

# Loreto Sisters

## Grievance Procedure

The objective of our grievance procedure is to enable grievances in relation to the terms and conditions of your employment to be dealt with promptly and fairly with no disruption if possible to the working relationship and your performance. We consider the most satisfactory manner in which good working relationships are promoted is through consultation with employees and through resolution of instances as close as possible to the points of origin.

The policy will promote harmonious industrial relations and ensure an employee or group of employees should be given a fair hearing and dealt with fairly. We encourage free communication between all staff and management and the open airing of such problems can often help resolve them quickly and satisfactorily.

If informal processes do not resolve the issue(s), the formal grievance procedure will then be followed.

- (i) The employee should raise the matter with the Supervisor. The Supervisor will record the grievance, give it consideration and provide a decision.
- (ii) If you fail to get a satisfactory reply, you may then raise the matter with the Person in Charge who will arrange to hear the grievance within five working days. You may, if desired, be accompanied to this meeting by a work colleague of your choice excluding any person or body unconnected with the employer. The decision of the Employer will be given no later than three working days after the complaint is made.
- (iii) If the individual cannot or does not want to raise the matter with the Person in Charge, it should be referred to the Local Leader.

If a formal complaint is to be made, this must be put in writing by the employee to the relevant person noted above.

It may be necessary to hold meetings at some stage in this procedure to fully explore the grievance. All employees will be expected to continue to work as normal while the grievance is being investigated.

Should the matter remain unresolved, it will be referred to the Labour Relations Commission for conciliation or for a hearing by a Rights Commissioner. If still unresolved, it will be referred to the Labour Court for formal investigation, or, in the case of a dismissal, to the Employment Appeals Tribunal.

During the period in which the procedure is being followed no strike, lock-out, walk-out, sit-in, go-slow, or any other form of industrial action designed to bring pressure to bear on either party will take place until all avenues as prescribed have been followed by other parties, and at least 14 days have elapsed following the issue of a Labour Court Recommendation or a determination of the Employment Appeals Tribunal. In the event of any issues arising which cannot immediately be disposed of and which are being processed in accordance with the above disputes procedure, normal working - under protest if necessary - will continue, pending a settlement.

### **DISCIPLINARY PROCEDURE:**

We expect good standards of conduct and work performance from all staff. You should have a fair opportunity to remedy problems of conduct or performance. To this end, should you fail to meet the employer's required standards, the following procedure is outlined and is in accordance with the Labour Relations Commission Advisory Code on discipline:

Informal discipline is used to deal initially with minor problems of conduct where disciplinary action would not be appropriate. This process is carried out informally and discreetly. It may involve the Person in Charge providing guidance and support to assist the employee's improvement. Formal discipline need only apply to more serious problems of conduct or when minor problems become habitual.

Once a complaint or allegation of misconduct has been made against an employee, an investigation into the complaint will be conducted. Where the employer intends to hold a disciplinary meeting the employee will be advised in advance of the purpose of the meeting and that they are entitled to have a work colleague of their choice with them including a person from a registered Trade Union but excluding any person or body unconnected with the employer.

- (i) The employee will be informed in writing of the nature of the complaint against them and requested to attend a disciplinary hearing.
- (ii) The nature of the complaint and any supporting evidence will be outlined to the employee. The employee will be given the opportunity to state their case.
- (iii) It is the responsibility of the person hearing the interview to decide the appropriate penalty. In deciding the appropriate action the following will be taken into account:
  - The gravity of the offence.
  - The penalty applied in similar cases in the past.
  - The individual's disciplinary record.
  - Any mitigating circumstances
  - Whether the proposed penalty is reasonable in all circumstances
- (iv) The disciplinary interview will be reconvened to:
  - Inform the employee of the decision and issue the disciplinary penalty in writing.
  - Clarify when the matter will be reviewed again.
  - Clarify the period for which the warning will be kept on the employee's file.
  - Explain what improvement / corrective action is required
  - Explain the consequences should no improvement be made.
  - Explain the employees right to appeal

The following disciplinary actions will be considered following the disciplinary meeting. Depending on the seriousness of the offence the Employer may skip stages of the procedure.

### **Informal Discussion:**

Once the employee has taken the steps above and is satisfied with the outcome, all references to the investigation shall be removed from the employees file. The employee will receive a letter confirming that no action will be taken. This letter should be retained on their file.

### **Formal Verbal Warning:**

A verbal warning will be issued if the standard of work or behaviour continues to deteriorate or there is a breach of regulations. The employee will receive written confirmation of the warning. The verbal warning will be active on the employee's personal file for 6 months unless there is repetition within this period.

If there is no improvement in the situation there will be a progression to a Written Warning.

### **Written Warning:**

If it is necessary to take further action, and a verbal warning has already been issued, a written warning will then be issued. The written warning will be active on the employee's personal file for one year unless there is repetition within this period. If there is no improvement in the situation there will be a progression to a Final Written Warning.

### **Final Written Warning:**

This will again detail the problem, together with the corrective action required, and state clearly that the consequences of not resolving the problem will be dismissal. The final written warning will remain on the employee's file for a period of one year unless there is a repetition.

## **Summary Suspension or Dismissal:**

Where there is a failure to make the required improvement during the previous stages, the employee will be dismissed. In cases of more serious misconduct, an employee may be summarily suspended or dismissed without going through the previous stages. In the event of such a termination occurring, you may be dismissed without notice or pay in lieu of notice.

## **Suspension:**

At any stage of the disciplinary process, an employee can be placed on suspension pending an investigation into the alleged offence. The suspension may be with or without pay and it is at the discretion of the employer to decide this. Where the employer chooses to suspend the employee with pay, the payment will automatically cease after a two week period. Whilst it is hoped any investigation would be resolved in a shorter timeframe, circumstances may dictate the duration of the suspension.

Either way, payment will cease two calendar weeks from the initial suspension.

If the employee wishes to appeal a decision made they must inform the employer in writing within 3 working days of the disciplinary warning having been issued. The employee will be invited to discuss the appeal. Afterwards, the employer will give a final decision in writing.

Employees with disciplinary action on file will not be eligible for salary review or bonuses for the duration of the disciplinary action.

We may terminate your employment without prior notice if you commit any act or default amounting in our opinion to serious misconduct, incompetence, dishonesty, material breach of your duties under this agreement or generally if, as an employee, you engage in conduct which may bring us, as the Employer, into disrepute. In the event of such a termination occurring, you may be dismissed without notice or pay in lieu of notice.

The following list shows examples of the types of rules/offences which the employer has categorised for each level of misconduct. It must be emphasised that this list is not intended to be exhaustive but is given for illustrative purposes. The employer reserves the right to decide how any specific instance of misconduct shall be categorised having regard for all the circumstances and the relative seriousness of the offence.

## **Minor Misconduct:**

- Absenteeism.
- Poor timekeeping including extended tea / meal breaks and excessive time away from the job.
- Failure to comply with absence notification and certification procedure.
- Careless work, poor work effort and performance of duties below an acceptable standard.
- Ignoring safety / hygiene / security rules.
- Failure to maintain a tidy and safe work environment.
- Misuse of telephone.
- Failure to wear any uniform provided / untidy appearance.
- Failure to complete documentation.
- Bad personal hygiene.
- Smoking excessively or in non smoking areas.

## **Serious Misconduct:**

- Dangerous horseplay.
- Failure to wear any protective clothing provided.
- Neglect causing damage to or loss of employer's, or other employee's or resident's property / tools etc.
- Unsatisfactory attitude to members, visitors, staff, suppliers.
- Consuming intoxicants during working hours or bringing intoxicants into the premises without permission.
- Wilful or excessive wastage of material.
- Use of foul language.
- Gambling on the premises.
- Insubordination.
- Serious neglect of safety / hygiene / security rules.
- Serious misuse of employer's internet.
- Sleeping while at work.
- Walking off the premises mid shift without informing your supervisor.

## **Major Misconduct:**

- Theft or fraud.
- Physically violent behaviour.
- Refusal to carry out a reasonable work instruction.
- Deliberately ignoring health and safety / security procedures or regulations thereby endangering one's own or another's physical well-being or safety.
- Obscene behaviour.
- Consuming intoxicants on duty without permission from management or coming on duty smelling of or under the influence of alcohol or drugs.
- Disclosing confidential information to a third party.
- Wilful damage to or gross negligence of employer's, resident's, or other employee's property.
- Falsification of records.
- Professional misconduct.

## **EMPLOYEE AGREEMENT:**

I have read and understand the above Grievance and Disciplinary procedures:

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Employee



August 2017