



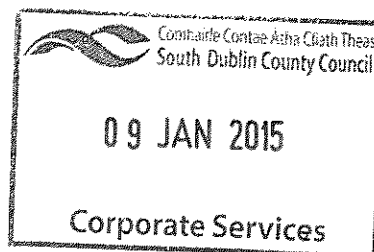
Insolvency Payments Section  
Department of Social Protection  
Third Floor  
Block C The Earlsfort Centre  
Lower Hatch Street  
Dublin 2

Íocaíochtaí Dócmhainneachta  
An Roinn Coimirce Sóisialaí  
An Tríú hUrlár  
Bloc C Lárionad Phort an Iarla  
Sráid Haiste Íochtarach  
Baile Átha Cliath 2

08<sup>th</sup> January 2015

M3/1214

Mr. Tom O'Neill  
Meetings Administrator  
Corporate Services Department  
South Dublin County Council  
County Hall  
Tallaght  
Dublin 24.



Your ref: M3/1214

Insolvency Payments Scheme  
Protection of Employees (Employers' Insolvency) Act 1984

Dear Mr. O'Neill,

I refer to your letter dated 05<sup>th</sup> January 2015 regarding 'Informal Insolvency'.

The purpose of the insolvency payments scheme, which operates under the Protection of Employees (Employers' Insolvency) Act, 1984, which, in turn, derives from EU Council Directive 987/80, is to protect certain outstanding pay-related entitlements due to employees in the event of the insolvency of their employer. These entitlements include wages, holiday pay, sick pay, payment in lieu of minimum notice due under the Minimum Notice & Terms of Employment Acts, 1973-2001, and certain pension contributions. Various other statutory awards made by the Employment Appeals Tribunal, Rights Commissioners, etc., are also covered by the scheme.

Where a person's former employer was a limited company, the company must be in liquidation or receivership in order for the person to be eligible to claim under the insolvency payments scheme. In such circumstances, the liquidator or receiver becomes the relevant officer for submitting claims as he or she has access to the company records and can certify that the amounts claimed are in order.

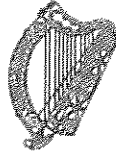
This Department is aware that there are cases where companies have ceased trading without engaging in a formal winding-up process and that in some such cases those employers may owe monies to their employees. Such employees are not eligible for payments under the insolvency payments scheme. This Department is reviewing the position to establish what, if anything can be done to progress payments to individuals in these situations.

I am not in a position to indicate when this review will be completed.

Yours sincerely,



**Anne Marie Dunne**  
**Insolvency Payments Unit**  
**Telephone no: 01 6734501**



Oifig an Aire Coimirce Sóisialaí  
Office of the Minister for Social Protection

M3/1214

Case Number : REPS-2015-2370

Mr Tom O'Neill  
Meetings Administrator  
Corporate Services Department  
South Dublin County Council  
Tallaght  
Dublin 24.

07/01/2015

Dear Mr O'Neill

Ms Joan Burton TD, Tánaiste and Minister for Social Protection has asked me to acknowledge receipt of your correspondence regarding motion passed at meeting of South Dublin County Council (M3/1214) in relation to the practice of informal insolvency by rogue employers leaving workers unable to access their statutory entitlements.

Enquiries are being made and a further letter will issue to you as soon as possible.

Yours Sincerely

Jacinta Crawford  
Private Secretary

