

**Statement from Eimear Cusack, Director of HR, RTÉ
Joint Oireachtas Committee
14 February 2024**

Cathaoirleach, Deputies, Senators - I would like to thank the Committee for the opportunity to assist you today in clarifying issues arising from the McCann Fitzgerald report into the Voluntary Exit Schemes of 2017 and 2021.

I joined RTÉ in April 2017, after a large programme of work had begun to restructure the organisation. A Voluntary Exit Programme formed part of this restructure, and the focus was headcount reduction and cost savings. Role suppression or equivalent savings of 80% was targeted in each case, and Executive Board approval was required.

The McCann Fitzgerald report found that all exits on both schemes followed the correct process, bar one, that being the exit of the former CFO.

It is a fact that a separate and confidential arrangement was entered into between the former Director-General and the former CFO, whereby it was agreed to release the former CFO under the 2017 VEP scheme, without going through the normal VEP approval process. I was not party to this decision nor to the discussions around it. Nevertheless, I queried the matter with the former DG when I was informed of it, and I was assured that the required savings would be achieved.

As such, I believed that this exit would be compliant with the scheme. I had no reason at that time to doubt what I was told, and I did not question the approval process as it was approved by the ultimate decision maker in the organisation. On that basis, I took the instruction in good faith.

The exit date for the former CFO was deferred on a number of occasions. Again, I was not party to the discussions around this. When a date was agreed, I was instructed by the former DG to implement the exit.

This type of single line approval could not happen now. There are revised and enhanced governance procedures now in place. For example, the revised Terms of Reference for the Remuneration Committee include a clear stipulation that any exit arrangements for any member of the RTÉ Leadership team must be brought to and approved by that committee.

The exit of the former CFO was processed in the same way as all others. She received the standard letter, which included the wording "as approved by the Executive Board". This administrative oversight is one I take full responsibility for in my capacity as the signatory to that letter.

The two VEP schemes included statutory benefits (where applicable). All successful applications were processed in the same way, which included the statutory benefits in the overall service-related calculations. For a small number of individuals questions arise as to whether departures met the legal threshold to qualify for a tax free statutory redundancy payment. RTÉ will engage in a process with the Revenue Commissioners in this regard. If it is determined that errors were made in this regard, they were made in good faith and I take ownership of them.

With regard to workers who were engaged as sole traders rather than employees, PRSI misclassification, retrospection and other matters, these were issues I inherited. It is I who initiated the range of processes now in place to achieve settlement and resolution, attempting to resolve decades-old matters, and I am committed to seeing the processes through.

In January 2018, I began a comprehensive and independent review of all contractors providing services to RTÉ. The Eversheds Review was a significant and extremely complex programme of work to address the number of legacy and complicated issues that had not been dealt with over many years. The process culminated in 79 acceptances of contracts of employment with RTÉ from 82 contracts of employment offered.

On the matter of retrospection, we entered into a facilitated process with the TUG. The outcome of that process was accepted by 80% of employees concerned, with a small number of employees opting to exercise their right to pursue matters externally.

Since January 2019, the principle of Employment First has been adopted very strenuously. This means that for the majority of roles, employment is offered either on an ongoing, fixed term or fixed purpose basis, as appropriate.

We continue to engage and co-operate fully with the Department of Social Protection in working through their independent investigation with regard to PRSI classifications. It is our hope that we can bring this process to a resolution as soon as possible. I am very happy to give further detail on where things are at to the Committee today.

I remain committed to continuing to address the legacy issues of many years, but with full engagement with staff, and meaningful consultation with our colleagues in the TUG and Managers Association, I am confident we will get there.