



The Catholic Institute for Deaf People

Manual of Employment Policies and Procedures

August 2008

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Preface

This manual of employment policies and procedures has been discussed with the staff of the Catholic Institute for Deaf People (CIDP) and their representatives. It reflects the ethos of CIDP and its acknowledgement of the crucial role played by its employees in the service of Deaf people and ensures that all employees are treated equally.

The policies and procedures are intended for all CIDP employees but recognises that specific terms and conditions of employment are in place for the teaching staff of St. Mary's and St. Joseph's schools for Deaf children. Notwithstanding this, the policies and procedures laid down in this manual are the standards committed to by CIDP.

In the event of concerns or questions relating to these policies and procedures they should be raised with the employees line manager or the Chief Executive Officer of CIDP currently Liam O'Dwyer. It is intended that this manual will be updated on a regular basis to reflect legislative changes and best practice.

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1 The Catholic Institute for Deaf People

1.1 *Structure*

Catholic Institute for the Deaf (CID) as it was originally known was established in 1845 under the auspices of the Dublin Archdiocese to cater for the educational needs of Irish Deaf Children. It was incorporated as a company limited by guarantee in 1993 to continue its work as a charitable and non-profit making body. CID changed its name in 2007 to the Catholic Institute for Deaf People (CIDP). The objectives of CIDP are to provide enabling services to Deaf people, including education and pastoral and religious care. The Roman Catholic Archbishop of Dublin is the President of the company and appoints the Board members.

The following are the main operations now under the umbrella of CIDP:

- St. Joseph's School and Residence for Deaf Boys, Cabra (day and residential)
- St. Mary's School and Residence for Deaf Girls, Cabra (day and residential)
- St. Joseph's House for Adult Deaf and Deaf Blind, Stillorgan
- The National Chaplaincy for Deaf People
- St. Vincent's Centre for Deaf People, Lower Drumcondra Road

1.2 *Mission*

The mission of Catholic Institute for Deaf People (CIDP) is to promote its core values and to work with and serve the Deaf Community of Ireland by:

- Recognising the distinctive needs of Deaf People
- Promoting and representing the interests of Deaf People
- Supporting the education, development and day to day living of Deaf People
- Providing the Deaf Community in Ireland with pastoral and religious care
- Supporting Deaf People to achieve their full potential

All job posts within the Catholic Institute for Deaf People exist to contribute towards achievement of this mission. In this context the term "Deaf People" refers to people with all levels of deafness.

1.3 *Core Values*

The core values of the Institute are derived from its Christian ethos and the ideals of the Catholic Church.

- CIDP respects other denominations and its support and services are available to Deaf People of all denominations.
- The core ethos of CIDP is based on caring and serving.
- People who are deaf are the central focus of CIDP plans and work.
- CIDP strives to serve the interests of all categories of Deaf People.
- CIDP is fully committed to working in partnership with Deaf People, with other organisations for and of the Deaf and with public sector bodies in representing and serving the interests of Deaf People.
- CIDP promotes the highest professional and ethical standards and strive for excellence in all areas of activity in serving the interests of Deaf People.
- The CIDP organisational and employment structures are operated for and by Deaf People.

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2 Attendance at Work

2.1 General

The Institute attaches great importance to timekeeping and attendance and uses appropriate means to record and monitor attendance at work in line with the requirements of the Working Time Act 1997. Employees should be at their place of work, ready to start work at their normal starting time. Disciplinary action up to and including dismissal may be taken against any employee who has an unacceptable level of attendance or an unsatisfactory timekeeping record.

2.2 Absence from Work

In the event of absence from work you are required to contact your immediate Supervisor/Manager before your normal starting time on the first day of absence and thereafter to keep your Manager fully informed throughout the period of absence.

A poor record of attendance may lead to disciplinary action up to, and including, dismissal.

At all times the Institute reserves the right to refer an employee to an Institute nominated medical practitioner for an independent medical assessment.

2.3 Sick Pay

The Institute's Policy is to assist employees during periods of genuine sickness. The sick pay scheme is benefit provided by the Institute to employees who are genuinely unfit for work as a result of illness. It is not an automatic entitlement and is at the discretion of the Institute. Employees, who have completed a satisfactory probationary period, may be paid for up to 6 weeks of illness at their full rate of pay in any rolling 12 month period. Payment is on a pro rata basis, depending on the individual employee's contract. Subsequent claims in that period for other illnesses can be reviewed but no commitment made to payment.

Condition of payment of sick pay

- The full amount of any entitlement to Social Welfare benefit must be claimed and surrendered to the Institute as soon as possible after receipt. Employees are entitled to claim State benefit when absent through illness for more than three days. Where a staff member fails to claim benefit the Institute reserves the right to deduct the equivalent amount from his/her wage/salary.
- Where an employee persistently fails to refund Social Welfare benefit the Institute reserves the right to withdraw the sick pay.
- The employee must inform their Supervisor/Manager on the first day of absence and may be asked to substantiate the absence by medical certification.
- Medical certification will be required following the third day of absence.
- In any rolling period of 12 months the maximum number of days allowable without medical certification may not exceed 7 days. Any period of sick leave in excess of this must be certified, even if it is for a single day. (The rolling period referred to here relates to any period back 365 days, not the first day of the year).
- Normally a medical certificate should not cover a person for more than 2 weeks.

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- Payments from the Institute Sick Pay scheme are made on the clear understanding that if you have been absent as a result of an injury caused by the negligence of a third party and make a claim for compensation you should include in such claim an amount to recover any monies paid to you by the Institute by way of sick pay. Any monies so r covered must be refunded to the Institute.
- If there is evidence of abuse of the sick pay scheme the Institute reserves the right to withdraw this benefit from an individual.

In cases of prolonged or frequent illness, the Institute reserves the right to request the employee to attend to a doctor of its nomination for the purpose of obtaining an independent medical report. The cost of this examination will be borne by the Institute.

2.4 Lay off / Short Time Working

While it is the Institute's intention to provide continuity of employment, both parties recognise that there may be circumstances beyond the control of the Institute, which necessitates short time working or lay off.

In order to delay and if possible avoid such circumstances, employees must be prepared to accept reasonable alternative work if their own work is not available. Should the need arise to put staff on short-time or to lay them off, the Institute will give as much notice as is reasonable in the circumstances.

No payment will be made for any period of layoff. Payment will be made only for hours actually worked during any period of short time.

Any changes required in respect of lay off's or short term working will be discussed with staff and their representatives prior to any possible implementation.

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3 Bullying and Harassment

3.1 *Policy Statement*

The Catholic Institute for Deaf People is committed to providing all of its students, employees, residents and others who avail of its support and services with an environment free from bullying and harassment. The Institute will not tolerate bullying or harassment of adults or children in any form.

This policy applies specifically to employees of the Catholic Institute for Deaf People both in the workplace and at work associated events such as meetings, conferences and work related social events, whether on the premises or off site.

The policy applies to bullying/harassment not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact with in the course of his/her employment.

Policy statements and procedures relating specifically to schools and residences are held at each facility.

3.2 *Definition of Bullying*

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

The bullying can include conduct offensive to a reasonable person, e.g., oral or written slurs, physical contact, gestures, jokes, text messages, e-mails, displaying pictures, flags/emblems, graffiti or other material which state/imply prejudicial attitudes which are offensive to fellow employees.

Other examples of bullying behaviour include:

- Personal insults and name calling
- Persistent unjustified criticism and sarcasm
- Public or private humiliation
- Shouting at staff in public and/or private
- Sneering
- Instantaneous rage, often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information
- Aggression
- Not giving credit for work contribution
- Continuously refusing reasonable requests without good reasons
- Intimidation and threats in general

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3.3 *Definition of Sexual Harassment*

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Examples of sexual harassment include:

- Sexual gestures
- Displaying sexually suggestive objectives, pictures, calendars
- Sending suggestive and pornographic correspondence including faxes, text messages or emails
- Unwelcome sexual comments and jokes
- Unwelcome physical conduct such as pinching, unnecessary touching, etc
- Same sex sexual harassment

3.4 *Definition of Harassment*

The definition of harassment is similar to that of sexual harassment but without the sexual element. The harassment has to be based on a characteristic or perceived characteristic of the employee whether it be the employee's marital status, family status, sexual orientation, religious belief (or none), age, disability, race, colour, nationality or ethnic or national origin or membership of the Traveller community. Harassment may be directed at individuals or groups.

The Policy extends to situations where the employee does not have the relevant characteristic but the harasser believes that he/she has that characteristic, for example, if the harasser thought the employee was homosexual and the employee wasn't.

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

Many forms of behaviour may constitute harassment including:

- Verbal harassment ñ jokes, comments, ridicule or slogans, songs
- Written harassment ñ including faxes, text messages, emails or notices
- Physical harassment ñ jostling, shoving or any form of assault
- Intimidating harassment ñ gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges, graffiti, flags which may be inflammatory, or are likely to give offence or cause apprehension to particular individuals or groups of employees
- Isolation or exclusion from social activities
- Pressure to behave in a manner that the employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background

3.5 *Complaints Procedure*

There is both an informal and formal procedure to deal with the issue of bullying or harassment. Any investigation will be completed as quickly as possible.

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3.5.1 *Informal Procedure*

It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality. Thus, in the first instance a person who believes that they are the subject of bullying/harassment should ask the person responsible to stop the offensive behaviour.

If a person finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice on a confidential basis from the designated contact person. The role of the designated contact person is not to judge but rather to provide advice and assistance about what the company's policy says.

In CIDP the designated contact person is the Chief Executive Officer. In matters concerning the Chief Executive Officer it is the Chairperson of the CIDP Human Resources Committee, currently Aidan O'Mara.

Having consulted with the contact person, the complainant may request the assistance of a manager/supervisor in raising the issue with the alleged perpetrator(s). In this situation the approach of the manager / supervisor should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

It is recognised that it may not always be practical to use the informal procedure particularly where the bullying or harassment is serious or where the people involved are at different levels in the organisation. In such instances the employee should use the formal mechanism set out below.

3.5.2 *Formal Procedure*

When a formal complaint is being made, then the employee should contact their supervisor/manager as soon as possible.

If this is inappropriate, then the employee should contact the CIDP Chief Executive Officer.

In the interests of natural justice the alleged bully or harasser will be notified in writing of the nature of the complaint, given a copy of the allegation, informed of his or her right to representation and will be given every opportunity to rebut the detailed allegations made.

The complaint will be subject to an initial examination by a designated member of management, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place with a view to determining the facts and the credibility or otherwise of the allegation(s).

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Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff. If this is so, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the person making the complaint and the alleged bully/harasser for their comments before any conclusion is reached in the investigation.

When the investigation has been completed both parties will be informed as to whether or not the complaint has been upheld.

Both parties will be given the opportunity to comment on the findings before any action is decided upon by management.

All complaints received will be treated seriously, confidentially and dealt with as soon as is practicable.

Strict confidentiality and proper discretion will be maintained, as far as is possible, in any necessary consultation to safeguard both parties from innuendo and harmful gossip.

A record of all relevant discussions which take place during the course of the investigation will be maintained by management.

Both parties will be given an opportunity to comment on the conclusions of the investigation team. Both parties will be given a copy, in writing, of the conclusions reached by the investigating team.

CIDP recognises that any employee involved in a bullying or harassment process may be accompanied to formal meetings with management by a work colleague of their choice or a trade union representative.

3.5.3 *Appeal*

Either party can appeal the decision of the formal investigation in writing within 5 working days.

3.5.4 *Action Post Investigation*

Where a complaint is upheld a disciplinary hearing will take place. The disciplinary action to be taken will be in line with the Institute's Disciplinary & Performance Improvement Procedure. Should a case of bullying or harassment be proven then the organisation will take appropriate disciplinary action. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal. Records of any warnings for bullying/harassment will remain in the employee's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future. Regular checks will be made by one of the investigators to ensure that the bullying/harassment has stopped and that there has been no victimisation for referring a complaint in good faith. Retaliation of any kind against an employee for complaining or taking part in an investigation concerning bullying/harassment at work is a serious disciplinary offence.

3.5.5 *Malicious Complaints*

If a complaint is found to be malicious, then the appropriate disciplinary action up to and including dismissal will be imposed.

3.6 *Further Information*

All questions relating to the execution or interpretation of this policy should be referred to the CIDP Chief Executive Officer.

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4 Computer and Internet

4.1 *Policy Statement*

The Institute must safeguard its business and reputation from security breaches, exposure to litigation, defamation, loss of productivity through time wasting web surfing, their IT systems from viruses, hacking, employees from bullying/harassment and obscenity/pornography. Various internet and e-mail activities listed in this policy document are expressly forbidden. The Institute reserves the right to monitor computer and internet usage on its sites. This includes any employee's personal data or e-mails which are stored or backed up on the Institute's systems. All breaches of e-mail and internet rules will be treated seriously and will be dealt with under the Institute's Disciplinary & Performance Improvement Policy & Procedure and could result in disciplinary action up to and including dismissal.

4.2 *Use of Internet*

Employees are not permitted to access the Internet for personal use on Institute computers without the permission of their Supervisor/Manager. Activities which the Institute Internet may not be used for during working hours or non working hours include, but are not limited to, the following:

- Non compliance with the legislative and contractual requirements concerning the copying of software ñ including licenses or illegally copying material protected under copyright law or making that material available to others to copy
- Disseminating or storing commercial or personal advertisements, promotions, solicitations, or any other unauthorised materials
- Using the internet system to break or otherwise "hack" into internal computers of other companies or any other party
- Personal gain or profit, this includes the pursuit of private commercial business activities or profit making ventures, including online gambling
- Engaging in any illegal, unethical, immoral or fraudulent conduct
- Jeopardizing the Institute's computer system/network by failing to ensure that downloaded files and email attachments are taken from untrusted sources and/or not properly scanned for viruses
- Use of personal CD's, Diskettes portable disk drives and memory sticks that create a risk of the introduction of viruses onto the Institute's systems
- Accessing, downloading or transmitting offensive or unlawful remarks, jokes or slurs, obscenities or profane or other offensive and inappropriate materials
- Use of Internet sites which result in a charge to the Institute
- Engaging in prohibited discriminatory conduct
- Obtaining or viewing of sexually explicit material
- Sending confidential Institute information or data, without permission
- Any other activity which would discredit the Institute

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4.2.1 *Use of Email System*

The e-mail system is only to be used by authorised persons. Employees shall not disclose their passwords or codes to others and may not use someone else's password or code. Excessive use of email for personal purposes is prohibited. The following e-mail activities are strictly prohibited:

- Using someone else's ID to send mail or representing themselves as somebody else
- Retrieving or reading any email messages other than such addressed to them
- Using email to circulate joke mail or chain letters, internally or externally
- Using email to harass, sexually harass or intimidate another person, by broadcasting unsolicited messages, or by sending unwanted mail
- Using vulgar, abusive, or hateful language in emails
- Saving, downloading, transmitting or purposely viewing sexual, pornographic, racist, profane or other offensive material
- Posting or downloading messages that will reflect poorly on the Institute's name and reputation
- Time wasting and frivolous emails to other employees or external persons
- Sending chain letters, or other forms of mass mailing and spamming (sending a message repeatedly in order to sabotage someone else's system)

It should be remembered that all personal data contained in e-mails may be accessible under Data Protection legislation and, furthermore, a substantial portion of e-mails to government and other public bodies may be accessible under Freedom of Information legislation. E-mails should be regarded as potentially public information that carry a heightened risk of legal liability for the sender, the recipient and the organisations for whom they work.

The Institute reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. Notwithstanding the Institute's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.

4.2.2 *Managers Responsibility*

Some degree of appropriate personal use of the internet/email is permitted provided such use does not interfere with the employee's or colleague's job performance, does not clog up or have a negative impact on the Institute's IT systems and does not breach any company policies, standards or procedures. It is the responsibility of each site manager to ensure that:

- Employees are aware of the ICT policy
- The policy has been communicated successfully and that this is recorded in the employee's personnel file
- Adequate training has been provided to employees who are authorized to use the IT systems

4.2.3 *Internet and Email*

Managers should specify when internet access is allowed, e.g. may employees access the internet/email at all times during the working day or during specified periods only (e.g. during breaks or outside working hours)?

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Employees must ensure that the email system is used properly as a means to communicate with other people without causing offence to any person. Here are some basic guidelines that should be followed:

- Messages should be clear, concise and to the point
- Include a subject line in your message
- Take the same care and attention when writing an email as they would any other form of communication. An unchecked email written in haste or carelessly, could give rise to legal liability on the Institute's part, for example in claims of defamation
- Do not assume that the email is private
- Respect copyright, Institute confidentiality, data protection rules, and avoid defamation. Letter, files and other documents attached to emails may belong to others and there may be copyright implications in sending or receiving them without permission
- Care should be taken when sending confidential or sensitive information. Emails may go to persons other than the intended recipient. If the message is confidential or sensitive, this could be damaging for the Institute. Employees should ask themselves if it is safe to send the information by email
- Employees should not send or store large email attachments, because of their potential impact on the performance of the Institute's server
- Employees should inform their manager if they receive any offensive or harassing emails
- Messages should not be typed in all uppercase as it is extremely difficult to read. Capitalise words only to highlight an important point
- Be professional and tactful of what you say about others
- Remember email is easily forwarded
- Be careful with using sarcasm and humour. Without face to face communications, your joke may be viewed as criticism
- Definitions of "offensive" vary widely so always avoid quotes that might offend people on the grounds of religion, race, politics or sexuality
- Read your message before sending, check spelling, grammar and context. Once you send it, you are committed
- If replying to a message containing a distribution list, consider if the response is more appropriate for the entire group or just the original sender
- Remember there is no such thing as a private email. Be careful of what you write and send. A number of things could go wrong when sending a message, such as sending it to the wrong email address
- Do not send "chain" letters
- Avoid messages sent in anger. Messages sent in the heat of the moment generally over exacerbate the situation and are usually regretted later

4.2.5 *Signature Files*

All business mail should carry a "signature" which will say where and who the email is from, provide a contact phone number, as well as a disclaimer clause covering the information in the message.

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4.2.6 *Threats Caused by Improper Use of the Internet*

- Loss of information
- Reduced operational breaches
- Exposure to legal liability
- Lost productivity
- Damage to reputation through misuse of email
- Infection from email borne viruses
- Loss of network service from spam and spoof attacks
- Network congestion from system misuse

4.3 *Approval for Installation of Additional Hardware and Software*

Approval for the installation of additional hardware and software must be sought from your manager to ensure compatibility with current systems, anti-virus and other software checked and also to ensure inclusion in the computer register. Your manager must have permission from the CIDP Head of Finance to proceed with any such purchase.

4.4 *General*

Employees must not remove computer equipment, hardware and software, from the Institute's premises without specific approval of their Manager. They must ensure that, at all times, management can have access to information or data held on their PC or laptop. Employees who work on various sites and are authorised to carry an Institute laptop from site to site must ensure that these are available for monitoring/inspection at all times and that all information held on a laptop is backed up on a weekly basis. No confidential material should be held on a CIDP laptop. Such equipment must be left in the safe custody of an appropriate person on the Institute's premises during periods of holidays, sickness or leave, e.g. Maternity Leave, Carer's Leave, etc

5 Continual Professional Development

The policy of the Institute is to encourage life long learning to enable staff to self-develop beyond the specified training for their post. Those who undertake continual professional development training by private arrangement in their own time may be eligible for financial support from the Institute if the course is approved prior to enrolment. This support may be in the form of a grant of 50% of the fees plus a loan of 50% which is extinguished on successful completion of the course. Employees who qualify for the above mentioned support may be allowed time off with pay to attend examinations.

Any employee who wishes to take advantage of the Institute support for professional development should discuss their plans with their manager before "signing up" for a course. This discussion must take place far enough in advance of the course to allow the Institute adequate time to consider all implications and costs. Every effort will be made to try and support individuals who are interested in further professional development, providing there is a relevance to their career with the Institute. The Institute shall be the sole arbiter as to the relevance and while it will wish to support staff willing to undertake such continual professional development, its ability to subvent such training will be dependent on the availability of funds. In the event of the employee leaving the Institute within three years of successfully completing the course 50% of the support given would be refundable to the Institute.

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6 Disciplinary & Performance Improvement

6.1 *Introduction*

General Principle

The Catholic Institute for Deaf People has the right to expect every employee, whilst on Institute business and/or Institute property to conduct themselves in a proper manner and to abide by, the terms and conditions of their Contract of Employment. Additionally the Catholic Institute for Deaf People expects the employee, whilst outside work to conduct themselves in a manner which would not bring the Institute into disrepute. In the normal course of their duties, managers/supervisors are expected to acknowledge good performance, and to make employees aware of unsatisfactory conduct/performance, including time keeping and attendance.

Minor Offences

Often minor instances of misconduct and cases of poor performance are best dealt with by informal advice, coaching, counselling and training rather than through the "Disciplinary & Performance Improvement Procedure". Sometimes managers/supervisors may issue informal counselling but they need to ensure that problems are discussed with the objective of helping and encouraging staff to improve. It is important that employees understand what needs to be done, how performance and conduct will be reviewed and over what period. They should also be made aware of what action would be taken if they fail to improve either their performance or conduct. Informal counselling is not part of the formal Disciplinary & Performance Improvement procedure and the employee should be informed of this. However the Supervisor/Manager should record details of such informal counselling meetings in the personnel file.

Where normal management fails to produce the desired result, the formal Disciplinary & Performance Improvement Procedure shall be used. This document outlines the Disciplinary & Performance Improvement Procedure for lay employees of the Catholic Institute for Deaf People of Dublin.

6.2 *Formal Disciplinary Procedure*

The formal stages of the procedure will normally be applied progressively, i.e. Formal Verbal Warning, First recorded warning, Final warning, Dismissal (following a formal Disciplinary Investigation and Hearing), but the initial appropriate action will be related to the nature of the offence and its seriousness. In cases of alleged Gross Misconduct the manager/supervisor may refer the case directly to a formal Disciplinary Investigation and Hearing. In such cases the Institute reserves the right to skip steps in the Disciplinary and Performance Procedure. Some examples of Gross Misconduct are listed later in this Disciplinary & Performance Improvement Procedure. This list is not intended to be exhaustive.

6.2.1 *Objective of the Procedure*

The objective of the "Disciplinary & Performance Improvement Procedure" is to help and encourage improvement in conduct and performance - it is not intended to be a means of imposing sanctions or to be punitive.

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Natural Justice

All disciplinary meetings, investigations and actions should comply with what are known as the principles of natural justice. When it becomes evident that the conduct or performance of an employee is to be handled within the Disciplinary & Performance Improvement procedure:

- The manager handling the disciplinary action must check that the employee is aware of the Disciplinary and Performance Improvement procedure. If they do not have a copy of the procedure they should be given one in advance of any disciplinary meeting
- The employee must be presented with the case against them, including any allegation(s) and supporting evidence in advance of any disciplinary meeting
- The employee must be advised of their right to be accompanied at any disciplinary hearings or meetings and be allowed representation
- The employee must be permitted and allowed an opportunity to state their case
- The manager handling the disciplinary action must hear and be seen to hear the case made
- The manager must only form a judgement after having considered all the facts disclosed
- Any sanction must be appropriate to the charge. Dismissals should not be seen as excessive
- The employee must be advised of and afforded a right to appeal (if and when a decision is made)

Grievance Arising During the Course of Disciplinary Process

If, during the course of a disciplinary action, the employee raises a grievance about an issue which is related to the case and which could possibly and unfairly influence the conduct or outcome of the process to their detriment if left unresolved the manager responsible for the disciplinary process should consider suspending the disciplinary procedure for a short period while the grievance is being dealt with. Depending on the nature of the grievance, the manager may need to consider bringing in another manager to deal with the disciplinary process or the grievance procedure.

Formal Warning Process

Providing the rules relating to "Natural Justice" have been followed before each stage of the disciplinary and performance improvement process sanctions may be applied as outlined below. Any warnings given should clearly specify the reason(s) for the warning, the change(s) required and timescale in which improvement must be achieved, the consequences of failing to improve and that they have a right to appeal.

Stage 1 Formal Verbal Warning

If informal oral counselling does not result in the improvement(s) required or there is a further breach of conduct, poor attendance or lapse from performance standards, the employee will be given a formal verbal warning by his or her immediate manager/supervisor in the presence of a work colleague or Shop steward (if so requested by the employee). This warning will be recorded on the employee's personnel file.

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Stage 2 First Written Warning

If a further breach of the same type occurs a first written warning will be given by the employee's immediate manager/supervisor in the presence of the employee and their work colleague representative (if so requested by the employee). The immediate manager/supervisor may choose to be accompanied by a supervisory/management colleague.

A discipline notice, completed and duly signed will be given to the employee and a copy will be filed with the employee's personnel record.

Stage 3 Final Warning

Failing satisfactory improvement a final warning will be given to the individual concerned by the employee's manager/supervisor, in the presence of the employee's work colleague representative (if so requested by the employee) and their immediate manager/supervisor.

A discipline notice, completed and duly signed will be given to the employee and a copy will be filed with the employee's personnel record.

This discipline notice will also advise the employee that failing immediate and sustained improvement the matter will be referred to a Formal Disciplinary Investigation and Hearing. In this case the result is likely to be dismissal.

Stage 4 Formal Disciplinary Hearing

When such departmental action fails to result in satisfactory improvement, the case will be referred to a Formal Disciplinary Hearing convened for the purpose.

Unsatisfactory performance is defined as the failure to meet the basic requirements of the post held whether in terms of efficiency, of professional ethics, or of personal conduct, and irrespective of cause.

6.3 Disciplinary Hearing

6.3.1 Purpose of the Disciplinary Investigation and Hearing

The purpose of the formal Disciplinary Investigation and Hearing is to:

- Emphasise to the employee that disciplinary action is now at a very serious level and has moved beyond the control of their normal manager
- Establish the facts, review the evidence
- Give the employee an opportunity to present their case and challenge the allegation(s) and the evidence
- Give the employee an opportunity to explain any mitigating circumstances
- Judge cases of unacceptable conduct on the part of an employee
- Impose such sanctions as are authorised by these rules, with the objective of helping and encouraging improvement, minimising the effect or preventing recurrence of the unacceptable conduct

6.3.2 Powers of the Disciplinary Investigation and Hearing

The Disciplinary Investigation and Hearing has the power to impose sanctions which could include:

- A suspended decision
- A final written warning
- A period of retraining

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- Demotion to a lower grade without compensation
- Transfer to another post (permanently or for a fixed period) without compensation
- Placed on probation for a fixed period
- Suspended dismissal for a fixed period
- Dismissal
- Any combination of the above sanctions except the last

6.3.3 Composition of the Disciplinary Investigation and Hearing

The Disciplinary Investigation and Hearing consists of:

- A chairperson appointed by the Chief Executive Officer
- A secretary

6.3.4 Roles of Disciplinary Investigation and Hearing Members

Chairperson

The Chairperson is responsible for:

- Chairing the Disciplinary Investigation and Hearing
- Advising the employee concerned of the allegation(s) made against him/her
- Explaining seriousness of the situation and checking the employee understands that dismissal is a possible outcome
- Hearing the case and the employee's defence
- Making a decision as to the sanction to be applied

Secretary

The Secretary is responsible for:

- Organising the logistics of the Disciplinary Investigation and Hearing
- Advising the employee in question of the allegation(s)
- Inviting the employee in question, in writing, to the hearing (making it clear that the employee in question is invited not ordered to attend)
- Providing the employee in question with copies of documents, statements, and any other evidence which will be submitted to the Disciplinary Investigation and Hearing
- Advising them of their right to be assisted in the presentation of their case
- Advising the employee in question that if he/she refuses or fails to attend, the Disciplinary Investigation and Hearing may proceed in their absence
- Taking the minutes of the hearing meeting, recording and filing the confidential summary notes of all meetings
- Ensuring that the manager, supervisor concerned makes relevant entries onto the individual's personnel record
- Ensuring that the proceedings are conducted in accordance with the "Disciplinary & Performance Improvement Procedure"
- Writing to the member of staff to confirm the decision of the Disciplinary Investigation and Hearing

Note: If the decision is dismissal, the employee in question with one year's continuous service or more, has the right, on request, to have a "written statement of particulars of reasons for dismissal".

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6.3.5 *Operation*

If the employee in question wishes to exercise his/her right to be accompanied by another employee he/she will be given the opportunity to discuss the case being investigated with that person before the Disciplinary Investigation and Hearing is formally convened.

Should the employee in question fail to attend, then the hearing will normally proceed as arranged. If this non-attendance is caused by sickness or other acceptable reason(s) then the Chairperson of the Disciplinary Investigation and Hearing has the discretion to postpone the hearing until a later date.

The members of the Disciplinary Investigation and Hearing should be introduced to persons participating in the meeting and their roles explained.

Witnesses giving evidence to the Disciplinary Investigation and Hearing may have their written or verbal statements queried by those taking part in the hearing and further clarification or investigation may then be necessary.

6.3.6 *Employee's Right to be Accompanied*

An employee has a right to be accompanied at a Disciplinary Investigation and Hearing or meeting by another employee of their choice or a trade union representative.

If the employee cannot organise such a person to attend on the date proposed then he/she has the right to offer an alternative time and date so long as it is reasonable and falls within 5 working days beginning with the first working day after the day proposed by the Institute.

The chosen companion has a right to address the meeting or hearing and confer with the employee but has no right to answer questions on behalf of the employee concerned. The right does not exist where matters remain informal and are not part of the formal Disciplinary and Performance Improvement procedure.

6.3.7 *Appeals*

When a decision has been made about disciplinary action the employee has a right to appeal against such a decision.

6.3.8 *Making an Appeal*

Such an appeal must be made within 5 working days of the written decision of the Disciplinary Investigation and Hearing and should be addressed to the Chief Executive Officer. The appeal must be in writing stating the grounds of the appeal.

6.3.9 *Grounds of Appeal*

The employee may appeal on a number of grounds, including:

- Perceived unfairness of the decision
- The severity of the decision
- New evidence coming to light
- Perceived procedural irregularities

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6.3.10 *Appeals Process*

- The appeal must be dealt with as quickly as possible
- It will be heard by a Representative of the Catholic Institute for Deaf People, who has not been involved previously and who is appointed by the Chief Executive Officer
- The decision of the Appeal Hearing is notified to the employee in writing
- The decision of the Appeal Hearing is the final stage of the Appeals procedure of the Catholic Institute for Deaf People. The employee is to be advised of this.

6.4 *Records*

Records will be kept detailing:

- The nature of any breach of disciplinary rules or unsatisfactory performance
- Matters discussed at meetings convened in accordance with the Disciplinary & Performance Improvement procedure, including contemporaneous notes and minutes of hearings
- The employee's defence or explanations of mitigating circumstances
- The action(s) taken or sanction(s)
- Reasons for these decisions
- Whether an appeal was lodged and the outcome
- Any subsequent developments

These records will be kept in the employee's file in accordance with this procedure

6.5 *Duration of Warnings*

Warnings will be disregarded for disciplinary purposes provided there have been no further offences during the following time periods:

- | | | |
|---|---------|---|
| ● | Stage 1 | After 6 months |
| ● | Stage 2 | After 12 months |
| ● | Stage 3 | After 12 months |
| ● | Stage 4 | Warnings imposed by a Disciplinary Investigation and Hearing shall remain operative for a minimum period of 12 months, and may remain operative for up to a maximum of 2 years. |

Although lapsed warnings will not be taken into account for progressive disciplinary action, they may be considered where there is a repetition of a similar type of offence.

6.6 *Gross Misconduct*

Gross misconduct occurs when there is serious misconduct, breach of discipline, or work, quality or safety standards, which warrants summary dismissal, i.e. without notice. Summary dismissal does not mean instant dismissal and the breach or incident will be dealt with under the Disciplinary Investigation and Hearing procedure. Examples of Gross Misconduct are:

- Refusing to follow reasonable instructions or perform appropriate work assigned by a manager /supervisor
- Falsifying, destroying or wasting property of the Institute, records or work in progress, or repeated disregard for quality standards
- Unauthorised absence from the workplace

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- Theft, unauthorised use of, or willful damage/defacement to Institute or other employee's property
- Entering your place of work in possession of, or under the influence of alcohol or narcotic drugs, or unauthorised consumption of them on the premises
- Possession of dangerous weapons
- Bullying, fighting or horseplay
- Smoking in unauthorised places
- Violation of safety rules, established policies and procedures
- Violation of security rules
- Unauthorised access to or use of confidential information including computer systems
- Serious misuse of email and internet
- Serious breach of confidentiality
- Conviction of an offence which is inconsistent with your position
- Falsification of timesheets or expense claims
- Deception on employment applications or medical forms, or at interview

This list is not intended to be exhaustive.

6.6.1 Suspension with pay

In circumstances involving potential gross misconduct and some situations when relationships have broken down or where it is considered that there is a risk to company property or the responsibilities of other party's, management may suspend an employee with pay whilst an unhindered investigation is conducted.

The facts of such a case will be investigated by the local supervisor/manager before referral to a Disciplinary Investigation and Hearing. In such circumstances the suspension is not part of the disciplinary procedure.

7 Equality

The Institute is committed to implementing and promoting measures to protect the dignity of employees, the Deaf Community, residents in CIDP homes and pupils in CIDP schools and to encourage respect for the culture and language of Deaf People and others. This is done by creating a work environment free from harassment, sexual harassment and bullying, by dealing effectively with any complaints of such conduct, and also by welcoming diversity and promoting equality.

The Catholic Institute for Deaf People is committed to the principle of equal opportunity in employment and is opposed to any action or procedure that might result in less favourable treatment of an employee, or an applicant for employment, on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Travelling Community

The Institute recognises its obligations under relevant legislation and, through its employment policies, ensures that individuals receive treatment that is fair, equitable and consistent with their relevant aptitudes, skills and abilities. Positive action measures, introduced as appropriate, will ensure that equality of opportunity for all is attained.

Every employee also has the right to be treated with dignity and respect at work. The harassment of any individual or group by another is an aspect of discrimination which breaches this right. The Institute is committed to ensuring that such unacceptable and potentially unlawful behaviour does not take place.

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The Institute requires the active support of all employees in progressing the aims of this policy. By working together on these important issues we will ensure an environment free from discriminatory practice, in which every employee is able to develop to the limit of his or her potential.

Whether it is in selection for employment, placement in a particular job, transfer to a new job, promotion, personal development, or the application of the disciplinary and performance improvement procedure the emphasis of the Institute has always been on the fair and equal treatment of all people according to their merits and performance.

8 General Terms and Conditions

8.1 Staff Personal Information

It is the employee's responsibility to provide accurate information to the Institute so that their employment can be properly managed. To deal correctly with your career, work and pay, the Institute needs to know of any changes in your personal circumstances.

Please tell your immediate manager of changes in:

- Home address and/or accommodation address, telephone number, post code
- Next of kin (Emergency Contact)
- Bank address and account number
- Qualifications

The Institute will not disclose any personal information to any outside agency without your express permission.

8.2 Confidentiality

Every effort is taken by the Institute to ensure that the affairs of our employees, the Deaf Community, residents in our homes and pupils in our schools are treated with absolute confidentiality and you should note the following provisions, in particular:

- You will be expected to keep all information concerning the Institute, our employees, the Deaf Community, residents in our homes and pupils in our schools, with whom you are involved as an employee of the Institute, absolutely confidential. Any breach of confidence will be regarded as a matter of serious concern
- You will be expected to devote your entire working time and attention to the Institute's affairs and therefore you may not, without the consent of the Manager or Director of your facility, be involved in any outside business or enterprise
- You will deliver to the Institute, on termination of your employment, or at any time it may so request, all memoranda, notes, records, manuals, programmes or electronic records, any other documents or property belonging to the Institute or relating to its employees, the Deaf Community, residents in CIDP homes or pupils in its schools, which you may then possess or have under your control. You may not, without the Institute's consent, keep copies of same
- You may not remove from the Institute's premises at any time, without proper advance authorisation, any document or other property which belongs to the Institute or contains or refers to any confidential information relating to the Institute, its employees, the Deaf Community, residents in its homes or pupils in its schools. You will return to the Institute, after termination of your employment any documents or other Institute property that subsequently comes into your possession or procurement in the future

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8.3 *Appropriate response to an Incident of Concern*

It is recognised that the Catholic Institute for Deaf People has a duty of care to the adults and children residing in the residences and to the employees who work with these adults and children. In carrying out that duty of care, if management have reasonable suspicion or become concerned that a member of staff is bringing onto the grounds or premises an illegal substance for their or other's use, management will question the employee and caution them in respect of Managements concerns and may inform the police of their concerns. An employee found to be in possession of such substances is liable to disciplinary action up to and including dismissal for gross misconduct.

8.4 *Hygiene*

High standards of hygiene must be maintained at all times. You must comply with Institute requirements and standards with regard to hygiene. You are required to conform to the highest standards of personal hygiene and appearance. You are responsible for keeping your work area and areas under your responsibility clean and tidy at all times.

8.5 *Employee's Property*

The Institute will not accept responsibility for loss or damage to employee's property on their premises. You should be aware that the car parking within the Institute's properties is not necessarily secure and that the Institute will not accept responsibility for damage or losses to or from cars parked. You are advised to lock your car and not to leave any valuables in clear view from the outside. Employees should report to their immediate Supervisor/Manager all lost or found property.

8.6 *Loss of Earnings Claims*

The Institute makes payment to employees during authorised absences, as specified in Employment Policies and Procedures manual (e.g. Jury Service, sick pay, etc.,) on the clear understanding that, if it is possible, for the employee to claim for loss of earnings they must do so and make restitution to the Institute. If you have been absent as a result on an injury caused by the negligence of a third party and make a claim for compensation you should include in such claim an amount to recover any monies paid to you by the Institute by way of sick pay. Any monies so recovered must be refunded to the Institute.

9 *Grievance*

9.1 *Policy*

The Catholic Institute for Deaf People is committed to the fair and equal treatment of its staff members. It is accepted that when people work together there may be issues or misunderstandings that need to be dealt with from time to time. Good communication, openness and a willingness to co-operate and listen, help to resolve those issues efficiently and effectively. It is the responsibility of all supervisors and managers to listen and respond to issues raised.

9.2 *Procedure at a glance*

Informal

- Initially trying to settle the grievance informally between the parties involved.

Formal

- Failing this the employee should submit their grievance in writing to their manager
- The employee should be invited to a formal grievance hearing meeting
- The employee should be advised of their right to be accompanied by a work colleague or trade union official at the meeting

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- The employee should be given an opportunity to have their say at the meeting
- A written response should be given within a reasonable time, including notice of right of appeal

Appeal

- The appeal should be lodged in writing within 5 days
- If possible the appeal should be heard by a more senior manager
- The employee should be advised of their right to be accompanied by a work colleague or trade union official at the appeal hearing
- The senior manager should be fair, impartial and afford the employee an opportunity to fully explain their grievance
- He/she should inform the employee of his/her response and tell the employee that this is the final stage of the grievance procedure

Records

- Written records should be kept of all meetings and decisions

General Principles

Normal work must continue while the alleged grievance is being examined. Employees are required to carry out all instructions that are appropriate to them provided they are not contrary to safety requirements and if aggrieved by such instructions to subsequently pursue the grievance as set out below. The overall aim of this procedure is to settle grievances quickly and as near as possible to their point of origin. Application of the procedure must comply with the general principles of natural justice and fair procedures which includes:

- That employee grievances are fairly and impartially examined and expressed
- That details of any allegations or complaints are put to the employee concerned
- That the employee concerned is given the opportunity to respond fully to any such allegations or complaints
- That the employee is given the opportunity to avail of the right to be represented during the procedure
- That the employee concerned has the right to a fair and impartial determination of the issues concerned, taking into account any representations made by, or on behalf of, the employee and any other relevant or appropriate evidence, factors or circumstances
- That the employee concerned has the right to an appeal process if they feel the grievance has not been satisfactorily resolved and to be notified of the final decision

These principles require that the allegations or complaints be set out in writing, that the source of the allegations or complaint be given or that the employee concerned be allowed to confront or question witnesses.

Definition of a Grievance

A grievance exists when an individual feels that he/she has cause for complaint regarding:

- Duties
- Behaviour of a work colleague or superior
- Conditions of employment
- Working procedures
- Working conditions

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9.3 Detailed Procedures

Stage 1 Informal

- Employees are encouraged to approach their immediate supervisor when they first have a grievance
- Every reasonable effort should be made to resolve the grievance at this informal stage
- The problem will be discussed and the issues dealt with promptly
- If the decision fails to resolve the grievance it should be progressed to Stage 2

Stage 2

- Should an employee(s) be dissatisfied with the response given to the informal procedure, or feel that they cannot approach their immediate supervisor(s), they should make a written approach to their superior/manager's immediate superior. If this person is the Chief Executive Officer of the Institute, he/she may appoint a Deputy to hear this matter
- The employee(s) may be accompanied by a Trade Union representative, or work colleague
- The problem will be investigated, discussed and issues dealt with promptly
- The meeting will be minuted and agreed minutes circulated to both parties if requested
- Employee(s) will be informed of their right to appeal, the time period applying, and that the appeal should be addressed to the Chairman of the Board of Directors of the Institute. The appeal should be submitted in writing

Stage 3

- If the response at Stage2 does not resolve the issue then the employee(s) may appeal to the Chairman of the Board of Directors of the Institute. The Chairman may appoint a delegate to hear the appeal
- The appeal hearing will be held promptly following consideration of all submitted relevant reports
- Both parties may be present at the hearings
- At the appeal hearing the employee(s) may be accompanied by their Trade Union representative or work colleague
- The grievance will be discussed and a prompt response given
- The meeting will be minuted and agreed minutes circulated to both parties if requested. The decision of the Chairman or his delegate is the final stage of the Institute's Grievance Procedure

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9.3.1 *Operation of Grievance Procedure*

Time Limits:

It should be possible to resolve most grievances promptly through direct communication between the employee(s) and their immediate supervisor/manager.

Where it is necessary to have issues dealt with at a higher level it is essential that the procedures should operate speedily and efficiently. To that end grievances will be heard within 2 weeks of receipt and decision conveyed/confirmed in writing within 2 weeks of the hearing. (These timescales may be altered by mutual agreement between the parties or with due regard for holidays and/or availability of a quorum of the Board of Directors. At no stage should this exceed one month).

A Notice of Appeal to the Chairman of the Board of Directors of the Institute must be submitted by the applicant in writing and within 5 working days of the date of the receipt of the initial decision. The grounds of the appeal must be fully detailed.

9.3.2 *Aggrieved Group*

If a group of 5 or more employees feel aggrieved by some practice, instruction, act or omission, which each of them considers to be unfair, three of them, may make representation on behalf of those aggrieved to their immediate supervisor or at a higher level or can have the matter dealt with by their Trade Union representative.

9.3.3 *Work Continuation*

While aggrieved issues are under consideration the employee(s) will carry out the duties assigned to them under protest provided they are not contrary to safety requirements. Failure of the employee(s) to abide by procedures or act outside the Grievance Procedure may be treated as misconduct and dealt with under the Disciplinary & Performance Improvement Procedure. Non-compliance will result in the suspension of the procedure and the Disciplinary & Performance Improvement Procedure being instituted.

9.3.4 *Malicious Accusations*

If following detailed consideration of all relevant facts of the case, it is considered that the complaint was brought maliciously, it may be treated as misconduct and dealt with under the Disciplinary & Performance Improvement Procedure.

9.3.5 *Statutory Rights*

Nothing in these procedures will interfere with an individual's statutory rights under employment legislation.

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10 Holiday Entitlement & Leave Arrangements

10.1 *Annual Leave*

The holiday qualifying year for schools, school residences and Chaplaincy employees runs from 1st September to 31st August of the following year. The holiday qualifying year for all other employees of the Institute runs from 1st January to 31st December of the same year. Your entitlement is granted in accordance with the provisions of Part III of the Organisation of Working Time Act, 1997. Employees are expected to take their holiday entitlement at times convenient to their work. Employees who work in the schools or the residences that support the schools will be required to take annual leave during the school breaks, usually in July, August, Christmas and Easter.

The holiday entitlement should be taken after obtaining the permission of your Supervisor/Manager. Preferred holiday periods will be respected as far as possible within the framework of the Institute's work and operational needs. The final decision in allocating annual leave rests with management.

It is in the best health and welfare interests of employees to make full use of their annual holiday entitlement each year. Holidays cannot be carried forward from one holiday year to the next except by prior arrangement with your supervisor/manager. The Institute has a duty and responsibility to ensure that employees use their leave entitlement within the holiday year. If an employee fails to plan and reserve holidays to be taken before the end of the holiday year, in agreement with their supervisor/manager, management reserve the right to specify the dates on which the employee will use outstanding holiday entitlement. Any holidays carried over from the previous holiday year, by arrangement with management, must be taken within six months of ending of the leave year.

When a termination of contract occurs and the paid holidays already taken exceed the paid holiday entitlement on the date of termination, the Institute reserves the right to deduct the excess holiday pay from any termination pay.

10.2 *Public Holidays*

Public holiday entitlements will be granted in accordance with the provisions of the Organisation of Working Time Act, 1997. The Institute recognises nine Public holidays. These are:

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

Under normal circumstances the Institute will give employees a day off with pay on the day of a public holiday. In exceptional circumstances employees may be required to work. On such occasions staff will be compensated as per the provisions of the Organisation of the Working Time Act, 1997.

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10.3 *Maternity Leave*

Arrangements for maternity leave will be in accordance with the provisions of the Maternity Protection Acts, 1994 and 2004. Information leaflets are available from the Institute. All employees covered by the Maternity Acts are entitled to:

- Time off without pay from the Institute for maternity leave and additional maternity leave
- Time off, without loss of pay, for ante-natal/post-natal care
- Time off, without loss of pay to attend one set of ante-natal classes (other than the last three)
- Health and safety leave where the employment results in a hazard to the employee
- Accrual of annual leave whilst on maternity leave and additional maternity leave
- Protection against unfair dismissal on grounds of pregnancy or matters connected therewith
- Return to work after maternity and protective (health and safety) leave and at the option of the Institute to either:
- Breaks of one hour in the workplace where facilities are provided for breastfeeding Or
- To a reduction in working hours
- Subject to agreement with the institute, a right to terminate additional maternity leave in the event of becoming ill and to postpone maternity or additional maternity leave if the child is hospitalised

In the case of fathers the Institute will grant:

- Time off to attend, on a once off basis, the last two ante-natal classes before the birth
- The balance of the maternity leave or additional maternity leave where the mother dies on maternity leave or additional maternity leave

These entitlements cover:

- All pregnant employees
- All employees who have recently given birth, for a period of not more than 14 weeks from the date of the birth
- All employees who are breastfeeding, for a period of not more than 26 weeks from the date of the birth and who have informed the Institute of their condition

Fixed term Employees

All fixed term employees are covered where their contract is due to expire during the maternity or health and safety leave period. Their entitlement also expires on that date.

Procedure and Notification

The right to take maternity leave is subject to the employee concerned giving to her supervisor/manager at least four weeks written notice of intention to take maternity leave, and also giving or producing for inspection, a medical (or similar) certificate, confirming the pregnancy and specifying the expected week of confinement. Subsequently, if the employee wishes to change the starting date of her maternity leave a second notification must be made which also gives at least four weeks notice of the beginning of maternity leave.

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The employee's right to return to work is conditional on written notification of intention to return to work and must be given at least four weeks before the due date of return. The supervisor/manager should prepare a copy of the Institute's advice to employees taking Maternity Leave form so that there is a clear understanding between the employee and the Institute about dates and procedural requirements to be observed.

To be entitled to take additional maternity leave, an employee must inform the Institute in writing of her intention to take such additional leave not later than four weeks before the end of the maternity leave period.

Entitlement to Ante/Post Natal Care leave is subject to written notification to the supervisor/manager of the date and time of the appointments (except for her first appointment) at least two weeks in advance. Notification in the case of ante-natal classes must be at least two weeks notice before the first class or class concerned and appropriate documentation giving the dates and times of the classes.

An "expectant father" is entitled once only to time off from work without loss of pay to attend the last two ante-natal classes before the birth. This right is subject to the employee giving the Institute at least two weeks notice before the first class or class concerned and appropriate documentation giving the dates and times of the classes.

10.4 Adoptive Leave

The Institute recognises the burdens placed on adopting parents and will maintain the employment rights of:

- All adopting mothers under a contract of employment
- All sole male adopters, under a contract of employment
- All adopting fathers, under a contract of employment, where the adopting mother has died before or during the period for adoptive leave or additional adoptive leave

All such employees will be entitled to 24 weeks of statutory adoptive leave and 16 weeks additional adoptive leave, subject to certain notification requirements. Social welfare payments are available for statutory adoptive leave only

Additionally, an employee will be granted time off during work hours without loss of pay to attend preparation classes and pre-adoption meetings with social workers/health board officials required during the pre-adoption process.

Procedure and Notification

The employee must give a minimum of four weeks advance notice of their wish to take Adoptive Leave before the expected placement of the child. The expected day of placement may be given later where this is not possible. However written notification must be given not later than the proposed date of commencement of the leave.

If the employee wishes to take additional adoptive leave they must inform the Institute, in writing, at least four weeks before they wish to commence this leave.

To benefit from their protected employment rights during Adoptive Leave the employee must inform the Institute, in writing, at least four weeks before the date in which they wish to return to work after adoptive leave or additional leave.

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10.5 *Protected Leave*

During any period of:

- Maternity leave
- Additional Maternity leave
- Leave for fathers on death of mother
- Leave on health and safety grounds
- Carer's leave
- Adoptive leave
- Parental leave
- Force Majeure leave

the employee will be treated as being on "protected leave" and remains in the employment of the Institute. Any notice of resignation given by an employee during maternity leave that would take effect during the period of maternity leave is void and will not be accepted by the Institute.

During these periods of leave an employee's continuity of employment in respect of any right (whether statutory, contractual or otherwise) with the exception of remuneration are preserved as if present at work. During natal care absence and time off for breastfeeding, the employee's continuity of employment in respect of any right are preserved as if she had been at work. Absences on protective leave, natal care absence and time off for breastfeeding count as reckonable service for the purposes of annual leave and redundancy calculation and will not be counted against any other leave, such as annual leave or sick leave, to which the employee is entitled.

Employees will retain entitlement to public holidays occurring during maternity leave, additional maternity leave and leave for fathers. Employees on health and safety leave do not have such entitlement.

Probationers & Trainees

The duration of training or probationary period is extended by the period of the "protected leave". The training or probation stands suspended for the leave period and must be completed on return to work.

Return to Work

An employee who has been on "protected leave" will be entitled return to work in the same job under the same contract of employment. If the employee had been in a different job than usual immediately before leave (e.g. in order to give her suitable work during pregnancy), she is entitled to return to her normal work (or as soon as is permitted by law where protective legislation is concerned).

Alternative Work

Where it is not reasonably practicable for the Institute to permit an employee to return to work in the same job, suitable alternative work may be offered under a new contract of employment. Alternative work offered will be work of a kind that is suitable to the particular employee. Offers of alternative employment will not be less favourable than those previously obtaining.

Procedures and Notification

All rights are subject to employees observing notification procedures.

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Advice Form for Employees taking Maternity & Additional Maternity Leave

To Employees Taking Maternity Leave under the Maternity Protection Act, 1994 -2004

Name of Employee: _____

(a) Your maternity leave period will commence on _____ (date)

(b) Your maternity leave period is due to end on _____ (date)

Taking Maternity Leave Only

(c) If you do not plan to take additional maternity leave, you should notify in writing your intention to return to work after maternity leave either before taking leave or (4 weeks notification) not later than _____ (date)

Taking Additional Maternity Leave

(d) If you intend taking additional maternity leave, as well as maternity leave, you are due to return to work on _____ (date)

(e) You must notify in writing your intention to take additional maternity leave before taking maternity leave, or not later than _____ (date)

(f) You must notify in writing your intention to return to work either before taking leave (4 weeks notification), or not later than _____ (date)

(g) If for any reason as provided under the Maternity Protection Acts, 1994 and 2004 you will need to extend or shorten your maternity leave or additional maternity leave periods, you must notify in writing the new date of return to work and new dates will apply for the notifications agreed above. _____ (date)

If you are unable to make any of the written notifications yourself, you should make sure that someone else does so on your behalf.

SIGNED: _____ (for the Institute) DATE: _____

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10.6 Parental Leave

The Institute recognises that there will be occasions when employees, who have or are expecting to have parental responsibility, will be required to care for, or make arrangements for the good of a child. Arrangements for the taking of parental leave will be in accordance with the provisions of the Parental Leave Act, 1998 and 2004.

10.7 Bereavement /Compassionate Leave

The Institute would wish to support employees during times of bereavement and allows employees paid leave.

- In the event of the death of a close relative (a parent, spouse/partner, child, brother or sister) 3 days paid leave will be granted
- In the event of the death of a member of the employee's extended family, (grand-parent, grand-aunt/uncle, aunt, uncle, first cousin, parent-in-law) 1 day's paid leave will be granted
- In the event of the death of a friend or more distant relative, unpaid time off for attendance at a funeral may be granted at the discretion of management

10.8 Force Majeure Leave

Policy

The Catholic Institute for Deaf People wishes to support employees in times of personal or family difficulties and grants Force Majeure Leave. "force majeure" is a legal term to describe unforeseeable circumstances that prevent someone from fulfilling a contract. An employee is entitled to leave with pay for urgent family reasons, owing to the injury or illness of a close family member. 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.

Eligibility

An employee wishing to take Force Majeure Leave may do so in respect of:

- A parent or grandparent
- Spouse/ partner
- Brother/sister
- Child/adopted child
- A person to whom the employee is in loco parentis

Entitlement

Employees are entitled to up to three (3) days paid Force Majeure Leave in a twelve (12) month period or no more than five (5) days in a thirty-six (36) month period. Part days absent will be regarded as one (1) day. In accordance with legislation, a day is deemed to be the period of work for which the employee was rostered on that occasion.

Notification

On the day in question, the employee should notify their Supervisor/Manager as early as possible of their intention to take Force Majeure Leave and the reasons for it.

The Institute acknowledges that it is not feasible for employees to give notice requesting Force Majeure Leave, as it is designed to cater for emergencies only. However, on return to work, a Force Majeure Leave application form (see copy of form below) should be completed and submitted to the relevant Supervisor/Manager for approval. In addition, evidence of the family emergency may be required. This will normally be a medical certificate from the doctor attending the family member, outlining the nature of the injury or illness and confirming that the employee's presence was urgently required. In emergency situations, the medical certificate will be self-explanatory.

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APPLICATION FOR FORCE MAJEURE LEAVE

(a) Name of Employee: _____

(b) Address of Employee: _____

(c) RSI Number: _____

Name and Address of

Injured /member of

the employee's family

Relationship to Employee:

Nature and details of injury / illness of family member involved:

Date(s) of Force Majeure Leave: _____

I confirm that I have taken Force Majeure Leave on the above-mentioned date(s) because of above urgent family reasons as shown above.

DECLARATION

I declare that the information given by me above is true, accurate and complete in all respects and I both understand and accept that if that is not the case, whether knowingly on my part or otherwise, following due investigation by the Institute, I may be denied Force Majeure Leave and/or liable to disciplinary action.

Signature of Employee: _____ Date: _____

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Confirmation of Parental Leave

To employees taking Parental Leave under the Parental Leave Act, 1998 as amended by the Parental Leave (Amendment) Act, 2006.

Name of Employee: _____

(a) Your parental leave period will commence on _____ (date)

(b) As the parent of _____ (name of child) ,

born on _____ (date of birth) you are entitled to 14 weeks unpaid leave

(parental leave) to enable you to take care _____ (name of child).

(c) We have agreed that the leave will be taken as a continuous block of 14 weeks.

(d) Your paternal leave period is due to end on _____ (date)

SIGNED: _____ (for the Institute) DATE: _____

SIGNED: _____ (employee) DATE: _____

(To be completed and signed in duplicate, a copy to be retained by the Institute and a copy to be given to the employee)

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10.9 Carer's Leave

The Institute will grant unpaid Carer's Leave to employees, who have completed at least one year's continuous service, to provide full-time care for a "relevant person" in need of full-time care and attention in accordance with the Carers' Leave Act 2001.

Notification

The employee must make application for leave to both the Institute and the Department of Social and Family Affairs at least 8 (eight) weeks before they propose to commence Carer's Leave. At least two weeks before the proposed date of commencement of the Carer's Leave, the Institute will prepare confirmation document - see "Confirmation Document Form" below. This document specifies:

- The date the leave will begin
- Its duration; and
- The manner in which it will be taken
- The employee must produce DFSA certificate

Both the Institute and the employee will sign this document and retain a signed copy. Once this confirmation document has been signed it can only be altered by agreement between the Institute and the employee.

Termination of Carer's Leave

Carer's Leave will terminate in the following circumstances:

- The achievement of the date of termination specified in the confirmation document
- Agreement between the Institute and the employee
- Where the person in respect of whom the employee has taken Carer's leave ceases to satisfy the conditions for a relevant person
- Where the employee ceases to satisfy the conditions for the provision of full-time care and attention
- Where the relevant person dies during the period of Carer's leave, the leave will terminate either six weeks after the date of death, or the date of termination specified in the confirmation document, whichever is the earlier

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Confirmation Document Form

Confirmation of Carer's Leave

To be completed by the Institute and the employee, pursuant to Section 10(1) of the Act, not later than two weeks before the commencement of the Carer's leave concerned.

The employee must give the Institute a copy of the decision of the deciding officer of the Department of Social and Family Affairs, that the care recipient is a relevant person for the purposes of Section 82A (1) (inserted by the Act of 2000) of Chapter 11A of Part II of the Social Welfare (Consolidation) Act, 1993, as soon as he/ she receives it. The applicant is not entitled to Carer's Leave until he/she has done so, under Section 6(2) (2) of the Act.

Name of Employee: _____

Address of Employee: _____

PPS Number: (formerly RSI Number) (Figures) (Letters) _____

Approved Date of Commencement of Carer's Leave: __/__/__ (Day/Month/Year)

Duration of Carer's Leave: _____ weeks

Manner in which leave is to be taken: _____

(Please provide a brief description)

Signed of behalf of the Institute: _____ Date: _____

Signature of Employee: _____ Date: _____

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10.10 Jury Service

The Institute will continue to pay full salary to an employee who is called to serve on a Jury. The employee is responsible for claiming loss of earnings from the Court. This amount should be reimbursed to the Institute. It is a condition of this arrangement that employees will return to work during any reasonably available hours of the normal working day not spent on jury duty.

10.11 Special Leave

If you need time off work for reasons other than the above, discuss it with your manager. If an urgent personal need arises which necessitates asking for leave of absence without payment, this may be granted by management after consideration of the circumstances, at the sole discretion of management.

Absence from your work, which includes lateness, without agreement of your manager, means that you are in breach of your Contract of Employment and will be dealt with under the Institute's Disciplinary & Performance Improvement Procedure and could result in disciplinary action up to and including dismissal. Wherever possible dental and medical appointments (except in Pregnancy) should be arranged in employee's own time and not during working hours.

11 Leaving the Catholic Institute for Deaf People

11.1 Termination of Employment

11.1.1 Notice Period

1) Resignation by the employee

An employee who has more than 13 weeks service and decides to leave the Institute must give one week's notice in writing, unless his/her contract states otherwise.

2) Termination by the Institute

If the Institute terminates an employee's Contract of Employment, it gives notice according to the continuous service as follows:

Length of Service	Notice Period
13 weeks up to 2 years service	1 week
2 years less than 5 years	2 weeks
5 years less than 10 years	4 weeks
10 years less than 15 years	6 weeks
15 years or more	8 weeks

The Institute reserves the right to pay salary for the relevant period in lieu of notice.

During the period of notice, you may, at the discretion of the Institute, continue to be paid in full, but be required to stay away from work. In these circumstances you may not be required to perform any duties, but you will not be entitled to work with another employer.

In cases of gross misconduct or gross negligence which may warrant dismissal, the Institute has a right to immediately suspend the employee with pay pending a full investigation, which may result in the employee's dismissal without notice or without payment in lieu of notice.

Nothing in this contract shall prevent the giving of a lesser period of notice by either party where it is mutually agreed.

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11.2 *Reasons for Termination of Employment*

The Institute sincerely hopes that it will not be necessary to dismiss you. You may be dismissed from the Institute where you are considered not to meet the Institutes standards/ requirements for:

- Capability
- Competence
- Qualifications
- Conduct
- Legal prevention, i.e. when a law of the land prevents your continued employment
- Retirement
- Redundancy or
- Some other substantial reason which prevents the Institution retaining you in our employment

There are, however, certain breaches of Institute rules and of established custom and practice which may also render you liable to dismissal. These include, but are not limited to those listed in the section on Gross Misconduct.

All dismissals will be carried out in accordance with the provisions of the Institute's Disciplinary and Performance Improvement Procedure.

11.3 *Retirement*

Normal retirement age for employees of the Institute is 65 years. Retirement commences at the end of the month in which you achieve your 65th birthday. The Institute reserves the right to notify relevant parties of upcoming retirement to enable the Institute to plan contingencies following the individual's retirement.

11.4 *Pension*

A Pension Scheme has been set up for employees at each of the entities within the Institute. All employees, over the age of 21 years, with more than 6 months continuous service are eligible to join the Pension Scheme arranged for employees at their place of work. If an employee already has a PRSA set up with another provider, e.g. a Bank, Building Society or Insurance Company, they can continue to have contributions made to that account. Contributions from pay are made directly into the employee's pension by the Institute. The Institute is able to provide the employee member with tax relief at source for the savings made.

An information booklet and application form is available from the Institute.

12 Overtime

The Institute covers each facility to the level required to provide a cost effective and efficient service. Overtime working results in additional costs to the Institute and should not be an automatic or regular solution to a manning problem. Overtime working must be approved and agreed in advance with your Supervisor/Manager.

Employees will be required to work a reasonable amount of overtime. Any employee who consistently refuses requests to work overtime or who having agreed to work overtime, does not attend without good reason, may be liable for disciplinary action.

Overtime rate will be paid for hours worked in excess of the standard 39 hour week. Employees who work less than the standard working hours must have worked 39 hours in the week before they become entitled to the overtime rate of time and a half.

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13 Protection of Children and Vulnerable Adults

The Catholic Institute for Deaf People will discharge its responsibility to protect the dignity and welfare of children and vulnerable adults entrusted to its care and to support staff with responsibility for them through the following measures:

- Ensure insofar as is reasonably practical that sufficient resources are available to enable best practice standards of patient/client care to be delivered
- Provide safe systems of work to minimise the potential for abuse
- Provide information leaflets which set out how students, patients/clients, relatives and members of the public can report concerns or complaints of abuse
- Rigorous application of recruitment and selection procedures to ensure that staff possess the required skills and attributes
- Provide induction for all new staff to ensure that they are aware of the standards of care expected from them
- Provide effective supervision, support and training for all staff so that they are aware of the standards of care expected from them and shortfalls in standards are dealt with promptly
- Communicate the Trust in Care Policy to all staff so that they are fully aware that the welfare of students, patients/clients is of paramount importance and know the action to be taken if abuse is suspected or alleged
- Manage allegations of abuse against staff members promptly and with due regard for the right of the staff member to fair procedures whilst safeguarding the welfare of students, patients/clients

Each facility has its own detailed policy document which fulfils the above objectives and which is widely distributed to parents and staff.

14 Recruitment & Manning

14.1 Organisation Structure

Organisation structure charts show the hierarchy and approved posts that exist in each facility within the Catholic Institute for Deaf People. Each facility manager must agree the structure and posts with the Chief Executive Officer. Any changes to the structure and manning levels must be agreed with the Chief Executive Officer before recruitment to fill a post. The facility will be manned to fill the approved posts as agreed and shown on the organisation chart for the facility. If a post becomes vacant this should be viewed as an opportunity to review the structure and determine if any economies are possible. Replacement recruitment should not be automatic and must be agreed with the Chief Executive Officer.

14.2 Post Description

Every post on the organisation chart must have a Post Description. The Post Description describe the overall aims and objectives of the post (the reason it exists), the duties and responsibilities and lists some of the tasks the post holder must carry out or behaviours they should demonstrate as the post holder. This is not intended to be an exhaustive list of the duties of the post. It is intended for the guidance of the person in the position. The Post Holder is expected to work flexibly within their area of competence. Also, it gives information about the career background, education and training required by the Post Holder to be fully qualified and competent to hold the post.

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Every employee should have a copy of their Post Description. The post holder should fully understand its contents and must work to achieve its objective(s). Each year the post holder and their manager should review performance and agree individual targets and objectives that will contribute to the success of the facility in which they work and help meet the overall objectives of the Institute. Post holders should work with their Supervisor/Manager to ensure that their Post Description is kept up-to-date and that any change in their role is properly reflected in the post description.

14.3 Recruitment

The Institute will recruit to fill any vacancies for posts shown on the approved organisation chart. The Post Description will be used as the basis for selection of candidates. The candidate who best matches the requirements of the post as shown in the post description will be selected and employed subject to receipt of satisfactory references and clearance evidence. Vacancies will normally be advertised on the internet or in newspapers. Existing employees who meet the recruitment criteria are eligible for inclusion in the recruitment competition. The Institute reserves the right to create new posts and appoint without advertising externally.

14.4 Eligibility to Work

The EEA (European Economic Area) consists of the EU member states together with Norway, Iceland and Liechtenstein. In general, non-EEA nationals (with the exception of Switzerland) must have a permit to work in Ireland. Although nationals of Romania and Bulgaria are EEA nationals the law requires them to have a permit to work in Ireland. Non-EEA nationals and nationals of Romania and Bulgaria must ensure that they have a current work permit which is valid for employment in the specific post with the Catholic Institute for Deaf People. If an employee requires renewal of their work permit they must notify their Manager at least three months before it expires and take the necessary steps to have it renewed. The Department of Enterprise, Trade and Employment have stated that it will take 2 to 3 months for a new application or renewal to be processed. The Institute is unable to employ anybody who does not have a current valid work permit and so if renewal of a work permit application is declined, the employee's employment with the Institute will be terminated with effect from the expiry date of the work permit.

14.5 Probationary Period

All new recruits will be on probation for the first six months of employment. The probationary period may be extended at the Institute's discretion, but will not, in any case, exceed 11 months. During this period they must prove that they are willing and capable of meeting all the requirements of their post. Unsatisfactory performance or conduct during this period will normally result in termination of their contract of employment. Termination of Contract of Employment within the probationary period shall be at the discretion of the Institute and in the event of such a termination the employee will receive one week's notice in writing and not the normal notice period shown under the policy relating to Period of Notice. Alternatively the Institute reserves the right to make payment in lieu of notice. If a probationary employee intends to resign from employment, during the probationary period they will be required to give the Institute one week's notice in writing.

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15 Safety, Health and Welfare

Policy Statement

The Board and management of the Catholic Institute for Deaf People recognise their responsibility for the wellbeing including the Safety, Health and Welfare of its entire staff where ever they work. The Chief Executive Officer is responsible for the implementation of this policy through the existing supervisory structures.

In so far as is reasonably practicable the Catholic Institute for Deaf People will provide and maintain safe and healthy working conditions, equipment and systems of work for all staff and the public who are affected by its activities, as residents, students or users of their facilities.

Catholic Institute for Deaf People ensures that each unit or activity has in place a Safety Statement specific to its activities and based on a risk assessment of its activities as required by the Safety, Health and Welfare Act 2005. All its staff have the obligation to advise management of any circumstance which might affect the safety, health or welfare of themselves, their colleagues, their students or the public.

In so far as is reasonably practicable, facilities accessible to the public will be maintained so as to minimise the hazards to the public associated with them.

The Chief Executive Officer reporting directly to the Board ensures that all aspects of the policy are in fact being implemented.

This policy will be kept up to date. To ensure this, the policy and the way in which it has operated will be reviewed every year.

Whereas each site specific Safety Statement will address the risk associated with the hazards of its activities this policy provides the core policies applicable to all activities.

The Catholic Institute for Deaf People is fully committed to complying with all applicable Health and Safety Legislation. To that end it will ensure that it is kept abreast with all current legislation, and that all units are kept informed of their legal obligations.

Specifically:

The Catholic Institute for Deaf People commits to ensuring that all work together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work for the Catholic Institute for Deaf People are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity. Bullying or harassment in any form is not accepted and will not be tolerated. The policies and procedures agreed within the Institute will underpin the principles and objectives of this policy.

All the activities of the Catholic Institute for Deaf People will be carried out to the best standards of safety performance in accordance with the following principles:

- All activities can be carried out in a safe way without risk of injury to staff, students and the public
- Management at all levels is responsible and accountable for the safety performance of activities under their control
- The Board of the Catholic Institute for Deaf People will endeavour to ensure that appropriate resources for the safety programme are available to each of its activities
- All staff whether management, supervisory, or otherwise must have regard to safety performance in all their activities

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- All hazards which have the potential to cause injury or ill-health have to be assessed and the risks controlled. If a hazard cannot be eliminated effective safeguards and procedures must be provided and maintained
- Staff must be provided with all necessary training to carry out their activities in a way that avoids injury to themselves or others
- Safety training includes both skills on how to do their job safely and motivation to work safely
- Safety in the workplace will be regularly audited
- All deficiencies in the safety programme identified by the audit or otherwise are remedied promptly
- All legal requirements are fulfilled to the full

To ensure this the Board of the Catholic Institute for Deaf People will make arrangements that each place of work under its control has a Safety Statement to the requirements of Section 20 of the Safety Health and Welfare at Work Act 2005, based on the identification of the hazards and assessment of the risks as required by section 19 of the Act.

Each of these Safety Statements shall specify for the site or activity as required by the Act (extracts quoted below):

- The hazards identified and the risks assessed
- The protective and preventative measures taken and the resources provided for protecting safety, health and welfare at the place of work to which the safety statement relates
- The plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger, in compliance with sections 8 and 11 of the Act
- The duties of employees regarding safety, health and welfare at work, including cooperation with the Institute and any persons who have responsibility under the relevant statutory provisions in matters relating to safety, health and welfare at work
- The names and, where applicable, the job title or position held of each person responsible for performing tasks assigned to him or her pursuant to the safety statement, and
- The arrangements made regarding the appointment of safety representatives and consultation with, and participation by, employees and safety representatives, in compliance with sections 25 and 26 of the Act including the names of the safety representative and the members of the safety committee, if appointed

The management of each activity shall bring the safety statement, in a form, manner and, as appropriate, language that is reasonably likely to be understood, to the attention of:

- His or her employees, at least annually and, at any other time, following its amendment in accordance with this section
- Newly recruited employees upon commencement of employment, and
- Other persons at the place of work who may be exposed to any specific risk to which the safety statement applies

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16 Smoke Free

Purpose

Second-hand smoke, also known as Environmental Tobacco Smoke (ETS) or passive smoke is a cause of disease, including lung cancer and heart disease, in third parties. Neither the simple separation of smokers and non smokers within the same air space, nor the provision of ventilation, can eliminate exposure to second-hand smoke and the consequent health effects of such exposure. This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke, to ensure compliance with legal obligations and to ensure a safe working environment.

Policy

It is the policy of Catholic Institute for Deaf People that the inside of all of its facilities is smoke-free, with the exception of designated smoking areas in the adult residence, and that all employees, residents, students and others who avail of the support and services of the Institute have a right to enjoy a smoke-free environment. Smoking is prohibited throughout facilities, residences and schools, except in designated smoking areas. This policy applies to all employees, residents, students, consultants, contractors, customers and visitors.

Implementation

Overall responsibility for policy implementation rests with the occupier, manager or other person, for the time being, in charge of the site. All staff, residents, students and others who avail of the support and services of the Institute have an obligation to adhere to, and facilitate the implementation of this policy.

The person in charge each site shall inform all existing employees, residents, students, others who avail of the support and services of the Institute, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. All new and prospective employees, residents, students, others who wish to avail of the support and services of the Institute, consultants and contractors shall be given a copy of the policy on recruitment/induction by the person in charge.

Policy Regarding Infringements

Infringements by staff will be dealt with, in the first instance, under the Disciplinary and Performance Improvement Procedure. Recurring infringements by residents, students and others who avail of the support and services are liable to result in expulsion. Employees, consultants, contractors, customers and visitors who contravene the law prohibiting smoking in the workplace are also liable to prosecution.

Smoking Cessation

Information on how to obtain help quitting smoking is available from the National Smokers' Quitline on callsave 1850 201203 or Local Health Boards.

17 Working Time Act

The Institute fully complies with the Organisation of Working Time Act which sets out statutory rights for employees in respect of rest, maximum working time and holidays. The Policies and Procedures of the Institute give details of the various employee entitlements. These include the following rest and maximum working time entitlements.

17.1 Maximum Weekly Working Time

The legislation limits the maximum average working week to 48 hours. Weekly working time can be averaged out over a four, six or up to 12 month reference period.

Maximum Night Working Time for night workers is 48 hours per week averaged over 2 months.

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17.2 *Rest Periods*

Every employee has a general entitlement to:

- 11 hours daily rest per 24 hour period
- One period of 24 hours rest per week preceded by a daily rest period (11 hours)
- Rest breaks - 15 minutes where up to 4.5 hours have been worked, 30 minutes where up to 6 hours have been worked which may include the first break

17.3 *Definitions, exceptions & other features of the Working Time Act*

17.3.1 *Night Workers*

The Act defines "night time" as the period between midnight and 7 a.m. the following day. Night workers are employees who normally work at least 3 hours of their daily working time during night time and the annual number of hours worked at night equals or exceeds 50% of annual working time.

17.3.2 *Working Time*

Working Time is net working time, i.e., exclusive of breaks, on call or stand-by time.

17.3.3 *Exceptional or Unforeseeable Circumstances*

The Act permits exemption from the rest provisions due to exceptional circumstances or an emergency (including an accident or the imminent risk of an accident) the consequences of which could not have been avoided despite the exercise of all due care, or, due to the occurrence of unusual and unforeseeable circumstances beyond the Institute's control, it would not be practicable for the Institute to comply with the provision concerned.

17.3.4 *Compensatory Rest*

All exemptions are subject to equivalent compensatory rest being made available to employees. In these circumstances rest may be postponed temporarily and taken within an adjacent timeframe. This ensures that although the Institute may operate a flexible system of working, employees will not lose out on rest.

17.4 *Holidays*

Details of holiday entitlement which comply with Organisation of Working Time Act are contained in the policy relating to holidays under Section 10 of this manual.

17.4.1 *Public Holidays*

The Organisation of Working Time Act provides for provision of nine public holidays. These are specified under Section 10 of this manual.

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

- a) A paid day off on the holiday or
- b) A paid day off within a month or
- c) An extra day's annual leave or
- d) An extra day's pay

as the Institute may decide.

If the public holiday falls on a day on which the employee normally works, the employee is entitled to a paid day off for the day.

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If the public holiday falls on a day on which the employee does not normally work, the employee is entitled to one fifth of his/her normal weekly wage for the day or to either (b) or (c) above as the Institute may decide.

If the employee is asked to work on the public holiday, the employee is entitled to (b) (c) or (d) above as the Institute may decide.

There is no service requirement in respect of public holidays for whole time employees. Part time employees qualify for public holidays entitlement provided they have worked at least 40 hours during the five weeks ending on the day before a public holiday.

(Note this Act refers to "public holiday" not "bank holiday". Not every official bank holiday is a public holiday though in practice most of them coincide).

17.5 *Sunday Premium*

The Act specifies that employees who work on Sundays are entitled to a Sunday Premium. The Institute pays a premium of 100% of normal hourly rate in addition to normal pay for hours worked on Sunday.

Notes

Notes