

# EMPLOYEE HANDBOOK



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# 1 Introduction

## 1.1 Welcome

As an employee of Modular Automation Ireland Limited (hereinafter called *The Company*), you will receive a written statement of Terms and Conditions of Employment also referred to as a Contract of Employment. This document outlines the general Terms and Conditions of Employment and is a confidential document between you and *The Company*. Please read this Statement carefully and sign it. This signifies your acceptance of the Terms and Conditions under which you are employed. You should retain a copy of this document and a second copy will be retained by The Company.

## 1.2 Purpose of this Handbook

This handbook contains company information and a summary of *The Company* policies which are correct at the date of print. You should note that *The Company* retains the right to make changes of a minor, administrative, or non-fundamental nature to the policies and procedures in this handbook from time to time. Wherever practicable, you will be given advance notice of any such change. If not practicable, you will be given reasonable written notice of any such variations or amendments within 28 days of these taking effect with the exception of statutory changes or collective agreements. Changes of a major, non-administrative or fundamental nature, other than where specifically reserved in this handbook, will be made with consultation with the Employee.

The handbook is designed to give clear advice to employees and to create a culture where issues are dealt with fairly and consistently. This is a guide to your terms and conditions of employment and should be read in conjunction with your individual statement of employment. The handbook provides you with important information relating to *The Company's* policies, procedures and rules.

The information contained in this handbook applies to all our employees. Following the policies described in this handbook is considered a condition of continued employment. Failure to do so may result in the Disciplinary Procedures being invoked. The contents of this handbook shall not constitute nor be construed as a promise of employment or as a contract between *The Company* and any of its employees.

You are responsible for reading, understanding, and complying with the provisions of this handbook and you should sign and return the confirmation of receipt and understanding.



## 1.3 Employment Records

Your Employment Record is very important. It contains all relevant information pertaining to your employment including address, telephone number, emergency contact details, educational attainments etc. It is most important that these records are kept up to date. Please notify *The Company* of any changes that might affect your Employment Record.

## 1.4 Data Protection

*The Company* will hold and collect data in relation to you in your employment. This is for the purpose of administration and management and also in compliance with applicable laws and regulations. All data will be treated with the utmost confidentiality.

All personal information regarding your employment may be held on computer and also in your personnel file. Copies of any letters, memos or emails relating to changes in your terms and conditions of employment may also be stored electronically or on your personnel file.

*The Company* will ensure that only authorised personnel have access to an Employee's personnel file. Employees who have access to these files must ensure that they treat them confidentially. *The Company* shall take all reasonable steps to ensure that appropriate security measures are in place to protect the confidentiality of both electronic and manual data. Security measures will be reviewed from time-to-time having regard to the technology available, the cost and the risk of unauthorised access. Employees must implement all company security policies and procedures e.g. use of computer passwords, locking filing cabinets etc.

Information will not be disclosed to any external third party without your consent, except where it is necessary in order to comply with statutory requirements or where an Company is acting on behalf of the company. Internally the information may be made available to your manager and/or members of the senior management team, as circumstances dictate. You may, at any time, request access to the information held about you; such requests should be made to your manager and access will be provided within a reasonable period.

Employees must maintain the confidentiality of any data they have access to in the course of their Employment. If Employees are in any doubt regarding their obligations they should contact their Manager.

### **Medical Data**

*The Company* carries out pre-Employment medicals as part of the recruitment process. This data will be retained by the Company.

Occasionally, it may be necessary to refer Employees to *The Company* doctor for a medical opinion and all Employees are required by their contract of Employment to attend in this case.



*The Company* will receive a copy of the medical report, which will be stored in a secure manner with the utmost regard for the confidentiality of the document.

Employees are entitled to request access to their medical reports. Should an Employee wish to do so, please contact the HR department who will consult with the doctor who examined you and request the data. The final decision lies with the doctor to decide whether the data should be disclosed to you or not in accordance with Statutory Instrument No. 82 of 1989.

Employees are required to submit sick certificates in accordance with the sick pay policy. These will be stored by *The Company* having the utmost regard for their confidentiality.

### **Interview Records**

*The Company* will retain records of interview notes, application forms etc in order to ensure compliance with the Employment Equality Acts, 1998 and 2012 and with the company's Equal Opportunities Policy for a period of 12 months.

### **Internet & Email Monitoring**

*The Company* provides email facilities and access to the internet. In order to protect against the dangers associated with email and internet use, screening software is in place to monitor web usage.

Company IT department may be requested to grant access for somebody's mailbox to a member of management. Mailboxes are only opened upon specific authorisation by a Manager in cases where a complaint indicates that a particular mailbox may contain material which is dangerous or offensive; where there is a legitimate work reason or in legitimate interest of the Company. Please see the Email and Internet Usage Policy POL-010 for further details.

### **Close Circuit Monitoring**

*The Company* has close circuit television cameras located at a specific location. This is necessary in order to protect against theft or pilferage, for the security of staff and company property. Access to the recorded material will be strictly limited to authorised personnel. Close circuit surveillance is not used to manage performance.



## 2 Terms and Conditions

### 2.1 Probationary Period

All new employees will be required to work a probationary period as defined in their contract of employment. During this period, *The Company* will provide every assistance possible, to help the individual to do the job for which they were employed. During this period there should be dialogue between the Manager and Employee with regard to performance, conduct, attendance and any other issues impacting on the Employee's ability to settle into the role and the Company. This will be reviewed regularly, and the Employee will be advised of their progress.

Where an Employee successfully completes probation, this will be confirmed to them by their Manager.

Where there are issues which affect an Employee's ability to successfully complete probation, then probation may be extended at the discretion of Management.

At any time during the probationary period, employment may be terminated due to the nature of the issue(s) arising. Dismissal may arise without application of the full rigours of the disciplinary process during probation.

Employees should feel free to discuss with their Manager / Supervisor, any concerns or questions they may have.

### 2.2 Hours of Work

#### **NORMAL WORKING HOURS**

Monday to Thursday 8.00 a.m. - 4.30 p.m.

Friday 8.00 a.m. - 4.00 p.m.

**Note:** The normal working week consists of 39 hours, however all employees will work 39½. The extra ½ hour each week will be accrued, to give each employee three additional days' annual leave each year. Absence through sickness, which is in excess of 2 weeks per year, will not qualify for accrued time.





## 2.3 Rest Period and Breaks

### Tea / Lunch Breaks:

The following break times apply to employees who work the standard 39.5 hour week.

#### Tea breaks:

- 10.00 a.m. to 10.15 a.m. (discretionary paid break)
- 10.30 a.m. to 10.45 a.m. (discretionary paid break)

Overtime              5.00 p.m. to 5.15 p.m. (unpaid break)

**Note:** Employees are only entitled to a tea break at 5pm if they are working a minimum of 2 hour's overtime.

#### Lunch Break:

- p.m. to 1.30 p.m. (unpaid break)
- 1.30 p.m. to 2.00 p.m. (unpaid break)
- 

**Note:** Employees may be asked to take alternative break times to meet business needs.

#### **Break times for part-time employees who work less than the standard 39.5 - hour week.**

Work 3 hours or less per day              - no break

Work 4 - 5 hours per day              - 15-minute rest break in the morning (discretionary paid break)

Work 6 hours or more per day              - 30 minutes (which may include the first break) (unpaid break)

It is important that break times are adhered to, and that employees return to their workstations promptly.

It is the policy of *The Company* to ensure that all Employees are afforded their minimum entitlements to daily and weekly rest as per the Organisation of Working Time Act, 1997.

*The Company* is also committed to ensuring that no Employee works in excess of the maximum average working week, as determined by the Organisation of Working Time Act, 1997.

Should an Employee have a query in relation to their working hours, breaks or rest periods, or where they have been unable to avail of same, this should be brought to the attention of their Manager, or raised through *The Company* grievance procedure.



## 2.4 Employee clock-in

All employees will be issued with an employee number on commencing employment with *The Company*. HR shall demonstrate to employees the procedure for registering and clocking in and out on the clock in system. The employees' number and other relevant details will also be registered at that time.

Employees are only allowed to leave the plant during work hours, if they have the advance permission of their Supervisor / Manager. Employees must clock out and in accordingly. Employee's that need to go to the shop must do so during their break time. If an employee fails to clock in/out for any reason, they must notify their Manager / Supervisor, as soon as the error becomes apparent.

If an employee clocks in late, they must immediately notify their Supervisor / Manager as to the reason for the lateness.

Breaches of this policy may result in disciplinary action up to and including dismissal.

## 2.5 Lateness

It is the policy of *the Company* to require a high standard of timekeeping from all Employees.

It is essential for the efficient running of the organization, that employee's report for work on time. A failure to comply will be subject to the normal Disciplinary Procedure, at whatever stage is deemed appropriate.

## 2.6 Deductions for lateness

Appropriate deductions will be made to the pay of an employee who is late by more than three (3) minutes when clocking in for work.

## 2.7 Absence

*The Company* has an expectation of regular attendance at work by all Employees. However, it is acknowledged that Employees may, from time to time, be absent from work due to illness. It is the policy of *The Company* to treat all such absences in a fair and consistent manner, while weighing up the impact of such absences on the ability of *The Company* to function effectively.

If you are unable to attend work, it is important that you notify your Manager / Supervisor, by telephone before 10am on your first day of absence. Employees should speak to their immediate Manager / Supervisor to explain the reason for their absence. Texting your Manager / Supervisor is not acceptable. Where their Manager is unavailable a message may only be left



with another Manager, and not a colleague of the Employee at the same level. It is the responsibility of the Employee to notify *The Company* of their absence personally. Notification from a friend, other family member etc. will not be accepted.

***The Company* phone number is (061) 363077.**

If you are absent from work due to illness, you are required to submit a medical certificate. If the illness continues, certificates must be submitted on a weekly basis. During periods of absence, it is important that employees telephone their Manager / Supervisor on a weekly basis, to review the situation. Employees must submit a final certificate of fitness to return to work on the day they return to work if a certificate has not already been submitted.

At any time during a period of absence due to illness, *The Company* may request the employee to undergo a medical examination. All such examinations will be carried out by *The Company* doctor, or by a qualified medical practitioner nominated by the company. A full medical report will be provided to *The Company* in order to make reasonable decisions in relation to the Employee's capacity to fulfil their terms and conditions of employment. Circumstances which are likely to give rise to such a report being sought are where absence is excessive or there are patterns of absence leading to a suspicion of abuse of sick leave or where it is felt that Employee's health is having a negative impact on work performance. *The Company* is committed to encouraging Employees to return to work following periods of absence. However, persistent and/or excessive absenteeism may result in disciplinary action of the Employee's contract of employment.

Following each period of absence an Employee is required to meet with their Manager to explain the reason for their absence, and to outline whether they have now returned to full health. An Employee should bring any difficulty at work impacting on attendance to the attention of their Manager, in order that appropriate steps may be taken to resolve the issue. The meeting will also be used as a catch-up to update the Employee on developments at work during their absence.

Records will be retained of Employee sick leave and where this is deemed excessive, or where patterns of leave are identified, the Employee will be notified of *The Company* concerns and the steps that will be taken. Such matters may be dealt with through the disciplinary procedure where appropriate.

## **2.8 Pay and Conditions**

### **2.8.1 Weekly**

New employees will be required to work a week in hand. Employees will be paid directly into their Bank accounts, on Friday mornings before bank opening times.

### **2.8.2 Monthly**

Employees will be paid directly into their Bank account, on the Friday morning that falls between the 15<sup>th</sup> and the 21<sup>st</sup> day of the month. Employees will be paid directly into their Bank accounts, on Friday mornings before bank opening times.

All employees must forward their bank details to the payroll department at the earliest opportunity.

### **2.8.3 Shift pay**

All employees that work rotating shift will be paid the appropriate shift premium on their standard rate of pay. Overtime calculations will be based on their standard rate of pay.

**Note:** Employee's must complete 39½ hours at standard rate, before overtime rate can be applied.

### **2.8.4 Overtime pay**

At times, employees may be requested to do overtime. Your Manager / Supervisor will try to give you as much notice as possible.

**Note:** Employee's must complete 39½ hours at standard rate, before overtime rate can be applied.

When worked, overtime will in general be paid at the following rate.

Monday to Friday - First four hours overtime at time and a half, remainder at time and ¾.

Saturday - First four hours at time and a half, remainder at time and ¾.

Sunday - Time and ¾ for all hours worked.

Public Holiday - A normal day's pay as his / her entitlement for the public holiday plus full pay for the hours actually worked.

**Note:** Employee's must complete 39½ hours at standard rate, before overtime rates can be applied.

**The Company does not operate a flexi-time system. Therefore any hours worked outside of normal working hours must be by prior agreement.**

### **2.8.5 Bank Holiday**

**Employees requested to work on a bank holiday will be entitled to one of the following as the Employer may decide:**

Pay for the worked public holiday plus pay for the actual hours worked.

Or

Pay for the actual hours worked plus a day's paid holiday in lieu.



## 2.9 CCTV

### PURPOSE

The purpose of this policy is to regulate the use of Closed Circuit Television and its associated technology in the monitoring of the internal and external environs of *The Company* premises.

### SCOPE

This policy applies to all Employees of the Company.

### POLICY

CCTVs are installed internally and externally in premises for the purpose of enhancing security of the building and its associated equipment as well as creating a mindfulness among the occupants, at any one time, that a surveillance security system is in operation to deter any inappropriate behaviour.

#### General Principles

*The Company* utilises CCTV systems and its associated monitoring and recording equipment as an added mode of security and surveillance for its premises.

The primary aim of CCTV monitoring is to deter theft and to assist in the protection and safety of the Employees, Clients and the property and its associated equipment and materials.

Monitoring will be conducted in a professional, ethical and legal manner.

Information obtained through video monitoring may only be released when authorised by the Operations Director.

Data from CCTV system will be accessed and used in accordance with Data Protection Regulations.

*The Company* reserves the right to use CCTV data for disciplinary purposes where it is evident that an Employee has behaved inappropriately.

Signage will be erected in ~~each location in which a camera is located~~ prominent locations to indicate CCTV is in operation.

#### Data Protection

All personal data recorded and stored by the CCTV system is governed by the Data Protection Acts, 1988 & 2003. Under the Data Protection Acts, a 'Data Controller' is the individual or the legal person who controls and is responsible for the keeping and use of personal information in manual files or in computerised form.



The Data Controller in respect of images recorded and stored by the CCTV system in the premises is the Operations Director.

The personal data recorded and stored by the CCTV system will only be available to the Data Controller and Senior Management and will be used only for the purposes outlined within this policy.

Individuals whose images are recorded and stored by the CCTV system shall have the right to request and receive a copy of personal data processed by the system. Such requests shall be made in writing to the Data Controller and shall be complied within a maximum of 40 days.

Personal data recorded by the CCTV system shall be retained for a maximum of 28 days. Thereafter, it will be deleted automatically.

Should you have any queries in relation to this policy, contact your Supervisor / Manager.

## 3 Safety

### 3.1 Safety, Health and Welfare

The Safety, Health and Welfare at Work Act 2005, places a major responsibility for safety with the employee. *The Company*, on their part, will do everything possible to make the plant safe.

It is the responsibility of all Employees to co-operate with Management in the implementation of health and safety initiatives in *the Company*. Employees must be aware that they have a responsibility for the safety of their visitors while on site. Employees also have a specific responsibility for their own safety. Therefore, Employees are expected to discharge their work in a safe manner, so as to avoid injury to themselves or other Employees and customers, and to avoid damage to company equipment and property.

### 3.2 Employee requirements

- Read and adhere to the guidelines outlined in the separate company safety booklet, **Ref. Document Employee Safety Procedures & Guidelines**.
- Read *The Company* safety statement, **Ref. Document. POL-011** Safety Statement. This can be obtained from a Safety Representative.
- All employees are required to read and adhere to all Health and safety procedures that are in place.
- Employees are expected to maintain all work stations and work areas in a clean and tidy manner by implementing a clean as you go process.
- Actively participate in the various safety-training programs provided by the company.



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- Bring any unsafe practices or situations to the attention of the Health and Safety Team or their manager, Supervisor



### 3.3 Accidents

All accidents, incidents and near misses regardless of how minor, must be reported immediately to the Safety Coordinator, a Safety Representative, a Supervisor or Manager who will complete the accident report form. This procedure is designed, to ensure that all accidents, incidents and near misses are properly investigated and enables preventive measures to be taken to ensure that similar accidents, incidents and near misses do not reoccur.

### 3.4 Equipment/Machinery

Employees should not operate any equipment/machinery if they have not been trained on how to use equipment/machinery.

Employees should immediately notify their Supervisor when any of *The Company* Equipment or Machinery is not functioning properly. Do not wait for someone else to report issues.

### 3.5 Safety Equipment

All employees will be provided with, and **MUST** wear the safety equipment necessary to carry out their job safely. Safety shoes and glasses will be provided free of charge to all employees working on the production floor. *The Company* safety shoe allowance is €50 per employee, per year. If an employee wishes to upgrade to a more expensive safety shoe the employee must agree to make up the difference between the set allowance and that of the more expensive safety shoe. Safety shoes are required to be worn at all times inside the dedicated marked areas on the factory floor. Employees that do not adhere to the wearing of safety equipment/PPE will be subject to the Disciplinary Procedure.

### 3.6 Procedure for Raising Concerns

An Employee who has any concerns with regard to the health and safety policy may raise the issue informally with their Manager or any other Manager. Where they do not receive a satisfactory response to their concerns, they may raise the issue through the grievance procedure.

It is a term of employment that Employees always act in the interest of workplace safety. Any act which is contrary to the requirements of health and safety legislation may be dealt with as a serious disciplinary offence and may result in disciplinary action up to and including dismissal.





## 4 Leave

### 4.1 Holiday Entitlement for Full-time employees

The Holiday year is from January 1<sup>st</sup> to December 31<sup>st</sup>.

Employees are entitled to 20 working days holidays per year, plus 3 working days holidays accrued from the 39½-hour week. This gives a total of 23 working days holidays, or 1.9 days per month worked. Standard annual leave entitlement to payment for holidays and public holidays will be in accordance with the Terms of the Organization of Working Time (Employee) Act 1997.

Employees will be notified as early as possible each year, of the planned summer and Christmas holidays. Holidays will be scheduled at the discretion of the Company. *The Company* reserves the right to nominate a number of working days in the year, when the plant must close for operational reasons. Employees will be advised of the details of such days with as much notice as practically possible.

Employees can book holidays through the TMS system which automatically sends a request to the employee's supervisor/manager for approval. A minimum of three days' notice is required for one day's holiday, and a minimum of one months' notice for one week's holidays or more. Holiday requests will only be approved when the required notice has been given, unless there are exceptional circumstances.

*The Company* reserves the right not to grant leave at particular times due to operational reasons. Therefore employees should not book holidays outside of the shutdown period, without prior approval from their Manager / Supervisor.

A maximum of five days holidays can be carried forward from one year to the next however, the carried over days must be taken no later than six months in the following year

Pay for annual leave will be provided at the normal daily rate. Payment in lieu of statutory annual leave is not permitted other than on termination of employment. Where, on termination of employment, an Employee has availed of more annual leave than has been accrued in the leave year, a deduction may be made from the Employees final pay.

### 4.2 Holiday Entitlement for part-time employees



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Under the protection of Employees (Part-time Work Act 2001), part-time employees are entitled to 8% of the hours worked in a leave year, subject to a maximum of 4 working weeks annual leave.



### 4.3 Public Holidays

Employees are currently entitled to nine paid Public Holidays. These are:

New Year's Day	First Monday, August
St. Patrick's Day	Last Monday, October
Easter Monday	Christmas Day
First Monday, May	St. Stephens Day
First Monday, June	

### 4.4 Maternity Leave

Pregnant employees are entitled to 26 weeks maternity leave as per the Maternity Protection Act 1994 & 2004. This is paid by the Department of Social Protection for Employees who fulfill the required contribution requirements. No payment is made by *The Company* in respect of absence by an Employee during her maternity leave.

Leave must commence at least 2 weeks before the end of the expected week of confinement and at least 4 weeks leave must be taken following the birth of the child.

An additional 16 weeks of unpaid Maternity or Adoptive leave may also be taken which must commence immediately at the end of the ordinary Maternity Leave. During this period, there is no entitlement to Social Welfare Benefits.

A pregnant Employee should advise *The Company* of her pregnancy as soon as possible in order that measures may be taken to protect her health and safety at work and that of her developing child.

Employees must submit a medical certificate, confirming their pregnancy, and indicating the expected week of confinement. Employees should notify their Supervisor / Manager at least 4 weeks before they intend to go on leave. Employees must complete an Holiday Request form **(MAF-0083)** or use **TMS**, and have it signed/approved by their Supervisor / Manager. When an employee intends to return to work, they must notify *The Company* in writing, at least 4 weeks before they expect to return to work. This letter must indicate the actual date of return. Failure to adhere to the above procedure will result in loss of rights under the Maternity Protection of Employee Act 1994 & 2004, and loss of allowances from the Department of Social Protection.

#### **Ante-Natal and Post-Natal Care Appointments**

A pregnant Employee is entitled to paid time off to attend ante-natal medical care appointments, and for post-natal medical appointments for up to 14 weeks after the birth of her



child. The entitlement to paid time off for post-natal care is extended to 26 weeks where the Employee is breastfeeding. At least 2 weeks written notification must be provided to the Company, except in the case of the first appointment. Where possible, appointments should be scheduled at the beginning or at the end of the working day. If the appointment finishes during the working day, the Employee is expected to return to work.

#### **Time Off for Ante-Natal Classes**

Female Employees are entitled to paid time off to attend 1 complete set of ante-natal classes (other than the last 3 classes in a set). An expectant father is entitled to paid time off to attend the last 2 ante-natal classes in a set. This is a once off entitlement in respect of one pregnancy only. However where an Employee is unable to attend a class through no fault of their own, they may be permitted to attend that class on a subsequent birth. At least 2 weeks' notice of the intention to avail of this leave must be provided before the class and appropriate documentation submitted.

#### **Return to Work**

Employees are required to provide at least 4 weeks written notice of their intention to return to work following leave. This notice should confirm the intended return to work date. Where possible Employees will return to the position held immediately prior to the commencement of leave (provided this was their normal position), however where this is not feasible, he/she may return to work to suitable alternative employment that is no less favourable in terms and conditions.

#### **Breastfeeding on Return to Work**

Should an Employee be breastfeeding on return to work, and their child is under 6 months old, *The Company* will facilitate a temporary reduction of working hours, without loss of pay, for the purposes of breastfeeding. The Employee must provide notification of her intention to avail of this entitlement at least 4 weeks before her proposed return to work date.

#### **Annual Leave and Public Holidays**

Annual leave and public holiday benefits will continue to accrue during the period of maternity leave and additional maternity leave.

### **4.5 Adoption Leave**

The purpose of this policy is to demonstrate our compliance with the Adoptive Leave Acts, 1995 and 2005, and associated regulations as issued, whilst also protecting the rights of Employees under this legislation.

This policy applies to all Employees, and provides protection and leave entitlements for both adoptive mothers and fathers in the circumstances outlined.

In line with current legislation, all employed adopting females or sole male adopters are entitled to avail of up to 24 weeks adoptive leave. Leave commences on the actual date of placement. An additional period of up to 16 weeks leave may be taken at the discretion of the Employee immediately following the initial adoptive leave period.



No payment is made in respect of absence by an Employee during their adoptive leave. However, an Employee may be entitled to claim adoptive benefit from the Department of Social Protection, subject to qualification criteria. In order to claim this benefit, an Employee is required to submit a claim form (AB1) prior to commencement of adoptive leave. This form is available from the Department of Social Protection. *The Company* will complete Part 4 of the form confirming Employment and PRSI details on request.

#### **Adoptive Leave Applications Procedure**

A minimum of 4 weeks' notice is required from an Employee intending to avail of adoptive leave and/or additional adoptive leave prior to the expected date of placement. In the case of an Irish adoption a certificate of placement should be forwarded within 4 weeks of the date of placement. In the case of a foreign adoption, a declaration of eligibility and suitability must be produced as soon as reasonably practicable, with a certificate of placement to be forwarded as soon as it is received by the Employee.

Notification of leave must be made on the appropriate form which may be obtained from the Employee's Manager.

#### **Leave to Attend Classes and Meetings in Advance of the Adoption**

Any Employee involved in the adoption process is permitted to avail of paid time off to attend pre-adoption classes and meetings which they are obliged to attend, provided the meetings are held within the state. 2 weeks written notice of the first request must be provided. Evidence of the requirement to attend the class or meeting may be sought by the Company.

#### **Leave in Advance of Foreign Adoptions**

In the case of a foreign adoption, an adopting mother or sole male adopter may avail of some of their additional leave before the placement of the child for the purposes of familiarisation with the child in advance of the adoption. 4 weeks written notice of this intention must be provided, and a declaration of suitability and eligibility must also be supplied. This entitlement is in addition to the time permitted to attend classes and meetings in the state.

#### **Return to Work**

Employees are required to provide at least 4 weeks written notice of their intention to return to work following leave. This notice should confirm the intended return to work date. Where possible the Employee will return to the position held immediately prior to the commencement of leave (provided this was their normal position), however where this is not feasible, the Employee may return to work to suitable alternative employment that is no less favourable in terms and conditions.

#### **Annual Leave and Public Holidays**

Annual leave and public holiday benefits will continue to accrue for the period of adoptive leave and additional adoptive leave.



## 4.5 Parental Leave

The purpose of this policy is to provide unpaid leave to qualifying parents in order to facilitate them to care for their child. This policy demonstrates our compliance with the Parental Leave Acts 1998 and 2006 and subsequent amendments. This policy is designed to protect the rights of Employees under this legislation.

This policy applies to all Employees who are natural or adoptive parents or acting in loco parentis to a child under the relevant age.

All qualifying Employees who are natural or adoptive parents of, or who are persons acting in loco parentis to, a child under the relevant age have an entitlement to avail of up to 18 working weeks parental leave in respect of that child over a defined period of time.

Parental leave is unpaid leave. However, Employees should note that where a block of leave is taken with the result that no PRSI contributions will be made by *The Company* or Employee in that week, then the Department of Social Protection may make PRSI contributions on the Employee's behalf. This is subject to the Employee notifying the Department of Social Protection of the fact that they are on leave.

Who is a qualifying Employee?

In order to qualify for parental leave an Employee must meet the following criteria;

- he/she must have completed 12 months' service with *The Company* to qualify for 18 working weeks leave, or
- where the child is about to go over the relevant age, and the Employee has completed more than 3 months service but less than 12, he/she will be entitled to avail of 1 working week of leave per completed month of service.

What age must the child be in order to be deemed under the relevant age?

The relevant age of the child in respect of whom leave may be taken may vary depending on certain factors. Parental leave is allowed in respect of a child;

- aged under 8 years of age, or
- within two years of an adoption order where the child is adopted between the ages of 6 and 8 years, or
- aged under 16 years in the case of a child with a disability/ long term illness.



### **Applications Procedure**

To apply for parental leave an employee must give at least 6 weeks written notice. The notice should state the starting date and how long the leave is proposed to last.

A response to this application will be issued by *The Company* 4 weeks before the intended commencement of leave indicating whether the leave can be approved, or whether it is necessary to postpone the leave. Postponement of leave will not exceed 6 months except where this is permitted by legislation and necessary for operational reasons. In all cases discussion will be held to establish a suitable new timing for the leave. Where the leave is approved, a confirmation document will be produced for signature and filing.

If both parents are Employees of the Company, Employees may request that a portion of the leave (not more than 14 weeks) be transferred to the other parent, approval of such a transfer of leave will be at the discretion of the Company.

### **Patterns of Leave Permitted**

Leave may be availed of as a continuous period of 6 weeks or greater at any one time. Periods of leave of a lesser duration are entirely at the discretion of Management, and it may not be possible to permit these. Consult your Manager for further information.

### **Sickness during Parental Leave**

Should an Employee fall ill during parental leave, and as a result is unable to care for their child, they may suspend their parental leave and the time may be treated as certified sick leave. This is subject to the Employee complying with normal sick leave reporting procedures and submission of a doctor's certificate confirming the illness irrespective of the number of days of sickness. This certificate should confirm that the Employee is incapable of caring for the child in respect of whom leave is being taken.

### **Abuse of Leave**

An Employee must use parental leave for the purpose of caring for the child in respect of whom it is taken. Employees may not work in alternative employment while on this leave. Abuse of parental leave may be treated as a serious disciplinary matter.

### **Annual Leave and Public Holidays**

Annual leave entitlements continue to accrue and public holiday benefits will continue to be provided during the period of an Employee's parental leave.

### **Returning to Work**

Employees are entitled to return to work to the same job and under the same terms and conditions of employment following parental leave. Where this is not reasonably practicable,



*The Company* will provide suitable alternative employment that is no less favourable in terms and conditions.

Employees may request a change in working hours / patterns, or both, to apply for a set period of time following their return from Parental leave. Such requests must be submitted not later than 6 weeks prior to the proposed commencement of this set period. *The Company* will consider all requests having regard for *The Company* needs, and the Employee's needs at the time and will respond within 4 weeks of receiving the request.

## **4.7 Force Majeure Leave**

Force majeure leave is leave provided for Employees to deal with emergency situations arising from the illness or injury of a person named in this policy. The purpose of this policy is to demonstrate compliance with the provisions of the Parental Leave Acts 1998 and 2006 in relation to force majeure leave, and to protect Employee rights in this regard.

A close family member is defined as one of the following:

- A child or adopted child of the employee.
- The husband/wife/partner of the employee.
- Parent or grandparent of the employee.
- Brother or sister of the employee.
- Person to whom the employee has a duty of care (that is, he/she is acting in loco parentis).
- A person in a relationship of domestic dependency with the employee, including a same-sex partner.
- Persons of any other class (if any) as may be prescribed.

Entitlement to force majeure leave is limited to circumstances:

- where the immediate presence of the Employee is indispensable,
- where the Employee is present at the place where the ill or injured person is situated.

An Employee who is on force majeure leave for part of a working day shall be deemed to have taken 1 force majeure day.

The maximum amount of leave is 3 days in any 12-month period or 5 days in a 36-month period. You are entitled to be paid while you are on force majeure leave.

To apply for Force majeure leave, you must notify your employer as soon as practicably possible that you intend to apply for force majeure leave. Immediately on your return to work, you must complete Form 006 Rev A and submit to your immediate manager/supervisor not later than 1 week after returning to work. You may be required to provide a medical certificate. *The*





*Company* will inform the Employee if their application for Force Majeure Leave has been successful.

As with parental leave, your employer must keep records of all force majeure leave taken by employees.

## **4.8 Carers Leave**

### **PURPOSE**

This policy is designed to demonstrate our compliance with the Carer's Leave Act, 2001 and 2006 and associated regulations.

### **SCOPE**

This policy applies to all Employees with at least 12 months service.

### **POLICY**

It is the policy of *The Company* to permit Employees to avail of unpaid leave from employment to fulfil their caring responsibilities where appropriate as determined in conjunction with the Department of Social Protection. Carer's leave of at least 13 weeks and up to 104 weeks may be applied for. This may be extended to 208 weeks in respect of two persons in need of care in certain circumstances.

To be eligible for leave the Employee must have completed 1 year of service and be approved by the Department of Social Protection to provide full-time care to the relevant person. The Department of Social Protection also determine whether the person is deemed a relevant person.

Carer's leave may be taken as a continuous block of leave, or broken into shorter periods of leave. Where the leave is broken down, the Employee may not commence a subsequent period of leave until 6 weeks have elapsed since the termination of the previous period of leave.

### **Applications Procedure**

An Employee is required to give 6 weeks notice of their intention to avail of carer's leave. This application should set out the manner in which it is proposed to take the leave and confirm that an application has been made to the Department of Social Protection for approval to be deemed a carer for the relevant person.

A response will be issued in respect of the application at least 2 weeks prior to the proposed commencement of the leave. Where the leave is approved a confirmation document will be produced for signature by the Employee and this will be retained by the Company.

Notification of leave must be made on the appropriate form which may be obtained from the Employee's Supervisor / Manager.



### **Termination of Carer's Leave**

Carer's leave shall terminate on the pre-agreed date in the confirmation document, or in the following circumstances, whichever is the sooner:

- on an alternative date agreed between the Employee and Management,
- where the person in respect of whom carer's leave is taken ceases to qualify as a relevant person, or the Employee ceases to qualify as a carer,
- where a deciding officer from the Department of Social Protection determines that it should end,
- where the relevant person dies during a period of carer's leave. In such circumstances the Employee should return to work on a date within 6 weeks of the date of death, or as agreed in the initial confirmation document, whichever is the sooner.

### **Employment Rights**

An Employee availing of carer's leave will be regarded as still being in employment, and none of their rights relating to employment shall be affected, with the exception of remuneration, annual leave (after 13 weeks), public holidays (after 13 weeks), superannuation benefits or any obligation to pay contributions in, or in respect of, the employment. Such absence will be reckonable for redundancy purposes. Existing PRSI rights will be protected by the award of credited contributions during the period of carer's leave by arrangement with the Department of Social Protection.



### **Return to Work**

An Employee on carer's leave must provide at least 4 weeks written notice of their intention to return to work. This notice should confirm the intended return to work date. Where possible the Employee will return to the position held immediately prior to the commencement of leave (provided this was their normal position), however where this is not feasible, they may return to work to suitable alternative employment that is no less favourable in terms and conditions.

## **4.9 Compassionate Leave**

**Immediate Family:** Employees will be entitled to three days paid leave for the death of a Spouse, Parent, Child, Brother or Sister.

**Close Family:** Employees will be entitled to two days paid leave for the death of a Grandparent, Mother or Father in law.

**Other Relatives:** Employees will be entitled to one days paid leave for the death of a Brother or Sister in law and Aunt or Uncle Employees must use TMS or fill out form MAF-0083 and have it signed by their Supervisor / Manager, on their return to work.

## **4.10 Jury Service**

### **PURPOSE**

The purpose of this policy is to demonstrate our commitment to permit Employees to fulfil their civic duty to attend as a jury member where summonsed by the court in line with the relevant provisions of the Jury's Act, 1976.

### **SCOPE**

This policy applies to all Employees summonsed to attend court for jury service.

### **POLICY**

*The Company* is committed to providing paid leave for any Employee required to attend court for jury service. Jury service leave is provided for the period that an Employee is required to attend court for possible selection as a juror, and for the duration of the case on which they will sit if they are selected to sit on a jury.

**PROCEDURE** In order to avail of this leave, an Employee must present the summons for jury service to their Supervisor / Manager as soon as they receive this notification. Their Supervisor / Manager will then approve the leave. In exceptional circumstances *The Company* may seek to have an Employee excused from jury service, however this will only occur where business requirements are such that it is not feasible to permit the Employee to avail of the leave.

Where leave is granted, an Employee will generally be required to attend the court for a period of each day for selection as a juror, usually for a few hours in the morning each day. Where the



Employee is not selected as a juror, he/she must return to work for the remainder of the day. A certificate of attendance will be produced by the clerk of the court on request, and this should be presented to the Employee's Supervisor / Manager on return to work each day for record keeping purposes.

Where an Employee is called for jury service, he/she should also obtain daily certificates of attendance from the Clerk of the Court confirming attendance at court. Again, where an Employee is excused from the court for part of the day he/she is expected to return to work, where appropriate.

Employment rights, including remuneration, are protected during this leave.

## **4.11 Personal Leave**

In exceptional circumstances an employee may be granted unpaid leave at the discretion of the company. Employees must complete a Holiday Request form (**MAF-0083** or use **TMS** and have it signed/approved by their Supervisor / Manager

## **4.12 Paternity Leave**

### **PURPOSE**

The purpose of this policy is to demonstrate our compliance with the Paternity Leave and Benefit Bill 2016 and associated regulations as issued, whilst also protecting the rights of Employees under this legislation.

### **SCOPE**

This policy applies to all Employees who are relevant parents to a child (other than the mother):

- The father of the child;
- The relevant adopting parent ;
- The spouse, civil partner or cohabitant of the mother of the child;
- A parent of a child where the child is a donor conceived child.

### **POLICY**

A relevant parent is entitled to avail of 2 weeks paternity leave from employment, to enable him or her to provide or assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child. The period of leave comprises a single period of 2 continuous weeks. Only one person who is a relevant parent in relation to a child is entitled to paternity leave in respect of that child. Where a child is part of a multiple birth, or a person adopts 2 or more children at the same time, the relevant parent is only entitled to one period of paternity leave.



Paternity leave is applicable where the date of confinement in respect of the child falls on or after the 1st September 2016, or where a child is or is to be adopted and the date of placement in respect of the child falls on or after the 1st September 2016.

Paternity leave is unpaid leave. No payment is made in respect of absence by an Employee during paternity leave. However, an Employee may be entitled to claim paternity benefit from the Department of Social Protection, subject to qualification criteria. In order to claim this benefit, an Employer is required to submit a form (Form PB2) to certify that an Employee is entitled to paternity leave for the dates provided. This form is available from the Department of Social Protection. The relevant parent must have a Public Services Card to apply for Paternity Benefit).

#### **Notification Procedure**

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child.

Entitlement to paternity leave shall be subject to an Employee, who is a relevant parent, notifying his or her Employer in writing of his or her intention to take paternity leave:

- As soon as reasonably practicable but not later than 4 weeks before the expected week of confinement of the expectant mother concerned;
- In the case of a child who is/ is to be adopted, as soon as reasonably practicable but not later than 4 weeks before the expected day of placement.

At the time of notification, or as soon as reasonably practicable, an Employee must provide the Employer with a medical certificate confirming the pregnancy of the expectant mother concerned and specifying the expected week of confinement. An Employee who has not given a notification to his or her Employer in line with the requirements set out above, or who revoked such notification, may notify the Employer of his or her intention to take paternity leave not later than 4 weeks before the commencement of such leave.

#### **Commencement & Postponement of Leave**

##### **Commencement**

The period of paternity leave shall commence on such a day as the relevant parent selects in his or her notification to the Employer of their intention to take paternity leave, being not earlier than the date of confinement or day of placement, and not later than 26 weeks after such date or day. Where the Employee intends to take paternity leave, the Employee must notify the Employer of the length of leave that the Employee intends to take.

##### **Early Confinement**

Where the date of confinement occurs in a week that is 4 weeks or more before the expected date of confinement, the relevant parent will be deemed to have complied with the requirements in terms of notification to *The Company* if the notification required is given in the period of 7 days commencing on the date of confinement.



### **Postponement**

Where, as the case may be, the day of placement is postponed or the date of confinement occurs after the date selected by a relevant parent in his or her notification, the relevant parent shall be entitled to select another date on which the paternity leave shall commence.

### **Sickness during Paternity Leave**

Where a relevant parent who has complied with the notification procedures becomes sick prior to the commencement of his or her paternity leave and wishes to postpone the paternity leave, he or she may, by notice in writing given to his or her employer as soon as reasonably practicable after becoming sick and accompanied by the relevant evidence in respect of the sickness, postpone the taking of the leave to such time as the relevant parent is no longer sick.

### **Abuse of Leave**

Where an Employer has a reasonable belief that an Employee who is on paternity leave is not using the leave for the purpose outlined, the Employer may, by provision of notice in writing to the Employee, terminate the leave. The notice shall summarise the grounds for terminating the leave, and the day by which the Employee must return to work.

### **Employee Rights**

During a period of paternity leave, an Employee shall be deemed to have been in the employment of the Employer, and be treated as if he or she had not been absent from work. Availing of paternity leave shall not affect any right related to the employment, other than the right to remuneration during the absence. Where an Employee is on probation, undergoing training, or employed under a contract of apprenticeship, the Employer may require that the probation, training or apprenticeship shall stand suspended during the period of leave.

### **Return to Work**

Employees are entitled to return to work to the same job and under the same terms and conditions of employment following paternity leave. Where this is not reasonably practicable, *The Company* will provide suitable alternative employment that is no less favourable in terms and conditions.

## **5 Benefits**

### **5.1 Life Assurance**

All employees are covered from the 1<sup>st</sup> day of employment under *The Company* Life Insurance Policy.

**Married Employees**  
**Single Employees**

4 Times Basic Annual Salary  
2 Times Basic Annual Salary



It is the employee's responsibility to inform *The Company* of their marital status when they join *The Company* and of any subsequent changes in their marital status.

The following benefits apply to employees who have completed six months continued service with Modular Automation Ireland Ltd.

## 5.2 Pension

A pension plan is in operation within the company. This plan makes provision for *The Company* to contribute 4% into the employee's personal pension fund for those under 30 years of age. This will increase to 5% for 30 years of age and over and 6% for over 50's. The Employee contributes a minimum of 5% of their Gross pay. The Pension plan also provides for Death in Service benefit of 4 times salary. Full time, permanent employees may be invited at the discretion of the company, to join the Pension Plan at renewal time in January.

## 5.3 Health Insurance

*The Company* currently has health insurance group scheme in operation. *The Company* contribution is €300 net towards annual subscription. It is the responsibility of the employee to contact the health insurance company if they decide to join. VHI and Laya are the two health insurance providers currently providing group scheme cover to our employees. But this is subject to change from time to time.

## 5.4 Sickness Payment Fund

A Sickness Payment fund is in operation within *The Company* - the details of which are covered on document **POL-006**. The terms and conditions of this scheme are totally at the discretion of the company. Where it is established that an occupational injury occurred as a result of negligence, "horseplay" or non-use of protective equipment / clothing on the part of the employee, Sickness Payment Scheme will not apply. Payment of this scheme under this policy shall not prejudice the company's position. Please note that this forms part of an employee Benefits Package, and that there is no statutory entitlement to pay for employees that are absent due to illness or occupational injury.

Effective from 7th January 2005 Sickness payment scheme will reduce from 26 weeks to 13 weeks; this will only apply to employees hired after this date. Details of payment elements are as follows:

- If 0-6 months continuous service, sickness payment scheme does not apply.
- If 6-12 months continuous service, a maximum of 4 week payment in any 12 month period will be paid.
- If more than 12 months continuous service, a maximum of 13 weeks sickness payment in any 12 month period will be paid.



## 5.5 Disability Benefit

The Sickness Payment Scheme is supplemented by Disability Benefit, details of which are covered on document **POL-006**

## 5.6 Expenses

Employees are entitled to claim expenses, when they are on a company authorised business trip. Employees should fill out an Expenses Claim sheet (Form 005) and attached the relevant receipts. All reasonable costs will be reimbursed. Expense forms should be submitted within 10 days from the date expenses were incurred, this 10 day limit also applies when returning receipts when a cash advance is paid. In order to streamline the claiming of expenses fixed rates may be applied for those working on installations on selected customer sites. Details will be shown on the claims form.

From time to time employees are required to travel abroad on behalf of *The Company* for business purposes. Employees should refer to POL-002 Travel Policy Document which sets forth procedures and guidelines for incurring expenses and for their reimbursement.

## 5.7 Benefits are subject to change

It should be noted that all company benefits are at the discretion of *The Company* and are subject to change without notice.





## 6 Grievance & Disciplinary Procedures

### 6.1 Grievance Procedure

Occasionally, despite the best efforts of the company, occasions arise when an employee has a problem or complaint. It is in the interest of both the employee and the company, that these situations are resolved as quickly as possible in an informal manner. Employees should at all times, try and resolve problems with their immediate Supervisor, before pursuing the formal grievance procedure.

The policy is not appropriate for dealing with issues of harassment, sexual harassment or bullying, which should be addressed through the appropriate procedures set out by the Company. Further information may be sought from your Manager.

The Supervisor has a responsibility to try and endeavor to settle the dispute. The formal grievance procedure is as follows:

#### Informal Discussion

**Stage 1** - The employee will present his / her grievance to their immediate Supervisor in the first instance to discuss issues and attempt to resolve them informally. Should the Employee feel uncomfortable approaching their Supervisor / Manager regarding a particular issue, they may approach another Supervisor / Manager to raise the issue. At this stage the Supervisor / Manager will consider the grievance carefully and respond to the Employee within a reasonable and agreed timeframe. If the Employee is not satisfied with the response provided, the issue may be escalated through the formal grievance procedure.

#### Formal Procedure

##### Stage 2 -

Where the informal procedure fails to resolve a situation to the Employee's satisfaction, or where it is deemed inappropriate, the Employee is encouraged to raise their grievance formally.

In order to raise a formal grievance it is necessary to put the grievance in writing, or to meet with the Supervisor / Manager to put the grievance in writing. The written grievance may be submitted to the Employee's Supervisor / Manager, or where this is deemed inappropriate, to any other Supervisor / Manager.

A grievance hearing will be arranged within an agreed timeframe, to which the Employee is entitled to bring a representative (colleague). Advance notification of this meeting will be provided in writing.



The Employee will be invited to provide more information regarding their grievance at this meeting.

The meeting will be adjourned to allow Management to explore the issue further and to identify possible solutions where appropriate.

A prompt decision will be provided to the Employee, in writing, within a reasonable agreed timeframe.

A record of the meeting will be kept and given to those in attendance.

### **Formal Procedure**

#### **Stage 3**

Should an Employee feel dissatisfied with the response given at stage 2, he / she may appeal. The appeal must be submitted in writing. Details of the procedure to be followed in the event of an appeal will be outlined in the written decision on the grievance, as outlined above.

A grievance appeal hearing will be arranged within an agreed timeframe, to which the Employee is entitled to bring a representative (colleague). Advance notification of this meeting will be provided in writing.

A senior member of Management, and/or an appropriate third party will be present at the meeting to ensure that the grievance is given due consideration.

The issue will be discussed in an effort to explore satisfactory outcomes.

A prompt decision will be provided to the Employee within an agreed reasonable timeframe.

A record of the meeting will be kept and given to those in attendance.

The decision after Stage 3 will be binding on all parties in the dispute. If the Employee is dissatisfied with the response given to the grievance, he/she will have to accept that it cannot be resolved to his/her satisfaction, as the procedure has been exhausted.

## **6.2 Disciplinary Procedure**

### **PURPOSE**

The purpose of this policy and procedure is to ensure that *The Company* operates a fair disciplinary process which has regard to the rights of Employees under both the Code of Practice on Disciplinary and Grievance Procedures and the Unfair Dismissals Acts. The policy is to be applied in order to assist and encourage Employees to achieve and maintain acceptable standards of conduct, attendance and performance where shortcomings are identified. The policy and procedure aim, where appropriate, to be corrective rather than punitive.

### **SCOPE**



This policy applies to all Employees.

### **POLICY**

The primary objective of this procedure is to ensure that Employees are made aware of any shortcomings in their performance/conduct/attendance and provided with an opportunity to resolve this situation. To this end, issues will generally be addressed through the informal procedure whereby the Manager will raise the issue with the Employee and agree a corrective action plan in order to resolve the situation without recourse to the formal procedure.

However, where this fails to resolve a situation, or the informal process is deemed inappropriate in the given circumstances, then the formal process may be initiated.

During the formal stages of the procedure, Employees have the right to be accompanied by a representative (colleague) at a meeting. The role of this representative is to provide support, to ensure that the procedures followed are fair, and, if appropriate, to help the Employee present their case. However, it should be noted that the contractual relationship exists between the Employee and the Employer. Therefore, questioning will be directed to the Employee, and where possible the Employee must speak on their own behalf. The stage at which any Employee enters the disciplinary procedure depends upon the severity of the issue being dealt with.

At all formal stages of the procedure the Employee is entitled to be made aware of the case against him/her, and to be provided with any evidence to be used against him/her. The Employee will be afforded an opportunity to respond to any allegations and evidence, and Management will give due consideration to all responses received. Representation is permitted at all formal stages of the procedure. The Employee is also permitted to appeal the findings of any formal disciplinary investigation or any sanction imposed under the procedure.

### **Misconduct**

The following behaviours may be considered to be misconduct and may result in disciplinary action being initiated under the disciplinary procedure. Note that these examples are provided for illustrative purposes only, and this list is not exhaustive. All cases are considered on their own merits:

- Minor breach of a workplace policy or procedure;
- Poor timekeeping;
- Abuse of sick leave policy;
- Insubordination;
- A refusal to carry out a reasonable request;
- Minor breaches of health and safety regulations;
- Bullying, harassment, sexual harassment, victimisation, or any act of discrimination;
- Bringing *The Company* into disrepute;
- Misuse of Company property.

### **Gross Misconduct**

The following behaviours may be considered to be gross misconduct and may result in summary dismissal, depending on the circumstances of the case. Note that these examples are provided



for illustrative purposes only, and this list is not exhaustive. All cases are considered on their own merits:

- Serious harassment, sexual harassment, bullying, victimisation or other act of discrimination;
- Serious abuse of sick leave;
- Theft or other fraudulent behaviour;
- Serious breaches of health and safety rules or endangerment of another person in the workplace;
- Serious breaches of confidentiality;
- Downloading, display or distribution of pornography or other inappropriate material;
- Being under the influence of an intoxicant at work or in the course of employment;
- Possession, sale or distribution of a controlled substance in the workplace
- Violent or threatening behaviour;
- Refusal to participate in a workplace investigation or other action;
- Serious failure to adhere to an agreed workplace procedure or other agreed terms of employment.
- Being in possession of a firearm.

#### **Informal Procedure**

In general, where there is an allegation of poor performance, attendance or conduct, the direct Manager of the Employee concerned will address the issue informally with him/her. This may be done by way of an informal counselling meeting, or through the normal performance management process. The objective of the informal discussion is to correct the issue of concern in a frank and constructive manner.

The informal discussion will:

- focus on helping the Employee to understand how their performance/conduct/attendance has fallen short of the acceptable level; and
- suggest possible solutions and timeframes for improvement.

After the discussion, brief notes will be taken and held by the Manager who led the informal discussion. Provided the Employee achieves and sustains the necessary level of improvement, no further action will be taken. If the necessary improvements have not been made within the agreed timeframe the formal disciplinary procedure will commence.

#### **Formal Procedure**

In all cases where an Employee's standards of performance, attendance and/or conduct fall below those expected by the Company, the formal disciplinary procedure may be initiated. In all cases in which the Formal Procedure is initiated, a hearing will be held with the Employee to put the allegation to him/her, and to hear his/her responses to the issue. It may be necessary to formally investigate the facts surrounding a case and this may occur prior to the hearing, but in the majority of cases a hearing will suffice to ensure that the Employee is afforded a fair



opportunity to respond. Where there is a dispute of the facts of a case, and an investigation is necessary, the investigation procedure will be explained to the Employee by Management.

### **Disciplinary Hearing Process**

Prior to any formal disciplinary sanction being decided upon and imposed a fair disciplinary hearing will be held with the Employee. The purpose of this meeting is to put the complaint to the Employee and to hear the reasons behind the issue from the Employee's perspective. An Employee will always be treated in a fair manner at a disciplinary hearing. The following principles will apply to a disciplinary hearing:

- Advance notification of the requirement to attend a disciplinary hearing will be provided together with the fact that the outcome of the meeting may be disciplinary action.
- Throughout the hearing, the Employee will be permitted to have a representative present.
- The Employee will be notified of the complaint in advance of the meeting in order to have an opportunity to prepare his/her responses.
- The Employee will be afforded an opportunity to respond to any allegations/evidence at the meeting, and to present any other relevant factors including any mitigating circumstances.
- Further meetings may be held with the Employee as necessary.
- Conclusions will only be formed following a fair hearing where the Employee is allowed to respond to complaints and these responses are considered in the given circumstances.
- An Employee may be suspended on full pay at any stage during the disciplinary process, even before any allegation is presented to the Employee. This is done with no inference of guilt or otherwise against the Employee. Suspension will be for a reasonable period only and will often depend on the duration of the disciplinary investigation process.
- Due consideration will be given to all responses received. In order to ensure that Management have the time to fully consider the facts, there will always be an adjournment at the end of any disciplinary hearing in order to allow time to consider the facts of the case, and to make a fair decision on the next steps.
- The decision on what level of disciplinary sanction, if any, is to be imposed will be taken during the adjournment. A follow up disciplinary meeting will be held with the Employee where this decision will be communicated to the Employee. The Employee may have a representative present at this meeting. Formal disciplinary action will be confirmed in writing.

### **Disciplinary Sanctions**

Where the informal process fails to resolve an issue, or where it is deemed inappropriate given the particular circumstances of a situation, then the following sanctions may be imposed by Management. Disciplinary action, if required, will normally follow an incremental warning process as set out in this policy. However, in appropriate circumstances, *The Company* reserves the right to initiate the process at any particular stage, or to move to any particular stage in the process, where the matters of concern are deemed sufficiently serious. The decision on what level of sanction to be imposed will only be taken following a formal disciplinary hearing having considered the circumstances of the particular situation.

### **Stage 1. Formal Verbal Warning**



**TITLE: EMPLOYEE HANDBOOK**

Where the informal procedure fails to resolve an issue, or where more serious disciplinary action is deemed appropriate given the particular circumstances of the case, a formal disciplinary hearing will be arranged and held as outlined in this procedure.

Following the meeting a formal verbal warning may be issued by the Appropriate Manager. An action plan will also be agreed in order to attempt to resolve this issue in the future. A copy of the notes from the meeting, the agreed action plan and a copy of the verbal warning, along with any other relevant documentation, will be placed on the Employee file.

The verbal warning will expire following a period of satisfactory performance, conduct or attendance, as outlined in the formal verbal warning document. A formal verbal warning may be appealed through the appeals procedure outlined in this policy. Failure to achieve the requirements set out in the corrective action plan may result in further disciplinary action.

**Stage 2. First Written Warning**

Where a formal verbal warning fails to resolve an issue, or where more serious disciplinary action is deemed appropriate given the particular circumstances of the case, a formal disciplinary hearing will be arranged and held as outlined in this procedure.

Following the meeting a first written warning may be issued by the Appropriate Manager. An action plan will also be agreed in order to attempt to resolve this issue in the future. A copy of the notes from the meeting, the agreed action plan and a copy of the first written warning, along with any other relevant documentation, will be placed on the Employee file.

The first written warning will expire following a period of satisfactory performance, conduct or attendance, as outlined in the first written warning document. A first written warning may be appealed through the appeals procedure outlined in this policy. Failure to achieve the requirements set out in the corrective action plan may result in further disciplinary action.

**Stage 3. Final Written Warning**

Where a first written warning fails to resolve an issue, or where more serious disciplinary action is deemed appropriate given the particular circumstances of the case, a formal disciplinary hearing will be arranged and held as outlined in this procedure.

Following the meeting a final written warning may be issued by the Appropriate Manager. An action plan will also be agreed in order to attempt to resolve this issue in the future. A copy of the notes from the meeting, the agreed action plan and a copy of the final written warning, along with any other relevant documentation, will be placed on the Employee file.

The final written warning will expire following a period of satisfactory performance, conduct or attendance, as outlined in the final written warning document. A final written warning may be appealed through the appeals procedure outlined in this policy. Failure to achieve the requirements set out in the corrective action plan may result in further disciplinary action.



#### **Stage 4. Dismissal**

There are two ways in which dismissal may occur. Generally, the Employee will have been notified of concerns and have been provided with an opportunity to improve through one or more stages of the disciplinary procedure.

The other form of dismissal is a summary dismissal, which normally results from an act of gross misconduct. An act of misconduct will be considered as gross misconduct where the act is so serious that *The Company* cannot reasonably be expected to retain the Employee in employment. Summary dismissal occurs without recourse to the earlier stages of the disciplinary procedure.

In all cases an appropriate and fair hearing, which adheres to the principles set out in this procedure, will be undertaken, and careful consideration given to the decision on whether or not dismissal is the appropriate sanction given the circumstances of the case. In cases of alleged gross misconduct, an in-depth investigation may be necessary, and an Employee will be suspended on pay pending the outcome of this investigation. Suspension on pay is not deemed a disciplinary sanction, and there will be no negative inference against an Employee as a consequence of any such suspension.

Where there is an allegation of gross misconduct or gross incompetence it may be appropriate after a formal investigation to initiate the procedure at stage 4. In such circumstances, there is no obligation on *The Company* to provide advance notice of dismissal. Decisions to dismiss in such circumstances may only be taken by a senior Manager in the Company, or a nominated officer, following a full and fair investigation and hearing process. The decision will be confirmed in writing to the Employee.

#### **Alternative Disciplinary Sanctions**

In addition to the sanctions outlined in stages 1 to 4 of the disciplinary procedure, *The Company* also retains the right to impose alternative disciplinary sanctions as outlined in this section. This will only occur where deemed appropriate. Such action is an optional stage of the procedure, rather than a required stage. Where appropriate, alternative sanctions which may be imposed deemed may include a transfer, demotion, suspension without pay, or withholding of a salary review for a period or removal of another benefit.

#### **Note on Probation**

During the period of an Employee's probation, including extended probation, the full-disciplinary process may not apply, and *The Company* retains the right not to exhaust the disciplinary procedure during probation.

#### **Appeals**

All disciplinary sanctions may be appealed within five working days of being issued to an Employee. The details of whom the appeal should be made to will be included in the warning



document, or letter of dismissal. A finding will be issued within a reasonable timeframe, generally 10 working days. This may be extended where necessary to facilitate a full and fair appeals process.

All timeframes in this policy assume Employees are attending work. If Employees have had time out of work, the duration of the disciplinary steps may be extended.



## 7 Personnel Policies

### 7.1 Dress and personal hygiene standards

Standards of dress and appearance should be appropriate. You will be required to ensure that you maintain a personal standard of appearance that is appropriate to your position. It is essential that individuals maintain high levels of personal hygiene so as to ensure a comfortable working environment for all members of staff.

### 7.2 Equal Opportunities

Modular Automation Ireland Ltd is an Equal Opportunity Employer. All employees are given equal opportunity and are encouraged to progress within the Company. No job application or employee will be unfavourably treated because of sex, civil status, sexual orientation, age, disability, religious belief or ethnic origin. Employment procedures ensure that individuals are selected, promoted and treated on basis of their relevant merits and abilities. Each member of staff has a duty both morally and legally not to discriminate against individuals or disadvantaged groups. The practice of discrimination by any staff member will be regarded as a disciplinary offence.

Direct discrimination occurs where a person is treated less favourably than another person is, has been or would be treated in a comparable situation due to one of the nine grounds specified in this policy.

Indirect discrimination is taken to occur where an apparently neutral provision, requirement, policy or rule puts a person with one characteristic at a particular disadvantage compared with others without that characteristic.


Procedure

#### Access to Employment:

- All recruitment and selection competitions will be open to all suitably qualified applicants.
- Recruitment decisions will be made against specified criteria as required for the particular vacancy.
- *The Company* will seek to ensure that the recruitment process is free from any direct or indirect discrimination on any of the nine grounds.
- Every applicant, external or internal, will be assessed against fair and consistent criteria relating to the job.
- Where an applicant indicates that they have special needs, to facilitate their participation in the recruitment and selection process, reasonable accommodation will be provided, subject to this not imposing a disproportionate burden.

#### Access to Training and Experience:

- Training will be provided on the basis of individual needs and the requirements of the post held by the Employee.
- Selection for training will not be based on any of the nine grounds.
- Where an individual's disability impedes their ability to fully participate and engage in training activities, reasonable accommodation will be provided subject to this not imposing a disproportionate burden.
- Although every effort will be made to arrange training to facilitate attendance by part-time Employees, there is an expectation that part-time Employees will make themselves available, from time to time, to attend training outside their normal hours of work.

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#### **Conditions of Employment:**

- Terms and conditions of employment will be applied fairly to all Employees, with no reference to any of the grounds in the Employment Equality Acts.
- *The Company* seeks to provide equal pay for like work.
- *The Company* endeavours to provide a work environment free from bullying, harassment or sexual harassment.

#### **Promotion and Re-grading:**

- There will be equality of opportunity at all stages of the promotions and/or re-grading process.
- Selection for promotion will be based on defined criteria related to the requirements of the post, and no reference will be made to the nine grounds in the selection process.

#### **Classification of Posts:**

- Gender neutral job titles will be used and no reference will be made to any of the other eight grounds in classifying positions.

#### **Reasonable Accommodation:**

- Reasonable accommodation shall be provided in order to facilitate a person with a disability to apply for positions with the Company, to attend for interview, to engage in employment and to participate in training activities as applicable.
- This commitment is subject to such reasonable accommodation not presenting a disproportionate burden on the Company, unless otherwise deemed appropriate.


#### **Equal Status:**

- No person will be discriminated against or treated adversely while availing of goods or services provided by this Company, except where this is legally permitted and undertaken with a legitimate aim. No person availing of goods or services should be subject to harassment or sexual harassment while availing of these.
- Any complaints in this respect should be brought to the attention of your Manager.
- Any Employee who feels that there has been a breach of this policy or procedure may raise the matter through the Company's grievance procedure. No Employee will be subject to adverse treatment as a consequence of raising a complaint in relation to this policy. *The Company* will monitor the workplace for incidents of victimisation following a complaint.
- *The Company* will take appropriate disciplinary action towards an Employee who fails to follow this Equal Opportunities Policy.

## **7.3 Dignity at Work – Anti – Harassment and Sexual Harassment**

#### **PURPOSE**

This policy is designed to assist *The Company* in providing a work environment free from workplace harassment and/or sexual harassment. The complaints procedure is in place to ensure that any Employee who feels that they have been subject to inappropriate behaviour, as defined in this policy, may raise the matter and have it resolved in an appropriate manner. This procedure is supported by the disciplinary procedure, which may be utilised where an Employee is found guilty of engaging in behaviour constituting harassment and/or sexual harassment.

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This policy sets out to ensure compliance with the relevant sections of the Employment Equality Acts, 1998-2011, which provide that every individual has a right to a work environment free from harassment or sexual harassment. This policy also complies with the requirements set out in the Code of Practice on Sexual Harassment and Harassment at work.

## SCOPE

This policy is in place to protect all Employees from acts of harassment and/or sexual harassment perpetrated by other Employees, members of Management, or any other person with whom the Employee comes into contact within the course of employment with whom *The Company* has a business relationship e.g. a supplier or contractor. This policy applies where the unacceptable behaviour occurs in the workplace, or any other place attended in the course of employment e.g. an off-site training event.

## POLICY

*The Company* is committed to providing a work environment free from harassment or sexual harassment. All Employees are protected by this policy and are urged to raise any concerns in relation to harassment or sexual harassment through the complaints procedures outlined in this policy. If you are a witness to harassing behaviour, you should make the recipient of the behaviour aware of this policy and urge them to raise the matter through the complaints procedures. You are also expected to bring the matter to the attention of Management.

### What is Harassment?

Harassment is defined as any form of unwanted conduct relating to any of the discriminatory grounds of gender, civil status, family status, sexual orientation, religion, age, disability, race and/or membership of the Traveller community, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person..

A single incident may constitute harassment.

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display, circulation of written words, pictures or other material.

The following list contains examples of harassing behaviour, however this is provided for illustrative purposes only and is not an exhaustive list of behaviours. All situations will be considered on their own merits:


- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person's job content or targets, pressure to behave in a manner that the Employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background

### What is Sexual Harassment?

Sexual Harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

A single incident may constitute sexual harassment.

The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

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The following list contains examples of sexually harassing behaviours, however this is provided for illustrative purposes only and is not an exhaustive list of behaviours. All situations will be considered on their own merits:

- Physical conduct of a sexual nature — this may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another Employee’s body, assault and coercive sexual intercourse.
- Verbal conduct of a sexual nature — this includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of a sexual nature — this may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.
- Gender-based conduct — this includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an Employee because of his or her sex such as derogatory or degrading abuse or insults which are gender related.

An essential characteristic of the type of behaviour which constitutes sexual harassment is that it is unwanted by the recipient. This distinguishes it from behaviour which is welcome or reciprocated.

Sexual harassment is unacceptable whether from superiors, peers, juniors, non-Employees or by persons of the same sex.

It is important that all Employees understand that *The Company* is obliged to investigate all complaints of sexual harassment whether or not it was the intention of the alleged harasser to engage in such behaviour.

### **Procedure**

There are both informal and formal procedures to deal with the issues of harassment and/or sexual harassment at work. Although *The Company* would prefer that issues are addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable, therefore there is no requirement to exhaust the informal procedure before progressing an issue through the formal process.

### **Informal Procedure**

It is often preferable for all concerned that complaints under this policy are dealt with and resolved informally between the parties whenever possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship.


The objective of the informal approach is to stop the harassment or sexual harassment with the minimum conflict and stress for the individuals concerned.

In many cases, the Employee whose behaviour is causing offence may be unaware that his or her actions are inappropriate, or it may be that his or her words or actions have been misinterpreted. In such cases, every attempt should be made to clear up any misunderstanding quickly, on an informal basis.

The informal process provides options for resolving disputes including mediation, where appropriate.

The informal procedure consists of a low key and non-confrontational approach by the recipient of the behaviour to the party causing offence to advise him/her of the impact of their behaviour and to ask them to cease behaving in this manner.

The approach should be made in private, and should be non-confrontational. Advice in relation to this procedure should be sought from any Manager in the Company.

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### Formal Procedure

It is acknowledged that it may not always be practical to use the informal procedure to resolve an issue. An Employee may not feel comfortable to approach the other party, or the Employee may feel that the issue is too serious to be addressed through the informal procedure. In such circumstances, or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to any Manager regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be followed. Where assistance is required to put the complaint in writing, the Employee should consult their Manager to arrange this.

The complaint should state:

- The name of the alleged perpetrator;
- The nature of alleged harassment i.e. the behaviours/conduct constituting harassment/sexual harassment;
- Dates/times and locations of where and when the alleged harassment / sexual harassment occurred;
- Names of witnesses to any alleged incidents;
- Details of any action already taken to stop the harassment / sexual harassment.
- Consent to your identity and the facts of the allegation being disclosed to the alleged perpetrator. This is required in order to allow *The Company* to investigate and to take action in appropriate circumstances.

If the behaviour complained of does not concern harassment or sexual harassment as defined, an alternative approach may be put in place and a rationale recorded. If there are no concrete examples given, it will be deemed that there is no complaint to be answered by the alleged perpetrator as they have no recourse to repudiating an accusation that doesn't give any specifics.


Where an alternative approach is not deemed appropriate, the alleged perpetrator(s) will be notified in writing that a complaint has been made against him/her, and provided with a copy of this complaint. The person investigating the complaint will indicate a timeframe for the resolution of the complaint, however such timeframes may be extended where necessary. He/she shall be afforded a fair opportunity to respond to the allegation(s), normally five working days.

Prior to commencing an investigation, the complaint and the response may be subject to an initial examination by a designated impartial member of Management or other appropriate person, with a view to determining an appropriate course of action. An appropriate course of action at this stage could, for example, include exploring a mediated solution or a view that the issue can be resolved in accordance with the Informal Procedure. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will be undertaken with a view to determining the facts of the case. In all cases there will be no inference of guilt against the alleged perpetrator, and they will be afforded a fair opportunity to respond to the allegation. The principles of natural justice will be adhered to throughout the investigation process.

All Employees involved in an investigation must respect the need for confidentiality; a failure to do so may represent a serious disciplinary offence. Confidentiality is assured in so far as it is reasonably practicable. Both parties may be suspended with pay, without any negative inference, pending the outcome of an investigation, where deemed appropriate by Management. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

### Investigation Procedure

The investigation will be conducted in accordance with the Company's Anti-Harassment & Sexual Harassment Policy and will be governed by terms of reference which will detail the likely time scale for its completion (an indicative timeframe will be outlined) and the scope of the investigation, indicating that the investigator(s) will consider

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whether the complaint falls within the definition of harassment or sexual harassment and whether the complaint has been upheld.

The investigation will be conducted by either an independent member of Management or external assistance may be necessary to deal with complaints in some circumstances so as to ensure impartiality, objectivity and fairness. The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable. Due respect will be had for the rights of the complainant, the alleged perpetrator(s) and any witnesses involved in the process.

The investigator(s) will meet with the complainant in the first instance to learn more regarding the complaint and to put the alleged perpetrator's responses to the complainant. Next, the alleged perpetrator will be invited to a meeting to explore their responses to the complaint and to put any relevant evidence to them. Evidence will be provided in advance of the meetings in order to allow the Employee to prepare their response to that evidence.

As many interviews as are necessary will be conducted until the investigator(s) is/are satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case. Witnesses may also be interviewed with a view to establishing the facts surrounding the allegation(s).

Statements from the complainant, the alleged perpetrator and any witnesses will be recorded in writing.

All parties required to attend investigation meetings are entitled to be accompanied by a representative, whose role is to provide moral support, oversee the process and ensure that the Employee is afforded a fair opportunity to respond and provide evidence at any investigation meetings.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to a member of Management, containing the findings of the investigation. Both parties will be given the opportunity to comment on the findings before any action is decided upon by Management.

The complainant and the alleged perpetrator(s) will be informed in writing of the findings of the investigation, i.e. whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious.

### **Investigation Outcomes**


Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of Management will also be advised. Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with the Company's disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

*The Company* will also consider providing further supervision, reassignment or re-Company of work. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with the Company's disciplinary procedure. It is important that Employees are aware that certain acts of harassment or sexual harassment may be deemed gross misconduct by *The Company* and may result in summary dismissal.

Where an investigation is inconclusive and the complaint is not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

Where it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. In this situation only may a disciplinary sanction be imposed on the complainant. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by *The Company* and may result in summary dismissal.



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In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. *The Company* will take such action as is required to eliminate the risk of that behaviour recurring or continuing and will keep records of interventions used for this purpose.

### **Appeal**

Either party may appeal the decision, outlining in writing to Management the reason for the appeal. Such appeals will be heard by a Manager not previously involved in the investigation and independent advice and support will be sought if required.

### **Victimisation**

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing, except where they are found guilty of an offence under the policy.

### **Third Party Harassment/Sexual Harassment**

The procedures outlined in this policy should be employed to deal with harassment or sexual harassment by a third party. Sanctions which may be imposed on a third party may include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

### **Responsibilities**

Management will endeavour to ensure that this policy is communicated to all Employees and will ensure that the policy is maintained and updated in line with legislative changes and any amendments to the relevant Code of Practice. Where required, measures will be taken to ensure the accessibility of policies and procedures for all Employees.

Management has a particular responsibility to prevent workplace harassment and is expected to lead by example, promote awareness of this policy, be vigilant for signs of harassment, and tackle problems before they escalate, deal sensitively with Employees involved in a harassment complaint and monitor the situation in the workplace so that harassment or sexual harassment does not occur or reoccur.

Employees are expected to conduct themselves so as to respect the rights of others to dignity in the workplace, to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

## **7.4 Dignity at Work Anti - Bullying**


### **Purpose**

This policy is designed to assist *The Company* in providing a work environment free from workplace bullying. The complaints procedure is in place to ensure that any Employee who feels that they have been subject to inappropriate behaviour, as defined in this policy, may raise the matter and have it resolved in an appropriate manner. This procedure is supported by the disciplinary procedure, which may be utilised where an Employee is found guilty of engaging in behaviour constituting bullying.

This policy sets out to ensure that *The Company* fulfils its legal responsibilities under the Safety, Health and Welfare at Work Act, 2005, with regard to workplace bullying. This policy also complies with the requirements set out in the Codes of Practice relating to workplace bullying.

### **Scope**

This policy is in place to protect all Employees from acts of bullying perpetrated by other Employees, members of Management, or any other person with whom the Employee comes into contact in the course of employment e.g. a

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supplier or contractor. This policy applies where the unacceptable behaviour occurs in the workplace, or any other place attended in the course of employment e.g. an off-site training event.

### Policy

*The Company* is committed to providing a work environment free from bullying and ensuring that all Employees are treated with dignity and respect. All Employees are protected by this policy and are urged to raise any concerns in relation to workplace bullying through the complaints procedures outlined in this policy. If you are a witness to bullying behaviour, you should make the recipient of the behaviour aware of this policy and urge them to raise the matter through the complaints procedures. You are also expected to bring the matter to the attention of Management.

All Employees have a responsibility in creating and contributing to the maintenance of a work environment free from bullying or conduct likely to contribute to bullying. Employees will not be victimised for involvement in complaints.

### What is Workplace Bullying?

Workplace Bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and / or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying.

The following list contains examples of bullying behaviours, however this is provided for illustrative purposes only and is not an exhaustive list. All situations will be considered on their own merits:

- Exclusion with negative consequences;
- Verbal abuse/insults
- Menacing behaviour
- Taking credit for other peoples' ideas;
- Public humiliation;
- Constantly undervaluing effort;
- Persistent or unfounded criticism;
- Shouting or other intimidatory behaviour;
- Sneering, ridicule, innuendo;
- Withholding work related information

### What is Not Bullying?

It is important to note that reasonable and essential discipline arising from the good management of an Employee's performance, conduct or attendance is not considered to be bullying. Actions taken which may be justified on health and safety grounds will also not be considered to be bullying.


### Procedure

There are both informal and formal procedures to deal with the issue of bullying at work. Although *The Company* would prefer that issues are addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable, therefore there is no requirement to exhaust the informal procedure before progressing an issue through the formal process.

### Informal Procedure

It is often preferable for all concerned that complaints under this policy are dealt with and resolved informally between the parties whenever possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship. The objective of the informal approach is to stop the bullying with the minimum conflict and stress for the individuals concerned.



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In many cases, the Employee whose behaviour is causing offence may be unaware that his or her actions are inappropriate, or it may be that his or her words or actions have been misinterpreted. In such cases, every attempt should be made to clear up any misunderstanding quickly, on an informal basis.

The informal process provides options for resolving disputes including mediation, where appropriate.

The informal procedure consists of a low key and non-confrontational approach by the recipient of the behaviour to the party causing offence to advise him/her of the impact of their behaviour and to ask them to cease behaving in this manner. The approach should be made in private, and should be non-confrontational. Advice in relation to this procedure should be sought from any Manager in the Company.

### Formal Procedure

It is acknowledged that it may not always be practical to use the informal procedure to resolve an issue. An Employee may not feel comfortable approaching the other party, or the Employee may feel that the issue is too serious to be addressed through the informal procedure. In such circumstances, or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to any Manager regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be followed. Where assistance is required to put the complaint in writing, the Employee should consult their Manager to arrange this. The complaint should state:


- The name of the person(s) complained of (alleged bully);
- The nature of alleged bullying i.e. the behaviours/conduct constituting bullying;
- Dates/times and locations of where and when the alleged bullying occurred;
- Names of witnesses to any alleged incidents;
- Details of any action already taken to stop the bullying.
- Consent to your identity and the facts of the allegation being disclosed to the alleged bully. This is required in order to allow *The Company* to take action in appropriate circumstances.

If the behaviour complained of does not concern bullying as defined, an alternative approach may be put in place and a rationale recorded. If there are no concrete examples given, it will be deemed that there is no complaint to be answered by the person(s) complained of as they have no recourse to repudiating an accusation that doesn't give any specifics.

Where an alternative approach is not deemed appropriate, the person (s) complained of will be notified in writing that a complaint has been made against him/her, and provided a copy of this complaint. The person investigating the complaint will indicate a timeframe for the resolution of the complaint, however such timeframes may be extended where necessary. He/she shall be afforded a fair opportunity to respond to the allegation(s), normally five working days.

Prior to commencing an investigation, the complaint and the response may be subject to an initial examination by a designated impartial member of Management or other appropriate person, with a view to determining an appropriate course of action. An appropriate course of action at this stage could, for example, include exploring a mediated solution or a view that the issue can be resolved in accordance with the Informal Procedure. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will be undertaken with a view to determining the facts of the case. In all cases there will be no inference of guilt against the person(s) complained of, and they will be afforded a fair opportunity to respond to the allegation(s). The principles of natural justice will be adhered to throughout the investigation process.

All Employees involved in an investigation must respect the need for confidentiality – failure to do so may represent a serious disciplinary offence. Confidentiality is assured in so far as it is reasonably practicable. Both parties may be

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suspended with pay, without any negative inference, pending the outcome of an investigation, where deemed appropriate by Management. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

### **Investigation Procedure**

The investigation will be conducted in accordance with the Company's Anti-Bullying Policy and will be governed by terms of reference which will detail the likely time scale for its completion (an indicative timeframe will be outlined) and the scope of the investigation, indicating that the investigator(s) will consider whether the complaint falls within the definition of bullying at work and whether the complaint has been upheld.

The investigation will be conducted by an independent member of Management or external assistance may be necessary to deal with complaints in some circumstances so as to ensure impartiality, objectivity and fairness. The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable. Due respect will be had for the rights of the complainant, the person(s) complained of and any witnesses involved in the process.

The investigator(s) will meet with the complainant in the first instance to learn more regarding the complaint and to put the responses of the person(s) complained of to the complainant. Next, the person(s) complained of will be invited to a meeting to explore their responses to the complaint and to put any relevant evidence to them. Evidence will be provided in advance of the meetings in order to allow the Employee to prepare their responses to that evidence.

As many interviews as are necessary will be conducted until the investigator(s) is/are satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case. Witnesses may also be interviewed with a view to establishing the facts surrounding the allegation(s).

Statements from the complainant, the person(s) complained of and any witnesses will be recorded in writing.

All parties required to attend investigation meetings are entitled to be accompanied by a representative, whose role is to provide moral support, oversee the process and ensure that the interviewee is afforded a fair opportunity to respond and provide evidence at any investigation meetings.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to a member of Management, containing the findings of the investigation. Both parties will be given the opportunity to comment on the findings before any action is decided upon by Management.


The complainant and the person(s) complained of will be informed in writing of the findings of the investigation, i.e. whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious.

### **Investigation Outcomes**

Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of Management will also be advised. Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with the Company's disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

*The Company* will also consider providing further supervision, re-assignment or re-organisation of work. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with the Company's disciplinary procedure. It is important that Employees are aware that certain acts of bullying may be deemed gross misconduct by *The Company* and may result in summary dismissal.

Where an investigation is inconclusive, and therefore not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct

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themselves in an appropriate manner at work.

Where it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. In this situation only may a disciplinary sanction be imposed on the complainant. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by *The Company* and may result in summary dismissal.

In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. *The Company* will take such action as is required to eliminate the risk of that behaviour recurring or continuing and will keep records of interventions used for this purpose.

### **Appeal**

Either party may appeal the decision, outlining in writing to Management the reason for the appeal. Such appeals will be heard by a Manager not previously involved in the investigation and independent advice and support will be sought if required.

### **Victimisation**

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing, whether they are making a complaint in good faith, supporting a complainant, giving evidence in proceedings or giving notice of intention to do any of the foregoing, except where they are found guilty of an offence under this policy.

### **Third Party Bullying**

The procedures outlined in this policy should be employed to deal with bullying by a third party. Sanctions which may be imposed on a third party may include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

### **Responsibilities**


Management will endeavour to ensure that this policy is communicated to all Employees and will ensure that the policy is maintained and updated in line with legislative changes and any amendments to the relevant Codes of Practice. Management will act appropriately and in line with this policy in order to eliminate workplace bullying.

Management has a particular responsibility to prevent workplace bullying and is expected to lead by example, promote awareness of this policy, be vigilant for signs of bullying, and tackle problems before they escalate, deal sensitively with Employees involved in a bullying complaint and monitor the situation in the workplace so that bullying does not occur or reoccur.

Employees are expected to comply with this policy and to raise issues of concern through the procedures outlined in the policy

## **7.5 Data Protection & Internet Use Policy**

All employees are required to read and adhere to the guidelines outlined in the separate company Document, POL-010 Data Protection & Internet Use Policy. This document will be given to all new employees on the day they commence work with Modular Automation Ireland Ltd.

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## 7.6 Driving for work

All employees over 25 are insured to drive *The Company* vehicles. These should be used for business trips. On occasions where a company vehicle is not available the employee may use their own vehicle, with prior approval from their manager. *The Company* insurance will cover the use of the private vehicle provided strict conditions are met. It is the responsibility of the employee to clarify the insurance situation prior to undertaking any trip. A fixed mileage allowance will be paid provided the insurance conditions are met in full. Employees under 25 are not allowed drive company vehicles.

For further information see procedure POL-009 Driving for Work.

## 7.7 Smoking / Drug and alcohol policy

To create a pleasant environment for all employees smoking is prohibited within the Modular Automation Ireland Ltd premises. A smoking shelter is provided to the side of the building, beside the employee entrance.

*The Company* will not tolerate individuals attending the place of work in an unfit state due to the consumption of alcohol. Behavior or actions deemed unsuitable will result in disciplinary proceedings. The use / possession of recreational / illegal drugs including marijuana, cocaine etc. will not be tolerated and will result in instant suspension and disciplinary proceedings. *The Company* will involve police in situations of suspected substance abuse or the suspected sale of drugs on *The Company* premises. For further information see procedure POL-008 Intoxicants - Drug and Alcohol Use.

## 7.8 Acceptance of gifts

In some situations, staff may be offered gifts from prospective customers or suppliers. It is each individual's responsibility to make their manager fully aware of any such gifts that may be offered or received. The manager holds the authority to request that the gift be returned. This policy is to protect the integrity of *The Company* as gifts or personal gain could be construed as having a manipulative effect on an individual's decision. (e.g. a purchasing staff member may be offered a personal gift in return for showing favour to a supplier)

A breach of this policy will be considered gross misconduct and may result in dismissal from employment.


## 7.9 Company Property

On leaving the company, employees must return all company property to their Supervisor / Manager, i.e. protective clothing, safety equipment, locker keys etc.

## 7.10 Education/Training

*The Company* is anxious to encourage employees to develop their careers, and will support all relevant courses. Such courses, while helping the employee advance their careers, must also be relevant to the company's objectives. Where a course is approved, *The Company* may at its discretion provide financial support towards the course and any associated exams requests for support should be made to your Supervisor / Manager accompanied by details of the preferred course.

When discussing the request your Supervisor / Manager will:

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- Determine if the proposed studies will help the Employee to develop new skills or competencies which will add value to his/her performance in his/her present role.
- Establish if the Employee has the necessary level of commitment to complete the studies which in some cases will continue over several years.
- Establish if there are any barriers which might impact on study, e.g. sporting commitments.
- Consider the pressure of current/future business needs in the company.
- Explain the clawback procedures should they become applicable.
- Having completed the above, the Manager will give the matter due consideration and if the application should succeed, will agree the level of sponsorship, if any, to be applied.

### **Documentation**

The Employee must sign the form including the details of any clawback provision. It is the responsibility of Employees to ensure they are clear about the clawback procedures.

A cheque will be made out to the university/college or institute upon the production of a complete, signed off form.

### **Progress Monitoring**

The Employee's Manager should monitor the study progress and provide encouragement. Anyone who drops out of study should approach their Manager in the first instance.

## **7.11 Telephone calls**

*The Company* phones are provided to facilitate the normal business of Modular Automation. Employees are asked to refrain from making or receiving personal telephone calls, unless they are of an urgent nature. All personal mobile phones should be on "silent" or switched off during work hours. Use of mobile phones on company time is not permitted unless it is for company business.

Note: For safety reasons use of personal head phones is not permitted.

Any infringements of this policy will have serious consequences, up to and possibly including dismissal.

## **7.12 Confidentiality agreement**

Employees may be required to sign a secrecy and confidentiality agreement.

## **7.13 Taking of photographs**


Because of the confidential nature of our business, it is forbidden to take photographs in the plant, without the prior permission of Management.

## **7.14 Performance appraisal**

The performance of each employee will be reviewed annually. Employees are encouraged at these reviews to discuss issues that may be of concern to them.

## **7.15 Collections for employee's leaving**

All collections should be of a voluntary nature, where individuals place their contributions into a collection box. The amount of contribution an individual makes to a collection should under no circumstances be recorded.

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## 7.16 Customer Care

*The Company* pays its highest regard to customers and would therefore expect all employees to mirror that respect. Courtesy and efficiency is very important as are good telephone manners. Always remember that the recipient of your call will form an impression of you and *The Company* in general, based on your language and comments.

## 7.17 Conflict of Interest

All employees must avoid outside business relationships or business dealings with any of Modular Automation's competitors, customers or suppliers. Employees must not undertake outside activities that interfere with their ability to fulfill the responsibilities of their job.

## 7.18 Protected Disclosures

### PURPOSE

The purpose of the policy is to outline the responsibilities under the Protected Disclosures Act 2014 and subsequent amendments and to demonstrate this Company's commitment to observing and maintaining the highest standards of honesty, openness and accountability in all of our practices. Our Protected Disclosures policy is intended to encourage and enable Workers to raise, rather than overlook, genuine concerns or disclose information related to potential wrongdoing as outlined within this policy, within our workplace without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage.

All individuals are encouraged to be familiar with this policy and to feel confident to disclose any genuine concerns internally, at the earliest possible stage.

Any Worker who raises a concern in line with this policy is legally protected from penalisation and / or unfavourable treatment.

### SCOPE

The Act protects voluntary reporting and does not absolve any Worker from a pre-existing mandatory reporting obligation. Where statutory reporting requirements or procedures exist, these must be fully complied with.

This policy applies to all Workers within the Company, including Employees, Volunteers, Consultants, Contractors, Trainees, Agency Workers, Interns and those on work experience.


This policy is not appropriate for dealing with issues of harassment, sexual harassment, bullying or individual grievances which may relate to dissatisfaction with workplace relationships, the work environment or a term or condition of employment. Such matters should be addressed through the appropriate procedures as set out by the Company.

In general where a Protected Disclosure is made during an investigation, disciplinary or other process, this should not affect these distinct processes, except where the investigation, disciplinary or other action represents, in essence, a form of penalisation for making a Protected Disclosure.

### POLICY

What is a Protected Disclosure'?



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A Protected Disclosure is the term used when a Worker raises a concern about a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which came to the Worker's attention in connection with the Worker's employment. 'Relevant wrongdoings' are broadly defined in the Act and include the following:

- That an offence has been, is being or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the individual's contract of employment or other contract whereby the individual undertakes to do or perform personally any work or services;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged;
- That an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur;
- That an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement; or
- That information tending to show any matter falling within any of the points above has been, is being or is likely to be concealed or destroyed.

It is not regarded to be a relevant wrongdoing where a matter is a function of the Worker or the Workers Employer to detect, investigate, or prosecute and does not consist of or involve an act or omission on the part of the Employer.

What is meant by a Reasonable Belief?

Although a Worker is not expected to prove the truth of the facts in a disclosure, they must have a 'reasonable belief' that there are grounds for their concern when making a disclosure using the internal procedure. A reasonable belief means that the belief is based on reasonable grounds. This does not mean the belief has to be correct. The individual should also not have unlawful and / or unethical objectives in reporting a concern.

If an individual is uncertain as to whether a concern is a Protected Disclosure within the scope of this policy he / she should seek guidance from their Manager.

### **Procedure for Raising a Concern**

Workers are not required or entitled to investigate matters themselves to find proof of their suspicion(s) and should not endeavour to do so. Workers should disclose the information that they have based on a reasonable belief that it discloses a wrongdoing.

This procedure enables all Workers to raise any genuine concern(s) relating to *The Company* in the correct way and at an early stage in the confidence that he / she will not be penalised or suffer detriment for having done so.


In situations where a Worker makes a disclosure not in compliance with the Act, the protection of the Act does not apply.

### **Raising a Concern Internally**

In the first instance, a Worker is encouraged to raise any concern(s) to their Manager.

However, should the Worker feel that it is not appropriate or feel uncomfortable disclosing such information to their Manager, the Worker should raise any concern(s) to a more Senior Manager and confirm that a Protected Disclosure is being made in accordance with this policy.

Concerns may be raised verbally or in writing. Should a Worker raise a concern verbally a written record of the conversation will be kept and a copy provided to the Worker.

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The disclosure should state:

- That the disclosure is being made under this procedure;
- The discloser's name, position in the Company, place of work, and confidential contact details;
- The name of the person(s), body or otherwise alleged involved;
- A description of the 'relevant wrongdoing';
- Information in respect of the alleged wrongdoing – what is occurring / has occurred, and how including dates/times and locations so as to assist the investigation of the matters raised in the disclosure;
- Whether or not the alleged 'wrongdoing' is still ongoing;
- Whether the alleged wrongdoing has already been disclosed, and if so, to whom, when and what action was taken;
- Any other relevant information.

### Confidentiality

*The Company* is committed to taking all reasonable steps to protect the identity of the Worker making a disclosure and to ensure that relevant disclosures are treated in confidence. Workers who are concerned that their identity is not being protected should notify their Manager or more Senior Manager. Such notifications will be assessed and appropriate action taken as necessary. However, there are circumstances, as outlined in the Protected Disclosures Act 2014, where confidentiality cannot be maintained. This may include instances in which:

- The disclosure recipient shows that he / she took all reasonable steps to avoid such identity disclosure;
- The Worker has made it clear that he/she has no objection to his / her identity being disclosed;
- The identity of the person making the disclosure is critical to 1) an investigation of the matter raised, 2) to prevent serious risk to the security of the state, public health, public safety or the environment or 3) the prevention of crime or the prosecution of a criminal offence;
- Where the disclosure is otherwise in the public interest or otherwise required by law.

Should such a situation arise, *The Company* will make every effort to inform the Worker that his/her identity may be disclosed.

Where action is to be taken following a disclosure, except in exceptional cases, the disclosure recipient, should contact the discloser and where possible, gain the informed consent of the discloser, prior to any action being taken that could identify them. Where it is decided it is necessary to disclose information that may or will disclose the identity of the discloser, the discloser should be informed of this decision, except in exceptional cases. The discloser may request a review of this decision and a review should be carried out where applicable.


All Workers involved in the process must respect the need for confidentiality. A failure to do so may represent a serious disciplinary offence, up to and including dismissal or other action.

Where a Worker seeks advice from a trade union, solicitor or barrister, this discussion is treated as a Protected Disclosure, including at early stages in contemplation of making a disclosure or seeking information on the operation of the legislation.

### Raising a Concern Anonymously

A concern(s) may be raised anonymously. However on a practical level it may be difficult to investigate such a concern(s). *The Company* encourages all Workers to put their names to allegations, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. This will make it easier for *The Company* to assess the disclosure and take appropriate action, including an investigation if necessary.



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### **How *The Company* will deal with a Concern**

In the event of a concern being raised, *The Company* will arrange a meeting with the Worker to discuss the matter on a strictly confidential basis. The meeting will be conducted by an independent member of Management or external assistance may be necessary in some circumstances so as to ensure impartiality, objectivity and fairness. A Worker is permitted to have a representative present (colleague).

The Worker will be advised of any supports that may be available at this time.

*The Company* will clarify at this point if the concern is appropriate to this policy or is a matter more appropriate to our other policies, for example our Grievance or Dignity in the Workplace policies.

Having met with a Worker in regard to concerns raised and clarified that the matter is in fact appropriate to this policy, the concerns raised may be subject to an initial examination by a designated independent member of management or other appropriate person, with a view to determining an appropriate course of action. This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

Should this approach be deemed inappropriate or inconclusive or where deemed appropriate, matters raised in the disclosure may:

- Be investigated internally by an appropriate independent member of management or other appropriate person;
- Be referred to an external enforcement agency or regulator;
- Be referred to An Garda Síochána.

Where an internal investigation takes place, this will be governed by the terms of reference which will detail the likely time frame for its completion (an indicative timeframe will be outlined) and the scope of the investigation.


Any Worker making a Protected Disclosure or any Worker against whom a concern has been made is entitled to be accompanied by a representative (colleague). The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable.

Where possible or appropriate, *The Company* will keep the Worker who made the disclosure informed of actions taken. Such information should be treated as confidential. Sometimes the need for confidentiality may prevent *The Company* however from giving specific details of any steps, including the outcome of any investigation or sanctions taken as a result.

### **Internal Investigation Outcomes**

Every reported issue will be taken seriously. Appropriate action will be taken based on the outcome of any actions or investigation undertaken.

Measures will be taken against a Worker where an investigation finds sufficient evidence to conclude that the concern(s) raised by the discloser was justified. This may include formal disciplinary action, or other appropriate sanction or intervention deemed necessary to prevent a recurrence of the 'relevant wrongdoing'. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with the Company's disciplinary procedure.

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Where an investigation is inconclusive or the concern is not upheld, there will be no negative inference against any party to the concern raised. All parties to the disclosure(s) will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

A Worker is not expected to prove the truth of any concern raised. However, the Worker must have a reasonable belief that there are grounds for their concern. A deliberate false disclosure will not be protected and could leave him / her open to disciplinary action or other appropriate action in that regard. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with the Company's disciplinary procedure.

### **Safeguards and Protection**

Any penalisation of a Worker who makes a Protected Disclosure is in breach of the Act and will not be tolerated by the Company. The Company's disciplinary procedure or other appropriate action will be invoked against any Worker who engages in penalisation or threatened penalisation of a Worker in line with this policy.

No Worker engaging in the procedures outlined here will be penalised or subject to unfavourable treatment for their role in the process, whether they are making a Protected Disclosure, supporting a disclosure, giving evidence in proceedings or giving notice of any intention to do any of the foregoing. Penalisation means any act or omission that affects a Worker to the individual's detriment and may include suspension, lay-off, dismissal, demotion, loss of opportunity for promotion, transfer of duties, change of location of place of work, reduction in wages, change in working hours, the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty), unfair treatment, coercion, intimidation, harassment, discrimination, disadvantage, unfair treatment, injury, damage, loss or threat of reprisal.

Each Worker is also responsible for not causing detriment to another person because the other person or a third person has made a protected disclosure. A detriment in this context includes coercion, intimidation, harassment, discrimination, disadvantage, adverse treatment in relation to employment (or prospective employment), injury, damage, loss or threat of reprisal. This list is non-exhaustive.

Any such conduct may, depending on the seriousness of the issue, be deemed gross misconduct by *The Company* and may result in summary dismissal or other appropriate action.

A Worker who believes that they have suffered any such treatment should inform their Manager or more Senior Manager immediately. If the matter is not remedied a Worker should raise it formally using *The Company* Grievance Procedure.

### **Other Channels – Raising Concerns Outside Of the Workplace**


#### **Raising Concerns Externally**

The aim of this policy is to provide an internal avenue within the workplace in which a concern(s) or in regard to a 'relevant wrongdoing' can be raised. *The Company* is confident that such concerns can be dealt with internally in an appropriate and timely manner and strongly encourages all Workers to report such concerns internally.

However, it is recognised that in some limited circumstances it may not always be appropriate to report any genuine concerns internally and that it may be necessary to raise a concern(s) externally. The Protected Disclosures Act 2014 provides for a number of avenues in this regard. Please see section 'Disclosure outside of the Employer' for this detail.

It is important to note however, that the evidential criteria for making an external disclosure is set at a higher level than that applying to raising a concern(s) internally. While a Worker need only have a reasonable belief as to wrongdoing to make a disclosure internally, if a Worker is considering an external disclosure, different and potentially more onerous obligations apply, depending on to whom the disclosure is made.

### **Responsibilities**

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Management will endeavour to ensure that this policy is communicated to all Workers and will ensure that the policy is reviewed periodically and maintained and updated in line with legislative changes and any amendments to the relevant Code of Practice. Where required, measures will be taken to ensure the accessibility of policies and procedures for all Workers.

All Workers are expected to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

### **Disclosure outside of the Employer**

Workers are encouraged, enabled and supported to raise disclosures internally in the first instance.

The 2014 Act allows a Worker to make a Protected Disclosure to persons other than their Employer in certain circumstances. Different requirements need to be met in different cases, as set out below.

### **Other Responsible Person**

Where the Worker reasonably believes that the ‘relevant wrongdoing’ relates solely or mainly to the conduct of a person other than the Worker’s Employer, or to something for which that other person has legal responsibility, then the Worker can make the disclosure to that other person.

### **A Prescribed Person**

Certain external persons are prescribed by Statutory Instrument 339 of 2014 (“SI 339”) to receive Protected Disclosures (“prescribed persons”). This includes the heads or senior officials of a range of statutory bodies.

This detail can be obtained from your Manager.

A Protected Disclosure is made in the manner specified in this section if the Worker:

- (a) makes the disclosure to a person prescribed in the link provided above and,
- (b) reasonably believes that:

(i) that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed in the link provided for;

(ii) that the information disclosed, and any allegation contained in it, are substantially true.

### **A Minister of the Government**


A disclosure is made in the manner specified in this section if

- (a) the Worker is or was employed in a public body, and;
- (b) the disclosure is made to a Minister on whom any function relating to the public body is conferred or imposed by or under any enactment.

### **A Legal Advisor**

A disclosure is made in the manner specified in this section if it is made by the Worker in the course of obtaining legal advice (including advice relating to the operation of this Act) from a barrister, solicitor, trade union official or official of an excepted body (within the meaning of Section 6 of the Trade Union Act 1941).

### **Alternative External Disclosure (in very limited circumstances)**

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It is preferable in most circumstances for a Worker to disclose to their Employer, and, if that is not appropriate, to use one of the options above. It will rarely be appropriate to make alternative external disclosures where the disclosure could be dealt with through one of the other disclosure options above. There are stringent requirements for alternative external disclosures to qualify as Protected Disclosures under the 2014 Act.

The protections will only be available if the following conditions are met:

- The Worker must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true,
- The disclosure is not made for personal gain,
- At least one of the following conditions at (i) to (iv) are met:
  - (i) At the time the Worker makes the disclosure, the Worker reasonably believes that they he/she will be subjected to penalisation by the Workers Employer if he / she makes the disclosure to the Employer, other Responsible Person, a Prescribed Person, or a Minister; or
  - (ii) In a case where no relevant Prescribed Person is prescribed in relation to the relevant wrongdoing, the Worker reasonably believes that it is likely that evidence relating to the relevant wrongdoing will be concealed or destroyed if the Worker makes the disclosure to the Employer, or responsible person; or
  - (iii) The Worker has previously made a disclosure of substantially the same information to their Employer or other Responsible Person or a Prescribed Person or a Minister; or
  - (iv) That the relevant wrongdoing is of an exceptionally serious nature;

AND

- In all the circumstances of the case, it is reasonable for the Worker to make the disclosure.

In determining whether it is reasonable for the Worker to make the disclosure regard shall be had, in particular, to:

- (a) the identity of the person to whom the disclosure is made,
- (b) the seriousness of the relevant wrongdoing,
- (c) whether the relevant wrongdoing is continuing or is likely to occur in the future,
- (d) whether any action had been taken in cases where a previous disclosure was made and whether the Worker complied with any procedures in place when making that previous disclosure.

## 8 General


### 8.1 Canteen

A canteen is provided for the benefit of the employees. Breakfast can be ordered before 9.00a.m. Which will be delivered to the Canteen at 10.00 a.m. Hot lunches or sandwiches can be ordered at Tea Break time, which will be delivered to the Canteen at 1.00 p.m. and 1.30 p.m. The total cost of items ordered in any particular week, will be deducted from your pay on the following week. As there is no canteen staff, it is important that employees place rubbish in the dustbins provided, and place used crockery into the trays provided.

Cereal boxes are not permitted in the canteen, all cereal should be stored in plastic containers.

All employees are requested to remove plates or bowls which they have brought in to the canteen as they leave on the same day.

Each Friday evening all fridges will be cleared out (perishable goods) this is for health and safety reasons.

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## 8.2 Parking

Employees are asked to drive slowly (15 K. P. H.) when entering and leaving the factory. Employees are not allowed to park against the side of the building near the employee entrance. Employees are not allowed to park at the main reception, as this area is reserved for visitors. *The Company* does not accept responsibility for damage or loss incurred in the parking area.

## 8.3 Notice Boards


A notice board is situated near the employee entrance and the canteen. This is used for company, general and sports & social club notices. A Quality and Health & Safety notice board is also located here and is used for Quality and Health & Safety notices.

## 8.4 Visitors

All visitors must report to reception, sign the visitor's book and wear a visitor badge, before they are taken into the offices or workshop. Employee's wishing to bring visitors into the plant, must obtain prior approval from their Manager. Customer or vendor personnel coming on site to work on the workshop floor must complete induction training before being allowed commence this work. It is the responsibility of the employee bringing the visitor on-site to ensure this training is completed.

## 8.5 Lost and Found

If any articles are found they should immediately be handed into reception. If an employee loses any items, they should immediately report it to reception, so that a notice can be placed on the notice board.

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## **Confirmation of receipt and understanding**

Please sign this section to indicate your understanding of the policies and procedures at Modular Automation.

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I have read and received a copy of this Modular Automation Employee Handbook, and fully understand the policies and procedures, and I know what is expected of me as an employee of the company.

If you have any queries in relation to the content of this handbook, please bring these to the attention of your Supervisor / Manager in order that these queries may be addressed.

Modular Automation retains the right to make changes of a minor, administrative, or non-fundamental nature to the policies and procedures in this handbook from time to time. Wherever practicable, the Employee will be given advance notice of any such change. If not practicable, the Employee will be given reasonable written notice of any such variations or amendments within 28 days of these taking effect with the exception of statutory changes or collective agreements. Changes of a major, non-administrative or fundamental nature, other than where specifically reserved in this handbook, will be made with consultation with the Employee.

I wish to confirm that I have read and understood the content of this handbook, and agree to adhere to the policies and procedures as outlined in the document. Any queries which I had in relation to any section of the handbook have been addressed with my Supervisor / Manager, and answered to my satisfaction.

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

Date: \_\_\_\_\_