

UCD Commercial Law Centre

Handling Employment Law Issues 2011



Thursday 20th January - Thursday 31st March 2011

7.00pm - 9.30pm



UCD Commercial Law Centre
UCD School of Law

20 CPD HOURS

UCD Commercial Law Centre

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Handling Employment Law Issues 2011

Do your professional duties require you to have a familiarity with employment law and practice?

The Fifteenth Annual Employment Law Course is designed to take delegates through the important legal issues arising in the employer/employee relationship in its totality from the formation of the contract of employment to its termination whether by agreement or in conflict.

In addition to an emphasis on

- Ensuring effective contracts of employment
- Legal and statutory rights of employees
- Injunctions to restrain dismissals
- Avoiding unfair dismissal claims
- Bullying, stress and harassment in the workplace

To reflect recent legal developments and the new economic environment, the course will contain a new focus on

- The Employment Law Compliance Bill 2008 and the powers of the National Employment Rights Authority (NERA)
- Employee Rights on the Transfer of Undertakings
- Letting Employees Go - Staying on the Right Side of the Law
- Redundancy

The course, which is a comprehensive practical overview of the employment relationship, will be given by a panel of specialist practitioners with wide experience of advising on employment law issues. Delegates will have ample opportunity to discuss issues of concern with experienced practitioners. Extensive materials will be available for each session and will be invaluable for future reference.

This highly practical course has proved to be ideal for professionals in the human resource, personnel and management sectors, as well as professional advisers.

UCD School of Law Professional Diploma in Employment Law 2011 - 2012

Non-law graduates who may be interested in enrolling in the Professional Diploma in Employment Law in UCD School of Law in 2011/12 should note that enrolment in Handling Employment Law Issues 2011 constitutes 'relevant professional experience' in the admission criteria.

Course Details

DATE	Thursday 20th January - Thursday 31st March 2011 (Thursdays weekly)
TIME	7.00pm - 9.30pm (Refreshments each evening from 6.45pm)
VENUE	Global Irish Institute (formerly University Industry Centre), University College Dublin, Belfield, Dublin 4. Located beside Car Park 3 (opposite athletics track). Vehicular access is possible only through Stillorgan Gate Entrance to UCD.
COST	€850 (to include extensive course materials and refreshments) 10% discount for 3 or more delegates from same company booking on same form. 25% discount for Barristers with less than 5 years practice. You may substitute delegates at any time. Please notify us of the changes.
BOOKING	The attached booking form must be completed and returned in order to reserve places.
CONTACT	Tel: (01) 716 8763 Fax: (01) 269 3463 E-Mail: clc@ucd.ie

Course Outline

SESSION I

Thursday 20th January 2011, 6.45pm - 9.30pm

A: SOURCES OF IRISH EMPLOYMENT LAW

Including

- Statute, EU Legislation, Common Law
- The adjudicative structure for employment law disputes

B: THE CONTRACT OF EMPLOYMENT

Including

- Categories of employees including fixed-term, temporary and part-time employees, independent contractors
- Protection of employees (Part-Time Work) Act 2001
- Protection of employees (Fixed-Term Work) Act 2003
- Formation of the contract of employment
- Terms of Employment (Information) Act 1994
 - Interview
 - References, medicals and other checks
 - Offer of employment
- Terms unexpressed but implied in fact

Marguerite Bolger, Senior Counsel

SESSION II

Thursday 27th January 2011, 6.45pm - 9.30pm

A: THE COMMON LAW AND STATUTORY OBLIGATIONS OF EMPLOYER AND EMPLOYEE

Including

- Express terms, implied terms, industry custom and practice
- Duties of the employer/employee
 - Duty of fidelity
 - Duty to maintain trust and confidence in employment
 - Common causes of breach of duty
 - Remedies for breach of the duty of trust and confidence
- Variation of the Contract of Employment
- Employees (Provision of Information and Consultation) Act 2006
- The Code of Practice

Cathal McGreal, Barrister-at-Law

SESSION III

B: PRIVACY AND CONFIDENTIALITY IN THE WORKPLACE

Including

- Employee's rights of privacy
- Monitoring use of the internet
- Surveillance of employee E-mails
- *Herrity v Associated Newspapers* - Irish High Court Award of €90,000 punitive damages for breach of privacy rights
- Reform of EU e-privacy Directive

Ciaran O'Mara, O'Mara, Geraghty, McCourt Solicitors

Thursday 3rd February 2011, 6.45pm - 9.30pm

A: THE ORGANISATION OF WORKING TIME

Including

- Maximum 48 hour week
- Obligation on employers
- Exceptions and contracting out
- Annual Leave
- Record keeping/Monitoring issues
- Excessive hours and stress claims
- Teleworking
- Recent decisions

Dermot Casserly, Partner, Beauchamps Solicitors

B: HEALTH AND SAFETY AT WORK

Including

- Safety, Health and Welfare at Work Act 2005
- Understanding the new regime

Aisling Butler, Partner, William Fry Solicitors

SESSION IV

Thursday 10th February 2011, 6.45pm - 9.30pm

A: UNFAIR DISMISSALS

Including

- Overview of statutory regime
- 'Actual' and 'Constructive' dismissal
- How constructive dismissal is established
- Employer's standard of reasonableness
- Employee remedies - compensation, reinstatement, re-engagement
- Redundancy

Anthony Kerr, Barrister-at-Law; Senior Lecturer in Law, UCD School of Law

SESSION V

Thursday 17th February 2011, 6.45pm - 9.30pm

B: BULLYING, HARASSMENT AND STRESS IN THE WORKPLACE

Including

- Personal injury claims for occupational stress - latest case law
- Bullying and harassment - recent decisions
- Employment Equality Act 1998 (Code of Practice)(Harassment) Order 2002
- Constructive dismissal
- Putting in place an effective workplace policy

Cathal McGreal, Barrister-at-Law

SESSION VI

Thursday 24th February 2011, 6.45pm - 9.30pm

A: LEGAL PROBLEMS ARISING FROM THE BREAKDOWN OF THE EMPLOYMENT RELATIONSHIP

Including

- Wrongful Dismissal v Unfair Dismissal
- When will a dismissal qualify as wrongful?
- Remedies for wrongful dismissal
- Injunctions to restrain dismissals
- Garden Leave

Cathal McGreal, Barrister-at-Law

B: ENSURING COMPLIANCE WITH EMPLOYMENT LEGISLATION

Including

- The Employment Compliance Bill 2008
- The Role of the National Employment Rights Authority
- Powers for Authorised Offices of NERA including powers of entry, inspections, examination and investigation of alleged offences under the Act
- How employers should ensure compliance

Ian Moore, Partner, A&L Goodbody Solicitors

SESSION VII

Thursday 3rd March 2011, 6.45pm - 9.30pm

INVESTIGATING COMPLAINTS IN THE WORKPLACE - LAW AND BEST PRACTICE

Including

- Ensuring procedural fairness
- Planning the investigation
- Conducting the interview
- Investigation Reports

**Paul Glenfield, Head of Employment and Equality Law Group,
Matheson Ormsby Prentice**

SESSION VIII

Thursday 10th March 2011, 6.45pm- 9.30pm

A: EMPLOYMENT RIGHTS AND BUSINESS TRANSFERS

Including

- Protection of Employees on Transfer of Undertakings Regulations 2003
- Legal Effects of a Transfer
- Safeguarding Employee Rights

David Fagan, Partner, Eversheds O'Donnell Sweeney

B: LETTING EMPLOYEES GO

Including

- Complying with Contractual Obligations
- Fair Procedures
- Terminations and Redundancies

Paul Gough, Solicitor, Eugene F. Collins

SESSION IX

Thursday 24th March 2011, 6.45pm - 9.30pm

EMPLOYMENT EQUALITY

Including

- General Principles of Employment Equality Law
- Employment Equality Act 1998 - Background and Overview
- Equality Act 2004
- The Role of the Equality Tribunal
- The Outlawed Grounds of Discrimination
- Discrimination and the Employment Interview
- Equal Pay

Ronnie Neville, Solicitor, Mason Hayes & Curran

SESSION X

Thursday 31st March 2011, 6.45pm - 9.30pm

ENTITLEMENTS TO DOMESTIC LEAVE

Including

- Maternity Protection (Amendment) Act 2004
- Parental Leave
- Adoptive Leave
- Carer's Leave

Frances Meenan, Barrister-at-Law

8.15pm - CLOSING RECEPTION

Course Presenters

Marguerite Bolger, Senior Counsel

Marguerite Bolger is one of Ireland's leading employment law practitioners. She is a frequent speaker at employment law conferences and has been a regular contributor to the Handling Employment Law Issues Course since its inception. Amongst her many publications she is a co-author with Cliona Kimber of "sex Discrimination Law", and is a member of the Editorial Board of the Irish Employment Law Journal.

Cathal McGreal, Barrister-at-Law

Cathal McGreal is a Barrister with a particular focus on employment law and criminal law. Cathal teaches the Employment Law Module on the MBA Programme in the Smurfit Business School and contributes to the Diploma in Employment Law post-graduate programme in the School of Law, UCD. He has recently worked with JSB Consultants of London advising their clients on aspects of Irish Employment Law. Cathal is regular contributor to conferences and seminars on employment law.

Ciaran O' Mara, O'Mara Geraghty McCourt Solicitors

Ciaran O' Mara, BCL, LL.M, Dip. El. is a law graduate of UCD. He studied European Law at the University of Amsterdam and holds an LL.M from the University of Leicester in European Employment and Management Law. He has practised as a solicitor since 1978 and specialises in Employment Law. He was a Vice-Chairman of the Employment Appeals Tribunal from 1984 to 1989. He was Special Adviser to the Minister for Enterprise and Employment in 1993 - 1994 and the Minister for Finance 1994 - 1997. He has written and lectured extensively on legal issues in the workplace. He has appeared in many of the prominent cases on these topics over the years. He is currently Vice-Chairman of the Law Society's Employment and Equality Law Committee. He has a particular interest in the influence of EC legislation on Irish employment law.

Dermot Casserly, Beauchamps

Dermot is a partner and is head of the Employment and Benefits Group. Dermot is a leading expert in employment law and has spoken at numerous seminars and has also published many articles in the media on topical employment issues. He advises on all legal issues arising out of the employment relationship including employment contracts, disciplinary and grievance issues, absenteeism and dismissal issues. Dermot also has extensive experience in relation to employee share schemes, redundancy and transfer of undertakings situations. Dermot also advises clients on change management issues, in particular, in the Healthcare sector. Prior to joining Beauchamps Dermot was an Associate Director with KPMG.

Aisling Butler, William Fry

Aisling Butler is a partner in William Fry, and is head of the Health & Safety Unit, and Chair and founding member of the Health and Safety lawyers Association of Ireland. She lectures extensively on the subject, including at the Law Society of Ireland, on the Higher Diploma in Health and Safety law and Master of Science in Health and Safety Law at University College Dublin, and at industry-specific events. Aisling is also co-author of the chapter on Irish Health and Safety Law in the UK Publication "Corporate Liability: Work Related Deaths and Criminal Prosecutions" (2nd Edtn).

Anthony Kerr, Barrister-at-Law; Senior Lecturer in Law, UCD School of Law

Tony Kerr is a practising barrister and Senior Lecturer in Law in UCD School of Law where he is Academic Director of the Professional Diploma in Employment Law. He has been Editor of the Journal of the Irish Society for Labour Law (1982 - 96); Special Correspondent, European Industrial Relations Review (1984 - present) and a Member of the Executive Committee of the International Society for Labour and Social Security Law.

Ian Moore, A&L Goodbody Solicitors

Ian Moore is a Partner in the Litigation and Dispute Resolution Department where he heads up the team of lawyers specialising in employment law, both contentious and non-contentious. He advises a range of Irish and international corporate clients on employment rights, policies, procedures, and human resource strategies. He is a consultant in Employment Law in the Law Society's Law School and speaks and writes on various aspects of the law in this area. He represents Ireland on the Board of the European Employment Lawyers Association and is a member of the Law Society's Employment and Equality Law Committee.

Paul Glenfield, Matheson Ormsby Prentice

Paul Glenfield is Partner and Head of the Employment and Equality Law Group at Matheson Ormsby Prentice. Paul has extensive experience in all areas of employment law and acts for a wide range of national and multinational clients.

David Fagan, Eversheds O'Donnell Sweeney

David is a partner in the Employment Law Unit of Eversheds O'Donnell Sweeney, and a driving force in the Health and Safety Group. David has substantial experience of advisory and contentious HR matters and works closely with the firm's clients in advising on employment rights, company policies, health and safety issues and broader HR issues, including data protection issues. David has a particular expertise in relation to contentious issues, including employee disputes, disciplinary procedures, equality issues and industrial relations matters. The Employment Law Unit conducts Employment and Safety Law audits to assist clients in compliance and reduction of claims.

Paul Gough, Eugene F. Collins Solicitors

Paul Gough is a senior member of the Employment Law Group in Eugene F. Collins. He advises employers and employees in contentious and non-contentious matters. Paul also has a wide range of litigation experience including contractual matters and commercial litigation. Paul is a graduate of UCD with an honours degree in Economics and Politics, and holds a Post-Graduate Diploma in Employment Law.

Ronnie Neville, Mason Hayes & Curran

Ronnie is a Solicitor practising in employment law. He advises in both contentious and non-contentious employment law related matters with a particular focus on equality related issues. Ronnie has significant experience in employment related civil actions and employer liability claims. He regularly appears before the Circuit and High Courts, the Employment Appeals Tribunal and the Equality Tribunal representing employers and employees. Ronnie also provides non-contentious advice to clients in drafting employment contracts, agreements and workplace policies and procedures. He also provides legal support to HR managers in relation to all aspects of employment law and its practical application to issues arising in the workplace. Ronnie lectures regularly to various organisations on employment law and tutors for the Law School of the Law Society of Ireland in the area of equality law.

Frances Meenan, Barrister-at-Law

Frances Meenan, B.Comm, MBS (NUl), has specialised in Irish Employment Law for the last number of years. She is a consultant and examiner in Labour Law for the Professional Course in the Law Society of Ireland. She has co-authored a textbook on Irish employment equality law, has edited a book of international conference papers and has published numerous articles on Irish and European employment law. She formerly practised as a Solicitor in Dublin and has considerable experience of representing parties before the adjudicating bodies and courts on employment matters. She is the author of *Working within the Law - a Practical Guide for Employers and Employees*, a leading text on employment law.

CPD Hours/Points

CPD (Continuing Professional Development) is the process whereby members of professional associations continually improve their knowledge and capabilities to ensure a better quality of service to their clients.

All UCD Commercial Law Centre Seminars and Courses qualify for CPD (Continuing Professional Development) hours and points under a number of professional bodies' CPD schemes. We provide certificates of attendance on request to participants to show that they have participated. Our morning seminars qualify for a minimum of 4 CPD Hours.

Some of the CPD Schemes under which our seminars and courses qualify include:

- Law Society of Ireland
- Bar Council of Ireland
- Law Society of Northern Ireland
- Institute of Chartered Accountants in Ireland

Commercial Law Centre Mailing List

We frequently send out information with details of our upcoming seminars and events, as well as courses run through the Commercial Law Centre.

To be included on our mailing list, please email your details to clc@ucd.ie



Booking Form

Return Booking Form to:

UCD Commercial Law Centre, Roebuck Castle, University College Dublin, Belfield, Dublin 4.

Fax: (01) 269 3463. E-mail: clc@ucd.ie

Handling Employment Law Issues 2011

Thursday, January 20th - Thursday, March 31st 2011

Please Read Carefully

You may make substitutions at any time. Please notify us of changes. Cancellations without required notice will carry the full course fee.

BOOKING FORM - PLEASE COMPLETE USING BLOCK CAPITALS

Please reserve place(s) on the programme for the following:

1. Mr/Ms _____

Position _____

2. Mr/Ms _____

Position _____

3. Mr/Ms _____

Position _____

4. Mr/Ms _____

Position _____

5. Mr/Ms _____

Position _____

6. Mr/Ms _____

Position _____

Company/Firm _____

Address _____

E-mail _____

Telephone _____ Fax _____

Programme Fee: €850 per person.

10% deduction for three or more delegates attending from the same company/firm when booking on the same booking form.
25% deduction for Barristers with less than 5 years practice.

I enclose cheque for € _____ made payable to "Commercial Law Centre, UCD"

Credit Card Payment (Please use Credit Card Authorisation Overleaf)

Please invoice me

Booking Form

CREDIT CARD PAYMENT AUTHORISATION

I hereby authorise UCD Commercial Law Centre to be paid the sum of € _____ using my credit card, details of which are provided below.

Card Type:

- MasterCard
- Visa
- American Express
- Other (Please specify) _____

Cardholder Name: (Please Print) _____

Card Number:

Valid From: (mm/yy) /

Expiry Date: (mm/yy) /

CVV Code: (Last three digits positioned on the back of the Credit Card on the signature panel)

Cardholder Signature: _____

Date: _____

Contact Telephone Number: _____

UCD Commercial Law Centre

Situated in the School of Law, the Centre is a forum which provides for a unique complementary relationship between University College Dublin, and the legal and business communities designed to promote expertise in national and international issues of commercial law and practice.

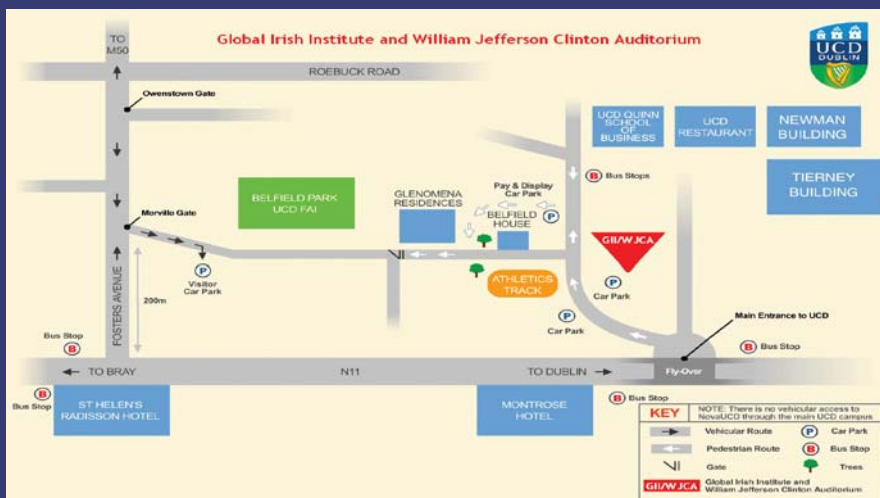
The Centre's functions are:

- To promote seminars, conferences and courses on national and international commercial law developments
- To discharge the CPD function of UCD Law School

Seminar venue

GLOBAL IRISH INSTITUTE/WILLIAM JEFFERSON CLINTON AUDITORIUM

The William Jefferson Clinton Auditorium (formerly University Industry Centre) is located beside Car Park No 3. If travelling by car, access to Venue only through the Stillorgan gate entrance as UCD campus is now closed to through traffic.



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