

# X ordered by WRC to pay record €550,000 to Irish exec

## Worker ignored Musk's email

SEÁN McCÁRTHAIGH

X has been ordered to pay more than €550,000 compensation to a former senior executive in its Irish-based operations – a record award by the Workplace Relations Commission (WRC) for an unfair dismissal case.

The WRC held that the social media giant, formerly Twitter, decided that the employee had resigned when he failed to tick a box requiring him to agree to new, unspecified pay and conditions within a one-day deadline.

The box he was to tick appeared in an email from the company's new owner, Elon Musk, in November 2022. In the email, entitled "Fork in the Road", the billionaire told employees that to "build a breakthrough Twitter 2.0 and succeed... we will need to be extremely hardcore". He added: "This will mean working long hours at high intensity. Only exceptional performance will constitute a passing grade."

Mr Musk then required employees to click "yes" in a link at the bottom of the email. He stated that anyone who "has not done so by 5pm ET tomorrow will receive three months of severance".

Mr Musk did not give evidence at the WRC. Mr Rooney claimed his employment was terminated after he failed to click "yes" in reply to Mr Musk's email.

Mr Rooney's legal representatives said that to accept Twitter's argument that the failure to tick a box constituted a resignation would "represent a radical change in employment law in Ireland".

However, the company maintained that Mr Rooney had made a conscious decision to not click "yes" in response to Mr Musk's "clear and straightforward" email when he knew that by doing so he was resigning his role.

In a 73-page ruling, WRC adjudication officer Michael MacNamee concluded X's actions towards the employee to be a dismissal "in fact and in law".

He said the dismissal was unfair due to the absence of any substantial grounds to justify termination of employment. Allowing 24 hours to respond to the email could not be considered "reasonable notice", he stated.

The WRC official said Mr Musk's email seemed to be an

attempt to secure agreement to an alteration to the terms and conditions of employment or to elicit volunteers for redundancy.

Evidence in the case was heard over five days of hearings at the WRC between November 2023 and May of this year.

X denied that Mr Rooney had been dismissed and claimed he was 100pc responsible for his loss by failing to click "yes" to Mr Musk's email.

Mr Rooney had worked for over nine years with Twitter before his employment as director of Source to Pay was terminated on December 18, 2022.

The complainant had a total compensation package at the time of €369,937, including a basic salary of €137,000 plus a 30pc performance bonus.

He began working with a bank in September last year on a package worth €129,897, including a basic salary of €104,500.

His lawyers claimed he was entitled to the maximum award of two years' remuneration.

At 2.19am the day after Mr Musk sent the "Fork in the Road" email, Mr Rooney received another communication which stated: "If you do not confirm that you wish to stay at Twitter, you are resigning. You will not be entitled to statutory redundancy or other termination payments, unless otherwise required by local law."

The WRC heard Mr Rooney's access to X's systems and network were closed off on November 18, 2022, without any form of communication before he received an automated message the following day which acknowledged his "decision to resign".

In an email sent to X on November 26, 2022, Mr Rooney disputed that he had resigned.

Counsel for Mr Rooney, Arthur Cush BL, said it was not possible for his client to know what package was being offered or to know the implications of agreeing to stay working for X.

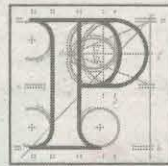
Counsel for X, Mark Curran BL, argued Mr Rooney's contract of employment allowed the company to make reasonable changes to terms and conditions.

Ordering X to pay Mr Rooney total compensation of €550,131 for the unfair dismissal, Mr MacNamee said the amount was calculated on a basis that provided €200,000 for prospective future loss of earnings.

Mr Rooney's solicitor, Barry Kenny, said they were "very pleased" with the outcome.



**Business:** While Breton's letter crossed the line, X is fairly regarded as an agent of civil unrest **Pages 30&31**



An Bord Pleanála

## Roads Acts 1993 to 2015 Planning and Development Acts 2000 to 2023

ABP-317679-23

Notice of a decision by An Bord Pleanála in relation to the proposed Ringsend to City Centre Core Bus Corridor Scheme, all in the County of Dublin.

An Bord Pleanála has, on the 1st August 2024, in exercise of the powers vested in it by section 51 of the Roads Act, 1993, as amended, made an order to approve subject to conditions the proposed road as submitted by the National Transport Authority.

The conditions of the Board's decision are summarised as follows:

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
2. (a) All mitigation and environmental commitments identified in the NIS shall be implemented in full as part of the proposed development.  
(b) All mitigation, environmental commitments and mitigation measures identified in the EIAR shall be implemented in full as part of the proposed development.
3. An ecologist will be appointed by the contractor. Where appropriate, monitoring shall be undertaken by specialists. Monitoring schedules shall be included in Site Specific Habitats Protection and Re-instatement Method Statements.
4. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority an Otter Conservation Plan.
5. The developer shall submit for the written agreement of the planning authority the design and location of permanent guillemot nest boxes to be installed in its vicinity.
6. The developer shall agree in writing with the planning authority the details of the type of finishes/ materials for the proposed St. Patrick's Rowing Club building.
7. The finalised location and type of cycle parking stands throughout the scheme shall be agreed in writing with the planning authority.
8. The developer shall agree in writing with the planning authority details of the precise design and layout of pedestrian crossing facilities over cycle tracks at island bus stops on a case-by-case basis.
9. The developer shall submit a Construction Traffic Management Plan and a Construction Stage Mobility Management Plan for the construction phase of the development for the written agreement of the planning authority.
10. All works to protected structures, and structures of cultural heritage interest shall be monitored and recorded by an Architectural Conservation Specialist, Re-instatement Method Statements shall be submitted to the planning authority to be held on file.
11. Noise monitoring shall be carried out during the construction phase of the proposed road development by the developer.
12. Drainage arrangements shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.
13. Any new or improved surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.
14. The developer shall prepare in consultation with the relevant statutory agencies, an updated Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the NIS and EIAR.
15. The developer shall monitor queuing time/ delays at each works location and record traffic flows on the local road network at locations to be agreed with the planning authority.
16. Prior to the replacement of trees, hedging and planting which is to be removed the National Transport Authority shall liaise with the relevant landowner with regard to the species, size and location of all replacement vegetation.
17. Tree protection measures for all existing trees shall be put in place prior to the commencement of development or phases of development.
18. All details of soft landscaping shall be submitted to the planning authority prior to implementation.
19. Comprehensive details of the proposed public lighting system to serve the proposed Scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site, the developer shall –
  - (a) employ a suitably qualified archaeologist, and,
  - (b) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
21. The developer shall submit an Invasive Species Management Plan to the planning authority, which includes details of a pre-construction survey to be carried out.
22. (a) Trees to be felled shall be examined prior to felling and demolition to determine the presence of bat roosts.  
(b) No ground clearance shall be undertaken and no vegetation shall be cleared from the 1st day of March to 31st day of August, unless otherwise agreed with the planning authority.

The full text of the Board's decision, including conditions, can be viewed on the Board's website at <https://www.pleanala.ie/en-ie/case/317679>. A copy of the Board's decision and the EIAR is available for inspection at the offices of the National Transport Authority during office hours on working days for a period of 8 weeks beginning on the date of publication of this notice.

A person may question the validity of a decision by the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with section 50 of the Planning and Development Act, 2000, as amended.

Practical information on the review mechanism can be accessed under the heading Legal Notices – Judicial Review Notice on the Board's website [www.pleanala.ie](http://www.pleanala.ie) or on the Citizens Information Service website [www.citizensinformation.ie](http://www.citizensinformation.ie).

Date of publication: Wednesday, 14th August 2024.