



Staff

Handbook

Community Child Care Services

Transforming Ireland

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1.1 Disclaimer

Galway City and County Child Care Committee has taken all reasonable care in relation to the accuracy of the information in this Employee Handbook. The information is intended as a guide only and does not purport to be a legal interpretation. Galway City and County Child Care Committee does not make any warranties regarding the accuracy or completeness of the data herein. Galway City and County Child Care Committee recommends that when Services require legal advice they should contact their own Solicitors/Legal Advisors.

1.2 Contract of Employment

As a new employee of _____, you will receive a written Contract of Employment. This document outlines the general Terms and Conditions of Employment and is a confidential document between you and _____. Please read it carefully and sign it. This signifies your acceptance of the Terms and Conditions under which you are employed.

1.3 Purpose of this Handbook

This Employee Handbook is designed to provide you with information about working conditions, benefits, and policies affecting your employment. The information contained in this Handbook applies to all our employees. Following the policies described in this Handbook is considered a condition of continued employment. However, nothing in this Handbook alters an employee's status. The contents of this Handbook shall not constitute nor be construed as a promise of employment or as a contract between the Service and any of its employees. The Handbook is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this Handbook.

Our objective is to provide you with a positive and safe work environment that is diverse, free from discrimination and harassment.

1.4 Background

Community Childcare Services from Galway city and county participated in workshops that discussed employment issues in the Voluntary Community Childcare Sector. These workshops were held in Galway twice, Loughrea and Clifden in September and October

2008. The input from participants in these workshops is included in this Handbook. Participants were both members of staff and members of Voluntary Management Committees. Participants considered the values of the voluntary community child care sector, the particular nature of the relationship between volunteer managers and professional staff, the challenges this relationship presents and how services can manage staffing matters so they are to the benefit of staff and children and comply with legal requirements.

1.5 Child Welfare

The aim of all child care services is to provide what is best for the development of all aspects of the child's development. The welfare of the child comes before any other consideration and staff, management and others engaging with children must adhere to this principle. Where anyone has a concern as to the welfare of the child they must act on that concern in line with the child protection policy of the service or alternatively by contacting the duty social worker of the Health Services Executive. Please note that under the terms of The Protection for Persons Reporting Child Abuse Act, 1998 immunity is provided from civil liability to persons who report child abuse "reasonably and in good faith" to the Health Services Executive or the Gardaí. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report. This Act came into operation on 23rd January, 1999. It also means that you cannot be victimised by your employer for reporting a child abuse concern if you did so in good faith.

Galway City and County Childcare Committee, subject to available resources, hopes to offer to staff and management the back up support and information to help them address staff matters effectively. This will undoubtedly lead to higher quality services, happier staff and ultimately happy children!

A sincere thanks to the services listed below (in no particular order) who participated in the workshops and whose ideas and feedback were used in devising this handbook.

Bogha Ceatha - An Spideál	Naíonra Tigh na Sí - Loughrea
Mountbellew Community Childcare	An Teach Spraoi – Athenry
Ionad Tacaíochta Teaghlaigh - Cois Fharraige	Little Folks Crèche - Loughrea
Letterfrack Community Child Care Service	Stapleton Childcare - Loughrea
Mervue Crèche	Renvyle Playschool
Trinity Den - Mervue	Roundstone Playschool
Mol an Óige - Galway	Comhar Chuigeál – Leitir Mealláin
Sunny Meadows - Galway	Cleggan Playschool
Wonderland Pre-School – Galway	Dun Gibbons Playgroup - Clifden
Naíonra Dara – Renmore – Galway	Clifden Community Playschool
Sunflower Crèche and Playgroup - Galway	Ballyconneely Playschool Afterschool
Stay and Play Afterschool – Scoil Chaitríona – Renmore - Galway	Seoda Beaga Playgroup - Recess
Bohermore Community Preschool – Galway	Inishbofin Playgroup

Cullairbawn Community House – Athenry	Time 4 Us - Galway
St. Francis’ Afterschool - Galway	An Ghrianán After School - Kilmadeema
Afterschool Together, Newcastle, Galway	Roscam Childcare Centre
Doorús Community Montessori – Kinvara	Bo Peep Montessori - Corrandulla
Busy Little Bees - Ballinasloe	Little Rascals Nursery - Knocknacarra
Ahascragh Community Playgroup	Little Blossoms - Oughterard
Naíonra Killalaghton	Kidscorner Crèche - Blackacre - Tuam

2.0 Context The Community Child Care Sector

2.1 Definition

To consider staff matters it is important to give consideration to the context in which such services operate. The following is a very basic definition of different sectors in society:

The Private Sector – Services managed and run on a for profit basis by private individuals

The Public Sector – Services run and managed by state and semi – state bodies both for profit and for the benefit of the citizens of the state

The Community and Voluntary Sector – Services run and managed by volunteers on a not-for-profit basis

The Community Child Care Sector is distinct in that Services are managed by volunteers on a not-for-profit basis. This has benefits and offers challenges. These were defined by those that staff and manage Services in Galway city and county.

2.2 Benefits of Community Child Care Services

Services are not for profit and if a profit is made it is reinvested in the Service. Services are managed by a team of local volunteers who form a Voluntary Management Committee to manage the Service. The people who manage the Service are accessible to people in the local community. Parents and local people can put themselves forward at the Annual General Meeting to be part of the management team of the Service.

A Voluntary Management Committee is a more democratic form of managing a Service.

Community services aim to be inclusive and to ensure children in situations of disadvantage can avail of a local child care Service. Community services can avail of a higher level of capital grants and can avail of subvention grants specifically for the benefit of families in receipt of a welfare payment.

Community services ensure consultation in the running and evaluation of the Service.

2.3 Challenges of Community Child Care Services.

It is common that the people elected to the Voluntary Management Committee of the Service have little or no qualifications in running and managing a child care service. It follows therefore that volunteers often have little or no experience in managing a building, in accounting, dealing with staff matters, overseeing budgets, being aware of legislation such as health and safety, child welfare and protection and in dealing with the bureaucracy that is involved in delivering a community child care service. Training for Voluntary Management Committee members in these areas is essential.

Community child care services recruit staff with the expertise and skills to run the Service on their behalf. It is common practice in the public sector and in private business that the person in charge is the professional expert. In the case of community child care services the people in charge of the Service must rely on the staff of the Service for the professional knowledge and expertise to run the Service on a day-to-day basis. Part of the role of the manager of the Service is to assist the management committee in the effective management of some aspects of the Service. This is a situation that demands clarity on roles and responsibilities and the proper exercise of authority.

Community child care services are managed by a group of people, a Voluntary Management Committee. It is a challenge for any group of people to communicate effectively among themselves and to communicate effectively with staff. The role of the chairperson and of a staff liaison working group are key to ensuring a committee operates effectively and communicates well with its members and with staff.

There tends to be a turnover of volunteers in community child care Service. Parents often volunteer to be part of the Voluntary Management Committee while their child is attending the Service. Once the child leaves the Service the parent/s may also resign from the committee. Ongoing recruitment and induction of voluntary members is essential.

Volunteers who manage a child care Service are most often not on the premises while it is open. They must trust the reports of children, parents and staff as to how the Service is functioning. This is different to the private sector and public sector where managers are on site or present in the Service on an ongoing basis. This means that it is difficult for management to know what stresses and strains there are on staff and the Service and to measure the performance of staff and give staff feedback on how they are performing.

Members of Voluntary Management Committees can be hounded locally by members of the community wanting to influence them to get entrance for their child, to address issues they have with the Service. Services are 'local' and while the Service may close at a particular time you still meet the same people locally and in social settings. It can be difficult to get away from your role as a member of staff or the committee of the child care service.

There are many reasons why staff pursue a career in child care or members volunteer to come on committees. By and large these are for very good and beneficial reasons. However, some people can want to exercise overdue influence in a Service and be dogmatic in their approach. Trying to ensure power is exercised in an appropriate fashion and always in the best interest of the children in the Service may be a challenge that must be addressed.

Because the voluntary sector is based on goodwill and voluntarism there can be an unspoken expectation that for staff their work is a vocation and this can lead to excessive expectations

of staff. There may also be a tension that volunteers say they are doing this for nothing while staff are getting paid for doing the work.

Also mentioned was the opinion that volunteers often do not fully understand the impact of the decisions made at meetings.

When there is a group of people involved it is more difficult to ensure confidentiality.

It is very difficult, and becoming increasingly difficult for volunteers to understand the growing number of rules, regulations and laws that govern how a child care service operates. The continuing growth in bureaucratic demands and the introduction of further complicated procedures such as subvention make it difficult for existing volunteers and to recruit new volunteers.

Community Child Care Services will plan timetables for opening times of the Service, meals, daily activities. However, not many Services timetable for staff meetings, support and supervision meetings, appraisals and other staff matters. For volunteers and staff to find the time, in an already busy schedule, to address staffing matters is a challenge.

2.4 Fears of Staff and Members related to Employment Issues

Members of community childcare services at workshops throughout the county and city recognised the following challenges that gave rise to fears in addressing employment matters. Good policies and procedures and training will assist Services to address issues effectively and while they may not remove people's fears they should give people a greater level of confidence in addressing these matters.

Staff burn out	Ensuring the proper exercise of power
Poor communication	Dealing with staff who are late
Staff members not getting on	How to deal with staff who are not good with children
Lack of training	Shortage of time to address staffing matters
Staff being too quiet and timid	Shortage of funds and as a consequence not being able to pay staff
How to be a line manager	Worrying about the shortage of funds
What standards to set for the Service and how to reach these standards	Having to make people redundant
How to recruit staff	Having to discipline staff
How to effectively supervise staff	Knowing how to set standards
How to deal with parents who say they have a problem with staff	Having to confront staff/management
How to ensure that you protect the Service (stay within the law)	Staff not getting on well together
To answer the employment queries of staff	High turnover of management
To know what information should be in a staff contract and staff handbook	Hard to get management to meet
Fundraising and keeping the Service in business	Some management members are there to 'make up the numbers'
Ensuring people respect each other	Keeping to the staff ratios
Keeping staff motivated and keeping morale high	Getting Garda Vetting
Room leaders not leading	Abuse of authority and power
Staff getting stressed and burnt-out	Trying to get agreement for and get all the policies and procedures implemented
Not having time for team building	Staff illness and the fact that childcare services have their own challenges such as infectious diseases, flu etc.
Not having time for training and keeping certificates up to date (first aid, manual handling)	

2.5 Values of Community Childcare Services

Members of community child care services in discussion agreed that they do promote and will continue to promote the following values in delivering community child care services.

Inclusive	Aim to be cheaper
Diverse	Voluntary management
Children First – Rights based	Respect
Participatory - Democratic – parents have a say	Trust
	Shared responsibility - Fair share of the workload in both managing and running the Service.

2.6 Summary

In summary the context within which community based childcare services operate present both opportunities and challenges. From a human resource perspective Voluntary Management Committee members are on average new to the role of employer and manager. Staff in Services are professional while the management are in effect ‘amateurs’ giving of their time and effort freely for the benefit of the Service. To ensure staffing matters are addressed properly demands patience, a willingness to learn about employment legislation and to train to deal with staff support, supervision and managing of performance. Being managed by a collective of people (a Voluntary Management Committee) demands that the committee communicates well with its own members and clearly with staff, that conflicting demands are not made. People must be clear as to their roles and responsibilities and no person or clique should operate overdue power or influence in the running of the Service.

Community services are unique in the opportunity they give to parents and members of the community in the management of the Service. Community services draw on the goodwill and energy of people locally that Services in other sectors cannot or do not harness. Promoting the values that community services promote and allowing for participation present challenges, including the proper management of human resources, that must be managed effectively so the benefits of community child care services shine through

2.7 10 Golden Tips

1. Ensure everyone in the Service is clear on their role and responsibilities. Have Job Descriptions for volunteers, management and staff (refer to staff handbook, contracts).
2. Ensure everyone in the service abides by the service policies but especially the confidentiality policy.
3. Have a staff liaison sub-committee to work with staff on staff support and development. This committee should have training so they can fulfil their role.
4. Management (through staff- liaison) should meet with the Manager on a regular basis to ensure staff matters are addressed. Enter dates for these meetings well in advance and make sure these meetings are routine.
5. The Manager should meet with staff on a regular basis. Enter dates for these meetings well in advance and make sure these meetings are routine.
6. The management should meet with all staff individually on occasion, separate from the Manager to ensure staff have access to management. This should be done with the knowledge of the Manager.
7. If employment matters give cause for concern, if there is a problem with a member of staff, between staff, with your employer, then address it within a reasonable time scale. Staff matters that are not dealt with will not go away and will usually worsen. Focus on the issues not the person. This will prevent issues from becoming personalised. Staffing matters must be managed effectively in bad times and good.
8. There should be a measurement of staff performance and staff should be informed of how they are performing – both the good and the bad. The Voluntary Management Committee and/or staff liaison should discuss with the Manager how they are going to measure staff performance. Staff should be consulted and be part of defining objectives for their work.
9. The laws of natural justice apply in employment related difficulties. Where an allegation is made against a staff member these laws should always apply The employee has the right to a fair hearing, the right to know the allegation against them, time to consider and respond to allegation, the right to representation at meetings and the right to challenge the severity of any sanction that might be brought against them.
10. Seek advice and support. Employment matters are covered by wide ranging legislation. When dealing with staff difficulties, or if you are a member of staff with a difficulty, get independent advice on how best to proceed. Interpersonal difficulties in any realm of life are stressful, get support for yourself so that you can handle the situation well and protect your health and wellbeing.

I was angry with my friend I told my wrath, my wrath did end.
I was angry with my foe: I told it not, my wrath did grow."

William Blake.

3 Terms and Conditions of Employment

3.1 Leave

The Voluntary Management Committee regards it as essential that all matters relating to Leave, Maternity Leave, Parental leave, Adoptive Leave and Carer's Leave are treated in strict confidence. Leave will be taken by prior agreement with the Voluntary Management Committee or those appointed by the committee.

3.2 Holiday Entitlements

Information taken from a Guide to Labour Law - Department of Enterprise, Trade and Employment 2005

Web Site Address: <http://www.entemp.ie>

Employment Rights Information Unit: Telephone: (01) 631 3131

Holiday pay is earned against time worked. All employees, full-time, part-time, temporary or casual earn holiday entitlements from the time work is commenced. The Organisation of Working Time Act 1997 provides that most employees are entitled to 4 weeks annual holidays for each leave year with pro-rata entitlements for periods of employment of less than a year. In the case of employees working a normal 5 day week this would work out at $1\frac{2}{3}$ days per month worked or 20 days.

From 1st April, 1999, depending on time worked, employees holiday entitlements should be calculated by one of the following methods:

(i) 4 working weeks in a leave year in which the employee works at least 1,365 hours (unless it is a leave year in which he or she changes employment).

(ii) $\frac{1}{3}$ of a working week per calendar month that the employee works at least 117 hours.

(iii) 8% of the hours an employee works in a leave year (but subject to a maximum of 4 working weeks).

The time at which annual leave may be taken is determined by the employer having regard to work requirements, and subject to the employer taking into account the need for the employee to reconcile work and family responsibilities, and the opportunities for rest and recreation available to the employee.

The Organisation of Working Time Act provides that the employees concerned or their trade unions are consulted at least 1 month in advance of the dates selected by the employer for annual leave.

The employee's annual leave must be taken within the leave year to which it relates or, with the employee's consent, within 6 months of the next leave year. The pay for the annual leave must be given in advance of the commencement of the employee's annual leave, and is calculated at the normal weekly rate.

Public Holidays

The Act also provides the following nine public holidays:

- (i) 1 January (New Year's Day);
- (ii) St. Patrick's Day;
- (iii) Easter Monday;
- (iv) the first Monday in May;
- (v) the first Monday in June;
- (vi) the first Monday in August;
- (vii) the last Monday in October;
- (viii) Christmas Day;
- (ix) St. Stephen's Day.

In respect of each public holiday, an employee is entitled to:

- (i) a paid day off on the holiday, or
- (ii) a paid day off within a month, or
- (iii) an extra day's annual leave, or
- (iv) an extra days pay as the employer may decide.

If the public holiday falls on a day on which the employee normally works, then the employee is entitled to either a paid day off, an additional day's pay, a paid day off within a month of the day, or an additional day of paid annual leave for the public holiday.

If the public holiday falls on a day on which the employee does not normally work, then the employee is entitled to 1/5 of his/her normal weekly wage for the day, which rate of pay is paid if the employee receives options (i) (ii) or (iv), above, as may be decided by the employer.

If the employee is asked to work on the public holiday, then he/she is entitled to either an additional day's pay for the day, or a paid day off within a month of the day, or an additional day of paid annual leave.

There is no service requirement in respect of public holidays for whole-time employees. Other categories of employees (part-time) qualify for public holiday entitlement provided they have worked at least 40 hours during the 5 weeks ending on the day before a public holiday. (Note that this Act refers to public holidays not bank holidays. Not every official bank holiday is a public holiday though in practice most of them coincide.)

Sunday Premium

If not already included in the rate of pay, employees are generally entitled to paid time-off in lieu or a premium payment for Sunday working. An employee is entitled other premium payment for Sunday working payable to a comparable employee in a collective agreement in force in a similar industry or sector. This means that the Sunday Premium, if not already paid, will be equivalent to the closest applicable collective agreement which applies to the same or similar work under similar circumstances and which provides for a Sunday premium. The premium can be in the form of:

- An allowance
- Increased rate of pay
- Paid time off
- Combination of the above

Zero Hours

Employees will be entitled to be paid for 25% of the time which they are required to be available or 15 hours whichever is the lesser, e.g. if an employee's contract of employment operates to require the employee to be available for 48 hours in a week, he/she will be entitled to a minimum payment of 12 hours even if not required to work that week.

The Zero Hours provision does not apply to lay-offs, short-time, emergency or exceptional circumstances, employee illness or employee on-call.

Complaints

Complaints about any breaches of the Organisation of Working Time Act may be referred to a Rights Commissioner. The relevant complaint form is available on request from Employment Rights Information Unit, or the Office of the Rights Commissioner and is downloadable from either www.entemp.ie or www.lrc.ie.

Records

Records required to be kept by the employer are prescribed by S.I. No. 473 of 2001, Service of Working Time (Records) (Prescribed Form and Exemptions) Regulations, 2001. These records must be retained for 3 years and must be available for inspection by Labour Inspectors of the Department of Enterprise, Trade and Employment. The regulations provide that employers are required to keep:

- (i) a record of the number of hours worked by employees (excluding meals and rest breaks) on a daily and weekly basis;
- (ii) a record of leave granted to employees in each week by way of annual leave or in respect of a public holiday and payment made in respect of that leave;
- iii) a weekly record of the notification of the starting and finishing time of employees.

In relation to (i) above, the Regulations incorporate statutory form OWT1 on which employers who do not have electronic means of recording must record the number of hours worked by employees on a daily and weekly basis.

The Regulations also require that an employer keep a copy of the statement provided to each employee under the provisions of the Terms of Employment (Information) Acts 1994 and 2001 – See Terms of Employment -Section 1.

The Regulations provide for exemptions, subject to certain conditions, in relation to the keeping by employers of records of rest breaks and rest periods under the Organisation of Working Time Act 1997.

Additional Information

See Department of Enterprise, Trade and Employment Explanatory Booklet on Holidays and Public Holidays, Explanatory Leaflet on Sunday Premium and Zero Hours, Explanatory Leaflet on Service of Working Time Act 1997 or Code of Practice on Compensatory Rest, copies of which are available on request, or downloadable from Department's website at <http://www.entemp.ie>

Your holiday entitlements and arrangements for taking leave are outlined in your contract of employment.

3.3 Maternity Leave (Information from <http://www.oasis.gov.ie/>)

Any female employee expecting a baby is entitled to a continuous period of **twenty six weeks** maternity leave around the time of birth of the child. The employee will maintain all of her employee rights, other than remuneration, during the twenty six week period, including the entitlement to annual leave and public holidays.

Once the pregnancy is confirmed the employee is required to advise the Service in writing as soon as possible and **at least four weeks** before the commencement of her maternity leave.

Of the twenty six week period, at least **two weeks** must be taken before the expected date of birth, and at least **four weeks** after the birth.

[Maternity Protection \(Amendment\) Act 2004](#)

Additional Maternity Leave

You are also entitled to take up to a further **sixteen weeks** maternity leave, but this period is not covered by maternity benefit, nor is your employer obliged, unless otherwise agreed, to make any payment during this period.

Public holidays and annual leave

You are entitled to leave for any public holidays that occur during your maternity leave (including additional maternity leave). The right of employees to leave for public holidays is set down in [Section 21 of the Service of Working Time Act, 1997](#).

Maternity Leave and Annual Leave

Time spent on maternity leave (including additional maternity leave) is treated as though you have been in employment, and this time can be used to accumulate annual leave entitlement.

Stillbirths and miscarriages

If you have a [stillbirth or miscarriage](#) any time after the 24th week of pregnancy, you are entitled to full maternity leave. This means a basic period of twenty two weeks and also twelve weeks additional maternity leave. If you have satisfied the PRSI requirements, Maternity Benefit is payable for the twenty two weeks of the basic maternity leave.

To apply for Maternity Benefit following a stillbirth, you need to send a letter from your doctor with the Maternity Benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.

Postponing Maternity Leave

Section 7 of the Maternity Protection (Amendment) Act 2004 provides for postponement of maternity leave in strict circumstances. (if your baby is hospitalised). This right to postpone leave applies whether you are on maternity leave, or on additional unpaid maternity leave. The maximum amount of time the leave can be postponed for is **six months**. Please note, your employer has the right to refuse your application to postpone your maternity leave.

You may only request that your maternity leave be postponed once you have taken at least fourteen weeks maternity leave, four of which must have been taken after the birth. (This provision does not apply to fathers who are on maternity leave).

If you postpone your maternity leave and return to work, then you may take your leave in one block, not later than **seven days after the child has been discharged from hospital**. Your employer may request a letter from the hospital confirming the child has been hospitalised and following discharge, a letter confirming the date of discharge.

If you postpone your maternity leave and return to employment, you need to notify the Department of Social and Family Affairs of this. You must notify them in writing that your child has been hospitalised and you have returned to employment. A letter from your family doctor ([GP](#))/hospital is required to confirm to the Department that the child has been discharged from hospital and your maternity benefit should resume. Your [Personal Public Service Number](#) (PPS) number should be clearly identified on all documents you send to the Department. Remember, you may only apply to postpone your maternity leave if the baby has been hospitalised - not if the child is unwell.

Illness While on Postponed Maternity Leave

If you have postponed your maternity leave and become ill when you return to work (before resuming your postponed leave), you may be considered to have started your resumed leave on the first day of your absence because of illness. Alternatively, you may choose to forfeit your right to resumed leave and have your leave treated as [sick leave](#).

Returning to Work

You are entitled to return to work after maternity leave. The [Maternity Protection Act, 1994](#) states that if it is not reasonably practicable for your employer to allow you to return to your job, then they must provide you with suitable alternative work. This new position should not be on terms substantially less favourable than those of your previous job.

Otherwise, you are entitled to be treated as if you had been at work during your maternity leave. Your employment conditions cannot be worsened by the fact that you have taken maternity leave, and if pay or other conditions have improved while you have been on maternity leave then you are entitled to these benefits when you return to work.

If you decide not to return to work after your period of maternity leave, you are required to give [your employer notice in the usual manner](#).

Time Off for Medical Visits

The *Maternity Protection Act, 1994* provides that once your pregnancy is confirmed you may take reasonable time off for medical visits connected with the pregnancy. There is no maximum or minimum amount of time off specified for these visits. Rather, you are entitled to as much time off as is necessary to attend each visit. (**This includes the time required to travel to and from the appointment and the time taken for the appointment itself**). You will need to provide your employer with medical evidence confirming the pregnancy, giving two weeks notice of your medical visits. You should show your appointment card if requested by your employer at any time after your first appointment. You may also take time off for medical visits after the birth for up to 14 weeks following the birth including any time taken on maternity leave after the birth. You are **entitled to be paid** while keeping these medical appointments both before and after the birth.

It's important to note that while you are entitled to take reasonable time off without loss of pay for medical visits connected with your pregnancy, you may also be entitled to take paid time off to attend some ante-natal classes. You can [read more about ante-natal classes here](#).

Rules

- You must give your employer at least four weeks' written notice of your intention to take maternity leave
- You must also provide your employer with a medical certificate confirming the pregnancy
- If you intend to take the additional 12 weeks maternity leave you must provide your employer with at least four weeks' written notice
- Both these notices can be given at the same time
- It is important to comply with these notice requirements, as failure to do so may cause loss of rights
- You must give your employer **at least four weeks' written notice** of your intention to return to work
- You must notify your employer as soon as possible if you wish to postpone your maternity leave (but remember, your employer can refuse this application).

Rates

For rates of maternity benefit, please see further content on Oasis relating to maternity benefit.

How to apply

- Apply to your employer, in writing, to take maternity leave
- Apply to the [Department of Social and Family Affairs](#) for maternity benefit. You need to do this at least six weeks before your baby's due date

Where to apply

The Equality Authority has responsibility for overseeing the implementation of the maternity leave legislation in Ireland. Queries about your entitlement to maternity leave, postponing leave, etc. should be addressed to:

[The Equality Authority](#)

Clonmel Street, Dublin 2

Tel: (01) 417 3333

Fax: (01) 417 3366

E-mail: info@equality.ie

3.4 Adoptive Leave

Under the [Adoptive Leave Act 1995](#), as amended by the [Adoptive Leave Act 2005 \(pdf\)](#) only the adoptive mother is entitled to avail of adoptive leave from employment, except in the case where a male is the sole adopter.

You are entitled to **twenty four weeks** adoptive leave. You are also entitled to take an additional **sixteen weeks** unpaid adoptive leave.

[Adoptive Benefit](#) may be payable by the Department of Social and Family Affairs during adoptive leave.

Adoptive Leave and Employment Rights

The Adoptive Leave Act 2005 introduced some important changes and additional rights for adoptive parents. From 28 November 2005 therefore, all employment rights (except remuneration and superannuation benefits) associated with the employment, such as annual leave and seniority, are protected during additional adoptive leave.

Adopting parents are entitled to **paid time off work** to attend preparation classes and pre-adoption meetings with social workers/HSE officials required during the pre-adoption process. The adopting mother and employer may agree to terminate unpaid additional adoptive leave in the event of the mother's illness, thereby allowing her to transfer onto paid [sick leave](#).

An employee's absence from work on additional unpaid adoptive leave will count for all employment rights (except remuneration, superannuation benefits) associated with the employment such as annual leave and seniority.

Adoptive Leave and Public Holidays

You are entitled to leave for any public holidays that occur during your adoptive leave (including additional adoptive leave). The right of employees to leave for public holidays is set down in [Section 21 of the Service of Working Time Act 1997](#).

Adoptive Leave and Annual Leave

Time spent on adoptive leave (including additional adoptive leave) is treated as though you have been in employment, and this time can be used to accumulate annual leave entitlement. Read [more about annual leave and public holidays here](#).

Rules

Your right to adoptive leave means that you have a right to a period of leave from employment **without pay**. However, your contract of employment may provide for payment during the period of leave. Provided you are in insurable employment and satisfy the social insurance (PRSI) conditions, you may qualify for Adoptive Benefit while you are on adoptive leave.

Availing of Adoptive Leave

There are set procedures regarding how to apply for adoptive leave. (Read more in 'How to apply' below). You must give **four weeks notice** to your employer, notifying them of your intention to take adoptive leave (for both foreign and domestic adoptions).

Returning to Work Following Adoptive Leave

The employee has the same rights to return to work as with maternity leave, and must also give **four weeks notice** of the intention to return. You are entitled to return to the job you had immediately before the leave, unless this is not reasonably practicable for the employer.

Where this is the case, then your employer must offer you a suitable and appropriate alternative. The terms and conditions of the alternative and the capacity under which you are to be employed, *must not be less favourable* than your job prior to going on leave. The rights in relation to return to work apply equally to a new employer where the business has changed hands while the employee was on leave.

Rates

You are not entitled to be paid by your employer while you are on adoptive leave, except where your contract of employment specifies this.

How to Apply

Notify your employer in writing of your intention to avail of adoptive leave. You must give adequate notice and your letter to your employer should clearly outline the date on which you intend to commence adoptive leave.

Summary of Parental Leave <http://www.equality.ie/index.asp?locID=20&docID=33>

The Parental Leave Act 1998 entitles each parent to 14 weeks unpaid parental leave.

The leave must be taken before the child is eight years of age, or sixteen years of age in the case of children with disabilities.

This leave is non-transferable between the parents, except where both parents work for the same employer. However, this depends on the agreement of the employer.

You must **notify your employer six weeks** in advance of your intention to take parental leave.

The leave may be "broken up" with the agreement of the employer.

3.5 Carer's Leave

Carer's Leave is provided for in [The Carer's Leave Act 2001](#) . An eligible employee will be entitled to leave from employment to care for a relevant person for **a period not exceeding one hundred and four weeks**.

To Qualify for Carer's Leave:

The employer must have employed employees for a continuous period of twelve months

The relevant person must be deemed to be in need of full-time care and attention by the Deciding Officer (Officer of the Department of Social and Family Affairs)

Employees have to provide the Voluntary Management Committee with a written decision from a Deciding Officer

Employees may have to prove that he / she will be providing full-time care and attention to the relevant person

An employee is not entitled to a period of Carer's Leave where another employee is absent from employment, during the same period, on Carer's Leave for the same relevant person

The employee must provide the Service with a minimum of **six weeks notice** when requesting a period of Carer's Leave (this may be waived in exceptional/emergency circumstances). The Service will prepare a confirmation document, which must be signed by the employee, ideally **two weeks** before the commencement date.

All employment rights are protected while an employee is on Carer's Leave, except the right to remuneration. An employee maintains the right to annual leave and public holidays' **entitlements solely for the first thirteen weeks** from the date of commencement of Carer's Leave.

Employees should inform the Service **four weeks** before the end of the Carer's Leave that they intend to return to employment on the due back date. The Service will facilitate employees to return to their normal job as far as is reasonably practical.

3.6 Force Majeure Leave

Information on Entitlements to Force Majeure Leave

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

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

Entitlement to Force Majeure Leave is limited to circumstances where the immediate presence of the employee, at the place where the ill or injured person is situated, is indispensable.

During an absence on Force Majeure Leave an employee is regarded as being in the employment of the employer, and retains all of his or her employment rights.

Force Majeure Leave is paid leave. It cannot be treated as part of any other leave [s.14(5)] (e.g. sick leave, adoptive leave, maternity leave, annual leave or parental leave) to which the employee is entitled.

Notification of Force Majeure Leave

As soon as reasonably practicable after his or her return to work after an absence on Force Majeure Leave, an employee must confirm to his or her employer that he or she has taken the leave.

Maximum Entitlement

An employee may not be absent on Force Majeure Leave [s.13(5)] for more than **three days** in any twelve consecutive months, or five days in any thirty six consecutive months. Absence for part of a day is counted as one day of Force Majeure Leave.

3.7 Compassionate Leave

A period not normally exceeding **three days** with pay may be granted as Compassionate Leave. This period may be extended at the discretion of the Voluntary Management Committee to **five days** on the death of a close relative or partner.

3.8 Sick Leave and Sick Pay

There is no statutory entitlement to sick leave in Ireland.

If you are absent from work due to sickness or injury, you will be required to notify the Service immediately, or in any event, before your normal start time on the first day of absence. Employees are not paid during periods of absence due to illness. A medical certificate is required for absences of more than 2 days. You will be required to claim any state benefit during any period of absence from work due to illness.

The twelve-month period (Sick Leave Year) starts on the first day of illness.

An employee's medical practitioner or dentist shall certify all periods of sickness exceeding 2 days. The certificate shall state the general nature of an employee's ailment, the precise period for which an employee shall be unfit for duty or the probable date of resumption of duty. Subsequent certificates shall be submitted if the absence continues beyond the period covered by the initial medical/dental certificate.

The Service may request, and has the right to require, a second/independent medical examination and report on the fitness of an employee and will meet the cost of this.

The Service may request you to attend a meeting on return to work to ascertain the nature of your illness and if there are any actions the employer needs to take to support you or as a consequence of your illness.

3.9 Jury Service and Jury Leave [Jury Service Act 1976](#)

Under the Juries Act (1976) paid leave is granted for Jury Service. A person shall be treated as employed or apprenticed during any period when he is absent from his employment or apprenticeship in order to comply with a jury summons.

3.10 Rest Periods

The general rule is that you are entitled to a break of 15 minutes after more than four and a half hours work and to a 30-minute break after six hours which may include the first 15-minute break. There are exceptions to the general rule. For example, shop employees whose hours of work include the period from 11.30am to 2.30pm should not be required to work more than six hours without having a one-hour break, which must begin between those hours. These break times cannot be included in a break at the end of the working day. There is no entitlement to payment for such breaks. An employer is exempt from providing breaks where it is not possible due to exceptional circumstances or an emergency.

Entitlements to rest periods during the working day and the working week A person is entitled to 11 consecutive hours rest in any period of 24 hours that you work for your employer. In addition, you are entitled to 24 consecutive hours rest in any period of seven days. This should normally follow on from one of the 11-hour periods mentioned already unless there is some reason this cannot be done due to the nature of the work. Rest period(s) should include a Sunday unless your contract provides otherwise. An employer is exempt from providing these rest periods if this is not possible due to exceptional circumstances or emergency. (Source: Comhairle Website)

<http://www.oireachtas.ie/documents/bills28/acts/1997/a2097.pdf> The Organisation of Working Time Act 1997 is the legislation that guides working time and rest periods.

4.0 Terms and Conditions of Employment

4.1 Revision of Terms and Conditions of Employment

Your Contract of Employment jointly binds employees and the Voluntary Management Committee. It will only be changed by the requirements of the law or with the approval of the Voluntary Management Committee. Any change so agreed will be notified to employees within twenty-eight days. Substantive changes in your contract will only happen in consultation with you and staff.

4.2 Payment of Salary

Wages will be paid two weeks in arrears by _____

4.3 Employment Expenses

An employee will be reimbursed for using his/her own car in the course of work. Employees are required to have use of their own car for official purposes, a full driving licence, current motor insurance and taxation in relation to the vehicle. A Letter of Indemnity from the employee's insurance company will also be required. Mileage and receipted expense for official business are paid.

Motoring Expenses will be paid in accordance with rates set out by the Voluntary Management Committee. Public transport should be used wherever possible for travel outside the region.

The employee is entitled to expenses, which must be receipted, when away from base for more than five hours and for overnight stays where no other payment arrangements have been made.

Expense Claims should be submitted on a monthly basis at a minimum and should be filed with the Manager by the first Monday of the following month. All expenses must be authorised and approved by the Voluntary Management Committee.

4.4 Training and Development

It is recognised that ongoing training will enhance the job performance of employees. The Voluntary Management Committee will, within reason, consider paid leave and some financial assistance towards the costs of authorised seminars, conferences and training courses. This is subject to funding being available from the income to the Service and to the terms of the Equal Opportunities Policy. Please see the Service's policy on training and development.

4.5 Personnel Files

A file will be kept for each employee which will include information such as their contract of employment, timesheets, salary, increments, annual leave, sick leave details, medical certificates, records of appraisals, disciplinary or grievance procedures, review notes, *etc.* Employees are entitled to inspect their own personnel files and will be asked to assist in keeping their file up to date.

4.6 Employee Behaviour

The Voluntary Management Committee regards it as essential that employees should be courteous, helpful, well presented and co-operative to children, parents, staff and management in the course of carrying out their duties. They also recognise the right of employees to be treated with dignity in the workplace and the importance of treating co-workers with respect. The Voluntary Management Committee aims to create a work environment free from discrimination, harassment, racism and disrespectful behaviour. Please refer to the Code of Behaviour of the Service and familiarise yourself with its requirements.

4.7 Drugs and Alcohol Policy

The rules apply during working hours to all employees and volunteers, scheme staff, students. The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse is prohibited.

Being under the influence of illegal drugs, alcohol, or mood altering substances is prohibited.

Working while under the influence of prescription drugs that impair performance is prohibited. This matter is addressed in the Health and Safety policy that you must familiarize yourself with.

4.8 Double Employment

Please inform us of other work commitments in order to ensure that you are not contravening legislation on double employment. Working hours must at all times meet the requirements of the Organisation of Working Time Act, 1997. Please fill out the form in this regard and this will be in your personnel file.

4.9 Equal Opportunities

Employees will not be discriminated against or suffer sanctions or harassment by virtue of race, religion, family status, membership of the Traveller community, gender, sexual orientation, marital status, disability, age or trade union membership. Please refer to our Equal Opportunities Policy

4.10 Notice of Termination of Employment

The Service will give notice in writing of Termination of Employment in accordance with the Minimum Notice and Terms of Employment Act (1973).

Length of Notice	Minimum Notice
13 weeks – 2 years	1 week
2 years – 5 years	2 weeks
5 years – 10 years	4 weeks
10 years - 15 years	6 weeks
Over 15 years	8 weeks

Employees are requested to give one months notice in writing.

The right to notice by either party may be waived by agreement. Salary may be paid in lieu of notice.

Employees may invoke a Grievance Procedure if they dispute the notice of termination of employment.

Any holidays due, when the employment is terminated, will receive payment in lieu of accrued, but unused, holidays in their final pay.

The Acts do not affect the right of an employer or employee to terminate a contract of employment without notice due to the misconduct of the other party.

<http://www.irishstatutebook.ie/1973/en/act/pub/0004/index.html>

4.11 Confidentiality

Employees and Voluntary Management Committee members are required at all times to maintain confidentiality in respect of matters which come to their knowledge in the course of their work subject to contractual obligations and legal considerations.

All documentation prepared by an employee during the course of his/her work is the sole property of the Service.

Employees are also required and expected to maintain this standard of confidentiality when they leave employment with this Service.

Staff, management and volunteers should sign the Service's Confidentiality Policy.

4.12 Conflict of Interest

Employees should not engage in work where there is a conflict of interest with the work, the ethos and guiding principles of the Service.

Circumstances leading to a potential conflict of interest should be raised with the Voluntary Management Committee of the Service.

4.13 Media

Members of the Service may not give interviews, issue press release statements or other materials for publication about the Service or its work without the consent of the Voluntary Management Committee.

4.14 Safety

Everything possible will be done to ensure that the workplace is free from risk and harm. To safeguard employees and minimise the risk of accidents any possible hazard should be reported to the Voluntary Management Committee in writing. All the Service's safety procedures must be strictly observed. Every accident or incident, no matter how small, must be recorded in the Service's Accident and Incident Report Book. All staff must familiarise themselves with the Service's Safety Statement and sign that they have read, understand and will comply with its demands. Violence in the workplace will not be tolerated.

4.15 Employee's Property

The Service will not be responsible for loss or damage to an employee's property on its premises. Employees should report all property lost or found to the Manager or the Voluntary Management Committee.

4.16 Dress Code

All employees/volunteers are expected to present for work in dress that is appropriate to a childcare service.

4.17 Pension Scheme

The Service provides employees with access to a Personal Retirement Savings Account (PRSA) scheme. This is a non-contributory scheme which employees may choose to join. At the employee's request, the Service may arrange for deductions to be made from payroll.

4.18 Relocation

Should the Service deem it necessary to use or move to additional/new premises employees will be relocated in these premises when required without any additional financial or other compensation.

4.19 Retirement

It is the policy of the Service that employees will retire at 65 years of age.

4.20 Trade Union

The Voluntary Management Committee recognises the right of an employee to be a member of a Trade Union

Section 4 Policies

The following policies relate to employment matters. Further policies are in place for the day-to-day running of the Service and are available in the staff room. Please familiarise yourself with these.

4.1 Diversity

Non-Irish nationals who were resident in the State increased from 224,000 to 420,000 (+87%) over the period 2002 to 2006. The fastest growing categories were EU nationals, apart from Irish or UK nationals, along with Africans and Asians. Polish nationals numbered 63,300 while the number of Lithuanian nationals was 24,600. In overall terms non-Irish nationals made up 10 per cent of the usually resident population that indicated a nationality in April 2006. (Source: CSO 2006) While it is expected that the current economic downturn will lead to a return to emigration again there is still no doubt that Ireland has become a much more diverse country.

Irish workplaces are becoming increasingly diverse, due to the demographic factors mentioned above and due to the higher participation of women in the workplace, increasing numbers of non-Irish national workers and the changing age profile of the workforce.

Both the Employment Equality Acts 1998 and 2004 and the Equal Status Act, 2000 legislate for a diverse population.

4.1.1 Employment Equality Acts, 1998 and 2004

The Employment Equality Acts are designed to promote equality of opportunity in employment between employed persons by making discrimination and harassment in employment unlawful on the following grounds:

- Marital Status
- Family Status
- Race
- Religion
- Age
- Disability
- Sexual Orientation
- Gender
- Membership of the Traveller Community

The Employment Equality Acts allow positive action in relation to certain groups, i.e. gender, membership of the Traveller community, people over the age of 50 and people with disabilities.

4.1.2 The Equal Status Act 2000,

The Equal Status Act 2000 aims to promote equality and prohibit discrimination and harassment and related behaviour in connection with the provision of goods and services, property and other opportunities to which the public generally or a section of the public has access, on similar grounds as those contained in the Employment. This Service through its mission and values embraces the idea that we are all different but equal. This belief will be reflected in all our internal processes. There will be a respect for the dignity of each individual and the emphasis will be on meeting the developmental needs of persons. Accommodating diversity acknowledges differences and the different needs that employees have, depending on age, gender, ability, responsibilities, ethnic background, language and so

forth. The Service seeks to promote diversity by ensuring equal opportunity and no discrimination through the following policies in particular:

Disciplinary Policy

Grievance Policy and Procedure

Recruitment and Selection Policy

Staff Training & Development Policy

Sample Supervision and Support Policy

Performance Appraisals

Health and Safety

The Service will be an Equal Opportunities Employer and has an Equal Status Policy

Bullying and Harassment - including Sexual Harassment

4.1.3 Recruitment

Recruitment methods, documentation and publicity material will contain nothing of a discriminatory nature and will encourage applications from all potential candidates.

Selection will be on merit and those who are successful shall demonstrate their suitability for appointment according to agreed selection criteria which will be consistently applied throughout the recruitment process.

Equality of opportunity will also include accommodating where possible the special needs of individuals to facilitate their participation in the recruitment and selection process.

All aspects of the recruitment and selection process (job description and person specification; advertising; application forms/short listing; interviewing; pre-employment medical assessment) will be based on the principle of assessing the skills, qualities and attributes of applicants against those which have been determined to be required for effective performance of the job without regard to any of the nine grounds. (See Recruitment Policy)

4.1.4 Training and Development

All employees will be afforded the same opportunities to access training and career development opportunities. These opportunities are totally dependent on funding being available to the Service. People will be chosen for training/funding/ study/study leave based on independent criteria, according to the needs of the development of the Service. No member of staff will be denied access to training or other such professional development benefit because of any of the nine grounds. (See Training and Development Policy)

4.1.5 Promotion and/or internal Competition for Posts

All eligible employees will be made aware of promotional opportunities and encouraged to compete. Conditions governing access to higher positions will not discriminate, directly or indirectly, on any of the nine grounds. Competition for posts will be conducted in a manner which does not discriminate on any of the nine grounds. (See Training and Development Policy)

4.1.6 Conditions of Employment

All employees will be offered the same terms of employment; the same working conditions; and the same treatment, including treatment in relation to overtime, disciplinary measures, grievance and so forth.

Induction will be used as an opportunity to discuss with new employees any special needs that they may have arising from one of the nine ground and to explore how

these needs may be accommodated. Where practicable, measures will be taken to accommodate special needs arising from an employee's disability, race, family status or any other characteristic covered by the nine grounds. (See Conditions of Employment)

4.1.7 Dignity at Work

All employees will be treated with dignity and respect and provided with a safe working environment which is free from all forms of bullying and harassment. The importance of the dignity and respect of all staff members at work will be promoted throughout the work place. All employees have an obligation to prevent and eliminate harassment.

4.2 Equal Opportunities Employment Policy

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004:

<http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

Objective

The Service is committed to promoting a work environment free from discrimination on grounds of **gender, marital status, family status, race, religious beliefs, sexual orientation, disability, age or membership of the Traveller community**. In relation to discrimination on the basis of nationality, nothing in the relevant legislation shall render unlawful any action taken in accordance with the [Employment Permits Act 2003 \(pdf\)](#) and the [Employment Permits Act 2006 \(pdf\)](#)

To comply with the spirit of the relevant legislation all employment decisions will be based on merit, qualifications, abilities, skills, knowledge and attitude required to perform the job to the standards required now and in the future.

The Service will declare its commitment to the Equal Opportunities policy when addressing issues of access to employment, conditions of employment, training or experience for or in relation to employment, promotion or re-grading, or classification of posts.

It is the responsibility of the Voluntary Management Committee and all those involved in managing and staffing the Service to support this Equal Opportunities Policy and to communicate it to staff. All members of the Service are expected to comply with this policy.

Discrimination

This Service through this policy is committed to preventing discrimination in all its forms, direct, indirect or by association.

Direct discrimination

This form of discrimination is inflicted on a person when that person is treated less favourably than another person is, has been or would be treated, in a comparable situation, on any of the nine grounds specified due to a fact or circumstance which:

Exists

Existed but no longer exists

May exist in the future

Or is imputed to the person concerned.

Indirect Discrimination

This form of discrimination occurs where an employer sets down what might appear to be a neutral provision but that in practice operates to the disadvantage of people listed in one of the nine categories defined by legislation.

Discrimination by Association

Discrimination is also inflicted on a person when that person is, has been or would be, treated less favourably than another, in a comparable situation, due to an association with another person, on any of the grounds listed in the legislation.

Recruitment and Selection

The Service is committed to equality of opportunity for all job applicants and selects those suitable for employment solely on the basis of merit, qualifications, abilities, skills, knowledge and attitude required to perform the job to the standards required now and in the future.

Job advertisements, job descriptions, job specifications, application forms, short listing forms and publicity material will encourage applications from all qualified suitable candidates and will not discriminate on any of the nine grounds prohibited under the Acts.

Recruitment documentation and publicity material will indicate that the Service is committed to a policy of Equality of Opportunity in employment.

Selection

There will be no bias against candidates at interview on any of the nine grounds. Interviewers will not make assumptions about the suitability of individuals for certain types of work based on any of these grounds.

Interview boards will have a gender balance

The Service will ensure that persons involved in making employment-related decisions are aware of the legal requirements and their responsibilities, the Services policies and the aims and objectives of the Programme.

Training and Development

Opportunities for promotion, training and development are governed first and foremost by the financial welfare of the Service. Where opportunities arise for promotion, training and development these will be given without regard to any of the nine grounds defined in legislation.

Conditions of Employment

All employees with similar job descriptions, or performing similar functions / roles within this Service will be treated equally with regard to all aspects of their terms of employment.

Harassment and Bullying

The Service is committed to promoting a work environment free of harassment (including sexual harassment) and bullying and within which all members and users of the Service will be treated with dignity. Harassment and bullying can seriously damage working and social conditions, and it will not be tolerated during the course of work, or any other activity the Service engages in. The Service has policies on preventing and dealing with harassment and bullying and members of the Service will familiarise themselves with these policies.

Data Management

As arrears of remuneration can be claimed for up to three years before the date on which a disputed claim was referred to an Equality Officer - all pay and benefits documentation will be kept for a minimum of three years.

Cases of alleged discrimination have to be lodged not later than six months from the date of the first alleged breach of the 1998 Act (except where a reasonable cause can be shown). As a consequence the Service will keep on file all personal records of potential / past employees for one year after either the termination of application for employment, training or promotion. Personal records include training or work experience. CV's and/or applications, interview report forms or any similar documentation will also be filed properly for one year.

The Voluntary Management Committee is committed to complying with the terms of the Data Protection Acts 1988 and 2003 in controlling its data.

<http://www.dataprotection.ie/documents/legal/CompendiumAct.pdf>

Redress

An employee who feels that they have been discriminated against in terms of access to employment, conditions of employment, training, work experience or promotion may follow the Service 's Grievance Procedure.

Issues of discrimination can be raised through a recognised Trade Union.

Any person who wishes to raise issues within the Service concerning alleged discrimination may do so by writing to the Chairperson of the Voluntary Management Committee.

The Voluntary Management Committee hereby gives a commitment that any individual who wishes to raise concerns or make a complaint in relation to the operation of the policy may do so without fear of reprisal or victimisation from members of the Voluntary Management Committee.

Advice and information on equality issues is also available from the **Equality Authority**

<http://www.equality.ie/>

The Service through this policy commits itself to ensuring that all issues concerning alleged breaches of this policy will be dealt with seriously, promptly and with appropriate regard for confidentiality. Any member of the Service, who is found to have engaged in any form of discrimination in contravention of this Equal Opportunities Policy, will be liable for appropriate disciplinary action.

Documentation

The Service is committed to the use of non-discriminatory language in all documents both internal and external.

This policy was adopted by the Voluntary Management Committee on: _____

I agree to abide by the terms of this policy.

Signed: _____

Date: _____

4.3 Equal Status Policy

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004:

<http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

Equality Legislation was updated in November 2004. This legislation is available on the following webpage and can be downloaded.

<http://www.equality.ie/index.asp?docID=206>

One of the main aims of community child care services is to not just to avoid discriminatory practices but to actively promote equality, challenge discrimination and promote the participation of people who are subject to discrimination in the Service and in society.

There are nine grounds on which discrimination is unlawful.

1. Gender
2. Marital status - which means single, married, separated, divorced, or widowed.
3. Family status - this means having responsibility either as a parent or as a person in loco-parentis for someone below 18 years of age, or as a parent or resident primary carer for someone 18 years or over with a disability who requires a high degree of support and attention.
4. Age - in general this means people in employment between the ages of 18 and people in vocational training between the ages of 15 and 65.
5. Disability - this is defined in the legislation as including total or partial absence of bodily or mental facilities, chronic disease, whether manifest or not, learning and personality disorders. It includes a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour and shall be taken to include a disability which exists at present, or which previously existed but no longer exists or which may exist in the future or which is imputed to a person. Reasonable accommodation of people with disabilities is a legal requirement under both the Employment Equality Act and the Equal Status Act, subject to a nominal cost exemption. [Click here](#) to find out more.
6. Race - includes race, colour and nationality, ethnic or national origin.
7. Sexual Orientation - covers heterosexual, homosexual or bisexual orientation.
8. Religious Belief - includes religious background or outlook
9. Membership of the Traveller community

The Service is committed to promoting a service and working in a way that promotes equality and challenges discrimination and prejudice.

The Service will nominate a staff member to deal with equality issues

The Service will endeavour to ensure the necessary training is made available to the nominated person to ensure they can undertake this responsibility effectively

The Service is committed to the principles of universal access and will continue to actively work towards providing better access to all buildings and resources

The Service will have up to date information on Equality legislation

The Service may participate in promoting equality by participating in events such as Anti-Racist workplace week

The Service will have plans and procedures if cases of discrimination should arise
The Service will undertake regular review of training needs and based on this will organise training to increase awareness of staff and others to the promotion of equality

The policy covers all the areas that we work in and the resources that we use including our work materials, play materials, library resources, the physical environment and future training and development within the Service.

The Voluntary Management Committee is responsible for implementing this policy. It is also responsible for ensuring that everyone that works in the Service both as an employee or in a voluntary capacity understands the Policy and agrees to abide by it.

This Policy will be reviewed by the Voluntary Management Committee on a regular (state interval) basis.

This policy was discussed and arrangements for its implementation were agreed at a Voluntary Management Committee meeting on:

I agree to abide by the terms of this policy:

Signed: _____

Date: _____

4.4 Policy on Bullying and Harassment - including Sexual Harassment

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004: <http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

The [Employment Equality Act 1998](#) as amended by the [Equality Act 2004\(pdf\)](#) places an obligation on all employers in Ireland to prevent harassment in the workplace. The Act defines [sexual harassment](#) and it also describes [other types of harassment](#). An up to date Government funded review of bullying in the workplace can be accessed at: <http://www.entemp.ie/publications/employment/2005/bullying.pdf>

This Service aims to practice equality, fairness and justice in all matters and acknowledges the right of all our employees to be treated with respect.

We are committed to providing a work environment free from harassment or bullying of any kind.

We respect the individual dignity of everyone involved in our work whether they are children parents, employees or volunteers.

Active steps will be taken to prevent bullying in the work place and such steps will be noted in the health and safety statement in line with directions given in the Safety, Health and Welfare at Work Act 2005

<http://www.oireachtas.ie/documents/bills28/acts/2005/a1005.pdf>

and the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work <http://publications.hsa.ie/index.asp?locID=12&docID=222>.

Every employee/member of the Voluntary Management Committee has an obligation to be aware of the affects of their behaviour. The multi-cultural beliefs and practices of all of our colleagues should be considered in relation to our code of conduct, remarks, dress code, communications, posters, e-mails, computer or other screen displays and anything which may cause offence to a person's gender, race, marital status, religion, family status, age, sexual orientation, disability or membership of the Traveller community.

Staff will be engaged in devising anti-bullying and anti—harassment policies and procedures that will form part of the health and safety statement of the Service.

This policy was discussed and ratified by the Voluntary Management Committee on: _____

I agree to abide by the terms of this policy:

Signed: _____

Date: _____

4.5 Disciplinary Policy

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004: <http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

The Service is responsible for the promotion of consistent and agreed codes of conduct and standards of behaviour within the Service. The following Disciplinary Procedure sets out the action to be taken by the Service with an employee who may be behaving in an inappropriate manner within the work place. The procedure aims to balance justice for the individual with the need for discipline within the Service. It is the policy of the Service that Disciplinary Procedures shall be fair and uniform throughout.

The purpose of the procedure is to make clear the relationship between people empowered by the Service to take Disciplinary Action and employees who are the subject of Disciplinary Action so that all concerned understand their rights and obligations.

This procedure has been written in the light of the requirements of the Unfair Dismissals Act (1977) and the 1993 Amendment. The procedure applies to all employees, whether full or part-time, except for employees who are in their Probationary Period to whom the Disciplinary Procedure for Probationary Employees shall apply.

The Disciplinary Procedure is designed to assist any employee whose conduct is in question, and its initiation shall be seen as giving an opportunity to improve rather than as a first step in the process of sanctioning a dismissal.

It is the responsibility of the Service to clarify the role and responsibilities of an employee within the agreed Job Description and within the context of supervision and support.

It is the responsibility of the Service:

- To resolve matters with potential disciplinary implications at the informal level, if possible

- To ensure that employees at all stages in the Disciplinary Procedure are given a fair hearing

- To find out, if possible, any underlying reasons for disciplinary problems.

The Service considers that members of the Service and employees who have responsibility for implementing Disciplinary Procedures shall have a thorough knowledge of them and know how to conduct Disciplinary Interviews and hearings. The Service shall ensure that appropriate training for this important responsibility is available.

Employees' personal problems may, where appropriate, be taken into account.

It is not possible to list in writing every possible act or omission that shall constitute misconduct. In any event, every employee is required to behave in a manner that shall not endanger or inconvenience other employees or visitors or bring discredit to the Service.

Examples of misconduct that could lead to formal Disciplinary Action (if not resolved through informal proceedings) are as follows:

- Consistently poor time keeping;

Negligence in the performance of duties;
Violent or threatening behaviour;
Breach of confidence not amounting to Gross Misconduct;
Being absent without reasonable permission or reasonable excuse;
Reporting for work under the influence of alcohol or controlled substances;
Deliberate breach of safety rules;
Deliberate falsification of information relevant to the Service;
Deliberately withholding information that obstructs the work of the Service;
Deliberately bringing the Service into disrepute;
Consistent non-cooperation with other employees and/or Voluntary Management Committee
Repeated breach of the Service's policies;
Bearing false witness.

Disciplinary Action is the responsibility of the Voluntary Management Committee. This will be undertaken through the Staff Liaison Sub-committee under guidance from an appropriate advisor.

The Voluntary Management Committee delegates power to the Sub-committee to make disciplinary decisions up to but not including termination of employment. The Staff Liaison must make recommendations in this regard to the Voluntary Management Committee who will make a final decision.

Employees may, at all stages in this procedure, be advised or accompanied by a representative of their choice or by a Trade Union representative.

If an employee is a member of a Trade Union, the Service will notify the shop steward, if appropriate, of all meetings at the same time as an employee is informed, unless an employee requests otherwise.

The Service will keep a written record of each meeting, which will include details of an employee's case, the response of the Service and the outcome of the meeting. An employee will be asked to agree and sign the record of the meeting after consultation with his/her representative. Copies of the record will be given to everyone who attended the meeting as soon as possible.

Time limits may be changed at every stage by mutual consent.

At all stages, Disciplinary Proceedings will be completed as quickly as is compatible with the need to ensure that justice is done and seen to be done.

The Service will ensure that a proper investigation of the facts is carried out. This may involve interviewing all of the parties concerned.

Any disciplinary action will be appropriate to the insubordination, incompetence, inefficiency or misconduct established.

Any mitigating circumstances and the previous record of service of an employee concerned will be taken into account.

Disciplinary action will be treated confidentially as far as is possible.

Transfer or suspension of an employee may be viewed as forms of discipline in this context.

All employees have a right to Appeal any decision. In such an event, the Appeals Panel shall consist of three members, two representatives of the Voluntary Management Committee of the Service and a Legal Advisor. The Appeals Panel will not include those who are members of the Staff Liaison Sub-group who made the decision that is the subject of the Appeal.

Disciplinary Procedure

Where an employee's conduct, attendance or performance warrants disciplinary action, the following disciplinary procedures shall apply, except in the cases of gross misconduct where immediate suspension (with full pay) pending investigation may take place. There may be occasions when, depending on the seriousness of the misconduct, it will be appropriate to enter the procedure at a later stage, for example, Stage 3 (Written Warning) or Stage 4 (Final Written Warning).

Stage 1 - First Verbal Warning

The Staff Liaison Sub-committee will conduct a disciplinary interview and may decide to issue a formal verbal warning. In this case, the Staff Liaison Sub-committee will agree with an employee and/or his or her (Trade Union) representative:

- What action or improvement is to be taken to prevent further disciplinary action;
- The time limit by which action shall be taken or improvement made;
- A plan for assistance and review will be agreed.

Stage 2 - Second Verbal Warning

If the Staff Liaison Sub-committee considers after the review that the progress is unsatisfactory then it will conduct a disciplinary meeting and may issue a second formal verbal warning. Details of how an employee's progress has not been satisfactory will be clearly outlined. In this case, the Staff Liaison Sub-committee will agree with an employee and/or his or her (Trade Union) representative:

- What action or improvement is to be taken to prevent further disciplinary action
- The time limit by which action shall be taken or improvement made
- A plan for assistance and review will be agreed.

Stage 3 - Written Warning

If the Staff Liaison Sub-committee considers after the Stage 2 review that progress is unsatisfactory, then it may decide to issue a written warning. This will be done no later than twenty working days after a review. This first written warning will set out:

- The precise nature of the problem;
- The improvement required and by when;
- A plan for assistance;
- The likely consequences if there is a subsequent lack of improvement.

If the Staff Liaison Sub-committee is of the opinion that after a Stage 3 review that progress is still unsatisfactory, then a hearing will be held as soon as possible (not later than twenty working days after the review). The Staff Liaison Sub-committee may decide to issue a second and final written warning. The final written warning will state that any subsequent lack of progress or recurrence of the offence will result in dismissal.

Stage 4 – Dismissal

If progress is still unsatisfactory, the Staff Liaison Sub-committee, after a hearing and a meeting of the Voluntary Management Committee may decide to dismiss an employee. Dismissal will be confirmed in writing and will be within the terms of the Minimum Notice and Terms of Employment Act (1973). This letter will state the grounds for the action taken.

Gross Misconduct

The Service reserves the right to suspend an employee, with full pay, pending investigation in cases of Gross Misconduct.

Some examples of what may be regarded as Gross Misconduct are:

- Placing a child in danger or endangering a child, whether by act or omission
- Malicious mischief resulting in danger to other employees or other persons or danger to or destruction of the Organisation's property or equipment;
- Disclosing, without consent, any information obtained by him/her while employed by the Service. This condition shall not apply to communications necessarily made by him/her in the course of the work;
- In the course of employment, inflicting bodily injury on another person;
- Serious breaches of the Service's Equal Opportunities Policy;
- Serious breaches of the Service's Health and Safety Policy;
- Failing to account for money or other property received on behalf of the Service;
- Stealing from the Service;
- Repeated acts of insubordination;
- Repeated acts of misconduct as outlined above.

In such cases the Service will suspend an employee concerned, with full pay, while an investigation of the incident takes place. Such a suspension will last as short a time as possible but no longer than ten working days.

The complaint against an employee and his or her rights under this procedure will be explained, including the right to be accompanied by a representative of a Trade Union or a person of his or her choice. An employee will be told that if the complaint is upheld it could lead to his or her dismissal.

Before a decision is reached an employee will be interviewed by the Staff Liaison Sub-committee and given the opportunity to state his/her case.

An employee dismissed for gross misconduct has the right of appeal. The appeal shall be made to the Appeal Panel within seven working days of the decision by notifying the Appeals Panel in a letter sent by recorded delivery.

The Appeals Panel will hear the appeal as soon as possible but not later than fifteen working days from the receipt of notification from an employee.

All of the above shall not interfere with a person's statutory rights.

Conduct of Disciplinary Interviews/Hearings

At all stages of the Disciplinary Procedure:

1. A representative of the Staff Liaison Sub-committee will state the complaint(s) made against the employee, will state the investigation that has been carried out, referring where necessary to appropriate documentation, and may call witnesses at any stage as part of his/her presentation of the complaint.

Witnesses will be called in turn, and for each witness the procedure will be:

A representative of the Staff Liaison Sub-group will question the witness;

The employee or representative can question the witness.

The employee or representative can question the representative of the Staff Liaison Sub-group at the conclusion of his/her presentation.

2. The employee or representative will present the employee's case, referring where necessary to appropriate documentation, and may call witnesses at any stage as part of his/her presentation of the case.

Witnesses will be called in turn, and for each witness the procedure will be:

The employee or representative will question the witness;

A representative of the Staff Liaison Sub-group can question the witness.

A representative of the Staff Liaison Sub-group can question the employee or his/her representative at the conclusion of the employee's case.

Both parties, in turn, will sum up their respective cases without introducing new evidence.

The representatives of the Staff Liaison Sub-committee will withdraw to consider the case. The decision that the Service arrives at will be conveyed verbally to the employee at the end of the hearing and will be confirmed in writing afterwards.

Appeals Procedure

All employees have a right to appeal any decision. An employee will be informed of his or her right to appeal, and how to exercise that appeal, at all stages of the disciplinary procedure.

An Appeals Panel will hear all appeals.

In such an event, the Appeals Panel will consist of three members, *i.e.* two representatives of the Voluntary Management Committee of the Service and a Legal Advisor or Human Resource professional. The Appeals Panel will not include those who are members of the Staff Liaison Sub-committee who made the decision that is the subject of the appeal.

A representative of his/her choice at any appeal hearing may accompany an employee.

An appeal can be made within seven working days of the decision by notifying the Appeals Panel in writing in a letter sent by recorded mail. The appeal will be heard as soon as possible but not later than twenty working days from the receipt of notification from an employee.

The appeals process provides an opportunity for the Appeals Panel to consider any new evidence not previously presented and to consider if the decision of the disciplinary hearing was reasonable in the circumstances.

Conduct of Appeals Hearings

An appeals hearing will be conducted as follows:

1. The employee or his/her representative will detail the employee's case in the presence of the Staff Liaison Sub-committee and the Appeals Panel, outlining the grounds for the appeal and the reasons why s/he feels the original decision was incorrect, referring, where necessary, to appropriate documentation, and may call witnesses at any stage as part of his/her presentation of the case.

Witnesses will be called in turn, and for each witness the procedure will be:

The employee or representative will question the witness;

A representative of the Staff Liaison Sub-group will question the witness;

A representative of the Appeals Panel will question the witness.

A representative of the Appeals Panel will question the employee or his/her representative.

2. A representative of the Staff Liaison Sub-committee will put the case for disciplinary action in the presence of the employee and his/her representative, and the Appeals Panel. Where necessary references will be made to appropriate documentation. Witnesses may be called at any stage as part of his/her presentation of the case.

Witnesses will be called in turn, and for each witness the procedure will be:

A representative of the Staff Liaison Sub-committee will question the witness;

The employee or representative will question the witness;

A representative of the Appeals Panel will question the witness.

A representative of the Appeals Panel may ask further questions of either party for clarification purposes.

Both parties will sum up their respective cases and then, together with all of the witnesses, withdraw.

The Appeals Panel will consider the case in private. The decision of the Appeals Panel will be conveyed verbally to the employee or his/her representative at the end of the hearing and will be notified in writing afterwards.

Disciplinary Procedure for Probationary Employees

The Disciplinary Procedure, as outlined earlier, does not apply to employees within their Probationary Period. Such employees will be subject to the procedure set out below:

Where the Staff Liaison Sub-committee considers that a probationary employee is incapable of performing, or has failed to perform the duties of his or her post to the required standard, the matter will be dealt with through the system of Probationary Assessment (see Probation).

In cases of misconduct, a probationary employee will not be dismissed, without having received, on a previous occasion; one recorded warning outlining the consequences of further misconduct.

Disciplinary hearings will not take place until the alleged misconduct has been investigated and the probationary employee informed, in writing, of the case against him or her and given the opportunity to state his or her case.

Throughout the process, an employee will have the right to be accompanied by a Trade Union representative or person of his or her choice.

An employee and (Trade Union) representative will be allowed a reasonable time in order to prepare an employee's case.

The date and time of (any) disciplinary hearing(s) will be agreed between all of the relevant parties. This date will be within 20 working days from the first date proposed by the Staff Liaison Sub-committee.

A disciplinary hearing will be conducted in accordance with the procedure set out above.

If the staff liaison sub-committee are of the opinion that a person on probation should be dismissed they will make a recommendation to the Voluntary Management Committee who will make a final decision

A probationary employee who is dissatisfied with a disciplinary decision taken against him or her, including one of dismissal, has the right of appeal against the decision.

An appeal shall be made within seven working days of the decision by notifying the Appeals Panel in writing in a letter sent by recorded mail. The appeal will be heard as soon as possible but not later than ten working days from the receipt of notification from an employee.

The date(s) and time(s) of any appeal hearing(s) will be agreed between the relevant parties.

An appeal hearing will be conducted in accordance with the procedure set out above.

The appeals process provides the opportunity for the Appeals Panel to consider any new evidence not previously presented and to consider if the decision of the disciplinary hearing was reasonable in the circumstances.

The decision of the Appeals Panel will be final.

Transfer or suspension of an employee may be viewed as forms of discipline in this context.

This policy was discussed and ratified by the Voluntary Management Committee on: _____

I agree to abide by the terms of this policy:

Signed: _____

Date: _____

4.6 Grievance Policy and Procedure

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004: <http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

Policy

Employees of the Service shall have the right to express any grievance relating to their employment. The purpose of the following grievance procedure is to provide a formal method for an individual employee to take up a complaint or concern with the Service. The grievance procedure shall be followed if an employee feels that s/he has a grievance against the operation or decisions of the Service or another employee, which affects his/her ability to perform his/her job satisfactorily.

The aim of the grievance procedure is to enable fair and quick resolution of any problem or grievance an employee may have relating to his/her employment. The Service shall endeavour to ensure that all grievances are dealt with without undue delay and at the earliest possible stage of the procedure.

Employees are expected to make efforts to resolve grievances firstly with the person(s) concerned. The grievance procedure shall be used when these efforts are ineffective.

Procedure

Employees may, at all stages of this procedure, be advised or accompanied by an employee's colleague, employee's representatives, or a Trade Union representative, or may elect to have this person or these persons present the complaint on their behalf.

If an employee is a Trade Union member, the Service shall notify the shop steward of all meetings at the same time as an employee is informed, unless the Service is specifically asked not to do so.

The Service shall keep a written record of each meeting, which shall include details an employee's case, the response of the Service and the outcome of the meeting. An employee shall be asked to agree and sign the record of the meeting, after consultation with his/her representative. Copies of the record shall be given to everyone who attended the meeting.

At the end of every stage of the procedure an employee shall be advised by the Service of the next stage. Time limits may be changed at every stage by mutual consent. The date and time of grievance hearing(s) will be agreed between all of the relevant parties.

An employee and (Trade Union) representative will be allowed adequate time to prepare an employee's case.

Every effort will be made to resolve the grievance at each stage. The proceedings will remain confidential to an employee, her representative and the Service.

No action to change an employee's Terms and Conditions of Employment will be taken while s/he is following the grievance procedure.

Copies of correspondence and written records relating to the grievance will be kept in an employee's Personnel File. This information shall be destroyed after 6 months unless the Service has an important reason not to do so.

Stage I

Firstly, the complainant shall raise the matter on an individual level with the person involved or responsible for causing the grievance. If it is not possible to resolve the issue on a one-to-one basis the complainant shall go to his/her immediate supervisor. They shall investigate the grievance and shall do their best to resolve the matter as soon as possible and, in any event, within ten working days.

Stage 2

If an employee's grievance is with his/her supervisor, or the immediate supervisor has not satisfactorily resolved the grievance, the grievance can be raised with the Staff Liaison Sub-committee. They will investigate the grievance and will endeavour to resolve the matter as soon as possible and, in any event, within ten working days.

Stage 3

If the matter is not resolved, the complaint can be made in writing to the Staff Liaison Sub-committee. Following this, an attempt will be made to resolve it within fifteen working days.

Stage 4

If still unresolved, all parties have the right to ask for the assistance of an agreed outside arbitrator. The Staff Liaison Sub-committee will arrange for a meeting of all parties with the arbitrator within 28 days of their agreement to have an arbitrator. The decision of the arbitrator will be final.

Grievance and Disciplinary Procedure

This procedure is to be followed if an employee feels she/he has a grievance that affects her/his ability to perform her/his job satisfactorily.

1. The complainant will raise the matter with his/her immediate supervisor who will do her/his best to resolve the matter as soon as possible, and in any event, within 10 working days.
2. If no solution can be found the complainant may put the grievance to the Voluntary Management Committee.
3. If still unsatisfied, you may appeal to an agreed Arbitrator for a recommendation.

The Voluntary Management Committee may appoint a person(s), not necessarily consisting of Voluntary Management Committee members to investigate and make recommendations to the Committee in respect of grievances of the employee or members of the Voluntary Management Committee itself. In all cases of grievance, the employee may have a representative or a friend present.

This policy was discussed and ratified by the Voluntary Management Committee on: _____

I agree to abide by the terms of this policy:

Signed: _____

Date: _____

4.7 Information on Dismissal (Source: Comhairle)

You are entitled to notice if you are dismissed from your job. If you are dismissed from your employment, you may, under certain conditions, bring a claim for unfair dismissal against your employer. The unfair dismissals legislation in Ireland does not actually protect you from dismissal; rather it provides a system of appeal whereby you can question the fairness of your dismissal after it has occurred. In general, all employees are covered by the legislation but each employee must meet certain conditions. Normally, an employee must have been in the same employment for at least a year in order to bring a claim for unfair dismissal.

However, there are important exceptions to this general rule. If you have less than 12 months' continuous service, you may bring a claim for unfair dismissal if you are dismissed for:

Trade union membership or activity

Pregnancy, giving birth or breastfeeding or any matters connected with pregnancy or birth
Availing of rights granted by the Maternity Protection Acts 1994 and 2004, the Adoptive Leave Acts 1995 and 2005, the National Minimum Wage Act 2000, the Parental Leave Act 1998 and 2006 and the Carer's Leave Act 2001

What period of notice am I entitled to?

You are entitled to a statutory minimum period of notice under the Minimum Notice and Terms of Employment Act 1973 if you are dismissed from your job. The legislation covers employees who have worked for their employers for at least 13 weeks. This is the legal minimum; your contract of employment may contain provisions for a longer period of notice. The minimum notice provided for is:

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

Do I have to work out my Notice?

You may be required to work the notice period or, if offered, you may accept payment instead of notice. If you accept a payment instead of notice, your employment is considered to have ended on the date on which the notice, if given, would have expired.

Can I be dismissed without notice?

Your employer may dismiss you without notice for gross misconduct although you may contest that there was gross misconduct. While legislation does not define gross misconduct, possible examples might include assault, drunkenness, stealing, bullying, harassment, or serious breach of the employer's policies or practices. Your contract of employment may contain further information on gross misconduct.

Do I have to give notice if I'm leaving?

Yes. The Minimum Notice and Terms of Employment Act 1973 requires an employee to give an employer a minimum of one week's notice of leaving. However, your contract of

employment may require you to give more notice. In these circumstances, the period set down in your contract is the amount of notice you must give. Either the employer or the employee may waive their right to notice.

If my employment is ending, am I entitled to holiday pay for annual leave not taken?

If your employment is ending, you are entitled to receive a payment to cover annual leave entitlement earned but not taken. The payment should equal the amount that would have been paid had the annual leave been taken. Note that ending of employment is the only situation where it is legal to pay an employee instead of giving annual leave. If your employment stops during the week ending on the day before a public holiday and you have worked for your employer for the previous four weeks, you should receive an additional day's pay for the public holiday. This also applies to part-time employees who have established a right to the public holiday by working at least 40 hours in the previous five weeks.

Do I have any rights if I resign due to conditions at work?

Yes. If you leave your job without being dismissed, you may still have a claim for unfair dismissal. This is known as constructive dismissal and arises where you consider that you have no alternative but to leave because the conditions in work are being made so unbearable for you. If an employer dismisses an employee, the onus is on the employer to prove that the dismissal was fair. In a constructive dismissal claim, however, the onus of proof is on the employee. In order to establish constructive dismissal, an employee must only leave as a last resort having used all available means to try and resolve the problem. This is a complex area of law and an employee should seek detailed advice before leaving the job.

Am I entitled to be given the reasons for my dismissal?

Yes. Under the legislation, you may ask your employer for a written statement of the reasons for the dismissal. Your employer should provide this statement within 14 days of the request. There is, however, no penalty placed on an employer who fails to respond to such a request.

Do I have to prove that the dismissal was unfair?

No. Apart from a case involving constructive dismissal, a dismissal is presumed to be unfair unless your employer can show substantial grounds to justify it. An employer must be able to show that the reason for the dismissal was connected with the employee's capability, competence, qualifications, conduct, redundancy, or based on other substantial grounds. In addition, an employer may justify a dismissal by showing that continuation of the employment would be in breach of another law.

How might an employer prove that the dismissal was fair?

An employer could give the following reasons for dismissal:

Capability – This includes factors such as lateness, absenteeism and persistent illness, either short term or long term. An employer faced with the problem of an employee with persistent illness can dismiss the employee but must be able to establish clear justification for such action. This will involve the employer being able to show that there is a pattern of absence, that this gives rise to a problem, that the situation is unlikely to get better and that the employee has been warned of the likelihood of dismissal. This may also involve the employer obtaining a second opinion on the employee's medical condition. However, it is important to note that if an employee's illness might be considered a disability under employment equality

legislation, the employee's rights under that particular legislation would also have to be taken into consideration

Competence – This involves the employee's ability to do the job. The employer needs to be able to show that the employee was aware of the standards expected and that any shortcomings had been brought to the employee's attention, giving the employee an opportunity to improve

Qualifications – This could involve a situation where the employee misleads the employer about qualifications that were required when applying for the job. Alternatively, it could involve the employee's failure to obtain qualifications required by the employer having been given a reasonable opportunity to do so

Conduct – This involves a wide area of behaviour in the job and misconduct by the employee. Gross misconduct may justify dismissal without notice

Redundancy – Employers can defend themselves against claims for unfair dismissal if they can show that the reason for the dismissal was a redundancy situation (see below)

Contravening the law – An employer may dismiss an employee whose continued employment would not comply with the law. For example, it may be justifiable to dismiss a driver who has lost their driving licence on the grounds that their continued employment as a driver would be in breach of the law. However, whether such a dismissal would be justified or not would depend on the particular circumstances of the case

Other substantial grounds – This category is designed to include any situations not already covered, but it is up to the employer to establish that there were other substantial grounds and that they justified the dismissal. Certain reasons for dismissal are automatically considered to be unfair.

These include:

Trade union membership, or proposed membership and trade union activity

The employee's religious or political opinions

Availing of rights under legislation, such as maternity protection, parental or health and safety leave

Any dismissal connected with the employee's race, sexual orientation, age or pregnancy – even if the employer has given an alternative reason for the dismissal.

What happens if my dismissal is discriminatory?

Employment equality legislation prohibits dismissal based on any of the nine grounds for discrimination covered by that legislation. This may present an alternative route to taking a claim for unfair dismissal legislation. For example, if you have less than a year's service, it may not be possible to take action under unfair dismissal legislation but it could be possible under equality legislation.

If dismissal is being considered, does my employer have to listen to my side?

Yes. Your employer is expected to have disciplinary procedures in place and to follow them. Disciplinary procedures set out the stages and process the employer will follow in relation to alleged shortcomings of an employee. Generally, the procedure allows for informal warnings leading to written warnings and, ultimately, to dismissal. The absence of such procedures

may lead to a finding that the dismissal was unfair. In addition, fair procedures must be followed, so, for example, you must be made fully aware of the allegations against you and given an opportunity to present your side. You must also be given the opportunity to be represented in any disciplinary procedures, for example by your trade union.

If my dismissal is unfair, can I get my job back?

If it is decided that your dismissal was unfair, you may be awarded compensation (up to two years' salary) – this is the most usual outcome. Alternatively, you could be given your job back either from the date of the dismissal (reinstatement) or from a specified date after the dismissal (re-engagement). Re-engagement is normally considered where it is decided that the dismissal, though unfair, was partly your fault. Compensation may also be reduced where you were partly to blame for the dismissal.

Am I entitled to any unemployment payment after losing my job?

If you have enough social insurance contributions you may be entitled to Jobseeker's Benefit. If you do not have enough PRSI contributions you may qualify for Jobseeker's Allowance which is a means-tested benefit. You may also be entitled to a tax refund if you have been out of work for some time. When you leave your job your employer should give you your P45 which is a record of your tax and PRSI paid.

Enforcing your rights

Disputes concerning minimum notice may be referred to the Employment Appeals Tribunal. Disputes in relation to pay for untaken holidays may be referred to a Rights Commissioner or to the Employment Appeals Tribunal if the employee's claim is connected with a claim under another employment matter such as dismissal, notice, or redundancy. Claims for unfair dismissal may be brought to a Rights Commissioner if both the employer and employee agree to this. If either or both parties object to a Rights Commissioner hearing, the claim can be referred instead to the Employment Appeals Tribunal. A claim for unfair dismissal should normally be made within six months of the date of dismissal. The time limit may be extended to 12 months, but only where exceptional circumstances prevented the making of the claim within the normal six-month period.

4.8 Recruitment and Selection Policy

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004: <http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

The recruitment process is governed by legislation. The employer must demonstrate equality of opportunity, non-discrimination and fair process for all employees and potential employees during recruitment and selection activities.

The Service shall make itself aware of all legislation affecting employment and shall discharge all its legal requirements in respect of its employees.

Background Information

The employer must comply with:

The Employment Equality Act 1998
<http://www.irishstatutebook.ie/ZZA21Y1998.html>

The Equality Act 2004
<http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf>

Data Protection Act 1988
<http://www.acts.ie/zza25y1988.1.html>

Data Protection (Amendment) Act 2003
<http://www.irlgov.ie/bills28/acts/2003/a603.pdf>

The Voluntary Management Committee may delegate work to the Staff Liaison sub-committee. However, ultimate responsibility for ensuring the Service complies with legislation and good practice in the area of employment rests with the Voluntary Management Committee.

The Law in Relation to Information

Procedures

The entire process of recruitment and selection of candidates may be carried out by a panel consisting of at least three individuals. The same people will be involved in the process from beginning to end.

There will be a gender balance on interview panels.

Interviewers should be willing to participate in training to prepare them for recruitment and selection.

Role of Recruitment Administrator

An administrator for the recruitment procedure will be appointed. This person will not be involved in short listing or interviewing. This person must maintain confidentiality by not disclosing any of the details of applicants. This person will be the contact person for people who have enquiries about positions on offer. This person will take the names and addresses of people who want application packs. He/she will send out the application pack (contents listed below) and receive them in return.

There will be two sections to the application form, i.e. A1 and A2. Application form A1 outlines the personal details of the applicant. Application form A2 outlines the educational and professional details. Persons applying for the post will be sent both parts of the application form, the Person Specification and the Job Description.

Advertising

Relevant logos should be used on advertisements. The advertisement will state that the employer is an Equal Opportunities employer. To do this the Voluntary Management Committee must have ratified this policy.

Short listing

When all applications are returned the Recruitment Administrator will pass Application Form A2 to the short-listing panel for them to read. Application Form A1 will be passed to the short-listing panel in sealed envelopes.

A short-listing form will be agreed, containing short-listing criteria, both essential and desirable. The short-listing criteria will check that the information on application form A2 meets the requirements of the job description and person specification.

Forms A1 and A2 are kept separate in order that the person be judged solely on academic, educational and work experiences and qualifications. Only after short listing is complete will the short-listing panel open Application Form A1 containing the candidates name, address, or other personal details.

The applications of current employees shall be treated on an equal basis with external applications.

Interviewing

Individuals shall be selected for employment on the basis of being the most suitable candidate when measured against the criteria set out in the job description and the person specification. During the interview questions asked will only relate to the requirements of the job. Applicants will be assessed at the end of the interview on how they meet the criteria of the job description and person specification.

The interviewers will complete Evaluation Forms for each candidate.

Choosing a Candidate/s

The Recruitment and Selection Panel will make a clear recommendation or set of recommendations that will be presented for ratification to the Voluntary Management Committee as soon as possible after the interview process.

Each offer of employment can be made subject to successful reference checks, proof of identification. The candidate's permission must be received prior to conducting reference checks.

Two references checks will be made prior to appointment, one from the present or most recent employer. These are to establish if there is any pattern of behaviour that could have a negative impact on the employee's performance and also to confirm the candidate's suitability for the role based on previous employment performance.

Data Management

The Service will contact each person interviewed once the post has been offered to and accepted, in writing, by the successful applicant. Applicants that have not scored sufficient at interview to be considered for the post can be informed earlier.

In accordance with the requirements of law employers must keep recruitment records including screening criteria notes, interview notes, evaluation forms etc., for a period of one year. The Data Protection Acts, 1988-2003 also provides candidates with the right to request access to personal data that is held on them and must be given this information within forty days of written request.

Candidates are legally entitled to information on the short-listing process and on the interview process. Candidates are only entitled to information as it relates to them specifically; a candidate is not entitled to information on any other candidate or information that might disclose information about another candidate.

Candidates are entitled to copies of written notes that concern their short-listing and interview and an explanation of the processes involved and the thinking behind the information noted. All written material, including the notes you keep at interview to help you mark the candidates may be made available to the candidate should the candidate request it.

Any candidate who feels that s/he has been unlawfully discriminated against has a right of complaint, which can be exercised by writing to the Service . If the Service does not uphold the complaint, the complainant still retains the right to have the complaint investigated by the appropriate mechanisms of the State.

Any information regarding recruitment, however obtained, is confidential to the Voluntary Management Committee

This policy was discussed and ratified by the Voluntary Management Committee

Signed:

Date:

4.9 Staff Training & Development Policy

This document has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004: <http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> that govern that the offering of training and development opportunities must be on an equal opportunities basis free from discrimination on the nine grounds outlined in the legislation namely, gender, marital status, family, sexual orientation, religious beliefs, age, disability, race and membership of the Traveller community. Records of the granting of resources to training and development must be kept on file, outlining the process of allocation of resources and on what basis decisions were made.

All training and development is subject to the funding available to the Service

The criteria on which training and development will be considered include:

Training and development will be considered if it is beneficial to staff in helping them carry out their current role with greater efficiency within the Service. The training need will be assessed by:

1. The requirements of the individual's role or changes in role
2. The individual's performance when measured against the requirements or changing requirements of their role
3. To develop the individual's ability to take on additional duties within the Service - duties which may not be formally included in his / her role
4. To broaden the knowledge and skills of the individual in relation to their current role

Time off in lieu for attendance at such events, study leave and reimbursement of travel and subsistence costs for training and development must be negotiated with the Voluntary Management Committee. Staff Liaison may make recommendations to the Committee but it is the Committee that will ultimately make the decision.

Participation in third level accredited courses to Degree, Master and Doctorate level will entitle the individual to days paid study leave in any one year.

In relation to all training and development the following conditions will apply:

A written agreement will be drafted between the Voluntary Management Committee and the person doing training outlining the conditions under which resources are allocated. This agreement may contain some or all of the following:

When a course, which is undertaken with financial assistance from the organisation, is abandoned by an employee before its completion – and the Service considers his / her reasons for non-completion inadequate – the Service retains the right to require that part of all grants paid be reimbursed.

Where the Service provides financial assistance and / or time off in lieu the employee may be required to give periodic reports of their progress and / or a critique of the particular course.

Where the Service provides financial assistance for course materials / resources, the Service retains ownership of the materials on completion of the course.

Staff members are only eligible for support for long-term training when they completed the appropriate probationary period.

Fees will be paid directly to course providers or alternatively reimbursed on production of an invoice.

Transport or accommodation costs will not be met except in special circumstances.

This policy is subject to change, available resources within the Service and will be reviewed on a regular basis.

The use of the Service's resources (photocopier, materials etc.) will be by prior agreement

This policy was discussed and ratified by the Voluntary Management Committee

Signed:

Date:

I agree to be bound by the terms of this policy.

Signed:

Date:

4.10 Sample Supervision and Support Policy

This policy has been written with reference to The Employment Equality Act 1998 <http://www.irishstatutebook.ie/ZZA21Y1998.html> and The Equality Act 2004: <http://www.oireachtas.ie/documents/bills28/acts/2004/A2404.pdf> Other relevant information in regard to equality issues is available on <http://www.equality.ie/index.asp?locID=67&docID=-1>

Sample Supervision and Support Policy

The role of supervision within our Service is to:

Monitor, evaluate and approve the employee's performance, plan together for future action and work to address particular issues or areas of difficulty

Give specific feedback to employees - giving Manager and or management an opportunity to provide staff with positive feedback on their work and / or deal with any negative issues in a constructive and effective way

Facilitate communication and mutual understanding between the Voluntary Management Committee and staff

Discuss difficulties and sources of conflict, support the employee(s) to address them in a constructive manner and explore alternative ways of dealing with recurring problems

Help the employee manage the workload and avoid stress and burn out in the workplace

Identify training and development needs within the organisation

Plan and set realistic targets / goals for the future and prioritise the work

Guidelines for developing Support and Supervision structures within a Service:

Internal Support and Supervision

In a small organisation:

The management committee delegates the role of supervision and support to the Staff Liaison sub-group and members of this group decide who will supervise and support employees.

It is general policy of most organisations that two members of the staff liaison group should be appointed to each employee.

Formal meetings will be held regularly between the two staff liaison people and the relevant employee - to ensure that all employees have access to their employer.

The Service Manager is responsible for the day-to-day management of staff members.

In a larger organisation:

Every employee has formal access to their employer through the staff liaison group and meetings should be held on a regular basis with his / her staff liaison officers

Team meetings (including all members of staff) will be held regularly to manage the 'day-to-day' work of the Service

Each room manager should meet with individual staff members in their section once a month for supervision and support.

Room managers then meet with the Service Manager once a month and keep them updated.

The Service Manager meets monthly with the staff liaison group and reports on overall progress / problems within the organisation

The staff liaison group reports regularly to the management committee

External Support and Supervision

In addition to management support and supervision management recognises that some workers may need external support. Access to this type of support depends on the resources of the Service. The Service will identify staff who have most responsibility and who are working directly in supporting the development of other people within the Service, as the priority for external support.

Management acknowledges that external support is particularly important in situations where:

- The Service Manager is working alone, is not part of a team of workers and does not have other workers in similar roles nearby

- The nature of the work is particularly challenging and stressful

- Members of the management committee do not have the skills, experience or confidence to provide appropriate support and supervision for staff member(s).

Guidelines to developing effective Support and Supervision within a Service

Regularity and frequency of support and supervision sessions is important. Enter dates well in advance in the Desk Diary. Do not schedule meetings on the same day as management meetings.

The supervisor and supervisee should form a supervision contract dealing with:

- Content of the sessions

- The importance of confidentiality

- Records – how they will be kept and who has access to them

- Duration of the sessions

- Frequency of the sessions

- If conflict / a difficulty arises – how it will be managed

- Evaluation of the support and supervision process – how it will be done formally / informally and how often

- Feedback to the management committee

Preparation for the session on the part of both the supervisor(s) and the supervisee – including a review of the last session and identification of issues that need to be addressed

Keep the session structured and agree an agenda before the session starts. There should be no surprises in the appraisal process and employees should be notified well in advance of the agenda of the meeting.

Record the session – the supervisor(s) and the supervisee should agree all records and both parties should have a copy.

Follow up on what was agreed at the support and supervision session

This policy was discussed and ratified by the Voluntary Management Committee:

Signed: _____

Date: _____

I agree to be bound by the terms of this policy.

Signed: _____

Date: _____

4.11 Performance Appraisal Policy

Appraisals are different to regular supervision in that they take an overview of the employee's work over a longer period of time (6 months or a year) rather than focusing on day-to-day issues. They provide a structured opportunity for the employee and supervisor together to review the employee's work performance and to plan for the future.

Appraisals benefit both the employee and the Service. The employee is encouraged to stand back and reflect on how work is going in an overall sense. It is an opportunity for evaluation and open communication in a constructive context. It should be a mutually beneficial discussion with the overall purpose of enabling and supporting the employee through constructive feedback. It should lead to increased motivation and performance. There should be no surprises in the appraisal process and employees should be notified well in advance of the agenda of the appraisal meeting.

What is the purpose of appraisals?

The following are the main reasons for undertaking regular appraisals:

- To comply with the terms of your contracts,
- To reflect on how the employee is fulfilling his/her role,
- To agree what the worker has achieved over the period and his / her strengths in the role,
- To clarify the expectations of management,
- To identify and discuss weaknesses and difficulties,
- To agree any changes that the worker needs to make,
- To develop a clear overview of the role and how this fits into the organisation,
- To review the workers job description and address changes if necessary,
- To identify training needs,
- To plan for future training,
- To set targets and goals for the worker over the next period,
- To identify ways in which management may need to change in relation to the worker.

This policy was discussed and ratified by the Voluntary Management Committee

Signed:

Date:

4.12 Health and Safety

In order to fulfil the requirements of legislation and good practice in regard to health and safety both management and staff will consult and work on devising and implementing a policy and a range of measures. A competent safety officer for the Service will be appointed. Active measures will be agreed in consultation to prevent bullying in the work place. The following information outlines what will be done in relation to Health and Safety. Click on the following link or cut and paste it into your Internet address bar. The link will give you access to the Government directives on Health and Safety that were updated in 2005 legislation.

<http://www.oireachtas.ie/documents/bills28/acts/2005/a1005.pdf> **Safety, Health and Welfare at Work Act 2005**

<http://publications.hsa.ie/index.asp?locID=12&docID=222> **Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work**

This puts an onus on us employers to ensure active steps are taken as part of a health and safety procedure to prevent bullying in the work place. These steps will be noted in the health and safety statement.

Health and Safety

Information

The Safety, Health and Welfare at Work Act 2005 replaced the provisions of the Safety, Health and Welfare Act, 1989 when it came into operation in September 2005. The Act consolidated and updated the existing law. The changes include:

That employers as far as reasonably possible, will prevent any improper conduct or behaviour likely to put the safety, health and welfare of employees at risk.

A duty will be placed on employees not to be under the influence of drink or drugs in the workplace.

In addition employees will be required to undergo any reasonable medical or other assessment if requested to do so by the employer.

Employers will be required to appoint a competent person as the organisation's Safety Officer.

The Act also provides for considerably increased fines and penalties for breaches of the health and safety legislation.

Health and Safety

Under the Safety, Health and Welfare at Work Act, 1989, every employer is required to prepare a safety statement for the workplace.

This statement should:

Identify any hazards present in the workplace

Assess the risks arising from such hazards

Identify the steps to be taken to deal with any risks.

The statement should also contain the details of people in the workforce who are responsible for safety issues. Employees will be given access to this statement and the Management Committee will review it on a regular basis.

Reporting Accidents and Incidents

All accidents in the workplace should be reported to the employer, who should record the details of the incident.

Pregnant Employees

A separate risk assessments will be carried out in relation to pregnant employees. If there are particular risks to an employee's pregnancy, these should be either removed or the employee moved away from them. If neither of these options is possible, the employee should be given health and safety leave from work, which may continue up the beginning of maternity leave. Following an employee's return to work after maternity leave, if there is any risk to the employee because she has recently given birth or is breastfeeding, it should be removed. If this is not possible, the employee should be moved to alternative work. If it is not possible for the employee to be assigned alternative work, she will be given health and safety leave. During health and safety leave, the Voluntary Management Committee must pay employees their normal wages for the first 3 weeks, after which Health and Safety Benefit will be paid. See Health and Safety Benefit for current rates of payment.

Payment of Health and Safety Benefit

Health and Safety Benefit lasts until:

The day on which you become entitled for Maternity Benefit, if you are pregnant;

14 weeks following the date on which you gave birth, if you are an employee who has recently given birth and do night work; 26 weeks from the date on which you gave birth, if you are breastfeeding.

Violence and Bullying in the Workplace

Proper safeguards will be put into place in consultation with staff, to eliminate the risk of violence as far as possible.

The Voluntary Management Committee in consultation with staff has established procedures for dealing with complaints of bullying in the workplace and deal with such complaints immediately.

The Employment Equality Act 1998 places an obligation on your employer to prevent harassment in the workplace. More detailed information about harassment in the workplace and bullying in the workplace is also available on OASIS under the 'Employment Rights' category of the site. <http://www.oasis-harassment-at-work>

<http://www.oasis.gov.bullying-in-the-workplace> An employee who feels that he or she is the victim of bullying can also refer the matter to a Rights Commissioner.

Health and Safety and Young People

An employer should carry out a separate risk assessment in relation to an employee less than 18 years of age. This risk assessment should be carried out before the young person is employed. If certain risks are present, including risks that cannot be recognised or avoided by the young person due to factors like lack of experience, the young person should not be employed.

4.13 Confidentiality Policy

It is important for all members of the Service to understand the limits to confidentiality. As a childcare Service our collective duty above all other considerations is to put the welfare of the child first. It is also the duty of the Service to operate within the law. Therefore, any information that comes to light that concerns illegal activity or child protection must be passed to the proper authorities. It should be made clear to all that certain information cannot be kept confidential and must be acted upon.

Child Care services by their nature will handle information that is very private and sensitive. How this information is handled will determine the level of trust children, parents, other agencies and the local community place in the Service. A breach of confidentiality can have such an effect on the individual/s in question and on the reputation of the Service that will warrant the strictest disciplinary measures being taken against those who breach confidentiality.

Openness and transparency is a part of the philosophy of community child care services. We believe in giving the community a full and honest account of the work that the Service is doing, getting the community involved and encouraging participation in the activities of the Service.

However, there are particular issues that should remain confidential to members of the Service. Misunderstandings and lack of clarity about what should be confidential can cause significant problems. It is important that everyone involved in the Service, including the Voluntary Management Committee, staff, sub-groups and working groups, are aware of what issues are confidential and are familiar with this Confidentiality Policy.

It is the policy of this Service to keep confidential all personal information about people who engage with the Service. The only exceptions to this may be when there is a breach of the law or when child protection concerns arise in relation to a child. In the situation of child protection and welfare information will be shared on a need to know basis in the best interest of the child and in accordance with 'Children First' guidelines of the Health Services Executive.

Management Committee Meetings

All business within the Service should remain confidential unless otherwise agreed by staff and management. Most of the business of the Service takes place at monthly management committee meetings. At such meetings it is advised that the following remain confidential:

Discussions or questions around issues that concern the Service that are awaiting a decision / endorsement by the Voluntary Management Committee.

Negotiations relating to the work of the Service e.g. lease arrangements, Service finances, funding applications, etc.

Individual statements or opinions that are expressed during meetings. The group decision can be reported – not the preceding discussion.

Information – relating to children, families or groups in the area – that is not already in the public arena.

Employment Issues:

Any issues concerning employment within the Service are confidential including:

Salaries and / or salary scales.

Disciplinary, grievance and / or complaints issues.

Personal difficulties that either voluntary members or staff may be experiencing.

Any information, other than the information that the Voluntary Management Committee has agreed to post to candidates, as part of the recruitment process

Management and / or Staff Issues:

Any internal difficulties within the Service should remain strictly confidential including:

Staff / management relations. Disagreement among staff members/staff and management must be dealt with internally and according to procedures relating to dispute and grievance. This does not overrule the right of employees to representation from external sources at meetings to address such matters.

Personal information on staff, management members or other volunteers.

Information staff / management may have in relation to individuals, groups and families that the Service works with.

All documentation prepared by an employee during the course of his/her work is the sole property of the Service.

Employees are also required and expected to maintain this standard of confidentiality when they leave employment with this Service.

Members of the Staff Liaison sub-group will discuss with staff and agree with them the boundaries of confidentiality and the limits to confidentiality of information disclosed during staff support and supervision and staff appraisal meetings.

Confidentiality and Data Protection

The Voluntary Management Committee is committed to complying with the terms of the Data Protection Acts 1988 and 2003 in controlling its data.

<http://www.dataprotection.ie/documents/legal/CompendiumAct.pdf>

All information and documentation (files and communications) you come in contact with in the course of your employment, voluntary work or participation on the Voluntary Management Committee are to be treated in the strictest confidence and shall not, during the course of your employment or voluntary work or subsequently, be disclosed to any third party.

Electronic communications may be monitored in order to prevent abuse of Service policy.

The presumption is that all communications are confidential and for internal use only unless it is clear from their content that they are intended for distribution to persons outside the Service.

Other Issues:

Where / when there is confusion about the confidentiality of a specific issue the following guidelines should be employed by the Service :

If a particular item is deemed confidential during a management debate / discussion – the chairperson or facilitator of the meeting should clearly state this at the meeting.

It is the responsibility of the chairperson or facilitator to ensure that everyone is aware of this.

If a member wants a particular issue / concern to remain confidential they should raise it for discussion at a group meeting and get clarification and / or agreement on it.

Even if an item is confidential – minutes should always be taken and the records kept in a ‘safe’ place

All new members of the Service, either voluntary members or members of staff, should be aware of the existence of this policy and given a copy for their own records.

I have read fully and am willing to abide by the details of this confidentiality policy:

Signed: _____

Date: _____

4.14 Mobile Phone Usage Policy

Staff are welcome to leave the phone number of the service as a contact number at which they can be contacted. Staff should not receive calls of a personal nature on the Service phones, except in cases of emergency. Given the nature of the service provided staff should not use mobile phones while at work. People will not be asked to surrender their mobile phones as they are personal property. Staff will have ample opportunity to make calls on personal mobiles during work breaks.

I agree to abide by the terms of the mobile phone usage policy.

Signed: _____

Date: _____

4.15 Time Off in Lieu Policy

According to legislation in the form of the Organisation of Working Time Act 1997, section 25: <http://www.irishstatutebook.ie/ZZA20Y1997S25.html> employers are obliged to keep an accurate record of working times. To do this Service staff are obliged to fill out time sheets showing the hours they have worked, annual leave, time off in lieu, other leave, and overtime worked. At a practical level Voluntary Management Committee members in managing the Service need to know the work staff are doing, the hours staff members are available to the public and when the Centre is open.

The working hours for staff are as outlined in the Employment Contract. The Service should manage its work in a way that means overtime is necessary only in exceptional circumstances. The reasons for working overtime must be documented on time sheets to keep accurate records and for the purposes of organising and managing the work of the Service.

As overtime is not paid time off in lieu for hours worked in excess of the normal working week is granted on an hour-per-hour basis.

The taking of time in lieu and any absences from work during the official working days must be agreed beforehand with the Staff Liaison sub-committee

Time off in lieu for overnight stays or residential work will be granted on the basis of one overnight stay being equivalent to 3.5 working hours.

Employees may not accumulate any more than 21 hours of time in lieu.

Time in lieu must be used within 4 weeks of it being worked up.

Time off in lieu is granted for all hours worked in excess of the normal working week (17.5 hours part-time, 35 hours full-time)

The staff liaison sub-committee of the Voluntary Management Committee is responsible for overseeing the maintenance of the time sheets and has the right to seek clarification regarding the details of records provided by employees

I agree to abide by the terms of this policy.

Signed: _____

Date: _____

4.16 Policy on the Use of Electronic Resources in the Service

The Government website gives comprehensive details on the responsibilities of an employer in this regard. See Appendix of this document for this and further information or press on:

http://www.oasis.gov.ie/public_utilities/telecommunications/surveillance_of_electronic_communications_in_the_workplace.html

In summary employers must provide workers with a readily accessible, clear and accurate statement of policy with regard to e-mail and Internet use in the workplace.

In the event of a breach of internal electronic communication use, the employer must have set out enforcement procedures in the Service policy. In addition, the employer must have clearly set down the opportunities given to employees to respond to breaches of policy.

No covert e-mail monitoring is allowed by employers, except in cases where specific criminal activity has been identified and the surveillance is required to obtain evidence and subject to the respect of legal and procedural rules.

The monitoring of e-mails should, if possible, be limited to traffic data on the participants and time of a communication rather than the contents of communications if this would be sufficient to allay employers concerns. If access to an e-mail's content is absolutely necessary, the employer should take into account the privacy of people outside the Service receiving the e-mail as well as those inside.

Employees in the workplace in Ireland have a legitimate right to a certain degree of privacy in the workplace. However, their right to privacy must be balanced with the legitimate rights and interests of the employer.

The employer must put in place appropriate technical and organisational measures to ensure that any personal data it holds is secure and safe from outside intrusion.

Internet Use

The report of the working group of Data Privacy Commissioners recommends that the any Internet use policy should contain, at the minimum, the following elements:

The employer must set out clearly to employees the conditions under which private use of the Internet is permitted as well as specifying material that cannot be viewed or copied. These conditions and limitations must be explained to employees.

Employees need to be informed about the systems implemented both to prevent access to certain web sites and to detect misuse.

In the environment in which Services operate it is also important that volunteers and Voluntary Management Committee members apply the same standard to their usage of IT equipment as is expected of staff.

Definitions

Examples of the equipment in question in this policy include telephone, fax, voice mail, computers, e-mail, Internet, and other electronic communication links whether they are on site, mobile, or remote.

This Service provides electronic communications equipment and services for the performance of tasks related to employees work. Limited personal usage, insofar as this does not hinder the work of the Service or waste Service resources is acceptable.

This Service is committed to providing computing resources, including e-mail and Internet access, for staff and volunteer use to promote the aims of the Programme and the Service

Responsibilities

The Service does not actively monitor computer usage (including e-mail and the Internet). However users, both volunteers and staff, should be aware that records are kept of all usage and could be made available in specific circumstances.

The computer resources of the Service cannot be used for illegal acts, for activities in breach of the Service aims and objectives, for activities in breach of software or electronic licences, or for personal commercial activity unless specifically authorised.

Only staff and volunteers of the Service may use the computer resources. Unauthorised use may lead to prosecution under the Criminal Damages Act 1991

<http://www.acts.ie/zza31y1991.1.html>

You must take reasonable precautions to prevent unauthorised use of electronic media by guarding your accounts and passwords.

If you are a Voluntary Management Committee member, you must ensure, in so far as practicable, that the computers under your control, or the control of persons designated by you, are not used for unauthorised purposes.

Monitoring of Information Flows/Bounds of Confidentiality

This Service reserves the right to audit information in various electronic formats in order to safeguard the interests of employees and volunteers and to fulfil statutory obligations.

Electronic format encompasses both information transmitted in real time as well as historical information.

There should be no expectation of personal privacy when using the Service 's equipment and services. All information, data or files created, received, downloaded, stored, transmitted, deleted or used while in the employ of the Service are the Service 's property.

The Service may monitor, copy, access, or disclose any information or files that employees create, receive, download, store, transmit, delete or work with while using the Service 's equipment and services including, but not limited to:

Assuring compliance with the Service 's policies and procedures

Detecting improper use or conduct that may be illegal or adversely affect the Service

Preventing inappropriate or excessive personal use of the Service equipment.

This monitoring may be periodic, random or continuous. The Service may investigate any transmission or storage of information and any use of equipment or services inconsistent with the Service 's aims and objectives.

While the Service does not routinely monitor e-mail, it may do so for the following reasons:

- To detect viruses or other malicious content
- To locate information urgently required by the Service
- To respond to legal or regulatory requirements
- To fulfil their obligations to clients, third parties and relevant regulatory authorities
- In the course of an investigation triggered by indications of misconduct

Such monitoring of e-mail will be authorised by the Voluntary Management Committee

Any communication sent by e-mail may be subject to a discovery order by the courts and may be disclosed to any relevant authority, unless the e-mail comes within the category of communications protected by legal privilege e.g. in the context of advice sought from the organisations solicitors in anticipation of litigation or in the course of legal proceedings

The Service relies on e-mail as an efficient means of communicating information to its employees and volunteers. Although e-mail may appear to be a more informal method of communicating, it has the same legal effect as other written communications. People will exercise discretion when sending an e-mail note and choose their words with the same care that they would use when sending a formal letter

An employee's contract with the Service obliges them to keep confidential Service information. This includes e-mail. The presumption is that all email communications are confidential and for internal use only, unless it is clearly stated otherwise.

No person may establish an 'automatic' forward of electronic mail to an address outside the Service 's domain. This includes, for example, the auto-forwarding of an employee's organisational e-mail to a personal e-mail account with an outside provider or to an e-mail account that the employee may maintain at a client site. This policy is intended to protect confidential information of the Service by preventing the unauthorised transmission or disclosure of internal communications to unauthorised parties outside. The Service may monitor their email systems for auto-forwarding.

The Service is not liable for lost or deleted e-mail.

Personal e-mail should not be forwarded to mailing lists or other users without the original author's permission.

It is prohibited to send e-mail with a hidden or false identity.

Improper Use of Service Equipment/Disciplinary Procedures

Improper use of Service equipment includes the following:

Using equipment or services for-

Viewing, transmission, storing, downloading or communication of images or text consisting of:

- Ethnic slurs, racial epithets, hate speech, sexually explicit or provocative material and obscenities

Anything else that may be construed as illegally harassing or offensive to others based on- an individual's race, national origin, religion, sex, sexual orientation, colour, marital status, age, disability, membership of the Traveller community or any other legally protected category

Accessing sites and 'chat rooms' that feature gambling, pornography, off-colour jokes, hate speech and similar sites; or, any solicitation or distribution unrelated or contrary to the aims and objectives and underlying principles of the Service.

Viewing, storing or propagating of any form of material that could be construed as pornographic

Transmission of any statements or materials which are defamatory, abusive, obscene or which may cause offence or annoyance to any other person

Forging or attempting to forge e-mail messages

Creating or sending chain letters through electronic mail

Revealing internal Service information to any sites, be it confidential or otherwise, or commenting on Service matters at any time

Reading, deleting, copying or modifying the e-mail of others without their permission.

No attempt should be made to circumvent system security, including firewalls, put in place to protect the Service .

Offensive screensavers are strictly prohibited.

Conduct that is inconsistent with the ethos and underlying principles of the Programme and the Service is forbidden. If a person has engaged in improper use, he or she should assume that he or she will be subjected to the Service 's disciplinary procedure up to and including dismissal and/or legal proceedings. Volunteers and members of the Voluntary Management Committee will undergo a disciplinary procedure in line with the disciplinary procedure for staff.

Personal opinions or feelings must not be submitted to these media. The Confidentiality Policy of the Service should be referred to in this regard.

If a person receives a communication, which contains inappropriate messages they must inform the sender, that such material is not permitted under the Service 's policy on electronic communication. It is strictly prohibited to forward inappropriate material of any nature.

All employees, volunteers and members of the Voluntary Management Committee must immediately report any suspicion or evidence of abuse.

Licence

All software is the property of the company. The Service strongly supports strict adherence to software vendors' licensing agreements. Any copying of software in a manner that is not consistent with the vendors' license agreement is prohibited. Participation (including during off-hours) in pirated software bulletin boards and similar activities are prohibited.

Internet Usage

All communications must comply with applicable laws and regulations, including those governing the export and import of technology, software, and the protection of copyrights and intellectual property generated.

Data Protection Act 1988 and Amended Act 2003

Users who maintain details of others on computer have legal obligations under the Data Protection Act 1988 <http://www.acts.ie/zza25y1988.1.html> amended 2003 <http://www.gov.ie/bills28/acts/2003/a603.pdf> and the Data Protection Directive (95/46/EC) http://www.cdt.org/privacy/eudirective/EU_Directive_.html

This legislation confers considerable rights on individuals to control how data relating to them personally is stored and processed. In brief, personal data must be processed fairly and lawfully, it must be collected for specified, explicit and legitimate purposes and must be adequate, relevant and not excessive in relation to the purposes for which they are collected and processed. Data may only be processed when the subject of the data has clearly given his/her consent for this to occur.

Standard Legal Disclaimers

Should the Service develop a website a standard legal disclaimer should appear on all official websites. This disclaimer should be positioned so as to be readily viewable to the user. The text might contain the following:

The information contained in these Service pages is, to the best of our knowledge, true and accurate at the time of publication, and is solely for informational purposes. This Service accepts no liability for any loss or damage howsoever arising as a result of use of or reliance on this information, whether authorised or not. By continuing, I am accepting these conditions.

Information published by individuals should be declared as such and should not appear to be published on behalf of the Service. There will be a clear distinction made between Service information and personal information and the latter should contain the following disclaimer.

The views and opinions expressed in this page are strictly those of the page author. The content of this page has not been reviewed or approved by the Service

This policy was discussed and ratified by the Voluntary Management Committee

Signed:

Date:

We agree to abide by the directions of this policy

Signed:

Date:

Section 6 Staff Liaison

Sample Terms of Reference for the Staff Liaison Group

The following guidelines for drawing up a Terms of Reference for a Staff Liaison sub-committee were developed by Galway City and County Childcare Committee. They can be used and adapted by individual services to develop good employment practices.

Sample Terms of Reference

The Voluntary Management Committee has overall responsibility as employers of the staff in the Service. The Voluntary Management Committee delegates the day-to-day responsibility for employment issues to the Staff Liaison sub-committee. The sub-committee will have the option to avail of outside expertise if it is required. Individuals with employment expertise may be co-opted on to the Staff Liaison sub-committee with the approval of the Voluntary Management Committee.

Clear communication between a large group of diverse people has the potential to be difficult. It is the role of the Staff Liaison sub-group to ensure that the Voluntary Management Committee as a body communicates clearly with staff and that staff in turn use the Staff Liaison sub-group to communicate clearly back to the Voluntary Management Committee. Each staff member is assigned one person from staff liaison to act as their contact person on behalf of the Voluntary Management Committee.

Among the items that must be clearly understood and communicated to staff are:

- What work is to be done and by whom
- how it is to be done
- to what standard and
- Within what time scale?

Staff must be informed by staff liaison of their performance in achieving their work. Staff liaison will offer staff supports to assist them in the work of the Service.

Staff Liaison will attend training to acquaint themselves with their roles as employers and the relevant legislation. The staff –liaison in conjunction with the Voluntary Management Committee will ensure that the Service is compliant with legislation and in areas such as discrimination and health and safety in the workplace.

The staff liaison, in conjunction with Galway City and County Childcare Committee, the Voluntary Management Committee and staff will ensure the introduction and implementation of a range of employment related policies and procedures

The Staff Liaison sub-group recruit staff to the Service based on an agreed Service Recruitment Policy. This will be done in line with legislation governing recruitment and those who undertake recruitment will undertake the training needed to recruit effectively.

The Staff Liaison sub-group will ensure an induction process is in place for new employees.

The Staff Liaison sub-group will ensure that the terms and conditions as agreed in the Contract of Employment are met.

The staff –liaison sub-group will maintain the relevant documentation in personnel files. This will include records of hours worked, holidays, annual leave and other leave, time in lieu.

It is the role of Staff liaison to approve the granting of time in lieu, annual leave and other leave to the Manager prior to such leave being taken.

The Staff Liaison sub-group will ensure and the terms of probation are met and communicated to staff.

The Staff Liaison sub-group will hold regular staff support and supervision sessions, as well as periodic staff appraisals. They will ensure that the actions agreed at such meetings are implemented. These meetings will take place in the Service and a set time will be dedicated to them. Meetings with staff will not be held before or after other important meetings as this has been found to distract from the meeting and take from its effectiveness.

Staff liaison may make recommendations to the Voluntary Management Committee in relation to staff training and development.

Staff liaison will meet with, and be available to all staff within the Service. This includes staff in temporary employment, work placement and work schemes.

Staff Liaison will endeavour to ensure that staff is treated with dignity and respect. Where difficulties arise members of Staff Liaison in conjunction with Voluntary Management Committee members will address such difficulties according to the policies and procedures agreed in the Contract of Employment.

Staff Liaison will evaluate the overall terms and conditions of employment within the Service and report to the Voluntary Management Committee about required changes / implementation of proper procedures

Staff Liaison will ensure active steps are taken to prevent bullying in the work place and such steps must be noted in a health and safety statement in line with directions given in the Safety, Health and Welfare at Work Act 2005:

<http://www.oireachtas.ie/documents/bills28/acts/2005/a1005.pdf>

and the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work:

<http://publications.hsa.ie/index.asp?locID=12&docID=222>

Composition of the Staff Liaison sub-committee

The group should comprise a minimum of two people and a maximum of four from the Voluntary Management Committee. Efforts will be made to have a gender balance on the Staff Liaison sub committee

Change of Membership

Members agree to serve for at least one year. In the case of a member failing to attend three consecutive meetings – without reasonable cause – such membership will be deemed to as lapsed and a replacement sought

Convenor/Chairperson

The Staff Liaison sub-committee should nominate one member to act as convenor of the group. The convenor will be responsible for ensuring that:

- S/he communicates a clear message to staff on the part of the Voluntary Management Committee and communicates back to the Committee on staff issues

- Regular meetings are held with staff and on staffing issues
- Agendas are prepared and minutes are kept and filed properly
- That the data and information concerning staffing issues is filed properly and is maintained in line with data protection legislation Data Protection Act 1988 <http://www.acts.ie/zza25y1988.1.html> amended 2003 <http://www.gov.ie/bills28/acts/2003/a603.pdf> and the Data Protection Directive (95/46/EC) http://www.cdt.org/privacy/eudirective/EU_Directive_.html

Reporting Procedures

The Staff Liaison sub-committee reports to the Voluntary Management Committee every three months, or more often when the need arises. The sub-committee may give a verbal or written report that should be recorded in the minutes of the Committee meeting.

Authority of the Staff Liaison sub-committee

The group will have authority to deal with the day-to-day business of staffing issues and to make recommendations and/or brief the Voluntary Management Committee to enable them to make informed decisions. The Staff Liaison sub-committee will not have the authority to make decisions with regard to the following:

1. Any change in the terms and conditions of employment or employment contracts
2. Decisions that have legal or cost implications for the Service that have not been previously approved by the Voluntary Management Committee
3. Implement the terms of the disciplinary or grievance procedure without the prior consent of the Voluntary Management Committee
4. Increases or decreases in staff numbers
5. Ratification of membership of the Staff Liaison sub-committee

Confidentiality

Staff liaison will inform staff that certain information concerning the workplace cannot be kept confidential. If a member of staff makes information known to staff liaison that may have legal implications then staff liaison are bound by their duty to be a good employer to investigate the accuracy of such information.

This policy was discussed and ratified by the Voluntary Management Committee

Signed:

Date:

Section 7 Code of Conduct

The Service's Code of Conduct forms part of the terms and conditions of employment of each and every employee. On appointment, please sign and return a copy to the Manager/ Staff Liaison person.

The welfare of the child comes before any other consideration and staff, management and others engaging with children must adhere to this principle. You must not do anything that will in anyway endanger a child. Where anyone has a concern as to the welfare of the child they must act on that concern in line with the child protection policy of the Service or alternatively by contacting the duty social worker of the Health Services Executive. If you have any concern in relation to the welfare of the child you must report this in line with the procedure for the protection of children in the Service.

The Service requires all staff and management to display a duty of care to the Service in respect of business ethics and to protect confidential information. It is the policy of the Service to consistently conduct its business with honesty and integrity and in compliance with all legal and ethical standards, together with established Service policies. Each employee and member of the Committee is also required to conform to a high standard of ethics in relation Service activities with parents, staff of other agencies, suppliers and visitors to the Service.

The Service is committed to policies and practices that promote diversity and provide equality of opportunity for all, protect the dignity of employees and promote respect for others at work. All employees and members of the Service are required to take personal and individual responsibility to comply with these policies and behave in a non-discriminatory way and not to participate in any acts of inappropriate behaviour, harassment or bullying. All employees and members of the Service must have due regard for the health and safety of themselves, their colleagues and the Service's workplace in general.

Employees and members of Management must declare in writing any potential conflict of interest that might affect their impartiality in carrying out their duties. Employees pursuing other business activities are asked to inform the Service so the Service is not in breach of the Organisation of Working Time Act 1997.

Employees and members of Management must not accept gifts or favours from parents, or suppliers which could compromise them.

All persons employed by the Service and members of Management have a duty to promptly report to the manager/staff liaison person or Chairperson, any evidence of any improper conduct or practice of which they are or become aware. (Improper conduct means any illegal, fraudulent, dishonest, negligent or otherwise unethical action arising in connection with the Service).

Employees and members of Management are required to protect confidential information and not disclose it to others. You may not remove any documents or items belonging to the Service or which contain any confidential information from the Service's premises at any time without proper advance authorisation. Employees and members of Management should not discuss the children who attend the Service, their parents/carers and other staff with others in the community in a manner that is not professional and in the best interest of any of these parties.

At all times employees and members of Management must behave with honesty and integrity and respect the rights and privacy of others in relation to electronic communication and

information. It is the responsibility of each person who utilises electronic communications to safeguard Service information by understanding and complying with all policies in this area. The Service reserves the right to monitor all electronic communication and files.

Upon termination of employment or resignation from the Committee, employees and members of Management shall properly deliver up to the Service all manuals, employee handbook, letters, notes, notebooks, reports and all other materials of a secret or confidential nature or under the control of employees and management. They remain at all times the property of the Service.

Breaches of this Code of Conduct, other employee policies and procedures, and other Service procedures will be regarded as a breach of discipline and will be dealt with in accordance with the Service's employee disciplinary procedure.

This policy was discussed and ratified by the Voluntary Management Committee on: _____

I agree to abide by the terms of this policy:

Signed _____

Date _____

Websites

There are numerous sources of information on employment rights and responsibilities. Try <http://www.employmentrights.ie/en/> or for factsheets on employment rights try: http://www.citizensinformationboard.ie/publications/providers/employment_rights_factsheets.html

Here are further websites with relevant information

<http://www.erb.ie/>

<http://www.worklifebalance.ie/>

<http://www.employmentrights.ie/en/>

<http://www.ictu.ie/>

<http://www.siptu.ie/>

<http://www.impact.ie/iopen24/>

<http://www.entemp.ie/>

<http://www.citizensinformationboard.ie/>

<http://www.eatribunal.ie/>

<http://www.ibec.ie/ibecweb.nsf/whome?OpenForm>

www.hsa.ie

<http://www.labourcourt.ie/>

<http://www.equality.ie/>

<http://www.dataprotection.ie/docs/Home/4.htm>