

# 'Name and shame' pension thieves

Ombudsman details litany of cruelty and notes builders one of the worst offenders

**Brendan Keenan**

THE Pensions Ombudsman is considering "naming and shaming" firms which badly mistreat pensioners, after what he called a case of "almost cynical cruelty" towards an elderly woman by a well-known firm of consultants.

Launching his 2005 annual report, Ombudsman Paul Kenny said he sometimes wished he could award compensation for frustration, inconvenience and suffering generally,

instead of just financial loss. "I cannot do that, but cases like these may lead me to review my policy of not naming those involved," Mr Kenny said.

The complaint involved a widow who was told her late husband's employer, the Irish subsidiary of a US firm, had ceased to trade and she was not entitled to a widow's pension.

## Widow

Mr Kenny found that the consultants hired to manage the scheme had got the rules wrong in paying the surplus in the pension scheme to the US parent.

Finding in favour of the widow, Mr Kenny accused the consultants of taking an arrogant and legalistic approach. "Punitive damages would not have been inappropriate. Their attitude was an exercise of almost cynical cruelty to someone in such a vulnerable position," he says in the report.

The Ombudsman also warns that construction firms which deduct workers' pension payments and do not remit them to the scheme will be reported to the Garda Fraud Office for investigation.

"There are still depressing numbers of complaints

about the failure of construction employers to register employees, or pay contributions or, worst of all, the theft by employers of contributions which have not been remitted."

He made clear that builders would have to pay any pension arrears owing before new legislation came into force in July — and delay could cost them even more.

## Self-employed

There were still problems with the large numbers of workers declared as self-employed and the position of firms which call them-

selves employment agencies.

In his report Mr Kenny said that just over half the 224 complaints dealt with last year resulted in some award to the complainant.

Most cases were dealt with through mediation and, where the Ombudsman made a ruling, a third were in favour of the complainant.

The Construction Industry Federation claimed that 80pc of eligible workers are covered by the industry pension scheme. "The status of self-employed persons is a matter for the Revenue Commissioners," the CIF said.



Pensions Ombudsman Paul Kenny: Garda Fraud Office

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