



Our Ref: PQ 2019/26 & Others

26th January 2026

Ms. Grace Boland T.D.

Dáil Éireann

Leinster House

Kildare Street

Dublin 2

Dear Grace,

I refer to Parliamentary Questions 2019, 2037, 2055, 2073, 2091, 2109 & 2127/26 for answer on 12 January 2026 where I indicated that additional time would be needed to obtain the requested information.

Question 2019/26

To ask the Minister for Enterprise; Tourism and Employment whether his Department, or any body under its aegis, has funded, or is funding, other than where legal costs were awarded against the employer by a court or tribunal, the legal costs of any current or concluded litigation taken by an employee or former employee against that Department or body, in each of the past five years; if so, to provide details of the number of such cases, the bodies involved, and the total costs incurred in each year; and if he will make a statement on the matter.

Question 2037/26

To ask the Minister for Enterprise; Tourism and Employment the basis on which his Department, or a body under its aegis, may fund the legal costs of an employee or former employee in litigation where that employee is in dispute with, or taking proceedings against, the same body; and if he will make a statement on the matter.

Question 2055/26

To ask the Minister for Enterprise; Tourism and Employment whether the funding of employee legal costs in disputes against his Department, or a body under its aegis, is standard practice; if not, the circumstances in which such funding may be permitted; and if he will make a statement on the matter.

Question 2073/26

To ask the Minister for Enterprise; Tourism and Employment to outline the guidance, codes, circulars or directions that govern the payment of legal costs by his Department, and bodies under its aegis, in employment-related disputes, including any requirements under the Code of Practice for the Governance of State Bodies or Departmental sanction arrangements; and if he will make a statement on the matter.

Question 2091/26

To ask the Minister for Enterprise; Tourism and Employment whether the funding of employee legal costs in litigation against the employing body could give rise to governance, accountability, or value for money concerns; whether his Department has issued any guidance in this regard; and if he will make a statement on the matter.

Question 2109/26

To ask the Minister for Enterprise; Tourism and Employment whether his Department has reviewed, or intends to review, the practice of Departments, and bodies under their aegis, funding legal costs in employment disputes involving those same bodies; and if so, the outcome or timeline for such a review; and if he will make a statement on the matter.

Question 2127/26

To ask the Minister for Enterprise; Tourism and Employment whether arrangements to fund legal costs in employment disputes involving his Department, or bodies under its aegis, require the prior approval of his Department or the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation; and if he will make a statement on the matter.

My Department generally seeks advice on employee related disputes internally from our Legal Unit in the first instance.

Litigation is dealt with on behalf of the Department by the Attorney General's Office, the Chief State Solicitor's Office or the State Claims Agency who engage lawyers to act for my Department and its offices where necessary. The costs of any external solicitors or counsel in such litigation are not managed by my Department.

Where a unit of my Department does engage external legal services, contract management, including payment of invoices is the responsibility of the budget holder which is headed at Principal Officer level. My Department operates within the public procurement guidelines to ensure consistency throughout the public procurement process.

The Department maintains an environment of good corporate governance, ensuring an effective system of internal financial control as set out in its Corporate Governance Framework. Financial responsibilities are managed through a system of delegation and accountability. Reporting arrangements have been established at all levels where responsibility for financial management has been assigned. In addition, my Departments accounts, including expenditure, are audited on an annual basis by the Office of the Comptroller and Auditor General and any significant changes to legal costs would be identified as part of internal monthly reporting and the annual Estimates process.

The Department does not ordinarily fund the legal costs of an employee or former employee in litigation where that employee is in dispute with, or taking proceedings against, the Department.

Where there is an anticipated cost associated with litigation being taken by an employee including the award of costs my Department would need to seek approval from the Minister for Public Expenditure and Reform for such expenditure.

In respect of the agencies that come within my remit, while they are statutorily independent in their functions policy direction in relation to payment of legal fees/costs is set by DPER. Agencies will take guidance on these matters from my Department.

Following consultation with all relevant agencies, they confirmed that they have no provision for funding legal costs of an employee or former employee. Any payment that may arise

would only be in exceptional circumstances, where a contribution towards employee legal costs might occur in the context of a mediated settlement and supported by legal advice and approved through the appropriate sanction and governance processes.

As agreed, the IDA will respond separately to these questions as the relevant person who deals with these matters is currently unavailable.

I trust this is of assistance to you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Burke', with a stylized flourish at the end.

Peter Burke T.D.

Minister for Enterprise, Trade and Employment