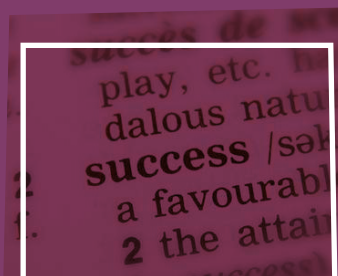


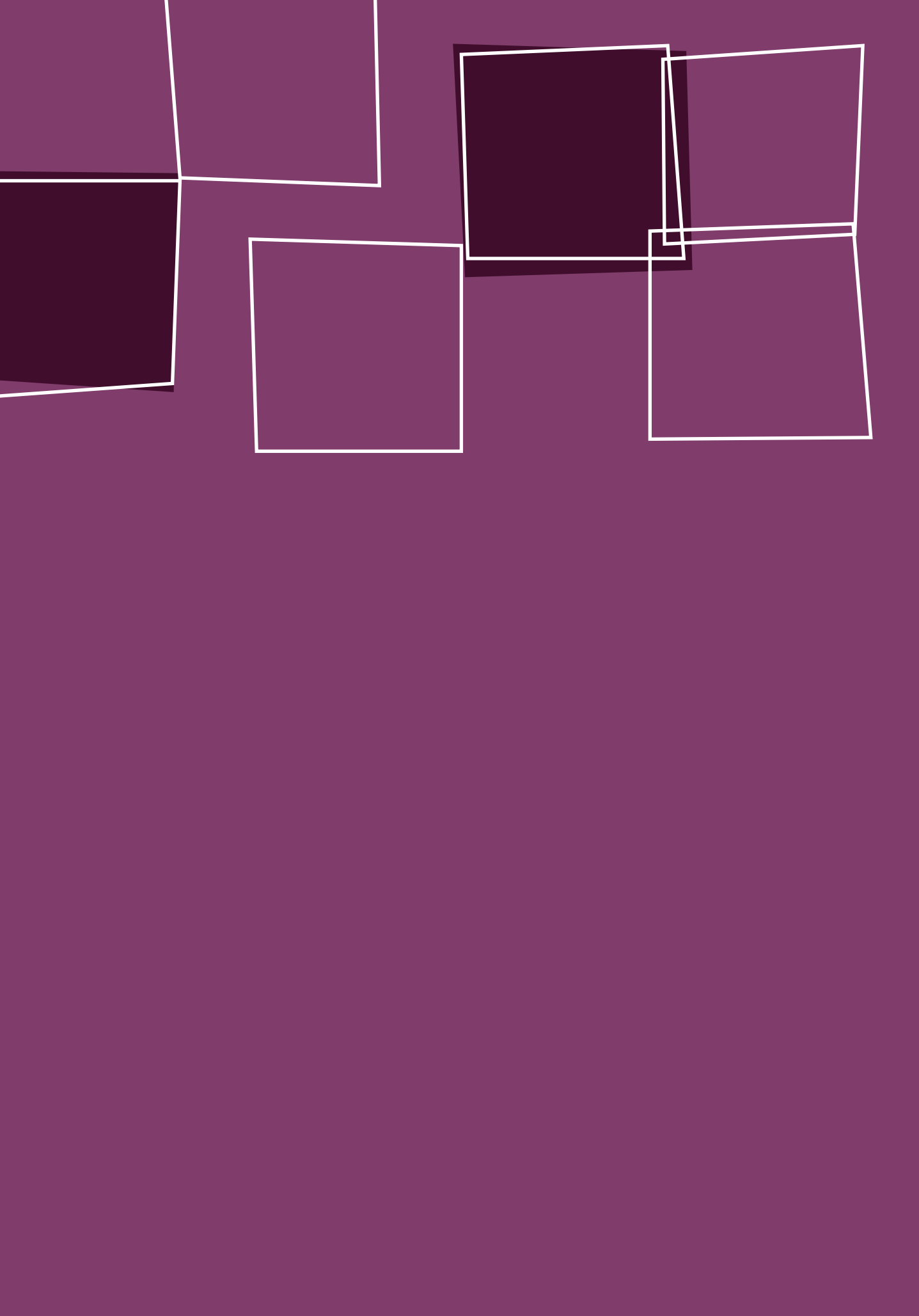
workplaces that work

a guide about human resources for
community and voluntary organisations

second edition



The Solid Foundations Series



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 more 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 one of seven guides 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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Published by

The Wheel

Second edition

June 2015

About us

The Wheel is a national organisation that represents and supports community, voluntary and charitable organisations in Ireland. Founded in 1999, we currently have over 1,000 members across Ireland, reflecting the enormous scope and scale of this vibrant and diverse sector. The Wheel exists to help change people's lives for the better. We do this by helping nonprofit organisations get things done, more efficiently and more effectively. As an independently governed, membership-based organisation, we represent our members' shared interests to Government and other decision-makers, and we promote better understanding of the vital work they do for people in Ireland. See www.wheel.ie for more.

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 for guidance only and 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



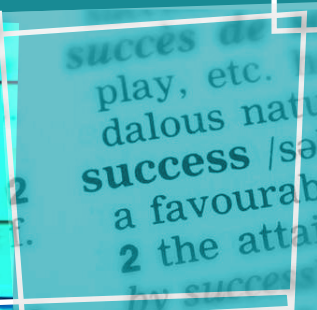
This suggests how the guidance might apply to workers who are not paid staff.

Specific tips and questions for your organisation 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



1.1 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 shows that around 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 and consider all the legal obligations that go with being an employer using supports such as Employer Resources (see signposts).

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, accountants, 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. If an external contractor does a lot of work for an organisation, it is possible that s/he 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 her/his 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 work force 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 work force.



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:

1. Gender
2. Marital status
3. Family status
4. Sexual orientation
5. Religion
6. Age
7. Disability
8. Race
9. 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

- Getting to Grips with Governance, 2012 www.wheel.ie/content/getting-grips-governance-guide
- Reducing the Risk, 2013 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, 2012 www.wheel.ie/content/solid-foundations-good-practice-guide

01-454 8727

Citizens Information Board

Providing an overview of the country's employment support schemes

0761-074 000

www.citizensinformation.ie/en/employment/unemployment_and_redundancy/employment_support_schemes

Energize Inc.

Tremendous volunteering resource from the USA

001-215-438 8342

www.energizeinc.com

Governance Code

Important information about good governance in charitable organisations
www.governancecode.ie

Health and Safety Authority

For all matters relating to safety, health and welfare at work

1890-289 389

www.hsa.ie

HR Council

Canadian organisation offering a number of excellent resources

001-613-236 2664

www.hrcouncil.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

Irish Human Rights and Equality Commission

For information about human rights and equality in a diverse Ireland

1890-245 545

www.ihrec.ie/your-rights/what-is-equality.html

Irish Statute Book

For copies of all relevant Acts and Statutory Instruments

www.irishstatutebook.ie

National Council for Voluntary Organisations

Excellent resources on work force development and governance

www.ncvo.org.uk

Revenue

Employer Information and Customer Service Unit

www.revenue.ie/en/business/payee/revenue-support-employers.html

Volunteer Ireland

For guidance on all aspects of good practice in volunteer management

01-636 9446

www.volunteer.ie

Workplace Relations Commission

This body, which replaces a number of agencies, is being established at the time of writing: Workplace Relations Customer Services act as a single contact portal for all workplace relations enquiries and complaints

1890-80 80 90

www.workplacerelations.ie

CHAPTER 2: Getting the right people

9



2.1 Introduction

This chapter explores the importance of attracting the right people into the work force. Being able to bring new people into the organisation should be regarded as a huge opportunity that must not be wasted. It is stressed that before undertaking any recruitment, it is essential to take a step back and define what type of person(s) is/are really needed to do the job(s) at hand. The process of securing the right people is then examined, from advertising any vacancies through to selecting the preferred candidates.

TOP TIPS

Special care must be taken in special case scenarios, including the recruitment of:

- The first paid member of staff by an all-volunteer group
- The first line manager (moving from a 'flat' to a hierarchical staffing structure)
- A new chief executive officer or interim manager
- Staff who will mostly work away from colleagues

2.2 Who does it?



Who does what in the recruitment process depends very much on the size and structure of the organisation. The governing body has a key role to play in approving any new

positions, but it is unlikely to be appropriate for the whole of this body to be directly involved in the process. Neither should recruitment be left to one individual. A recruitment panel of around three or four carefully chosen people usually works best, although two people might suffice for voluntary, temporary or junior roles, whereas a larger panel might be required for very senior positions. The panel might include a member of the governing body, the most senior member of staff, the person who will be directly managing the new worker, a service user, an independent person, etc. Aim for a gender balance on the panel.

Professionalism in recruitment and selection is key. All those on the panel should be able to demonstrate good interpersonal skills and the ability to work swiftly and systematically through the recruitment process, whilst at all times maintaining accurate records and absolute confidentiality. One person should be appointed as chairperson of the panel.

Does anyone in your organisation have recent recruitment experience?

Has anybody in your organisation undertaken recent training in how to effectively recruit new staff and/or volunteers?

2.3 Defining what you need



Whether the position is a new one or a newly vacated one, it is essential to spend some time analysing what the organisation needs *now*. The best way of doing so is gathering all relevant information from all relevant people in the organisation and completing a written job analysis. What actual tasks need to be done? Is a paid member of staff needed to do them or could the work be done by current workers, volunteers or contractors? Is somebody needed for the long or short term; full-time or part-time? Who will manage the new worker and how will s/he interact with other people in the work force? Once all these questions have been discussed and answered satisfactorily, the vacancy must be approved, usually by the governing body.

TOP TIPS

Keep equality and non-discrimination considerations at the forefront of your mind throughout the recruitment process (see section 1.5).

2.4 The job description



A job description can then be drawn up, which will tell potential candidates what the job involves and which defines the boundaries within which the eventual post holder will work. Job descriptions vary, but are likely to include:

- Job title
- One line description of the overall purpose of the post
- List of main tasks
- Who the person will be accountable to
- Who the person will have supervisory responsibility for (if anyone)
- Summary of main conditions of employment (duration of contract, place of work, salary, etc).



It is recommended that for voluntary positions, a simple 'role description' is drawn up that can use the same categories as above, but substitutes 'role title' and 'volunteering conditions' at the start and end.


2.5 The person specification





The organisation must then ask itself what type of person it needs to do the job. Using the job description as a basis, a person specification can be developed. This will act as the key tool for the selection process. All requirements on the person specification must be justifiable and assessable and might be divided into:

- *Qualifications* (for example: degree in social work)
- *Experience* (for example: experience of working in an office environment)

- *Aptitudes/skills* (for example: ability to speak Spanish or knowledge of human rights legislation)
- *Personal attributes* (for example: physical strength)
- *Personal circumstances* (for example: being able to work weekends).

 Make sure that the panel is not biased by preconceived notions about suitability. For instance, if the job truly demands a university degree, ensure this is included as a requirement, but do not say the organisation is looking for a graduate if there is no demonstrable need for this. If feasible, ensure that 'or overseas equivalent' is stated when requiring particular qualifications. Make it clear wherever possible what level of competence is being sought. Also avoid subjectivity, such as 'sense of humour'.

 It must then be decided how each of the requirements listed will be assessed in the shortlisting and selection processes (for example, application form, interview, test, etc). Organisations may decide to differentiate between essential (that is, minimum) requirements and desirable requirements (the latter might be acquired after appointment).

 A person specification can also be drawn up for voluntary roles. However, organisations need not be as rigid about this and can afford to be much more flexible about matching a volunteer's particular skills and interests to wider organisational needs.

2.6 Advertising



How potential applicants are sourced will depend on the nature of the post, the time available, the budget, etc. Advertising can be very expensive and cash strapped charitable organisations must be innovative in finding ways of advertising that are free or inexpensive. The organisation should always advertise internally: by email, on notice boards, etc. For small and medium sized organisations, it is rarely appropriate to advertise only internally, although internal advertising (especially as a first round) can work for particular roles in large organisations. It is best to cast the net as widely as resources will allow in order to reach as large a pool of potential candidates as possible.

Ensure, however, that advertising is targeted; there is not much point advertising for a community gardener in the newsletter of an amateur dramatics group, for example. The following are possibilities that might be explored, although this list is by no means exhaustive:


- Activelink jobs/volunteering weekly e-zine
- Boardmatch Ireland (for voluntary board members)
- Dóchas weekly e-zine
- Newspapers (local, regional, national)
- Newsletters (own and those of other organisations)


- Recruitment agencies
- The Wheel's online jobs/volunteering service
- Volunteer centres (for volunteers)
- Websites (own and those of other organisations)
- Word of mouth.

TOP TIPS

Every person who shows an interest in working with your organisation should be treated well, because even if they do not turn out to be suitable for your work force, they, or people in their network, may become supporters or service users at some later stage.

2.7 The application process

 Applicants may be required to complete an application form or submit a CV (some organisations ask for both). CVs are generally easier for applicants, but application forms allow the employer to gather all required information in a consistent standardised format. If it is decided to use an application form, make sure it is properly worded and designed.

 Before advertising takes place, ensure a sufficient number of information packs are ready for sending to interested parties; a pack can also be made available as a download on the

organisation's website. The pack will include:

- A covering letter thanking the reader for their interest, giving some background to the post and describing the application process (format of application, closing date, etc)
- The job description
- The person specification
- An application form (if using)
- Background information on the organisation
- Anything else appropriate to the post.



A decision must be made beforehand on whether informal contact with potential applicants during the recruitment process will be allowed; if so, this opportunity should be afforded to every candidate.



The application process for volunteers should be informal and is often combined with the 'interview' (see section 2.9). However, basic written information about potential volunteers, such as their contact details, will always have to be gathered.

2.8 Shortlisting



However many applications are received, the panel will now have to shortlist those people it wishes to find out more about. Even if only a handful of applications are received, it is a waste of time (yours and theirs) to interview those who do not meet the minimum requirements for the post. The panel must decide on a manageable number for interviewing (no more than eight people in one day) and then devise a fair scoring system for all criteria on the person specification.

Each person on the panel should do their own shortlisting and scores should then be compared to come up with a final shortlist for interview. If there are still too many people on the shortlist, a prioritised reserve list can be drawn up in case some candidates decide not to come for interview. Additionally or alternatively, telephone pre-interviews can be undertaken for further screening, although these need to be handled carefully.



Shortlisted people should then be invited for interview. This is usually done by telephone and confirmed in writing, together with details such as the time, length and location of interview, what to bring, whether interviewees will be required to sit a test or make a presentation, whether they have any special needs, whether and how travel expenses will be reimbursed, etc.



All applicants who have not been shortlisted should, as soon as

possible, be thanked for applying and informed that they were not successful. A polite standard email or letter will suffice.

TOP TIPS



Possible scoring systems for shortlisting that you might consider:


- Ticks and crosses
- Grades (meets criterion fully, meets criterion partly, does not meet criterion)
- Points (out of five or ten)
- Weighted points to differentiate between criteria of varying importance
- Comments (but these are difficult to compare).


2.9 Interviewing and testing




Interviews should take place in an accessible, comfortable venue where there will be no disturbance. Think carefully about matters such as how interviewees will be greeted on arrival, the setup of the room, the provision of glasses of water, the introduction of the panel, etc. Ensure there is a break of around 15 minutes between candidates.

  Prior to the day of the interview, the panel should have agreed a range of closed, open and probing interview questions. Questions should be asked by all members of the panel and these should relate directly back to criteria on the person specification that have not yet been assessed. The same questions should be asked of each interviewee, but it is permissible to ask additional questions to clarify what has been said, to find out more about a particular issue raised during the interview, or to obtain further information (for example, about unexplained gaps in career history). It is important to keep control of the interview, but also to be clear that interviews are a two-way process, so sufficient time must be allowed for interviewees to ask questions. It is essential for the panel to take notes during interviews. A standardised score sheet designed for the interview (similar to that used during the shortlisting process) is recommended.


 If appropriate, interviews can be combined with other tests, such as presentations (if the post requires presentation skills), practical tests (for example, typing tests for secretarial work), psychometric tests, role plays, etc. If candidates are based remotely, it may on rare occasions be considered appropriate to undertake telephone or video interviews.


 For voluntary positions, it is usually preferable to invite people to come in for an informal chat as opposed to a formal interview, although the general principles remain the same.


2.10 Verifying

 It is usually advisable to seek further verifications about the suitability of the preferred candidate(s). Some common examples are listed below. Provisional offers of employment may be made subject to these checks (see section 2.11).

2.10.1 Evidence of qualifications and eligibility to work

 If a certain qualification is demanded on the person specification, applicants should always be required to provide evidence of the qualification at interview.

 An employer wishing to appoint a national from outside the European Economic Area (the European Union together with Iceland, Liechtenstein and Norway) may have to seek an employment permit in respect of that individual.

 If applicants are under the age of 18, employers should satisfy themselves about the true age of applicants and familiarise themselves with the requirements of the relevant legislation.



Organisations should ensure that people in receipt of social protection payments have checked their eligibility to volunteer prior to starting voluntary work.

2.10.2 References



References are usually taken up after a job offer has been made, as most people do not wish their current employer to know they are job hunting. It is recommended that at least two references are sought, either over the telephone or in writing. In either case, some sort of reference form should be used, which covers topics such as: confirmation of information provided by applicant, reliability, performance, relationships with others, disciplinary matters, absence, etc. For paid positions, a reference from the most recent employer is usually sought (but there is no legal obligation on an employer to provide a reference for an employee). For voluntary positions, character references might be more appropriate. Please note, however, that references are not impartial and care must be taken when interpreting them.

2.10.3 Garda vetting



It does not matter if the work is paid or voluntary, if it will involve unsupervised access to children or other vulnerable people, Garda vetting should take place. If the organisation is not an 'authorised signatory', it must seek an umbrella organisation that will administer the

vetting process on its behalf. The vetting process can take a considerable number of weeks. It is vital to have a policy in place that lays out how the organisation will deal appropriately with any information about applicants that comes back from the Garda Central Vetting Unit.

2.10.4 Medical checks



Depending on the nature of the post, it may be appropriate to require the applicant to undergo a medical check prior to appointment, at a doctor nominated by the employer. If so, it is good practice for the employer to reimburse the cost of undertaking this examination. It should be noted, however, that pre-employment medical checks could be viewed as direct discrimination on the grounds of disability (see section 1.5.2).

2.11 Making the final selection



It may be useful to do a formal second interview or a less formal telephone 'debrief' with the preferred candidate(s), especially for more senior positions. This is a chance to explore in more detail whether the needs, traits and values of the candidates are in accordance with what the post and organisation requires and can truly offer. It is vital to be honest with candidates about what the job entails so that they know what they are letting themselves in for. It is unlikely that pay and benefits are negotiable, but if this is the case, do

not wait until this stage to discuss the package. In any case, agreement on pay and benefits must be reached before the final offer is made.



The recruitment panel must come to an agreed decision about who to make the job offer to and whether the job will be offered to any of the other interviewees if the preferred candidate does not accept. If no one is suitable, it is better to readvertise rather than appoint an unsuitable candidate.



The job offer should be made as soon as possible, usually by telephone (it may be a provisional offer if further checks still need to be made - see section 2.10). This should then be followed up in writing with a contract of employment (see section 3.2) and a short deadline should be given for accepting the job in writing. In the intervening period, it is useful to keep in touch with the candidate; for example, calling to ask if there is anything s/he does not understand in the contract.



Let other candidates know in writing that they have been unsuccessful as soon as possible. Decide if and how feedback will be offered on the panel's decision.



Finally, ensure all documentation relating to the recruitment process is kept and filed securely (ordinarily for one year).



If it is decided that a volunteer is unsuitable for a particular voluntary position, do not let them simply slip away. Try and see if their

unique skills and abilities can be used somewhere else in the organisation; if not, refer them to their nearest volunteer centre.

2.12 Evaluating the recruitment process



As with any aspect of the organisation's work, it is useful to spend some time at the end of the recruitment process evaluating what worked well and what worked less well. Ensure these deliberations are documented and implement any improvements next time the organisation has to recruit someone.

2.13 Signposts

The Wheel

To advertise community and voluntary sector jobs, volunteering opportunities and tenders

01-454 8727

www.wheel.ie/jobs

Activelink

To advertise community and voluntary sector jobs, volunteering opportunities and tenders (small charge levied)

www.activelink.ie

Boardmatch Ireland

Matching individuals who wish to volunteer with organisations that require skilled board members

01-671 5005

www.boardmatchireland.ie

Department of Jobs, Enterprise and Innovation

Employment Permits Section

01-417 5333 or 1890-201 616

www.djei.ie/labour/workpermits

Dóchas

To advertise paid jobs and voluntary opportunities in the field of global development

01-405 3801

www.dochas.ie

Garda Central Vetting Unit

For all information about Garda vetting

0504-27300

www.garda.ie/controller.aspx?page=66

Volunteer Ireland

To find your local volunteer centre

01-636 9446

www.volunteer.ie

CHAPTER 3: Starting off on the right foot

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3.1 Introduction

First impressions are everything; the importance of 'starting off on the right foot' with a new worker cannot be overestimated. This chapter considers the topics of contracts, handbooks, induction and probation. It also looks at how working time should be organised and what to include in pay and benefits packages. It ends by examining the employer's record keeping requirements.

3.2 Contracts

TOP TIPS

Seek legal advice when drawing up and renewing contracts.

3.2.1 Written statement of terms and conditions



An employment contract comes into existence when an individual accepts an offer of employment from an employer. A contract can be either verbal or written, but by law, employers must provide employees with a written statement of terms and conditions within two months of starting work. Note that some terms and conditions of employment are subject to statutory minima (rates of pay, working hours, holidays, notice periods, etc), regardless of what it says in the written statement.



The written statement, which *must* be signed and dated by both parties, must contain:

- Full name of employee
- Full name and address of employer
- Place of work (if this is not fixed, a statement indicating that the employee is required or permitted to work at different locations)
- Job title and nature of work
- Commencement date
- Duration of employment (see note about unfair dismissals in section 3.2.2)
- Rate of remuneration (or method of calculating)
- Payment interval (weekly, monthly or otherwise)
- Hours of work (including rest periods, overtime and time off in lieu arrangements)
- Annual leave and other paid leave entitlements
- Sick leave arrangements
- Pension entitlements
- Reference to any collective agreements
- Notice requirements for both parties.



The written statement might also cover other information/terms, such as:

- Address and PPS number of employee
- Probationary period
- Lay off, short-time working and redundancy provisions
- Payment in lieu of notice
- Retirement age (see section 5.9)
- Confidentiality obligations
- Intellectual property obligations
- Right to make deductions from pay
- Right to search (in case of suspected theft)
- Provision to request employee to attend doctor nominated by the organisation
- Data protection provisions
- Use of employer's technology
- Use of social media
- Flexibility clause (employer's right to alter the employee's duties and working conditions)
- Mobility clause (employer's right to move employee's place of work within a geographical region)
- Restraint of trade clause (employer's right to restrain what the employee can do for a period of time following their employment)
- A reference to the staff handbook.

*** TOP TIPS ***

If you do not presently have a staff handbook (see section 3.3), make sure that vital terms and conditions, such as your organisational policies for equality, dignity at work, information and communications technology, etc, are referenced in the contract.

3.2.2 Part-time and fixed term workers



It is important to note that by law, part-time and fixed term workers may not be treated any less favourably as a result of their employment status (although *casual* part-time employees do not have the same employment rights). A fixed term employee is someone who is employed under a contract containing a specific start and end date, or who is employed to carry out a specific project, or the continuation of whose contract is contingent on, for example, external funding. Fixed term contracts are therefore common in the Irish community and voluntary sector. If they are used, the written statement of terms and conditions must include a clause specifically excluding the application of the Unfair Dismissals Acts 1977 to 2007. Employees cannot remain on fixed term contracts indefinitely, however, and the organisation will eventually have to provide the worker with a contract of indefinite duration if they continue to be employed (usually after four years, although this is a complex legal area).

3.2.3 Custom and practice



Whilst written contracts are crucial documents, over time, 'custom and practice' also plays an important role in employment rights. Thus, even if a contract contains specific provisions, if these are not ordinarily followed in the workplace nor upheld by the employer on an ongoing basis, the employee could dispute these provisions at a later date.

3.2.4 Agreements for volunteers and external contractors



Volunteer involving organisations might find it helpful to draw up volunteer agreements that clearly define the parameters of the relationship between the volunteer and the organisation.



It is also highly recommended to put in place some sort of written agreement between the organisation and any external contractors engaged to undertake specific tasks.

*** TOP TIPS ***

Never be tempted (in a bid to avoid paying tax and meeting other employment law demands) to regard employees as self-employed external contractors if this is not the case. However, if they own their business, cost the work, are exposed to financial risk, provide their own materials and have control over the work done (including when they do it and being free to hire other people), it is likely that they are truly self-employed. In this case they will have a contract for service with you instead of a contract of service.

Does your organisation have an up-to-date staff handbook and volunteer handbook?

Does it cover all of the issues that are relevant to workers in your organisation?

Has each staff member/volunteer agreed to abide by the contents of the handbook, by signing and dating their copy?

Do you have a record of this on their file?

3.3 Staff handbook



There is a limit to the amount of detail that can reasonably be contained in the written statement of terms and conditions. Employees inevitably need further information relating to their employment. A staff handbook communicates standard organisational information to all employees and may cover topics such as:

- Welcome and introduction
- Background information on organisation
- Representing the organisation
- Code of conduct
- Personal appearance/uniforms
- No smoking and smoking breaks
- Timekeeping and recording of time worked
- Payment of salary, expenses, etc
- Pensions
- Detailed information about all types of applicable leave
- Training and development
- Support, supervision and appraisal
- Health and safety
- Trade union and professional association membership
- Insurance (professional indemnity, car, etc)

- Personnel files
- Administration procedures and record keeping requirements
- Complaints
- Copies of all organisational policies.



Depending on the nature of their involvement, it may be appropriate to issue volunteers with a volunteer handbook that covers the information that they will need in order to function effectively as voluntary workers in the organisation.

TOP TIPS

- You may find it useful to develop a core induction programme that can be adapted to suit the needs of each new worker who joins the team.
- You may also wish to consider using a 'buddy' system for new recruits.

3.4 Induction



Induction, which is occasionally called 'orientation', is the welcome and familiarisation process that takes place during the first few days and weeks of a person's employment or volunteering. Everybody who starts work with an organisation (or who changes roles within an organisation) needs some sort of induction, which must be carefully

planned prior to their arrival. Induction, which is likely to be coordinated by the person who will have direct supervisory responsibility for the worker, will probably include:

- Reading and signing contract (see section 3.2) and handbook (see section 3.3)
- Reading all other materials relevant to the post (annual report, strategic plan, minutes of recent meetings, etc)
- Training needs analysis
- Physical tour of entire premises
- Instruction in the use of all relevant equipment
- Administrative matters (payroll, pension, desk, email, pigeonhole, etc)
- Explanation of where relevant information can be found
- Meeting all relevant people (paid and voluntary co-workers, board members, key external persons, etc)
- Information about dealing with emergencies
- Setting short term work plan.

3.5 Probation



It is highly beneficial to assign a probationary period for posts (if so, this must be specified in the written statement of terms and conditions, otherwise no such

probationary period will exist). Probation is the period during which a new worker is 'on trial'. The length of this period can vary; usually it is in the region of three to six months. The probationary period may be extended, by agreement of both the employer and employee, if more time is needed to assess an individual's suitability for her/his post, although it should never reach 12 months. It is essential that regular review meetings are held during this period (and beyond; see sections 4.3 and 4.4) to deal with any issues that arise and to clarify with the employee what level of performance is required. The employer may terminate the employment at any time during the probationary period in accordance with statutory minimum dismissal procedures, although the employee should be given the opportunity to make representations before a final decision is made as to her/his future employment. If the employer is satisfied with the employee's performance at the end of the probationary period, s/he must confirm this in writing to the employee.

3.6 Working time and leave

3.6.1 Working time



The law limits the maximum average working week to 48 hours (excluding breaks, on call/standby time, statutory leave and sick leave) and stipulates minimum breaks and rest periods on a daily and weekly basis. Time worked and breaks/leave taken *must* be recorded.

3.6.2 Annual leave and public holidays



The law also entitles most employees to four working weeks (20 days) annual paid leave per year, as well as the nine public holidays which are:

- New Year's Day
- St. Patrick's Day
- Easter Monday
- The first Monday in May
- The first Monday in June
- The first Monday in August
- The last Monday in October
- Christmas Day
- St. Stephen's Day.



The annual leave year must be defined at the start of employment (for example, calendar year or one year from start date). The employer must decide how employees can request annual leave and how many, if any, days of unused leave may be carried forward into the next annual leave year (and by when they must be taken). Pro rata entitlements must be calculated for part-time workers and those who have accrued less than 1365 hours in the annual leave year. Employees on annual leave who are medically certified as being ill are entitled to take their annual leave again. It should be noted that annual leave is a health and safety entitlement and the

employer has a legal responsibility to ensure leave is taken.

3.6.3 Sick leave



Clear rules should be put in place for when an employee is sick and unavailable for work, including:

- Who to report the news to, by when and by what means
- If a self-certification system is in place
- When, and how often, medical certificates are required and what information these must contain
- The maximum period of time employees will be paid when on sick leave, if at all
- Whether the employer reserves the right to require the employee to attend a medical examination with its nominated doctor
- What procedures are in place for the keeping of medical appointments.



Employees have no automatic right to pay when sick unless their contract provides for this. Employees with sufficient social insurance contributions may be entitled to illness benefit from the Department of Social Protection. If employers do provide employees with sick pay, they may require them to sign over any illness benefit payments they receive from the state (but only if provision was made for this in their written terms and conditions).

3.6.4 Adoptive, carers, father's, force majeure, health and safety, maternity and parental leave



Employees have specific entitlements relating to their family responsibilities (including antenatal and postnatal care). It should be noted that force majeure and health and safety leave include obligations to pay the employee for a specified period of time. It should also be noted that employers are under no legal obligation to provide maternity pay but they may choose to 'top up' statutory maternity benefit.

3.6.5 Jury service leave



The law places a duty on the employer to allow employees to attend for jury service. They may not suffer any loss of earnings nor lose any other employment rights. Limited exemptions apply.

3.7 Remuneration



For many community and voluntary organisations, their salaries and associated costs bill is by far their biggest expense; it is therefore vital that they get remuneration right. In particular, it should be remembered that employees are entitled to equal pay for equal work or work of equal value (see section 1.5.2).

3.7.1 Determining pay



Setting pay is difficult. Available funds are usually scarce yet most organisations will wish to attract the best people and also pay fairly. Rates of pay are subject to the National Minimum Wage. It is worthwhile researching the 'going rate' for the type of position offered. Some organisations choose to align the salaries of their staff with public sector pay rates; others negotiate salaries with the individual worker. In terms of pay progression, decide how, including how often, salaries will be reviewed. What will be used: a system of increments; cost of living increases; performance related pay; or some other system? Also be clear if employees will be paid overtime for any hours that they do in excess of their normal working week or whether a time off in lieu system operates. Finally, employers must decide if they wish to and/or are in a position to offer any bonus payments to staff.

TOP TIPS

Obtain a copy of The Wheel's *National Survey on Pay and Benefits in Community, Voluntary and Charitable Organisations* to compare your organisation with others in the sector.

3.7.2 Administering pay



All pay must be administered through the payroll. Employees must never be paid 'cash in hand'. Every employee must be given a pay slip for each and every payment, indicating all income and any deductions made, both those required by law (PAYE, PRSI and Universal Social Charge) and those which have been agreed in writing with the employee (pension, health insurance subscription, trade union subscription, etc).

TOP TIPS

You may wish to consider outsourcing your payroll function to a private company or to an organisation such as Carmichael Centre for Voluntary Groups.

3.8 Benefits



There are a range of additional benefits that you could offer that might make your organisation more attractive to potential and current employees. It should be remembered that discretionary benefits may not be given in such a way that could be construed as discriminatory (see section 1.5.2).

3.8.1 Pensions



There is no legal obligation for an employer to offer an occupational pension scheme. At a minimum, however, the employer must enter into a contract with a provider of Personal Retirement Savings Accounts (PRSAs) and make this facility available through the payroll to employees who are otherwise excluded from an occupational pension scheme. The employer does not have to pay into the PRSA, but may do so. Irish pension reform is ongoing and employers have a responsibility to keep abreast of developments over the coming years.

3.8.2 Flexible working arrangements



Flexible working arrangements that allow employees to balance their work with other parts of their life are highly attractive to many. Examples include:

- Part-time working
- Job sharing and job splitting (two employees sharing or splitting one job)
- Flexi-time (mandatory core hours with flexible start and finish times)
- Personalised hours (particular hours for individual employees)
- Working from home (occasionally, part-time or always)
- Term time working (working only when schools are open).

*** TOP TIPS ***

The employer still has a duty of care towards employees working from home and must ensure that it is satisfied with procedures for health and safety, security, expenses claims, etc.

3.8.3 Discretionary leave



In addition to the statutory leave provisions detailed in section 3.6, employers can also choose to offer further leaves of absence, paid or unpaid, such as:

- Annual leave in excess of the statutory minimum of four weeks (20 days)
- Specific days (Good Friday, Christmas Eve, the days between Christmas and New Year, etc)
- Study/exam leave
- Compassionate leave
- Marriage leave
- Paternity leave
- Volunteering leave
- Career breaks.

3.8.4 Other benefits



Further examples of potential employee benefits include:

- Sick pay (see section 3.6.3)
- Maternity pay (see section 3.6.4)
- Contribution towards the cost of training/further education
- Contribution towards a health insurance scheme for employees (and their families)
- Provision of, or assistance with, childcare
- Staff discounts
- Employee assistance programme (counselling, etc)
- Christmas party
- Use of company vehicle
- Parking facilities
- Coffee/tea facilities or staff canteen
- Attractive working environment
- Opportunities for promotion/progression.



In addition, there are many further ways in which volunteers can be rewarded and recognised for their contribution, including:

- Reimbursement of out-of-pocket expenses
- Award schemes
- Free membership of the organisation
- Saying thank you often, and meaning it.
- Attendance records
- Records relating to employee benefits
- Payroll details
- Training certificates
- Supervision and appraisal records
- Disciplinary warnings
- Grievances and actions taken
- Letter of resignation/termination
- Exit interview notes.

3.9 Keeping records



It is essential, for both administrative and legal reasons, to keep thorough and confidential personnel records. An individual's personnel file consists of any correspondence between the employer and employee about their employment and may also contain:

- Job description, person specification and advertisement for their post
- Job application/CV
- Interview notes
- References
- Garda vetting form (if required for the job)
- Offer of employment
- Signed contract
- Emergency contact details/next of kin
- Medical information



Ideally, records should be kept in one secure location with access restricted to authorised named individuals. Records may be in paper or in electronic format; duplicate records should be avoided. Smaller organisations are unlikely to need specialist human resource software, although larger organisations might benefit from this. It is vital that records are kept, used and disposed of in accordance with current data protection legislation. Most employment records should be kept for at least one year.

3.10 Signposts

The Wheel

National Survey on Pay and Benefits in Community, Voluntary and Charitable Organisations, 2013

01-454 8727

www.dropbox.com/s/6m069i83y9hul5z/Salary%20Survey_2013_Edition_Complete.pdf

Carmichael Centre for Voluntary Groups

Payroll outsourcing and other services for smaller organisations

01-837 5702

www.carmichaelcentre.ie/sector-supports/corporate-services/payroll-and-management-accounts

Data Protection Commissioner

Protecting personal privacy in the information age

057-868 4800 or **1890-252 231**

www.dataprotection.ie

Department of Social Protection

Useful information for employers (PRSI, benefits, redundancy, etc)

www.welfare.ie/en/Pages/employers_home.aspx

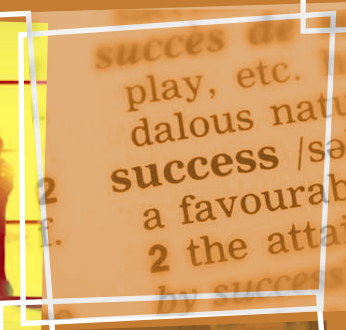
Revenue

Code of Practice for Determining Employment or Self-Employment Status of Individuals, 2007

www.revenue.ie/en/tax/it/leaflets/code-of-practice-on-employment-status.pdf

CHAPTER 4: Getting the best out of people

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4.1 Introduction

Research shows that what attracts people to employers is less about the pay and benefits discussed in the previous chapter than about the quality of the relationship between the organisation and its employees.

Individuals, whether paid or voluntary, need to be able to answer 'yes' to the following questions if they are to be committed to an organisation:

- Do I trust the people I work for?
- Do I take pride in what I do?
- Do I enjoy the people I work with?

This chapter explores the creation of a work environment in which people can feel motivated and the effective management of work performance. The topics of support, supervision and appraisal are covered, as well as learning/development, employee relations and teamwork. The line manager/supervisor plays a key role when it comes to getting the best out of people.

Are you relatively satisfied with the way you manage your work force? If so:

Have you considered applying for Excellence Through People?

Have you considered applying for Investing In Volunteers?

4.2 Support



Support and supervision are separate, but overlapping, managerial functions. Supervision (see section 4.3) deals with the work itself, whereas support deals with the worker. Work can be stressful and effective ways must be found to manage stress in the workplace. Managers should also offer workers a safe setting in which they can discuss their feelings about work, explore possibilities for career development and discuss how external factors are affecting work. Both workers and managers must recognise that personal lives can, and will occasionally, affect work lives. Managers must sensitively handle any personal problems that they become aware of and help identify sources of assistance. However, it is not their role to deal directly with the personal difficulties of their workers.

4.3 Supervision



Supervision is a continuous process that involves observation, conversation, planning and coaching. It is about guiding workers on a day-to-day basis and letting them know if they are meeting expectations, both in terms of what is done and how it is done. It is recommended that line managers hold regular (for example, monthly) one-to-one supervision sessions with all paid staff (and with volunteers where their role warrants it). These should take place in a private setting without interruption. Both worker

and manager should prepare for the sessions, which should be interactive and which should cover issues such as:

- Sharing information about work
- Monitoring and evaluating work and performance
- Clarifying priorities (always linking back to wider organisational objectives)
- Dealing with existing and potential problems
- Providing a framework for agreeing change
- Providing support (see section 4.2).

TOP TIPS

Use the **WASP** format for supervision and appraisal meetings:

Welcome the worker
Ask for her/his feedback
Supply your feedback
Plan and part.



It is helpful to use a structured format to ensure that supervisions do not degenerate into general moaning sessions. Specific actions must be agreed and written down; these can be used as the basis for the next session, the date of which should be set at the end of each meeting. Sessions should only be cancelled in an emergency and if so, should be rescheduled quickly.

4.3.1 Non-managerial supervision



In some cases, additional supervision provided by an external person may be required; for example, for workers in high stress casework based jobs such as therapists or for senior managers where the governing body does not have the capacity to offer sufficient managerial supervision. Such non-managerial supervision can be costly and raises complex questions about accountability, confidentiality, ability to affect change, etc. Alternatives such as mentoring and support groups might also be considered.

4.4 Appraisal



Appraisal sessions tend to be more formal and take a longer term view than supervision sessions. They provide an opportunity to undertake a more in-depth performance review as well as discussing with the worker how s/he feels about the job and the organisation as a whole. Appraisals generally take place towards the end of the probationary period (see section 3.5) and annually thereafter. They are normally conducted by the line manager together with another senior manager/member of the governing body. Effective preparation, including honest self-evaluation by the worker, is essential. It can be useful to draw up a standard form to be completed in advance of the appraisal session and to be used as the basis for discussion, covering issues such as:

- Review of work done to meet objectives set at last appraisal
- Review of job description
- Learning and development matters
- Management and teamwork matters
- Wider organisational matters
- Objectives for next year
- Other relevant matters.

TOP TIPS

It is obvious but ... the appraisal should focus on praise. First and foremost, acknowledge and build on the employee's strengths and achievements.



It is important to write up a summary of the appraisal with agreed actions, which can then be signed by both the line manager and the employee.



Some organisations choose to combine their appraisals with salary reviews. However, unless a performance related pay system is in operation, it is usually preferable to separate any discussions about performance and pay. More established organisations may wish to consider the use of 360 degree feedback (especially for senior posts), in which feedback on the employee is actively sought from a wide range of co-workers and even external people. They may also give thought to using a 'competencies'

approach to inform performance reviews and learning and development initiatives.

4.5 Learning and development



Having a skilled work force, both paid and unpaid (including the governing body), is a critical element of success in any organisation.

Furthermore, staff retention is likely to be enhanced if the organisation provides opportunities for ongoing learning and development. It is helpful to draw up a policy that focuses on using learning and development processes to achieve organisational goals. Recruitment, selection, induction, supervision and appraisal will all point towards met and unmet training and other development needs, although it may also be fruitful to undertake formal training needs analyses. Identified gaps might be closed through activities such as:

- Planned reading
- Shadowing
- Conference attendance
- Short term training courses
- Long term training courses
- Distance learning
- Mentoring
- Coaching
- Job rotation
- Facilitated group sessions.



Learning and development initiatives can be costly, both in terms of time and money. It is vital that organisations devote a budget to them and that there are clear procedures in place for sanctioning access and evaluating outcomes. Internal knowledge sharing, collaborating with like-minded organisations and other free or reduced cost opportunities should be investigated before paying out significant sums of money on expensive training courses.



Do not forget that volunteers are likely to need training too.

TOP TIPS

Particular skills and knowledge gaps, especially if needed only in the short to medium term, might be best filled by an appropriately experienced volunteer or external contractor.

4.6 Employee relations



Efforts must be made to ensure positive employee relations that will:

- Avoid misunderstandings
- Aid individual performance
- Ensure better decision making by management
- Gain 'buy-in' for management decisions
- Result in fewer grievances.

4.6.1 Communicating



Internal communication is about the ongoing interchange of information and ideas between different individuals and groupings in the organisation. Good communication is essential to good employee relations. People need to be kept informed of organisational developments and need to be clear when they receive information whether they are just being kept updated or whether they are expected to act on the information provided. Information should not be hoarded, but neither should people be exposed to information overload. Information must be appropriate, accurate, clearly presented, up-to-date, timely and circulated to all relevant parties. It can be conveyed through face-to-face meetings and presentations, on notice boards, in newsletters, by email, on the organisation's intranet, etc. Finally, everyone in the organisation should be encouraged to ask for information if they are unsure about anything.

4.6.2 Consulting



Employee consultation is about actively seeking and taking account of the views of workers before making a decision. It can be done through meetings, questionnaires, suggestion boxes, staff representatives, etc. It is not about workers necessarily getting all that they ask for, nor is it about 'rubber stamping' decisions that have already been made. Rather it is

about informed decision making that is based on the wealth of opinions provided by workers (as well as other information gathered). It is important that consultation does not happen too late in the process and that all relevant people are given an opportunity to make their voices heard. However, neither must organisations fall into the trap of 'over-consultation'.

TOP TIPS

Do not miss out volunteers and people who do not work in your main premises when communicating and consulting with your workers.

4.6.3 Collective bargaining



Collective bargaining is the process whereby workers collectively negotiate agreements with their employer through a trade union. Under the constitution, employees have a right to join a trade union. However, there is no legal obligation on an employer to negotiate with a trade union on behalf of an employee unless previously agreed, so your organisation must decide whether to encourage union membership and which union(s) to recognise. Before doing so, it is important to understand what this will mean in practice.

4.7 Teamwork



In order to make the best of the potential abilities of all individual workers, working well as a team is essential. Teamwork includes the relationship between: individual workers; small groups of people; different departments; volunteers and paid staff; managers and other workers, etc. Effective teamwork will only happen if the majority of people have a willingness to cooperate (and an understanding of how to go about doing so) and if there is a shared vision for the organisation and clarity about everyone's role in the processes that work towards achieving the organisation's goals. Good leadership is therefore of paramount importance. Ways in which a spirit of partnership can be fostered include:

- Optimism
- Can-do attitude
- Realistic approach to problems
- Valuing diversity (see section 1.5)
- No blame culture
- Professional courtesy
- Open door policy
- Regular team meetings
- Away days
- Involvement in planning processes
- Apt decision-making structures
- Following through on decisions.

4.8 Signposts

The Wheel

01-454 8727

www.wheel.ie

Congress

The umbrella organisation for trade unions

01-889 7777

www.ictu.ie

Great Place to Work Institute Ireland

Improving workplace relationships

01-678 8438

www.greatplacetowork.ie

National Standards

Authority of Ireland

Certifies the Excellence Through

People national human resource

management scheme

[www.nsai.ie/Our-Services/Certification/](http://www.nsai.ie/Our-Services/Certification/Excellence-Through-People.aspx)

[Excellence-Through-People.aspx](http://www.nsai.ie/Our-Services/Certification/Excellence-Through-People.aspx)

Volunteer Ireland

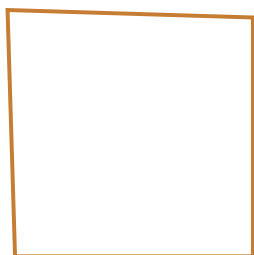
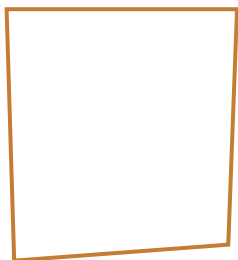
For information about Investing In

Volunteers

01-636 9446

[www.volunteer.ie/who-we-help/](http://www.volunteer.ie/who-we-help/organisations/investing-in-volunteers)

[organisations/investing-in-volunteers](http://www.volunteer.ie/who-we-help/organisations/investing-in-volunteers)



CHAPTER 5: Handling potentially difficult situations



5.1 Introduction

The previous chapters have covered meeting legal obligations and incorporating good practice into the organisation's human resource function. However, things do not always go according to plan. Every organisation will at times have to deal with potentially difficult situations. This chapter shows that it is very important to deal with any problems as efficiently and effectively as possible, to prevent them from turning into major conflicts that will hamper the organisation in achieving its goals. Unfortunately, getting it wrong can be very costly. The following topics are covered: absence, poor performance, grievances, disciplinary situations/dismissal, bullying/harassment and coping with change. The latter includes transfer of undertakings, redundancies and industrial action. Finally, the issue of people leaving the organisation, whether through retirement or some other reason, is explored.

TOP TIPS

It is easy to get lost in the difficult situation that you are trying to handle. Seek professional advice wherever necessary and at all times maintain focus on your organisational strategy.

5.2 Problem solving and conflict resolution



Everyone is different. Section 1.5 highlighted the benefits of difference. However, where differences between people cannot be dealt with satisfactorily, problems arise. Problems should not be ignored in the hope that they will go away, as they rarely do. Instead they have the potential to get much worse and grow into major conflicts. Ideally, problems should be 'nipped in the bud' as informally and amicably as circumstances allow. It should be borne in mind that the presenting problem is not always the underlying real problem and that nobody has a monopoly on truth and understanding. As ever, good communication is vital when handling problems and conflicts. If at all possible, people should attempt to resolve their differences themselves, or at least in-house. This may not always be possible, however, and both employees and employers reserve the right to bring external parties into the process to assist with conflict resolution, such as mediators, trade unions or the legal profession.

Are you aware of the different industrial relations bodies in Ireland?


Employers' organisations represent the interests of member employers.



Trade unions represent the interests of member employees.

The Workplace Relations Commission is the statutory agency dealing with employment matters.

The Labour Court is the court of last resort in employment disputes.

5.3 Managing absence

 Absence, especially if it is recurrent or long term, is very difficult for organisations to manage, and carries high organisational costs. It is particularly difficult for smaller organisations. Highly motivated members of staff have high attendance, so ongoing preventative measures should be put in place that reduce stress and promote employee health and well-being, both physical and mental. There are other factors leading to absence over which the employer can exercise little control, however.

  If an employee is absent, the reasons for the absence must be established. Is it due to sickness? If so, is it a short term incapacity with a definite date for return to work (for example, due to a broken limb)? This is relatively easy to manage.

Even if it is a longer term medical problem, can the employer support the employee's return to work?

For example, it may be possible to make changes to the job or the work environment, or the employee may benefit from counselling or referral to an occupational health professional. Indeed, doing so might even be part of the employer's legal obligation to 'provide reasonable accommodation' under equality law (see section 1.5.2).



The longer the employee is absent from work, the less likely it is that s/he will return. It is very important therefore to keep in touch with the employee whilst absent and to request an examination by the organisation's nominated doctor if the contract of employment allows for this. If the problem cannot be resolved in the long term, there may be a case for dismissal due to capability, but this should only be considered as a last resort. It should be remembered that even if an employee is on long term sick leave and not in receipt of sick pay, the employer continues to have obligations towards the employee until the contract is lawfully terminated.



It is highly recommended that organisations instigate a system of return to work interviews for employees who have been absent, as these have been shown to be highly effective in maximising attendance, provided that they are applied across the board and consistently.



If there is no medical explanation for the absence or if the employee has failed to abide by the agreed sickness notification/verification procedures, it should be treated as a disciplinary matter (see section 5.6).



The absence of volunteers can be just as disruptive to an organisation as the absence of paid staff. Like paid staff, volunteers must be afforded understanding of, and support for, any ill health, but managers are well within their rights to ask volunteers to leave if their ongoing absence is causing problems for the organisation.

5.4 Managing poor performance



Line managers sometimes have to alert workers that they are not satisfied with their performance.

Problems of poor performance, whether one-off or continuing, must never be ignored, but must be dealt with in a tactful yet firm manner. During supervision sessions, the supervisor must be specific about the problems encountered, focusing on the poor performance itself, not on the personality of the worker. The worker must be encouraged to self-appraise and be given the opportunity to explain why they acted in the way that they did. It must be established if the issue is solely with the worker: are they unable to do the job; are they unwilling to do the job; or do they have personal problems that are affecting their ability to do the job? Or is the unsatisfactory

performance caused or exacerbated by poor organisational management or even poor supervision? The supervisor must be clear about expectations and specific about what changes need to be demonstrated over what timescale and must agree with the worker what supports, if any, will be put in place to make these changes happen (for example, attendance at a relevant training course). Persistent poor performance or serious behavioural problems must be dealt with using the organisation's disciplinary procedure.



Naturally, underperforming volunteers must also be informed what changes are needed in their work, although it may be easier to change the role of a volunteer (in consultation with the volunteer her/himself) than it is to change the job description of a paid worker.

5.5 Handling grievances



Organisations are obliged to issue their employees with a copy of the organisation's grievance procedure within 28 days of starting employment. Employees can instigate the grievance procedure if they have a problem with something in work that has not been adequately addressed through normal supervision and support processes.



It is important that principles of natural justice are upheld in the grievance procedure. Attempts should be made to resolve matters informally in the first instance. All parties involved

should have a right to be heard and a right to be accompanied at any hearings, before any decisions are made. Decisions during the grievance process must be made at the appropriate organisational level and it is good practice to have a right of appeal. It is vital that the written procedure is followed *exactly* and that accurate records are kept.



Volunteers are not paid staff and the grievance procedure should not be used by dissatisfied volunteers. If the volunteer force is very large, it may be wise to have a special policy that deals with complaints from volunteers. Alternatively, volunteers can be advised to use the organisation's ordinary complaints procedure (for service users, members of the public, etc).

5.6 Handling disciplinary situations and dismissals



Organisations are obliged to issue their employees with a copy of the organisation's disciplinary (or disciplinary and dismissals) procedure within 28 days of starting employment. Employers should use the procedure if performance and conduct cannot be adequately managed using normal supervision and support processes. The procedure must be fair and followed to the letter (see section 5.5). Cases of alleged gross misconduct warrant immediate exclusion of the employee from the workplace while investigations take place; suspension should be with pay.



Employers have the right to dismiss employees due to misconduct or due to a lack of capability, competence or qualifications. Employees can claim unfair dismissal for six months afterwards (12 in exceptional circumstances).



The disciplinary and dismissals procedure should not be used for volunteers as they are not paid staff. However, as with absence, organisations reserve the right to ask volunteers to leave if they are unhappy with their work or their behaviour.

5.7 Handling bullying and harassment



Employers have a responsibility to ensure that the dignity of those who work for them is maintained. This means that organisations must have fair procedures in place for recognising and dealing with any alleged instances of bullying, harassment (including sexual harassment) and victimisation.

- Do you have a grievance procedure?
- Do you have a disciplinary and dismissals procedure?
- Do you have a procedure to deal with allegations of bullying and harassment?

If not, start developing these today.



A wider dignity at work policy may extend to others in the organisation, such as volunteers and external contractors. However, the outcomes of investigations will be different for different people. For example:

- The disciplinary procedure may be invoked for a paid employee who has been found guilty of bullying
- The disciplinary procedure may also be invoked for an employee who has been found to have made a vexatious complaint
- A volunteer may be asked to leave the organisation if found guilty of bullying
- An external contractor may have their contract terminated if found guilty of harassing an employee
- A service user may have their service suspended if found guilty of harassing an employee or volunteer.

5.8 Managing during a process of change



Change happens, especially in the fast paced world in which organisations operate today. It is helpful to explicitly create an organisational culture in which change is regarded as inevitable and positive. It should be remembered, however, that many people experience fear and stress when change is mooted or occurs. Organisations should therefore anticipate and plan for change, but

should strive for stability where possible. Foresight and good management can make the process of dealing with change smoother and less painful.



When faced with potential change, the response should be calm and rational. The risks associated with the change should be identified, a range of responses should be developed, and an informed choice should be made about the eventual response. It is vital that decision making processes are clear. Some changes require almost immediate action by the management of the organisation, whereas others can and should have far greater involvement of the wider work force in seeking solutions. In any case, truthful and ongoing communication with workers is of the essence (see also section 4.6).



Sudden changes that originate from outside the organisation and that will have long term consequences are particularly difficult to deal with. A pertinent example facing community and voluntary organisations during an economic downturn is cost-cutting as a result of reduced income, which might lead to internal restructuring, mergers, closures, redundancies and/or industrial action.

Have you undertaken a recent assessment of the risks your organisation is exposed to?

5.8.1 Mergers and takeovers



Mergers and takeovers of charitable organisations are on the increase. If such a transfer of undertakings occurs (and this includes cases where only certain services of an organisation are being transferred to another employer), the rights of the employees are protected by legislation. This means that the new employer must take on existing staff at the same terms and conditions as previously and that any service that they have accrued with the previous employer transfers to the new employer.



The same rights are not extended to volunteers although the new employer is very likely to want volunteers to join the organisation alongside their paid colleagues, if they so wish.

5.8.2 Redundancy



A redundancy occurs when a role ceases to exist and the person in that role is not replaced. This can happen as a result of:

- Cessation of 'business'
- The requirement of the organisation to do that type of work having decreased or ceased
- The organisation having decided to do the work with fewer employees
- A decision that the work is to be carried out in a different way for which the employee is not suitably qualified or trained

- A decision that the work of the employee may be done by another person who is also capable of doing other work for which the employee is not suitably qualified or trained.



Making people redundant is very stressful for the employee(s) concerned, their manager(s), and those people left behind. In addition to the human costs, the financial costs of redundancy (even at the statutory rate), and the recruitment and training of new staff at a later date, are high. Employers must exhaust all alternatives before going down the redundancy route. They must consult with staff and must examine ways to prevent or limit redundancies. Examples of alternatives might include:

- Reducing the use of agency workers and freelancers
- Removing overtime
- Pay freezes
- Cutting pay
- Reducing hours worked
- Lay offs (only if in contract - employees can claim social protection for days not worked)
- Short-time working (only if in contract - employees can claim social protection for days not worked)
- Offering career breaks/sabbaticals
- Redeployment to elsewhere in the organisation (retraining where necessary).



If it is decided that there is no option but to make redundancies, management needs to be, and be seen to be, fair. Voluntary redundancies might be offered in the first instance. It needs to be checked what, if anything, it says about redundancies in contracts and what the precedents for redundancies are in the organisation. There must be objective and justifiable criteria for selecting those who will face redundancy. Some people use the 'last in first out' mechanism, which, though clear-cut, is also very crude and will not necessarily meet organisational demands. Other people state that they want to 'hang on to their best people', yet this will only work if they have robust performance management data to back up their choices. An alternative is to draft restructuring plans and arrange interviews with the employees whose jobs are at risk for the new jobs available. Whichever mechanism is followed, it is critical to communicate with staff throughout the process. If more than five staff out of a paid work force of 20-49 are to be made redundant (or 10 if the paid work force numbers 50-99) a collective redundancy process must be used. Advance legal advice must be sought.



In order to qualify for statutory redundancy, the employee needs to have at least 104 weeks of continuous employment with the employer. S/he will be entitled to two weeks' pay for every year of service with one bonus week, subject to a

maximum gross pay of €600 per week. Employers can claim some of this cost back. Employers should support the employee(s) who is/are to be made redundant in whatever way possible, for example: by offering time off to seek a new job, career/life coaching, CV/job search/interview preparation assistance, financial advice, etc.



Organisations should wait a minimum of six months before recruiting again for a comparable post, ideally longer.

*** TOP TIPS ***

If employees are away from the organisation for a while, for example during lay off or a career break, make sure you keep in touch with them periodically.

5.8.3 Industrial action



Trade unions and their members are immune from prosecution where industrial action is 'in contemplation or furtherance of a trade dispute'. Industrial action should be preceded by a secret ballot and one week's notice to the employer. Employers should not avoid unions simply because negotiations with union officials can be tough. It is important to keep focused on the search for solutions.

5.9 Managing retirement



Retirement can, and should, be planned for. As people age, what they want or need from work might change, so it is important to discuss this with them on an ongoing basis, particularly during appraisals. Do not make assumptions based on stereotypes of older people, as everyone is different.



There is no longer an implied retirement age in Irish law. It is highly recommended therefore that organisations state in contracts the age at which employees are normally required to retire, otherwise they could be forced to employ someone indefinitely.



If both parties want the working relationship to continue past the normal retirement age and there are no external barriers preventing this, there is no reason to force a retirement to take place. The situation could be reviewed on a biannual or annual basis. A flexible or step-down retirement process could also be offered. As so much of an individual's identity is tied up with their employment, it is imperative that the retirement process is handled with tact and understanding, so that people can leave on a positive note and with dignity. Employers should consider offering assistance with retirement planning, buying a retirement gift and organising an event to mark the occasion. They may also encourage people to return to the organisation in a different role, for example as a board member or

consultant, but it is better for all concerned if some time has lapsed between the role change.



It is a good idea to have a policy for dealing with the retirement of volunteers as well, particularly for organisations with an ageing volunteer force.

5.10 Saying farewell



The top three reasons for people leaving an employer voluntarily are: a lack of promotion opportunities; a lack of training and development opportunities; and a poor relationship with their manager. In order to maximise staff retention, organisations must work at meeting their employees' needs. However, the days of having a lifelong employer are over. People's personal circumstances change and staff will inevitably leave from time to time. It is crucial that this final stage of the employment process is managed well too.



It is a good idea for the line manager or another senior person to hold exit interviews with any staff that leave (and with regular and long term volunteers) on the last day or so of work. The purpose of exit interviews is to understand their experience of having worked for the organisation and their reasons for leaving, as well as affirming the contribution they have made to the organisation. A joint decision must be made about how much of the information gathered during the exit

interview can be fed back into the organisation.



The organisation should make sure any administration relating to the employee is finalised (final pay, P45 form, return of property, change of passwords, etc). It is particularly important that the employee's personnel file (both paper and electronic) is sorted out and that a schedule is made for the secure destruction of any personal data. It is also important to develop a policy on giving references.



Then, it is time to say farewell to any workers that are leaving (including volunteers) in a way that is appropriate for the culture of the organisation (lunch, dinner, party, day out, card, flowers, gift, etc). And do not forget to maintain some level of contact with ex-workers when they leave, by adding them to mailing lists, inviting them to events, including them at socials, etc.

TOP TIPS

Why not draw up a checklist of all the things you have to do when somebody leaves your organisation?

5.11 Signposts

The Wheel

Reducing the Risk, 2013

01-454 8727

www.wheel.ie/content/reducing-risk-good-practice-guide

Irish Business and Employers Confederation

The largest employers' organisation in Ireland

01-605 1500

www.ibec.ie

Irish National Organisation of the Unemployed

Redundancy website

01-856 0088

www.redundancy.ie

Irish Small and Medium Enterprises Association

Employers' organisation for small to medium enterprises

01-662 2755

www.isme.ie

Small Firms Association

Employers' organisation for small business

01-605 1500

www.sfa.ie

The Labour Court

Court of last resort in employment disputes

01-613 6666

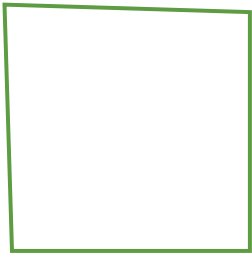
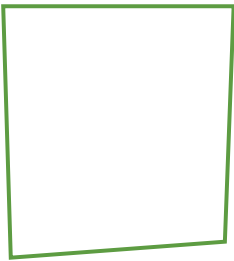
www.labourcourt.ie

Workplace Relations Commission

This body, which replaces a number of agencies, is being established at the time of writing: Workplace Relations Customer Services act as a single contact portal for all workplace relations enquiries and complaints

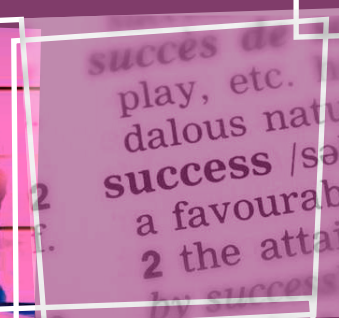
1890- 80 80 90

www.workplacerelations.ie



APPENDICES

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Glossary

Agency worker: A worker employed by or through an employment agency; the employer is the organisation paying the wages.

Authorised signatory: A person approved by An Garda Síochána to handle Garda vetting applications.

Collective agreement: The agreement negotiated between unions and employers relating to the terms and conditions of employment and usually forming part of the contract of employment.

Community Employment: An employment and training programme, which aims to help long term unemployed people to re-enter the active work force.

Competencies: A competency describes the behaviour or actions that can be seen when a job is being done well.

Conciliation: Occurs when an agreement is arrived at between two parties in dispute, usually, though not always, using a third party conciliator.

Duty of care: A legal obligation imposed on an individual or organisation requiring that they adhere to a standard of reasonable care while performing any acts that could foreseeably harm others.

Employer's liability insurance: Provides cover for death or injury to employees sustained in the course of working for an organisation.

Garda vetting: Police process that checks the criminal history of (potential) workers.

Governance: The systems and processes concerned with ensuring the overall direction, supervision and accountability of an organisation.

Governing body: The grouping of people in an organisation who undertake the governance role (board, management committee, council, etc).

Gross misconduct: Behaviour so serious that it may warrant severe discipline of the employee including suspension or dismissal. Typical offences include assault, menacing or threatening behaviour, theft of company or personal property, etc.

Interim manager: A senior manager appointed on a short to medium term basis to lead and/or develop an organisation.

Intern: A person undertaking a full-time (or nearly full-time) medium term work placement that is either stipended or completely voluntary. The internship can be organised between the organisation and the individual or brokered through a third party.

Lay off: A temporary suspension of the employee's contract by the employer.

Mediation: The process of allowing two parties in dispute, through the help of a third party mediator, to arrive at an agreed solution.

P45: Tax form issued to an employee when leaving employment.

Pay As You Earn (PAYE): The system whereby tax is deducted at source from an employee's gross wages by their employer and forwarded to Revenue.

Personal Public Service (PPS) number: Unique reference number for all an individual's transactions with government departments and public bodies.

Pay Related Social Insurance (PRSI): The system whereby social insurance and health contributions are deducted from an employee's gross wage at source. The employer pays a proportion of PRSI and the employee is generally responsible for another percentage depending on their earnings and the type of work they do.

Pro rata: A proportion of the full rate.

Psychometric test: Ability, aptitude or personality tests.

Secondment: The temporary transfer of a worker to another post, either within the same organisation or to another organisation.

Short-time working: A period where hours or earnings are less than half of what they normally are.

Time off in lieu: System whereby workers can take any hours worked in excess of contracted hours as subsequent leave. Sometimes known as TOIL.

Universal Social Charge: A tax introduced in 2011 to replace the income and health levies.

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ISBN 978-0-9575695-7-7



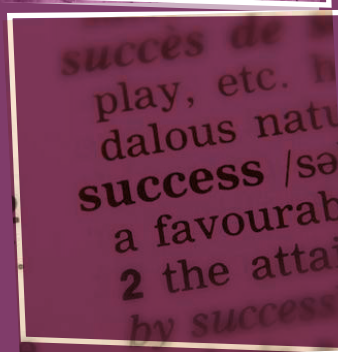
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By continuously striving for best practice and complying with rapidly changing employment law, your organisation can have a workplace that truly works, in every sense of the word. Implementing the guidance in this publication is one tangible step towards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

Workplaces that Work is part of The Wheel's Solid Foundations series, which is a range of good practice guides for Irish community and voluntary organisations.

Workplaces that Work has been designed to assist organisations by:

- Identifying clear procedures for recruiting and inducting paid staff and volunteers
- Identifying procedures for ensuring that the work is done (and what to do if not)
- Ensuring compliance with all aspects of employment law
- Realising the need for, and implementation of, relevant training and support to help them do the work better.



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