



# HOW TO ACHIEVE A HIGH PERFORMING WORKPLACE

**JUNE – AUGUST 2021**

**Employees are often the most expensive overhead incurred by employers. It is therefore fundamental that your employees are performing to a high standard to ensure productivity is maximised throughout your business.**

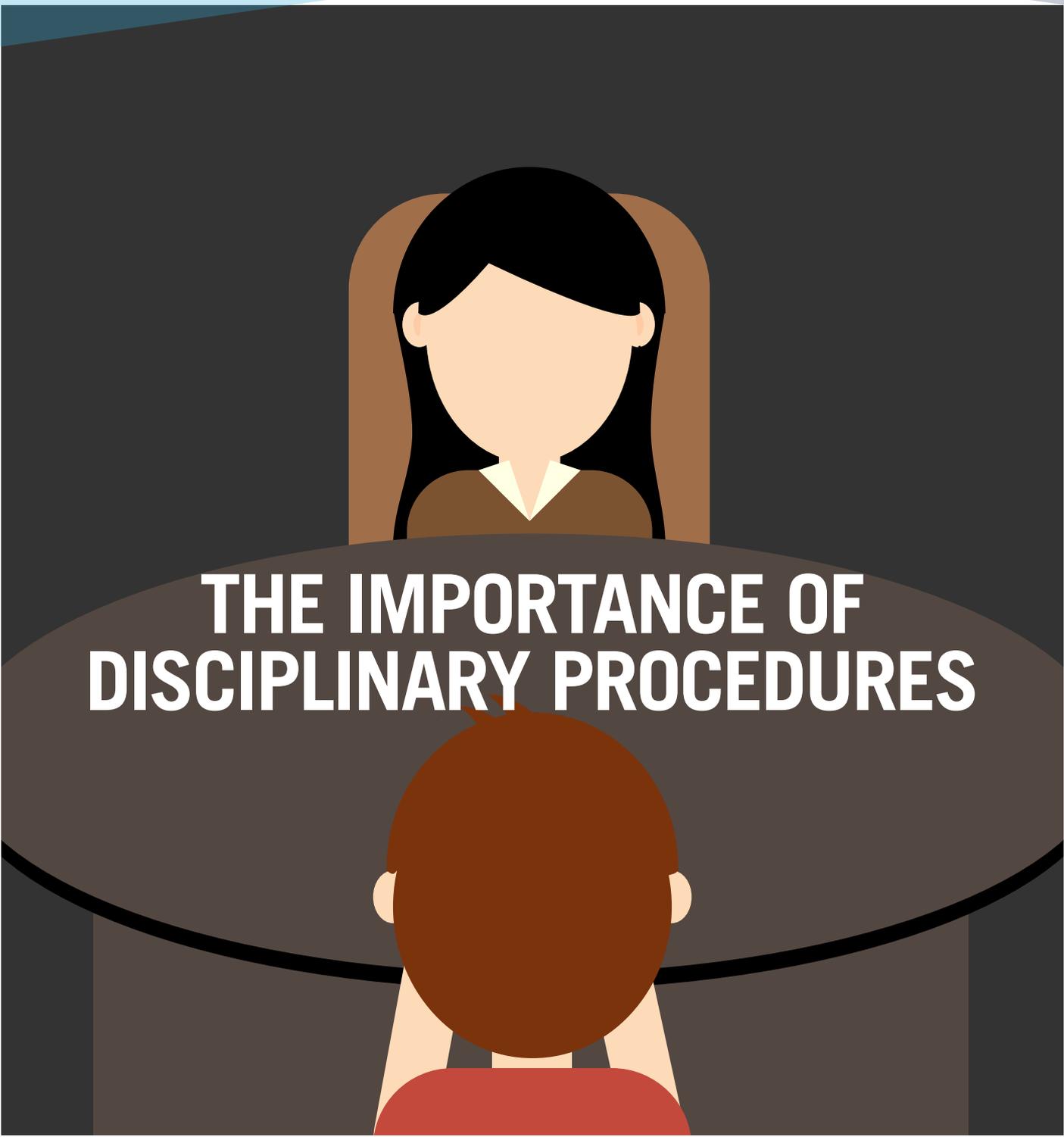
**W**e have an exciting line up of performance management online seminars planned for 2021 to ensure that you are fully equipped when dealing with the performance of your team. The most common challenge for

employers is dealing with under-performing staff and that can be very costly to businesses. These sessions will give employers tools and guidance to effectively manage the performance of their teams, whilst remaining legally compliant. Participants will be equipped

to apply a structure to their performance management process.

HR Team clients will receive a discounted rate of £70 per session ex VAT.

[Book Now](#)



# THE IMPORTANCE OF DISCIPLINARY PROCEDURES

**A disciplinary procedure is often a daunting prospect for employers. However, it is critical in terms of compliance not to underestimate the importance of having robust disciplinary procedures. This is particularly important when the disciplinary process may lead to dismissal, and employers are advised to act with caution to minimise employment law tribunal risk.**

**F**ailure to follow a fair procedure might lead to an employee having a legitimate claim for unfair dismissal. Regardless of whether the employee has committed the misconduct for which they are accused, they may still succeed in their claim if an

unfair disciplinary or dismissal procedure was found to have been undertaken.

To mitigate these issues, organisations need to set standards of performance and conduct that are reinforced by company rules (in the employee

handbook) and communicated to all employees. Disciplinary procedures enable you to ensure that employees comply with these rules. More importantly, they allow you, as an employer, to ensure that any breach of the regulations is dealt with accordingly.

It is important to stress that situations should be dealt with as they arise. Where formal action is necessary, what action is reasonable or justified will depend on all the circumstances of the particular case - but at all times when a disciplinary process is being followed, it is essential to deal with issues fairly.

## How can you avoid an unfair dismissal claim?

To minimise the risk of an unfair dismissal claim, HR Team encourages you to follow the steps below:

1. Formally invite the employee to the disciplinary hearing in writing.
2. Ensure there is sufficient time between inviting the employee to the hearing and the hearing date to allow them time to consider the allegations and evidence, and to prepare their case accordingly.
3. Employers should inform employees of the basis of the problem and give them an opportunity to discuss their case before any decisions are made at a later stage. Ensure that the employee is informed of the possible outcomes, such as potential dismissal.
4. Employers should allow employees to be accompanied at any formal disciplinary meeting.
5. Employers should allow an employee to appeal against any formal decision made.

### DID YOU KNOW?

**This procedure must be applied even in a verbal warning situation.**



Do you want to learn more about the disciplinary procedure and receive free training? Join this month's complimentary webinar from HR Team - full details are below.



## HR TEAM'S UPCOMING WEBINAR THE DISCIPLINARY PROCESS

### What will you learn from the webinar?

- How to conduct a legally compliant disciplinary investigation
- How to adhere to best practice and legal guidelines
- How to arrange a disciplinary hearing, and an employer's legal obligations
- The rules surrounding accompaniment
- The main rules surrounding natural justice
- What documentation must be available and retained
- The risks associated with an incorrect disciplinary process
- How the outcome is communicated
- The appeals process

### Who should participate?

Line managers, supervisors/team leaders, middle/senior managers, HR personnel and business owners.

### About HR Team

HR Team is a leading consultancy firm that provides HR, employment law, and health and safety services to employers in Ireland and the UK. The firm provides employment law and strategic human resource services to business start-ups, SMEs and large multi-national organisations. HR Team has offices in Dublin, Derry and Belfast.

### When is the webinar?

**Date:** Thursday, May 27, 2021

**Time:** 10.00am - 11.00am

**Cost:** Complimentary

**Please join the webinar here:**

<https://bit.ly/3p96f5b>

# 7 COMPLIANCE STEPS TO PROTECT YOUR BUSINESS

Is your business legally compliant with employment law? Are you aware of the risk of potential fines and prosecutions for failure to adhere to employment legislation? Even if you only have one employee, you need to ensure compliance.

Here are seven steps to employment law compliance:

## 1. Contracts of employment

Every employee is legally entitled to terms and conditions of employment, which must contain critical pieces of information concerning their employment.

## 2. Employee's job descriptions

It's important to ensure that each employee has a job description. A brief list of duties will be sufficient and can be contained within the terms and conditions of employment.

## 3. Annual leave

Each employee should receive annual leave in accordance with his/her terms and conditions of employment. It is essential that a record of annual leave is maintained. A history of hours of work should be maintained for every employee. An employer must give employees their legal entitlement to daily and weekly rest breaks.

## 4. Pay details

Each employee should receive a payslip which should include details of all pay (gross, net, overtime, bonus, commission, rate per hour, Tax/ Nat Insurance/ PRSI).

## 5. Workers under 18

For any organisation that employs a worker under 18, the employer must be able to demonstrate compliance with legislation for young workers in order to avoid prosecution and a fine.

## 6. Details of employee permits

It is crucial that the records of any employee requiring a work permit are maintained.

## 7. Mandatory policies and procedures

These are generally contained within the employee handbook and should include the disciplinary procedure, grievance procedure, dignity at work procedure, and equal opportunity procedure.



# HR Q&A



## How much detail of allegations are required to be given to an employee in advance of an disciplinary investigatory meeting?

**I**nvestigatory meetings are not disciplinary hearings and employers generally have more discretion in terms of the detail that is provided to employees in advance of an investigatory meeting.

In general terms, an investigatory meeting is essentially a fact-finding exercise, and the employee should normally have an understanding of

what matters may be discussed at the meeting. If a considerable amount of information is provided this may, depending on the circumstances, give the impression that all the evidence has already been gathered or that the decision has already been formed. Employers should provide sufficient information of the matter but they are not obliged to provide all of the details.

## Can I ask an employee on long term sick leave to use annual leave?

**G**enerally, employers can give notice to employees specifying dates on which their statutory holiday must be taken, in accordance with regulation 18(2) of the Working Time Regulations (Northern Ireland). This is provided that the employee is given a notice period amounting to twice the length of leave being requested. Employers may ask employees who are off on long-term sick leave to use holiday entitlement during their period of sick leave. This would often be appealing to employers when employees are receiving contractual sick pay as they may not want to have to make holiday payments to the employees after contractual sick pay entitlement has ended.



## By law, is an employee entitled to paid time off for doctor or dentist appointments?

**N**o, there is no statutory right to time off for medical or dental appointments, except in relation to antenatal appointments.

How an employer deals with such requests is at their discretion and governed by the terms of the contract of employment. The employee is not at

work and, therefore, not entitled to be paid.

Many employees take time for appointments out of their annual leave entitlements or offer to make the time up at a later date to ensure no loss of wages. Some employers encourage appointments to be scheduled for outside of working hours.

## FORTHCOMING HR AND EMPLOYMENT LAW WEBINARS IN 2021

HR Team has a number of free employment law and HR webinars planned throughout 2021.

Whether you have a specific HR question related to Covid-19 or you want to keep up with the ever-evolving developments, we invite you to join our experts as they discuss the key areas that are affecting employers right now.

Registration is free, and the list of upcoming webinars, along with a link to this month's webinar is below.

### Thursday, May 27,

#### **Disciplinary Process**

Join the webinar [here](#).

### Friday, June 25

#### **The Grievance Process**

Join the webinar [here](#).

### Thursday, September 23

#### **Recruitment and Selection**

Join the webinar [here](#).

### Thursday, October 28

#### **Managing Social Media in the Workplace**

Join the webinar [here](#).

### Thursday, November 25

#### **Managing the Probationary Period**

Join the webinar [here](#).

### Thursday, December 16

#### **Setting Employee Targets for the Year Ahead**

Join the webinar [here](#).

**Cost of Webinars:** Complimentary

#### **Who should participate?**

Line managers, supervisors/team leaders, middle/senior managers, HR personnel and business owners.

#### **Do you have an employment law question?**

We help business start-ups, SMEs and large multinational organisations. Call to speak to us today on any aspect of employment law or strategic human resource services.

**Tel: 028 71 271 882 or from ROI: 01 695 0749.**

Alternatively, contact us via email: [Hello@hrteamgroup.com](mailto:Hello@hrteamgroup.com)



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