

# Employee Handbook



August 2011

<b>SECTION</b>	<b>CONTENTS</b>
<b>1.</b>	<b>MISSION STATEMENT</b> 1.1 Core Values 1.2 Employer Expectations 1.3 Employee Expectations
<b>2.</b>	<b>MESSAGE FROM THE PROGRAMME MANAGER</b>
<b>3.</b>	<b>INTRODUCTION TO THE BRYR EMPLOYEE HANDBOOK</b>
<b>4.</b>	<b>GETTING STARTED</b> 4.1 Recruitment and Selection 4.2 Employment Contract 4.3 Induction 4.4 Personal Records 4.5 Probation 4.6 Salary
<b>5.</b>	<b>LEAVE ENTITLEMENTS</b> 5.1 Annual Leave 5.2 Compassionate Leave 5.3 Sick Leave 5.4 Certified & Uncertified Sick Leave 5.5 Force Majeure 5.6 Leave for Medical / Dental Appointments 5.7 Maternity Leave 5.8 Paternity Leave 5.9 Parental Leave 5.10 Jury Service
<b>6.</b>	<b>TIME &amp; ATTENDANCE</b> 6.1 Absenteeism 6.2 Punctuality 6.3 Flexible Working Conditions 6.4 Overtime regulations & time in Lieu 6.5 Rest Periods
<b>7.</b>	<b>EMPLOYEE HEALTH PROMOTION, BENEFITS &amp; SUPERVISION</b> 7.1 Employee Health Promotion 7.2 Pension 7.3 Training and Education 7.4 Supervision 7.5 Annual Review Process 7.6 External Supervision 7.7 Employee Liaison - Personnel Sub-Committee

- 8. DUTY OF CARE TO YOUNG PEOPLE**
  - 8.1 Care for Young People
  - 8.2 Trust in Care
  
- 9. WORK, FAMILY & PERSONAL LIFE BALANCE**
  - 9.1 Job Sharing
  - 9.2 Job Splitting-Task based
  - 9.3 Flexi-Time
  - 9.4 Part-Time
  - 9.5 Compassionate or Emergency Leave
  - 9.6 Employment Career break
  - 9.7 Sabbaticals
  - 9.8 E-Working / Working at home
  
- 10. DIVERSITY & EMPLOYMENT OPPORTUNITY**
  - 10.1 Ensuring Equal Opportunity
  
- 11. GUIDELINES FOR DEALING WITH BULLYING IN THE WORK PLACE**
  - 11.1 Definition of Bullying
  - 11.2 Identifying the Problem
  - 11.3 Confidentiality
  - 11.4 Grievance Procedures
  
- 12. GUIDELINES FOR DEALING WITH HARASSMENT IN THE WORKPLACE**
  - 12.1 Definition
  - 12.2 Sexual Harassment
  - 12.3 Chilly Climate
  - 12.4 Procedures for addressing allegations of work place harassment
  
- 13. HEALTH & SAFETY**
  - 13.1 Employee Responsibility
  - 13.2 Fire Drill
  - 13.3 Health and Safety Committee
  
- 14. GENERAL INFORMATION**
  - 14.1 Dress Code & Appearance
    - 14.1.1 BRYR Clothing
  - 14.2 Travel Expenses
  - 14.3 Other Expenses
  - 14.4 Residential and Overnight Stays
  - 14.5 Child Care Costs
  - 14.6 No Smoking Policy
  - 14.7 Confidentiality & Potential Conflict of Interest
  - 14.8 Administration Policies & Procedures

- 15. COMMUNICATIONS @ BRYR**
  - 15.1 E-Mail / Voice Mail & Internet Usage
  - 15.2 Telephone Systems
  - 15.3 Communications & Representation
  
- 16. DISCIPLINARY PROCEDURE**
  - 16.1 Introduction
  - 16.2 Principles
  - 16.3 Procedures
  - 16.4 Appeals
  
- 17. GRIEVANCE PROCEDURE**
  - 17.1 Protection of the Dignity of the Employee
  - 17.2 Definition
  - 17.3 Procedures
  
- 18. LEAVING BRYR**
  - 18.1 Retirement
  - 18.2 Notice of Resignation / Termination of Employment
  - 18.3 Summary Dismissal
  - 18.4 References
  - 18.5 Return of BRYR Property
  
- 19. FORMS**
  - Employee Registration & Personnel Form
  - Induction Checklist
  - Employee Guideline Advice
  - Employee Comprehension Form
  - Probationary Review Guide
  - Probationary Review Record
  - Annual Leave Form
  - Timesheet
  - Force Majeure Leave Form
  - Maternity Leave Form
  - Support for Health Promoting Activities Application Form
  - Training Support Application Form
  - Training Progress Report
  - Annual Review Guide
  - Annual Review Record

## **1. MISSION STATEMENT**

BRYR's mission is to play a part in building a stronger Ballymun community. BRYR does so by putting in place a range of resources for young people to help them have a happy, healthy and successful transition to adulthood. As young people, and eventually as adults, our young people will create a more independent and vibrant Ballymun.

### **1.1 Core Values**

- Equality of respect for all people.
- Acknowledgement that the period from 10-21 years of age is an important development phase in life and that BRYR's focus is on Ballymun people in this age range.
- Optimism for the future of Ballymun.
- Professionalism in our work.
- Encouragement of voluntarism.
- Open and honest communication.

### **1.2 Expectations of BRYR as an Employer**

Employees can expect their employer to try its best to:

- Demonstrate respect for employees at all times.
- Act in line with our mission statement and core values.
- Operate in a consistent and fair manner.
- Nurture a mutually respectful, open and professional working environment.
- Operate within the laws of natural justice.
- Encourage professional development in line with organisational goals.

### **1.3 Expectations of BRYR Employees**

Employees are expected to try their best to:

- Contribute to the work of BRYR as a youth welfare and development organisation with a youth work approach
- Adhere to the BRYR code of ethics and established codes of behaviour for working with young people.
- Be focused on quality of work with and for young people.
- Act in line with our mission statement and core values.
- Nurture a mutually respectful, open and professional working environment.
- Adopt a collaborative and co-operative approach to all work, where input from each person is valued and respected.
- Adopt a flexible 'can-do' approach to problem solving.
- Take ownership and responsibility for the completion of tasks.
- Agree and strive to achieve challenging organisational and personal goals.

## **2. MESSAGE FROM THE PROGRAMME MANAGER**

Dear Colleague,

On the previous page, you have read BRYR's Mission Statement. The heart of this statement is BRYR's commitment to be a driving force in working with the community for the benefit of the young people of Ballymun.

The key resource for our mission will always be the quality and passion of our workforce. Our work critically depends on the skills and the spirit of our employees.

To be successful BRYR must attract highly motivated and talented employees and we must create an environment of positive energy and continuous professional and personal development.

This document is BRYR's Employee Handbook. It has been developed with employee input and is designed to help us organise our work in a way that will ultimately permit employees' talents and energies to be firmly focused on pursuing our mission. It has been developed with natural justice and fairness in mind as well as a commitment to adherence to Irish law and evolving human resource practice.

I recommend that you read this document carefully. If you need any clarification or have any queries, talk to your Supervisor or to me.

Yours sincerely,

---

Donnacadh Hurley  
Programme Manager  
Ballymun Regional Youth Resource

### **3. INTRODUCTION TO THE BRYR EMPLOYEE HANDBOOK**

#### **WELCOME TO BRYR!**

The Employee Handbook gives information on policies and procedures aimed at providing a challenging and satisfying work place for all our employees.

The Employee Handbook summarises conditions of employment, facilities, regulations, procedures and policies that affect BRYR employees and which are in accordance with current best practice.

Information that requires regular updating or amendment, such as expense rates may be obtained from BRYR Management. Employees will be notified of updates or amendments when they arise.

If you are uncertain about terms or conditions as they apply to you, you should seek clarification from management. The Employee Handbook relates to all employees of BRYR. People acting as casual/sessional workers, consultants or individual contractors are not covered by the Handbook.

This document cannot be exhaustive. It is constantly under review to reflect best practice and changes in legislation.

The policies outlined in the current Employee Handbook comply with or exceed best practice in Ireland.

Your views and feedback on the Handbook are welcomed and will be considered carefully. Please channel your comments and feedback through BRYR management.

BRYR benefits from the work of people employed in schemes such as Community Employment and Jobs Initiative. These people are staff of BRYR but are formally employed by other organisations. Where possible, in light of our core beliefs and desire to offer people opportunities for career progress, BRYR offers many of the employee benefits to these workers. This includes supervision, staff development and health promotion supports.

## 4. GETTING STARTED

Good working relations within BRYR are a major contribution to the organisation's overall effectiveness. Our policies in BRYR apply to all employees and they aim to foster good working relations by ensuring that all Employees are properly recompensed, are provided with satisfactory working conditions and are treated with respect.

Employees are expected to carry out their duties with competency and to co-operate with efforts to improve standards of work.

BRYR recognises the importance of equal opportunities policies and endeavours to ensure that decisions in the organisation are based on ability, qualifications and suitability for the position. Our resources are focussed on ensuring that working conditions, amenities and office equipment are conducive to achieving the high standard of efficiency to which we aspire.

In short, our policies and procedures are aimed at enabling all employees to achieve maximum productivity, job satisfaction and personal development.

### 4.1 Recruitment & selection

#### **Policy**

*BRYR will endeavour to ensure that recruitment and selection processes will be clear and transparent and will be conducted on the basis of fairness and suitability.*

*Employees and applicants will be treated with dignity and fairness during the recruitment and selection process.*

#### **Advertisement of vacancies**

Where the advertisement of vacancies is not covered by contractual agreement with external funders, BRYR may choose to advertise internally or externally using appropriate media.

#### **Eligibility**

Criteria for eligibility for interview will be set prior to short-listing. Applicants who meet the set criteria will be called for interview.

#### **Interview**

An interview panel will consist of at least two people and where appropriate have gender representation. This panel will include at least one person authorised by BRYR's Board of Directors.

Interviews will follow a systematic approach to determine the suitability of the candidate for the position. If practicable, interviews will take place within one month of advertising the position. Formal records will be kept and accessible by the interviewee under the Freedom of Information Act 1997 and 2003.

#### **Selection / Appointment**

BRYR is committed to recruit committed, confident and competent employees. BRYR reserves the right to appoint suitably qualified external candidates. Internal vacancies that arise may be advertised exclusively internally and qualified applicants will be invited to apply for the vacancy. Where a candidate has been interviewed for a similar position within the previous six months or is part of an agreed panel further interviews may not be necessary. The successful candidate will be notified by phone or letter at the conclusion of

the recruitment process. All other candidates will be advised of the outcome after the selection of the successful candidate.

### **References**

BRYR will check all candidates' references before offering them employment. Two satisfactory references must be secured and the proposed appointment ratified by the Board of Directors before the candidate commences employment. References can be requested orally by phone or written by letter, e-mail or fax. Verification of qualifications will be required from the College, University or Institute of Education prior to being formally offered the position.

### **4.2 Employment contract**

An employment contract will be issued to all Employees. Two copies of the contract will be issued, each to be signed by the Employee and by the Programme Manager. One copy of the contract will be retained for the BRYR personnel file and the other by the Employee. The main terms and conditions of employment are contained within the Employee contract of employment.

### **4.3 Induction**

#### ***Policy***

*The policy of BRYR is to facilitate the effective integration of new employees into the organisation in a reasonably short time.*

*BRYR endeavours to ensure that new employees are familiarised with the demands and opportunities of their roles, with basic modes of working within the organisation, with patterns of relationships, and with procedures for ensuring a safe and healthy working environment. New members of staff are advised of BRYR's guidelines and handbooks and are obliged to familiarise themselves with these in a timely fashion. By the first supervision meeting each employee has to sign a form noting comprehension of these.*

*(see forms 'Employee Guideline Advice' and 'Employee Comprehension Form')*

### **4.4 Personal Records**

#### ***Policy***

*Important documentation/records will be kept in the employee personnel file and/or on computer. Contracts, annual review reports, information concerning illness or medical conditions, training agreements, personal information, attendance records and disciplinary records are examples of the records maintained. This information is confidential.*

### **Personal Information**

Employees are asked to notify management and administration of any important changes to these records. These include any changes in:

- Your name
- Marital status
- Address
- Number of dependants, etc.

If you have a medical condition that you think we should be aware of please inform your Supervisor or Manager.

#### **4.5 Probation**

The purpose of the probationary period is to provide an opportunity to evaluate the performance and suitability of the new employee in the position. It will also allow the employee to understand fully the post and its responsibility as well as the performance expectations of him/her in the position.

Probation will normally be for six months or a period in proportion to the length of contract. There will be a formal review meeting at the end of this period.

*(see forms 'Probationary Review Guide' and 'Probationary Review Record')*

During the probationary period or after probationary review employment may be terminated if the probation has been unsatisfactory. During the probationary review the employer reserves the right to confirm successful completion of probation, extend probation or terminate employment.

#### **4.6 Salary**

On appointment, salary will be linked to a salary scale and grade. For all youth work related positions the appropriate City of Dublin Youth Services Board salary scale will apply. For most non youth work related positions Local Authority/Dublin City Council salary scales apply.

BRYR does not pay overtime.

Employees are requested to submit a P45 showing details of tax and PPS number to the Finance Administrator.

All Employee salaries will be paid monthly by Internet bank transfer to a designated bank account. BRYR will endeavour to initiate this transfer on or before the last Thursday of every month. BRYR offers, where practical, a system of voluntary deductions for various benefit or other schemes such as VHI, union fees, saving schemes etc. A payslip will be provided for each payment period and will itemise pay, statutory and other deductions. Money owed to the organisation will be deducted directly from monthly pay.

### **5. LEAVE ENTITLEMENTS**

#### **5.1 Annual Leave**

Annual leave entitlement is 25 days per annum pro rata. In addition to the above, 9 public holidays plus Good Friday (bank holiday) in each calendar year are allowed:

1. New Year's Day
2. St. Patrick's Day
3. Good Friday
4. Easter Monday
5. May Bank Holiday
6. June Bank Holiday
7. August Bank Holiday
8. October Bank Holiday
9. Christmas Day
10. St Stephen's Day

Any lawfully added or substituted public holidays will be taken account of.

When necessary leave entitlements will be calculated on an hourly pro rata basis.

The time at which annual leave is taken is at the discretion of BRYR Management having regard for work requirements and organisational needs.

Employees are advised to utilise their full annual leave entitlement within the calendar year. Unused annual leave may be carried forward and used in the first quarter of the next calendar year with prior agreement of Management. If this leave is not taken within the specified time then it no longer is part of the annual leave entitlement.

BRYR encourages employees with sufficient leave entitlement to take a two-week continuous break during the year.

## **Requesting Annual leave**

### ***Policy***

*Approval for annual leave must be sought in writing on the Annual Leave Form and signed by the relevant supervisor.*

The following guidelines apply for requesting annual leave:

One day	-	request one week in advance
One week	-	request two weeks in advance
Two weeks	-	request one month in advance

In agreeing annual leave Supervisors must taking account of the effect on the work programme especially during busy operational periods such as June and July, particularly if more than one employee is intending to take annual leave at the same time.

All leave arrangements should be notified to the Administrator once approval from the Supervisor has been given. The Administrator will keep a record of all annual leave booked or taken by each employee. The Annual Leave Forms and the employees' monthly time sheets will act as personal records.

*(see 'Annual Leave Form' and 'Monthly Time Sheet' Form )*

## **5.2 Compassionate Leave**

### ***Policy***

*Compassionate leave may be granted to provide for personal or family need especially when there has been a death or critical illness in the family.*

Four days Bereavement Leave with pay is provided for an employee on the death of a close relative (spouse, child, parent, brother or sister) subject to the Programme Manager's approval. Should it be necessary to have additional leave, a request in writing may be made to the Supervisor and the Programme Manager.

If an employee suffers the death of a close relative other than those categories mentioned above, one day off with pay may be given at the discretion of the Programme Manager depending on the circumstances and the relationship with the deceased.

## **5.3 Sick Leave**

### ***Policy***

*A sick leave scheme applies to all employees. Payment of salary while on sick leave will be made in accordance with sick leave policy. Only certified sick leave is an entitlement.*

If for reasons of sickness an employee is unable to attend work, both the Administrator and the Employee's Supervisor must be notified between 9 a.m. and 10 a.m. of the first day of absence. This notification can be made by phone call to either office or mobile. Leave a voice or text message if there is no response to the call. If the absence is caused by an illness which prevents personal notification then a relative/friend can call on the employee's behalf.

The duration of absence should be notified to the Supervisor and in the case of an ongoing illness (in excess of one week), it is obligatory to inform the Supervisor and the Administrator by 10.00 a.m. on the first day of each week of absence, advising that the absence is continuing. Failure to notify the Supervisor or Administrator of the absence will be considered as a 'No Show Day' and salary can be adjusted accordingly.

#### **5.4 Uncertified & Certified Sick Leave**

The purpose of uncertified sick leave is to allow for recovery from genuine illnesses which are likely to last a day or two.

In the event the sickness is longer than two days a certificate from a medical doctor is required.

Where sick leave extends from Friday to Monday (or Tuesday where Monday is a Bank Holiday) inclusive, a medical certificate must be furnished. Sunday counts as absence on sick leave!

A medical certificate (doctor's note) must be furnished on the third day of any period of sick leave absence. Further medical certification must be provided weekly until the Employee is able to return to work.

A qualified and registered medical practitioner must sign the medical certificate. It must be dated, and have the address of the doctor. It must show that the employee is unfit for duty, general nature of the illness and the probable duration of the illness.

Weekends or public holidays falling within absence on sick leave count as additional days for the purpose of medical certification.

#### **Sick Leave Payments**

All salary payments to employees on sick leave will be at the discretion of Board of Directors. The following is a reference point for such decisions regarding the salary during absence on certified sick leave payable as follows:

<u>Length of Service</u>	<u>Period of Sick Pay</u>
Under 1 year	1 month *
Over 1 year	max 2 months* accumulated in any rolling 2 years

(\* all on discretion of the Board of Directors,

\* all based on average of 21 working days per month and full-time employment, applies pro-rata for part-time)

This means that employees may be provided with a maximum of 42 paid sick days (full-time base, 21 working days per month) in any 2 year period. Any employee who has met or exceeded this limit in the previous two year period will no longer be entitled to paid sick leave until such time as the number of paid sick days taken (in the previous 2 years) falls below this figure. The Board of Directors reserves the right to allow exceptions to this policy in any particular case.

The payment of salary during illness is conditional upon immediate and continued notification to the Programme Manager of the reason and anticipated length of absence. A doctor's medical certificate is required for the third day's absence and for each subsequent week of absence.

Payment of sick pay is at all times subject to the Board of Directors being satisfied that the reason for such absence is genuine. The Board of Directors may require you to attend a medical assessment at the organisation's expense.

It is a condition of payment that any Social Welfare Illness Benefit will be claimed from the state for payment directly to the organisation.

Employees entitled to claim for sick benefit must:

- Complete the Claim Form for Illness / Injury Benefit (this is obtained from the doctor or hospital) carefully, making sure all questions are answered, it is signed and dated.
- Submit the claim form as soon as possible to the BRYR Administrator for completion of employer information
- Forward all interim and final medical certificates to the BRYR Administrator for continuous claiming of illness/injury benefit

Before returning to work from a sick leave absence of three days or more, you may be required to provide a doctor's verification that you may safely return to work. It is at the discretion of the Supervisor whether a return to work interview is required.

Sick pay is a discretionary benefit and BRYR may refuse or terminate the benefit if the following conditions apply:

- Sickness, injury or length of absence is attributable to negligence, or misconduct, alcohol or drugs.
- Absence is not genuinely attributable to the sickness or injury of the Employee.
- Sickness or injury was sustained in another employment.
- Reporting/certification requirements are not met.
- Sickness relates to a pre-existing condition, not disclosed at the time of recruitment.

The provisions for sick pay and the illness/ injury benefit plans do not preclude the organisation from taking appropriate disciplinary action in the event of persistent absenteeism or absence without appropriate documentation. For further information regarding social welfare benefit please see social welfare web site: [www.welfare.ie](http://www.welfare.ie).

Please note that there is a waiting time for the Dept of Social Welfare to advice of social welfare qualification, during which time BRYR may reduce normal salary after three days by the number of sick days.

BRYR may terminate employment with immediate effect by giving one month written notice whether or not the employee's entitlement to sick pay, contractual or otherwise, has been exhausted if the employee does not perform the duties of his/her employment for a period of 90 days (whether or not consecutive) in any period of 365 days because of sickness, injury or other incapacity. This notice can be given during such time when the employee continues not to perform his duties or upon expiration of the 90-day period.

### **5.5 Force Majeure (Emergency Family) Leave**

An employee is entitled to leave with pay from his or her employment for urgent family reasons, owing to the injury or illness of any of the persons listed below.

- a child or adoptive child of the employee;
- the spouse of the employee, or a person with whom the employee is living as husband or wife;
- a person to whom the employee is in loco parentis;
- a brother or sister of the employee;
- a parent or grandparent of the employee;
- persons in a relationship of domestic dependency , including same-sex partners.

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

Under these circumstances an Employee is entitled to up to 3 days paid leave in any consecutive 12 months, or 5 days in any 36 consecutive months. A part of one day is counted as one full day.

Where an employee has taken force majeure leave they must fill out the Force Majeure Leave Form and may be asked to provide medical certification as proof.

*(see ' Force Majeure Leave Form')*

### **5.6 Leave for Medical / Dental Appointments**

Employees should arrange appointments outside of work hours. In certain circumstances this will not be possible and the employee will be given time to attend but will have to provide proof of attendance if required. If this becomes an ongoing situation then a written request will be required for consideration by the Supervisor.

### **5.7 Maternity Leave**

#### ***Policy***

*Maternity Leave regulations are outlined in the Maternity Protection Act 1994 and the Maternity Protection (Amendment) Act 2004 and the Safety, Health and Welfare at Work Act, 2005 and the Pregnancy Regulations, 2007 (Part 6, Chapter 2, Protection of Pregnant, Post Natal and Breastfeeding Employees; the 'Pregnancy Regulations').*

Maternity rights are rights to:

- Time off without pay for maternity leave and additional maternity leave.
- Time off without loss of pay for ante-natal/post natal care.
- Health and safety leave where the employment results in a hazard to the Employee or others.
- Protection against unfair dismissal on grounds of pregnancy or matters connected therewith.
- Return to work after maternity and protective leave.
- A continuation of benefits e.g. annual leave, bank holidays and health care if provided etc.
- In the case of fathers, to a certain balance of maternity leave or additional maternity leave due to a deceased mother.

#### **Entitlement**

All pregnant employees are entitled to a period of 26 consecutive week's maternity leave, subject to certain conditions. The leave period may be taken at the time she selects, but

she **must** take a minimum of 2 weeks leave before the end of the expected week of confinement; **and** take 4 weeks leave after the end of the expected week of confinement. During ordinary maternity leave there is an entitlement to a social welfare benefit, which will be claimed by BRYR, if BRYR continues to pay the salary.

BRYR will offer continued payment of full salary during this 26 week period where the Employee's official expected date of confinement is more than one year after the date of initial appointment as an Employee (including all continuous fixed term contracts).

In addition to these 26 weeks Employees may take up to 16 weeks additional maternity leave. This is unpaid. During this period there is no entitlement to social welfare maternity benefit. During this period all employment rights for that employee are held intact i.e. length of service, protection under labour law etc.

To be entitled to take additional maternity leave, an employee must inform her employer in writing of her intention to take such additional leave not later than four weeks before the end of the maternity leave period. If an employee wants to avail of additional maternity leave, she needs to take it immediately after the maternity leave. Accumulated annual leave etc. can not be taken between maternity and additional maternity leave.

*(see 'Maternity Leave Form')*

### **Health & Safety**

If there are any elements of risk in the work of the employee which would require a health and safety appraisal then these should be notified to management or the Health and Safety Officer and assessed.

### **Early Confinement**

Should confinement take place four weeks or more before the expected week of confinement, the employee is entitled to the full 26 weeks beginning on the date of the birth, or the first day of maternity leave (if she is already on leave) whichever is the earlier. She is required to notify her employer in writing within 14 days of the confinement of the changed circumstances.

### **Notification Requirements**

To exercise the right to ordinary maternity leave an employee is required to give BRYR at least four weeks notice of the intention to take maternity leave. It is obligatory to provide the employer a medical certificate confirming the pregnancy and specifying the expected week of confinement.

### **Time off for Antenatal Care**

An employee when pregnant is entitled to reasonable time off work (with pay) for antenatal care. However, the organisation reserves the right to ask to see the appointment card, other than for the first appointment as well as written notice in advance of medical appointments. It is desirable that these appointments are at the start or the end of the working day.

The normal sickness and sick pay arrangements will apply in the event of sudden sickness.

### **Decision not to Return to Work**

If an employee chooses not to return to work at the end of maternity leave then it is obligatory to notify the employer of termination of contract with required notice as soon as possible after this decision has been made. In addition, if the employee decides not to return from ordinary or additional maternity leave, the organisation has the right to recoup a sum equivalent to the difference between the amount of maternity pay received and any statutory entitlement.

## Returning to Work

At the end of maternity leave, an employee has the same right to return to the same job on the same terms and conditions before they left.

### Procedure

Details required by administration:

- Expected week of birth.
- Start date of maternity leave.
- Intention to take additional maternity leave four weeks prior to end of ordinary maternity leave.
- Intention in respect of annual leave entitlements in addition to maternity leave.
- Proposed date of return to work.
- Contact details

*(see 'Maternity Leave Form')*

## 5.8 Paternity Leave

### **Policy**

*Paternity leave is not recognised in employment law in Ireland. BRYR is not obliged to grant male employees paternity leave (either paid or unpaid) following the birth of their child or adoption. On discretion of the Board of Directors BRYR provides as a benefit 2 days paid paternity leave to male employees or to the non-biological co-parent in same sex partnerships.*

Employees must have at least 6 months continuous service with BRYR before they can apply for paternity leave. The leave must be taken immediately at the time of the birth or adoption, paternity leave can not be taken at any other time, neither will it be compensated by time in lieu. Paternity leave must be requested in writing by filling in the 'Annual Leave Form' and specifying details including the due date or day of adoption in the chapter 'Other' of the form.

## 5.9 Parental Leave

### **Policy**

*BRYR complies with the Parental Leave (Amendment) Act 2006, which provides parents with a temporary unpaid break from work to take care of young children.*

### **Entitlement**

Parents of children born or adopted on or after June 3rd. 1996 are entitled to 14 weeks' unpaid parental leave. This leave must be taken before the child is 8 years old (16 where the child has a disability). This also applies to children adopted under the age of 3 years old. The leave must be taken before the adopted child is 8 years old. If the child is between 3 years and 8 then it must be taken within two years of the adoption. Each parent has separate entitlement to parental leave. Where a parent has more than one child, they may not take more than 14 weeks' parental leave in any 12 month period, except in the case of multiple births.

Employees must have at least one year's continuous service with BRYR before they are entitled to 14 weeks parental leave for each child born or adopted on or after June 3rd 1996. The leave may be taken as a continuous block of 14 weeks unpaid leave or, by agreement with the employer, may be broken up over a period of time.

All benefits accrue during parental leave e.g. annual leave and employment rights but not remuneration or superannuation.

An Employee must give written notice (by email) to her/his supervisor and the Programme Manager when seeking parental leave. This must be done at least 6 weeks before the commencement of the leave. The notice must include the following:

- Name and date of birth of child to whom the parental leave is connected
- Date on which the employee intends to commence the leave.
- Duration of the leave.
- The manner in which the employee proposes to take the leave.

Permission to take the leave will be given by letter signed by the Programme Manager/ Personnel Administrator and outlining the details as agreed. The employee signs this agreement and a copy will be kept in the personnel records.

Management reserves the right to suspend parental leave for up to 6 months where they believe it may have a substantial adverse affect on the work programme.

### **5.10 Jury Service**

Special paid leave is allowed to employees who are required to carry out jury service. The organisation reserves the right to deduct from employees, the allowance for loss of earnings paid by courts to an employee on jury service, from the employee's gross salary. A certificate of attendance will be required at the end of the jury service. An employee is expected to return to work as soon as possible after released from jury obligation, or as soon as possible after being released from the court in the event that they are not called upon to form a jury.

## **6. TIME & ATTENDANCE**

### ***Policy***

*The standard working hours are 35 hours each week. Lunchtime is one hour.*

*For non-rostered employees the standard hours are 9.00 a.m. to 5.00 p.m., Monday to Friday, lunchtime from 1.00 p.m. to 2.00 p.m.*

*However, starting and cessation of work times as well as lunch times are often rostered according to work programme hours and fall outside the standard hours. Based on the Organisation of Working Time Act 1997 work times and break times can be flexible with the prior agreement of the employee's Supervisor.*

*It is obligatory for all employees, to record their hours of work on a weekly basis and provide the weekly record to their Supervisor. The Supervisor will approve these monthly and send an approved monthly timesheet to the Personnel Administrator.*

***(see 'Monthly Time Sheet' Form )***

### **6.1 Absence from Work**

#### ***Policy***

*All absence from work must be authorised. Where absence is due to sickness then sick leave policy applies.*

It is part of best practice in BRYR to monitor the absence records of all employees. Absence, other than for sickness, must be authorised by the employee's supervisor. While every effort will be made to deal with time keeping or attendance problems in a supportive

way, BRYR reserves the right to deal with consistent or chronic problems under the disciplinary procedure noted below.

Where an employee is absent for an extended period of time or on an intermittent basis for medical reasons, BRYR may require the employee to attend a suitable medical doctor for professional advice on the Employee's fitness to return to work. This is done in line with BRYR's duty of care and in the best interests of the employee.

## **6.2 Punctuality**

### ***Policy***

*It is the policy of BRYR to monitor and to advise on punctuality of all employees.*

Regular attendance and good time keeping are an essential part of the smooth and effective running of BRYR. Where an employee's time keeping is deemed of concern it will be discussed during supervision with a view to an agreed plan for improvement. Where this and subsequent reasonable efforts are unsuccessful in bringing about acceptable time keeping it may be referred to a disciplinary procedure.

## **6.3 Flexible Working Conditions**

### ***Policy***

*All employees are required to be prepared to work flexible working arrangements to facilitate the work of BRYR and the provision of services. This includes working: overnight, weekends and bank holidays.*

These hours form part of the normal working week and in accord with the time off in lieu policies (see below) an alternative day (hours) in the following week or as soon as reasonably possible, taking into account the effect on the work programme, is substituted for this work.

## **6.4 Overtime Regulations & Time in Lieu**

### ***Policy***

*If an employee works more than the agreed time in a week then the employee may be offered time off in lieu subject to the agreement of the employee's supervisor. The taking of time off in lieu must not interfere with carrying out normal work or with the provision of service by BRYR. The employee must endeavour to prevent the accumulation of hours worked over the agreed time. Accumulation of more than 10 hours that will be sought as time off in lieu can only be allowed with the prior agreement of the employee's supervisor.*

*Payment will not be made in respect of hours worked in excess of that agreed or to replace time off in lieu. (Organisation of Working Time Act, 1997)*

Because of the nature of BRYR's work it is important to be flexible in hours worked. However, a strong effort must be made not to accumulate large amounts of time worked in excess of that agreed in the Employee's contract. In addition to seeking prior permission to accumulate more than 10 hours of anticipated time off in lieu, the Employee must take time off in lieu accumulated in one calendar month in the next calendar month e.g. extra hours worked in January, must be taken as time off in lieu in February. Otherwise these hours will be disallowed.

## 6.5 Rest Periods

### **Policy**

*Employees are entitled to: 15 minutes rest where up to 4.5 hours have been worked, and 30 minutes where up to 6.0 hours have been worked, which may include the first break. Employees are not entitled to "smoke breaks" in excess of these rest periods.*

## 7. EMPLOYEE HEALTH PROMOTION AND BENEFITS HEALTH PROMOTION

### **Policy**

*BRYR supports and promotes efforts to enhance the health and well-being of employees that are beneficial to the individual and the overall organisation.*

### **7.1 Financial Support for Health Programmes**

An annual grant of up to a maximum 50% of the total cost per individual employee or €200 (whichever is the lesser) is available for health enhancing programmes e.g. assistance in smoking control, assistance in joining a health club, yoga, etc. This is subject to budget restrictions and to numbers applying for support. An Employee Health Promotion Grant Application and Report Form must be completed and signed by the Programme Manager. Individuals are refunded on receipt basis. Reports on the usage of grants can be sought.

*(see 'Health Promoting Activities Application Form')*

### **7.2 Pension**

The organisation does not pay any employer's contribution towards pension schemes. Employees who have at least 6 months service in the organisation can set up and contribute to a PRSA through payroll deductions. Please contact the Personnel Administrator to discuss your options.

### **7.3 Training & Education**

#### **Policy**

*BRYR is committed to the professional development of our employees. The strength and quality of our work is intimately linked to the quality and capacity of our employees. Furthermore, employees involved in professional development are positive role models for young people.*

#### **In-House & External Training**

Employees are encouraged to consider training and education both in-house and externally on an ongoing basis. In-service training, first aid, child protection and health & safety training is compulsory for all staff. A range of other training options are delivered by BRYR and requests for participation by staff are subject to management approval.

Occasionally employees will be requested by management to attend courses in addition to those listed above as compulsory. BRYR will cover costs of attendance at courses when employees are requested to attend by management. Full time allocation from within the agreed working time will also be offered.

Employees are encouraged to consider attendance at other short and long courses not delivered by BRYR. Where employees are not requested by management to attend these courses, i.e. attendance is at the request of the employee; BRYR may consider support in terms of time and cost. This consideration will be by the Board of Directors on a case-by-case basis. It can only be done on the basis of a formal request for support by the Employee on the Training Support Application Form.

*(see 'Training Support Application Form')*

There are many different types of courses. BRYR will endeavour to be fair and consistent in the allocation or non-allocation of support to employees undertaking such courses. The following are some of the criteria used to assess applications for support:

Major third level courses of at least one academic year's duration:

- The degree of potential contribution that participation in a course will bring to the work of BRYR through the employee acquiring enhanced competency and confidence will influence the level of support offered. For example, a youth work employee undertaking a youth work degree course, or a management employee undertaking a management diploma course, is likely to receive more support than an employee undertaking a course not immediately linked to his/her work in BRYR. If an Employee is inexperienced and has limited qualifications, additional major courses may be seen to have potentially more benefit than where an Employee is experienced and already highly qualified.
- Other things being equal part-time employees will receive the same financial support as full-time employees but no time off with pay.
- The maximum contribution for substantial third level courses of at least one academic year's duration is one-third of the fees and 50% of time off with pay for direct contact hours (lectures, tutorials...). This may be offered for multiple years on the basis of annual reports from the employee outlining course participation/attendance and achievement and an annual renewed application on the Employee Training Request Form.  
*(see 'Training Support Application Form' and 'Training Progress Report' form)*
- No time off with pay is offered for attendance at week-end activities for these courses such as residential training, work experience or lectures etc.
- A maximum of 3 days per annum for study/exam leave with pay may also be offered – it is necessary to separately apply for exam/study leave on the Employee Leave Form at least one month in advance of the sought leave. Study leave is only available for major courses.
- Employees must be at least a year in the employment of BRYR for an allocation of support to be considered.
- Employees are required to complete the 'Training Progress Report' form immediately on receipt of exam results or as soon as relevant after the completion of each year of the course. In the case of an Employee not completing a course or having low attendance leading to exam failure then a refund of fees and time allocated to BRYR may be required, except in extenuating circumstances.
- An Employee leaving BRYR within one year of completing a course (date of last exam or submission of work for examination) will be required to repay 50% of the BRYR contribution to the cost of the course. Such payments may be deducted from the Employee's final salary.
- There is no allocation of time off with pay for thesis/project work.
- Applications for course-related work experience placements (except weekend) will normally be viewed positively with full time with pay being allocated.

### **Shorter Courses**

Each application will be assessed separately. Offers of support can range from full financial and time support to no support. The level of support in terms of time off with pay

or contribution to fees/costs will depend on the level of relevance to the work of the employee.

BRYR will take into account the length of employment with BRYR and the amount of previous support offered when considering support for all courses. BRYR will also take into account the annual budget allocated to Employee development when considering support.

Where BRYR has allocated support to an employee to attend a course, BRYR can request all relevant information concerning the course, such as course content, course time-table, employee attendance and performance record, and receipts for payments.

Employees still under probation will not be entitled to any financial or paid leave support except where requested to attend by management.

## **7.4 Supervision**

### ***Policy***

*BRYR operates structured supervision for all employees. Supervision is a mechanism to ensure good communication between employees and management. It contributes to ensuring high quality and satisfying delivery of work, good co-operation and relations with other employees and young people or other agents and proper employee development and appraisal*

Each new employee is appointed a Supervisor. On appointment the Supervisor and employee should agree a schedule of initial supervision depending on the needs of the position and the employee. Ideally, supervision should take place once every 4-6 weeks. The supervision sessions should take no more than 60 minutes.

The objective of the supervision is to review progress on any previously agreed actions and to consider future actions concerning any relevant aspect of the employee's work.

This should include:

- The content of the employee's work.
- Issues arising from either the employee or management perspective.
- Relations with other employees.
- Employee development (training and education).
- Other issues deemed to impact on Employee performance.

The employee should take relevant notes, with an emphasis on action points. Where the employee is not experienced in note-taking the Supervisor will assist. These written notes are confidential and should be given to and agreed by the Supervisor and stored by the Supervisor.

## **7.5 Annual Review**

### ***Policy***

*Annual reviews will be carried out once a year in the first quarter of the year and are based on the annual review form. They will be conducted with employees who have been in employment for at least six months from the end of their probation period. Supervision for this period will be replaced by the annual review.*

***(see 'Annual Review Guide')***

The purpose of the annual review is to:

- Encourage a two-way dialogue between management and employee.

- Ensure that the requirements of the position are fulfilled.
- Give the Employee feedback on his/her performance.
- Identify any additional training needs.
- Review his/her work over the past year.
- Plan objectives for the year ahead.
- Consider an offer of a salary increment in line with the relevant scale and assuming the employee has not already reached the top of the scale. BRYR reserves the right not to offer an increment if the employees' performance does not reach the standard required.

Employees are encouraged to take a proactive role in preparing for the annual review. Annual reviews for members of the management team are conducted with one or more member of the Board.

### **Annual Review Process**

The Annual Review Guide acts as an agenda for the meeting and therefore to encourage effective discourse. The employee is encouraged to complete the Annual Review Guide prior to the meeting and bring it to the annual review meeting. At the review meeting management and employee discuss the employee's work as per the purposes outlined above. In the performance discussion, management and the employee can establish a new set of performance goals and measurements and identify any professional development requirements or other related actions. These are noted in writing in the Annual Review Record Form during the meeting and signed as an agreed record by management and the employee at the end of the review and kept in the personnel file.

(see 'Annual Review Record' form)

### **7.6 External Supervision**

#### ***Policy***

*BRYR's policy is to provide external supervision to an individual employee when a need has been identified and agreed by the employee and management.*

The aim of external supervision is to support employees to better fulfil the objectives of their employment with BRYR. BRYR offers financial support subject to funding availability towards the cost of external supervision. The supervisor and employee in advance of undertaking the programme will agree the cost and time frame required for external supervision.

### **7.7 Employee Liaison – Personnel Sub-Committee (PSC)**

The PSC consists of a member of the Board of Directors, the Programme Manager and the Personnel Administrator. An external adviser will complement the PSC for specific expertise.

The PSC is a sub-committee of the Board of Directors. It looks at personnel related issues, supports the Board in its governance responsibilities and makes recommendations to the Board.

One of its functions is to provide employee liaison between the staff and the Board.

#### ***Policy***

*Where an employee feels that an issue has not or cannot be dealt with appropriately through supervision and/or consultation with the Programme Manager nor is the issue one for a formal grievance procedure or bullying or harassment, s/he has the option of directly contacting the PSC with a view to a meeting and discussion of the issue. The PSC will respond in a semi-formal manner to personnel issues.*

Individual employees or employee groups can either write to the Personnel Sub-Committee (addressed to Personnel Administrator) or verbally/ in writing approach the designated Board of Directors member on the Sub-Committee. All contacts with the Board member (as of Spring 2010 this is Fiona Gallagher) in this regard will be brought to the attention of the PSC.

On being contacted by employee(s), the PSC will firstly ensure that it is appropriate to meet the employee and to discuss an employment issue. The PSC may deem it inappropriate to meet and address the issue with the employee; the following are examples of why it may be inappropriate:

- The issue is better dealt with by the Supervisor/Programme Manager and this path is not yet exhausted
- The issue requires alternate responses such as a referral to a formal complaints procedure.

Where the PSC discusses the issue with the employee(s) both parties can decide to pursue or refer the issue as is deemed appropriate, with due reference to this Handbook and relevant legislation.

The PSC will try to establish a best-practise way for approaching the situation by way of a non-confrontational discussion with a view to resolving the issue in a semi-formal low-key manner.

## **8. DUTY OF CARE TO YOUNG PEOPLE**

### ***Policy***

*BRYR and its employees have a duty of care to young people with whom we come into contact as part of our work. To ensure proper implementation of this duty of care, employees are obliged to be familiar with and apply relevant BRYR policies and guidelines. BRYR also applies "Trust in Care", which gives due support and protection to employees either reporting possible deviations from our duty to care or being the object of allegations of a breach of our duty to care to young people*

### **8.1 Care for Young People**

BRYR is a youth work organisation and at the heart of youth work is the development of relationships of trust and respect with young people. All work-related contact with young people has to be within approved work programmes and carried out with appropriate parental/guardian consent.

To support appropriate contact with young people BRYR has developed guidelines and policies:

- Ethics.
- Child Protection.
- Garda Clearance.
- Health & Safety.
- Minibus Usage.
- Outreach Youth Work.

During induction and the probationary period employees will be given copies, and will be asked to confirm in writing their understanding, of certain policies and guidelines.

BRYR may from time to time add further guidelines or policies and will expect similar commitment by employees to familiarisation and application.

## 8.2 Trust in Care

- BRYR will not tolerate actions that impinge on our duty to care for young people.
- Employees should report any concerns that they have concerning actions by other employees or the organisation that may affect our duty to care for young people.
- Employees who are uncertain about reporting another employee's behaviour should discuss the matter with their supervisor, other member of management or with the Personnel Sub-Committee.
- Any Employee who reports concerns of this nature in good faith shall be supported throughout the process and protected against victimisation or retaliation.
- Any Employee against whom an allegation is made shall be treated in accordance with the principles of natural justice.
- Any Employee against whom an allegation is made that is subsequently found to be false or malicious should receive formal acknowledgement from BRYR that s/he has been exonerated. Professional counselling should be offered.

## 9. WORK, FAMILY & PERSONAL LIFE BALANCE

### **Policy**

*BRYR recognises that employees with balanced work and family/personal lives can be more effective in their work. BRYR is committed to assisting employees, when practicable, in flexible work arrangements.*

### **9.1 Job Sharing**

Job sharing only applies to full-time positions. It is a working arrangement where two Employees share the duties of one full-time job, receiving pro-rata salary and benefits. BRYR reserves the right to designate the positions suitable for this arrangement. Where job-sharing is agreed, both sharers will be offered separate fixed term contracts with special terms covering issues such as attendance, sick leave cover, communications, administrative duties, attendance at meetings, reporting etc.

### **9.2 Job Splitting – Task based**

This is an arrangement similar to job sharing except that the tasks involved in a full-time job are split between two people and each has responsibility for their own tasks rather than being equally responsible for the whole job. The need for co-ordination is, therefore, reduced. An advantage of job splitting is that a job can be split in such a way that certain tasks requiring particular skills can be grouped together. In addition, in certain situations the working times of those who have split a job can also overlap.

The fixed term separate contracts will specify terms as per job sharing above and clearly divide defined tasks.

### **9.3 Flexi-Time**

This is an arrangement whereby employers and employees negotiate hours of work that are of advantage to both. It usually involves defining 'peak' hours when all employees must be in work. Starting and finishing times, on the other hand, are normally flexible.

#### **9.4 Part-Time**

Part-time working basically means working fewer hours than a comparable full-time worker in BRYR. There are various forms of part-time working:

- Fixed part-time working. This is the most popular model: the employee works a reduced number of hours per day, or fewer days per week or even alternate weeks.
- Voluntary reduced work-time. This is a scheme whereby an employee is allowed to reduce working time for a limited period with a right to return to full-time work.
- Annualised hours. This scheme means that an employee is contracted to work a defined number of hours per year rather than per week. Working time can be scheduled to deal with seasonal variations and fluctuations in the demands of the organisation throughout the year - for example an employee may work longer hours at the one time of the year and shorter hours at another.
- Term-time working. This means that the employee works during school terms but not during the school holidays. It appeals, in particular, to parents of school going children.

#### **9.5 Compassionate or Emergency Leave**

BRYR recognises the need for leave in emergency situations. An employee seeking compassionate/emergency leave needs to apply for it in writing (see section 5.2). The Programme Manager / the Board will adopt a flexible case-by-case approach to such requests.

#### **9.6 Employment Career Break**

At certain stages in working life a break may be needed to prioritise personal time to other things or for personal development reasons. This break is at the discretion of the Board of Directors and maybe for any of the following reasons:

- Child care.
- Care of an ill relative.
- Foreign travel.
- Education.
- Starting a business.
- Voluntary work.
- Exploring a career change.

The operation of a career break scheme is subject to maintaining the best service provision to young people as well as funding criteria.

- Application in writing to the Programme Manager and to the Board at least 3 months in advance
- Reason for career break stated.
- Increments will not apply during the duration of the break nor entitlement to annual leave accrual.
- Vacancies created maybe filled by temporary replacement to the post.
- Employee can not return to post before the agreed date without sanction from the Board of Directors.

#### **9.7 Sabbaticals**

This is a period of absence from work, which may or may not be on full pay and will be at the discretion of the Board of Directors. Duration is normally related to length of service. It provides an opportunity for employees to take a break from or reflect on their work, or engage in new activities.

### **9.8 E-Working / Working at Home**

BRYR may permit an employee to work from home or by e-working, particularly in relation to preparation of reports/documentation. The Programme Manager has discretion to permit occasional e-working/working from home.

## **10. DIVERSITY & EMPLOYMENT OPPORTUNITY**

### ***Policy***

*BRYR is committed to principles of equal employment opportunity for employees and applicants and, in accordance with applicable laws, does not discriminate on any basis prohibited by law. BRYR's decisions are based on merit, qualifications, ability and relevant experience. Implied in our policy is a commitment to maintaining a working environment, which is free from discrimination, harassment and sexual harassment.*

### **10.1 Ensuring Equal Opportunity**

To ensure equal employment opportunity to qualified individuals with disabilities, BRYR will make reasonable accommodations for the known physical and mental disabilities of an otherwise qualified individual with a disability unless undue hardship would result. Employees are obliged to support the implementation of the equal employment opportunity policy and to comply with all applicable laws prohibiting discrimination in employment. If at any time an employee becomes aware of a violation of this policy, there is an onus on the individual to report it to management, who will investigate the matter in a fair and open manner.

## **11. GUIDELINES FOR DEALING WITH BULLYING IN THE WORKPLACE**

### ***Policy***

*BRYR is committed to the entitlement of all employees to respect and dignity at work.*

BRYR obliges all employees to be aware of the anti-bullying and anti-harassment policy and that all users of BRYR-managed buildings and participants in BRYR activities, whether young people, parents and contractors are aware of it.

Bullying in the workplace constitutes a real threat to the safety, health and welfare of people in the workplace. The key objective of the anti-bullying policy is to communicate clearly that instances of bullying will not be tolerated and that precautionary measures are in place both to prevent the occurrence of bullying and to deal appropriately with any cases that might arise.

### **11.1 Definition of Bullying**

“Workplace bullying is 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 and/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 may be an affront to dignity at work but as a once off incident is not considered to be bullying.”

(As defined in the Report of the Task Force on the Prevention of Workplace Bullying – published by the Stationery Office, March 2001, and published on the HSE web site 2009)

This policy is applicable to all employees irrespective of length of service. It can also occur between colleagues who are junior to, senior to, or at the same level in the organisation.

### 11.2 Identifying the Problem

Bullying can occur directly or indirectly:

- In positions of authority where a Manager/Supervisor can use the position to behave inappropriately or without due care to an employee.
- When a junior employee is resistant to change/resents/dislikes a Manager/Supervisor and creates a hostile atmosphere for management to carry out their role.
- Can be conducted by one or more persons against another or others.

Bullying manifests itself as various types of behaviour, including behaviour which may:

- Humiliate.
- Intimidate.
- Verbally abuse.
- Victimise.
- Exclude and isolate.
- Intrude through pestering, spying or stalking.
- Give repeated unreasonable assignments to duties, which are obviously unfavourable to one individual.
- Give repeated impossible deadlines or impossible tasks.
- Imply threats.
- Create a hostile atmosphere for another employee to work in.
- Be abrupt and offensive when dealing with that employee.
- Continuously imply/undermine another person's work.
- Entail use of the e-mail system to communicate derogatory or undermining remarks to other employee about another employee whether a peer, colleague or Manager/Supervisor.

The above list is representative only, not exhaustive, and should be used as guidance. These are types of inappropriate behaviour that undermine a person's right to dignity at work and can constitute bullying.

### 11.3 Confidentiality

#### ***Policy***

*All individuals involved in the grievance procedure are obliged to maintain the utmost confidentiality*

An informal and a formal procedure are detailed below.  
(labour relations commission code of practice s.i. no. 17 of 2002)

### 11.4 Grievance Procedures

#### **Record Incidents**

Employees should record incidents of bullying.

#### **Seek Clarification**

If an Employee is unsure if behaviour constitutes bullying then they are requested to seek clarification from the Supervisor/Programme Manager or the Personnel Sub-Committee.

#### **Informal / Semi-formal Procedure**

While in no way diminishing the issue or the effects on individuals, an informal and/ or semi-formal approach can often resolve matters.

An employee is requested to approach the person(s) involved and state clearly that the behaviour is unacceptable or unwarranted.

1. If this is not possible or satisfactory then the person making the complaint can seek support from the Supervisor, Programme Manager, colleague or Personnel Sub-Committee (also see chapter 7.7). In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.
2. Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.
3. A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure.

### **Formal Procedure**

If an informal approach is inappropriate or if after the informal stage, the alleged bullying persists, the following formal procedures can be invoked:

1. The complainant should make a formal complaint in writing to his/her immediate Supervisor/ Programme Manager, or if preferred, the Board of Directors or the Personnel Sub-Committee member. The complaint should be confined to precise details of actual incidents of bullying.
2. The alleged perpetrator(s) should be notified in writing by management that an allegation of bullying has been made against him/her. He or she should be given a copy of the complainant's statement and advised that he or she shall be afforded a fair opportunity to respond to the allegation(s).
3. The complaint should be subject to an initial examination by a designated member of management who can be considered impartial with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts and the credibility or otherwise of the allegation(s).

### **Investigation**

1. The investigation should be conducted by either a designated member(s) of management or, if deemed appropriate, an agreed third party. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s).
2. The investigation should be governed by terms of reference, preferably agreed between the parties in advance.
3. The investigator(s) should meet with the complainant and alleged perpetrator(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or employee/trade union representative if so desired.
4. Every effort should be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) should submit a written report to management containing the findings of the investigation.

5. Both parties should be given the opportunity to comment on the findings before management decides upon any action.
6. The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation.

### **Outcome**

Should management decide that the complaint is well founded; the alleged perpetrator(s) should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and/or monitoring or progress of the issue through the disciplinary and grievance procedure. If either party is unhappy with the outcome of the investigation, the issue may be processed through the normal industrial relations mechanisms.

Where an allegation has been rejected or deemed unfounded, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected/unfounded allegation shall be removed from the personnel file of the subject of the complaint. A statement of the outcome of the investigation will conclude his/her file and all other files.

## **12. GUIDELINE FOR DEALING WITH HARASSMENT IN THE WORKPLACE**

### **Policy**

*BRYR complies with the Employment Equality Acts 1998-2008, BRYR does not condone harassment and seeks to prevent harassment in the workplace.*

### **12.1 Definition**

“Harassment is defined as the abusive, unfair, or demeaning treatment of a person or group of persons that has the effect or purpose of unreasonably interfering with a person's or group's status or performance or creating a hostile or intimidating environment when: such treatment abuses the power that one person holds over another or misuses authority; or such treatment has the effect or purpose of offending or demeaning a person or group of persons on the basis of race, colour, ancestry, place of origin, nationality, religion, family or marital status, physical or mental disability, age, gender, sexual orientation, membership of the traveller community or conviction for a criminal charge; or such treatment has the effect or purpose of seriously threatening or intimidating a person.”

### **12.2 Sexual Harassment**

Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature, which creates an intimidating, hostile or stressful working environment or which adversely affects the recipients employment prospects or work performance’. Sexual harassment may include, but is not limited to such actions as: sexual-orientated verbal ‘kidding’, ‘teasing’, ‘banter’, or jokes; subtle pressure for sexual activity; physical conduct such as patting, pinching or brushing against another’s body; demands for sexual favours; lewd comments about someone’s appearance; and displays of sexually offensive material.”

All employees are expected to fully support such policies to avoid any behaviour or conduct towards any other employee, which could be interpreted as sexual harassment. Sexual harassment can occur:

- Outside the workplace, i.e. in a person's car, on the street, in a hotel.
- Between colleagues who are junior to, senior to, or at the same level in the organisation.
- Between employees and young people in their care.

### 12.3 Chilly Climate

#### **Policy**

*BRYR is committed to removing obstacles to participation in the workplace, which are created by a chilly climate.*

“A chilly climate is defined as a hostile, offensive, or intimidating environment which has the effect of excluding from participation in BRYR a person or group of persons on the basis of race, colour, ancestry, place of origin, nationality, religion, family or marital status, physical or mental disability, age, sex, sexual orientation, or conviction for a criminal charge. A chilly climate is created by a combination of attitudes, practices, and structures rather than by isolated or discrete instances of harassment as defined in sections 1 and 2 of this policy.”

#### Employer Responsibilities

Freedom from a chilly climate, general or sexual harassment is a condition of work that all employees are entitled to expect.

BRYR recognises the commitment to protect employees from harassment and to develop strategies to prevent its occurrence. This includes developing accessible complaints procedures for employees experiencing harassment.

### 12.4 Procedures for addressing allegations of work place harassment

#### **Policy**

*All individuals involved in the grievance procedure are obliged to maintain the utmost confidentiality*

Informal, semi-formal and formal procedures are detailed below.

#### **Record Incidents**

Employees should record all alleged incidents of harassment sexual or otherwise.

#### **Informal / Semi-formal Procedure**

While in no way diminishing the issue or the effects on individuals, an informal / semi-formal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of harassment as informally as possible by means of an agreed informal / semi-formal procedure. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

1. Any employee who believes he or she is being harassed should explain clearly to the alleged perpetrator(s) that the behaviour in question is unacceptable.
2. An Employee is requested to approach the person involved and state clearly that the behaviour is unacceptable or unwarranted. If this is not possible than the person making the complaint can seek support from the Supervisor, Programme Manager, colleague or Personnel Sub-Committee (also see chapter 7.7).
3. In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.
4. Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a

confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

5. A complainant may decide, for whatever reason, to bypass the informal / semi-formal procedure. Choosing not to use these procedures should not reflect negatively on a complainant in the formal procedure.

### **Formal Procedure**

If an informal / semi-formal approach is inappropriate or if after this stage, the alleged harassment persists, the following formal procedures can be invoked:

1. The complainant should make a formal complaint in writing to his/her immediate Supervisor/ Programme Manager, or if preferred, the Board of Directors or the Personnel Sub-Committee member. The complaint should be confined to precise details of actual incidents of bullying.
2. The alleged perpetrator(s) should be notified in writing by management that an allegation of harassment has been made against him/her. He or she should be given a copy of the complainant's statement and advised that he or she shall be afforded a fair opportunity to respond to the allegation(s).
3. The complaint should be subject to an initial examination by a designated member of management who can be considered impartial with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts and the credibility or otherwise of the allegation(s).

### **Investigation**

1. The investigation should be conducted by either a designated member(s) of management or, if deemed appropriate, an agreed third party. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s).
2. The investigation should be governed by terms of reference, preferably agreed between the parties in advance.
3. The investigator(s) should meet with the complainant and alleged perpetrator(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or employee/trade union representative if so desired.
4. Every effort should be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) should submit a written report to management containing the findings of the investigation.
5. Both parties should be given the opportunity to comment on the findings before management decides upon any action.
6. The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation.

### **Outcome**

Should management decide that the complaint is well founded; the alleged perpetrator(s) should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and/or monitoring or progress of the issue through the disciplinary and grievance procedure. If either party is unhappy with the outcome of the investigation, the issue may be processed through the normal industrial relations mechanisms.

Where an allegation has been rejected or deemed unfounded, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected/unfounded allegation shall be removed from the personnel file of the subject of the complaint. A statement of the outcome of the investigation will conclude his/her file and all other files.

**Review of procedures**

These procedures are subject to ongoing review by BRYR management to ensure they remain aligned with legislative developments as well as best practices in Human Resource Management. You are encouraged to use these procedures in the spirit in which they are written, to protect the dignity of all employees at work, and to promote a fair, equitable and healthy working environment

## **13. HEALTH & SAFETY**

### ***Policy***

*BRYR is committed to complying with Safety, Health and Welfare at work Act 2005 & the Safety, Health and Welfare at Work (General Application) Regulations 2007.*

*BRYR will ensure the provision and maintenance of a safe and healthy work environment; the promotion of employee recognition of individual responsibility for safety and health; the assurance that safety and health matters will be handled in strict conformity with professional, ethical and legal standards.*

### **13.1 Employee Responsibility**

In essence, not only BRYR as the employer will ensure, so far as is reasonably practicable, the safety, health and welfare at work of all employees/staff, but also every employee / member of staff is responsible. (S)He is responsible not only for her/his own safety at work but also for ensuring a safe environment for colleagues, young people and others at the organisation's workplaces, both on-site and off-site. Employees should therefore be aware of BRYR's policy on Health and Safety 2008 and their individual responsibilities in this regard.

In order to do this all employees are obliged to read the Health and Safety Statement 2008, which is located in all BRYR buildings at accessible points and available to an Employee on the shared drive and from the administrator. During the induction/probationary process (see chapter 4.3 and 4.5) new employees are also required to sign a statement indicating that they have read, understood and are in agreement with the content of the Health and Safety Handbook.

Employees are obliged to bring to the attention of the Health and Safety Officer or management any breaches of the Health and Safety policy and procedures of BRYR.

### **13.2 Fire Drill**

When a fire alarm sounds, employee should vacate the building immediately using the nearest exit. Employees are obliged to take safety guidance and direction from the Health and Safety Officer or person in charge during an emergency.

### **13.3 Health & Safety Committee**

A Health & Safety Committee has been appointed as having particular responsibility for health and safety at work. This Committee is chaired by a Board Representative and includes the management team, the Health and Safety Officer and relevant staff.

## 14. GENERAL INFORMATION

### 14.1 Dress Code & Appearance

At BRYR, we wish to enjoy a relaxed but professional work environment. We require that employees take reasonable care taken in relation to their appearance. Casual clothes are permitted, but these should be neat, clean clothes, in good condition, which are pressed and respectable.

#### 14.1.1 BRYR Clothing

BRYR provides/ sells for a subsidised price BRYR clothing items with the BRYR logo to make BRYR staff easier identifiable in certain circumstances (e.g. street-work, facilities staff, events etc.).

- When you wear any of the BRYR clothing you must remember that you are representing BRYR!

All the normal requirements of staff as per the Handbook will apply. In general BRYR clothing should not be used outside of work times.

- Certain clothing items are only available to certain groups of staff depending on their role and necessity for this type of cloths. Some items are only lend to staff for specific events. Staff must adhere to the operational rules.

- In general BRYR clothing must be cared for, kept clean and in good repair.

### 14.2 Travel Expenses

#### **Policy**

*Travel allowances are payable only in respect of necessary absence from head office. Employee travel must be approved in advance by the Supervisor/Programme Manager*

Employees on official business away from head office will be paid travelling expenses at rates authorised from time to time by the Board of Directors.

Public transport or where appropriate BRYR's own minibuses should be first choice for work related travel, apart from travel between the normal work place and home. All travelling duties should be planned so as to reduce the total amount of travel to the minimum consistent with efficiency. All official travel should be by the shortest practical route and cost effective transport method i.e. BRYR minibus, return tickets, season tickets etc.

Where it is necessary to use a private vehicle other than from home to normal work base, the approved rates apply. All work related travel has to receive prior approval from the management.

Taxis or cars should only be hired when no suitable public transport is available. Receipts should be supplied with all such claims.

Employees engaged in domestic travel and who are in receipt of travel and subsistence allowances are not eligible for time off in lieu for the time travelled.

#### **Guidelines on mileage allowance for use of private vehicles**

- Where a private vehicle is used for a single journey exceeding 30 miles one way from the normal work base the prior formal approval must be sought from the Programme Manager.
- In the case of an employee' who uses his/her own car where public transport could have been used, without detriment to the public interest, the amount allowed for

the employees own car in respect of mileage allowance should not exceed the cost of the public transport (including that of passengers whose travelling expenses should be payable from public funds).

- Travelling expenses will not be paid in respect of any portion of a journey, which covers all, or part of an employee's usual route between home and headquarters.
- Where an employee proceeds on an official journey direct from home or returns home direct, the travelling allowance payable will be calculated by reference to the distance from home or headquarters whichever is the lesser.
- An advance of expenses maybe obtained before departure but must be vouched for with receipts on return to the office.

Rates for mileage can be had from the Finance Administrator.

### **Private Vehicle Insurance**

Employees who use their private vehicles for work-related journeys are required to ensure that their private insurance covers work-related activity. Employees who are required to pay higher premiums for insurance cover for their own cars to cover official business will, on the production of necessary receipts relating to the extra expenditure involved, be fully reimbursed.

### **14.3 Other Expenses**

BRYR employees may incur expenses, other than travel expenses, in the course of their duties. In all cases employees should seek approval for expenditures from their management prior to incurring the expense. This should be done through either verbal approval for petty expenditures (less than Euro 40) or written approval on the relevant BRYR form. In the event where it is not possible or practical to acquire prior approval, then retrospective approval needs to be sought at the earliest possible opportunity.

Where petty cash expenses are incurred all proper receipts should be presented as soon as possible.

### **14.4 Residential & Overnight Stays**

#### **Residential / overnight stays with responsibility for young people**

Where, as part of an employee's work, there is an overnight stay with responsibility for young people, 7 hours time off in lieu will be offered for each overnight period. 7 hours will be offered for each day spent on residential.

#### **Residential/overnight stays away from home with no responsibility for young people**

Where attendance at conferences, workshops, meetings, training programmes etc, is authorised time off in lieu is to be recorded as if working a normal work day (7 hours). Employees engaged in domestic travel and who are in receipt of travel and subsistence allowances are not eligible for time off in lieu for the time travelled.

A subsistence payment will be paid for each overnight away from home, details of which can be obtained from the Finance Administrator. All receipted costs of accommodation, breakfast, meals and other travel or direct work-related costs will be reimbursed.

### **14.5 Child Care Costs**

Employees who are required to work on residential or other meetings/training etc. which requires being away from home overnight will be reimbursed for the costs of procuring childcare for their child(ren). Details of this payment can be obtained from the Finance Administrator. Receipts signed by the provider of the care will be necessary.

### **14.6 No Smoking Policy**

Employees are prohibited from smoking within all BRYR buildings including The Reco courtyard.

#### **Duty of Care**

In line with our care of duty to employees and young people:

- Smoking by employees is prohibited during work while in the company of young people and during an activity either on site or off site as it risks the safety and comfort of other employees, volunteers and young people
- Smoking should be confined to employee breaks only
- Ensure all cigarette ends are extinguished and disposed of properly - accumulation of cigarette ends on the ground constitutes a health and safety risk
- Exits should be kept clear at all times in case of an emergency
- Health education is provided to employees on request
- Health promoting grants may be available under BRYR's Health Promotion Policy to help cessation of smoking.

### **14.7 Confidentiality & Potential Conflict of Interest**

#### **Confidentiality**

Any confidential information obtained by an employee in the course of their work relating to the business of the organisation, its stakeholders, in particular the young people and issues concerning their circumstances or families, remains the confidential information of the party in question. Information shall not be used or disclosed other than in the course of the employment. Information of any nature obtained by the employee due to their involvement in the course of their employment must be treated confidentially. It is obligatory for the employee to agree not to use or disclose any of that information other than for the purposes of your employment by the organisation.

All notes and records of any conversation, process or business of the organisation or the young people, which come into an employees possession in the course of their employment shall be and shall remain the property of the organisation and shall be returned to the organisation on demand or otherwise on the termination of an employee's employment.

An employee is required at all times to maintain absolute confidentiality in respect of matters that come to their knowledge in the course of their work. This does not apply to communications properly made by an employee in the normal course of work for the organisation or when specific consent to disclose information has been given by management.

The terms of an employee's employment, expressed and implied, relating to confidential information shall survive any termination of employment; fundamentally an employee is expected to maintain this standard of confidentiality when they leave the employment of the organisation.

It is obligatory that BRYR business information obtained during or subsequent to employment with BRYR should remain strictly confidential. Employee members may not remove any documents or material or information from the premises at any time without proper authorisation.

**Personal Details**

It is BRYR'S policy that no employee may give out the address, telephone number, membership of union or organisation or any other personal details of another employee to anyone inside or outside of the organisation without prior consent of that employee. It is obligatory on all administration/clerical employees that all personnel files are treated with the greatest confidentiality.

**Conflict of Interest**

An employee is expected to devote the whole of their time, attention and abilities during the working day to the organisation and their duties. An employee may not undertake other duties of any kind whether directly or indirectly during hours of work for the organisation, neither may they engage directly or indirectly in any organisation or employment, which might impair his/her ability, or BRYR's ability to act at all times in the best interests of the organisation and the young people in our care.

All employees must consider possible implications for their ability in BRYR or BRYR's ability to pursue its legitimate goals that may arise from actions inside and outside of employment. Employees are advised to consult with management prior to engaging in such activities.

**14.8 Administration Policies & Procedures**

All employees should familiarise themselves with administrative procedures and comply with them.

**15. COMMUNICATIONS @ BRYR****15.1 Email / Voicemail & Internet Usage*****Policy***

*BRYR's computer system, including e-mail and internet access, is organisation property and therefore is to be used for legitimate business purposes only. BRYR reserves the right to monitor and access all e-mail along with other computer data and files. The implementation of computer passwords for access to e-mail and other computer systems and records does not restrict BRYR's absolute right to monitor all e-mail and access data from the entire system.*

Employees retain no personal privacy right to anything created, accessed, received, sent or deleted from the organisation's computer system (including internal e-mail and internet systems) and voice mail systems.

**E-Mail Guidelines**

- Internet access (during normal office hours or otherwise) is restricted to legitimate business purposes only. Employees are strictly prohibited from searching, viewing, and/or downloading any materials from sites not pertinent to work, at any time or downloading graphic or other offensive material including such material that, if distributed in the work place, could be considered sexual or other harassment.
- Allowing material that is inappropriate or objectionable to appear on your PC screen or storing, copying, printing out or displaying such material may constitute the creation of a hostile work environment subjecting an employee to disciplinary action up to and including dismissal.
- Professional judgment and common sense should be used when sending or responding to e-mail. Transmission of e-mail should be restricted to those addresses with a genuine need to know, rather than all employees.

- Extreme care should be taken regarding contents of e-mail messages. Use of the e-mail system to communicate derogatory or undermining remarks to other employees about another employee whether a peer, colleague or management will be viewed as a disciplinary issue.
- Confidential and proprietary information regarding the young people of Ballymun should not be transmitted through e-mail or the Internet unless authorised by BRYR's management. If any confidential information must be sent via internet, it should be restricted to those limited number of employees with a genuine need to know.

## **15.2 Telephone Systems**

BRYR's telephone system is the property of BRYR and should be used for legitimate work purposes. BRYR reserves the right to monitor all voice mail messages to insure that voice mail is being used only for legitimate business.

### **Personal Telephone Calls**

Occasionally employees may find it necessary to make/receive personal telephone calls. These calls should be kept to a minimum as our telephone facilities are intended for business use. Local personal telephone calls are permitted, when necessary, however they must be kept to a minimum. Please recall that telephone calls to mobile phones from a land line can be very expensive. Personal calls made outside the local area and all international calls are not permitted.

### **Mobile Phone Calls**

It is necessary for certain employees to use mobile phones in the course of their work. BRYR has a phone policy document – this should be read during induction.

## **15.3 Communications & Representation**

- On all occasions when employees are representing BRYR to external audiences, including young people, local residents, the media, work-related meetings and committees they should be conscious of their status as representative of BRYR. This includes verbal expression, written or visual material and personal appearance.
- All substantial communications such as addressing meetings/conferences, representation on committees, publications/literature, wall posters etc, should be approved in advance by management.
- Personal appearance, including dress and deportment, when representing BRYR must be appropriate to the occasion.

## **16. DISCIPLINARY PROCEDURE**

### ***Policy***

*Where disciplinary issues of conduct or performance are identified, they will be addressed through properly structured procedures to ensure a fair and equitable solution to those concerned.*

### **16.1 Introduction**

There will be times when problems arise at work, between management and employees of the organisation that cannot be resolved using informal discussions and problem solving referred to under the grievance procedure or Personnel Sub-Committee procedures (also see chapter 7.7). On these occasions, the formal disciplinary procedure of BRYR may be invoked.

This section is intended to make clear the ethos governing disciplinary procedures in BRYR. The purpose of these procedures is to ensure that fair and consistent disciplinary action is afforded to employees failing to meet standards of job performance or who are considered to be in breach of work rules or their conditions of employment.

## 16.2 Principles

- All disciplinary action will be conducted in a manner that protects an employee's dignity and safeguards relationships between employees. Pursuant to this, actions relating to discipline shall not be administered in the presence of other team members.
- All disciplinary actions and all information arising from such actions will be treated in strictest confidence by all those involved in the process.
- At any stage in the process, with the exception of verbal warning, an employee may invite a colleague or external representative to be present at any meeting or discussion pertaining to a disciplinary action against them.
- At every stage, an employee will be given all reasonable facilities to explain his/her position.
- Where an allegation is made against an employee, the person is entitled to know the nature of the allegation and the name of the person who has made the allegation. However, under exceptional circumstances, these details may be not be immediately revealed. This may occur where management, the employee making the allegation, or third party representatives, believe that this information may prevent the full details of a serious allegation being revealed. Under normal circumstances the principle that an employee should know who made an allegation, and what was said, will hold.
- Finally, each case must be dealt with separately and disciplinary action will be tailored according to the circumstances and seriousness of each case.

## 16.3 Procedures

The following rules are intended as a general guide in the event of a disciplinary action being taken against an employee. These rules should be read as the steps that will be taken, in sequence, when a decision is made to proceed with a disciplinary action:

### Verbal Warning (First Instance)

Management will normally deal with isolated failures or omissions in detail of duty or conduct on a verbal basis. Verbal warnings will be issued to employees in the case of isolated failures of this nature. Verbal warnings will be placed on your personnel file and remain for a period of three months.

Management will meet with the employee and the meeting will take the following format:

- Clearly warn the employee that their performance/conduct is falling below acceptable standards - at this point the employee will be given the opportunity to explain the situation.
- Outline the action required and the timeline to bring the employee's performance to the required standard.
- Outline improvement measures and objectives that need to be met during the review time. A written document will be drawn up called a PIP (performance improvement plan).
- State when the matter will be reviewed again and the action to be taken if an improvement does not take place.

Even though it is a verbal warning, a written record will be kept of the meeting and both the supervisor and the employee at the end of the meeting must sign this off. This record will be stored on the employee's personnel record. Verbal warnings are hold for 3 months.

If there are no further warnings within that period the warning is revoked. Should an employee commit 2 separate breaches they must be treated separately.

### **First Written Warning (Second Instance)**

With repeated lapses in conduct and/or performance and in other cases where the organisation considers that a more serious disciplinary action is required the employee will be given a 1st written warning of the alleged offence and the proposed disciplinary measures. A copy of this signed written warning will be kept on file for six months. If an employee maintains a clean record for the period of six months he/she will revert to stage one of the disciplinary procedures.

Management will meet with the employee and will:

- Clearly warn the employee in writing that their performance/conduct is falling below acceptable standards - at this point the employee will be given the opportunity to explain the situation
- Outline the action required and the timeline to bring the employee back up to the required standard
- Outline improvement measures and objectives that need to be met during the review time (this will also be outlined in writing in the PIP)
- Will state when the matter will be reviewed again and the action to be taken if an improvement does not take place.
- A written record of the meeting will be kept and must be signed by both management and the employee at the end of the meeting. This record will be stored on the employee's personnel file for 6 months assuming satisfactory improvement in performance.

### **Final Written Warning (Third Instance)**

In cases where an employee has failed to respond to a written warning, or where a breach of regulations or serious misconduct has occurred, including failure to carry out a reasonable instruction, a second and final written warning will be issued, signed and kept on file, for twelve months.

Management will meet with the employee and will:

- Clearly warn the employee in writing that their performance/conduct is falling below acceptable standards - at this point the employee will be given the opportunity to explain the situation
- Outline the action required and the timeline to bring the employee back up to the required standard
- Outline improvement measures and objectives that need to be met during the review time (this will also be outlined in writing in the PIP)
- State when the matter will be reviewed again and the action to be taken if an improvement does not take place.
- A written record of the meeting will be kept and must be signed by both the management and the employee at the end of the meeting. This record will be stored on the employee's personnel file.

### **Outcomes of Disciplinary Action**

The severity of the disciplinary sanction in any given circumstances is a matter for consideration by management and/or the Board of Directors in accordance with organisation procedures and natural justice.

The following are some examples of the different types of action that could be taken:

- Suspension with pay.
- Suspension without pay.
- Written warnings.

- Deferment/loss of increment.
- Withdrawal of privileges.
- Demotion.
- Special probation.
- Dismissal.

Where there is failure to make the required improvements the employee may be dismissed. Suspension will be considered as a disciplinary option and this may lead to dismissal.

In all of the above cases the employee may have his/her representative present and will be given an opportunity to state his/her case before a decision is made.

### **Suspension**

Suspension is a serious step and suspension with or without pay may be considered only with the approval of the Board of Directors or by the Programme Manager.

The duration and terms of and the reason for the initial suspension will be specified and will be at the discretion of the Programme Manager during which time the case will be investigated

Following the specified duration, the suspension may be either extended in accordance with approved procedures or lifted pending further investigation and without prejudice to its outcome.

### **Investigation**

BRYR reserves the right to properly investigate allegations of gross misconduct by an employee. This will be a full and fair investigation with due regard to relevant legislation and natural justice. The investigation will be lead by an appropriate person(s) appointed by the Board and may involve a full and objective investigation into the facts, interviewing of witnesses (if any), and the checking of all available evidence.

The employee will be called to participate in the investigation and will have the right to respond to the evidence.

After concluding the investigation management adjourns to make their decision based on all the evidence. They are charged with imposing the most appropriate form of sanction or none.

In the case of dismissal they will furnish the reasons to the employee on request as below.

### **Suspension without Pay**

An employee may be suspended without pay by management where:

- There is insufficient improvement in conduct/performance following the issue of a written warning.
- Following an investigation where a serious offence (gross misconduct) has been committed by the employee or where there are reasonable grounds to suspect the commission of such an offence and in either case the circumstances do not warrant dismissal.

### **Dismissal**

Dismissal is the ultimate disciplinary action and is only likely to be contemplated in a circumstance where lesser disciplinary action is deemed inadequate or inappropriate. An employee may be dismissed only by written directive of the Board subject to the procedures laid down in this document.

Where the required improvement does not take place the employee may be dismissed but only after the following procedures have been followed:

- Management, a member of the Board of Directors, the employee and employee's representative have a formal meeting.
- The organisation's position is outlined to the employee.
- The employee will be given a chance to respond to this and tell their side of the story.
- The meeting is adjourned to give management a chance to discuss the issues and come to a fair and reasonable decision.
- The meeting reconvenes and management inform the employee of their decision.
- Where the decision to dismiss is taken the dismissed employee will be furnished with the reasons for dismissal within 14 days of the receipt of their request for them.

**NOTE: Gross misconduct may warrant summary dismissal.** (This is dismissal without notice after which a full and fair investigation will take place)

#### **16.4 Appeals**

In line with good practice employees are always entitled to appeal against a disciplinary action. The following steps must be undertaken in order to appeal against a proposed disciplinary action.

- Appeals must be lodged within 5 working days of notification of the proposed disciplinary action. Other than in exceptional circumstances, appeals will be heard within 5 working days.
- Appeals of warnings, suspension and dismissal should be made to management.
- Outcomes of appeals will be notified as soon as reasonably possible.
- At all times the employee has the right to bring a colleague or nominated other to any of the meetings outlined above. At the dismissal hearing the employee must have a colleague or a nominated other before the hearing can take place.

#### **Compliance with Procedures & Principles of Natural Justice**

- The employee must be presented with the case against them.
- The employee must be allowed to be represented and given the opportunity of representation.
- The employee must be permitted and allowed an opportunity to state his/her case.
- The employer must see and be seen to hear, the case made.
- The employer must form a judgement after having considered all the facts disclosed
- The sanction must be appropriate to the charge.

#### **Gross Misconduct**

Notwithstanding the above procedures, management reserves the right to discipline any employee up to and including summary dismissal in the case of gross misconduct.

#### **Definition**

Acts which constitute gross misconduct are those resulting in the most serious case of breach of contractual terms such as performance and/or conduct. The seriousness of cases of gross misconduct is reflected in the severity of penalties associated with gross misconduct.

Given the seriousness of gross misconduct, no action will ever be taken against an employee without clear evidence of a serious breach of performance and/or conduct, and without thorough investigation.

### **Examples of Gross Misconduct**

Bearing in mind the seriousness of cases of gross misconduct, the following is a list of examples of actions that would warrant an allegation of gross misconduct. This list is not exhaustive. However, it does provide an indication of the kind of offences that warrant summary dismissal for reasons of gross misconduct:

- Breach of safety regulations likely to cause damage to the employee or other members of the team or other people.
- Theft or malicious damage to BRYR property or that of another employee or third party.
- Assault of another employee or young person.
- Harassment of other employees, including sexual harassment.
- Reporting for work under the influence of drugs, alcohol or illegal substances.
- Absences without leave or abuse of any leave available to the employee.
- Carrying out unauthorised work on premises or with BRYR materials and misuse of BRYR and/ or colleague's property including misuse of the organisation's information systems.
- Engaging in remunerative employment whilst absent for work on sick leave whether the absence is medically certified or not.
- Abuse of sick pay scheme.
- Falsifying organisation records.
- Misuse of the internet/web, accessing inappropriate web sites or sending offensive email internally or externally.
- Breach of confidentiality with regard to documents deemed to be confidential is considered a suitable cause for termination.
- Anything that effects the safety and welfare of young people

### **Suspension for Gross Misconduct - Procedures**

If an employee is suspended for gross misconduct, the following procedure will apply:

- Management will suspend the employee on full basic pay pending a thorough investigation into any allegations of gross misconduct.
- Following the full investigation of the alleged misconduct the employee may be dismissed/suspended/warned in writing as appropriate and without recourse to the further procedures as set out above.

## **17. GRIEVANCE PROCEDURE**

### **Policy**

Every employee in BRYR has the right to access fair and consistent measures for dealing with grievances between members of the organisation (grievance procedures). Every employee has the right to be subject to fair and consistent measures for ensuring discipline are maintained in the organisation (disciplinary procedures).

### **17.1 Protection of the Dignity of the Employee**

The procedures set down in this section are designed to protect the dignity of all employees in the event that grievance and disciplinary actions are invoked. These procedures have a dual purpose of providing management a framework within which to maintain satisfactory standards and of providing employees with procedures whereby alleged failures to comply with standards are fairly and consistently addressed.

The purpose of this policy on grievance and disciplinary procedures is to set the general principles and guidelines that will be used when a grievance or disciplinary procedure is to be undertaken.

## **17.2 Definition**

Grievances are disagreements and disputes which are serious, and which must be resolved, but which do not warrant disciplinary actions against the employee. The grievance procedures used in this organisation are designed to encourage the resolution of problems as fairly and speedily as possible. This minimises disruption to an employee and their working life and helps to ensure that positive working relations are fostered in the organisation.

## **17.3 Procedures**

Management shall encourage employees to seek agreement over individual difficulties by direct contact with their immediate Supervisor or Manager.

When a disagreement arises in the work situation between an employee and another member of the team, direct discussions should take place between relevant colleagues and every effort should be made to seek a solution to the problem. In the event of failure to resolve the issue, the following procedure will apply. This procedure is designed to retain the informality and direct problem solving which is an important aspect of workplace employee relations.

This procedure represents a framework that should be used productively by all employees to solve problems that arise in a fair, consistent and speedy manner. When a problem arises between an employee and another employee and s/he can refer the problem to his/her Supervisor or Manager and the matter in dispute discussed by the employee(s) concerned.

If the dispute concerns the Supervisor then contact should be made with the Manager. If the dispute is with the Manager then contact should be made with the Board member of the Personnel Sub-Committee (see chapter 7.7).

Should the parties fail to agree, the matter will be referred to the Programme Manager and/or the Board of Directors where a meeting will be arranged to discuss the matter. Each party is obliged to co-operate to ensure speedy resolution of the problem.

If the problem is not resolved through the above procedures, it may, depending on its nature be referred to an acceptable third party for adjudication.

Collective grievance issues i.e. matters relating to conditions of employment should be discussed initially with members of the BRYR management team.

## **18. LEAVING BRYR**

### **18.1 Retirement**

The statutory retirement age for all employees of the organisation is age 65. Upon reaching the retirement age of 65 the employment with the organisation comes to an end within one month.

### **18.2 Notice of Resignation / Termination of Employment**

Employees wishing to terminate their employment with BRYR are requested to give one month's notice (or the term of notice specified in their contract of employment) or the required notice under the Minimum Notice and Terms of Employment Act 1973, which

ever is longer. All benefits cease on the employees' last day with BRYR or at the end of the "pay in lieu" period, if applicable.

Notice of termination to be given or received must be in writing.

In the case of notice given by an employee to the organisation it shall be addressed to your Supervisor or a member of management.

Management will arrange an exit interview with the employee within the notice period.

Before leaving the organisation employees in most positions will be required to compile an exit report, outlining their

- Summary of duties done
- Follow up required for unfinished business and/or ongoing business
- Specific Contacts and their details
- Where are reports, overviews etc filed (main folders, files, ...)
- Any other important information

Management will give at least four weeks notice (or the term of notice as specified in the employee's contract of employment) or as appropriate under the Minimum Notice and Terms of Employment Acts, whichever is longer. If appropriate management may give payment in lieu of notice and request that an employee no longer attends the office.

### **18.3 Summary Dismissal**

This is dismissal without notice resulting from gross misconduct. In case of gross misconduct where dismissal results after due investigation the entitlement will be based on the legal minimum as specified in the Minimum Notice and Terms of Employment Act.

### **18.4 References**

BRYR is happy to supply both verbal and written references for employees after they have left BRYR. These will be based on the employee's employment history and performance.

### **18.5 Return of BRYR Property**

When leaving BRYR employees are required to return all property belonging to BRYR including computer systems, mobile phones, credit cards, security passes and originals or any copies of correspondence, documents, specifications, reports, papers and records, including any computer materials such as tapes or discs.

***BRYR RESERVES THE RIGHT TO ALTER THIS EMPLOYEE HANDBOOK (2011- 02) INCLUDING DETAILS OF BENEFITS, GUIDELINES, AND CONDUCT AND HEALTH AND SAFETY INFORMATION FROM TIME TO TIME. YOU WILL BE NOTIFIED OF SUCH CHANGES.***