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People Management



Communication

- Communication is the key to a good people management
- It is important to know employees' and employers' rights and obligation, but good communication tends to prevent most problems

Employees

- A person is an employee when the employer has the right to direct the employee:
 - What to do
 - How to do it
- Almost all employment rights only apply to employees and not independent contractors.



Contract of Employment

- A contract of employment can be:
 - Verbal or in writing
 - Expressed or Implied



Implied Terms of Employment

- The most common source of implied terms is Statute Law.
- Statutes, or legislation, provide rights to employees which usually cannot be reduced by the employer.
- For example, the Equality Act, Health & Safety Act, Parental Leave Act.



Terms of Employment

- Employees have a right to a written statement on the terms of their employment.
- This must be supplied within two months of the start of employment.
- It must be signed and dated by the employer.



Terms of Employment

- Full name of employer and employee
- Address of employer
- Place of work
- Job title or nature of the work
- Date employment started
- Details of fixed term contracts
- Details of rest period and breaks
- Pay
- Hours of work and overtime
- Paid leave
- Sick pay & pensions
- Period of notice



Wages

- All employees are entitled to a pay slip.
- There is a minimum wage of €7.65 per hour.
- When calculating minimum pay, working hours include:
 - Overtime
 - Travel time (when part of job)
 - Time spent on training



Hours of Work

- The maximum average working week cannot exceed 48 hours for many employees.
- The average will be calculated over 4 months.
- The calculation of 48 hours does not include breaks, annual leave, sick leave, maternity or adoptive leave.



Leave from Work

- Full time employees must receive at least 20 days leave.
- Annual leave is in addition to normal public holidays.



Annual Leave

- An employee is entitled to a period of paid leave equal to the greater of:
 - Four working weeks in a leave year in which 1,365 hours are worked.
 - 1/3rd of a working week for each month in a leave year in which 117 hours are worked.
 - 8% hours worked in a leave year. (Maximum of 4 weeks.)



Annual Leave

- In respect of each public holiday, an employee is entitled to:
 - a paid day off on the holiday, or
 - a paid day off within a month, or
 - an extra day's annual leave, or
 - an extra day's pay
- As the employer may decide.



Maternity Protection Act

- Covers all female employees, including regular part-time workers.
- The employee is entitled to a minimum of 26 weeks maternity leave.
- The employee may take an additional 16 consecutive weeks leave at her own expense.



Parental Leave

- Applies to employees with one year's continuous service and who have a child born (natural or adopted) after 3rd June, 1996.
- The employees are entitled to 14 weeks unpaid leave to take care of their child up to the age of eight.
- When a person has more than one child, leave is limited to 14 weeks a year, but can be longer if agreed.



Force Majeure

- 'Force Majeure' leave is a maximum of three days in one year or five days over three consecutive years.
- This can be taken in cases of sudden illness / injury to an immediate family member, that is spouse partner, parent, child sibling or grandparent.
- It is with pay.



Minimum Notice

- Minimum periods of notice are to be given when ending the contract of employment.
- It covers all employees, including regular part-timers, with continuous service for at least 13 weeks.



Minimum Notice

- The Act specifies the following periods:

Length of Service	Minimum Notice
13 weeks – 2 years	One week
2 years – 5 years	Two weeks
5 years – 10 years	Four weeks
10 years – 15 years	Six weeks
15 years +	Eight weeks



Unfair Dismissals

- This covers full-time and regular employees with at least one year's continuous service and who normally work 8 hours or more.
- Contractors are not included.
- Every dismissal is deemed unfair unless the employer can demonstrate that there were substantial grounds to justify dismissal.



Constructive Dismissal

- A dismissal is unfair where an employee resigns from or leaves employment due to the unreasonable conduct of the employer.
- e.g. refusal to provide work, false accusations of theft, etc.



Fair Dismissal

- **The employer can justify dismissal on the following grounds:**
 - Capability, competence or qualifications
 - Conduct of employee
 - Redundancy
 - Where continuation of employment would be unlawful
- **The onus of proof rests with the employer.**



Unfair Dismissal

- Trade union membership
- Religious or political opinions
- Civil or criminal proceedings against employer
- Race, colour or sexual orientation
- Pregnancy or taking or maternity leave, adoptive leave or parental leave
- Redundancy, where selection is unfair
- Membership of travelling community
- Disability



Procedure

- Employer must, within 28 days of the start of employment give notice of dismissal procedure.



Procedure

- Employers must:
 - Conduct an adequate investigation of the circumstances and gather all facts.
 - Be clear about the complaint.
 - Decide to take:
 - Formal disciplinary action
 - Provide counselling / advice
 - Overlook the matter



Procedure

- If you decide to take formal action:
 - Arrange interview
 - Ensure consistency
 - Ensure employee knows why, where and when it is and have the right to be represented or accompanied
 - Decide penalty
 - Inform employee of action
 - Explain appeal procedure
 - Record action
 - Monitor performance



Procedure

- **A sample procedure would include:**
 - Advice & counselling (first step is informal)
 - Verbal warning
 - First written warning
 - Second written warning
 - Suspension
 - Dismissal

- **Always be clear and consistent throughout the above.**



Actions

- **If an employee asks for a reason for dismissal, this must be given within 14 days.**
- **Within 6 months of dismissal, the employee can make a claim to:**
 - A Rights Commissioner, or
 - The Employment Appeals Tribunal
- **The 6 months can be increased to 12.**



Equality

- **Discrimination means treating one person in a less favourable way for the following:**
 - Gender
 - Marital status
 - Family status
 - Sexual orientation
 - Age (except for under or over 65)
 - Disability
 - Race
 - Religion
 - Membership of Traveller community.



Discrimination

- Discrimination is prohibited in:

- Job advertising
- Recruitment & selection
- Conditions of employment (incl. dismissal)
- Training & experience
- Promotion & re-grading
- Classification of posts
- Pay



Harassment

- Employers are under an obligation to make reasonable efforts to prevent harassment arising in the work situation.
- This includes bullying
- A grievance procedure should also be in place to deal with such situations.



Staff Handbook

- Prepare a staff handbook
- Give it to every member of staff
- Refer to the handbook in the employment contracts and job descriptions

Excellence Through People

LEVELS OF EXCELLENCE

In recognition of various levels of excellence there will now be **three** levels of achievement.
The level of excellence achieved depends on the number of points accumulated:



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Excellence Through People

- Business planning and quality
- Communication and people involvement
- Leadership and people management
- Plan learning and training for staff
- Review of learning and training
- Recruitment and selection
- Employee well-being
