

Employee Handbooks

DAVID NUNAN, senior HR consultant at Graphite HRM, looks at the value of employee handbooks in the workplace

“What is the benefit of having a set of employee policies and procedures?” or “Can’t we keep things informal and flexible – it’s worked up to now?” These are typical responses from business owners and managers when we speak to them about employee handbooks. In particular, small businesses that have grown and expanded organically over time are often very resistant to documenting their workplace practices. Many feel that such a move will stifle the culture of the organisation and how the people there work and behave. However, there is a strong business case to put in place a comprehensive employee handbook outlining terms and conditions of employment and people management policies and procedures.

Purpose of the handbook

The primary purpose of an employee handbook is to confirm, in writing, each employee’s terms and conditions of employment, while at the same time outlining the responsibilities and expectations of employees. The document is an extension of an employee’s contract of employment, and may be used to support this pillar of the employment relationship. An employee handbook should set out to create awareness of workplace policies, procedures, rules and regulations dealing with every eventuality in the employment relationship. In doing so, the handbook will encourage employees to make the most of the benefits that they enjoy, while ensuring that their rights are upheld in a variety of circumstances. At the same time, having documented procedures in place can enhance employee commitment as it sets out, in a clear and transparent manner, how situations will be handled, and help ensure that staff are treated in a fair and consistent manner.

The business case

In addition to confirming terms and conditions, the handbook is also a key tool in assisting the organisation to ensure compliance with employment legislation. The handbook can be used to communicate legally required policies and procedures to staff. For example, The Unfair Dismissals Act (1977) requires an employer to provide a staff member with a copy of the organisation’s disciplinary procedure within 28 days of commencement of employment, and the Terms of Employment (Information) Act (1993) sets out 13 different terms of employment that an employer must confirm, by way of a written contract, within two months of commencement. Of these 13 terms, six may be supported or confirmed by reference to a separate document, and many employers will do this by way of workplace policies in an employee handbook.

As well as the policies and procedures that are legally required, several others are recommended and will help an employer defend themselves from litigation by employees. The Equality Authority recommends that employers have in place effective policies and complaints procedures in relation to equality, harassment and sexual harassment in the workplace. The Health and Safety Authority recommends that organisations, where a risk of bullying exists, should

have similar policies and procedures in relation to workplace bullying. An employer who does not have such documented complaints procedures in place may find him/herself hearing about an issue for the first time in front of a Right Commissioner or a tribunal. In addition, if policies and procedures are in place then, even where the employer loses a case, the sanctions imposed may be reduced.

The Employment Equality Acts 1998 and 2004 set out to prohibit discrimination in employment on nine grounds. This covers a variety of aspects of the employment relationship, from recruitment and promotion practices, to conditions of employment, including how staff are actually managed and the benefits with which they are provided. Therefore, it is key that organisations have in place a set of workplace procedures for managers to follow, encouraging equal treatment of staff. We often come across organisations that pay sick leave on a case-by-case basis, at the line manager’s discretion. A situation such as this may lead to discriminatory treatment of individuals. For example, a manager may decide to award sick pay to a staff member who has a brilliant performance record, and who is absent with flu, while another manager within the same organisation may decide to withhold payment from a staff member who has high levels of sick leave as a result of an eating disorder. In this situation, the employer could be seen as treating the disabled employee (the one with the eating disorder) less favourably, thereby discriminating against the individual. If the employer had simply set out a maximum number of days for which an absent employee would be paid, this situation could be avoided.

From a practical point of view, having documented policies and procedures can also have the benefit of saving management time. Employee queries may be referred to the relevant policies rather than to individual managers, who may need to contact other members of management to find an answer. Often, where a query is raised for the first time, significant research has to be undertaken to answer the question. It would be easier to have the answers researched in advance, and have a handbook outlining these to staff.

So, what are the drawbacks to having a handbook in place? Businesses often fear committing to terms and conditions in writing, as this may reduce their capacity to change these terms in the future. However, custom and practice will become the accepted term of the contract in the absence of written statements, therefore whether practices are documented or otherwise, they will be accepted terms of the contract. Another drawback often cited is that if you document procedures, for example, in relation to the conduct of disciplinary procedures, and then fail to adhere to your written procedure, then you may find yourself open to litigation. However, where there is no express procedure in an area such as this, there are codes of practice that are accepted in their place. These codes must be adhered to, in any case, to avoid litigation.

Drawing up an employee handbook

So, if the above has whetted your appetite to put together a comprehensive employee handbook, what do you need to consider as content, and from where do you draw the information? The first step should be to consolidate the existing workplace policies and procedures in place in the organisation. Some of these will have been communicated by emails or memos, some will be formal policy documents, and many others will be enshrined in the contract of employment. This information will ensure that documented

procedures may be incorporated into the handbook. It is also important, however, that actual practice also be considered, so that these documents may be amended to reflect the realities in the organisation.

In order to understand what unspoken procedures are in place, discussions should be held with key members of management to determine what actually happens, and has happened, in specific circumstances. This background work should be done with a view to establishing what the current unwritten policies and procedures in operation are, so that the handbook may also reflect these.

Certain policies and procedures are legal requirements, and others are recommended in order to reduce the chance of litigation. Therefore, the following content would be a minimum in any employee handbook:

- A disciplinary procedure which incorporates the various warning stages, examples of unacceptable conduct, and outlining the sanctions that the employer may impose in cases of misconduct or underperformance, needs to be included;
- A grievance procedure whereby employees can raise issues of concern with management in the organisation without fear of reprisal;
- A dignity at work policy and procedure which outlines the organisation's approach to handling allegations of bullying, harassment or sexual harassment;
- The organisation's safety statement;
- Policies on working time, double employment, compensation and benefits, annual leave, sick leave, reporting and payment procedures, policies on statutory and non-statutory leave (e.g., maternity leave or bereavement leave) should all be included too (see Figure 1).

In compiling the handbook, reference may be made to employment legislation, related regulations and codes of practice which influence workplace practices. Information and guidance on these matters may

be gained from bodies such as the Equality Authority, the Department of Enterprise, Trade and Employment and the Department of Justice. When writing the handbook, it is important to draw the line between providing too much information, thereby making the manual inaccessible and ineffective, while keeping in mind that it can be risky to exclude too much detail, thus reintroducing the danger of managers making piecemeal decisions. Many organisations will have a manager's handbook in addition to the employee handbook which outlines the practical considerations behind workplace procedures and encourages consistency of approach between managers.

If you have a multi-cultural and diverse workforce, then language may be an issue that needs to be considered. The Equality Authority would strongly recommend that workplace policies and procedures be written in clear and understandable English, in order that they are accessible to all staff. From this point of view, it is important to use simple language to avoid confusion, and to avoid making the document overly legalistic. There is a lot of debate at present as to whether or not policies should be translated into the home languages of non-national employees. Where the English language is a requirement for the post, then an employer should be in a position where it will not be necessary to translate policies. For employers where language skills are not a requirement for the post held, then it may be necessary to take extra care to communicate the policies to these employees.

Promoting the handbook

Once the organisation is happy to go ahead and publish the handbook, it is necessary to communicate it effectively to employees. A policy or a procedure may as well not be in place if it is ignored, or fails to be applied in the situation to which it relates. As such, it is important that managers buy into the process, and that the handbook is effectively communicated to them in the first instance. Management involvement

Table 1: Sample employee handbook content

Recruitment and Selection

- Recruitment and promotion procedures
- Probationary process and reviews
- Induction procedures

Conditions of Employment

- Pay and salary reviews
- Various benefits of employment
- Sick pay conditions
- Annual leave procedures
- Pension/PRSA
- Performance management

Dignity and Respect in the Workplace

- Equal opportunities statement
- Dignity at work policy and procedure
- Positive to disability statement

Work/Life Balance

- Maternity/parental leave
- Jury service leave
- Compassionate leave
- Part-time work

Employee Relations Procedures

- Disciplinary procedure
- Grievance procedures
- Trade union procedures

Termination of Employment

- Notice entitlements
- Resignation procedure
- Redundancy/short-time/lay-off
- Exit interviews

in formulating the handbook is important, as it generates buy-in to the process. Educating management on the benefits of having the manual in place also assists effective implementation, and some organisation will provide management training in relation to the content of policy and procedure to encourage a fair application of same.

Managers may then roll out the policy handbook to existing staff by way of team meetings, or formal training for staff. Briefing sessions for staff may be held on key policies and procedures, and a copy of the handbook should be circulated to every staff member. All employees should be asked to sign a declaration that they have read and understood the content of the handbook. This confirmation should be kept on the employee's file, should a dispute arise in relation to this at a later date. All new employees in the organisation should be provided with a copy of the handbook during their induction. They should be trained on specific policies relating to health and safety, discipline and grievance procedures. New staff should also sign off that they have seen and understood the document.

Most organisations will publish the handbook in hard copy, however this is often supported by a soft copy version, which may be accessed through a company intranet (where this exists). Alternatively, a 'read-only' version of the document may be made available on an internal local network. In order to keep policies 'alive', leaflets may be distributed in the workplace, or notices erected in relation to policies of which staff need to reminding from time to time. Organisations are recommended to take such action, particularly in the areas of health and safety and equality in the workplace. Examples of such

signs are often seen at access points to building sites, where visitors are reminded of the need to wear personnel protective equipment.

Reviewing the handbook

Writing and rolling out the handbook is one step in this process, but keeping the handbook up-to-date can be a time consuming exercise, and the responsibility for this should be given to a named member of staff. This person will need to keep abreast of developments in employment law, while at the same time they should ensure that the handbook is updated in line with developments in workplace practices. It may be useful to employ the services of consultants to review and update the handbook regularly.

Conclusion

In conclusion, the business case to put an employee handbook in place is strong. The handbook protects individuals from discrimination and ensures that people are treated fairly and equitably, while at the same time allowing management to set out their expectations of employees in writing. The handbook will act as a protective measure against litigation, and may reduce or eliminate compensation awards against the business. In drawing up a handbook, it is important to consider the realities of the business for which it is being written, and to ensure that the promises made will be kept.

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