



Ms Sarah Cremin

Committee Secretariat

Committee of Public Accounts

Leinster House

Dublin 2 D02 XR20

Your ref: S0922 PAC33

20/07/2022

Dear Ms Cremin,

I refer to your letters dated 08 & 11 July 2022 requesting further clarity for the Public Accounts Committee regarding the investigation into contractors engaged by RTE.


In response to the questions raised, I can advise as follows:

- The ESIU is examining the social insurance status of approximately 500 contracted workers.
- RTÉ provided the Department with lists of workers engaged on a contract basis in 2018, 2019 and 2020 and these formed the basis of the investigation. A worker's employment status will still be examined where an individual is no longer engaged or employed by RTÉ. Therefore, it is possible that some workers, under investigation, are no longer under contract or employed by RTÉ.
- In addition, 7 former contractors who were not included on the original lists provided by RTÉ as being engaged during the period 2018 - 2020 have contacted the Department directly to be included in the review. RTÉ has been informed that any individual has the right to seek an insurability decision from the Department of Social Protection.

- Where an individual is determined to be, or have been, in a position of insurable employment, PRSI arrears will be assessed against RTÉ for the entire period of the misclassification.
- The Department has not engaged legal representation in respect of the investigation or the associated appeals lodged by RTÉ and so has not incurred litigation fees.
- The Scope of this Department's investigations is, under law, confined to social insurance status. Entitlement of workers to holiday pay or other employment conditions if they are reclassified as an employee rather than a contractor is a matter they would need in the first instance to pursue with RTE, or via, the Workplace Relations Commission.
- In order to protect the integrity of the investigation process the Department does not normally comment on the status of ongoing investigations. As previously accepted by the Committee in February [Ref S0726 PAC33], we have committed to providing a report on the outcomes of the investigation upon completion. This will ensure equality of treatment for all parties involved and enable our officers to conduct their work, free from any inference that their investigations are being prejudiced or influenced in any way.

I trust this clarifies the position for the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John McKeon', written in a cursive style.

John McKeon

Secretary General