

3 December 2021

**R0953 PAC33**

Sent by email to: [pac@oireachtas.ie](mailto:pac@oireachtas.ie)

**Ref: SO629 PAC33**

Brian Stanley, TD  
Chair of Public Accounts Committee  
Committee of Public Accounts  
Leinster House  
Kildare St  
Dublin 2 - D02 XR20

Dear Deputy Stanley

With regard to the most recent correspondence from the Committee of Public Accounts of 22 November 2021, we would wish to state the following.

The Committee have raised a number of very specific enquiries arising from a formal review, voluntarily undertaken by RTÉ, in relation to the employment status of some contractors who have worked for the organisation, at different times, over a number of years at RTÉ.

As you are aware, the findings of this review (conducted independently by Eversheds on behalf of RTÉ) were published, and were shared with this Committee and other relevant government departments, and statutory agencies.

Contrary to claims that RTÉ has been operating as a 'bogus employer', arising from this review, we have addressed the employment status of any individual deemed to have characteristics akin to employment. We have therefore taken a proactive, and comprehensive approach to dealing with residual issues, due to practices which occurred in the past. Since 2019, RTÉ has implemented significant reform in this area, and has adopted an 'employment first' principal.

Although the Revenue Commissioners' audit of RTÉ in this matter has concluded, the separate and independent audit by the Department of Social Protection (DSP) is currently ongoing. The outcome of the DSP audit may have a bearing on the settlement with Revenue and RTÉ continues to work closely, and is in regular communication, with both agencies. As we are in the middle of this audit we are not in a position to make any further definitive statements as to settlement figures, numbers of personnel involved, categorisation of individuals, income levels of contractors/employees involved, or any other specifics relating to this ongoing enquiry.

As confirmed by Mr John McKeon, Secretary General Department of Social Protection, in his correspondence dated 22 October 2021, it is likely the scale of this enquiry may take well over another year.

“This Department's investigation involves an investigation of the employment status of each of over 500 individual contractors from their original dates of engagement by RTÉ.

During our investigations, Inspectors interview both the worker and the contracting organisation. In doing this they obtain detailed and specific information about the precise terms and conditions of the engagement. This can be a complex and demanding process.”

This review will assess the employment specifics of 500 individual's contractual relationship with RTÉ. The findings may be subject to further review and appeal in the years ahead. It is therefore a complex and involved process, which will be labour intensive for both the agencies involved, and this organisation.

You will also note that the Department of Social Protection in their most recent correspondence has confirmed that:

“RTE is fully engaged in this process and is cooperating fully with the Department as are the contractors.”

Beyond assuring the Committee that we will continue to act co-operate fully with the two statutory agencies appointed to conduct such reviews, and with the individuals in question, we regret that we cannot provide any further details as to these reviews, which are either ongoing or pending, either in correspondence, or in Committee session, until their conclusion.

Yours sincerely

*Vivienne Flood*

**Vivienne Flood**  
**Head of Public Affairs**

**Cc. Niall Cody, Chairman Board of the Revenue Commissioners**  
**John McKeon, Secretary General, Department of Social Protection**  
**Katherine Licken, Secretary General, Department of Tourism, Arts, Culture, Gaeltacht, Sports and Media**