

Preface Whether it is called managing people, personnel management, HR or something else, efficiently and effectively coordinating the people who work for you is a key responsibility in any organisation. Your work force will get most work done if your organisation has, amongst other things:

- Clear procedures for recruiting paid staff and volunteers based on what actually needs doing and the individuals' ability and willingness to do it
- Planned induction with all the relevant information and clarity about work and standards expected
- Procedures for ensuring that the work is done (and what to do if not)
- Training and support to help them do the work better.

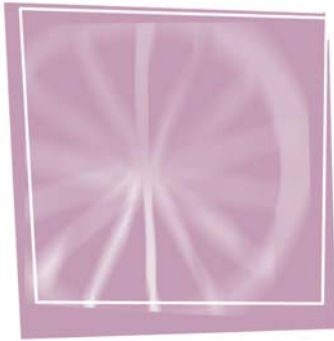
Good engagement with workers matters. Research shows that motivated workers contribute to innovation, deliver higher performance, frequently go beyond their normal job duties, are less likely to miss days off work and are less likely to leave than those who are not as motivated.

By continuously striving for best practice and complying with rapidly changing employment law, your organisation can have a workplace that truly works, in every sense of the word. Implementing the guidance in this publication is one tangible step towards achieving this.

Workplaces that Work is the fourth guide in our Solid Foundations series, which aims to build capacity in the community, voluntary and charitable sector. We hope you find it useful. If you have any additional information for future editions or any questions whatsoever, please do not hesitate to contact us.



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The Wheel is a leading support and representative body for community, voluntary and charitable organisations across Ireland. We provide a wide range of information and support services, training and advice to individuals and organisations involved in community and voluntary activity to help them get their work done. The Wheel also represents the shared interests of our members and the wider community and voluntary sector to government and other decision makers.

Disclaimer

Our goal is to provide comprehensive, timely and accurate information. This publication contains references and pointers to information kept or provided by other organisations. We therefore cannot guarantee their accuracy. It is our policy to correct any errors brought to our attention. Comments and suggestions are always welcome. Note that this document is not a replacement for seeking legal advice should that be necessary.

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Who this guide is for

This guide has been written primarily for **small and medium organisations in the community and voluntary sector that employ paid staff**. Although paid staff members are clearly not the only workers in such organisations, the legal and practical requirements that surround the employment of people are onerous and it is on these that this guide focuses. The intended reader is the employer of staff (usually the board, or similar) and/or the day-to-day manager of staff.

Organisations without any paid staff may find the guide of interest if they are thinking of taking on their first employee(s). However, these organisations may initially wish to read the *Getting to Grips with Governance* guide in the Solid Foundations series.

Larger organisations in the community and voluntary sector are likely to be long established with a well developed human resource function. For these organisations, the guide will serve as a reminder of the basics.

We hope that all readers will find something that is of use to them in this broad overview of workplace related matters targeted specifically at Irish community, voluntary and charitable organisations.



How to use this guide

You can read this guide from cover to cover, or more likely, use it as a reference tool as and when needed. Detailed contents pages, an index and a glossary of terms are provided for your convenience. The guide is structured broadly in line with the life cycle of an employee, from laying good foundations at the start, to bringing in the right people to do the work, starting them off on the right foot, getting the best out of them while they are there, and finally, dealing promptly with any difficulties that may arise.

The guide distinguishes between what you must do by law and what you ought to do, or could aspire to do, in terms of good practice. The main focus is on paid staff, but where appropriate, we indicate how the guidance might be adapted to suit the needs of other workers, especially volunteers. We use the following system of symbols:



This denotes a legal requirement



This is recommended good practice but not currently required by law



This suggests how the guidance might apply to workers who are not paid staff.

Specific tips and questions for your organisation in speech bubbles are also provided throughout to help you relate the topics covered to your own experience. Finally, detailed signposts to further resources are provided at the end of each chapter.

CHAPTER 1: Laying the foundations

1.1 Introduction

This chapter starts by defining the different types of people that can make up the work force of a community or voluntary organisation. It is desirable that the people who work for such an organisation are passionate about its cause, but it is highlighted that passion on its own is not enough. It is stressed that everyone working for an organisation has certain rights, but also has responsibilities in creating a workplace that really works in terms of furthering that organisation's goals. Guidance for creating a diverse and a safe workplace completes this chapter.

1.2 The work force




Organisations in the community and voluntary sector, even small groups, can be highly complex in terms of the range of human resources that they have at their disposal. Workers might be unpaid or paid, temporary or permanent, work part-time or full-time, 'belong' to the organisation or be placed by another agency. The *more* people there are in an organisation and the *more types* of workers there are, the greater becomes the importance of clearly defined roles, boundaries and channels of communication. Each worker should be seen as an integral member of a team that is working together to achieve a common goal.



*** TOP TIPS ***

It is always useful to draw up an organisational chart (or 'organigram') that outlines the structures, hierarchies and lines of communication between different individuals and/or departments in your organisation. If you struggle to complete an organigram, it is likely that there is not enough clarity about these matters in your organisation.

1.2.1 Paid staff

 The Irish nonprofit sector is a significant employer, although research by the Centre for Nonprofit Management shows that over half of the organisations in the sector have five or fewer full-time employees. However, even if they have only one part-time paid employee, they are subject to the same employment laws that govern big companies. Note that one cannot just go ahead and employ someone. Firstly, it is necessary to register as an employer with the Revenue Commissioners and consider all the legal obligations that go with being an employer using resources such as the National Employment Rights Authority (see signpost in section 1.7).

1.2.2 Trainees and supported workers

  This category of worker includes interns, work experience students, Community Employment staff, individuals with disabilities on supported employment schemes, etc. Workers may be unpaid or paid, depending on their status. If they are unpaid, it must be made very clear in all dealings with them that they are not employees. If they are paid, they are subject to employment law just like any other paid worker, although the programmes in which they participate may have additional administrative requirements, which must also be fulfilled. In these instances, it is very important to establish who the actual employer is; is it the organisation where they are working or is it the sending agency? If both have a part to play, it is vital that there is written documentation that defines the different roles. This is also true for people who are seconded to the organisation.



1.2.3 Volunteers



Volunteers are people who, of their own free will, commit their time and energy to a particular cause. Volunteers are never paid, although they may be reimbursed for any out-of-pocket expenses that they incur during the course of volunteering. One unifying factor in Ireland's highly varied community and voluntary sector is that every organisation within it involves volunteers to a greater or lesser extent. On one end of the spectrum there are the many groups comprised solely of volunteers. On the other, there are organisations whose only volunteers are those on the governing body (who may not even call themselves volunteers). Most other organisations involve a mix of paid staff and volunteers. Although many of the principles underpinning good practice in human resources apply to both voluntary and paid staff, the volunteering relationship is less formal than the relationship between employer and employee and is not regulated by employment legislation.

1.2.4 External contractors




If organisations do not have the time or skills to do particular aspects of their work in-house, they are likely to involve third party contractors. Examples include trainers, consultants, designers, tradespeople, etc. It is vital that proper systems are in place to ensure they are contracted correctly and that any work that they do is completed to a high standard and in a manner that suits the organisation.






Although contractors are paid, they are not employed by the organisation, which has no legal responsibilities towards them as an employer (see also page 32). If an external contractor does a lot of work for an organisation, however, it is possible that they could be construed by the law as being an employee, with all the legal obligations that go hand in hand with that. In the event that an external contractor has his/her contract terminated and ends up satisfying an Employment Appeals Tribunal that they were in fact engaged as an employee, there could be very serious implications, including financial implications, for the organisation.

1.3 Passion is not enough

 Organisations in the community and voluntary sector are founded on passion and they need passionate people to keep them thriving. However, passion on its own is not enough. It is often said that people are an organisation’s most important asset, but this only holds true if they are the *right* people undertaking the *right* tasks. It is vital that people are recruited, trained and treated well so that they will work effectively and will stay with an organisation for as long as possible. This does not simply happen by accident. Investing in human resources is essential and being a good employer (in the widest sense of the word) is costly, both in terms of time and money. However, the alternative (being a poor employer) inevitably leads to problems that carry far greater costs in terms of high staff turnover, poor performance, high levels of absenteeism, industrial disputes, and so on, that will in turn affect the service the organisation is trying to provide, and ultimately, the goals that it wants to achieve.

1.4 Responsibilities

 Employers and employees (or volunteer managers and volunteers) each have rights, but also each have responsibilities towards each other. When these rights and responsibilities are unbalanced, problems are likely to occur.

  It is not possible to manage a workforce well unless the work of the organisation as a whole is managed well. The governing body (board, management committee, etc) has a key role to play in safeguarding the values of the organisation, providing clarity of direction, ensuring accountability, liaising with external bodies and working as a team, as well as making sure that the organisation has effective human resources. The governing body is the legal employer of paid staff and as such, has a duty of care towards them. As an employer, it also has ‘vicarious liability’, which means that it can be held responsible for the actions of its employees. It is essential therefore, that each organisation has in place policies and procedures that have been well thought out, that comply with the law and that are communicated on an ongoing basis to the entire workforce.



Responsibilities for day-to-day line management will vary in each organisation and may include:

- The governing body as a whole (or its chairperson)
- A staffing subcommittee or similar (or its chairperson)
- A subcommittee dealing with a particular aspect of the organisation's work (or its chairperson)
- The most senior member of staff
- A department or section manager.



Each worker should know who s/he is accountable to and what this means in practice. Although everyone is ultimately accountable to the governing body as a whole, it is infinitely better if each person has one individual to whom they are directly answerable.

Try to answer these questions for *each and every* person who undertakes work for your organisation ('nobody' or 'everybody' are not acceptable answers):

- If they want to do something new or make a significant change in the way work is done, with whom would they have to agree the change?
- If their work is inadequate or unacceptable, who would talk to them about it?

1.5 The diverse organisation

1.5.1 The benefits of diversity



In effective organisations, there is a shared sense of unity; of commitment to common goals and values. However, there is also a shared sense of diversity, in which difference, in all its manifestations, is actively welcomed. Different people contribute different skills, life experiences, viewpoints and ways of working to an organisation. Organisational diversity should be strived for and celebrated, for it can:

- Widen the pool of potential applicants for paid and unpaid roles
- Provide the organisation with new skills and ideas
- Allow the work force to more accurately reflect the general population
- Increase morale
- Enhance public image and therefore make the organisation more attractive to supporters/ funders
- Stimulate organisational growth and effectiveness
- Help the organisation to comply with equality legislation.

1.5.2 Equality and the law



Equality law prohibits discrimination on nine grounds:

- Gender
- Marital status
- Family status
- Sexual orientation
- Religion
- Age
- Disability
- Race
- Membership of the traveller community.

Employees are protected from direct and indirect discrimination on any of the nine grounds. Direct discrimination is where someone is treated less favourably on one or more of these grounds. Indirect discrimination is where an employee is subjected to a requirement that impacts more heavily on members of the protected groups.

Do you have up-to-date employer's liability insurance? (This is not compulsory, but is highly recommended.)



Under employment equality legislation, an employer has a duty to ensure that:

- There is no discrimination when advertising job opportunities
- There is equal pay for like work
- Employees are protected from harassment and sexual harassment
- Reasonable accommodation is made for potential and current employees with disabilities
- There is no victimisation of employees who decide to take action under the relevant Acts
- All reasonable practical steps are taken to prevent discrimination in the work force.



Equal status legislation applies to the organisation if it sells goods, provides services (even if these are free), provides accommodation and related services or runs an educational establishment. In the context of human resources, the law is likely to apply in the provision of volunteer training, for example.

1.6 The safe organisation



Employers are required to provide a safe and healthy workplace and ensure that their employees' welfare is protected. The law is extensive, but specific steps that employers must take include:

- Preparing and maintaining a Safety Statement
- Assessing and minimising risks
- Providing appropriate health and safety training
- Ensuring that employees' dignity at work is preserved.



Furthermore, under the law, employees are protected from victimisation or penalisation, for example, having made a complaint about an unsafe working environment. Detailed information about responsibilities is available from the Health and Safety Authority.

Do you have diversity policy and procedures or similar in place?

Do you have a diversity action plan that includes diversity training?

Do you monitor diversity on an ongoing basis?

1.7 Signposts

The Wheel

01 - 454 8727

- *Getting to Grips with Governance*, 2008 www.wheel.ie/content/getting-grips-governance-guide
- *Reducing the Risk*, 2009 www.wheel.ie/content/reducing-risk-good-practice-guide
- *Solid Foundations: a resource guide for building strong and effective organisations in the community and voluntary sector*, 2007 www.wheel.ie/content/solid-foundations-good-practice-guide

Other Signposts

Capaciteria

International web-based resource with a detailed section on human resources/personnel

- <http://capaciteria.org/index.php?env=-inlink/index:m9-1-1-5-s-0&reset=1>

Centre for Nonprofit Management

Supports and develops research, education and dialogue about the third sector and nonprofit organisations

01 - 896 3850
www.cnm.tcd.ie

- Freda Donoghue *et al*, *The Hidden Landscape*, 2006

Community Sector Employers' Forum

Aiming to improve the quality of work in the community sector

01 - 878 8900

www.erb.ie

Equality Authority

For information about equality in a diverse Ireland

1890 - 245 545

www.equality.ie

FÁS

For information on Community Employment and similar schemes

01 - 607 0500

www.fas.ie

Health and Safety Authority

For all matters relating to safety, health and welfare. HSA Inspectors have the right to access the workplace to ensure employer compliance with health and safety legislation.

1890 - 289 389

www.hsa.ie

- Health and Safety Authority and Road Safety Authority, *Driving for Work*, 2010
www.hsa.ie/eng/Vehicles_at_Work/Driving_for_Work/

HR Council

Canadian organisation offering excellent online *HR Toolkit*

001 - 613 - 244 8332

- www.hrvc-rhsbc.ca/hr-toolkit/home.cfm

Irish Association of Supported Employment

Promoting best practice in supported employment for people with disabilities
097 - 82894
www.iase.ie

National Council for Voluntary Organisations

Excellent general resource from England, including the publications listed below
0044 - 20 - 7713 6161

- Wendy Blake Ranken, *The Guide to Good Employment*, 2008
- Triangle Consulting, *Workforce Wheel*, undated
www.ncvo-vol.org.uk/sites/default/files/files/ncvo-workforce-wheel.pdf
- Workforce Hub & Governance Hub, *Funding and Costing Workforce and Governance Development*, 2007
www.ncvovol.org.uk/uploadedFiles/NCVO/Publications/Publications_Catalogue/Trustee_and_Governance/Funding_costing_Worforce_Governance_development_VCOsPDF.pdf

National Employment Rights Authority

Information on employment rights for employers and employees. NERA Inspectors have the right to access premises at any reasonable time to inspect and take copies of employment records and to interview relevant people.
1890 - 808 090
www.employmentrights.ie

Revenue Commissioners

Employer Information and Customer Service Unit
1890 - 254 565
www.revenue.ie/en/business/employers-pay.html

Volunteering Ireland

For guidance on good practice in volunteer management, including good diversity practice and a *Charter for Effective Volunteering*
01 - 636 9446
www.volunteeringireland.ie

Volunteer Centres Ireland

01 - 799 4519
www.volunteer.ie