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SOLICITORS

The 7 Immediate Steps to take if you are involved in a Workplace Dispute

An Employee Guide

By: Brian Morgan, BCL

The 7 Immediate Steps to take if you are involved in a Workplace Dispute - An Employee Guide

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Preface

I know that this is a very strong assertion to be making at the start of this Guide; but I am very serious where I state that this is the most important Guide you will read if you are worried that you are becoming involved in a Workplace Dispute.

No employee commences their working career looking for a fight. Each of us want to earn a living and support our loved-ones ….. but tensions can arise at work, often over what will originally appear to be minor matters. Maybe your Line Manager has been treating you badly, not allocating work fairly, misrepresenting what you have said to other employees, speaking aggressively to you? Perhaps you have been given an excessive workload? Maybe you have approached your boss about this, but nothing has been done? Nobody has told you about the *Grievance Policy* or the *Bullying & Harassment Policy*, where issues might have been resolved quickly? You may have made a "*Whistleblower*" Report and feel that you are now being isolated as a result of your actions?

What are the typical responses to Conflict?

1. **Fight -** you react in a challenging way. At work this may mean shouting or losing your temper.
2. **Flight** - you turn your back on what's going on. This is a common reaction - by ignoring a problem you hope it will go away.
3. **Freeze** - you are not sure how to react and become very passive. You might begin to deal with the issue but things drift or become drawn out through indecision.
4. **Face** - Approach a problem in a calm and rational way with a planned approach.

Without proper advice, the reaction of an employee is often to adopt one of the first 3 routes: *Fight*, *Flight* or *Freeze* …. all with very damaging long-term consequences. Where you take early legal advice, you will take the very important 4th route, namely the *Face* approach: tackling a problem in a calm and rational way with a planned approach. But this is not easy. You require proper legal advice, and reading this Guide is your very first step in that planned approach.

Workplace disputes can be very stressful and difficult, particularly when you are at your most vulnerable. This Guide provides you with the 7 immediate steps you must take when such a dispute arises.

How to use this Guide

In the next 7 Chapters I set out the immediate issues of concern (Steps) for any employee involved in a Workplace dispute. I explain the various pitfalls which arise for an employee in those Steps and how an employee can be very much prejudiced in the process if they do not act correctly; particularly where they do not have the benefit of legal advice.

While I have tried to keep my language non-legal, unfortunately it is impossible to avoid technical terms. For this reason I have created a *Glossary of Terms* to the end of the Guide. Therefore, if you come across a term which you don`t understand, please refer to the *Glossary* and hopefully this will provide the necessary explanation.
Where I have created explanations for phrases in the *Glossary of Terms* I have placed an asterisk (*) after the phrase throughout the Guide.

1. Different types of Employment Law Disputes

What is your dispute about?

This Chapter should really be titled: "*Different types of Employment Law Disputes and Different Resolutions required*" as every dispute has a different means of resolution and indeed sometimes there are a number of means of resolution for the one dispute.

For instance, your employer without justification and without adopting any proper Investigation or Disciplinary procedures suddenly dismisses you. That one is easy. This is more than likely an Unfair Dismissal and will more than likely result in you making an Unfair Dismissal Claim to the *Workplace Relations Commission** (the WRC).

What however if your employer seeks to dismiss you but, before doing so, adopts Investigation and Disciplinary procedures which are grossly unfair. Then in that instance you will need to take immediate legal advice. Your solicitor may advise you to apply to the High Court for an Injunction* to prevent the process going any further until it is tested by the Court.

However, disputes often develop (creep up) in more complicated ways. For instance, what if you are being bullied by your Line Manager? On the basis of *Vicarious Liability** your employer is obliged to ensure that you have a safe place of work and that such bullying does not occur; but what if you don`t know this? What if you decide to take the *Flight* or *Freeze* approach and hope that the problem will go away? But what if

that approach only makes the problem worse? Do you then take the *Fight* approach, but react wrongly and prejudice your work position?

Let`s take this a stage further. What if you decide that, because of how you have been bullied and how it has caused you stress and illness, you will resign and then sue your employer when you have recovered back some of your health and strength? This is commonly known as a *Constructive Dismissal Claim**. There are however certain internal procedures in the workplace which you should undertake before you resign in such circumstances. For instance, you should commence and exhaust the employer`s *Grievance Procedure** before contemplating resignation, allowing your employer an opportunity to resolve the issue. Many Constructive Dismissal Claims have been dismissed by the WRC where the employee did not first avail of the Grievance Procedure.

Workplace Stress / Illness

But what if what is occurring at work is actually causing you illness? Is it appropriate to carry on working? Should you resign? Should you take Medical advice and go on Sick Leave? Will this ultimately result in an Application to the WRC or a Civil Claim for Personal Injury (Occupational Stress)* before the Civil Courts?

It is critical that you consult a Solicitor immediately where such work incidents occur. If I am instructed at the earliest stage I can advise an employee on what process to adopt. In many instances I may very well advise the employee to talk to their Line Manager in the first instance, alternatively to adopt the Grievance process, to avail of the employer`s Mediation processes …. effectively, to stay away from legal processes if that is the most appropriate manner in which to resolve **your** issue.

In some instances I may however advise you to adopt a more formal approach to your issue. This is however where matters become more complicated and where the *Statute of Limitations* may become important ….. more on this in the next Chapter!

2. Time Limits and the *Statute of Limitations*

All Claims before the WRC must be issued within 6 months of the cause of action* arising. This is stated by Statute under *The Workplace Relations Act 2015**. Therefore, if you are dismissed on the 1st January 2019, you have only 6 months from that date within which to submit a formal Complaint to the WRC. This means downloading, completing and delivering the formal Complaint document on the WRC website. If this is not done within this strict time limit the Claim becomes statute-barred*.

Matters however become a little more complicated where the *Cause of Action* date is more uncertain. For instance, does the Cause of Action arise from the date of your Dismissal or from the date of the issue of the Decision on Appeal from your Dismissal, which could be some weeks later? There are many examples of these types of uncertainties where Claims can often be dismissed at a later date by the WRC because they were deemed to be statute-barred. This is where it is so important to take early advice from a Solicitor.

Matters become even more complicated where the Cause of Action may involve a possible Claim of Occupational Stress before the Civil Courts. In Ireland a Claimant has only 2 years, under *The Statute of Limitations*, within which to issue a Civil Claim for Personal Injury. If you don`t issue Court Proceedings within that time your Claim becomes *Statute-Barred*: that is, you can no longer issue a Claim. Two years may seem like a long time, but remember that, before your Court Proceedings can be issued, your Solicitor must first get Medical Reports from GP`s and Consultants. Consultants particularly are very busy people and it can often take months to get appointments and then Reports. Sometimes it is necessary to get Reports from a number of Consultants and this can therefore give rise to further delays. Two years can pass very quickly!

Matters are complicated even more by the fact that an Occupational Stress Claim is a Personal Injury Claim and must therefore in Ireland be brought in the first instance before the *Personal Injuries Assessment Board** (PIAB). (For more information on PIAB and the precautions you must take when considering a Claim before PIAB, make sure to read my Guide "***Do I need a Solicitor when filing a PIAB Personal Injury Claim?").*** This Time Limit is not explained anywhere on the PIAB website. Therefore, if you have decided not to consult a solicitor and use the PIAB website as your sole means of pursuing your Claim, but decided to delay issuing your Claim to see how your injuries resolve ….. 2 years may go by and your Claim is Statute-Barred.

The periods allowable for the issue of Court Proceedings get even more complicated once a Civil Claim* is issued before PIAB and

cannot be covered by this Guide (it is covered in more detail on the Morgan McManus website www.morganmcmanus.com).

All that I can state to you is that you should consult a Solicitor for further advice, rather than run the risk of your Claim becoming *Statute-Barred*.

And consult your Solicitor at the earliest possible date, if only for a brief chat over the phone, so that we can keep you right!

3. Early Resolution of Workplace Disputes

While, in the Introduction and first 2 Chapters to this Guide, I have spoken of the importance of instructing a Solicitor early, this is not always with a view to taking legal action. Indeed, having listened to what you have to state, taking legal action may be the very last thing which I advise you to do!

You will be advised on what immediate actions you should take to ensure that you do not do anything to prejudice your position within the workplace. But the advice may be to avail of the employer`s *Grievance* or *Mediation* procedures. The advice may be that you do not have a Claim which has any basis in Law and that you need to be more proactive in your approach to resolving the issue with your employer!

There is often a misconception on the part of employees that employers pay for Employment Claims and pay dearly. Nothing could be further from the truth. Firstly, if the Claim is before the WRC, the employee will be obliged to pay for their own Solicitor (sometimes involving the retainer of a Barrister also) even where the employee is successful in his Claim! In many instances Awards by the WRC can be as little as €5,000.00 and sometimes no more than €15,000.00 …. even where the Claim has gone through 3 days of Hearing!

I hope in the circumstances that it is easy for you to understand therefore that if I believe that you have contributed to the problems which have arisen in the workplace I will be advising you to seek to resolve the dispute within the workplace by adopting the internal processes, such as the *Grievance* procedure or *Mediation*.

Furthermore, it is in your interests, as an employee, to seek to resolve issues at the earliest possible date … particularly where these issues are stressful and prolonged legal Complaints would only create more Stress, for which you would not be compensated!

4. Read your Contract!

On many occasions I am contacted by employees for advice on a particular Employment Law issue and specifically whether their employer can take certain action. Sometimes the employee concedes to me that they did not read their Employment Contract first before they contacted me.

Your Employment Contract sets out the terms and conditions under which you are employed. Most Employers issue a Staff Handbook. This Staff Handbook will contain Policies and Procedures, such as *Disciplinary Procedures*, *Grievance Procedures* and *Bullying & Harassment Procedures*, which are there for your protection! Even if you never consult a Solicitor, make sure to read these documents carefully. These documents set out what your employer can and cannot do. They also set out what you, as an employee, can and cannot do.

If you are involved in a Workplace dispute, do not be afraid to ask your employer for copies of these documents. In some instances a request for these documents may prompt the employer to read them also and become more aware of your rights and his obligations!

In all cases you will be much better informed, if you do need to consult a Solicitor, if you have read these documents before your contact the Solicitor.

5. Create a diary of Events

A lot of vital evidence can be lost within a very short period following an incident in the workplace. It is important, if an issue arises which is not resolved to your satisfaction, that you make a contemporaneous note of the incident. This can make all the difference later on. Contemporaneous notes (ie, written at or near the time of the incident) can be referred to at a subsequent Court / WRC Hearing. This can be very important where there is a conflict of interest between what you state and what your employer is stating. Indeed, why not purchase a Calender Diary and enter the details on the Calender page? What better way of proving that the notes were contemporaneous?

If an incident occurs at work which is relevant to your Workplace dispute report the matter in writing (preferably by email) to your Employer: that way, a contemporaneous record of your situation is recorded and nobody can deny it at a later date.

Bear in mind that a Claim arising out of a Workplace dispute may take months or even years to be resolved. Unless the evidence is recorded carefully, facts that seemed as clear as a bell to you at the time of the incident may be muddied by the passage of time.

Remember also that not everyone involved in the incident will be interested in highlighting those aspects of the facts that may support your case.

Occupational Stress Claims and documentation of symptoms

If you become ill consult your GP immediately. Don`t be afraid to admit that you are being stressed out at work. If you are suffering from Occupational Stress and are obliged to go on Sick Leave, then that it what your Medical Certificate should record; not simply that you are suffering from a “Medical Condition”. If you want your Employer to take remedial action on your return to work, how can he be prompted to do so if your Medical Certificate merely records that you are suffering from a “Medical Condition”!!

If you are suffering from Occupational Stress you will need to attend with your GP and possibly with a Counsellor for the alleviation of your symptoms.

You’ll be asking why you need to keep a diary of your ongoing symptoms when you are going to attend with your GP and possibly a Consultant who will record all of this for you? .. however neither your GP nor your Consultant will record all of your symptoms, unless of course you relate your symptoms to them. This sounds simple, but it isn’t. When you attend with your doctors, you won’t remember all your symptoms: you’ll only remember what is bothering you at that particular time! Bring your Diary to your Medical appointments; don’t be afraid to take out your Diary and recall all the symptoms which have been bothering you ….. in summary of course: your doctors are very busy people!

Please also bear in mind that your Personal Injury Claim is only worth what is recorded in your doctor's Medical Reports. Don't start telling your Solicitor subsequently about other symptoms you are suffering which are not recorded in your Medical Reports. The Judge won't want to know about them. If they are not recorded in the Medical Reports; they didn't happen!

There is another reason for keeping this Diary. The vast majority of Claims (in fact about 99%) settle without a Court Hearing. However, if it is necessary for your case to go to a Court Hearing this could be 3 or more years subsequent to your Workplace dispute (by the way, this is not because your solicitor has been slow – but because it has simply taken that long for you to get a long term medical prognosis). Are you going to remember 3 or more years later just how bad your symptoms were? **No.**

The mind has a tendency to shut out the bad memories. 3 years later you'll think that it was a breeze! When you are being cross-examined by the Employer's Barrister who is putting it to you that things weren't that bad, you are quite entitled to open your Diary in Court (because you made a contemporaneous note at the time!) and put that Barrister right as to just how bad things were. You will only get one chance at a Court Hearing. You don't get to go back a second day to correct your mistakes!

Documents in support of your case

Make sure you have all the necessary documentation to back up your case. Therefore, where you have written a very important email or letter to your employer complaining about how your Line Manager treated you and your employer has responded in writing to you, make sure to keep copies of those documents. There are some instances where an employee is dismissed without notice by the employer and will not have an opportunity therefore to copy those documents at a later date. I am not stating that you should be copying every communication between you and your employer, but where some communication goes to the very essence of your dispute then that document should be preserved.

Data Protection Requests

Your Solicitor may advise and assist you in delivering a *Subject Access Request* to your Employer, demanding documents to which you are entitled under the *Data Protection Acts*. Documents obtained under the Data Protection Acts can include essential information, such as Employment Contracts, Safety Statements, Risk Assessments, Accident Reports, Occupational Assessments and other Reports which could be vital ultimately in proving liability* against your Employer where your Employer might otherwise have disputed liability.

There will be instances where we will request documents on your behalf under the Data Protection Acts, but sometimes vital documents will not be produced in the first instance and your Diary and your preserved documents may become very important in demonstrating where the employer has fallen short in its response to your Data Protection Request.

6. Legal Representation in the Workplace at a Disciplinary Hearing

I`m a little more legalistic in my language in this Chapter, only because it is necessary and because a number of Decisions were issued by the High Court in the year leading up to the *McKelvey* case (see below) stating that employees were entitled to legal representation at internal Disciplinary Hearings. This had been a major departure from principles which previously applied and what was stated in most Employer Disciplinary Policies, where it was recorded that an employee was normally only entitled to representation by a Work Colleague or a Union Representative at a Disciplinary Hearing.

The McKelvey Case

On 31 October 2018, in the case of *Iarnród Éireann / Irish Rail v Barry McKelvey*, the Court of Appeal emphasised that employees who are the subject of internal disciplinary inquiries will not normally be entitled to have legal representation during such inquiries.

The Court followed the 2009 Supreme Court case of *Burns and Hartigan v Governor of Castlerea Prison [2009] IR 3 IR 682*, which held that the cases in which an employer would be obliged to exercise discretion in favour of permitting legal representation would be exceptional. The Supreme Court adopted principles set out in an

English case, *Regina v Home Secretary Ex Parte Tarrant [1985] QB 251*.

The Tarrant principles:

The *Tarrant* case requires an employer to consider the following factors as part of the overall decision about whether an entitlement to legal representation arises:

a) The seriousness of the charge and the proposed penalty;
b) Whether any points of law are likely to arise;
c) The capacity of the particular person to present his or her own case;
d) Procedural difficulty;
e) The need for reasonable speed in making the adjudication, that being an important consideration;
f) The need for fairness between the different categories of people involved in the process.

Mr McKelvey was an inspector in Iarnród Éireann. He was the subject of a formal disciplinary process in relation to alleged "theft of fuel" arising from the use of company-issued fuel cards. It was clear that the seriousness of the alleged offence could lead to his dismissal. Yet the Court of Appeal found that the circumstances of the case were such that no entitlement to legal representation arose. Delivering the judgment of the Court, Ms. Justice Mary Irvine made the following comments:

"While it is true to say that Mr McKelvey faces a disciplinary inquiry which could lead to his dismissal and which has the further potential to impact on his future employment prospects and his reputation, in this regard he is no different to a very substantial percentage of employees facing allegations of misconduct in the workplace. In my view, the allegation of misconduct made against Mr McKelvey is a straightforward one and I am not satisfied that he has identified any factual or legal complexities that may arise that he should not be in position to deal with adequately with the assistance of [his trade union representative]."

I believe that it has been worth quoting the above statement by Justice Irvine as it makes it very clear that it will only be in very exceptional circumstances that an employee will be entitled to demand representation by a Solicitor at a Disciplinary Hearing.

It is worth emphasizing that, although you may not be entitled to legal representation at your Disciplinary Hearing, you are entitled to take legal advice in advance of that Hearing and, in certain cases where your Solicitor believes that there are unfair procedures being adopted by your employer, your Solicitor will write to your employer prior to the Hearing.

Always take Legal Advice

It is very important that, if you as an employee do receive notice of a Disciplinary Hearing, you take legal advice on the process and whether there are circumstances which would justify your entitlement to legal representation.

7. Be Honest

I know what you're thinking: how dare my solicitor suggest that I'm anything but honest. Well, nobody is stating that you are a liar, but it is very easy to lose perspective on your case. It is important that you are straight with your solicitor and ultimately with everyone as to how your workplace issues have arisen and as to the extent of your injuries or losses.

As to how the Workplace Dispute occurred …

In your initial recount to your solicitor as to how your Workplace dispute occurred you might think that your solicitor only wants to hear the good points. That couldn't be further from the truth: we want to know the unfavourable points about your case also. That way, we can take appropriate steps to ensure that corrective action is taken; e.g., by advising you to file a formal Grievance to your employer. Remember, we are in your corner! Don't hide relevant facts from us.

In an Investigation Hearing

Before a Disciplinary Hearing most employers will hold a formal Investigation to establish facts. A Report will be issued by the Investigator, who will recommend whether there should be a formal Disciplinary process. If you are under suspicion and have been called into an Investigation meeting, it is vitally important that you are totally honest on all matters, even where you perceive that certain admitted facts may put your job in jeopardy.

The Truth will Out!

More importantly, if you hide back relevant facts, do you think that these will get by an Adjudication Officer of the WRC or by a Judge, who has many years of experience of these Claims? All you will do is damage your credibility and your case. Bear in mind that most employers have very good records of events in the workplace (this is why we always do Data Protection Requests!) Start your case right and you can't go too wrong.

Workplace Occupational Stress Claims and the extent of your injuries …

Remember, Workplace Occupational Stress Claims are processed through the Civil Courts; not by the WRC. Judges can now dismiss a Personal Injury Claim where they believe that the Claimant has been dishonest about the facts of the dispute or exaggerated the

extent of their injuries. This can occur, even where liability has been admitted by your Employer and you might have thought that your Court Hearing was going to be a slam dunk (if you don't believe me, read my blog ***"Dishonest Personal Injury Claims get dismissed"*** on the Morgan McManus website). What's more: if the Judge believes that you really egged your symptoms and that you misled the Court, he can even recommend that your file is delivered to the DPP for consideration of a Criminal Prosecution against you. Imagine the ignominy of suffering severe injury and getting no compensation. This is all serious.

During the course of your Proceedings you will be required to swear *Verifying Affidavits**, swearing as to the correctness of the facts which you have recorded in your Court Pleadings. Extreme care is required in the completion of Pleadings and the swearing of these Affidavits. Honesty is required, not just at the Court Hearing, but throughout the course of your Proceedings. Your Employer's Barrister can and will cross-examine you strongly if he believes that you have exaggerated any facts or symptoms.

This is where it is important that you start your case correctly from the very first Pleading. This is why I have highlighted this as the 7th "immediate" step you must take at the start of your case, even though its consequences may not become relevant until the end of your case!

CONCLUSION

The author, Benjamin Franklin, once stated: *"A slip of the foot you may soon recover, but a slip of the tongue you may never get over".* In many ways this statement applies very aptly to how an Employee may seriously prejudice their Workplace Dispute Claim. In this Guide I have detailed ***7 Immediate steps you must take if you have been involved in a Workplace dispute***; but they all come around to one theme: starting your process on the correct road.

- Ensuring that how the Workplace dispute occurred is properly recorded.
- Ensuring that your injuries and losses are properly recorded.
- Ensuring that you and your concerns are properly represented.

Take these 7 immediate steps and you won't go too wrong.

Brian Morgan
Morgan McManus Solicitors

Web: www.morganmcmanus.com
Email: bmorgan@morganmcmanus.ie
Ph. No.: 00353 47 51011

** In contentious business a solicitor may not calculate fees or other charges as a percentage or proportion of any award or settlement.*

Glossary of Terms

"the Workplace Relations Commission": also known by the abbreviated term "*WRC*" the Workplace Relations Commission (WRC) is an independent, statutory body which was established on 1st October 2015 under the **Workplace Relations Act 2015** (No. 16 of 2015). It assumes the roles and functions previously carried out by the National Employment Rights Authority (NERA), Equality Tribunal (ET), Labour Relations Commission (LRC), Rights Commissioners Service (RCS), and the first-instance (Complaints and Referrals) functions of the Employment Appeals Tribunal (EAT). For more information, visit the website of the WRC at www.workplacerelations.ie .

"***an Injunction***": An Injunction is a remedy awarded by a Court, normally the High Court, to protect a legal right rather than to compensate for a breach of that right. The objective of an Injunction is to maintain the status quo between the parties from the granting of the Injunction until the final disposal of the action in Court or otherwise.

"***Vicarious Liability***": Generally, an employer will be held responsible for any wrongdoing committed while an employee is conducting their duties. Therefore, for instance while the employer may not have personally bullied you, he could be held responsible for the Bullying caused by your Line Manager if the Employer did not have proper procedures in place to ensure that Bullying did not occur.

"***Constructive Dismissal Claim***": a Constructive Dismissal Claim occurs when an employee resigns as a result of the employer creating a hostile

work environment. ... The employee may resign over a single serious incident or over a pattern of incidents.

"***Grievance Procedure***": an official employer process for dealing with a complaint raised by an employee against their employer regarding treatment believed to be wrong or unfair. This will normally commence with the employee submitting a formal complaint in writing to the employer.

"***Personal Injury (Occupational Stress) Claim***": Also known as *Psychiatric and Occupation Stress Claims*, to succeed in a psychiatric illness or nervous shock claim the Claimant must first prove that they have developed a psychiatric injury or illness which is more than temporary grief or fright. Depression and post-traumatic stress disorder are common examples of psychiatric illnesses which can lead to successful claims if their cause can be linked to the index event.

"***Claimant***": that is **you** – the Employee / the Accident Victim (sometimes also referred to as the "*Plaintiff*");

"***Respondent***": that is your Employer, whom you will be suing (sometimes also referred to as the "*Defendant*");

"***Cause of Action***": A cause of action, in law, is a set of facts sufficient to justify a right to sue to obtain money, property, or the enforcement of a right against another party. The term also refers to the legal theory upon which a Claimant bases his Claim (such as, breach of contract). For example, a Dismissal on a certain date could result in a Cause of Action for a Claim for Unfair Dismissal.

"***The Workplace Relations Act 2015***": An Act to make provision as respects the resolution, mediation and adjudication of disputes and complaints relating to contraventions of, or entitlements under, certain enactments governing the employment relationship between employers and employees; for that purpose, to provide for the establishment of a body to be known as the Workplace Relations Commission.

Statute-barred: If you don't issue Court Proceedings within a period of time allowed by Statute your Claim becomes *Statute-Barred*: that is, you can no longer issue a Claim.

"***The Personal Injuries Assessment Board (PIAB)***": The *Personal Injuries Assessment Board* (PIAB) is an independent statutory body set up under the *Personal Injuries Assessment Board Act 2003*. All Personal Injury Claims in Ireland (except for cases involving Medical Negligence) must be submitted to PIAB for assessment before a Claimant can be authorized by PIAB to issue a Civil Claim for Compensation before the Courts.

"***Liability***": that is, who was responsible for the accident – remember, you can only recover compensation against your Employer if you can prove your Employer was either fully or partly responsible for the accident;

"***Court Pleadings***": Before your case gets to a Court Hearing or settlement, it will be necessary for your Solicitor to deliver a number of Court Pleadings. To start the Court Proceedings, it is necessary to issue a *Personal Injury Summons*. Subsequently, a *Reply to Particulars* will be delivered where the Respondent's solicitors seek further particulars of

your Claim, and at various time *Notices of Further Injuries* are delivered as updated Medical Reports are received.

***Verifying Affidavits**:* During the course of Civil Proceedings the Parties (Claimant and Respondent) will be required to swear *Verifying Affidavits*, swearing as to the correctness of the facts which they have recorded in their Court Pleadings. If it subsequently transpires at the Court Hearing that either of the Parties incorrectly recorded facts in their Pleadings, on foot of which they subsequently swore Verifying Affidavits, verifying those facts to be correct, they can be severely punished by the Court, to the extent of having their Claim dismissed and the Judge can also make a recommendation that the file should be delivered to the Director of Public Prosecutions for consideration of a Criminal Prosecution.

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Get in Touch

Brian Morgan

t: 00353 (0) 47 51011

e: bmorgan@morganmcmanus.ie

www.morganmcmanus.com