

Expertise



Introduction

Our market-leading Employment, Pensions and Incentives Group offers organisations unique integrated advisory solutions, combining our specialist expertise and extensive experience of the most complex and sensitive matters for organisations.

Our Employment, Pensions and Incentives Group consists of highly skilled and experienced specialists who advise leading employers and trustees on the full range of employment, equality and industrial relations issues, and on all pension, benefits and incentive plans in

what has been a turbulent environment for many plans in recent years. The integrated nature of the Employment Pensions and Incentives Group allows us to bring a 360 degree perspective to all issues arising in the course of the employment relationship.

Market Commentary

Our team is consistently ranked highly in annual peer and client surveys. Here are some examples.

Tier 1 for Employment. McCann FitzGerald handles matters related to all aspects of the Irish employment market, including cross-border work. The firm has been increasingly active in anti-discrimination and whistleblowing cases.

The Legal 500, 2020

Tier 1 for Pensions and Employee Benefits. McCann FitzGerald's sizeable pensions team is *'always first class with a very good response time'*. While it is best known for its experience in the state and semi-state space, it has recently handled a number of headline matters in the private sector. **The Legal 500, 2020**

Band 1 Employment: Leading practitioner Terence McCrann has a strong reputation for his capacity to handle complex employment disputes. He has significant experience in whistle-blowing incidents and workplace investigations. **Chambers 2021**

Eleanor Cunningham is ranked as a "Next Generation Partner". She is 'an excellent lawyer. She is very much on top of her brief and is well versed both in terms of the statutory instruments as they apply to the CIE Schemes and in the pension industry in general.' **The Legal 500, 2020**

Mary Brassil typically advises clients on employment law matters arising from corporate transactions, corporate restructuring and transfers of business. She is additionally experienced in assisting clients with grievance procedures and equality law concerns. **Chambers 2020**

Donal Hamilton is *'pragmatic and extremely experienced'*. He gives *'excellent practical advice that saves his clients time and money while minimizing risks.'* **The legal 500, 2020**

Terence McCrann is included on the "Hall of Fame" as a leading lawyer for Employment and is recommended for White Collar Crime. **The Legal 500, 2020**

About McCann FitzGerald

With almost 600 people, including 430 fee-earners and 80 partners, McCann FitzGerald is one of Ireland's premier law firms. We are consistently recognised as being the market leader in Ireland's business and finance sectors.

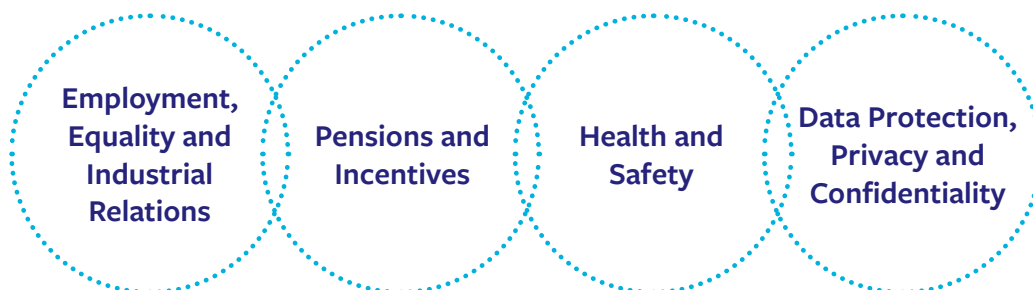
Our principal office is located in Dublin, with overseas offices in London, New York and Brussels. We provide legal services across a wide range of sectors, both multi-nationals and national, as well as throughout private and public sector organisations.

Representative Clients



Integrated Services

We offer a full range of integrated legal solutions to organisations on all employee related issues.



We work closely with related groups including our Health and Safety and Technology and

Innovation Groups to ensure that our clients avail of expertise in specialist areas.

Key Services

Employment, Pensions and Incentives Group

Disputes

- Mediation
- Workplace Relations Commission
- Labour Court
- Civil Courts – District, Circuit, High Court, Court of Appeal, Supreme Court
- Financial Services and Pensions Ombudsman determinations

Employment Advisory & Update Services

- Ireland – Case Law and Legislation
- EU - Case Law and Legislation
- Covid-19 Return to Office
- Updates
- Workshops
- Recruitment
- WRC inspections

Terms of Engagement

- Part Time, Full Time, Job Sharing, Fixed Term, Specific Purpose Contracts
- Third Party Contracts for Services
- Outsourcing Arrangements
- Employment Agency Contracts
- Immigration Law and Work Permits
- Agile Working
- Gig Economy

Share Schemes

- Approved Profit Sharing Schemes
- Save As You Earn Schemes
- Share Option Schemes
- Long Term Incentive Plans
- Restricted Stock Unit Plans
- Key Employee Engagement Plans (“KEEP”)
- Growth Schemes

HR Procedures

- Grievance
- Disciplinary
- Dispute Resolution
- Mediation
- Bullying and Harassment
- Discipline and Termination
- Pensions Internal Dispute Resolution Procedures
- Workplace Investigations
- Protected Disclosure and Whistleblowing Policies

Consultation

- Information and Consultation
- Transfer of Undertakings
- Collective Redundancies
- Reorganisation and change
- Industrial Relations
- Trade Unions
- Pension Scheme Restructuring

Diversity and Inclusion

- Diversity and Inclusion
- Equality
- Gender Pay Gap Reporting
- Discrimination in Employment and Services
- Pensions Eligibility
- Equal Pension Treatment

Compensation & Benefits

- Contractual Terms
- Good and Bad Leaver Provisions
- Executive Remuneration
- Tax
- Pensions
- Life Assurance
- Incentive Schemes

Defined Benefit Schemes

- Scheme Restructuring
- Agreements and Funding Proposals
- Benefit Design
- Enhanced Transfer Value Exercises
- Pension Increase Exchange Exercises
- Contingent Asset Agreements
- Exercise of Discretions
- Pensions Act Compliance and Governance
- GDPR Compliance

HR Policies

- Digital Workplace
- Data Protection - GDPR
- Whistleblowing
- Investigations
- Dignity at Work
- Bullying/Harassment
- Holidays and Time Off
- Hours of Work
- Health & Safety

Semi-State Pensions

- Retirement Age Changes
- Single Scheme Implementation
- Ill Health Benefits
- Supplementary Pensions
- 'Vesting Day' Rights
- Transfer Payments
- PAOs and AVCs

Pensions Investment

- Investment Management Agreements
- Transition / Custody Agreements
- Pensions Act Investment Compliance
- Contingent Asset Agreements
- Self-investment
- ESG Factors

Defined Contribution Schemes

- Establishing New Pension Schemes
- Benefit Design
- Auto-enrollment
- Investment and Related Agreement
- Advice on Tax Environment
- GDPR Compliance
- Members' Investment Options
- Codes of Conduct
- Master Trusts

Key Contacts



Terence McCrann

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Terence is Head of Employment in McCann FitzGerald's Employment, Pensions and Incentives Group and is recognised as one of Ireland's leading employment law experts. He advises and guides organisations in this complex area and works with employers on all aspects of employment, equality and industrial relations law.

Terence has vast experience of advising both private and public sector employers as well as practical experience of dealing with industrial relations, employment and equality law cases before the Workplace Relations Commission, the Labour Court and the courts including employment injunctions.

He advises on senior executive director disputes and works with Boards in dealing with the management of such issues. Also dealing with senior executive remuneration in the financial sector, having regard to the CRD IV rules and established regulatory environment as well as the Fitness and Probity regime.

He has also carried out workplace investigations, reviews and reports for companies and Boards including whistleblowing.



Eleanor Cunningham

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Eleanor is Head of Pensions and Incentives in the Employment, Pensions and Incentives Group. She is responsible for advising financial institutions, semi-state bodies, companies, trustees, committees and employees on various pension plans, employee share plans and other incentive plans.

Her practice includes advising international and domestic clients in both the private and public sectors. Relevant experience includes advising on a range of pension issues including scheme restructuring, liability management exercises, benefit design, trustee governance, scheme amendments, dealing with funding deficits and funding proposals, mergers, scheme wind-ups and the impact of pensions and other relevant legislation regarding pensions schemes and their operation.

She also regularly advises on the establishment, amendment, governance and administration of defined contribution schemes and the pensions and incentives aspects of various commercial transactions. Eleanor advises on both Revenue approved tax efficient employee shares schemes and on unapproved employee share schemes and other incentive plans working closely with our Tax Group.



Stephen Holst

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Stephen is a Partner in McCann FitzGerald's Employment, Pensions and Incentives Group. Stephen advises clients on critical workforce issues, transactional and contentious issues in the workplace; in particular, on senior executive appointments and terminations; investigations; employee engagement; and the drafting and negotiation of key employment documentation.

Stephen has significant experience before the various employment law tribunals and the High Court (including the Commercial Court), as well as through mediation,

and regularly advocates before the Workplace Relations Commission. He also assists clients in conducting complex employee investigations and Stephen's work has a particular focus on whistleblowing (including the Protected Disclosures Act 2014).

Stephen has significant expertise in the employment and industrial relations aspects of acquisitions, mergers, outsourcing, procurement and restructurings; including on redundancy law, union issues, consultation and TUPE.



Catherine Austin

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Catherine is a Consultant in our Employment, Pensions and Incentives Group. She has extensive experience advising employers and trustees on all aspects of the operation of occupational pension schemes including advising on: negotiation and documentation of scheme amendments; member nominated trustee elections; dispute resolution; Financial Services and Pensions Ombudsman investigations; Pensions Authority audits and investigations; and on Pensions Act whistle-blowing obligations.

Catherine's practice includes advising on the pensions aspects of mergers and acquisitions, pension scheme restructurings, the negotiation of scheme funding agreements including benefit reduction proposals and contingent asset use. She also advises on scheme wind-ups.

Catherine has particular expertise in the negotiation of investment management agreements and agreements governing relationships with service providers including relating to GDPR. She advises public and private sector clients on potential impact of proposed pension policy and legislation changes (including auto-enrolment and the new pensions directive, IORP II).

Catherine is a former chair and current member of the Association of Pension Lawyers in Ireland. She is also a member of the International Pension and Employee Benefit Lawyers' Association and the IAPP.



Mary Brassil

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Mary is a Partner in McCann FitzGerald's Employment, Pensions and Incentives Group. She advises employers on all aspects of employment, equality and industrial relations law. She has considerable experience in advising domestic and international clients on the employment law aspects of corporate transactions, including cross border mergers, outsourcing, restructuring and redundancy programmes.

Her practice includes representing employers in contentious employment law disputes before the Workplace Relations Commission, the Labour Court and the courts.

Mary advises clients in relation to workplace investigations and senior executive appointments and termination.

She has significant experience of advising clients in the financial sector on the Fitness and Probity Regime and on executive remuneration, having regard to the CRD IV rules and established regulatory environment.

Mary has worked extensively with clients on Gender Pay Gap Issues.

Employment, Pensions and Incentives Group



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This document is for general guidance only and should not be regarded as a substitute for professional advice. Such advice should always be taken before acting on any of the matters discussed.