



## **SALESIAN SECONDARY COLLEGE, PALLASKENRY**

### **Salesian Secondary College Grievance and Disciplinary Procedure**

#### **Non-Teaching Personnel**

#### **Introduction:**

##### **Natural Justice**

Any disciplinary procedure must comply with what are referred to as the principles of natural justice which are enshrined, but not specified in the Irish constitution.

- (a) The employee must be presented with the case against him/her.
- (b) He/she must be allowed to be represented and given the opportunity of representation.
- (c) He/she must be permitted and allowed the opportunity to state his/her case.
- (d) The employer must hear and be seen to hear the case being made.
- (e) The employer must only form judgement after having considered all the facts disclosed.

#### **Disciplinary Procedure**

The parties agree that formal procedures are necessary to ensure common and equitable disciplinary action for employees failing to meet standards of job performance or breach of work rules or other conditions of employment.

The maintenance of work standards and general behaviour is the primary responsibility of the Principal.

It is the aim of the disciplinary procedure to help individuals whose performance falls below the standards of the Board of Management of this school. The following procedures will apply:

##### **Stage 1 Verbal Warning**

In the case of minor infringements, the Principal will warn the employee verbally of the specified aspect of work or conduct which is below standard, stating clearly that this is a warning and advising on the improvements which must be made. This warning will be communicated in the presence of the employee's representative, unless the employee refuses the facility. This warning will be recorded in the employee's file and remain live for a period of 6 months and after which it will not be invoked under the disciplinary procedure.

##### **Stage 2 First Written Warning**

In the event of continued failure to meet required standards, the employee will be issued with a written warning in the presence of his/her representative, unless the employee refuses the facility. The employee will also be warned that continued failure to improve may result in further disciplinary action up to and including dismissal, in accordance with the procedure. This warning will remain on the employee's file for 6 months.

### **Stage 3 Final Written Warning/Suspension**

If a problem persists, the Principal will give the employee in the presence of his representative a final written warning, unless the employee refuses the facility. It will be made clear that the individual will be dismissed if future conduct or performance is not satisfactory. This warning may be accompanied by a period of suspension. This final warning will remain on the employee's file for 9 months.

### **Stage 4 Dismissal**

Where there is a failure to make required improvement the employee will be dismissed.

Dismissal should only follow:-

1. An appropriate investigation and consideration by the Board of Management;
2. A meeting with the Board of Management dismissing, and with the employee representative;
3. Outlining fully the Board's position to the employee; and
4. Finally consideration by the Board of Management of the employees and the representative's position.

If the problem remains, the individual concerned will be dismissed.

### **Serious Misconduct**

Notwithstanding the above procedure, the school authority reserves the right to discipline any employee up to and including immediate dismissal in the case of serious misconduct. The following list outlines offences warranting dismissal.

1. Having illegal drugs on the school's premises at any time or reporting to work while under the influence of an intoxicant or illegal substances.
2. Theft of school or employee's property.
3. Deliberate damage, sabotage or destruction of school property or lands or the property of another employee.
4. Deliberately violating a safety rule or engaging in any activity which is unsafe either to the employee or others within the employment, or which may affect the school's equipment or other property.
5. Insubordination and refusing to obey reasonable instruction of the Principal/ authorised management personnel.

6. Falsifying any work-related school records.

7. Serious infringement of Child Safety, Welfare and Protection guidelines.

### **Disputes and Grievances Procedure**

It is this school's intention to settle amicably, at all times, any disagreements between itself and individual employees or groups of employees, or between employees themselves.

In the event of a dispute or grievance between management and employees on any matter, the following procedure will apply. It is recognised by Management that some claims/issues may commence at point (c) of the procedure.

(a) If and when a dispute arises it should be discussed, in the first instance, between the employee or employees and the Principal within 5 working days of the incident arising.

(b) Should no agreement be reached at (a) above the employee will call on the assistance of an elected representative and refer the dispute to the Board of Management.

(c) Should agreement not be reached at this level both parties may call on the assistance of the union's full-time official and the Board of Management for a meeting.

(d) Should the matter remain unresolved, it shall be referred to the Labour Relations Commission for a conciliation conference or to a Rights Commissioner, and if still unresolved to a formal investigation by the Labour Court.

(e) Disputes involving dismissals will be referred, under the Unfair Dismissals Acts to a Rights Commissioner, if agreed, and/or to the Employment Appeals Tribunal, except where the parties agree to have the matter heard under the Industrial Relations Acts.

(f) It is agreed that no strike, lock-out or any other form of industrial action shall be taken by either party until the above procedure has been exhausted.

### **Breaches of procedures (Disciplinary/Grievance/Dispute)**

All normal discussions/negotiations shall be suspended where procedures are not followed or where unofficial action is taken in breach of these procedures.

To negotiate outside normal procedures in the face of unofficial industrial action, contributes to a complete breakdown of normal relations and undermines the proper working of the agreed procedure.

### **Right of Appeal**

An appeal by the employee against disciplinary action shall follow the specified grievance procedure. Unless an appeal is lodged by the employee or his/her representative with the Chairperson of the Board of Management within five consecutive working days, it will be automatically assumed that the employee accepts the decision as final.

This policy is subject to periodic review by the Board of Management.

Signed: \_\_\_\_\_

On behalf of the Board of Management,

March 2018