**Corporate Governance**

There are six references to communication “in writing” and 14 references to “notice” in the ISME Constitution of 1999, as amended in 2006. While a more comprehensive set of amendments is under consideration to address governance issues, the status of the “Founding Trustee Shareholders” and the dismissal of members, we need a minimal amendment to the existing Constitution to explicitly permit electronic voting and virtual attendance at meetings.

Rather than conducting a very large set of amendments which will require over-writing at a later date because of the governance issues mentioned above.

*1.14 References to “notice” or “writing” in this Constitution shall include any correspondence received or sent by registered mail, standard mail, recorded delivery mail, or electronic mail.*

*1.15 “Meetings” of the Association may be held electronically, at the absolute discretion of the National Council.*

The CEO recommend this approach (if not necessarily the wording above) as they are uncontentious amendments and should be passed without issue. It would be desirable to have the other more substantive amendments to the Constitution made within the currency of this National Council, i.e. before the end of May 2021.

**Insurance**

The Alliance and met with MOS Troy and officials on 1st December, the main topic being that of PIAB. Minister Troy indicated that a consultation document would issue early in 2021 listing amendments to the PIAB system. CEO said we were not encouraged by announcement of another consultation, as all we need now is legislation. Troy took all this on board, we will await developments.

There is a new PO in DETE overseeing this section of the Commerce, Consumer and Competition Division. We will have to ensure this is not used an excuse for “starting again.” Troy has indicated there is internal resistance to change, but has not indicated where it is coming from.

Supermacs enjoyed a qualified victory over a plaintiff concerning release of CCTV for a PI claim. This is unlikely to have broad application, as liability had already been conceded by Supermacs. However, we intend to use the case to leverage both the Dept of Justice and the DOJ to amend provisions in relation to CCTV where civil litigation has commenced or is contemplated.

CEO will use the Supermacs ruling to follow up with the Justice Minister.

Minister Donnelly in Dept of Health has yet to reply to correspondence in July seeking amendment to the Medical Practitioners Act around the production of medical reports for PI plaintiffs. CEO has asked the Minister to reply by 3rd December.

**Captive/Mutual Insurer**

Our proposals are progressing slowly. There is a capitalisation requirement of €3m which would require the introduction of external capital, at least temporarily, until our own balance sheet had reached this level. We believe a reinsurer would be willing to consider this.

**Perjury**

The Perjury and Related Offences Bill 2018 currently sits at third stage in the Dáil, and no time has been made for it before Christmas. It is unlikely to move before the New Year.

**Covid-19**

While we have moved to a Level 3 (+) arrangement for Christmas, Government has indicated this will move back in the first week of January.

Our email to Ministers and TDs gained good media traction and sensible responses form a number of TDs, but we have yet to see anything material on a Test-Trace-Isolate-Control regime in the new year.

Holiday travel is likely to create issues for employers, especially where workers in essential workplaces have visitors from highly infected regions over Christmas. On 13 October, Member States adopted the EU Recommendation on a coordinated approach to travel restrictions in the context of COVID-19. This ‘traffic lights’ approach provides for regions across the European Union (EU) and European Economic Area (EEA) (+ UK) to be categorised as green, orange, red or grey, on the basis of the risk levels associated with COVID-19.

We are updating the website as quickly as possible, but this is a very fluid situation for employers. The key issue is that where employers request employees to stay at home, they create an imperative to pay.

**Pensions challenge**

While we have three plaintiffs available for our challenge, funding is the immediate block to progress. Eamonn Kielty is pursuing two underwriters on behalf of the CEO. It may also be possible for the NC to identify one or two HNWs who would be willing to back this case: an indexation of the SFT from the current €2m to its historic level (€5m) would save an individual more in tax in one year than the cost of the whole case. Failing this, we intend to seek crowd funding for a challenge.

**Examinership Light**

CEO and Barry Lyons were asked to speak to the UCC Law Faculty event on 27th December, which included a number of academics, as well as High Court judges Quinn and Barniville of the Commercial Court. The Law Society Gazette carried a summary of the CEO’s remarks.

**Statutory Sick Pay**

~~DBEI~~ DETE is seeking submission on this proposal by 18th December. CEO seeks NC contributions as soon as possible. While supportive of greater employee benefits in principle, we seek to have the cost of such a scheme chargeable to the social fund rather than the employer. This will inevitably lead to requests for parental and maternity leave to become payable at the expense of the employer.

European norm is approximately 65% of salary for 28 working days.

**Blue Cert**

We continue to press for as much support as possible for this proposal. While we encountered resistance within the SME task Force, the same group will make recommendations for life-long learning for SME owners which we will exploit for this purpose.