

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

Employee – *claimant*

against

Employer – *respondent*

CASE NOS

UD179/2009
RP171/2009
MN176/2009
WT69/2009

UNFAIR DISMISSALS ACTS, 1977 TO 2007 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1967 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. N. O'Carroll – Kelly BL

Members: Ms. A. Gaule
Mr. B. Byrne

heard this appeal at Dublin on 9 June 2009

Representation:

Claimant: In person

Respondent: No appearance or representation

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of the hearing.

Claimant's Case

The claimant gave evidence. He had worked as a static security guard. The respondent deducted the cost of his PSA licence from his pay but did not provide him with it.

He began to have difficulties with his colleagues in April 2008. He felt that some of his colleagues harassed him and provoked him. After a number of incidents he left a note for his colleagues outlining his difficulties. On his next shift, he found his note had been defaced by his colleagues.

The claimant wrote in strong terms to the respondent to complain about his colleagues. He was called to a meeting and it was pointed out to him how severe his language was. He was suspended

on pay pending an investigation. He was required to attend the company doctor and put on sick pay.

There was no further meeting with the respondent. His union representative advised him that he had no future with the respondent. He resigned his position.

Determination:

The Tribunal compliments the claimant for his clear and careful presentation of his case. The Tribunal, having considered all the evidence accepts that the claimant voluntarily resigned from his position. His resignation was part of a deal negotiated on his behalf by his union representative. The claim under the Unfair Dismissals Acts, 1977 to 2007 fails. The claims under the Redundancy Payments Acts, 1967 to 2007, Minimum Notice and Terms of Employment Acts, 1973 to 2005 and Organisation of Working Time Act, 1997 also fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)