

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.

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 surveys. 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 provide a very balanced view and are strong and confident in their responses. They never sit on the fence and provide... very specific guidance to ensure next steps are clear and well thought out. Continuity in the team resourcing is a real plus... as they understand our business and our approach to employment law.’* **The Legal 500, 2022**

Terence McCrann is included on the “Hall of Fame” as a leading lawyer for Employment. **The Legal 500, 2022**

Eleanor Cunningham heads the firm’s pensions and incentives department and focuses her practice on employee share schemes and pension plans. She acts for trustees, employees and public or private companies. Clients appreciate her high level of performance, one commenting: “Eleanor is brilliant to deal with,” and another interviewee adding: “*She consistently provides good and timely advice.*” **Chambers, 2022**

Mary Brassil is experienced in a broad range of employment topics, including individual discrimination disputes and wider industrial relations mandates. She is best known for her work on the labour law aspects of corporate transactions. “*She’s an excellent lawyer,*” enthuses one client. “*She explains things in plain English, which is extremely helpful, and takes a practical approach.*” **Chambers, 2022**

Tier 1 for Pensions and Employee Benefits. Led by Eleanor Cunningham, McCann FitzGerald LLP’s team advises on pension litigation, GDPR-related breaches and complaints both before the Financial Services and Pensions Ombudsman. Eleanor Cunningham is ranked as a “Next Generation Partner”. **The Legal 500, 2022**

Catherine Austin advises on pension scheme restructurings and the negotiation of funding agreements. She also offers advice on the pensions aspects of M&A deals. An interviewee describes her as “*a very astute lawyer, who is commercially aware.*” **Chambers, 2022**

About McCann FitzGerald

With almost 600 people, including 430 fee-earners and 82 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.

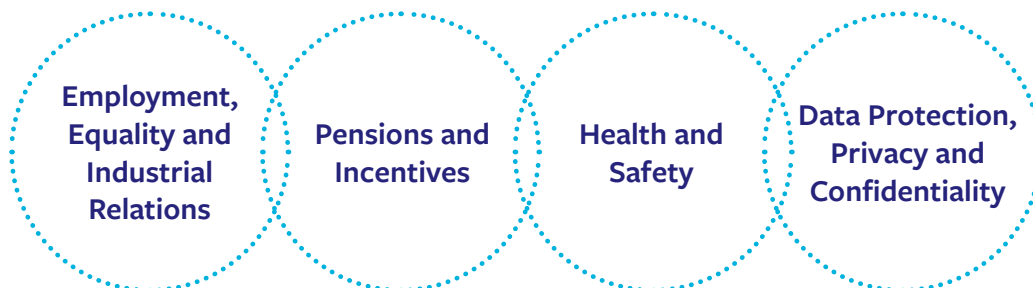
Our principal office is located in Dublin, with overseas offices in London, New York and Brussels. We provide legal services across a wide range of sectors, both multi-nationals and national, as well as throughout private and public sector organisations.

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, Commercial 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
- Remote 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
- IORP II Compliance

HR Policies

- Remote Working
- 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
- IORP II Compliance
- Members' Investment Options
- Codes of Conduct
- Master Trusts

Key Contacts



Mary Brassil

Partner, Head of Employment | +353 1 607 1279 | mary.brassil@mccannfitzgerald.com

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

As well as giving strategic advice to boards on issues relating to senior executives, Mary represents employers in contentious employment law disputes before the Workplace Relations Commission, the Labour Court and the courts. Her practice includes advising clients in relation to workplace investigations and senior executive appointments and termination.

Mary 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 V and IFD rules. She has also worked extensively with clients on Gender Pay Gap Reporting.

Mary is a member of the European Employment Lawyers Association and has spoken extensively at international and domestic conferences, as well as contributing regularly to industry and national media.



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.



Donal Hamilton

Partner | +353 1 607 1782 | donal.hamilton@mccannfitzgerald.com

Donal is a partner in McCann FitzGerald's Employment, Pensions and Incentives Group. He advises domestic and international employers on all aspects of the employment relationship, and has extensive experience advising on business transfer and outsourcing issues, corporate immigration, complex employee relations issues, and employment investigations, disputes and mediation.

He represents clients before the WRC and Labour Court and advises organisations on complex industrial relations and contentious employment matters including the management of protected disclosures and the resolution of subsequent litigation.

Donal has particular expertise advising clients on the enforcement of post-termination restrictive covenants and on team moves.

Donal lectures in employment law on the Law Society of Ireland's professional practice course and speaks widely on employment law issues. He is co-author of the chapter on Protected Leave in Bloomsbury's Employment Law (published March 2017) and regularly contributes to industry and national publications.



Terence McCrann

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Terence is a Consultant and former Head of Employment in McCann FitzGerald's Employment, Pensions and Incentives Group. He 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 V 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 reports.



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.

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