

BYRNE  
WALLACE

LAW FIRM

**Edition 7**

**Dated: 13 May 2016**

# Staff Handbook

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## **Welcome to ByrneWallace**

On behalf of the partners, I would like to take this opportunity to welcome you to the Firm. Our belief is that the success of our Firm as a whole depends on the commitment of each and every member of the team – the Firm is only as good as its people.

The service we provide to our clients must be of the highest quality and professional standard, and our success depends on the skills and experience of all our staff who take pride in their work, in their commitment to the Firm, and in their high level of performance.

Your ability to become an expert is of prime importance to the operation of the Firm. The continued growth and success of our business depends on the skills of all our employees who take pride in their work, their commitment to the Firm's clients, to people and teamwork, and to innovation and performance.

Recognising the importance of positive working relationships, we encourage open communications and a work environment that fosters mutual trust and respect. We emphasise the importance of teamwork, as fundamental to our continued growth and development. All of this will support our competitive drive for excellence both now and for the future of the firm.

I wish you a happy and successful future with ByrneWallace, and trust you will make a worthwhile contribution to the continuing success of the Firm.

**Catherine Guy**

**Managing Partner**

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## INTRODUCTION

About this Handbook (the "Handbook")

The Handbook is a guide to the Firm's main staff policies, and also our benefit schemes. Along with our Lexcel Manual and Office Manual it will provide you with information that will help you settle into your new working environment. This Handbook, together with the policies and conditions referred to in it, will, unless indicated otherwise, apply equally to permanent and temporary employees and, where appropriate, to contractors also. Although primarily aimed at new employees, it should be used as a source of reference for existing employees.

**All referencing in this Handbook is applicable to ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors herein after collectively referred to as 'the Firm'.**

Your terms and conditions of employment are outlined individually to you in your contract of employment, which is provided to you prior to joining the Firm. Where your terms as set out in your employment contract differ to that contained in the Handbook, it is the conditions in your employment contract that apply. This Handbook is intended for general guidance only and is not a legal document. If you need clarification on any section of the Handbook, you should talk to someone in the Human Resources (HR) Department.

The policies outlined in the Appendices to this Handbook must be read, understood and adhered to by all employees. Should you have any questions relating to any of the content, please contact the HR department or refer to the HR section of Eolas which also contains full policy documents.

If there is any additional information that you would like to know about or that you feel should be included in the Handbook, or indeed anything else that would make your integration into the Firm easier, please contact someone in the HR department. Where the matter relates to processes or procedures, you may also email [imo@byrnewallace.com](mailto:imo@byrnewallace.com).

By its nature, this is a working document as changes in legislation, best practice, etc will dictate amendments as necessary from time to time. These changes will be communicated to you through an email link to the HR page on Eolas, where the latest version of the Staff Handbook is also available. Please be aware that if the contents of the printed version vary, then the copy on Eolas will apply.

### 1. **OUR VALUES & GOALS**

#### 1.1 **Our Philosophy**

The Firm is committed to providing the best possible learning environment for our employees to reach their maximum potential with us. Employees will be treated as individuals, while working as a team to provide high quality, professional legal advice to our clients. To maintain an environment where this goal can be achieved, it is important that we encourage open communications and that problems can be discussed and resolved in a mutually respectful manner.

Our Firm's reputation is very important, we have gained an excellent reputation among our client base and in the wider business community, which has been built and relies on the active participation of all our employees.

#### 1.2 **Employment Policies**

The Firm is committed to compliance with legislation and best practice regarding all our employment practices and policies, and will treat every employee with dignity and respect. Employee rights are

recognised in every aspect of our policies. We strive at all times to ensure that employees receive fair treatment and just reward for the work they do.

### 1.3 **Equal Opportunity**

In keeping with the firm's Equality Policy in **Appendix 1**, which you should read carefully, we are committed to implementing equal opportunities in all our employment policies. As an equal opportunity employer, we are committed to selecting the best qualified individuals for each role based on job-related qualifications without regard to race, age, colour, religion, gender, sexual orientation, marital status, family status, disability or national origin.

The Firm aims to provide the best quality legal advice to our clients. Our partners, solicitors and all those who provide support to this service are recognized as the single most important asset of the Firm, and, in line with this, we intend to:

- (a) Actively strive to develop and train our staff to ensure that they have the maximum knowledge to perform their role, which will be of benefit to both the individual and our clients. Our performance management system will ensure that this is carried out on a formalized basis.
- (b) Establish open communication between all employees and the partners and managers, allowing the free flow of all relevant information, to create the foundations for positive working relations.
- (c) We will ensure that the partners and managers meet in a spirit of cooperation with any employee to discuss suggested improvements with regard to standards, practices or working conditions.
- (d) Where possible, we will give our employees equal opportunity to apply for any position, providing that they meet the criteria required for the particular position.

### 1.4 **Dignity and Respect at Work**

The Firm is committed to ensuring that all its employees can work in an environment free from harassment, sexual harassment and bullying.

Please read our **Dignity and Respect at Work Policy** in **Appendix 2**. All employees will be expected to comply with this policy and the partners/managers will take appropriate measures to ensure that bullying/harassment does not occur. Appropriate disciplinary action, up to and including dismissal for serious offences, may be taken against any employee who violates this policy.

The policy applies to employees both in the workplace and at work associated events such as meetings, conferences and work related social events, whether on the premises or off site. It applies to bullying/harassment not only by fellow employees but also by a client, visitor or other business contact to which an employee might reasonably expect to come into contact in the course of their employment.

## 2. **COMMUNICATIONS**

At the Firm we are committed to maintaining good communications with all our staff and we have in place a number of programmes and systems to ensure that this happens – firstly, through our Induction programme, which all those joining the Firm will attend, Eolas, our email system; our annual staff communications update meeting, department meetings and our website to name a few.

Our culture is friendly and we encourage staff to come to us with any questions or concerns they may have. Regardless of your level within the organisation, your requests for information and concerns will be treated with respect.

## 2.1 **Open Door Policy**

We are committed to promoting a working environment where employees feel comfortable to seek advice and to express their concerns. We encourage you to discuss openly any questions or issues you may have so that they can be resolved quickly. Our 'open door policy' ensures that you have easy access to your department head or the human resources department and that your discussions will remain, in so far as is possible, confidential. The ideas and concerns of all our employees are important and valued, and, therefore, you should feel comfortable raising any such ideas or concerns.

## 2.2 **Induction**

On your first day, you will attend our induction programme which includes the following – overview of the firm and its structure; overview of our HR policies and procedures, and our benefit schemes, and other key information that will assist you settling into the Firm; an introduction to our Lexcel Manual and Office Manual; a tour of our offices; a health and safety overview; and an overview of our IT systems. There will be follow up training over the following days on our key systems, such as DMS, InterAction, Axxia, knowhow and library systems, house styles.

## 2.3 **Our Website: [www.ByrneWallace.com](http://www.ByrneWallace.com)**

Our website is another great source of information in relation to our business and our clients, and also for prospective clients and employees. It provides updates on our people and our practice areas, the firm's business transactions and other publishable news worthy items. The site is managed and updated by our marketing and business development team. Please contact the BD team should you have comments or questions in relation to the website.

## 2.4 **Eolas, our Intranet**

Eolas is an important communication tool that provides you with easy access to internal information and resources, as well as keeping you updated with Firm news and information on social events. It also contains important links to our training and knowledge sections. Please take the time to browse the information sources available and check regularly for news and business updates. Eolas is our main system for communicating both business and social information to staff (via attached links), which reduces the number of emails that are circulated.

The Staff Directory is also located on Eolas, where you will find all staff members' details and photographs as well as their extension numbers. Items of common interest published on Eolas also include:

- (a) Current Awareness
- (b) What's New
- (c) Training
- (d) Policies & Procedures
- (e) Sports & Social

Should an employee wish to send out an email or publish information to Eolas, they must forward the update to HR for prior approval. General 'All Staff' emails should not be sent without express permission of the Managing Partner or HR Manager.



Employees can also use the notice boards on Eolas for relevant postings. There are three sections to choose from – Buy & Sell; Social; Other. All those contributing to the notice board must adhere to the following policy below.

## 2.5 **Notice board Acceptable Use Policy**

- (a) The notice board is for posting non-business related items such as upcoming social events, charity fundraising, items for sale etc.
- (b) Notice board users must adhere to the Firm's Internet and Email Acceptable Use Policy and the Social Media Policy (see **Appendix 5 and 6,**) at all times.
- (c) Notices should be restricted to brief details of the subject matter. Contact details included in a notice should be limited to your firm email address and extension number.
- (d) By placing an item on the notice board, you are wholly responsible for the notice for the duration of its time on the site.
- (e) The notice board is NOT a discussion board. Replies to a notice must go directly to the person who posted it. Replies are not to be made by way of another posting on the notice board.
- (f) Notices will automatically be archived after 4 weeks to ensure only up to date information appears.
- (g) The Firm reserves the right to remove any postings at any time.

## 2.6 **Outlook – our email system**

We use Microsoft Outlook for mail. You must read the Firm's Internet, and Email Acceptable Use Policy carefully in **Appendix 5**, and clearly understand and adhere to this policy. The policy outlines best personal and professional standards which underpin the Firm's usage of such technologies, and employees' rights and responsibilities in this regard.

## 2.7 **Social Networking and Media**

Please read the Firm's Social Media Policy in **Appendix 6**, and clearly understand the firm's policy in relation to social networking and media. The absence of, or lack of explicit reference to specific sites does not limit the extent of the application of this policy. Employees should use their commonsense and professional judgement and take the most prudent action possible to militate against any potential risks. Speak to your supervising Partner/Manager if you clarification on any aspects of the policy.

## 2.8 **Instant Messaging Policy**

Instant messaging (IM) through our Cisco Presence system is provided for internal communications only for the purpose of enhancing business efficiency and the reduction of email traffic and consequently time spent on email management. Our IM policy included in the Social Media Policy, **Appendix 6**, provides employees with the standards to be complied with for IM use and content. Please read this policy carefully.

## 2.9 Telephone and Voice-mail

The objective of the Firm's telephone procedure is to set the standard for all employees to communicate with their clients, both external and internal, using the telephone system. Employees are required to attend training on the use of the Firm's telephone and voicemail systems. It is important to note that while voicemails can be forwarded to a colleague internally, they should not be forwarded externally.

All fee earners must update their voicemail personal greeting on a daily basis indicating the date and the fee earner's likely availability throughout the day.

## 2.10 Our Annual Staff Communications Update Meeting

This event is held annually, and is an opportunity for our Managing Partner to update staff on key milestones achieved by the business, and to look forward to our plans for the coming year. This event is followed by an informal reception, which is a great opportunity for staff to mingle with each other.

## 2.11 Department Meetings

Each department holds their own meeting, typically on a monthly basis, at which key business milestones are presented and updates will be given on current business transactions and other relevant department information. Training updates on recent relevant legal developments may also be presented at these meetings.

## 2.12 Our Restaurant - The Dock

Located on Level 1 in the Atrium building, The Dock is another great way for our staff to get to know each other and stay in contact. We offer freshly prepared food and drinks at good value prices. – see The Dock section on Eolas for more information on menus, etc.

## 2.13 Sports and Social

We have an active sports and social team who organise events during the year, which include trips to the theatre, shows, pub quiz, wine tasting to name a few. Again, these events are a great way to get to know and stay in touch with people in our other practice areas.

## 2.14 Communication with the Press or Media

Enquiries from or requests for commentary from any member of the media (whether a journalist in a newspaper or other publication, or a researcher from a news station or otherwise), by phone, in person or in writing, should at all times be directed to the firm's Managing Partner. Under no circumstances should any member of staff comment in any way on any aspect of the firm's business, or that of its clients or other related third parties, without prior discussion with the Managing Partner.

Furthermore, members of staff should not contribute articles for publication or make other media contributions that extend beyond routine opinion pieces on legal matters without seeking prior approval from the Managing Partner.

In the event that the Managing Partner is unavailable, all enquiries on media-related activity should be directed to and handled by another member of the management committee.

## 2.15 Dress Code and personal hygiene

- (a) Our Dress Code serves to promote a professional image of our business both internally and externally.

- (b) Each of us has a primary responsibility to represent the Firm in line with our corporate image, and you are expected to adopt a standard of dress in accordance with acceptable business standards and appropriate to the Firm's business. These standards, though flexible, require you to dress to a level consistent with the professionalism of the Firm and the function that you perform. See **Appendix 7** for more details on our Dress Code policy.
- (c) Employees are expected to maintain the highest standards of personal cleanliness and present a neat appearance at all times. This is in the interests of everyone in the Firm, and of those who visit our office.
- (d) If your dress is not in keeping with the Firm's dress code, you will be required to correct this immediately. If you are unable to do so, you may be asked to return home to change to more appropriate clothing. Continued failure or unwillingness to meet the standard of dress required may result in disciplinary action.

## 2.16 **Employee records and personal information**

On your first day, you will complete a personal details form – this information will be retained both on our HR system and your employee file. You must also notify the HR department of any change of personal details, including, but not limited to, home address, contact numbers (both personal and emergency), marital status, next of kin details, bank account details, nomination form details, etc, as this information needs to be up to date in the event of emergencies. From time to time, you will also be requested to complete an update on your personal details.

Personal detail information held on computer or on your employee file is treated confidentially, and in accordance with Data Protection legislation. The Data Protection Acts, 1988 and 2003 give every employee the right to access any computerised and manually held data relating to him/her and to have inaccurate data rectified or erased. It requires the Firm to make every effort to ensure that any data held is:

- (a) collected fairly and accurately;
- (b) kept up to date;
- (c) kept for lawful purposes and not used or disclosed in any manner incompatible with those purposes; and
- (d) protected and kept safe and secure.

## 3. **PROBLEM RESOLUTION PROCESS**

The Firm is committed to ensuring that any concerns on the part of the employee or the Firm are dealt with in a timely and constructive manner. To ensure this happens, we have in place the following policies and procedures, which are available in full in the Appendix section to this handbook, and in the HR Section of Eolas.

### 3.1 **Dignity and Respect at Work**

Our employees have a right to work in an environment free from any form of harassment, sexual harassment or bullying and to be treated with dignity and respect. Harassment, sexual harassment and bullying will not be tolerated by the Firm. If any member of staff experiences such behaviour, they should refer to the **Dignity and Respect at Work Policy, Appendix 2**, which provides measures to protect the dignity of our employees in the workplace.

A breach of this policy may result in disciplinary action up to and including dismissal, in accordance with the Firm's disciplinary procedures. In the event of a breach of this policy by a non staff member, appropriate sanctions will be imposed, where possible, e.g. suspension of contract or services or exclusion from our premises.

### 3.2 **Problem Solving**

The Firm recognises that when a group of people work together problems may arise. These problems may be related to work relationships, procedures or work itself. In this situation, the Firm aims to ensure that the issue is addressed with the minimum delay, that it is discussed promptly with total fairness and that a clear resolution is arrived at as a result of that open discussion.

We encourage open and frank communication and are committed to ensuring employees' questions and concerns will be resolved as quickly as possible, and to the satisfaction of all concerned.

To facilitate the timely resolution of such issues, the Firm has put in place the **Problem Solving Procedure, Appendix 4** of this handbook, which should be followed in the event of an employee misunderstanding, complaint or problem. It is designed to give our staff access to their supervising Partner/manager, their department head, the HR Manager, and, if necessary, the Managing Partner, whichever is appropriate.

### 3.3 **Disciplinary Policy**

Our employees are expected to perform at consistently high levels to meet the Firm's standards and expectations in relation to their behaviour and performance. It is our policy not to accept performance and/or behaviour that is below the standards we reasonably expect.

At times, issues arise which can be resolved informally through coaching and advice from the supervising Partner/manager. For other more serious or persistent issues, our policy is to initially counsel the employee who is having difficulty. The intent at this point is to provide the employee with the opportunity to take immediate action to improve their performance or behaviour as required.

In the event that the issue cannot be resolved through coaching or counselling, the formal **Disciplinary Policy in Appendix 3** will be implemented. This policy and should be read carefully.

## 4. **THE FIRM'S POLICY ON EQUALITY**

### 4.1 **Introduction and scope**

An important factor in the Firm's success is the people who are employed and the creative energy, innovation and quality of services they deliver to the Firm's clients, and our **Equality Policy in Appendix 1** strongly supports this commitment. We are committed to fostering a working environment in which outstanding people are attracted to and retained by the Firm regardless of religion, race or national origin, gender, marital status, family status, sexual orientation, disability, age or membership of the traveller community. We seek to establish an environment that values diversity of background and experience in the workforce at all levels of the organisation.

In valuing diversity and in standing strong for the principles of fairness that make managing diversity easier, we enhance our profile as a firm that genuinely values its employees and its clients.

The firm is committed to equality of opportunity in all its employment practices, policies and procedures. No employee will receive less favourable treatment on the grounds of gender, age, race, religion, marital status, family status, sexual orientation, disability or membership of the traveller

community in terms of recruitment, pay and conditions of employment, training and opportunities for career progression.

The Firm is also committed to avoiding discrimination in its dealings with clients, partners, employees and all other parties that have dealings with the Firm. It is committed to promoting diversity in its professional activities – see the firm’s **Equality Policy in Appendix 1**.

- (a) All staff (i.e. employees, consultants and Partners) must be aware of the Firm’s policy in relation to discrimination, equality and diversity (‘the policy’). The policy deals with all business dealings by staff with clients, partners, employees, contractors, agents and other third parties, and so covers:
  - (i) managing and dealing with staff;
  - (ii) accepting instructions from clients;
  - (iii) using experts and counsel;
  - (iv) the provision of services to clients;
  - (v) dealings with those representing others; and
  - (vi) interaction with everyone involved in or incidental to the provision of services or the carrying on of business by the Firm.
- (b) The policy also extends to the recruitment, training and promotion of people within the Firm.
- (c) All staff must comply with the obligations set out in this policy, the obligations set out in the Equality Acts, 1998 – 2008 ("**equality legislation**"), all other relevant legislation and with any relevant professional requirements set down by the Law Society of Ireland or any other relevant body.
- (d) In addition, the Firm will do all that is reasonably possible to ensure that nobody with whom it has dealings will suffer any substantial disadvantage through any disability that they might have. The Firm is committed to making reasonable adjustments for those with a disability in relation to job opportunities, promotion and training within the Firm and the provision of services to clients.
- (e) The Compliance Partner, is the partner who has primary responsibility for the operation of the Firm’s policy for avoiding discrimination and achieving diversity.
- (f) The background and scope of this policy, and how we implement it, are set out in **Appendix 1**.

## 5. **OTHER EMPLOYMENT POLICIES**

### 5.1 **Job Performance and Career Development**

Each person is expected to bring to their job, their department and the Firm his/her best skills, efforts and ideas. By sharing ideas, accepting challenges, talking through concerns or problems, working together and treating others with respect and courtesy, we each contribute to the Firm and to our own success and satisfaction.

Each employee’s job performance will be continually assessed, initially during the probationary period, and through the performance review process. Assessments may also occur informally at any time, to

recognise exceptional good work or to seek improvement where performance has fallen below standards.

Employees should speak with their department head, his/her immediate supervising partner/ manager or a member of the HR team if he/she has a question, a problem or a concern regarding his/her job performance.

## 5.2 **Probationary Period**

New employees to the Firm join on a probationary period of normally 6 months or as stated in the contract of employment. Please see the Firm's Probation Policy in **Appendix 8** of the Handbook.

## 5.3 **Performance Development**

The Firm operates a Performance Development System, the purpose of which is to maintain strong communication channels between your supervising partner/manager and you. It is intended as a two-way process providing you with feedback on your performance and identifying your personal and career objectives. It also provides the opportunity for you to discuss any training and career development requirements and assists in the determination of any remuneration reviews and promotion. It is the Firm's policy that all employees should be appraised on a continual basis, and formally at least once a year.

The human resources department will take you through this process during induction. The performance review documents can be found in the HR section on Eolas, and they clearly outline the key goals, responsibilities, KPIs (where applicable) and performance criteria expected from all our employees.

## 5.4 **Performance Improvement Plans (PIP)**

In cases where an employee, who has passed their probationary period, and is considered to be underperforming in his/her role, they may be required to follow the PIP procedure as outlined below.

The employee will meet with their supervising partner /manager and agree an appropriate performance improvement plan (the timeframe for improvement will be required over an 8-12 weeks period. A documented performance improvement plan will be prepared, agreed and signed by both parties with the assistance of the human resources department.

The individual will be assessed on a regular basis (bi-weekly/monthly), and, if no improvement is noted, it may result in the Firm taking formal disciplinary action.

## 5.5 **Internal Vacancies**

Career progression and promotion of our staff is recognised as important to the future of the Firm as well as the employee. Progression to certain positions i.e. associate and partner will happen through our nomination and interview process – your department head and/or the HR Manager can provide you with information on the associate and partner criteria.

For other positions, we may advertise the open positions internally, which will be done via Eolas, with the specific requirements for the position clearly outlined. In the event that you wish to be considered for such a position, you will be required to submit a detailed curriculum vitae to the HR department. At the same time, the position may also be advertised externally. At all times, the most suitably qualified candidate will be selected for the role.

Please read **our Recruitment and Selection Policy in Appendix 9**, for more details on this process.

## 5.6 **Continuing Professional Development (CPD)**

Investment in training and development is an integral part of the Firm's strategy to develop our employees and our business. We encourage our employees to continually develop their legal and professional knowledge and skills relevant to their present position and their future careers within the Firm. We aim to do this by providing professional development opportunities so that our staff can fulfil their current job responsibilities, prepare for future challenges, enhance their specific knowledge and fulfil CPD hours. The Firm provides a number of programmes through which this can be achieved:

### 5.7 **Internal CPD Seminars**

In line with our commitment to provide high quality legal services to our clients, we have a very comprehensive CPD programme in place. The programme provides broad legal educational, practice-based and business development value to our solicitors. The CPDs are prepared and delivered by solicitors in the Firm, with inputs and feedback from fee earners in relation to their educational requirements and suggested topics for inclusion in the programme. All solicitors and Partners are required to attend at least 30 hours legal training annually.

### 5.8 **Short Training Courses**

Through the performance review meetings, your supervising partner/manager will discuss with you the need to attend specific training which will enable you to perform your role more effectively. Such courses may be run in-house, through our Continuous Professional Development Programme (CPD) as outlined above, or you may be required to attend a course externally. All requests to attend a training course run by an external trainer or to attend a seminar or conference are required to be approved in advance by your department head. See Eolas for the training course approval process.

### 5.9 **Further Education Sponsorship**

As part of their development, an employee may attend an external evening training course or programme. Where the Firm considers such a course of study to be relevant to the employee's role and the Firm's business, the Firm may provide financial assistance as per our **Further Education Sponsorship programme** - see **Appendix 10** for more details on this policy. Approved time off to study and complete the examinations may also be granted under this programme.

### 5.10 **Membership of Professional Bodies**

The Firm will cover the cost of one membership subscription to a professional institution that specifically relates to the employee's job and career with the Firm. This will be approved by your supervising partner/manager on an individual basis. You should note that such subscriptions are subject to Benefit in Kind (BIK), and employees are responsible for any Benefit in Kind (BIK) liabilities arising.

## 6. **SALARY PAYMENT DETAILS**

This section of the Handbook should be read in conjunction with your contract of employment. Together, these form your terms and conditions of employment and replace all previous agreements, if any, between you and the Firm.

The Firm reserves the right to amend your terms and conditions of employment as well as Firm policies by giving you appropriate written notice of any changes.

Salary and benefit details should be treated as confidential information and should not be discussed with other employees. In accordance with Section 23 of the National Minimum Wage Act 2000, an employee may request from the Firm (via the HR department) a written statement of his/her average

hourly rate of pay for any pay reference period (other than a current pay reference period) falling within the twelve month period immediately preceding the request.

#### 6.1 **Salary Payments**

- (a) Your salary is paid on a monthly basis directly into your bank or building society account on the 25<sup>th</sup> of each month. This salary amount covers the period for the whole calendar month, and is paid net after statutory deductions and any other authorised deductions. When the 25<sup>th</sup> falls on a weekend or public holiday, salaries will be paid on the last working day prior to the 25<sup>th</sup> of that month.
- (b) Your December salary is normally paid one week earlier, which is communicated to staff in advance.
- (c) Staff will receive their payslips outlining their gross and net remuneration together with the amount of any deductions, via email as an electronic adobe file, which is password protected. Each individual password is set as one's PPS number, which can be found on any correspondence received from Revenue or Social Welfare.
- (d) Payroll has a deadline of the 15<sup>th</sup> of each month after which changes cannot be made in that month. Any changes must be notified in writing to the HR department by the 15<sup>th</sup> of each month, so they can be processed in that month's payroll.
- (e) All payroll-related queries should be immediately raised with the HR department to ensure they are resolved quickly.

#### 6.2 **Bank and Building Society Details**

On your first day, you will complete the Starter Details Form, giving details in relation to your bank or building society (name/address/account number), tax credit information, and provide your P45.

Please ensure that if you change any of your bank or building society account details that you notify the HR department in writing early in the calendar month.

#### 6.3 **Tax Office Contact Details**

All new employees should contact the Revenue to confirm details regarding their new employer.

Revenue are contactable at 1890 333425, and you must have your PPS# available. The Employer Registered Numbers are as follows:

- (a) ByrneWallace 0068367E;
- (b) Harcourt Street Office Services 6352739C;
- (c) ByrneWallace Tax Advisors 3318788AH.

Your contract of employment will confirm the name of your employer or contact the HR department to do so. If you have a P45 for the relevant tax year, please forward it to the HR department together with the other forms handed to you at Induction.

#### 6.4 **Salary Advances**

With the exception of new employees who would otherwise have to wait more than 4 weeks for their first salary payment, the Firm will only provide salary advances in highly exceptional circumstances, which will be determined by the Managing Partner and the HR Manager. Requests from new



employees for a salary advance need to be received by the HR department by the end of the first week of the month following their start date with the Firm.

#### 6.5 **Deductions from Wages**

The Firm reserves the right, at any time, to deduct from your salary any sums owed by you to the Firm, including, but not limited to, outstanding travel ticket monies, amounts owing under the bike to work scheme, outstanding further educational payments, if applicable, any overpayment of salary, sick pay, holiday entitlement or any other payment made by the Firm to which one is not entitled.

Deductions may also be made to the equivalent purchase value of Firm property that you have not returned on time or which you have damaged.

#### 6.6 **Business Expenses**

Employees will be reimbursed for bona fide expenses necessarily incurred in the performance of their duties. Expenses should be vouched and approved by your supervising partner/manager on the expenses claim form, and submitted to the finance department for payment.

#### 6.7 **Overtime & Call Out Payments**

Some positions may attract overtime and/or call out payments – details are outlined in our **Overtime Policy**, in **Appendix 11**.

All approved overtime and call out payments are paid monthly through payroll, as authorised on the monthly overtime sheets, and are subject to statutory deductions. Approved overtime and call out sheets must be received by the HR department by the 15<sup>th</sup> of the month in which the employee wishes to be paid, otherwise they will be processed in the next month's payroll.

### 7. **BENEFIT PROGRAMMES**

#### 7.1 **Pension Scheme**

The Firm provides you with access to a Group Executive Pension Scheme (defined contribution), which you may contribute to after you have successfully completed six months continuous service, or your probationary period as outlined in your contract of employment. If you nominate to join the pension scheme you are required to contribute at least 5% of basic salary, and the Firm will also contribute 5% of your basic salary to the pension fund on your behalf. Additional Voluntary Contributions will also be available for those who wish to contribute more than 5% of salary. These contributions will be deducted from your salary in monthly instalments which start when you become a member of the scheme, and cease upon retirement or when you leave the employment of the Firm. Please contact the HR Department for further information.

Full details of the scheme are outlined in a separate Pension Booklet, which is available from the HR department and in the HR section on Eolas.

#### 7.2 **Death in Service Benefit**

The Firm provides employees with a death in service benefit equivalent to 4 times your basic salary, and covers the full cost of membership of the scheme. Please ensure that you complete a nominated beneficiaries Form which is available from the HR department.

Cover under the scheme will cease:

- (a) at normal retirement date or earlier retirement;

- (b) on leaving service or otherwise ceasing to be eligible under the scheme; and
- (c) on termination of the scheme (notice of which will be given to you).

### 7.3 **Permanent Health Insurance (PHI)**

For those staff members who are provided with PHI cover, details are outlined in their contract of employment.

### 7.4 **Health Insurance Cover**

All employees are entitled to join such health insurance scheme as the Firm may nominate, and the Firm will provide a health cover allowance up to a maximum gross value as outlined in your contract of employment. VHI has been selected to provide health cover for the Firm, and will provide you with the advice you need in terms of selecting the level of cover most suitable for your personal requirements. Employees are responsible for any Benefit in Kind (BIK) liabilities arising.

On receipt of notification from VHI, monthly deductions will automatically be made from the employee's salary should the cost exceed the allowance level outlined.

Employees may contact VHI or the HR department for further information.

### 7.5 **Travel Ticket Scheme**

The Firm operates the Tax saver Annual Travel Ticket Scheme, which provides employees with bus, luas and rail commuter tickets. Employees participating in the scheme benefit from tax savings as tickets purchased under this scheme are not subject to tax or PRSI. The cost of the travel ticket will be repaid over the term of the ticket by equal monthly instalments deducted from your salary. Should you wish to repay your ticket over a shorter period, please contact the human resources department. If you leave the Firm, all outstanding amounts must be repaid before your last day of employment, i.e. the outstanding balance will be deducted from your final salary or from any other monies owing to you.

Employees interested in availing of a Tax saver Annual Ticket should contact the human resources department.

### 7.6 **Bike to Work Scheme**

The Firm operates the Bike to Work Scheme which was introduced under Section 7 of the Finance (No. 2) Bill 2008. Employees participating in the scheme benefit from tax savings, as equipment purchased under this scheme is not subject to tax or PRSI.

The terms of the scheme are as follows:

- (a) Bicycles must not exceed €1,000.
- (b) Employees can only avail of this scheme once every 5 years.
- (c) An invoice detailing the cost and details of the retailer are required to confirm payment.
- (d) The bicycle and/or equipment must be used by the employee for qualifying journeys. A qualifying journey is the whole or part of a journey between the employee's home and normal place of work or between work places.
- (e) The exemption applies to bicycles and safety equipment as outlined in the Revenue Guidance Document dated December 2008.

- (f) There is no entitlement to exchange the benefit for cash.
- (g) Repayment of the cost commences through payroll in the month immediately after the purchase is completed.
- (h) When exercised, the set up of the scheme is irrevocable for the relevant year for which it is made. In the event of the employee leaving the Firm for whatever reason, the employee must refund the difference of the amount repaid to the Firm and the cost of the equipment. This amount may be deducted from final pay or a suitable alternative method of payment.

Employees interested in purchasing a bike via the 'Bike to Work Scheme', should contact the human resources department.

## 7.7 **Employee Assistance Programme (EAP)**

This is an employee service which provides practical and emotional support to all employees and their family members.

The service provides the following:

- (a) Specialist information service; 24hr telephone counselling service; solution focused face-to-face counselling; critical incident support; a community referral service.
- (b) A Freephone service to phone number: **1800 995 956**

For further information, please contact the above number, refer to Eolas or contact the human resources department. Additional information on the programme and contact details are also provided in your induction pack.

## 8. **HOURS OF WORK AND HOLIDAY ENTITLEMENTS**

The Firm respects your entitlements to holidays, rest breaks and working hours under the Organisation of Working Time Act 1997 and abides by it. The following section outlines the Firm's policies in relation to hours of work, and holiday and other leave entitlements.

### 8.1 **Hours of Work**

- (a) Your working hours are as specified in your contract of employment. The normal working hours of the Firm are 9.00am to 5.30pm, Monday to Friday, with an unpaid lunch break from 1.00-2.15pm. Rest periods are given in accordance with the Organisation of Working Time Act 1997.
- (b) In certain instances, you may be able to avail of our flexible working day arrangements – see our **Flexible Working Time Policy** at **Appendix 12**. Such arrangements need to be agreed in advance with your department head, who will consider your request, while also taking into account the needs of the business. Please also contact the HR department for further details on this arrangement.
- (c) Attendance and punctuality are essential for the successful running of our business, and staff are expected to be ready to start work at their official start time. If you are going to be late or are unable to attend work for whatever reason, you must contact your supervising partner/manager or the HR department as soon as possible, and no later than 9.00am on that day. Frequent absences or tardiness will be brought to the individual's attention, who will be advised of the need for an immediate improvement and that failure to do so may lead to disciplinary action up to and including dismissal – see **Appendix 3** for the Disciplinary Procedure.

- (d) It is the Firm's policy to ensure that normal work tasks are completed within the specified working hours. It is recognised, however, that this will not always be possible and you may be required to work such hours as are necessary to fulfil your role. Employees are expected to work reasonable amounts of overtime when requested.
- (e) Overtime payment, if applicable, will be paid at the agreed Firm rate. The rates and rules governing overtime payments, if applicable, are included in the **Overtime Policy** available on Eolas and in **Appendix 9** of the Handbook. It is imperative that all overtime is approved in advance by the relevant department head.
- (f) On an exceptional basis, time off in lieu of overtime worked may be granted and will be at the discretion of the relevant department head. Such time will not be granted on an hour for hour basis, but rather in recognition of time worked up.

## 8.2 Time & Attendance (T&A)

### (a) Recording your working hours

Under the Organization of Working Time Act 1997, the Firm is required to ensure that all staff record their working hours on a daily basis which is done using the our T&A system. Therefore all partners and staff are required to sign in and out each day – this is not optional for any reason. Under no circumstances is a member of staff permitted to sign another member of staff in or out on the system. Any such breach of the T&A system is subject to disciplinary action up to and including dismissal.

The T&A system can be accessed on the front page of Eolas, which will open once your PC is logged into Windows. The system will check which user is logged onto Windows and display information for the respective employee on the top right hand corner of the page. The following is the process for both signing in & out, and for getting approvals for planned absences, which you are required to follow.

### (b) Signing In & Out

To sign in when commencing work, click on the 'sign in' button. This will sign the user in at the time displayed at the bottom right corner of the screen. This time is taken from the server and not the PC that is used.

If you do not get the 'sign in' window, you can access the system by either logging onto Eolas or onto the internet and typing in "intranet/hr".

The 'sign out' process does not happen automatically, therefore, you should log onto Eolas and complete the sign out process before you log off your PC in the evening. To 'sign out' when leaving, repeat the process of clicking the 'sign out' button'.

In the event that you have to attend a business meeting/court prior to coming to the office, your Secretary can notify a member of the HR department in advance, who will record this time as 'attendance at business out of the office' on T&A. When you arrive to the office you will sign in as normal.

Should you have to attend a medical/dentist/personal appointment prior to coming to work, please notify both your Supervising Partner/Manager & the HR Department in advance, the note will be entered on T&A, and you will sign in as normal when you arrive to the office.

(c) **Planned Absence Approval, including Holiday Approval**

To ensure the efficient running of our business and that we maintain up-to-date records for auditing purposes, the Firm's policy is that all requests for planned leave, including annual leave must be raised in advance & approved through the T&A system – again this is not optional and emails to the HR Department requesting such leave to be entered into the system are not acceptable.

You must ensure that your T&A Supervisor has approved the leave in advance, and that you have received a confirmation email on same. You will receive training at your induction in relation to raising such requests through the T&A system. See also our Annual Leave Policy, in **Appendix 13** for further information.

9. **OTHER LEAVE - ENTITLEMENTS AND PAYMENT**

9.1 **Absence from work and payment entitlement**

See **Appendix 17** for the Firm's **Sickness Absence Policy** in relation to sickness absence and payment entitlements.

9.2 **Maternity Policy - Leave and Benefits**

The purpose of the Firm's **Maternity Policy**, see **Appendix 14**, is to outline the Firm's maternity leave benefits in accordance with the relevant legislation (Maternity Protection Acts 1994 and 2004).

9.3 **Paternity Leave**

To allow the father provide the necessary support on the birth of his child, the Firm will provide the opportunity for the father to take up to a maximum of 3 days paid paternity leave. An employee must have 2 years' continuous service with the Firm to qualify for this leave, and the leave must be taken within 2 weeks of the baby's birth. The father should agree the days to be taken with their department head and notify the HR department.

9.4 **Adoptive leave**

The purpose of the **Adoptive Leave Policy**, **Appendix 15**, is to outline the Firm's adoptive leave benefits in accordance with the relevant legislation (Adoptive Leave Amendment Act 2005).

9.5 **Parental Leave**

The purpose of the **Parental leave Policy**, see **Appendix 16**, is to outline the Firm's parental leave benefits in accordance with the relevant legislation (Parental Leave Act 1998 and the Parental Leave (Amendment) Act 2006).

9.6 **Carer's Leave**

The **Carer's leave Policy** is in line with the Carer's Leave Act 2001. The principal elements of this legislation are set out below.

Carer's Leave enables an employee with twelve month's service to personally provide full time care and attention to a relevant person for a minimum statutory period of thirteen weeks up to a maximum of one hundred and four weeks. Carer's Leave may be granted if the employee concerned proposes providing full time care for a person deemed to be in need of full-time care and attention by the [Department of Social Protection](#). You must give the Firm at least 6 weeks' notice in writing of the date on which you intend taking Carer's leave.

For further information on this leave, employees should contact the HR department.

#### 9.7 **Force Majeure Leave**

In the context of the Parental Leave Act 1998, Force Majeure Leave entitles an employee, regardless of service, to limited paid leave in the event of a family emergency where, owing to the injury or illness of a family member, the presence of the employee, at the family member's residence, is indispensable. Whilst on Force Majeure leave, an employee is regarded as being in the employment of the Firm and retains all employment rights.

Employees will be entitled to up to a maximum of 3 days paid leave in any period of twelve consecutive months or up to 5 days paid leave in any period of thirty six consecutive months. Force Majeure leave is permitted in respect of:

- (a) A Child or adoptive child.
- (b) A parent or grandparent.
- (c) A spouse or a person with whom the employee is living as husband or wife.
- (d) A brother/sister.
- (e) A Child/person to whom the employee is in loco parentis.
- (f) Persons in a relationship of domestic dependency, including same sex partners.

Employees must complete a force majeure leave form which can be found on Eolas as soon as reasonably practical after the leave has been taken and pass it to the HR department for your file. Leave for part of a day will be considered as a day's leave.

If further information is required as to whether leave qualifies as force majeure, employees should contact the HR department.

#### 9.8 **Compassionate Leave**

The purpose of the Firm's compassionate leave policy is to provide time off for employees in the event of death of a family member. The Firm will take into account the individual circumstances of the bereavement, and will strive at all times to be fully supportive on these occasions. It is important to maintain a balance between a sympathetic and flexible approach and the need to ensure a reasonable level of consistency in the treatment of all employees. Factors which will be considered include family relationship or degree of closeness to the deceased, the responsibility for funeral arrangements and the travelling distance, which may be involved.

At the discretion of the Firm, the number of days of paid leave may vary, but the following guide should generally be followed:

- (a) In the case of death of a partner/spouse, parent, child, brother or sister, up to 4 days compassionate leave may be given.
- (b) In the case of a grandparent or parents-in-law, up to 2 days compassionate leave may be given.
- (c) For other cases of bereavement, one day's paid leave to attend the funeral may be given.

It is recommended that department heads consult with the HR department in exceptional cases of bereavement not covered by these guidelines.

## 9.9 Study and Exam Leave

In the event that you are studying for a course that is deemed to be relevant to the Firm's business, and has been approved under the Firm's Educational Sponsorship Programme, **Appendix 10**, the following study and exam leave entitlements apply:

- (a) **Study Leave** 1 day per exam subject, up to a maximum of 5 days study leave in a twelve month period.
- (b) **Exam leave** The time off to sit the exam up to a maximum of 1 day per exam subject, with a maximum of 5 days exam leave granted in a twelve month period.

In the event that an employee has to repeat exams, the exam days will be granted only. No study leave will be granted for repeat exams - these study days must be taken as annual or unpaid leave with prior agreement from your supervising partner/department manager.

Application for study or exam leave must be made to the HR department at least 3 months' in advance of the proposed commencement date of such leave. For all other courses, i.e. not relevant to the Firm's business, the decision to grant study or exam leave, the amount of leave and whether such leave is to be paid remains at the Firm's discretion.

## 9.10 Jury Service

On receipt of notification that an employee is required to complete jury service, you should submit a copy of the summons to your head of department as soon as is practicable. On completion of jury service, an employee will also be required to submit proof of attendance at Court. Employees who are summonsed for jury duty will be paid their salary during the active period of jury duty. In the event that you receive any jury compensation it must be passed back directly to the Firm. The Firm will not reimburse any travel or incidental expenses incurred as a result of attending for jury duty.

It is expected that employee will return to work during any portion of the day not spent in jury service. If an employee's attendance at jury service is likely to disrupt business, employees may be asked to request a deferment.

All above requests for leave should be raised and approved through the T&A system.

## 9.11 Unpaid leave

In exceptional circumstances, staff may make a request for unpaid leave – it is not an automatic entitlement. Such requests will only be considered in the event that an employee has used all of their holiday entitlement for that year and the granting of the unpaid leave will not have an adverse effect on the business.

## 9.12 Unauthorised leave

All leave must be authorised in advance by the relevant supervising partner/department manager. Unless there are mitigating circumstances that have resulted in such leave arising, an employee taking leave that has not been approved in advance may be subject to the Firm's Disciplinary procedure, **Appendix 3**.

## 10. OTHER POLICIES & GENERAL INFORMATION

### 10.1 Secondary Employment

Whilst employed by the Firm, you must not directly or indirectly be employed or otherwise engaged in any other business, trade or profession without first obtaining written approval from the Firm. Approval will only be given if it is felt that the secondary employment will not conflict with the Firm's interests, will not have a detrimental effect upon your performance, and will not be in conflict with the Organisation of Working Time Act. Approval for secondary employment may be withdrawn for such reasons at any time.

### 10.2 Security Policy on off site use of Firm's equipment:

Accessing the firm's systems from off site is a potential risk. Equipment used off site by our staff in their work has the required software installed that ensures our systems and our data and that of our clients and contacts are protected.

Please carefully read the Security Policy regarding off site use of Firm's Equipment in **Appendix 21**. This policy affects those staff who have the use of the following equipment offsite and remote access to our systems:

- Remote access to our systems via a firm laptop;
- Use of a firm laptop;
- Blackberry facility that provides access to our systems when not in the office;
- Mobile phone.

### 10.3 Health and Safety

It is the intention of the Firm to safeguard the health, safety and welfare of all its employees by all reasonable and practical means. It is the policy of the Firm to exercise vigilance to detect and, where possible, remove hazards from the workplace, to provide training and instruction to ensure employees perform their work in a safe and proper manner. Our detailed policy is attached in **Appendix 19**.

A Safety Statement, available from the Facilities Manager, contains further information in relation to your safety at our office.

### 10.4 Smoking Policy

The Firm operates a no smoking policy and smoking is not permitted anywhere on the Firm's premises which includes the basement and car park. Smoking must take place outside of the building and under no circumstances is smoking permitted on the steps outside the front door of the building

In fairness to all employees, it will be appreciated if employees who smoke restrict their smoking activities, wherever possible, to outside normal working hours. In the event that employees wish to smoke during working hours, visits outside the building must be restricted to 2 visits a day and should not be in excess of ten minutes. Employees may be required to make up the time at the discretion of their department head.

All employees are required to follow the Firm's policy in this regard.

### 10.5 Substance Abuse

Illegal drugs are not permitted on the premises. Any employee who possesses or sells illegal drugs may be subject to disciplinary action in accordance with the Firm's Disciplinary Policy and the Gardai



will be informed. If the employee is taking prescribed medication that may affect his/her performance, he/she should notify his/her immediate supervisor.

Unless it is authorised by a partner, it is not permitted to consume alcohol on the premises. Please see our **Alcohol & Drugs Policy, Appendix 18**.

#### 10.6 **Business Travel Policy**

The Firm will reimburse employees for all properly vouched and reasonable travel and other business expenses, which have been incurred in the performance of Firm duties. The Firm reserves the right not to reimburse claims which it deems excessive or which do not relate directly to Firm business.

In the event that you use your own car for business travel and particularly when you claim mileage expenses, you must ensure that you have informed your insurer that this is the case. It is your responsibility to ensure that you have the appropriate insurance cover to use your vehicle for business use and that this is noted on your policy. This applies to all motorized vehicles.

All flight and accommodation bookings must be approved by the department head in advance of the required dates. The Firm recommends that employees travel economy with all airlines and hotel reservations must be booked under an agreed corporate rate, where possible.

Further information on business travel and expenses can be obtained from the Finance Department.

#### 10.7 **Users Security Policy**

The **User Security Policy, Appendix 22** is developed to protect the Firm from all threats, whether internal or external, deliberate or accidental. To ensure continuity of our business and minimizing business damage from incidents, it is essential that we embed best practice for security in our core business processes. This is all of our responsibilities.

The rules are in place to protect both the staff and the Firm and to ensure resources are utilized in an effective, efficient, ethical and lawful manner. It balances the user's ability to benefit fully from information technology with the organisation's need for continuity of our business and minimizing business damage from incidents.

The **Users Security Policy**, details responsibilities as an end-user of all the Firm's systems. The policy applies to everyone working in the Firm, across all locations including full and part time staff, contractors, consultants and business partners. The policy applies to all our business, both international and domestic, wherever it is carried on.

#### 10.8 **Entertainment**

The Firm will reimburse reasonable expenses related to client entertainment at the department head's discretion upon the production of supporting receipts. However, employees should note that reimbursement, which involves the entertainment of other Firm staff, must have prior approval of the department head.

#### 10.9 **Gifts To Employees**

Employees should not accept gifts or other benefits from clients or organisations with whom they have a business relationship except those of a token or nominal nature. When a gift is refused, care should be taken to explain the reasons to the client in order to avoid causing offence.

Any breach of this policy will be treated as a disciplinary matter and will be dealt with under the Disciplinary Policy up to and including dismissal.

## 10.10 CCTV

Our offices are fitted out with internal and external CCTV or (closed circuit TV or surveillance cameras) throughout the buildings and their surroundings. CCTV cameras may be installed in outside or inside (in common areas or other suitable parts of) the building. While the safety of personal items in the office is a matter of personal responsibility for each member of staff, these cameras assist in the protection of staff both in terms of personal safety and the safe keeping of personal belongings. Footage from these cameras may be furnished by the firm to the Gardai (to help solve crimes that have occurred in or at The Firm's property) and may be used by the firm to help it in assisting in the protection of personal property and in protecting in so far as reasonably possible the personal safety of staff and in any related disciplinary proceedings.

## 11. CONFIDENTIALITY

As stated in your contract of employment, employees will treat with absolute confidentiality all information and knowledge relating to the affairs of the Firm and its clients acquired in the course of his/her employment. This obligation will be deemed to continue to apply following termination of employment.

Employees shall not during their employment with the Firm or at any time thereafter:

- (a) disclose any confidential information in relation to the Firm and its clients to any person or persons (except to those authorised by the Firm or as otherwise required by law);
- (b) use for any purpose or purposes any confidential information acquired by the employee as a result of his/her employment with the Firm other than on behalf of the Firm;
- (c) through any failure to exercise all due care and diligence, divulge confidential information of the Firm, including in particular lists or details of clients of the Firm or information relating to the clients of the Firm or in respect of which the Firm is bound by any obligation of confidence to a third party.
- (d) All notes, memoranda, records and writing made by the employee relating to the business of the Firm shall be and remain the property of the Firm and shall be delivered by the employee to the Firm upon request or on the termination of his/her employment for whatever reason.
- (e) It is absolutely critical to the proper operation of the Firm that all confidential waste is placed in the shredding bins and does not find its way into the normal waste collection. The Firm has a duty to everyone with whom we deal to ensure that confidential waste is properly disposed of. The consequences of not doing so are extremely serious. Confidential waste is all paper or documentation that relates in any way to the Firm's business. If an employee is in any doubt as to the importance or confidentiality of a document, then it should be placed in the confidential waste bin for shredding.
- (f) The Firm cannot take any risk of a breach of our policy and where the employee is found to have breached this policy – and this includes accidental breach – it could have very serious consequences for him/her.
- (g) If any employee becomes aware of any colleague not properly disposing of such waste, he/she should remind them of the policy and practice, particularly new employees who may not be used to working in a law firm environment where confidentiality is of such importance.

## **12. PROCEDURES ON LEAVING THE FIRM**

### **12.1 Resignation**

You may terminate your employment at any time by giving written notice to your department head or Manager in accordance with the provisions outlined in your contract of employment. A copy of this notice should be forwarded to the HR department. Your notice period and terms will be as stated in your contract of employment.

After your resignation has been received the HR Department will commence the process of completing the Leaver Checklist which will address such areas as file handovers (where applicable); finance related activities; return of Firm property; access to systems.

### **12.2 Salary Payment To Leavers**

On leaving the Firm, you are paid in the normal manner and any adjustments, e.g. holiday or overtime payment will be credited to your bank account on the first pay-day following your departure. All amounts owing by you to the Firm must be settled before you leave and will usually be deducted from your final salary payment, e.g. outstanding bike to work amounts, travel scheme.

### **12.3 Exit Interviews**

The Firm invests a lot in both hiring and training the right people to contribute to the Firm's success. When an employee resigns, it is important that the Firm knows the reasons for their resignation. With this in mind, the human resources department will meet with those who resign, getting feedback on their time with the Firm and why they have decided to leave.

### **12.4 Return of Firm Property**

On your final working day, you are required to return all property belonging to the Firm, including systems equipment (Blackberry, Laptop, mobile phones), credit cards (if any), security passes and the originals or any copies of correspondence, documents, specifications, reports, papers and records including any computer materials to your head of department or the HR department.

Should Firm property not be returned, an amount equivalent to the value of the property may be deducted from your final salary. If the final salary payment has already been processed or is insufficient to cover the cost of such Firm property, a request for payment will be sent to you for the remaining balance.

## **13. GENERAL INFORMATION**

### **13.1 Trainee Solicitor Programme**

The Firm has a long running Trainee Solicitor Programme - full details regarding the programme are on the Firm's internet site: [www.byrnevallace.com](http://www.byrnevallace.com). All referrals for our Trainee Solicitor Programme must be forwarded to the HR department for consideration in our annual recruitment programme.

Should you have queries in relation to the Trainee Solicitor programme and relevant closing dates, please contact the HR department or [www.byrnevallace.com](http://www.byrnevallace.com).

### **13.2 Summer Internship Programme**

The Summer Internship Programme is an excellent opportunity for those interested in pursuing a career as a trainee solicitor and ultimately as a solicitor. Please note opportunities for such placements are limited and all interested applicants must be referred to the HR department. The internship programme has set timelines and applications are sought generally during February/March

each year, after which time interviews are held. Offers are then made to interns in April. The internship, if offered, is typically for 4 weeks only during June and July each year. The intern will spend time working in our core practice areas and will experience at first hand the role and responsibilities of a solicitor.

All graduates and under graduates who have completed at least 2 years of their degree may apply. Should you have queries in relation to the Internship programme, please contact the HR department.

### 13.3 **Work Experience Programme**

The Firm also facilitates a Work Experience Programme for students in transition year of school. The programme is generally for one week and provides the student with an opportunity to experience first hand the work of a solicitor and what it's like generally to work in a law firm. Again, such applications should be sent directly to the HR department.

## APPENDIX 1

### EQUALITY POLICY

#### 1. PURPOSE

To ensure compliance with the Firm's obligations under equality legislation in Ireland, the Solicitors Acts and Regulations, the Law Society of Ireland's Guide to Professional Conduct and Practice Notes, and all applicable court rules.

#### 2. INTRODUCTION AND SCOPE

#### 3. DIVERSITY AND EQUAL OPPORTUNITY

An important factor in the Firm's success is the people who are employed and the creative energy, innovation and quality of services they deliver to the Firm's clients. We are committed to fostering a working environment in which outstanding people are attracted to and retained by the Firm regardless of religion, race or national origin, gender, marital status, family status, sexual orientation, disability, age or membership of the traveller community. We seek to establish an environment that values diversity of background and experience in the workforce at all levels of the organisation. In valuing diversity and in standing strong for the principles of fairness that make managing diversity easier, we enhance our profile as a firm that genuinely values its employees and its clients. This obligation includes ensuring the promotion of a harmonious working environment where all persons are treated with respect and dignity and in which no form of intimidation will be tolerated.

The Firm is committed to equality of opportunity in all its employment practices, policies and procedures. No employee will receive less favourable treatment on the grounds of gender, age, race, religion, civil status, family status, sexual orientation, disability or membership of the Traveller community in terms of recruitment, pay and conditions of employment, training and opportunities for career progression.

#### 4. POLICY STATEMENT

The Firm is committed to avoiding discrimination in its dealings with clients, partners, employees and all other parties that have dealings with the Firm. It is committed to promoting diversity in all its professional activities.

(a) All Staff (i.e. employees, consultants and Partners) must be aware of the Firm's policy in relation to discrimination, equality and diversity, and are expected and required to treat all others fairly and in accordance with this policy. This involves treating, partners, employees, clients, contractors and all third parties with attention, courtesy and respect regardless of any of the above grounds, and so covers:

- (i) managing and dealing with Staff;
- (ii) accepting instructions from clients;
- (iii) using barristers, experts and counsel
- (iv) the provision of services to clients

- (v) dealings with those representing others; and
- (vi) interaction with everyone involved in or incidental to the provision of services or the carrying on of business by the Firm.

(b) The policy also extends to the recruitment, training and promotion of people within the Firm.

Partnerships - In relation to the selection of Partners, the Firm will not discriminate directly or indirectly on grounds of sex, family or marital status, sexual orientation, religious belief, political opinion, race, colour, ethnic or national origins, or disability in relation to selection for, or terms and conditions of the Partnership.

All Staff must comply with the obligations set out in this policy, the obligations set out in the Equality Acts, 1998 – 2011 ("equality legislation"), all other relevant legislation and with any relevant professional requirements set down by the Law Society of Ireland or any other relevant body.

In addition, the Firm will do all that is reasonably possible to ensure that nobody with whom it has dealings will suffer any substantial disadvantage through any disability that they might have. The Firm is committed to making reasonable adjustments for those with a disability in relation to job opportunities, promotion and training within the Firm and the provision of services to clients.

The Compliance Partner is the partner who has primary responsibility for the operation of the Firm's policy for avoiding discrimination and achieving diversity.

## 5. **COMPLAINTS AND DISCIPLINARY PROCEDURE**

Staff or prospective Staff who believe they have suffered any form of discrimination, harassment, or victimisation are entitled to raise the matter with the HR Manager and Compliance Partner to address such complaints. In the absence of such designation or where raising the matter with that Partner would be inappropriate, the complaint may be raised with any Partner of the firm.

The Partners will ensure that all complaints of discrimination are dealt with seriously, promptly and confidentially. All efforts will be made to ensure that Staff or prospective Staff making complaints will not be victimised.

The internal procedures for addressing complaints of discrimination will not detract from the rights of Staff to pursue complaints under relevant anti-discrimination legislation to an Equality Tribunal or other forum as appropriate.

The Firm will ensure that the disciplinary procedure addresses any breaches of this Policy.

## 6. **MONITORING DIVERSITY**

All Fee Earners will endeavour to comply voluntarily, with requests for information sought by the Law Society, the Equality Authority or any statutory authority aimed at pursuing the objective of diversity and equality of opportunity. The Firm will monitor diversity annually and seek to address any identified shortfalls.

7. **STAFF TRAINING**

All Staff will be trained to comply with equality and diversity requirements.

8. **STAFF RESPONSIBLE FOR THE POLICY**

The HR Manager and the Compliance Partner will be responsible for the amendment and review of this Policy. The Lexcel Partner will approve such amendments to the Policy.

9. **ANNUAL REVIEW**

The Lexcel Manager and Lexcel Partner will carry out an annual review of the policy to verify it is in effective operation across the firm.

## APPENDIX 2

### DIGNITY AND RESPECT AT WORK POLICY

#### 1. INTRODUCTION

This policy outlines the procedures, arrangements and resources that the Firm has put in place to deal with bullying, harassment, and sexual harassment. The policy also applies to different treatment of an employee because he/she has rejected sexual harassment/harassment. In the adaptation and implementation of this policy, developments in best practice have been taken into account.

This policy applies to employees both in the workplace and in the course of employment, including at work-related events, whether on the premises or not. This policy applies to bullying and harassment, not only by fellow employees, but also by a client, or other business contact with whom an employee might reasonably expect to come into contact with in the course of his/her employment.

#### 2. POLICY STATEMENT

The Firm is committed to ensuring that all its employees are treated with dignity and respect in the workplace. Harassment, sexual harassment and bullying will not be tolerated. Firm employees have the right to work in an environment free from any form of harassment, sexual harassment or bullying and to be treated with dignity and respect. If any employee experiences harassment, bullying or sexual harassment, he/she should make a complaint by using the procedure outlined below. Complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as is consistent with a fair investigation. However, the complainant cannot be promised anonymity.

A breach of this policy by an employee may result in disciplinary action up to and including dismissal, in accordance with the Firm's disciplinary procedure. In the event of a breach of this policy by a non-employee, appropriate sanctions will be imposed, where possible, e.g. suspension of contract or services or exclusion from premises.

Use of the complaints procedure does not affect the complainant's statutory rights to make a complaint under industrial relations or equality mechanisms. In the course of investigating any complaint of a breach of the policy, the Firm will make no assumptions about the guilt of the person against whom the allegation(s) are made.

#### 3. DEFINITION OF BULLYING

Bullying is defined as repeated inappropriate behaviour, direct or indirect, 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 a staff member'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 a once off incident is not considered to be bullying. Only repeated inappropriate behaviour, which is systematic, should be regarded as bullying.

While the following examples of bullying are not exhaustive, such behaviour can include behaviour which may humiliate, intimidate, verbally abuse, victimise, exclude and isolate, intrude through pestering, spying or stalking, the giving of repeated and unreasonable assignments or duties which are obviously unfavourable to one employee or the giving of repeated impossible deadlines or impossible tasks.



#### 4. **DEFINITION OF HARASSMENT**

Harassment consists of any form of unwanted conduct related to the grounds of age, gender, sexual orientation, marital status, religious belief, race, disability, membership of the Traveller community and family status and being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

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

Some examples of harassment, though not exhaustive, include verbal harassment- jokes, comments and songs; written harassment-faxes, text messages, e-mails or notices; physical harassment- including jostling, shoving or any form of assault, intimidatory harassment, gestures, visual display such as posters, emblems or badges, isolation or exclusion from social activities, pressure to behave in a manner that the employee reasonably thinks is inappropriate.

#### 5. **DEFINITION OF SEXUAL HARASSMENT**

Sexual Harassment can be any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures of other material.

While the following examples of sexual harassment are not exhaustive, such behaviour can include: 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; verbal conduct of a sexual nature- this may include unwelcome sexual advances, propositions, or pressure for sexual activity, 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 etc, leering, whistling or making sexually suggestive gestures; sex based conduct - this may include conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his/ her sex, such as derogatory or degrading abuse or insults which are gender related.

An essential characteristic of sexual harassment, which can occur both at work or outside, is that it is unwanted by the recipient. This distinguishes it from behaviour which is either welcome or reciprocal. Employees should be sensitive to the impact their behaviour and/or actions may have on the feelings of those around them.

#### 6. **RESPONSIBILITY**

Every employee has a responsibility to seek to ensure that, as far as possible, harassment, sexual harassment and bullying do not occur at any level. This individual responsibility extends to an awareness of the impact of personal behaviour that could cause offence to another employee, to a service supplier or to an individual client and could make them feel uncomfortable or threatened.

Management have a particular responsibility to ensure that the workplace is kept free from all forms of harassment and bullying and to ensure that this policy is adhered to. Management will respond promptly to complaints of harassment or bullying and will deal with all complaints in an expeditious and supportive manner. It is also the responsibility of all employees to make themselves familiar with this policy and procedure and to treat their colleagues with dignity and respect.

## 7. COMPLAINTS PROCEDURE

### 7.1 Informal Complaints Procedure

Any employee who feels that he/she is the subject of harassment, sexual harassment or bullying should, where possible, make it clear to the person they consider responsible that his/her behaviour is unwanted and ask the person to stop the offensive behaviour. It is advisable to keep a written record of the detail of such incidents. If the employee feels unable to communicate directly with the person, he/she should approach the HR Manager. Alternatively, it may be appropriate to write a note to the person.

**It is important that unwanted behaviour should not be allowed to continue and accordingly, an employee who considers that they are being bullied or harassed is advised to seek support at the earliest opportunity and to keep a record of the offensive treatment complained of.**

Where an informal attempt to resolve the matter fails, or if the alleged conduct appears too serious to be dealt with informally, the employee is encouraged to raise a complaint through the formal complaints procedure. It is recognised that it may not always be practical to use the informal procedure, particularly for the most serious forms of harassment, sexual harassment or bullying or where the people involved are at different levels in the Firm. In such instances, the employee should use the formal mechanisms set out below.

### 7.2 Formal Complaints Procedure

- (a) When a complaint has not been resolved informally, or where the issue does not appear to be suitable for or capable of informal resolution a formal complaint should be made in writing to the HR Manager. The complaint should be confined to the precise details of actual incidents of alleged bullying, harassment or sexual harassment.

Once a formal complaint has been received, in the interests of natural justice, the individual against whom the allegation(s) are made will be notified in writing that an allegation of bullying/harassment/sexual harassment has been made against them, be given a copy of the complainant's statement and advised that he/she shall be afforded a fair opportunity to respond to the allegation(s). The complaint will be subject to an initial examination by the HR Manager with a view to determining whether or not there is an appropriate alternative course of action, e.g. mediation, informal resolution. If such alternative courses of action are deemed inappropriate or are inconclusive, a formal investigation of the complaint will take place.

An investigation will be undertaken by the HR Manager and/or investigator(s) (internal/external/both) selected by the Managing Partner or a partner appointed by the Managing Partner. The investigation will be governed by terms of reference. The investigation will be handled with sensitivity and with respect for the rights of the complainant and the individual against whom the allegation(s) are made.

The investigator(s) will meet with each of the complainant and the individual against whom the allegation(s) are made, the parties, and any witness(es) or relevant person(s) with a view to establishing the facts surrounding the allegation(s). The parties may each be accompanied by a work colleague or appropriate representative. The investigation will normally be completed within 6 weeks, although this may not always be possible. Where this is not possible, the parties will be advised of the reason for the delay.

In cases of sexual harassment, the investigator or at least 1 of the investigators will be of the same gender as the complainant.

The investigator(s) may need to interview other people, who may or may not be fellow employees. If this is the case, the investigator(s) may obtain written statements from these persons and/or may retain a written record of the meeting that takes place. The parties will be furnished with copies of these documents. The parties and all persons interviewed will be advised of the importance of preserving the confidentiality of the investigation.

The investigator(s) will ensure that records are kept of all meetings that the investigator(s) hold with the parties and witnesses during the course of the investigation.

When the investigation has been completed, the parties will be informed of whether or not the complaint has been upheld and the parties and the Managing Partner or a partner appointed by the Managing Partner will be furnished with a written report outlining the findings of the investigator(s) and the reasons for the upholding or otherwise of the complaint.

The parties will be given a reasonable period in which to comment on the findings of the investigator(s) before any action is decided upon by the Managing Partner or a partner appointed by the Managing Partner.

In the event that the investigators find that there has been a breach of this policy, the matter may be dealt with under the Firm's disciplinary policy.

A complainant's rights are protected under this policy and he or she will not be victimised for making a complaint in good faith. If, however, it is found that the complaint was not made in good faith this may be treated as gross misconduct under the Firm's disciplinary policy.

## APPENDIX 3

### DISCIPLINARY POLICY

#### 1. PURPOSE

To establish guidelines and procedures for the fair and consistent treatment of all employees of ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter called the "Firm") thereby enabling and encouraging employees to improve their general behaviour, conduct, and/or performance where it has fallen below the standards and expectations required by the Firm. Its purpose is to provide a framework to help an employee improve performance on a permanent basis, and is not designed simply to impose punishment. To this end, the Supervising Partner/Department Manager is required to guide and develop those employees whose performance or conduct is not at an acceptable level. For this to be fully effective, the policy must be understood by all employees, thus ensuring that no one is in any doubt as to the likely consequence of corrective action.

It is the overall responsibility of the HR Manager to control and manage this policy throughout the Firm to ensure consistency in its application.

#### 2. PROCEDURE

All of the Firm's employees are expected to perform at consistently high levels to meet the Firm's standards and expectations in relation to their behaviour and performance. It is the Firm's policy not to accept performance and/or behaviour that is contrary to the Firm's values.

At times, issues may arise which can be resolved informally through coaching and advice by the Supervising Solicitor/Department Manager. For other more serious issues or persistent issues, the Firm's policy is to initially counsel the employee who has been having difficulty meeting the required standards of performance or behaviour. The intent at this point is to allow the employee the opportunity to take immediate action to improve performance or behaviour as required.

#### 3. DOCUMENTATION

It is important that every stage, leading to and during the disciplinary process, is clearly understood and clearly documented. All documentation should include the date and time of any meetings, the names of those who participated and the content of discussions, including any agreed performance plan. The employee should be given a copy of this documentation and a copy should be placed on their personnel file. When an employee's performance has improved, a brief document detailing this improvement should be written by the employee's supervising solicitor/department manager and placed on the employee's file.

#### 4. WHEN WILL THE POLICY BE INVOKED?

Non-performance or poor behaviour can arise (but is not limited to) in the following areas: poor timekeeping, unreasonable or unexplained absence, lack of application, poor job performance, poor attitude, breach of Firm's Policies and Procedures, damage to Firm's property etc.

The Firm also reserves the right in cases of non-performance or poor behaviour, in addition to the steps set out below, to transfer, demote, re-deploy, or suspend with or without pay.

The following steps will be followed in helping individual employees whose performance and/or behaviour does not reach the required standards.

#### 4.1 **Counselling**

Depending on the seriousness of the non-performance or poor behaviour, an employee may be counselled by their supervising solicitor/department manager before the formal disciplinary process is put in place.

The supervising solicitor/department manager will where appropriate, counsel the employee concerned, who will be advised of the following:

- (a) details of the cause of complaint against him/her,
- the opportunity to respond fully to and clarify any aspect of the issue;
- the corrective action required,
- the given time-scale in which to achieve the desired improvement, and
- the consequences which could result if this improvement is not forthcoming i.e. implementation of the disciplinary procedure.

It is important that the employee's supervising solicitor/department manager explores at every stage whether or not extenuating circumstances exist which are impacting the employee's performance and/or behaviour.

Where extenuating circumstances exist, the supervising solicitor/department manager should, if possible, agree an action plan with the employee to minimise or eliminate the impact on work, within an agreed timeframe. The employee should be made aware that failure to meet the requirements of the agreed plan may lead to the initiation or continuance of the formal disciplinary procedure.

All discussions will be documented by the supervising solicitor/department manager but will not become a permanent part of the employee's disciplinary record if a sustained level of satisfactory improvement is demonstrated. If, however, there is a need to proceed to the formal procedure the documentation from the counselling session will form a basis for escalating to the next stage.

If the problem is not resolved at the counselling stage or if it is not appropriate to engage in counselling, the formal disciplinary procedure will be implemented as outlined below.

There are 4 stages to the disciplinary procedure:

- (i) **Stage 1:** Verbal Warning
- (ii) **Stage 2:** Formal Written Warning
- (iii) **Stage 3:** Final Written Warning
- (iv) **Stage 4 :** Dismissal

The Firm reserves the right, at its absolute discretion, to commence the procedure at any stage of the process outlined below, depending on the circumstances.

An employee may be suspended with basic pay at any stage during the disciplinary procedure to facilitate an investigation.

At each stage of the process the employee will be told of the complaint against him/her, the corrective action required, the timeframe within which to achieve the desired improvement, and the consequences that could result if this improvement is not forthcoming. The employee will also be

given the opportunity to state their case at each step, and also the right to be accompanied by a work colleague to each of the meetings. For Stages 1 to 3 of the process, the supervising partner/department manager maybe accompanied by a member of the HR department.

#### 4.2 **Step 1-Verbal Warning**

If within the time-scale specified in the counselling session, the desired improvement is not achieved or if the non-performance or poor behaviour is such as to justify moving to the disciplinary process immediately, then the supervising partner/department manager will arrange to meet with the employee, informing the employee beforehand that this is the start of the formal disciplinary process and that they have the option of being accompanied to the meeting by a work colleague. The supervising partner/department manager will inform the employee that a performance and/or behaviour issue exists and that the purpose of the meeting is to formally document and discuss this, outlining the area of performance requiring improvement, the required improvement, the timescale within which the improvement is to be achieved, and the resulting action if this does not happen. The supervising partner/ department manager may give the employee a verbal warning following the discussion at this meeting. Written notice of the verbal warning will be given to the employee and a copy placed on their personnel file for 6 months.

#### 4.3 **Step 2-Written Warning**

If the desired improvement in performance is still not achieved within the timeframe specified at Step 1 or another breach of the Firm's standards of performance and/or behaviour takes place or the employee's performance and/ or behaviour is such as to justify by passing earlier stages in the disciplinary process, the supervising partner/department manager will meet with the employee, following the same procedure as in Step 1. At this meeting, the supervising partner/department manager will explain that the employee is now a Step 2 of the procedure, discuss the fact that performance or behaviour has not met the required standards, confirm what improvement is required and the time frame within which improvement is required. Following this meeting, the supervising partner/department manager may issue the employee with a signed written warning. A copy of the written warning will be retained on the employee's personnel file for 9 months.

#### 4.4 **Step 3-Final Written Warning**

If the required improvement fails to take place within the timeframe specified at Step 2 or if the employee's performance and/ or behaviour is such as to justify by passing earlier stages in the disciplinary process, then the procedure set out in the previous steps will be followed and, where possible, the department head will attend the meeting with the employee. The gravity of the situation will be conveyed to the employee. Following a meeting in accordance with the procedure set out in the previous steps, a final written warning may be issued to the employee by either the supervising partner/department manager or where he/ she has attended the disciplinary meeting, by the department head. A copy of the warning will be retained on the employee's file for twelve months. This warning will also state that the employee may be dismissed if further improvement is not achieved or if another breach of Firm's standards regarding performance and/or behaviour occurs.

#### 4.5 **Step 4-Dismissal**

In the event of further or more serious unacceptable conduct or unsatisfactory performance, the HR Manager and an equity partner will meet with the employee following which, based on the outcome of the meeting, the employee may be dismissed. Notice of dismissal will be given in writing to the employee specifying the reason and the right to appeal.

## 5. **MISCONDUCT & SUMMARY DISMISSAL**

Examples of behaviour classified as misconduct warranting summary dismissal include, but are not limited to: gross incompetence, physical violence or threatening behaviour, theft, fraud, deliberate falsification of records, inappropriate behaviour, unauthorised possession of the Firm's property, breach of duty or confidentiality, reporting for work and/or being at work under the influence of alcohol or drugs, any criminal offence which would directly affect the Firm or the individual's employment. The Firm reserves the right to discipline up to and including dismissal for other just and sufficient causes.

Misconduct warranting summary dismissal will result in immediate dismissal without notice or pay in lieu of notice. Misconduct may warrant action other than dismissal sometimes in such circumstances including transfer, demotion, redeployment, withdrawal of bonus or suspension with or without pay. An employee will, however, not be dismissed before a proper investigation has been carried out and the employee has had the opportunity to state their case. In cases of alleged misconduct, the employee may be suspended with pay pending a full investigation of the incident.

Sanctions for misconduct, falling short of summary dismissal, in addition to the steps above, include transfer, demotion, re-deployment, suspension with or without pay, or dismissal with notice.

The Firm's disciplinary procedure does not apply to employees during their probationary period or any extension thereof.

## 6. **APPEALS PROCEDURE**

### 6.1 **Right to Appeal**

Every employee has the right to appeal a decision in the case of a disciplinary action, up to and including dismissal. Appeals must be made in writing, stating the full reasons for the appeal and should be issued within 5 working days of receipt of written confirmation of the disciplinary action. Employees have the right to be accompanied by a fellow work colleague at any stage of the Appeals Procedure.

### 6.2 **Appeals**

Appeals against decisions made in accordance with the disciplinary policy should be directed to the HR Manager or, where this is not appropriate because the HR Manager has already been a decision maker with respect to a disciplinary sanction, to the Managing Partner. A member of the management committee (not involved in the issue to date), will hear the appeal normally within 5 working days of the details of the appeal being received.

All of the relevant information will be considered, and a decision or recommendation will be made and communicated to all the relevant parties. Without prejudice to an employee's legal rights, the decision on the appeal will be final.

## APPENDIX 4

### PROBLEM SOLVING PROCEDURE

The following outlines the Firm's procedure in relation to raising grievances, and applies to all employees of ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors, hereafter called the "Firm".

#### 1. PURPOSE

The Firm recognises that when a group of people work together problems may arise, maybe related to work relationships, procedures or the work itself. In this situation the Firm aims to make sure that the issue is addressed with the minimum delay, that it is discussed promptly with total fairness and that a clear resolution is arrived at as a result of that open discussion.

To facilitate the timely resolution of such issues, the Firm has put in place the problem solving procedure which should be followed in the event of an employee misunderstanding, complaint or problem. This procedure is designed to give the employee access to their supervising solicitor/department manager, the department head, HR Manager and, if necessary, the Managing Partner, whichever is appropriate.

The Firm encourages open and frank communication and is committed to ensuring that employees' questions and concerns will be resolved quickly and where possible to the satisfaction of all concerned.

#### 2. INFORMAL PROCEDURES

Employees are encouraged to discuss any problem with their supervising solicitor/department manager in the first instance. Only if this fails to resolve the problem should a formal complaint be made.

##### 2.1 Formal Procedures

Any problem relating to work or working conditions that cannot be resolved informally can be raised formally through the problem solving procedure, which provides a framework whereby an employee can have the issue or concern resolved. Any issue raised through this process will be treated confidentially, where possible. The Firm will make every attempt to resolve the issue as quickly and as fairly as possible.

#### 3. RESPONSIBILITIES

It is the supervising partner/department manager's responsibility to ensure that every stage of this procedure is fully understood and clearly documented. All documentation should include the date, time, participants and content of the discussions.

#### 4. PROCEDURE

The most important point of the problem solving procedure is to raise the issue or concern at the earliest instance and have it resolved by direct, open and honest discussions. The following are the steps involved:



#### 4.1 **Step 1**

- (a) The employee should state the issue/concern, preferably in writing, as soon as possible, to their immediate supervising solicitor/department manager for a counselling session.
- (b) In the event that their supervising solicitor/department manager is the second party involved, the employee should proceed to Step 2 and refer the issue to their next level manager, i.e. the supervising partner/department head.
- (c) The supervising solicitor/department manager should come back to the employee with a response within 2 weeks of the issue being formally raised.

#### 4.2 **Step 2**

In the event that the matter is not resolved at Step 1, the employee may refer their concern to their supervising partner/department head. The HR Manager will be informed of the grievance at this point, and will work with the respective parties to try to resolve the issue. This will involve meetings with the employee raising the grievance, any other relevant employee, the supervising solicitor/department manager, and department head, if necessary. Every attempt will be made to resolve the issue and give a response to the employee within 2 weeks of the issue being brought to their attention.

#### 4.3 **Step 3**

- (a) If the matter is still unresolved after Step 2, the employee may then refer the issue to the HR Manager/Managing Partner. The HR Manager/Managing Partner should respond to the employee within 2 weeks of the issue being brought to their attention. The decision of the HR Manager/Managing Partner in resolving the issue will be final.
- (b) The following will also apply at each step of the process:
  - (i) A meeting will take place with the employee at each step of the process, to discuss the issue in detail.
  - (ii) The employee may be required to put the problem in writing.
  - (iii) The employee is entitled, if they wish, to be accompanied by a fellow employee of their choice at any stage throughout the problem solving process.
  - (iv) All problem-solving meetings will be formally documented and copies placed on the relevant employee's file.
- (c) In the event that the employee is unhappy with the decision of the HR Manager/Managing Partner, he/she can appeal the issue through the normal external industrial relations channels.

## APPENDIX 5

### INTERNET AND EMAIL ACCEPTABLE USE POLICY

#### 1. PURPOSE

The purpose of this policy is to minimise the threats and risks associated with e-mail and internet access, to ensure that the best personal and professional standards underpin the Firm's usage of these technologies and to inform employees about their rights and responsibilities in this regard.

#### 2. SCOPE

This policy applies to all Staff of the Firm, including Partners, permanent, temporary, part-time, and contract employees, and to all other persons accessing the Firm's systems regardless of their affiliation. The policy is applicable to the following :

All e-mail messages, e-mail attachments, and associated files as well as attachments, files or pictures, which are downloaded from the Internet.

Files stored on a local PC or in a directory on the Firm's network.

Files loaded from CD, USB stick or other similar media.

Files stored on a Blackberry or Smartphone device.

For the purpose of this policy, inappropriate material may include, but is not limited to:-

- (i) Non-business related activities.
- (ii) Material that could be construed as being harassing, abusive, threatening, harmful, vulgar, pornographic, obscene, invasive of another's privacy, offensive or illegal or has the potential to fall into the above mentioned categories.
- (iii) Executable files (including those ending in '.exe'.vbs".mpg".mpeg".jpg'`.jpeg".gif). This will be directly controlled by the IT department in that all executable files mentioned above will be blocked at entry.
- (iv) "Junk e-mail", "chain letters" or "spamming" (i.e. mass distribution of e-mail).
- (v) Personal notices (e.g. advertising items for sale etc.) or unsolicited advertising.

#### 3. POLICY

It is the policy of the Firm that:-

Voice-mail and e-mail messages should be carefully composed to ensure that no offence could be imparted from them.

All files stored on our PCs, laptops, Blackberries, mobile phones, Smartphone devices or on the network, all e-mails, whether internally or externally generated and all episodes of Internet access, including their associated backups, are the property of the Firm, and are not the property of any individual. Software on our network will scan all e-mails entering or leaving the Firm for viruses and inappropriate material (MailMarshal). Any e-mail failing the scan will be stopped and the matter will be logged for listing in a daily report to be held by the network administrator. The e-mail will automatically be stored in a "quarantine" area, depending on the

type of material it contains, and a notification will be sent to the Administrator, the sender and, in the case of incoming mail, the intended recipient.

The Firm will adhere and comply with the principles of the Data Protection Act 1988-2003. This is achieved by ensuring that personal data is:

- (i) processed fairly and lawfully;
- (ii) obtained only for specified and lawful purposes;
- (iii) adequate and relevant, and not excessive for the purpose;
- (iv) accurate and kept up to date;
- (v) processed in accordance with the rights of the individual;
- (vi) protected against unauthorised or unlawful processing, and against accidental loss or destruction; and
- (vii) not transferred outside EEA unless adequate protection is in place.

#### 4. **THE SCOPE OF PERMITTED AND PROHIBITED USE FOR EMAIL AND INTERNET**

The firm's email and internet systems should be used primarily for business related activities.

Use of the firm's email and internet systems for personal use is permitted during the Staff member's lunch time, and Staff are required to confine their personal usage to this time.

Staff should not use the internet for any unlawful purpose; for personal gain or profit or to support unauthorised or illegal activity.

Staff should not visit internet sites that contain obscene, harmful, offensive, illegal or pornographic material.

Staff should not use the internet to send offensive, abusive or harassing material to other persons.

Staff should not do anything which may introduce any form of computer virus or spyware into the office network.

Staff must ensure that where an e-mail is received which they deem to be inappropriate, it is reported to his/her immediate supervisor or to the IT Department as soon as he/she becomes aware of it.

#### 5. **MONITORING**

Staff should recognise that the firm's email and internet related resources are provided in the main for business purposes only. The Firm maintains the right to monitor at any time the nature and content of emails sent and received by Staff and to monitor the volume of internet traffic and the internet sites visited by Staff. The purpose of such monitoring is for the protection of employees, for performance, maintenance, auditing, security, or investigative functions (including evidence of unlawful activity or breaches of Firm policy) and to protect the Firm from potential corporate liability claims.

Monitoring will be carried out by the IT Department as required.

6. **MANAGEMENT & SECURITY**

The IT Manager will ensure that domain hosts have the relevant security policies (which will include adequate firewalls and anti-hacking software) in place.

7. **STORAGE & DESTRUCTION OF EMAILS**

Case specific emails will be retained in case folders which may be deleted/archived subsequent to action or upon closure of the case.

8. **DISCIPLINARY ACTION**

Primary responsibility for the implementation of the e-mail, Internet, social media, telephone and voicemail policy rests with each individual. Employees who wilfully or knowingly violate or abuse the provisions of this policy will be subject to disciplinary action up to and including dismissal, in accordance with the Firm's disciplinary policy. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. It should also be noted that breaches of the law will be dealt with by the Gardai.

9. **STAFF RESPONSIBLE FOR THE POLICY**

The HR Manager and IT Manager will be responsible for the amendment and review of this Policy. The Lexcel Partner will approve the policy.

10. **ANNUAL REVIEW**

The **Lexcel Manager** and **Lexcel Partner** will carry out an annual review of the policy to verify it is in effective operation across the firm.

## APPENDIX 6

### SOCIAL MEDIA POLICY

#### 11. POLICY STATEMENT

The following is the Firm's social networking and media policy. The absence of, or lack of explicit reference to specific sites does not limit the extent of the application of this policy. Employees should use their common sense and professional judgment and take the most prudent action possible to militate against any potential risks. Consult with your supervising partner/manager if you are uncertain.

It is important from time to time to remind ourselves of the potential risks around the various social networking systems of which we might be members. In the main we use these systems to exchange information. At times we can become complacent about the information we exchange which may be of a sensitive or confidential nature, or indeed may be linked back in some way to your workplace. Please take care when posting information onto such sites, and ensure that information cannot in any way be linked to your workplace, your colleagues or our clients. Do remember that once information is posted to the internet or sent via email, it has the potential to be redistributed and may never be retracted.

We recognise that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as :

Social Networking Sites (Facebook, Myspace, Foursquare, LinkedIn)

Micro-blogging sites (Twitter)

Blogs (including Firm and personal blogs as well as comments)

Video and Photo Sharing Websites (Flickr, YouTube)

Forums and Discussion Boards (Google Groups, Yahoo! Groups)

Online Encyclopaedias (Wikipedia, Sidewiki)

Staff's use of social media, however can pose risks to our confidential and proprietary information, and reputation, and can jeopardise our compliance with legal obligations. Our Social Media Policy has been put in place to minimise these risks, to avoid loss of productivity and to ensure that our IT resources and communications systems are used primarily for appropriate business purposes. This policy applies to the use of social media for both business and personal purposes, whether during office hours or otherwise, regardless of whether the social media is accessed using our IT facilities and equipment or equipment belonging to members of Staff.

#### 12. USE OF SOCIAL MEDIA IN BUSINESS HOURS

Use of social media, including internet access, is only permitted during the Staff member's lunch time. Therefore the Firm's policy is that other than during lunch time the use of social media is not permitted during working time or by means of our computers, networks and other IT resources and communications systems.

#### 13. PERSONAL USE OF SOCIAL MEDIA OUTSIDE OF WORKING HOURS

Social media should never be used in a way that ignores any of the Firm's other policies. Staff are prohibited from using social media to:

Contravene our obligations with respect to the rules of relevant regulatory bodies

Infringe any obligations they may have relating to the Firm's confidentiality

Breach our Data Protection policy by disclosing firm information or data

Make representations on behalf of the firm

Breach our Disciplinary Rules

Defame or disparage the firm or its affiliates, customers, clients, business Partners, suppliers, vendors or other stakeholders

Reference, cite or publish any information regarding the Firm's clients, potential clients, partners, Staff members or consultants, without their express consent.

Use firm logos and trademarks without written consent.

Harass or bully other Staff in any way

Unlawfully discriminate against other Staff or third parties and/or breach our Equality Policy

Disclose personal information/photos about a colleague online without prior permission

Breach any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than oneself or by making misleading statements).

#### 14. **INSTANT MESSAGING POLICY**

Instant Message (IM) (Cisco Presence) is provided for internal communications only for the purpose of enhancing business efficiency and the reduction in email traffic and consequently the time spent on email management.

This policy provides employees with standards to be complied with for IM use and content, and applies to all information created and transmitted via the Firm's internal IM system. The IM system is intended for business use only. Employees are prohibited from sending personal instant messages or engaging in unnecessary chat.

Employees are prohibited from downloading and using personal IM software on any of the Firm's computers or similar devices to transmit instant messages via the public internet.

All IM communications and information transmitted, received, saved or archived in the IM system belong to the Firm and may be accessed by the Firm for review at any time. Employees have no reasonable expectation of privacy when using the IM system. The Firm reserves the right to monitor, access, and disclose all employee IM communications, to include patterns of use.

Treat IM messages as business records that may be retained and used as evidence in litigation, audits and investigations to include discovery. Messages that relate to client matters or other work of the Firm that should be saved to the DMS should be sent by other means (e.g. email) so they can be filed into the appropriate workspace. IM messages or 'chat' are not designed to be saved.

Always use professional and appropriate language when using IM. Employees are prohibited from sending abusive, harassing, threatening, menacing, discriminatory, pornographic, disrespectful, or otherwise offensive instant messages.

Employees are prohibited from sending jokes, rumours, gossip, potentially embarrassing information or unsubstantiated opinions via IM. These communications, which often contain objectionable material, are easily misconstrued when communicated electronically.

15. **MONITORING**

The contents of our IT resources and communications systems are Firm property. Therefore, Staff should have no expectation of privacy in any message, file, data, document, social media post conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored on our IT and communications systems.

The Firm maintains the right to monitor the nature and content of social media post conversations sent and received by Staff and to monitor the volume of internet traffic and the internet sites visited by Staff. The Firm may store copies of such data or communications for a period of time after they are created, and may delete such copies from time to time without notice.

16. **PRIVACY**

Do not use the Firm's IT resources and communications systems for any matter that you wish to be kept private or confidential from the firm.

17. **DISCIPLINARY ACTION**

Primary responsibility for the implementation of the Firm's social media policy rests with each individual. Employees who wilfully or knowingly violate or abuse the provisions of this policy will be subject to disciplinary action up to and including dismissal, in accordance with the Firm's disciplinary policy. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. It should also be noted that breaches of the law will be dealt with by the Gardai.

18. **STAFF RESPONSIBLE FOR THE POLICY**

The HR Manager and the IT Manager will be responsible for the amendment and review of this Policy. The Lexcel Partner will approve any amendments to the Policy.

19. **ANNUAL REVIEW**

The Lexcel Manager and Lexcel Partner will carry out an annual review of the policy to verify it is in effective operation across the firm.

## APPENDIX 7

### FIRM DRESS POLICY

#### 1. PURPOSE

This policy applies to all employees of ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter known as the "**Firm**") and has been introduced to establish guidelines for appropriate dress in line with our business and public image.

#### 2. POLICY

Our policy is to promote a professional image both internally and externally. Each of us has a primary responsibility to represent the Firm in line with our corporate image. You are expected to adopt a standard of dress in accordance with acceptable business standards and appropriate to the Firm's business. These standards, though flexible, require you to dress to a level consistent with the professionalism of the Firm and the function that you perform within the Firm.

#### 3. PROCEDURE

You are expected to dress in standard business attire (including tie for men on days which are not business casual days) at all times with the exception of those days designated as business casual days, which will typically be a Friday unless you are advised otherwise. At all times, you are required to use good judgement in selecting your attire for work, whether business or business casual.

It is the Firm's policy that those who hold client-facing roles, such as reception, meeting rooms, will be required to dress in standard business attire at all times. This also applies to staff who have scheduled meetings with clients or other external persons on business casual days.

Until further notice The Firm will operate a business casual dress policy each Friday, and for those participating in Firm training days. You are only permitted to wear business casual attire on those days officially designated by the Firm. The Firm may cancel or modify the business casual day, if it is considered that it is not in the best overall interests of the Firm, and you will be advised accordingly.

The following types of clothing are considered unacceptable at all times, including business casual Fridays: ripped or scruffy jeans, un-collared T-shirts, shorts, track suits (top or bottom), leggings, sports shoes, runners or other sports attire, flip flops, undersized, oversized or revealing clothes (such as mini-skirts, tank tops, vests). If you have meetings arranged with external parties or clients on a designated business casual or training day, or where you are likely to be required to meet and greet clients on a business casual day you are required to wear normal business attire.

If your dress is not in keeping with the Firm's dress code you will be required to correct this immediately. If you are unable to do so you may be asked to return home to change clothing. Failure or unwillingness to meet the standard of dress required may result in disciplinary action.

If you have any questions in relation to this policy, please clarify with your supervising partner or the HR department.



## APPENDIX 8

### PROBATION POLICY

#### 1. PURPOSE

The purpose of policy is to provide a framework of assessment during the probationary period to ensure that all employees hired by ByrneWallace ,Harcourt Street Office Services and ByrneWallace Tax Advisors are suitable for their role. This policy applies to all employees ByrneWallace, HSOS and ByrneWallace Tax Advisors(hereafter referred to as the "**Firm**"), with the exception of those participating on the Trainees Solicitor Programme.

#### 2. RESPONSIBILITIES

Assessment during an employee's probationary period will be undertaken by the respective supervising partner/department manager. During the probationary period, it is the role of the supervising partner/department manager to assess the new employee on a regular basis, to give feedback on their performance and to assist in arranging the necessary training and support required by the employee. It is also the supervising partner/department manager's responsibility to ensure that any concerns regarding a new employee's suitability to the role for whatever reason are highlighted to their respective head of department and the HR Manager as soon as possible.

#### 3. PROCEDURE

A new employee to the Firm will be on a probationary period of normally 6 months or as otherwise stated in their contract of employment. During this period, both the Firm and the employee will have an opportunity to assess their suitability for their role. The supervising partner/department manager must ensure that at all times during the probationary period the employee will have a clear indication as to their suitability to their role. The process incorporates formal reviews at the 3 month and 6 month points, and also encourages regular assessment of performance and feedback throughout the probationary period. The HR department will notify the supervising partner/department manager of the 3 and 6 months dates. Outlined below are the key steps involved in the process:

#### 4. START OF PROBATION

On joining the Firm, the supervising partner/department manager, in conjunction with the HR department, will ensure that the new employee is provided with clear instruction as to the main responsibilities of their role.

Training with regard to their role will be provided in both a formal and informal manner, as required. Identification of training required by the new employee will be carried out by the supervising partner/department manager with the assistance of the HR department

The supervising partner/department manager will oversee the work of the new employee and will evaluate their progress on an ongoing basis.

#### 5. 3- MONTH REVIEW

When the employee has been in the role for 3 months the supervising partner/department manager will meet with him/her and discuss their progress to date and how the employee is adapting to the role. The areas to be covered in this discussion are the employee's overall job performance, job skills, attendance and general suitability to the role. Any training or additional support required by the employee will also be reviewed at this time. These discussions will be documented as per the

probationary progress form, a copy of which will be given to the employee and another placed on their employee file.

The employee should have a clear indication at this time (3 month period) as to their overall suitability for their role in the longer term.

The supervising partner/department manager will advise their respective department head and the HR Manager if there are any concerns with the employee arising from these discussions.

The supervising partner/department manager, in conjunction with the HR department, will ensure that any additional training or support required is now implemented.

Depending on the employee's overall performance at this time, it may be necessary to meet with the employee on a more regular basis. If an employee is experiencing difficulty with the role, the supervising partner/department manager should arrange to meet again initially on a bi-weekly basis and then monthly, to review their progress

If an employee is performing to an acceptable level, ongoing feedback to the employee for the remainder of the probationary period is sufficient. In this instance, performance should continue to be reviewed on a regular basis for the remainder of the probationary period.

#### **6. END OF PROBATION REVIEW**

Shortly before the completion of their probationary period (usually after 6 months or as otherwise stated in the employee's contract), a formal evaluation will be carried out by the supervising partner/department manager with each new employee. An end of probationary review form should be completed for each employee, following the process as outlined above at the 3 month stage. This evaluation should clearly support the employee's suitability or not both to the role and the Firm. Copies of the form will be given to the employee and placed on the employee file.

#### **7. CONFIRMATION OF EMPLOYMENT**

If, at the end of the probationary period, the Firm decides to confirm employment, the employee will receive a letter stating that they have successfully completed their probationary period.

#### **8. TERMINATION OF EMPLOYMENT**

If the Firm decides that the employee is unsuitable for the role a decision will be made by the department head, in conjunction with the HR Manager and the Managing Partner, to terminate the employee's contract. The decision will be confirmed in writing to the employee. It is imperative that the supervising partner/department manager has previously made the employee aware of the reasons that have resulted in the termination of their employment.

#### **9. EXTENSION OF PROBATIONARY PERIOD**

If, during the probationary period, there are mitigating circumstances that have prevented the employee from performing to the level required by Firm, it may be decided to extend the employee's probationary period. The supervising partner/department manager will discuss the reasons for this with the employee, the extension will be documented to the employee and a plan agreed as to how their performance will be improved during this extension. The length of the extension will not exceed a total probationary period of 9 months. Such an extension will only occur in exceptional circumstances and must be notified to the employee prior to the end of their probationary period.

10. **REVIEW DURING EXTENSION**

The supervising partner/department manager must continue to review the employee during any extension to their probationary period, at least on a monthly basis. Should performance improve during the extension, the employee's employment with the Firm will be confirmed in writing. If, however, the employee's performance does not improve to a satisfactory level during the extended period, a decision will be made by the department head, in conjunction with the HR Manager, to terminate the employee's contract. This decision will also be confirmed in writing. The Managing Partner will be kept informed of all such decisions.

All reviews should be documented, including the end of probation form, and copies given to the employee and put on their employee file.

11. **NOTICE DURING PROBATION**

Either party can terminate their employment during the probationary period or any extension of this period, by giving to the other party notice in writing as set out in the employee's contract of employment.

## APPENDIX 9

### RECRUITMENT AND SELECTION POLICY

#### 1. PURPOSE

One of the cornerstones of the Firm's hiring philosophy is a commitment to ensuring that high quality staff are selected for all positions. When a vacancy arises, the following procedures will assist the Firm in ensuring that the most suitably qualified candidate is selected for the position at all times. These procedures must be used when recruiting for all vacant positions in ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors.

#### 2. RESPONSIBILITIES

It is the responsibility of the department heads, the Managing Partner, the HR Manager and others who may be involved in the recruitment process to follow and administer this policy.

The HR Manager will have overall responsibility for co-ordinating the recruitment process.

#### 3. PROCEDURE

##### 3.1 Headcount Approval

The hiring department head is responsible for completing and submitting a headcount approval form to the management committee for approval. These forms can be obtained from the HR department.

##### 3.2 Job Requirements

When approval is granted by the management committee, a job specification will be prepared and agreed for the role by the hiring department head, in conjunction with the HR Manager. This document will clearly state the responsibilities, the qualifications and experience required for the role, and the selection criteria against which prospective candidates will be assessed.

##### 3.3 Internal Applications

To support progression within the Firm, it may be appropriate at times to advertise vacancies internally. Should this decision be made, an advertisement for the open position will be posted internally. An employee wishing to be considered for the position will be required to submit a detailed Curriculum Vitae to the HR department by the specified closing date. Whilst suitably qualified employees of the Firm will receive first consideration for the vacancy, an external search may also be undertaken at the same time.

In the event that an internal candidate is selected to fill the open position, the transfer to the new role should happen not later than 2 months after the job offer has been made.

##### 3.4 External Applications

The HR department will co-ordinate the external search which will commence in a number of ways (1) consideration of CVs that have been received directly by the Firm, (2) advertising the open positions on our website, (3) contacting appropriate recruitment agencies and/or (4) placing a job advertisement in both local and national newspapers as appropriate.

Lateral hiring will be discussed as appropriate in relation to each open vacancy.

The HR department in conjunction with the hiring manager will make a decision as to the appropriate route to pursue in filling the position.

Suitably qualified candidate details will be sent to the hiring manager for review and decisions will then be made with regard to suitable candidates to be called for interview.

### 3.5 Interviews

The following process should be followed when interviewing for the Firm to ensure fairness and consistency. This applies to both internal and external applicants.

Those candidates, both internal and external, who meet the criteria for the role will be interviewed. The HR department will co-ordinate all of the activities in relation to arranging interviews and ensuring that all the paperwork (e.g. job specification, interview assessment forms) is available for the interviewers.

Each candidate will be interviewed by a member of the HR department and the hiring manager, simultaneously. There will generally be one interview for each candidate, however, at times, a second interview may be held if further clarification from a candidate is required. The interviewers should be in a position to assess both the candidate's behavioural and skill competencies for the position, and are responsible for determining:

- (a) The candidate's ability to do the job.

Ensure that the position and the candidate are the right 'fit'.

Reach a consensus on a hire/no hire decision.

It is recommended that all interviewers meet as a group before interviews commence to ensure that they have a planned approach as to how the interview will proceed. The interview assessment form should be used as a guideline for areas to be covered in the interview, and one form should be completed by the interviewers for each candidate. The interview assessment forms should be retained with the candidates CV for record purposes, and returned to the HR department.

The interviewers are responsible for projecting a professional and positive impression of the Firm and should therefore ensure that they are:-

- (b) Prepared for the interview.
- (c) On time and stay on schedule.
- (d) Give each candidate quality time without interruption.
- (e) Represent the Firm in a professional manner at all times.

### 3.6 Selection

When all applicants have been interviewed and the interview process is complete, the interviewers will meet and select the best candidate(s) for the role(s). The selection will be made against an agreed criteria for each role, which will have been agreed at the outset of the recruitment process.

All job offers to suitable candidates are subject to and conditional upon the following:

- (a) 2 satisfactory verbal reference checks, at least one of which should be job related from a previous employer. The references should be taken up by any one of the interviewers.

(b) A successful medical examination completed by a medical doctor appointed by the Firm.

4. **JOB OFFER**

4.1 **Internal Candidate**

If the successful candidate is already an employee of the Firm, the job offer will be made verbally to the successful candidate, outlining the new salary (if any change) and any other changes to their current terms and conditions of employment. An offer letter will then be issued to the successful candidate, which is an amendment to their current contract of employment. The candidate will be required to sign their acceptance of the new position, and to return a signed copy of the letter to the HR department, which will be filed on their employee file.

4.2 **External Candidate**

A job offer may be made verbally to the successful candidate subject to and conditional upon when positive reference checks having been obtained and a successful medical examination completed. In most instances, the offer will be made to the candidate by the HR department, who will outline the main terms and conditions in relation to the position.

A contract of employment will then be sent to the candidate outlining the main terms and conditions of employment. As per current contracts, the candidate will have fourteen days in which to accept the position, and is required to return a signed contract to the HR department within that timeframe. A copy of the signed contract will be placed on the employee's personnel file.

## APPENDIX 10

### EDUCATIONAL SPONSORSHIP POLICY

#### 1. POLICY

It is the policy of ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter called the "Firm") to support and encourage employees in the ongoing study for academic and professional qualifications which have relevance to their career within the Firm, and to provide financial assistance to reimburse the costs of such study. It should be noted that this policy is not concerned with short term training courses of up to one week duration – such courses will be funded separately by the Firm.

**Note :** To ensure that as a law firm we continue to maintain our position in the marketplace, any legal specific courses we require Solicitors to undertake that will further enhance the knowledge base of the Firm will be funded in full, and will not fall under this policy.

#### 2. WHO QUALIFIES?

This policy applies to all permanent employees of the Firm who have successfully completed 12 months service. Those participating in the Firm's Trainee Solicitor Programme are not covered under this Policy.

#### 3. WHAT TYPES OF COURSES ARE COVERED UNDER THE POLICY?

There are 2 types of further education courses covered under this policy. Examples of such courses are listed below, however this list is not intended to be exhaustive:

##### 3.1 Professional Qualifications

Courses relevant to a specific role which provide further training in technical skills and will enable the employee to obtain a relevant professional qualification or membership by examination of a professional body, e.g. certificate/diploma in legal studies; accountancy; marketing and sales; computer studies; HR management (CIPD)

##### 3.2 Post Graduate Studies

(e.g. MBAs, MSCs, (part-time)). Individuals will be considered for sponsorship of post graduate courses on a case-by-case basis.

#### 4. HOW MUCH IS REIMBURSED AND WHAT IS THE PROCESS FOR RE-IMBURSEMENT?

- (a) For approved programmes, the Firm will reimburse all registration, tuition and examination fees up to a maximum amount. Please contact the HR Department for clarification of the maximum amount applicable.

Only 1 course per employee will be sponsored at any time.

Half of the fees (i.e. up to 50% of the maximum amount) will be paid at the start of the course (or 50% of the annual fee (up to the maximum amount) at the start of each year, if the course lasts more than one year) and the remainder upon evidence of successful completion of the course (or year). Original copies of all invoices and receipts are necessary to receive reimbursement.

Expenses incurred through membership of relevant associations will be reimbursed against receipts submitted.

## 5. THE PROCEDURE

- 5.1 Applications must be submitted on an educational sponsorship form which is available on Eolas or in the Knowledge Bank to your supervising partner/department head who will consider the application for approval in conjunction with the HR Manager. The application should include all details regarding the course cost, content and dates - attaching any relevant paperwork in relation to the course. The Education Sponsorship Form is available through search on Eolas . On successful approval, the form must be signed by the employee to acknowledge acceptance of the terms of the sponsorship agreement.
- 5.2 The employee is responsible for:
- (a) Enrolling on, and paying for the course.
  - (b) Completing and submitting the education sponsorship form (together with receipts) for the first 50% of approved fees and, subsequently, the submission of proof for claiming the additional 50% of approved fees on successful completion of each year's examinations.
  - (c) The course outline and content must be attached to each application.
- 5.3 Approval will be reviewed annually for courses of longer than twelve months duration, taking into account continued relevance of the course to the employee's role and their individual performance.

## 6. FAILURE TO PASS FIRST TIME/REPEAT EXAMS

Costs associated with repeat sittings will not be covered by the Firm. On successful completion of repeat exams, the second 50% of course fees will be reimbursed.

## 7. HOW MUCH STUDY AND EXAM LEAVE DO I QUALIFY FOR?

For approved courses, the following will apply:

- (a) **Study Leave** - 1 day per exam subject, up to a maximum of 5 days study leave in a twelve month period.
- (b) **Exam leave** - The time off to sit the exam up to a maximum of 1 day per exam subject, up to a maximum of 5 days exam leave in a twelve month period.

In the event that an employee has to repeat exams, the exam days will be granted only. No study leave will be granted for repeat exams - these study days must be taken as annual or unpaid leave with prior agreement from your supervising partner/department manager.

## 8. WHAT IS THE POLICY IF I LEAVE THE FIRM?

If the employee gives notice of leaving the Firm (except in the case of job discontinuance) before the course is completed, no further fees will be paid or reimbursed under this programme. The employee will also be required to repay to the Firm course fees paid on their behalf on the following reimbursement terms:

If the employee leaves the Firm within twelve months of completing the course, 100% of fees paid on their behalf will be required to be repaid.

If the employee leaves the Firm within twenty four months of completing the course, 50% of fees paid on their behalf will be required to be repaid.



Those amounts to be repaid to the Firm will be made following the terms outlined in the repayment of fees section of the attached form which all employees, who have been approved to participate in the programme, will be required to sign as part of the approval process.

## APPENDIX 11

### OVERTIME POLICY

#### 1. ELIGIBILITY

This policy applies to specific staff in both ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter called the "**Firm**"), as follows : support staff in the Firm's practice areas and general administration staff working in the finance, IT, HR and administration departments, where there is a business requirement for staff to work additional hours.

Management and professional staff in each of these practice areas/departments do not qualify for overtime payments.

#### 2. POLICY

Employees may, on occasions, be required to work hours over and above their normal working week, and if they fall into one of the above categories overtime payments will apply as follows:

- (a) If an employee works for more than 30 minutes after their respective official daily finishing time.
- (b) If an employee works for more than 30 minutes after their respective official daily finishing time, the overtime payment will be calculated from the start of their official finishing time.
- (c) An employee will only work overtime as requested by a fee earner or the manager of their department, either of whom will approve such payment.
- (d) An employee requested to work overtime will be given as much advance notice as possible of the requirement and an indication of how long they will be required to work.

#### 3. PROCEDURE

##### 3.1 Payment Structure

The following is the payment structure:

- (a) Monday to Friday up to midnight = Basic Hourly Rate x1.5.
- (b) First 4 hours on Saturday = Basic Hourly rate x1.5.
- (c) 4+ hours on Saturday and hours worked on Sunday = Basic Hourly rate x2.
- (d) Bank & Company Holidays - Basic Hourly Rate x2 or, Basic Hourly Rate + one day off in Lieu.
- (e) For overtime worked, staff may agree with their supervising partner or their Manager, to take time off in lieu — such time off is at the Firm's discretion and must be approved in advance.

- 3.2 To raise a request for overtime payment an employee should complete an overtime form, have the form approved by the fee earner and submit to the HR department, who in turn will ensure that the overtime payment is processed through the next monthly payroll. Overtime forms will not be signed unless the overtime worked has been agreed in advance with the fee earner. Once approved, the overtime hours worked will take effect from the employee's official finishing time.

- 3.3 The request for overtime payment should also state if the overtime is rechargeable to the client. This would only come about by way of special arrangement between fee earner and client as it is not a charge which is ordinarily addressed in our client letters of engagement.
- 3.4 If an employee works after 9.00pm any evening at the request of the relevant fee earner or manager, the Firm will cover the cost of a taxi from the office to their home.
4. **APPLICABLE TO THE HEALTH SERVICES DEPARTMENT ONLY**
- Standby and call out arrangements will take place at the request of the HSE and will be approved in advance by the department head.
5. **ON BANK HOLIDAYS OR FIRM HOLIDAYS**
- On Bank Holidays or Firm Holidays the following applies:
- (a) Stand By Rate = Basic Hourly rate x 1.5 x no. of hours on Stand By.
- (b) Call Out = Basic Hourly rate x2 x no. of hours (minimum payment for 4 hours if called out).
- 5.2 An employee may elect, with the approval of the department head, to take time in lieu rather than payment for stand by cover, or time in lieu plus hours worked by basic hourly rate for call out cover.
- 5.3 All requests for stand by and call out cover payment will be made in writing and approved by the department head. The written requests will then be submitted to the HR department, who, in turn, will ensure that the appropriate payment is processed through the next monthly payroll.

## APPENDIX 12

### FLEXIBLE WORKING TIME POLICY

#### 1. ELIGIBILITY

This policy applies to staff in both ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter called the "Firm") as follows: support staff in the Firm's practice areas and administration staff working in the finance, HR and designated administration departments. In addition, the Firm may, in its absolute discretion, agree flexible working arrangements with any other employee who does not work in these specific areas.

#### 2. PURPOSE

The flexible working day has been approved by the Firm to introduce a greater degree of flexibility to start and finish times of the work day for support and administration staff. The flexible working day will provide employees with a level of flexibility to overcome difficulties experienced with traffic, commute times, childminder drop off and collection times, school drop offs, and other personal commitments that employees may have to support.

For business reasons, there are some work areas where this degree of flexibility will not be applied and where there is a requirement for a fixed start and finish time e.g. reception, meeting rooms, facilities, diner, post room and IT- the employees in these areas will be advised accordingly.

#### 3. PROCEDURE

##### 3.1 Approval of Agreed Hours

Subject to the business requirements of each department and individual approval by the partners in the department, support staff may be provided with the opportunity to start their working day between 8.30am and 9.30am, and finish between 5.00pm and 6.00pm. Employees will be required to work their normal 7.25 hours each day, and to be at their place of work at the agreed start time. Employees will continue to be entitled to a lunch break of 1 hour 15 minutes, or as otherwise agreed.

The Firm will require employees to agree in advance a start and finish time that best suits both the Firm's business requirements, as agreed by the partners/managers in their department, and the employee's personal circumstances. Where staff have previously agreed individual start and finish time arrangements, these times will continue unchanged. The Firm may, however, at its discretion, change these times subject to business requirements, with sufficient notice to the employee.

##### 3.2 Cover Arrangements

To support the business, each work area needs to ensure that adequate support and administration cover continues to be provided from 9.00am to 5.30pm, the standard working day. Arrangements regarding flexibility will be agreed within work areas bearing in mind the business requirements for that particular area. At all times, the Firm reserves the right to request employees to work the necessary hours as may be required by the business, including that the employee may have to revert back to the standard working hours, where flexibility has been agreed, if that is required by the Firm.

It is critical that staff recognise the business requirement to have sufficient support at all times in their respective departments, that any changes to start and finish times will be considered in this regard and must have the advance approval from the partner/manager for whom they work.

##### 3.3 Effective Date

8860006.3

This programme may be amended or discontinued at any time based on its effectiveness. Employees will be updated regarding any changes to this policy.

Note: To ensure efficient support to our business, all employees must be at their place of work for 9.30am at latest.

4. **TIME & ATTENDANCE**

Human Resources will note the agreed start and finish times and the Time & Attendance system will be updated for each individual.

## APPENDIX 13

### ANNUAL LEAVE POLICY

#### 1. PURPOSE

To outline the Firm's policy in relation to annual leave and public holiday entitlements, and the process in relation to the approval and taking of annual leave. This policy applies to all employees of ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter called the "Firm").

#### 2. ANNUAL LEAVE ENTITLEMENTS

2.1 The Firm's holiday year runs from 1<sup>st</sup> of January to the 31<sup>st</sup> of December. Annual leave and public holiday entitlements are governed by the terms of the Organisation of Working Time Act 1997 and/or any statutory amendment or alteration to that Act. Public holidays are in addition to annual holidays or any other holidays granted by the Firm to employees.

2.2 Full time employees: at your commencement of employment your annual leave entitlement will be as per your contract of employment.

2.3 Service Days: After each additional 3 years of employment you will be entitled to an additional 1 day up to a maximum of 5 additional days.

2.4 Part-time or Fixed term employees: If you are employed on a part-time or fixed term basis, your holiday and bank holiday entitlements will be pro-rated according to your hours of work.

2.5 Holidays can be taken as full days or as half days. If you work a standard day starting at 9.00am and finishing at 5.30pm half days can be taken as follows:

(a) **Morning off:** Start work at 14.15;

(b) **Afternoon off:** Leave work at 13.00.

2.6 Except in special circumstances, all employees are required to take one break of ten working days in each calendar year. The remaining holiday entitlement is granted on a discretionary basis subject to the requirement to take holidays on specific days normally during the Christmas and New Year period.

#### 3. PLANNING OF ANNUAL LEAVE

Each Department must plan its own staffing arrangements throughout the year. Annual leave must be planned and taken in consultation with the relevant department head and in line with efficient staffing arrangements for the particular department.

A minimum of 2 week's notice should be given to the relevant department head of the employee's intention to take any period of annual leave of less than 2 working days. For leave of more than 2 working days, you are required to give 4 week's notice. Annual leave must be applied for using the approval process in the T&A system (see below), and must be approved in advance by the relevant Department Head. It is in everyone's interests that as much advance notice is given of one's request to take annual leave.

It is in everyone's interest that each application for approval for annual leave is given as far in advance as possible.

#### 4. **REQUESTING LEAVE**

Annual leave must be applied for using the T&A system following the instructions below, and will be approved by your department head online. Once approved, you will receive a confirmation email and your T&A record will be updated to reflect the leave.

For the avoidance of doubt, staff should not fix holiday plans and other arrangements until approval has been confirmed via the T&A system.

##### 4.1 **To Apply for Leave**

- (a) Click on the “**employee menu**” at the top of the page and select “**planned absences**”.
- (b) Select the “**Book an absence**” button and select the relevant absence type from the list.
- (c) Select the dates that apply to the absence. These dates are inclusive so please note that the end date is the last date of absence **NOT** the date of returning to work.
- (d) A comment can also be entered in the text box called ‘employee reason’, this however is unnecessary for most absence codes as they are self explanatory.
- (e) Click “**OK**” and the request will be emailed to your Department Head for approval.
- (f) Employees can also check the status of outstanding requests by selecting the “check requests” option from the employee menu.
- (g) If you have any queries on any of the above please contact the HR department.

##### 4.2 **Joiners**

For the year in which you join the Firm, your holiday entitlement will be calculated on a pro rata basis for the proportion of the leave year you have worked, rounded to the nearest half day.

##### 4.3 **Leavers**

If you leave the Firm, your holiday entitlement will be pro rated according to the proportion of the year you worked up to your date of leaving, rounded to the nearest half day. At your department head’s discretion, you may be asked to use any outstanding holiday entitlement before leaving the Firm. Alternatively, you will receive payment in lieu for accrued holidays that you have not taken.

If you have exceeded your accrued holiday entitlement, the Firm will deduct your holiday shortfall from your final salary payment.

##### 4.4 **Christmas Holidays**

The Firm usually closes for a period of time during Christmas. In addition to the Firm days that are typically granted to staff at this time, you will also need to reserve some of your annual holiday entitlement to cover this close-down period. The number will vary each year but will typically require you to reserve 2 days of your annual leave each year. We will notify you usually mid year of the number of days that you are required to retain for that year.

##### 4.5 **Carrying forward holidays**

Without express permission from your department head and/or the HR department, unused holiday entitlement may not be carried forward to the next holiday year. Should the Firm agree to the carry over of holiday entitlement to the next holiday year, i.e. a maximum of 5 days, these days must be

taken within the first 3 months of the following holiday year. Any holiday entitlement not taken during a holiday year and not approved for carry forward will be forfeited. As per the Organisation of Working Time Act, except for those leaving the Firm, on no occasion can the Firm buy back holidays from staff.

4.6 **Time off to attend to personal matters**

If you require time off from work to attend to personal or family matters, you must agree this in advance with your supervising partner/manager.

5. **UNAUTHORISED ABSENCE**

If an employee is absent from work for reasons other than genuine illness or injury, or for some purpose for which they have not been authorised, payment of salary will not be made and the matter may be progressed in accordance with the Firm's Disciplinary policy.



## APPENDIX 14

### MATERNITY POLICY

#### 1. OBJECTIVE

This policy applies to all employees of both ByrneWallace, Harcourt Street Office Services and ByrneWallace Tax Advisors (hereafter called the "**Firm**"). The purpose of the policy is to outline the Firm's maternity leave benefits in accordance with the relevant legislation (Maternity Protection Acts 1994 and 2004), and the Firm's policy on payment to employees while on maternity leave *for a limited period and subject to a service requirement*. Employees will be entitled, as a minimum, to the provisions in the relevant legislation.

#### 2. SCOPE

Maternity leave is applicable to all employees who:

- (a) are pregnant;
- (b) have recently given birth, and for a period of not more than twenty four weeks from the date of the birth; and
- (c) have notified the Firm in writing of their condition.

#### 3. PROCEDURE

- 3.1 Pregnant employees are entitled to twenty six consecutive weeks' basic maternity leave. For those employees with 2 years' service or more as at the date of commencement of their maternity leave, a level of salary payment will be provided by the Firm for the twenty six week leave period.
- 3.2 The employee may be entitled to Social Welfare Maternity Benefit for that 26 weeks maternity leave period.
- 3.3 The employee is also entitled to an optional sixteen weeks unpaid maternity leave, which must follow immediately after the twenty six weeks' basic maternity leave.
- 3.4 Written application of intention to take maternity leave must be received by the HR Department at least 4 weeks before commencement of the leave period. To facilitate the Firm in making arrangements for work cover and to ensure that there is adequate time to apply for maternity allowance, it is recommended that the Firm is notified as early as possible of an employee's intention to take leave.
- 3.5 A medical certificate from the employee's own doctor must accompany this application, confirming the pregnancy and the expected dates of confinement.
- 3.6 Maternity leave must commence at least 2 weeks before the end of the week in which the baby is due and continue for a minimum of 4 weeks after the date of confinement. The remaining 20 weeks may be taken either before or after the date of confinement as the employee wishes.

#### 4. NOTIFICATION PROCEDURES

- 4.1 The employee must give the Firm at least 4 weeks' notice of their intention to commence maternity leave.

- 4.2 The employee must give the Firm at least 4 weeks' notice in writing of her intention to return to work at the end of her maternity leave.
- 4.3 The employee must inform the Firm in writing of her intention to take the 16 weeks' additional unpaid maternity leave not later than 4 weeks before the end of the twenty six week maternity leave period.
- 4.4 An employee who takes the additional unpaid maternity leave must give the Firm in writing, at least 4 weeks' notice of her intention to return to work.
- 4.5 Return to work is dependent on the 4 weeks' notice being given by the employee. This notice is mandatory.
- 4.6 Prior to going on maternity leave, the HR department will meet with the employee and complete a maternity leave form which will detail the various notification and return to work dates of which the employee needs to be aware during her maternity leave.
- 4.7 All employees are obliged to adhere to the notification procedures. It is important that employees inform the Firm if there is a change in their due date or date of return to work, which would necessitate assessing any new dates of notification.

## 5. **PAYMENT AND BENEFITS DURING MATERNITY LEAVE**

- 5.1 For those employees with 2 years' service or more as at the date of commencement of their maternity leave, the Firm will provide a level of payment for the 26 week maternity leave period, based on the employee's current gross basic salary.
- 5.2 Employees covered by this policy will be entitled to receive total payments which are equivalent to 60% of the difference between their Social Welfare Maternity Benefit and their full pay (gross, less any deductions required by law) calculated over a period of 26 weeks ('the Maternity Payment'), which will be paid in accordance with the conditions and in the manner set out in paragraph 5.3 below.
- 5.3 The Maternity Payment will be paid in two tranches as follows :  
  
during the 26 week maternity leave period, 67% of the Maternity Payment will be paid through payroll processes and  
  
the balance of the Maternity Payment (equivalent to 33% of the total Maternity Payment) will be paid to those employees who return to work after their maternity leave period and who remain with the Firm for a period of 6 months after their return to work date ('the 6 Month Period'), and will be paid in a lump sum through payroll.
- 5.4 Those employees with less than 2 years' service as at the date of commencement of their maternity leave will not receive a Maternity Payment from the Firm but may be entitled to claim Social Welfare Maternity Benefit.
- 5.5 In the event that an employee's contract is terminated by the Firm for any reason other than the employee's conduct, before the expiration of the 6 Month Period, the employee shall receive the amount owing to her as outlined in paragraph 4.3(ii), paid in a lump sum through payroll on the termination of their employment.
- 5.6 Should an employee voluntarily terminate their contract with the Firm during the 6 Month Period the employee shall not receive any portion of the payment specified in paragraph 4.3(ii).

## **6. SOCIAL WELFARE MATERNITY BENEFIT**

- 6.1 Employees should apply to the Department of Social and Family Affairs for maternity allowance at least 10 weeks before their maternity leave is due to commence.
- 6.2 This application should be made by completing the Social Welfare Form (MB10) which is available from the Department of Social and Family Affairs ([www.welfare.ie](http://www.welfare.ie)) or from the HR Department.
- 6.3 If eligible, maternity benefit payments from the Department of Social and Family Affairs will be made directly to the employee from the commencement of their maternity leave. If the employee fails to return the completed social welfare form (MB10), payment for the paid maternity leave period will be suspended.
- 6.4 Employment rights while absent on paid maternity leave are not affected, i.e. employees retain rights to public holidays and annual leave, in accordance with the relevant legislation, and the continuation of any pension contributions that are made on the employee's behalf, adjusted for the pro rata salary paid during the 26 weeks of maternity leave. For employees who work part-time, annual leave days are pro-rated accordingly.

## **7. ANTE/POST NATAL MEDICAL CARE**

- 7.1 An employee is entitled to paid time off from work for medical appointments related to the pregnancy. In relation to ante-natal classes, the employee is entitled to paid time off from work to attend one set of ante-natal classes and such classes may be attended during one or more pregnancies.
- 7.2 Expectant fathers have a once-off entitlement to time off work, without loss of pay, for the purpose of attending the last 2 ante-natal classes in a set of such classes attended by the expectant mother. Evidence of the appointment(s) must be provided to the employee's supervising partner/manager and the HR Department at least 2 weeks in advance of such appointment/class.
- 7.3 The Firm requests that, where possible, the appointments/classes are made at the beginning or at the end of the working day. If the appointment/class finishes during the working day, the employee is required to return to work.
- 7.4 The employee is also entitled to paid time off work to attend post natal appointments, adhering to the above procedure in relation to notice and the scheduling of appointments.

## **8. RISK ASSESSMENT FOR PREGNANT EMPLOYEES**

A risk assessment for pregnant employees will be arranged as appropriate by the Facilities Department.

## **9. POSTPONEMENT OF MATERNITY LEAVE**

In the event of the hospitalisation of the child, the employee may request to postpone the period of maternity leave/additional maternity leave, to allow her to return to work on an agreed date. This is subject to approval by the department head, in conjunction with the HR Department. Maternity leave may only be postponed if the employee has taken at least fourteen weeks maternity leave, 4 of which have to be taken after the end of the week of confinement. The maximum period of postponement is 6 months.

The employee shall be entitled to take the postponed maternity leave/additional maternity leave in one continuous block known as 'resumed leave' commencing not later than 7 days after the discharge of the child from hospital.

**10. SICKNESS DURING MATERNITY LEAVE**

In the event of the mother becoming ill, and if the illness occurs during her last 4 weeks of maternity leave or if she is already on additional maternity leave, she may request to terminate her unpaid additional maternity leave. This request must be in writing and is subject to written approval by the HR Manager. If approved, the employee is required to follow the procedure of the Firm's sick pay policy. The employee will not however be entitled to avail of the untaken period of additional maternity leave.

**11. BREASTFEEDING**

A breastfeeding mother is entitled to a one-hour break per day for up to six months after giving birth. The scheduling of this daily break must be agreed in advance with the employee's supervising partner/manager and the HR Department.

Please contact the Facilities Department for information as to the location of breastfeeding facilities in our offices.

**12. PATERNITY LEAVE**

The Firm will provide the opportunity for the father to take up to maximum of 3 days paid paternity leave. An employee must have 2 years' continuous service with the Firm to qualify for this leave, and the leave must be taken within 2 weeks of the baby's birth. The father should agree the days to be taken with their supervising partner/manager.

**13. RETURNING TO WORK AFTER MATERNITY LEAVE**

Where the employee has given 4 weeks' notice of return to work, the employee will return to work in the same job as that held immediately before the start of the maternity leave period or the employees' normal or usual job. If it is not reasonably practicable to return to the same or normal or usual job, the Firm will seek to offer the employee suitable alternative work on similar terms and conditions.

**14. REVIEW DATE**

This policy will be reviewed and amended at the sole discretion of the Firm and as required to comply with legislation.

## APPENDIX 15

### ADOPTIVE LEAVE POLICY

#### 1. PURPOSE

The purpose of this policy is to outline the Firm's leave benefits in line with the Adoptive Leave Amendment Act 2005, and the Firm's policy on payment while on adoptive leave. Our policy in relation to adoptive leave will be amended as required to ensure compliance with statutory requirements. Employees will be entitled as a minimum to the provisions in the adoptive leave legislation. Currently, those who qualify for adoptive leave are entitled to 24 weeks basic adoptive leave, and also an entitlement to take 16 weeks additional unpaid adoptive leave after your basic adoptive leave ends. The principal elements of this legislation are set out below.

Adopting mothers and sole male adopters have the following entitlements:

(a) to attend pre-adoption classes or meetings;

adoptive leave;

additional adoptive leave;

the right to return to work.

#### 2. NOTIFICATION PROCEDURES

2.1 An adoptive mother or sole adoptive father intending to take leave must provide a minimum of 4 weeks notice in writing before the leave is due to start. Such notification must be accompanied by documentation confirming the adoption and the expected placement date. To assist with the smooth running of the business, the Firm request that employees provide as much notification of their intention to take this leave as is reasonably practical.

2.2 Should the employee wish to avail of additional adoptive leave, they must inform the Firm in writing not later than 4 weeks before the end of the basic adoptive leave period.

2.3 Employees must also notify the Firm 4 weeks in advance of their expected return to work date, which should be clearly stated in writing.

2.4 Prior to going on adoptive leave, the HR department will meet with the employee and complete an Adoptive Leave Form which will detail the various notification and return to work dates that the employee needs to be aware of during their adoptive leave.

2.5 All employees are obliged to adhere to the notification procedures. It is important that employees inform the Firm if there is any change to the dates given, which would necessitate revising the original notification dates.

#### 3. PREPARATION CLASSES AND PRE ADOPTION MEETINGS

Adopting mothers or sole male adopters are entitled to such time as is necessary, without loss of pay, to attend preparation classes and pre-adoption meetings which the employee is obliged to attend. You should give your manager at least 2 weeks notice of such appointments and provide written confirmation of the appointment.

4. **PAYMENT WHILE ON ADOPTIVE LEAVE**

For those employees with 2 years service or more as at the date of commencement of their adoptive leave, a level of salary payment will be provided by the Firm for 18 of the 24 weeks. Employees with less than 2 years service as at the date of commencement of their adoptive leave will not receive payment from the Firm but may be entitled to claim Social Welfare Adoptive Benefit.

Those employees with 2 years service or more, will receive the following payments from the Firm:

- (a) The equivalent of 25% of the difference between their Social Welfare Adoptive Benefit and their full pay (gross, less any deductions required by law) for a period of 18 weeks.
- (b) On returning to work after their adoptive leave period and if they remain with the Firm for a period of 6 months from their return to work date, they will receive an additional the payment, paid in a lump sum, subject to the required tax deductions – equivalent to 25% of the difference between their Social Welfare Adoptive Benefit and their full pay (gross, less any deductions required by law) for a period of 18 weeks of their maternity leave.

5. **RETURNING TO WORK AFTER ADOPTIVE LEAVE**

The Firm will, where possible, reinstate the employee in the same job as that held immediately before the start of the adoptive leave period. If it is not reasonably practical to return to the same job, the Firm will endeavour to offer an appropriate alternative role on similar terms and conditions.

6. **REVIEW DATE**

This policy will be reviewed and amended at the sole discretion of the Firm and as required to comply with legislation.

## APPENDIX 16

### PARENTAL LEAVE POLICY

#### 1. PARENTAL LEAVE

The purpose of this policy is to outline the Firm's parental leave benefits in accordance with the relevant legislation (Parental Leave Act 1998 and the Parental Leave (Amendment) Act 2006).

The principal elements of the legislation are set out below.

#### 2. PURPOSE

2.1 The purpose of parental leave is to provide unpaid leave to employees who are natural or adoptive parents to take care of a child. A person acting in loco parentis with respect to an eligible child is also eligible.

2.2 An employee with 1 year's continuous service, who is a natural or adoptive parent, is entitled to 14 weeks unpaid leave to enable him/her to take care of his/her child only. A period of parental leave must end no later than the child's 8<sup>th</sup> birthday or, in the case of an adopted child who is 3 years or more, but less than 8 years at the time of the adoption, the leave can be taken within 2 years of the adoption order. In the case of a child with a disability, leave may be taken up to 16 years. In addition, an extension may also be allowed where illness or other incapacity prevented the employee taking the leave within the normal period.

2.3 The leave may be taken in a block of weeks or, by agreement with the Firm, broken down into pre-planned time off. 14 weeks unpaid parental leave is available per eligible child, and the maximum time off in any one year is 14 weeks. Parental Leave may not be transferred between parents of a child.

2.4 All employment rights, excluding any right to remuneration and superannuation benefits, are protected while on parental leave. Public holidays, annual leave, sick leave, maternity leave or any other leave to which an employee may be entitled will not be treated as part of parental leave.

2.5 Employees who have less than 1 year's service may be entitled to a pro rata parental leave entitlement after 3 months service if the child is about to go beyond the specified age limit. The parental leave entitlement is 1 week's unpaid leave for each month of continuous employment. Periods of training or probation will be extended to take account of any period of parental leave.

2.6 Requests for parental leave must be made in writing to the relevant head of department and the HR department on the Parental Leave Form – Part A, 6 weeks prior to the proposed date of commencement. The request must specify the start date and duration of the parental leave requested. A birth certificate in respect of the child must be attached to the form.

2.7 The HR department will produce a Confirmation Document - Part B for the employee to sign at least 4 weeks prior to the date of commencement of the leave. In cases where parental leave could have an adverse effect on the business, the Firm has the right to postpone its commencement for up to 6 months. Such a requirement will be discussed with the employee and, subsequently, put formally in writing.

2.8 Signed copies of all Confirmation Documents will be held on the employee's personnel file and copies provided to the employee.

2.9 For further information, please contact the HR Department.





## APPENDIX 17

### SICKNESS ABSENCE AND PAYMENT ENTITLEMENTS

#### 1. PURPOSE

The following outlines the Firm's policy in relation to absence from work due to sickness or injury, and any payment entitlements during this absence. At all times payment during sick leave is at the sole discretion of the Firm.

#### 2. NOTIFICATION

2.1 Employees who are unable to report for work due to illness or injury must telephone their supervising partner and the HR department before 9.00am on the first morning of the absence, so that cover can be arranged, if required. If the employee is unable to make contact with either of the above, a voicemail message must be left with your supervising partner so that the call can be logged.

2.2 Simply leaving a message with reception or a colleague is not sufficient. The Firm will not accept text messages as an appropriate means of notifying the Firm of your absence. The employee should explain the reason for their absence and provide an indication of their likely return to work date. Where possible, the employee should also draw attention to any work issues which are required to be dealt with in his/her absence. In exceptional circumstances, when you are unable to call yourself, a relative or friend should undertake this on your behalf.

2.3 Regardless of the length of your absence, you should keep in regular contact with your department head and ensure that the Firm is fully informed of your progress. How regularly you need to contact the Firm, depends on the length of your absence, however, you should ensure that you update your department head as soon as possible and contact him/her at least once a week during longer term absences.

#### 3. MEDICAL CERTIFICATES

3.1 Employees are required to provide a certificate from a registered medical doctor in respect of any period of absence exceeding 2 consecutive working days (which may include a Friday and a Monday).

3.2 The Firm reserves the right at any time to request a medical certificate in respect of any period of absence.

3.3 At any stage, the Firm may ask the employee to attend a registered medical practitioner nominated by the Firm. Such a request can be made even where the employee has not been absent from work on sick leave. The employee will agree to attend any such appointment where reasonable notice has been given to him/ her and he/ she will agree to the disclosure of a full report in respect of their condition from that medical practitioner to the company.

3.4 Medical certificates must be submitted on a weekly basis during absence through illness or injury. These certificates should state the nature of the employee's illness or injury and its likely duration.

#### 4. PAYMENT WHILE SICK

##### 4.1 Support Staff

Any salary payment during absence due to illness or injury will at all times be at the sole discretion of the Firm. Provided that the certification requirements as outlined above have been met, the Firm may, at its sole discretion, continue to pay basic salary during any period of absence due to illness or injury for up to a maximum of an aggregate of 10 days in any consecutive 12 month period.

Entitlement to salary in respect of any absence due to illness/injury may be removed or extended as the Firm deems appropriate from case to case.

#### 4.2 **Fee Earners and Management**

Any salary payment during absence due to illness or injury will, at all times, be at the sole discretion of the Firm. However, provided that the certification requirements as outlined above have been met, the Firm may provide payment for any absence due to illness or injury where that absence is less than 26 weeks duration, as set out in your contract of employment or any amendment to it.

#### 5. **SOCIAL WELFARE DISABILITY BENEFIT**

If you are absent from work due to illness or injury for 3 days or more, you may be entitled to certain Social Welfare Disability Benefit. You should obtain these certificates from your doctor on a weekly basis and submit to the Social Welfare Department.

In the event that the Firm has continued to pay you for any of the period of absence, you are required to claim your full entitlement from the Department of Social Protection and any payments received from the Department must be remitted to the HR department.

Where the employee fails to claim Social Welfare benefits and the Firm has paid him/her during sick leave, the Firm will pay only the balance between normal net pay and social welfare entitlement either at the time of the absence by reason of injury/illness or by variation of salary entitlement on the resumption of work after illness.

#### 6. **FITNESS TO RETURN CERTIFICATION**

If you have been out sick for longer than 1 week, you will be required to produce a fitness to return to work certificate, signed by your doctor, indicating that you have fully recovered from your illness, and are fit to return to work.

#### 7. **UNAUTHORISED ABSENCE**

If an employee is absent from work for reasons other than genuine illness or injury, or for some purpose for which they have not been authorised, payment of salary will not be made. Failure to comply with the sickness reporting procedures may lead to the classification of all such absences as unauthorised and, therefore, automatically unpaid. In such circumstances, the Firm may also take action under the Firm's disciplinary procedure up to and including dismissal.

#### 8. **ILLNESS DURING ANNUAL LEAVE**

If you become ill whilst on holiday you will be able to take sickness absence for the period you were ill provided that you are covered by a doctor's certificate. Such days covered by a satisfactory medical certificate will not be treated as part of annual leave. Please contact the HR department to provide the certification and to agree the relevant days.

#### 9. **DOCTOR/DENTAL/HOSPITAL APPOINTMENTS**

Appointments or visits to the doctor, dentist etc, should be made outside normal working hours, where possible. Where this is not possible, appointments should be made either as early or as late in the day as possible to reduce disruption to the normal working day.

10. **HOSPITAL APPOINTMENTS**

Where it is not possible to schedule hospital appointments outside normal working hours, the employee will be paid for the absence as part of sickness absence. If an employee attends work on the day of the appointment, the absence will be viewed as a half day. If an employee does not attend work on the day of the appointment, the absence will be viewed as a whole day.

## APPENDIX 18

### DRUG AND ALCOHOL POLICY

#### 1. POLICY

The Firm is committed to providing a safe and productive workplace for its employees, contractors and anyone who comes in contact with its business. In keeping with this commitment, the following rules regarding alcohol and drug abuse apply to all employees and contractors regardless of rank or position. The rules apply during working hours to all employees and contractors of the Firm while they are on Firm premises or while they are on Firm business.

#### 2. PURPOSE

This policy aims to:

- (a) Raise awareness of the risks of alcohol and other drug related problems.
- (b) Promote the health and well being of employees.
- (c) Minimise the problems at work arising from the effects of alcohol and other drugs.
- (d) Identify employees with possible alcohol and drug related problems at an early stage.
- (e) Offer employees with alcohol and other drug related problems referral to an appropriate source for intervention.

#### 3. SCOPE

For the purposes of this policy the term drugs will be defined as mood-altering substances, either legal or illegal. This includes alcohol, prescribed and other medications, in addition to illegal and illicit substances.

#### 4. POLICY

The Firm recognises its employees as its most valuable resource and is committed to providing a working environment that is a healthy and safe one for the entire workforce. Therefore, this policy should be seen in the context of the promotion of health, safety and welfare of all employees and contractors, whether permanent, temporary, whole time or part time. Alcohol and other drugs may affect concentration, co-ordination and performance. It is recognised that the effects of alcohol and other drugs may spill over from one's private life into the workplace resulting in inefficiency, accidents and absenteeism. Drug or alcohol abuse inside or outside the workplace can adversely affect the health and safety of your colleagues, as well as the security, quality and productivity of the Firm's business.

#### 5. PRINCIPLES

We recognise the desirability of promoting the health and well being of employees by:

- 5.1 Encouraging a healthy lifestyle through preventing the development of alcohol and other drug related problems.
- 5.2 Offering assistance to employees who need it to overcome problems caused by alcohol or drug misuse.

## 6. **POLICY STATEMENT**

This policy applies equally to all staff.

All Firm premises should be alcohol and drug free during working hours, save where approval has been obtained from a partner. Employees shall be alcohol and drug free during working hours. Any employee reporting to work impaired by drugs and/or alcohol may be subject to disciplinary action up to and including dismissal.

## 7. **EMPLOYEE RESPONSIBILITIES**

Employees' responsibilities are to:

7.1 Report to work unimpaired from alcohol or drugs.

7.2 If taking prescription medication which may alter physical or mental ability, notify your manager/supervising partner and the HR department.

## 8. **INTERVENTION**

Early recognition of individual alcohol and drug problems is a shared responsibility of all employees, staff and management. It is recognised that this is a complex and difficult issue and that employees need support to recognise problems and deal with them effectively.

## 9. **IDENTIFYING THE PROBLEM**

Employees are encouraged to seek assistance on a voluntary basis. However, a problem may become apparent at work by reason of an employee's conduct or performance. No one characteristic identifies someone with an alcohol or drug related problem but the following MAY be indicators, especially if occurring in combination or over a period of time:

- (a) accidents;
- (b) absenteeism;
- (c) poor mood;
- (d) fluctuating work performance;
- (e) smelling of alcohol;
- (f) unreliability.

## 10. **PROCEDURE**

Where an employee suspects a colleague of having a possible alcohol and drug related problem, he/she should raise this in confidence with the department head and/or HR department, who will take the appropriate action, which may include speaking to the staff member and making them aware of the availability of support services.

If work related problems persist, the staff member may be referred to outside help with their agreement. Employees may seek help from other sources if they prefer. The decision to seek help, agree to referral and/or accept professional intervention will be the responsibility of the individual staff member.

Time off, in accordance with the Firm's sickness absence policy, may be given for treatment or other specialist help or aftercare, provided appropriate certification is submitted. Where, however, an employee's work performance or behaviour remains unsatisfactory, despite availability of services, the normal disciplinary procedures may be activated specifically in relation to these issues.

## APPENDIX 19

### HEALTH AND SAFETY POLICY & PROCEDURE

#### 1. PURPOSE

The Firm is committed to:

- (a) providing for the health, safety and welfare of all partners and employees and permitted licensees;
- (b) maintaining standards at least equal to the best practice in the legal profession;
- (c) observing the Safety Acts and all other relevant legislation, regulations and codes of practice made from time to time;
- (d) taking into account any recommendations made by the Health & Safety Authority on health and safety issues which are of particular relevance to the Firm;
- (e) to provide and maintain a safe working environment;
- (f) to avoid accidents and prevent injury to employees and other persons who are affected by the Firm's operations;
- (g) to prevent damage to plant and products;
- (h) the provision and maintenance of safe plant and systems of work;
- (i) arrangements for the safe handling, storage and transport of materials and substances;
- (j) the provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of all the employees of the Firm;
- (k) the maintenance of all workplaces in a safe condition and with clear means of access;
- (l) the provision and maintenance of a safe working environment; and
- (m) compliance with all relevant legislation and in particular the Safety Acts.

#### 2. POLICY

2.1 It is the Firm's policy that all reasonably practicable steps will be taken to ensure the health and safety of people and to prevent damage to property.

2.2 To enable us to fulfil our responsibilities in relation to health and safety matters, it is the duty of every employee to co-operate with the Firm in every respect pertaining to health and safety at work.

2.3 It is the duty of all employees to conform to the provisions of the Health and Safety Policy that operates on The Firm's premises, to the safety codes of practice and to accept and carry out their responsibilities. In this regard, 'safety' is defined to mean:

- (a) the prevention of all injuries;
- (b) the promotion of occupational health and hygiene;
- (c) the control of all situations likely to cause damage to property or equipment;

- (d) the investigation of 'near miss' situations;
- (e) fire prevention and fire control; and
- (f) the protection of the general public

#### 2.4 **Our Health & Safety Policy and our Safety Statement**

It is the intention of the Firm to safeguard the health, safety and welfare of all its employees by all reasonable and practical means. It is the policy of the Firm to exercise vigilance to detect and, where possible, remove hazards from the workplace, to provide training and instruction to ensure employees perform their work in a safe and proper manner.

The Safety Statement contains further information in relation to your safety in the building. Should you wish to review the Statement, please contact the facilities manager.

#### 2.5 **Risk Assessment**

The Firm will carry out an ongoing assessment of the risks associated with all work activities. The Firm's risk assessment form will be used for this purpose. Where appropriate, clients and others likely to be affected by the work will be provided with a copy of the assessment, together with details of the methods of work to be followed, as appropriate. Risk assessments will be reviewed at annual intervals or whenever it is suspected that they may no longer be valid. This is the responsibility of the facilities manager.

Records of health surveillance, medicals and other individual health records which may be required will be kept securely in personnel files and will be kept for forty years after the date of the last entry.

Training will be given to personnel as necessary in order to make them aware of the findings of the assessment and the required control measures. All employees will be instructed in the safety procedures relevant to their work, the significant findings of risk assessments and their legal responsibilities for compliance with the procedures.

#### 2.6 **Employees Responsibilities**

All employees are reminded that, under the Safety Acts, it is the duty of every employee while at work:

- (a) To take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions of work.
- (b) To co-operate with his employer to enable statutory duties or requirements to be performed or complied with, and that no person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions.
- (c) In particular, employees must :-
  - (i) work safely and efficiently and work to laid down job instructions, where applicable;
  - (ii) use protective equipment provided;
  - (iii) report promptly any incidents that have led to, or may lead to, injury or damage;
  - (iv) adhere to procedures jointly agreed on their behalf for securing a safe workplace;



- (v) assist with investigations into accidents with the object of introducing measures to prevent recurrence;
- (vi) keep their workplaces clean and tidy and assist in good housekeeping; and
- (vii) ensure that they know the location of the emergency exits, fire alarms and fire fighting equipment for the area in which they work, and that they understand the Firm's emergency and evacuation procedures.

## 2.7 **Employees With Specific Responsibilities For Safety Matters**

Each and every person within the Firm is legally bound by statutory safety legislation. This responsibility cannot be passed to any other person.

Ultimate responsibility for implementation and effectiveness of the Health and Safety policy lies with the management committee.

To comply with this policy and The Safety, Health and Welfare at Work Acts 2005 & 2007, it is required that the Firm monitors the effectiveness of this Policy. A review of the safety performance of the Firm and the functioning of the Policy is the responsibility of the facilities manager, in conjunction with the COO. At periodic intervals, they will review the contents of the Policy Statement and indicate ways in which safety performance can be improved. Safety will be reviewed as a set item at management meetings, when the Policy and its effectiveness will be reviewed.

## 3. **PROCEDURES**

### 3.1 **Responsibilities**

The facilities manager, in conjunction with the HR Manager and management committee, are responsible for the implementation of this procedure. The management committee will be kept informed of all health and safety matters to ensure that sufficient resources are made available so that the Firm conforms with the Safety Acts. Employees are at all times responsible both for adhering to this policy, and immediately reporting to the facilities manager or the HR Manager, or a partner, any situations of actual or potential health and safety risk.

Any employee who is in any doubt about safe working practices and procedures should contact his or her immediate superior or the facilities manager for advice.

All managers and employees are responsible for adherence to this policy within the workplace.

### 3.2 **General Health and Safety Procedures**

It is the Firm's intention to provide the safest and healthiest working conditions possible. This can only be done with the full co-operation and support of all employees.

The Firm will ensure that all steps that are reasonably practicable will be taken to secure the health, safety and welfare of all its employees and other persons who may be affected by its operations.

In the design, construction, operation and maintenance of all plant, equipment and facilities, the Firm will do everything possible, so far as is reasonably practicable, to prevent injury and danger to health.

Employees have a primary duty to take reasonable care for their own health and safety and for that of other people who may be affected by their acts or omissions. Any employees with specific responsibilities (as set out in the Health and Safety policy) must ensure that they understand them fully and that they are adequately delegated in their absence.

### 3.3 **Actions to Achieve Health and Safety Objectives**

The Firm will take all reasonable and practicable action to achieve the objectives including:

- (a) A continuing review of plant, workplaces and safety equipment by performing regular risk assessments within the workplace whether by an appointed person within the organisation who has been trained or by an external consultant.
- (b) The provisions of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of all employees, e.g. advice given at induction on use of VDU equipment and office furniture or regular fire extinguisher demonstrations and fire drills.
- (c) A review of the safety policy, as often as may be necessary.

### 3.4 **Fire and Emergency Procedures**

If a staff member discovers a fire:

- (a) activate the nearest Fire Alarm Break Glass Unit IMMEDIATELY, located at the Fire Exits on each level;
- (b) extinguish the fire if it is safe to do so (No more than one extinguisher to be operated by the Fire Warden – if the fire has not been extinguished evacuate immediately);
- (c) dial 999 or 112 from the nearest landline; and
- (d) provide details to both Reception and the Building Management Team of the exact location and extent of fire.

### 3.5 **On hearing the Fire Alarm, all occupants in the building must:**

- (a) evacuate the building immediately via the NEAREST AVAILABLE FIRE EXIT. Do not attempt to take personal belongings before evacuating;
- (b) lifts should not be used when evacuating the building;
- (c) comply with all instructions given by Fire Wardens;
- (d) where possible, assist less able-bodied persons to evacuate safely;
- (e) proceed to the Fire Assembly Point for the building at the RED POLES AT GRAND CANAL PLAZA; and
- (f) remain outside the building until the 'all clear' is given.

### 3.6 **On hearing the Fire Alarm, Fire Wardens shall:**

- (a) put on high visibility 'Fire Warden' vests;
- (b) enter all accessible rooms on their level and instruct occupants to evacuate the building, closing all doors whilst progressing through the level;
- (c) direct building occupants to their nearest emergency escape routes and proceed to the Fire Assembly Point when the level has been evacuated;
- (d) carry out a headcount of staff in consultation with other Fire Wardens;

- (e) take control at the assembly point and ensure that no one re-enters the building until the 'all clear' has been given by the facilities team and the Fire Brigade and the emergency has been cleared; and
- (f) attend the post-evacuation debrief and report any particular difficulties encountered during the evacuation.

### 3.7 **Fire Wardens**

A full list of Fire Wardens and exit maps are clearly visible along the fire escape routes throughout the building.

### 3.8 **Fire Exits**

Escape routes via the stairwells are located on each level. There are two stairwells on each level and they are indicated by a sign above the door leading to them. As part of your Induction training, you will be shown your nearest fire exit based on the location of your office or workstation. Please remember the Fire Assembly Point for 2 GCS is at the red poles on the Grand Canal Plaza.

### 3.9 **First Aid**

There is a fully-equipped First Aid Room located on the ground floor. A full list of first aiders and first aid boxes are located at the facility stations on each level.

Please report any serious issues or injury to the HR department or the facilities manager.

Safety notices for further information on the Firm's safety procedures, please refer to the safety notices located near the facilities station on each level.

### 3.10 **Hazards**

Should you notice anything out of order that you believe could be hazardous to others, please notify the facilities manager. This includes, but is not limited to, such items as an electrical fault, an unlit area, a faulty door or ceiling, broken glass, a leak or slippery surface.

### 3.11 **Equipment Testing**

The Firm will ensure that all equipment is tested and maintained on a regular basis by suitably qualified staff or sub-contractors, in accordance with legal requirements. This includes fire extinguishers, fire alarms, lifts, air conditioning units, heating and cooling systems. Records of these tests will be kept and made accessible to unit safety representatives.

### 3.12 **Office Health and Safety Measures**

- (a) Furniture and equipment must be arranged so as to avoid injury from sharp corners.
- (b) Untidy areas and methods of working create unacceptable risks and must be avoided at all times.
- (c) Upper drawers of filing cabinets must not be overloaded, causing them to become top-heavy. Only one drawer of a filing cabinet must be open at a time, so as to avoid tipping, and must not be overloaded.
- (d) Cables from electric fires, telephones and leads to office electrical equipment are not to be laid across the floors so as to cause a tripping hazard.

- (e) Floor coverings must be held down securely and kept flat and free from wear in places where a person could trip.
- (f) At the end of each working day or shift, non-essential appliances are to be switched off and their wall socket plug removed.
- (g) Paper guillotines are not to be operated with their guards removed.
- (h) Any simple adjustments to electrical equipment must be made with the power switched off.
- (i) Fire doors must be kept closed at all times and must not be jammed or wedged open.
- (j) Fire exits must be kept clear at all times.
- (k) Fire extinguishers are to be kept readily accessible and, where possible, are to be positioned on wall brackets. All employees must be aware of their locations, of the methods of operation of fire extinguishers, and of the fire drill procedure for evacuation.

## APPENDIX 20

### PARKING POLICY

#### 1. PURPOSE

The Firm recognises that staff will use their own transport to travel to work, either by car, bicycle or motorbike. The Firm however is unable to provide sufficient parking for all those who choose to travel by car. This policy outlines the Firm's policy regarding car parking, and parking for bicycles and motorbikes.

#### 2. CAR PARKING

There are a limited number of car spaces available for use and it is the firm's policy to prioritise client requirements. We will endeavour to facilitate car parking requirements and may from time to time permit the use by staff of a car space on a non-exclusive and revocable basis.

##### 2.1 For staff

Only those who have been permitted the use of a car parking space by the Firm can park in the Harcourt Street car park on the terms agreed with the Firm. Those who have been permitted to use a car parking space in turn are not permitted to assign this space or to allow the use of that space to someone else, for whatever reason.

Access and egress to and from the car park at Harcourt Street, is via car lifts on Stable Lane (Entrance) and Clonmel Street (Exit). Those who have been allocated the use of a car space are issued with a fob which is best kept attached to your car keys. It is your responsibility to ensure that this fob is safeguarded and for security reasons is not passed on to any other person.

Any ad hoc requests to use the car park by other staff members must be authorised in advance by either the Facilities Manager or the HR Manager.

##### 2.2 For staff who travel to Court or Business meetings

There will be a number of car spaces available for those who travel to court or business meetings outside Dublin, and are required to bring files with them, and therefore may require the use of a car space either prior to or after the business meeting. Approval to use a car park space in this instance must be approved by either your Department Head or the Facilities Manager.

##### 2.3 For clients and visitors

There will be a limited number of car spaces reserved for client & visitor use. Clients & visitors requiring the use of a car space should be notified to Reception/Concierge in advance of arrival. As there is a limited provision of such spaces, some requests may be declined. If travelling to us by car, clients and visitors should be encouraged to use public car parking. Harcourt St is well serviced in this regard with the Luas, Dublin Bus & the DCC bike Scheme.

##### 2.4 Bicycle & Motorbike Parking

Facilities are also provided at Harcourt Street for the parking of bicycles and motorbikes at Ground level behind the Staff entrance on Harcourt Street. At present we envisage that all those who require parking for either a bicycle or a motorbike should be able to do so. This will be reassessed in the event that the usage exceeds the capacity available.

3. **INSURANCE COVER**

Car parking is the responsibility of the driver. The Firm does not accept responsibility for any loss from or damage to cars, bicycles or motor bikes parked on its premises.

All cars, bicycles and motor bikes are parked at the owner's own risk. In the event that your car, bike or motor bike is damaged in the Firm's car park (unless caused by negligence of the Firm), any repair to same will be covered by the individual's personal insurance policy.

4. **AMENDMENT TO THE POLICY**

The use of the Firm's parking facility or any arrangement by the Firm to facilitate staff parking is not a term or condition of employment. The Firm reserves the right to amend this policy at any time.

## APPENDIX 21

### SECURITY POLICY REGARDING OFF SITE USE OF FIRM'S EQUIPMENT

#### 1. POLICY

Accessing the firm's systems from off site is a potential risk. Equipment used off site by our staff in their work has the required software installed that ensures our systems and our data and that of our clients and contacts are protected.

This policy affects those staff who have the use of the following equipment offsite and remote access to our systems:

Remote access to our systems via a firm laptop;

Use of a firm laptop;

Blackberry facility that provides access to our systems when not in the office;

Mobile phone.

Laptops, mobile phones and blackberry devices are provided to staff on loan to support business activity and remain the property of the firm, and can be recalled to the office at any time without notice. The firm will not allocate more than one mobile telephone device to a staff member.

Staff may be out of the office for a prolonged period on leave or secondment for extended periods of time, and in certain instances they may continue to have the ability to access systems remotely via the above equipment. Extended leave is generally considered to arise as follows:

(a) Certified Sick leave of more than 2 weeks duration;

Maternity leave;

Secondment.

To ensure that our data and systems are fully protected at all times the Firm's policy in relation to staff on extended leave who have access to the above systems will be as follows (subject to the firm's discretion at all times to cease the access of any staff member to any systems without cause) :

#### 1.2 Certified Sick leave of more than 2 weeks duration

Remote access will be disabled until such time as the employee is certified fit to return to work;

Any Firm laptop should be returned to IT, so that it can be used as needed;

Blackberry facility – email direction to blackberries will be disabled until the employee is certified fit to return to work;

Mobile Phone –the business account will be suspended until the employee returns to work, and the employee can activate a personal account through his/her mobile phone provider. If the employee does not elect to do so the device shall be returned to the firm.

#### 1.3 Maternity leave

Remote access will be disabled until the employee returns to work after their maternity leave;

Any firm laptop should be returned to IT for the duration of the maternity leave, so that it can be used as needed;

Blackberry facility – the device will be returned to the firm until the employee returns to work at the end of their maternity leave;

Mobile Phone –the business account will be suspended until the employee returns to work, and the employee can activate a personal account through their mobile phone provider. If the employee does not elect to do so the device shall be returned to the firm.

#### 1.4 **Secondment**

Arrangements may vary depending on the requirements of the secondment, however, in general where the employee will not be required to perform work for the Firm while on secondment, remote access to DMS and Axxia will be disabled until the employee returns to the office at the end of the secondment. The employee will continue to have access to the Firm's email system while on secondment via webmail – OWA;

Whilst on secondment any laptop should be returned to IT, so that it can be used as needed;

Blackberry facility – email direction to blackberries will be disabled and the device returned until the employee returns to work at the end of the secondment period;

Mobile Phone –the business account will be suspended until the end of the employee's secondment, and the employee can activate a personal account through their mobile phone provider. If the employee does not elect to do so, the device shall be returned to the firm.

#### 1.5 **Swipe Card Access**

Fee earners and manager swipe cards permit access to the building Monday to Saturday, 7am to 10pm. In general all other staff have access to the building from 7am to 10pm, Monday to Friday. If access outside these hours is required please contact the Facilities Manager. The access to the building is audited regularly, and the Firm also maintains a register of all swipe cards.

Any variation to the above can only be made with the approval of the relevant Department Head.



**APPENDIX 22**  
**USERS SECURITY POLICY**

# User's Security Policy

*Document Owner*  
**Chief Information Security Officer**

ISMS-04 User's Security Policy

22 February 2016

Revision 1.0

# 1 Document Control

## 1.1 Revision History

Version	Date	Author	Summary of Changes
1.0	16.12.15	Patrick Diamond	First Draft Created

This document is uncontrolled if printed.

Always refer to the online document <http://eolas/IT/ISMS/SitePages/Home.aspx> for the most up-to-date version of this document.

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**Table of Contents**

## 2 Overview

### **2.1 To whom does this document apply?**

This document details your responsibilities as an end-user of all Firm systems. This manual and associated policies apply to everyone working in the Firm, across all locations including full and part time staff, contractors, consultants and business partners. The policy applies to all our business, both international and domestic, wherever it is carried on.

*In this policy the term "All Users" refers to all types of users as listed above.*

You are responsible for complying with the requirement in this manual. In addition, if you are a line manager, you are responsible to ensure that all users who report to you are aware of and understand their responsibilities in this manual.

Please ensure you are familiar with the contents of this manual. Raise any concerns to the ISMS Team.

### **2.2 Why do we need a User Security Policy?**

This manual is developed to protect the Firm from all threats, whether internal or external, deliberate or accidental. To ensure continuity of our business and minimizing business damage from incidents, it is essential that we embed best practice for security in our core business processes. This is all of our responsibilities and is the intent of this manual.

The rules are in place to protect both the staff and the Firm and to ensure resources are utilized in an effective, efficient, ethical and lawful manner. It balances the user's ability to benefit fully from information technology with the organisation's need for continuity of our business and minimizing business damage from incidents.

### **2.3 What is an Information Security Management System (ISMS)?**

An Information Security Management System (ISMS) is a systematic approach to managing sensitive Firm information so that it remains secure. It includes people, processes and IT systems by applying a risk management process.

## ***2.4 What is the scope of the ISMS in the Firm?***

The Information Security Management System applies to the the Firm's Digital Information Technology Systems, their associated IT services and information processed in 88 Harcourt Street, Dublin 2, Remote Users, Third-party Web Hosting and Third-party Data Centre in Telicity Group Ireland Ltd. U7 Kilcarbery Park, New Nangor Road, Dublin 22.

## ***2.5 What is ISO27001?***

ISO 27001 is an internationally recognised standard which provides the requirements for an Information Security Management System.

## **2.6 What are the consequences if I do not abide by this manual?**

This document communicates management directives and your responsibilities to ensure consistent and appropriate protection of our assets. Users who have contravened the requirements of this manual may face disciplinary action, up to and including summary dismissal.

The Firm operates in a large number of countries worldwide, subject to many different laws. It is committed to fully complying with the legal and regulatory requirements of all the countries in which it operates. In many cases failure to comply with local laws may result in the individual staff being liable to criminal prosecution and sanctions as well as the Firm.

## **2.7 Reference**

- 1) ISMS-01-Information-Security-Scope
- 2) ISMS-02-Information-Security-Statement
- 3) ISMS-03-Information-Security-Operations-Manual
- 4) ISMS-04-Information-Security-Users-Security Policy (This document)
- 5) ISMS-05-Information-Security-Systems-Security Policy

This document is uncontrolled if printed.

**Always refer to the online document <http://eolas/IT/ISMS/SitePages/Home.aspx> for the most up-to-date version of this document.**

### 3 What are the Data Classifications and Handling Rules?

All information in the Firm is assigned a data classification in order to ensure it is managed in a manner appropriate to its business value. It is everyone's responsibility to protect this information from unauthorized disclosure or loss.

All client and Firm Electronic data held or processed within the Firm is to have its value assessed by its Originating Partner or their Delegation of Authority (DOA). It is also the responsibility of the information owner to determine the appropriate time for the information to be reclassified and ensure this is communicated to all its users.

The information classifications within the Firm are defined as follows:

Classification	Description	Information Examples
PUBLIC	Information in the public domain which has been approved for public use that can be divulged without affecting the Firm in terms of losing its image and/or suffering economic loss. Security at this level is minimal.  Only after Marketing review and Partner approval can information be classified as PUBLIC.	-Annual reports, press statements, etc.
INTERNAL USE ONLY	Information that is not confidential, restricted or secret, but which should be kept inside the Firm and should not be available externally, except to authorised third parties that have entered into a confidentiality agreement and with the information owner having knowledge of such.  Any staff can decide to classify information as <b>INTERNAL USE ONLY</b>	- Information that could give a competitor an unfair advantage. - Information that could impact the the Firm brand and reputation - Internal news media - Internal phone book information



<p>Confidential</p>	<p>Sensitive insider information relative to departments or projects to which a small group of persons but not the whole Firm, should have controlled access. This is information which should be protected because of its impact on the interests of the Firm and on its clients, partners, and staff.</p> <p>When creating a new Client file the author determines a DMS file as Confidential and Partner Approval is required.</p> <p><u>This is the default Classification</u></p>	<ul style="list-style-type: none"> <li>- Client matter.</li> <li>- Management reports, designs and plans</li> <li>- Raw marketing information</li> <li>- Customer service statistics</li> <li>- Unpublished network topology (may require a higher marking)</li> <li>- Unpublished network statistics</li> <li>- Policy and process documents (unless otherwise declared)</li> <li>- Information on significant network vulnerabilities</li> </ul>
<p>SECRET</p>	<p>Highly sensitive information that is protected because of its relevance to strategic decisions, financial impact, business opportunities, potential for fraud or legal requirements</p> <p>Only a Partner and those with similar positions can decide to classify information as SECRET</p>	<ul style="list-style-type: none"> <li>- Specific Client material</li> <li>- Board level strategic information</li> <li>- Mergers and acquisitions</li> <li>- Most staff information, pay, benefits, appraisals, discipline</li> <li>- Financial data.</li> <li>- Business and sales forecasts</li> <li>- Bid data</li> <li>- Marketing plans</li> <li>- Papers dealing with prospective partnerships</li> <li>- Feasibility studies for new markets / products</li> </ul>

Be aware that where a significant amount of information of a particular privacy-marking is held together, it may (as a single entity) warrant a higher level privacy-marking

### **3.1 What are the Data Handling rules in the Firm?**

The Firm staff are not to disclose sensitive or privacy-marked information to anyone within the Firm who does not have a legitimate need to know the information in the normal course of their duties, or to anyone outside the Firm, unless authorised through the proper mechanisms and in accordance with the relevant requirements (e.g. NDA's, contracts, etc.).

Specifically, information, even apparently trivial information is not to be given to any person whose identity has not been thoroughly verified. You should also ensure the person is entitled / authorised to receive the information. To verify a person's identity you must be satisfied that you:

- Have met the person in a professional capacity on Firm premises
- Know the person by sight
- Know the person's job title and the company they work for
- Know who their line manager is, for identity verification and authorisation in case of "Restricted" or above material

The following standard should be used when verifying a person's identity:

- Caller line identifier (CLI) is not a reliable method of confirming someone's identity. **Do not rely on CLI as a means of identification**
- Never comply with a request for 'Restricted' or 'Secret' information immediately. Always employ the following call back procedure:
  - a) DO NOT give out the information immediately
  - b) Ask the person's name, telephone number, position, place of employment and line manager's name
  - c) Tell the person you will call them back
  - d) Independently verify the contact details e.g. from the telephone book, HR, their line manager and/or Intranet. Use more than one verification source
  - e) Contact their line manager to verify their identity and authorise their request
  - f) Assess if they have a genuine need to know the information
  - g) Make an assessment as to whether the request justifies a call back. If you feel it doesn't or are uncomfortable DO NOT call the person back

If the requestor refuses to allow the call back to occur, if you are suspicious or if the contact details cannot be verified DO NOT comply with the request and terminate the call immediately. Report the incident to a member of the ISMS Team.

To assist in this identity verification procedure ask yourself:

- a) Do I know the person?
- b) Have I met them face to face and do I recognise their voice?
- c) When I met them was I satisfied as to their identity and that they were on official business on premises?
- d) Are they currently employed by the Firm? Are you sure?
- e) Is their request appropriate with their status and position? Be suspicious of unusual requests
- f) Insist on a contact number and location
- g) Do not comply with the request on the first call but tell them you will ring them back

If you answer no to any of the above questions DO NOT comply with the request and report the incident to the Firm

Based on the data classification there are handling rules appropriate to protect the data. These are defined as follows:

	PUBLIC	INTERNAL USE ONLY	CONFIDENTIAL	SECRET
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Labelling	Computer media, such as disks and tapes, should be clearly labelled (both electronically and physically) with the highest classification of data which they hold.			
Disclosing	Unrestricted material for internal and external use	Unrestricted within the Firm and to our partners	On a "need-to-know" basis within the Firm and to our partners	<i>same as "Restricted" and: Approved by information controller</i>
Distribution	May be supplied to internal or external parties as appropriate	May be supplied to third parties involved that have entered into a confidentiality agreement and with the owner having knowledge of such	Has to be approved in advance by the information owner.  Distribution List must be maintained with the document. Must be encrypted if published to the Intranet.	<i>same as " Restricted" and:  Must not be published on the Intranet.</i>
Intranet	No restrictions	No restrictions	Restricted to users who required access, approved encryption has to be used	Not to be published on the Intranet
Electronic Storage <i>(including laptop, USB devices, Smartphone, backups, etc.)</i>	No restrictions	No restrictions within the Firm	Data must be encrypted used approved encryption on Laptops and USB Storage device. Desktop and Server encryption deployed at IT Managers Discretion.  Login and screensaver password must be set	<i>same as "Restricted" and  Use safe to store items of high value or sensitivity</i>
Electronic Transfer	No restrictions	No restrictions within the Firm.	must be encrypted using approved encryption method <sup>2</sup>	<i>same as "Restricted" but may include Two-Factor Authentication or additional controls</i>
Destruction (all media)	No restrictions	Confidential waste bin, shredding or certified destruction of	<i>Same as Internal Use Only</i> Shredders or certified destruction only	<i>same as "Restricted"</i>

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		media		
Everything Else	No restrictions	No restrictions within the Firm.	On a 'need to know' basis. Even within the Firm Must only be discussed with individuals named on the distribution list.	<i>same as "Restricted"</i>

***It is the responsibility of all users to read and be familiar with the above classifications and rules regarding the handling of each data type, and to ensure that information is handled in accordance with its Data Classification. Should you require further clarification please contact a member of the ISMS Team.***

### 3.2 What about Personal Data?

*“Personal Data” means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information.*

In Ireland, Data Protection law applies to the processing of personal data.

Sensitive personal data is where the personal data contains details that may contain a person’s:

- Name
- Address
- Age
- Sexual life
- Ethnic origin
- Financial standing
- Religious beliefs
- Political views
- Criminal convictions
- Membership of a trade union

For this type of information even more stringent measures should be employed to ensure that the data remains secure.

It is essential that the Firm protects personal data and all Firm people are personally responsible and accountable for ensuring compliance with the provisions of the Data Protection laws in the country in which they work. This applies to all personal data that is held, processed or controlled by the Firm regardless of its origin or the system it is held on. Key principles are:

1. The Firm people must not look up any client or confidential data for their own personal reasons, interest, or use. This is a serious offence.
2. Never place customer Personal Data on a laptop or portable media (includes, but not limited to, tapes, disks, flash disks, removable hard drives, CDs, DVDs, etc.) unless it is encrypted using the Firm approved encryption software, reference section and in-line with the Data Classifications and Handling Policy.

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All users have obligations to ensure the confidentiality of personal data to which they have access. For other issues in relation to collection, use of, retention periods, disclosure, destruction, accidental loss, or any other aspects in relation to processing of Personal Data please refer to a member of the ISMS Team.

## **4 How do I report breach of Policy, Incident or Security Weakness?**

If you observe a security incident or weakness it should be reported as soon as possible. You must not take advantage of a security incident or weakness in any system. Attempts should be made to avoid taking actions which may contaminate the evidence or audit trail associated with activity.

### ***4.1 Reporting of criminal activity, fraud, theft or other serious activity***

Everyone working in the Firm, across all locations and including full and part time staff, contractors, consultants and business partners must report criminal activity, fraud, theft or other serious activity to their Manager, Firm Point of contact or Firm CFO without delay.

### ***4.2 Other Information Security Incidents***

All other incidents or weaknesses must be reported to your local IT-helpdesk as soon as possible including, for example:

- loss of confidentiality of information.
- compromise of integrity of information.
- denial of service.
- unauthorized access to systems.
- misuse of systems or information.
- theft and damage to systems.
- virus attacks.
- intrusion by humans.

Other incidents include:

- Loss of ID badge/s.
- Missing correspondence.
- Exposure of Uncollected print-outs.
- Misplaced or missing media.
- Inadvertently relaying passwords.
- Loss of mobile phones and portable devices.

The IT-helpdesk may be reached as follows:



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## Business Unit

IT-Helpdesk

## Contact Details

Email: [servicedesk@byrnewallace.com](mailto:servicedesk@byrnewallace.com)

Telephone: 016915050 (Monday to Friday, 8-6 including lunchtime)

The report should include (at a minimum):

- Contact Details of the person reporting the incident
- Date and time in which the incident or weakness was observed or if applicable occurred
- Description of the incident or weakness

***Once reported, it is the responsibility of the IT-teams to follow the incident response policy as defined in the error reporting process.***

**All reports will be treated in the strictest confidence.**

## 5 Policy Statements

### 5.1 External Policies

The following policies also apply, and should be referenced however are not detailed here:

- 1) The Firm LEXCEL Documentation

In the event of any conflict between this document and the above policies, the above policies shall apply.

### 5.2 Protection of The Firm resources

For the purpose of this policy "**The Firm resources**" includes but not limited to the Firm's premises, computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, FTP, e-mails, internet/intranet, mobile devices such as PDAs, laptops, USB Sticks, Video-conferencing equipment, SIM cards and mobile phones, information and training materials.

The Firm's resources are the property of the Firm and must be used for legitimate Firm purposes only. Users are provided with these resources to assist them in the performance of their Firm job. It is important that all resources be secure, controlled, and monitored as inappropriate use of these resources could expose the Firm to outages, business damages, unnecessary cost and possible litigation.

- 1) All data stored on the Firm's resources is the property of the Firm.
- 2) Personal data should not be stored on the Firm's resources, unless required as part of the Firm related activities and approved by the Information Security Officer.

All users have obligations to ensure the confidentiality of personal data to which they have access as part of the Firm's related activities. It is essential that the Firm protects any personal data and all Firm people are personally responsible and accountable for ensuring compliance with the provisions of the Data Protection laws in the country in which they work. This applies to all personal data that is held, processed or controlled by the Firm regardless of its origin or the system it is held on.

Where personal data is used on Firm resources, monitoring system cannot distinguish between personal and non-personal data and therefore the user should be aware of this monitoring and have no expectation of privacy while using Firm IT-Resources.

- 3) You must not store any data on Firm resources which could bring the Firm into disrepute. This includes any material which:
  - Could potentially result in an operational or reputational risk to our Firm Contains profanity, obscenities, derogatory or abusive remarks, or discriminatory material.
  - Contains nudity or images of a sexual nature which could cause offence Defamation or libel
  - Bullying, sexual, religious or racial harassment.
- 4) Firm resources must be used only for the purpose for which they are authorised and intended. Resources may not be used for non- Firm related activities. Non-employees of the Firm, including partners and children, are not permitted to use the Firm resources.
- 5) All resources and equipment must be returned to the Firm (laptops, mobile telephones etc.) on severance of the working relationship with the Firm unless a prior written agreement to keep the assets is agreed with senior management. Where an agreement is in place to retain a user's laptop, the laptop must be securely wiped of all Firm data and returned to factory default build.

In the case of Firm staff, severance of the working relationship is when the contract of employment is terminated.

In the case of suppliers and outsourced workers, the subcontracted company is responsible for the return of assets. Firm electronic data must also be deleted and any storage devices containing such data destroyed once the information is no longer necessary to execute the contract.
- 6) Selling or advertising as part of a non-Firm business is not permitted using Firm resources.
- 7) Firm assets must not be removed from a site without the appropriate authority to do so.
- 8) Only approved Firm owned devices should be attached to the Firm network. If a non-Firm owned device is required to be connected to the network, explicit written approval must be obtained from your local IT-Team. This includes, but is not confined to, wireless enabled devices, laptops, network devices or any other devices directly wired to the network. The local IT-Team must follow the procedures to verify the security of the device prior to

connecting to the network.

- 9) Users must not deactivate or disengage any protection mechanisms installed on Firm resources (personal firewalls, antivirus software, administration account, etc.)

### **5.3 Monitoring of Activity**

In order to protect Firm resources from internal and external threats whether deliberate or accidental, and to ensure compliance with this and other relevant policies, regulatory or legal requirements, The Firm will monitor, without further notice, all data, email and Internet activities on Firm systems.

- 1) Users should have no expectation of privacy while using Firm IT-Resources.
- 2) Users should be aware that there are tools in place to monitor the content of all incoming and outgoing emails. There is a record of all email communication and access to individual emails is possible.
- 3) The length of time spent by a user accessing the Internet, sites-visited and time spent may also be monitored.

The Firm will, without further prior notice, randomly (or where there is just cause) read, access, or otherwise monitor specific systems beyond the tools detailed above. In this instance of specific system or user monitoring, it can only be authorised by Senior Management following the approval of the local HR Team and may be done by external bodies. This may also involve the acquisition of a forensics image of a system via data-forensics or e-discovery of systems if required.

#### **5.4 How should I protect my login?**

Users are responsible for all actions undertaken using their user login accounts, and will be held accountable for any misuse.

- 1) Users must not attempt to gain access to information, systems, or information within systems, for which they are not authorised, or to exceed the facilities and privileges granted to them.
- 2) Users must not use another person's password or user account, even if they have left the organisation. You must never give any of your account passwords to someone else. Users must only use the account which has been issued to them.
- 3) You should not use generic or shared accounts for day-to-day tasks – always use an account assigned specifically to you.
- 4) You should change your passwords regularly (recommended max 90 days). If you suspect that your account security has been compromised, your password must be changed immediately. The incident must also be reported as detailed in section 4.

#### **5.5 How do I manage my passwords?**

Passwords are a fundamental aspect to security and often act as the last line of defence when it comes to securing your account and data. For this reason it is vital that vigilance is applied in choosing and managing of passwords.

- 1) All passwords must have the following **minimum complexity requirements**:
  - Be a minimum of 8 characters long
  - Must contain characters from at least 3 of the following character sets
    - Lower case characters 'a' – 'z'
    - Upper case characters 'A' – 'Z'
    - numbers '0' – '9'
    - Special characters, e.g. !"£\$%^&\*()@
  - must not be guessable using dictionary-based techniques or rules (e.g. A dictionary word)

- must not be based on obvious or predictable passwords such as variants of your name or username, date of birth, children's names, department name, key/character sequence, or dictionary word.
- 2) Passwords must only ever to be written down for emergency record purposes and then stored under protected conditions (i.e. in locked furniture). If you need to manage a number of passwords they should be stored in a secure password management software application – refer to your local IT-Team for more information.
  - 3) All passwords stored electronically must be encrypted. Passwords must not be saved in clear text on a file or database for any purpose.
  - 4) Where the user has access to a number of different systems, each requiring passwords, it is permissible for the user to use the same password for each system so long as:
    - The password meets the defined password requirements
    - The same password is not used for internal Firm resources and external systems
    - If it is suspected that the password has been compromised, then all of the system passwords will be changed immediately.

***It is important to note that the password policy applies to all systems and production stages of development including production and test. It is not acceptable that temporary passwords are assigned to systems during development with the intention to change to more secure passwords before entering production. The process of resetting the passwords to secure passwords is often missed or certain areas or passwords forgotten in this process.***

## **5.6 What software may be loaded to PCs?**

*In this policy the term "PC" refers to laptops, desktops, servers.*

- 1) In order to maximise the efficiency of the computer network and minimise the risk of viruses, PCs may only be loaded with Firm approved software.

There are 4 categories of authorised software, namely:

1. Software provided with the PC hardware at the time of delivery or installation by the IT Team.
2. Software provided by an approved supplier via the IT Team

3. Software produced as a result of a formal Firm IT approved development process
4. Other PC software for specialist department applications authorised and agreed with the IT department. Such software must have the software checked for virus and must not be in breach of any other policy

***All other software is deemed to be unauthorised and consequently must not be loaded onto Firm PCs. All PC's shall be scanned periodically to create a hardware and software audit and any unauthorised software may be un-installed or instructed to be uninstalled.***

- 2) All software installed on Firm resources must comply with the licensing agreement and terms and conditions of the software agreement. Never install illegal or unlicensed software on your PC/laptop. USB access to Storage devices is blocked and monitored.
- 3) Staff are responsible for complying with copyright law. Before downloading files, graphics, documents and messages the staff must check that there is explicit permission from the owner of the materials to use them.
- 4) The use of port scanners, network sniffers and general hacking tools must not be installed on any Firm resources without the written permission of your local IT-Team responsible for that location.

## **5.7 What is the Social Media Policy?**

In this policy the term “*social media*” refers to all means of communicating or posting information of any sort on the Internet, including your own or someone else’s blog, social networking sites, social bookmarking service, user rating service and any other online collaboration, sharing or publishing platform, web bulletin board or chat room, internet forums, whether or not associated or affiliated with the Firm.

Management recognise that the internet provides unique opportunities to participate in interactive discussions and share information

on particular topics using a wide variety of social media, such as :

- Social Networking Sites (Facebook, Myspace, Foursquare, LinkedIn)
- Micro-blogging sites (Twitter)
- Blogs (including Firm and personal blogs as well as comments)
- Video and Photo Sharing Websites (Flickr, YouTube)
- Forums and Discussion Boards (Google Groups, Yahoo! Groups)
- Online Encyclopaedias (Wikipedia, Sidewiki)

You are responsible for any comments or postings made on social media. The following provides The Firm policy on the use of social media:

### **5.7.1 Use of social media in business hours**

Use of social media, including internet access, is only permitted during the Staff member’s lunch time. Therefore the Firm’s policy is that other than during lunch time the use of social media is not permitted during working time or by means of our computers, networks and other IT resources and communications systems.

### **5.7.2 Personal use of social media outside of working hours**

Social media should never be used in a way that ignores any of the Firm’s other policies. Staff are prohibited from using social media to:

- Contravene our obligations with respect to the rules of relevant regulatory bodies
- Infringe any obligations they may have relating to the Firm’s confidentiality
- Breach our Data Protection policy by disclosing firm information or data
- Make representations on behalf of the firm



- Breach our Disciplinary Rules
  - Defame or disparage the firm or its affiliates, customers, clients, business Partners, suppliers, vendors or other stakeholders
  - Reference, cite or publish any information regarding the Firm's clients, potential clients, partners, Staff members or consultants, without their express consent.
  - Use firm logos and trademarks without written consent.
  - Harass or bully other Staff in any way
  - Unlawfully discriminate against other Staff or third parties and/or breach our Equality Policy
  - Disclose personal information/photos about a colleague online without prior permission
  - Breach any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than oneself or by making misleading statements).
- 
- Any data posted to social media services must comply with the Data Classification Handling Rules defined in Section 4. Specifically, any information which is classified as INTERNAL-USE-ONLY or higher must not be posted to social media sites.
  - If it is brought to the Firm's attention that inappropriate information, images or comments have been posted on the internet, whether during or after working hours, at work or at home , then the allegation will be investigated.

### ***5.8 What is the Instant Messaging Policy?***

Instant Message (IM) (Cisco Presence) is provided for internal communications only for the purpose of enhancing business efficiency and the reduction in email traffic and consequently the time spent on email management. This policy provides staff with standards to be complied with for IM use and content, and applies to all information created and transmitted via the Firm's internal IM system. The IM system is intended for business use only.

Staff are prohibited from sending personal instant messages or engaging in unnecessary chat.

Staff are prohibited from downloading and using personal IM software on any of the Firm's computers or similar devices to transmit instant messages via the public internet.

All IM communications and information transmitted, received, saved or archived in the IM system belong to the Firm and may be accessed by the Firm for review at any time. Staff have no reasonable expectation of privacy when using the IM system. The Firm reserves the right to monitor, access, and disclose all staff IM communications, to include patterns of use.

Treat IM messages as business records that may be retained and used as evidence in litigation, audits and investigations to include discovery. Messages that relate to client matters or other work of the Firm that should be saved to the DMS should be sent by other means (e.g. email) so they can be filed into the appropriate workspace. IM messages or 'chat' are not designed to be saved.

Always use professional and appropriate language when using IM. Staff are prohibited from sending abusive, harassing, threatening, menacing, discriminatory, pornographic, disrespectful, or otherwise offensive instant messages.

Staff are prohibited from sending jokes, rumours, gossip, potentially embarrassing information or unsubstantiated opinions via IM. These communications, which often contain objectionable material, are easily misconstrued when communicated electronically.

The contents of our IT resources and communications systems are Firm property. Therefore, Staff should have no expectation of privacy in any message, file, data, document, social media post conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored on our IT and communications systems.

The Firm maintains the right to monitor the nature and content of social media post conversations sent and received by Staff and to monitor the volume of internet traffic and the internet sites visited by Staff. The Firm may store copies of such data or communications for a period of time after they are created, and may delete such copies from time to time without notice.

## ***5.9 What is acceptable Email Usage?***

E-mail has the same permanence and legal status as hard copy. Staff must ensure that the same professional standards that apply to other written documentation are also applied to emails, including levels of confidentiality. Emails to outside organisations have the same power to create binding contracts as other hardcopy documents.

- 1) Appropriate personal use of the Firms email is permitted at Lunchtime provided it does not:
  - a. Interfere with the users or any other staff's job performance.
  - b. Have an adverse effect on the computer or Firm network performance.
  - c. Violate any other policies, guidelines, or standards of the Firm.

However in doing so please be aware that in order to protect Firm resources, all communications are monitored as detailed in section 5.3 and it is not possible for monitoring systems to distinguish between personal and non-personal use. As a result all personal use is also monitored so you must have no expectation of privacy when using email for personal use.

- 2) It is not permitted for staff to use public web based systems such as Hotmail, Yahoo Mail, etc. for Firm business purposes. Usage of non – Firm POP and SMTP mail services is also prohibited. Usage of such systems can bypass Firm anti-virus measures and lead to software infection. Sending unsolicited email (spam) and chain letters is prohibited.  
*Note: Use of Web based email services by IT staff for diagnostic or troubleshooting email problems is permitted.*
- 3) Any email sent must comply with the Data Classification and Handling rules defined in Section 3. For example, information which is classified as CONFIDENTIAL must be encrypted if sent externally to The Firm and must require that the 3<sup>rd</sup> party has signed an appropriate NDA.
- 4) Remember that e-mails sent over the Internet could be subject to interception and modification by a 3<sup>rd</sup> party. As e-mail can be copied, you should always assume that it might be read by somebody other than the intended recipient.
- 5) Never set up auto-forwarding of e-mail from the the Firm e-mail system to any external account.
- 6) Do not use the Firm e-mail system to send a computer virus, Trojan horse, worm or any other type of malicious software. If you receive suspect software by e-mail, the incident should also be reported as detailed in section 4.
- 7) Electronic mail should be business-like, courteous, and civil. It must not be used for the expression of ill will, harassment or bias against individuals or groups, offensive material such as obscenity, vulgarity or other non-business-like material. Sexually explicit material, cursing and name-calling are never appropriate communications. Sending unsolicited email (spam) and chain letters is prohibited.
- 8) In the interest of transparency, the use of the blind carbon copy feature (bcc) should be avoided.
- 9) Staff must ensure that where an e-mail is received which they deem to be inappropriate, it is reported or to the IT Department as soon as he/she becomes aware of it.

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### ***5.10 What is acceptable Internet Usage?***

Internet access is a valued Firm resource. Access is granted to the internet for appropriate personal use at Lunchtime. The following policies apply to Internet usage (Business and Personal):

- 1) Only download files required for business purposes and approved by your manager. These should always be scanned for viruses. Do not download software, music, movies, games, etc. to your PC unless required as part of your role within The Firm and is software approved by the IT Manager.
- 2) Never intentionally browse web sites containing illegal or inappropriate content. (This type of material includes potentially illegal, defamatory, abusive, obscene, profane, racist, sectarian or pornographic words, pictures, or any materials which may cause offence or annoyance to any reasonable person.)

The following is deemed to be improper use of the Internet:

- a. Accessing or publishing any illegal material.
  - b. Accessing or publishing any material which could offend others (e.g. pornography, racism, etc.).
  - c. Excessive Internet use for personal purposes.
  - d. Use of internet chat rooms.
  - e. Anything which may bring the Firm or individuals into disrepute.
- 3) Do not change the settings of your computer or browser software in an attempt to bypass the monitoring & filtering implemented by The Firm.
  - 4) Never upload Firm data to any cloud based virtual drives (dropbox, google drive etc.)

### ***5.11 How do I protect against SCAMs and Fraudsters?***

Users may be contacted by an imposter asking them to perform actions or divulge confidential information for the purpose of fraud, or computer system access. It is important for staff to recognize potential scams and fraudsters and not to divulge confidential information, or allow themselves or The Firm to be exposed to fraud. The following steps should be used to detect and react to such events:

- 1) Be aware of scams and fraudster and be suspicious of unsolicited phone calls, visits, or email messages from individuals asking about staff, internal information, or monetary information. If an

unknown individual claims to be from a legitimate organization, try to verify his or her identity directly with the Firm.

- 2) Never disclose your password or other secret information to anybody. The Firm IT or any other Firm staff will never contact you by any means to ask for your password or any other private credentials.
- 3) Do not provide any Firm information or information about your work, including its structure or networks, or financial information unless you are certain of the receiving party and of a person's authority to have the information in line with the data classification and handling rules. Be vigilant/suspicious to requests referring to:
  - An "urgent matter"
  - A "forgotten password"
  - A "computer virus emergency"
  - A form of intimidation from "higher level management"
  - A "name dropping" by the individual which gives the appearance that it is coming from legitimate and authorized personnel.
  - ✗ The requester requires release of information that will reveal passwords, model, serial number, or brand or quantity of The Firm resources.
  - ✗ by an unknown (not verifiable) individual via phone, email, online, fax, or in person.
- 4) If you feel you have been the victim or target of a scam or fraudster, or have been contacted by an imposter then the incident should be reported using procedures detailed in Section 4.

## ***5.12 What is the Remote Access User Policy?***

Being able to work outside the office provides The Firm staff with a great degree of work flexibility. However, accessing The Firm systems remotely can expose us to serious security risks if not used with due care and consideration. Be mindful that the onus to protect The Firm's information assets does not diminish; therefore it is important to understand the threats and to take appropriate precautions when working remotely.

- 1) Remote access to The Firm's networks and systems is only permitted using an approved remote access mechanism as defined by the IT Team.

End-Users must not install any software which may provide them with remote access to their

PC from outside of The Firm.

- 2) The same security policies apply to remote workers as would to office based personnel. Please ensure when working remotely that all applicable security policies can be complied with. For example:
  - a. If working on "CONFIDENTIAL" documentation, all paper waste is to be disposed of properly and in accordance with the Data Classification and Handling Policy.
  - b. Never connect remotely to The Firm networks with equipment that does not have up to date anti-virus and appropriate desktop security installed and configured.
- 3) Never share your remote credentials (including any security device or fob with anyone unless approved by your local IT-Team).

### ***5.13 What is the Portable and Mobile Computing Security Policy?***

Using laptops and portable computing devices, including smartphones, requires additional care and vigilance by users. The Firm users using laptops, smartphones, palmtops, USB memory sticks, CDs, DVDs, SIM cards, removable hard drives or other portable devices containing The Firm's customer or Firm information must take additional reasonable steps to ensure the security of the data.

- 1) Users should never leave laptops/mobile phones etc. visible in an unattended vehicle, even if the vehicle is locked. Mobile devices (especially laptops), should be kept as hand luggage when travelling.
- 2) To prevent physical damage and loss of assets, wherever possible, remove all portable and mobile media from vehicles when they are left unattended. If this is not possible, they have to be securely locked away in a place where they are not visible and mobile phones must be switched off. Under no circumstances are laptops to be left on rear seats or under front seats of vehicles.
- 3) Report the theft or loss of a laptop or device containing The Firm's data immediately using the incident reporting procedures detailed in Section 4. Similarly, lost or stolen mobiles should be reported as soon as possible to avoid excessive bills.

In relation to the use of telephones:

- 4) Calls to and from mobile phones attract a premium rate charge and as such must be used with discretion around call costs. Staff issued with Firm mobile phones must ensure that calls made are mainly for business purposes.
- 5) All staff using Firm mobile phones must comply with the current legislation with regard to using a mobile phone whilst driving. Staff are under no obligation to make or receive phone calls while driving. If there is a hands free kit installed in the car, you should only make or receive calls where it is safe to do so.
- 6) Landline telephones are provided for mainly business use only. Private usage of the Firm's phones is subject to agreement with your line manager and bills will be monitored by The Firm's Management for the purposes of cost control and Firm security and integrity.

## ***5.14 Smartphone Users Policy***

The Smartphone User policy applies to all Smartphone's with access to The Firm's systems or corporate data. Smartphone refers to all forms of devices including:

- iPhone and iPad
  - Android devices
  - Blackberry devices
  - Tablet PC (regardless of operating system).
  - Windows Mobile
- 1) All users should be aware that if remote access is required from a smartphone device, security measures may be enforced on the device by The Firm. For this purpose, configuration may be changed on the device (via over-the-air), and agents may be installed in order to enforce The Firm Information Security Policies. This includes encryption of the device, enforce the use of strong passwords, enforce password rotation, enforce automatic wipe if multiple consecutive login failures are detected.
  - 2) Enforcement of The Firm Information Security Policies is required on all devices with remote access to The Firm's networks and data. While privately owned smartphones or non-Firm smartphones may be utilized, agents may be installed and security enforced on the device regardless of the ownership of the device. This may include the ability for remote wipe, enforce strong passwords, enforce automatic wipe if multiple consecutive login failures are detected. Best endeavours are made to avoid any failure of your device as a result of these settings or agents; however there is a risk that such agents may cause damage or disruption



to your mobile device. The Firm cannot be held liable for any such damage to the device and by configuring the remote access you are accepting the risk this may have on your device. If this is not desired then you should not configure the remote access or email access to The Firm on your device.

- 3) If a device is lost or stolen, and it has accessed or retained customer or Firm data, it should be reported as a security incident following the procedure defined in Section 4. This is irrespective of device ownership.

### ***5.15 How do I protect against Viruses and Malware?***

It is the personal responsibility of each individual to take precautions to ensure that viruses are not introduced into any Firm or customer system with which they come into contact.

The following simple steps will help to protect your PC from viruses:

- 1) Do not change the settings to disrupt the anti-virus software or the automatic updates.
- 2) Do not transfer files between a Firm resources and any device that is not part of the Firm network unless for permitted business purposes. Ensure that all such files are virus scanned before transfer. Similarly, never insert a USB or CDROM into Firm Resources unless they are from a known trusted source - they could contain a virus or Trojan which automatically infects the computer once inserted.
- 3) Never open unsolicited mail messages or attachments unless they are from a known source – they could contain a virus or Trojan. This includes PDF, Word or other email attachments. Never install applications received via email.
- 4) If your computer has become, or you suspect it to be, infected with a virus you have to immediately report the incident immediately using the procedure detailed in Section 4. . If the situation appears to be urgent then you should shut down your computer as soon as possible and wait for assistance. This does not apply when the anti-virus software has informed that the virus has been automatically deleted.

### ***5.16 Access to the Firm buildings***

All The Firm premises are to have an effective and approved means of controlling access to and within a building so that only authorised people are allowed access.

- 1) All users must only enter areas for which they have received authorisation.
- 2) Except where there is an emergency, all users will:
  - a. Never leave external doors, which are not under the control of a security guard or receptionist, unlocked and unattended.
  - b. Never allow access to strangers without following the normal visitor registration process.

- 3) Tailgating is the term used to describe the act of obtaining access to an area without the presentation of the appropriate authorisation by following another staff who has legitimately accessed that area. Staff must not tailgate into areas for which they do not possess authority, nor allow others to tailgate behind them.

If someone is tailgating you through a controlled access point (e.g. door or gate) ask yourself:

- a. Do I know him/her?
- b. Is he/she a current employee?
- c. Are you sure?

If the answer to any of the above questions is no; politely ask the person to identify themselves and swipe themselves through the door.

- 4) Visitors and day contractors must be granted access only where a Firm host is prepared to accept responsibility for them and has verified their identity. If you are the host you are responsible for:
- a. Accepting responsibility for the actions of the visitor whilst on site
  - b. Escorting visitors at all times whilst on the premises

### ***5.17 Access to the Firm Server Room***

Access to The Firm Server Room is restricted to a limited number of staff and external contractors.

It is the responsibility of everyone who is accessing the server room to protect The Firm's technology-based resources (such as corporate data, computer systems, networks or databases) from unauthorized use and/or malicious attack that could result in loss of information, damage to critical applications, loss of revenue, and damage to our public image.

Third-party staff must be accompanied in the Server Room at all times

### ***5.18 What is the Clear Desk Policy?***

The objective of this policy is to ensure that all electronic records (Documentation is out of ISMS scope) containing person identifiable information, or any other confidential/sensitive information is suitably secured when not in use and is not left visible on an unattended desk.

This policy applies in particular to working areas, such as desks or tables, which should not have confidential, sensitive, commercially sensitive or person-identifiable information left on them whilst unattended for an extended period.

Desks must be cleared at the end of each working day of any confidential or person identifiable information. Files containing confidential information must be locked securely in desks, filing cabinets or designated secure rooms at all times, other than when being used by staff. All efforts must be made to keep this information secure and not readily accessible to non-authorised staff. ☒

To reduce the risk of a breach of confidentiality and adherence to the Data Protection Act, when disposing of person identifiable information, ensure that it is destroyed securely using approved methods of waste disposal.

Personal items (i.e. keys, handbags, wallets etc) should be locked away safely in the interests of security. It is the responsibility of the owner to ensure all security precautions are taken.

To ensure the security of information held electronically, lock away portable computing devices such as Laptops or PDA devices when not in use and where appropriate;

To ensure the security of information held on mass storage devices such as CDROM, DVDs or USB drives, lock these away in a secure drawer at the end of the working day;

USB drives and other such items must be locked away even if they are encrypted.

Computers and laptops must not be left logged on when unattended. When staff have to leave their desks for any reason, they must lock the computer by using the 'Control, Alt, Del' keys simultaneously or by pressing the 'Windows' key and the letter 'L'. Access to the computer/laptop must be protected by passwords.

As far as practicable, when sensitive or confidential information is being worked on, the window must be closed or minimised, or the computer locked when unauthorised persons are in close proximity to the screen.

### **5.18.1 Printers, Photocopiers and Fax Machines**

Where there is a shared printer or multi-functional device available, all printing should be locked by use of a swipe card or PIN device.

To avoid accidentally printing to an unintended network device, computer users should additionally check that their default printer is correct before printing any documents.

Where documents are scanned using photocopiers or multi-functional devices ensure that scanned documents are correctly routed to the 'owner' of the document and then accurately filed appropriately.

Personal data must be cleared from printers, photocopiers and fax machines immediately on completion. If these are no longer required the items must be shredded or sent for secure disposal.

It is the responsibility of the person who sends information to be printed to ensure they collect their documents. All documents should be sent to print using the locked print facility. If information is of a confidential/sensitive nature and it is misplaced or missing, this should be logged as an incident to a member of the ISMS forum.