

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:

CASE NO.

EMPLOYEE

*claimant*

WT536/2010

UD1309/2010

against

EMPLOYER

*respondent*

under

**ORGANISATION OF WORKING TIME ACT, 1997  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr D. Moore  
Mr J. Maher

heard this claim at Dublin on 8th February 2012

Representation:

\_\_\_\_\_

Claimant(s): The claimant in person

Respondent(s) : Ms. Claire Callanan, Beauchamps, Solicitors, Riverside Two,  
Sir John Rogerson's Quay, Dublin 2

The determination of the Tribunal was as follows:-

The Parties' submissions:

The Claimant stated that she had been under duress on the day of the hearing and that she had felt intense pressure to sign an agreement from all parties including her representatives. She stated that she had felt forced into signing the document because of the time pressure involved. In the days after the agreement she had contacted the Tribunal and re-entered the case.

The Respondent submitted that there had been no direct contact from them with the Claimant, and that the Claimant had been represented by a solicitor and barrister, and that the compromise agreement was enforceable. A cheque was sent to the Claimant's solicitors subsequent to there-entering of the case but was returned. The Respondent referred to a passage of Maeve Regan *Employment Law* in which the author emphasises the case law as stating that the

crucial question in determining whether rights have been compromised is the issue of consent.

### **Determination on Preliminary Issue**

The claims under the Unfair Dismissals Acts, 1977 to 2007 and the Organisation of Working Time Act, 1997 were withdrawn on the 19<sup>th</sup> October 2011 with liberty to either side to re-enter on the 30<sup>th</sup> November 2011. The Claimant re-entered the case on the 24<sup>th</sup> October 2011.

The Tribunal was told by the Claimant at the hearing on 8<sup>th</sup> February 2012 that there was no proper agreement reached on the 19<sup>th</sup> October 2011. The Tribunal is not in a position to adjudicate in relation to what happened that day. The Tribunal is minded to proceed today as we are told by one of the parties that there is no settlement.

If either party has an objection to this division of the Tribunal hearing the case, they can make submissions on that point and they will be considered.

If either party wishes to adjourn this matter to allow them to take steps in other fora, we will do so today.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

