

# West Limerick Independent Living

## Handbook for Employees

12 August 2011  
Limerick CIL



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## INTRODUCTION

This Handbook is designed to acquaint employees with West Limerick Independent Living and to provide employees with information about working conditions, benefits, and policies affecting employment. Employees are required to read and be familiar with this Handbook.

The information contained in this Handbook applies to all employees of West Limerick Independent Living. It is considered a condition of ongoing employment that the policies and procedures described in this document are followed. However, nothing in this Handbook alters an employee's legal status.

Individual employees are responsible for reading, understanding, and complying with the provisions of this Handbook. West Limerick Independent Living's objective is to provide employees with a work environment that is constructive to both professional and personal growth. As such, all employees should address questions relating to this document and or their contracts to management as soon as they arise.

### Changes in Policy

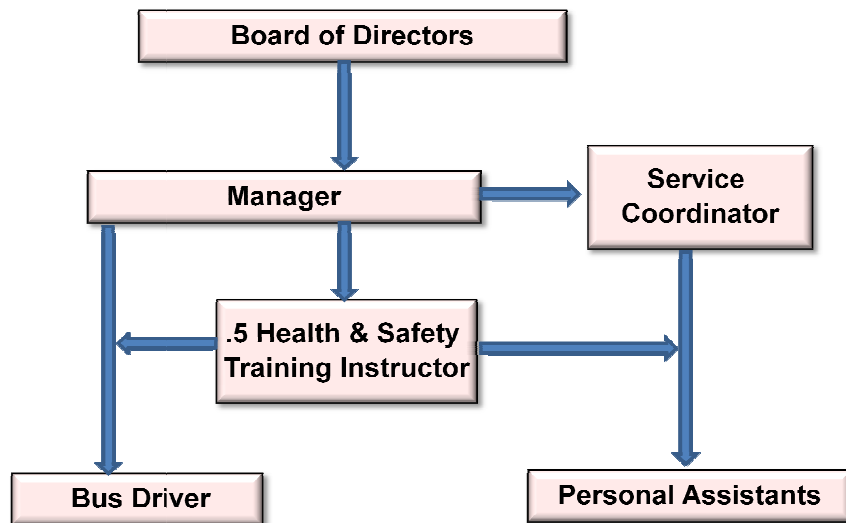
This Handbook supersedes all previous versions and memos that may have been issued from time to time on subjects relating to policies and procedures.

However, since like any business, this one is subject to change, West Limerick Independent Living reserves the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. As such, amendments to this Handbook may be made from time to time and a copy of any such amendments shall be furnished without delay to employees.

No individual supervisor has the authority to change policies at any time. If an employee is uncertain about any policy or procedure, he/she should speak with his/her direct supervisor at the earliest possible time.

West Limerick Independent Living operates a non-discriminatory policy in both its service operation and employment practices.

### Organisation Chart



## **SUMMARY OF FUNCTIONS – ROLES WITHIN THE ORGANISATION**

### **Company Board**

The Board of West Limerick Independent Living has final responsibility for all organisational decisions.

### **Management**

Management are responsible for the day to day operations of the company which include supervise and manage the overall performance of staff. Analyzing, reporting, giving recommendations and developing strategies on how to improve services. Achieve business and organization goals, visions and objectives. Identifying problems, creating choices and providing alternatives courses of actions.

### **Personal Support Service Coordinator**

The role of the Personal Support Service (PSS) Coordinator is to co-ordination and administrates the personal support service delivered by the company. The service coordinator functions as the single point of contact for clients and personal assistants. This role includes supporting clients to directing the work of their personal assistants as identified in service needs assessment and service agreement. The role also involves assist in the co-ordination of the organisations health and safety management system.

### **Finance and Administration**

All payroll and benefit queries should be forwarded to management as soon as they arise. Tax details must be submitted prior to commencement of employment otherwise Emergency Taxation procedures will be applied. Individual employees must take responsibility for their own tax credits being applied to their employment. Bank details should be submitted on joining the organisation so that payments may be made promptly direct to your account where necessary. (Please ensure you complete all form issued to you.)

## INDUCTION

West Limerick Independent Living endeavours to ensure that new appointees are familiarised with the demands and opportunities of their roles, with basic modes of working within the organisation, patterns of relationships, and procedures for ensuring a safe and healthy working environment is enjoyed by all.

To welcome new employees and equip them with all the information they need, an induction programme will commence within a week of joining the organisation.

The programme entails:

- Familiarisation with office layout
- A talk on the history and philosophy and work of West Limerick Independent Living
- Introduction to other staff
- A talk on Health and Safety in the organisation
- The provision of other information required on an individual basis to facilitate effective performance as a staff member

During this programme the employee is invited to ask questions and to enquire about any outstanding issues pertaining to their appointment.

### Human Resources

Human resources is a general heading for all issues relating to compensation, benefits, employee relations, conditions in work etc. Within West Limerick Independent Living, all issues are dealt with by the PSS Coordinator, Manager and if necessary Officers of the Board of Management. All applicable policies and procedures are detailed in this document and the attached Policy Handbook and any queries should be directed to the PSS Coordinator or Manager in the first instance in person or, if necessary, in writing. Every effort will be made to respond promptly to staff members' questions however, it may be necessary to confirm details before responding.

### Reference Letters

If you require letters for the following, please contact Administration, in advance:

Mortgage	Tenant	Student
Jury Duty	Driving Test	Eyesight Test

If you have any other general HR queries, please refer to the relevant section of this document or discuss your query with management.

### Employment Contracts Explained

Any offer of employment is made conditional upon the receipt of satisfactory references, Police Vetting checks and verification of qualifications. Contracts of employment set out the minimum terms and conditions between the employer and the employee with regard to a particular position within the organisation. It clearly defines what is expected of both parties, the employer and the employee, in the employment agreement.

Providing an employment contract is a legal requirement and it also allows for transparency in the workplace. Terms and conditions of employment must be provided to employees within one month of commencement of the job.

All terms and conditions of employment in West Limerick Independent Living are within statutory requirements. Generally, all employees of West Limerick Independent Living will have signed their contract of employment prior to starting work with the West Limerick Independent Living. Refusal to sign and return the signed copy of the contract within one month of the commencement of work will nullify that contract.

### **Contract Changes**

Whenever a change is made or occurs in any part of the contract issued by the employer, the employer will notify the employee, in writing, of the nature and date of the change as soon as possible but no later than one month after the change takes place.

Under normal circumstances the employee will be consulted regarding changes of this nature. The requirement to notify employees of change does not apply if it arises from a provision of statutes, statutory instruments or other laws, administrative provisions or collective agreements.

### **Probation**

A probationary period enables the employer to establish that the employee is capable of doing the job and can work effectively within West Limerick Independent Living. All employees are subject to an initial probationary period of six months this period may be extended at the discretion of the company for a further period of four months. The Probationary period ends at the prescribed time and/or upon completion of a satisfactory appraisal.

West Limerick Independent Living will provide all organisational-specific training and on the job experience necessary to facilitate the employee to meet, at least, the minimum standards of competency in the role for which they were employed.

During this probationary period either party may terminate the contract by giving the other party one week's notice.

The Disciplinary policy does not apply during the probationary period.

### **Working hours**

The hours an employee is expected to work will be set out prior to commencement of employment and may change subject to circumstances outside of West Limerick Independent Living. Attendance and punctuality are extremely important for the proper running of the company.

West Limerick Independent Living will adhere to its obligations pursuant to the Employees (Provision of Information and Consultation) Act 2006 enabling employees have a say and input into the company's policies and procedures.

### **Appraisals**

Appraisals allow the employee and the employer to monitor the development of the employee's proficiency in the role.

The purpose of an appraisal is:

- To reflect on how the worker is fulfilling his/her role
- To affirm what the worker has achieved over the period and his/her strengths in the role
- To clarify the expectations of the West Limerick Independent Living's management
- To identify and discuss weaknesses and difficulties
- To decide on what changes the worker needs to make
- To develop a clear overview of the role and how it fits into the organisation
- To review the employee's job description and agree changes if necessary
- To identify training needs
- To set goals and targets over the next period
- To identify ways in which management may need to change in relation to the employee

Any staff appraisal undertaken should be seen as supportive and empowering. The employee and West Limerick Independent Living management should have the opportunity to fill out appraisal forms before the review/appraisal meeting. This provides the opportunity to record

the key issues for discussion. Appraisal forms may be provided to employees approximately two weeks prior to the appraisal meeting.

The agenda for the appraisal meeting will be clarified and agreed upon by the employee and their supervisor prior to the beginning of the appraisal meeting. If an appraisal or review has been carried out on a previous occasion, the new appraisal meeting will partly include a review and evaluation of progress made since the last meeting and new employee objectives will be set for the forthcoming period of business. The employee should talk through their appraisal thoroughly with their supervisor.

The employee will get the opportunity to ask questions and clarify any comments made by the appraisers. Both parties should explore areas of weakness and difficulty and identify specific support and training where appropriate.

Agreement needs to be reached on the development of work related goals for the coming period. All decisions and actions will be recorded i.e. what actions are to be taken by both appraisee and appraiser as well as any development and training required. The appraisal objectives can be revisited throughout the year through ongoing support supervision.

### **Calculation of Salary**

An employee will have his/her rate of pay detailed in their Contract of Employment which will be signed before the employee commences employment with West Limerick Independent Living.

### **Method of Payment:**

Employees' salaries, net of all required and any authorised voluntary deductions, are normally paid fortnightly by electronic funds transfer. Salaries are paid directly into employees' bank accounts or certain accounts in selected building societies. West Limerick Independent Living reserves the right to change the payment method and interval.

West Limerick Independent Living reserves the right, unless prohibited by law, at any time during employees' employment, and in any event on termination, to deduct from their salary any overpayments or monies due from them to West Limerick Independent Living.

### **Pay Slips**

A statement of pay is issued and can be collected at West Limerick Independent Living office at each payroll period. The pay slip will detail all additions to the basic pay. Deductions will also be detailed on the employee's pay slip. Only statutory deductions such as PRSI and PAYE and any deduction for which the employee has given his/her written consent will be deducted from the employee's salary unless overpayments or monies are to be paid to West Limerick Independent Living. Should an employee believe that there has been a mistake in the calculation of the amount payable, he/she should immediately contact the person in charge of Payroll. West Limerick Independent Living will automatically make any adjustments to salary for any overpayments or underpayments.

### **Payroll Deductions**

Deductions both agreed and those required by law will be made, i.e., tax withholdings, USC, PAYE, PRSI.

### **Salary Confidentiality**

Employees are required to respect the privacy of others and to keep their own salary and benefit matters private.

### **Overtime**

Employees will be told what hours they are expected to work and any changes to these agreed hours will be discussed with the employee.

The West Limerick Independent Living's policy is that all overtime will be scheduled in advance, discussed with and authorized by PSS Coordinator. Unauthorised overtime will not be recognized by the company. Management will regularly review whether or not there is a real need to work overtime hours.

Time sheets must be completed and sent to the PSS Coordinator every month so that hours worked can be filed and documented

### **Pensions**

Recent pension legislation introduced a new type of retirement savings contract called Personal Retirement Savings Accounts (PRSAs). This legislation states that all employees, regardless of employment status, are entitled to access to a pension scheme after 6 months' service. Further information on all aspects of West Limerick Independent Living's PRSA, including scheme booklets, is available from the Office Administrator.

### **COUNSELOR**

West Limerick Independent Living has identified an organisational counsellor in line with legislation who is available to all staff for confidential discussions – this person is the PSS Coordinator.

### **Acceptable Behaviour**

All employees have a responsibility to maintain a suitable, safe and comfortable working environment for themselves and their colleagues. All employees have the right to decide what behaviour they feel is acceptable to their person, not what the perpetrator or colleagues believe is acceptable.

West Limerick Independent Living is fully committed to maintaining a non-discriminatory working environment, which is free from harassment. All employees are expected to maintain a high standard of behaviour and have a personal responsibility to behave in a manner, which is not offensive to others.

Allegations of harassment will be taken very seriously and you are reminded that many forms of harassment are, in fact, unlawful. In addition to disciplinary action within the company, individuals may also be held personally liable for such conduct, including, in some cases, criminal prosecution. *This policy forms part of the terms and conditions of employment.*

West Limerick Independent Living recognizes the stress and anxiety caused by harassment and has always been committed to ensuring that employees are free to work in an environment which is free from harassment and bullying. Accordingly, the company wishes to assure all employees that harassment or bullying of any kind, including sexual harassment, will not be condoned. Disciplinary action up to and including dismissal, depending on the circumstances, will be taken against any employee found guilty of such conduct. In addition, the company has a legal obligation to take such steps as are reasonable practicable to prevent harassment.”

### **Dress and Personal Hygiene**

All employees are expected to have good standards when it comes to dress and personal hygiene. Employees should wear the dress appropriate to their role. As such, you must keep it and yourself neat, tidy and presentable at all times. Your dress and personal grooming should reflect the variety of situations in which you might find yourself. Please keep in mind that even if the clients wear casual attire, they may have a different expectation of you, as a service provider.

### **Smoking Policy**

With effect from Monday 29 March 2004 smoking of tobacco products is prohibited in the workplace by law under the Public Health (Tobacco) Act 2002. Consequently all premises in the Republic of Ireland will be no smoking premises. Smoking in Company buildings is prohibited under law. Smoking is a hazard and a health and safety risk and under no circumstances is smoking permitted, by employees, customers or visitors on Company premises. Breaches of this policy will be treated as an extremely serious offence and will be dealt with under the firm's disciplinary procedure.

## ACCEPTABLE STAFF CONDUCT

All employees are expected to act, behave and conduct themselves in an acceptable manner when carrying out their work, when on West Limerick Independent Living premises and when in any area that could directly influence the good of West Limerick Independent Living.

Certain rules, regulations, standards of work and behaviour must be upheld at all times by all employees.

They enable West Limerick Independent Living to function correctly and in the desired way. If standards drop below an acceptable level or if there is any breach of rules or regulations, then everything will be done to improve the situation co-operatively.

All employees will be made aware of West Limerick Independent Living's standards, rules and regulations that relate to them. If there are any questions, the employee should approach a member of the management team.

### **Attendance & Punctuality**

West Limerick Independent Living expects that every employee will be regular and punctual in attendance. This means being at your place of employment, ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on West Limerick Independent Living.

If you are unable to report for work for any reason, you must notify the Manager / PSS Coordinator at least one hour before your regular starting time has elapsed. You are responsible for speaking directly with your Manager / PSS Coordinator about your absence.

It is not acceptable to leave a message on office voice mail, except in extreme emergencies. In the case of leaving a voice-mail message, a follow-up call must be made later that day. Manager / PSS Coordinator's phone number is 069 77320.

Should undue lateness become a frequent issue, disciplinary action may be taken.
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### **External Employment**

Mindful of the provisions of the Organisation of Working Time Act, 1997 West Limerick Independent Living does not object to employees having secondary employment provided that employment is acceptable to West Limerick Independent Living.

### **Personal Telephone Calls**

Personal telephone calls should be kept to a minimum and should be taken on the employee's time during specified breaks.

### **Criminal Offences**

Employees are required to notify West Limerick Independent Living within 48 hours of being charged with an arrestable offence irrespective of whether or not it relates to their employment. Failure to do so may result in Disciplinary action and may lead to dismissal.

### **Dignity and Respect at Work:**

All employees are entitled to be treated with courtesy and respect by their colleagues and to work in an environment free of discrimination, victimisation, harassment and disrespectful behaviour. It is a duty of all employees to promptly report any inappropriate incidents to their Manager, or to another person in authority if applicable.

In line with current Equality legislation in the Republic of Ireland, specifically The Employment Equality Act 1998 and 2004, The Equal Status Acts 2000-2004 and the Disability Act 2005, West Limerick Independent Living is an equal opportunities employer and is committed to equality of opportunity for all staff. Specifically, West Limerick Independent Living will not discriminate on the following grounds:

- Gender
- Marital Status
- Family Status
- Sexual Orientation
- Religious Belief
- Age (does not apply to children under 18 or people over 65)
- Disability
- Race (refers to race, colour, nationality or ethnic or national origin)
- Membership of the traveling community

## DISCRIMINATION – WHAT IS IT?

Discrimination occurs when one person is treated less favourably than another is, has been or would be treated on discriminatory grounds.

### **What to do if you feel discriminated against?**

If an employee believes he/she has been discriminated against they should follow the West Limerick Independent Living Grievance procedure and make the Manager aware of their reasons for their grievance as quickly as possible, so that the situation can be promptly addressed.

### **What is sexual harassment?**

This policy is applicable to all employees (temporary and permanent) irrespective of length of service and includes members and service personnel both inside and outside the work environment.

Every Manager has a responsibility to maintain the workplace free of any form of sexual harassment. Everyone in West Limerick Independent Living has the responsibility to prevent sexual harassment and to report any instances that they are party to or witness of. Anyone engaging in any improper behaviour or sexual harassment on West Limerick Independent Living premises or anywhere else on West Limerick Independent Living business including social events, training programmes and any off-site events, will be subject to disciplinary action, up to and including dismissal.

Employees who feel that they are being sexually harassed in any way in the workplace are encouraged to approach their own Manager, any other appropriate Manager or HR. All complaints of sexual harassment will be taken seriously, will be held in strict confidence and will be investigated promptly and in an impartial manner. Only if these instances are reported can West Limerick Independent Living take action to correct the situation.

Any victimisation of, or retaliation against, a complainant or an employee who gives evidence regarding sexual harassment will be subject to disciplinary action up to and including dismissal.

### **Definitions of Sexual Harassment**

The following are examples of activities that may constitute sexual harassment:

#### **Physical conduct of a sexual nature**

This may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse.

#### **Verbal conduct of a sexual nature**

This includes sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.

#### **Non-verbal conduct of a sexual nature**

This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.

### **Examples of Sexual Harassment**

- Suggestions that sexual favours may further a colleague's career or refusal may hinder it, e.g., promotions, salary increase, etc.
- Conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults, which are gender related offensive comments about appearance or dress.

- The display of pornographic or sexually suggestive comments or gestures, innuendoes or lewd comments.
- Conduct that denigrates or ridicules a colleague because of his or her sexual orientation, such as derogatory remarks, graffiti or jokes.
- Offensive flirting.

This list is not exhaustive.

### **The Informal Procedure**

The purpose of the informal procedure is to ensure that the majority of cases of this nature will be handled effectively, efficiently and in a confidential and sensitive manner. The informal procedure is used in a situation where an offensive incident has occurred and the victim approaches the perpetrator directly and requests him/her to stop. The victim should inform the individual of West Limerick Independent Living's sexual harassment policy and advise him/her that a second occurrence of this nature will result in a formal complaint.

In instances where an employee is unsure of whether the behaviour constitutes a form of sexual harassment they should discuss this with either their Manager or a colleague. Please be encouraged to seek support from your Manager or whoever they deem to be appropriate.

### **The Formal Procedure**

In the event that the informal complaint has failed, or the sexual harassment is repeated, or the informal procedure is inappropriate, the complainant will progress to the formal procedure.

These are the steps that individuals must follow in this procedure:

- Make their initial complaint in writing to their Manager
- If their Manager is involved in the incident the complaint should be made to the next Manager in succession
- All complaints will be treated in the strictest confidence
- Only individuals necessary to the investigation will be involved from the initial stages.
- Management, or an independent advisor, should West Limerick Independent Living deem appropriate, will be assigned to thoroughly investigate the case and a timetable will be set for the investigation
- Interviews will be held with the complainant, alleged perpetrator(s) and any relevant witnesses to establish a thorough understanding of the facts of the alleged complaint
- Each party to be interviewed will be advised of their right to representation by a colleague of choice
- All material received will be treated with the highest level of sensitivity
- Where necessary parties to the procedure may in some cases be asked to remain at home on paid leave to enable parties to investigate the complaint
- When the investigation has been completed all the facts will be summarised and where possible a decision made as to whether the sexual harassment has taken place
- The complainant and alleged perpetrator(s) will receive a copy of the outcome in writing
- An interview will be held with the alleged perpetrator to establish what action is to be taken
- He/she will have details of the case given to them
- He/she will have the right to have a colleague of choice present in the room representing them
- He/she have the right to defend his/her case
- He/she have the right to appeal against his/her position
- In certain cases West Limerick Independent Living may reserve the right to offer counseling to the alleged perpetrator
- When all the facts have been collected the alleged perpetrator may face a disciplinary hearing to explore the allegations made against him/her
- The complainant is formally informed of any action taken against the perpetrator

- West Limerick Independent Living reserves the right to relocate the complainant or perpetrator, where it is necessary for the effective running of the department
- In cases where it is discovered that the complainant made a false accusation against an employee for sexual harassment, the complainant will face gross misconduct charges resulting in an immediate disciplinary hearing
- West Limerick Independent Living will monitor the workplace to ensure there is no follow-up action, victimisation or future incidents.

### **Bullying and harassment**

Everyone has his/her own understanding of what constitutes bullying and harassment. The way each of us perceives another person's comments or actions are important in deciding what is or is not bullying. It is therefore important to be aware of things that are considered bullying, harassment or victimisation and what to do about it if it happens. West Limerick Independent Living will not tolerate bullying.

### **What is bullying?**

Bullying can be verbal, physical or psychological aggression engaged in by an employee or a group of employees against another employee. It is any form of persistent or once-off intimidation and victimisation that may cause an employee to feel a sense of isolation in the workplace. Bullying is therefore a destructive behaviour and in an employment context is an impediment to effective work. It can take the form of:

- Intimidation
- Isolation
- Victimisation
- Exclusion
- Shouting
- Abusive Behaviour
- Constant Criticism or nagging
- Verbal Threats
- Physical Threats
- Humiliation
- Excessive Controlling Behaviour
- Unreasonable Behaviour or task assignment
- Posters, Banners, Emails and Emblems that cause offence

### **What to do if you feel bullied?**

#### **The Informal Procedure**

The purpose of the informal procedure is to ensure that the majority of cases of this nature will be handled effectively, efficiently and in a confidential and sensitive manner. The informal procedure is used in a situation where an offensive incident has occurred and the victim approaches the perpetrator directly and requests him/her to stop. The victim should inform the individual of West Limerick Independent Living's bullying, harassment and victimisation policy and advise him/her that a second occurrence of this nature will result in a formal complaint.

In instances where the employee is unsure of whether the behaviour constitutes a form of harassment they should discuss this with either their Manager or a colleague. Employees are encouraged to seek support from their Manager or whoever they deem to be appropriate.

#### **Mediation**

The objective of mediation is to resolve the matter speedily and confidentially without the recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved. Mediation requires the voluntary participation and co-operation of both parties in order to work effectively.

An assigned mediator, either an internal or external person, will meet with both parties, usually separately to begin with to discuss the alleged offending behaviour. The mediator will bring both parties together with the aim of reaching a common understanding and agreement on acceptable future behaviour. A mediated agreement seeks to restore harmonious working

relationships and will not result in the issues being dealt with under the disciplinary policy. This process facilitates the minimum of documentation and records.

Any information that emerges during the course of the mediation process remains strictly confidential and cannot be disclosed as part of the formal investigation, should one be pursued.

### **The Formal Procedure**

In the event that the informal complaint has failed or the harassment is repeated, the victim will progress to the formal procedure. These are the steps that individuals must follow in this procedure:

- Make his/her initial complaint in writing their Manager
- If the Manager is involved in the incident make the complaint to the next Manager in succession
- All complaints will be treated in the strictest confidence
- Only individuals necessary to the investigation will be involved from the initial stages
- Management, or an independent advisor if West Limerick Independent Living deems appropriate, will be assigned to thoroughly research the case
- Interviews will be held to establish a thorough understanding of the facts of the alleged complaint
- All material received will be treated with the highest level of sensitivity
- Where necessary parties to the procedure may in some cases be sent home with pay to enable parties to investigate the complaint
- When the investigation has been completed all the facts will be summarised and where possible a decision made as to whether bullying or harassment has taken place
- An interview will be held with the alleged perpetrator to establish what action is to be taken
- He/she will be given a copy of the complaint in advance of the hearing
- He/she will have the right to have someone present in the room representing them
- He/she has the right to defend his/her case
- He/she has the right to appeal against his/her position
- In certain cases West Limerick Independent Living may reserve the right to offer counselling to the alleged perpetrator
- When all the facts have been collected the alleged perpetrator may face a disciplinary hearing to explore the allegations made against him/her
- The victim is formally informed of any action taken against the perpetrator
- If appropriate and at West Limerick Independent Living's discretion, the Company reserves the right to re-locate the victim or perpetrator, where it is necessary for the effective running of the department
- In cases where it is discovered that the victim made a false accusation against an employer for harassment, the victim will face gross misconduct charges resulting in an immediate disciplinary hearing

### **Steps to be taken if Bullied or Harassed at Work**

If an employee believes that they are the victim of harassment or bullying they should note the following key points:

- Remain as calm and collected as possible
- Record the incidents including days, dates, times and what was said during the alleged incidents and if there were any witnesses to help their case
- Write down how the incident of bullying made them feel at the time
- Try and confront the bully and inform him/her that they find his/her behaviour unacceptable and ask them to stop immediately
- Talk to their Manager or a colleague about the incidents
- Keep copies of any materials they receive from the perpetrator as this may be needed at a later date

- Re-read this policy on Bullying, harassment and victimisation
- Do not feel they have encouraged this behaviour or brought this on themselves.

Any kind of harassment is serious. People who harass colleagues, customers or others can:-

- Be issued a warning
- Be demoted
- Be dismissed.

All employees should make sure that their words or actions do not upset others.

### **Substance Abuse**

The Company is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and drugs of abuse have been established for all staff members, regardless of rank or position, including both regular and temporary employees. The rules apply during working hours to all employees of the company while they are on company premises or elsewhere on company business.

- The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse on company property or in working hours is prohibited.
- Being under the influence of illegal drugs, alcohol, or substances of abuse on company property and/or in working hours is prohibited.
- Working while under the influence of prescription drugs that impair performance is prohibited. (This should be discussed with management)
- Concealing drug paraphernalia, equipment, a product, or material that is used or intended for use in concealing an illegal drug, or otherwise introducing into the human body an illegal drug or controlled substance is also strictly prohibited.

### **Illegal drugs are defined as:**

Any drug or derivative thereof whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated by law. Or, any drug, including – but not limited to – a prescription drug, used for any reason other than that prescribed by a medical practitioner, or inhalants used illegally.

West Limerick Independent Living defines being under the influence as:

- A state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, drug, or any other substance of abuse.

Consistent with the rules listed above, any of the following actions constitutes a violation of the company's policy on drugs and may result in an employee facing disciplinary action, up to and including immediate termination.

### **For example:**

- Using, selling, purchasing, transferring, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting to or assisting another to do so, while in the course of employment.
- Working or reporting to work, conducting Company business or being on Company property while under the influence of an illegal drug or alcohol, or in an impaired condition.

Employees should also be aware that in addition to disciplinary procedures, breach of West Limerick Independent Living policy on Substance may also result in a criminal prosecution.

## LEAVE POLICIES

### **Annual Leave Policy**

The purpose of this policy is to ensure that all employees enjoy the benefit of their annual leave entitlements, reflecting West Limerick Independent Living's commitment to the health and welfare of all its employees. The West Limerick Independent Living holiday year runs from 1 January to the 31 December. Annual leave entitlement is calculated on a pro-rata basis for any year in which the employee has not worked the full holiday year.

### **Full-time employees**

All full time employees (i.e. those contracted to work the standard 35-hour week) will be eligible for holiday entitlements on an accrued basis equal to a minimum of 20 days per leave year.

### **Part time employees**

If you are contracted to work less than 35 hours per week, you will accrue 8 per cent of hours worked as holiday hours.

### **Fixed term contractors**

Your core holiday entitlement will be pro rata according to that portion of the holiday year that you are an employee of West Limerick Independent Living.

### **Public holidays**

Employees are entitled to public holidays in addition to holiday entitlements accrued as above. West Limerick Independent Living observes the following public holidays in the Republic of Ireland:

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

### **Public holidays and part- time workers**

If the public holiday falls on a day on which you do not normally work, you will be entitled to an additional day's pay or the pro-rated time off according to the percentage hours you are contracted to work relative to the standard 35 hour week in respect of that public holiday. In the case of payment it is subject to tax and statutory deductions and will be paid to you with your salary at the end of the relevant week.

### **Absences affecting annual leave**

Absences from work (other than maternity leave, adoptive leave, parental leave, force majeure leave or annual leave etc) may reduce your entitlement to annual leave (including public holidays). For example, at the organisation's discretion periods of sick leave, depending on the length of any sick leave, may not be included when calculating annual leave entitlement.

### **Procedure for taking holiday**

Holiday requests should be made to your Manger or PSS Coordinator, giving as much notice as possible and this should not be less than 2 weeks. Ideally you should give twice the length of the holiday being requested in notice i.e. if you request a two-week holiday you should give four weeks notice. All holidays must be authorised by the Manager and your request will be facilitated as far possible with regard to your work. To avoid disappointment or cancellation you are strongly advised not to book your holiday before agreement has been given.

Before you go on holiday, you must have a brief meeting with your PSS Coordinator, setting out any important matters which might arise in your absence and naming the person who has agreed to keep matters under review during that time.

**Unused holiday entitlement and overrunning holiday entitlement**

You are expected to use all your holiday entitlement in the holiday year in which it accrues if at all possible. West Limerick Independent Living acknowledges that some individuals will accumulate large holiday balances and in such cases those individuals are expected to make an effort to clear their balances over a reasonable period of time. With the consent of your Manager, you may carry forward up to 2 days' holiday from one holiday year to the next. Any accrued but unused holiday at the end of the holiday year in excess of this limit will be lost and the firm will not make any payment to you in respect of such holiday.

**New Employees**

In the event that you commence work for West Limerick Independent Living during the holiday year, your core holiday entitlement for that year will be calculated pro rata to your annual entitlement.

**Leaving West Limerick Independent Living**

If under the terms of this policy you have accrued but not used your full holiday entitlements as of your date of termination of employment, you will be paid in lieu of that entitlement.

If you have taken more holidays than have accrued, a deduction will be made from your final salary of a cash sum equivalent to payment for the number of days holiday taken but not accrued.

If you cease to be an employee of the organisation during the week ending on the day before a public holiday and have worked for the 4 weeks preceding that week, you will be entitled to an additional day's pay (subject to tax and statutory deductions) in respect of that public holiday. Holidays must not be taken during your period of notice, except with the prior approval of your Manager (and subject to the requirements of the Organisation of Working Time Act 1997).

**Carers Leave**

Carer's leave is given in accordance with current legislation. Subject to certain notification requirements, the right to take Carer's leave applies to any employee (male or female) who has one year's continuous employment with the organisation as at the date of commencement of that leave. Such leave is unpaid and may be taken for the purpose of caring personally for a "relevant person" for a maximum period of 65 weeks. For full details of this leave, please contact Management.

**Compassionate Leave Policy**

In cases of family bereavement, (mother, father, husband, wife, partner, child, sibling) it may be appropriate to grant paid compassionate leave. Any period of compassionate leave should be agreed with your manager.

**Force Majeure Leave Policy**

You are entitled to paid leave where for urgent family reasons, owing to the injury or illness of an immediate relative (child, spouse or partner, brother or sister, parent or grandparent), your immediate presence at the place where that person is, is indispensable. The maximum entitlement is restricted to 5 working days in any period of 36 consecutive months of which a maximum of 3 days is permissible in any period of 12 consecutive months. Absence for part of a day is counted as one day of force majeure leave.

By its very nature, it is rarely possible to give advance notice of the need to take force majeure leave. However, as soon as practicable you should contact your manager/supervisor to advise that you will not be coming into work and, as soon as possible after taking the leave, you must complete the Force Majeure Leave Notification Form and return to management. Abuse of force majeure leave is a serious disciplinary offence which will be dealt with under the organisation's Disciplinary policy.

### **Jury Service Policy**

Jury service makes a valuable contribution to the community and we support all employees who are called for jury service. If you are called for jury service, you must inform your manager/supervisor of that fact and of the date and expected duration of the service.

You must also send a copy of your Jury Summons to your manager for records.

We may also require you to produce a letter from the Registrar confirming the days on which you actually attended for jury service. Subject to these requirements, full pay will be continued during jury service.

### **Maternity Leave Policy**

West Limerick Independent Living wants your time at work while you are pregnant, your maternity leave and your return to work to progress as smoothly as possible.

The legal rules applying to maternity leave can appear complicated. We have therefore tried to make this policy as straightforward as possible. However, should you require any further information, please approach management in absolute confidence.

All female employees who are pregnant, have recently given birth or are breastfeeding have legal entitlements. If you are pregnant you are entitled to minimum maternity leave of not less than 26 consecutive weeks. This entitlement is subject to you:

- Notifying your employer in writing of your intention to take maternity leave as soon as is reasonably practicable but no later than 4 weeks before your maternity leave begins
- Producing at the time of notification a medical or other appropriate certificate confirming the pregnancy and giving the expected date of confinement.

If you have taken the minimum statutory maternity leave of 26 weeks you are also entitled to a maximum of 16 weeks additional unpaid maternity leave which must commence immediately after the end of the maternity leave.

### **What are employee's rights when on fixed term contract?**

An employee's contract ends on the last day of your fixed term contract and not on the last day of your maternity leave.

### **What about ante-natal and post-natal leave?**

Employees are entitled to paid leave for ante-natal and post-natal care. The employee must give the employer at least 2 weeks notice before each appointment except in the case of the first appointment.

### **How are employees paid while on maternity leave?**

Employees are entitled to maternity benefit payable by the state for 26 weeks, provided that they are employed by the employer immediately before the first day of the maternity leave and satisfy certain PRSI contribution conditions.

### **What are the PRSI contribution conditions?**

One of the following requirements must be satisfied if an employee is to qualify for maternity benefit:

- An employee must have at least 39 weeks PRSI contributions paid in the 12 month period prior to the first day of maternity leave or
- An employee must have at least 39 weeks PRSI contributions paid since first starting work

For further information on the issues below and any other details on Maternity Leave in West Limerick Independent Living please speak to the Manager.

1. Ante-natal and post-natal care
2. Sickness
3. Maternity Leave entitlement and State Maternity Benefit (“SMB”)
4. Before you go on Maternity Leave – notice requirements
5. What happens if my baby is born before I have started my maternity leave?
6. What happens if my baby is born later than expected?
7. What if my child is hospitalised during my maternity leave or additional maternity leave.
8. Holidays
9. Bonus
10. Returning to work after maternity leave/Not returning to work
11. Breastfeeding
12. Health and Safety

### **Parental Leave Policy**

Parental Leave provides parents with time off from work to care for their children. This policy explains your legal entitlement to Parental Leave and the procedures necessary to exercise it.

### **Eligibility**

The right to take Parental Leave applies to any employee (male or female) who has one year’s continuous employment with the organisation as at the date of commencement of Parental Leave and who is the natural or adoptive parent of a child. (There are limited exceptions to the requirement to have one year’s continuous service; please contact management if you need more information.)

There is a separate right to Parental Leave in respect of each child. Up to 31 December 2001 natural parents of children born between 3 December 1993 and 2 June 1996, and adoptive parents of children born on or after 3 December 1993 and in whose case an adoption order was made between 3 December 1993 and 2 June 1996, are entitled to 14 weeks parental leave.

### **Entitlements**

Subject to the notification requirements set out below, if you are eligible, you may take up to 14 weeks’ Parental Leave in respect of each child. This leave is to be taken before the child’s fifth birthday (subject to certain modifications in respect of adopted children). Parental Leave may only be taken at such times and in such blocks as agreed with your manager. In no circumstances will Parental Leave be granted for a block of less than 3 weeks.

If you are entitled to Parental Leave in respect of more than one child, no more than 14 weeks’ Parental Leave may be taken in any 12 month period (this restriction will not apply in the case of multiple births).

### **Notification requirements**

You should inform your manager of your intention to take Parental Leave as soon as you reasonably can. In any event, in order to qualify for Parental Leave, you must give the Manager written notice of your intention to take it not later than 6 weeks before the proposed date of commencement of that leave. Notice must be given in the standard Parental Leave Notification Form, and then sent to management.

On receipt of your application the Manager will check that you are eligible for Parental Leave. You are therefore required to include with the Notification Form a copy of the child’s birth certificate or other satisfactory evidence (e.g. adoption order) of your relationship to the child. You are also required to confirm whether you have already taken Parental Leave in respect of the child while with a previous employer. We may contact your former employer/s to verify this information.

Where Parental Leave is granted, not later than 4 weeks before the commencement of that leave, the organisation will provide you with written confirmation specifying the date of commencement of the leave, its duration and the manner in which it will be taken.

**Paternity Leave Policy**

Where possible, expectant fathers should arrange to attend antenatal classes outside of your normal working day. However, if this is not practicable, you are entitled to paid time off to attend the last two ante-natal classes in a set of ante-natal classes. Please note this is a once-off entitlement i.e. you are only entitled to it in respect of one child. You must give the Manager at least two weeks' notice of the times and dates of the classes and provide a copy of your appointment card or other appropriate document indicating the time and date of the classes.

Fathers are also entitled to take up to three days' paid special leave during or after the birth of your child or at the adoption of a child. Such leave should be taken in agreement with your manager/supervisor and must be taken within the first month following the date of the child's birth or adoption. If you require further information regarding Paternity Leave, please contact your Manager.

**What is Adoptive Leave?**

An adopting mother or sole adopting male is entitled to paid adoptive leave of 14 consecutive weeks beginning on the date of the placement of the adoptive child. An additional unpaid 8 weeks adoptive leave is also available which begins immediately at the end of the first 14 weeks period of leave.

**How am I paid while on Adoptive Leave?**

An adopting mother, a sole male adopter or an adopting father if the mother dies, is entitled to adoptive benefit provided the employment is covered by the Adoptive Leave Act, 1995 and certain PRSI contribution conditions are satisfied (same as Maternity Benefit conditions).

## SICKNESS ABSENCE POLICY

### **Medical/dental appointments**

Except in emergencies, you must inform your PSS Coordinator in advance of any medical or dental appointment during work hours. Wherever possible, appointments should be arranged for times outside of your normal working day.

### **Time recording**

Time lost due to illness, injury etc. will be recorded in accordance with the organisation's policies.

### **Advising absence**

If you are unable to attend work due to illness or incapacity, you must inform your PSS Coordinator or Manager not less than one hour before you are due to start work on the first day of such absence. In the event that you are too ill to contact your PSS Coordinator or Manager, you should make arrangements for someone to do so on your behalf. You should also advise of your anticipated date of return to work. If you are unsure as to when this might be, you must contact your PSS Coordinator each morning before 10.00 a.m. or in the event that the absence spans several weeks, each Monday before 10.00 a.m.

### **Sickness certification**

On your return to the office following a period of absence due to illness or incapacity, for more than 2 days, a medical certificate covering the entire period of absence must be provided. In the case of absence lasting more than one week, medical certificates must be sent in to your PSS Coordinator each week to cover the entire period of absence.

The organisation reserves the right to require a medical certificate covering absences of less than 3 days.

Not more than 6 uncertified sick days will be accepted in any 12 month period. Should the number exceed this or if management has concerns that there is an unacceptable pattern in absences the employee may be asked to attend the company doctor for an assessment of their condition.

### **Medical examinations**

If you have been absent from work for a total of 20 working days or more in any 12-month period, the organisation reserves the right to require you to be examined by a doctor of the organisation's choice. In certain circumstances (e.g. where absence from work shows an unacceptable pattern) the organisation reserves the right to require you to be examined by a doctor of its choice where your absences total less than 20 working days in any 12-month period. In either case, you agree to give your consent to such an examination and to any medical report resulting from the examination being given to management.

### **Sick pay policy**

An employee who has a certified illness and is absent with a sick certificate for any period of time may qualify for Illness Benefit payment from the Department of Social Protection.

### **Returning to work after a long-term illness**

If you wish to return to work after a long-term illness, you will be required to meet with a doctor of the company's choice in order that your capability to return to your role can be assessed. You agree to give your consent to such an examination and to any medical report resulting from the examination being given to management and made available to your Board of Directors. If you are capable of returning to work but not to the same role or on the same conditions, management will consider the situation to see if it is practicable to find a suitable alternative within the company. The company cannot guarantee suitable alternative work will be available, however it will endeavour to make reasonable accommodation where possible. Where such alternative work cannot be found it may have no alternative but to terminate your employment.

## NON-COMPLIANCE WITH/ABUSE OF SICKNESS ABSENCE POLICY

Failure to comply with any requirement of this policy may lead to the instigation of disciplinary procedures. Absence/s from work whether or not medically or self-certified which show an unacceptable pattern or which, in the opinion of the organisation, are not reasonable may lead to serious disciplinary procedures up to and including termination.

## DATA PROTECTION STATEMENT

Personal information is held and processed by West Limerick Independent Living in accordance with the Data Protection Act 1998, Data Protection (Amendment) Act 2003, as applicable, and the company's data protection and privacy policies.

Personal information is only held and processed for employment or other contractual purposes and will only be used by management and those directly responsible in this area. Individuals have a right to see and correct data held about them. All queries should be referred to management. A clear description of the records you require will facilitate an efficient and effective response. Every effort will be made to respond to your request as speedily as possible and in any event within 40 days. You will be contacted when the information is available for review.

### **Accessing your records**

You will be afforded all reasonable opportunity and facilities in order to review the information. However, no personal information can be removed from the filing area. This is to protect the integrity of the information held.

### **Restricted access**

In certain limited circumstances prescribed by law, West Limerick Independent Living is entitled to refuse all or part of the access request. If this arises, you will be advised of the information to which access is denied, together with the reason for the denial.

As all individuals have the right to have their personal information protected, any references to other individuals or employees or any information which is capable of identifying another person will be removed before you are allowed access to the data.

Please note that repeat requests for access to identical or similar information may be refused. If you have any issue or grievance regarding the manner in which your access request was dealt with please proceed as described in the grievance policy.

### **Responsibility**

- West Limerick Independent Living and its employees adhere to all applicable international and national data security, privacy and similar laws with respect to the disclosure and distribution of data and personal information.
- All personnel are responsible for respecting the privacy of personally identifiable information.

### **Privacy requirements**

West Limerick Independent Living, when collecting, maintaining and using or disclosing personal information take all reasonable precautions to protect such personal information from loss, misuse and unauthorised access, disclosure, alteration and destruction.

### **Use of Personal Information**

Personally identifiable information is collected, processed, stored and disseminated using West Limerick Independent Living's systems only to meet a valid business need. Where personally identifiable information is collected, processed or stored using West Limerick Independent Living information systems, measures are in place to inform the person of the purpose(s) for which the data will be used.

Unless prior written or electronic approval is obtained from a any individual, personal data (data that pertains to a specific client/user's identity, their affiliates, and their relationship to West Limerick Independent Living) held on West Limerick Independent Living's information systems is only used for the purposes originally agreed with that individual.

## **DISCIPLINARY PROCEDURE**

The organisation aims to help and encourage all employees to achieve and maintain acceptable standards of performance and conduct while at work. This procedure is designed to emphasise and encourage improvements in employee conduct, and should not be viewed primarily as a means of imposing sanctions. Nevertheless, problems may occur from time to time and in such circumstances the firm will follow the procedures set out below, which may lead to dismissal.

### **Investigation**

All steps under this procedure will be taken as quickly as practicable, but no action will be taken under this procedure until there has been an investigation into the relevant facts.

In more serious cases of misconduct or poor performance, an investigating officer may be appointed who will have no previous involvement in the case and will not be involved in any future hearing as a decision maker.

In cases of poor performance, the investigating officer will gather evidence of the employee's poor performance. This may involve interviewing the employee's supervisors, gathering job review forms and the objectives set during the last performance review meeting and/or current job. In cases of misconduct, the investigating officer should examine the circumstances surrounding the alleged incident/s of misconduct, which may include the gathering of witness statements where relevant.

It may be appropriate for an employee to be suspended on full pay pending the outcome of an investigation. Any period of suspension will be for the minimum period that the West Limerick Independent Living considers reasonable in light of the circumstances of each case.

A suspension is not a disciplinary penalty but rather a precautionary measure and will not prejudice any disciplinary hearing.

Whether the case relates to poor performance or misconduct, the investigating officer will put together a file of the relevant material, which will be referred to during the hearing. A copy of the file will be given to the employee, normally at least 24 hours before the time of the hearing, and to the line manager/most senior manager and (if appropriate) HR representative ("the panel") who will run the hearing.

In less serious cases of misconduct or poor performance where there is no investigation, the employee will normally be given at least 24 hours notice of the hearing and a full description of the matter to be discussed at the hearing.

### **Disciplinary Policy**

West Limerick Independent Living's reputation is maintained by the high standards of work, conduct and appearance of our employees. The required standards will be discussed with employees during the probation period and acceptance of these standards is a basic part of an employee's employment contract with West Limerick Independent Living.

Every company needs standards, rules and regulations to ensure smooth operation. If these rules are not upheld, it is important that a disciplinary procedure be in place to deal with the situation. Employees have access to procedures whereby alleged failures to comply with these standards may be fairly and sensitively addressed.

There may be times when employees fail to meet the standards of work, conduct and appearance or who disregard basic rules and regulations. In most of these cases, the company will try to help overcome the problems. It is important for you to understand that failure to reach the required standards of work and conduct or to follow the rules and regulations will result in disciplinary action that may include dismissal. If the Company views an incident sufficiently seriously the person may be dismissed immediately and the normal procedures will not apply.

The company does not have a system of penalties related to the seriousness of a particular offence. It is more important to understand what has led to the situation, and to prevent a recurrence of the situation. Issues will always be discussed with the employee concerned who will, of course, be given the opportunity to make comment, reply or to explain before any decision concerning disciplinary action or dismissal is taken. Employees may be accompanied at any formal interview by a relative or a colleague.

Anyone who has been warned of dismissal and is on a final trial period may discuss his/her case with the Manager and all disciplinary procedures may be appealed to the Board. The disciplinary appeal board will consist of members of the Board of Directors, Manager and, if required, a legal advisor.

### **West Limerick Independent Living's Disciplinary Procedure**

Procedures that normally apply are set out below:

In certain cases it may be difficult to deal with incident immediately so the employee may be suspended on full pay until a more convenient time.

Depending on the manager's view of the seriousness of a particular incident, the person may be dismissed immediately without the procedure having been followed or it may have been followed in part. This will only be the case for Gross Misconduct, Dishonesty or Gross Breach of Regulations.

### **Disciplinary Proceeding Stages**

#### **Informal Discussion pre-disciplinary**

If an employee's standard of work or behaviour falls below an acceptable level the immediate supervisor will informally make them aware that this is unacceptable and point out how it must be improved. This shall be seen as a counseling session and the immediate supervisor will keep a record of the incident.

If the standard of work or behaviour fails to improve or continues to deteriorate or if there is a breach of regulations, the formal disciplinary procedure begins.

#### **Stage 1 Verbal Warning**

- a) A full investigation is held.
- b) A meeting will be held where you will be informed that the continuation of the breach is unacceptable. The problem will be discussed
- c) You will be made aware of the option to have a friend, colleague, or representative present at the interview
- d) You will be made aware of how to improve your conduct and you will be given one month to improve your work/behaviour as agreed
- e) A record of this verbal warning will be placed on your personnel file and you will be given a copy
- f) The verbal warning will be active on your personnel file for 6 months unless there is repetition within the agreed review period
- g) If there is no improvement in the situation, then there will be a re-evaluation of your work/behaviour and the disciplinary procedure will move to stage 2

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

- a) A full investigation is held
- b) You will be made aware of the option to have a friend, colleague, or representative present at the interview
- c) A meeting will be held to establish what improvements must be shown and you will be given one month to make these improvements
- d) You will receive a written warning that will be active on the personnel file for 1 year unless there is repetition within the agreed review period
- e) If there is still no improvement in the situation, the disciplinary procedure will move to stage 3

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

- a) A full investigation is held.
- b) You will be made aware of the option to have a friend, colleague, or representative present at the interview
- c) A meeting will be arranged for discussion and planning and a date will be set to reappraise the expected improved level of conduct or performance
- d) You will receive a final written warning that will be active on your personnel file for 1 year unless there is repetition within the agreed review period
- e) At this stage you will be warned that unless improvement occurs you may be dismissed, suspended or demoted
- f) If there is still no improvement, the disciplinary procedure may move to stage 4 or 5, to appropriately deal with the situation

### **Stage 4 Suspension**

- a) A record of a suspension will be retained on your personnel file for 1 year unless there is repetition within the agreed review period
- b) Depending on the situation, there are different forms of suspension available.
  - a) Suspension without pay.
  - b) If your work or conduct has not improved through the stages, you will be suspended without pay
  - c) Suspension with pay.
  - d) You may be suspended with pay to facilitate an investigation. In certain instances, an employee will go directly to this stage, i.e., for instances of gross misconduct or gross breaches of regulations
- c) Before a suspension occurs, a meeting and discussion will be held
- d) You will be made aware of the option to have a friend, colleague, or representative present
- e) Except in the instance of gross misconduct, an investigation will occur before the suspension
- f) If there is still no improvement in the situation, there is a possibility of a progression to stage 5

### **Stage 5 Dismissal**

- a) Before the dismissal, a meeting will be held and you will be made aware of the option to have a friend, colleague, or representative present
- b) A full investigation will be held
- c) You will then have received all possible support and opportunity to improve. There will be two options available at stage 5. The option taken will depend on the situation.

#### **Option 1**

An employee will be dismissed or demoted if they have failed to improve during the previous stages

#### **Option 2**

An employee will be dismissed or demoted without going through the previous stages of procedure in an instance of gross misconduct, dishonesty or gross breach of regulations

### **Appealing the Decision**

Throughout the disciplinary process employees have the right to appeal to the Board of Directors. An appeal panel will consist of members of the Board of Directors, Manager and, if required, an employee advisor.

### **What are the implications of Gross Misconduct?**

Where an employee is guilty of gross misconduct they may be summarily dismissed, i.e. without notice or without going through the warnings procedure. Some standard examples include:

- Theft
- Changing or giving false information on employment records, time sheets or other required information/documentation
- Physical assault, verbal abuse, harassment or bullying
- Inappropriate use of internet, e-mail or information technology facilities
- Intentionally causing the destruction of company property
- Being under the influence of or carrying illegal drugs or alcohol
- Unauthorised removal of company property in person or by any means
- Operating equipment or tools in a manner that would cause harm to self or others
- Sleeping on the job
- Insubordination
- Refusing to co-operate with a reasonable investigation
- Having guns or explosives
- Allowing company confidential information to fall into the hands of non-company personnel

Where the seriousness of a situation leads to a later entry point in the disciplinary procedure, the employee should be clearly aware of this and given reasons to justify the action. There should be no doubt in the employee's mind of the seriousness of the situation or of the consequences, including possible dismissal.

For example, breaches of standards of behaviour or safety standards that might endanger the employee themselves, others in the workplace or clients cannot be tolerated and must be dealt with quickly and severely.

Situations of gross misconduct, (e.g. causing deliberate damage to company property), cannot be allowed to continue and usually result in the application of a later stage of the disciplinary procedure.

While gross misconduct may allow West Limerick Independent Living to short circuit the stages of disciplinary action bypassing early warning stages, it will not remove the employee's right to natural justice.

This means that West Limerick Independent Living will investigate all allegations, put the charges to the employee and allow him/her to respond. Only when a full investigation has been carried out can a decision to dismiss be made.

**Other forms of misconduct include:**

- Consistently poor time-keeping
- Minor breaches of smoking regulations
- Being absent without reasonable permission or reasonable excuse
- Deliberately withholding information which obstructs the work of West Limerick Independent Living
- Deliberately bringing West Limerick Independent Living into disrepute

It must be recognised that this policy and procedures document does not list all forms of misconduct and that every case of misconduct will be dealt individually.

**What are an employee's Natural Rights?**

Each and every individual has the right to a fair and impartial hearing when faced with an allegation. The disciplinary interview reflects these rights.

Employees have the right to know the case against them.

Where an employee is suspected of a breach of the disciplinary procedure, the supervisor needs to establish what the employee did and decide if there is sufficient proof of the action. The allegations should be documented and presented to the employee. The employee has a right to be accompanied at all times.

**The right to have and the opportunity to use representation.**

The employee should be notified before the interview that he/she may have a friend, colleague or representative accompany them at any meetings connected with the matter.

**The right to reply to the accusations.**

The employee should be informed of the right to consider the allegations and make a reply to the supervisor within a specified period of time. Some employees may decide to do so immediately, others may decide to review the situation in private. The supervisor and employee should agree a mutually acceptable time frame e.g. 24 or 48 hours for the employee to provide a written reply.

**The right to have the case investigated and heard without prejudice.**

The employee should be given the right to present his/her reply to the supervisor and any other relevant personnel. If there have been witnesses involved in the investigation to this point, the employee should be allowed to interview these witnesses. The employee has the right to have a representative in attendance through this stage. Should the employee present further relevant information, the supervisor must consider the information and carry out any further investigations required to verify such information without prejudice to the employee or other parties involved. Once all investigations are complete the supervisor must consider all the facts presented, consider any mitigating circumstances presented by the employee and decide if there is sufficient proof to uphold the original allegations without reasonable doubt.

**The right to be informed of the outcome of a disciplinary meeting without delay.**

The employee should be informed of the decision and be informed that he/she has the right to appeal the final decision to a nominated person or persons. Any person involved in making the decision must not be involved in the appeal process.

**The right to appeal.**

The employee should make the appeal in writing within 10 working days of the final decision and have that appeal heard without prejudice. The person or persons hearing the appeal may consider the earlier investigation and decide that no further action is necessary on their part. They may decide to carry out additional investigations themselves and may, as a result, overturn a prior decision.

## SECURITY: PROCEDURES - EMAIL AND INTERNET

### **Business Usage**

The company is committed to maintaining a professional working environment and, in compliance with legislation, to ensuring that all employees maintain their individual rights to work in an environment based on mutual respect and free of any form of harassment.

To protect West Limerick Independent Living, its employees and clients the following policy has been set out to clarify for all employees what is acceptable use of Email and the Internet.

West Limerick Independent Living's position in relation to the usage of Email and the Internet access is that it is for business/work related purposes and employees are strongly encouraged to use it.

This policy applies to all people who:

- Have access to the West Limerick Independent Living 's systems, or
- Are employed directly by West Limerick Independent Living, or
- Are employed indirectly by West Limerick Independent Living (e.g. temporary employees hired through an agency), or
- Perform work on behalf of the West Limerick Independent Living (e.g. independent contractors).

The right is reserved to change this policy at any time upon written notification being provided to all concerned. Any usage, which is considered inappropriate or contradictory to the above will be dealt with under the company's normal disciplinary procedures.

It is important for employees to be aware that they are responsible for all activities, including Email and Internet usage that occur under their login.

### **Inappropriate Usage**

In using either Email or the Internet employees must not send or permit to be sent, on behalf of the company, any Email message, attachment to an Email, or posting to a bulletin board which:

- May damage West Limerick Independent Living 's reputation or its relationship with clients or providers/suppliers, or which may embarrass or cause any loss to either West Limerick Independent Living or its clients
- Is illegal, defamatory, offensive or damaging, or which may be considered by others to cause distress. Examples may include sexual, racial, religious or other harassment or discrimination
- Is considered pornographic or offensive be it image, text, cartoon, joke, wallpaper, screensaver or executable
- May infringe intellectual property rights such as copyrights or patents
- May introduce a virus or other malicious software to any West Limerick Independent Living, client or provider network
- Constitutes 'junk' Email, for example non business messages posted to multiple addresses
- Is for commercial purposes, unrelated to West Limerick Independent Living
- Constitutes excessive private use.

In addition, it is completely inconsistent with West Limerick Independent Living's insistence on professional conduct for employees to use the company's computing systems or resources to search for, obtain or store the above information from any external network.

### **Legal Compliance**

West Limerick Independent Living, and you as a West Limerick Independent Living employee, are bound to comply with many legal requirements including copyright laws, privacy and data protection laws and computer abuse laws, therefore;

- Do not use or distribute pirated software (Only management approved software is allowed on West Limerick Independent Living machines)
- Do not provide third parties with access to information that is the property of, or safeguarded by West Limerick Independent Living
- Do not store personal information on individuals without ensuring it is consistent and compliant with relevant legislation.

In the event of litigation against the West Limerick Independent Living, Email communications and Internet access records can be subject to examination by the courts.

### **Email**

Email communications with users, providers, clients and other third parties are treated in the same way as letters or faxes and are subject to the same standards of preparation, review, approval and storage as apply to these other forms of communication. This means the Email communication must:

- Be professionally written and structured using business English
- Be available as required by either: appropriate archiving, using shared mailboxes or printed and put on the physical file as appropriate

Be restricted as appropriate, i.e. no sharing of inboxes, no auto forwarding rules. This is to respect the senders privacy and expectation that only the designated recipients (or their nominees) will receive the mail. If it is forwarded subsequent to reading, a judgement call has been made.

Email communications are not an instant or secure medium and as such, the use of Email for messages of a confidential, complex or critical nature is not recommended without the careful application of all the appropriate safeguards.

Employees must not send or permit to be sent, on behalf of the organisation, any Email message, attachment to an Email, or posting to a bulletin board, which makes representations or expresses opinions purporting to be those of West Limerick Independent Living without the express authority of management.

While virus detection software is in place, particular care must be taken when exchanging attachments with any third party. Do not open attachments that look suspicious or are from an unknown sender. If in any doubt contact management.

### **Internet**

When connected to the West Limerick Independent Living networks, either locally or remotely:

- Personal Internet accounts must not be used
- Connection to a client or third party network must not be made
- Non West Limerick Independent Living Email accounts (e.g. Hotmail, Yahoo) are not to be used for sending or receiving West Limerick Independent Living, user, client or provider information at any time.
- Personal use of these facilities may result in disciplinary proceedings.
- Downloading of illegal images or information may also lead to criminal prosecution.

Strict policing of this policy lessens the chances of systems being hit by computer viruses and, as such it is extremely important that employees understand the importance of adhering to this policy.

**Monitoring and Control**

Email and Internet usage may be monitored. Blocking software is employed to prohibit access to Internet sites considered inappropriate, though not all accessible sites are necessarily appropriate. In addition, attachments such as executable programs, encrypted files, picture and video formats, sound files, HTML code, zipped files etc. may be blocked.

It must be recognised that the examples cited in this policy cannot be treated as a definitive list. Instances may fall within more than one definition depending on the facts and circumstances of each case.

This policy is designed to facilitate the use of the Internet and Email as powerful business tools within the working environment based on respect and free from any form of harassment. As such all employees should familiarise themselves with it and ensure it is adhered to at all times.

- If you require further clarification or wish to make any comments in relation to the above policy, please contact management

## CONFIDENTIALITY AND NON-DISCLOSURE POLICY

Client and company confidentiality must be maintained at all times. Employees will not disclose any confidential information relating to West Limerick Independent Living or its client's or suppliers to people not working within West Limerick Independent Living.

Certain company information is highly confidential and in the interests of our clients and the business of the West Limerick Independent Living Limited, all employees are asked to respect confidentiality. In the interest of employee confidentiality only authorised persons will have access to personal data held by the West Limerick Independent Living on employees.

All documents and materials, created, produced or received by an individual in either hard copy or electronic format in the course of employment with West Limerick Independent Living remain the property of West Limerick Independent Living and must be returned to the Office Administrator of West Limerick Independent Living upon cessation of employment with the company in the interest of confidentiality.

## GENERAL EQUALITY POLICY

West Limerick Independent Living is committed to ensuring that all employees, contractors and job applicants receive equal opportunity in all aspects of their relationship with the organisation irrespective of gender, marital or family status, race, sexual orientation, religious belief, membership of the traveller community, age or disability.

This includes consistent and objective standards in recruitment, selection, appraisal, compensation, training and personal development.

### **Recruitment and Selection**

- It is the company's intention to recruit high quality candidates whose skills and experience are most suited to the position.
- Job advertisements will not discriminate and all positions will have an agreed job specification.
- Any qualifications or requirements attached to a job which directly or indirectly restricts those who may apply will only be retained if they can be justified as essential for the effective performance of the job.
- The reasons for selection or rejection of applicants will be recorded and the records retained in accordance with legislation.

### **Training and Development**

All employees will be encouraged to develop to their full capacity. Training and development opportunities will be made available where relevant to job performance to all those who qualify on the basis of skills, experience, potential and qualifications marked against objective criteria. Training will also be provided to meet all necessary health and safety issues.

Advancement depends on assessment of individual performance, potential and the business need for people at the next level.

### **Compensation and Benefits**

The salary review process will be undertaken annually and an adjustment may be made. Any adjustment will be made based on individual performance and the market rate for the job. Eligibility for benefits will be applied consistently across the organisation.

### **Breach of policy**

We believe that all individuals must be treated fairly and without discrimination and accordingly all employees are required to comply with this policy. Any instance of discrimination should be reported immediately to senior management or to your immediate manager.

In the event of a formal complaint, the West Limerick Independent Living Grievance policy will be applied.

## GRIEVANCE POLICY

West Limerick Independent Living strives to build a working environment based on trust and openness, where all employees have the right to expect to be treated, at all times, both fairly and with respect.

Before initiating grievance procedures, employees are expected to have made some effort to resolve grievances directly themselves. The grievance procedure will be used when informal methods of resolving problems fail.

If employees have any concerns or grievances they should, in the first instance and if appropriate, discuss them informally with their immediate Manager / PSS Coordinator. However, employees may choose to raise a concern formally. In these circumstances the procedure outlined below will be followed.

In this policy, the term “manager” is used generically to describe the person to whom an employee reports, and therefore includes Managers, PSS Coordinators and Directors as appropriate to the situation.

### **Stage 1**

In the first instance a concern or grievance should be reported in writing to your manager. If the issue concerns your PSS Coordinator / Manager you may raise the matter with officers of the Board. A thorough investigation will be undertaken and you will be advised, at the start, of the estimated time this will take. You will be notified in writing of the outcome of the investigations. A summary of any meeting should be recorded and copies of the details of the meeting should be given to all persons in attendance.

### **Stage 2**

Should you wish to appeal against the outcome of Stage 1 or if you feel you cannot approach your immediate PSS Coordinator / Manager, you can approach the Officers of the Board or if your grievance is with the Officers of the Board you can go directly to the Board. In any case, you should do so in writing, within seven days (including weekends), to the manager of the person who conducted Stage 1. He/she will reconsider the decision. This may include a formal meeting with you or other individuals involved in the investigation. A summary of any meeting should be recorded and copies of the details of the meeting should be given to all persons in attendance. A decision will be given to you in writing, where possible, within fourteen days (including weekends) of the date of receipt of your notice of appeal.

### **Stage 3**

Should you wish to appeal against the decision made in Stage 2 or if the response is not adequate you should do so in writing, within 4 weeks (including weekends), to the Board of Directors, who will reconsider the decision in the light of all the information available. This may include a formal meeting with you or other relevant parties. A summary of any meeting should be recorded and copies of the details of the meeting should be given to all persons in attendance. A decision will be made and communicated to you in writing where possible, within fourteen days (including weekends) of the date of receipt of your notice of appeal.

### **Accompanying colleague**

At formal meetings employees may be accompanied by another employee or representative as appropriate and they will be given at least 3 hours' notice to organise this. Accompanying colleagues are required to keep confidential all discussions relating to the grievance. Accompanying colleagues are welcome to participate in the meeting, but may not answer questions on the employee's behalf.

### **Termination of Employment**

When an employment relationship is terminated for whatever reason, it must be carried out in a fair and equitable manner irrespective of the reasons for the termination. The onus is typically placed on the employer to ensure and prove that this is the case.

#### **What are the reasons for terminating employment?**

The reasons for termination of employment include the following:

- Dismissal
- Termination of a Fixed Term or Fixed Purpose Employment Contract
- Retirement
- Redundancy
- Resignation

### **Leavers**

For all employees leaving the company, the following procedures apply:

- Written notification of your resignation must be submitted to your Manager, stating the date of termination of employment and your last working day, if this is different.
- Once the letter of resignation is received, a brief meeting will be held to outline departure procedures. This should include details regarding your overtime, holidays, benefits exit interview, etc.

P45s are issued by the accounts manager – all queries on this should be directed to the Manager. If you have any additional queries on the leaving process please contact management.

### **Dismissal**

A dismissal takes place when an employer terminates the employee's contract of employment without notice. All dismissals are deemed unfair unless proven otherwise and the responsibility lies with your employer in proving your dismissal was fair.

Full details relating to the process of disciplinary/ dismissal procedures are outlined in the relevant section above. Both employers and employees should follow the steps in the company's disciplinary procedure in succession unless gross misconduct is the reason for dismissal.

#### **What is Termination of a Fixed Term or Fixed Purpose Employment Contract?**

Employees who are employed under a fixed term contract or purpose contract will have their employment terminated when the term specified in the contract has ended or the purpose of the contract has ended or the purpose achieved. All employees dismissed from service in this manner will receive statutory notice of termination.

#### **Retirement and the process for retirement?**

The retirement age for paid workers is 65 years. When an employee retires they are effectively having their employment terminated. An employee who wishes to retire should inform his/her supervisor of the intended date of retirement and confirm his/her decision in writing. Employees are bound by statutory notice with regard to terminating their employment in this manner.

#### **What is Redundancy?**

A redundancy is a termination of an employee's contract of employment by their employer for a number of reasons. These reasons are fully explained under the Redundancy section of this document. All employees of West Limerick Independent Living are entitled to statutory redundancy.

### **Resignation and the process for resignation**

Employees are entitled to terminate their own employment through resignation. Employees must hand in resignation in writing providing the employer with two weeks minimum notice unless otherwise specified in the employee's contract of employment.

### **'Unfair grounds' for dismissal/termination of employment?**

Unfair grounds for dismissal include:

- Trade union membership (when it is not infringing on working hours)
- As a result of taking either maternity, adoptive or parental leave
- If it is due to sexual harassment that has been unchecked by your employer
- If you are taking part or involved in any legal proceedings against your employer
- Age, race, colour or sexual orientation
- Membership of the travelling community
- Religious or political opinions

### **'Fair grounds' for dismissal/termination of employment?**

Fair grounds for dismissal include:

- An incapability for carrying out the work for which the employee was employed
- Incompetence or lack of qualifications to do the work for which the employee was employed
- Unacceptable conduct as outlined by the employer
- Redundancy (where an agreed or fair selection procedure is used)
- A statutory or legal duty requiring employees to cease working or for your employer to dismiss you

### **Redundancy – Qualifying criteria**

Employees are only entitled to redundancy if they have 104 weeks of continuous service with West Limerick Independent Living.

### **Redundancy explained**

A redundancy is a dismissal of an employee by their employer for one of the following reasons:

- The business ceasing to operate.
- The workforce being reduced.
- The employee's job ceasing to exist and the employee will not be replaced either because of rationalisation or re-organisation within the company.
- The employer has decided that the work for which the employee had been employed (or had been doing before his/her dismissal) should, in the future, be done in a different manner that the employee is not qualified or trained to do this job.
- The employer has decided that the work for which the employee has been employed (or had been doing before his dismissal) will in future be done by a person who is capable of doing other work for which the employee concerned is not qualified or trained to do.

If normal hours of work are substantially cut are employees entitled to redundancy payment? When an employer does not need the services of an employee due to a temporary shortage of work, the period when the employee is absent from work is known as a lay-off. If the lay-off is longer than 4 consecutive weeks or 6 weeks over a period of 13 consecutive weeks then the employee is entitled to a redundancy payment.

An employee is said to be on short time for any week in which he/she works less than half of his/her normal weekly hours. Normally this is because the work that the employee does has been reduced. If the employee is kept on short-time longer than 4 consecutive weeks or 6 weeks over a period of 13 consecutive weeks then the employee is entitled to a redundancy payment.

### **Redundancy entitlements and payments**

An employee's notice entitlement depends on the length of continuous service. Notice periods are as follows:

13 weeks - 2 years	1 week
2 years - 5 years	2 weeks
5 years - 10 years	4 weeks
10 years - 15 years	6 weeks
15 years or more	8 weeks

Redundancy payments made by West Limerick Independent Living are in line with minimum statutory redundancy payments.

### **Can employees get reasonable time off to find new employment when on protective notice of redundancy?**

During the 2 weeks redundancy notice period, an employee is entitled to reasonable paid time to look for work or make arrangements for training for future employment. The employer is entitled to ask for evidence to verify that this time was spent in the pursuit of these aims.

## GENERAL POLICIES

### **Mobile phones and related technologies**

Mobile phone's new capabilities which include the ability to photograph or video other people without them knowing is a direct invasion of privacy and confidentiality. Breach of this policy may result in disciplinary action.

### **Standard opening hours**

The office is generally open for business from 9.30 a.m. to 5.30 p.m. Monday to Friday.

### **Standard lunch and rest breaks**

Employee lunch breaks are in line with statutory requirements. The Organisation of Working Time Act (1997) stipulates that a rest break of 15 minutes should be taken where up to 4.5 hours have been worked and a 30 minute break where up to 6 hours have been worked (which may include the first break). West Limerick Independent Living operates within the confines of this legislation.

### **Personnel files**

Employee personnel files may contain some of the following: job application, job description, Curriculum Vitae, training, salary history, records of disciplinary action and documents related to employee performance reviews.

Personnel files are the property of the West Limerick Independent Living and access to the information is restricted due to their sensitive nature. Management personnel of West Limerick Independent Living who have a legitimate reason to review the file are allowed to do so. Employees who request to see the information held on them will be granted access under the data protection policies described above.

### **Maintenance of Personnel Data**

It is the responsibility of each employee to promptly notify the Office Administrator or West Limerick Independent Living Management of any changes in personnel data such as:

- Mailing address
- Bank details
- Telephone numbers
- Name and number of dependants (where relevant)
- Individuals to be contacted in the event of an emergency

An employee's personnel data should be accurate and current at all times.

### **Additional Policy's**

This Employee Handbook is accompanied by the West Limerick Independent Living Policy Handbook, Service Guide and Safety Statement. Employees of West Limerick Independent Living will be issued with these documents on commencement of their employment with the company and are required to read and agree to abide by the policies and procedures.

## **Life Long Illness/ Medical Condition Policy**

It is West Limerick Independent Living's policy to ensure the health, safety and welfare of staff at all times and all health and safety practices have been developed to comply with current legislation. The recruitment policy and practices reflect that West Limerick Independent Living is an equal opportunities employer.

Any staff member who has a life-long illness or medical condition is required to notify management on commencement or during employment of the following information:

- Nature of illness/condition;
- Details of any medication or special procedures required in the event of an emergency;
- Anything which may affect the illness or condition;
- Contact details in the event of an emergency – particularly if these details differ to standard contact details held on personnel file.

All information relating to an illness or condition will be dealt with confidentially by West Limerick Independent Living. Staff who have a life-long illness or medical condition will be entitled to coverage under West Limerick Independent Living's sick leave entitlement subject to length of service.

## **Dignity Workplace Policy, Bullying, Sexual/Harassment and Violence**

This policy has the overall objective of preventing bullying, sexual harassment, harassment and violence within the workplace and ensures our compliance with the Employment Equality Act 1998. West Limerick Independent Living is fully committed to creating an environment within the organisation that is free of bullying, sexual harassment, harassment and violence.

Bullying in the workplace, regardless of who bullies who, is now well recognized as a form of harassment. Workplace bullying and harassment undermines organisational performance by resulting in poor morale, higher absenteeism, stress-related illness, reduced productivity and higher turnover of staff. Bullying and harassment can also affect the physical and emotional health of its victims. As with all forms of harassment, bullying is totally unacceptable and West Limerick Independent Living will not tolerate any employee treating a fellow worker with anything less than their due dignity.

All employees have the right to be treated with dignity and respect. Any complaint involving bullying, sexual harassment, harassment or violence will be investigated immediately and if substantiated will be regarded as grounds for disciplinary action.

### ***Objectives of this policy***

The objectives of this policy are:

- to define workplace bullying, sexual harassment, harassment and violence;
- to promote awareness of the issue among staff;
- to enable the Management of West Limerick Independent Living to identify bullying, harassment and violent behaviour and take appropriate action;
- to provide an effective procedure for dealing with allegations of bullying, harassment and violence.

### ***What is Bullying?***

The Report of the Task Force on the Prevention of Workplace Bullying published in 2001 provided the following definition for bullying:

*“Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/ or in the course of employment, which could reasonably be regarded as undermining the individuals right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a once off incident is not considered to be bullying.”*

Bullying manifests itself as various types of behaviour, examples of which include:

- Verbal abuse;
- Shouting, making jokes, unfair and excessive criticism, ridiculing the person in front of other individuals, spreading false truths about the individual around the company;
- Non verbal abuse;
- Looks, a gesture, displaying emblems on clothing, exclusion, whistling, isolation at work breaks, social events etc.;
- Victimisation;

### ***What is Sexual Harassment?***

Section 23 of the Employment Equality Act 1998 states that sexual harassment includes any of the following:

- Act of physical intimacy;
- Request for sexual favours;
- Other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

A single incident may constitute sexual harassment. Sexual harassment manifests itself as various forms of behaviour, examples of which include:

- Insensitive jokes and pranks;
- Lewd comments about appearance;
- Unnecessary body contact;
- Display or circulation of sexually offensive material;
- Request for sexual favours;
- Threat of actual sexual violence;
- Threat of dismissal, loss of promotion etc. for refusal of sexual favours.

### ***What is Harassment?***

Section 32(5) of the Employment Equality Act 1998 defines harassment as:

“Any act or conduct including spoken words, gestures or the production, display or circulation or written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating.”

*The harassment has to be based on the relevant characteristic of the employee whether it be the employee’s marital status, family status, sexual orientation, religious belief (or none), age, disability, race, colour, nationality or ethnic origin, or membership of the Traveller community.*

### ***What is Violence?***

Workplace violence includes, but is not limited to, the following:

- Harassment;
- Stalking;
- Physical Violence;
- Making threatening remarks;
- Committing acts motivated by, or related to sexual harassment or domestic violence;
- The direct or implied threat of physical violence towards any member of the staff or service users of West Limerick Independent Living.

### ***Procedures for addressing allegations of Workplace Bullying, Sexual Harassment, Harassment or Violence***

The management of West Limerick Independent Living will not tolerate bullying or harassment behaviour and sets out the following procedures for addressing all allegations of bullying, harassment and violence.

### **Informal Procedure:**

Where possible, every attempt will be made to address an allegation of bullying, harassment or violence as informally as possible by means of this informal procedure:

- Any employee who believes he or she is being bullied or harassed, i.e. the complainant, should explain clearly to the alleged perpetrator(s) that the behaviour in question is unacceptable. In circumstances where the complainant finds it difficult to approach the alleged perpetrator(s) directly, he or she should seek help and advice, on a strictly confidential basis, from the Manager or a member of the Board of Directors. The complainant should keep detailed notes of each incident as they occur, including dates, times and his or her feelings at the time.
- Having consulted the Manager/ Board member the complainant may request the assistance of the Manager in raising the issue with the alleged perpetrator(s). In this situation the approach of the Manager should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.
- A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure.

### **Formal Procedure**

If the above informal procedure is inappropriate or if after the informal stage, the bullying, harassment or violence persists, the following formal procedure should be invoked:

- The employee who wishes to make a bullying or harassment allegation should make a formal complaint in writing to the Manager of West Limerick Independent Living, or if preferred, to a member of the Board of Directors. The employee should give precise details of all bullying or harassment incidents.
- The alleged perpetrator(s) should be notified in writing that an allegation of bullying or harassment has been made against him or her. He or she should be given a copy of the complainants statement and advised that he or she shall be afforded a fair opportunity to respond to the allegation(s).
- The complaint should be subject to an initial examination by a member of the Board of Directors who can be considered impartial with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place.

### **Investigation**

Where a formal investigation is required, either a member of the Board of Directors or an appropriate third party will conduct such an investigation. Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to management containing the findings of the investigation. Both the complainant and the alleged perpetrator(s) will be informed in writing of the findings of the investigations. Where a complaint is well founded, an appropriate course of action will be taken by West Limerick Independent Living Management.

## CONDITIONS OF EMPLOYMENT

### **Employee health and safety responsibilities at work**

Employees are legally obliged to take care of their own health and safety as well as the health and safety of others at work and this include the following duties of care:

- Co-operating with your employer to facilitate compliance with necessary health and safety requirements, which includes the company safety statement
- Wearing and using protective clothing and equipment, where nature of the job requires and not misusing or interfering with them
- Promptly informing your employer of anything which may cause a danger to the health and safety of anyone

All employers are legally obliged, as far as is reasonably practicable, to ensure the safety, welfare and health of their employees physical and mental well-being at work and also others who might be affected such as clients, visitors and contractors. Employer duties include:

- Providing a safe workplace including the maintenance of all equipment and machinery
- To devise safe systems of work
- To provide training, instruction, supervision and information, as required, to ensure the safety of those in the workplace
- To eliminate or control hazards and where this is not practicable, provide suitable safety training, protective clothing or safety equipment where necessary
- To devise and communicate action plans to be used in case of emergency
- To provide and adequately maintain facilities for the welfare of employees
- To provide the services of a competent person with responsibility for health and safety matters.

West Limerick Independent Living as an employer will consult with employees regularly and keep them up to date with all aspects of health and safety in the workplace, this would include considering your suggestions concerning health and safety.

### **West Limerick Independent Living Safety Statement**

West Limerick Independent Living's Safety Statement is a statement that identifies the risks and hazards of the workplace and states how these will be eliminated, controlled or protected against in order that a safe workplace is ensured for employees. It is important that all employees of West Limerick Independent Living are familiar with the Safety Statement. The safety statement is readily available to all employees of West Limerick Independent Living.

What is West Limerick Independent Living's Health and Safety evacuation procedure?

West Limerick Independent Living's Health and Safety Evacuation procedure exists so that in the event of any emergency all employees and visitors can be evacuated in a quick and safe manner. On commencing new employment the West Limerick Independent Living employees will be informed of the company's evacuation procedure. Employees will be required to adhere to this procedure and obey any order given by company appointed fire officers. Fire wardens and safety representatives should be selected and clearly identified to staff.

In addition to the office evacuation procedure, employees should also make themselves aware of evacuation procedure for client's residences.

What should an employee do if an accident/ incident occurs?

Any incident or accident that occurs in breach of health and safety should be reported immediately on an incident/ accident report form.

### **Health related issues**

Employees, who become aware of any health-related issue, including pregnancy, should notify the Manager of their health status where it impacts their role. This policy has been instituted strictly to protect the employee and all details are treated in absolute confidence.

A written “permission to work” from the employee’s doctor is required at the time or shortly after notice has been given. The doctor’s note should specify whether the employee is able to perform regular duties as outlined in his/her job description.

A leave of absence may be granted on a case-by-case basis. If the need arises for a leave of absence, employees should notify their PSS Coordinator.

**Employees requiring medical attention**

In the event an employee requires medical attention, whether injured or becoming ill while at work, the employee’s personal doctor must be notified immediately. If it is necessary for the employee to be seen by the doctor or go to the hospital, a family member will be called to transport the employee to the appropriate facility. If this is not possible a member of staff will accompany the incapacitated employee (where possible).

All incidents of this nature should be recorded on an incident report form.

**Insuring Personal effects on the premises**

All employees should be sure that their own personal insurance policies cover the loss of anything occasionally left at the office or place of work. West Limerick Independent Living assumes no risk for any loss or damage to personal property.

**Purchases on behalf of West Limerick Independent Living**

Only authorised persons may purchase supplies in the name of West Limerick Independent Living. No employee whose regular duties do not include purchasing shall incur any expense on behalf of West Limerick Independent Living or bind West Limerick Independent Living by any promise or representation without written approval.

**Visitors in the workplace**

To provide for the safety and security of employees, visitors, and the facilities at West Limerick Independent Living must sign-in, and sign-out at the reception desk. Authorised visitors will be escorted to their destination and must be accompanied by an employee at all times.

**Post and deliveries**

Only authorised office staff should open post and deliveries. Post marked “private and confidential”, should be opened by addressee only.

Under no circumstances should unauthorised personnel open office deliveries.

**Clean workplace and environment**

To comply with Health and Safety regulations West Limerick Independent Living runs a clean desk policy. This means that no documentation should be left out or unattended in the office environment. All workspaces should be clean and clear and this includes kitchenette in office space.

Non-compliance with this policy is a disciplinary matter.

## **INFORMATION ON WEST LIMERICK INDEPENDENT LIVING**

The Independent Living philosophy originated from the very first Center for Independent Living (CIL) established in Berkeley, California in 1972. That CIL was developed by a group of people with disabilities, to support the development of a new perspective on disability – one that focused on the empowerment and civil rights of people with disabilities. It supported and encouraged individuals to live independently in the community.

“Independent Living is not doing things by yourself.....it is being in control of how things are done.” (Disability activist, Judy Heuman)

### **THE SOCIAL MODEL OF DISABILITY**

The Independent Living (IL) philosophy promoted a ‘social model’ of disability – with the premise that people with disabilities have a right to actively participate in, and contribute to society as equals and without dependence on family, institutions or charity. The social model recognises that people with disabilities are prevented from achieving their full potential by the attitude of society, as well as environmental obstacles such as restrictions in their access to public transport, entertainment and public places, and in education and employment.

The focus is not on rehabilitating the individual with a disability therefore, but on rehabilitating society and the environment, in order to make it accessible and create inclusion for the person with a disability as a consumer rather than as a patient. It is recognised that the real experts when it comes to designing services are those with the closest possible experiences of the issues - people with disabilities.

### **WHAT IS THE PHILOSOPHY OF INDEPENDENT LIVING?**

The philosophy of IL espouses living like everyone else - having control of one's own life, having opportunities to make decisions that affect one's life and being able to pursue activities of one's own choosing, regardless of disability.

It means “the right of all persons regardless of age, type or extent of disability to: live in the community, as opposed to living in an institution; have the same range of choices as everyone else; participate in the social, economic and political life of their communities; have a family; live as responsible respected members of their communities with all the duties and privileges that this entails, and; unfold their potential.” (Adolf Ratzka, Disability Activist 2002)

This means challenging the person living with a disability to define their basic needs and empowering them to think differently, moving from a traditional passive dependent status to one that actively engages the individual in making decisions directly affecting their daily lives. It also means challenging community and state to provide the same range of choices to a person with a disability as to everyone else, in areas such as housing, transport, education and employment.

Independent Living therefore is not just concerned with the routine physical tasks of day-to-day life, but is more about a way of life. It is about self-actualisation; taking control of one's own life; exercising choices; taking responsibility while also allowing for the dignity of risk and the freedom to fail. It is also a social and political movement that is changing the way services are provided and the role people with disabilities play in society.

### **WEST LIMERICK INDEPENDENT LIVING OVERVIEW**

West Limerick Independent Living is a not for profit company established in 1997 by a small group of people, many of whom have a disability. The company's main aim is to ensure that people with disabilities achieved independent living and full participation in society. Over the past decade West Limerick Independent Living has working to develop high quality Personal

Support Service for people with disabilities in the Mid-Western area of Ireland. West Limerick Independent Living is one of the largest providers of Personal Assistants Services to people with disabilities in Limerick.

## **PERSONAL ASSISTANCE SERVICES**

It was recognised that in practical terms, Personal Assistance was at the core of Independent Living, and the early days of CIL's in Ireland were greatly concerned with creating a consumer-controlled Personal Assistance (PA) service. A PA is someone who provides a person with a disability with physical assistance to help them in all aspects of daily life from personal care, household tasks, assistance in college or the workplace, driving and interpretation. The PA role is to assist, not to provide care for or tell the person with a disability what is best for them. PA services enable the person with a disability to make their own decisions and be in control of their own life, opening up opportunities in education, employment, socially etc.

Today there are 23 CIL's nationwide, operated by people with disabilities at a local level, they still have a vital advocacy role in representing members and supporting them with their integration into mainstream living. Many CIL's provide Personal Assistance (PA) services, funded through Community Employment schemes and/or Health Service Executive funding.

## **HOW PA SERVICES WORK**

Essentially a PA service is a service for persons with significant disability who need assistance in aspects of daily living, at home, travelling, at work, college or socially. The individual first identifies what his/her needs are, whether by self-assessment, or often, where they have not been in a position to make decisions about their own lives heretofore, facilitated assessment. The identified need then determines the level of service required (i.e. number of hours and how many PAs each person needs) to enable a person with a disability to achieve independent living.

Following assessment the person with a disability is approved for an agreed number of PA hours per week. The service is funded through the HSE in different areas of the country, and is currently administered through a number of service providers, e.g. CIL's, Enable Ireland, and the Irish Wheelchair Association (IWA). The person with a disability has an agreement with one of these providers and recruits Personal Assistants in conjunction with the service provider. The person with a disability provides most of the training, while the service provider provides essential health, hygiene and safety training. Fundamental to the achievement of independent living for each person is the support to enable them to manage their own service with support and training where identified. Although the PA is employed by the service provider, the person with a disability acts as the PA's line manager, determining the work to be done and the hours of duty in conjunction with the PSS Coordinator.

## **NEW DEVELOPMENTS IN IL IN IRELAND**

While each Irish CIL has their own independence and identity, they also benefit from being part of a larger movement. The CIL Network allows space for decision makers and consumers within CILs to come together outside of project work, sharing knowledge/expertise and discussing general concerns and direction. The CIL Network meets three times a year and many issues emerge from these meetings – among them most recently the National Advisory Group and the National Leader Forum. The Network is facilitated by the CIL Council, which is made up of two representatives from each CIL.

# Employee Agreement

## **Employee Confidentiality Agreement**

I hereby acknowledge, by my signature below, that I understand that the confidential information, records, and data to which I have knowledge and access in the course of my employment with West Limerick Independent Living is to be kept confidential, and this confidentiality is a condition of my employment. This information shall not be disclosed to anyone under any circumstances, except to the extent necessary to fulfill my job requirements. I understand that my duty to maintain confidentiality continues even after I am no longer employed.

Approval should first be obtained before any disclosure of confidential information. I understand that the unauthorised disclosure of service users and other confidential information of West Limerick Independent Living is grounds for disciplinary action, up to and including immediate dismissal.

## ***Acceptance of the Employee Handbook and Policy Handbook***

I hereby acknowledge, by my signature below, that I have received and read a copy of the West Limerick Independent Living Employee Handbook and Policy Handbook. I agree to abide by the policies and procedures outlined within the handbook.

Employee Signature: \_\_\_\_\_

Date \_\_\_\_\_

Please print your name here in BLOCK CAPITALS: \_\_\_\_\_