

Justice delayed is justice denied



Marching for their rights: Former Waterford Crystal workers during their pension march in the city on Saturday, November 23rd..

Justice delayed is justice denied. Never has this been more true than in the case of the former Waterford Crystal workers and their ongoing fight to secure their pensions.

In January 2009, workers at the Kilbarry plant were informed their jobs were gone as the company went into receivership before it was eventually bought by an American vulture capitalist firm. Hundreds of workers faced not only losing their jobs but also their pensions.

The workers engaged in a sit-in protest which lasted for eight weeks. They found that both the company and their pension fund was insolvent or what is known as a 'double insolvency'.

They also learned to their horror that the State had not transposed the EU Insolvency Directive which would have afforded a basic level of protection to their pensions.

The workers through the Unite Union took the state to court. The High Court referred a number of issues to the European Court of Justice for clarification. The EU Court found in favour of the workers on all grounds.

However the workers are still waiting to be paid. A number of workers, Unite representatives, their legal team and a pensions expert addressed an all party briefing in Leinster House last year at my invitation. This led to a subsequent briefing and the establishment of an all-party working group.

The group has sought meetings with the Minister for Finance – but to no avail. It seems the Government are playing the long game and are waiting for the Irish High court to determine the value of compensation.

However, a precedent has already been set with the Robins case in the UK. The workers and the Unite Union are anxious to see the workers compensated. A number of workers have already passed away without seeing justice done.

At a minimum, the State should pay the workers 50 per cent of their pension entitlements. If the High Court awards a higher payment this can be paid later.

The case is back in the High Court this week and it is likely that the court will set a date for further hearings thus delaying justice further.

The only fair and decent thing for the Government to do is to enter into immediate discussions with the workers and urgently compensate them for the State's failure to properly protect their pensions.