



etbi

Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

RESTRUCTURING AND REDUNDANCY

POLICY

*For all staff in
Education and
Training Boards
Ireland*

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Restructuring and Redundancy Policy for all staff in Education and Training Boards Ireland

This policy must be brought to the attention of all staff in the employment of ETBI, including those on an approved leave of absence.

Any queries in relation to the Restructuring and Redundancy policy should be communicated to internalpolicies@etbi.ie in the first instance.

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1. PURPOSE

The purpose of the ETBI's Redundancy Policy and Procedure is to set out the approach to managing organisational change within ETBI. Policy and procedures establish a fair, transparent and effective process for dealing with such situations, ensuring compliance with statutory requirements.

2. SCOPE

This procedure applies to all employees of ETBI. In instances where posts held by secondees are deemed no longer required, the individual will return to their substantive employer.

3. PRINCIPLES

- ETBI's commitment to equality of opportunity will be observed at all times during the operation of this policy and procedure. This will ensure that employees are treated fairly and without discrimination based on gender, civil status, family status, sexual orientation, religion, age, disability, race (including colour, nationality or ethnic or national origins), and membership of the travelling community.
- ETBI is committed to full and meaningful consultation with employees regarding proposed organisational changes.
- It is recognised and understood that organisational change may have a significant impact on employees and may involve periods of uncertainty. We are committed to supporting employees through periods of change and to minimising any negative impact.
- ETBI will, where feasible, try to avoid redundancies through careful planning, including vacancy control measures, natural wastage, reassignment and retraining where possible. The aim is to ensure that our employees' valuable skills, experience and knowledge are retained wherever possible.
- ETBI is committed to exploring all reasonable alternatives before redundancy occurs.

4. ROLES AND RESPONSIBILITIES

Line managers	Responsible for initiating, planning, consulting on and implementing organisational change.
Employees	To consider the implications of the proposals for them as individuals but also for service delivery and to make comments, ask questions and suggest alternative options when appropriate.
HR Team	It is the role of the HR team to advise and support managers in the application of the Restructuring and Redundancy Policy and Procedure.
Representative	All employees have the right to be accompanied by a work colleague at formal consultation meetings.
Appeal Panel	The Chairperson of the ETBI Board will convene an Appeal Panel consisting of three members nominated by the Board.

Managers should build in appropriate timescales when planning a restructuring; this includes adequate time for drafting an action plan, the appropriate consultation period, and sufficient time for implementation.

If redundancies are likely, then managers are advised to obtain the potential costs as early as possible in the process. This includes the potential estimated costs for redundancy payments. The Finance Department should be consulted.

ETBI is committed to minimising the number of compulsory redundancies, and therefore, the following measures may be used as appropriate:

- Restriction or suspension of recruitment
- Cessation or reduction of overtime
- Termination of casual contracts
- Voluntary reduction in hours
- Voluntary redundancy
- Consideration may be given to the termination of fixed term/temporary contracts which were issued as a result of a pending restructuring and therefore are due to expire in line with the restructuring.

5. TIMESCALES

The duty to consult arises where there is a 'proposal' to dismiss. This is something less than a final decision but more than considering whether redundancies might be appropriate, in other words at the formative stage.

6. FORMER CONSULTATION

The Employees (Provision of Information and Consultation) Act 2016 does not currently apply to ETBI as it employs less than 50 persons.

7. COLLECTIVE REDUNDANCIES

Collective redundancies arise where, during any period of 30 consecutive days, the employees being made redundant are:

- 5 employees where 21-49 are employed
- 10 employees where 50-99 are employed
- 10% of the employees where 100-299 are employed
- 30 employees where 300 or more are employed

Should it become necessary to consider collective redundancies, due regard will be given to ETBI's statutory obligations as set out in the Protection of Employment Acts, 1977 – 2014 and any subsequent/relevant Acts, if any.

8. REDUNDANCIES

Where restructuring is being considered, which may involve redundancies, any employee/s who may be affected more severely must be advised individually before any group meeting which may take place.

The number of individual and group meetings throughout the consultation process should be appropriate to the change proposed to ensure that employees are given enough opportunities to consider the proposals, ask questions and suggest alternative options. Management is advised to keep a record of dates, meetings times and attendees' details.

Once all comments and suggestions have been considered, the restructuring plan will be finalised by management and authorised by the General Secretary. A copy should issue to affected staff member/s.

If an employee disagrees with the decision made, then they have the opportunity to meet with the managers concerned to explore and discuss the rationale. Employees are entitled to be accompanied by a work colleague.

In some cases, a group of similar posts may be substantially the same, but each post may have a different emphasis. Wherever possible, the holders of these posts will be given the opportunity to express interest in specific posts with a view to a mutual agreement on assimilation being reached. However, if a mutual agreement cannot be reached then it will be necessary to carry out a structured, but informal and concise selection process for which criteria will be determined and made available to the staff concerned.

If an employee declines an offer of suitable alternative employment, then the option of withholding the redundancy payment will be considered.

9. FIXED-TERM/TEMPORARY EMPLOYEES

Fixed-term/temporary and permanent employees should be treated the same when considering slotting into alternative posts, irrespective of their length of service.

However, consideration may be given to not including fixed term/temporary contracts which were issued as a result of a pending restructuring and therefore are due to expire in line with the new structure.

10. ACTING UP

Employees who have been acting up for a period of two years or more will be deemed to be on the higher grade for the purposes of the restructuring but only if the arrangements were implemented in response to a pending restructuring.

11. EMPLOYEES ON MATERNITY LEAVE

ETBI is under a statutory obligation to offer employees on maternity leave any suitable alternative vacancy. This means that if a vacancy that is suitable for the employee exists, she must be offered the post even if this means that she is treated more favorably than other employees who are also at risk of redundancy. Managers are strongly advised to seek advice from the HR team if one of their staff affected by the restructuring is on maternity leave.

12. SELECTION

The selection criteria used must be fair, clear, non-discriminatory and easily evidenced. The selection methods adopted should be detailed formally.

A skills matrix can be used to assess the following:

- Skills, competence, knowledge and experience (based on the job profile) •
- Work performance
- Attendance record (which excludes disability and pregnancy-related absence and maternity/adoption leave)
- Disciplinary record

An example matrix is available.

13. VOLUNTARY REDUNDANCY

Voluntary redundancy may be an appropriate measure where there is a need to reduce the existing pool of employees. The pool of affected employees to be invited to volunteer will be defined formally. Inclusion of any employee in the pool to be invited does not guarantee that a request will be agreed. Authority to agree on individual cases of voluntary redundancy is limited to the General Secretary and will be approved by the Board.

14. COMPENSATION

Voluntary and compulsory redundancy warrants the same compensation and will be in line with statutory redundancy entitlements. Employees with less than 2 years continuous ETBI Service: No entitlement to compensation.

15. REDUCTION OF HOURS – COMPENSATION PAYMENT

Where there is a proposal to reduce hours from an existing post and the post holder accepts the new hours, the employee will receive compensation on the basis of a redundancy payment pro rata to the number of hours lost (provided they have a statutory right to a redundancy payment). As the employee is not redundant the payment will be taxable.

No redundancy payment will be made if, in the view of the General Secretary, an employee unreasonably refuses an offer of suitable alternative employment.

When determining suitable alternative employment' the following factors should be considered:

- Whether the employee can reasonably be expected to do the work, taking into account his/her level of seniority and skills
- Whether the terms and conditions are substantially less favourable
- The rate of pay and value of any contractual benefits
- The duties, level of responsibility and status
- The place of work and its proximity to the employee's current workplace (and whether there is a mobility clause in the employee's contract)
- The number of hours and working pattern
- The working environment e.g. working conditions

The employee must be advised in writing of a decision to withhold a redundancy payment, which should include the reasons for this decision

16. REDUNDANCY PROCESS

When the decision has been made as to who will be made redundant, then the following steps must take place:

- A meeting/s with the individual employee to discuss the selection decision, reassignment and support measures. If the employee challenges the decision, then it may be the case

that more than one meeting is needed in order to fully explore the issues. Employees may be represented by a work colleague at these meetings.

- Redundancy notice letter/s sent in line their statutory or contractual notice period, whichever is the greater. This is completed by the HR team.

17. RIGHT OF APPEAL

An employee has a right to appeal against their redundancy dismissal. The appeal must be submitted in writing to the Chairperson of the ETBI Board within 7 working days of receiving their redundancy notice letter.

The Chairperson will convene the agreed Appeal Panel consisting of three members to consider the appeal.

18. SUPPORT MEASURES

Employees affected by organisational change will be advised how to contact the Employee Assistance Service, which can provide counselling support.

Employees who are being made redundant are entitled to reasonable paid time off in order to look for a new job. This right is set down in law in Section 7 of the Redundancy Payments Act 1979. (Note: while the Redundancy Acts have been amended a number of times the provisions as set down in 1979 for time off still remain in force.) Reasonable paid time off will be considered on a case-by-case basis.

19. VARIATION

The policy may be amended at any time following consultation between management and staff.

20. REVIEW OF POLICY

There will be a review of this policy two full years after its introduction or earlier if deemed necessary by ETBI management.

21.
