

PENSIONS

Co. / Union / Case No.	Background	Court Rec.
Aras Ghoath Dobhair (IBEC) / A Worker (INMO) AD10106	The case concerned an appeal of a Rights Commissioner decision regarding the application of HSE terms and conditions, including the introduction of a pension scheme.	The Court found that the employer should introduce a defined contribution pension, where the employer is to contribute 4% and a 4% employee contribution.
National Irish Bank / IBOA LCR20001	The case related to a dispute over changes made to a defined benefit pension scheme.	The Court recommended that the parties re-engage to resolve outstanding issues, including the protection of accrued benefits under the existing scheme.
Irish Life PLC / UNITE LCR20054	The dispute centred on pay, pensions and a cost saving agenda.	The Court recommended that the union accept the proposals set out by the facilitator. The Court also noted that the company's position on post-retirement increases in pensions had been sufficiently addressed in a March 2011 letter.
Cathal Duffy / A Worker (SIPTU) LCR20069	The employer sought a refund of pension contributions, following an employee's 65th birthday.	The Court rejected concession of the union's claim, citing a binding Pensions Ombudsman decision.
National College of Ireland (IBEC) / SIPTU LCR20091	The dispute concerned an employer proposal to implement a freeze on the pension scheme for two years.	The Court noted that there was no disagreement regarding the need for cost savings and therefore recommended that the parties re-engage and build on discussions in conciliation, with discussions to be concluded within three weeks.
Dublin City Council / A Worker (UNITE) AD1169	The dispute concerned a union claim for the inclusion of on-call payments in the calculation of pension entitlements. The worker appealed the Rights Commissioner decision.	The Court noted the existence of an internal circular letter relevant to the case which was not presented in the Rights Commissioner hearing. The Court recommended that the procedures in the circular be applied and the Rights Commissioner decision set aside.
Foras Aiseanna Saothair (FAS) / SIPTU LCR20181	The dispute concerned withdrawal of the company's pre-retirement leave scheme, and failure to reach agreement on the reintroduction of the scheme or compensation for its withdrawal.	The Court increased the employer's offer of compensation with an additional 1 day's leave for each group with respect to length of service. The Court also stated that the scheme should be formally withdrawn but that all current commitments to individual staff should be honoured.

Co. / Union / Case No.	Background	Court Rec.
Arrabawn Co-op / A Worker (SIPTU) LCR20210	The dispute related to the alleged suspension of pension entitlements of an employee who opted for an early retirement option.	The Court found that the union's claim for re-employment was reasonable and found that the company should consider the claimant, should a suitable position arise in the future.
Procter & Gamble (IBEC) / SIPTU LCR20209	The case concerned the closure of a defined benefit pension scheme and replacement with a defined contribution scheme.	The Court noted that the unilateral nature of the decision taken by the company was unfavorable and that any further changes to the scheme should be the subject of discussions between the parties. However, the Court found that since the proposed changes were to be applied only to new entrants, there was no practical basis on which to recommend concession of the claim.
Millward Brown Ireland (Rosemary Mallon B.L. instructed by Whitney Moore Solicitors) / A Worker (Dillon Solicitors) AD1220	The dispute concerned a claim over pension entitlements, and a change in pension scheme following the employee's return to full-time work after resigning to pursue study. The worker appealed the Rights Commissioner's decision.	The Court found that, despite the ambiguity surrounding the change in pension entitlements, that returning the employee to the previous pension scheme was not practical. However the Court recommended that the lump sum to be paid into an AVC fund for the employee should be increased to €17,500.
Willstan Racing (Ireland) T/A William Hill (IBEC) / A Worker (SIPTU) AD1221	The case concerned a dispute over postponement of the retirement age for one employee. The union appealed the Rights Commissioner's decision.	The Court found that since the company was no longer trading, there was no means of progressing the claim, and that there were no grounds to overturn the Rights Commissioner's decision.
Divine World Missionaries (Mr. S. Dixon B.L., instructed by Dermot Flanagan Solicitors) / 2 Workers (Ms. C. Egan B.L., instructed by Byrne Carolan Cunningham Solicitors) LCR20284	The dispute related to a claim for a retirement gratuity of 1 week's pay per year of service.	The Court found in favour of the claimants and recommended that the employer pay the claimed retirement severance payment.
County Cork Vocational Education Committee (Pearse Sreenan B.L. instructed by Michael Powell Solicitors) / A Worker LCR20334	The dispute related to terms and conditions of employment, including pension entitlements.	The Court found that the employer should write to the claimant and clarify the pension entitlement issue, in the context of two Department of Education and Skills circular letters.
Dodder Valley Partnership / PSEU LCR20344	The dispute concerned the withdrawal of pension funding.	The Court recommended that the employer honour the employment contracts of the workers involved and seek funding from the Department of Social Protection to discharge these contractual obligations.

Co. / Union / Case No.	Background	Court Rec.
FMC International (IBEC) / SIPTU, TEEU & UNITE LCR20345	The dispute concerned proposed changes to the defined benefit pension scheme.	The Court recommended that the proposals presented in conciliation should be applied with some revisions, including a once-off contribution of €1,500 per affected employee.
Regional Newspapers & Printers Association of Ireland (IBEC) / UNITE & SIPTU LCR20373	The dispute concerned the winding up of the defined benefit pension scheme and replacement with a defined contribution scheme.	The Court found in favour of the employer and recommended that the employer's position be accepted.
Aer Lingus / ICTU Group of Unions LCR20440	The dispute concerned a pension deficit, and the structure of a new pension scheme.	The Court recommended that the scheme should, as proposed by the company, be defined contribution, but with certain target levels of benefit as a percentage of final pensionable pay.
John Crane Ireland / SIPTU LCR20441	The case concerned a dispute over a proposal to wind down the defined benefit pension scheme and replace it with a defined contribution scheme.	The Court noted that there had been no meaningful engagement and therefore recommended that the parties engage to identify alternative arrangements, in the context of available resources. The Court noted that the discussions should conclude within three weeks, and that in the interim the employer should underwrite death in service benefits.
Gernord (IBEC) / A Group of Workers LCR20470	The dispute concerns proposed changes to the defined benefit scheme, and the introduction of a defined contribution scheme.	The Court found that the scheme presented by the company was fair and should therefore be accepted by the claimants. The Court noted that the terms of the scheme should be reviewed in the event that the company's financial situation improves.



Target the right
people through
IRN advertising

Call Julie Colby on
01 4972711 or
email jcolby@irn.ie

“irn
industrial
relations news

www.irn.ie