

Written evidence submitted by Emily Dervey (Backstage Dresser and Front of House Member (Venue Assistant) at Hull Culture & Leisure LTD: Hull New Theatre and Hull City Hall)

Hull Culture & Leisure LTD refusal to furlough essential casual staff who operate its buildings Hull New Theatre and Hull City Hall, during the COVID-19 pandemic

Summary

Hull Culture & Leisure (HCAL) owns theatres, halls, museums and libraries in Hull. This essay is purely relating to the operation of the Hull New Theatre and Hull City Hall, which are both operated by the same group of staff and management team. These buildings are majority staffed by casual PAYE workers.

On March 17th 2020, the Hull New Theatre and Hull City Hall buildings were closed to the public until further notice, cancelling the run of *Mamma Mia* and all other upcoming agreed shifts. Staff were largely informed via text message from Duty Managers.

HCAL have furloughed their contracted staff only and have refused to furlough casual staff during their buildings' closure. HCAL have deliberately excluded the majority of these buildings' staff - at least 40, potentially 60+ people - from accessing government support in this pandemic. These actions are completely unjust, especially considering the essential nature of the work these staff perform for the operation and success of these buildings.

If the government move to provide an ongoing financial support package for the theatre industry, it needs to be inclusive of all staff, contracted, casual, and freelance, **without barriers put in place by employers.**

Context

The Hull New Theatre and Hull City Hall are overwhelmingly operated by casual staff whose role, as written on their appointment letter, is to cover permanent members of staff; **but these roles do not exist.** The Hull New Theatre and Hull City Hall cannot operate at capacity with their contracted staff alone. For example:

- Concerning Front Of House:
 - The Hull New Theatre has a capacity of 1330. The auditorium has 8 doors that each need a member of staff on (plus 1 Fire Exit door), assuming it is accommodating its maximum capacity.
 - Each Front of House position in the theatre has its own unique required actions for in the event of an evacuation. There are 11 different positions.
 - **There are currently only 2 permanent members of FOH staff**, whose job title is Contracted Venue Assistant.
- Concerning Security:
 - Security are required to perform bag checks to allow entrance to the buildings – only Security and Duty Managers I believe are allowed to do this
 - Security are required at every event to keep staff and the public safe
 - **There are no contracted Security**
- Concerning backstage Dressers and Stage Hands:

- Dressers and Stage Hands are required to work every show of a visiting show's run. Each worker is given an individual track/cue sheet to fulfil during each show.
- Stage Hands also work the "get in" and "get out" (building and dismantling the set and backstage layout of a show)
- Dressers also perform costume maintenance between every show
- **There are no contracted Dressers or Stage Hands**

These casual staff do not cover any permanent member of staff and are essential for the buildings and shows to operate. Other casual staff include Duty Managers who I believe do cover the 2 contracted Duty Managers. Casual staff work regular and often full-time hours. One could visit the theatre and encounter only casual staff.

Hull Culture & Leisure LTD's stance

The reason HCAL have given for not furloughing their casual staff is that they are not classed as employees and so have no duty of care towards them during this pandemic.

To quote HR Manager 1st April in an email forwarded from our Trade Union Rep (Unite the Union). I was also told something similar over the phone when I initially inquired after receiving no email response:

"I would also confirm that I have sought legal advice specifically in relation to casual workers in this respect and would confirm to you that as there is not an employment contract in place, i.e. no mutuality of obligation to provide or accept work they are not employees and cannot be furloughed. This means that we could not utilise the government scheme for these workers even if we are eligible. There is some confusion around the terminology being used in relation to these workers nationally as the government advice talks about "workers" and "being on PAYE" and whilst I accept that our casual workers are on PAYE in order for them to be furloughed there has to be an employment contract in place which there isn't."

To quote a letter received 6th April from Managing Director Mitch Upfold:

"At this time with all our venues closed to the public we are unfortunately not in a position to offer you any work with Company. The nature of your relationship with the company means that if you do not undertake work for us you do not receive any payment and unfortunately in these times is no different."

Not all casual staff actually received this letter and some have not been contacted since the building's closure in March. Communication has been very poor on HCAL's end.

HCAL have refused to change their stance and the furlough deadline, 10th June, has now passed.

Concluding statement

To reiterate, HCAL have deliberately excluded at least 40 people, potentially 60+, from accessing government support in this pandemic, even though these staff are responsible and essential for the successful operation of HCAL's buildings. If the government move to provide an ongoing financial support package for the theatre industry, it needs to be inclusive of all staff, contracted, casual, and freelance, **without barriers put in place by employers.**

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Additionally, I hope this essay highlights how those with power in the arts industry exploit their worker's love for the job by providing inaccurate work contracts and negligent management.

Save the arts!

Emily Dervey

"Casual" Backstage Dresser and "Casual" Venue Assistant (FOH) at the Hull New Theatre and Hull City Hall since November 2018

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