

HR AND EMPLOYMENT LAW GUIDE FOR EMPLOYERS

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ACCEPTABLE SOCIAL MEDIA USE IN THE WORKPLACE

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# HR DOCS SOFTWARE DELIVERS 'COMPLIANCE AT A CLICK'

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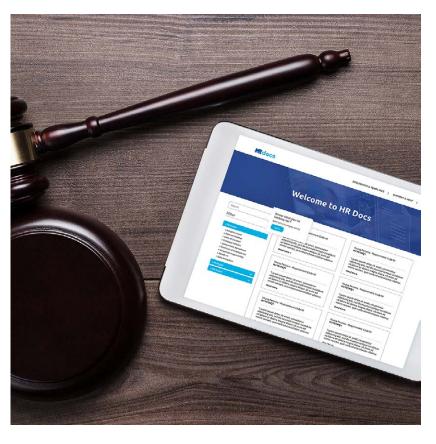
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Martina McAuley, HR Team Director, says hrdocsonline.com is designed to drive efficiency in HR management for employers and managers in organisations of all sizes by allowing them "to act quickly and compliantly" when dealing with



employee issues.

"HR Docs software has automated the process of day to day HR management by allowing employers and managers to simply login, and instantly locate and download template letters, policies, scripts, and much more, when they need them.

"The full library of template documents has been meticulously compiled by highly experienced employment law and HR professionals at HR Team. The library is constantly updated to ensure it contains only the most up-to-date and legally watertight documentation. This will not only save only time and money for employers, but also provide peace of mind that any documentation issued to employees is protecting

their organisation against costly tribunals."

Ms McAuley revealed that hrdocsonline.com is the first of two human resources software tools to be launched by HR Team, which has its headquarters in Derry-Londonderry.

"We are currently in the final testing phase of HR Leave Hub, a comprehensive leave management tool designed to make managing leave super simple for employers. Many of our clients are very excited about this new software which we plan to launch in early 2023."

Hrdocsonline.com offers a 'Try Before You Buy' option by providing access to your first 5 documents absolutely free. For more information visit hrdocsonline.com.

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# ACCEPTABLE SOCIAL MEDIA USE IN THE WORKPLACE

With, on average, 8 out of 10 employees using social media at work, how do employers strike a balance between using social media as a way of promoting the business, attracting staff and building a brand versus employees wasting time, disclosing confidential information or damaging the employers' reputation.

ue to the increase in the usage of social media, it is crucial that employers have a policy in place that clearly outlines what is deemed acceptable in the workplace.

At HR Team, we are regularly asked to deal with issues relating to social media, such as 'my employee has just posted a picture online that compromises our clients' privacy; what action can I take?' An employer's action will largely depend on their own internal policies and how transparent these policies are on what constitutes acceptable usage. Just as critical as the policy is whether or not the policy has been clearly communicated to all employees.

Most organisations will know that they can, within reason, seek to add a level of control on employee online activity by introducing a social media policy. A strong social media policy will permit employers to take disciplinary action against those whose actions fall outside of the policy and bring the company into disrepute. However, before taking disciplinary action, employers will need to consider the nature and severity of the posts/comments and the level of damage they have caused to the business.

## We recommend a robust policy which outlines the following:

- Outline that employees should refrain from using certain sites during contracted working hours for personal interest/benefit without the authority of an appropriate manager; and that they are not to use company equipment to access these sites.
- · Outline that employees should



Outline that employees should refrain from expressing opinions on such sites which purport to be the opinion of the employer; and refrain from comments representing their own views on the employer.

refrain from uploading photographs to their own social networking sites of themselves or any other employee taken in a work situation or a work uniform. No defamatory comments about the company should be made on such sites at any time.

 State that employees should not include information that identifies any other employee/contractor/supplier/ client/customer or any other individual working in connection with the employer.

- Outline that employees should refrain from expressing opinions on such sites which purport to be the opinion of the employer; and refrain from comments representing their own views on the employer
- Insist that any personal blog should contain a disclaimer that the views expressed on it are personal views of the author only.
- Note that employees should not make comments on such sites which bring the employer's name into disrepute.
- Inform employees that they should not reveal confidential company information or information on clients/customers/ suppliers, etc.
- Outline that employees should refrain from making comments on such sites which amount to bullying, harassment or any other detrimental comments towards other employees/contractors/ suppliers/clients/customers or any other individual working with the company. Finally, employers will need to take extra care whenever online remarks are based on religious beliefs, as staff have a right not to receive any less favourable treatment on account of their religion. This can be outlined by the case of Smith V Trafford Housing Trust, involving a Christian employee who successfully sued his employer when he was demoted and his salary reduced by 40% as a result of comments he posted on Facebook about gay marriages. His comments were on his private Facebook page, not visible to the general public, posted outside of his working hours and did not cause reputational damage to the organisation. He was successful in his claim.

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#### **MEET THE TEAM**

# GET TO KNOW OUR A-TEAM OF HUMAN RESOURCES PROFESSIONALS

eet our team of HR warriors, ready to tackle anything thrown their way – every aspect of human resource management and employment law advice, that is.

We don't like to blow our own

trumpet, but we're pretty certain no one can match us when it comes to recruiting the best people for your compliance.

So, let's introduce each member of the elite team of HR professionals and expert employment law consultants who work innovatively with our clients in a pragmatic and commercially focused way to protect them as employers and ensure the latest best practice is applied in their undertakings as employers.

Here's what we're all about...

#### **Breda Cullen**

DIRECTOR

#### Qualifications

Breda is a Chartered Fellow of CIPD. Breda has a Level 7 advanced Diploma in HRM.

Breda has also obtained a Masters in <u>Business</u> and Information Innovation

#### Experience

Breda has extensive experience over the last 17 years in HR, employment law and effective people management. As co-founder and co-director of HR Team, Breda co-manages a team of highly-experienced advisors ensuring the best possible service. Breda is highly experienced in the service industry, working every day to ensure client contracts are fulfilled to the highest possible level.

As well as managing her own team

at HR Team for the last 10 years, Breda has headed up HR Departments for a number of other organisations, ensuring legal compliance and best practice.



#### **Martina McAuley**

DIRECTOR

#### Qualifications

Martina is a Chartered Member of CIPD, holds a first class honours degree in business, a Diploma in Employment Law.

#### Performance Management

Martina has spent her career developing performance management techniques that can be easily adapted by all levels of management to

get the most out of their teams. Whilst in HR Team, Martina developed a performance management programme called the B.E.T system (which stands for Basic Standards, Expectations and Targets), which is used daily and extensively by HR Team clients to get the most out of their teams.

#### Leadership

With 21 years of management experience, Martina is highly skilled in leading large teams of people. Martina advises clients on leading and motivating their teams on a day to day basis.

#### Experience \_

Martina has a wide range of experience in HR, Employment Law and Operational Management. Martina commenced her career with Penney's Ireland, and her last appointment before commencing the HR Team was as a Sales and Operations Manager for Lidl Ireland. This role saw Martina lead a team of over 100 employees and with a turnover of over €40 million. In HR Team, Martina believes in delivering value to our clients. Martina helps clients maximise productivity and minimise employment law risk while making HR easy for clients.

As a co-founder and co-director of HR Team Ltd, Martina delivers expert advice, training and performance management processes designed to help organisations excel.



#### **MEET THE TEAM**



#### Siobhan Dalton

SENIOR HR CONSULTANT

#### Qualifications

Siobhan holds a Diploma in Employment Law, a Diploma in Personnel Management and a Diploma in Management Studies.

#### Training and Development

Siobhan is an experienced trainer and has delivered training from entry-level to director level throughout her career. Siobhan is passionate about training and has been recognised by Failte Ireland for her excellence in delivering training.

#### Experience

Siobhan is a highly experienced HR professional, having served as a HR advisor for the past 27 years. This invaluable experience has provided her with extensive expertise across the wide spectrum of HR. Her understanding and knowledge of HR stems from both academic and life experiences. Siobhan has gained valuable experience working in the hospitality sector. Throughout her career in this industry, she specialised in recruitment, training, and performance management. She has been consistently recognised for her service excellence throughout her career. Siobhan finds working as an HR Consultant exciting, with the best part getting to meet and know so many people along the way.

#### **Darina Blake**

SENIOR HR CONSULTANT

Darina is a fully qualified solicitor in both the Republic of Ireland and Northern Ireland.

#### Qualifications

Darina has a degree in Law from University College, Dublin and a Master's Degree in International Commercial Law from the University of Kent at Canterbury. She attended the Law Society of Ireland, Blackhall Place, before being admitted as a solicitor in Dublin.

#### Experience

Darina practised as a solicitor in the jurisdictions of both Northern Ireland and the Republic of Ireland, specialising in the area of Employment Law, before moving into HR management. Darina is an experienced HR professional; her legal background and professional training give her a sound grounding and experience in areas of recruitment, negotiation and dispute resolution.

#### Skills

Darina's expertise in the field of HR and employment law come through her academic training coupled with her own experience in HR Management in the business and hospitality sectors. She has excellent interpersonal skills, is a strong negotiator and enjoys the variety and challenges in her career as a HR consultant.



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#### **MEET THE TEAM**



### Amy Leonard

#### Qualifications

Amy holds a first class honours degree in Business Studies and Employment Law from the University of Ulster.

#### **Employment Relations**

Amy has extensive experience in employment relations. Amy advises clients on a daily basis on grievance, disciplinary and capability issues. Amy has conducted complex grievances which are high risk, and she has always focused on obtaining the best possible result for all parties involved.

#### Absence Management

Amy is highly experienced in absence management processes and is focused on ensuring absence costs and risks are minimised for her clients. Amy has been instrumental in assisting clients in reducing their absence costs through the implementation of robust and clear absence management policies and procedures to include trigger points, return-to-work interviews, regular absence review meetings, and more.

#### Experience

Amy has spent 10 years working in the healthcare industry developing and implementing new initiatives for service delivery to achieve commercial growth. Throughout her experience in the industry, she has developed a passion for internal people strategy. Amy believes that obtaining employee engagement is key to the successful delivery of our client's core business objectives. Amy has extensive experience in performance management, absence management, recruitment & selection, and employment relations.

#### HR ADMINISTRATOR

#### Paola Zefi

#### Qualifications

Paola holds a degree in Psychology and a Master's Diploma in Clinical Psychology. She's a licensed Psychotherapist and a certified Training Expert.

#### Human Resources Management

Paola has four years of experience in Human Resources, having worked in various departments exploring different areas, such as employee life cycle, performance management, staff training, and employee relations within organisations.

#### Mental Health Training Delivery

Paola is a certified Training Expert with experience in planning, writing, and delivering training protocols. The primary topics of training are related to mental health issues within the public and private educational institutions and organisations, with the goal of addressing mental health issues that arise in the workplace, short-term and long-term effects and the best approaches to deal with them.

#### Experience

Paola has relevant work experience in HR, training delivery, and counselling. Paola began her career as an HR assistant and then expanded her knowledge and skill set in this field by learning and improving organisational HR strategies through her ideas and suggestions. Paola has a curious mind when it comes to finding the best solution to any task, and she also has a keen interest in workplace mental health issues and their management. She has training expertise in this area and is looking forward to learning new skills and strategies, and growing in this field.



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# 'SIGNIFICANT' PAY RISES COMING, EMPLOYERS WARNED TO BE READY

Employers across Ireland must brace themselves to pay their staff "significantly" higher wages from the start of next year, as the government brings in the first of a series of steps towards a new 'National Living Wage' to replace the current minimum wage.



he first of these will see the minimum wage increase from €10.50 to €11.30 per hour from January 1, 2023. This will be followed by further gradual increases until it climbs to 60 per cent of median hourly earnings over the ensuing three years. When the National Living Wage comes into full effect in 2026, all employees will earn at least €13.10 per hour and that figure is likely to rise even further.

Leading HR and employment law expert Martina McAuley says the first thing employers must do is get ready in the immediate term to pay a "significant" jump of 80 cents per hour from the start of the new year.

"That's quite an increase and any employer – especially employers in the hospitality and retail sector, where we see the minimum wage operated most frequently – will really need to take action right now.

"Employers will need to look at their remuneration packages to ensure that they

"The transition to a National Living Wage, including much higher rates of pay, will have a "huge impact" on employers and their ability to pay wage bills, "particularly during these already trying times"

are in line with this legislation," she adds.

Ms McAuley, a director and co-founder of HR

Team, says the transition to a National Living

Wage, including much higher rates of pay, will

have a "huge impact" on employers and their

ability to pay wage bills, "particularly during
these already trying times".

She says the change will mostly affect employers whose staff operate on the minimum wage, but she warns that it could also have a "knock-on effect" in terms of higher pay for other workers too.

"This will have a knock-on effect for employees who aren't receiving the minimum wage but are close to it. Other employees may well ask: 'What about us? Do we get a pay increase in line with this increase?' They may ask for a pay increase in line with their colleagues too.

"That will be a question for each employer to answer and make a decision on themselves." Ms McAuley says employers will not be legally bound to provide additional pay rises, but they may well have to consider it in order to keep staff happy.

"Providing they are paying at least the minimum wage, then they're not breaching any legislation. But from a morale perspective, this is something that employers will have to take into consideration."

Overall, Ms McAuley describes the upcoming National Living Wage as "good news" for workers – especially those on lower pay – but once again she reiterated her call for employers to be ready to meet their obligations.

"This is starting on January 1, 2023. Employers need to put some procedures in place to make sure that they can meet their obligations."

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## 'CRUCIAL FOR EMPLOYERS TO ACT NOW' ON REMOTE WORKING LEGISLATION



Irish employers are being urged to ensure that they are prepared for significant new legislation that will allow all workers to apply to work remotely.

he 'Right to Request
Remote Work' legislation,
which will be introduced
as part of the Work Life
Balance and Miscellaneous Provisions
Bill, is expected to be delivered by the
end of this year – but a leading HR
expert says it's vital that employers
should act now.

Martina McAuley, of HR Team, says the first-of-its-kind legislation is part of the Irish government's decentralisation plan and will help bring clarity to both employers and employees regarding requests to work from home or remotely from another location.

"It's critical for employers that they act now, as this legislation is being fast-tracked before the end of December. The government wants to get this implemented as soon as possible and employers must make sure they have a policy in place," she says.

"The Right to Request Remote Work is a significant piece of legislation in Ireland. Currently there is no legislation surrounding working from home, flexible working, hybrid working or any type of remote working."

Many employees worked from home during the pandemic. However under the new legislation, they will have a legal right for the first time to formally

Employers need to communicate the new policy to their employees and the management team – to make sure that they don't just pay lip service to remote working, but that they actually can demonstrate they are acting on the legislation."

request remote working from their employer.

Ms McAuley says employers should work to formulate a new policy to follow the upcoming legislation and the requirements set out within it. "It's crucial that if an employer does receive a request for remote working that they follow their own policy, which should be in line with the legislation – to ensure that they don't fall foul of a claim from an employee in relation to not being successful in their request," she warns.

Ms McAuley says any updated terms and conditions must also be properly communicated to all those affected by the changes.

"Not only is it critical to have a policy in place, but the second part of the puzzle is that employers must notify their employees of that policy, and make sure the terms and conditions within it are clearly understood. Finally,

they must notify the management team or those who will be responsible for implementing the policy."

Ms McAuley adds: "Employers need to communicate the new policy to their employees and the management team – to make sure that they don't just pay lip service to remote working, but that they actually can demonstrate they are acting on the legislation."

The leading HR and employment law consultant adds that although the legislation will be new, there is already "a lot of case law surrounding this area and therefore it's critical that employers are clear" on what the requirements are to ensure compliance.

Meanwhile Tanaiste Leo Varadkar says the benefits of remote working are "obvious", including less commuting, fewer transport emissions and better quality of life, with more time for family and friends.

He also says the Right to Request Remote Work legislation will help bring "new job opportunities" for those who wish to live in rural Ireland, for people with disabilities, and for workers with caring responsibilities.

"Smaller towns and villages across Ireland will benefit from new investment, increased footfall and local spend," the Tanaiste added.

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## UPCOMING HR TEAM WEBINARS IN 2022

Tuesday, December 13

**Measuring Employee Performance** 

**Register Now** 

## Do you have an employment law question?

Team HR can 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 from ROI: 01 695 0749, or from NI: 028 71 271 882.

Alternatively, contact us via email: hello@hrteamgroup.com



If you require further information, please do not hesitate to contact HR Team.

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