

Grievance and Disciplinary Procedure



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1. Introduction

- 1.1. Rules are essential in any organisation to ensure good order and fair and reasonable treatment of grievances or disciplinary matters.
- 1.2. Employees will be liable to disciplinary action for either misconduct or unsatisfactory work performance. Misconduct may include a breach of the Bank's attendance or time keeping rules or failure to perform tasks assigned or refusal to accept instructions. Such relatively minor breaches of discipline will normally be dealt with by warnings. However if they are repeated they will lead to further stages of the disciplinary procedure.
- 1.3. This procedure does not reduce or replace the provisions of Irish employment legislation. In the event of any conflict, the terms of relevant employment legislation will prevail.

2. Incapability Procedure

- 2.1. It is the Bank's policy at all times to help employees develop and fit into the Bank's organisation. In line with this procedure, where poor performance is an issue an informal meeting will be held between you and your manager to discuss the performance related issues which need to be addressed.
- 2.2. Where informal procedures have been unsuccessful, a formal capability meeting will be held between you and your manager setting out a personal improvement plan and agreeing further training if required and support that will be provided to help you to achieve the required standards, within an agreed timescale.
- 2.3. At the expiry of the agreed timescale mentioned above, a further meeting will be held between you and your manager as to whether the required standard has been achieved and it will be decided at this meeting whether it is necessary to refer the matter to the Disciplinary Action Procedure.

3. Medical Incapacity

- 3.1. Where poor performance or attendance is due to an underlying health reason or a disability, it will be dealt with sensitively. A meeting will be held between you and your manager to discuss the general nature of incapacity. Medical advice will also be sought. The Bank may wish to write to your GP or specialist, with your permission, to ask for advice or refer you to a Doctor appointed by the Bank.
- 3.2. An action plan will be agreed and reasonable adjustments will be offered (such as further training and supervision) to help you to achieve the required standards, within an agreed timescale.
- 3.3. The situation will be kept under review. If following review it is deemed that you are willing but still medically unable to achieve the required standards of performance or attendance, further action may be taken, including a further or revised action plan, further reasonable adjustments, demotion or dismissal on the grounds of medical incapacity.
- 3.4. Dismissal on the grounds of incapability or medical incapacity will only be considered after all other options have been exhausted.

4. Disciplinary Action

Statement of Intent

- 4.1. The Bank's objective is to maintain a good working environment. The Bank is aware that in some individual cases formal disciplinary action may be required and for this reason it has adopted a disciplinary procedure. This procedure is designed both to ensure that discipline is maintained in the work place and that disciplinary measures are applied in a fair and consistent manner.
- 4.2. This procedure is intended only as a statement of the Bank's policy guidelines and does not form part of your contractual entitlements. Any or all of the stages in the procedure may be omitted where it is considered appropriate. The disciplinary procedure may be implemented at any stage if your alleged misconduct/performance warrants such action. The procedure will not apply to you if you have less than 1 year's service and may be amended from time to time.
- 4.3. If you believe that any action by any member of the Bank would be in breach of the disciplinary procedure you are encouraged to report such breach to your Division Head or the HR Relationship Manager.

Definition

- 4.4. It is important to clarify the difference between misconduct and poor performance. Misconduct involves intentional or negligent fault and the procedures outlined below will apply in relation to such situations. Poor performance may be due to a lack of ability rather than a lack of effort or willingness in which case it will initially be dealt with under the incapacity procedure.

Key Factors

- 4.5. The primary objective of the disciplinary procedure is to initiate corrective action when behaviour or conduct is unacceptable.
- 4.6. The procedure is designed to ensure a thorough investigation of all the facts by management prior to implementing disciplinary action. A record of the investigation will be kept on your personal file.
- 4.7. There is a right to appeal, in writing, to the next level of management if you are dissatisfied with any ruling. See section 7 below.

What Actions May Result in Disciplinary Action

4.8. Examples of those breaches of Conduct where the Disciplinary Procedures will be invoked (in addition to those identified elsewhere in the Staff Manual) include but are not limited to:

- Persistent Lateness/ absenteeism, unauthorised absence;
- Insubordination, refusal to obey reasonable instructions given by a Manager;
- Disorderly conduct;
- Consistently inadequate work performance;
- Professional misconduct;
- Professional negligence;
- Serious negligence which causes unacceptable loss, damage or injury;
- Attending for work under the influence of alcohol/non-medicated drugs whether on the premises of the Bank or its clients, or the sale of the same on Bank property;
- Unauthorised use of or deliberate destruction (whether actual, attempted or threatened) or damage to property belonging to the Bank, its employees or clients without permission;
- Harassment or bullying;
- Verbal or physical abuse of employees of the Bank or its clients;
- Theft of property belonging to the Bank, its employees or clients;
- Fraud against the Bank or its clients;
- Failure to follow procedures established by the Bank to guard against theft, fraud or the commission of other unlawful acts;
- Acceptance or use of funds or other assets in exchange for confidential information, or the performance of illegal acts;
- Wilful damage to property belonging to the Bank, its employees or clients;
- Deliberate tampering with or unauthorised use of computer hardware or software;
- Failure to notify the Bank if convicted of a criminal offence other than a minor road traffic offence;
- Conviction by a court of law for a serious criminal offence ;
- Undertaking secondary or additional employment which conflicts with the work of the Bank
- Deliberately ignoring safety or security rules, as may be in force from time to time, thereby endangering one's own or others' physical wellbeing or safety;
- Being adjudicated bankrupt or making any arrangement or composition with your creditors;
- Deliberate falsification of documents;
- Breach of the Bank's employee policies in force from time to time;
- False representations in relation to all entry details or other relevant material details concerning qualifications, grades or examinations passed, etc; or
- Any other action which could adversely affect the reputation of the Bank.

4.9. The above are examples only and should not be treated as a definitive list. Some behaviour has the potential to be so injurious to the welfare of the Bank or to a fellow employee, that immediate dismissal of an employee engaging in such behaviour may be warranted.

5. Disciplinary Action Procedure

- 5.1. An investigation will be carried out. This will be done as quickly as possible.
- 5.2. If the Bank considers it necessary, a disciplinary meeting will be held. This will usually be in the form of a meeting with yourself, your manager and/or supervisor and one other manager. You will be given the opportunity to have a fellow employee or staff representative in attendance at the disciplinary meeting.
- 5.3. The details of the allegation or complaint will be put to you and you will be given an opportunity to respond fully to the allegation or complaint.
- 5.4. You will be given reasonable notice of the disciplinary meeting. The Bank reserves the right to adjourn the disciplinary meeting if it requires more time to ensure that all relevant information is available.
- 5.5. You have a right to a fair and impartial determination of the issues taking into account the allegation or complaint, the response from you and any other relevant or appropriate evidence, factors or circumstances.
- 5.6. Pending the investigation of and/or the hearing of a disciplinary matter, the Bank reserves the right to suspend you on full pay for a period up to seven days. The Bank reserves the right to extend this period.
- 5.7. Suspension on full pay shall not be regarded as a predetermination of the outcome of the disciplinary meeting.

6. What Disciplinary Action May Be Taken?

- 6.1. Disciplinary action may include (not necessarily in this order, nor may all actions be applied):
 - An oral warning.

An oral warning is intended to assist in correcting conduct through discussion. You will be advised of the reason for the warning. An oral warning will be recorded on your personnel file but it will be disregarded for disciplinary purposes after 6 months subject to satisfactory attendance, work performance and conduct. It will be made clear in the oral warning that further misconduct may lead to more severe disciplinary action. You will be advised of the right of appeal as set out in the Appeals Procedure.
 - A written warning.

A written warning may be given after an oral warning has failed to achieve the desired correction, or where the misconduct is of such a degree of severity that an oral warning would be inadequate or inappropriate. A copy of the written warning will be given to you and a copy will be placed on your personnel file and normally remains current for a period of 12 months. The written warning will give details of the complaint, the improvement required and the time scale for improvement. You will be required to sign the written warning, to acknowledge receipt of the warning. Any disagreement or refusal to sign the warning will be noted on the warning. You will be advised of the right of appeal as set out in the Appeals Procedure.
 - A final written warning.

A final written warning may be given after a written warning has failed to achieve the desired correction or if the misconduct is sufficiently serious to warrant a final written warning despite the absence of a previous warning. The warning will set out the precise nature of the offence or complaint and contain a statement that a recurrence will lead to dismissal or whatever other penalty is considered appropriate and specifying, if appropriate, the improvement required and over what period. A copy of the final written warning will be given

to you and a copy will be placed on your personnel file and normally remains current for a period of 12 months. You will be required to sign the final written warning, to acknowledge receipt of the warning. Any disagreement or refusal to sign the final warning will be noted on the warning. A right of appeal exists in relation to a final written warning as set out in the Appeals Procedure.

- Suspension with pay.
- Some other appropriate disciplinary action short of dismissal.

In certain cases management may believe that there are good prospects for the continuation of your employment. In such cases, and with due regard for the need for consistency, management may consider alternatives which will be discussed with you.

- Dismissal.

You may be dismissed from employment with the Bank for proven misconduct. Such action will usually follow a final written warning unless the offence is of such a grave or serious nature that immediate dismissal is warranted as described below. You will only be dismissed after consideration of other possible disciplinary action including (but without limitation):

- Demotion
 - Loss of seniority or pay; or
 - Suspension without pay
- Immediate Dismissal.

If, on completion of an investigation and disciplinary hearing, the Bank is satisfied that gross misconduct has occurred, the result will normally be immediate dismissal without notice or pay in lieu of notice.

6.2. The actual action taken, and the order they are taken, will depend on the nature of the issue and the response of the employee to it. It is the policy of the Bank to help develop and assist employees to overcome any problems that may arise. In this context the action taken will first consider the possibilities for corrective courses of action, and other steps before resorting to ultimate action such as dismissal.

7. Appeals Procedure

7.1. You may appeal against an oral warning, a written warning, a final written warning or dismissal within 3 working days of the disciplinary action being notified to you.

7.2. You should advise the Head of Human Resources who will be responsible for deciding on the appeal as soon as practicable. The Head of HR may appoint another member of management to review the appeal.

7.3. The member of management reviewing the appeal is authorised at his/her discretion to confirm or reverse the decision concerned or to apply a different disciplinary measure and is to deliver his/her decision as soon as practicable.

7.4. Should you still believe that the disciplinary measure is unwarranted, you may appeal to recognised third parties as provided for in employment legislation, such as the Rights Commissioner, Labour Court or Employment Appeals Tribunal.

8. Grievance Procedure

Definition

8.1. A grievance refers to any concern or problem experienced by you arising during the course of your employment and which has not been resolved to your satisfaction through discussion with the manager to whom you report.

Procedure

- 8.2. The Bank recognises that, from time to time, you may have grievances relating to your employment. In this respect, the Bank encourages open and frank communications from you to ensure that questions and problems arising during the course of your employment can be resolved quickly and where possible, to the satisfaction of all concerned.
- 8.3. The following procedure should be adopted when you have a grievance arising from your employment.
- 8.4. If you feel that a decision or practice affecting your employment is not in accord with Bank policy, you should first attempt to resolve your concern with your Manager. If you feel that the situation remains unresolved, you should next contact your Department Head or Human Resources, who will look into the situation and attempt to facilitate a resolution.
- 8.5. While the Bank will do its best to adhere to the time frames referred to in this Grievance Procedure, the actual period may be longer depending on the circumstances of the case and the time of year (e.g. during the holiday period).
- 8.6. At each stage of the procedure you may approach the Human Resources Representative for advice or assistance at any time.
 - **Stage 1**

In the first instance, you should discuss your grievance with the manager to whom you normally report. Your Department Head will attempt to resolve the issue within three working days.

If the grievance relates to your Department Head, the matter should be raised with the Head of Function or Human Resources who will decide the appropriate person to deal with the grievance.
 - **Stage 2**

In the event that your Department Head cannot provide a satisfactory response, the Department Head will advise the Head of Function or Human Resources that a grievance has been raised and that no resolution has been achieved.

The Head of Function or Human Resources will arrange a meeting for you with either themselves or such other persons as Human Resources Manager shall nominate to give you the opportunity to present your grievance.

The Bank will attempt to resolve the issue within three working days, consulting with others as necessary.
 - **Stage 3**

If the issue remains unresolved, it may be raised with the Head of Human Resources or the CEO or if the Head of HR or CEO have already made a determination, then with another Director or Officer of the Bank whom the Head of HR and CEO considers sufficiently neutral.

A meeting will be arranged at which you will have another opportunity to present your grievance at which the person reviewing the grievance will attempt to resolve the issue within three working days.