

Day 1: 24 November 2021

Time	Session
9.15	Get to Know Us: Familiarise yourself with the functions of our online event to ensure you maximise return on your investment. Scott Alexander, Head of Learning & Development, Legal Island , welcomes delegates to our 2021 event.
9.30	Introduction and Welcome: Louisa Meehan, Woodview HRM and Seònaid Ó Murchadha, Disability Employment Specialist , discusses the options for you to look forward to on the first day of our conference.
9.40	<p>Review of the Year (Part 1 – 2021 – Looking Back) with Jennifer Cashman, Partner, Ronan Daly Jermyn</p> <p>This has been a massive year, another where employers have continued to have had changes forced upon them due to Covid-19. But so much more has happened and Jennifer Cashman is here, as ever, to give her assessment of what’s important for Ireland’s employers.</p> <p>Jennifer delivers her annual round-up of the key employment law developments in 2021 not covered elsewhere in detail in this programme and sets out the trends that have emerged since November last year. This year her review Part 1 includes:</p> <ul style="list-style-type: none"> • Workplace Bullying – Employer Responsibilities Under the New Unified Code • Low Pay Commission progress on introduction of a living wage in Ireland • Family Leave and Miscellaneous Provisions Act 2021 • Retirement ages/pensions Developments: The Report from the Commission on Pensions is expected by November

	<p>NOTE: The contents of this session may change to reflect what have been the most important and latest developments at November 2021. Part 2 of Jennifer’s review of the year closes this conference and looks forward to what you should expect to happen in 2022.</p>	
10.20	Q&A with Jennifer Cashman	
10.30	Networking and Refreshment Break	
11.10	<p>Bullying at Work or Proactive Management? The snappily titled Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work came into effect on 20 December 2020. It is a very practical document that not only defines workplace bullying but also introduces new informal procedures to be dealt with by 'contact' and 'nominated' persons. Importantly, it also sets out what is NOT bullying, including offering constructive feedback, ordinary performance management and reasonable corrective action. Elsewhere in this event we deal with other aspects of the Code, but in this session, we focus on just one: where does good management stop and unlawful bullying start? Caroline Reidy, Managing Director of the HR Suite, provides realistic examples to guide you.</p>	<p>The Administration of Justice and Our Constitutional Right to a Fair Hearing: What Now for WRC Hearings? In April 2021, the Supreme Court ruled in the case of <i>Zaleski -v- Adjudication Officer & ors</i> that parts of the legislation underpinning WRC hearings was unconstitutional. As a consequence, emergency legislation was required and most hearings will be held in public, evidence may be taken on oath with a power to prosecute for false testimony, and anonymity will no longer be assured at hearings or in published decisions. What will this mean for parties when considering whether to defend or settle cases, take witnesses, or submit evidence? Gwendolen Morgan, Registrar - Director of Legal Services, WRC explores the practical application of this case and subsequent legislation in relation to WRC hearings and what it means for employers, employees, and their representatives.</p>

11.40	Q&A with Caroline Reidy	Q&A with Gwendolen Morgan
11.55	Networking and Comfort Break – Send in your questions for the roundtable discussions	
12.05	<p>What Makes a Great Wellbeing Leader? What Makes a Great Wellbeing Organisation?</p> <p>It's tough being a line manager, especially when many of your subordinates are not in the building. Line managers are the first line of defence when it comes to workplace mental health. They need to know their own boundaries, understand self and signpost others to get help. But they know the employees best. They can spot tell-tale signs of disengagement that could lead to or reflect mental health issues. They also need organisational support to be wellbeing or wellness champions.</p> <p>In this session, David Casey, Wellness & Health Promotion Manager, DeCare Dental chairs a panel that discusses:</p> <ul style="list-style-type: none"> • The effectiveness of line manager training on employee mental health and wellbeing 	<p>Roundtable Discussion: Necessary Workplace Conversations: Pregnancy Loss and Other Sources of Grief. We all go through grief at some time in our lives, which means there is a pretty good chance that you will have to have a conversation with your colleagues about their grieving process or yours. These conversations are better described as necessary, rather than difficult, and, handled well, can be positive for both parties.</p> <p>The panel includes Jayne Gallagher, Managing Director of Legal Island, who discusses how she coped with a miscarriage and return to the office; Olga Pollock, HR Manager at firmus energy, who was numb when her mother died in May 2020, but now better understands the importance of kindness; and Peter Nolan, Leadership Consultant, Team Facilitator & Professional Coach at Coaching Mindsets Ltd, whose personal experience of grief led to a complete change of career and priorities. Top coach and trainer, Michelle Halloran of HRM Services, leads this emotional and uplifting panel session.</p>

	<ul style="list-style-type: none"> • The need to undertake regular checks in meetings to be alert to signals of poor mental health. • How to spot possible signs of a mental health problem • How to manage a mental health disclosure and be clear about confidentiality <p>and much more!</p> <p>Panel includes Mary Connelly, Director of Human Resources, National College of Ireland, and Dermot Casserly, Partner, DWF (Ireland) LLP.</p>	
1.00	Lunch and Networking	
2.00	Welcome Back and Summary. Introduction to Afternoon Sessions	
2.05	<p>Flexible Working: New WRC Code of Practice on the Right to Disconnect. Employers and employees are required to work together to determine the appropriate working arrangements and policies in relation to a right to disconnect from work. Because the Code is flexible, employees will have more options to work outside of traditional hours, which many people have availed of during the pandemic. And it reflects the fact that many Irish employees are part of a global network, requiring contact with colleagues around the world. In this</p>	<p>The Impact of Working from Home on Mental Health: What Employers Need to Know. Working from home looks like it is here to stay, at least as part of a hybrid option and in line with the government's Remote Working Strategy. Although many of us will welcome some WFH options, there are risks. Recently, a team of employment lawyers in England joined forces with a leading mental health charity to help businesses support employees that are continuing to work from home. Niamh Gaffney, Executive Coach at Kinch Lyons provides expert advice</p>

	<p>session, Ger Connolly, Partner, Mason Hayes & Curran examines the Code and outlines the practical steps that employers (and employees) must now take, from engage proactively with employees/ reps and equality-proofing their policy, to ensure compliance with the Code.</p>	<p>and practical tips to help employers in Ireland understand more about mental wellbeing and the impact remote working can have on individual employees.</p>
<p>2.35</p>	<p>Networking & Comfort Break – Send in Your Questions</p>	
<p>2.45</p>	<p>The Gig Economy and Globalisation of Work. In March, Spain's government announced a deal that will recognise riders working for delivery firms such as Deliveroo and Uber Eats as salaried staff following complaints about their working conditions - a first in the EU. That same month, the UK's Supreme Court granted worker status to Uber drivers, enabling them to qualify for rights such as the national minimum wage and paid holidays, as well as being covered by anti-discrimination rights not available to self-employed contractors. In February, Italian prosecutors told Uber Eats and other food delivery platforms their couriers were employees and not independent workers, fining them 733 million euros for breach of labour safety rules. At the time of writing, France's government is expected to unveil proposals on delivery riders soon. The European Union is also considering the issue, with a Directive on gig economy worker rights due in the near future. Across in</p>	<p>Uncover the Best Candidate by Using the Most Predictive Assessments and Anonymised Recruitment.</p> <p>Patrick White, Head of International Growth, Applied explains how diversity and inclusion policies enhance your recruitment processes and maximise your chances of success.</p>

	<p>the US, however, things have not gone so well for workers. In November, a ballot proposal by Uber in its home US state of California declaring gig workers to be independent contractors, while offering some healthcare and minimum pay, was passed by voters. In the UK, the Court of Appeal unanimously rejected an appeal that Deliveroo riders were “workers” for the purposes of the UK’s trade union recognition legislation.</p> <p>So, what does the future hold for gig economy workers? Can organisations legitimately ‘gigify’ all or parts of their business and take advantage of the flexibility provided by the gig economy model? Linda Hynes, Partner, Lewis Silkin Ireland explains the pros and cons of the ‘gigification’ and globalisation of work and the Irish context.</p>	
3.15	Q&A with Ger Connolly & Linda Hynes	Q&A with Niamh Gaffney & Patrick White
3.30	<p>EU and International Employment Rights Update: Almost all employment equality rights in Ireland are derived from EU legislation, as are many non-equality rights, such as working time. Therefore, employment cases decided at the CJEU have a huge influence on our domestic laws and often set a precedent that must be followed by courts in Ireland. Even the UK’s Supreme Court can have a persuasive impact on Ireland’s courts, and it has issued some massive decisions this year on</p>	<p>The Legal Aspects of Hybrid Working and How to Minimise Employer’s Liability. Hybrid working seems such an obvious choice to many of us. It provides a good work-life balance, combining the benefits of homeworking and office – fewer commutes and more time with family, together with opportunities to interact creatively with colleagues and clients. Many of us will have worked at least occasionally from home before the pandemic, with the lockdown and other restrictions making it a more</p>

the gig economy and working time in particular. And the European Court of Human Rights didn't close down either this year. **Emmet Whelan, Partner, ByrneWallace LLP** provides an in-depth analysis of the year's important international cases in the employment field. Cases and developments include:

- EU Directive on Adequate Minimum Wages in the EU
- EU Commission proposal on pay transparency to ensure that women and men in the EU get equal pay for equal work.
- Member States must implement the new Whistleblowing Directive by 17 December 2021
- *'TEAM POWER EUROPE' EOOD v Direktor na Teritorialna direksia na Natsionalna agentsia za prihodite – Varna [2021] CJEU C-784/19* - The use of temporary work agencies to recruit workers for employment in other EU Member States is prohibited.
- *Melike v. Turkey [2021] ECHR 187* - Dismissal of a public-sector employee for having "Liked" Facebook posts.
- *Vavříčka and Others v. the Czech Republic* (application no. 47621/13) [2021] ECtHR –

frequent occurrence. What's not to love? Well, it can help create a two-tier workforce. It can lead to legal obligations in relation to equality matters. It brings health and safety duties, complicates responsibilities under the OWTA and generally messes with employment contracts and places of work. Then you must consider insurance issues, data protection breaches and performance management. Apart from that, it's great! **Triona Sugrue, Knowledge Lawyer, A&L Goodbody** explains how to minimise the legal risks arising out of a policy of regular hybrid working.

	<p>Exclusion of unvaccinated children from education provision</p> <ul style="list-style-type: none">• <i>Gawlik v. Liechtenstein</i> (application no. 23922/19) [2021] ECtHR - freedom of expression and unsubstantiated allegations• <i>X and Y v. Romania</i> (applications nos. 2145/16 and 20607/16) [2021] ECtHR - refusal to legally recognise a change of gender identity in the absence of surgery• <i>Istrate v. Romania</i> (application no. 44546/13) [2021] ECtHR presumption of innocence in dismissal and criminal proceedings• <i>Jurčić v. Croatia</i> (application no. 54711/15) [2021] ECtHR denial of employment health-insurance coverage during pregnancy• <i>VL v Szpital Kliniczny</i> [2021] CJEU Case C-16/19 disability discrimination and comparators• <i>Gruba and Others v Russia</i> (application 66180/09) [2021] ECtHR 214 Art. 14: prohibition of discrimination; entitlement to parental leave; and gender discrimination• <i>IX v WABE eV; MH Müller Handels GmbH v MJ</i> [2021] Cases C-804/18 and C-341/19 prohibition on workers wearing any visible sign of political, philosophical or religious belief in the workplace does not constitute direct religion or belief	
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	discrimination under the EU Equal Treatment Framework Directive NOTE: The contents of this session may change to reflect the most important and latest developments at November 2021.	
4.00	Q&A with Emmet Whelan	Q&A with Triona Sugrue
4.10	Summary and Close	
4.15	First Day of Conference Closes	

Day 2: 25 November 2021

Time	Session
9.15	Welcome back: To ensure you maximise return on your investment, Scott Alexander, Head of Learning & Development, Legal Island , discusses key lessons from yesterday's sessions.
9.30	Introduction and Welcome: Chairs, Marian Jennings, Specialist in Employment & Business Law, TU Dublin and Pat Brady, Director & WRC Adjudication Officer, Workplace Solutions , discusses the options for you to look forward to on the second day of our conference.
9.40	The Ireland Case Review 2021 and Key Next Steps. Ireland has a very active workplace adjudication and appeal system and those 'judges' now issue detailed and reasoned decisions. The superior courts have also had to contend with several employment-related cases this year. Duncan Inverarity, Partner, A&L Goodbody sets out why those cases are important for Ireland's employers and what action should now be taken as a result. Cases include:

	<ul style="list-style-type: none"> • <i>Medical Council -v- Waters [2021] IEHC 252</i> (Suspension of doctor for refusing to administer C-19 Vaccine) • <i>O'Sullivan -v- Health Service Executive [2021] IEHC 282</i> (Delayed action and criticisms of employer by employee leading to allegations of bias) • <i>Foley -v- The Minister For Public Expenditure And Reform [2021] IEHC 257</i> (Liability for off-duty injuries) • <i>Kunzo -v- Kepak Longford Unlimited Company [2021] IEHC 180</i> (Legal privilege, personal injuries claim and discoverable documents) • <i>An Operations Coordinator v A Facilities Management Service Provider [2020] ADJ-00028293</i> (Constructive dismissal and Covid-safe workplaces) • <i>O'Doherty -v- Callinan [2020] IECA 200</i> (calculation of damages for future loss of earnings) • <i>Ryanair DAC (formerly Ryanair Ltd) -v- Besancon [2021] IECA 110</i> (defamation in a work setting) • <i>Kelly v The Minister for Agriculture, Fisheries and Food, The Minister for Finance, The Government of Ireland, Ireland, and The Attorney General [2021] IESC 28</i> (Unfair dismissal, objective bias and the right to a fair hearing) • <i>Carroll -v- New Ireland Assurance Company T/A Bank of Ireland Life [2021] IEHC 260</i> (18 years of litigation in employment) • <i>Power -v- HSE [2021] IEHC 346</i> (Interpretation of Protection of Employees (Fixed-Term Work) Act 2003) • <i>Náisiunta Leictreacht (NECI) -v- Labour Court & ors [2021] IESC 36</i> (Lawfulness of SEOs) <p>NOTE: Subjects covered in this session may vary from those shown and will focus on the most important Irish cases by November.</p>		
10.20	Q&A with Duncan Inverarity		
10.30	Networking and Refreshment Break		
11.10	<table border="1"> <tr> <td data-bbox="300 1216 1167 1390"> <p>Data Protection: Key Updates. The Data Protection Commission (DPC) is flexing its enforcement muscles. The recent high profile fine of €225m against WhatsApp is a reminder, if one was needed, of the business critical</p> </td> <td data-bbox="1167 1216 2072 1390"> <p>Protected Disclosures/Whistleblowing Law – Now with Additional Obligations on the Private Sector. The deadline for implementing an EU Directive on whistleblowing is approaching fast. The new Directive sets</p> </td> </tr> </table>	<p>Data Protection: Key Updates. The Data Protection Commission (DPC) is flexing its enforcement muscles. The recent high profile fine of €225m against WhatsApp is a reminder, if one was needed, of the business critical</p>	<p>Protected Disclosures/Whistleblowing Law – Now with Additional Obligations on the Private Sector. The deadline for implementing an EU Directive on whistleblowing is approaching fast. The new Directive sets</p>
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	<p>impact of all things Data Protection (DP). HR is on the frontline when it comes to data security incidents, data subject access requests, privacy litigation, DPC investigations, compliance directions, fines and penalties. Two years compensation for an unfair dismissal case is often treated as a relatively low business cost when the costs associated with DP issues are considered – WM Morrison Supermarkets plc v Various Claimants [2020] UKSC 12 is just one case in point.</p> <p>At this business-critical session, hear how to deal with the most common data protection issues that arise in HR. Deirdre Crowley, Partner in Matheson’s Employment, Technology and Innovation Groups, will touch on data subject access requests and data security incidents. Useful case studies, DPC guidance notes and European Data Protection Board guidance will be examined to provide delegates with direction and clarity in this high-risk compliance area.</p>	<p>down minimum standards for whistle-blower protection for all EU Member States and will introduce additional obligations on private sector organisations. The Directive's objective is to enable confidential reporting and to protect whistleblowers against retaliation, as well as requiring organisations to follow-up on the disclosure. Laws don't stop illegal things happening but they, and your procedures, help you prepare for and funnel issues, should they arise. Member States must transpose the Directive by 17th December 2021 and all employers with 250+ employees should be whistleblowing-compliant by then. All employers with 50+ employees must implement a whistleblowing reporting system that protects whistleblowers and provides for follow-up on the disclosure by 17 December 2023.</p> <p>Dr Lauren Kierans BL, Lecturer in Law, NUI Maynooth, explains how changes to Ireland's whistleblowing laws will impact on your organisation.</p>
11.40	Q&A with Deirdre Crowley	Q&A with Dr Lauren Kierans BL
11.55	Networking and Comfort Break – Send in your questions for the roundtable discussions	

<p>12.05 Roundtable Discussion: How Long is the Working Week? Spoiler Alert – it’s Four Days in Future. In March, Spain looked set to become one of the first countries in the world to trial the four-day working week after the government agreed to launch a modest pilot project for companies interested in the idea. Nicola Sturgeon said Scotland would adopt a national four day working week if the SNP won the May elections. They did. In June, a new pilot programme for employers to test the effectiveness of a four-day working week for staff with no loss of pay was launched in Ireland. In July, a four-day week trial was described as an “overwhelming success” and now 86% of Iceland's workforce have either moved to shorter hours for the same pay or will gain the right to do so.</p> <p>Research suggests that a four-day week (where employees continue to receive full-time wages for reduced hours) results in greater productivity. Why should this be? It seems to be linked to better work-life balance and a desire to complete tasks on time and get out of work to enjoy the extended leisure time.</p> <p>Joe O’Connor, Chairperson of Four Day Week Ireland, leads this panel discussion on what appears to be an idea whose time has come. Not for you? You might not</p>	<p>Roundtable Discussion: Transitioning to a hybrid model - How to navigate complexities, make and communicate decisions and arrive at the right destination... Seismic change in the design of work is already underway. The when, where and how work is completed is a critical question. As organisations have moved out of the Covid bubble, key decisions have been made. What is the work design plan? How do we navigate through this? How and when do we engage with employees? If remote working is to be part of organisational life, how will this be communicated and implemented? If a hybrid work model is the preferred option, how many days will employees attend the office and/or work remotely?</p> <p>These and other questions are answered by our panel, led by Kevin Empey, author, future of work expert, and Founder of WorkMatters. Panelists include: Lynsey Perdisatt, Head of Future of Work, Irish Life, Karen Hackett, Head of People Experience, Permanent TSB, David Cagney, Chief Human Resource Officer for the Civil Service,</p>
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	<p>be saying that when all your competitors start poaching your best staff who want to work only four days a week and have a better work-life balance. Panel members include Margaret Cox, Owner & Director, ICE Group, Christine Crawford Senior HR Consultant at Willis and Michelle Murphy, Head of Operations & HR, JMK Solicitors.</p>	
1.00	Lunch and Networking	
2.00	Welcome Back and Summary. Introduction to Afternoon Sessions	
2.05	<p>Review Collective Bargaining and the Industrial Relations landscape in Ireland. In March Leo Varadkar announced the setting up of a High-level Working Group under the auspices of the Labour Employer Economic Forum (LEEF) to review collective bargaining and the industrial relations landscape in Ireland. An interim report is expected in July. Amongst other things, the working group will:</p> <ul style="list-style-type: none"> • Examine the issue of trade union recognition and the implication of same on the collective bargaining processes. • Examine the adequacy of the workplace relations framework supporting the conduct and determination of pay and conditions of employment. 	<p>Gender Pay Gap Reporting. In March 2021, Cabinet approved amendments to the Gender Pay Gap Information Bill 2019. The revised Bill was passed by the Houses of the Oireachtas in July. Minister Roderic O’Gorman TD promised the legislation would be commenced "as soon as reasonably practicable". The new Act will require employers over a certain size (and all public bodies and Government Departments) to publish pay differences between female and male employees, including any bonuses. The overall gender pay gap in Ireland currently stands at 14.4%. So, what will this beefed-up Act mean for employers in Ireland?</p> <p>Maura Connolly, Partner, Eugene F. Collins, explains the key aspects of the legislation and how you can get ahead of the competition and use your low GPG as a recruitment</p>

	<ul style="list-style-type: none"> Consider the legal and constitutional impediments that may exist in the reform of the current systems. <p>Dr Gerry McMahon, national expert in the area of people management and employee relations and a WRC Adjudication Officer, outlines the options for collective bargaining and industrial relations in Ireland over the next decade.</p>	<p>tool and a sign of your commitment to diversity and inclusion.</p>
2.35	Q&A with Dr Gerry McMahon	Q&A with Maura Connolly
2.45	Networking & Comfort Break	
3.00	<p>Review of the Year (Part 2 – Looking Forward to 2022) with Jennifer Cashman, Partner, Ronan Daly Jermyn</p> <p>In her second lecture of the event, Jennifer considers the likely employment law developments that we'll see in 2022 and what we can do now to mitigate risk and maximise opportunities. We don't just look at the bad stuff – there are some positives out there, if you care to look with Jennifer.</p> <ul style="list-style-type: none"> Introduction of a Statutory Right to Request Remote Work and the National Remote Working Strategy Reform of Employee and Volunteer Vetting Arrangements and Legislation Right to Request Flexible Working and the new EU Work-Life Balance Directive Plan for Action on Collective Redundancies following Insolvency Statutory Sick Pay Scheme Consultation on the Review of the Equality Acts 	

Annual Review of Employment Law Full Programme

Annual Review of

Employment Law

2021

	NOTE: The contents of this session may change to reflect the most important and latest developments that are expected for 2022 at November 2021 and that are not covered elsewhere in detail at this event.
3.45	Q&A with Jennifer Cashman
3.55	Summary and Close
4.00	Conference Closes