

Oifig an Ard-Rúnaí, An Roinn Coimirce Sóisialaí
Office of the Secretary General, Department of Social Protection



Ms Sarah Cremin
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2 D02 XR20
Your ref: SO726 PAC33

8 March 2022

Dear Ms Cremin,

I refer to your letter dated 23 February 2022 regarding a request from the Public Accounts Committee for further information regarding the steps and timeline of the investigation into contractors engaged by RTE.

In all investigations conducted by the Inspectors of the Employment Status Investigation Unit (ESIU), both the individual worker and the relevant representatives of the employer are interviewed by the Inspector to gather the terms and conditions of the engagement between the two parties. This includes collection of documents relevant to the engaged. Once the Inspector has completed a full investigation, s/he compiles a report, including documentary evidence, and submits it to a Deciding Officer in Scope Section.

Each case is assessed on its own merits and an individual decision is made for each worker. The Deciding Officer considers all the available evidence, including the report of the Social Welfare Inspector establishing the facts of the case. Decisions on the employment status of the individual are then made based on the legal principles set down in the relevant case law. The legal principles are set out and explained in the [Code of Practice on determining employment status](#).

Each of the parties involved in the case being investigated receive the Scope decision when it is finalised by the Deciding Officer. The rationale leading to the decision is included in that communication. All decisions can be appealed by either party if they are dissatisfied with the Deciding Officer's determination. Appeals must be made within 21 days of the date of the decision. Appeals are made to the [Social Welfare Appeals Office](#). There is no set timeframe under which a case may be processed by the Appeals Office.

When a case is appealed, PRSI compliance action is deferred until the appeal has been finalised. Where a case is not appealed and an underpayment of PRSI has arisen due, the arrears are calculated by the Inspector. The Committee is aware that the Department will pursue recovery of social welfare insurance contributions due for the full period where the employment status has been misclassified.

Due to the scale of the RTE investigation and the significant period of time to be reviewed covering the engagement of many of the workers involved, the investigation is complex and protracted. As previously advised, given this complexity and also taking account of the number of workers involved, it is likely that this investigation will conclude in 2023.

I note the Committee's request for an update on completion of the investigation and I would be happy to do that at that time.

I thank the Committee for its appreciation of the scale and complexity of this investigation. The Department is available to provide any further assistance required.

Yours sincerely,



John McKeon
Secretary General