be given to HR before the leave can commence.

In addition to applying to the DEASP, you must give written notification to HR of your intention to take carer's leave no later than six weeks before the date you intend to commence the carer's leave. You may use the carer's leave request form for this purpose.

In exceptional or emergency circumstances, this notice period may be waived and the Gate may accept notice as soon as is reasonably practicable.

#### Taking Carer's Leave

The leave may be taken as a continuous block of 104 weeks or, with the Gate's approval, in a number of periods not exceeding a total of 104 weeks. If carer's leave is not taken in one continuous period, there must be a gap of at least six weeks between any two periods of carer's leave.

If carer's leave for one relevant person has terminated, an employee cannot commence another period of carer's leave to care for a different person until a period of six months has lapsed since the termination of the previous period of carer's leave.

#### Postponement by the Gate

It is at the Gate's discretion to refuse requests for periods of carer's leave that are less than 13 weeks' duration. The Gate will give applications due consideration and if refused, reasons will be provided to the employee in writing.

#### Confirmation of details

A confirmation document must be completed and signed by you and HR no later than two weeks prior to the proposed commencement date of the leave, confirming details of the leave, its duration, the manner in which it will be taken, etc.

#### Termination of Carer's Leave

Carer's leave may terminate in the following circumstances:

- on the date of termination of the period of carer's leave as specified in the confirmation document;
- on a date agreed between the Gate and the employee;
- where the care recipient ceases to satisfy the conditions to be a relevant person;
- where the employee ceases to satisfy the condition to be the provider of full -time care and attention;
- on the date that the Gate notifies the employee to return to work following a decision of a Deciding Officer or an Appeals Officer that the leave should end; and/or
- where the relevant person dies during the period of carer's leave, the leave will terminate either six weeks after the date of death, or on the date of termination specified in the confirmation document, whichever is the earlier.

#### Return to work

You must confirm your intention to return to work no less than four weeks before the date on which you intend to return.

When carer's leave ends, you will be entitled to return to the job you held immediately prior to carer's leave, so far as it is reasonably practicable to do so. However, if this is not possible, you will be offered suitable alternative work, with terms and conditions no less favourable than those you held in the original job.

#### Record of Carer's Leave

The Gate will keep a record of carer's leave taken by employees, specifying the period of employment for each

employee and the dates and times of the leave taken. These records will be retained for eight years.

#### Abuse

If the Gate has reasonable grounds to believe that carer's leave was not taken in accordance with this policy, it may instigate an investigation. If, following such an investigation, an employee is found to be abusing this leave, he or she may be subject to disciplinary action, up to and including dismissal.

#### Responsibilities

In order to support the implementation of this policy, the following responsibilities have been assigned:

- the Gate determines if carer's leave is approved;
- each line manager is responsible for ensuring that this procedure is implemented as designed;
- employees must be aware of this policy and apply it appropriately;
- employees availing of carer's leave are responsible for the completion of all necessary forms and records and for complying with the regulations and procedures;
- senior management and HR will monitor the implementation of this policy and ensure consistency in its application;
- HR will review, revise and adapt the carer's leave policy in order to keep it consistent and in line with current legislation.

### **4.7 PATERNITY LEAVE**

Paternity leave is for the purpose of caring for a new born baby or newly adopted child and providing support to the partner of the employee. This policy applies to all relevant parents of the Gate. A relevant parent is defined as:

- i. the father of a child;
- ii. the spouse, civil partner or cohabitant of the mother of the child;
- iii. a parent of a child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act;
- iv. in the case of adoption –
  - a. where the child is adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent; or
  - b. in any other case, the spouse, civil partner or cohabitant of the adopting mother or sole male adopter of the child.

A relevant parent is entitled to take up to two continuous weeks of paternity leave following the birth or adoption of a child. The leave must be taken as one period (ie it cannot be taken in separate blocks) and may be taken at any time in the 26 weeks following the birth of the child or placement, in the case of adoption.

Four weeks' notice is required before the paternity leave may be taken. The notification must include:

- i. the length of leave the employee intends to take; and
- ii. details of the expected date of birth; or
- iii. the expected date of placement of the child, as appropriate.

In the case of a domestic adoption, the employee must provide the Gate with a certificate of placement within 4 weeks of the date of the placement. In the case of a foreign adoption, the employee must provide the Gate with a copy of the "declaration of eligibility and suitability" before the expected day of placement, and details in writing of the placement as soon as is reasonably practicable after the day of placement.

In all other cases, the employee must provide the Gate with a medical certificate confirming the pregnancy of the expectant mother and specifying the expected date of birth of the child.

Paternity leave may be postponed in certain circumstances, such as the sickness of a relevant parent and/or hospitalisation of the child.

#### Payment and Benefits While on Paternity Leave

Employees may be entitled to receive State Paternity Benefit directly from the Department of Employment Affairs and Social Protection, provided they have made the requisite PRSI contributions.

Annual leave entitlements will accrue while on paternity leave in the same fashion as if the employee was present at work during the leave period. Should a public holiday observance fall during the employee's paternity leave period, it will be observed as a public holiday, not paternity leave. This holiday observance will not be deducted from the employee's paternity leave entitlement.

To schedule paternity leave, you will need to request the days you wish to book as leave. This request will route to your Line Manager for approval.

### **4.8 JURY SERVICE**

This policy informs all employees covered by the Juries Act 1976 of their rights and entitlements while in this employment. All full-time, part-time, and temporary employees are covered by this policy.

#### Entitlements

Under our jury service leave, you have the following entitlements and obligations:

- You are entitled to paid time off to attend for jury service, where you have officially been summoned to

- do so.
- You must provide written notification to the Gate of your need to provide jury service. This notification should be given as soon as possible after you have received the jury service summons. Such notification should be accompanied by court documentation evidencing the times and dates that you will be required to attend court.
  - Where you are only required to attend court for part of a working day, you must return to work immediately after you have been released from court. For each day you attend for jury service, you must provide the Gate with a certificate of attendance from the County Registrar evidencing the dates and times of your jury service.

Annual leave and public holiday benefit

While on jury service leave, you will retain your full entitlement to annual leave and public holiday benefit.

Excusal from jury service

Where you feel your work commitments make it impractical for you to carry out jury service, you may apply to the County Registrar to be excused. If you need to provide evidence from the Gate that it is necessary for you to be excused from jury service, please contact HR, who will provide you with a letter detailing your current work commitments. The County Registrar or the trial judge may only excuse you if he/she is satisfied that there is "good reason" for doing so.

Employment protection

An employee who is on jury service leave will be treated as if he or she had not been absent from work. At the end of jury service leave, the employee will return to their original job.

## 5. CONFIDENTIALITY

### CONFIDENTIALITY IS PARAMOUNT

#### 5.1 SENSITIVE INFORMATION

Every effort is taken by the Gate to ensure that its and its clients' affairs are treated with absolute confidentiality.

In this Handbook, "Confidential Information" means any proprietary information, whether or not protectable as a trade secret which provides an advantage to a competitor or which a party wishes to designate as confidential for a valid business reason or, without prejudice to the generality of the foregoing, which concerns the business, finance or business of the Gate, its owners, patrons, actors, clients, officers directors, employees or any associated entity, their suppliers or customers which shall have come to your knowledge during the course of your employment. By way of illustration only and not limitation information will prima facie be confidential if it relates to the Gate and any of its or any associated entity's trade secrets, production plans, research and developments, information relating to intellectual property, software (object or source codes), suppliers and their production and delivery capabilities, customers and details of their particular business and requirements, costings, profit margins, discounts, rebates and other financial information, marketing and selling strategies and tactics, current activities and current and future plans relating to all or any of development or sales including the timing of all or any such matters, the development of new products or plays, or technical design or specifications of the products of the Gate or any associated entity.

You agree to keep all Confidential Information, documents and all other material or matters arising or coming to your attention in connection with the performance of your duties, secret and confidential and not at any time for any reason whatsoever to disclose them or permit them to be disclosed to any third party except as permitted hereunder to enable you to carry out your duties and obligations.

You agree that you will treat as secret and confidential and not at any time for any reason disclose or permit to be disclosed to any person or persons or otherwise make use of or permit to be made use of any Confidential Information or any such information relating to any shareholders, suppliers, or customers of the Gate or any associated entity where knowledge or details of the information was received prior to or during your employment with the Gate.

The obligations of confidence referred to in this section shall not apply to any Confidential Information which:

- is published or is otherwise in the public domain prior to the receipt of such Confidential Information or other information by you; or
- is or becomes publicly available on a non-confidential basis through no fault of your own; or
- is received in good faith by you from a third party who, on careful enquiry by you, claims to have no obligations of confidence to the Gate in respect of it and who imposes no obligations of confidence upon you.

Your obligations under this section shall survive the expiry or the termination of this policy for whatever reason and shall apply to any of your officers, servants or agents.

You shall not during the continuance of your employment make, otherwise than for the benefit of the Gate, any notes or memoranda relating to any matter within the scope of the business of the Gate and any associated entity, nor shall you either during the continuance of your employment or afterwards, use or permit to be used any such notes or memoranda otherwise than for the benefit of the Gate. Any such notes or memoranda made or compiled by you shall be the property of the Gate and shall be returned to the Gate upon the termination of your employment and for the avoidance of doubt the copyright in any such notes or memoranda shall vest in the Gate.

#### 5.2 RETURN OF PROPERTY

You will deliver to the Gate, on termination of your employment, or at any time it may so request, all documents, notes, records, manuals, programmes or any other materials or property belonging to the Gate or relating to customers and/or third parties, which you may then possess or have under your control. You may not, without the Gate's consent, keep copies of these items.

You may not remove from the Gate's premises at any time, without proper advance authorisation, any document or other property which belongs to the Gate or contains or refers to any Confidential Information, its customers or third parties. You will return to the Gate any documents or other organisation property that subsequently comes into your possession or procurement in the future.

#### 5.3 USE OF PREMISES

All employees must refrain from use of facilities in the Gate Theatre outside of normal working hours.

## 6. INTELLECTUAL PROPERTY, MEDIA & COMPUTERS

### 6.1 INTELLECTUAL PROPERTY

In this policy, "Intellectual Property" means all intellectual and industrial property rights including (without limitation and without prejudice to the generality of the expression) all patents, registered trademarks and designs, copyright (present and future), applications for any of the foregoing, trade and business names, trade secrets, algorithms, formulas, domain names, computer software, source and object codes, unregistered trademarks, goodwill in relation to the foregoing, database rights, sui generis rights, rights in designs (whether registrable or not), ideas, inventions, discoveries, concepts, improvements to existing technology, processes, models and literary, dramatic, musical and artistic works as defined by the Copyright and Related Rights Acts 2000 to 2007, know how, mask works, topographies, topography rights, (in each case to the fullest extent thereof and for the full period therefor and all related applications (and rights to apply for), extensions and renewals thereof and whether registered or not) and rights of the same or similar effect or nature in any part of the world existing now or in the future created.

To the extent not already vested in the Gate by operation of law or otherwise, any Intellectual Property acquired, made, developed, conceived, reduced to writing or practice or discovered by you directly or indirectly:

- i. during the course of your employment with the Gate;
- ii. arising from specific duties assigned to you; and/or
- iii. otherwise arising in connection with or in any way affecting or relating to the business of the Gate;

in each case whether or not during working hours or using the Gate premises, assets or resources and whether or not before or after the date hereof ("Employment IPR") vests in and shall belong to and be the absolute property of the Gate and you hereby irrevocably and unconditionally assign and transfer to the Gate all right, title and interest in and to any Employment IPR and all materials embodying such rights to the fullest extent permitted by applicable law including, without limitation, the right to sue for past infringement (or passing off) and to retain damages or other remedies arising therefrom. The Gate shall be the sole legal and beneficial owner of all Employment IPR or other rights connected therewith.

To the extent that any Employment IPR does not automatically vest in the Gate by operation of law or pursuant to this policy, you hereby irrevocably and unconditionally agree to hold such Employment IPR on trust for the sole benefit of the Gate until all right, title and interest in and to the same vests absolutely in the Gate.

You shall, if and whenever required to do so (whether during or after the termination of your employment) at the request and expense of the Gate promptly do all things necessary, execute such deeds and documents and provide all such assistance to enable the Gate to obtain and maintain the exclusive benefit and legal and beneficial ownership of all Employment IPR including, without limitation, to substantiate, perfect, protect, maintain and enforce the Employment IPR and to register and/or apply to register the Employment IPR in the name of the Gate or its designee and you acknowledge that you will not be entitled to any further compensation or remuneration in respect of the performance of your obligations under this policy save as may be provided for by law.

You agree that you will, at the Gate's expense, exercise any moral rights you have or may have in any Employment IPR against such third party or parties as the Gate may reasonably request from time to time and you further agree not to exercise such moral rights as against, and hereby irrevocably and conditionally waive such moral rights (and any rights of the same or similar effect anywhere in the world whether existing now or in the future created) in favour of the Gate, its assignees, licensees, designees, employees, servants or agents.

You irrevocably appoint the Gate to be your attorney in your name and on your behalf to execute and deliver any such documentation and to do such things and generally to use your name for the purpose of giving to the Gate the full benefit of the provisions of this policy and a certificate in writing in favour of any third party signed by any director or the secretary of the Gate that any instrument or act falls within the authority hereby conferred shall be conclusive evidence that such is the case.

You undertake to the Gate:

- i. to report full written details of all Employment IPR immediately to the Gate upon creation or as soon as practicable thereafter;
- ii. to keep confidential all details of the Employment IPR;
- iii. to deliver on demand to the Gate all documents, manuals, instructions, log-in codes, passwords, source codes, information, designs, materials, deliverables, papers and records on all media (and all copies or abstracts of them), recording or relating to the Employment IPR or any part thereof and the process of their creation which are in your possession, custody or power;
- iv. not to register or attempt to register any of the Employment IPR unless requested to do so by the Gate in writing; and
- v. whether during or after the termination of your employment, not to cause or permit anything which may infringe, damage or endanger the Employment IPR or the Intellectual Property of the Gate, or the Gate's title to same or assist others or allow others to do so.

You warrant, represent and agree that:

- i. the entire of your right, title and interest in and to the Employment IPR vests in, and is assigned to, the Gate pursuant to this policy;

- ii. all Employment IPR are and will be original and have not been copied, wholly or substantially from any Intellectual Property belonging to any other person;
- iii. you are free and entitled to assign to the Gate the Employment IPR and that you are not under any disability, restriction or prohibition which would or might prevent you from performing or observing any of your obligations under this policy;
- iv. you have not entered into and shall not enter into any arrangement or agreement which conflicts or may conflict with this policy and have not assigned, granted or licensed to any third party or charged or encumbered in any way any rights in any of the Employment IPR; and
- v. you are not aware of any use by any third party of the Employment IPR or any part thereof.

All rights and obligations under this policy shall continue in full force and effect after the termination of your employment.

#### **Restrictive covenant**

You may not during the period of your employment with the Gate, without prior written consent of the Gate, be engaged, concerned or interested either directly or indirectly in any capacity in any business or employment which is similar to or in competition with the business of the Gate or which may in the Gate's opinion prejudice your ability to act at all times in the Gate's best interests.

You also undertake that during your employment and for a period of 6 months after the termination of your employment with the Gate, you will not solicit, on behalf of yourself or any third party, the organisation of any person, firm or company who is a customer of the Gate or any associated entity or, where your employment has terminated, a customer at the time of your termination, and you will not, in competition with the Gate, solicit, on behalf of yourself or any third party, any person employed by the Gate or any associated entity and who, by means of such employment, is or is likely to be in possession of Confidential Information.

If any provision in this policy is deemed in law to be, or becomes invalid, illegal, void or unenforceable, such provision will be deemed amended to conform to applicable laws so as to be valid and enforceable, or if it cannot be so amended without materially altering the intention of the parties, it will be deleted, but the validity, legality and enforceability of the remaining provisions of this policy shall not be impaired or affected in any way.

## **6.2 STATEMENTS TO THE MEDIA**

Any statements to reporters from newspapers, radio, television, etc. in relation to our business must be given only by a director or authorised agent of the Gate.

## **6.3 USE OF COMPUTER EQUIPMENT**

In order to control the use of the Gate's computer equipment and reduce the risk of contamination the following will apply: -

### **6.3.1 NEW SOFTWARE**

The introduction of new software must first of all be checked and authorised by the Gate before general use will be permitted.

### **6.3.2 ACCESS TO COMPUTEREQUIPMENT**

Only authorised staff will have access to the Gate's computer equipment.

### **6.3.3 CONSENT**

No software may be brought onto or taken from the Gate's premises without prior authorisation from the Gate.

### **6.3.4 UNAUTHORISED ACCESS**

Unauthorised access to the Gate's computer facility will result in disciplinary action, up to and including dismissal.

## **7. ELECTRONIC MAIL, INTERNET AND TELEPHONE USE POLICY**

### **7.1 INTRODUCTION**

The Gate provides computer resources and other forms of electronic communication for specific staff to create an infrastructure that will facilitate communication within and outside the Gate and store and process information required by the Gate to conduct its business activities. The purpose of these rules is to set out the terms and conditions on which our staff may use the Gate's computer resources and other electronic communication.

The Gate's electronic communication and IT systems, and the messages and information created, stored on or exchanged through them (eg email messages, voicemail messages and all computer file applications) are the Gate's property.

The email and the internet are to be used at all times in a manner that is consistent with these rules when dealing with matters of whatsoever nature relating to the Gate, whether working at the Gate's offices or at home. Breach of these rules will be treated as a disciplinary matter and, depending on the severity of the breach, may result in disciplinary action up to and including dismissal. Breach of these rules may also attract civil and/or criminal liability to both the Gate and the individual. It is everyone's duty to use the email, internet and Intranet systems responsibly, professionally, ethically and lawfully.

## 7.2 COPYRIGHT

Care must be taken to ensure that electronic communications do not infringe copyright in any works transmitted. This is unlikely to be a problem where the work has been created by the Gate. However the transmission of material accessed over the internet or the re-transmission of material received from third parties, may in some circumstances infringe copyright.

## EMAIL POLICY

Email is not a secure medium of communication. Even where encryption or other security methods are adopted, it may still be possible for persons other than the sender or the intended recipient to gain access to the message at either end. It is therefore important that you consider carefully, before each message is sent, whether email is the most appropriate means of communication.

In certain circumstances, the contents of an electronic message may contain material which is confidential to a third party. In such cases it may be necessary to seek permission from the third party before the message is sent.

## 7.3 SOFTWARE AND THE GATE'S SYSTEMS

No software may be used on the Gate's systems unless it has been approved and is licensed for use by the Gate on its network. Particular care should be taken to ensure that messages received from third parties do not contain executable files or other software, which may have an adverse effect on the operation of the Gate's systems.

## 7.4 PERMITTED EMAIL USE

Reasonable use by you of a personal email address during working hours for non-work related matters is permitted provided always that such use does not otherwise breach these rules, is brief and does not disturb your work or the work of other employees. The Gate reserves the right to withdraw this permission temporarily or permanently where it believes these conditions are not complied with.

## 7.5 PRIVACY

The email system offers a fast and effective method of communication but there will be situations where phone or personal contact is better, particularly where the message is complex and/or requires an immediate response.

Material that is fraudulent, discriminatory, harassing, embarrassing, sexually explicit, profane, pornographic, obscene, intimidating, defamatory of individuals, firms or corporations or is unlawful or which the Gate considers is inappropriate may not be routed, accessed, downloaded, sent or circulated by email or other form of electronic communication (such as bulletin board systems, newsgroups, chat groups) or displayed in or stored in the Gate's systems. Where you receive email containing such material you should immediately report this to your Line Manager, who will inform you of the action that will be taken.

All intellectual property rights in documents generated on the Gate's systems, and documents sent via our e-mail system, belong to the Gate. If there is a personal element to the e-mail, the e-mail nevertheless belongs to the Gate and will be open to such monitoring and dealings as are appropriate within the Gate.

The Gate regularly backs up information stored on its network, including information relating to e-mail messages.

### Monitoring

Your right to privacy is not absolute and you should have no expectation of privacy when using the Gate's electronic communication and IT systems.

The Gate reserves the right monitor your use of electronic communication and IT systems on an on-going basis. Furthermore in circumstances where the Gate suspects that you may be breaching the terms of this policy, your contract of employment, any professional or corporate standards or policies or are doing anything unlawful or untoward, the Gate may intercept, access and/or monitor your electronic communications.

The Gate will endeavour that any monitoring will be:

- legitimate and justifiable for business purposes;
- necessary; and
- proportionate.

Monitoring may take place by means of:

- software;
- periodic audits and/or spot checks;
- an analysis of all data (looking at how users are generally using the electronic communication and IT systems);
- an analysis of your individual data where a breach of policy is suspected;
- recording the activities of employees by means of CCTV cameras for security purposes; and
- covert monitoring (where you will be unaware of any monitoring). Please note this will only be used in exceptional circumstances where a serious violation of policy is suspected.

The Gate may monitor the content of e-mail messages in the following circumstances:

- Investigations triggered by indications of misconduct;
- Monitoring proper use;
- Responding to legal or regulatory requirements;

- Fulfilment of obligations to customers, clients, third parties and relevant regulatory authorities.
- Check mail messages for viruses and clean them before they enter the mail system
- Filter out mail messages with attached video files. Video files tend to be very large. They can have an adverse effect on the delivery of other mails, especially those from the Internet
- Filter out offensive language
- Support operational, maintenance, and auditing activities
- For security and/or network management reasons, and
- For other legitimate business purposes

Opening mailboxes for investigation requires authorisation by the Artistic Director on a case-by-case basis. The Gate may then search your mailbox, hard disk, network drive and relevant backups.

## 7.6 EMAIL RULES

### DO

- Keep your non-work related use of email to a minimum
- Exercise the same care when sending an electronic message as you would when sending a letter on our headed notepaper
- When in receipt of external email, open and read it on a timely basis
- Remember that emails may be forwarded to a wider audience e.g. your intended recipient may have delegated access to colleagues. Emails are effectively published to the whole world, not just one recipient
- Remember that once an email has been sent there is no way of retrieving it
- Check the address being used. In case of doubt, right click the address and check its properties
- Regularly housekeep your email account
- Inform your Line Manager if you receive email messages which contain offensive or illegal material and save a copy as evidence
- Exercise care to ensure that messages received from third parties do not contain executable files, screen savers or any software which might have an adverse effect on the operation of our systems
- Co-operate with any security investigation relating to any matter covered by this policy

### DO NOT

- Forward chain mails
- Forward or broadcast virus alerts; always refer them to your Line Manager
- Send confidential or business sensitive material other than during the course of your duties and/or as authorised and permitted by professional codes of conduct
- Send internal or external emails which:
  - are defamatory or which attack or denigrate any person, group or organisation
  - are sexually explicit, offensive, obscene or pornographic
  - are racist, sexist or which may otherwise cause offence or be construed as harassment
  - infringe someone else's legal rights, including copyright, patent or trademark rights of any other person or organisation
  - are otherwise unlawful or constitute a criminal offence or which could damage the reputation of the Gate, our clients or any of our officers or employees
  - would discriminate on the grounds of race, religion, sexual orientation, gender, age, disability, civil status, family status or membership of the Traveller community
  - involve malicious access to internet sites by hacking
  - involve the downloading of video files such as MPEG files unless directly related to work assigned to you
  - represent your personal opinion as that of the Gate
- Open unsolicited emails if you are unfamiliar with the source as such mail may contain a virus - if you receive such correspondence you should not open it and should refer it to your Line Manager
- Use email for private business, personal gain or activities not directly related to the Gate's business
- Store graphics and images on our email system, as these obstruct its functioning
- Attach to an email an active internet link that has the potential to be disruptive, demeaning or contains offensive material.

#### Protection of staff

The Gate is committed to protecting its staff from the effects of inappropriate use of e-mail by others.

If you receive any offensive, unpleasant, harassing, or intimidating messages via e-mail, you should inform your Line Manager immediately. It is important that the source of such e-mails is traced as quickly as possible. The message should be printed and kept for investigative purposes.

#### Enforcement

If any breach of this e-mail policy is observed, then disciplinary action up to and including dismissal may be taken.

This policy is not exhaustive. In situations that are not expressly governed by this policy, you must ensure that your use of e-mail is at all times appropriate and consistent with your responsibilities towards the Gate. In case of any doubt, you should consult with your line manager or HR.

## 7.7 INTERNET POLICY

### Permitted Internet Use

Internet access through the Gate is provided to assist you with your work. Use of the internet is not permitted for non-work related matters except in exceptional circumstances and on the specific instruction of your Line Manager.

### Restriction and Monitoring of Internet Use

The Gate reserves the right to restrict and monitor the use of internet resources. The Gate monitors and reviews the traffic out to and in from the internet. The Gate employs software to monitor the use of web browsing facilities. A record of internet sites visited by any employee through any of the Gate's connections or on any of the Gate's computers may be kept and used by the Gate at its discretion. Connections into the network of the Gate may only be arranged for and administered by appropriate staff. This includes individual remote access by phone, as well as connections by external third parties, for purposes such as exchanging internet content, electronic commerce or other system access. This analysis will be used to identify areas of non-compliance with this policy. Line Managers will be informed of non-compliance and appropriate action will be taken where necessary.

### Use of the internet is subject to monitoring by the Gate:

- To support operational, maintenance, auditing and investigative activities
- To verify this policy is being complied with
- In the course of an investigation triggered by indication of misuse or misconduct
- For security and/or network management reasons, and
- For other legitimate business purposes

Monitoring includes, but is not limited to, electronic scanning for source and destination addresses. The distribution of any information through the Internet is subject to the scrutiny of the Gate. The Gate reserves the right to determine the suitability of such information.

### Internet Rules

#### **DO**

- Use the Internet only as needed for your work or limited personal use as described above
- Understand that we may be liable for what you do from our network, whether we know about it or not
- Help the Gate to maintain compliance with software licensing
- Take the responsibility to use the internet in a professional, ethical and lawful manner at all times. Legal and contractual requirements concerning the intellectual property rights of outside parties must be strictly adhered to
- Respect copyright and intellectual property rights of information you encounter on the internet. This may require obtaining appropriate permission to make use of information. You must always give proper credit to the source of the information used for the Gate's purposes.

#### **DO NOT**

- Access, request or send material from the internet using our resources which:
  - would cause offence on the grounds of race, religion, sexual orientation, gender, age, disability, civil status, family status, membership of the Traveller community
  - is defamatory or attacks or denigrates any person, group or organisation
  - is sexually explicit, offensive, obscene or pornographic
  - is racist, sexist or which may otherwise cause offence or be construed as harassment
  - infringes someone else's legal rights, including copyright, patent or trademark rights of any other person or organisation, or
  - is otherwise unlawful or could constitute a criminal offence or which could damage the reputation of the Gate
- Use passwords or encryption keys unknown to management
- Download software, games or screensavers to your computer or to our network
- Engage in online shopping
- Engage in any form of online gambling or betting
- Participate in chat rooms or blogs
- Obtain malicious access to internet sites by cracking or hacking
- Download video files such as MPEG files unless directly related to work assigned to you
- Bypass the Gate's computer network security by accessing the internet directly by modem or other means. Access to the Internet must only be achieved through a computer, attached to the Gate's network and thus through an approved internet firewall

## 7.8 PERSONAL WEBSITES OUTSIDE ACTIVITIES

You are prohibited from using the internet outside the workplace, where such use has the potential to affect negatively the Gate or its staff. Examples of such behaviour include:

- publishing material that is defamatory, abusive or offensive in relation to any employee, manager, office holder, shareholder, customer or client of the Gate;

- using the internet in a manner that amounts to bullying or harassment;
- publishing any business-sensitive information about the organisation;
- publishing material that might reasonably be expected to have the effect of damaging the reputation or professional standing of the Gate.

It is our policy that you devote your full working time and loyalty to the Gate's business. Any outside business related activities must be notified to the Gate and be approved by your Line Manager to ensure that there is no conflict. The creation and operation of a personal website is subject to this general policy if the site has any business or commercial application.

#### Use of Gate Resources

No Gate resources or property of any type may be used by an employee in the development or operation of a personal website. Any work carried out by employees on their personal websites must be done in their own time and neither during working hours nor from the Gate's premises.

#### References to the Gate

There must be no direct reference or inferred association to the Gate or use of the Gate logo in any part of a personal website. Use of any hyperlinks to any Gate web site is strictly prohibited.

#### Passwords and Logins

You may not print or share passwords or logins for access to the Gate's systems nor store them online without the prior consent of management.

## **7.9 TELEPHONE POLICY**

Our company phones enable us to communicate promptly and provide an efficient service to its clients/customers/suppliers. In order to ensure that maximum benefit is derived from company phones it is necessary for the Gate to have a code of practice, which regulates and sets down specific rules for the use of company phones:

1. Staff must answer and deal with incoming calls in a prompt and efficient manner.
2. No call should be left holding for an excessive amount of time; check if caller is willing to hold. If unable to allocate the required individual/department etc. a message should be taken and passed to the relevant person/department.
3. All messages received should be forwarded by email to the appropriate person.
4. All messages should detail the date, time and the name of the caller. Messages should be outlined and a return telephone number should be taken if applicable.

#### **PERSONAL CALLS**

Staff may not use company phones to make or receive personal calls. In the case of an emergency, employees will be allowed to take a call. Personal calls may be made during breaks.

#### **RULES FOR USE OF PERSONAL MOBILE PHONES**

1. During business hours the use of personal mobile phones is prohibited (this excludes your lunch break). This includes sending/receiving text messages, retrieving voice mail messages etc.
2. Failure to adhere to this policy may result in action being taken against the individual in line with the Gate's disciplinary procedure.

## **SOCIAL MEDIA AND SOCIAL NETWORKING POLICY**

The Gate recognises that social networking sites and applications, including but not limited to Facebook, LinkedIn, MySpace, YouTube and Twitter, are an important means of communication in today's environment. Due to the ever-increasing popularity and use of such sites we feel it important to extend our policy on Computers, Emails & Phones and establish the parameters for accessing/using social networking sites while in employment in the Gate.

The following should be strictly adhered to:

Unless instructed otherwise, social media activities are considered by the Gate to be 'personal' activities (as opposed to 'corporate social networking') and should therefore not interfere with your work commitments. You are not permitted to engage in social media activities on the Gate's systems or during working hours.

You are permitted to publicise your affiliation with the Gate / identify yourself as an employee of the Gate on personal social networking sites provided that you:

- do not do so in such a way that would bring the Gate into disrepute;
- do not disclose any proprietary or confidential information of the Gate;
- confine your activities and commentaries to topics unrelated to the Gate;
- do not do anything that impugns or prejudices the good name and reputation of the Gate or its employees; and
- do not do anything that would be in breach of securities regulations or other applicable laws.

Non-compliance with the above will be regarded by the Gate as a serious disciplinary matter.

Under no circumstances are you permitted to set up a social networking site of your own personal accord for the purpose of referring to the Gate or any of the Gate's clients, partners or competitors; this applies while you are an employee of the Gate and thereafter.

At all times remain conscious of the fact that your online presence reflects the Gate. Be aware that your actions captured via images, posts, or comments can reflect that of the Gate. Personal blogs should have clear disclaimers that the views expressed by the employee in the blog are the employee's alone and do not represent the views of the Gate. Be clear, write in the first person, and make sure it is obvious that you are speaking for yourself and not on behalf of the Gate. In any event, the Gate considers that the views and opinions expressed by the employee are theirs alone and do not necessarily represent the views of the Gate.

Information published on a blogs, forums, and social networking sites should comply with the Gate's confidentiality policy. Confidential Information is not to be discussed on social networking sites, even in private messages between site members who have authorised access to the information.

Expressing information should never cause harm or threaten to be harmful to any one person or group of people.

Always remember the following rules when using social networking sites:

- Do not publish information which you know is untrue and potentially harmful.
- Do not distort or misrepresent the content of photos, videos or other media without explanation of intent and permission from the information's owner. Image enhancement for technical clarity is permissible.
- Avoid stereotyping by gender, age, race, religion, civil status, family status, sexual orientation, disability and/or membership of the travelling community.
- Do not engage in activity/statements which might be construed as defamatory/libellous. Defamatory statements can lead to lawsuits against the author of the statement, which may result in very serious and negative connotations for the author and the Gate.
- Do not engage in behaviour which may be construed as 'bullying', 'harassment' or 'sexual harassment'. For further information and examples of such behaviour, please consult our Bullying, Harassment and Sexual Harassment Policy.
- Be respectful to the Gate, other employees, clients, partners, and competitors. Do not post comments which may be construed as negative or defamatory relating to the Gate, a past/present client of the Gate, or any other business/competitor.

Social networking sites allow photographs, videos and comments to be shared with thousands of other users. However, it may not be appropriate to share work-related information in this way. For example, there may be an expectation that photographs taken at a private Gate event will not appear publicly on the internet, both from those present and those not at the event. You should be considerate to your colleagues in such circumstances and should not post information where you have been asked not to. You should also remove information about a colleague if that colleague asks you to do so. Under no circumstances should offensive comments be made about Gate colleagues on the internet; this may be considered 'cyber-bullying' and could be deemed a disciplinary offence.

The Gate's relationships with our clients and partners are valuable and could be needlessly damaged by one careless comment. Even a positive reference could be used by a competitor to our disadvantage. As a result, we would ask that you do not reference or cite clients, partners, or competitors without their express consent.

Failure to abide by the above will be taken extremely seriously and may result in disciplinary action up to and including dismissal.

In addition to the above the following are some guidelines which we strongly urge you to follow. Violations of these suggested guidelines may be considered unprofessional behaviour and may be the basis for disciplinary action:

- Make every effort to present yourself in a mature, responsible, and professional manner when using social networking sites/applications.
- Respect copyright laws and reference sources appropriately. Plagiarism applies online as well and the posting of someone else's work without permission is not allowed (other than short quotes that comply with the "fair use" exceptions).
- Do not use vulgar language.
- Do not publish personal photographs or photographs of others that may reasonably be interpreted as condoning irresponsible use of alcohol, substance abuse, or sexual promiscuity.
- Where you are signing up to a social networking site and you are required to agree to/abide by a 'Terms of Service' (ToS) document in doing so, we expect that you will act responsibly and ensure that you read, understand and comply with this ToS document.

- Be aware of the critical importance of privatising your personal sites so that only trustworthy “friends” have access to the websites/applications.
- Be aware that posting certain information is illegal and you will be personally responsible for this. Violations of existing legislation/regulations may expose the offender to criminal and civil liability and the punishment for violations may include fines and even imprisonment. Please refer to your Contract of Employment with regards to the implications of conviction/imprisonment.
- Please remember that although once-posted information can be removed from the original social networking site, exported information cannot be recovered. Any digital exposure can ‘live on’ beyond its removal from the original website and can continue to circulate in other venues. Therefore, think very carefully before you post any information on a website or application. Always be modest, respectful and professional in your actions.
- It is very important that employees immediately report any inappropriate activity or behaviour online or other electronic communications regarding the Gate, its employees or third parties. Inform your Line Manager or another member of management. All allegations made in good faith will be fully and confidentially investigated. You are required to cooperate with all investigations of alleged policy violations.

#### Specific managerial responsibilities

By virtue of their position, managers have particular obligations with respect to general content posted on social media. Managers should consider whether or not personal thoughts they publish may be misunderstood as expressing the Gate’s opinions or positions even where disclaimers are used. Managers should err on the side of caution and should assume that their teams will read what is written. A public online forum is not the place to communicate organisation policies, strategies or opinions to employees.

#### Enforcement

Non-compliance with the general principles and conditions of this social media policy and the related internet, e-mail and confidentiality policies may lead to disciplinary action, up to and including dismissal.

This policy is not exhaustive. In situations that are not expressly governed by this policy, you must ensure that your use of social media and the internet is at all times appropriate and consistent with your responsibilities towards the Gate. In case of any doubt, you should consult with your Line Manager.

## 8. ALCOHOL, DRUGS & SMOKING POLICY

Under legislation we, as your employer, have a duty to ensure the health and safety and welfare at work of all our employees. This includes a workplace free from alcohol and drugs (collectively known as intoxicants). The misuse of alcohol and drugs may impair the safe and efficient running of the organisation and/or the health and safety of our staff and may endanger the employee, their co-workers, and the public as well as the Gate’s property. The Gate seeks to prevent the misuse of drugs and alcohol by employees in any way which impairs their ability to perform their duties or puts their health and safety at risk.

Any breach of the Gate’s intoxicants policy may result in disciplinary action, up to and including dismissal.

### 8.1 Relevant Issues

Alcoholism and other drug addictions are recognised as diseases responsive to proper treatment and as such employees suffering from such addictions will not be discriminated against on the basis of their illness in accordance with the terms of the Employment Equality Acts 1998 - 2015. Employees who have an alcohol or drug problem will be offered assistance and given the opportunity and support to do something positive about their problem. However, should an employee fail to continue with treatment or co-operate with the Gate, he/she may be subject to disciplinary action up to and including dismissal where appropriate.

- Information about Employee Assistance Programmes (EAP) will be made available to assist employees. Information received from employees concerning addictions will be dealt with in the strictest confidence. For further details, please contact HR.
- While on occasion access to alcohol may be a part of the general marketing strategy for certain employees, being under the influence of alcohol or illegal drugs while engaging in work-related activity is strictly prohibited.
- The unauthorised use or possession of prescription drugs or over-the-counter drugs on Gate property is also prohibited. You should contact your Line Manager concerning permission to consume or be in possession of prescription drugs.
- Employees taking drugs prescribed by an attending physician must advise their Line Manager in writing of the possible effects of such medication regarding their job performance and physical/mental capabilities. This written information will be kept confidential and communicated to the Line Manager prior to the employee commencing work. All medical information will be kept confidential and the Gate, without exception, will punish any breach of privacy and confidentiality in this regard. All prescription drugs must be kept in their original container.

- The policy applies to all employees of the Gate regardless of rank or position and includes temporary, fixed-term employees (including agency workers) and part-time employees. This policy also applies to contractors.
- Employees have an individual responsibility to ensure that they are not under the influence of alcohol or illegal drugs when they arrive for work.

### **Effects**

The effects of alcohol and drugs can be numerous. Below merely provide some examples and are not intended to be exhaustive.

- Absenteeism is a likely consequence of the use of alcohol and drugs and other related lapses such as unauthorised absence, lateness, excessive levels of sickness, etc.
- Another likely consequence is loss of faculties, inability to properly assess danger leading to higher accident levels whether driving to-and-from-work, or being more prone to having an accident or causing an accident at work.
- Loss of productivity may also lead to poor performance, having difficulty in concentrating on work related tasks, making mistakes etc.

If your performance or attendance at work is affected as a result of alcohol or drugs, or we believe you have been involved in any drug related action/offence, you may be subject to disciplinary action up to and including dismissal.

### **8.2 SMOKE FREE WORK PLACE**

In line with statutory provisions on the issue of smoking in the workplace, the Gate operates a strict smoke-free workplace policy. Any employee who breaches this policy will be subject to disciplinary action up and including dismissal in line with our disciplinary procedure.

### **8.3 PROHIBITION**

The following are prohibited:

- The consumption of alcohol on the Gate's premises, without prior permission from management. This includes at any time during or outside your normal working hours.
- The unauthorised use, possession or sale/distribution of prescriptive and/or illegal drugs or alcoholic beverages.
- The unauthorised use, possession, or sale/distribution of a controlled substance.
- Being under the influence, impaired, or otherwise affected by drugs, a controlled substance, or alcoholic beverages, in such a manner as to raise a reasonable suspicion in the mind of the observer that the employee's job performance may be negatively affected, or having such substances in their system during work hours.

No employee may report for work under the influence of illegal drugs and must adhere to all medically prescribed drug instructions.

### **8.4 DRUG AND ALCOHOL TESTING**

In all cases, prior to a staff member being requested to avail of the "with cause" intoxicant testing procedures, more than one person will have submitted an opinion of the presence of circumstances or conditions sufficient to warrant the request for the test. That person will be (a) the Line Manager on duty at the time AND (b) another manager on duty at the time.

This Gate reserves the right to require any employee to submit to an alcohol and/or drug test by way of blood and/or urinalysis examination which will be referred to as "with cause" testing for the purpose of detecting the employee's use of unauthorised prescriptive drugs, illegal drugs, controlled substances, and/or alcohol in the following circumstances:

- Based on specific, objective facts and reasonable inferences drawn from those facts, the Gate has a reasonable suspicion that the employee in question is under the influence, impaired, or otherwise affected by the use of unauthorised prescriptive drugs, illegal drugs, controlled substances, and/or alcohol, or has such substances in his/her system, as described.
- Based on specific objective facts and reasonable inferences drawn from those facts, the Gate has a reasonable suspicion that the employee in question is currently in possession on its premises of unauthorised prescriptive drugs, illegal drugs, controlled substances, and/or alcohol.
- Based on specific objective facts and reasonable interferences drawn from those facts, the Gate has a reasonable suspicion that the employee in question has sold/distributed or has attempted to sell/distribute on the Gate's premises prescriptive drugs, illegal drugs, controlled substances, and/or alcohol.

The judgement as to whether "with cause" testing needs to be applied can arise from factors, such as but not limited to, apparent disorientation; unsteadiness; slurring of words; smell of alcohol; admitted or observed taking of illegal

or non-prescribed drugs or volumes of alcohol which might cause the legal limit for driving to be exceeded; unusual or abnormal behaviour.

“With cause” intoxicant testing will be undertaken by a certified medical practitioner of the Gate’s choice and you agree to authorise such doctor to disclose to and discuss with the Gate and its medical advisors the results of such examination(s). The Gate will bear the cost of any such examination(s).

If a positive drug and alcohol reading is recorded at any time, you will be subject to disciplinary action up to and including dismissal.

If you refuse to submit to “with cause” intoxicant testing you may be subject to disciplinary action up to and including dismissal. All employees are expected to co-operate fully with such testing as a condition of continued employment with the Gate. The Gate will draw inferences from any failure to adhere to the requirements of this policy.

#### Search

As outlined in section 1.27 of this policy, where the Gate has reasonable cause, search procedures will be conducted of employee and their personal property. When there is reasonable suspicion to believe that an employee may be in possession of drugs or alcohol, the relevant employee will be expected to cooperate as a condition of continued employment with special drug/alcohol searches of personal vehicles on the Gate’s property, the employee’s bags or purses, clothing, briefcases, or other employee personal property. Searches on the Gate’s premises and its property can be conducted at any time and apply to all individuals working in the Gate regardless of rank or status. In the event of a search, an employee will be entitled to have a witness of his/her choice in attendance.

An employee who refuses to co-operate fully with a search request or is found to be in possession of any intoxicants is liable to serious disciplinary action up to and including dismissal. The Gate will draw all appropriate and reasonable inferences from any refusal to co-operate fully with any search request.

#### Employee Assistance Programme

The Gate will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their health and safety or their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member.

#### Reporting Illegal Activity

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is illegal under Irish law. The Gate will report information concerning possession, distribution, or use of any illegal drugs to An Garda Síochána and will turn over to the custody of the Gardáí any such substances found during a search of an individual or their property. The Gate will cooperate fully in the prosecution and/or conviction of any violation of the law.

## **9. DISCIPLINARY POLICY AND PROCEDURE**

### **9.1 DISCIPLINARY PURPOSE**

The Gate is committed to treating all staff fairly and equitably and to helping employees achieve satisfactory standards of performance, conduct, attendance or capability issues. However, there will be occasions when it may be necessary to invoke Disciplinary Procedures, which are designed to protect the interests of both the Gate and its employees in investigating and dealing with allegations of unacceptable performance, conduct, attendance or capability issues. All employees’ rights to natural justice and fair procedures will be upheld at all times.

### **9.2 DISCIPLINARY POLICY**

This policy applies to all employees throughout the Gate who have successfully completed their probationary period (or any extension thereof). The steps in this policy may be skipped where gross misconduct has occurred or where the Gate deems it necessary due to the seriousness of the allegation or otherwise. Where there is a persistent failure on the part of an employee to adhere to the policies and standards of performance, conduct, attendance or capability expected, then disciplinary action may become necessary. Where this situation arises, each case will be treated fairly. The member of staff will be given full opportunity to provide their version of events with any extenuating circumstances to be taken into account.

Minor breaches or misconduct may simply result in informal advice being given by the employee’s Line Manager without having to resort to formal disciplinary action. If this approach is not successful it will then be necessary to use the formal disciplinary procedure.

The Gate reserves the right to continue with the disciplinary process notwithstanding the fact that an employee raises a grievance in relation to the subject matter of the disciplinary process or otherwise.

### **9.3 DISCIPLINARY PROCEDURE**

The following disciplinary procedures will apply in circumstances of unacceptable performance, conduct, attendance or capability issues.

Before the start of any stage in the procedure, you will be told of the nature of the complaint against you and no decisions will be made without you having been given the opportunity to fully state your case. At all stages

of the process, you will be made aware of the standard that is expected of you and any necessary assistance to achieve these levels. The Gate reserves the right to commence disciplinary action at the stage of the procedure most appropriate to the matter at hand.

### **Informal Procedure**

Prior to instigating the formal disciplinary procedure, the Gate may, where it considers it appropriate, try to resolve the matter by informal discussions. Where an employee's performance, attendance, conduct or capability falls below an acceptable standard, management may initiate a counselling session with that employee before the formal disciplinary procedure commences. At this stage the relevant manager will discuss with you the nature of the fall-off from standard with a view to agreeing a solution.

Where such a discussion is either not appropriate in the circumstances, or fails to resolve the issue, the formal procedure will apply.

### **The Investigation**

Should it be necessary, an investigation will be undertaken by the Gate into the matter complained of. In cases of poor performance, a performance improvement plan will constitute the investigation.

If appropriate, the Gate may, by written notice, suspend you on full pay for a specified period while the investigation takes place. If you are so suspended your contract of employment will continue together with all your rights including the payment of salary, but during the period of suspension you will not be entitled to access to any of the Gate's premises except at the prior request or with the prior consent of the Gate and subject to such conditions as the Gate may impose. The decision to suspend you will be notified to you and confirmed in writing.

Wherever possible, the investigation into an allegation of a breach of Gate policy will be carried out by a senior employee of the Gate who is not in any way involved with the allegation which is being investigated.

### **Formal Procedure**

In all cases, following appropriate investigation where necessary, before any disciplinary action (including warnings) is carried out, you will be called to a disciplinary meeting where all the facts will be considered and any mitigating circumstances discussed. In advance of the disciplinary meeting you will:-

- be given prior notice of the date of the proposed disciplinary meeting;
- be informed of the complaint(s) against you; and
- be given a copy of any supporting evidence which the Gate will refer to and/or rely on at the meeting.

The disciplinary meeting may be adjourned if necessary to make further enquiries or for any other reason.

If you fail to attend the disciplinary meeting when notified, the meeting may continue in your absence unless there are exceptional circumstances that prevent your attendance.

All employees may be accompanied at these meetings by a consenting fellow colleague of their choice (other than an employee the subject of current disciplinary action in respect of the same complaint), if he/she wishes. You must inform your Line Manager of your chosen representative in advance of the disciplinary meeting. The Gate reserves the right to refuse your chosen representative's attendance at the disciplinary meeting where, in the reasonable opinion of the Gate, his/her attendance would hinder the effective running of the meeting. You will be given the opportunity to change your chosen representative.

All warnings issued under this procedure will clearly state:

- i. the reason for the warning;
- ii. that the employee will be liable for further disciplinary action should they commit a further offence of misconduct during the time frame specified in the warning;
- iii. that the employee has the right to appeal against the decision;
- iv. that the warning will lapse following the time frame specified in the warning, subject to satisfactory attendance, conduct, capability and performance.

### **Outcome**

After the disciplinary meeting, you will be notified of the Gate's decision and the nature of any disciplinary action to be taken. There are four possible sanctions:

#### **Stage 1 – Verbal Warning**

At the first stage of the procedure a verbal warning will be issued. A record of this verbal warning will be kept on the employee's personnel file for a six-month period and will be removed after that, subject to satisfactory attendance, conduct, capability and performance.

### **Stage 2 – First Written Warning**

Failure to improve on a previous warning or if an additional or more serious breach of standard occurs, a first written warning will be issued. A record of this written warning will be kept on the employee's personnel file for a twelve-month period and will be removed after that, subject to satisfactory attendance, conduct, capability and performance.

If there is repetition of the unacceptable attendance, conduct, capability and performance, then disciplinary action under the next stage of the procedure will be considered.

### **Stage 3 – Final Written Warning**

Failure to improve on previous warnings or if an additional or more serious breach of standard occurs, a final written warning will be issued. A record of this written warning will be kept on the employee's personnel file for a twelve-month period and will be removed after that, subject to satisfactory attendance, conduct, capability and performance.

### **Stage 4 – Dismissal or other sanction**

Continued failure to improve on previous warnings or if an additional or particularly serious breach of standard occurs (such as gross misconduct), the employee may be dismissed. If the decision is to dismiss, the employee will be provided with a letter stating the reasons for termination of employment, the length of notice (whether this will be worked or whether there will be payment in lieu) and the effective date of termination. The letter will include details of the employee's right of appeal and will be issued as soon as possible after the decision to dismiss has been taken.

As an alternative to dismissal, the Gate reserves the right instead to suspend you without pay, transfer your employment or transfer you to another position, demote you, bar you from promotion / bonuses or apply such other sanction as the Gate deems appropriate in the circumstances.

### **Appeal**

You have the right to lodge an appeal in respect of any disciplinary action taken against you. This should be lodged within 5 working days from the date of the decision, stating the grounds of the appeal in writing, to the Artistic Director.

The Appeal Hearing will be conducted as soon as possible thereafter at which you will be given an opportunity to state your case. As the person hearing your appeal will not have previously been involved in the disciplinary process, you will receive an independent and fair hearing.

You may be accompanied at the appeal hearing by a consenting fellow employee of your choice, (other than an employee the subject of current disciplinary action in respect of the same complaint). The Gate reserves the right to refuse your chosen representative attendance at the appeal hearing where, for example, in the reasonable opinion of the Gate, his/her attendance would hinder the effective running of the appeal hearing. You will be given the opportunity to change your chosen representative. The representative will not be permitted to answer questions on your behalf.

The result of the appeal will be made known to you as soon as possible. You will have only one right of appeal and the outcome of this appeal is final.

Disciplinary sanctions will take effect automatically pending the outcome of any appeal hearing. Where a decision to dismiss is appealed and the decision upheld, the date of termination of employment will be the original date of dismissal and not the date of the outcome of the appeal.

It is accepted by all employees that CCTV footage can and will be used as part of the disciplinary process.

## **10. MISCONDUCT**

### **10.1 SERIOUS MISCONDUCT**

The following is a non-exhaustive list of what the Gate considers constitutes serious misconduct:

- Failure to abide by the general health and safety rules and procedures
- Persistent absenteeism and/or lateness
- Unsatisfactory standards or output of work
- Unauthorised use or negligent damage or loss of our property
- Disruptive behaviour
- Rudeness towards clients, objectionable behaviour or use of bad language
- Smoking in breach of Gate policy/designated non-smoking areas

## 10.2 GROSS MISCONDUCT

In instances of gross misconduct, the Gate reserves the right to dismiss you summarily without notice or pay in lieu of notice. The following is a non-exhaustive list of what the Gate considers constitutes gross misconduct:

- Gross failure to carry out the duties assigned to you in your role
- Neglect of duties that could result in the injury/harm to clients
- Making false allegations of personal accidents/injury at work
- Gross indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment
- Dangerous behaviour, fighting or physical assault/abuse
- Incapacity at work or poor performance caused by intoxicants or drugs
- Possession, supply or use of illicit drugs
- Arriving or returning to work under the influence of alcohol where it is deemed that you are not capable of carrying out your duties
- Deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or any fellow employee)
- Providing our competitors with Confidential Information including sight of our policies, procedures and working practices
- Deliberate failure to carry out instructions/insubordination
- Breach of professional conduct
- Unauthorised use of Gate property, facilities or resources.
- Selling, attempting to sell or promoting the sale of non-Gate merchandise while on the Gate's premises.
- Deliberate damage to Gate property
- Deliberate poor work performance
- Breaches of employment contract and/or terms and conditions of employment
- The taking of any property/money/owned by colleagues and/ or the taking of property/ money belonging to the Gate without authorisation
- Deliberate misrepresentation
- Sexual Harassment
- In-subordination
- Sleeping while on duty

## 11. GRIEVANCE PROCEDURE

### 11.1 PURPOSE OF GRIEVANCE PROCEDURE

The purpose of this procedure is to provide staff with a clear and readily accessible procedure for addressing problems or concerns they may have regarding their work, working environment or working relationships. This procedure also ensures that staff may formally raise a grievance as regards any decision or action taken by the organisation or where a policy or procedure is not being followed or applied fairly to employees.

This procedure applies to all employees regardless of their length of service.

The Gate reserves the right to depart from the precise requirements of this procedure where it is expedient to do so and where the resulting treatment of the employee is no less fair. The Gate may discontinue this process where it becomes impractical for either party to continue with it. The Gate will inform the employee concerned if either of these situations arise.

### 11.2 INFORMAL PROCEDURE

It is accepted that when people work together there may sometimes be situations where misunderstandings, problems or concerns need to be resolved. It is the policy of this organisation that a culture of good communications,

openness and willingness to co-operate and listen will exist. Therefore it is envisaged that the majority of these issues or misunderstandings will be capable of being addressed informally in an efficient and effective manner.

You are encouraged, where appropriate, to raise your grievance informally with your Line Manager. If, however, you feel unable to speak with your Line Manager, for example, because your grievance concerns your Line Manager, then you should speak to HR. If the informal approach does not resolve the problem, or you do not feel that the informal procedure is appropriate, you should use the formal procedure below.

### **11.3 FORMAL PROCEDURE**

#### Stage 1

- The complainant should set out their grievance in writing. If the grievance relates to their Line Manager, the employee should instead submit their grievance to HR.
- The complainant must include in the written submission, full details of the grievance, the steps taken so far to try and resolve the grievance, and the remedy sought.
- Within ten working days of receipt of the grievance, or as soon as practicable thereafter, if the person to whom the grievance was submitted considers it appropriate, he or she will arrange for the complainant to attend a grievance hearing. The purpose of this meeting will be to enable the complainant to explain the grievance and discuss the circumstances surrounding it. The complainant is entitled to be accompanied to the meeting by a colleague. The Gate reserves the right to refuse the chosen representative attendance at the grievance meeting where, for example, in the reasonable opinion of the Gate, his/her attendance would hinder the effective running of the meeting. The complainant will be given the opportunity to change their chosen representative.
- Following this meeting, the relevant Line Manager and HR may carry out such further investigations and/or hold such further grievance meetings as considered appropriate in order to fully investigate the grievance.
- As soon as possible thereafter the complainant will be informed in writing of the outcome of the grievance and of their right to appeal.
- Formal grievances will be recorded and placed in the Gate's records and on the complainant's personnel file.

#### Stage 2 - Appeal

- If the complainant wishes to appeal the outcome of a grievance, they should do so in writing to the Artistic Director of the Gate within ten working days of the date on which the decision was sent or given to them.
- The complainant's written submission must set out in full, the grounds of appeal.
- An appeal hearing will be conducted as soon as possible thereafter at which the complainant will be given an opportunity to state their case. The meeting will not be a full re-hearing of the matter. The complainant is entitled to be accompanied to the appeal meeting by a colleague. The Gate reserves the right to refuse the complainant's chosen representative's attendance at the appeal meeting where, for example, in the reasonable opinion of the Gate, his/her attendance would hinder the effective running of the meeting. The complainant will be given the opportunity to change their chosen representative.
- The Gate's final decision will be notified to the complainant in writing within 2 weeks of the appeal meeting. The outcome of the appeal hearing will be final and binding.
- As a matter of general principle, any employee may write to the Board with any issues if they feel that they wish to do so.

## **12. DIGNITY AT WORK POLICY**

### **12.1 POLICY STATEMENT**

The Gate is committed to creating an environment that promotes equality and dignity at work. We are committed to protecting the dignity of all staff and will take whatever steps are necessary to tackle any bullying, harassment or sexual harassment problem within the Gate. In particular, we are committed to treating all employees, contractors, agency staff, visitors, customers and business contacts equally, regardless of gender, civil status, family status, sexual orientation, religious belief, age, disability, race or membership of the Traveller community. These are the nine protected characteristics under the Employment Equality Acts 1998-2016 (the "Equality Acts").

The Gate believes that embracing equality and diversity in the workplace benefits not just the Gate but also individual employees, departments and our customers/clients. All our employees bring their own background, work style, distinct capabilities, experience and characteristics to their work. We recognise that our talented and diverse workforce reflects the diversity of our customers and markets and we want to utilise the widest range of

skills, knowledge and experience in our business while complying with legislation.

As well as treating people with dignity and respect, the Gate strives to create a supportive environment in which all employees can flourish and reach their full potential, regardless of differences, experience or education. Harnessing the wide range of perspectives this diversity brings promotes innovation and helps make us more creative and competitive.

The Gate recognises the right of all employees and others who work at or visit our premises to be treated with dignity and respect. All individuals affected by this policy are under an obligation to conduct themselves, at all times, in such a manner as to respect the rights of others to dignity in the workplace.

All employees have the right to work in an environment that is free from bullying, harassment and sexual harassment. Any individual who experiences bullying, harassment or sexual harassment will be supported by the Gate in bringing such unlawful behaviour to a close. Bullying, harassment and/or sexual harassment of our employees by non-employees such as clients, customers or other business contacts may lead to the imposition on the non-employee of appropriate sanctions. Bullying or harassment by our employees, whether of colleagues or of any other person with whom an employee deals in the course of employment will be treated as a disciplinary matter subject to sanctions up to and including dismissal.

This policy applies to conduct which takes place both on our premises and elsewhere in connection with work or functions organised for or on behalf of the Gate. For example, conduct at work-related social events, functions, or excursions, is covered by this policy. This policy also applies to conduct occurring during and/or outside normal working hours.

We will deal with complaints of bullying, harassment and sexual harassment in line with this policy. All complaints of bullying, harassment and sexual harassment will be taken seriously and will be followed through to resolution. Complaints will be treated confidentially, objectively, sensitively, and with respect for all parties concerned.

This policy will be updated from time to time to reflect changes in the law, best practice and other relevant factors.

## **12.1 RECRUITMENT, TRAINING AND DEVELOPMENT**

The Gate formulates and implements policies and practices that value diversity, provide equality of opportunity, and ensure that no job applicant, employee, customer or business associate receives less favourable treatment on any of the nine protected grounds under the Equality Acts. We will also ensure that other policies and practices reflect our commitment to treating people fairly, promoting an integrated way of working and respecting the dignity of staff at all times.

Individuals will be recruited, employed, promoted and developed on the basis of their abilities and merits and according to the requirements of the job.

Our recruitment policy reflects our belief that diversity in all areas, including cultural, generational, language and national backgrounds, is necessary in helping us succeed in both domestic and global markets. The Gate will not discriminate against any prospective employee during the recruitment process. Interviews will be carried out objectively and individuals will be judged on merit and their ability to do the job. It is our policy to ensure that as much accommodation as possible is carried out to facilitate the participation of individuals with a disability during the recruitment process and in the workplace.

Performance appraisals and feedback will be carried out in a sensitive, non-discriminatory manner. The Gate will offer the same development and training opportunities to all employees to achieve high standards of performance. The Gate rewards excellence and employees will be promoted on the basis of merit.

## **12.2 BULLYING, HARASSMENT AND SEXUAL HARASSMENT POLICY**

### **WHAT IS BULLYING?**

Under the Safety, Health and Welfare at Work Act, 2005, the Gate has a duty to provide its workers with a safe place of work. This includes a workplace free from bullying and intimidation.

Workplace bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition is not considered bullying. Unlike in the context of harassment (discussed below) bullying is not dependant on the recipient having one of the nine protected characteristics under the Equality Acts.

Bullying is conduct which occurs on more than one occasion and can include conduct offensive to a reasonable person.

Many types of conduct and actions can constitute bullying with some being less obvious than others. Bullying can consist of persistent offensive, abusive, intimidating, malicious or insulting behaviour, or abuse of power carried out by an employee or group of employees, either directly or indirectly, which makes the recipient feel upset, threatened, humiliated or vulnerable.

By way of example only, a pattern of any of the following (non-exhaustive) types of conduct may also amount to bullying:

- Exclusion with negative consequences
- Intimidation
- Aggression
- Physical abuse
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Verbal abuse/insults
- Excessive monitoring of work
- Public or private humiliation
- Manipulating a person’s job content and targets
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unjustified criticism and sarcasm
- Sneering
- Shouting at staff in public or in private

The following are non-exhaustive examples of behaviour which does not amount to bullying:

- Legitimate instructions to perform a task(s)
- Reasonable and essential action arising from the good management of the performance of employees
- Actions taken in furtherance of the safety, health and welfare of employees
- Constructive and fair criticism of an employee’s conduct or work performance
- Complaints relating to reasonable instructions issued by a Line Manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure

#### **WHAT IS HARASSMENT?**

Harassment is defined under the Equality Acts as any form of unwanted conduct related to any of the nine discriminatory grounds being conduct which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The nine discriminatory grounds are:

- Gender
- Sexual orientation
- Race, nationality or ethnic origin
- Civil status
- Disability
- Religious belief
- Family status
- Age
- Membership of the Traveller community

The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

Many forms of behaviour can constitute harassment including:

- Verbal harassment - Jokes, comments, ridicule or songs
- Written harassment - Text messages, emails or notices
- Physical harassment - Jostling, shoving or any form of assault, pinching, or unnecessary touching
- Non-Verbal / Intimidation - Gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from work related social activities
- Pressure to behave in a manner that the employee thinks is inappropriate

#### **WHAT IS SEXUAL HARASSMENT?**

Sexual harassment is defined in the Equality Acts as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature being conduct which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The following are examples of unacceptable and inappropriate behaviour, which may be construed as sexual harassment:

- Physical - Unwelcome physical contact of a sexual nature, kissing, or groping
- Verbal – Unwelcome sexual advances, pressure for social contact, suggestive jokes, remarks or innuendo
- Non-verbal / visual – sexually suggestive or pornographic pictures and calendars, leering or whistling, or sending emails/text messages
- 

**The intention of the perpetrator(s) of the bullying, harassment or sexual harassment is irrelevant. The effect of the behaviour on the employee is what is relevant.**

The above examples of bullying, harassment and sexual harassment are not exhaustive and any behaviour of a similar nature will also be dealt with under this policy.

#### **WHAT IS VICTIMISATION?**

In accordance with the Equality Acts, victimisation occurs where dismissal or other adverse treatment of an employee occurs as a reaction to:

- a complaint of discrimination made by the employee;
- any proceedings by a complainant;
- an employee having represented or otherwise supported a complainant;
- an employee having been a witness in any proceedings under the Equality Acts or the Equal Status Acts 2000 to 2008;
- an employee having opposed by a lawful means an act that is unlawful under the Equality Acts or the Equal Status Acts 2000 to 2008; or
- an employee having given notice of intention to do any of the above.

Any victimisation of, or retaliation by, another worker against a complainant, a worker supporting a complainant, or a worker who gives evidence regarding the allegation of bullying, harassment or sexual harassment, will be subject to disciplinary action up to and including dismissal.

#### **COMMITMENT TO THE PREVENTION OF AND DEALING WITH BULLYING AND HARASSMENT**

The Gate understands that bullying, harassment and sexual harassment can affect the health and wellbeing of an individual. Bullying, harassment and sexual harassment cannot be explained/excused on the basis that it was carried out in good humour or as a joke. It is also important to remember that a person, though upset or offended by another's actions or comments, might not object or express his/her discomfort, out of politeness, embarrassment or insecurity in his or her position.

The Gate is committed to ensuring that our workplace is free from bullying, harassment and sexual harassment. Our policies and practices strive to prevent bullying, harassment and sexual harassment. Management will be vigilant about addressing signs of bullying, harassment and sexual harassment before a problem escalates and will promote awareness of this policy and the complaints procedure.

All employees can and are obliged to contribute to the creation and maintenance of a work environment free from bullying, harassment and sexual harassment.

#### **REPORTING PROCEDURE**

In many cases the Gate may not be aware of the conduct that is taking place, and unless the employee concerned takes the appropriate steps, as outlined below, it may not be possible to do anything to prevent the conduct from continuing. Should an employee experience or observe unwanted conduct, he/she is encouraged to raise the issue so that it can be resolved speedily.

The following procedures will be used for any complaints of bullying, harassment, or sexual harassment. At all times due regard must be given to the rights of the alleged perpetrator(s), always bearing in mind that the complaint amounts to no more than an allegation, unless and until the facts have been satisfactorily established.

#### **CONTACT PERSON**

A team member who believes that he/she has a bullying or harassment complaint may contact their Line Manager

A formal complaint is made to the line *manager or to another appropriate manager if the line manager is party to the complaint*. The Gate's Dignity at Work Contact Person (Tara Van Zyl - tara@gate-theatre.ie) can also provide confidential support, guidance and information to help to team member to determine the right person to receive and to deal with the complaint.

The Line Manager (*or to another appropriate manager if the line manager is party to the complaint*) will identify a "Contact Person" for the purposes of procedures set out below.

The Contact Person's role is one of support and information. The Contact Person will listen and advise on complaints at work and explain the procedures in place to deal with complaints. While the Contact Person may assist in explaining options, it will avoid directing a team member to one option above any other.

The Contact Person will not get involved in any other way in the complaints procedure and is not an advocate for either party.

## **CONFIDENTIALITY**

It is extremely important that at all stages of a bullying, harassment or sexual harassment complaint (whether by way of informal/formal procedure) confidentiality is maintained. Consequently, any team member who is involved in the processing of a complaint whether as the person making the complaint, the person complained of, a Contact Person, investigator or witness must keep all details relating to the complaint confidential. A breach of this requirement may be treated as a disciplinary matter.

While it is the Gate's policy to maintain confidentiality to the greatest effort consistent with the requirements of a fair investigation, team members should be aware that there may be occasions when the Contact Person or investigator(s) has a duty to disclose information to the Gate, particularly where he/she has a serious concern regarding the risk to the health and safety of a team member or another person.

## **INFORMAL PROCEDURE**

Best practice suggests that an informal approach to addressing a complaint of bullying, harassment or sexual harassment can often be effective. In the first instance, an attempt should be made to address an allegation of bullying, harassment or sexual harassment on an informal basis through the procedure set out below.

The objective of the informal procedure is to allow scope for resolving problems quickly with minimum stress and conflict. Unlike the formal procedure, the informal process does not involve a full investigation to determine whether bullying, harassment or sexual harassment occurred.

A team member who believes that he/she is being bullied, harassed or sexually harassed should, where possible, explain directly to the alleged perpetrator(s) that the behaviour at issue is unacceptable. Where the complainant would find it difficult to confront the person(s) complained of directly, he/she should seek support and assistance from a colleague or the Contact Person. Any approach made by the Contact Person on the complainant's behalf will be on a confidential, non-confrontational basis and will seek to resolve the issue in an informal low-key manner.

If the complainant is not satisfied with the outcome of this approach, or if he/she feels unable to take this approach, he/she should notify his/her Line Manager, or, where the Line Manager is the alleged perpetrator, the Artistic Director. An appropriately trained and experienced person will be designated to deal with the informal complaint (the "Designated Person") who is Bea Kelleher, Executive Director. The complainant should give the Designated Person concrete examples of the alleged inappropriate behaviour, the dates of any such incidents and details of witnesses, where possible.

The Designated Person will establish the facts, the context of the complaint and the next course of action in dealing with the matter under the informal procedure. This will be done within an agreed timeframe. A complaint may be made verbally or in writing. If the complaint is made verbally, a written note will be taken, which will be copied to the alleged perpetrator(s).

A choice not to adopt the informal procedure will not reflect negatively on either party to the process.

The Designated Person, together with the complainant and the alleged perpetrator(s), will agree a method to progress the issue to resolution so that both parties can return to a harmonious working environment together. This may include mediation, counselling, training or other measures. The Designated Person will keep a written record of all stages of the informal procedure.

## **FOLLOW UP**

Where appropriate, on-going support and/or review will be made available to both parties following the informal process.

In many situations, with everyone's co-operation, the matter can rest here.

## **FORMAL PROCEDURE**

If the complainant decides that it would not be appropriate for the Gate to deal with the complaint under informal procedure, or having done so, the complainant is not satisfied with the outcome, he/she should proceed under the formal procedure.

A team member who wishes to invoke the formal procedure must make a formal complaint in writing, signed and dated, to his/her Line Manager, or, where the Line Manager is the alleged perpetrator(s), the Artistic Director or to HR, which is the Executive Director, Bea Kelleher. The complaint should set out precise examples of the alleged bullying, harassment and/or sexual harassment, the dates of any such incidents, and details of witnesses where possible.

The alleged perpetrator(s) will then be notified in writing that an allegation of bullying, harassment and/or sexual harassment has been made against him/her. The alleged perpetrator(s) will be told that he/she will be given a fair opportunity to respond to each and every allegation of bullying, harassment and/or sexual harassment and he/she will be given a copy of the written complaint together with a copy of this policy. A copy of this policy will also be provided to the complainant. Both parties will be advised of the aims and objectives of the formal process, the procedure to be followed, the likely time frame and the possible outcomes.

The formal procedure involves a full investigation of the complaint by an experienced and appropriate investigator (external or internal as we believe appropriate in a particular case). The objective of the investigation is to establish whether, on the balance of probabilities, the behaviour complained of occurred.

Where the allegations made are of a severe nature, the Gate reserves the right to suspend the alleged perpetrator(s) on full pay pending an investigation. Alternatively, one or both parties may be required to relocate to a different business unit or location during this time. If the investigator considers that the behaviour complained of could constitute a criminal offence, the complaint may be referred to An Garda Síochána.

The investigation will be undertaken impartially and as thoroughly, sensitively and confidentially as possible, with due regard to the rights of both parties. The investigation will be governed by terms of reference which will be set out before the investigation commences.

The first meeting will take place within 10 working days of receipt of the complaint or as soon as possible thereafter. The investigator will meet the complainant, the alleged perpetrator(s) and any witnesses or other relevant persons on an individual basis to try to establish the facts surrounding the allegation. The complainant and the alleged perpetrator(s) may be accompanied to such meeting by a colleague. The Gate reserves the right to refuse the chosen representative attendance at the meeting where appropriate in which case the relevant person will be given the opportunity to change their chosen representative. The representative's presence is primarily to provide support.

Both the complainant and the alleged perpetrator(s) will be given a fair opportunity to state their position in relation to the allegations made before any conclusions are reached or decisions made.

Further meetings with some/any of those involved may be required as the investigator deems necessary.

#### **REPORT**

Once the investigation is complete, the investigator will provide to HR a written report of the investigation which shall include the investigator's findings. Both the complainant and alleged perpetrator(s) will be given a copy of the report. The complainant and alleged perpetrator(s) will have 10 days from the date on which the report is given to them in which to submit comments in writing on the investigator's findings before any action is decided on by the Gate.

#### **COURSE OF ACTION**

If the Gate decides that the complaint is well founded, management will meet formally with the alleged perpetrator(s) to determine an appropriate course of action. Such action can and may include counselling, monitoring, mediation and/or disciplinary action in line with the Gate's disciplinary policy.

If the bullying, harassment or sexual harassment is found to have been perpetrated by a non-employee of the Gate, the Gate will decide what appropriate sanctions should be taken against such non-employees including exclusion from the premises, suspension or termination of service/contract etc.

If the Gate decides that the complaint is not well founded, management will formally meet with the complainant, again to determine an appropriate course of action. It may be that some kind of counselling or mediation session(s) is required between the complainant and the alleged perpetrator(s).

#### **APPEAL PROCEDURE**

Either party may appeal the findings of an investigation under this policy to the Artistic director or an appropriate third party nominated by him/her who has not been involved at any earlier stage of the procedure. The appeal must be provided in writing within 14 working days of the Gate's decision in respect of the complaint and must outline the reasons for the appeal. The appeal will be heard on the points raised and will not involve a reinvestigation of the complaint.

#### **MALICIOUS OR VEXATIOUS COMPLAINTS**

Where it is believed that there is an abuse of the policy by bringing forward malicious, intentionally exaggerated or knowingly false claims, the Gate's disciplinary procedure may be invoked against a complainant, which may result in dismissal with or without notice.

#### **REVIEW OF POLICY**

This policy will be reviewed regularly and may be changed at our discretion to reflect our experiences in implementing it, any relevant changes in our workplace, and any external factors that we consider relevant. Management will be responsible for ensuring that such reviews take place.

#### **MONITORING**

We will continue to monitor and record any incidents of bullying, harassment or sexual harassment to assist in taking corrective action and the continuous improvement of these policies and procedures.

Employees will be provided with appropriate training and supervision on issues related to bullying, harassment or sexual harassment at work including the provision of training for Line Managers, and for all staff, at induction or through appropriate awareness-raising initiatives.

## **13. DATA PROTECTION POLICY**

### **13.1 INTRODUCTION**

The Data Protection Acts 1988 and 2003 ("the Acts") provide rules which apply to the collection, use, disclosure and transfer abroad of information about individuals which includes employee and client personal data. The Acts set out the principles that the Gate must follow when processing personal data about individuals and also gives individuals certain rights in relation to personal data that is held about them.

The aims of this policy are:

- To assist the Gate in meeting its obligations under the Acts;
- To regulate the Gate's use of information relating to employees and others who work for the Gate; and
- To ensure that employees and others working for the Gate are aware of both their rights in relation to the personal data that the Gate holds about them, and their responsibilities as regards personal data they may process about clients and other individuals as part of their job.

For ease of reference, this policy refers to "employees", but it applies equally to others working for the Gate.

### **13.2 DATA PROTECTION PRINCIPLES**

The Acts place an obligation on data controllers, such as the Gate, to observe the data protection principles. In summary these principles require that personal data must:

- 13.2.1 Be obtained and processed fairly
- 13.2.2 Be used and disclosed for specified, explicit and legitimate purposes and not in any manner incompatible with those purposes
- 13.2.3 Be adequate, relevant and not excessive
- 13.2.4 Be accurate, complete and up-to-date
- 13.2.5 Not be kept for longer than is necessary for the purpose(s) for which it was obtained
- 13.2.6 Be processed in line with the rights given to individuals under the Acts
- 13.2.7 Be kept safe and secure
- 13.2.8 Not be transferred to countries without adequate levels of data protection

Employees have an obligation to comply with these principles where appropriate

### **13.3 WHAT IS PERSONAL DATA?**

Personal data is data relating to a living individual who is or can be identified either from the data itself or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller. The data protection principles apply to any sort of personal data, which is either electronically processed (e.g. on a database) or which is held or intended to be in a structured filing system (e.g. a set of personnel files).

Personal data is normally obtained directly from the employee concerned. In certain circumstances, it will, however, be necessary to obtain data from third parties, e.g., references from previous employers. Where relevant to the nature of the work, the Gate may make an application to the Garda Vetting Bureau for Garda clearance of an employee.

Certain personal data is classified as "sensitive personal data". This is personal data relating to a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade union, physical or mental health, sexual life or any criminal offence or related proceedings. For example, the Gate may, where necessary in connection with employment, collect and process sensitive personal data in respect of your health.

### **13.4 THE GATE'S OBLIGATIONS**

"Processing" includes the obtaining, recording, keeping and disclosing of data. Generally, processing of employee personal data may only be done with the employee's consent. However, such consent is not required in certain circumstances, for example where the processing is necessary for compliance with a legal obligation or where the processing is necessary for the performance of a contract to which the employee is a party e.g. an employment contract.

### **13.5 NATURE OF EMPLOYEE INFORMATION**

The Gate holds and processes certain personal information about you as part of its general employee records. The records may include your address, contact details, payroll details, educational history, position, etc. This sort of information is known as "personal data" under the Acts. Employee information is also held on personnel and operational databases. In some cases, the HR or your Line Manager might also hold employee information in their own files.

Sensitive personal data may include records of sickness absence, medical certificates and medical reports. The purpose of processing this type of information is generally to manage the recruitment process, to administer benefit plans, to monitor and manage sickness absence and to comply with health and safety legislation. If sensitive personal data relating to you is being processed for reasons otherwise than those set out above or otherwise permitted by law, your explicit consent will be sought.

The Gate is under a legal obligation to keep certain data for a specified period of time. In addition, the Gate will need to keep personnel data for a period of time in order to protect its legitimate interests.

### **13.6 PURPOSE OF PROCESSING GENERAL EMPLOYEE INFORMATION**

The Gate needs to collect and use personal data about employees for a variety of personnel, administration, work and general business management purposes. These include administration of the payroll system, the administration of employee benefits (such as leave entitlements), facilitating the management of work and employees, carrying out appraisals, performance and salary reviews, operating and checking compliance with the Gate's employment rules and policies, operating the Gate's IT and communications systems, checking for unauthorised use of those systems, and to comply with record keeping and other legal obligations.

### **13.7 KEEPING EMPLOYEE INFORMATION**

The Gate will take steps to ensure that the employee information it holds is accurate and up-to-date. For example, you will be asked to inform the Gate of any changes required to update your employee information (such as a change of address). From time to time you will be asked to supply updated personal information as part of our annual review of personal data held to ensure that the Gate meets its data protection obligations. The Gate will also take steps to ensure that it does not keep any information about employees for longer than is necessary.

### **13.8 TRANSFER OF EMPLOYEE INFORMATION**

The Gate may make some information about you available to the Gate's advisers and/or data processors such as lawyers, accountants, payroll administrators, benefits providers (for example, pension scheme providers), to those providing products or services to the Gate (such as IT and other outsourcing providers) and to government and/or regulatory authorities. These recipients may be located outside the European Economic Area. In this case, the Gate will, as far as is possible, ensure that the recipients of the information, both within and outside the Gate, comply with the contents of this policy.

#### Security and disclosure of data

The Gate will take all reasonable steps to ensure that appropriate security measures are in place to protect the confidentiality of both electronic and manual data. Security measures will be reviewed from time to time, having regard to the technology available, the cost and the risk of unauthorised access. Employees must implement all organisational security policies and procedures, e.g., use of computer passwords and locking filing cabinets.

Employee data will only be processed for employment-related purposes and, in general, will not be disclosed to third parties, except where required or authorised by law or with the agreement of the employee. Personnel files are normally stored in the Gate's office and employees who have access to these files must ensure that they treat them confidentially. In particular, employees working in the payroll department must treat all personal data they receive confidentially and must not disclose it, except in the course of their employment.

Employees may have access to a certain amount of personal data relating to colleagues, customers and other third parties. Employees must play their part in ensuring its confidentiality. They must adhere to the data protection principles and must not disclose such data, except where necessary in the course of their employment, or in accordance with law. They must not remove or destroy personal data except for lawful reasons.

Any breach of the data protection principles is a serious matter and may lead to disciplinary action up to and including dismissal. If employees are in any doubt regarding their obligations, they should contact the Gate's data protection officer.

#### Medical data

If an employee attends the Gate's nominated doctor as part of a process to determine fitness for work following sick leave, the employee is entitled to request access to their medical reports provided by that Doctor. Should an employee wish to do so, they should contact HR who will consult with the doctor who examined them and request the data. The final decision lies with the doctor. Employees are required to submit sick certificates in accordance with the sick pay policy. These will be stored by the Gate, having the utmost regard for their confidentiality.

#### E-mail monitoring

The Gate provides e-mail facilities and access to the internet. In order to protect against the dangers associated with e-mail and internet use, screening software is in place to monitor e-mail and web usage. Mailboxes may be opened in certain circumstances. Please refer to the e-mail and internet usage policies for further details.

#### Closed circuit monitoring

The Gate has CCTV cameras located at the entrance to the box office, the entrance to its offices, and to the rear of the Gate's building. This is necessary in order to protect against theft or pilferage, for the security of staff and the Gate's property. Access to the recorded material will be strictly limited to authorised personnel. The Gate reserves the right to use information obtained by CCTV for disciplinary or performance management purposes. Further guidance regarding the use of CCTV is outlined in the Gate's CCTV policy at section 1.28.

#### Data Protection Officer

The data protection officer bears overall responsibility for ensuring compliance with data protection legislation. All employees must co-operate with the data protection officer when carrying out their duties.

The data protection officer is also available to answer queries or deal with employees' concerns about data protection.

### **13.9 YOUR RIGHTS UNDER THE DATA PROTECTION RULES**

The Acts give you (and anyone else about whom personal data is held) specific rights in relation to the information that is held about you. Some of these rights are summarised below.

Under the Acts, you are entitled to:

13.9.1 Obtain confirmation that the Gate holds personal information about you, as well as a written description of the information, the purposes for which it is being used, the sources of the information, and the details of any recipients; and

13.9.2 Obtain access to the personal information, which is held about you.

It is important to note that this is not an absolute right to review all the information that is held about you, as there are various exceptions to this right contained in the Acts. These include:

- (a) where personal data is kept for the purpose of preventing, detecting or investigating offences and related matters; and
- (b) where the data is an expression of opinion about you given by another person in confidence.

In certain circumstances, you can ask for the deletion or rectification of information, which we hold about you, which is not accurate, or request that your personal information be used for specific purposes.

### **13.10 YOUR RESPONSIBILITIES UNDER THE DATA PROTECTION RULES**

As well as having rights under the Acts, all employees, when processing personal data, must comply with the data protection rules set out in this Policy. Failure to comply with the rules and requirements in relation to data protection may result in disciplinary action being taken against you.

### **13.11 YOUR PERSONAL INFORMATION**

In order to assist the Gate in ensuring that your personal information is kept up to date, you should inform HR of any changes to the following information:

- 13.11.1 CV / application form
- 13.11.2 Address and other contact details
- 13.11.3 Emergency contact name
- 13.11.4 Bank account details

#### Right to object

In some circumstances, employees have the right to object to data processing that is causing them distress. Where such objection is justified, the Gate will cease processing the data unless it has a legitimate interest that prevents this. The Gate will make every effort to alleviate the distress caused to the individual.

An objection should be made in writing to the data protection officer, outlining the data in question and the harm being caused to the employee.

### **13.12 PERSONAL INFORMATION RELATING TO EMPLOYEES AND CLIENTS**

- 13.12.1.1 If, as part of your job, you hold any personal information about other employees of the Gate, clients or about anyone else, then you also need to take steps to ensure that you are following the guidelines set out in this policy. The following guidelines apply equally to documents containing personal information, which are kept in files, as well as information, which is kept electronically
  - You should not keep personal information about people which you no longer need or which is out of date or inaccurate. You should therefore review any personal information that you hold from time to time, bearing these principles in mind.
  - All personal information must be kept securely and should remain confidential.
  - If you receive a request from someone to give them any personal data about an employee or client (or other individual) you should refer them to HR. The Gate needs to verify the identity of the person making such a request and has to balance various considerations when deciding whether and how to respond to such request, including compliance with the Acts. It is therefore important to refer such requests to HR so that that person can ensure the Gate's obligations are complied with.
  - Accessing, disclosing or otherwise using employee records or other personal data without authority will be treated as a serious disciplinary offence and may result in disciplinary action being taken in accordance with the Gate's disciplinary procedure up to and including dismissal.

If you are unsure about the application of these guidelines to the information you hold as part of your job, you should contact your Line Manager and/or HR for further guidance.

### **13.13 VARIATION**

The Gate may issue further guidance or make amendments to this policy from time to time, which will be notified to you.

## **14. WHISTLEBLOWING POLICY**

### **14.1 INTRODUCTION**

The Gate is committed to maintaining the highest standards of honesty, openness and accountability and does not

believe that it is in anyone's interests for those with knowledge of wrongdoing not to come forward. The Gate takes all malpractice very seriously. Persons making genuine, supported, material allegations should be assured that their concerns will be treated seriously and sensitively. The Gate will provide reasonable support to all persons reporting relevant wrongdoings and will aim to protect them from detriment, provided that at all times the person making the allegation has acted in good faith and that the allegations made are material and properly grounded.

#### **14.2 POLICY STATEMENT**

Employees are encouraged to report relevant wrongdoings occurring in the Gate at the earliest opportunity and according to the procedures laid out in this policy. This policy should not be used for complaints relating to a staff member's own personal circumstances, or arising out of their contract of employment with the Gate, such as the way they have been treated at work. In those cases, the staff members should use the Gate's grievance procedure or bullying, harassment and sexual harassment procedure as appropriate.

The Artistic Director has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

#### **14.3 PURPOSE**

The aims of this policy are to:

- encourage workers to report relevant wrongdoings as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate;
- provide workers with guidance as to how to raise those concerns; and
- reassure workers that they should be able to raise genuine concerns without fear of reprisals.

#### **14.4 SCOPE**

This policy applies to all categories and grades of employees in the Gate as well as officers, consultants, contractors, interns, trainees, casual workers and agency workers (together referred to as "workers" throughout this policy).

#### **14.5 DEFINITION**

This policy aims to protect workers from penalisation and/or detriment where they make a disclosure of information which he or she reasonably believes demonstrates a "relevant wrongdoing" and which comes to their attention in connection with their employment. The following are considered "relevant wrongdoings":

- the commission of an offence;
- failure to comply with any legal obligation (other than one arising under the worker's contract of employment or engagement);
- miscarriages of justice;
- danger to health and safety of an individual;
- damage to the environment;
- unlawful or improper use of funds and/or resources of a public body, or of other public money;
- an act or omission of a public body is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement; and/or
- the deliberate concealment of any of the above matters.

If you are uncertain whether something is within the scope of this policy you should seek advice from HR.

#### **14.6 PROCEDURE FOR RAISING A CONCERN**

14.6.1 The Gate hopes that in many cases you will be able to raise any concerns identified above with your direct Line Manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases your direct Line Manager may refer the matter HR.

14.6.2 However, where the matter is more serious, or you feel that your direct Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

14.6.3 a director of the Gate.

14.6.4 The Gate will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

14.6.5 The Gate will take down a written summary of your concern and provide you with a copy after the meeting. The Gate will also aim to give you an indication of how it proposes to deal with the matter.

14.6.6 Once you have raised a concern, the Gate will carry out an initial assessment to determine the scope and terms of reference of any investigation. The Gate will inform you of the outcome of its assessment. You may be required to attend additional meetings in order to provide further information.

14.6.7 In some cases, the Gate may appoint an investigator or team of investigators including workers with relevant experience of investigations or specialist knowledge of the subject matter to report on their investigation. The investigator's report will be sent to a designated member of senior management who will determine what if any action should be taken by the Gate. Such action could include changes to the way the Gate conducts its operations, disciplinary action (following the application of the disciplinary procedure) or a referral to an appropriate third party such as An Garda Síochána or an appropriate person.

14.6.8 The Gate will aim to keep you informed of the progress of the investigation and its likely timescale.

However, sometimes the need for confidentiality or to facilitate a fair and comprehensive investigation may prevent it giving you specific details of the investigation. You should treat any information about the investigation as confidential.

14.6.9 While the Gate cannot always guarantee the outcome you are seeking, it will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this. If you are not happy with the way in which your concern has been handled, you may contact a director of the Gate.

## **16.1 CONFIDENTIALITY**

The Gate hopes that workers will feel able to voice concerns openly under this policy. However, if you want to raise your concern confidentially, the Gate will take all reasonable steps to avoid disclosing your identity to another person. The Gate does not encourage workers to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Gate cannot obtain information from you which is necessary for the purpose of conducting a fair and comprehensive investigation. Workers who wish to disclose their concerns under this policy but who are apprehensive about possible reprisals if their identity is revealed should come forward to HR and appropriate measures can then be taken to preserve confidentiality if and where possible.

## **14.7 EXTERNAL DISCLOSURES**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media and in general you should only do so as a last resort. The Gate strongly encourages you to seek advice before reporting a concern to anyone external.

Whistleblowing concerns usually relate to the conduct of our workers, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law may protect you if you raise the matter with the third party directly. However, the Gate encourages you to report such concerns internally first. You should contact your direct Line Manager or one of the other individuals set out above for guidance.

## **14.8 PROTECTION AND SUPPORT FOR WORKERS MAKING DISCLOSURES**

It is understandable that workers who make disclosures are sometimes worried about possible repercussions. The Gate aims to encourage openness and will support workers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Workers who make disclosures under this policy must not suffer any penalisation or detrimental treatment as a result of raising a concern. This treatment includes, but is not limited to, the following:

- suspension, lay-off or dismissal;
- demotion or loss of opportunity for promotion;
- transfer of duties, change of location of place of work;
- reduction in wages or change in working hours;
- imposition or administering of any discipline, reprimand;
- unfair treatment;
- coercion, intimidation or harassment;
- discrimination or disadvantage;
- injury, damage or loss;
- threat of reprisal; or
- other unfavourable treatment connected with raising a concern.

If you believe that you have suffered any such treatment, you should inform HR immediately. If the matter is not remedied you can raise it formally using the Grievance Procedure.

You must not threaten or retaliate against workers who make protected disclosures under this policy in any way. If you are involved in such conduct you may be subject to disciplinary action.

