

BEST PRACTICES FOR MANAGING EMPLOYEE PERFORMANCE ISSUES

An organisation's success is only as good as its people, and no matter how big or small a company is, even a single low-performing employee can negatively impact it.



This is why robust hiring and recruiting policies are so important, but even after careful staff selection, businesses still need a back-up plan for handling performance issues.

To ensure employees meet your expectations, set them up front and make sure they are fully understood. To perform well, employees need clear performance goals and precise job descriptions. In the absence of this information, a hardworking overachiever might end up going down the wrong path in their work without even realising it.

A clear example of how problems can arise when things are not handled on time, is the case of Slane Trading Company Ltd which was ordered to pay Marta Siudak for her discriminatory dismissal on gender grounds. The upmarket wedding venue was ordered to pay €17,500 in compensation to its Operations Manager who was dismissed 26

days after she suffered a miscarriage last year. Represented by Aaron Shearer BL in the Workplace Relations Commission (WRC) case, Ms Siudak had informed management of her pregnancy on December 27, 2021. However, on her return to work after her miscarriage, Ms Siudak's line manager had left and she was liaising with a new manager who was a consultant working three days a week. Following a disciplinary meeting, the firm terminated Ms Siudak's employment based on alleged underperformance in the role.

From Ms Siudak's perspective, "the dismissal decision arose without any lead-up or advance warning". Her legal representative, Mr Clinton, said that the firm blamed Ms Siudak for operational issues in November/December 2021. However, Mr Clinton stated that there are no contemporaneous notes or letters flagging these events as "under-performance" in line with the company's own policy.

He also stated that he found that "the evidence establishes an inference of discriminatory treatment, and that the dismissal was related in some way to the complainant's gender and pregnancy".

Mr. Clinton stated that Slane Trading Company had not raised any performance issues by the end of January 2022, and that all the evidence demonstrated that Ms Siudak's

performance was not under scrutiny.

In evidence, Janey Quigley, director at Slane Trading Company, stated that Ms Siudak underperformed in the role. She alleged that Ms Siudak's aggressive behaviour at the March 2 meeting contributed to the decision to dismiss.

This unfortunate event highlights the importance of dealing with performance issues as they arise and shows the importance of keeping clear notes for the record.

Being sympathetic to employees as they deal with personal issues is the right thing to do. But this doesn't mean you should lower certain standards. In your role as an employer or a manager – particularly when dealing with performance issues – focus only on the facts and circumstances related to addressing poor performance.

Do you have an employment law or human resources 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.

RECOMMENDATION FOR SUCCESSFUL AND COST-EFFECTIVE RECRUITMENT

Recruiting the right talent is crucial for the success of any organisation. However, the process of recruitment can be time-consuming and costly, especially if it is not managed effectively. In fact, more and more employers are struggling to find and retain talent for their organisation.

In an increasingly competitive recruitment landscape, you need a dedicated strategy to help you identify the talent that's right for the role, suited to your culture, and likely to stick around.

Getting the recruitment process right is critical if you want to attract high quality candidates in the most cost-effective manner. The first step towards successful recruitment is to clearly define the job requirements. This includes determining the essential qualifications, skills, and experience needed for the position. This will help in identifying the right candidate and streamline the recruitment process.

It's crucial that you write a clear, thorough, and concise job advert. Your job advert is one of the first impressions a candidate will get, so it's an opportunity to establish a reputation for being organised, professional, and of showing off your company's culture.

The essential and desirable criteria for the role should be clearly outlined as this will form the foundation of the selection process. You should also review the job specification which will focus on the essential job requirements, duties, responsibilities, skills and competencies of the role.

Reviewing the job advert before it is posted will also ensure there are no points that could be deemed discriminatory.

Advertising in places where you know you will be able to attract people with the right set of skills is the next step. When you hire from a limited talent pool, you



Having robust, transparent recruitment procedures that you follow for every new hire reduces the chances of finding yourself in legal trouble.

face a number of challenges, including fewer candidates to choose from, lack of diversity in your local talent pool, and difficulty attracting talent for locally competitive roles.

To reach a wider pool of candidates, it is important to use multiple recruitment channels. This may include job portals, social media, employee referrals, and professional networks. This not only helps in finding suitable candidates but also reduces the cost of recruitment.

Finding the largest number of suitable candidates can lead to increased hiring – driving growth and productivity within a business – and may provide a quicker turnaround in filling vacancies.

Another good reason to consider advertising in various places is the fact that advertising in one place only could lead to claims of indirect discrimination.

Having robust, transparent recruitment procedures that you follow for every new hire reduces the chances of finding yourself in legal trouble. That means being sure you hire without discrimination or bias, adhering to privacy and human rights regulations, ensuring your new employee is entitled to work in Ireland, and that they get an employment contract to sign before they start.

Cost-effective recruitment strategies and practices start with expert knowledge. So, before you start off the recruitment process, ensure all managers who will be involved in the process have been properly trained.

This month, HR Team will host a **'Recruiting from outside Ireland – The key points on the Work Permit system'** webinar, and you can purchase the webinar [here](#). You can contact HR Team on hello@hrteamgroup.com or call [+353 1 485 3077](tel:+35314853077) if you have any questions about the registration.

STATUTORY SICK PAY: WHAT IRISH EMPLOYERS NEED TO KNOW



Whether it's a nasty cold or something more serious, when employees are ill, it's nothing to sneeze at. Your employees need to take time off so they can take care of themselves. You also want to keep them from spreading the illness to their colleagues. A well-designed sick leave policy is therefore a good thing for everyone.

Starting from January 1, 2023, employees in Ireland have the legal right to three days' sick pay a year. This is known as Statutory Sick Pay, which is the legal minimum pay all employers must abide by in their sick leave schemes. The government made this move to provide greater security for lower-income workers in response to the COVID pandemic.

How Does Sick Pay Work in Ireland

Employees must have completed 13 weeks' continuous service with the employer before they are eligible to take statutory sick leave. Employees also must provide their employers with medical certificates from registered medical practitioners, stating that they are unfit to work because of illness or injury.

Depending on the situation, sick days can be taken consecutively or non-consecutively. The sick pay year runs from 1 January to 31 December, which is the calendar year. The entitlement is triggered by the employee's first statutory sick leave day. Sick days that are not used in one year cannot be carried over to the next. If employees run out of sick days before they can resume work, they will be allowed

to claim Illness benefit if they have made the required PRSI contributions.

Employers provide sick pay at 70% of an employee's normal pay, up to a maximum of €110 a day. Recording statutory sick leave days is mandatory for employers. Records should include an employee's employment period, statutory sick leave dates and times, and sick leave payment rates. It is necessary to keep these records for a period of four years. A fine of up to €2500 may be imposed if this requirement is not met.

Sick Pay Exemptions

Sick leave laws must be followed by all employers, with two exceptions.

The Labour Court may exempt employers in financial difficulty from paying sick pay for up to a year if they demonstrate an inability to pay. The Social Insurance Fund will pay sick pay in such cases, so you won't have to pay for it yourself.

Employers who offer a sick pay scheme that is regarded by employees 'on the whole as favourable' are not required to follow the Act's rules.

An employer is required to ensure that employees do not receive negative treatment for requesting this leave. An employee on statutory sick leave must be treated as if they had not been absent from work, and this leave does not affect any employment rights. Employees may not be penalised or threatened with punishment for exercising or proposing to exercise their statutory sick leave rights.

The entitlement for Statutory Sick Pay in Ireland is proposed to increase over the next three years, rising to five days in 2024, seven days in 2025 and 10 days in 2026.

HR Team Director Breda Cullen is advising employers to ensure compliance by introducing a sick leave scheme, if none is already in place, and to review existing policies, including company handbooks, and contracts to ensure they meet the requirements of the Sick Leave Act. As part of compliance, employees must also be clearly informed of their rights and obligations.

HR Team is experienced employment law specialists offering guidance and support to employers on all aspects of workforce management, including managing absences due to ill-health and sickness. For expert advice on managing sickness absence or disability discrimination, contact us.

EMPLOYMENT LAW 'COMPLIANCE AT A CLICK' WITH HR DOCS SOFTWARE

Employers can now ensure employment law compliance more efficiently and cost-effectively than ever before, thanks to new HR software hrdocsonline.com.

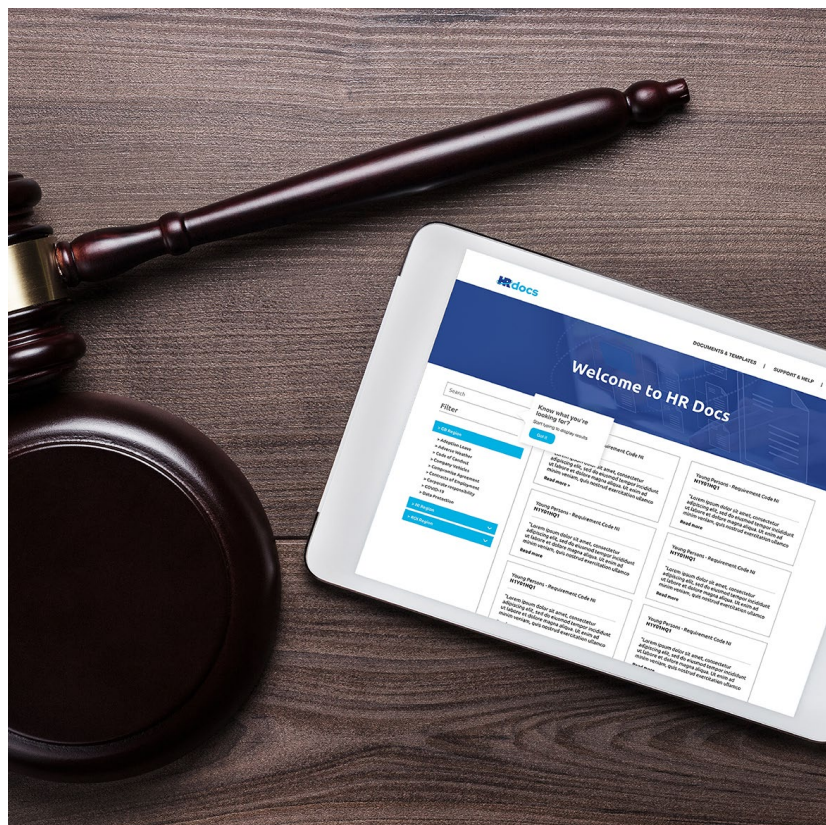
HR Docs is a complete library of template documents created by experts at leading human resources and employment law consultancy, HR Team.

[HR Docs](https://hrdocsonline.com) makes it easy for employers to comply with employment laws in NI, GB, and ROI through instant access to all the HR template documentation they'll ever need.

Software users can quickly download template letters, policies, scripts, expert explainer guides, and more to handle any workplace scenario.

Once the templates are downloaded, staff and organisational details can be easily added so that employers are assured they are creating professional and fully compliant documents without needing immediate HR consultancy or additional expert advice.

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.



"The HR Docs software has automated the process of day-to-day HR management by allowing employers and managers to simply log in 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 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 offices in Dublin, Derry/Londonderry and London.

"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 will be launched in 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.

IRISH EMPLOYERS ADJUST TO NATIONAL MINIMUM WAGE PHASE-IN



As employers adjust to the start of the National Living Wage phase-in for Ireland, they must continue to prepare for significant increases in wage bills over the next three years.

From January the minimum wage has been increased to €11.30 and will be followed by further gradual increases until it reaches 60% of median hourly earnings by 2026. By then all employees will earn at least €13.10 per hour and that figure may be likely to increase further.

The National Minimum Wage applies to full-time, part-time, temporary, casual employees and seasonal workers.

The National Minimum Wage is a legal requirement for all employers. It sets out the hourly wage that you must pay each of your employees, depending on which age category they fall in. The purpose of this minimum wage is to protect workers in the labour force and ensure a minimum standard of living for them.

So, what is the current minimum wage in Ireland?

As of January 1st, 2023, the minimum wage in Ireland is € 11.30 per hour. Some people get sub-minimum rates, such as people aged under 20. This means that any worker who is over the age of 20 and not in their first year of employment must be paid at least this amount per hour worked. For workers aged 19,

the minimum wage is € 10.17, while for workers aged 18, it is € 9.04. For those aged under 18, the minimum wage is €7.91 per hour.

It is the employer's responsibility to select a pay reference period for each employee. It may be a week but no longer than one month. It should be included in the written contract of employment given to an employee upon hiring. The average hourly wage is calculated based on the reference period.

What employers can do to prepare?

Based on the recommendation from the Low Pay Commission (LPC), the new living wage will be phased in over a period of four years starting in 2023 until it reaches 60% of the median wage.

Due to the four-year implementation period, employers have time to prepare for the National Living Wage coming into effect.

HR Team consultants advise employers to carry out reviews of their business and calculate the additional costs for the current year and the years ahead.

In industries such as retail or hospitality where there are a significant number of employees earning the minimum wage, the LPC report suggests that employers be offered support.

Additionally, the LPC's report recommends that a provision exempting an employer who is experiencing financial hardship from the obligation to pay the minimum wage should be maintained in any new legislation related to a living wage.

As an employer running a business in Ireland, meeting the National Minimum Wage requirements is an important legal obligation. While the new measures are being introduced gradually, HR Team's consultants advise employers to review their short-to-medium-term financial plans to factor in the increased costs so they can plan ahead to ensure their business can meet all obligations under the new living wage legislation.

HR Team can help with all aspects of employment law advice, including how to meet the National Minimum Wage requirements. For more information, visit www.hrteamservices.com

UPCOMING HR TEAM WEBINARS IN 2023

Basics of a legally compliant redundancy process

What will you learn from the webinar?

- An overview of redundancy legislation
- The steps in a compliant redundancy process
- The importance of consultation
- The criteria for selection
- How to give notice and statutory redundancy payments

Who should participate?

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

When is the webinar?

Tuesday, 18th April 2023

Time: 10.00am – 11.00am

[Register Now](#)

Recruiting from outside Ireland – The key points on the Work Permit system

What will you learn from the webinar?

- The importance of a structured recruitment process and the use of relevant selection methods
- An overview of the Work Permit system and what employers need to know
- A synopsis of the various Work Permit types
- A checklist of what employers need to know when recruiting

Who should participate?

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

When is the webinar?

Tuesday, 21st March 2023

Time: 10.00am – 11.00am

[Register Now](#)

Managing Mental Health in the Workplace

What will you learn from the webinar?

- Overview of mental health
- How mental health can be considered a disability
- Overview of the dangers of work-related stress
- How to deal with mental health issues in the workplace
- To increase confidence around having supportive conversations about mental health

Who should participate?

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

When is the webinar?

Tuesday, 9th May 2023

Time: 10.00am – 11.00am

[Register Now](#)



Do you have an employment law question?

HR Team 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.

Northern Ireland

HR Team Limited
Catalyst Inc,
Bay Road,
Derry ~ Londonderry
BT48 7TG

Republic of Ireland

Level 1,
The Chase,
Sandyford,
Dublin,
D18 Y3X2

————— www.hrteamservices.com —————

Tel NI/GB: +44 (0) 28 71271 882

ROI: +353 (1) 485 3077

hello@hrteamgroup.com