

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD391/2010

- *Claimant*

Against

EMPLOYER - *Respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr T. Gill
Ms H. Murphy

heard this claim at Galway on 24th August 2011

Representation:

Claimant: Purdy Fitzgerald, Solicitors, Kiltartan House, Forster Street, Galway

Respondent: Mr Paul Loughlin, K.M.P.G., Dublin 2

At the outset PL on behalf of the receiver stated that the dismissal was not being contested.

The determination of the Tribunal was as follows:-

The claimant commenced employment in September 2007 in the finance/accounts area. She had ten years of experience and was the second of three people employed there.

In August of 2009 the claimant received a text message from the manager SC asking her to meet him in the reception/lobby area of the building. SC told the claimant that she had been selected for redundancy with immediate effect, she could work until the end of September to bring her working time up to two years for a statutory redundancy payment. The claimant enquired about the selection process as another person had started after her.

She also asked if a three day week would be considered.

SC told her that the reason for not letting the other person go was because he needed a bit of muscle on the door. The claimant stated that she was mortified by the situation and was told by SC not to get upset in front of people in the lobby.

He told her that after she received her redundancy payment she could come back and work a few hours if it was busy and that situation would probably be more beneficial when she was on Social Welfare. The claimant had no option but to take her redundancy cheque, she did not work for the company again and gave evidence pertaining to loss.

Determination:

Based on the claimant's uncontested evidence the Tribunal is satisfied that the claimant was unfairly dismissed from her employment. No matrix was ever given to the claimant and no evidence of a selection process was produced. The Tribunal awards the claimant the sum of €34,500 as compensation under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

