

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF: CASE NO.  
Employee – *claimant* UD851/2008  
against  
Employer – *respondent*  
under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. C. Gleeson BL

Members: Mr. C. Ormond  
Mr. S. O'Donnell

heard this claim at Dublin on 24 November 2008 and 23 June 2009

Representation:

Claimant: In person

Respondent: In person

The determination of the Tribunal was as follows: -

#### **Respondent's Case**

The founder of the business gave evidence. The respondent is regarded as a niche market company in the business of supplying and repairing medical equipment.

The claimant worked repairing equipment. In the autumn of 2007 the service department was not producing enough income. There was increased competition from Northern Ireland and many hospitals opened their own repair departments. Sales also declined.

The number of staff reduced from 19 to 13. An administrator was made redundant in January 08. The claimant was made redundant on 9 April 2008. He came back for a few days about a month later to return his car and clear his desk. After the claimant left most of the repair work was outsourced and no one replaced him. On 19 May 2008 a salesman was hired by the company until December 2008. The salesman did not replace the claimant, as the claimant did not do sales. The salesman replaced an employee who resigned. The salesman started before the other employee

finished.

### **Claimant's Case**

The claimant told the Tribunal that he was let go because there was not enough work and the service department would close. When he heard that another person had been taken on he thought he had been left go so that a cheaper person could be taken on.

The claimant would have considered a pay cut or working a 3-day week but the question did not arise. He was in shock on the day he was made redundant. His redundancy had been calculated and he was handed the cheque. He had found a new job but on a lower salary.

### **Determination**

The Tribunal carefully considered the evidence adduced. The Tribunal accepts that the business needed restructuring and that a redundancy situation existed.

On the basis of the evidence before the Tribunal the claimant was not unfairly selected for redundancy. The claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)